

BANNER ELK PLANNING BOARD MEETING  
MONDAY JUNE 6, 2022  
MINUTES

Members Present: Joel Owen, Melinda Eggers, Jacki Lecka, and Penny VonCanon

Staff Present and Participating: Town Manager Rick Owen, Zoning Administrator Riley Pudney

Due to the Covid-19 Pandemic and the restrictions placed on the State of North Carolina in conducting public meetings, the Planning Board meeting for June 2022 was conducted via in person and Zoom audio and video. Chairman Joel Owen called the meeting to order at 6:04 pm; noting that Aaron Barlow was absent, and all other members were present. A quorum was established, the Pledge of Allegiance was conducted, and the meeting was called to order.

**Consideration of May 2022 Minutes**


Chairman Joel Owen asked the Board to look at the May minutes and see if any adjustments needed to be made. Penny VonCanon asked for an update on Angelo's Tiki Taco restaurant. Zoning Administrator Riley Pudney informed the Board that it is on the BOA agenda for this month. Penny VonCanon asked if the Town had received any additional information from him pertaining to the application. Zoning Administrator Riley Pudney told her that we had additional information, however, it was still vague in areas. With no other comments, Penny VonCanon motioned to approve the May minutes with a second by Melinda Eggers. The motion passed unanimously.

**SUP application Jim Frye Arts and Crafts**

Zoning Administrator Riley Pudney introduced the application to the Board, stating that it was the second half of his previous application for Windows and Doors. It was noted that Mr. Frye was not present for this meeting.

Mr. Frye wants to sell "arts and crafts" which included photos of wood carvings and metal sculptures and firepits. Zoning Administrator Riley Pudney informed the Board of her concern that the possibilities of what he could sell could expand from the scope of arts and crafts, such as concrete statues, fountains and landscape materials. She asked the Board to considered making recommendations of limiting the type of material sold to just wood and metal. Jacki Lecka asked for clarification of where these items will be sold. Zoning Administrator Riley Pudney told her that the inside of the building was for his building supply showroom, and he was proposing selling the arts and crafts on the outside area, left of the building. Chairman Joel Owen expressed his concern for the lack of lighting for that area, since the applicant is only proposing to have fixtures attached to the building. Jacki Lecka asked if this was going to be like the roadside shop in Hampton, TN that sold the concrete statues and fountains. Zoning Administrator Riley Pudney explained that that was part of her concern and why she thought limiting the materials being sold may help alleviate that potential issue.

Chairman Joel Owen also asked if the old business equipment had been removed from the property. Zoning Administrator Riley Pudney told the Board that the green carpet and racetracks were still on the property. Chairman Owen and Penny VonCanon voiced their concern that it had not been removed as requested and that Mr. Frye may attempt to use the tracks while operating this business as well. Chairman Owen made a recommendation to the BOA that all racing tracks and equipment be removed



from the property prior to his new business opening. The recommendation was seconded by Penny VonCanon and passed unanimously.

Melinda Eggers asked if there would be live chainsaw demonstrations allowed at this business. Zoning Administrator Riley Pudney and Chairman Joel Owen agreed that it would not be allowed since the use would then be manufacturing product rather than retail. The Board decided to recommend that it will be for retail use only and no carvings or sculptures would be done on premise. After no further questions or comments, the Board voted to make the following recommendations to the Board of Adjustment:

- Limit the use of materials being sold to wood and metal only.
- All prior business items be removed from the premise before any other business is allowed to open.
- The permit be for a retail building supply showroom and the sales of arts and crafts only. No demonstrations or manufacturing of products allowed on the property.

### **Phil Trew Land Use Plan Update**


Phil Trew introduced the draft copy of the Land Use Plan to the Board and went through the recommendations section for review. The recommendations were:

1. Review Viewshed Development Guidelines in Zoning Ordinance
2. Review Heritage District Overlay Regulations in Zoning Ordinance
3. Review Tree Preservation Regulations in Zoning Ordinance
4. Codify requirement for Traffic Impact Analysis in Zoning Ordinance
5. Revise Zoning Ordinance to clarify Historic Overlay
6. Implement Water and Sewer CIP
7. Implement Town of Banner Elk Pedestrian Plan (2019 update)
8. Implement Town of Banner Elk Park and Recreation Plan (2022)
9. Conduct Improvements to the Historic Banner Elk School Site
10. Hold formal, regular communication between Planning Board, Board of Adjustment, and Town Council
11. Make minor changes to Zoning Ordinance to define stream, update language and Department names.

With no changes, Chairman Joel Owen motioned to recommend to the Town Council to adopt the Land Use Plan. Penny VonCanon seconded the motion and it passed unanimously.

### **Staff Updates**

Zoning Administrator Riley Pudney provided a handout to the Board with updates of past projects. She also informed the Board that she has been in contact with Ethan Anderson of Banner Elk Mini Storage and is working with him to bring his building into compliance with his SUP. Mr. Anderson has planted grass along the berm, ordered more stone veneer to be installed and will be installing parking ties. He will also be updating his landscaping to match the landscaping plan that was submitted.



Zoning Administrator Riley Pudney also informed the Board that she had reached out to the Waterfront Group pertaining to their land disturbance permit across from the Eagle's Nest Marketplace. She informed the Board that their SUP for a parking lot expires next year and will be working with them to get the project started and improve the look of that property.

She also informed the Board to consider their Arbor Day Celebration during the Art on the Green show in July or on another day in July. She will be reaching out to them to get something scheduled definitively.

Lastly, Manager Rick Owen presented the Board with an updated version of the Food Truck Ordinance. The edited version will allow for food trucks operated by the restaurant to remain on premise overnight. Penny VonCanon asked Manager Owen how the ordinance was being enforced currently and Manager Owen explained that the Town is not heavily enforcing the ordinance but will begin to. This was in regard to setbacks from property lines and permission from owners for their parking lot to be used by the food truck.

With no further comments, Melinda Eggers motioned to recommend the ordinance change to the Town Council and was seconded by Jacki Lecka. The motioned passed unanimously.

With no further business the meeting was adjourned with a motion to adjourn at 7:24 p.m.

Respectfully Submitted,

Riley Pudney, Zoning Administrator and Clerk