

Town of Maggie Valley
Regularly Scheduled Planning Board Meeting
September 6, 2007
MINUTES

Members Present: Chairman Billy Brede, Bill Chamberlin, June Johnson, and John Schreiber
Staff Present: Manager Tim Barth, Planning Director Nathan Clark, and Town Clerk Vickie Best
Others Present: Five people were in attendance

Chairman Brede called the meeting to order at 5:34 pm in the Town Hall Boardroom.

1. Approval of the Minutes: August 8, 2007

There were no minutes included in the Agenda Packet.

2. Initial Zoning: Rideman Investments

The parcels in question were recently annexed. The developer desires Residential 2 zoning.

The Land Use Plan indicates that the area should be designated for medium density.

The surrounding parcels are within Haywood County. Water will be provided via a private well with municipal sewer. The Meadows subdivision has Sanitary District water but relies on septic tanks.

If zoned R2 multi-family housing would be an allowable use.

There will be a 25-foot buffer from Jonathan Creek. The required setbacks for R2 are 20-10-10. Currently there are no green space requirements in place. The developers will be extending sewer into the development due to lots 2 & 3 being too wet to perk for septic.

The proposed use will still protect the integrity of the neighborhood.

**MR. CHAMBERLIN MADE A MOTION TO RECOMMEND RESIDENTIAL 2
ZONING FOR PARCELS 7686-58-2639, 7686-58-5520, 7686-58-7326 LOCATED ON
NELSON DRIVE.**

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

3: Preliminary Plat Approval: Olde Towne Village

The 3.7924-acre parcel is located at 1728 Moody Farm Road. The preliminary plat is divided into 23 lots with two common areas. The Zoning Board of Adjustments deemed the project a Planned Unit Development (PUD). The community is proposed for mixed use, residential and light commercial for artist. The road grade does not exceed 8.8%. Parking will be limited due to only having two spaces per structure. However, parking guidelines are at the Zoning Board of Adjustment's discretion.

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The State Erosion Control Office did not grant an official permit however, the plan was reviewed. The Town has the accompanying paperwork from the State.

The developers are requesting conditional approval on their preliminary plat contingent upon receiving state issued water and sewer permits. The state water permit can take as long as 8 to 10 weeks to receive. The Maggie Valley Sanitary District has signed off on the project receiving water.

The minimum lot size is not relevant in PUD's.

The road will remain private, and will not be a thoroughfare. The 30' roadway would allow for some parallel parking. Ms. Linda Taylor explained that the concept is of an 1880's community. The engineer and surveyor recommended keeping the existing roadbed. The "strait shot" road will eliminate unnecessary soil disturbance.

After review of the preliminary plat, the members asked for the access easements to be shown, and notations made for the utility easements, as well as a better definition of the proposed T-turn.

The members will call a special meeting after the revisions are made to the preliminary plat.

4: Final Plat Approval: Maggie Valley Club Scarlet Oaks Phase II

Mr. Tooley asked to be removed from the agenda until the next meeting.

5: Text Amendment: Subdivision Ordinance, Open Space Requirement

Director Clark has worked on several formulas to get a percentage of required green space that would be fair to large and small developments. Director Clark stated that he would like to reintroduce requesting a gross percentage for all open tracks of land being developed. This does not hurt the developer but will require a fair amount of green space.

This item will be placed on the agenda for the special called meeting.

6: Maggie Valley Land Use Plan: Board Driven Discussion

Ms. Johnson was concerned that the comments made at the last Planning Board meeting was from developers and realtors. The Planning Board needs the opinion of a cross-section of the community. A broader spectrum is needed before the Planning Board gets down to working on specific issues.

Director Clark agreed. The verbal narrative in the implementations matrix can be left open to see how the plan works out. Numerical values do not need to be in place. The Board needs to get behind the scope, rather than the specifics.

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The Board concurred. Having a broad use plan is the goal. A mission statement should be placed in the beginning of the plan. The mission statement will define the plan as a look to the future rather than immediate building projects.

After Mr. Chamberlin expressed his concerns about notification, Director Clark stated that he would attempt to get a notice included with the 2007 tax bills.

Mr. Clark will contact Ms. Erin Musiol with Benchmark Inc. to attend the next workshop with the public.

As for comments made that the Land Use Plan is the “taking of land”, the members asked for clarification of the laws pertaining to developing this type of long-range plan.

Director Clark felt comfortable working with the Institute of Government and the Benchmark Inc. consultants. A land use plan is not a new concept for municipalities. When it comes to zoning or the possibility of zoning there are always lawsuits involved.

Ms. Johnson asked that it be clarified that this is a plan, not a zoning map. The Land Use Plan is the over riding instrument. The plan comes from the strategic plan [Driving Miss Maggie]. Ms. Johnson went on to give the example of using the land use plan as a clothesline.

Ms. Taylor spoke from the floor asking if her 23 lots (Olde Town Village) would become non-conforming after the Land Use Plan is adopted. Flat land should have higher density. The Town adopting “lots of record” has help to an extent. Ms. Taylor went on to explain how difficult it is to get property rezoned.

CHAIRMAN BREDE MADE A MOTION TO CALL FOR A SPECIAL CALLED MEETING OF THE PLANNING BOARD TO BE HELD AT 5:30 PM ON WEDNESDAY SEPTEMBER 19 AT WHICH TIME THE AGENDA SHOULD BE TO INCLUDE THE PRELIMINARY PLAT APPROVAL OF OLDE TOWN VILLAGE, SCARLET OAKS PHASE II., AND A TEXT AMENDMENT AFTER PLANNING BOARD REVIEW FOR OPEN GREEN SPACE, AND THE CONTINUED DISCUSSION ON THE LAND USE PLAN, OTHER BUSINESS, AND THEN ADJOURNMENT.

MS. JOHNSON SECONDED THE MOTION.

Mr. Chamberlin asked if the meeting could begin at 5:00 pm.

**CHAIRMAN BREDE CHANGED HIS MOTION TO REFLECT 5:00 PM.
MS. JOHNSON’S SECOND REMAINED.
ALL WERE IN FAVOR.**

7. Other Business

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Mr. **Jim Blyth** asked that public comments be included at every board meeting. All meetings should be open to public comment. Mr. Blyth had concerns about spending his time attending a meeting at which he is not allowed to speak. "Public Comment is as sacred as saying the pledge of allegiance or prayer. If meetings are not open for public comment then you are acting like this is a dictatorship."

As for the Land Use Plan, Mr. Blyth felt that it was "just plain wrong". A land use plan is designed to change as time moves forward. This plan is too specific in nature. Specific properties are being targeted for specific uses. The Buxton Plan does not coincide with the land use plan. The Buxton Plan needs a lot of work. He felt the town should not have to pay for such a poor quality plan. Mr. Blyth asked that each planning board member review the Buxton Report.

Mr. **Dan Massey** stated that the plan scares him. He is not a rich man and cannot afford to come and ask for approval on everything. Allowing residential use on his property was important to him.

8. Adjournment

**MR. CHAMBER MADE A MOTION TO ADJOURN AT 7:11 PM.
MS. JOHNSON SECONDED THE MOTION.
MOTION CARRIED UNANIMOUSLY.**

Chairman Billy Brede

Town Clerk Vickie Best, CMC