

BANNER ELK PLANNING BOARD MEETING
MONDAY, MARCH 01, 2021
MINUTES

Members Participating to the Zoom Meeting: Aaron Barlow, Ray Knowles, Meredith Olan, Joel Owen, Penny VonCanon

Others Participating: Angelo Accetturo, Valerie Cogdill, Gary Davis, Robert Grasso, Chad Carpenter, Johnny Connolly, Susan Brown, Trevor Brown

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

Due to the Covid-19 Pandemic and the restrictions placed on the State of North Carolina in conducting public meetings, the Planning Board meeting for March 2021 was conducted via Zoom audio and video. Chairman Joel Owen called the zoom meeting to order at 6:04 pm; noting that Aaron Barlow, Ray Knowles, Meredith Olan, Joel Owen, and Penny VonCanon were present for audio and video. A quorum was present, and the meeting was called to order.

Consideration of the January 2021 Minutes

Penny VonCanon motioned to approve the minutes for the January 2021 meeting as submitted. Aaron Barlow seconded the motion. The vote was:

Aaron Barlow – Yea

Ray Knowles – Yea

Meredith Olan – Yea

Joel Owen – Yea

Penny VonCanon – Yea

The vote was unanimous, and the motion carried.

Old Business

New Business

Special Use Permit Request – Angelo Accetturo – Notting Hill Planned Residential Development

Zoning Administrator Cheryl Buchanan opened the discussion with a review of materials that were provided in the packet for this project. The project consists of 4.130 acres in the Corporate Limits of Banner Elk. The property is also located within the Heritage Overlay District where special guidelines apply. The property has some steep slopes, but the portion planned for residential housing is not considered steep. There is a large concentration of existing vegetation that the developer would like to preserve as a natural buffer. The proposed Planned Residential Development (PRD) is for ten (10) single family homes with a private street, sidewalks, and streetlights. The ordinance is very specific about the type of design and materials the sidewalks and lights should be. It should be noted that there is a variance request for Lot 9 asking that a corner of the residence be allowed in the 15 ft. setback. The reason for this is to prevent the shifting of the development into the steep slope area.

You will find a master site plan and landscaping plan prepared by Bob Grasso of Land Planning Collaborative from Asheville. There were also a complete set of grading, utilities, and stormwater

plans by Gary Davis of Davis Civil Solutions from Asheville as well. Derek Goddard prepared a report on the stormwater review and has asked that two requirements be made part of this request. The first was prior to construction the owner shall provide a PE sealed Geotechnical report that indicates the elevation of the seasonal high-water table and adjustment of the treatment design on site if necessary. The report and changes must be approved by the Town. Second, the engineer shall certify that the stormwater treatment system meets the requirements to reduce thermal pollution. Additionally, David Poore of West Consultants in Morganton has reviewed the plans for utility connections and has approved the proposed connections.

The property has requested access off Old Hotel Drive and has petitioned the town for approval for that access. The access crosses a parcel belonging to Downtown Development and the Zoning Administrator has asked that they deed this parcel to the Notting Hill Development to prevent any problems with ingress and egress in the future. In looking at the calculations for impervious surface in the Cottages, where Downtown Development was the developer, the percentage of impervious surface will be reduced by 9% keeping The Cottages within the require percentage of 40% impervious surface as required by the Zoning Ordinance.

Regarding the Steep Slope ordinance, the Zoning Administrator also reviewed the Banner Elk Land Use Plan for soil types in that area and found that the types of soil are acceptable for development allowing that most of the current vegetation remains with some additional landscaping being added for good measure. The single-family homes being proposed are high end homes beginning at \$500,000 and upwards. They have been referred to as “townhomes” allowing for the purchaser to own around the drip line of the house and the front yard. The residences are proposed to have garages as well. There will be a Property Owners Association (POA) in place to care for the maintenance of the remaining property. Trash pick-up will be made available through Republic Services.

The following discussions ensued among the board members and adjoining property owners:

Joel Owen asked about the term “townhomes”. Bob Grasso explained the owner would retain control of the drip line and the front yard to the sidewalk, while the POA would control the remaining property. Mr. Owen asked about the retaining walls. Bob Grasso stated that there will be three retaining walls. The first would be near the entrance of High Lowe Lane, the second would be behind lot 9, and the third would be at the entrance to Old Hotel Drive. Mr. Owen asked if this would cause a narrowing of High Lowe Lane which might impede emergency traffic accessing the three homes located on that road. Mr. Johnny Connolly said that he believed High Lowe Lane is a town street, but Town Manager Rick Owen said it was not. Bob Grasso said he did not anticipate the retaining wall causing any problems with ingress and egress of High Lowe Lane.

Chad Carpenter, an adjoining property owner expressed concern for the retaining wall that will be located behind lot 9, as it abuts his property. He told the Board that he has children and worries that someone might fall from the retaining wall onto his property. Mr. Grasso said the design has a railing to prevent this type of accident. Mr. Grasso went on to say that the retaining wall will not be visible from Mr. Carpenter’s property. He explained that the elevations, after grading, would be 3752 feet for the finished floor of the house on Lot 9 and the grade of the property across the back of Mr. Carpenter’s property would be 3754 feet. Aaron Barlow asked Mr. Grasso what would happen to the dirt that would be graded on site. Mr. Grasso replied that about 8 feet would be removed off the top of the knoll and removed from the site.

Cheryl Buchanan asked about the potential dedication of the street, sidewalks, and lights to the Town. Manager Rick Owen sited that with The Cottages, it was done in pieces and this made it difficult for the Town and the POA. Valerie Cogdill said that she was sure that the owner, Angelo Accetturo would want to dedicate all of it to the Town in the beginning.

Chad Carpenter said he was concerned about how many of the trees would be removed from the site. Mr. Grasso said that they plan to leave as many as they could. Penny VonCanon said that she and her husband had walked the site and that a lot of the trees are sick or dying and that she would like to see someone come in a cull these trees to allow the healthy ones to develop naturally. Joel Owen asked how the developer would handle an owner coming in and cutting down trees for a view. Mr. Grasso said that a window could be cut allowing the owner to be able to see. Ms. Buchanan commented that the tree ordinance does not allow that. The ordinance allows a thinning of trees, but not a total cut just for the reason of a view and there are heavy fines for those who do not abide by the ordinance. Joel Owen asked what would prevent someone who was grading to “accidentally” plow down trees for a view and the owner would gladly pay the fine just for the view. Bob Grasso suggested that an arborist, like Tony Hunter, come to the site and mark the trees that should be removed and advise the developer on thinning trees for a view.

Aaron Barlow asked if High Lowe Lane was a public or private road. Ms. Buchanan answered that it is private, and she did not believe that the Town was interested in spending the money to make it a public road when it is serving only three houses. Mr. Barlow then asked who the principal of Notting Hill, LLC was. Ms. Buchanan stated it was Angelo Accetturo. Aaron Barlow expressed some concern with the viewshed and how this development will be seen from Highway 184. Ms. Buchanan said that the landscaping plan that is being proposed uses trees natural to the area and the house plans are in keeping with the “feel” of Banner Elk. Aaron Barlow said this is a concern he would like to see the Board of Adjustment (BOA) take it into consideration. Aaron Barlow also asked about property values, noting the current value and the difference in the price paid for the property. Ms. Buchanan, as Banner Elk’s Tax Collector, said that the Avery County Tax Assessor’s office would be doing revaluations in 2022 and that based on sales in the past year, she believes property values will most likely be going up exponentially.

Mr. Johnny Connolly said he would like to see a second arborist, not from around here, brought in for a second opinion. Ray Knowles said it might not be a bad idea to have the arborist that is chosen to do a tree study.

Meredith Olan said her biggest concern was the rush the Board was put under to review the plans, only having the packets delivered on Friday afternoon. Aaron Barlow agreed and said he had not had enough time to properly review the project. Ray Knowles commented that he had not received a packet as of the time of this meeting. The Board agreed that more time was needed for a thorough review of the project.

Chad Carpenter said he would like to see a traffic study of High Lowe Lane, Banner Road and the extra traffic that would come from this development, noting that it is a dangerous intersection. Johnny Connolly said he wanted to see this project done properly so that it does not set a precedent for any future projects. Meredith Olan said she would like to see a Plan “B” with only 9 houses, losing lot 9 which may require a variance.

With no further discussion, Meredith Olan said she would like to table this discussion until April, allowing for more time to consider the project in depth. Aaron Barlow seconded. The vote was:

Aaron Barlow - Yea

Ray Knowles – Yea

Meredith Olan – Yea

Joel Owen – Yea

Penny VonCanon – Yea

The vote was 5 to 0, and the motion carried.

With no further business, Meredith Olan motioned to adjourn with a second by Aaron Barlow. Everyone agreed and the meeting came to an end at 7:58 pm.

Respectfully submitted,

Cheryl Buchanan, Zoning Administrator, Town of Banner Elk