

BANNER ELK PLANNING BOARD MEETING
TUESDAY AUGUST 2, 2022
MINUTES

Members Present: Joel Owen, Melinda Eggers, Jacki Lecka, Aaron Barlow, 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 August 2022 was conducted via in person and Zoom audio and video. Chairman Joel Owen called the meeting to order at 6:05 pm. A quorum was established, the Pledge of Allegiance was conducted, and the meeting was called to order.

Consideration of July 2022 Minutes

Chairman Joel Owen asked the Board to look at the July minutes and see if any adjustments needed to be made. With no other comments, Penny VonCanon motioned to approve the July minutes with a second by Jacki Lecka. The motion passed unanimously.


Mobile Food Truck Ordinance

Zoning Administrator Riley Pudney asked the Board to move agenda item # 3 to the top since there were members of the audience attending for this item. She explained that the Town had been working with Business owners to make recommendations to amend the Food Truck ordinance so that it works better for owners of the food trucks and the restaurants that utilize them. She provided the Board a set of recommendations and asked for their feedback. She explained that the issue has arose from the lack of enforcement to the ordinance as it is written. Aaron Barlow asked what the main issues were, and she told him it was safety (traffic and pedestrian), parking in allocated parking spaces and staying on premises overnight.

Chairman Joel Owen agreed that the trucks parking in parking spaces is an issue when there is little to no parking readily available. Chairman Joel Owen and Aaron Barlow stated that it is a concern to rely on other businesses' parking spaces to use for food trucks, since that can vary week to week. Town Manager Rick Owen expedited the conversation by informing the Board that the issue of the number of spaces is not at question, it is whether other parking spaces not being utilized by the business they are allocated to can be used by businesses wanting to park a food truck in them. Aaron Barlow asked if it can be required that the other businesses have a written agreement for their spaces to be used. Town Manager Rick Owen informed the Board that that is how it is currently.

Chairman Joel Owen asked Kyle Silver and Scott Garland for their input on the proposed recommendations if they had any. Aaron Barlow discussed the ability for trucks to sell alcohol out of their trucks. Scott confirmed that Food Trucks could sell beer, wine and mixed drinks depending on their permits and location. Kyle Silver informed the Board that after 5pm, The Blind Elk has plenty of leftover parking from the businesses that are in the area.

Melinda Eggers asked why one of the recommendations involved being able to park on gravel versus parking on pavement. Zoning Administrator Riley Pudney explained that the Health Department permits were trucks can park based on the kind of potable water they have. Some trucks have a grey water tank



and would be able to park on gravel while others do not. Scott Garland also informed the Board that some trucks are not required to have hand washing stations based on what food product they are selling. Kyle Silver stated that this Friday will be their one-year anniversary and that he does not want to rely on Food Trucks as much as he has been. He informed the Board that he was in contact with Mason from the Health Department regarding the inspections of the trucks. He stated that throughout the state, county inspections are honored from County to County. However, if the truck comes from out of state, they must contact the health Department and get inspected before opening.

Aaron Barlow asked if there should be a limit on the size of the truck and trailer. Zoning Administrator Riley Pudney and Town Manager Rick Owen discussed the recommendation of no more than 3 spaces can be blocked. The Board agreed that there should not be a set number of spaces outlined since different types of parking spaces have different requirements. Jacki Lecka explained that she was not a fan of the truck being in the back of buildings. She further explained that with the trucks not out front, people don't know that they are there, and they are limited in business. Zoning administrator Riley Pudney reminded the Board that the issue is that the trucks cannot park in any parking spaces according to the current Ordinance and that the recommendations tonight can allow for trucks to park in spaces if the parking was available. Jacki Lecka stated that that change is what she wanted to see. Aaron Barlow asked whether a food truck could park right up on the road. Jacki Lecka answered that it is private property and would have to abide by the ordinance and be 10 feet off the property line. Town Manager Rick Owen also explained to the Board that the Town is looking into leasing space to Food Trucks.

With no further comments or recommendations, Aaron Barlow recommended to send the amendments to the Town Council for adoption and was seconded by Chairman Joel Owen.

Architectural Review Guidelines for Tiki Taco Addition


Zoning Administrator Riley Pudney presented to the Board the renderings of the addition that is being done on Tiki Taco. She stated that the building will have the same roof pitch, exterior materials, and color. She informed the Board that it met the requirements of the ARG's. Chairman Joel Owen asked for the addition area to be clarified. Zoning Administrator Riley Pudney showed the Board where the addition was located on the property and no further questions were asked. With no further comments, Chairman Joel Owen recommended to approve the ARG's for the addition. The motion was seconded by Melinda Eggers and passed unanimously.

New SUP Application Review

Zoning Administrator Riley Pudney introduced a new Special Use Permit application for review and approval. Her goal with the new application was to make the applicant be more specific in their answers, provide more detail and prepare them for the questions that will be asked at the meetings. She told the Board that the existing application was too broad and left a lot up for interpretation. She asked the Board for their feedback and approval. Aaron Barlow and Penny VonCanon stated that the application was thorough and that they were glad it was redone. Zoning Administrator Riley Pudney thanked the Board and told them it would go to the Board of Adjustment on the 15th, and if approved, will be on the website by September. No motion was needed.

Staff Updates

Zoning Administrator Riley Pudney informed the Board that she had no staff update for this meeting.



With no further business the meeting was adjourned with a motion at 7:34 p.m.

Respectfully Submitted,

Riley Pudney, Zoning Administrator and Clerk