

BANNER ELK PLANNING BOARD
MONDAY, 04 JUNE 2012
MINUTES

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

Staff Present: Cheryl Buchanan, Rick Owen

Others Present: Robbie and Tammy Brinkley, Richard Grubb, Henry Jenkins, Brenda Lyerly, Charlie B. VonCanon

Chairman Owen called the meeting to order at 7:05 pm and noted that a quorum was present. He opened the meeting with the pledge of allegiance to the flag.

Consideration of the May 2012 Minutes

Penny VonCanon mentioned one correction. She asked that the reference to concrete blocks be changed to concrete stoppers. With no other changes noted, Penny VonCanon moved to approve the minutes as submitted with the one correction. Allen Bolick seconded. The vote was unanimous and the motion carried.

Presentation on Transmission Line Siting Project Underway in Avery County

Richard Grubb, Director of Engineering & Operations for Mountain Electric Cooperative (MEC), presented to the board with the overall need of MEC, to establish a continuous loop of electrical transmission lines in order to provide better system reliability. Mr. Grubb reviewed the proposed routes and gave some statistics about the need for this new transmission line.

Henry Jenkins, Pike Energy Solutions, reviewed the process that has been chosen in selecting the site. The first phase includes gathering data, holding a public workshop, gathering information from a survey, and looking at natural resources, cultural resources, and any other areas of concern that could interfere with this type of transmission line.

Mr. Jenkins stated that phase 2 produced preliminary maps with several alternate routes, analyzing of data collected at the workshop and through the survey, a submittal of a cost estimate, and a review of any areas where there are complications that might not be obvious from first glance.

When asked if there were any areas that they couldn't cross, Mr. Jenkins replied, "No, MEC has eminent domain." Mr. Jenkins pointed out the already existing MEC easement and Mr. Grubb added that the line that will be built there is in their 7-10 year plan. Supported by numerous maps and charts, their presentation illustrated that they have been busy gathering as much data as possible.

The third phase will be a choice of the route and a notification by those affected and then a general notification for those in the prospective site area. Construction should begin within a year's timeframe.

At this point, Joel Owen excused himself due to illness and turned the meeting over to Vice-Chairman Penny VonCanon. A quorum was still present.

Conditional Use Permit Application – Robbie Brinkley and U-Haul

Ms. Buchanan introduced this application by stating that she had noticed the U-haul trucks and trailers parked beside Peak Fitness. Ms. Buchanan checked the ordinance and although U-haul's are not addressed specifically, accessory uses are conditional in the C-2 zoning district. Ms. Buchanan paid Mr. Brinkley a visit and explained that he would need a conditional use permit (CUP) in order to continue to operate a second business on this site. The property is located at 2209 Tynecastle Highway, PIN 1858-19-61-7692-00000, and Mr. Brinkley subleases .97 acres from Templeton Properties, who in turn leases 4.13 acres from the property owner, Anna Greer. Ms. Buchanan drew attention to the site plan and noted that the shaded area is the portion that Mr. Brinkley leases and that she had spoken with Mr. Mark Templeton and he said he would not be opposed to allowing Mr. Brinkley to park beyond his leased area. Ms. Buchanan mentioned that the board might want to consider making that a condition of his CUP so that Mr. Templeton could not change his mind later on leaving Mr. Brinkley with no place to park his inventory. Additionally, Mrs. Anna Greer has provided written permission for Mr. Brinkley to speak to this CUP.

Ms. Buchanan reviewed the number of marked parking spaces but said she was unsure how to calculate parking space for constantly moving inventory. Ms. Buchanan noted that the sign is in compliance and the building was brought into compliance and looks very nice.

Penny VonCanon said that per the Land Use Plan, she recognizes that need to have a more uniform look down that strip and that although Mr. Brinkley was not the property owner, he might want to consider adding some additional green space, landscaped area to one small spot where currently a utility pole sits. Other members of the board did not think that Mr. Brinkley was the one responsible for this since that area is not in his leased section. There was also some question about adding landscaping in a NCDOT right of way.

Dawn Sellars made a motion to recommend approval to the Board of Adjustment for this application. Ann Swinkola seconded. The vote was unanimous and the motion carried.

Rezoning of Banner Manor Mini Storage – Mr. George Meyer

In March 2012, the Planning Department discovered a zoning discrepancy with a CUP application at 161 Silver Springs Drive. The property is the current site of Banner Manor Mini Storage and the original CUP stated that the property was zoned C-2, however, the current map reflects R-2. It was determined that the property should be zoned C-2 based on the current activities and the original CUP. Allen Bolick moved to recommend rezoning the property from R-2 to C-2 and to request Town Council call for a public hearing for this rezoning request. Ann Swinkola seconded. The vote was unanimous and the motion carried.

A second request was received for the lot (lot 1) of Silver Springs Farm to be rezoned from R-2 to C-2. Ms. Buchanan said that the CUP for the Planned Residential Development (PRD) known as Silver Springs Farm includes lot 1 as part of the residential development. Ms. Buchanan stated that it was her opinion as the planning director not to support this request because, 1) it was part of a CUP for a PRD, and 2) if the property is rezoned C-2; any uses that are permitted in the C-2 could be permitted on this property in this residential neighborhood. The consensus of the board was to send this request back to the property owner and advise them that lot 1 would need to be removed from the PRD through an amended CUP and then a rezoning request could be submitted.

Proposed Alternative Energy Ordinance Draft

Ms. Buchanan said that she tried to take a common sense approach to this ordinance. It has not been copied from another ordinance; that she had looked at several and chose the thoughts that she felt Banner Elk was looking for. She proposed naming it Alternative Energy Ordinance and said she wasn't sure where to put it in the ordinance.

Basically, the ordinance allows for residential use of solar panels on the roof and small-scale utility like the Great Train Robbery recently installed on a flat roof. Ground mounted systems are discouraged except in areas where they could be placed out of view from major thoroughfares. Nothing was written for hydroelectric because the opportunities are so small for this use. Areas large enough to support wind energy turbines and their fall zones were considered as well. All of the uses of this ordinance are conditional and would require a conditional use permit. There were two sections written for the decommissioning and the board was asked to choose the one they wanted included. Penny VonCanon said she would like to see this section placed as Section 315. The draft will now go to the Town's Attorney and then back to the Planning Board for a final review and recommendation to town council.

Tree Ordinance Proposal

For some time Beech Mountain's Tree Ordinance has come up in conversations about planning our own tree ordinance. Ms. Buchanan pulled a copy and provided each member with one. In her memo to the board, she had asked each one to read through it and to list the things they liked and didn't like about it. After some discussion, the consensus of the board was to send it to the Town's Attorney and have it incorporated into our ordinance or at the suggestion of the Town Manager; it could be made a part of the Town Code.

With no further business, Allen Bolick moved to adjourn. Dawn Sellars seconded. All were in agreement and the meeting came to a close at 9:40pm.

Respectfully submitted,
Cheryl Buchanan