

Town of Maggie Valley  
Zoning Board of Adjustment Meeting  
January 21, 2021

MINUTES

Members Present: Chairman Bill Banks, Marion Hamel, Evans Duncan, Allen Alsbrooks, and David Lybrand

Staff Present: Town Planner Ron Hancock and Town Clerk Vickie Best

Others Present: Civil Design Concepts PE Buddy Melton and Warren Sugg, Frankie Wood, John Kovack, Terri Lynn Crider, Attorney Jack Kersten, Burton Edwards, Mike Washburn, and six others.

**Call to Order.**

Chairman Banks called the meeting to order at 5:34 pm on Thursday January 21, 2021 in the Town Hall Boardroom.

Chairman Banks informed the Board that Mr. Wood and Ms. Crider have agreed to switch places on the agenda. Therefore, Ms. Crider's case will be heard first.

**Approval of the Minutes of the December 17, 2020 meeting**

(Action Required)

**MR. ALSBROOKS MADE A MOTION TO APPROVE THE MINUTES AS PRESENTED. MR. DUNCAN SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.**

**Application for a Special Exception: Crider PUD**

**(Action Required)**

Chairman Banks explained how the Zoning Board of Adjustment conducts business like a court of law taking sworn testimony and not allowing any hearsay.

Clerk Best swore in Mr. Washburn, Planner Hancock, and Attorney Kersten. Planner Hancock explained the contents in the agenda packet pertaining to the case such as the application, map, finding of facts, the worksheet for issuing a Special Exception, and the Powers and Duties of the Zoning Board of Adjustment.

Planner Hancock presented the following:

Facts for Special Exception Application #1\_6\_21.SE1

Town of Maggie Valley  
Zoning Board of Adjustment Meeting  
January 21, 2021  
MINUTES

1. Terri Lynn Crider is the owner of property located at Soco Road (US Highway 19) in Maggie Valley, NC with PIN 7686-57-7637 and zoned C-1: General Business.
2. This parcel consists of 4.4 acres adjacent and to the west of Jonathan Creek. The entirety of the tract is situated within the creek's Special Flood Hazard Area (SFHA).
3. Ms. Crider has applied for a Special Exception to use the property as a Planned Unit Development (PUD) for the existing cottages and RV Park, and the remaining parcels that are proposed.
4. The Town's Zoning Ordinance will allow a PUD within the C-1 District upon issuance of a Special Exception by the Board of Adjustment.
5. This proposal is for a 34-lot major subdivision consisting of four primary lots and one lot containing 29 smaller parcels. The streets, as well as the water and wastewater utilities, will be privately owned and maintained.
6. Of these 34 lots, four primary tracts will initially be retained by Ms. Crider. Twelve of the lots are intended to be used as RV "pads" that will become individual parcels. Seventeen existing "cabins" and their building footprints are proposed as individual parcels. The remaining lot will become common area to be owned and shared by members of a Property Owners Association (POA) that shall be established upon approval of the final subdivision plat.
7. Upon its establishment, it is intended that the POA will include bylaws and covenants, conditions, and restrictions (CCRs) governing the property owners and the management and maintenance of the common areas and all shared facilities.
8. Adjacent properties along Soco Road and Sanibel Lane are currently being used for recreational and commercial purposes, including vacation and short-term rentals and similar accommodations.
9. All requirements of the Town's Zoning Ordinance for Special Exceptions and Planned Unit Developments shall be met.
10. The Planning Board has reviewed this application for the following considerations:
  - a) Relation of the special exception to applicable elements of the planning program; and

3  
Town of Maggie Valley  
Zoning Board of Adjustment Meeting  
January 21, 2021  
MINUTES

b) Appearance of the special exception relative to location, structure, and design.

11. On January 14, 2021, the Planning Board voted unanimously to recommend approval of the Special Exception.

12. If granted the Special Exception and permission to develop the site as a Planned Unit Development, the applicant shall be required to follow the Town's specific procedures for review of a major subdivision under final approval of the Planning Board.

13. As required by state statute, the property has been posted with a zoning hearing notice and all adjacent property owners have been notified of this hearing.

Attorney Kersten provided his history as an attorney, for the past 40-years primarily in development.

Attorney Kersten informed the Board that this project will have a POA with recorded covenants to regulate the properties. People will be able to rent or buy the properties. If a buyer wants to rent out their property, when not in use by said buyer, they may do so through the Mary Annett Crider LLC. Individual owners cannot rent their properties.

The POA will be responsible for all maintenance issues (pool, road, landscaping, etc.).

The cottages will be renovated and sold with the cottage footprint. The objective is to continue to update the facility.

The resort will continue to run as it has been, other than now people will have the opportunity to purchase their cottage or RV site.

Mike Washburn, an investor in the project, addressed the Board to answer any questions they may have.

Mr. Alsbrooks had concerns about a vacation rental resort changing uses. Like a subdivision, the property will be divided up with a POA. Mr. Alsbrooks questioned the ingress/egress, minimum lot sizes, and other regulations within the Subdivision Ordinance.

A Planned Unit Development (PUD) allows for more flexibility than the Subdivision Ordinance. Other PUDs have been granted in the Town that were

4  
Town of Maggie Valley  
Zoning Board of Adjustment Meeting  
January 21, 2021  
MINUTES

already built out, such as Leatherwood Cottages where each cottage was sold individually.

For clarity, a PUD would allow the flexibility of selling off portions of the resort and not the whole resort.

Mr. Washburn responded that Parcel Identification Numbers (PIN) will be issued by Haywood County for each property.

When questioned if the sales would be in cash or would there be some owner financing, Mr. Washburn replied that they have not gotten that far in the thought process yet.

The purchasers will be joint owners in the amenities at the resort. New RV pads will be installed.

A discussion ensued about the entrance and not encroaching on Creekwood Village (Sonja Michels) or the Festival Grounds. Smoky View Cottages and Resort has their own separate entrance that runs beside the joint entrance to Creekwood Village and the Festival Grounds. In unison, Ms. Crider and Ms. Michels will construct a new fence separating their properties to the back and the vegetative buffer will remain/and be improved between Smoky View Cottages and Resort and the Festival Grounds.

When questioned, Planner Hancock replied that he had a phone call from Ms. Michels and after her questions were answered she was satisfied.

Before and after pictures were presented to the Board on how the cabins will look after renovation. The cabins range from one (1) room with a bath and kitchenette up to a three (3) bedroom cabin.

On the plan provided, as a reference, Planner Hancock stated that unit 111 is about 1500 square feet.

Mr. Burton Edwards, an adjoining property owner to the east stated that he had no issue at all with what Ms. Crider is requesting to do. "It is her property".

Planner Hancock reminded the Board that they can put conditions on the Special Exception such as design standards must be met when the carwash is turned into a mini warehouse.

To show the use of the resort more appropriately; the primary sign must meet all guidelines when redone.

5  
Town of Maggie Valley  
Zoning Board of Adjustment Meeting  
January 21, 2021  
MINUTES

The road must be paved. The road will not meet Town standards but will be repaved.

The fencing along the Michel's property will be replaced and the property adjacent to the Festival Grounds will be a buffer of vegetative and stone elements.

Nothing more can be placed within the trout buffer.

Clerk Best swore in Ms. Terri Lynn Crider for her to answer questions from the Board.

Ms. Crider explained how Ms. Michels and herself will work together to replace the fence that is between the cabins to the north of Wade Reece Way.

Ms. Crider added that the vegetative buffer between Smoky View Cottages and Resort and the Festival Grounds is beautiful, with rose bushes and tulip trees and large rocks to sit on and enjoy the area.

The Final Plat will go before the Planning Board for final approval.

Ms. Crider explained that this will provide visitors an investment opportunity in Maggie Valley, but if the new owner rents their property, they must be do so under the Management Company.

The Board reviewed the questions necessary for granting a Special Exception.

I. COMPLIANCE WITH ORDINANCE REQUIREMENTS

The application DOES / DOES NOT comply with all applicable requirements of the land use ordinance, as provided below: **DOES**

1. Ingress and egress to property and proposed structure with particular reference to automotive and pedestrian safety, convenience, traffic flow and control, and access in case of fire or catastrophe; **DOES COMPLY**
2. Refuse and service areas, with particular reference to the items above; **DOES COMPLY**
3. Off-street parking and loading areas where required with particular attention to the items above and to the economic, noise, glare, or odor effects of the special exception on adjoining properties and generally in the district; **DOES COMPLY**
4. Utilities, with reference to location, availability, and compatibility; **DOES COMPLY**

6  
Town of Maggie Valley  
Zoning Board of Adjustment Meeting  
January 21, 2021  
MINUTES

5. Screening and buffering, with reference to type, dimensions, and character; **DOES COMPLY**
6. Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district; Signage will be changed but will meet Town standards. There is no security lighting. **DOES COMPLY**
7. Required yards and other open spaces; and **DOES COMPLY**
8. General compatibility with adjacent property and other property in the district. **DOES COMPLY**

**MR. ALSBROOKS MADE A MOTION TO GRANT THE SPECIAL EXCEPTION WITH THE FOLLOWING CONDITIONS: PROPOSED SIGN MEETS THE TOWN'S STANDARDS, TRASH COLLECTION AREA WILL BE SCREENED, NOTHING NEW CAN BE CONSTRUCTED IN THE TROUT BUFFER. LANDSCAPING SHALL MEET TOWN STANDARDS, FENCING MUST BE ON PROPERTY LINE AND NOT ENCROACH ON ADJOINING PROPERTIES, AND WHEN THE CARWASH IS UPGRADED TO STORAGE UNITS, THEY MUST MEET APPEARANCE STANDARDS AND PAVE THE INTERNAL ROAD. MS. HAMEL SEONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.**

**Application for a Special Exception: Wood PUD**  
(Action Required)

Council took a three-minute break between cases. Council came back into session at 6:45. Before hearing the next case, Chairman Banks asked that anyone having any reason for recusing themselves to please make that disclosure.

Clerk Best swore in Mr. Warren Sugg with Civil Design Concepts PA.

Planner Hancock provided the Finding of Facts of the case and the powers and duties of the Zoning Board of Adjustment.

**Facts for Special Exception Application #1\_4\_21.SE1**

1. Maggie Valley RV Park, LLC (Frankie Wood) is the owner of property located at the intersection of Moody Farm Road (SR 1307) and Soco Road (US Highway 19) in Maggie Valley, NC with PIN 7696-88-5967 and zoned C-1: General Business.
2. This parcel consists of 4.26 acres to the south of Jonathan Creek. The entirety of the tract is situated within the creek's Special Flood Hazard

7  
Town of Maggie Valley  
Zoning Board of Adjustment Meeting  
January 21, 2021  
MINUTES

Area (SFHA).

3. All development within the SFHA is required to comply with the Town's Flood Damage Prevention Ordinance, including specific provisions for new residences.
4. Mr. Wood has applied for a Special Exception to use the property as a Planned Unit Development (PUD) for small single family residential homes.
5. The Town's Zoning Ordinance will allow a residential PUD within the C-1 district upon issuance of a Special Exception by the Board of Adjustment.
6. This proposal is for a 23-lot residential subdivision with approximately 2 acres of common area, private streets built to Town standards, and public utilities.
7. Adjacent properties are currently being used for residential purposes, both single and multi-family. Commercial uses also exist on parcels along Moody Farm and Soco Road and the Maggie Valley Country Club and Peppertree Resort is nearby on the north side of Jonathan Creek along Mountain View Drive.
8. All requirements of the Town's Zoning Ordinance for Special Exceptions and Planned Unit Developments shall be met.
9. The Planning Board has reviewed this application for the following considerations:
  - a) Relation of the special exception to applicable elements of the planning program; and
  - b) Appearance of the special exception relative to location, structure, and design.
10. On January 14, 2021, the Planning Board voted unanimously to recommend approval of the Special Exception.
11. If granted the Special Exception and permission to develop the site as a Planned Unit Development, the applicant shall be required to follow the Town's specific procedures for review of a major subdivision under final



Town of Maggie Valley  
Zoning Board of Adjustment Meeting  
January 21, 2021  
MINUTES

approval of the Planning Board.

12. As required by state statute, the property has been posted with a zoning hearing notice and all adjacent property owners have been notified of this hearing.

Warren Sugg of Civil Design Concepts, PA addressed the Board stating that he has been licensed since 2005. Mr. Sugg is here to discuss the 4.26 acres of open space near the intersection of Moody Farm Road and Soco Road. Both sewer and water run through the property making access easy.

Mr. Sugg provided exhibit 1; a letter from Diane Sherrill Law Firm stating that she has been retained by Mr. Wood to assist in the planning, PUD, and the restrictions and covenants for the project.

Exhibit 2: an aerial view of the proposed project.

Exhibit 3: shows the surrounding area/architecture.

Exhibit 4: floor plan of the structures.

Mr. Sugg went over each of the eight (8) questions to consider before granting a Special Exception. After Mr. Sugg's review he felt all questions would be answered in the affirmative.

1. Ingress and egress to property and proposed structure with particular reference to automotive and pedestrian safety, convenience, traffic flow and control, and access in case of fire or catastrophe;
2. Refuse and service areas, with particular reference to the items above;
3. Off-street parking and loading areas where required with particular attention to the items above and to the economic, noise, glare, or odor effects of the special exception on adjoining properties and generally in the district;
4. Utilities, with reference to location, availability, and compatibility;
5. Screening and buffering, with reference to type, dimensions, and character;
6. Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
7. Required yards and other open spaces; and
8. General compatibility with adjacent property and other property in the district.

After reviewing the map, Mr. Lybrand questioned if the open space includes the creek. If so, "that is a stretch; that is unusable open space".



Town of Maggie Valley  
Zoning Board of Adjustment Meeting  
January 21, 2021  
MINUTES

Planner Hancock explained how the entirety of the track is used to get a basis for gross density. There are no requirements that open space must be useable.

Ms. Hamel stated that the land stays very wet.

Mr. Sugg responded that the area will be sloped, and fill dirt added except where the house sites will be. The parking is on the bottom of the house with break-away walls in the event of flooding.

There will not be a whole lot of difference in the look of the homes. These are not tiny homes. The house and land will be sold individually.

Again, there are no minimum lot sizes in a PUD. The parcels will range between 2,000 and 4,600 square feet. In the C1 District the setbacks are 10-feet along the perimeter.

The 25-foot Trout Buffer requirements will be met.

Mr. Wood stated that he would like to see these homes be used as permanent homes.

The Planning Board was in support of the project and recommended approval. Ron Muse, the property owner to the east called to say he is in full support of the project.

There will be a monument sign for the development.

Planner Hancock referenced Mr. Wood's desire to create a development that is aesthetically pleasing as you enter town. Mr. Wood may create a waterfall. There is a possibility that additional greenways will be dedicated to the town like the Town's Mountain View Creek Park on the other side of the property from this parcel.

When questioned about Mr. Wood building in the mountains before, Mr. Wood responded that he built in the Brannon Forest Subdivision.

Mr. Alsbrooks informed the Board that he and Frankie enjoy a good friendship and have talked about development, but not this development. There is no financial interest whatsoever.

There are no plans for a sidewalk. Sidewalks would make the area more impervious. The note on the plat (sidewalks) is not applicable. Driveway permits will have to be obtained from NCDOT.

10  
Town of Maggie Valley  
Zoning Board of Adjustment Meeting  
January 21, 2021  
MINUTES

Sewer and water taps will be private for each unit. The road will be 18-feet wide.

The Board reviewed the worksheet for granting a Special Exception and found all the questions to be answered in the affirmative as Mr. Sugg previously stated.

**MR. DUNCAN MADE A MOTION TO APPROVE THE SPECIAL EXCEPTION WITH CONSIDERATION THAT THE TOWN HAS ACCESS TO JONATHAN CREEK AND THAT THE NOTE ON THE PLAT REGARDING SIDEWALKS IS NOT APPLICABLE. MR. ALSBROOKS SECONDED THE MOTION. MOTION CARRIED WITH ALL IN FAVOR.**

1. **Other Business**

There was no other business to discuss.

2. **Adjourn**

**ON MOTION OF MR. ALSBROOKS, SECONDED BY MR. LYBRAND, WITH ALL IN FAVOR THE MEETING ADJOURNED AT 7:25 PM.**



Chairman Bill Banks



Vickie Best, CMC, NCCMC,

Town Clerk

