

BANNER ELK PLANNING BOARD AND  
LAND USE COMMITTEE  
MONDAY, 02 MAY 2011  
MINUTES

Members Present: Allen Bolick, Joel Owen, Ann Swinkola, Penny VonCanon

Land Use Committee Present: John Davis, Robert Tufts

Staff Present: Cheryl Buchanan, Rick Owen

Others Present: Bill and Donna Dicks, John Heinlein, Jim Swinkola, Charlie B VonCanon

Chairman Joel Owen called the joint meeting to order at 6:30 PM.

On the agenda were Section, 9.0 Land Use and Growth Management. Cheryl Buchanan reviewed this section with the members. This section is a snapshot of Banner Elk's existing land use as it is today. Included in this section is a description of the current zoning classifications, and a table with the number of parcels broken down by zoning and whether they are in town or ETJ. There is a table of acreage by zoning district. I can attest that these tables are accurate as I counted each parcel and acre myself. I did this to make sure this information was correct. A table on the percentages of acreage by zoning district in town and in the ETJ and a table of survey responses concerning development were also presented. The Town of Banner Elk incorporated area is 1,215 acres or 1.9 miles. In 1967, Banner Elk's incorporated area was recorded as 294 acres, which shows a growth rate of 414%. The ETJ has a total of 2,839 acres or 4.4 square miles. This area has not changed since its inception in 1973.

Planning Board member Dawn Sellars entered at 7:10 pm. This gave the Planning Board the quorum they needed of the last part of the meeting.

Four goals were listed with this section addressing zoning and future expansion. An example of property along Highway 194 in front of Elk River has been a topic of discussion for many years with the Planning Board and it was suggested that perhaps commercial might work better along major thoroughfares like this. John Davis said that he remembered that there was some deed restriction with those properties and that they were to remain residential. It is knowledge like this that is invaluable to Banner Elk and the planning staff.

In discussing this section, Cheryl Buchanan told the Board that the next section would be the final, a conceptual planning section. The model that we have been using has three conceptual plans: (1) how the town will look if nothing is changed for the next twenty to thirty years, (2) how the town could look if the main focus of development was to attract tourism, and (3) how the town could look if the main focus was to protect the environment. Cheryl told

the Planning Board that a joint meeting with the Town Council and the Land Use Committee would need to be scheduled because some decisions would need to be made before we could finish this comprehensive plan. Robert Tufts suggested Monday the 16<sup>th</sup> and the 23<sup>rd</sup>. Robert Tufts stated that he thought this might take two meetings. Cheryl Buchanan said she would put the suggestion to the Town Council for a commitment.

#### Planning Board Meeting

Joel Owen called the regular Planning Board Meeting to order at 7:16 pm. He led everyone in the pledge of allegiance to the flag.

#### Consideration of the April 2011 Minutes

No changes were noted and Penny VonCanon moved to approve as recommended. Dawn Sellars seconded. The vote was unanimous and the motion carried.

#### Section 600 – Sign Ordinance Revisions

Planning Staff Cheryl Buchanan introduced this and told the Board that what they have before them was a baseline of changes as had been discussed in the April meeting. Cheryl said she understood that there might be some additional changes that would need to be made to it, but it was a starting place.

Joel Owen had a question on the definition of ornamental flags and the limit of (2) flags per residence. Cheryl Buchanan asked if they wanted to allow more than two? Joel Owen said he wasn't sure if this was to apply to residential as well. Cheryl Buchanan said that is specifically what it is meant to apply to because it states, no commercial advertising. Joel said he wasn't sure if this applied to businesses that put out the "open" or "seasonal" flags. Cheryl told him that this definition was strictly for residential flags.

Penny VonCanon said she would like to add an "Open House Sign" to the list of definitions to read:

1. **"Temporary Signs, Open House** – one day temporary open house signs used only for the hours the Realtor is on site and for the purpose of showing the property for sale, lease or rent. One may be placed on the main thoroughfare with "Open house" and an arrow and a second sign may be placed on the actual property being shown that reads "Open House".
2. She also added to the Real Estate signs a definition that a "1-inch channel iron post or similar is also allowed along with the existing wooden post," and "Nonpermanent temporary materials are allowed for all temporary signs".
3. Add to signs that are transported on the back of a vehicle to read, "or compose more than 90% of the exterior of a surface of a vehicle and is purposely left parked in a location other than the actual business in order to advertise their business."
4. Section 605 Design, Construction and Maintenance (c) call this "Supports",
5. Table 608.3 – Add Temporary Open House Signs, maximum size allowed 2 square feet, 2 per property, maximum height of 4'.

Penny VonCanon commented on items suggested by the planning department: Logos need to be modified to meet the color chart. She said that Lowes Home Improvement and the BP station modified their corporate colors to meet the color chart. Cheryl Buchanan gave a brief description on the importance of clarifying what a corporate flag and a logo was needed.

The section suggested by the Town's Attorney is going to be proposed to the Town Council and the town manager wanted to Planning Board to see this. Ann Swinkola said pictures would be a good tool to add to the ordinance to illustrate allowed and prohibited items.

Cheryl Buchanan said the last section was a composite list of the requests made by the realtors at the March meeting. The first three and number five have already been approved and numbers 4 & 6 need to be discussed since she did not have a clear consensus on what the Board wanted. The Board agreed to "No" for items 4 & 6. Town Manager Rick Owen suggested that the Board look over a clear copy next month to see if it reads the way the Board anticipates it will.

Dawn Sellars asked about the meaning of 600.1(a) the first bulleted item. Cheryl Buchanan said she felt this meant that any development in the Heritage Overlay District requiring a conditional use permit would need to be reviewed by the Architectural Review Committee and any other signs in this district can be permitted if they meet the ordinance. Penny VonCanon suggested changing the wording to clarify this point a little better. The text change will be in the clean copy given to the Planning Board at the June meeting.

Town Manager Rick Owen said he felt a lot of these changes came about because he had asked so many question of the last six months and he has a few more that he would like to ask the Board tonight. First, distinguishing a design for the Open House sign. Penny VonCanon said the one at the road could read "Open House" and have an arrow, while the second sign would only read "Open House" and that the colors would meet the color chart. Rick asked about the banner for the Summer Theatre at LMC and the banner type flags hanging across the building at the Art Cellar. Cheryl Buchanan said that 608.2 address the need for additional signage in the M/E zoning district. Also, Rick Owen asked about a painted picture being a percentage of a sandblasted sign. Joel Owen asked the pleasure of the Board on the changes made to the ordinance. The Board said they would like to see a clean copy with the changes in red. The Board has also asked that the items posed by Rick be proposed as a text change to the ordinance for review at the June meeting.

#### Addition to the Agenda – Jim Swinkola

Cheryl Buchanan asked if this could be put in front of the consideration of the Tree Ordinance. Jim Swinkola told the Board that he is petitioning Town Council to annex the Grandfather Home for Children property and he has met individually with each Council member. While meeting with Brenda Lyerly, she said she would like to hear how the Planning Board feels about this request before the next Town Council meeting, thus Mr. Swinkola's appearance at

tonight's meeting. After some discussion, Chairman Joel Owen made this statement: "*Given the information that we have, the Planning Board recommends the Town Council consider the option of annexation of the Grandfather Home for Children property.*"

#### Section 700 – Tree Ordinance Portion

This section was rewritten by the High Country Council of Governments and is before the Board for review tonight. Joel Owen said that Tony Hunter has said he would consider looking at this ordinance to help us with the content. Rick Owen said that we would like to know if we're heading in the right direction. Rick Owen said that he would like to set down with members of the Planning Board and Tony Hunter and take a closer look at it. Joel Owen said he was most concerned with the section that addresses tree topping and the view enhancement, recommending that minimal pruning could keep the view and save some trees at the same time.

Penny VonCanon and Joel Owen said they would like to be part of the committee that meets with Tony Hunter.

Ann Swinkola made the observation that this rewrite is a little "fuzzy" and needs more guidelines/required and allowed written into the text. Cheryl Buchanan said she would pass this on the Kelly Coffey at the High Country Council of Governments.

With no further discussion, Penny VonCanon moved to adjourn. Dawn Sellars seconded. All were in agreement and the meeting came to a close at 9:16 pm.

Respectfully submitted,  
Cheryl Buchanan, Planning Department