

BANNER ELK PLANNING BOARD MEETING
MONDAY, OCTOBER 07, 2019
MINUTES

Members Present: Aaron Barlow, Allen Bolick, 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 6:00 pm. Mr. Owen opened with the pledge of allegiance to the flag.

Consideration of the September 2019 Minutes

Penny VonCanon motioned to approve the minutes for the September 2019 meeting as submitted. Allen Bolick seconded the motion. The vote was unanimous and the motion carried.

Old Business

M/U and Height of Building Requirements

Ms. Buchanan reviewed this topic that was presented at the August meeting with a second review in September at which the Town Attorney, Stacy C. Eggers, IV attended in order to advise the Board on the verbiage for the ordinance amendment. The text before the Board this night is a result of those meetings along with some back and forth e-mails between the attorney and the Board members.

Meredith Olan asked about #3 and the wording “average point” of adjacent ridgelines and how that differs from the highest to the lowest point. Ms. Buchanan interjected that the definition of a ridgeline is the highest point formed between two slopes, concluding that the points must be adjacent. Meredith Olan asked what adjacent meant. Aaron Barlow said adjacent means next to each other.

Meredith Olan motioned to recommend approval to the Town Council to call for a Public Hearing to amend the Zoning Ordinance. Penny VonCanon seconded. The vote was unanimous and the motion carried.

New Business

Landsdowne Village, LLC – Mixed Use Planned Commercial Development

Zoning Administrator Cheryl Buchanan asked if the Board wanted a review of the entire project or just the items that are outstanding. The census was for the outstanding items. The outstanding items were:

1. Several notes were either wrong or not related to this project and were listed as: Sheet C-1.0, note #26, Sheet C-3.0, development summary reference to # of seats in restaurant, Sheet C-3.2, rental cabins are not shown as conveyable property, Sheet C-4.1, illustrates two streams and questioned if they are viable streams and are not shown on the plans with the cabin units, and Sheet C-4.1, note #11 does not pertain to this project, see note #19 instead.
2. The ability of the developer to convey cabins to potential buyers;

3. The right-of-way for Mr. Gentry issue must be resolved before this project can go to the Board of Adjustment,
4. Retaining walls will need to be accompanied by a certified engineer's sealed plans if taller than 8 feet,
5. A question on when the detention tank will go under the newly proposed parking lot for the office buildings,
6. Consideration of a performance bond to insure the infrastructure will be finished.

Ms. Buchanan asked Mr. Cuff about the "rental" cabins and if he had intentions to sell any of them. He answered that this was a consideration. Ms. Buchanan questioned his ability to convey property that is part of a planned development. Mr. Cuff and the people he brought to the meeting asked for a brief time to leave the meeting and have a discussion outside of the Planning Board meeting. While they were gone, the Planning Board moved on to the next topic of rezoning.

David Jennings – Rezoning Request

Mr. Jennings was not present for the meeting and Ms. Buchanan offered to speak on his behalf. She began by telling the Board that Mr. Jennings is purchasing the adjoining property from Mr. Robbins and that Mr. Robbins had refused to sell the property to the Mr. Adkins of Valley View Subdivision next door. Mr. Jennings plans to expand his existing business to this property and recombine the two lots into one. Both parcels are being offered for rezoning. Ms. Buchanan reminded the Board that this is in line with the Land Use Plan for expanding commercial properties along major thoroughfares, as was done with Jim Ward earlier in the year. Ms. Buchanan said she received a call from Carson Fisher, NCDOT confirming that he was issuing a driveway permit for Mr. Jennings and recommended that he enter from Old Turnpike Road and exit onto Highway 194 stating that this gives a better line of sight for the large trucks pulling onto Highway 194.

Ms. Buchanan was asked to leave the meeting in order to attend the other meeting taking place in the building with Mr. Cuff. The Board continued to discuss this project. Upon returning, some members said they felt that this would create more traffic on Old Turnpike Road, but others argued that it would lighten the traffic because they would only enter and not exit onto Old Turnpike Road. Additionally some members argued that the property was more along Old Turnpike Road than Highway 194 and could be a potential problem for home owners of the adjoining properties. Joel Owen said he felt like this is what the public hearing would be for, an opportunity for the adjoining property owners to be able to voice their concerns.

Penny VonCanon motioned to recommend to Town Council to call for a public hearing on this rezoning. Joel Owen seconded. The vote was Joel Owen and Penny VonCanon for and Allen Bolick, Aaron Barlow, and Meredith Olan against. The motion did not carry.

Continuation of the Landsdowne, LLC Review

Ms. Buchanan said she would need to touch base with the Town's Attorney on how they can build cabin units that they can then sell and get back to them with the information. Aaron Barlow asked about the recommendation of a performance bond and what that entails. Ms. Buchanan said this is a standard whereby the developer provides a letter of credit to the Town in case they are unable to finish the installation of infrastructure. Ms. Buchanan said it is allowed per state statute and is for infrastructure only.

Meredith Olan motioned to recommend approval to the Board of Adjustment for Phase 1 of the Landsdowne project with the following conditions:

1. The requirement of a Performance Bond determined by the Town Manager,
 2. The legal issue with Mr. Gentry is formalized, and
 3. Questions by Derek Goddard on stormwater are answered to his satisfaction.
- Allen Bolick seconded. The vote was unanimous and the motion carried.

With no further business, Penny VonCanon moved to adjourn with a second by Aaron Barlow. The vote was unanimous and the meeting came to an end at 7.10 pm.

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