

**Planning Board Minutes
Regular Meeting
Maggie Valley Town Hall Boardroom
Monday, October 16th, 2023
5:30pm**

Planning Board Members Present: Chairman Eric Helfers, Jeff Lee, Bill Sebastyn, Janet Banks, Jim Heffron

Members Absent: None

Staff Present: Sam Cullen, Town Planner, Noah Taylor, Assistant Town Planner

Others Present: 1

1. Call to Order

The meeting was called to order at 5:33 pm by Chairman Helfers. The Pledge of Allegiance was said by all.

2. Roll Call/Quorum Determination

All members are present. A quorum was established.

3. 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 added a section to New Business, Item 5-D, concerning the Cool Breeze RV Park and a needed vegetative buffer.

Mr. Helfers asked if there was any more discussion. There was none. He then asked for a motion to approve the agenda.

Janet Banks made the motion to approve the modified agenda for the October 16th meeting. Bill Sebastyn seconded. The Motion passed with all in favor.

4. Approval of Minutes

a. September 19, 2023

Chairman Helfers asked if there were any corrections to the minutes. There was none.

Mr. Helfers asked if there was any more discussion. There was none. He then asked for a motion to approve the minutes.

A motion to approve the minutes was made by Jim Heffron. Janet Banks seconded. The Motion passed with all in favor.

**Planning Board Minutes
Regular Meeting
Maggie Valley Town Hall Boardroom
Monday, October 16th, 2023
5:30pm**

5. New Business

a. Initial Zoning C-1: 298 Nelson Drive, PIN 7686-67-4518

Planner Cullen gave the report and background information. The Town was contacted by the owner of the subject property for the purpose of obtaining an ABC license.

Planner Cullen stated that the property is already being used as a “social barn”. The lot is not yet annexed or zoned and will be considered at the next Board of Aldermen meeting.

He said staff recommends the property be zoned C-1, Central Business, as it would not create any nonconformities and is consistent with adjacent land uses. However, it is not consistent with the Future Land Use Map (FLUM).

Planner Cullen stated that it is, in his opinion, reasonable to go against the FLUM based on the fact that the parcel is already being used for commercial purposes and is contiguous with the C-1 Central business district.

He said the FLUM shows the property categorized as mountain residential.

Planner Cullen stated the facts for reasons of why it should be zoned C-1 and how even though it goes against FLUM, it is consistent with the area surrounding the parcel in question and in the public's interest.

Planner Cullen offered to answer any questions.

Janet Banks asked if the barn is being used for business purposes and Planner Cullen stated that is.

Chairman Helfers asked if the planning board can give options for split zoning on certain properties and Planner Cullen explained yes.

Jeff Lee asked about the difference between the new UDO and the old land use ordinance, when it comes to housing in commercial districts.

Planner Cullen stated that with the old land use ordinance, you could put residential uses in a commercial district with a special use permit. He stated however with the new UDO, it allows by right residential uses within Commercial districts.

Planner Cullen stated that certain properties have split zoning and gave a few examples.

Jim Heffron asked why property owners would split zone their property if they can have residential uses in a commercial district and Planner Cullen explained that there are certain commercial uses that are not allowed in residential districts.

Chairman Helfers stated that he agrees with split zoning as it gives property owners options.

Janet Banks asked why there would be an advantage doing C-1 rather than something like Moody Farm Road Mix Use.

Planning Board Minutes
Regular Meeting
Maggie Valley Town Hall Boardroom
Monday, October 16th, 2023
5:30pm

Planner Cullen stated that what matters is it would be contiguous with what is currently there and possible future uses.

Planner Cullen explained that Moody Farm Road Mixed Use was created for Moody Farm Road and this parcel is a little disconnected from that area. Planner Cullen reiterated that the barn portion of the property is the only part being zoned and not the house portion, as it already has a R-3 zoning designation.

Planner Cullen said that the owners could come back and ask for rezoning of the whole property if they choose.

Jeff Lee asked if the rest of Nelson Drive is in town, Planner Cullen stated it is not in town limits as of now.

Mr. Helfers asked if there was any more discussion. There was none. He then asked for a motion to recommend a zoning district for the subject property.

Bill Sebastyn made the motion to recommend initial zoning of C-1 Central Business for the parcel known as PIN: 7686-67-4518. Jim Heffron seconded. The Motion passed with all in favor.

Jeff Lee made the motion to adopt the consistency and reasonableness statement for 298 Nelson Dive, PIN: 7686-67-4518. Janet Banks seconded. The motion passed with all in favor.

b. Preliminary Plat Approval, 1585 Jonathan Creek Road, Pin: 8607-27-9542

Planner Cullen gave the report and background information. He stated that the preliminary plat is the exact same as the site plan approved last year.

Planner Cullen offered to answer any questions.

Janet Banks asked if the proposed fence is in place of the vegetative buffer that the Planning Board recommended last year. After discussion with the developer, it was determined that it in fact was.

Chairman Helfers asked if the planning board could enforce the installation of vegetative buffers. Planner Cullen stated that the developers met the requirements and conditions of the Board of Aldermen.

Jim Heffron said that if the planning board approved the fence when would it be built.

Warren Sugg stated that they will build the fence during the construction process, and it will be consistent across the property.

Janet Banks had some concerns about the HOA not having the same design standards across the property. Charman Helfers had the same concerns.

**Planning Board Minutes
Regular Meeting
Maggie Valley Town Hall Boardroom
Monday, October 16th, 2023
5:30pm**

Jim Heffron asked if there is any enforcement on the fence not getting installed. Planner Cullen stated that it would need to be installed as part of the final plat approval.

Jim Heffron asked about the blue and red lines on the site plan. Planner Cullen stated that the colored lines show the various flood plains. He stated only a portion will have to meet flood standards.

Bill Sebastyn asked if the roads would meet town standards and be maintained by the Town. Planner Cullen said yes.

Jim Heffron asked if the same developer will build the homes as well. Warren Sugg said yes.

Chairman Helfers stated the developer is reminded that the fence is on the site plan. Planner Cullen stated that if it is not done by final plat approval, it can be denied.

Chairman Helfers asked for a reminder for the fence on the final plat approval, Cullen stated he will remind the board.

Bill Sebastyn asked for the build out date for the infrastructure and the houses. Warren Sugg stated that they are close to finishing infrastructure and gave an estimated timeline for the houses.

Jim Heffron asked if the buyers will have any say in the design process, Warren Sugg stated that he did not know.

Janet Banks questioned the price point of the homes, Warren Sugg stated he did not know.

Mr. Helfers asked if there was any more discussion.

Janet Banks suggested some language be added to the motion to include preliminary plat and all notes on the October 16th plat.

Chairman Helfers then asked for a motion.

Bill Sebastyn made the motion to approve the preliminary plat as reviewed on October 16th, 2023, for J- Creek Development for parcel known as PIN: 8607-27-9452. Jim Heffron seconded. The Motion passed with all in favor.

c. Conditional Rezoning R-3 Leatherwood Property, PIN 8608-79-5334

Planner Cullen gave the report and background information.

He started by addressing some items that will not be discussed at the site plan approval but will be required for preliminary plat approval.

He stated that the NCDOT driveway permit is not currently in the works but will have to be completed before plat approval.

He also stated that the development will use about 36,000 gallons a day for the sewer capacity if 155 units are approved.

Planning Board Minutes
Regular Meeting
Maggie Valley Town Hall Boardroom
Monday, October 16th, 2023
5:30pm

He stated that the developers are asking for 7-foot side setbacks but give 15 feet for the required 10-foot rear setbacks.

Planner Cullen states that the plan notes various vegetative buffers and their locations. All infrastructure, R.O.W.s and easements are listed on the site plan.

Planner Cullen offered to answer any questions.

Janet Banks asked about the parking situation and the number of vehicles this will bring in and how the development only has one access road.

Planner Cullen stated that the NCDOT will study and adjust the site plan if traffic control is needed.

Warren Sugg stated that NCDOT is already working to redesign US 276.

Jim Heffron asked what type of houses would be built and had concerns about them being mobile homes.

Warren Sugg stated that they will be two-story, single-family homes.

Planner Cullen stated that the Board of Alderman voted to zone the parcel R-3 and that district does not allow mobile homes.

Planner Cullen stated that the property is not within the flood plain and he spoke to the fact that the plan exceeds the parking standards.

Jim Heffron asked if multiple designs will be done on the development and Warren Sugg stated there will be some variations.

Planner Cullen noted some points where the site plan exceeds the town requirements. He stated the development gives more than the required open space, and also shows a walking path on the property.

Planner Cullen stated that the developer is asking for an exception to the 60-foot lot width minimum. He explained the developer is asking for 44-54 feet widths and 7-foot side setbacks compared to the 10-foot required setbacks.

Bill Sebastyn asked if the plan includes all infrastructure, Planner Cullen stated yes and noted the difference between public and private infrastructure.

Jim Heffron asked if the houses were affordable.

Warren Sugg said that they would be affordable to the people who could afford them.

Planner Cullen stated that the pricing is speculation and could change at any time.

Chairman Helfers stated the farm will be missed but housing is needed.

Mr. Helfers asked if there was any more discussion. There was none. He then asked for a motion of recommendation on the site plan.

**Planning Board Minutes
Regular Meeting
Maggie Valley Town Hall Boardroom
Monday, October 16th, 2023
5:30pm**

Janet Banks made the motion to approve the application for conditional zoning, as submitted, of Valleyview Estates for parcel known as PIN: 8608-79-5334. Bill Sebastyn seconded. The Motion passed with all in favor.

Bill Sebastyn asked for a change of the public access language under roman numeral 4 in the consistency and reasonableness statement.

Planner Cullen stated that he will take it out.

Jim Heffron and Chairman Helfers also had concerns over the language for creek access.

Mr. Helfers asked if there was any more discussion. There was none. He then asked for a motion concerning the consistency and reasonableness statement.

Jeff Lee made the motion to adopt the corrected consistency and reasonableness statement for Valleyview Estates for parcel known as PIN: 8608-79-5334. Bill Sebastyn seconded. The motion passed with all in favor.

d. Concerns over RV Park Vegetative Buffer, Cool Breeze RV Campground.

Chairman Helfers stated that this RV park had not complied with vegetative buffer standards and added more RV spaces that were not approved.

Planner Cullen stated if they do not have the conditions reflected on the original site plan, then it is not enforceable. He stated if it was not required at the time of approval, it is now a preexisting nonconformity and would be hard to enforce.

Jeff Lee asked who holds the site plan. Planner Cullen stated that Maggie Valley should have a copy.

Chairman Helfers asked if we could reach out to the previous planner and see if she has the documentation.

Planner Cullen stated that the property owner is not willing to work with the town, but he may attempt to reach out to the previous planner.

Jeff Lee stated that the town does not seem to have any actual enforcement authority without the site plan in hand.

Planner Cullen stated if the adjoining property has work done, they could recommend vegetive buffer for that parcel at that point.

Jeff Lee asked if anyone remembered who installed the fence that used to sit on the property. Cullen stated that he did not know.

Planner Cullen stated we will be researching this issue.

**Planning Board Minutes
Regular Meeting
Maggie Valley Town Hall Boardroom
Monday, October 16th, 2023
5:30pm**

6. Old Business

There was no old business discussed.

7. Adjourn

Janet Banks made a Motion to adjourn, seconded by Bill Sebastyn. The Meeting adjourned at 6:51 pm.

s/Eric C. Helfers

Eric C. Helfers, Chairman

s/Noah Taylor

Noah Taylor, Town Planning Assistant