

**Planning Board Minutes
Regular Monthly Meeting
Maggie Valley Town Hall Boardroom
Thursday, December 9th, 2021
5:30pm**

Planning Board Members Present: Vice Chairman Jim Heffron, Jeff Lee, Rick Helpers, Connie Dennis

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

Others Present: Fourteen others

1. Call to Order

Call to order by Vice Chairman Jim Heffron was made at 5:32. The Pledge was said by everyone.

2. Approval of Minutes: December 2nd, 2021 meeting

Vice Chairman Heffron drew attention to the minutes of December 2nd, 2021. He asked if everyone had read the minutes. He asked if there were any comments or any discussion. **Mr. Heffron asked for a motion to accept the minutes. Mr. Lee made a motion to accept the minutes as presented. The motion passed with all in favor.**

3. Public Comment

Mr. Heffron invited anyone to give their comments. He asked that they state their name and address for the record.

Allen Alsbrooks, owner of Hearth and Home Inn at 3376 Dellwood Road and member of the Town Zoning Board, asked that all annexations be held until certain issues can be settled. He said there were cases that the Planning Board considered things outside of Maggie Valley, which he called an epic fail. He mentioned that the County had no zoning.

Phillip Wight, owner of Clarketon Inn at 527 Soco Road and Town Alderman, finds it odd that the Land Use plan should be more commercial down near his property. He thinks the Planning Board is considering more residential. He thinks the board is interpreting R-1 where it should be R-3. It is disheartening. He's not sure how the Board backs that up. He wants everyone to deal with commercial land vs residential. Where is the buffer? He said this board was dredging on. He said our businesses are not thriving. It is disheartening to see what's happening.

Mr. Heffron spoke, stating once things are rezoned, parcels can be re-zoned. He asked Planner Finkle to speak to this and she agreed. Most of what we have been listening to lately are initial zoning requests. Any individual can request a rezoning. Mr. Heffron asked Mr. Wight if that helped answer his concerns. Mr. Wight said it seems like we are down zoning. We should have an open concept. He said we were doing R-1 on Main Street. He is speaking of the Hambleton property coming up. He wants a buffer. He wants commercial developers to have the opportunity to have townhomes or VRBOs. Mr. Wight is advocating for the property on Main Street. Ms. Dennis asked what he was talking about. Planner Finkle spoke of the item at the November regular meeting. Mr. Hambleton received an R-1 recommendation. Mr. Heffron said whatever we come up with at this meeting is just a recommendation. Mr. Wight said the

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Planning Board goes against the Planner recommendation every time. Mr. Wight spoke of the Raven Ridge property and the Hotchkiss property zoning recommendation. He said this feels disingenuous. Mr. Helfers said he would like to hear from the Aldermen if they would like all Soco Road to be commercial.

Tammy Wight, owner of Clarketon Inn at 527 Soco Road and Town Alderman, stated that too many restrictions would hurt re-sale value and having no affordable housing will hurt young families.

Mr. Helfers spoke of the annexations that are at the request of the property owners so they can hook onto sewer. To say that we will not accept any annexations would hurt these people. Planner Finkle said the town attorney would need to be contacted to see if we can put annexations on hold. She said that this one tonight should have a recommendation from the Planning Board. Mr. Helfers said that we do understand that County land is not a part of Maggie Valley, but it is affected by Maggie Valley zoning, and we are affected by development in the Extra Territorial Jurisdiction (ETJ.)

David Angel, owner of Elevated Distillery at 3732 Soco Road, spoke of the effort to prohibit and restrict what businesses can do on their properties. He thinks Maggie Valley is making the first step toward that.

Mr. Heffron thanked everyone for their comments and closed the Public Comments.

4. New Business

- a. William J Staiger and Linda L Schwichtenberg, 219 Weathering Heights - Recommendation on Initial Zoning for Annexation 1-11-22 for 8607-40-3592.**

Planner Finkle made the presentation under New Business.

This property is located at 219 Weathering Heights- 8.636 acres one single family home. The new owners were not aware of the septic limitations when they purchased the home. They submitted a request to tie into the sewer. The access is off of Hayes Street, behind High Country furniture. Planner Finkle pulled up the topo map on GIS. Ms. Dennis made a comment of the possibility of installing another septic tank. Planner Finkle said they bought the property in August, and she thinks they have pursued that route for monetary reasons and were told that was not going to be a possibility. Mr. Helfers spoke of the new regulations for septic systems. Planner Finkle pointed out the steep topography. They have discussed the possibility of adding another home since they have the acreage for it. Planner Finkle pointed out that this property is already in the ETJ and she showed the two adjoining properties that were annexed into town to have access to the sewer.

Planner Finkle spoke of the consistency statement and showed the future land used map, which shows this as low density residential. She pointed out the table of uses as to what is allowed and is not allowed, and she gave the breakdown of the number of lots that would be allowed given the zoning. Her recommendation is R-1, which is consistent with the future land use map, the existing single-family home.

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She showed the draft consistency statement and went over all of the points. Planner Finkle turned it over to the board. Mr. Lee asked if she had spoken to the homeowner. Planner Finkle said no, they made no indication that they wanted any specific zoning. Ms. Dennis asked if that was unusual. Planner Finkle said no, they simply wanted to connect to sewer which they have already done. If they are given annexation, they will pay taxes. Mr. Heffron asked if they cared if they were annexed. Planner Finkle said you must request annexation to get onto sewer. The property owners have paid the capital capacity fees and have already connected. Mr. Helfers spoke of the property owners possibly selling the bottom portion of the land or building on it at a later date. **Mr. Helfers made the motion to recommend R-1 zoning as recommended by Planner Finkle. The motion passed will all in favor.**

- b. Board of Aldermen initiated Text Amendment to the Town of Maggie Valley Zoning Ordinance Table of Permitted Uses to make RV Parks and Campgrounds a prohibited use in the C-1 and C-2 Zoning District, and to remove RV-PUDs from Section 154.055 Standards, and to remove RV-PUDs from Section 154.110 Planned Unit Developments.**

Mr. Phillip Wight asked if the Planning Board should be looking at this since it was never voted on. Planner Finkle said that this was initiated at the Board of Aldermen at the Agenda Setting meeting. She said in the possibility that they do move forward in January, to be legal, they must have a recommendation from this board. The only way to make that legal was to bring it before the planning board tonight.

Mr. Allen Alsbrooks said that Ms. Dennis is closely related to someone who benefited from an RV PUD. Ms. Dennis asked if she could speak. Planner Finkle said that the board would decide if she had a conflict of interest. Mr. Phillip Wight said that it was not officially voted on and he was surprised that it was here since it has not been voted on. Planner Finkle stated that this could be continued. Mr. Lee said that he did not understand, the work on the UDO could potentially change and he does not understand the urgency. He agrees with Mr. Phillip Wight. **He made a motion that we do not take action at all until we get more information.** Mr. Heffron would like this to be discussed at the workshop next Thursday. He spoke of the conflict of interest. He sees that the idea is to remove RVs and campgrounds from commercial zoning. He spoke of the C-1 zoning along Soco Road. He said that the idea was to keep the road as nice looking as possible. He said some campgrounds were landscaped and some were not. He recommends we table. Mr. Heffron asked if Ms. Dennis would like to table and she said no. She thinks we should advise the Aldermen on this. She said the property owned by Mr. Jim Blyth will have urgent care and a pharmacy on Soco Road. She said the property would have garages built on it. Mr. Allen Alsbrooks stated that it was a PUD. Planner Finkle said it was a PUD for RV storage. Mr. Phillip Wight said that there would not be enough property for a PUD. Mr. Lee had questions about what an RV PUD is. Planner Finkle said Mr. Blyth did not get approval for an RV PUD. It is a PUD but not an RV PUD. She stated the RV storage is a use allowed by special exception. Planner Finkle stated that the Zoning Board voted on the use for storage, and they voted on the land. ~~Mr. Lee~~ Planner Finkle stated that they could have residences by right. He She said the board was not approving the use of land. Mr. Helfers said that we were not

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considering the use. Planner Finkle clarified that the zoning board approved the property for a special exception for RV Storage as a PUD.

Planner Finkle said there is a motion to table. Mr. Heffron asked if the board does table it tonight, there would be time to do some of the conflict-of-interest training. **The vote was taken Three voted to table. Ms. Dennis opposed. Motion passed.**

5. Other business

a. Appointment to the Haywood County Planning Board

Mr. Helfers requested that we make the appointment to the Haywood County Planning Board. Ms. Dennis stated there were not enough people on the board to make the recommendation. Planner Finkle said that Mr. Helfers requested the item be added to the agenda. **Mr. Helfers made a motion that Mr. Jeff Lee be appointed to that board since he had experience there. Mr. Lee accepted.** Planner Finkle stated that the board should vote. She does not know when the vacancy when will be filled. **Mr. Heffron said the motion was on the floor to nominate Mr. Jeff Lee for the Haywood County Planning Board. The vote was taken. Three voted for and Ms. Dennis against. The motion passed.**

b. Appointment of the Maggie Valley Planning Board Chairman

Mr. Heffron said the next vote was for a Chairman for this Board. **He made a motion that Mr. Helfers be appointed the Chair. Mr. Helfers said he would accept. There was no discussion. The vote passed with all in favor.**

c. Availability for UDO Workshop Scheduled December 16 10:00am – 3:00pm

Planner Finkle said the UDO workshop was not on the agenda. She asked if everyone was available for the UDO workshop to be held on Dec 16th. Ms. Dennis said that she would like it to be postponed. Mr. Helfers said he would like to hold the workshop. He said the Board of Aldermen need a recommendation as soon as possible. Planner Finkle said that we are already past the deadline. Mr. Heffron asked Planner Finkle about the sections of the UDO that need work. She will discuss this with the Aldermen and the place to start will be the Permitted Table of Uses and the Draft Zoning Map and a Draft of Dimensional Standards – how big the lot will need to be. The UDO will bring together a variety of ordinances. The subdivision standards will take a considerable amount of time. Signage will be important. We will need to be compliant with state and federal laws. Size and height can be considered, not content.

Mr. Helfers spoke of the possible regulation based on speed limit. Planner Finkle said an overlay could be created based on speed limit, if that was chosen. She said it was not currently written that way. Mr. Heffron spoke of the different types of signs that will be either on the building or advertising the business name – different uses. He spoke of the ability to limit the meeting to three hours. He wants to ensure that the 160D is fully in the UDO. Mr. Heffron asked Planner Finkle about 160D. She said 160D will be included. The UDO must be 160D compliant. Conflict of interest, Down zoning, are all included. Subdivision requirements and

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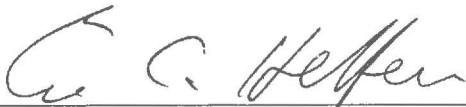
signage requirements may change. The more we pull out to amend, the longer it will take to get adopted. Mr. Helfers said it looks like a major proposal review. He said there are multiple ways to do it. Planner Finkle says the legal requirements will be handled by her and the Town Attorney. The things she wants the Board to look at most are the five zoning districts changing to 14, the table of uses, etc. Mr. Helfers asked how long grandfathering is allowed. Planner Finkle will look that up. Once a use is stopped or changed (not rented or sold) it typically loses the grandfathering. Ms. Dennis mentioned that the speed was generally 45 with people driving. The speed she would like to see is 25 mph. Planner Finkle said that Soco Road is not a town street, it's a state highway. She will share the latest info from DOT and a recent proposal by DOT for a roundabout at 276 / Hwy 19. This is one traffic calming measure. Planner Finkle said we are at the will of DOT – Maggie Valley is unique in that respect. Mr. Helfers asked about the workshop time frame. Mr. Heffron asked if Planner Finkle would prioritize what needs to be looked at. He would like to talk about conflict of interest. Planner Finkle said the rules of procedure draft talks about conflict of interest (from Region A). Mr. Heffron would like less grey area. Planner Finkle said that some boards ask at the beginning of each meeting if anyone thinks they have a conflict. It could be decided as part of the rules of procedure. Mr. Helfers spoke of David Owens recommendations for a quasi-judicial board, which the Planning Board is not.

Planner Finkle asked if Thursday 10-3 will work. Ms. Dennis may not be able to attend. There was discussion. 10 to 1 was Mr. Lee's recommendation. Planner Finkle invited all board members to come to her office anytime to talk. 10am to 1pm on Thursday, December 16th will be the hours of the workshop. She wants the board to worry less about 160D and more about changing from 5 to 14 zoning districts and the Table of Uses. Mr. Lee asked about Planner Finkle's experience at her previous job. She is very familiar with 160D given she amended the Brevard UDO for compliance. She is planning for a considerable amount of public input before the UDO is adopted.

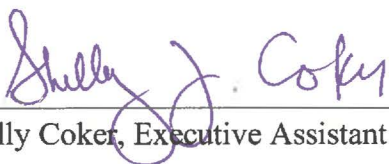
6. Adjourn

A Motion to adjourn was made by Mr. Helfers at 6:50pm. The vote passed with all in favor.

The next regularly scheduled meeting of the Planning Board is scheduled for Thursday, January 13th at 5:30pm in the Town Hall Boardroom.



Eric C. Helfers, Chairman



Shelly Coker, Executive Assistant