

BANNER ELK PLANNING BOARD MEETING
MONDAY, 06 MAY 2019
MINUTES

Members Present: Aaron Barlow, Allen Bolick, Jacki Lecka, Meredith Olan, Joel Owen, Penny VonCanon

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

Chairman Joel Owen called the meeting to order at 6:02 pm. Mr. Owen opened with the pledge of allegiance to the flag.

Consideration of the March 2019 Minutes

Penny VonCanon motioned to approve the minutes for the March 2019 meeting as submitted. Meredith Olan seconded the motion. The vote was unanimous and the motion carried.

Old Business

High Country Council of Governments – Mapping for Pedestrian Plan Update

Phil Trew and Jessica Welborn were in attendance to present an updated map for the Pedestrian Plan. Mr. Trew's attendance in February led to the Town asking the HCOG to take a look at the current maps and consider updating them to reflect the portions already built and to look at expansion for future development. The new map shows the pedestrian sections that have been built and newly proposed sections that will be considered in the future. Phil Trew stated that this new map will be a great planning tool, that when NCDOT's widening project for Highway 184 happens this could give the town some leverage for future pedestrian pathways. Additionally, it could help with grant funding for some of the proposed pedestrian pathways.

A few adjustments are going to be made and then the map can come back to the Town for approval. Aaron Barlow moved that once the changes have been made as requested in this meeting and approved by staff, Town Council should call for a public hearing to amend the Pedestrian Plan with the updated map. Penny VonCanon seconded the motion. The vote was unanimous and the motion carried.

New Business

CUP Request – Hardscapes by Dave McManus

Zoning Administrator Cheryl Buchanan introduced this topic with a detailed review of the project. Ms. Buchanan reviewed the zoning, setbacks, recombining the three lots into one, addressing stormwater and the percentage of impervious surface allowed for this particular zoning district. She further went over parking requirements, lighting, signage, fencing, solid waste removal, landscaping requirements, and additional ingress and egress needs. Ms. Buchanan asked the Board to consider three conditions: 1) that the three lots be recombined into one parcel to avoid potential

problems with setbacks, 2) the stormwater plans need to meet the requirements of the ordinance, and 3) NCDOT approval is obtained before they can begin widening the entrance.

Town Manager Rick Owen stated that he had temporarily agreed to allow a new ingress and egress off of the Beech Haven Street allowing for a second entry/exit, but would like to have the Town's engineer look at this and make sure that the street can support heavier traffic. Mr. McManus asked for this second ingress and egress off of Beech Haven Street to help with delivery of materials by a tractor trailer, allowing a truck to pull into one entrance and leave via the other entrance, making a loop through the property. Rick Owen asked that this also be made a condition of the approval.

Meredith Olan moved to recommend approval to the BOA with the four conditions listed in the text above. A second by Penny VonCanon and the vote was unanimous. The motion carried.

Timing of Permits – A Request for Review

Zoning Administrator Cheryl Buchanan brought a request to the Planning Board asking for consideration of timing of permits; an issue that came to the BOA in March. Ms. Buchanan was asked by the BOA to bring this before the Planning Board for clarification. She began by reviewing time limits in Section 1110, a vested right in Section 107 and the time limit of a telecommunications tower, which is part of the Zoning Ordinance, illustrating that each entry had a different time period requirement. Ms. Buchanan also presented some information on area ordinances and their timing of a permit. Ms. Buchanan's conclusion was that there is no set requirement for 6 months and asked the Board to consider adding a caveat to the permit timing in Section 1110 allowing for a vested right if requirements of the state statute have been met, hoping to clear up any future misinterpretation.

The Planning Board felt this was above their "pay grade" and deferred to legal counsel to help clear up this issue. No decision was reached with regard to this matter.

With no further business, Penny VonCanon moved to adjourn with a second by Meredith Olan. The vote was unanimous and the meeting came to an end at 7:37 pm.

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