

BANNER ELK PLANNING BOARD
MONDAY, 07 NOVEMBER 2011
MINUTES

Members Present: Allen Bolick, John Lavelle, Joel Owen, Jillian Rosato, Dawn Sellars, Ann Swinkola, Penny VonCanon

Staff Present: Cheryl Buchanan, Rick Owen

Others Present: Patricio Avila, Brandon Cox, Bill and Donna Dicks, Vern Dyer, C. Finch, Brett Gardilla, Chris Quinn, Jim Rebhan, R.C.Reiman, Derek Rowley, Joel Shipley, Ted Silver, Robert Tufts, John Turchin, Charlie B. VonCanon

A quorum was present and Chairman Joel Owen called the meeting to order at 7:00 pm. Chairman Owen opened the meeting with the pledge of allegiance to the flag.

Consideration of the October 2011 Minutes

With no changes proposed, Penny VonCanon moved to approve the minutes as submitted. Ann Swinkola seconded. The vote was unanimous and the motion carried.

Amendment to the Agenda

Chairman Owen received a request to amend the agenda to add two last minutes items. The Board agreed to hear the two items and they were added to the agenda above the discussion items.

Final Plat – Elk River Heights Subdivision

Zoning Officer Cheryl Buchanan opened this conversation by reviewing the steps that Mr. Jim Rebhan had already followed that led to his request for final plat approval. Mr. Rebhan approached the Planning Board in May 2009 with a formal request to subdivide 3.24 acres into four (4) lots and preliminary plat approval. The property is located at the top of Hemlock Place Road and is accessed by a private road. The proposal called for an extension of sewer service from the Inn at Elk River's property with an upgrade to a 6" line that will remain private and be maintained by Mr. Rebhan through a written agreement.

In addition, Mr. Rebhan had also agreed to allow an extension of the Town maintained road for a "Y"-type turnaround to allow for the Town's maintenance vehicles to turn around when pushing snow. The private road has an existing 20-foot right-of-way for utilities. As required by Section 81.10 (c), the private road must meet the NCDOT Minimum Construction Standards, however, the Section titled Subdivision Roads states that "private roads need not meet the minimum construction requirements, but must meet minimum construction requirements before ever becoming a part of the state maintained

system. Mr. Rebhan received approval for a preliminary plat for the subdivision during this meeting.

For this meeting Mr. Rebhan is requesting final plat approval. The final plat is an actual reflection of the proposed improvements in the preliminary plat that have been completed. The Board reviewed the checklist for Elk River Heights Subdivision. Penny VonCanon moved to approve the final plat. Jillian Rosato seconded. The vote was unanimous and the motion carried.

Architectural Review of Lees-McRae College Wildlife Institute

Lees-McRae College (LMC) currently has a mobile classroom on site that was permitted by a conditional use permit from the Board of Adjustment. These permits are temporary by nature and the permit had expired in January 2011. LMC presented plans for the construction of a permanent structure on the same property. The rectangular building will be located at the end of the parking lot near the current mobile unit. The exterior will have board and batten siding, a metal roof and regular windows in acceptable colors. There will be no additional buildings and the remainder of the aviaries will stay along with a storage shed. The only building that will be removed will be the mobile unit.

After the review, Ann Swinkola moved to recommend approval of construction of the new Wildlife Institute's facility. Jillian Rosato seconded. The vote was unanimous and the motion carried.

Sign Request – Sorrentos Bistro

This last minute request was for a wall-mounted sign for Sorrento's Bistro. The restaurant is located in the Heritage Overlay District and requires Planning Board approval. The proposed sign is 8sf and will be placed at the bottom of the second floor of the gazebo/walkway up to the second story of the complex. There is one other wall-mounted sign that is small and in an insignificant place facing another road. The ordinance allows one wall sign per street frontage.

With no further questions, Ann Swinkola moved to approve as submitted. Jillian Rosato seconded. The vote was unanimous and the motion carried.

Ordinance Discussions

The Town Council had requested at their last monthly meeting that the Planning Board look at some wording in the sign ordinance, more specifically, Section 600.2 Colors. It was suggested that the word "guideline" makes it very difficult to administer the ordinance and that some of the descriptive wording be addressed as well.

Penny VonCanon commented that natural colors can indeed be found everywhere but not all those colors are found in the mountains. She suggested that the intent of the ordinance as it pertains to colors is to have the earth tones (colors influenced by what can be found

in the earth here) as colors that are used to help blend buildings and signs with the natural surroundings. Mrs. VonCanon suggested eliminating the word natural and keeping subdued earth tones as one continuous thought.

Town Manager Rick Owen told the Board that the Town's Attorney had reviewed the ordinance and had no problem with the way it is written. In reference to the word "guideline", Town Manager Owen suggested that if anyone had a concern with how the Zoning Officer applies the ordinance, there is a remedy process written in the ordinance for an appeal of the Zoning Officer's decision to the Board of Adjustment.

Penny VonCanon moved to remove the word natural from Section 600.2, Colors. Dawn Sellars seconded the motion. The vote was unanimous and the motion carried.

Jillian Rosato moved to keep subdued earth tones together as a descriptive phrase for colors in Section 600.2. Penny VonCanon seconded. The vote was unanimous and the motion carried. The Board agreed to leave "guideline" and to allow the Zoning Officer the ability to enforce the ordinance as she see amenable.

Next, Ms. Buchanan introduced the subject of teardrop flags. These are a new fad and are spreading throughout the surrounding area. The Board came to a consensus that they were not allowed per the ordinance. Mrs. Buchanan then inquired about flags that advertise that a business is open. She noted that there are a limited number of businesses that have these flags and a few would not benefit from the allowable neon open signs due to their location on a main thoroughfare. Penny VonCanon moved to allow them at a size of 2sf and in earth tone colors. Ann Swinkola moved to amend her motion to allow them at 6sf in earth tone colors. No second was received and the motion died on the floor. Although it was determined that these are not allowed per the ordinance, the Board said they did not want to appear non-supportive of the businesses, so they directed the Zoning Officer to contact the Chamber of Commerce and ask for their thoughts on this and other options to be taken up at a later date.

The next discussion was on solar energy and wind-powered turbine use within the zoning jurisdiction of Banner Elk. Zoning Officer Cheryl Buchanan told the Board that there are solar energy collectors that are designed for residential uses and commercial uses. Solar panels can be used to provide additional energy to one source or sold back to the utility company. Because of the government's push towards green energy, the Town of Banner Elk should be thinking proactively about how these new energy sources will impact Banner Elk and the view shed. Present in the audience was Chris Quinn of Electron Solar Energy who is proposing to locate a solar company in the Great Train Robbery building and wants to put solar panels on the top of the building. The Zoning Officer suggested that the Planning Board consider the impact numerous panels could have on local residents who live within site of the roof of the building. The Zoning Officer told the Board that the purpose of this discussion is that she was looking for some input info on what the Planning Board might want for an ordinance or whether they want one at all. It was requested that the Zoning Officer ask someone from ASU to speak on wind energy

in the High Country and to work with Chris Quinn on any information he might have on the solar aspect of this discussion.

With no further business, Penny VonCanon moved to adjourn. Jillian Rosato seconded and the meeting came to a close at 8:45pm.

Submitted by Cheryl Buchanan, Zoning Officer