

BANNER ELK PLANNING BOARD MEETING
MONDAY, FEBRUARY 07, 2022
MINUTES

Members Present: Aaron Barlow, Melinda Eggers, Jacki Lecka, Joel Owen

Members Participating via Zoom Meeting: Penny VonCanon

Staff Present and Participating: Town Manager Rick Owen, Riley Pudney

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 February 2022 was conducted via in person and Zoom audio and video. Chairman Joel Owen called the meeting to order at 6:00 pm; noting that himself, Aaron Barlow, Melinda Eggers, and Jacki Lecka were physically present and Penny VonCanon was present for audio and video via Zoom. A quorum was established, and the meeting was called to order.

Consideration of the January 2022 Minutes

Penny VonCanon motioned to approve the January 2022 minutes as submitted with a thank you for differentiating between a Planned Residential Development and a Preliminary Plat and the subsequent requirements for each. Aaron Barlow mentioned that he discussed Section 308-2(h) in the Heritage Overlay District as it relates to dimensional requirements in the zoning and asked that that be added. Rick Owen said he would need to go back and listen to that recording to make sure before adding it and suggested tabling the minutes until that could be confirmed. The January minutes were tabled until the March meeting.

New Business

Special Use Permit – Accessory Use – Callista’s Flower Shop

Town Manager Rick Owen presented an application for an accessory use for a coffee bar. Manager Owen said he used the same standards as the Planning Board applied to Susan Brown’s request for the same use. Manager Owen said it was self-explanatory and did not feel the need to go into a detailed explanation of the application.

Chairman Joel Owen said he had never seen a report by the Toe River Health Department and was impressed. Aaron Barlow said he knew this had nothing to do with the requirements of the ordinance but asked if the establishment had a restroom. Manager Owen said it was definitely a health department question and asked Penny VonCanon if she knew if there was a public restroom in the building. Penny VonCanon said there was one, but she did not think it was for public use.

Motion by Aaron Barlow for a favorable review with no amendments of the application. 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.

Rezoning – Bill Moseley – PIN 1858-0529-2890

Manager Rick Owen reviewed the proposal and stated that the owner would like to rezone this parcel to match the two adjoining parcels and then he plans to recombine them into one parcel with some future improvements.

Motion by Aaron Barlow to recommend approval to Town Council to call for a Public Hearing to rezoning the parcel from R-2 to C-1P. 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.

Ordinance Amendment - Section 152.028(b) and 152.029 M-I Zoning District Dimensional Requirements

These reference to dimensional setbacks for the Manufacturing and Industrial Districts were inadvertently left out of the rewrite of the ordinance in 2005. Since the Zoning Ordinance does have a zoning district and an entire table that references uses for this district, the previous zoning administrator felt this should be addressed. Manager Owen said that Attorney Eggers has proposed wording that would address the concerns and bring the ordinance back into line with the rest of the zoning districts. Chairman Owen mentioned that percentage of impervious surface should be addressed as well.

Motion by Penny VonCanon to accept the wording as amended to the Zoning Ordinance. 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.

Discussion with Phil Trew of High Country Council of Government on Land Use Plan Updates

Phil Trew reviewed the changes in statutory requirements for Land Use Plans and said he thought the Town of Banner Elk needed to update their plan to meet the requirements for maintenance of the plan. Mr. Trew said that the previous Zoning Administrator had done a lot of work on it before she left but that some of the sections could be streamlined and he used the transportation section as an example.

On Utilities, he though the capital improvement plan should include the recommendation of that plan, which the Town Manager said should be finished in a month or two. Phil Trew also suggested



developing a water and sewer use policy that addresses fees and connections. Phil said this is a critical part of development that should be mentioned.

For Recreation, the Town is working on a recreation plan and does not need to be reinvented.

For Community Services and Facilities, he recommends getting rid of the whole section. A lot of the services are dealt with by Town Council and do not need to be in the Land Use Plan.

Community Appearances and Design Standards, Phil Trew said he though it should include the Banner Elk School as a community service and address community parking, which is a big need. Recommended a parking study and make the recommendations based on that. Phil Trew asked about the parking guidelines in the Zoning Ordinance and the Town Manager addressed this question. Phil Trew said this section could also further address the Architectural Standards that are in the Zoning Ordinance and any changes the Town might want to make to those.

Natural Environment and Open Space, Phil Trew said that the goal is to protect natural resources and suggested including stormwater regulations and measures.

In the Land Use and Growth Management Section, Phil Trew said this needs to address zoning and whether the Town thinks properties are zoned correctly. Phil Trew suggested going parcel by parcel in case the Town wanted to change the zoning of parcels based on long term goals.

The Final Concept Plan, Phil Trew suggested replacing it with a future Land Use Map illustrating where you want future multi family, where you want commercial, where you want single family to be so that when future requests for rezoning come before the Town, there is a basis for a decision.

Phil Trew suggested beginning by addressing the goals first and then tackling the rest of the information to include citizen engagement.

Ordinance Amendments - Section 152.XXX Short Term Rentals and 152.088(a) Mixed-Use Height Dimensional Requirements

Manager Rick Owen said that he had found two sections in the newly codified ordinance that had not been left out when the codification was done. Mr. Owen could only explain that an older version of the ordinance was somehow used and some of the newer ordinance changes had been left out. The two that he is referring to are the ordinances addressing short term rentals and the adjustment to height restrictions in the mixed-use zoning districts.

Motion by Aaron Barlow to recommend the Short Term Rental to Town Council with a 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.

Motion by Joel Owen to recommend 152.088(a) on Mixed-Use Height Dimensional Requirements to Town Council with a 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.

Manager Rick Owen asked to move the March Planning Board meeting to March 10, 2022. All agreed.

With no further business, Aaron Barlow motioned to adjourn. Second by Jacki Lecka. All agreed and the meeting came to an end at 7:06 pm.

Respectfully submitted,

Rick Owen, Manager, Town of Banner Elk