

**Planning Board Minutes
Regular Meeting
Maggie Valley Town Hall Boardroom
Tuesday, January 16, 2024
5:30pm**

Planning Board Members Present: Chairman Eric Helfers, Bill Sebastyn, Jim Heffron, Janet Banks

Members Absent:

Staff Present: Noah Taylor, Assistant Town Planner, Vickie Best, Town Manager

Others Present: Bill Banks

1. Call to Order

The meeting was called to order at 5:26 pm by Chairman Helfers. The Pledge of Allegiance was said by all.

Assistant Planner Taylor stated that the Town Planner Sam Cullen will not be attending, and Vickie Best will be taking the minutes.

He also read Jim Heffron's letter of resignation, stating that Jim Heffron will not be seeking reappointment when his term is up. The other planning board members and staff thanked Jim Heffron for his service to Maggie Valley.

Assistant Planner Taylor stated that the vacant seat on the planning board will be filled at the next Aldermen meeting.

2. Roll Call/Quorum Determination

Four members are present. A quorum was established.

3. Disclosure of Conflicts/Approval of Agenda

Chairman Helfers asked if there were any conflicts of interest on the agenda for anyone.

Chairman Helfers stated he will recuse himself from item 5D on the agenda, because he lives in the neighborhood.

Chairman Helfers asked for a motion to recuse himself from item 5D and Jim Heffron to act as Vice-Chairman due to Jeff Lee's seat being vacant.

Janet Banks made the motion to recuse Chairman Helfers from item 5D on the agenda and to appoint Jim Heffron as acting Vice Chairman, due to Jeff Lee's absence. Jim Heffron seconded. The Motion passed with all in favor.

Mr. Helfers asked if there was any discussion. There was none. He then asked for a motion to approve the agenda.

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Janet Banks made the motion to approve the agenda for the January 16th meeting. Jim Heffron seconded. The Motion passed with all in favor.

4. Approval of Minutes

a. December 19, 2023

Chairman Helfers asked if there were any other corrections to the minutes.

Bill Sebastyn noted a grammatical correction on page 2.

Mr. Helfers asked if there was any more discussion. There was none. He then asked for a motion to approve the corrected minutes.

A motion to approve the corrected minutes was made by Bill Sebastyn. Janet Banks seconded. The Motion passed with all in favor.

5. New Business

a. Initial Zoning R-1, Valley View Drive PIN 7697-22-2649

Assistant Planner Taylor gave the report and background information. The owner of the parcel contacted the town to inquire about annexation for the purpose of connecting to the town sewer system. The proposed use of the lot is a single-family home.

Assistant Planner Taylor said staff recommendation is the property be zoned R1 – Low Density Residential. This is based on the Future Land Use map (a copy included for members) and he read the portion of the Comprehensive Plan concerning the Mountain Residential District. He stated this recommendation is consistent with the future land use plan.

Assistant Planner Taylor offered to answer any questions.

The board had questions on whether the lot would be subdivided once granted sewer access and how the dividing process would work.

Assistant Planner Taylor stated that the owner has not mentioned subdividing the lot and that it would be difficult due to terrain. He stated the number of lots allowed to be subdivided is by staff approval without going to the board.

The Planning Board asked if the lot was to be subdivided, how would Maggie Valley make sure that enough sewer is available and if the proper infrastructure had been installed to handle it.

Assistant Planner Taylor stated that the Public Works Director, Mike Mehaffey will do a great job on making sure the proper infrastructure is installed at the proper time, but if the owner did subdivide, it would fall on the owner to have the proper infrastructure to meet Maggie Valley's sewer use standards.

Mr. Helfers asked if there was any more discussion. There was none. He then asked for a motion.

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Jim Heffron made the motion to recommend initial zoning of R-1. Low Density Residential for parcel known as PIN: 7697-22-2649. Janet Banks seconded. The Motion passed with all in favor.

Bill Sebastyn made the motion to adopt the recommendation and the consistency statement for Valley View Drive PIN: 7697-22-2649. Janet Banks seconded. The Motion passed with all in favor.

b. Initial Zoning C-3, 3281 Dellwood Road PIN 8606-39-9323

Assistant Planner Taylor gave the report and background information. The owner of the parcel contacted the town to inquire about annexation for the purpose of connecting to the town sewer system. The lot is currently a business and would remain a business. He mentioned that this lot was previously in the ETJ and was zoned C-3 Dellwood Road Commercial.

Assistant Planner Taylor said staff recommendation is that the property be zoned C-3 Dellwood Road Commercial. This is based on the Future Land Use map (a copy included for members) and he read the portion of the Comprehensive Plan concerning the Highway Mixed Use District. He stated this recommendation is consistent with the future land use plan.

Assistant Planner Taylor offered to answer any questions.

The Planning Board asked where this property was located and for what it would be used.

Assistant Planner Taylor stated that it will be a car restoration business and showed where the property is using the county mapping system.

Mr. Helfers asked if there was any more discussion. There was none. He then asked for a motion.

Bill Sebastyn made the motion to recommend initial zoning of C-3. Dellwood Road Commercial for parcel known as PIN: 8606-39-9323. Janet Banks seconded. The Motion passed with all in favor.

Janet Banks made the motion to adopt the recommendation and the consistency statement for 3281 Dellwood Road PIN: 8606-39-9323. Bill Sebastyn seconded. The Motion passed with all in favor.

c. Initial Zoning C-3, 3211 Dellwood Road PIN 8606-49-1363

Assistant Planner Taylor gave the report and background information. The owner of the parcel contacted the town to inquire about annexation for the purpose of connecting to the town sewer system. The lot is currently a business and would remain a business. He mentioned that this lot was previously in the ETJ and was zoned C-3 Dellwood Road Commercial.

Assistant Planner Taylor said staff's recommendation is that the property be zoned C-3 Dellwood Road Commercial. This is based on the Future Land Use map (a copy included for

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members) and he read the portion of the Comprehensive Plan concerning the Highway Mixed Use District. He stated this recommendation is consistent with the future land use plan.

Assistant Planner Taylor offered to answer any questions.

The Planning Board asked what the business would be, and Assistant Planner Taylor stated that it will be food based and the owner is a well-known business owner out of Waynesville.

Janet Banks stated that research shows that if a food truck is doing well for 3 years, it usually leads to a brick-and-mortar restaurant.

Mr. Helfers asked if there was any more discussion. There was none. He then asked for a motion.

Janet Banks made the motion to recommend initial zoning of C-3. Dellwood Road Commercial for parcel known as PIN: 8606-49-1363. Bill Sebastyn seconded. The Motion passed with all in favor.

Jim Heffron made the motion to adopt the recommendation and the consistency statement for 3211 Dellwood Road PIN: 8606-49-1363. Bill Sebastyn seconded. The Motion passed with all in favor.

d. Initial Zoning R-1, 126 Clearview Drive PIN 8607-10-7059

Chairman Helfers recused himself.

Assistant Planner Taylor gave the report and background information. The owner of the parcel contacted the town to inquire about annexation for the purpose of connecting to the town sewer system. The proposed use is a single-family home.

Assistant Planner Taylor said staff's recommendation is that the property be zoned R1 – Low Density Residential. This is based on the Future Land Use map (a copy included for members) and he read the portion of the Comprehensive Plan concerning the Mixed-Use Core District. He stated this recommendation is consistent with the future land use plan.

Assistant Planner Taylor offered to answer any questions.

Janet Banks asked if the lot would be subdivided or will it remain one lot.

Assistant Planner Taylor stated it is a young family that is intending to build a single-family home on the property.

Bill Sebastyn asked if this was a contiguous annexation and if Maggie Valley will provide services to this property.

Assistant Planner Taylor stated that it was contiguous, and it will have services provided, including sewer.

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Chairman Helfers spoke from the audience, he stated the benefits of this zoning and a quick history of the property. He stated as a neighbor, that he approves of the property being annexed.

Mr. Heffron asked if there was any more discussion. There was none. He then asked for a motion.

Bill Sebastyn made the motion to recommend initial zoning of R-1. Low Density Residential for parcel known as PIN: 8607-10-7059. Janet Banks seconded. The Motion passed with all in favor.

Janet Banks made the motion to adopt the recommendation and the consistency statement for 126 Clearview Drive PIN: 8607-10-7059. Bill Sebastyn seconded. The Motion passed with all in favor.

**e. Text Amendment to the Town of Maggie Valley Subdivision Ordinance
(Underground Utilities)**

Assistant Planner Taylor gave the report and background information. He stated that the staff did research and found that General Statutes does address making developments bury all utilities and presented the text amendment to the Maggie Valley UDO. He stated that there are some exemptions that are stated in G.S., but staff recommends that the Mobile Home Park zoning district be exempt as well. Due to the cost of burying infrastructure, it would make it cost prohibitive for affordable housing such as mobile homes. Additionally, it will make it harder to install future stick-built homes.

Assistant Planner Taylor offered to answer any questions.

Jim Heffron stated that Mobile Home Parks zoning district should not have a blanket exemption and that they should request exemption from the appropriate power. Chairman Helfers agreed.

The Planning Board stated that with burying power lines, it would help beautify Maggie Valley.

The Planning Board recommends a word change to the text amendment and to remove the blanket exemption to the mobile home park zoning district. They stated that applicants could ask for a variance from the Zoning Board or ask for it from the Aldermen during a conditional zoning process.

Mr. Helfers asked if there was any more discussion. There was none. He then asked for a motion.

A motion to approve the modified text amendment was made by Janet Banks. Jim Heffron seconded. The Motion passed with all in favor.

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Bill Sebastyn made the motion to adopt the consistency statement for the text amendment to the Town of Maggie Valley Subdivision Ordinance. Jim Heffron seconded. The Motion passed with all in favor.

6. Old Business

a. Design Standards of NC GS 160D

Assistant Planner Taylor read the G.S. regarding enforcement of design standards for homes. He stated design standards are not enforceable on single family homes and stated some exceptions to the rule.

Assistant Planner Taylor offered to answer any questions.

Chairman Helfers had some concerns about the general statutes and stated some homes should have design standards. He stated that the Planning Board should be allowed to recommend vegetative buffering for certain houses due to their design.

Jim Heffron agreed with Chairman Helfers on the issue and stated that it could benefit Maggie Valley.

Janet Banks stated that builders would not build a house that wouldn't sell and that it is the cardinal principle of real estate.

Bill Banks, from the audience, stated that the property in question was a weird case that should have been handled by that HOA but somehow fell through and that most of the time the designs of houses are regulated by the HOA the house is built in.

Janet Banks expressed concerns about catching the attention of the public and the public putting the blame on all boards, even though they have no power. She stated that if we have the right avenue to relay the information about what powers the board has, that it could help answer the public's questions.

Chairman Helfers urged the public to talk to their legislators about this issue.

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7. Adjourn

Janet Banks made a Motion to adjourn, seconded by Jim Heffron. The Meeting adjourned at 6:59pm.

s/Eric C. Helfers

Eric C. Helfers, Chairman

s/Noah Taylor

Noah Taylor, Town Planning Assistant