

**TOWN OF MAGGIE VALLEY
CONTINUED ZONING BOARD OF ADJUSTMENT MEETING
FEBRUARY 21, 2008
MINUTES**

Members Present: Chairman Ron DeSimone, Caroline Edwards, Candace Way, Torry Pinter, Connie Dennis, and Dean Tomlinson
Staff Present: Manager Tim Barth, Planning Director Nathan Clark, and Town Clerk Vickie Best
Others Present: Mayor Roger McElroy, Dick & Marion Hammel, Julia Merchant, and Manuel Flick

Meeting Reconvened

Chairman DeSimone reconvened the meeting at 5:33 pm in the Flossy White Room.

Outdoor Entertainment: Manuel Flick: Special Exception

Director Clark explained that outdoor amusements are not listed as a permitted use for the Commercial 1 District. If approved, a special exception will be given.

Mr. Flick addressed the board stating that he wants to install a climbing rock, moonwalk, and a giant trampoline for kids ages 3 to 14. The proposed location is at the entrance to Campbell Creek Road off Soco Road (Jim Blyth property where the elk stands). The old duplex to the rear of the property will be used for unisex restrooms and ticket sales. The building will be handicap accessible with a slope grade no more than twelve to one. There will be twelve parking spaces and two handicap spaces. Mr. Flick feels that he will be seeing a maximum of 300 people per day. There are no plans for music.

Director Clark explained that the outdoor amusement would fit with the character of the west end of the valley with Ghost Town and the four-wheeler tract.

Mr. and Mrs. Hammel were present due to being adjacent residential property owners. The Hammels' were concerned about noise and litter.

The business will be open until 10 pm. There will not be extreme noise other than the visitors and a buzzer that rings when you reach the top of the climbing rock. Mr. Flick will keep the area free of debris. The business will be open from April thru October.

Mr. Hammel reiterated that if noise is kept to a minimum and trash is not blowing onto his property there would be no objections.

Mr. Flick informed the board that he has budgeted for three employees other than himself. Soft drinks and bottled water will be for sale, but no food, at least for the first year. Mr. Flick's goal is to increase the number of amusements, as funding will allow. The NC Department of Labor and Department of Insurance will oversee the safety aspects of the business. The insurance company requires a 4-foot fence around each amusement. A split rail

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may be installed around the perimeter of the property. Picnic tables will be placed on the property for parents to sit and watch their kids.

Director Clark stated that he would need to see a lighting plan. Mr. Flick is proposing six lights to be placed on the west end of the property.

Mr. Tomlinson questioned if Mr. Flick had a written lease from the property owner, and if light pollution and noise have been addressed.

The noise ordinance will control the music coming from the area. The noise is measured 10-foot from the property line.

MR. PINTER MADE A MOTION TO GRANT THE SPECIAL EXCEPTION BASED ON THE FOLLOWING: NC REGULATIONS OF A FOUR FOOT FENCE BE MET ALONG WITH ANY OTHER STATE REGULATIONS, THE LIGHTING IS TO BE FOCUSED DOWN, MUSIC IS TO BE HELD TO A MINIMUM, A WRITTEN LEASE FROM THE PROPERTY OWNER, AND NO BLINKING OR FLASHING SIGNS.

MR. TOMLINSON SECONDED THE MOTION.

MOTION CARRIED.

ON MOTION OF MR. TOMLINSON, SECONDED BY MS. EDWARDS, WITH ALL IN FAVOR, THE MEETING ADJOURNED AT 6:15 PM.

Chairman Ron DeSimone

Vickie Best, CMC, Town Clerk