

BANNER ELK PLANNING BOARD MEETING  
MONDAY, 06 APRIL 2015  
MINUTES

Members Present: Allen Bolick, BR Hoffman, Will Mauney, Meredith Olan, Joel Owen, Penny VonCanon

Staff Present: Zoning Administrator Cheryl Buchanan, Town Manager Rick Owen

Others Present: Rebecca Bolick, Byron and Jessica Clawson, Susie Fisk, Christy Greenaway, Kimm LaFone, Brenda Lyerly, Cammy Pitman, Nicole and Kyle Trammel, Janet Trammel, Dakota and Vicky Valencia, Charles VonCanon, Jr

Chairman Joel Owen called the meeting to order at 5:59 pm. The Chairman opened with the pledge of allegiance to the flag and noted that there was a quorum present.

*Consideration of the March 2015 Minutes*

Chairman Owen asked if anyone had changes to the minutes from March 2015. Meredith Olan commented on the last sentence on the second page. The sentence read: *“He also said he would be more confident if the neighborhood was so opposed.”* The sentence should have read *“not so opposed”*. Will Mauney moved to approve the minutes as corrected. BR Hoffman seconded the motion. The vote was unanimous and the minutes were approved.

*Discussion on Outdoor Kennels to the Zoning Ordinance in the R-1*

The discussion was continued from the last meeting on March 23<sup>rd</sup>. The matter before the Board is whether to allow outdoor kennels in residentially zoned areas. Penny VonCanon remembers when this topic came before the Board many years ago. The intent of that conversation was that Banner Elk is not very large and the possibility of dogs barking in outside kennels was a concern, thus the reason the ordinance allows for an Animal Hospital and vet clinic but excludes outdoor kennels.

After much discussion, the Board agreed that this is not a dead issue and that it may very well come up again, but no changes were offered. As requested in the last meeting, Ms. Buchanan produced a spreadsheet of several different places and how they regulate kennels. An example of a site in town that has an animal hospital with indoor kennel facilities was introduced into the conversation. Many were not aware of this and the Zoning Administrator expressed concern that the ordinance does not specifically spell out that indoor kennels are allowed in the C-2. Ms. Buchanan reminded the Board that the ordinance’s intent states that if a use is not listed in the Table of Uses, it is not allowed. No action was taken by the Board and the matter was tabled until further research could be done.

### Ordinance Amendment – Tattoo Parlor – Possibility of Locating in the C-1

Another young man who introduced himself as Dakota Valencia told the Board that he would also like to entertain the idea of putting a tattoo parlor in the downtown area in the Village Shoppes. This matter is coming up before Town Council in April to call for a Public Hearing to amend the zoning ordinance. Ms. Buchanan introduced Mr. Valencia and then asked that he address the Board with his request.

Mr. Valencia wants to put the tattoo parlor in with the art studio. He has spoken with the owner; Angelo Accetturo and stated that Mr. Accetturo is fine with the idea. The Planning Board's discussion from the March 2015 meeting was that a tattoo parlor would be considered in the C-2 zoning district, but not in the Heritage Overlay District. The Board told Mr. Valencia that perhaps this could change in a few years, but for now the C-2 would be the only zoning district allowed.

### Tree City USA – Set Arbor Day Date

The Town of Banner Elk was bestowed with the Tree City USA designation late in 2014. In order to maintain this designation, Banner Elk must recognize Arbor Day with some type of celebration. Penny VonCanon had done some research and found that Arbor Day is usually celebrated by school children as part of an educational component. The National celebration for Arbor Day is the last Friday in April. This year that falls on the 24<sup>th</sup>. Mrs. VonCanon said she had tried to call the school to see if they had any activities planned, but could not reach them since school is on Spring Break. Once Mrs. VonCanon hears from the school, she will inform the Manager and he can pass that info on to the Town Council. Ms. Buchanan said she could spread the word by phone or e-mail.

During this discussion about trees, Will Mauney asked if we could talk about what types of trees work well as buffers. Cheryl said she would add that to the next agenda.

### Telecommunications Tower Ordinance

Allen Bolick said that the recent experience with American Towers was extremely expensive for both the citizens and the Town. He asked if the Planning Board would consider some additional changes that would tighten up the ordinance and perhaps prevent this from happening again. Mr. Bolick's main points were:

- Increase the filing fee. Currently it is \$5,000, not enough to cover our costs,
- Section 10 deals with tower removal. Mr. Bolick said that we now require a bond to be posted with no set fee. Mr. Bolick suggested \$10,000.
- Our ordinance requires one acre of wooded property to put a cell tower on. Mr. Bolick suggested a 200' setback, which translates to 4 acres.

- The building for generators has no guidelines for materials used on the exterior. Mr. Bolick suggested the exterior materials be made to blend with other structures in the area and also require a pitch roof.
- No towers can be located within 1,320 feet of a transmission wire or substation.
- Restrict towers from the R-1 and R-2 zoning districts.

Town Manager Rick Owen suggested that the Board come up with a definition of “wooded lot”. Does a field full of Christmas Trees constitute a wooded lot? Allen Bolick suggested Cheryl Buchanan check with the Town Attorney before the next meeting to see if any of these suggestions were viable.

#### Discussion on Vinyl Siding

Penny VonCanon said it was her understanding that in order to get vinyl siding to lay as it should and not come loose, it requires a certified installer.

Joel Owen’s thought was that if someone wants to use vinyl siding, they should come to the Board and educate them on the product and get their approval.

Meredith Olan said she would rather see vinyl siding than paint peeling, it just looks better.

No decision was reached for this topic.

#### Discussion on Land Use Plan Update

Penny VonCanon asked if it was time to update the Land Use Plan. Ms. Buchanan answered that it had been 5 years and our plan has a 2010-2030 date on it. Ms. Buchanan also told the Board that quite a few of the goals we had set had been completed and she thought the Board might want to look at setting some new goals. The discussion fell by the wayside and everyone was ready to call it a night.

With no further business before the Board, Penny VonCanon moved to adjourn at 8.06 pm. Allen Bolick seconded. The vote was unanimous and the meeting came to an end.

Respectfully submitted,

Cheryl Buchanan  
Zoning Administrator, Town of Banner Elk