

BANNER ELK PLANNING BOARD MEETING
MONDAY JUNE 5, 2023
MINUTES

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

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

Chairman Joel Owen called the meeting to order at 6:02 pm. A quorum was established, the Pledge of Allegiance was conducted, and the meeting was called to order.

Consideration of May 2023 Minutes

Chairman Joel Owen asked the Board to look at the May minutes and see if any adjustments needed to be made. Penny VonCanon motioned to approve the minutes and was seconded by Jacki Lecka. The motion passed unanimously.

Special Use Request-Planned Commercial Development: Mark Minor

Zoning Administrator Riley Pudney introduced to the Board a new planned commercial development in downtown Banner Elk. She explained that it was in the C-1P zoning district and will have parking included in the development. The project will have 4 buildings and will have both commercial businesses and residential apartments on the top floor. She stated that there will be 6 residential units available and 7 commercial spaces for rent. There will be adequate parking to accommodate the residential units and the additional spaces will be allotted by the use of the commercial unit. She further explained that the buildings will meet the Town color code and will also have natural materials such as brick, wood, and stone.

Chairman Joel Owen asked what the change in elevation would be. Mr. Minor answered that it would be a very gradual change, within 5 feet since the property is relatively flat. He then asked if the current road, Banner Road, was wide enough to house another development. Town Manager Rick Owen answered stating that he believed it was not wide enough, but that it could be caused by pedestrian vehicles not properly parking along the road and sticking out into the lanes, making the road narrower. Penny VonCanon asked if the Police Department had the right to ticket those vehicles, and Manager Owen stated that they did have the authority to ticket vehicles not properly parked. Mr. Minor asked the Board if they would allow for the buildings to be painted different colors as long as it meets the color code. Both Melinda Eggers and Chairman Owen stated that they think that would be great and would make the development more aesthetically pleasing. Melinda Eggers asked if the residential units were going to be short-term or long-term rentals. Mr. Minor answered that they would be long-term rentals.

With no further questions, Penny VonCanon motioned to favorably recommend the application to the Board of Adjustment. The motion was seconded by Melinda Eggers with the recommendation to have each building painted a different color. The motion and recommendation passed unanimously.

Kyle Silver Blind Elk Deck Addition

Zoning Administrator Riley Pudney informed the Planning Board that Mr. Silver has applied for a deck addition for the front of his business, and she needs the Planning Board approval to sign off on the application since it needs architectural review. She explained that the deck would be on the front of the property and will eliminate one of the handicap parking spaces. Chairman Joel Owen asked what the deck would accomplish that Mr. Silver isn't already doing. Mr. Silver explained that the deck would help keep patrons out of the parking lot and would increase safety. Chairman Owen stated that he believed a deck would not keep patrons out of the parking lot. Aaron Barlow agreed that the deck would help with safety and believes it would be beneficial.

Town Manager Rick Owen addressed the Board by stating that he believes that the deck needs to be looked at through the architectural review guidelines rather than the safety concerns. He stated that the Blind Elk is a tenant, and this addition will be a permanent structure and will eliminate a parking space. He is concerned for the future of the building and future tenants and does not believe a front deck addition meets the guidelines for architectural review for the building.

Aaron Barlow asked if the Board could request a detailed rendering of what the deck would look like before deciding. Zoning Administrator Riley Pudney stated that they could request a rendering with a motion and could discuss it at their next meeting. Aaron Barlow motioned to request a rendering of the deck and discuss it further at their next meeting. The motion was seconded by Jacki Lecka and passed with a vote of 4-0 with Chairman Joel Owen abstaining.

Sandwich Board Sign Ordinance Amendment

Zoning Administrator Riley Pudney explained to the Board that businesses in combined developments have requested a change in the ordinance to allow for businesses to have a sandwich board sign in an approved area. She explained that there would be 2 signs allowed at one time and approval from the property owner would be required, along with a sign permit. Jacki Lecka asked what would happen if the property owner did not want a sandwich board sign on their property. Zoning Administrator Riley Pudney answered that it would be a civil matter and the Town would not have control over that matter, just that she could approve the area and the number of signs at a given time. There were no other questions or comments from the Board. Jacki Lecka motioned to favorably recommend the ordinance amendment to the Town Council and was seconded by Chairman Joel Owen. The motion passed unanimously.

Stream Setback Ordinance Amendment

Zoning Administrator Riley Pudney introduced an amendment to the stream setback ordinance to allow for non-permanent structures such as fencing, sheds, dumpsters, and gravel lots to be within the 50-foot setback. She explained to the Board that the Town did not know where the 50-foot buffer came from or the reasoning behind it. The State requires a 25- or 30-foot setback from the stream banks and this amendment would not allow anything to encroach on those setbacks. Chairman Joel Owen asked if the dumpsters and structures would need to be anchored down. Zoning Administrator Riley Pudney explained that it would have that requirement for a flood zone/ flood way and this amendment would not affect that buffer. There were no further questions or comments from the Board. Aaron Barlow

motioned to favorably recommend the ordinance amendment to the Town Council and was seconded by Chairman Joel Owen. The motion passed unanimously.

Parking Setback Ordinance Amendment

Zoning Administrator Riley Pudney introduced an amendment to the parking setback requirements. The current ordinance does not allow for parking spaces to be in any setback and the Town does not enforce this requirement. Zoning Administrator Riley Pudney explained that by removing that section of the ordinance, it will make it consistent with how the Town enforces the parking requirements. With no comments or questions, Chairman Joel Owen motioned to favorably recommend the ordinance amendment to the Town Council and was seconded by Aaron Barlow. The motion passed unanimously.

Staff Update

Zoning Administrator Riley Pudney presented a resolution recommending the commercial highway district to the Town Council for the Board to discuss and sign. She explained that the resolution states how the Planning Board got to their recommendations and if and how the ordinance is consistent with the land use plan. She informed the board that if they approve the resolution then it would be presented to the Town Council Monday for the public hearing. Chairman Joel Owen asked for clarification on the purpose of the resolution. Zoning Administrator Riley Pudney answered that it shows the process that went behind creating the ordinance, why they did so and how it was consistent with the land use plan. With no further comments or questions, Chairman Joel Owen motioned to approve the resolution and was seconded by Jacki Lecka. The motion passed unanimously, and the resolution was signed.

With no further comments or questions, Jacki Lecka motioned to adjourn the meeting and was seconded by Aaron Barlow. The motion passed unanimously, and the meeting adjourned at 7:35 pm.

Respectfully Submitted,

Riley Pudney, Zoning Administrator and Clerk