

**Planning Board Minutes  
Regular Meeting  
Maggie Valley Town Hall Boardroom  
Tuesday, August 16th, 2022  
5:30pm**

**Planning Board Members Present:** Chairman Rick Helfers, Jeff Lee, Janet Banks, Bill Sebastyn, Jim Heffron

**Staff Present:** Kaitland Finkle, Town Planner and Shelly Clement, Executive Assistant, Vickie Best, Interim Manager

**Others Present:** One other

**Call to Order and Pledge of Allegiance**

Chairman Helfers called the meeting to order at 5:30pm. The Pledge of Allegiance was said by all.

**3. Roll Call / Quorum Determination**

Quorum was established. All five members are present.

**4. Disclosure of Conflicts / Approval of Agenda**

Chairman Helfers asked if there were any conflicts of interest in the agenda for anyone. There were no conflicts noted. **Chairman Helfers made the motion and Ms. Banks seconded that the agenda be approved. Motion passed with all in favor.**

**5. Approval of Minutes**

Chairman Helfers asked that we move along to minutes.

The Approval of Minutes for May 26, 2022, Special Called Meeting and June 21<sup>st</sup>, Regular Meeting - The minutes were read and checked by all Planning Board members. Planner Finkle spoke of a meeting she had on May 27<sup>th</sup> the newly formed SW NC HOME Consortium. They have received ten applications for affordable housing dollars for this region. She also spoke of the new agenda and minutes module that will be provided by Municode and that the packet will be searchable with the new system. There was a discussion on the State of Emergency ending yesterday by the State of North Carolina. Three subdivisions will legally have until January 12<sup>th</sup> unless they submit a formal written request for an extension. The recommendation by Planner Finkle will be that if requested, all three be treated the same. She will draft a letter to each of the three projects. Mr. Lee said that these have all been approved in the past and Planner Finkle said yes. The three are: Fox Run Village – Zambito, Moody Farm – Frankie Wood, Phase III of Linson Ridge – Darell Bowen, have all had preliminary plat approval. Following Preliminary Plat Approval, the option is to bond or do infrastructure improvements in order to move forward with Final Plat Approval. A developer cannot begin to sell lots until they have final plat approval. There was discussion of the 25' trout buffer and the flood plain which both affect development along Jonathan Creek. The residential dwelling space must be located 1 foot above the base flood elevation.

**May 26<sup>th</sup> meeting minutes. A Motion to approve the minutes was made by Mr. Lee and seconded by Mr. Sebastyn. The Motion passed with all in favor.**

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June 21<sup>st</sup> meeting minutes. There was some discussion of staggered terms for Planning Board members. Ms. Finkle said that the Board of Aldermen will be making those decisions when the terms of the current board are up – in 2024. **A Motion to approve the minutes was made by Mr. Sebastyn and seconded by Ms. Banks. The Motion passed with Mr. Heffron abstaining.**

**6. New Business**

**a. Initial Zoning Contiguous Annexation 109 Mount Valley Road PIN 8608-53-0888**

The property is requesting a sewer driven annexation. The structure was built in 1983. This property is unique as it is not currently shown on the Future Land Use map. However it is adjacent to Town Limits with R-3 zoning (Bethel Village). Planner Finkle read aloud the description of R-3 zoning. Her recommendation is to stick with the contiguous zoning of R-3. She spoke of the Use Table and the Density and Dimensional Standards chart that were available and included in the packet for Planning Board members to compare. Chairman Helfers spoke of properties that were unable to receive trash and recycle service. The Town does not provide service to commercial properties. The surrounding properties were examined using Haywood County GIS. The 2.93-acre property includes a garage along with the home. The paving of the roads in Bethel Village was discussed. The roads in that subdivision will be brought up to Town standards. The property requesting annexation is flat and joins Traveler's Point Road.

**Chairman Helfers asked for a motion to zone the property R-3 as recommended by Planner Finkle. Mr. Heffron made the motion and Mr. Lee seconded. The Motion passed with all in favor.**

**b. Text Amendment Landscaping/Construction Firms**

Schick Construction has reached out about a few different lots. They fall under 'Landscaping and Construction firm'. The Dellwood C-3 area and MU-3 area on Jonathan Creek allow landscaping. While a rezoning can be considered, the Aldermen thought it would be better for the firm to pursue a Text Amendment given there are other non-conforming landscaping businesses. The staff recommendation is to allow the use in MU-1 and C-2 districts as a special exception with additional standards. Mr. Helfers asked if burning would be permitted. Planner Finkle said the Town does not have any restrictions for open burning. She defaults to the MV Volunteer Fire Department. She also said there should be definition for 'Landscaping and Construction firm'. There may be equipment, there may be storage. While staff does have the text amendment prepared, the applicant did not get their application submitted in time.

Planner Finkle would like the members to give their thoughts. Mr. Lee would like to have some mention of regulating burning. Mr. Helfers spoke of the possibility of the company burning a large pile. There was discussion of the wording of 'no commercial burning' as a standard. The adjoining properties were considered. There are two existing landscaping businesses along Soco Road currently. Mr. Lee read 'no open storage' and Planner Finkle said this would require storage to be screened from public view with landscaping or a fence. The Text Amendment would apply anywhere in the C-2 Commercial Gateway (red) and anywhere in the MU-1 Soco

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Road Mixed Use (light blue) shown on our map. The Planning Board members discussed this being in the 'Gateway' area. They talked about the places this business would already be able to locate by current zoning (Dellwood C-3 and MU-3 on Jonathan Creek). Ms. Banks said the existing allowed areas would be more appropriate. Mr. Heffron agreed. The staff has not received a formal application. Ms. Banks had a question concerning the Text Amendment vs Re-zoning. There was discussion about the business and the equipment that may be in use or stored here. Mr. Lee spoke of the recent changes in adopting the UDO. Mr. Heffron spoke of the decision that has already been made in discussing this use as part of the UDO adoption. The existing businesses were allowed at the time they went into operation. Burning inside town was discussed and may be discussed again during the Comprehensive Plan. Ms. Banks asked if the MVVFD will be consulted, and the decision was yes. Mr. Lee spoke of burning and Planner Finkle said it can be regulated as a city code. Dumpster screening was discussed in regards to the businesses that were non-conforming. Planner Finkle will have to check options with the Town Attorney.

**7. Other Business**

**a. Comprehensive Plan Steering Committee**

Update - The expectations of the Steering Committee were discussed, and some suggested members have been listed, there will need to be a good cross section of individuals. No one has agreed to participate at this time. Planner Finkle will be reaching out to the suggested individuals. The Kick-off meeting will be held September 13<sup>th</sup> at 6:30pm. Meetings will be held in Maggie Valley and in the Jonathan Creek area. The Comprehensive Plan will come before the Planning Board board for a recommendation. The steering committee will 'tweak' the plan before it comes to this board. Ms. Banks asked if this board will be allowed to make changes. Yes. Meetings will be held once a month and the adoption goal would be for June 2023, to keep it in this fiscal year. Mr. Lee spoke of the chance to come to this board as a resident. One person from the Planning Board would be good. This will not be an appointed board. There will be many public engagement opportunities. Following adoption, the Aldermen would like to look at this plan yearly. The graphics from Withers Ravenel were distributed by Planner Finkle. The consultants have sent along the 'Mountains to Valleys' graphic choices.

Mr. Helfers asked if there was any more discussion. Mr. Lee asked about the timeline for the ability to annex all the way to I-40. Planner Finkle has the information in her office. [Session Law 2008-28, House Bill 2449, effective June 30, 2008 is attached for reference.]

**b. End of State Emergency January 12 Expiration of Development Approvals**

Mr. Lee asked about the three developments that will have the time frame limitation. The original time frame for Preliminary Plat Approval is one year. The Covid State of Emergency put in place by the NC Governor has created the extension. Those with Preliminary Plat Approval will be request an extension or to bond.

**c. UDO Improvements**

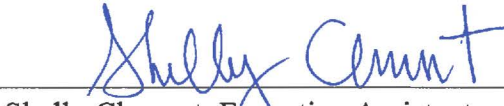
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Since adoption of the UDO, there has not been any new subdivision proposals. All developments currently are under the old rules. Haywood County has requested annexation in preparation for the sale of their property along Jonathan Creek soon. They have a 22-acre parcel. Due to the size being larger than 10 acres, they will ultimately be submitting a site plan or concept as part of a Conditional Rezoning.

**8. Adjourn**

**Chairman Helfers made a Motion to adjourn at 7:10pm. The Motion passed with all in favor.**

  
Eric C. Helfers, Chairman

  
Shelly Clement, Executive Assistant