

BANNER ELK PLANNING BOARD MEETING
MONDAY, AUGUST 02, 2021
MINUTES

Members Present: Aaron Barlow, Melinda Eggers, Joel Owen

Members Participating via Zoom Meeting: Jacki Lecka, Penny VonCanon

Staff Present and 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 August 2021 was conducted via in person and Zoom audio and video. Chairman Joel Owen called the meeting to order at 6:05 pm; noting that himself, Aaron Barlow, and Melinda Eggers were present and Jacki Lecka and Penny VonCanon were present for audio and video. Meredith Olan was absent from the meeting. A quorum was present, and the meeting was called to order.

Consideration of the July 2021 Minutes

Penny VonCanon motioned to approve the July minutes as submitted. Second by Aaron Barlow. The vote was:

Aaron Barlow – Yea

Melinda Eggers – Yea

Jacki Lecka – Yea

Joel Owen – Yea

Penny VonCanon – Yea. The motion carried with a 5 to 0 vote in favor.

New Business

Rezoning Request – Shaw Kuester – Orchard Lane

Chairman Joel Owen disclosed that it is his company that the Kuester’s landscaper employs to take care of his house and is also the company that worked on the original grading of the property being discussed tonight. Chairman Owen asked if anyone thought this might be considered a conflict of interest, please let it be known. No one present felt that it would be.

Zoning Administrator Cheryl Buchanan stated that this is a request to amend the Banner Elk Zoning Map. The property consists of two lots, 1.850 acres each, across the road from the Banner Elk Elementary. Currently they are zoned C-2, General Commercial. Mr. Kuester is asking for M-U, Mixed Use. In attendance with Mr. Kuester was Bill Dixon, Sean Gorman, and Derek Goddard. Mr. Kuester stated that due to the proximity of commercial and residential properties, he feels the property lends itself to a mixed-use compatibility.

Ms. Buchanan reminded the Planning Board that they are not to consider the specific use Mr. Kuester plans to present later, but to consider all the uses that could occur in that zoning designation. Penny VonCanon asked Mr. Kuester to consider some affordable housing for

working class people. Ms. Buchanan said she would talk to the Town Attorney about how this could become a requirement of housing in general in the Banner Elk Zoning Ordinance.

The members all expressed approval for the request. Aaron Barlow motioned to recommend Town Council call for a Public Hearing for amending the Banner Elk Zoning Map from C-2 to M-U for parcels 1858-1564-2977 and 1858-1564-4972. Seconded by Melinda Eggers. The vote was:

Aaron Barlow – Yea

Melinda Eggers – Yea

Jacki Lecka – Yea

Joel Owen – Yea

Penny VonCanon – Yea. The motion carried with a 5 to 0 vote in favor.

Special Use Permit – Matt Bagley – Grandfather View Miniature Golf

Zoning Administrator Cheryl Buchanan reviewed the previous submission by Matt Bagley for a miniature golf course to be located next to the Banner Elk Car Wash. Mr. Bagley's revised plan was in the packets.

Chairman Owen asked Mr. Bagley what was different in this submittal from the last one. Mr. Bagley said that he had contacted NCDOT for a driveway permit and the new design reduces the width of the current entrance/exit to make it an entrance only. Mr. Bagley said this, along with the elimination of a parking space, allows for cars parked on the north end of the property to back out of their spaces without blocking the entrance. Mr. Bagley said he was also working with a designer for signage that would better direct traffic and pedestrians.

Joel Owen asked about the waterfall and the use of artificial materials and asked Mr. Bagley if he would consider using real rocks to make the feature. Penny VonCanon joined this discussion stating that there are plenty of natural rocks in the area that could be used to make this feature look better. Mr. Bagley said the waterfall is only about four (4) feet tall and is something he would consider.

Aaron Barlow said his concern was that Mr. Bagley was trying to cram too much onto a small piece of property, just .830 acres. Mr. Barlow said he had been watching the traffic in and out of there and when the weather is good, there are a lot of cars coming and going from that site. Adding miniature golf to the mix would complicate the current traffic flow. Mr. Bagley said that when the weather is good, people could play golf and when it was bad, people could wash cars. Aaron Barlow said that when the weather is good, people want to wash their cars and play golf and when it is bad, people would not want to do a lot of either. Mr. Barlow said he had read the BOA minutes and did not feel that Mr. Bagley had adequately addressed the Board's concerns. Mr. Barlow said he felt the idea was a good one and asked if Mr. Bagley had looked at the possibility of other properties.

Joel Owen agreed, saying he did not see both uses working well on that small piece of property. Mr. Bagley responded that he had worked with the NCDOT and engineers with 38 years of experience in designing parking lots and felt that he had provided a good product. Mr. Bagley urged the Board to think "outside the box", that during busy times he could provide a parking attendant to park cars. Aaron Barlow asked about the peak times of the car wash and how many a day that would be. Mr. Bagley could not provide that exact information tonight; but would be

willing look into it. Mr. Bagley said he believed peak times for the car wash was during the months of December through February.

Penny VonCanon said that with the increase in traffic on Highway 184 with no traffic light between Invershiel and downtown Banner Elk, she was concerned about how much traffic this could bring on an already busy road and how difficult it would be for people to pull out of there if it was busy.

With no further comments, Aaron Barlow motioned not to recommend the project to the Board of Adjustment. Seconded by Penny VonCanon. The vote was:

Aaron Barlow – Yea

Melinda Eggers – Yea

Jacki Lecka – Yea

Joel Owen – Yea

Penny VonCanon – Yea. The motion carried with a 5 to 0 vote in favor not recommending this project to the BOA.

Ordinance Amendments – Definitions for Impervious and Pervious Surfaces

Ms. Buchanan said this was in response to the previous Planning Board meeting when the topic of impervious and pervious calculations came up. This expands the definition for impervious surfaces by adding materials considered impervious. Additionally, a new definition for pervious materials is being added with a list of materials that are considered pervious.

Penny VonCanon motioned to approve the text to amend Section 200, Definitions. Second by Jacki Lecka. The vote was:

Aaron Barlow – Yea

Melinda Eggers – Yea

Jacki Lecka – Yea

Joel Owen – Yea


Penny VonCanon – Yea. The motion carried with a 5 to 0 vote in favor of calling for a public hearing.

Ordinance Amendment – Table 308-2 Density Requirements

Ms. Buchanan said this was to help clarify the calculation for lot sizes on single family and multi-family development. In April, this subject was interpreted several different ways by different people. Ms. Buchanan put it out on the list serve for all Planners in North Carolina and surprisingly got a lot of responses. The common thought was that for lots served by town water and sewer, a single-family lot would always calculate to 10,000sf per single family dwelling unit. For multi-family units, the first would calculate at 10,000sf and 4,000sf for each additional unit.

Susan Brown asked if the steep slope pervious surface calculation should be taken out of a lot before this is calculated. Ms. Buchanan answered that no, the lot sizes would be calculated, and each lot would then determine the amount of impervious surface allowed per lot or parcel.

There was some discussion about how Banner Elk needs to control growth. Ms. Buchanan said that the ordinance used to read that a person was allowed to put 4 houses per acre, but when the



economy took a downturn in 2008, the Planning Board stepped back and tried to look at what was important. The Planning Board said green space was most important. The ordinance was reworded to protect a certain amount of green space on a lot allowing for the developer to use the remaining portion to design his project without the Town telling him his building would have to be a specific size. This gives the developer some room to be creative without the Town being too restrictive while maintain Banner Elk's green space.

Penny VonCanon motioned to recommend approval of the ordinance amendment to Town Council for a public hearing. Aaron Barlow seconded. The vote was:

Aaron Barlow – Yea

Melinda Eggers – Yea

Jacki Lecka – Yea

Joel Owen – Yea

Penny VonCanon – Yea. The motion carried with a 5 to 0 vote in favor of calling for a public hearing.

Ordinance Discussion on Commercial Campgrounds

Joel Owen opened the discussion stating that he had received a lot of correspondence relating to this topic from the public. Mr. Owen thanked everyone for their comments, some of which were not very polite, and was asked to read a statement from the 70+ people participating in this discussion (see attached). The request asked the Town to totally remove any reference to a commercial campground, but if they insisted on retaining it, they asked for certain specifications to be considered. Mr. Owen reiterated that this is not about a specific project, that the discussion was about the potential for a commercial campground in general in the zoning limits of Banner Elk. This specific scenario includes tents and popup tents, but no RV's or self-contained camping structures.


In section (a), a discussion ensued about the calculation of 30% versus 70% natural. It was decided that it remain with thought being given for the next reading of this section. Mr. Owen asked that the reference to allowing fire pits at each campsite be held back until the next reading. Ms. Buchanan said that her family camps a lot and they always bring food that can be cooked on a campfire. If they didn't have this, she is not sure that they would want to camp. Penny VonCanon suggested a communal fire pit. Ms. Buchanan then asked if grills would be allowed if a fire pit was not.

In section (b), camp store was removed. Discussion ensued on the purpose of a camp store. Joel Owen said that most properties are close enough to Town to drive to the Dollar General or convenience store if something was needed. Penny VonCanon said some of the necessity items could be made available at the office provided for checking in.

In section (c), "and its accessory use" was stricken from the text. The Planning Board did not want to promote accessory uses.

In section (d) through section (k) no changes other than those proposed were made.

In section (l), stays were changed to 14 days non-renewable with a 30 day wait period to reapply.



In section (m), reference to solid waste ordinance Section 708 was added.

In section (n), text reading “provided based on other amenities on site, such as an event barn” was stricken.

In section (q), it was requested that the measure outlined in this section be required of the site owner through policies set by them. It was also requested that vaccination records be required as part of that policy.

In section (r), this was another request for the site owners to handle through policies for visitors.

An additional section for security needs to be added.

At this time, it was decided that the wording would be modified to reflect the suggested changes and would be considered at the next meeting.

With no further business, Penny VonCanon moved to adjourn. Second by Aaron Barlow. All agreed and the meeting came to an end at 9:05 pm.

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