

Planning Board Minutes
Regular Meeting
Maggie Valley Town Hall Boardroom
Tuesday, November 21, 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, Town Manager, Vickie Best

Others Present: 2

1. Call to Order

The meeting was called to order at 5:27 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 on the agenda for anyone. There were none.

Chairman Helfers made the following additions to the agenda, discussion of the Cool Breeze RV Park and a needed vegetative buffer, an update on the October Board of Alderman meeting, and discussion on affordable housing.

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

Jeff Lee made the motion to approve the modified agenda for the November 21st meeting. Jim Heffron seconded. The Motion passed with all in favor.

4. Approval of Minutes

a. October 16, 2023

Chairman Helfers noted some grammatical corrections to the minutes concerning capitalizations and spelling errors.

Chairman Helfers asked if there were any other corrections to the minutes.

Janet Banks stated other areas that needed capitalization as well.

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

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

5. New Business

a. Request for Final Plat Approval of Mountain View Estates (Phase One) Sahas NC LLC. PIN 8607-34-5642.

Planner Cullen gave the report and background information. He stated that this plat was the exact same as what received preliminary approval, it is now ready for the final approval on phase 1 of the master plan. Planner Cullen stated that the developer had options for bonds on infrastructure, and the developer got a surety bond to speed up the development process of the lots. He states that the bond has been approved by town staff and that the final plat has been reviewed and approved by town staff as well.

Planner Cullen offered to answer any questions.

Jim Heffron asked about the 125% aspect of the surety bond and what it includes. Cullen stated that it includes infrastructure in all phases other than pavement and ensures that the town could install the proper infrastructure if something were to fall through.

Bill Sebastyn asked if any of these phases include private roads, and Planner Cullen stated yes.

Bill Sebastyn had some concerns over the maintenance agreement of the roads. Planner Cullen stated that the plan will include HOA covenants for the private roads, but they are not needed for this phase because all the roads are public in phase 1.

Chairman Helfers asked about NCDOT approval and the single vehicle access. Planner Cullen stated that NCDOT did provide a permit to the developer and at the time of preliminary approval, the NCDOT found that it did not warrant a study.

Jim Heffron asked about a certain lot on the plat and if they made the lot that shape to get proper size requirements. Planner Cullen stated he was not sure, but it was probably to meet some requirements such as making sure they don't interfere with common area, but all lots meet the minimum requirements.

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

Bill Sebastyn made the motion to approve the request for final plat approval of Mountain View Estates for the parcel known as PIN: 8607-34-5642. Jim Heffron seconded. The Motion passed with all in favor.

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**b. Request for Rezoning of 4521 Soco Road from C-1 Central Business to MU-4
Community Attraction Mixed Use for the parcel known as PIN: 7676-88-8767.**

Planner Cullen gave the report and background information. The owners requested rezoning of a property that currently contains two vacant single-family homes. Planner Cullen also stated that staff believes C-1 Central Business is consistent, but MU-4 Community Attraction is also consistent as well. Cullen stated that an attachment shows the allowed uses and the differences between the C-1 & MU-4 districts. Cullen stated that the property owner has expressed interest in some type of community amusement use.

Planner Cullen offered to answer any questions.

Chairman Helfers asked what the effects of the Rezoning are.

Planner Cullen stated one of the allowed uses in the MU-4 district is Zoos and aquariums along with RV parks and theme parks and that if the property is rezoned some of those uses would require a special use permit. He stated that the special use permit request would then go to the Zoning Board of Adjustment, and they would vote on if it is in harmony with the neighboring area, etc. He stated that the main thing the board should look at now is what is allowed right now and what would be allowed if rezoned.

Bill Sebastyn asked if this district would allow a campground, which is different than an RV park as it allows tents. Cullen stated that these definitions should be split up, but that is allowed use by special use permit.

Bill Sebastyn expressed concerns over the general amusement aspect and since a plan has not been solidified it could set a precedent for future projects. He feels that it would create an issue.

Planner Cullen stated that MU-4 was created for areas such as Ghost Town and that previous MU-4 districts were assigned to established attractions.

Jeff Lee asked if the surrounding area is consistent with the rezoning. Planner Cullen stated that the property surrounding this parcel is only C-1 and county properties. Planner Cullen then showed the board images of the surrounding zoning of the parcel in question.

Planner Cullen stated that you can't regulate one use, such as RV parks, once it is rezoned.

Bill Sebastyn stated again that he has some concerns over the developer not having a plan, but would be more likely to support it if there was a plan in hand.

Chairman Helfers also had concerns of the developer not having a plan and questioned whether it should be denied. Planner Cullen stated that the board decision should be based on the future land use plan and the UDO.

Jeff Lee asked about the definition of communications facilities.

Planner Cullen stated that cell towers and some substations are examples of that.

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Jeff Lee stated that Maggie is a tourist town and therefore needs attractions and that denial of the request could harm us in the future, and he therefore is in favor of the rezoning.

Chairman Helfers agreed that we cannot deny based on speculation and that the Zoning Board will have to make a decision concerning a special use permit.

Jeff Lee then made a motion.

Jeff Lee made the motion to recommend approval of the Request for Rezoning of 4521 Soco Road from C-1 Central Business to MU-4 Community Attraction Mixed Use for the parcel known as PIN: 7676-88-8767. Jim Heffron seconded. Motion passed 4 to 1.

**Yay: Chairman Helfers, Jeff Lee, Jim Heffron, Janet Banks
Nay: Bill Sebastyn**

Janet Banks Made the motion to adopt the consistency and reasonableness statement for 4521 Soco Road, PIN: 7676-88-8767. Jim Heffron Seconded. The motion passed with all in favor.

c. Text Amendment to the Subdivision Ordinance of the Town of Maggie Valley concerning Zero Lot lines.

Planner Cullen gave the report, including background information concerning Subdivision Regulations. Planner Cullen stated that zero lot lines are defined as the property being only the "4 walls" or footprint that you purchase.

Cullen stated that it has been allowed in the past, but the Planning Department wants a better definition for upcoming projects.

He stated that the common area would be maintained by the HOA and will have to meet Zoning Standards.

Planner Cullen stated this definition will bring certain properties into clear compliance. He also stated that comprehensive plans encourage diversity of housing types.

Planner Cullen stated that the Town Attorney reviewed the definition and then read the proposed definition of zero lot lines.

Planner Cullen showed the board some examples and offered to answer any questions.

Bill Sebastyn made the motion to recommend approval of Text Amendment Ordinance 1060. Jim Heffron seconded. The Motion passed with all in favor.

Jeff Lee Made the motion to adopt the Consistency and Reasonableness Statement for the Text Amendment to the Subdivision Ordinance of the Town of Maggie Valley concerning Zero Lot lines. Jim Heffron Seconded. The motion passed with all in favor.

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6. Old Business

a. Affordable Housing

Chairman Helfer asked if staff could do a short study on the matter of affordable housing.

Chairman Helfers asked if Maggie Valley can apply for any of the economic development money for affordable housing offered by Haywood County and that Maggie Valley needs to be more vigilant about pursuing grants.

Janet Banks stated that Waynesville does not qualify for the grant and therefore Maggie Valley has a better chance of getting money.

Jeff Lee stated that it can be done, but is very difficult.

Chairman Helfers stated that we need to find a grant person to consult with. He asked if the Town received anything for the public restrooms at the park and Janet Banks stated there were gifts, but no grants.

Planner Cullen stated that the Ice Festival and some of the Sweet Briar Festival Grounds parking lot was paid for by grants, for the most part.

Chairman Helfers stated a Western North Carolina County received a massive grant for their parks and recreation master plan.

Janet Banks stated she had an idea to expand Bethel Village with the grant money Haywood County acquired.

The board asked staff for points of contact for economic development.

Jim Heffron stated that land needs to be available for these projects to happen.

b. Cool Breeze Campground

Assistant Planner Taylor updated the board on the Cool Breeze Campground Plat.

Taylor found a plat approval from 2018, but it did not show a vegetative buffer along the side in question.

There was discussion of the number of RVs at the park.

c. Update from previous Aldermen Meeting-

Chairman Helfers asked for an update on the last Board of Aldermen meeting.

Planner Cullen stated they dealt with satellite annexations.

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He states that there is a general statute that exempts the town from the rule that prohibits anything over 10% of the contiguous boundary be satellite annexed.

Chairman Helfers asked if Maggie Valley had the authority to annex up Jonathan Creek.

Planner Cullen stated that most towns are allowed to annex 3 miles from their contiguous boundary, but because Maggie Valley operates a sewer plant that can serve the area and because of special legislation, Maggie Valley is allowed to go up to the I-40 bridge.

7. Adjourn

Janet Banks made a Motion to adjourn, seconded by Jim Heffron. The Meeting adjourned at 7:08 pm.

s/Eric C. Helfers
Eric C. Helfers, Chairman

s/Noah Taylor
Noah Taylor, Town Planning Assistant