

**Planning Board Minutes
Regular Monthly Meeting
Maggie Valley Town Hall Boardroom
Thursday, October 14th, 2021
5:30pm**

Planning Board Members Present: David Williamson, Rick Helpers, Jeff Lee, Jim Heffron, Connie Dennis

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

Others Present: Fourteen others

1. Call to Order

The call to order was made by Chairman Lee at 5:30pm. The Pledge of Allegiance was said by all.

2. Swearing in New Members

- a. David Williamson – The Oath of Office was given to David Williamson by Shelly Coker.
- b. Eric Helpers – The Oath of Office was given to Rick Helpers by Shelly Coker.

Each man was welcomed to the Planning Board. (Copies are attached to the minutes.)

3. Approval of Officers

Planner Finkle asked for nomination of officers, both Chairman and Vice Chairman.

Mr. Heffron made a Motion to nominate David Williamson for Chairman. Mr. Williamson spoke of his previous service. He is a past chairman, and he feels his past experience would be to the benefit of the Board. Mr. Helpers seconded. Planner Finkle asked for the vote. The motion passed with a unanimous vote.

Mr. Williamson made a motion for Mr. Heffron to continue as Vice Chairman. Ms. Dennis seconded. Planner Finkle asked for the vote. The motion passed with a unanimous vote.

Chairman Williamson requested to make a motion. He made a motion that the Maggie Valley Planning Board will no longer require a second for a motion to pass. Mr. Helpers gave a point of discussion. He would like the moderator to ask for discussion immediately after the motion is made. Chairman Williamson withdrew his motion.

Chairman Williamson made a motion that the Maggie Valley Planning Board will no longer require a second for a motion made and that a call for discussion will be made immediately after the motion. Ms. Dennis seconded the motion. The motion passed with a unanimous vote.

4. Approval of Minutes: September 9th, 2021 meeting

Chairman Williamson brought up the approval of minutes of the two past meetings. All Board members, both new and re-appointed will be voting on the minutes. The September 9th, 2021 minutes were presented first. Chairman Williamson asked were there any corrections or any discussion on these minutes. There was none.

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A motion to approve the minutes as presented was made by Mr. Jeff Lee. The vote was made but Ms. Dennis did not vote. She had a question, she thought that she had seen earlier, but could not locate in the material. She then did vote to approve. The September 9th, 2021 minutes were approved as presented by unanimous vote.

Approval of Minutes: September 29th, 2021 meeting

The minutes of September 29th, 2021 were presented. Chairman Williamson asked if there were any corrections or discussion on these minutes. Ms. Dennis asked if the email referred to in the minutes was attached. Ms. Coker answered yes. Ms. Dennis mentioned that she was not allowed to vote and stated that Mr. Jeff Lee should not have been able to vote. Ms. Dennis referenced some newspaper articles. Planner Finkle explained that any objection needs to be raised **before** the hearing or **before** the vote takes place, for any conflict of interest objections. Mr. Jeff Lee stated that he was not there and that the newspaper had gotten that wrong and he addressed it with the newspaper. He spoke with reporter Vicki Hyatt. Mr. Jeff Lee spoke of moving forward. He does not know what Mr. Wood is doing. He will be happy to bring the email he sent to Ms. Hyatt.

Planner Finkle said there would be training for all of the Boards with the 160D changes coming up. For the most part there are not many changes. Chairman Williamson asked Manager Clark if the Ethics training will be available. Manager Clark spoke of the training opportunity that will be held on Tuesday, October 26th at 10am. This will be a one hour live training session. The webinar will be basic orientation for advisory boards and commissions and also the Town will buy an additional training that you can watch at your leisure. Chairman Williamson thanked Manager Clark and Planner Finkle and spoke of the 160D Land Use Statute for North Carolina that everyone will hear a lot about in the upcoming years. He thanked Mr. Lee and Mrs. Dennis for their discussion and feedback. He then asked for a motion to approve the minutes. Ms. Dennis said that she would like to make a motion to correct the minutes to say that she did not have a financial interest. Chairman Williamson stated that the minutes reflected what was said in the meeting correctly. Ms. Dennis agreed with that.

A motion to accept the minutes of the September 29th meeting as presented was made by Mr. Helfers. There was no further discussion. The September 29th, 2021 minutes were approved as presented by unanimous vote.

Public Comment: Chairman Williamson invited anyone to come and make a pertinent comment and let it be brief.

Mr. Jared Lee, 100 Jujon Drive spoke as a past member of the Planning Board. He spoke of the call he received telling him he was removed from this board. He spoke of his past experience. He has shown interest and has shown up for all meetings. He asked about the transparency. Planner Finkle stated that it was the Board of Aldermen's decision. She stated that she was not responsible. Mr. Jared Lee said he was given no reason for being removed from the Board. The members all thanked Mr. Jared Lee for his past service on the Planning Board.

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Ms. Dennis asked if additional people could not be placed on the board. Chairman Williamson stated there are five Maggie Valley seats available and two ETJ seats available. Haywood County will appoint those members. We do not have those members at this time. There was discussion about the number of people allowed on this board and the difference in the Planning Board and the Zoning Board of Adjustment. The quorum is three for this Board. Ms. Dennis asked about streaming the meetings and voting online. Planner Finkle spoke of the protocols for advertising, technology and how the votes take place.

New Business

a. Recommendation on Special Exception request in C-1 for Axe Throwing Business by Dwayne Forsythe, 2771 Soco Road (7686-75-4942)

Planner Finkle gave the background information for this request. All activity will take place inside the unit. A similar land use is amusement parks. The Staff recommendation is to approve this request. Chairman Williamson asked Mr. Forsythe to come forward and speak. He mentioned the Axe Throwing business located in Asheville. Chairman Williamson passed around a photo from a throwing club. He asked Mr. Forsythe how he got the idea. Mr. Forsythe said he has been to many. The axes are actually hatchets weighing under two pounds. Chairman Williamson asked if he would serve food and or alcohol. Mr. Forsythe said he does plan to have food and alcohol. Planner Finkle stated that food and alcohol are allowed, but the Planning Board is voting on the Axe Throwing. Mr. Helfers asked about the throwing area safety. Mr. Forsythe said lanes are twelve feet long with a nine foot wall between each lane. Only one person is allowed in the lane at a time. Some lounges allow children and some require everyone to be 18 or older. Throwers retrieve their own axes. Mr. Helfers questioned footwear and Mr. Forsythe said most businesses require closed shoes. There will be some coaching as well. Tournaments will be a possibility. Chairman Williamson asked about the noise that may be created. Mr. Forsythe said the neighbor is Snappy's Restaurant. All axes will be thrown to the outside walls. A description of the available parking was given. Chairman Williamson asked Mr. Sprinkle, owner of Eagle Plaza, for the approximate number of spaces in the plaza. The estimate would be 50. Mr. Heffron asked about the hours of operation. The hours would be approximately 11 am to 9pm seven days a week. The number of lanes will be 10 to 14. Chairman Williamson asked about the sign. There is a sign for the entire plaza and Mr. Forsythe will have a sign over his business. Mr. Helfers asked which area he would occupy in the plaza. Planner Finkle showed that on the map. Mr. Heffron spoke of the peak times. He stated that the parking would not be adequate during peak times. Planner Finkle said that was an interesting observation. "Do you design parking for the peak times or for the average day?" There was discussion. Mr. Forsythe stated that a lot of the businesses would be closed during his busy hours. He thinks that his busy time will be 6 or 7pm. Ms. Dennis asked about the walls and is there netting. Mr. Forsythe said there would be chain link. Mr. Lee asked if the lane had a barrier along the sides and Mr. Forsythe said yes, chain link. The lounges use the World Axe Throwing Lounge requirements.

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Planner Finkle had some facts listed for the Board members. The board reviewed the facts listed. Mr. Heffron said the structure was existing and the color is olive green and brown, with the most part of the building being brick. Chairman Williamson mentioned growing our community and supporting businesses.

Mr. Helpers made the motion to move this request along to the Zoning Board of Adjustment with a recommendation. He thanked Mr. Forsythe. Chairman Williamson made a call for the vote. The motion is to recommend the Special Exception for an Axe Throwing Business in Eagle Plaza. The motion passed with all in favor.

**b. Recommendation on Initial Zoning of Luxury 1 Investments LLC,
Annexation 9-14-21, 4521 and 4561 Soco Road (7676-88-8767)**

Planner Finkle gave the background information. This property is located at 4521 and 4561 Soco Road. There are two houses. The C-1 zoning is in the front. The back portion was annexed on September 14th by the Board of Aldermen. Adjacent zoning is C-1 and R-2. The Future Land Use Map called for this property to be Community Attraction. Many along the Soco Road corridor are zoned C-1, General Business.

Chairman Williamson asked if Mr. Lee wanted to recuse himself. Mr. Lee said absolutely not. He knew nothing about this parcel or what Mr. Wood wanted to do with it. Planner Finkle stated that this was not a request for re-zoning, it is initial zoning. Chairman Williamson asked again if Mr. Lee wanted to recuse himself. Mr. Lee said absolutely not. Planner Finkle pulled up the Conflicts of Interest statement of 160D-109. She stated that this is not a rezoning petition - it is initial zoning only. Chairman Williamson asked Mr. Lee again if he would like to be recused. Mr. Lee said he did not have a reason to recuse himself.

Planner Finkle began speaking on the surrounding zoning districts, the uses for the districts. She spoke with the developer about their plans. Townhomes were in the plans. The Staff recommendation is C-1 and there is a Consistency Statement. An agent of the property owner is here to speak tonight. The Board does have to look at the Future Land Use Map and consider it. Chairman Williamson asked if R-2 would be the next best zoning. The property is located between a US Highway and a State Road. Ms. Dennis asked if there were any homes along Setzer Cove Road. Yes, there is a home adjoining. It is unzoned, located in Haywood County. Chairman Williamson asked if someone wanted to take the house down, could they put other things there. Planner Finkle stated yes, if the county allowed that. All of the adjoining owners will get a letter and the property will be posted for the Public Hearing. This will be in the newspaper also. Mr. Helpers mentioned the easiest thing to do would be to give it C-1 zoning. Planner Finkle said ultimately the decision would go to the Board of Aldermen. Mr. Helpers stated that the front portion will stay C-1, but as far as he is concerned it is an R-2. Mr. Lee asked what is located between the property and Setzer Cove Road. Planner Finkle showed the map and stated that it is a vacant piece of property located in Haywood County. Mr. Heffron asked if that would be annexed also. Planner Finkle showed the Maggie Valley Town Limits with the Extra Territorial Jurisdiction shown as well. All annexations now are done by

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petition. Manager Clark stated that currently annexations are mostly driven by the request for sewer. He also spoke highly of the Staff recommendation of C-1. He said Setzer Cove was a boundary between the C-1 and R-2 zoning. Manager Clark spoke of the lack of connecting streets in Maggie Valley. He stated that C-1 zoning would be good for the entire parcel. Along Soco Road, C-1 basically comes to the southern border of the property. Mr. Lee asked about the amount of frontage on Setzer Cove. There is 240 feet.

Mr. Lee made the motion to follow Staff's recommendation to zone C-1. Discussion was begun by Chairman Williamson. Mr. Heffron noticed the R-2 (medium density) was across the road and the C-1 zoning would almost fill in the area to complete that. He asked, after hearing Manager Clark speak, if the small piece of property would likely be part of the town. Manager Clark said if a septic tank could be installed on the property, they could build a house and not annex into town. If they need sewer, they will apply in the future. Manager Clark spoke of 1974 when the Town was first started, the narrow corridor was there to provide businesses and sidewalks. Mostly only commercial property was incorporated. The zoning layer of the adjoining property was looked at as well as the topography. Mr. Lee spoke of the idea of townhomes which would help with the affordable housing needed in Maggie Valley. Chairman Williamson asked how many townhomes there could be. Planner Finkle showed the Density Table and also pointed out the disclaimer concerning the area for streets, roads and turnarounds, etc. The entire site would be considered. The maximum would be 64 units. That would be the allowed density for C-1, C-2 or R-3 zoning.

There is a motion to zone C-1. Chairman Williamson called for the vote. The Recommendation on Initial Zoning of Luxury 1 Investments LLC for C-1 zoning at 4521 and 4561 Soco Road passed with a unanimous vote.

Planner Finkle said the consistency statement presented in the packet (page 19) is a Draft. The Planning Board members can make any changes deemed necessary before this goes to the Board of Aldermen. Mr. Lee and Chairman Williamson both stated this statement looks good.

The motion to adopt the Consistency Statement as presented by Staff was made by Mr. Heffron. The vote passed with all in favor.

5. Other Business

Planner Finkle will send everyone the reminder for the orientation training to be held on Tuesday, October 26th from 10-11am in the Boardroom. Unified Development Ordinance workshops will be held. There will be 14 zoning districts total and a map will show the districts. Zoning will change for a number of properties within Maggie Valley. Staff will be looking at the map and the Use Matrix will be looked at as well. Planner Finkle will begin sending those materials out. Chairman Williamson requested a workshop on Sign Code. A lot of work will be required in the next couple of months. Planner Finkle said as of July 1st the Town is beholden to those new statutes. Chairman Williamson stated that hundreds of parcels will be affected. Planner Finkle has done Public engagement outreach - during Covid - in

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Brevard at her last position. She hopes that we will reach more that 10% of the people in the community including drop in events and many other engagement opportunities for the public. Mr. Heffron spoke of past plans and that people 'squashed' the plans when they came in to see them. Planner Finkle held some meetings in Brevard at Town Hall, but mostly held them out in the community, at bars, coffee shops, breweries, using survey links in the newspaper, etc. All of these are good ways to meet and discuss the changes with people. Chairman Williamson mentioned the need to contact full time residents, seasonal residents and businesses.

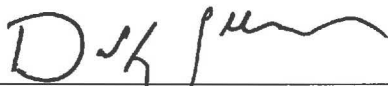
Manager Clark spoke of the heightened sense of connection to our Land Use and Zoning map. The 14 zoning districts (in different colors) on the map will be a shock to most people. The 2007 map needs to be critically updated. The Planning Board will send the recommendations on the UDO to the Board of Aldermen. We will have a lot of Public engagement. Mr. Heffron wants the UDO to be not seen as too complicated. Mr. Helfers spoke of how Maggie Valley is eclectic and that is part of what people like about Maggie Valley. Chairman Williamson stated that this will push Maggie Valley to be better.

Mr. Lee thanked Planner Finkle for her hard work. He spoke of the hard feelings over Chairman Williamson asking him to be recused three different times. He mentioned that the Board members would need to do better to work together as a Board in order to make good decisions for Maggie Valley's future.

6. Adjourn

Chairman Williamson asked for a motion to adjourn. A motion was made by Mr. Heffron and the meeting was adjourned at 7:45pm with all in favor.

The next meeting of the Planning Board is scheduled for Thursday, November 4th at 5:30pm in the Town Hall Boardroom.



David Williamson, Chairman



Shelly Coker, Executive Assistant