

**TOWN OF MAGGIE VALLEY
REGULARLY SCHEDULED ZONING BOARD OF ADJUSTMENT MEETING
FEBRUARY 14, 2008
MINUTES**

Members Present: Connie Dennis, Catherine Young, Torry Pinter, Candace Way, and
Caroline Edwards (5:57 pm)
Members Absent: Chairman Ron DeSimone and Dean Tomlinson
Staff Present: Manager Tim Barth, Planning Director Nathan Clark and Town Clerk
Vickie Best

Meeting Called to Order

Vice-Chairman Dennis called the meeting to order at 5:38 pm in the Flossy White room of Town Hall.

Approval or Correction of Minutes: January 10, 2008

**MR. PINTER MADE A MOTION TO APPROVE THE MINUTES OF JANUARY 10,
2008 AS PRESENTED.**

**MS. WAY SECONDED THE MOTION.
MOTION CARRIED UNANIMOUSLY.**

PUD Request: Acorn Hill (previously Lorraine Heights)

The following information was provided in the agenda packet by Director Clark:

Last Month Trinity Cove LLC/Sunset Builders presented their Acorn Hill (formerly Lorraine Heights) PUD application to the ZBOA with mostly positive results. The ZBOA did however express concerns that the existing road (12 feet wide, gravel surface) would be used to access the two top units. The new revised PUD plan has calls for all roads in Acorn Hill to be 16ft wide and paved. This commitment is a tremendous improvement to the existing road. A second change in the PUD application will add an extra unit to the plan bringing the number of homes to be built on this tract to 8, the maximum allowed number per the R-2 Zoning District Density.

Trinity Cove LLC /Sunset Builders has submitted a PUD application that will allow the clustering of seven single family detached homes on a 2.081 tract located off Lorraine Drive in the Town's ETJ District (see map for better location) The maximum density for this tract is 8 units based upon the R-2 Medium Density Residential zoning district. What makes this neighborhood "innovative" which is a requirement for PUD approval is that it utilizes the clustering of homes to form a true "neighborhood feel" and to achieve an affordable housing community, homes prices below the \$200,000 threshold which is rarity in Maggie Valley as well as Haywood County. I have a preliminary site plan in my office for viewing. Unfortunately, the developer's surveyor's office has been closed since the holidays and has been unable to provide the recommended copies for board members.

Below is the PUD criteria, in **bold is how Lorraine Heights addresses the criteria.**

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Section 1005. Planned Unit Developments.

1005.1 Purpose. The purpose of this section is to afford substantial advantages for greater flexibility and improved marketability through the benefits of efficiency which permit flexibility in building sighting, mixtures of housing types and land use. Residential densities are calculated on a project basis, thus allowing the clustering of buildings in order to create useful open spaces and preserve natural site features. **R-2 Zoning would allow up to 8 dwelling units on this site. There are 8 Planned Units.**

1005.2 Planned Unit Development Defined. Where more than one principal building or use is proposed to be constructed on a single lot, or any building with a gross floor area of 5,000 square feet or more, or any multi-family residential complex of five (5) or more units, shall be deemed a planned unit development (PUD). Residential units within a planned unit development may include single family detached or attached units, townhouse developments, garden apartments, patio homes, and other type residential units including mobile homes and mobile home parks. **8 Single family detached houses are planned.**

1005.3 Land Development Standards. The following land development standards shall apply for all planned unit developments. Planned unit developments may be located in the all districts as special exception, subject to a finding by the Board of Adjustment that certain conditions be met:

(1) Ownership Control. The land in a planned unit development shall be under single ownership or management by the applicant before final approval and/or construction, or property assurances (legal title or execution of a binding sales agreement) shall be provided that the development can be successfully completed by the applicant. **Trinity Cove LLC**

(2) Density Requirements. There are no density requirements for non-residential uses as long as the proposed project does not violate the intent of the district in which it is located. The proposed residential density of the planned unit development (land area per dwelling unit as shown in Article VII) shall conform to that permitted in the district in which the development is located. If the planned unit development lies in more than one district, the number of allowable dwelling units must be separately calculated for each portion of the planned (unit) development that is in a separate district, and must then be combined to determine the number of dwelling units allowable in the entire planned unit development. **R-2 Zoning would allow up to 8 dwelling units on this site. There are 8 Planned Units.**

(3) Frontage Requirements. Planned unit developments shall have access to a highway or road suitable for the scale and density of development being proposed. **Access to the neighborhood is provided off of US 19/ US 276 Dellwood Road by Lorraine Drive. The existing road is 12 ft gravel with grades that exceed minimum town design standards. The proposed site plan upgrades the existing road to 16ft paved and grades that will not exceed 18%.**

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(4) Land Uses. A mixture of land uses may be allowed in any planned unit development. However, within residential districts, non-residential uses shall be primarily for the use of the PUD residents and shall not constitute the primary use in the planned unit development, and non-residential uses shall be carefully designed to compliment the residential uses within the planned unit development. All planned unit developments must be compatible with and not violate the intent of the zoning district. **This PUD will only contain single family detached houses. PUD status is needed to cluster homes in a way that makes the development have more of a neighborhood feel as well as provide an ample amount of greenspace.**

(5) Minimum Requirements.

(a) The normal minimum lot size, setbacks and frontage requirements are hereby waived for the planned unit development, provided that the spirit and intent of this section are complied with in the total development plan, as determined by the Board of Adjustment. The Board of Adjustment shall exercise ultimate discretion as to whether the total development plan does comply with the spirit and intent of this section.

(b) Height limitations: No building or structure shall exceed the height limitations of the district in which it is located. **Building Height will be two story homes**

(c) Required distance between buildings: The minimum distance between buildings shall be twenty (20) feet or as otherwise specified by the Board of Adjustment to ensure adequate air, light, privacy, and space for emergency vehicles. **Minimum proposed spacing between homes is 22 ft**

(d) Every dwelling unit shall have access to a public or private street, walkway or other area dedicated to common use, and there shall be provision for adequate vehicular circulation to all development properties, in order to ensure acceptable levels of access for emergency vehicles. **Common space has been declared and is now clearly defined on plat**

(6) Privacy. Each development shall provide reasonable visual and acoustical privacy for all dwelling units. Fences, insulation, walls, barriers and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses, and reduction of noise. Multi-level buildings shall be located within a planned unit development in such a way as to dissipate any adverse impact on adjoining low-rise buildings and shall not invade the privacy of the occupants of such low-rise buildings.

(7) Perimeter Requirements.

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(a) Structures located on the perimeter of the development must be set back from property lines and rights-of-way of abutting streets in accordance with the provisions of the zoning ordinance controlling the district within which the property is situated.

(b) Structures other than single-family detached units, located on the perimeter of the development may require screening in a manner which is approved by the Board of Adjustment. **Not Applicable**

(8) Plans and accompanying documentation to ensure that the water and sewer systems proposed for the planned unit development have been approved by the appropriate local and State agencies and submitted as part of the application. **Double function between ZBOA and Planning Board. Sewer and water are available to the site as determined by local officials, have not received state permits.**

The Town will provide snow and ice removal. The Homeowners Association will be responsible for road maintenance. The residents will also receive garbage collection.

The members reviewed the plat. The only error found was the notation stating 12 feet of paved roads when the roads will be 16 feet paved.

**MR. PINTER MADE A MOTION TO APPROVE THE PLANNED UNIT DEVELOPMENT WITH THE NOTATION TO SAY THE ROAD WILL BE PAVED TO 16 FEET.
MS. YOUNG SECONDED THE MOTION.
MOTION CARRIED UNANIMOUSLY.**

Plaque Presentation: Jay Ring

Past chair Jay Ring was presented a plaque thanking him for his service on the Zoning Board of Adjustments. Mr. Ring was a dedicated, conscientious leader. Each member spoke of Mr. Ring's commitment as chair. Several current members are serving due to Mr. Ring asking them to sit on the Zoning Board of Adjustments.

Mr. Ring graciously accepted the plaque thanking each member and staff for their assistance during his term.

Other Business

Director Clark explained that a new business has made a request to locate within the Commercial 1 District. The business will be outdoor entertainment with a climbing rock, moonwalk, and a large trampoline similar to the one located at the Asheville Mall. Due to the business not being listed under Commercial 1 as an allowed use. If approved, the zoning board will have to grant a special exception.

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The window of time is closing due to the tourist season beginning in late April- early May. The members agreed to continue this meeting until Thursday February 21, 2008 at 5:30 pm to hear the presentation.

Public Comment

There were no public comments.

Adjournment

**AT 6: 04 PM, MR. PINTER MADE A MOTION TO CONTINUE THIS MEETING
UNTIL FEBRUARY 21, 2008 AT 5:30 PM.
MS. YOUNG SECONDED THE MOTION.
MOTION CARRIED UNANIMOUSLY.**

Vice-Chairman Connie Dennis

Vickie Best, Town Clerk, CMC