

BANNER ELK PLANNING BOARD MEETING
MONDAY, 01 JUNE 2015
MINUTES

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

Staff Present: Zoning Administrator Cheryl Buchanan

Others Present: Rebecca Bolick, Susan Brown, Pat Glenny, Mike and Ginny Halus, Tom and JoAnn McMurray, Jack and Ruth Sparks, Bill & Nancy Stevenson

Chairman Joel Owen called the meeting to order at 6:05 pm. The Chairman opened with the pledge of allegiance to the flag and noted that there was a quorum present.

Consideration of the May 2015 Minutes

Chairman Owen asked if anyone had changes to the minutes from May 2015. Martha Laura Miller mentioned that her name was out of place and should be where the members are listed and not others. This was noted and Penny VonCanon moved to approve the minutes with the noted change. BR Hoffman seconded the motion. The vote was unanimous and the motion carried.

Ordinance Amendment – Electronic Digital Display Signs

Proposals from Zoning Administrator Cheryl Buchanan included a definition for Electronic Changeable Copy Sign to be added to Section 602, remove from Section 605 (f) Prohibited Signs, and add to Section 607, Exempt Signs verbiage to regulate an Electronic Changeable Copy sign only in the M/E (medical/educational) and G/O (governmental office) zoning districts.

Penny VonCanon began by stating that it would be necessary to rewrite Section 605 (f) as an allowed sign but has to meet Section 607. She also stated that Section 606 (b) would need to have digital signs crossed out.

Joel Owen said that his biggest concern is that we're allowing a potentially controversial sign in one of the strictest zoning districts we have. Chairman Owen said this could potentially be very hard for all of the other businesses to accept. A lengthy discussion ensued as to whether this type of sign should be allowed in the Heritage Overlay District.

Penny VonCanon said she understands Lees-McRae College's need for more technical signage, especially one that provides so much information to the public. Cheryl Buchanan has made a comparison of light measurements. Ms. Buchanan had suggested 6,500 nits during the day and reduce it to 300 nits at night. Joel Owen asked what the Town planned to do about things when Lees-McRae has someone come in that doesn't know anything about how to operate and puts a message up that flashes and blinks and runs across the screen. Ms. Buchanan said she would do

what she always does when something like that happens, she'll pick the phone up and call someone. BR Hoffman asked if the sign could be turned off at 11:00 pm. Ms. Buchanan was pretty sure this could be done.

Penny VonCanon said she thought they should vote on whether to allow this type of sign in the M/E and G/O first and then work on the ordinance. BR Hoffman moved to allow this type of sign in the M/E and G/O zoning districts, including those in the Heritage Overlay District. Penny VonCanon seconded. The vote was Allen Bolick, Will Mauney, BR Hoffman, Penny VonCanon, Meredith Olan for and Joel Owen and Martha Laura Miller against. The motion passed with a majority vote.

A suggestion of how many signs each entity could have was narrowed down to one per institution, with approval by the Planning Board. Penny VonCanon also suggested that "on-premise" be added to this. Additionally, Penny VonCanon suggested that the wording be changed to a message can only be changed no less than every 24 hours unless prior approval from the Zoning Administrator is given. This prevents the message from continually changing and having a scrolling effect.

Penny VonCanon moved to amend the zoning ordinance to allow Electronic Changeable Copy Signs within the M/E and G/O, with one per institution, on-premise and that the brightness could not exceed 100 nit. Meredith Olan seconded. The vote was: Allen Bolick, Will Mauney, BR Hoffman, Penny VonCanon, Meredith Olan, and Martha Laura Miller for and Joel Owen against. The motion passed with a majority vote.

Penny VonCanon moved to recommend to Town Council to call for a public hearing on the zoning ordinance text amendment. BR Hoffman seconded. The vote was: Allen Bolick, Will Mauney, BR Hoffman, Penny VonCanon, Meredith Olan, and Martha Laura Miller for and Joel Owen against. The motion passed with a majority vote.

Telecommunication Structures – Discussion on Previous Questions

Allen Bolick moved to change Section 6 (3) (b) location, subset (b) to read: *All free standing Towers shall be located upon a lot or leased property area consisting of a size of at least 4 acres of a wooded lot.* Will Mauney seconded. The vote was unanimous and the motion carried.

Ms. Buchanan asked why the term wooded lot was being added when the detailed landscaping section covers what is required and this change would require a definition for wooded lot. The term wooded lot has already caused a lot of unnecessary confusion for the public. Ms. Buchanan read the description of the requirements for the lot the tower should be located upon. Mr. Bolick suggested we come up with a definition for a wooded lot. Penny VonCanon moved to offer the following definition for wooded lot: A wooded lot consists of low to high density forest with an understory of shrubs and herbaceous plants with a mixture of deciduous and evergreen trees with 50 percent of the trees being 35 to 50 feet in height. Trees on the lot cannot be used for agricultural purposes. BR Hoffman seconded the motion. The vote was unanimous and the motion carried.

Of the other questions, the discussion on setting a bond amount for the removal of a tower should it become obsolete or damaged. Martha Laura Miller moved to add the wording that the Board of Adjustment should require a bond at the time of the permit hearing of an amount to be determined by said Board upon proof of what it would cost to remove the particular tower being discussed. Penny VonCanon seconded. The vote was unanimous and the motion carried.

The question of a 200' setback was discouraged by the Town's Attorney since not many parcels could provide a 200' setback on a 4 acre wooded lots. The attorney advised that no many lots are a perfect square and this could prove extremely difficult to uphold. On increasing the filing fee, the Attorney said the Board would need some justification in order to raise the fee to \$7,500. Allen Bolick said he would come back to the Board with a detailed justification for raising that fee at a future date.

Buffers – Text Amendment to the Zoning Ordinance

Ms. Buchanan suggested adding text to Section 704 (a) that reads: *Buffer yards are required to use a mix of evergreen and deciduous trees as well as shrubs. This allows for a more natural setting and doesn't limit the design to one type of plant that could become diseased and perish, leaving open gaps. All buffer yards are to be maintained and any dead plants are to be replaced as soon as possible.*

Penny VonCanon suggested the removal of dead plants immediately and the question of as soon as possible and its interpretation was voiced. It was decided that dead plants would be removed immediately and that replanting would be done as soon as weather permits. Martha Laura Miller moved to approve the suggested addition with the changes noted. Meredith Olan seconded. The vote was unanimous and the motion carried.

Miscellaneous discussions

Joann McMurray introduced herself as the President of the Banner Elk Chamber of Commerce and addressed the Planning Board about why balloons are not allowed. Joel Owen stated that he did not see a problem with balloons, but remembered why the ordinance included balloons in the prohibited section. Businesses were allowing the balloons to deflate and hang around for a couple of days, causing the Town to look bad. There was also an instance where balloons were blowing into oncoming traffic. Windy days can cause a problem with balloons, with no attention from the business owners. Joann McMurray said she would love to be able to use them during certain celebrations, like a grand opening or 4th of July. Ms. Buchanan stated that other local towns name the specific events they allow certain items like this to be displayed. After much discussion, no decision was made to change the ordinance regarding balloons. Joel Owen said he wouldn't be opposed to seeing a youngster or two with a balloon tied to their wrist.

Temporary Event Tents

Ms. Buchanan asked about tents that might be used for an event, like serving food at the Flat Top Brewery on the weekends. The Planning Board was not opposed to this but did not want to see a tent up all the time, like the one at the Banner Elk Car Wash. Cheryl Buchanan admitted that

she had spoken with Allen Bolick and he thought it would be alright to allow the tent there for the summer and she agreed. Ms. Buchanan will call and talk to the owner of the car wash about this.

Children's Hope Alliance - Sign Colors

Ms. Buchanan said that she did not bring the sign colors up again because Bill Dicks told her that Olde Century Quilts is coming out with a new color chart with some new colors. She will bring one for the Board when they arrive. In the meantime, the colors for Children's Hope Alliance looks much better and was acceptable to the Board.

Potential Rezoning of the George Heaton Property on Main Street East

There is a buyer who is interested in the property but would like to sell his craft from the house and live there too. Ms. Buchanan said that fits nicely with the Land Use Plan and felt that the property would be fine for rezoning to C-1P. The Board was in agreement that this would be a good use of the property and would favorably consider rezoning the property.

With no other material for the meeting, Penny VonCanon moved to adjourn. Meredith Olan seconded the motion. Everyone was in agreement and the meeting came to a close at 8:14 pm.

Respectfully,

Cheryl Buchanan, Zoning Administrator.