

Planning Board Minutes
Regular Monthly Meeting
Maggie Valley Town Hall Boardroom
Thursday, February 10th, 2021
4:30pm

Planning Board Members Present: Chairman Rick Helpers, Vice Chairman Jim Heffron, Jeff Lee, new member Bill Sebastyn

Staff Present: Kaitland Finkle, Town Planner and Shelly Coker, Executive Assistant

Others Present: Sixteen others

Scheduled UDO Discussion began at 4:30pm.

Planner Finkle introduced herself to our new Planning Board member Bill Sebastyn. She has been employed at the Town of Maggie Valley for six months. She is excited about Planning and the development of the Unified Development Ordinance and the new Comprehensive Land Use Plan. The other members introduced themselves. Chairman Helpers asked if the UDO was adopted. Planner Finkle spoke of the requirement for the Planning Board to submit the recommended draft UDO to the Board of Aldermen. The UDO will be a several hundred-page document that will be a living breathing document, with amendments along the way. Mr. Sebastyn asked if the Aldermen might send it back to the Planning Board. Planner Finkle said that there would probably be some changes the Aldermen may want and will likely ask that they be made without returning the document to the Planning Board.

The Comprehensive Plan is a visioning document. Our current Plan is from 2007. The new General Statute says that your plan must be kept up to date; every five to ten years. A consultant will be hired to expedite the update. The next step is to look at how we have changed and where we want to go in the future. The cost will be \$77,000.

Planner Finkle stated that we currently have five zoning districts in our Zoning Ordinance, and we will be moving to 14 in the UDO, as suggested in the 2007 FLUM. Mr. Helpers spoke of the different thinking about commercial and residential. There was discussion about the naming of the districts. Mr. Heffron stated that the names should reflect what is allowed in the district. Planner Finkle spoke of the Table of Uses and the type of uses that are permitted in the different districts. She also spoke of the number of special exception requests in the Commercial Districts for single family homes. Should single family homes be permitted, rather than having to apply for a special exception. There was discussion.

Eventually this Board will be passing the UDO along. It is difficult to go over the document line by line. Planner Finkle invited everyone to mark up their copies and give to her and she will consolidate those and bring them to the next meeting. There was a question about the definition of convenience store. Planner Finkle found the definition. She would like to get the three documents that the Board is looking at today, almost perfected then she will incorporate them into the 136-page UDO Draft. Planner Finkle will send out the Table of Contents to the Board members and the members will divide up the chapters to review. Mr. Helpers would like to see a short-term rental chapter. Planner Finkle said you could add to the Table of Uses and show where they could be permitted. The overlay will take more time. Mr. Helpers mentioned Campbell Creek, and some communities that were established to be short term rental. There are only 45 days to get the UDO out. Planner Finkle spoke of how to use these zoning districts. An overlay would not be listed on this document. Planner Finkle mentioned a stand-alone text amendment would be the better way to do it, with public input after UDO adoption. The focus

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now should be getting this document approved with as few controversies as possible, rather than adding short term rentals at this late date.

Part of the Comprehensive Plan will be a Land Use inventory. We will have a brand-new Future Land Use map.

The chapter breakdown for the UDO is as follows; Mr. Lee will look at Chapters 4, 10, be the point person on 11, 12 – Mr. Heffron will look at Chapters 5, 6, and 8 – Mr. Helfers will look at Chapters 2, 3, and 7 – Mr. Sebastyn will be the point person on Chapters 1 and 9. Everyone will look at Chapters 1 and 11. The draft UDO is not online. Planner Finkle will send out to all Board members on Monday.

Kaitland spoke of the Aldermen's discussion to expand the Planning board from five to seven members. The Rules of Procedure will be put off until after the new members come on to the Board. Given the possibility of increasing the Board size, makes it better to put off until then. If this occurred, the Extra Territorial Jurisdiction members would have to be increased as well. We want to reach out individually to get those seats filled. The UDO discussion came to an end and a five-minute break was called before the regular meeting.

1. Call to Order

The regular meeting was called to order at 5:30pm by Chairman Helfers. The Pledge of Allegiance was said by all. Chairman Helfers asked for a motion to approve the agenda. Mr. Heffron made a motion to approve the agenda. The agenda was approved with all in favor.

2. Swearing in New Member

The Oath of Office was given to new member William Sebastyn, by Shelly Coker, notary. Everyone welcomed Bill Sebastyn as a new member to the Planning Board.

3. Approval of Minutes: January 13th, 2022 meeting

Chairman Helfers asked everyone to read over the minutes. **A motion was made by Mr. Lee to accept the minutes as presented. The motion passed with all in favor.**

4. Public Comment (non-Agenda Items):

Mr. Helfers asked if there were any general public comments. Steve Pulliam, Raven Ridge resident came forward. He will comment later at item 5d.

5. New Business:

5a. Chris Chagnon, 955 Soco Road (7696-68-8258) Special Exception Request in C-1 for Residential Use.

Planner Finkle gave the background information on this agenda item. Chris Chagnon owns a small parcel at 955 Soco Rd, it is currently zoned C-1 and he has submitted a request for a Special Exception for residential use, which is proposed inside the existing structure. The property owner knows what would be required to bring the property up to Residential Use. Planner Finkle would like to discuss the relation and appearance comments from the Planning

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Board. Parking already exists here. The Zoning Board will address the required eight findings. A phone call was received by Planner Finkle from one of the adjoining owners. He asked if the property was being rezoned and she said no. If a Special Exception is granted by the ZBOA, the existing structure would have to be upgraded to residential. Planner Finkle has prepared a finding of fact sheet with five statements about why this should be granted.

Chris Chagnon, 33 Plum Nearly Lane spoke of the history of the property. The property was built as a blind shop, and Mr. Chagnon said it was sold since there is not much parking. He said there is residential property across the street, behind the property and beside it. Mr. Lee asked if there would be any build outs. Mr. Chagnon said no, he will take out one of the two front doors. Mr. Lee asked about the plumbing. Mr. Chagnon will work with the Haywood County Building Department as soon as this request goes through. There are two parking spaces. Mr. Heffron asked about the changes that would need to be made to make the building residential. If the Zoning Board gives a recommendation next week, Mr. Chagnon will proceed with contacting the Building Department. Chairman Helfers asked if there was any further discussion. There was not. **Mr. Heffron made a motion to recommend the Special Exception request for Residential Use in C-1 for 955 Soco Road. The motion passed with all in favor.**

5.b Hazel Campbell and Bart Campbell, 29 Playhouse Rd (PIN 7686-18-3030 portion) Rezoning Request of R-1 Portion to R-3

Planner Finkle gave the background information on this agenda item. This is a re-zoning request of R-1 portion to R-3. The entire parcel is over 7 acres and fronts along Soco Road. It is currently split zoned; 5.65 is zoned R-1 with C-1 along Soco Rd. The current flea market use is illegal non-conforming. There have been many violations. High Density Residential will allow for residential uses. The Future Land Use map shows High Density Residential, equivalent to the R-3 that is being requested. Planner Finkle showed the map. Seventeen single family lots would be allowed with R-1, R-3 would allow 35 lots total. This does not include the requirement for streets, road right of way infrastructure and any development would have to meet the height standard as well. Mr. Sebastyn asked about roads that are not up to town standards. Planner Finkle said the requirement now is that the new subdivision roads must be built to town standards. Mr. Heffron asked what is around this property. Planner Finkle showed the properties are C-1 and R-2 and then showed a survey with a R/W shown (existing and proposed). The developer could come off of Soco and create a street or come off the newly recorded 30 foot R/W of Rocky Top Road. There was discussion of the condition of Rocky Top Road. The developer will have the responsibility of getting the NCDOT approved access.

The representative, Frankie Wood, came forward. Mr. Heffron asked Mr. Wood to speak about the R/W. The right of way has been purchased in the last few weeks. The road would run to the Pioneer Village tract. There would be a DOT permit for a 30' R/W to enter and exit from Soco Road. Planner Finkle mentioned that the Planning Board would make sure the subdivision meets all standards. Mr. Heffron mentioned that the road would take some of the traffic off Rocky Top Road. The R/W is already recorded at the Register of Deeds. Planner Finkle said a looped road with two points of ingress and egress would be preferred. Mr. Wood said there would be no RVs, just single-family lots. Mr. Lee asked if Rocky Top fell inside the R/W, and if the road could be turned over to the town if it was brought up to town standards. At his time, Rocky Top

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is a private road. This R/W is to the Day property. The recorded plat shows the 30' R/W. Mr. Helfers asked if there was any discussion or comments, Mr. Lee spoke of the high probability that this would fix an area the Town has been trying to fix. Chairman Helfers asked if there was any further discussion. There was not. **Mr. Heffron made a motion to recommend the Re-zoning Request of R-1 portion to R-3 for 29 Playhouse Road. The motion passed with all in favor.**

5c. Jerry Michael and Sandra Lee Day, 217 Campbell Creek Rd (PIN 7686-17-4633) Rezoning Request to R-3 (Initial Zoning of R-2 October 12, 2021).

Planner Finkle gave the background information on this agenda item. The Planning Board has seen this property before. The parcel was initially zoned R-2 in October. This is a re-zoning request. The owners are here this evening. The property does look different, the new survey shows the property has increased almost an acre, it's now over six acres. The adjoining properties are a mix of zoning density and uses. This property has Rocky Top access. There is an existing home that uses access off Campbell Creek. The new deeded R/W on Rocky Top Road is proposed as a 30' RW. The Future Land Use Map shows this as high density residential. The current R-2 zoning would allow 24 lots, R-3 would allow 38 lots, without including road R/W. Frankie Wood came forward to comment. He is planning to consolidate a loop road and use Soco Road. He would like to have sidewalks as well. The trout buffer for Campbell Creek will be observed. He would like to make walkways or a greenway. Planner Finkle said there is not public access along Campbell Creek at this time. If the Town were to take over greenway, it would be shown on the subdivision plat. The cabins that are next door at Pioneer Village are currently on septic tanks. He said the cabins would all hook on to sewer and water if these two rezonings pass. Since currently the access to sewer for Pioneer Village is across the creek. Planner Finkle said there were also only four septic records found by the Health Department for these cabins. The most environmentally friendly sewer access would be to come off the Rocky Top side. Mr. Heffron mentioned that the two properties will be tied together for development and Mr. Wood agreed. Mr. Helfers asked about the history of the zoning. Planner Finkle responded that last time was an initial zoning tied to annexation, this is a request for rezoning. Therefore, the Aldermen will have another say on the re-zoning this property. Mr. Wood said the flea market property was not owned at that time. Mr. Heffron asked about a time frame and Mr. Wood said it would not be too long. He is already working on surveys. Chairman Helfers asked for discussion. Mr. Sebastyn said that his concern was about the road and the amount of traffic. Planner Finkle said the 30' R/W and improvement of the existing road has been an on-going project for years. Now there is a deeded 30' R/W shown, that will have to be brought up to standards for a Major Subdivision.

Chairman Helfers asked if there was any Public Comment on this agenda item.

Patricia Rowell, 194 Stoney Ridge Loop spoke of the October meeting, when this property was initially zoned. The road and water were discussed. She stated that people were being 'crammed in' and the zonings were for high density. She said the city was here to protect the environment. She would like the Planning Board members to listen to the people. She drives Campbell Creek

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Road on a regular basis and the road will have more traffic. “Be sure you are doing the right thing.”

Planner Finkle showed the critical watershed layer on the map and the Maggie Valley Sanitary District water intake, the current bridge to Pioneer Village and said that if at any time someone proposed to add additional units to this, the Department of Transportation will have to approve that it meet the current DOT standards. They would approve or deny that. There is no way the bridge will be able to support any other homes. The bridge is old. The property owner has already had discussions with MVSD about any development that could occur with proper permission.

Allen Alsbrooks, 3376 Dellwood Road, stated that Patricia Rowell lived in a high density area. The property being discussed tonight will not be as high density as her neighborhood (Stoney Ridge).

There was discussion about the septic tanks that are old and would be cleaned up. Mr. Lee lives down stream of the water intake. Mr. Heffron asked about the development that was coming in. Planner Finkle said yes, when the subdivision comes in the Planning Board will be able to make decisions. Planner Finkle said the options today are to approve the request or deny the request. Mr. Sebastyn mentioned the presentation on the watershed at the October meeting. Planner Finkle said there are a lot of approvals involved when going forward with a new development, including flood plain, watershed, trout buffer, if the development is over ½ acre requiring erosion control, etc.

Frank Senatore, 212 Stoney Ridge Loop, said he has been here five years. He has not heard many complaints. He thinks people like Maggie Valley the way it is. He thinks the Board should be asking what the “ultimate goal” is. He thinks we are turning Maggie Valley into “Maggie Wood.” Mr. Helfers spoke of Maggie Valley and controlled growth. He mentioned the growth in population in the past years. The Planning Board, Zoning Board and Board of Aldermen will manage the growth in a controlled managed way.

Phillip Wight, of Clarketon Motel, stated that the meeting had biggest issues with concerns about access. At the October meeting, R-2 was what the Aldermen ended up voting on but he thinks that R-3 would be what he would fully recommend at this time. He thinks that Haywood County will do their checks and balances. Our Planning Director and Public Works director are both doing excellent jobs. Our sewer is at 40%. The septic situation and the setbacks will both be looked at when the plat comes.

Chairman Helfers asked if there was any further discussion. There was not. **Mr. Lee made a motion to recommend the Re-zoning Request of R-3 for 217 Campbell Creek Road. The motion passed with all in favor.**

5d. Robert K Hotchkiss, 751 Soco Road (7696-77-7475 & 7696-88-0432) Rezoning Request of R-1/C-1 to R-3.

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Planner Finkle gave the background information on this agenda item. The annexation of the rear property was withdrawn. The front portion of approximately 1.2 acres is zoned general business. The back portion of approximately 16.46 acres is zoned R-1 (in Extra Territorial Jurisdiction). He has initialed a request to have all the property to be zoned R-3. He would like to have that density. He will likely need to annex and hook to sewer if the request is approved. Mr. Helfers stated that the owner did not want to keep the front in C-1. Planner Finkle said the adjoining property is zoned C-1 and has been for sale for quite a while as it struggles to be developed commercially. The R-1 zoning will allow for 54 lots, R-3 will allow 109 lots. They are not planning to develop even the 54 lots, but want the ability to have smaller lots by right in the flatter area, as is seen at Appalachian Village. The Future Land Use map shows the property as Soco Road Mixed Use. Allowing for a mix of high density and commercial. The developer is not looking to do any commercial development. There is a representative here. Mr. Helfers mentioned that when the Planning Board went for the site visit, Ms. Dennis was concerned with packing-in of unsightly development. Planner Finkle said the goal is to be like the Appalachian Village subdivision. The topography of the land will keep the number of lots down as you move up the mountain. The streets would meet Town standards, and by annexing, they would get Town Services. The legal nonconforming places will be re-zoned during the UDO. Raven Ridge is R-3 (even though the current zoning is R-2). Mr. Lee asked about Appalachian Village and how close the lots are together. It is a "by right" R-3 development. Frankie Wood came forward. He showed a sketch plan. Planner Finkle has a copy of the plan for our records. The number of lots counted by the Planning Board is 27. There was discussion between the members and Mr. Wood. Mr. Lee mentioned that when the Board rode through Appalachian Village it did not appear to be overbuilt. Planner Finkle spoke of the reasoning to come back before the board now for a rezoning, is to ask for the by right high density.

Steve Pulliam, Raven Ridge HOA vice president, stated the last time that this came before the Board that the consensus was for the property not to be zoned R-3. Planner Finkle stated that the last time was an annexation request with Initial zoning. This time it is a re-zoning request; completely different. The property owner is asking for a specific zoning request. The only option is to approve or deny the request. Mr. Helfers reiterated the Board is not approving plans at this time, just setting the zoning district outlining allowable development types. Planner Finkle said this is just the Planning Board recommendation. She mentioned that the meeting would be advertised and the meeting for the Aldermen's Public Hearing would be March 8th. Mr. Pulliam would like the Planning Board to not rezone as R-3. Mr. Heffron spoke of the density discussions last time. He spoke of how Raven Ridge is zoned R-2, but is actually R-3. Mr. Pulliam asked if the developer is held to what he's shown tonight, and Mr. Helfers said no. The developer will come back with a plat and the Planning Board will have the opportunity to approve or deny the project then. Planner Finkle explained how the development process will occur. Tonight will be a recommendation for zoning.

Mr. Wood spoke of the plan and that it may actually end up being a couple of lots less than shown on the plat at this time. Mr. Helfers mentioned the stream buffers, the Soco Road access, setbacks, etc. Mr. Wood agreed and stated that the developers would conform to all restrictions.

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Chairman Helfers asked if there was any Public Comment on this agenda item.

Phyllis Watson, 112 Raven Ridge, stated that her concern is traffic. She lives next to the highway, and she would like the Planning Board members to think about growth. Planner Finkle stated that the NCDOT owns Soco Road. Developers are required to get a permit from the State of North Carolina. Safety standards are required to be met. Planner Finkle said we are at the will of the State. Mr. Helfers mentioned the traffic circle that will be coming to the intersection of Highway 276 and Highway 19. Planner Finkle mentioned the traffic calming measures the Town will be implementing.

Phillip Wight spoke again, agreeing that the turn lane between Moody Farm Road and Raven Ridge is a safety issue.

Mr. Lee asked Planner Finkle about the Future Land Use map, does it show high density residential or mixed use. He would prefer to see homes in this space. Mr. Helfers would like to see consistency along this stretch of Soco Road.

Chairman Helfers asked if there was any further discussion. There was not. **Mr. Lee made a motion to recommend R-3 zoning for 751 Soco Road. The motion passed with three in favor. Mr. Sebastyn opposed.**

5e. Staff initiated Text Amendment to the Town of Maggie Valley Zoning Ordinance Table of Permitted Uses: Office/Institutional Land Uses.

Planner Finkle gave the background information on this agenda item. This is a change due to trends and development pressures. Most of the changes are taken directly from the UDO. There are a number of office and institutional uses that have been moved and also civic institutional uses – moved from commercial. Mr. Helfers said that clinics will fall under medical office. There are some new uses. Mr. Helfers said this will only last until the new UDO. Planner Finkle has made the changes mostly directly from the UDO. She mentioned the Façade Grant as well. Mr. Helfers mentioned axe throwing and snow tubing. Snow tubing is already there. Planner Finkle will add a line for miscellaneous recreation axe throwing during the UDO as tonight only discusses Office/Institutional Land Uses. Chairman Helfers asked if there was any further discussion. There was not. **Mr. Heffron made a motion to recommend these changes by Text Amendment. The motion passed with all in favor.**

6. Old Business:

a. Review Draft Rules of Procedure (Tabled until March 15th meeting)

7. Withers Ravenel Proposal for Professional Services: Town of Maggie Valley Land Use Plan Update and New Comprehensive Land Use Plan

Planner Finkle gave the background concerning the 160D-501 state statute, the first section; a Local Government shall adopt and reasonably maintain a Comprehensive Plan. Five to ten years is considered reasonable. The deadline is July 1, 2022. We must have a maintained plan. The State required the UDO to be done by July 2021 and the Comprehensive Plan by July 2022. This

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firm works with our Sewer Wastewater Treatment Plant. Mr. Helfers had concerns about the qualifications of the firm. Planner Finkle will receive their work and we will be able to customize what is important to Maggie Valley. She suggested we look at other North Carolina town's Comprehensive Plans, ones that might mirror our growth. Mr. Heffron mentioned a town that had a bike path added and the town exploded with growth. A section on outdoor recreation will be needed for Maggie Valley. Mr. Heffron asked about the firm. Planner Finkle mentioned the 'pros' of working with Withers Ravenel.

8. Other:

a. Staffing and Internship

Mr. Helfers would like to recommend that an Intern be hired to assist Planner Finkle. Planner Finkle discussed the Intern needing to be budgeted almost a year in advance for an appropriate start date in May/June. Instead a fulltime staff member may be budgeted in the July budget. There has been an intern in the past, with the intern lasting less than a week. She could use an intern to organize our older plats and maps, so that they could be accessed. Planner Finkle would like to get a staff member, if possible. Mr. Lee asked if Code Enforcement help would be a part of the job. Planner Finkle said an administrative person to help with sewer, zoning, agendas, special use permits, etc. would be highly appreciated. Mr. Helfers said that we might table this item at this time.

Mr. Lee asked if the Draft Rules of Procedure is in place at this time. The answer is no. Mr. Heffron asked if the Aldermen will need to approve this, but the answer is no.

Mr. Helfers told everyone that Planner Finkle will jump in the 'Polar Plunge' on Saturday.

9. A Motion to adjourn was made by Chairman Helfers at 8:15pm. The motion carried with all in favor.

The next meeting will be held on March 10th. But there is some discussion about changing the meeting to the third Tuesday, March 15th. Planning Board members would like all meetings to change to the third Tuesday of the month from now on.

Chairman Helfers opened the meeting back up at 8:19pm. He made a motion to move the meeting days of the Planning Board to the third Tuesday of each month. The motion carried with all in favor. Meeting adjourned again at 8:20pm.

Eric C. Helfers, Chairman

Shelly Coker, Executive Assistant