

BANNER ELK PLANNING BOARD
MONDAY, 06 MAY 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: Heather Bender and William Mauney, Rebecca Bolick, Dick Evans, Bret Gardella, Jon & BR Hoffman, Brenda Lyerly, Aaron Maas, Beth Marlowe, Mark Minor, Nathan Paris, Fred Schmitt, Ted Silver, Robert Tufts, Charlie B. VonCanon

Chairman Joel Owen called the meeting to order at 6:00 pm. A quorum was present and the chairman opened the meeting with the pledge of allegiance to the flag.

Approval of the Agenda

Chairman Owen said that he had been asked to amend the agenda at the beginning of the meeting. Zoning Administrator Cheryl Buchanan asked that LMC be removed and Mark Minor put in its place. Jillian Rosato moved to approve the amended agenda. Ann Swinkola seconded. The vote was unanimous and the motion carried.

Consideration of the April 2013 Minutes

With no changes noted, Martha Laura Miller moved to approve the minutes as written. Allen Bolick seconded. The vote was unanimous and the motion carried.

Conditional Use Permit Application – Nathan Paris – Micro-Brewery

Zoning Administrator (ZA) Cheryl Buchanan offered to introduce this application. Mr. Nathan Paris has made application to the Town of Banner Elk to allow a microbrewery in a commercially zoned district. The name of the business is proposed to be “Flat Top Brewing Company, LLC” and will be located at 567 Main Street East. Under the provisions of Section 923, Mr. Parris has met all the requirements as well as the remainder of the ordinance and staff supports this application (See attached review summary).

Penny VonCanon asked about the current landscaping and Mr. Paris told her what was currently in place. Mrs. VonCanon said she might like to see some added and replaced landscaping. Mr. Paris told the Board that he had thought about building a planter box around the bottom of the sign area and use that as well. Mrs. VonCanon observed that there is a welding business beside the microbrewery site and asked if this could potentially be a problem. Mr. Paris answered that it would be for a distillery but not a

brewery. Mrs. VonCanon mentioned signage and ZA Cheryl Buchanan said it was in the packet and shared hers with the board. Ms. Buchanan said that Bill Dicks is making the sign and that the colors will match exactly as they are on our paint color chart.

Ann Swinkola asked if the new location allowed for more flexibility with Mr. Paris' new venture? Mr. Paris said he has more floor space and a separate area for tasting. Mr. Paris said he does not plan to serve food, but customers that come there to eat can have a takeout order picked up for them by his staff and there will be a place for them to eat and drink beer. Now that he is out of the Incubator; he is not limited to just 2oz. tasting and he will be able to sell his product by the pint. Mr. Paris also said that his hours of operation will be from 2:00 pm till 10:00 pm and that he plans to be closed on Sunday.

Martha Laura Miller suggested to Mr. Paris that he might want to reconsider not being open on Sunday as a lot of events bring large crowds to Banner Elk on Sundays and this could potentially hamper his business. Mr. Paris said he had no problem being open on Sunday; he just wanted to please the people of Banner Elk. Allen Bolick said he thought the decision to be open or closed should be left to management.

Ann Swinkola asked about his plan for educational involvement. Mr. Paris said yes, he still plans to be open to the public when they are brewing and that he would post times and dates for tours of their operation. Allen Bolick stated that lots of wineries in the area have bands and did Mr. Paris think he might follow suit? Mr. Paris said he had thought about allowing this as long as he was made aware of the ordinance on noise. Mr. Paris said he would also like to become a sponsor of the Thursday night concert series.

Penny VonCanon moved to recommend approval to the BOA for Mr. Paris and the Flat Top Brewing Company, LLC. Mrs. VonCanon placed one condition on the CUP, that the Zoning Administrator, once completed, approves the additional landscaping. Ann Swinkola seconded. The vote was unanimous and the motion carried.

Request for Approval of an Addition – Mark Minor

ZA Cheryl Buchanan reviewed this application with the requirements of the ordinance (see attached summary sheet). Staff recommended approval of this project.

Mr. Mark Minor told the Board that he has two businesses at 176 Shawneehaw Avenue. The first is Heritage Realty and the second is My Best Friend's Barkery, a store for pets. Mr. Minor said that the Barkery has outgrown itself and needs more space. Mr. Minor is asking for approval to enclose his back porch to allow for more selling space. Mr. Minor said that he would be using the existing footprint of the building, that the foundation is still good and plans to use the same roof area as well. The outside materials will match the existing building and the added space at the back of the building will have a door and two windows.

With no more questions, Penny VonCanon moved to approve. Jillian Rosato seconded. The vote was unanimous and the motion carried.

Conditional Use Permit Application – Avery County – Incubator

ZA Cheryl Buchanan reviewed the CUP application as well as her summary of the review of this project in relation to the zoning ordinance with special care being given to Section 922 on Incubators. Through Joel Shipley of David Patrick Moses Architect, Avery County Economic Development Director Bret Gardella has made application and met all the requirements for Section 922 for an Incubator in the M/E zoning district. The review is included for the edification of the Planning Board and BOA. (Please see attached review).

Penny VonCanon asked about the remodeling of the bathrooms. Mr. Gardella said they are not essential to the opening of the Incubator and can be remodeled later on. Mr. Gardella said that the two main items that need to be addressed is installation of a fire suppression system and the ADA accessible ramp and that once these were completed; the Incubator could be open for business. Mrs. VonCanon asked if there was some reason the basketball court could not be kept. She informed all present that this used to be a dance floor in the summertime as well. Mr. Gardella answered that the insurance company has said it is a liability and that they would not cover it if someone were hurt. Mr. Gardella said he was donating the goal posts to the Town to put somewhere in the Park.

Martha Laura Miller asked about the green space and would it be made available to the public? Mr. Gardella said it is available to the public now when not in use for a special event. Mr. Gardella said there are people out there very often and the only time he ran anyone off was when they were riding four wheelers and tearing up the grass.

Ann Swinkola asked about potential tenants. Mr. Gardella said that because of the political atmosphere at the County level, some have backed away from the project to see where this is all leading. Mr. Gardella said that once they are open and can begin marketing; people will see that this is really going to happen and he believes that will restore some faith in those who expressed interest in being a part of the Incubator. Mr. Gardella said that the Intake Committee is in place and are enthusiastic about working on this project. Mr. Gardella introduced Beth Marlowe (present) as one of the members of the Intake Committee. Mrs. VonCanon said they have a small business space for rent right now and since they have been getting the property ready to rent, a steady stream of people have come in to inquire about the space. Mr. Gardella mentioned that Mrs. VonCanon had sent someone to him that was looking for a place to get started.

Joel Owen asked the Zoning Administrator if they could approve this plan tonight without the parking plan being completed. The ZA advised that yes, they could make this one of the conditions with a time limit on the amount of time the County had to complete the parking plan. Bret Gardella reiterated that he was at the mercy of the County Commissioners as far as his budget goes. Joel Owen said he understood that, but a plan is being presented and if the board gives their approval tonight, then that plan must be carried out completely.

Penny VonCanon asked if Mr. Gardella had thought about partnering with some organizations to get this done, like the Tourism Development Authority, Chamber of Commerce, Banner Elk School Committee, or the County with everyone contributing somewhere. Bret Gardella said that the future parking area would be a partnering between his office and the Town. Joel Owen suggested having someone sponsor a part of the landscape, a lamppost for instance. Bret Gardella said he had thought about approaching the Christmas Tree Growers Association for trees. Joel Owen said he thought there was a way to do this.

With no further discussion, Penny VonCanon made a motion to recommend approval of the CUP application for an Incubator in the M/E zoning district with the following conditions:

1. All elements of the plan: parking, lighting, landscaping, solid waste containment center should be completed within the first two years, which is the time allowed for a permit by statute. It was mentioned that it might be possible to come back to the Town to extend that permit if an unforeseen obstacle prevents the County from completing the plan within two (2) years.

Jillian Rosato seconded Penny's motion. The vote was unanimous and the motion carried.

Allen Bolick asked to be allowed to speak after the motion was completed. Mr. Bolick complimented Mr. Gardella on how well he had conducted himself during the recent turmoil at the County Commissioner's meetings.

Chairman Owen asked if there was any further business. ZA Cheryl Buchanan said she had one item she wanted to mention. A peddler had recently visited her office to obtain a permit to peddle seafood within the ETJ of Banner Elk. Ms. Buchanan said she had spoken to the Town's Attorney and looked up the General Statutes on this matter and read a portion to the Planning Board. She asked the board not to be surprised when they begin seeing some of these activities, as some, such as seafood, are exempted by the State.

With no further business, Jillian Rosato moved to adjourn. Penny VonCanon seconded. The vote was unanimous and the meeting came to a close at 7:35 pm.

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