

BANNER ELK PLANNING BOARD
MONDAY, 07 OCTOBER 2013
MINUTES

Members Present: Allen Bolick, John Lavelle, Ann Swinkola, Will Mauney, and Penny VonCanon

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

Others Present: Susan Brown, Nancy Frye, Dan Henry, Mr. & Mrs. Bill Stevenson, Mike Thomas, John Turchin, Charlie B. VonCanon

Chairman Joel Owen could not be present and Vice-Chairman VonCanon called the meeting to order at 6:00 pm. A quorum was present and the Vice-Chairman opened the meeting with the pledge of allegiance to the flag and prayer.

Approval of the Agenda

Vice-Chairman Penny VonCanon asked if there were any changes to the agenda. None were noted and Allen Bolick moved to approve as stated. Will Mauney seconded that motion. The vote was unanimous and the motion carried.

Consideration of the September 2013 Minutes

Vice-Chairman Penny VonCanon noted that Mr. Rowley's first name is spelled "Derek" and that was the only correction she had. None others were noted and Ann Swinkola moved to approve the minutes as submitted. Allen Bolick seconded. The vote was unanimous and the motion carried.

Request for a Zoning Permit – Associated Construction Trades – 444 S Beech Mtn Pky

Zoning Administrator Cheryl Buchanan began with a review of the zoning permit requirements. The request is to construct a new entryway into the building to enhance the look of the building. The owners do not intend to open a business, but want to enhance and resell the property. Several noteworthy items regarding the property were discussed. Below is a list of these items:

1. Adhere to the lighting ordinance. Ask Mountain Electric to remove their light by the road and install one of the Town's Streetscape lamps. Ms. Buchanan said she did not think this was a request we could make since the property is not identified in the Streetscape Plan. As for the light, Ms. Buchanan said this was a security light and was placed there by the electric company for that use and that one of our lights would not be adequate for traffic.

2. Ms. Buchanan mentioned that there is a drainage ditch at the back of the property that appears to drain off onto another property but she wasn't sure where it goes.
3. Concern over the current roof type, which is not allowed in our ordinance. The building appears to have a gambrel roof with a mansard front. The additional entrance will have a pitched roof. The Planning Board would like to see a new pitch roof put on the building. According to Avery County records, the building was built in 1980. It was approved with a CUP for a convenience store with gas pumps. The current roof appears to be the same as the roof on the building when it was built, according to pictures in the file, and I would therefore agree that it had been built according to the ordinance at that time. Because the current building is not expanding its use, I would consider it an existing non-conforming use and leave the roof the way it is.
4. The dumpster site is non-existent. Previous owners have attempted to bring it into conformance, but it is sadly lacking. The new owners understand that a new dumpster enclosure is essential and have agreed to abide by the ordinance.
5. Vice-Chairman VonCanon asked for a calculation of impervious surface. The site plan appears to have the site in line with the ordinance requirements of 60% pervious surface.

Allen Bolick made a motion to recommend approval to the Zoning Administrator for a zoning permit to redevelop the front façade with the above listed conditions. Will Mauney seconded. Ms. Buchanan restated that she would check with the Attorney before asking the owner to make some of these changes for a zoning permit.

Allen Bolick restated his motion, dependant on answers from the Town's Attorney that the project meets with their approval for a new front entrance. Ann Swinkola seconded. The vote was unanimous and the motion carried.

Request to Amend CUP – Great Train Robbery and Indoor Storage

Ms. Buchanan presented a site pan for the proposed indoor storage units and also a parking plan that shows just how many parking places can be accounted for. The total of 109 parking spaces are available. Vice-Chairman VonCanon asked if there was a problem with parking in the back while the garbage truck is coming in and out. Mr. Turchin replied it was not that his cars have been parked back there while they were dumping. Will Mauney asked what the walls would be made of and would they go all the way to the roof. John Turchin answered that they were metal and would be 10 feet tall. Someone asked Mr. Turchin if he was still thinking about a brewery and would there be enough parking. Mr. Turchin answered yes and that there would be enough parking with the current plan.

Will Mauney moved to recommend approval to the Board of Adjustment of the amendment for the conditional use permit. Ann Swinkola seconded. The vote was unanimous and the motion carried.

Final Plat – Lodges at Elkmont

The Lodges at Elkmont is requesting approval for the final plat for their development. There has been some delay due to three streetlights that were on the original preliminary plat but were not included on the final plat. The developers understood that a previous Town Manager had told them they did not need to install the lights. Since then the residents have expressed some concern about how dark it is and they could use the lights for the steep and windy road to the top. Each light is to be located at the end of a cul-de-sac. The lights will not be dedicated to the town and will be maintain by the Property Owner's Association. The developer has agreed to a performance bond for 125% of the amount needed to purchase and install the lights to be held by the Town of Banner Elk for six (6) months. If the work is not completed by then, the Town will cash the bond and make sure the work is done.

Allen Bolick moved to recommend approval to the Town Council with the above conditions. Ann Swinkola seconded. The vote was unanimous and the motion carried.

Lees-McRae College – Zoning Permit – LMC's Theatre Production Studio

Mike Thomas from M&T Construction presented a set of plans for LMC's Theater Production Studio. The Zoning Administrator reviewed the plans for the structure in light of Section 500. Ms. Buchanan noted that there were two parcels involved and she had asked if LMC would consider combining them into the larger parcel. This works well for situating the building and meeting the setbacks. It has allowed LMC to expand their parking lot and enhances the look of the campus. A loading dock will be located at the left rear corner of the building. The landscaping plan incorporates the current greenery with some new landscaping as well. The entrance will come off of the streetscape sidewalk and will match the town's brick pattern. The Architectural Review Committee, who met on Friday, October 4, 2013, reviewed the plans and made a recommendation for approval to the Planning Board.

Allen Bolick moved to approve as recommended. Ann Swinkola seconded. The vote was unanimous and the motion carried.

Discussion – Telecommunication Tower Ordinance Review

ZA Buchanan had made a list of likes and dislikes for review at the request of the Board during September's meeting. In summary, the Board wanted more time to consider the importance of some changes and suggested that perhaps a moratorium would allow them to pull all their thoughts together and give more thought to what is best for Banner Elk and its ETJ. The Town Manager, Rick Owen, told them that he would contact the Town's Attorney about the moratorium for the purpose of reviewing our ordinance. The Board also agreed that they would be willing to have a special meeting where all that was discussed was cell towers.

Ann Swinkola made a motion to request Town Council consider a moratorium in order to allow more time to consider revisions to our ordinance on cell towers. John Lavelle seconded. The vote was unanimous and the motion carried.

Mobile Food Truck Vendors

After much discussion, the Board agreed to several items and the Zoning Administrator believes she has enough information to draft an initial ordinance for review. The one objective that the Town Manager asked the Board to consider is to not put any additional burden on the Town to monitor and keep up with the legality of the food trucks beyond normal work hours. An initial draft will be reviewed in the November meeting.

Outdoor Display of General Merchandise

Vice-Chairman VonCanon began by saying it is difficult to write an ordinance on something that cannot be described as “one size fits all.” It is simply impossible to compare each business in the immediate downtown area as to size of business compared to size of merchandise. As long as you allow 19 smaller items from one store, it may not be feasible to allow 19 larger items of another product. For example: Edge of the World displays one of its rafts each summer. If the ordinance was written to allow no more than say nine (9) items, then 9 rafts could take up all their parking area.

It was ultimately decided that this should be a landlord-tenant discussion with perhaps a letter from the Town urging them to discuss the amount of inventory that could be displayed.

With no other business, Ann Swinkola moved to adjourn. Allen Bolick seconded. All were in agreement and the meeting came to a close at 9:10pm.

Sincerely submitted,
Cheryl L. Buchanan, Zoning Administrator