

BANNER ELK PLANNING BOARD AND  
LAND USE UPDATE COMMITTEE  
JOINT MEETING, 04 JANUARY 2010  
MINUTES

Members Present: Buster Burleson, John Collier, Dan Hemp, Paul Lehmann, Dawn Sellars, Ann Swinkola, Penny VonCanon

Land Use Update Committee Members: John Davis, Scott McKinney, Joe H. Perry, Robert Tufts, Frank Wimbush

Staff Present: Cheryl Buchanan, John Mejaski

Others Present: Gerald Arthur, Eric Brewer, Baxter Crane, Bill Dicks, Jerry Moody, Scott Schaaf, Shane Shuler, Harry Smith, Ryan Sudderth, Charlie B VonCanon, Chris Wottel

Vice Chairman John Collier called the meeting to order at 6:30 with the pledge of allegiance to the flag. Chairman Lehmann arrived late and took over the meeting at this point.

Approval of the Agenda

Buster Burleson moved to approve the agenda as submitted. Dawn Sellars seconded. All were in agreement and the agenda was approved.

Land Use Update – Section 2.0 Economic Development

Glenn Rhodes, Division of Community Assistance was unable to attend the meeting due to the weather. Planning Staff Cheryl Buchanan along with Town Manager John Mejaski submitted a draft on economic development in Banner Elk; covering past and present status plus future goals and concerns for Banner Elk. Ms. Buchanan stated that this is a draft and welcomed any input. Frank Wimbush asked that a section on accommodations be included in the tourism section. A discussion about the ski traffic and the affect it has on Banner Elk's economy was discussed. Ms. Buchanan chose this time to inform the Board that ASU is working on a project for the spring semester that would incorporate some graduate students gathering additional demographic information. She has enlisted a student's help in gathering more information for this Land Use process. It was suggested that visiting the B&B's, Best Western, local businesses and the Chambers to get visitor information would be a good starting place.

Ms. Buchanan also mentioned that there are some blanks in this document that were left that way intentionally allowing the Board to wait on the 2010 Census information. She feels strongly that the majority of changes to Banner Elk have happened in the past ten years with multiple subdivisions annexing

into town and would like to see how this information disseminates into the report. She cited some population figures as an example.

Ms. Buchanan also told the Board that the last section titled “Goals, Objectives and Policies” had been left blank intentionally to allow the Board to offer their thoughts and suggestions for Banner Elk. Some of the items mentioned in the meeting were: affordable housing, planning for multi-pedestrian traffic and how to attract more of these types of visitors, affordable restaurants, support of Lees McRae College (LMC) and more specifically the students.

Manager John Mejaski agreed that supporting LMC with affordable housing and families was a great idea and mentioned that the Town’s of Davidson and Garner had included a requirement for a percentage of affordable housing in their ordinances. Ms. Buchanan said that past discussions of affordable housing brought some very vague answers and asked those present what they felt affordable housing would be. Scott McKinney described a program called Habitat for Humanity and said he thought anywhere from \$100,000 to \$180,000 would be considered affordable. Mr. McKinney stated that roughly 80% of LMC’s staff lived outside the area and it would be beneficial to some or most could live in this area. LMC is the 5<sup>th</sup> largest employer in Avery County and if some of those families were to locate to Banner Elk, there would be a significant impact to the Town.

With no further business before the Land Use Committee, Paul Lehmann called the regular session of the Planning Board into order.

#### Sign Request – Bear Run

Ryan Sudderth was present to speak to this request. He put forth a copy of what he wanted to include on the sign but Ms. Buchanan told him that the Planning Board had frowned on excessive wording. He was present to ask the Board for guidance on what might be allowed on the sign. Penny VonCanon said that according to Table 608-1, a PRD was allowed a sign for 1 year after final plat approval and that the Planning Board had the authority to extend this if they see fit. The PRD sign’s maximum size is 24sf. Mrs. VonCanon asked Mr. Sudderth if he would be willing to take out the descriptive line and reduce the remainder. Mr. Sudderth said he would work with Bill Dicks and bring back another copy for approval to the February 2010 meeting. Paul Lehmann said he would like to go ahead and approve the sign as discussed now instead of having Mr. Sudderth come back. Dan Hemp moved to approve. Dawn Sellars seconded. The vote was unanimous and the motion carried.

#### Sign Request – Health Point RX

Due to the fact that these applicants live out of town, Ms. Buchanan offered to speak to this request. She stated that the sign would be wood, white background with light blue lettering that simply states “Healthpoint RX, Simple Weight and Beauty Solutions”. The sign will measure 4sf. The submittal was hand drawn and the Board was not willing to accept this, therefore tabling this request until they could see a more professional rendering.

### Farmland Preservation Program

Jerry Moody was present along with Gerald Arthur and Harry Smith to speak to a request for the Town of Banner Elk's support for Avery County's Farmland Preservation Program. Mr. Moody summed the program up as the program being an advocate for local farmers, protecting them against potential lawsuits from neighboring developers. Mr. Moody said it was not uncommon to have an adjoining property develop and quickly find that the new neighbors become disenchanted with living next to a working farm and the associated smells and noises. He described the criteria for eligibility into the program and told the Board that there are several potential farms located in Banner Elk's ETJ that would be eligible for this program. Mr. Moody told the Board that agriculture is the third largest source of revenue for Avery County with Tourism being first and Development being second.

Paul Lehmann said that some of the criteria would have to be worked into our ordinance and the Town would have to make sure they understood who had precedence over a piece of property, as several of the properties are already under the Town's zoning jurisdiction. There may be some topics that are in conflict with the existing ordinance such as the number of outbuildings allowed, or the restriction to the Town's water and sewer services.

The Planning Board said they would need to look at their ordinance before making a recommendation to the Town Council.

### Highland Partners LLC – Mill Pond Manor – CUP

Cheryl Buchanan introduced several of the participants who were present to speak to this request. Baxter Crane, one of the partners and a developer is submitting a Conditional Use Permit (CUP) for a subdivision that is partially built. The reason for the submission is that the previous CUP has expired and the ordinance requires that they start over again. There are some issues with this development that need to be addressed, such as: drainage, retaining walls at the front of the development, landscaping, fencing along High Lowe Lane, easement with Jack Robinson, zoning violation for trees that were removed on the property, and the installation of sidewalks and street lights to match the Town's Master Streetscape Program.

Mr. Crane, Mr. Shane Shuler and Mr. Scott Schaaf, representatives of BB&T and Eric Brewer, an engineer with Redstone Engineering were present to speak to the Board about this request. Mr. Shuler said that the bank, BB&T, is ready to support them in finishing the project. Mr. Crane presented a new set of plans to the Board; this was the third set he had delivered for this project. Paul Lehmann asked for a copy of the original plans and Penny VonCanon had a copy available to present to Mr. Lehmann. The changes from the original show a removal of one of the retaining walls at the back of the property, a break in the retaining walls at the front of the property where a utility line is located, an additional drainage pipe, and the addition of the sidewalk.

Penny VonCanon asked what the slope of the property was, but Eric Brewer could not answer. The plan notes that the buildings calculate to 30% of the impervious surface allowance, but does not indicate what the paving of the driveway and the parking lot would be. Mr. Brewer could not answer this question either. Cheryl and John said they thought it could be close to 45%, but could not tell you exactly, since we are not qualified engineers. Penny VonCanon said the calculations have changed and is not based on the number of units as it was when the project began, but is calculated on percentage of impervious surface.

Mr. Shane Shuler said that he comes in on a stalled project and personally oversees the completion. Mr. Shuler said that he has a written agreement that the bank is committed to finish the project and it should be finished in March 2010, as stated in the letter he has written to the Town. Eric Brewer serves the project in an engineering capacity and informed the Board that the recent changes to the plans include the addition of a sidewalk on the opposite side of the road from the development, additional drainage measures with a catch basin and pipes, and redesigning the retaining wall at the front of the property. A discussion of drainage measures ensued, but a definite plan has not been submitted. Engineer Eric Brewer said that he had calculated that 7,000 cubic feet per second would run under the road and out of the culvert. Robert Tufts expressed concern for thermal pollution and asked if they might be able to install a detention pond. The contractor, Chris Wottel, asked how Mr. Tufts knew that the water running under the road was a problem, that there is existing runoff that runs down the road right now and hasn't been a concern before now. The Town recommends that a definitive plan for drainage measures be submitted to the Board of Adjustment (BOA) for their meeting on the 19<sup>th</sup> of January 2010 because run-off is a major issue with the Town.

The agreement with Jack Robinson has not been addressed. Mr. Crane said he had tried to get in touch with him but could not get a response. Shane Shuler, BB&T Representative, said they were ok with the encroachment from Mr. Robinson and that the driveway could remain as is. The Town would like to avoid future problems and that is why they have asked for this to be in writing.

Manager John Mejaski asked that the violation for the tree removal be paid. Manager Mejaski said that the violation was \$500 a day from November, but that the Town would settle it for a one time payment of \$1,500.

Dan Hemp moved to recommend approval to the BOA with the following conditions:

1. Address the Banner Road drainage,
2. Attaching an updated landscape plan,
3. Payment for the Tree Violation Fine of \$1,500,
4. Calculation of all impervious surfaces,
5. Number of Streetlights based on current Streetscape in the sidewalk plan,
6. Letter of Credit

John Collier seconded. The vote was unanimous and the motion carried.

Consideration of the October 2009 Minutes

Dan Hemp moved to approve. Dawn Sellars seconded. The vote was unanimous and the motion carried.

With no further business John Collier moved to adjourn. All were in agreement and the meeting came to a close at 9:20 pm.

Respectfully submitted,  
Cheryl Buchanan