

**Planning Board Minutes
Regularly Scheduled Meeting
Maggie Valley Town Hall Boardroom
Tuesday February 21st, 2023
5:30pm**

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Planning Board Members Present: Chairman Rick Helpers, Jeff Lee, Bill Sebastyn, Jim Heffron, Janet Banks.

Members Absent: Josh Hoogerwerf

Staff Present: Kaitland Finkle, Town Planner, Sam Cullen, Assistant Town Planner

Others Present: 2

1. Call to Order and Pledge of Allegiance

Chairman Rick Helpers called the meeting to order at 5:27 pm. The Pledge of Allegiance was said.

2. Roll Call / Quorum Determination

Quorum was established.

3. Disclosure of Conflicts / Approval of Agenda

Chairman Rick Helpers asked if there were any conflicts of interest. There were no conflicts noted.

Janet Banks moved the agenda be approved; Jeff Lee seconded. Motion passed with all in favor.

4. Approval of Minutes

a. December 1, 2022

Bill Sebastyn moved the minutes of December 1st be approved; Janet Banks seconded. Motion passed with all in favor.

b. December 15, 2022

Janet Banks moved the minutes of December 15th be approved; Bill Sebastyn seconded. Motion passed with all in favor. (Jim Heffron Abstained).

5. New Business

a. Initial Zoning of 5320 Jonathan Creek Road, PIN 8609-96-4882, Maggie Valley Wastewater Treatment Plant.

Planner Finkle gave a report on the property. She explained the parcel is owned by the Town, but not currently within the municipal boundary. She explained that the use of the property, which is municipal services, was allowed in any zoning district and the C-2 Commercial

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Gateway district would be geographically consistent. She also explained that surrounding land uses match the commercial feel. She read the C-2 Commercial Gateway zoning district description.

Rick Helfers asked for a summary of spot zoning. Planner Finkle explained that it is allowed, but that North Carolina courts have held that spot zoning must not be arbitrary or capricious. This means the board would need to state the reasonable basis for choosing to spot zone. The factors to be addressed are: 1. the size and physical attributes of the site; 2. the benefits and detriments to the landowner, the neighbors, and the community; 3. how the actual and previously permitted uses of the site relate to newly permitted uses; 4. any changed conditions warranting the amendment; and 5. other factors affecting the public interest. Rick Helfers spoke of some of the uses that are along Johnathon creek now. Jeff spoke to the fact that the sewer plant might not be a good fit in a gateway district. There was considerable discussion on recommending the initial zoning be set to C-1 General Commercial due to the fact that the I-40 area is not the true gateway of Maggie Valley.

Jeff Lee made a motion to recommend the initial zoning be set as C-1 General Commercial, Jim Heffron seconded. The Motion passed with all in favor.

b. Conditional Zoning of 21.85 acres located at 1114 Jonathan Creek Road, PIN 8607-34-5642 for 71 lots (Single family & Accessory Dwelling Units), Mountain View Estates.

Planner Finkle gave a report including background information on the property. She explained that the Town has received a new site plan since the Planning Board had last met, and she spoke to the changes that were made. She noted that the requested lot number had dropped from 87 lots to 71. She reminded the board why the developer was going through the conditional zoning process.

Janet Banks asked if the accessory units that the developer requested were attached to the primary home and Planner Finkle said they were. She explained they appear to be similar to a mother-in-law suite. Discussion continued on the allowed uses including accessory units. Planner Finkle explained that the accessory units were allowed by right in this district.

Planner Finkle spoke to the size of the lot and the theoretical number of lots allowed by right. She explained the developer was not asking for a density bonus and noted that approximately 15% of this parcel was proposed to be set aside for open space. Bill Sebastyn asked if the open space was buildable land. Planner Finkle said that the open space was similar to some of the proposed lots in topography.

Planner Finkle spoke to the street standards and explained the requested conditions were related to slope. She explained the difference between private and public roads. Jim Heffron asked for details on the current road grades. Planner Finkle showed the board the plans including road grades. Jim Heffron asked about where the setbacks are measured from.

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Planner Finkle explained it is from the right of way or property line whichever is greater. She explained the difference between local and limited roads in the UDO.

Planner Finkle explained that the UDO includes some suggested conditions in the conditional zoning process, but they are not a requirement. She reviewed the suggested conditions with the board.

Rick Helfers asked about the single access to the property and NC Department of Transportation's opinion. Planner Finkle explained the property frontage is only 30 feet space for only one access.

Representatives of the developer addressed the board and spoke to the fact that they want to invest in Maggie Valley.

Planner Finkle explained the difference in open space and unused area and discussion was had about allowing the developer to remove the open space and expand the four the adjacent lots.

Janet Banks made a motion to recommend approval with the following 4 conditions:

- 1. Major Roads (serving 56 lots) be Public with no more than 19% grade.**
- 2. 2 Private Roads (each serving 7 lots) with no more than 20% grade.**
- 3. Lot 43 to utilize a shared driveway.**
- 4. Remove open space and expand the four adjacent lots.**

Bill Sebastyn seconded. The Motion passed with all in favor.

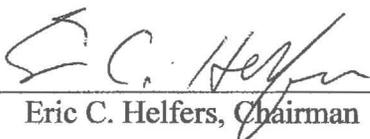
6. Old Business

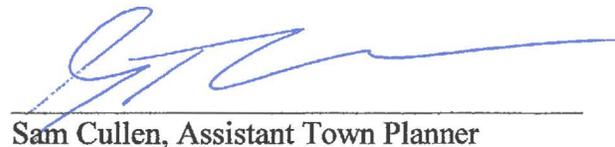
a. Comprehensive Plan Update: Introduction, Vision, Goals.

Planner Finkle updated the board on the last Steering Committee meeting and asked the board to review the vision statement and goals provided in their packets for the next meeting.

7. Adjourn

Janet Banks made a Motion to adjourn at 7:38 pm. Bill Sebastyn Seconded. The Motion passed with all in favor.


Eric C. Helfers, Chairman


Sam Cullen, Assistant Town Planner