

**Town of Maggie Valley
Planning Board
Thursday December 2, 2010 5:30PM
Maggie Valley Town Hall Board Room
MINUTES**

Members Present: Chairman Billy Brede, Doreen Pauley, Tom Benoit, and June Johnson

Members Absent: John Schreiber and Bob Knoedler

Staff Present: Manager Tim Barth, Planning Director Nathan Clark and Town Clerk Vickie Best

Others Present: Chris Higel, Alderman Phil Aldridge, Michael Matthews, and Zoning Board of Adjustments Chairman Bill Banks

Chairman Brede called the meeting to order at 5:36 p.m.

1. Approval of Minutes: November 9, 2010

MR. BENOIT MADE A MOTION TO APPROVE THE MINUTES AS PRESENTED.

MS. PAULEY SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

2. New Member Installation: Michael Matthews

Clerk Best administered the oath of office to Mr. Michael Matthews. Mr. Matthews took his seat with the Planning Board.

3. Special Exception Opinion: 1560 Soco Road

On Monday, December 6, the ZBOA will conduct a special exception hearing considering Anytime Towing & Recovery's application to operate an "office and storage facility for towed and impounded vehicles", at 1560 Soco Road (Haywood County PIN 7696-37-7823, 0.365 acres). The property owned by William Alvarez has been recently used to house a small construction company (S&S Contractors) and a small real estate firm (Jess Osborn Real Estate). This use proposal will also utilize an adjoining vacant parcel (Haywood County PIN 7696-37-7903, 0.295 acres) located behind the "building lot".

Items to consider:

- Neighboring uses & property owners: The second question to be answered by the Planning Board focuses on appearance, location, structure, and design. Is this type of land use compatible with motels, restaurants, and residences?
- Location & Design: The rear parcel is partially located within both the floodway and 100-year floodplain. Although it appears that vehicles will be placed outside of these areas. The proximity of this proposed business to Jonathan Creek is a concern due to leaking fluids from damaged vehicles. How will Anytime Towing address this within their design?
- Within the existing ordinance, there are several items to consider applying to this special exception application.

- § 154.093 STORAGE. (A) *Generally*. Where storage is permitted, businesses within the Commercial District 1 (General Business) and Commercial District 2 (Neighborhood Business) may store materials, supplies, and repair parts that new and used), however, the storage shall be accomplished in such a manner as to screen the stored items from the public view. (B) *Junk*. Disassembled, abandoned, or junked vehicles and equipment may not be openly stored on a lot. However, those items may be stored if screened from public view.
- § 154.091 OFF-STREET AUTOMOBILE PARKING AND STORAGE. Automobile sales and repair - 1 space for each 2 employees at maximum employment on a single shift, plus 2 spaces for each 300 square feet of repair or maintenance space;

Zoning Board of Adjustment Questions

d) The Board of Adjustment shall request the Maggie Valley Planning Board to review and make recommendations concerning the special exceptions relative to the following considerations:

1. Relation of the special exception to applicable elements of the planning program?
2. Appearance of the special exception relative to location, structure, and design?

Mr. Higel stated that the only vehicles that would be placed on the lot would be repossessed vehicles; not wrecked ones.

Ms. Johnson had concerns about storm water runoff and being able to screen the property from existing businesses.

Mr. Higel stated that the businesses across the street would not be able to see the stored vehicles. The tow trucks remain at Mr. Higel's home and would not remain on the property. There will be an alarm system and cameras in place for security. Approximately 10 to 20 cars can be stored on the property. Mr. Higel also stated that he would be placing gravel on the property and clearing some of the trees from the rear of the property.

The adjacent property owners are opposed to the use. Mr. Matthews felt that people are confused thinking it will be a junk yard. Chairman Brede concurred.

Mr. Higel stated that he had another lot used for wrecked vehicles.

Due to the business being low-key, signage will not be an issue. Mr. Higel will also have a post office box for all correspondence.

According to the land use plan, a vehicle storage facility is not an envisioned use. Because of the open storage, this would be a more suitable use for the mixed-use district.

If approved by the Zoning Board of Adjustment, Mr. Benoit asked that Mr. Higel be sensitive to the neighbors with light pollution.

Ms. Pauley opposed the approval of the business due to the location. Ms. Pauley did not and does not see this type of business as what has been envisioned in neither the land use plan nor the appearance plan. "We need family oriented businesses."

Mr. Benoit agreed with Ms. Pauley, but felt that due to the economy it is difficult to prohibit a business. The statements Mr. Higel has provided about the business appears to be a business that is unobtrusive on the neighbors and a vacant lot would be occupied.

Alderman Aldridge stated from the audience that this business would be a good fit for the property due to grade. A wooden fence would hide and secure the vehicles.

Chairman Brede reminded the board that this use will not affect the adjacent properties and no precedents' will be set.

1. Relation of the special exception to applicable elements of the planning program?

Chairman Brede felt the impact of the business is very low. Due to words like storage and towing, people have gotten upset. With proper fencing and screening, one could not tell it was a storage area, again due to it being a low impact business. Maggie Valley wants to see new businesses move into town, but due to the economy business is slow. This is not a junk yard, but a rather a nice looking building with an attractive fence behind it. This business could only be a good neighbor. There are modular homes/mobile homes stored to the east of the property that have been in place for years. This business will fit in with the adjoining properties.

2. Appearance of the special exception relative to location, structure, and design?

There is to be a 6-foot high wooden fence constructed to screen the vehicles with enough space between the fence and creek for landscaping to soften the look of the fence from the residential parcel across the creek. There should be minimum signage. The lighting should be directed down as to not hamper the adjoining businesses or residents. There should be restrictions on the amount of vehicles that can be stored (Nathan will provide number). The site should be cleared and gravel added for the parking area. Only operative vehicles are to be stored for no longer than 30 days. The hours of operation should be 8 a.m. until 10 p.m.

CHAIRMAN BREDE MADE A MOTION TO RECOMMEND THE ZONING BOARD OF ADJUSTMENTS APPROVE THE SPECIAL EXCEPTION.

MR. MATTHEWS SECONDED THE MOTION.

MS. JOHNSON AND MR. BENOIT VOTED IN THE AFFIRMATIVE.

MS. PAULEY OPPOSED THE MOTION.

MOTION CARRIED BY MAJORITY.

4. Community Appearance Committee: Member Selection

MR. BENOIT MADE A MOTION TO RECOMMEND CHAIRMAN BILLY BREDE TO SERVE ON THE COMMUNITY APPEARANCE COMMITTEE. MS. PAULEY SECONDED THE MOTION. ALL WERE IN FAVOR.

MS. PAULEY MADE A MOTION TO RECOMMEND MS. JUNE JOHNSON TO THE COMMUNITY APPEARANCE COMMITTEE. MR. BENOIT SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

5. Planning Director's Report

The Planning Board Christmas party will be held January 7, 2011 at 6 p.m.

The next Planning Board meeting will be held January 6, 2011 at 5:30 p.m.

6. Public Comment

None

7. Adjournment

ON MOTION OF CHAIRMAN BREDE, SECONDED BY MR. BENOIT, WITH ALL IN FAVOR, THE BOARD ADJOURNED AT 7:08 P.M.

Chairman Billy Brede

Clerk Vickie Best