

BANNER ELK PLANNING BOARD
MONDAY, 03 DECEMBER 2012
MINUTES

Members Present: Allen Bolick, John Lavelle, Martha Laura Miller, Jillian Rosato, Ann Swinkola, Penny VonCanon

Staff Present: Cheryl Buchanan, Rick Owen

Others Present: Rebecca Bolick, Bret Gardella, Aaron Maas, Nathan Paris, Jim Rebhan, Ted Silvers, Charlie B. VonCanon, Ethan Young

In the absence of Chairman Joel Owen, Vice-Chairman Penny VonCanon recognized that a quorum was present and called the meeting to order at 6:00 pm. She opened the meeting with the pledge of allegiance to the flag.

The Vice-Chairman introduced an Appalachian State University student who was meeting a requirement of his program on Land Use Planning by attending a local government public meeting. His name is Ethan Young.

Consideration of the October 2012 Minutes

With no changes noted, Ann Swinkola moved to approve the minutes as submitted. Martha Laura Miller seconded her motion. The vote was unanimous and the motion carried.

Amended Plat Approval – Jim Rebhan and Elk River Heights

Zoning Administrator Cheryl Buchanan started with a review of the first approval for Elk River Heights; which included a total of 4 lots. Mr. Rebhan approached the Town about subdividing Lot 3 and allowing Lot 2 to consume a portion of Lot 3 and Mr. Farnsworth, an adjoining property owner, to consume the remaining portion of Lot 3. This left the subdivision with only three (3) lots. Ms. Buchanan consulted with the Town's Attorney as to whether this could be done administratively and he agreed that it could be. However, Mr. Rebhan is now approaching the Planning Board again to subdivide the remaining Lot #4 into two (2) lots. This would now reconfigure the lots of Elk River Heights to Lots 1, 2, 4A, and 4B. Again, Ms. Buchanan consulted with the Town's Attorney and he advised that this request should go back before the Planning Board and the Town Council for plat review. The two new lots, 4A and 4B, are well within the ordinance's approved minimum lot sizes.

No objections were noted and Jillian Rosatto moved to recommend approval to Town Council of the new plat with Lots 1, 2, 4A, and 4B as submitted. Ann Swinkola seconded. The vote was unanimous and the motion carried.

Request to Approve a Sign – Exxon

The current Exxon sign was damaged by strong winds during Hurricane Sandy. Exxon is proposing replacing the sign with a new sandblasted sign. The colors will be Olde Century colors and the materials will be sandblasted. All the requirements of the ordinance have been met.

Penny VonCanon asked if the sign is located in the sight triangle (Section 402.9)? Ms. Buchanan said she did not know, but would go out and measure it. Allen Bolick asked if the Town would approach them about a different design, perhaps something smaller and would attract more attention. Mr. Bolick said that he did not feel the current sign is noticed by traffic and may be too large for that corner location.

Jillian Rosato made a motion to approve the sign request conditional upon verifying the location of the post in relation to the sight triangle and to make Mr. Bolick's request to look at a different design for the sign known to the applicant. Martha Laura Miller seconded the motion. The vote was unanimous and the motion carried.

Discussion of Breweries in Banner Elk

Ms. Buchanan introduced Aaron Maas and Nathan Paris as well as Bret Gardella, Avery County Economic Development Director to the Board. Ms. Buchanan told the Board that she had received a call from Mr. Gardella about the possibility of locating a brewery in the Incubator as a start-up business that could eventually become an anchor business at the end of their mentoring period. Ms. Buchanan said she didn't know how the Town felt about this type of activity, but that she had done quite a bit of research and had met with Mr. Maas and Mr. Paris in order to ask them some specific questions about their operation. The questionnaire used by Ms. Buchanan was included in the packets along with the answers to these questions (see attached).

Allen Bolick asked about the discharge into the wastewater system. Mr. Maas answered that most of the water they use goes into the product. The discharge would be the water used to clean the vats and would be eco-friendly. Mr. Bolick asked about air issues. Mr. Maas replied that there shouldn't be any. He said on a day when they were brewing, you would be able to smell a sweet cereal type smell inside the building but nothing that would impact neighboring properties.

Ms. Buchanan said that what she is looking for from the Board is some guidance on whether this should be a permitted or conditional use, which zoning districts should this use be allowed in and any other conditions that might apply. Ms. Buchanan had provided five (5) conditions she would like the Board to consider when writing the ordinance.

Penny VonCanon asked about the timeframe for brew tastings. Mr. Maas said they would not be open until 1 a.m., but used an example of 4 p.m. to 9 p.m. Ms. Buchanan said that Mr. Maas had agreed to allow any of the local wineries to provide some of their

samples for tasting also. Vice-Chairman VonCanon said the hours of tasting would be a good condition to consider.

Mr. Maas informed the Board of the time it takes to follow the permitting process for State and Federal. The Board reviewed the time needed to write an ordinance and have it amended. Ms. Buchanan cautioned Mr. Maas and Mr. Paris that the Incubator still has to go through the CUP process before anything can begin operating at that location. Mr. Gardella stated that he was waiting on legal counsel to finish the application.

Discussion on Political Signs

Ms. Buchanan was recently made aware of new legislation regarding political signs. She asked if the Board would like to consider amending their ordinance to reflect any of the changes in the State's statutes. The Board agreed that they would entertain changes to the time period a political sign can be up, to allow that signs must be placed three (3) feet from the edge of the paved road, no sign shall obscure motorists visibility at an intersection, and no sign shall obscure or replace another sign. Ms. Buchanan said she would have the wording in place for the next meeting in January 2013.

Discussion on Placement of Fencing

Ms. Buchanan reviewed the ordinance and recognized that there are no specifications on where a fence can be located. The consensus of the Board is that this would be an issue between property owners; understanding that some citizen's use fencing to delineate where their property lines are located. Ms. Buchanan's concern arose from a request to put a fence along a public sidewalk that would contain a large animal. The potential of the animal to be able to reach someone and bite him or her and the potential for animal waste to wash into the sidewalk was the cause of this concern. It was suggested that the Town might want to consider setbacks from major thoroughfares and sidewalks for fences.

Additionally, fencing that is proposed to be higher than six (6) feet shall follow the setback chart in Section 309 for that zoning district. Other than these two points, the Board did not feel the Town should be involved in where a property owner wants to place a fence on their property.

With no further business, Ann Swinkola moved to adjourn. Jillian Rosato seconded. All were in agreement and the meeting came to a close at 8:00 pm.

Respectfully submitted,
Cheryl L. Buchanan, Planning Board Secretary