

**Planning Board Minutes
Special Called Meeting
Maggie Valley Town Hall Boardroom
Thursday, December 2nd, 2021
10am**

Planning Board Members Present: Rick Helfers, Jim Heffron, Connie Dennis, Jeff Lee

Staff Present: Kaitland Finkle, Town Planner, Shelly Coker, Executive Assistant, Nathan Clark, Town Manager

Others Present: Nine others

The Planning Board members spent a few minutes reading letters received after the email packet had been created.

1. Call to Order

The call to order was made by Vice Chairman Heffron at 10:12am. The Pledge of Allegiance was said by everyone.

2. Approval of Minutes: November 4th, 2021 meeting

Vice Chairman Heffron stated that the minutes were sent out by Planner Finkle in an email. He asked if everyone had read the minutes. The members had read the minutes. Mr. Heffron asked if there were any changes or corrections to the minutes. There were none. **Mr. Helfers made the motion to accept the minutes as presented. The motion passed with a unanimous vote.**

3. Old Business – Continuation

- a. **Robert K Hotchkiss, 751 Soco Road - Recommendation on Initial Zoning for Annexation 12-14-2021 for Rear of 7696-77-7475 and Rezoning Request of Front of 7696-77-7475 and 7696-88-0432.**

Planner Finkle spoke of the site visit and the 9am walk made by the board members this morning. She gave the background information for the property to begin the discussion of the continuation. The property is two parcels. There is a request for annexation of 751 Soco Road, property with an existing home. Both the Annexation and Zoning will come before the Board of Aldermen at a Public Hearing on Tuesday, December 14th at 6:30pm. The Planning Board will make a recommendation on the initial zoning for the annexation. The property owner has made a request for the front portion to be zoned residential, not commercial as it is now. There are no plans to develop the property commercially. There are 17.66 acres being considered. The adjacent zoning districts are R-2 and R-3. The property owners have requested residential zoning and they would like the commercial portion to be re-zoned residential.

Initial Zoning considers uses, minimum lot sizes, setbacks and adjoining property. Raven Ridge is a cluster type community. They are clustered with a common space, the lots there do not meet minimum lot standards. Appalachian Village has lower lots that are built to the R-3 standards. These are all lower down where the topography is not as steep. Lots are slightly larger and as you go up the hill, lots are much larger, due to the topography. Another thing that is considered is the Future Land Use Map. Planner Finkle called everyone's attention to the map display. The peach color is called Soco Road mixed use. That zoning classification, we do not have currently. The designation for Raven Ridge was medium density and Appalachian Village has high density on the lower half and lower farther up on the property.

**Planning Board Minutes
Special Called Meeting
Maggie Valley Town Hall Boardroom
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One thing considered is allowed uses. Planner Finkle displayed the Uses/ Description poster for the Hotchkiss property. Density is also considered. Her calculations show the maximum number of lots and maximum units. R-1 would allow 54 lots on the 17.6 acres. Setbacks are always 10 feet on the sides and rear. Front setbacks are unique to the density. Planner Finkle reviewed all the considerations for the Planning Board to discuss and make their recommendation. Her recommendation is to zone it R-3 high density and has prepared a consistency statement. The Planning Board will be making a recommendation.

Mr. Lee had a question about how many lots are approved for Appalachian Village. Planner Finkle counted the lots, there are 27 approved lots. Planner Finkle said they could have gone greater and did not, likely due to topography. The discussion was that they could have put 102 lots there. Mr. Helfers said that was terrain driven. Ms. Dennis said the amount they have looks good. Planner Finkle said the Planning Board makes sure the infrastructure is good. Some state permits that are required are a trout buffer for streams and erosion control. The Department of Transportation will have to approve additional driveways, along with the speed of the road and any hazards. Mr. Helfers spoke of the single-family homes that might be built in a residentially zoned area. He spoke of R-2 or R-3 zoning. Ms. Dennis asked about having R-1 zoning. Mr. Lee agreed with Mr. Helfers that the adjoining properties are R-2 and R-3. Mr. Helfers said that R-1 would fit in, but that this property lends itself to R-2 or R-3. Down at the bottom, R-3 would be fine. Mr. Heffron spoke of the topography at the top of the property. He stated that R-3 would be impossible to do at the top of the property, possibly even R-2. He suggested splitting the property into the front as R-2 or R-3 and R-1 at the top. Mr. Lee said it would be topography driven. Planner Finkle mentioned there could be split zoning, due to site constraints. Ms. Dennis said she would like the property to be like Appalachian Village.

Mr. Lee said he would like to make a motion. David Lybrand, 56 Appalachian Trail, spoke from the audience stating he would like to make a comment. Planner Finkle said that the Public Hearing will be held on December 14th. Public comments will be taken at that meeting. Mr. Lybrand continued to attempt to speak. Planner Finkle said that the letters that were received have been read by the members. Mr. Lybrand continued to speak. Vice-Chairman Heffron said that comments would not be taken at this time. He then asked for individual Board member comments. Ms. Dennis would like the bottom portion of the property to be R-2 and the top portion to match up with Appalachian Village. Mr. Helfers would start the R-1 an estimated 200 feet up from the tree line with R-2 at the bottom next to the road and as you go up the hill, R-1 zoning. Mr. Lee agrees with the town staff's recommendation. He said even with the R-3 zoning, they would not be able to put in the maximum number of homes. Mr. Helfers said the developer would have quite a few constraints. The houses may be jammed in toward the bottom. All members stated that Appalachian Village looked nice. **Mr. Lee would like to make a motion to agree to the town's recommendation of making the zoning R-3 for the entire property. He said it would be consistent with the adjoining property.** Mr. Helfers discussion was that with R-2 or R-3 zoning, there would be no more than 55 homes placed here. He thinks R-2 zoning would be more aesthetically pleasing. He does not want to split the property zoning. He would like to have R-2 for everything. Ms. Dennis spoke of R-2 uses of

**Planning Board Minutes
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multifamily or townhomes. She wants to do R-1 zoning so that she knows there are going to be single family homes. Mr. Lee asked if there could be stick built homes. Planner Finkle said we do not have conditional zoning. Ms. Dennis said R-1 would have single family houses. Planner Finkle said that even in R-1, you could have manufactured homes. Mr. Helfers said that residents on either side of the property wrote letters asking for what Ms. Dennis has suggested. **Planner Finkle said there was a motion on the floor. Vice Chairman Heffron called for a vote. Mr. Lee was for. Three were against. Motion failed.**

Ms. Dennis made a motion to zone the property R-1 except for the bottom portion. Then she amended the motion to zone all of the property R-1. Planner Finkle said that the lot sizes were all going to be larger than the ones at the bottom of Appalachian Village. There was discussion of the number of homes that could be built and how the zoning would limit the developers. Mr. Helfers asked if Ms. Dennis would accept R-2 zoning at the bottom. He wanted R-2 at the bottom. **Vice Chairman Heffron called for a vote. Ms. Dennis was for. Three were against. Motion failed.**

Mr. Helfers liked the idea of the slightly denser clustering at the bottom of the property, then the remainder to R-1. He made a motion to have R-2 zoning at the bottom portion and then R-1 zoning approximately 200' feet beyond the tree line. Ms. Dennis mentioned the uses allowed in the R-2 zoning. **Vice Chairman Heffron called for a vote. Mr. Heffron and Mr. Helfers voted yes. Ms. Dennis voted no. Mr. Lee wanted to discuss more.**

Mr. Lee asked Planner Finkle what the number of units on the acreage would be from the tree line down. She said that approximately 35 units would be able to be built on the lower half and 25 at the top based on Mr. Helfer's motion. Ms. Dennis spoke of the uses that would be allowed. Planner Finkle considers the uses, density, minimum lots sizes, and setbacks. Mr. Heffron asked once the initial zoning of the property was set, would someone be able to request a re-zoning. Planner Finkle said yes, with a process. Mr. Heffron asked if the Unified Development Ordinance zoning will change the zoning of this parcel. Planner Finkle said each property will be looked at and the Board of Aldermen will be able to change any property when the new zoning maps are created. There was discussion. Mr. Lee asked for a repeat of Mr. Helfer's motion. **Mr. Helfers made a motion to have R-2 zoning at the bottom portion of the property and then R-1 zoning approximately 200' feet beyond the tree line. Vice-Chairman Heffron asked if there was any more discussion. Vice Chairman Heffron called for a vote on the recommendation. Ms. Dennis voted no. Mr. Lee, Mr. Helfers and Mr. Heffron voted yes. The motion carried.**

Planner Finkle spoke of the Planning Board being an advisory board and that the Board of Aldermen will make the final decision on the annexation and zoning of this property. Planner Finkle said the consistency statement would be presented along with the Planning Board's recommendation.

4. Other Business

**Planning Board Minutes
Special Called Meeting
Maggie Valley Town Hall Boardroom
Thursday, December 2nd, 2021
10am**

Vice Chairman Heffron asked if there was any other business. Mr. Helfers stated that he would like to see all proposals to be presented before the Planning Board to be due by the Monday before the meeting. To give the Planner time to create the packet, there will be no last-minute submissions. Planner Finkle will be sending postcards to persons who might fill our Extra Territorial Jurisdiction position vacancies on this board. We do have two new aldermen. It would be good to have ETJ members on our board before the UDO is finalized. The persons in the ETJ do not vote in the Town or pay taxes to the Town, but they do have to conform to the Town's zoning. There will also be discussion of filling the Planning Board vacancy, as Mr. Heffron is filling in as Chairman at this time. The draft UDO will be given to Planning Board members later in December. The draft zoning map has been given to each member as well as the draft table of uses. Planner Finkle invited members to mark up their copies. She said that now is the time to make notes and to check thoroughly. Mr. Helfers mentioned the new process concerning proposals. Planner Finkle said when we adopt our new calendar at the regular December meeting, she will include this. Mr. Helfers requested a DOT representative to speak to the Planning Board. He also mentioned the Haywood County Planning Board member recommendation being added to the agenda of the regular December meeting.

Vice Chairman Heffron asked if there was other business. Mr. Lee mentioned the Blog from David Owens from the UNC School of Government. He would like to make copies to distribute to the Planning Board members. Planner Finkle and Manager Clark spoke to the Land of Sky staff and would like to hold one training, possibly in January, for all board members. Planner Finkle hopes the Land of Sky training will be a 'mock meeting' and provide a lot of information. Mr. Helfers said that members need to know how to get through a conflict of interest. Planner Finkle said Land of Sky staff suggests we have Rules of Procedure and will share some from smaller communities to see conflict of interest and how it's addressed. Mr. Heffron asked if the Town Attorney could come to our training. Planner Finkle said she will see and determine possible dates to see if he can come. Mr. Owens, of the School of Government Blog, has been recognized for The Order of the Long Leaf Pine. Mr. Heffron suggested a binder for all this good information.

Mr. Helfers spoke of some of the pertinent information in the Driving Miss Maggie presentation. Mr. Lee asked about next year, with the UDO in place, how will this have helped with the decision made today. Planner Finkle said with many more zoning districts, the uses will shrink with each. She showed the draft zoning map and said this map is based on the current Future Land Use map. Planner Finkle said the table of permitted uses and the zoning map will be something Planning Board members will want to look at before diving into the UDO workshop. Planner Finkle said there will be extensive advertising when zoning is going to change. She said people will come in and take a close look at their property. Mr. Heffron said that people with commercial property will be coming through the door. He thinks many residential people may not come. Planner Finkle's goal is to try to bring things into conformity. Mr. Helfers said the UDO is business oriented. He also mentioned short term rentals. Mr. Lee asked Mr. Heffron why he thinks that commercial properties will give more pushback. Mr. Heffron said this affects business people's pocket. He said existing businesses might be more concerned than residents.

**Planning Board Minutes
Special Called Meeting
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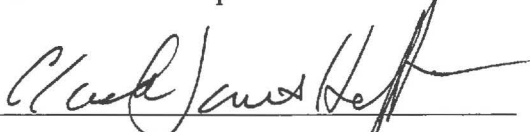
Planner Finkle said that the commercial use corridor, C-1 will be changed into specific districts. Planner Finkle said that people usually come in after the fact and want changes. Mr. Lee said he hopes this is concurrent with growth. Mr. Heffron said certain types of uses were being moved farther out rather than in the center of town. Planner Finkle asked everyone to look at the table of uses and the zoning districts and where they are proposed in town. Mr. Heffron asked everyone to look at new trends. Planner Finkle mentioned the Axe Throwing business that this board looked at recently. Are there things that are becoming trends that we need to look at.

Ms. Dennis asked Planner Finkle about multifamily buildings. Planner Finkle said they have to go through the architectural design standards. Mr. Heffron spoke of the site constraints of the property we looked at today, with rocks and steep topography. Mr. Lee said he was looking at consistency. He wanted the zoning to match Appalachian Village. They all liked the look of that subdivision. There was discussion of multifamily and what is allowed. Town Manager Clark spoke of the one thing that would help the board. He volunteered to show board members areas within Town, places with different densities. For R-3, Linson Ridge and The Preserve are two of the best neighborhoods and Trinity Cove and The Meadows at Campbell Mountain feature duplexes and sell like hot cakes. Homes on Alexander Drive in the Maggie Club started out as duplexes. He and Planner Finkle offered to take groups of two to see places you don't think about and don't see every day. Uses, zones and densities may appear different when you see them in our town setting. Mr. Heffron mentioned affordable housing. Ms. Dennis said affordable housing is not truly affordable.


5. Adjourn

Vice Chairman Heffron asked for a motion to adjourn. A motion was made by Mr. Helfers and the meeting was adjourned at 11:45am with all in favor.

The next regularly scheduled meeting of the Planning Board is scheduled for Thursday, December 9th at 5:30pm in the Town Hall Boardroom.



Jim Heffron, Vice-Chairman



Shelly Coker, Executive Assistant