

Town of Maggie Valley  
Regularly Scheduled Planning Board Meeting  
Town Board Room  
Thursday July 16, 2009  
5:30 p.m.  
MINUTES

Members Present: Chairman Billy Brede, Bill Chamberlin, Tom Benoit, and Bob Knoedler  
Staff Present: Planning Director Nathan Clark and Town Clerk Vickie Best  
Others Present: Approximately 10 people

1. **Opening Prayer**

Chairman Brede opened the meeting with prayer at 5:35 p.m.

2. **Approval of the Minutes: June 4, 2009**

The June minutes will be provided at the next meeting.

3. **Special Exception: Maggie Valley Health Investors**

Maggie Valley Health Investors, LLC is a subsidiary of Smith/ Packett Med Com LLC from Roanoke, Virginia. Hunter Trefzger is the development coordinator. The local engineer is Patrick Bradshaw.

The administrator at the Town of Canton's facility is Donna West. The Canton facility was built in 1963 and the structure is not as accommodating due to dilapidation. If approved for a new facility in Maggie Valley, the Canton facility will be closed. The facility in Canton has a 4-star rating.

This facility, due to architectural design, the beautiful views, and the landscaping, will provide a welcoming feeling; somewhere people feel comfortable coming to visit and to stay. Facilities of this nature are normally set in residential areas. The structure will have the mountain vernacular as desired through the soon to be adopted appearance and design standards.

Mr. Trefzger presented a power point presentation to the Board. The facility will bring premier healthcare to the Haywood County area featuring rehabilitation services, Alzheimer's management, and respite care. The State has approved the certificate of need for Haywood County. The proposed 5-acre site is located at 1348 Campbell Creek Road; access will be obtained using Campbell Creek Road and Fisher Loop. The 114-bed single-story facility will be approximately 40,000 square feet. The facility will be fully sprinkled and feature spacious resident rooms and recreational areas in excess of state standards. The skilled nursing facility will create approximately 80 full-time jobs. Background checks are done on all potential employees.

Town of Maggie Valley  
Regularly Scheduled Planning Board Meeting  
July 16, 2009  
MINUTES

During preliminary talks with Haywood EMS and the Maggie Valley Volunteer Fire Department, the investors were assured the facility could be served without any difficulty.

In the Residential 1 district, facilities of this nature fall under special exceptions. Therefore, the members are to answer the judgment criteria questions and then pass the issue to the Planning Board for a recommendation on how this project fits with the Land Use Plan.

The facility will provide long-term and short-term care, but will not include independent living. There will be a wing of the facility dedicated to Alzheimer patients. This will be a lock-down wing with fencing to ensure the safety of all patients.

Lighting will be at a very minimal, the lights will be installed for safety; not for lighting the area. Less than one-half of the entire five-acres will be impervious. As for “buzz words”, this will be a “green” facility.

The entire 16-acre tract has zero-grade and lays outside the floodway and the watershed areas.

When questioned about noise, the members were informed that the facility would have its own transportation. The Canton facility rarely has a need for the use of emergency services. Ambulances are only called for emergencies, which is infrequent.

A special exception is required due to the Zoning District. The Campbell Creek area is residential in nature and adjoins the commercial district on Soco Road. As the investors have seen, a special exception is common for facilities like this.

Mr. Chamberlin had concerns about the influx of traffic, location to existing homes, and how the Maggie Valley Investors plan to create a visual barrier.

There will be a mix of trees and shrubs. A company investing over \$12-million dollars in a facility will not skimp on landscaping.

Mr. Chamberlin questioned having delivery trucks entering the property at all hours of the day.

The facility will meet all town ordinances and landscaping requirements. Delivery trucks have never been a problem in any of the other residential areas where facilities are located. This type of facility provides a service rather than creating a drain on the municipality and the school system. The goal of Maggie Valley Investors is to provide a much-needed service, be a good neighbor, and provide the patients services that create a good attitude.

3  
Town of Maggie Valley  
Regularly Scheduled Planning Board Meeting  
July 16, 2009  
MINUTES

There will be fire hydrants installed and barriers will take care of any mechanical noise.

Mr. Knoedler had concerns about lighting and the security for the Alzheimer patients. Again, lighting will be for safety, not for security. The walkways and entrances will be lit but the parking lot will not. The State mandates security for Alzheimer patients. There have been no situations where a patient has disturbed a neighbor. The Alzheimer Wing and recreation areas are secure. The Alzheimer Wing has its own dining room. The patients are under constant supervision.

Chairman Brede reminded the board that due to this being a special exception the board can asked for a larger setback from the property lines. Chairman Brede suggested increasing the setback adjacent to Crockett Meadows Subdivision to 25-feet.

Mr. Trefzger responded that Maggie Valley Investors would not have a problem moving the building. The building must have fire truck access on all sides.

Campbell Creek Road is a State owned road, while Fisher Loop is a private road. Amos Loop is 18-feet in width with three-foot shoulders.

When questioned about parking, Mr. Clark explained that the facility requires 36 spaces by code, but will have 40 parking spaces. The entire project will consist of 42% impervious surfaces (building and parking) and 58% green space.

Chairman Brede explained that the Planning Board wants to protect the neighbors by trying to come to a compromise that will be suitable to the residential district and the proposed investors.

NCDOT prefers the facility use Campbell Creek Road as ingress/egress. Mr. Bradshaw explained that in a rural community with a road 12-foot wide, NCDOT's break over point is 8,000 to 9,000 cars per day.

The signage will be modest.

Chairman Brede opened the floor for public comment.

Ray Adams: a resident at 245 Panoramic Loop in the Crockett Meadows Subdivision, addressed the board explaining that in May Jimmy Fisher (property owner) was looking at creating a residential community now he has gone to wanting a rehab facility. Mr. Adams estimated that during 40% of the week Soco Road has a high amount of traffic. While coming out onto Soco Road, in recent weeks, it took him 4.5 minutes to enter Soco Road from Campbell Creek Road. The closest hospital is over 10-miles away. Maggie Valley only has 600 full-time residents [error]. "This project has not been fully planned out. No one has talked to anyone in Crockett Meadows".

Town of Maggie Valley  
Regularly Scheduled Planning Board Meeting  
July 16, 2009  
MINUTES

Richard Harding: a resident at 20 Contentment Place in the Crockett Meadows Subdivision, as well as the secretary to the Home Owners Association stated there are 40-plus homes in Crockett Meadows with 10 or 14 up for sale. The future of Maggie Valley and the Crockett Meadows Subdivision is questionable. Mr. Harding touched on the motorcycle noise from US-19, although he knows that rallies are a commodity in Maggie Valley. The noise will only get worse with loud ambulances and delivery trucks. "These 114 residents will not be buying food in the restaurants or gas at the stores. We will be a Ghost Town. The half-backs from Florida do spend money. We are going to have a hodgepodge and the quality homes will depreciate." Mr. Harding asked that the board weigh this issue and give the consideration, it deserves.

Connie Dennis: a resident on Campbell Creek Road with rental property located in the Crockett Meadows Subdivision adjacent to the proposed project, and a member of the Maggie Valley Zoning Board of Adjustments stated that she would be more affected than anyone here would. Ms. Dennis, a realtor by trade, stated that she would not show property located next to a facility like this due to the unpredictability. Ms. Dennis has a friend that lived off US-209; when the rehab facility was located near her home in Junaluska Meadows, she had to take a \$60,000 loss, even after installing a privacy fence. Ms. Dennis understood the concerns over traffic, noise, and light pollution.

Mr. Chamberlin had concerns about trucks being able to make the turn onto Amos Loop.

As for the Land Use Plan, this area was tagged for high density due to the land being zero-grade.

Chairman Brede explained that the Planning Board is a nine-member board with seven members voting on the issue. Chairman Brede felt that all of the board members should be provided the information, be given time to decipher the information, and to provide feedback.

Mr. Benoit stated that he would like to have more time to digest the information. Mr. Benoit stated that he agreed that Maggie Valley is at a crossroads, and there are many decisions to be made on the future of Maggie Valley. Mr. Benoit also stated that he was glad that motorcycle rallies help to boost the economy in town. "The economy is a mess. Homes are not selling." Mr. Benoit also agreed that a larger buffer might be needed. Mr. Benoit's Mother is in a nursing facility and the noise and traffic will not be the problem people expect. The lighting may need further discussions, as well as signage. "I can't think of a better alternative in today's economy. This is a wise choice." Mr. Benoit also stated that he expected more people would have attended the meeting from the Campbell Creek area.

Four lots located within the Crockett Meadow's Subdivision borders the proposed site.

Town of Maggie Valley  
Regularly Scheduled Planning Board Meeting  
July 16, 2009  
MINUTES

Mr. Harding spoke from the floor stating the reason why other residents did not attend the meeting is that they feel it is a “done deal”.

Mr. Trefzger assessed the results of the meeting. The Planning Board has concerns about the buffer, where fenced area is going to be placed, increase the setback on the Crockett Meadows side to 25-feet, provide detailed landscape plans, and look at softening the turn onto Fisher Loop.

The next meeting will be held August 6 at 5:30 p.m.

**4: Preliminary Plat Approval: Renewal of Ridgecrest Subdivision**

- Location: Jonathan Creek Road on right hand side of the road (if coming from Maggie Valley) The Jonathan creek Wesleyan Church is the proposed subdivisions closest neighbor. The Jonathan Creek Preserve is the closest subdivision neighbor. See Attached Map.
- Zoning District; R-1 Low Residential Zoning (Town’s default zoning district) Neighboring Districts C-1 & R-3

**Lot Information**

- Tract Size: 23.858 acres
- Number of Lots: 30 (plus 1 conservation/open space and 1 B& B lot)
- Conservation/Open Space Lot: 3.6 acres
- Smallest lot: #3 (gross size 14,717/net size 14,000) min lot size excluding R/W 14,000

**State/County Approval Letters:**

- Sewer: Approval In Hand
- Water: Approval In Hand
- Soil & Erosion: In Hand
- DWQ 404/401: In Hand
- E-911: Two names approved Ridgecrest Dr & Spur Rd (not shown on Plat)

**Street Information:**

- Street Right of Way: 30 feet (meets Town Standards)
- Street Length: 2325 feet (Ridgecrest Drive) / 364 feet (Spur Road)
- Street Grade: Ridgecrest Drive (10.8% of overall length exceeds Town Standards of 18%) Highest Street Grade 20.1 Street Grade: Spur Road (96% of overall length exceeds Town Standards of 18%) Highest Street Grade 18.8%.
- Street System received Town Board of Aldermen Grade Deviation in February 2008 as a condition of his annexation petition.
- Streets will not be eligible for Town of Maggie Valley Street Maintenance Program due to grade excesses

Town of Maggie Valley  
 Regularly Scheduled Planning Board Meeting  
 July 16, 2009  
 MINUTES

- Special Note: These roads were constructed and designed under the supervision of Jamie Wilson, PE. Mr. Wilson is no longer the engineer of record of this project and has been replaced by Sam Strickland, PE. Mr. Strickland will be at the Planning Board meeting to discuss his calculations that suggest the grade of Ridgecrest Drive can be reduced to under 18% over the entire length of the street. This will be accomplished by a new realignment strategy.

Per the ordinance, preliminary plats are valid for 1 year. If final plat is not obtained before that one-year deadline they expire, however the Planning Board may renew the plat. Mr. Woolmington's preliminary plat was approved on August 7, 2008 so he is within his one year. He is requesting the extension so that he can correct road grades (after a dispute with his grading contractor) and so that the real estate market can regain some momentum.

The revised subdivision ordinance will be in place by the end of 2009.

**MR. CHAMBERLIN MADE A MOTION TO APPROVE THE ONE-YEAR  
 EXTENSION FOR PRELIMINARY PLAT APPROVAL.  
 MR. BENOIT SECONDED THE MOTION.  
 MOTION CARRIED UNANIMOUSLY.**

**5: Text Amendment: Yard Sales**

During the past month, the Town has received several complaints about "yard sales" occurring along the commercial corridor. The complaints ranged from wanting to know if the town had an ordinance against yard sales to the number occurring at one time. However all calls had a common theme—that yard sales had no place in a central business district. Yard sales give the Town a very shabby appearance when they are taking place especially when multiple yard sales are taking place at the same time. The new proposed text bans having yard sales on commercial property or vacant lots while still allowing residents to have them on a limited basis. Churches and other recognized non-profits will continue to have the ability to hold yard sales.

**§ 154.075 YARD SALES.**

*Yard or garage sales will be allowed in any zoning district. The sales shall be limited to the owner or lessee of the property on which the sales occur. However nonprofit organizations may conduct the sales on any property with the consent of the owner. Sales shall be limited to 1 per month per property. Sales shall be limited to no more than 10 hours per day and may not be held for more than 2 consecutive days. Temporary signs of no more than 4 square feet will be permitted on the property on which the sale is being conducted. The signs must be removed when sales are over.*

(Ord. 265, Ch. 1, passed 9-18-2001; Am. Ord. 351, passed 6-1-2004) [Penalty, see § 154.999](#)

**(Proposed)**

7  
Town of Maggie Valley  
Regularly Scheduled Planning Board Meeting  
July 16, 2009  
MINUTES

**§ 154.075: Yards Sales**

(a) **Garage sales, yard sale, etc.** means the sale or trading of clothing, furniture, household items, food, dishes, antiques or similar goods or merchandise, other than in the normal course of business, or the sale or trading of such goods, as outlined in this definition, by a person not regularly engaged in such business. Such goods or merchandise do not need to be attended for a sale to be deemed to be in existence. The term "yard sale" shall include garage sales, carport sales and similar types of sales or events.

(b) **Location and manner of yard sale.**

Yard sales may be held on a lot or parcel of land upon which there is situated a house, apartment or other structure which is utilized primarily for residential purposes. Yard sales are prohibited upon vacant lots and upon lots which there is situated a structure that is utilized primarily for any use other than residential purposes.

(c) **Number and duration.**

Yard sales shall be limited to four (4) per year per property. Sales shall be limited to no more than (ten) 10 hours per day and may not be held for more than (two) 2 consecutive days.

(d) **Religious and charitable organizations.**

Religious and charitable organizations exempt from federal taxation pursuant to section 501(c)(B) of the Internal Revenue Code may conduct yard sales on the property of the organization or at other locations within the city with the expressed written consent of the owner of the premises where the yard sale is being conducted. Yard sales benefiting genuine charitable causes may be conducted on a commercial lot if and only if prior approval is granted by the Town of Maggie Valley Planning Board,

(e) **Signs**

Temporary signs of no more than 4 square feet will be permitted on the property on which the sale is being conducted. The signs must be removed when sales are over.

(Ord. 265, Ch. 1, passed 9-18-2001; Am. Ord. 351, passed 6-1-2004) [Penalty, see § 154.999](#)

The Planning Board members felt the rules for the number of yards sales permitted should not apply to residential areas. If the neighborhood does not care, the Town should not become involved.

8  
Town of Maggie Valley  
Regularly Scheduled Planning Board Meeting  
July 16, 2009  
MINUTES

Charitable organizations will be required to get approval from the Planning Board. Churches are not to be considered charitable organizations. An example is Keller Williams Real Estate have annual yard sales to help people in need.

**6: Other Business**

There was no other business to discuss.

**7: Adjournment**

**ON MOTION OF MR. BENOIT, SECONDED BY MR. CHAMBERLIN, WITH  
ALL IN FAVOR THE MEETING ADJOURNED AT 7:45 P.M.**

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Chairman Billy Brede

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Vickie Best, CMC, Town Clerk