

**TOWN OF MAGGIE VALLEY
SPECIAL CALLED PLANNING BOARD MEETING
AUGUST 29, 2007
MINUTES**

Members Present: Chairman Billy Brede, Scott Pauley, Bill Chamberlin, and June Johnson
Staff Present: Manager Tim Barth, Planning Director Nathan Clark, and Town Clerk Vickie Best
Others Present: Approximately 18 people

Meeting Called to Order

Chairman Brede called the meeting to order at 4:05 pm in the Town Hall Boardroom.

Chairman Brede explained that the special called meeting was scheduled after the members heard the comments made at the previous Board of Aldermen meeting held August 21, 2007 regarding the proposed adoption of the Land Use Plan for Maggie Valley.

Chairman Brede explained that the Planning Board would accept public comments pertaining to the issue prior to board discussion. Each speaker would be allotted three minutes to speak about the proposed Land Use Plan. Each Planning Board member took notes during the Board of Aldermen Meeting as well as having a draft copy of the minutes from the August 21 Aldermen meeting.

Chairman Brede opened the floor for comments.

Roger McElroy: The plan calls for Mr. McElroy's property to be zoned R0. There are plateaus on the mountainous range where density may be higher and steep areas that should remain undeveloped.

Dan Massey: The plan would eliminate having residential uses behind commercial properties along the area that Mr. Massey, Kyle Edwards, and the adjoining property owner could use. These areas would not be suitable for commercial. Mr. Massey had concerns that if the Happy Valley Campground were to sell, the parcel could not remain a campground. This is unfair to business owners along US-19. The home where Mr. Massey currently lives would become a non-conforming use.

Director Clark responded that existing uses would remain. Once the use is changed, such as the Happy Valley Campground, then the use could not return to a campground.

Cathleen Bridges: Ms. Bridges owns a parcel of land at the corner of Lewis Lane and Soco Road. She was curious as to what she could do with her small parcel.

The parcel is currently being used for a hardware store. The parcel would remain commercial in nature.

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Mr. Clark will keep Ms. Bridges informed via letter as the plan moves forward and revisions are made.

Skip Pascal: Mr. Pascal's concerns revolved around a parcel that is located at the corner of Appalachian Village (a subdivision). The adjacent property is a commercial business and mixed use is just across Soco Road. The parcel in question has 185 feet of road frontage on US-19. Mr. Pascal felt he should have a mixed-use designation.

Jim Blyth: Mr. Blyth owns property along US-19. Mr. Blyth felt that a land use plan is a huge undertaking and that he took exception that the Planning Board/Town did not consult the stakeholders. Mr. Blyth is striving to bring businesses to Maggie Valley. He successfully brought Staples and Burkes into Waynesville. It is difficult to bring businesses to Maggie Valley due to the low traffic count. Mr. Blyth has a conceptual plan of a town center for Maggie Valley. The plan will not happen, if not for people such as himself. Mr. Blyth felt the land use plan should be a public/private partnership. Business is driven by money, not zoning. As for residential uses, people coming to Maggie Valley want high-density lots. Crockett's Meadows with lots 0.06 of an acre has had more lots sell than any subdivision. The Town is being over restrictive when septic and slopes should dictate density. Blanket zoning is a big mistake. Mr. Blyth went on to state that he does not have time to come and sit for two or three hours for these meetings. He, like others, has a job. "These meetings should be held in the evening hours to accommodate the stakeholders."

Mr. Pauley explained that he had not seen drawings of a proposed Town Center. Mr. Chamberlin concurred, adding that the plan would allow Mr. Blyth to do what he is proposing.

Jo Pinter: Ms. Pinter, a local Realtor, has the listing for Twinbrook Resort. The Land Use Plan calls for Residential 1 zoning. The owners have plans to redo the resort. They have already spent a lot of money working toward the final product. The owners are trying to save all the trees and keep the homes to four per acre. The goal is to make the area a nice small walking community. If zoned R1 the owner has already lost money. Ms. Pinter stated that this was just one example of the effects of the proposed Land Use Plan. Some aspects of the plan will work, while others will not. Another example is the Antique Store currently for sale. The property can be advertised for two businesses or as a business and living quarters.

Kyle Edwards: Mr. Edwards has over 100 acres in the ETJ area that is zoned residential although he uses the property as farmland. Mr. Edwards has no idea what the future will bring and how he may decide to use his land. Mr. Edwards also owns 20 acres across US-19 from the Stompin Grounds, which is zoned residential. The land is steep, so there may be two or three house spots, but the rest of the land would be unsatisfactory for homes. The good land should be developed, and the bad [steep] land should be left

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alone. Mr. Edwards went on to say that he was born in the rock house that is currently being used as the office for Elk Realty along US-19. Therefore, if the land use plan were adopted, he would not be able to live in the home where he was born. Mr. Edwards owns four homes and a beauty shop in the same area. Mr. Edwards would like to be left alone.

Bob Brannon: Mr. Brannon stated that he was present to gain information about the land use plan. Mr. Brannon is not an advocate of high density. Mr. Brannon preferred to see clustering of homes/multi-family homes with open green space surrounding the areas. Developers need to use professional conservation planners. Haywood Waterways and the Community College are assisting with Mountain Watch project. Legislators made a “knee-jerk” reaction to the slope ordinance. There are different situations calling for different densities.

The Planning Board members have worked very hard to include green space in their planning process.

Torry Pinter Jr. Mr. Pinter’s concerns were about properties touching US-19 and Ms. Pinter felt that property values would be impacted in a negative manner if the Land Use Plan were adopted.

Chairman Brede explained that the land use plan is an ever-evolving plan/guide. The plan can be “tweaked” as times change.

Jay Ring: Mr. Ring felt the plan was, in reality, spot zoning. The problem with the plan was not having the property owners involved. More involvement is needed if it means sending postcards to each property owner affected. Using an outside firm such as Benchmark Inc. is useless due to the company not knowing the makeup or the history of the Valley. By being so technical and setting such stringent guidelines, the Town is hurting itself and the property owners. Maggie Valley has suffered several years due to economics; now we are adding more blockades.

Dan Massey: If the land use plan is approved, Mr. Massey felt that he would be forced to fight to have residential use on his property. Mr. Massey highly recommended the Planning Board follow Mr. Blyth’s advice.

Skip Pascal: Mr. Pascal’s concerns were being able to ask for a variance for mixed use when his property is proposed for medium density.

Jim Blyth: Mr. Blyth stated that he has been through this process before and the land use plan will end up being the zoning map. It is against the fifth amendment of the U.S. Constitution. This plan is the taking of property. People do have property rights in this country, thus the reason for having a public/private partnership with the property owners. Mr. Blyth suggested having a round-table discussion in an informal atmosphere with small groups of property owners in order for the Planning Board to have a clear

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understanding of what people want and plan for their property. As it stands, Cataloochee can only be used as a ski slope.

Lyndia Massey: Ms. Massey asked that the meeting times be changed to evening meetings in order for people to attend.

Chairman Brede explained that the meeting times were set when he took over chair. The Planning Board wants to be accommodating. The members have listened to all comments made here today as well as comments made at the Aldermen Meeting.

Mr. Chamberlin concurred adding that he has heard very valid comments and completely agrees that the property owners should have input on the final product.

Director Clark explained that it is easier to get the conceptual plan down first; then move to handling the individual concerns.

Ms. Johnson stated that she too was very busy and that she had no objections to having a later meeting. Ms. Johnson spoke of the good ideas/thoughts that were offered here today, although it would have been beneficial to have that input nine months ago. Today's comments have been from developers and realtors. It would be advantageous to hear comments from a broader range of people. The Planning Board must consider all groups to include those trying to maintain the mountain heritage and culture. Ms. Johnson asked that we try to move away from taking such an adversarial road. Everyone can work together. "The Planning Board welcomes critiquing but not criticism."

Mr. Pauley agreed with Ms. Johnson. The Planning Board members would love to have more input from the public. The Planning Board cannot cater to one group of people. The idea is to please the masses. The plan is the foundation from which zoning will evolve. Mr. Pauley reminded the audience that the members are volunteers that have put a tremendous amount of time into developing the plan. Mr. Pauley had to close his motel in order to attend the meeting today. Mr. Pauley also felt it would have been a much easier process if these issues had been addressed a long time ago.

Chairman Brede reiterated that the Planning Board members strive to do the right thing. The board members want what is best for Maggie Valley at heart. The valley should be preserved and poor development practices eliminated. The members are open-minded and are not closed from any individual.

Jim Blyth: Mr. Blyth explained that he himself had spent a lot of time helping to develop Driving Miss Maggie [the strategic plan]. A professional created the strategic plan. The Planning Board does not need to be involved in this. The town staff and professionals should be doing the plan while working with the property owners. Mr. Blyth explained that he has been both on the private and public side of the coin. Staff should do the work

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and then bring the plan to the Planning Board. The documents should be placed on the web in order for everyone to study the proposal.

Jo Pinter: Ms. Pinter agreed adding that people do not understand what is taking place.

Public notices were published in the newspaper, flyers were distributed throughout Town, and Director Clark personally visited each real estate office. The meeting date was on the marquee in front of Town Hall for almost two months.

There was a brief discussion about how the Town of Waynesville puts information such as this on their monthly water bills. The Town of Maggie Valley does not have that option due to the Sanitary District providing the service of billing for the Town.

Jay Ring: Mr. Ring responded to Ms. Johnson's earlier statement about the audience being developers and realtors. "We are also property owners." Mr. Ring complained that the meeting times are during the workday making it impossible for people to attend. Mr. Ring questioned the members on how many people had input on the map.

Jim Blyth: Mr. Blyth explained that he is on the sunshine list but all he gets is the agenda and the minutes from the previous meeting. Mr. Blyth asked that the entire packet that the board members get be attached to the e-mail. All meetings for all boards should be televised over the internet so that people can hear and see what is taking place. "Then everyone can budget their time."

Mr. Pauley stated that he did not want to hear any more criticism from the audience.

**CHAIRMAN BREDE MADE A MOTION TO RESCHEDULE THE
REGULARLY SCHEDULED MEETING TO THE FIRST THURSDAY OF EACH
MONTH AT 5:30 PM.**

**MR. CHAMBERLIN SECONDED THE MOTION.
MOTION CARRIED.**

**MR. PAULEY MADE A MOTION TO ADJOURN AT 5:30 PM.
CHAIRMAN BREDE SECONDED THE MOTION.
MOTION CARRIED.**

Chairman Billy Brede

Town Clerk Vickie Best, CMC