

BANNER ELK PLANNING BOARD MEETING
MONDAY May 1, 2023
MINUTES

Members Present: Joel Owen, Melinda Eggers, Jacki Lecka, and Penny VonCanon. Aaron Barlow was absent from the meeting.

Staff Present and Participating: Zoning Administrator Riley Pudney and Town Manager Rick Owen

Chairman Joel Owen called the meeting to order at 6:02 pm. A quorum was established, the Pledge of Allegiance was conducted, and the meeting was called to order.

Consideration of April 2023 Minutes

Chairman Joel Owen asked the Board to look at the April minutes and see if any adjustments needed to be made. Penny VonCanon motioned to approve the minutes and was seconded by Jacki Lecka. The motion passed unanimously.

Special Use Request-New Restaurant Town Tavern

Zoning Administrator Riley Pudney explained to the Board that this request for a new restaurant in an existing building. She explained that they are in the C1-P zoning district, so the parking requirement will be based on the amount of seats. She explained that the parking requirement is sufficient with the number of seats. They also have met the refuse and screening requirements along with architectural guidelines. She informed the Board that they have begun discussing upgrading water lines and adding a grease trap with the Town. She stated that the application was complete and sufficient in regard to the ordinance and that if the Board had any questions, she would be happy to answer them. Chairman Joel Owen thanked the applicant for a detailed and complete application and their ability and willingness to work with the Town.

With no further questions, Melinda Eggers motioned to favorably recommend the application to the Board of Adjustment. The motion was seconded by Penny VonCanon and passed unanimously.

David Woods Laundry Mat

David Woods came to the meeting to discuss changes in the approved renderings. Zoning Administrator Riley Pudney explained that the original approved renderings have the required overhang on the rear of the building. Mr. Woods explained that he could not do the rear overhang do to setback issues. Zoning Administrator Riley Pudney said that was not the case. She stated that the overhang would be within the setback and that Mr. Woods explained that the issue was with possible structural issues and the manufacturer did not build the panels long enough for an overhang. Chairman Joel Owen asked if he was aware of the issue of the panels and the setback from the beginning. Mr. Woods stated that he was. He also explained that the project had issues with Avery County as well and needs to have the building sprinkled, and that is why he is behind schedule. Melinda Eggers asked when he thinks the project will be completed, and he stated that the inside will be done in the next 4-6 weeks. Zoning Administrator Riley Pudney stated that he will have to get a CO from the Town before getting approval from Avery and that she will require landscaping, parking, and all architectural requirements to be completed before that occurs.

Penny VonCanon asked why the overhang can't be completed. She further stated that the ordinances are in place for reasons and keep the integrity of the building in mind. Jacki Lecka agreed and further explained that she thinks the building should be completed as approved with the overhangs. She stated that the ordinance is there for a reason and if the Board keeps allowing him to change what was approved, what was the purpose of having an ordinance in the first place.

Town Manager Rick Owen addressed the Board and stated that it is up to the Board to make a decision, but that the ordinance does require an overhang and if Mr. Woods feels that he can't meet that requirement, then he would have to apply for a variance with the Board of Adjustment.

Chairman Joel Owen motioned for the request to be denied and for the Zoning Administrator to continue to enforce the ordinance regarding the overhangs. The motion was seconded by Jacki Lecka and it passed unanimously.

C-3 Commercial District

There is a proposed hotel project that wants to be annexed into Town. The developers were at the meeting and provided the Board with renditions of the building. Town Manager Rick Owen explained that the current ordinance regarding height in the MU district and the required setbacks would restrict the hotel from being built. The Planning Board discussed possible changes to the MU ordinance but was hesitant to recommend changes that could affect other properties. After discussion, the Board and Staff determined a new zoning district might be beneficial. Zoning Administrator Riley Pudney stated she would begin drafting a possible district. The Board agreed to hold special meetings regarding the project.

The Planning Board has had three special meetings over the past three weeks to discuss a potential new commercial zoning district. The discussion began by a request from the Town Council to possibly make changes to the MU district to allow for a potential hotel project to come to Banner Elk. During the March meeting, the planning board determined that changing the MU district would not be wise and discussed creating a new zoning district that would allow for taller buildings along highway 194/184. The board decided to hold three special meetings before their regularly scheduled meeting on May 1st, to draft an ordinance.

The C-3 ordinance consisted of restrictions that would only allow for development on parcels larger than 2 acres, with minimum setbacks of 125 feet from the road, for buildings between 36-70 feet and the project would only be allowed to utilize and development 15% of the property. Throughout the meetings, the Board heard feedback from the developer and the public. Zoning Administrator Riley Pudney reminded the Board that the ordinance is not site specific and should not be curtailed to the needs of a developer. The Board made recommendations and changes to the proposed ordinance by allowing an additional 10% height allotment for mechanical equipment, allow for up to 80% flat roofs, allowing only 12% of the property to be developed, minimum road frontage of 200 feet and the building footprint must sit within 10% height of the road elevation. The Planning Board limited the allowed uses to: multifamily dwellings, assisted living facilities, hospitals/medical facilities, hotels/motels, and offices. The proposed uses would require a special use permit and would have to be reviewed by the Planning Board and Board of Adjustment.

Susy Rein made public comments regarding the proposed uses and if what was listed was the only things allowed. Staff answered that yes, the mentioned uses will be the only uses allowed in the C-3 district. She also voiced her concern about the 80% flat roofs and wondered if there was a way to limit the amount of flat roofline to discourage parapets. Staff stated that they would look into possible wording that would discourage vertical parapets. Lastly, she asked if the wording in item 16 of the resolution regarding the road grade elevation of the building was measured by the building footprint or the entire parcel. Staff and the Board stated that it would be measured from the footprint and the wording will be clarified.

With no further comments or questions, Jacki Lecka motioned to recommend the C-3 district with the recommended changes to item 16 to the Town Council. The motion was seconded by Chairman Joel Owen and passed unanimously.

Staff Update

Zoning Administrator Riley Pudney provided the Board with an amendment to the Sandwich Board ordinance that would be discussed at their next meeting for possible changes. The ordinance will allow for additional permitted signs to be placed in an approved area with the property owner's permission. She asked the Board to review the ordinance for their next meeting.

With no further comments or questions, Penny VonCanon motioned to adjourn the meeting and was seconded by Chairman Joel Owen. The motion passed unanimously, and the meeting adjourned at 7:20 pm.

Respectfully Submitted,

Riley Pudney, Zoning Administrator and Clerk