

BANNER ELK PLANNING BOARD MEETING
MONDAY, MAY 03, 2021
MINUTES

Members Participating to the Zoom Meeting: Aaron Barlow, Melinda Eggers, Meredith Olan, Penny VonCanon

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 May 2021 was conducted via Zoom audio and video. Vice Chair Penny VonCanon called the zoom meeting to order at 6:08 pm; noting that Melinda Eggers, Meredith Olan, and Penny VonCanon were present for audio and video. A quorum was present, and the meeting was called to order. Aaron Barlow joined the meeting after some technical difficulties.

Consideration of the April 2021 Minutes

Meredith Olan motioned not to approve the minutes as submitted. No second was forthcoming. Meredith Olan said she had submitted changes to the minutes that she felt better reflected the tone of the meeting. Zoning Administrator Cheryl Buchanan said she considered Mrs. Olan's edits and went back and listened to the tape a second time and made some changes, but not all of them. Ms. Buchanan said she also received edits from Aaron Barlow and refused to strike out a direct quote from the ordinance and put in his words instead. Town Manager Rick Owen said that the minutes were not a verbatim of what is said at a meeting, but where a general write up of a meeting. Ms. Buchanan added that the most important part was the motions and that they were correctly stated. There was no other motion, and the minutes were not approved.

At this point, Penny VonCanon had prepared a statement that she read to the Board about why she abstained from voting at the last meeting.

Old Business

The remainder of the meeting was spent with discussions on ordinance requirements and possible changes. They are as follows:

Secondary Uses of Low Impact

Ms. Buchanan started this conversation with a reference to Susan Brown's request for a coffee bar and the process she had to go through. Ms. Buchanan asked the Board how they felt about a low impact use that perhaps does not provide seating or require additional parking, such as a coffee bar with prepackaged baked goods. The Board agreed that a low impact use which was non-disruptive to the primary use, with no additional seating, no additional parking, no health code requirements, no dishwashing could be allowed as a permitted use. A motion by Aaron Barlow to make a recommendation to Town Council to amend the ordinance to allow for low impact accessory uses that meet the above requirements to be a permitted use. Second by Meredith Olan.

The vote was:

Aaron Barlow – Yea
Melinda Eggers – Yea
Meredith Olan – Yea
Penny VonCanon – Yea. The motion carried with a 4-0 vote.

Parking for Amusement Parks

Ms. Buchanan told the Board that she had been asked to investigate how other towns handle parking for amusement attractions. Ms. Buchanan said that she put a request out on the NC List Serve for Planner but received no responses. Since Pigeon Forge was mentioned and is probably the closest town with attractions, she looked at their ordinance on-line. Ms. Buchanan had included some wording from their ordinances but did not find any good guidelines that Banner Elk could use. There was some discussion about the Alpine Coaster and the recent application for a miniature golf course. There were factors that were discussed like the maximum number of participants an attraction can accommodate, the number of people who might be willing to stand in line for an attraction, and fire safety code regulations. No action was taken on this topic.

Parking Requirements for Special Uses

Ms. Buchanan said she was looking through the parking requirements table and noticed that it did not correlate directly to the Table of Uses in the Banner Elk Zoning Ordinance. Ms. Buchanan stated that most of the uses are calculated using the square footage of a building. However, what if a building is not the driving factor in the calculation? For example: recently an application was made for a commercial campground. But there are no guidelines for the number of parking spaces that could be required. Should the parking apply to per person per tent, per number of tents and what about other amenities, such as an event barn. **Meredith Olan suggested that the parking could be 1 space for every 2 adults and additional parking for other amenities like an event barn.** Ms. Buchanan said it was hard to anticipate the number of participants for this type of use, that maybe the beauty of the Special Use Permit process is to allow the Planning Board to determine the number of spaces related to the specific use being reviewed.

Ms. Buchanan said that the Table of Uses cannot possibly hold all the potential uses that may occur in Banner Elk at any given time and said with that in mind, the Town's Attorney had crafted the wording for Section 307, which addresses uses not listed in the table of uses. This section says that any use not listed would require a special use permit and should meet certain criteria listed in that section. No action was taken on this and Ms. Buchanan said she was just trying to get a feel for how the Board viewed such uses.

Green Space versus Pervious Surfaces

Ms. Buchanan said that Board that her recollection of the percentage of impervious surface in the zoning ordinance was meant to protect green space. Penny VonCanon said that she had the same understanding. Ms. Buchanan said she put this on the agenda because of a recent case where the applicant was trying to get more out of a parcel than he could manage and was trying to come up with pervious surface solutions that could support parking. Even though he was trying to keep the pervious surfaces in line with the requirements of the ordinance, he was losing valuable green space. Ms. Buchanan said she wanted to get the Planning Board's feeling on protecting



greenspace. Meredith Olan said she wanted to protect greenspace. Other members were also in agreement of this. Ms. Buchanan suggested that perhaps there could be some wording where a percentage of greenspace could convert to pervious solutions if needed while keeping as much greenspace as possible. Several ratios were discussed, but a ratio of whatever the pervious percentage was, up to 30% of that could be used for pervious surfaces other than greenspace, such as pervious pavers or gravel. Ms. Buchanan said she would work on the wording and bring it back to the board for review.

Food Trucks and the Use of Generators

Town Manager Rick Owen said this was a topic he had requested be placed on the agenda, so he would lead the discussion. The current wording in the ordinance does not allow food trucks to use generators. During special events like Woolly Worm or Concerts in the Park revealed that some food trucks needed to be able to utilize a generator to serve the public. During the concerts in the park, the music usually drowns out the noise of the generators. Mr. Owen said he would like the Board to consider amending the ordinance to allow food trucks with generators only on Town property. There was a discussion about allowing generators during festivals which did not exceed 60 decibels. Ms. Buchanan said that the Town would be required to purchase an instrument that could measure decibels. Also, Ms. Buchanan said that while serving on the Avery County Planning Board, there was a demonstration on measuring sound, and she said it is surprising how much noise we experience in an ordinary day. Ms. Buchanan said she would work on the wording and bring it back to the board.

Timing of Board of Adjustment meetings after a Planning Board Meeting

Town Manager Rick Owen said that there had been some timing issues with the BOA meeting after a Planning Board meeting. The Town Manager is proposing delaying the Board of Adjustment meeting until the following month of the Planning Board meeting. This would allow plenty of time for review by the BOA and to allow for advertising. **Meredith Olan said there should be enough time to allow for the Planning Board minutes to be approved before the Board of Adjustment holds the related meeting.** The Planning Board was willing to make that a recommendation for amending the ordinance.

Several Updates

Ms. Buchanan said that Meredith Olan had sent her an e-mail asking for an update on the Banner Elk Mini Storage. Ms. Buchanan said that they had several discussions about the material that needs to go around the facility and that she believes she has found one that will work. Ms. Buchanan said she had sent an e-mail earlier in the day with pictures of what is on the end next to Highway 194. It has a board and batten look and should look nice on this project. The Board consensus was that this would look okay.

Ms. Buchanan mentioned that recently the Village Shoppes had erected a cover over a stage area. She said this was without a permit and has issued a notice of violation to the owner asking that he appear at the June Planning Board meeting for an approval of the structure. Additionally, Stonewalls had recovered their canvas covered patio with a metal roof and added another section, also without approval. Ms. Buchanan said she had also issued him a notice of violation and asked him to appear at the same meeting for the same approval.



Ms. Buchanan said that the upcoming Blind Elk hearing for the Taproom is Thursday before the BOA. Ms. Buchanan said that there has been some concern addressed on bear proof trash enclosures. Ms. Buchanan said the ordinance calls for natural materials, with a chain link fence type door with slats. The Town Park has had the same problem and now has metal containers for their trash cans. Ms. Buchanan said this is not in the ordinance but would like to make some wording that would allow it if it is determined that bears pose a problem in certain areas. Ms. Buchanan said she would bring this back to the Board next month.

With no further business, Aaron Barlow moved to adjourn. Second by Meredith Olan. All agreed and the meeting came to an end at 8:07 pm.

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