

Planning Board Minutes
Regular Meeting
Maggie Valley Town Hall Boardroom
Tuesday, June 21st, 2022
5:30pm

Planning Board Members Present: Chairman Rick Helfers, Jeff Lee, Bill Sebastyn, and Janet Banks

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

Others Present: Two others

Call to Order

The regular meeting was called to order at 5:29pm by Chairman Helfers. The Pledge of Allegiance was said by all.

3. Roll Call / Quorum Determination

Roll Call / Quorum Determination, 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 none. Chairman Helfers read his opening statement.

Planner Finkle spoke of the required Neighborhood Compatibility meeting for 10 acre or over parcels, which must apply for Conditional Zoning. Mr. Lee clarified that the developer would be responsible for recommended changes and to address concerns following the Neighborhood meeting and prior to coming before the Planning Board. Planner Finkle said yes and used DOT questions or additional setback issues as examples. Mr. Helfers asked about public comment on the earth tone pallet or color changes. Planner Finkle said yes, the board will talk through that. Mr. Heffron stated that architecture should enhance the design. Mr. Lee asked about a specific agenda item, and would there be no public comment? Chairman Helfers said no. Planner Finkle said that whenever there's a hearing that qualifies as a legislative hearing, with an opportunity for people to be heard, she will have to meet the legal requirement of advertising. This board is not tasked with taking those items into consideration. This board's decisions will become part of the minutes however comments do not become part of the legal record of the public hearing. The Zoning Board and the Aldermen are set up to hear from people. Mr. Lee qualified again that this board would not be letting the public speak. Planner Finkle recommends against it. Mr. Lee asked if a subdivision would go before the Planning Board, and no one would be allowed to speak. Planner Finkle said why have them speak if the subdivision meets all of the requirements and the Board must approve the Plat? Mr. Heffron spoke of the difference between the applicant and the public. Mr. Lee asked about the last plan for Mari's Meadow. Planner Finkle said the developer was an item on the agenda, (the applicant). Mr. Sebastyn spoke of the recent example of a subdivision when the developer spoke to the board. The general public person that spoke of concerns (the neighbor) will not be speaking to this board in the future. Mr. Heffron said the public's opportunity to speak will be at the public hearing – before the Board of Aldermen. Mr. Helfers said yes, the developer would be able to speak. Planner Finkle said it was stated exactly in the Rules of Procedure, which will be looked at later in this meeting. Mr. Lee wanted to make sure it did not sound very negative. Planner Finkle said the language allows the board to receive comments. However, attending the Planning Board is educational to come gather information or

Planning Board Minutes
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5:30pm

see if concerns were discussed before attending the public hearing before the Board of Aldermen.

Allen Alsbrooks, of Hearth and Home Inn, spoke from the audience. He asked that Planner Finkle make it plain to everyone the Zoning Board does not hold public comment. Planner Finkle stated that the Zoning Board of Adjustment does not have an opportunity for public comment. Chairman Helfers spoke of the chance for the neighbors to comment on an agenda item if they have standing. A Town Attorney may begin attending the Zoning Board meetings.

Frankie Wood, developer, spoke from the audience saying he liked the Unified Development Ordinance (UDO), and he likes Planner Finkle as the City Planner. The public's place to comment should not be at the Planning Board meetings, according to Mr. Wood. He said he likes the way the UDO has come together. He has four or five plans coming together. He thinks developers should trust the Planning Board will be making good decisions. The summary information from Planner Finkle should eliminate the public coming to make comments. Comments should be handled on the Aldermen level. People need to start depending on Planner Finkle, he said.

Planner Finkle said the neighborhood meetings will give people time to share comments and concerns with the developer before plans can proceed before the Planning Board. The Planning Board only has 30 days to make a decision. The neighborhood meeting will be advertised with notice being sent to a larger area than is required for the Public Hearing. Concerns are brought up at that time. The Planning Board then has an opportunity to see if they are addressed or if they are not will there be the questions. This should make the Planning Board recommendations a lot easier moving forward. Mr. Helfers said the agenda is set a week before the meeting.

The Conditional Zoning request will have a neighborhood meeting. Mr. Wood spoke from the audience saying if everything is met, with proper zoning, comments from people should be given at the Aldermen meeting. The Board of Aldermen are elected. The people feel like they are being heard at the Public Hearing. This board is appointed, and the recommendations should be able to be met a bit smoother. Mr. Heffron said when the applicant comes, Planner Finkle will have looked at the plan, the lots, the sizes, the setbacks, etc. By-right decisions will still be reviewed, as an administrative decision. Mr. Lee asked again about speaking. If the applicant meets all the requirements, the recommendation will be given. Mr. Lee said we do need to have good requirements.

Chairman Helfers asked for a motion to accept the opening statement with the words Comprehensive Plan capitalized. Ms. Banks made the Motion to accept the opening statement with the typing adjustment. Mr. Heffron seconded. The Motion passed with all in favor.

5. Approval of Minutes

Chairman Helfers asked that we move along to minutes.

**Planning Board Minutes
Regular Meeting
Maggie Valley Town Hall Boardroom
Tuesday, June 21st, 2022
5:30pm**

April 7, 2022 Planner Finkle spoke of one change she made which was requested by Mr. Helfers and he asked if there were any other changes. There were none. **Chairman Helfers asked to entertain a Motion to accept the minutes. Mr. Sebastyn made the Motion. Mr. Heffron seconded. Ms. Banks had a comment. She questioned if Allen's comment should be in the minutes. Planner Finkle said that corrections to the minutes are if there is a mistake. Mr. Alsbrooks made the statement. Ms. Banks withdrew her comment. The Motion passed with all in favor.**

April 25, 2022 Mr. Helfers said on page seven there was a change that has been made by Planner Finkle. She asked if there were any other changes. There were none. Mr. Helfers asked if there was any discussion. There was not. **Chairman Helfers asked to entertain a Motion to accept the minutes. The Motion was made by Mr. Lee and seconded by Mr. Sebastyn. The Motion was approved with all in favor.**

May 17, 2022 Planner Finkle provided an addendum with Mr. Helfers' and others' comments. Mr. Helfers asked if there were any other changes to be made or is there any discussion or questions. There were none. **Chairman Helfers asked to entertain a Motion to accept the minutes. The Motion was made by Mr. Lee and seconded by Mr. Sebastyn. The Motion was approved with all in favor.**

May 11, May 18, and May 25, 2022 UDO online Workshop notes – Planner Finkle said a lot of the comments that happened in these workshops and are included in the notes, went into the UDO. Mr. Helfers asked if there were any discussion items or comments. There were none. Mr. Helfers suggested that the board look these over. Planner Finkle gave an update on Municode for the UDO. They are good to work with. It takes approximately two months' time. Once it's online, changes can be made locally. Once the UDO is on the website and up to date, changes will continue to be made. Once changes are approved by the Aldermen, they will be made immediately online. There were some changes likely to occur in the subdivision chapter. As subdivisions come in, there may be changes that need to be made.

6. New Business

Public Engagement Plan & Schedule for Comprehensive Plan

Planner Finkle stated that WithersRavenel's plan will be to have an initial survey for feedback on the Comprehensive Plan. There will be multiple rounds of public workshops, and a marketing roll-out for the Comprehensive Plan. The marketing tool can be used for areas such as the Jonathan Creek area. There will be Stakeholder interviews. This board, the Chamber of Commerce, TDA and other boards will be involved. A Steering Committee may be created with varied diverse members. Planner Finkle will bring the sample survey when she has it. The calendar will probably be pushed back slightly. She would like to delay slightly until she has some help when the new Assistant Town Planner position is filled. Mr. Heffron asked about the possible ETJ changes. Planner Finkle said it is at the Senate level and was not voted on. It has been put out to a committee. It is not likely to be seen in this short session. Mr. Heffron said at

Planning Board Minutes
Regular Meeting
Maggie Valley Town Hall Boardroom
Tuesday, June 21st, 2022
5:30pm

least one Planning Board member should sit on the Steering Committee and Planner Finkle said yes, and one Alderman as well. Planner Finkle said the properties on Jonathan Creek are not currently included in the Future Land Use Plan. There will be brand new Future Land Use map which includes this area. The time frame is to hope to have it adopted in March 2023. Planner Finkle said they are already doing work in the background. There will be two rounds of engagement. WithersRavenel is looking at economic development and addressing what are people's biggest concerns. They want to base it off individual's input. Mr. Heffron spoke of what is established and the relationship of all the parts and pieces. Planner Finkle said she will have a map of vacant or underutilized parcels. There could be additional potential for these properties. Mr. Heffron spoke of the Jonathan Creek area and the facilities or amenities you may have close by. A park, a recreation area, varied commercial, etc. Jonathan Creek will have multiple districts as it is developed. Mr. Helfers asked if Planner Finkle had received a copy of the survey, she said no but she has done this project just two years ago in Brevard. Mr. Helfers brought up the cost and Planner Finkle said most of the work of public engagement will be done in-house, so she does not want to commit to starting the roll-out until she gets a staff person to help. Mr. Helfers asked if they were working now, and Planner Finkle said yes. The more WithersRavenel does on the engagement side of things, the more the project will cost. Planner Finkle said they recommended two public engagements sessions. She said that did not seem enough. She would like to have one at the big campground on Jonathan Creek and drop-ins at the coffee shops, etc. Mr. Heffron asked if she had a handout to pass out. Planner Finkle said yes. The input will be collected in different ways. There will be mailings and handouts. Mr. Helfers spoke of the areas to address. Mr. Heffron spoke of Planner Finkle's idea to have a diverse group. Mr. Sebastyn asked how selective we could be with mailings. He spoke of the possibility of a meeting at the Brannon Forest subdivision. Planner Finkle spoke of the Raven Ridge sponsored online workshops. She thinks neighborhoods will be spreading the word to their areas. Mr. Heffron spoke of using HOAs to spread the word. Mr. Helfers asked the board to think about getting members for the Steering Committee.

7. Other Business

a. New Planning Position

July 1st will be the first review of applicants for the position, with interviews to be held later in July and to possibly have someone here in early August. An experienced person would be great, but it may be someone straight out of school. Planner Finkle has sent the job description out to various colleges including UT, Appalachian, UNC Charlotte, ECU, and Western. Ms. Banks had a question about the curriculum possibly including an internship. She said that could be an option if there was no one to come in full time. Planner Finkle agreed. The one candidate she has gotten so far is a student. A current student, recent grad or soon to be grad would all be ideal. She would like to get some one that is fully staffed, to train and retain. There will be a better understanding for the next meeting. Mr. Heffron asked how much time it may take to train the person. Planner Finkle will start them off doing administrative duties, answering the phone, emails, help creating agendas, etc. Mr. Helfers stated that Planner Finkle will be doing the interviewing.

Planning Board Minutes
Regular Meeting
Maggie Valley Town Hall Boardroom
Tuesday, June 21st, 2022
5:30pm

Planner Finkle brought up renewal of some preliminary plats which may be why Mr. Wood is here tonight. There are a couple of plats that fall within that time frame. Covid Executive Orders have caused an extension and these approvals are still valid. Planner Finkle spoke of Mr. Wood's 22-lot subdivision on Moody Farm Road. And Mr. Zambito has a plan for smaller homes right at Fox Run Road. There is also one for Linson Ridge – Phase III – the three lots at the upper portion. These will have five months (150 days) after the Executive Order is rescinded- which may be in July, to come back before the board to ask for an extension. Mr. Lee asked if there was any update on Terry Lynn Crider's property. It was a PUD. Mr. Heffron asked if these were grandfathered. Yes, but the Crider property has had a court ordered eviction. The partners took Ms. Crider to court and the court ordered eviction of the property. There are outstanding sewer fees. Planner Finkle said there were conditions put in place by the Zoning Board: paving the road, putting up landscaping, paying the sewer fees, etc. There has been a violation issued. Mr. Lee asked about the property behind the Citgo station. Planner Finkle said they have full approval to proceed when they are ready.

Mr. Helfers spoke of the items he wanted to go over. Ordinance 991 was the Planning Board Bylaws. The Planning Board Rules of Procedure have been adopted. We are awaiting the May 26th minutes. Mr. Sebastyn asked if there was a time frame to know who will be staggering their terms on this board. Planner Finkle said she would look at the bylaws to see if the staggered terms are mentioned. Mr. Heffron mentioned that the members are appointed by the Aldermen. The language for down-zoning was discussed. Annexations were brought up by Planner Finkle. She thinks it is important to have the ETJ. The County has said they would have to hire staff to the tune of \$150,000 to handle more work if they had to deal with the ETJ areas. There are still two positions available on this board for ETJ members. Ms. Banks asked if the County appointed them. Yes, Planner Finkle has sent postcards to all local ETJ property owners, with no interest shown. Mr. Helfers asked Mr. Lee about the Haywood County Planning Board and what they were discussing. Mr. Lee said development may happen at the County's Jonathan Creek property and they will need water and sewer there. He thinks Maggie Valley is going to be on the front end of that plan. The UDO will help with this development. The Future Land Use map will be very important. The Comprehensive Plan will help also. Mr. Lee spoke of the need for ETJ members. The County Planning Board meets the fourth Monday of the month. Mr. Helfers spoke of Food Trucks. Planner Finkle said we have had one business that wants to be a host site – Barn Tin Boutique. Mr. Helfers went to the Food Truck there. He said parking really needs to be addressed. There were some issues pulling in or out of Soco Road. Planner Finkle said the owner had more of an event. She had outdoor sales combined with her Food Truck. She had additional vendors.

Mr. Lee spoke of JeepFest and said it was well attended. The money raised goes to Sarge's Animal Rescue. The police were called – a neighbor had complained, but it was investigated and there was no problem. It was a great event. Mr. Heffron brought up parking again, associated

Planning Board Minutes
Regular Meeting
Maggie Valley Town Hall Boardroom
Tuesday, June 21st, 2022
5:30pm

with Food Trucks. Planner Finkle does think we should look at Outdoor Sales and the qualifications. Everyone agreed.

The earth tone Color Palette will be discussed and the Architectural Standards as well. Planner Finkle will provide some more information for discussion.

8. Adjourn

Chairman Helfers made a Motion to adjourn at 7:30pm. Mr. Lee seconded. The Motion passed with all in favor.



Eric C. Helfers, Chairman



Shelly Clement, Executive Assistant