

**Planning Board Minutes
Regular Monthly Meeting
Maggie Valley Town Hall Boardroom
Thursday, November 4th, 2021
5:30pm**

Planning Board Members Present: David Williamson, Rick Helfers, Jim Heffron, Connie Dennis

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

Others Present: Five others

1. Call to Order

The call to order was made by Chairman Williamson at 5:35pm. The Pledge of Allegiance was said by all.

2. Approval of Minutes: October 14th, 2021 meeting

Chairman Williamson stated that the minutes were sent out by Planner Finkle in an email. He reminded everyone the Board was approving that the minutes reflect what happened at the meeting. Mr. Helfers made a request to correct the spelling of his name in one place. That will be done. Chairman Williamson asked if there were any other corrections or any discussion. **Chairman Williamson asked for a motion to accept the minutes with the noted correction. Mr. Heffron made the motion to accept the corrected minutes. The motion passed with a unanimous vote.**

3. Public Comment: Chairman Williamson invited anyone to make a Public Comment. There were no comments.

New Business

- a. Adam and Samantha Paige Hambleton, 429 & 433 Soco Road –
Recommendation on Initial Zoning for Annexation 12-14-2021 for Rear of
7696-98-6616 & 7696-98-4555, and Rezoning Request of Front of 7696-98-
6616.**

Planner Finkle stated that the new process will be for the Board of Aldermen to look at Annexation requests and make Initial Zoning recommendations simultaneously. The Aldermen will hold the Annexation and Zoning Public Hearing for this property on December 14th. The frontage of the properties is within town and already zoned. Chairman Williamson asked about the new process. Planner Finkle stated that this change was at the request of the Board of Aldermen. Chairman Williamson asked if there were applications. There are no applications. There is a request for Annexation and Planner Finkle can provide copies of that if necessary. She reminded the Board members that any of the uses on the Table of Uses should be considered. The Town Attorney has said that the decision should not be made on the Developer's proposal. Also, there is no requirement for the owner to attend the meeting. The Planning Board is looking at the site, densities, surrounding properties and the Future Land Use Map.

The Mayor, Mike Eveland, spoke from the audience. He encouraged Planning Board members to remember that the owner is not held to what they propose; it is not legally binding. The property owner could sell the property. The new Unified Development Ordinance (UDO) will help the process. Planner Finkle stated that it is up to the Board if they want to table the item.

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The Board has 30 days (by State law) to make a recommendation on what the Zoning should be, in the event that the Board of Aldermen decide to annex the parcel. Mr. Heffron stated the decision will be made based on the property and the surrounding area. Planner Finkle stated the topography could be considered as well. Chairman Williamson asked if the minutes could be checked from several years ago when Ms. Patel made a motion requiring the owner or a property representative be present. Mr. Heffron asked if members could ask questions of the property owner. Planner Finkle stated that the attorney says you should not ask the property owner questions on what they may or may not do. Mr. Heffron asked if there is any reason the board should not go through with this tonight. Planner Finkle said not as far as she sees. Mr. Heffron said the board should look at the surrounding properties and the uses. Planner Finkle said this is Initial Zoning for parcels that have applied for annexation. If the item is delayed, there would have to be a Special Called Meeting by December 2nd to make the recommendation.

Mr. Helfers spoke of the neighbors having a say in the decision. Planner Finkle said the Public Hearing requires notice and will be the time for neighbors to have input. The adjoining property owners have never gotten letters about the Planning Board because it is outside of the required notice timeframe. The Board of Aldermen will make the decision. The Planner's recommendation is C-2. Mr. Helfers spoke of the most restrictive zoning, R-1. Planner Finkle said to make sure of the Consistency Statement; why that was chosen. Mr. Helfers would like to make a motion to zone this R-1. He stated one reason being the future vision for Maggie Valley. He would like to have more information. Mr. Heffron said that the person will now come and propose what they want. Planner Finkle said that even in the future, there would not be questions asked about the proposed development. Planner Finkle asked if the Board would like to hear her background information. The property is located at 429 and 433 Soco Road. These are two separate parcels. Each parcel has one home, they use Soco Road for access. One parcel has frontage on the highway and Cardinal Drive. The other parcel has no frontage. The total size is 1.65 acres. All zoning around the property is C-1. Much of the usage is commercial. The other properties on Cardinal Drive are residential and two are more or less vacant. They are located in Haywood County and are not zoned. The adjoining properties are Country Time Swings and The Swag Laundry. Mr. Heffron spoke of the property with no frontage. This property uses Soco Road for access. Planner Finkle said yes, the Town does allow private drives. The Town also allows private access for subdivisions up to 3 lots.

Ms. Dennis mentioned that both properties are owned by the Hambletons. Planner Finkle said yes, and the properties will be combined. The front portion of one property is zoned C-1. The home has been recently renovated. Mr. Heffron spoke of the proof of access for the property to the rear and that would be good information to have. The front of the property is zoned C-1 but it is non-conforming since Single Family homes are only allowed as a Special Exception. Chairman Williamson spoke of the abundance of single-family homes. He said R-1 would be an appropriate initial zoning. Planner Finkle said the R-1 designation would allow for five lots with the combined parcel acreage. Mr. Heffron spoke of the access and the possibility of a double drive.

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Mr. Heffron made a motion to zone the parcels R-1. Chairman Williamson called for the vote. The Recommendation on Initial Zoning of 429 & 433 Soco Road – Recommendation on Initial Zoning for Annexation 12-14-2021 for Rear of 7696-98-6616 & 7696-98-4555, and Rezoning Request of Front of 7696-98-6616 passed with a unanimous vote.

Planner Finkle said the consistency statement would state that the zoning is inconsistent with the Future Land Use map and that the reasons R-1 is reasonable and in the public interest include access being limited, surrounding uses, current uses, and the abundance of single family homes in the area.

The motion to adopt the Consistency Statement was made by Chairman Williamson. The vote passed with all in favor.

Ms. Dennis spoke of walking the properties when she was on Town Boards in the past. Planner Finkle said the members are always more than welcome to drive by to look at the properties or to walk the site before making the recommendation.

b. 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 stated that if this is tabled, there will have to be a Special Called Meeting to make the decision within the 30-day time period. Ms. Dennis had a question about the minimum lot area compared to the last property. This parcel is much larger. If the property was subdivided into more than three lots, a street built to Town standards (18 feet) would be required. This property is 17.66 acres, Planner Finkle said R-1, the most restrictive zoning, would allow 54 lots.

Planner Finkle gave the background information. Raven Ridge and Appalachian Village are both within the municipal boundary and are on either side of this property. Mr. Heffron stated that this was a steep property. Planner Finkle turned the topographic layer on. Chairman Williamson would like to ask Mr. Hotchkiss or his agent, Frankie Wood to come in. Raven Ridge is R-2 zoning with a shared space. Appalachian Village is R-3 zoning. The board will look at surrounding uses, surrounding zoning, the access is steep with the only access being off Soco Road. Chairman Williamson would like to hold until Mr. Hotchkiss or his representative can come and the members can walk the property. He would like more information. Mr. Helfers agreed, stating the members would look over the property and decide what to recommend. Higher Density would typically be closer to the commercial corridor. The members will meet again on Thursday, December 2nd at 9am to walk the property. Planner Finkle asked if the Board wants to continue this meeting to make a recommendation at 10am. Chairman Williamson said yes, the members will meet Mr. Hotchkiss or his representative and then meet to make a recommendation at that time. Ms. Dennis questioned the time. Chairman Williamson stated 9am to walk the property, and Planner Finkle will arrange the meeting and get permission for the members to be on the property, then everyone will come back to the Boardroom at 10am.

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Mr. Helfers made the motion to continue this meeting at 10am on Thursday, December 2nd for a recommendation to come after the site visit. The motion passed with a unanimous vote.

4. Other Business

Chairman Williamson spoke of the Haywood County Planning Board. He stated that typically the Chairman of the Maggie Valley Planning Board represents Maggie Valley on that Board. Chairman Williamson requested a motion to appoint him to that Board and to notify Haywood County. Mr. Helfers would like Haywood County to appoint the Extra Territorial Jurisdiction (ETJ) members. Planner Finkle said that now is a perfect time for ETJ members to join the Board before the Unified Development Ordinance (UDO) is adopted since property in the ETJ will be affected by the UDO.

Mr. Heffron made the motion to appoint Chairman Williamson to the Haywood County Planning Board and to notify Haywood County. The motion passed with a unanimous vote.

Chairman Williamson spoke of the work ahead. He stated that Planner Finkle has a 180-page Draft version of the UDO in her possession. The goal of this ordinance is to make it easier for people to do business; develop, check zoning, land uses, watershed, flood plain issues, etc. Planner Finkle will check the Draft thoroughly. There will be nine more zoning districts, with 14 in total. Planner Finkle offered to print the Draft copy for the members; the UDO, Table of Uses and Land Use map as well. The UDO may go to the Board of Aldermen in March 2022. Several hundred parcels will likely be re-zoned. Mr. Helfers asked if there was an overall vision statement. Planner Finkle said the Comprehensive Plan looks at visioning. The new state statute states that if you have zoning, you are required to have an up to date (within five years) Comprehensive Plan. The existing Comprehensive Plan is out of date, but still has a lot of relevant information. Mr. Heffron asked for a copy. Planner Finkle showed the location of plans in the Planning section on the Town's website. She stated that the UDO should have been completed in July, since that is the deadline to follow the new General Statute. Before Planner Finkle gives the UDO copies out, (30 days) she wants to make sure the 160D requirements are all in. There was discussion about the older plans, some adopted and some not. The Town Center Plan was not adopted because people came out in opposition. Planner Finkle has that information and will provide that to all members. The Pedestrian Safety Plan was discussed as well. Planner Finkle said that DOT met with the Board of Aldermen last month. They are hesitant to tell you what they will allow; they want to see what you propose. Soco Road was discussed. Planner Finkle said a DOT representative could be invited to speak with the Planning Board.

Chairman Williamson said our Sign Code was out of date and needed to be in line with the speed of Soco Road. He stated that the UDO Draft would be given to the Planning Board members in December. He would like to give special attention to Subdivisions and Signs and Aesthetics. He

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would like to schedule five-hour workshops on these subjects; 10am to 3pm with the Town providing lunch. The first workshop will be held on Thursday, November 18th and the second on Thursday, December 16th. There will also be the Special Called meeting on Thursday, December 2nd at 9am for the site visit and 10am for this meeting continuation, and the regular monthly Planning Board meeting to be held on Thursday, December 9th at 5:30pm. Mr. Helfers mentioned the training that had been postponed. Training will take place later. Chairman Williamson mentioned that he and former Planner Hancock had attended a meeting in Asheville. He asked Planner Finkle to check and see if that meeting had been recorded. Planner Finkle offered to take packets to the members at home, but they will come to Town Hall to pick those up. Planner Finkle would like to tell people to have everything in by Monday to have time to prepare the Agenda Packet. In December, a calendar will be adopted, and this requirement will be included.

Chairman Williamson reviewed the upcoming meeting times:

November 18th 10am – 3pm

December 2nd 9am site visit, 10am continuation of this meeting

December 9th regular planning Board meeting 5:30pm

December 16th 10am – 3pm

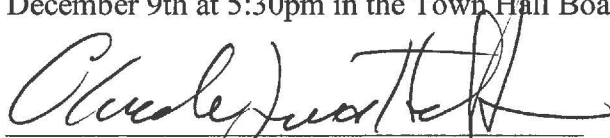
Mr. Heffron mentioned the UDO changes will affect residences but will mostly affect commercial properties. Planner Finkle said yes, we will go to one more Residential District and eight more Commercial Districts. Mr. Helfers asked about rental properties and Air B&Bs, etc. Planner Finkle stated that North Carolina law says you cannot regulate ownership. Short Term Rentals is a very slippery slope. Chairman Williamson said that Mr. Helfers had come before the Planning Board two years ago and spoke about short term rentals. Planner Finkle said this is a very hot topic.


Mr. Helfers requested a blank page between items in the packet.

5. Adjourn

Chairman Williamson asked for a motion to adjourn. A motion was made by Mr. Heffron and the meeting was adjourned at 7:25pm 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