

BANNER ELK PLANNING BOARD MEETING  
MONDAY DECEMBER 5, 2022  
MINUTES

Members Present: Joel Owen, Melinda Eggers, and Penny VonCanon. Aaron Barlow and Jacki Lecka were absent.

Staff Present and Participating: Zoning Administrator Riley Pudney

Chairman Joel Owen called the meeting to order at 6:00 pm. A quorum was established, the Pledge of Allegiance was conducted, and the meeting was called to order.

**Consideration of October 2022 Minutes**

Chairman Joel Owen asked the Board to look at the August minutes and see if any adjustments needed to be made. With no other comments, Penny VonCanon motioned to approve the November minutes with a second by Melinda Eggers. The motion passed unanimously.

**Special Use Request-Los Nubes Take Out**

Zoning Administrator Riley Pudney explained to the Board that this was a request for an accessory use take out restaurant at the existing Mexican store. She informed them that they were in compliance with the parking requirements and will be updating their grease trap and dumpster site so that it meets the requirements of the ordinance. Penny VonCanon asked if the above ground grease trap will be accepted. Zoning Administrator Riley Pudney said she was not sure and would pass it along to the Public Works department to make sure it meets the requirements of the Town.

Chairman Joel Owen verified that this was for a takeout restaurant and that no additional seating would be added. Zoning Administrator Riley Pudney stated that that was correct. There will be no additional seating added inside the business. She also informed the Board that the owners are aware that they have to come into compliance with their signs and banners.

With no further comments or questions, Chairman Joel Owen motioned to favorably recommend the project to the Board of Adjustment and was seconded by Melinda Eggers. The motion passed unanimously.

**Apple Orchard Tree Permit**

Tony Hunter presented the application and plan to the Planning Board. He stated that they were looking to remove 35 trees and prune around 40. The reasoning to do so is because the developer overplanted the development and did not choose the right trees or location for them. H explained that the project is to remove the trees along the sidewalks due to safety hazards. He believes that the motive is to not create views, but rather to solve health and safety issues of the trees.

Doug Wilhelm, a representative for the Apple Orchard POA was also present. He stated that this was going to be a three-year project and hopes to remove around 10-13 trees a year depending on the budget. He said that they want to work with the Tree Board fully and are open to replanting a percentage of the trees per the Town's request.

Chairman Joel Owen agreed that there needs to be a conscious removal and good stewardship for the area. He suggested replanting trees in common areas away from homes. He also stated that he believes there should be communication between the POA and its residents to go through the proper channels and procedures when it comes to tree removal.

Penny VonCanon asked if the health of the trees is due to sickness. Tony Hunter answered that that was part of the issue, but the main reason is because they do not have room to thrive. Chairman Joel Owen asked how the trees will be prioritized for removal. Tony and Doug agreed that the worst will be removed first and that they will stagger it so that one street is not thinned out. Lastly, Chairman Joel Owen commented that the Cherry trees should not be counted in the allotted 35 due to the significant health risk of those trees.

Due to financial gain, Chairman Joel Owen abstained from voting. Penny VonCanon motioned to approve the application as long as there was good management and stewardship of the tree removal. Melinda Eggers seconded the motion, and it was approved 2-0 with Chairman Joel Owen abstaining.

### **New Commercial-Low Density Zoning District**

Zoning Administrator Riley Pudney introduced the proposal of a new zoning district to the Planning Board. The new district is commercial-low density (C-LD) and would allow for small scale, low impact commercial businesses in more residential rural areas. The term "Adaptive Reuse" was explained as allowing for existing structures to be renovated and turned into commercial businesses. She also stated that this was a very preliminary draft and wanted to get the Board's opinion and thoughts before moving forward.

The Board was receptive of the idea and Chairman Joel Owen said he believed the new district is needed and Penny VonCanon agreed. Zoning Administrator Riley Pudney further explained that this would help implement the land use plan and allow for some development on the 184 and 194 corridors. She told the Board that she will put together a more formal draft for their next meeting to review and send to the Town Council.

### **Staff Updates**

Zoning Administrator Riley Pudney informed the Board of the following updates:

David Woods is still working to come into compliance with the ordinance and requests from the Planning Board. The Town is working with Four to make sure he is complying and builds the building that was approved by the Board.

Holly Ogle's special use request has been postponed as she wants to make the best business decision possible. She is waiting until after the New Year to weigh her options.

The new owners of Dunn's Deli have submitted Sherwin Williams "Urbane Bronze" paint chip for approval for the exterior of the building. The Planning Board approved the color unanimously.

Lastly, Zoning Administrator Riley Pudney informed the Board that there will be no January meeting and to have a great Holiday season.

With no further comments or questions, Melinda Eggers motioned to adjourn the meeting and was seconded by Penny VonCanon. The motion passed unanimously, and the meeting adjourned at 7:17 pm.

Respectfully Submitted,

Riley Pudney, Zoning Administrator and Clerk