

Planning Board Minutes
Regular Meeting
Maggie Valley Town Hall Boardroom
Tuesday, May 17th, 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 Coker, Executive Assistant

Others Present: 22 others and reporter Kathy Ross

1. Call to Order

The regular meeting was called to order at 5:34pm by Chairman Helfers. The Pledge of Allegiance was said by all.

3. Roll Call / Quorum Determination

Roll Call / Quorum Determination four 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 an opening statement which he had prepared.

5. Old Business

a. Recommendation of Future Land Use Plan Update

Planner Finkle gave the background information. WithersRavenel was hired to assist with the Land Use Plan update. The existing plan was from 2007 and the deadline is June 30th of this year to have a new plan in place. There will also be a brand new comprehensive plan following a public engagement process in the fall.

WithersRavenel staff members Karen and Daniel gave the update online using Microsoft Teams. Planner Finkle showed the presentation on the screen for all to see. The agenda for tonight includes the Purpose; to enforce zoning, Land Use plans need to be completed and updated by July 1st of this year. These are administrative tools to guide decision makers. The goals and objectives along with the Future Land Use map will be unchanged at this time.

Plan Contents shows where are we now? Where do we want to be? How do we get there? Workflow shows the steps including the Kickoff meeting with Staff and Boards then Demographic Research, Plan Updates and Adoption and then there will be Next Steps. Tonight's recommendation will go before the Board of Aldermen. We are now in the Plan Development Stage. Kickoff and SWOT (Strengths Weaknesses Opportunities and Threats) analysis was done in March 2022. All the recommendations were taken to make Plan Changes. The Updates are shown in the Draft. The updated Demographics were used.

Creating a new Future Land Use map will be looked at in Phase Two as part of the Comprehensive Plan. The Future Land Use Map will change during Phase Two. The current Future Land Use Map was displayed. The focus of future development will look at where water and sewer are available. Under Next Steps, tonight we are looking at the Land Use Plan update and after this is adopted, the Comprehensive Plan will be done in Phase Two.

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The Land Use Plan vs. the Comprehensive Plan – the Land Use Plan is an update of what exists currently. The Comprehensive Plan shows all other aspects. Community Engagement will involve surveys, social media, the Town website, public workshops events, etc.

Planner Finkle asked if the board had specific questions for the WithersRavenel staff. Mr. Helfers spoke of corrections he and Ms. Banks wanted to correct. Ms. Banks was very pleased about the overall plan. Her concern is the consultants are making an assumption about our growth from 2020 to 2030 that may not pan out. She said that we may not grow at the same level or higher for the next ten years. If we do not see that, what recommendations would they make to dial the plan back? Mr. Helfers has a concern about the permanent residents vs. the seasonal population. He also had concerns about crowd control. He mentioned housing knowledge and B&Bs, police information, and people in motels. Planner Finkle spoke of page 12 for Ms. Banks's concerns and Mr. Helfer's concerns about seasonal residents are not mentioned. Planner Finkle stated that they are updating the stats for the Comprehensive Plan. Mr. Sebastyn spoke of the subdivisions that have had part timers and the homes have recently sold and the new residents became full time. Planner Finkle confirmed with Ms. Banks what she would like to hear about how they gave their population data and then she let the presenters know the Planning Board members concerns.

Daniel spoke of the census for a population projection, but that the Census data has not been produced at this time. They used an exponential model looking at the history of the town, a simple methodology was used for this with a more Comprehensive Study to be done in the future. Planner Finkle asked if Ms. Banks would like a footnote for documentation on page 12 or would she like the line removed. Ms. Banks stated that when the consultants projected the data was it on permanent residents. Yes, that is correct, Planner Finkle stated. She said the state has an office that projects the population numbers. The State information is not available yet. Mr. Helfers suggested that they use an upper boundary and a lower boundary. Mr. Lee mentioned that the boundary of Jonathan Creek, the road use, and traffic will be factored in. Planner Finkle said that this document will be a steppingstone for development in Maggie Valley.

An issue Mr. Helfers would like to see added in, is the need for Broadband within Haywood County. He would also like a Bus shuttle 'grant' trolley on Soco Road. He had some more ideas including family mountain bike trails, and his pet peeve; bury the power lines and the telco lines. He would like to see other changes and how all statistics were driven in a footnote. And he would like it to be made clear that this is permanent residents only. He has pages of notes to give to Planner Finkle to pass along.

Planner Finkle spoke of the need for a thirty-day window of recommendation for the June 6th Public Hearing date. She said the recommendation could be made with the notations that have been brought up tonight. The next Special Meeting will be held May 26th. Planner Finkle said she would see if they could get an updated draft by May 26th to be looked at along with the UDO. Ms. Banks spoke of the considerations for the future, made by Mr. Helfers. He mentioned that grants would have to be obtained to do the items. Planner Finkle spoke of the

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2007 Plan and the matrix shown for the future. With the tight turnaround time, this is only step one. A cost column will be added along with a priority column, not just time frame in the new comprehensive plan.

Mr. Helfers asked what the consensus of the Board was. **He asked for a Motion to move the document along to the 26th of May. Ms. Banks made the motion to Recommend the Future Land Use Plan and Mr. Lee seconded. The Motion passed with all in favor. The Board thanked the WithersRavenel staff.**

b. Adoption of Rules of Procedure

Mr. Helfers spoke of the Public Comment section and the suggestion made by the Town Attorney. The recommendation was to recognize anyone who would like to make public comments or that the Chairman could make a decision to allow comments or not. Ms. Banks said she wanted to allow anyone to speak if they wanted to. She thinks the Board should encourage public comments. She suggested the three-minute time limit. Mr. Helfers said that someone who was speaking might be given five minutes. Planner Finkle said it should be made extremely clear that this was NOT a Public Hearing. The comments heard here will not be passed along to the Aldermen, except by being recorded in the Planning Board minutes. She stated comments could be written and submitted to the Town Clerk or people should speak to the Aldermen during the Public Hearing. This is an advisory board only.

Mr. Helfers mentioned the Board is bound by the Future Land Use map. Mr. Sebastyn spoke of the feelings that individuals were trying to sway the Planning Board and then to go to the Board of Aldermen. Planner Finkle pointed out the Planning Board is not bound by her recommendation and the Aldermen are not bound by this board's recommendation. She wants to make sure that is clear. However, there is an item on the agenda this evening that is not an advisory decision. If the standards are met, the regulations will allow certain things. The Public Hearing is the legal place for comments to be heard by the Aldermen.

Planner Finkle spoke of the 'jobs' of the Planning Board. This is not a Public Hearing. The Rules of Procedure were mentioned by Planner Finkle. It is up to the board if they want the Public Comments at the beginning of the meeting see 6.3. Mr. Helfers asked for a motion to accept the 6.3 language or the statement he read today. Mr. Sebastyn said that the chairman could make the decision anyway; three minutes or to allow the speaker to go to five. He thinks what Mr. Helfers wrote up was the way he would go. He thinks they might even ask for someone who has a lot of background to speak to the board. Planner Finkle said he could keep his paragraph and add to it. Mr. Helfers would like to table and see what the new paragraph looks like next time. Ms. Banks had a question under membership, concerning the ETJ (Extra Territorial Jurisdiction) members. The extended time frame for Haywood County to make appointments is probably because there were no applications received. Planner Finkle said the planning board could be extended to seven regular members with room for three ETJ members. Mr. Lee asked about tenure in 3.2, it's a bit vague. Planner Finkle spoke of the change made with appointments, there will be an initial term of one year. Mr. Lee spoke of the staggered

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terms and the members discussed this. Ms. Banks spoke of the language and the agreement was to change the wording to 'up to three years.'

Chairman Helfers moved to accept the Rules of Procedure with the exception of 6.3. Mr. Sebastyn seconded. The Motion carried with all in favor.

6. New Business

a. Wintergreen Properties LLC, 38 Yarbrough Drive (7696-16-8244) Initial Zoning If Annexed.

Mr. Helfers asked if anyone would like to speak. No one spoke. Planner Finkle gave the introduction. The parcel is under half an acre at 38 Yarbrough Drive. It is adjacent to town limits and touches Medium Density R-2 properties. There is an existing structure here. This request was triggered by the need for sewer. Staff's recommendation is to annex since it is contiguous, there is an existing structure here and services could be provided. The Future Land Use Map showed existing residential but there was no future land use designation. It is adjacent to property that is zoned R-2 and also some property that is not zoned, located in Haywood County. If R-2 is placed on this property and the home was torn down, the one lot could become a four-unit townhome. All uses around are residential land uses. The Consistency Statement will be considered. Mr. Helfers asked to look at the property map. Kaitland showed the map. Mr. Lee said it looks like it meets the requirements.

Mr. Helfers moved that the parcel be zoned R-2. Mr. Lee seconded. The Motion passed with all in favor.

b. Dean Alan Rotz/Maggie Valley Properties LLC, Mari's Meadow By Right R-2 Medium Density Subdivision off Campbell Creek Road and Panoramic Loop-Preliminary Plat for 29 Lots on 10.06 acres

Mr. Helfers asked if anyone would like to speak. Leslie McCausland of 653 Panoramic Loop, spoke of the concerns of the HOA of Crockett's Meadow. She asked if there were any specific environmental impact studies done on the meadow. She also stated that Campbell Creek Road has no shoulders and no room for sidewalks.

Planner Finkle said she could address these concerns. She spoke of the plans that were submitted. There is a Stormwater Plan for how the water will be collected and managed. The plans will be reviewed by the State and the Erosion Control plan will be worked on with Haywood County. Stormwater will have to be controlled both during construction and post construction. The buffers are required for the small tributary that flows into Campbell Creek. Access was mentioned and this subdivision has a circular drive that will have multiple access in case of an emergency.

Ms. McCausland mentioned that part of the meadow is part of the watershed. Planner Finkle said that Haywood County is working with the developer on this. Planner Finkle showed the watershed portion on the map. The corner will be part of the easement area. Ms. McCausland thanked Planner Finkle and the Board.

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Planner Finkle gave the background information on this parcel. The property was annexed in 2011. Then zoning was placed on the property of R-2, medium density. There was an R-3 request in 2015, but that was denied. This developer is not seeking a rezoning. He is seeking 'by right' development. Preliminary plat approval is being sought this evening. Planner Finkle spoke of what must be shown on the plat. The requirement of an Erosion Control Permit is given by Haywood County. There is also a requirement for water and sewer plans to be drawn up and are reviewed locally then sent to the state for permitting. The streets are also submitted for review so that they meet the required Town standards to eventually be taken over for maintenance. All these are shown on this plan. This does not allow the building of homes at this time; it does allow construction of the infrastructure to begin. Homes will not be built and sold until after final plat approval. All the lots meet the minimum lot size, setbacks, and the trout buffer. There are 29 lots proposed.

During discussion, Mr. Lee asked about the east side power lines, will there be underground lines? Dean Rotz, developer, came up and spoke, introducing his team. The power lines interior to the site will be underground, with the existing overhead line relocated to the easement on the east side. Mr. Sebastyn asked about the Northwest corner, lot #6, and he mentioned the private drive shown. Mr. Rotz said there is not room for a turnaround there and it will be paved but maintained by the property owner of lot #6. Mr. Sebastyn's other question was about the deed covenants and rules governing the development, will they be at least as strict as the Crockett's Meadow neighborhood? Mr. Rotz said they will require cabin style homes with green metal roofs. He is modeling his neighborhood and the covenants on the Crockett's Meadow subdivision.

Planner Finkle said that before he can sell lots, he will bring final documents including covenants and restrictions. Mr. Helfers asked about lots 1 – 6, how the building process will protect the trout buffer. Will they build right up to the setback? Jim Hasseler, builder, will have the setbacks checked and will work with the homeowners on the home design. There will also be silt fencing installed. Mr. Helfers asked if there were other questions. Ms. Banks had a question about the boundaries of lot #6. Planner Finkle pointed out that lot #6 had a smaller buildable square foot. She spoke of the power that will be underground and the area that will be above ground. The new UDO will recommend all new development be underground. Mr. Sebastyn stated that there will be other questions when the Final Plat comes. Planner Finkle said Mr. Rotz is still waiting on the State to give the permits for water and sewer but local approvals have already been given. If anything needs to be changed, he will be required to come back to this board. Haywood County had some changes that needed to be made and he brought changes tonight to address that. Planner Finkle said that it's up to the Planning Board to give approval of the Preliminary Plat and specifically the use of a private drive.

Mr. Helfers made the Motion to approve the Preliminary Plat for Mari's Meadow as presented. Mr. Sebastyn seconded. The motion passed with all in favor. Planner Finkle reminded everyone that the approvals are valid for one year. Next month this board will see two that were approved last year.

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c. The Valley House Request for Paint Color Approval (Yellow & Blue)

Mr. Helfers asked if anyone wanted to speak about the Valley House paint colors. No one spoke. Mr. Helfers spoke of the owners asking for a bright cheery color. Planner Finkle spoke of the approved earth tones color chart. She is bringing this to the Planning Board since this color is not a 'by-right' color. There was discussion about the bright yellow and bright blue. Mr. Helfers asked when the color chart was adopted. Planner Finkle said in the 2013 to 2018 timeframe as part of the Appearance Standards and Design Review. The members asked to see what the building looks like today. Planner Finkle showed the building today. Mr. Helfers said the paint colors are all muted. Planner Finkle would like a clearer color chart to rely on moving forward. Mr. Lee said Miss Maggie is red and yellow. Mr. Helfers said we should revisit the paint pallet. The members looked at what buildings and colors were located around this property. Ms. Banks mentioned this would be inviting and a great marketing tool.

Mr. Helfers made a motion to approve the Valley House request for the yellow and blue paint colors requested. The motion was seconded by Mr. Lee. Mr. Lee would like to have the color chart revisited. The motion passed with all in favor.

Planner Finkle spoke of the UDO online sessions sponsored by the Raven Ridge Homeowners Association. Last Wednesday was the first online session. This past Thursday was the UDO Drop in event – morning, afternoon, and evening. There were about three dozen responses collected in total. Planner Finkle is keeping a log of them. This Wednesday will be another online session specifically looking at the new Zoning map. Tomorrow at the Aldermen's' Budget meeting, the Aldermen will schedule a workshop to look over those items before the Public Hearing on June 6th. There will be another online session on Wednesday, May 25th to discuss Conditional Zoning. The next Planning Board Special Called meeting will be held on Thursday, May 26th to recommend the UDO

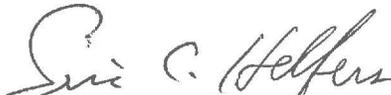
7. Other Business

a. Synopsis of UDO Engagement & Updated Draft Zoning Map

Chairman Helfers stated that he wanted to table this item until the May 26th meeting.

8. Adjourn

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



Eric C. Helfers, Chairman



Shelly Coker, Executive Assistant