

# **BANNER ELK TOWN COUNCIL WORKSHOP MEETING**

## **August 24, 2023**

### **MINUTES**

The Banner Elk Town Council met on Thursday, August 24, 2023, at 5:00p.m. in person for Council and staff with public participation for a workshop regarding the C-3 zoning district.

Council Members present: Mayor Brenda Lyerly, Charles VonCanon, Mike Dunn, Robert Tufts and, David Lecka

Staff present: Town Manager Rick Owen, Police Chief Kevin Hodges, and Zoning Administrator Riley Pudney.

#### **Call Meeting to Order**

At 5:00 p.m. Mayor Lyerly called the workshop meeting of August 24, 2023, to order.

#### **Pledge of Allegiance**

Mayor Lyerly led those in attendance with the Pledge of Allegiance.

#### **Invocation**

Council Member Charles VonCanon opened the meeting with prayer.

#### **Approve Stated Agenda**

Councilman Dunn approved the stated agenda and was seconded by Councilman Tufts.

#### **Public Comment**

Mark Mucci, the architect for the potential hotel project, addressed the Council. He passed out pictures of a mock 4-story hotel for the Council to review. He explained to the Council that his original building was 70' feet tall and that this new building would be 55 feet tall. He requested that the Council change the ordinance to allow for 50-foot-tall buildings and keep the 10% additional height allotment which would allow for 55 feet. Councilman Lecka asked if the mechanical equipment would be screened. Mark Mucci answered that it is feasible for it to be screened and that could be another requirement added to the C-3 ordinance to ensure that the equipment cannot be seen.

Susy Rein briefly addressed the Council by asking if the public could participate throughout the entire meeting and provide thoughts and feedback. Mayor Lyerly stated that that would be okay.

Mike Trew addressed the Council by discussing that the front setbacks need to be changed from 110 feet to 100 feet which would allow for a 2-car portico in the front of the hotel.

#### **C-3 Discussion**

Mayor Lyerly began the discussion by stating that they should go through all 16 items and discuss and determine the criteria that they want to see. Councilman Tufts asked why the minimum height was 36-feet. Zoning Administrator Riley Pudney explained that any building that is 35-foot and under in height would have the C-2 designation, anything above 35-feet would need the C-3 designation and all the restrictive requirements, which are included in C-3.

The council discussed the 10% additional height allotment for mechanical features and what other districts allow that. It was explained that the C-3 is the only district that has the additional height allotment. The council agreed to get rid of the additional height allotment and to cap the height of the structure at 50 feet, all inclusive.

The Council also discussed defining the “highway district” and the possibility of having a one-mile radius from the stoplight where the C-3 district cannot exist. It protects the downtown area from large scale development.

Joel Owen, the Chairman of the Planning Board, answered questions from the Council on how some of the criteria for the proposed C-3 district were made, such as setbacks, building height, and required road frontage.

Councilman Dunn addressed the rest of the Council by stating that he was not comfortable with the C-3 district and recommended that the district be scrapped all together. He believes more research and time is needed to go into the development of a new district. Councilman Dunn motioned to scrap the C-3 district, there was no second to the motion.

Town Manager Rick Owen further explained to the Council that the C-3 district they are reviewing is very site specific and that any changes they make could lead to a completely different looking document.

Councilman Lecka stated that he thinks the Council should send it back to the Planning Board to create a document that has the following requirements:

- A building height that does not exceed 50-feet
- A one mile radius from downtown that the district cannot exist in.
- Getting rid of the 10% additional height allotment.
- Defining what the “highway district” is.

Councilman VonCanon motioned to return the document to the Planning Board with the following recommendations. The motion was seconded by Councilman Lecka. The vote was 4-1 with Councilman Dunn voting against. The motion passed and it was returned to the Planning Board.

With no further comments or questions, Councilman Tufts motioned to adjourn and was seconded by Councilman Dunn. The motion passed unanimously, and the meeting was adjourned at 6:30 p.m.

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Mayor Brenda Lyerly

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Attested

Approved: