

BANNER ELK PLANNING BOARD
TUESDAY, 03 SEPTEMBER 2013
MINUTES

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

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

Others Present: Rebecca Bolick, Brenda Lyerly, Derrick Rowley and unknown female, Charlie B. VonCanon

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

Consideration of the August 2013 Minutes

ZA Cheryl Buchanan stated that she found three corrections that needed to be made to the minutes. These were the correction of the last name for Ann Swinkola and Allen Bolick as well as the word "he" vice "eh" on page 5. Martha Laura Miller stated that J. K. Jacobs on page four should be K. J. Jacobs since she personally knows him. Allen Bolick moved to approve the minutes with the noted changes. Ann Swinkola seconded. The vote was unanimous and the motion carried.

Rezoning Request – Banner Elk Volunteer Fire Department (BEVFD)

The request is to rezone an added parcel to the Banner Elk Volunteer Fire Department property recently obtained from Avery County from M/E to G/O to make the zoning in harmony with the remainder of the property, the Zoning Ordinance and the Land Use Plan.

Penny VonCanon moved to recommend to Town Council the rezoning of the parcel obtained from Avery County from M/E to G/O and to submit a parking plan that meets the town's zoning and stormwater requirements. Ann Swinkola seconded the motion. The vote was unanimous and the motion carried.

Request to Amend the Zoning Ordinance Text – Update for the Board of Adjustment

This resolution was prepared by Town's Attorney, Four Eggers, who willing offered to correct the text in order to bring the Town-up-to date with some recent Statute changes. Penny VonCanon moved to recommend to Town Council to call for a Public Hearing in order to give 30 days notice of a proposed change to the zoning ordinance. Ann Swinkola seconded. The vote was unanimous and the motion carried.

Conditional Use Permit – The Great Train Robbery

Derrick Rowley appeared before the Planning Board on behalf of the owner, John Kauffman to request an amendment to their CUP. Mr. John Turchin put the new plans together but could not be present, so Mr. Rowley was chosen to represent the owner. Mr. Turchin is proposing a microbrewery in the front of the section that has been known as the Emporium and would also like to take the booth spaces and make them secure storage spaces for rent. There are a numbered 90 spaces for storage on this plan. Although the total number of parking is reduced by use, Chairman Owens said that he thought they would still not have enough. Mr. Rowley could not answer the questions of how many seats are in the restaurant, does the proposed brewery want a tasting room, where will storage and assembly be, and perhaps there are too many very small storage spaces that won't rent at all. Allen Bolick suggested that they go back and count the number of parking spaces needed for their current use and then see where they need to go down at to make the numbers work. Joel Owen also asked if Insurance would allow them to leave the aisles of the storage area open to the brewery or could that be a liability. Chairman Owen said he felt there wasn't enough information to make a firm decision and that they should consider coming back.

Discussion Items

#1. Food Trucks. Penny VonCanon had submitted a proposal for an ordinance for Food Trucks. The decision as to when they should be allowed in Banner Elk, where and for how long was discussed. The Board discussed their attendance at special events but some members felt that they might like to see them at other times. ZA Cheryl Buchanan was asked to come back with a first draft of the things they like and allow them time to think about the items that were discussed.

#2. Telecommunications Tower Ordinance. It seems there was some correlation made during the recent BOA meeting about how close they are to the airport, what the company can do to disguise the tower (to look like a tree), increase the setback and fall zone so that it is a 2:1 ratio, generators and other equipment must be kept in a building, and etc... There were so many items; the board asked if these could be placed on a checklist that they could look at for their next meeting. Ms. Buchanan agreed.

#3. Outdoor Display of Merchandise. The question to this is how much is too much. The biggest problem facing this request is that one size doesn't fit all. These need to be taken as a case-by case basis and then perhaps approved by the PAC or Planning Board. It was requested that this recommendation come back as a checklist too.

With no further business, Penny VonCanon moved to adjourn. Martha Laura Miller seconded. The vote was unanimous and the meeting came to a close at 8:58 pm.

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