

Town of Maggie Valley
Regularly Scheduled Planning Board Meeting
September 1, 2011

MINUTES

Members Present: Chairman Billy Brede, Mike Matthews, and Bob Knoedler

Members Absent: June Johnson and John Schreiber

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

Others Present: Bill Banks and Linda Bennett

Meeting Called to Order

Chairman Brede called the meeting to order at 5:33 p.m. in the Town Hall Boardroom.

Approval of Minutes

ON MOTION OF MR. KNOEDLER, SECONDED BY CHAIRMAN BREDE, WITH ALL IN FAVOR, THE MINUTES OF JULY 7, 2011 WERE APPROVED UNANIMOUSLY.

Special Exception Opinion: Southwest Recovery Inc. 1560 Soco Road

William Alvarez, owner of 1560 Soco Road, has reapplied to the ZBOA for the operation of a Recovery and Transport Facility. Mr. Alvarez originally presented his case to the ZBOA in December 2010 and was rejected due to use incompatibility with surrounding properties. In this application, Mr. Alvarez is proposing only a recovery and transport facility.

As described in the zoning ordinance, the Planning Board members are required to make their recommendation to the ZBOA through answering four (4) questions.

1560 Soco Road is within the Soco Road Mixed Use District as set in the Land Use Plan (pg. 20) *The Soco Road Mixed Use District promotes a mixture of residential and commercial uses. This zoning district incorporates high-density residential and medium intensity commercial uses that are typically compatible within a residential setting.*

A Recovery and Transport Facility is where vehicles are repossessed from the owner for lack of payment. The vehicles are in lock-down for a period of time and then if the vehicles are not returned in a reasonable amount of time, the vehicle is transported and sold.

There could be a maximum of 30 vehicles, but it was stated to Director Clark that most of the time there would be between 15 and 20 vehicles onsite. The turn-around time is approximately two weeks. Mr. Alvarez contended to Director Clark that all the vehicles would be road legal and the parcel would look no different from having a parking lot located there.

The Town would require the parking lot to be gravel. The lower portion of the parcel is within the 100-year flood plain and is adjacent to a trout stream. Also adjacent to the property are single-family homes, lodging facilities, cottages, restaurant, Bell South substation, and a vacant lot.

There will be security lighting and a chain-link fence installed. Mr. Knoedler had concerns about that many vehicles with that amount of fuel, lubricants, and oil being that close to a trout stream. There are no other facilities of this type in the area along Jonathan Creek.

Town of Maggie Valley
Regularly Scheduled Planning Board Meeting
September 1, 2011
MINUTES

Mr. Alvarez had told Director Clark that there would be no activity after 9:00 p.m.

Mr. Matthews felt that now that the area is going to be fenced with chain-link fencing, rather than a solid fence, the area would look unsightly. After hearing Mr. Knoedler's concerns, Mr. Matthews felt that it would not be in harmony with the area.

CHAIRMAN BREDE MADE A MOTION TO RECOMMEND DENIAL FOR THE SPECIAL EXCEPTION BASED ON THE USE NOT BEING COMPATIBLE WITH THE SURROUNDING AREA AND THE EXTERNALITIES TO THE ADJOINING PROPERTIES WOULD BE UNSIGHTLY, THE TOPOGRAPHY AND SIZE OF THE PROPERTY IS NOT SUITABLE AND A DISTURBANCE TO THE NEIGHBORS. MR. KNOEDLER SECONDED THE MOTION. ALL WERE IN FAVOR OF DENYING THE REQUEST.

The Planning Board felt that it would be hard to enforce regulations on this business to maintain the hours of operation as well as only having repossessed cars as opposed to towed vehicles.

Special Exception Opinion: Twinbrook Resorts

Twinbrook Resort contains 12 cabin units spread out over almost 20-acres. In 2008, the resort was subdivided and the cabins and lots (64 lots) were put up for sale. The real estate market has since changed and the owners would like to get back to the core mission and rent to tourist. There has been a lot of interest in a campground. The owners would like to put eight (8) RV sites in front of the main house, which houses the indoor pool. The road meets the town's road standards.

Mr. Knoedler stated that he felt that an RV Park/Campground would not be in harmony with the surrounding area because of the single-family homes surrounding the property, as well as the people that have purchased lots or cabins after the land was divided under the impression the surrounding area would remain residential.

Mr. Matthews stated that he agreed with Mr. Knoedler; a campground would be too much for the established residential neighborhoods to contend with, including the additional traffic.

As for externalities to the adjacent property owners, Mr. Knoedler felt that a campground locating in the middle of a residential area would have a negative impact on property values. Mr. Matthews agreed that was a possibility.

CHAIRMAN BREDE MADE A MOTION TO RECOMMEND DENIAL FOR THE SPECIAL EXCEPTION BASED ON THE USE NOT BEING COMPATIBLE WITH THE SURROUNDING AREA AND THE EXTERNALITIES TO THE ADJOINING PROPERTIES WOULD BE THE ADDITIONAL PEOPLE STAYING OVER THE SEASON AND IT WOULD BE UNSIGHTLY FOR RVs AND CAMPERS TO REMAIN THROUGH THE WINTER. MR. KNOEDLER SECONDED THE MOTION. ALL WERE IN FAVOR OF DENYING THE REQUEST.

3
Town of Maggie Valley
Regularly Scheduled Planning Board Meeting
September 1, 2011
MINUTES

Text Amendment: Bed & Breakfast (R1/R2/R3)

At the July 7 meeting, Mr. and Mrs. Shell presented the planning board with a text amendment request that would allow “tea rooms” within residential zoning districts. The Planning Board members directed Director Clark to draft an amendment for their review. After reconsidering the issue, the members felt introducing a “tea room” to a residential neighborhood would not be the ideal situation. A tearoom would host a variety of events i.e. baby showers, wedding parties, etc. creating a need for ample parking. However, the members felt a bed and breakfast would be appropriate.

Director Clark recommended the following amendment for a bed and breakfast.

Special Exception with additional standards:

- (1) Bed and Breakfasts (B&B)- an accessory home occupation use within a private residence providing no more than four (4) guest bedrooms available for overnight guests at a fee that includes breakfast.
 - (a) The B& B residence shall be the principal residence of the owner/operator to be substantiated through the submission of an affidavit by the B& B owner.
 - (b) B&B must be located on a parcel two acres or greater.
 - (c) Off street parking shall be provided. One (1) space per each guest room plus an additional two (2) parking spaces.
 - (d) Meals shall be served to overnight guests only
 - (e) Shall still be subjected to all requirements outlined by G.S. 154.172 (b)(2)

The Planning Board commended Director Clark on the Special Exception standards for a B& B. It was important to the board that historical homes are well maintained and not sitting empty dilapidating.

**CHAIRMAN BREDE MADE A MOTION TO RECOMMEND ADOPTION OF THE
TEXT AMENDMENT FOR BED AND BREAKFAST ESTABLISHMENTS AS
PRESENTED.**

**MR. MATTHEWS SECONDED THE MOTION.
MOTION CARRIED UNANIMOUSLY.**

Update: Subdivision Ordinance Draft April 2009

There have been comments about the need to update the Subdivision Ordinance and to incorporate the road standards into the ordinance. The public workshops held in 2009 were poorly attended.

Ms. Linda Bennett stated that she would submit written documentation to the Board listing her concerns.

Planning Director’s Report

Town of Maggie Valley
Regularly Scheduled Planning Board Meeting
September 1, 2011
MINUTES

☒ Director Clark reported that Ms. Doreen Pauley submitted her letter of resignation.

After a short discussion, the members asked that the Board of Aldermen consider lowering the planning board membership from seven in-town members to five in-town members and ETJ members from two to one.

☒ Saturday October 1 is Maggie Valley's Caring for your Community Day as part of the Haywood Clean County Commission. Groups are encouraged to meet at 9:00 a.m. at Town Hall where they will be given sticks, gloves, vests, and bags to pick up trash along the roadway until noon. The Planning Board members are encouraged to contact Karen Batick in the front office to let her know if the Planning Board will have a group.

☒ Volunteers are encouraged to meet at Town Hall on Monday September 19 and 20 to help decorate the town for Fall Days.

☒ The Planning Board has a great interest in updating the Town's website to better serve residents and visitors. Director Clark will discuss funding with the finance director upon her return from vacation.

ON MOTION OF MR. KNOEDLER, SECONDED BY MR. MATTHEWS, WITH ALL IN FAVOR THE MEETING ADJOURNED AT 6:46 P.M.

Chairman Billy Brede

Vickie Best, CMC, Town Clerk