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Town of Maggie Valley
Special Called Planning Board Meeting
May 26, 2022
MINUTES

Members Present: Chairman Rick Helfers, Members: Jeff Lee, Janet Banks, Bill Sebastyn, and Jim Heffron

Staff Present: Town Planner Kaitland Finkle and Town Clerk Vickie Best

Others Present: Reporter Kathy Ross, David Williamson, and Allen Alsbrooks

Call to Order

Chairman Helfers called the Special Called Meeting to order at 5:30pm on Thursday May 26, 2022, in the Town Hall Boardroom.

Pledge of Allegiance

The Pledge was said by all.

Roll Call/Quorum Determination

A quorum was present.

Disclosure of Conflict/Approval of Agenda

No conflict was found.

CHAIRMAN HELFERS MADE A MOTION TO ACCEPT THE AGENDA WITH MINOR CHANGES, MS. BANKS SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Old Business

Chairman Helfers read the following opening statement:

Please note the Planning Board does not hold Public Hearings. Before adopting, amending, or repealing any ordinance or development regulation, the governing board (Board of Aldermen) holds a legislative hearing to ask for public comment on the proposed legislative decision. An evidentiary hearing is needed to gather competent, material, and substantial evidence to make findings for all quasi-judicial decisions (Zoning Board of Adjustment). For this reason, comments should be directed to the Town Clerk who will ensure they become part of the proper record.

For reference, the Planning Board is assigned the following powers and duties:

- 1) To prepare, review, maintain, monitor, and periodically update and recommend to the governing board a Comprehensive Plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis.
- 2) To facilitate and coordinate citizen engagement and participation in the planning process.
- 3) To develop and recommend policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.

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- 4) To advise the governing board concerning the implementation of plans, including, but not limited to, review and comment on all zoning text and map amendments.

The public is invited to speak on items that are general in nature, such as consideration of changes to land development regulations within the Unified Development Ordinance (UDO) as well as updates to the Comprehensive Plan.

To be compliant with NC General Statutes, the Unified Development Ordinance (UDO) and Land Use Plan (LUP) need to be adopted by June 30, 2022. The firm of WithersRavenel was hired to update the 2007 Land Use Plan while the UDO has been created in-house.

While reviewing page 47 Appendix B: Population Projection there were concerns that the projections were not correct. Second homeowners were not included. A sizable part of the population are seasonal residents.

After a discussion about the minor typos, the board asked that Planner Finkle explain to Council a list of updates needed in the LUP. The consultant was not hired to do the added research as part of the initial update phase.

The next phase of the Comprehensive Plan will have a lot of input from the citizens and their concerns. The conversations can start as early as August. The Comprehensive Plan is to be a guide for the future.

The LUP update and UDO should mirror each other.

The provision for Jonathan Creek Road will reflect the new concept for Jonathan Creek mixed use district. The mixed-use district has been changed to allow firewood sales and RV storage as they are already present in the area. Industry has been removed from the MU3 district. Mr. Heffron said that anything vehicle related should be permitted as a Special Use and needs to be specifically changed for Farm machine service and sales.

The property owner on Hailey Drive wants to be residential not as the gateway or anything commercial.

Dellwood Road would allow predominantly open air uses such as dealerships, model home sales, and businesses with outdoor storage needs. The intent of this district is to concentrate these uses in areas on the outskirts of town, outside of the main gateway into town.

The Commercial Gateway (CG): This district is intended to be a setting for high intensity land uses that address not only the commercial needs of Maggie Valley residents, but as well as the needs of surrounding areas. Open air uses and outdoor storage is prohibited within the CG District.

Playhouse Road (Gate's Flea Market) is zoned C1 to preserve the commercial use. The Day properties are now proposed to be zoned R3.

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There has been a lot of discussion about manufactured homes. Manufactured Homes will be allowed in R4 and R0 districts. Double-wide homes could be allowed in the R1 District. There was pushback from the members saying that allowing mobile homes should not always be the case.

Allowing double-wide mobile homes in R1 should only be allowed as a Special Exception. The Zoning board should be able to look at the surrounding homes and decide if a double-wide mobile home is right for the location. The Planning Board members felt the Zoning Board should have a certain amount of discretion and not be forced into and up or down on a decision.

Conditional Zoning provides extra control that must be agreed upon by both the Developer and Council. Planner Finkle will be in attendance to see how the neighborhood compatibility meeting goes and report back. Only then can the Developer come to the Planning Board where the members can see if the developer has addressed the concerns from the neighborhood compatibility meeting.

Some members felt the language should be "beefed up" about requiring Developers to get all the impact studies. Due to the extreme cost, Planner Finkle was hesitant to implement the language.

The Developer would then go before Council for a Public Hearing. The vote occurs after a second reading at the next Board of Aldermen Meeting.

The first three triggers are already in the UDO for PUD's with the new trigger being a ten-acre or more threshold.

The members discussed the Axe Throwing business and how some community members were unaware of such a business. If Conditional Zoning were in play, there would have been more control and assurances to the community.

Allen Alsbrooks spoke from the floor saying that Towns are not allowed to ban manufactured homes. "This is affordable housing." Recently added is the minimum square footage which adds another trigger.

Cluster development is similar to PUDs. There are incentives to clustering by applying conditions. The suggested conditions: Increase side/rear setbacks to twenty-feet, Open space equal to 10% of total project site, and a vegetative buffer.

MR. HELFERS MADE A MOTION TO PLACE FARM MACHINERY AS A SPECIAL USE IN THE C3 DISTRICT. HAVING A DOUBLE-WIDE IN THE R1 DISTRICT WILL BE A SPECIAL USE AND A MINIMUM SQUARE FOOTAGE SHOULD BE DETERMINED ON ALL DOUBLE-WIDE HOMES. MS. BANKS SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

MR. HELFERS MADE A MOTION TO ACCEPT THE UDO AS PROVIDED WITH THE ZONING MAP AND USE TABLE. MR. SEBASTYN SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

The members then reviewed the Rules of Procedures.

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The members want people to have the opportunity to comment. The opening statement should be a stand-alone document. Planner Finkle will email the opening statement to all members. The Rules of Procedures are how the board should function.

MR. HELPERS MADE A MOTION THAT ANYONE ADDRESSING THE BOARD SHALL BE A RESIDENT OF NC AND RESIDE WITHIN THE TOWN LIMITS OF MAGGIE VALLEY. MR. LEE SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY. [Note the Planning Board can't discriminate between individuals on who is or isn't allowed to speak.]

MR. LEE MADE A MOTION TO ACCEPT THE RULES OF PROCEDURES WITH THE CHANGES NOTED. MOTION CARRIED UNANIMOUSLY.

Other Business

Planner Finkle explained how the UDO workshops were attended. Planner Finkle conducted one drop-in day, with three separate sessions. In each morning and afternoon session there were ten to fifteen people in attendance. The evening session was the least attended. The three zoom sessions: session one- fifteen people attended, session two there was ten people that attended, and session three there was six people that attended.

The Planning Board has discussed the UDO at a minimum of six meetings in the last few months. There has not been much attendance for the UDO. Raven Ridge residents are upset because of having the R3 district zoning. The zoning maps are largely trying to bring what is on the ground into conformity.

It is everyone's hope that there will be more participation from the public for the Comprehensive Plan.

June 6 is the date for the Public Hearing to adopt the UDO. The map may change based on comments at the hearing.

The members discussed how best to gather input via newspaper article, mailers included with the tax bills, or go online and complete a survey.

The Planning Board will review Fox Run Village at the June 21 meeting. The Preliminary Plat for Fox Run Village (Park Model Village) will be valid for one year. [Due to COVID the state has extended the expiration date for all development approvals for 150 days from the date the Executive Order (No. 116) is rescinded. Please note that the Executive Order is still in effect at this time.]

Planner Finkle invited everyone to come to see the proposed County-wide greenway plan.

Mr. Lee informed the members that because of the concerning issues with the Waynesville Wastewater Treatment Plant, the Town of Canton is now getting requests for high density multifamily housing. Maggie Valley may very well see the same trend.

Maggie Valley allows multifamily housing, but they must meet the aesthetic and design regulations.

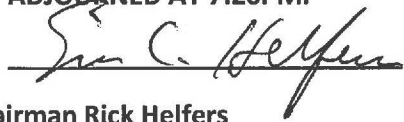
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Planner Finkle will be attending a meeting as a member of the Housing Consortium Board for affordable housing that will be meeting tomorrow May 27. Planner Finkle will report her findings.

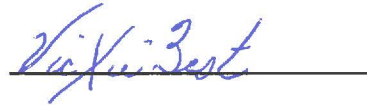
Mr. Heffron said that affordable housing is needed for young families, retirees, and disabled folks. The community must have somewhere for young people to find work.

Mr. Lee went on to inform the members that it will be one to two years before County projects are implemented. Canton and the papermill have some challenges with their sewer system. Maggie Valley does not have a problem with sewer right now.

**ON MOTION OF MR. HELFERS, SECONDED BY MS. BANKS, WITH ALL IN FAVOR, THE MEETING
ADJOURNED AT 7:20PM.**



Chairman Rick Helfers



Vickie Best, Town Clerk