

BANNER ELK PLANNING BOARD  
MONDAY, 01 APRIL 2013  
MINUTES

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

Staff Present: Cheryl Buchanan

Others Present: Susan Brown, Charlie VonCanon, John Wright

Chairman Joel Owen called the meeting to order at 6:02 pm. A quorum was present and the chairman opened the meeting with the pledge of allegiance to the flag.

Approval of the Agenda

Penny VonCanon moved to approve the agenda as provided. Allen Bolick seconded. The vote was unanimous and the motion carried.

Consideration of the February 2013 Minutes

Allen Bolick questioned the correctness of the use of the “panel” to refer to a group of panels. Zoning Administrator Cheryl Buchanan looked this up and the meaning was given as such: a solar panel is a packaged, connected assembly of photovoltaic cells that are usually group together as several cells held together by a metal frame.” So a panel is a group of photovoltaic cells and usually these panels are grouped together into a larger frame. One unit can equal several panels. Mr. Bolick said he thought we needed to clarify this in our ordinance and the January 2013 minutes.

Penny VonCanon moved to recommend Town Council call for a Public Hearing to amend Section 315 and the reference to panel and panels and to reflect the change to the January 2013 minutes. Jillian Rosato seconded. The vote was unanimous and the motion carried.

Rezoning Request from Mr. George Meyer – 600 Old Turnpike Road

Attorney John Wright was present to represent Mr. George Meyer who is not well at this time. John Wright said this building was once Big Bear Rock Shop and was later sold and turned into an office space for Silver Springs Farm. Currently they have space for 8 offices. When asked if they had adequate parking, Mr. Wright answered yes, on both sides of the building. The zoning is currently R-2, but this particular lot is contiguous to a C-2 zoned parcel where Banner Manor Mini Storage is located. The building was initially a barn and although it has been remodeled, is not fit for a residence.

There was a discussion about the permitted uses under the C-2 and how they would be allowed if rezoned. Allen Bolick asked about creating a new zoning district called the Commercial-Office District in which the only uses would be that of office type businesses. Mrs. Buchanan said the process involves calling for a public hearing that will be published in the paper. Also, the Town is required to contact each adjoining property owner about the rezoning request by certified, return receipt mail and they will have a chance to speak to Town Council before the final decision.

Martha Laura Miller said she wasn't too concerned on what could happen on such a small tract (0.462acre) and that she would support the change to C-2. Ann Swinkola said she agreed and moved to recommend that Town Council call for a Public Hearing for this rezoning request. Martha Laura Miller seconded her motion. The vote was unanimous and the motion carried.

### Discussion on Signage

The first discussion came from a request made by a Town Council member for the Planning Board to once again discuss allowing the use of sandwich board signs. No more information was given with this request so the Planning Board asked Councilman Allen Bolick if he could elaborate about what the council member was looking for. Mr. Bolick said this member was looking for a way to help the businesses in town draw more attention to himself or herself. The Planning Board felt that this was an open-ended request that was not very specific. The Board discussed how this might affect traffic on the sidewalks downtown, the possibility of overcrowding of these signs, and said that they had visited this same topic at least five or six times without any change of mind.

Jillian Rosato moved to again reiterate to Town Council that no sandwich board signs would be allowed. Penny VonCanon seconded. The vote was unanimous and the motion carried.

The second discussion was on the use of the term "natural materials" in Section 600 under (a) *allowed*. The sentence reads: "*Supports constructed from rock, brick, other natural materials, or wood posts.*"

Because "other natural materials" can be a wide-open topic of materials to mean many different things that are not in harmony with the intent of the ordinance, the Board felt it would be best to remove this part of the description.

Ms. Buchanan said that she had also been approached about brass letter being used on a sign instead of wood. The applicant said that brass would last longer. Once again the Board commented on the intent of the ordinance. Section 600.1 states: "*Material and craftsmanship should be in harmony with the natural and mountain character of the surroundings.*" The board's argument is that aluminum, although the third most abundant element in the earth's crust; is not lying around as part of the scenery of Banner Elk and therefore would not fit into the "mountain character." Brass, as well, is an alloy, or combination of copper and zinc and is not lying around either.

With that being said, Penny VonCanon moved to make a recommendation to Town Council to call for a public hearing to amend the sign ordinance in order to remove the term “other natural materials.” Allen Bolick seconded the motion. The vote was unanimous and the motion carried.

#### Setbacks in the Heritage Overlay District (HOD)

Zoning Administrator Cheryl Buchanan said that in a recent Preserve America Commission (PAC) meeting, Lees-McRae College’s School for Nursing and Allied Health came before the commission with a preliminary review. The front setback in the Medical/Educational Zoning District is 35 feet. However, in the HOD, the front setback is 15 feet. The HOD Zoning District takes precedent over the Medical/Educational because it is the stricter of the two. The PAC felt that the setback for the HOD would allow a very large building to sit 15 feet away from the sidewalk that runs along Highway 194 or Main Street West. The Planning Board talked about the possibility of making the requirement a 15-foot minimum, but eventually it was decided to change the HOD setback to a 35 foot maximum. Depending on the project, a smaller retail building could sit closer to the sidewalk or road, but larger buildings would have the option to set back farther.

Penny VonCanon moved to recommend Town Council call for a public hearing in order to amend the ordinance to adjust the setback from 15 feet to 35 feet maximum. Martha Laura Miller seconded her motion. The vote was unanimous and the motion carried.

In talking about LMC’s new project, it was proposed that solar panels on the roof might possibly be a component of the school’s request. Currently the ordinance requires screening from road traffic. Section 315.3 of the Alternative Energy Ordinance refers to Section 502.3 (a) about Roofs that reads: “*Screen rooftop mechanical, electrical, and energy equipment from the view of people on the street.*” Most Board members believe that Banner Elk’s progressive alternative energy ordinance might use some help. Perhaps solar panels being seen on a roof are not as objectionable as it was when it was first discussed. The Board agreed that the reference to screening rooftops should only apply to flat roofs and that those projects that will run parallel with the roof would be acceptable. Ms. Buchanan told the Board that the workers from the Banner Elk Pharmacy project said that these panels come in different colors and the framing can be black. These two differences would certainly help blend with any rooftop materials.

Ann Swinkola moved to recommend to Town Council to call for a public hearing to amend the ordinance in reference to solar panel(s). Martha Laura Miller seconded. The vote was unanimous and the motion carried.

With no further business, Penny VonCanon moved to adjourn. Ann Swinkola seconded. The vote was unanimous and the meeting came to a close at 7:29 pm.

Respectfully Submitted,  
Cheryl L. Buchanan, Zoning Administrator, Town of Banner Elk