

**MINUTES OF THE
CITY OF PIGEON FORGE PLANNING COMMISSION
AND BOARD OF ZONING APPEALS
TUESDAY OCTOBER 25, 2011, 3:00 P.M.
CITY HALL, PIGEON FORGE, TENNESSEE**

MEMBERS PRESENT

Bill Bradley, Chairman
Robert Young, Vice Chair
Jay Ogle
Judy Harrell

MEMBERS ABSENT

Kevin McClure
Jerry Clark

OTHERS PRESENT

David Taylor, Karl Kreis, Mark Miller, Jerry Hanson, Donnie Mashburn, Sheila Zambon, Robin Turner, Mike Smelcer, Marvelle Sewell, Rigaberto Ricardo, Midge Jessiman, Kirby Smith, Brent Collier, Marcus Whaley, Mimi Kulp, others.

Jim Gass - City Attorney

CALL TO ORDER

Chairman Bradley noted that a quorum was present.

APPROVAL OF MINUTES

The minutes of the meeting September 27, 2011 were approved on a motion by Commissioner Young. Commissioner Harrell seconded and all voted in favor.

OLD BUSINESS

NEW BUSINESS

Mr. Taylor stated that in the past the November and December meetings have been combined, because of the holidays. Staff and Planning Commissioners agreed that the Planning Commission meeting in December will be set for Tuesday, December 13th at 3:00 p.m.

Commissioner Young made a motion to approve the request. Commissioner Ogle seconded and all voted in favor.

PLANNING COMMISSION

A. Special events

- 1. Pigeon Forge Police Dept. – Safety Day, Saturday, 10 a.m.-2 p.m. Saturday, October 29, 2011, Walgreens – corner of Jake Thomas and Parkway, Officer Donnie Mashburn.**

Mr. Mashburn was present.

STAFF RECOMMENDATION

Staff recommended in favor of the request.

ACTION TAKEN

Commissioner Ogle made a motion to approve the request. Commissioner Young seconded and all voted in favor.

- 2. Holiday Open House banners, Saturday, November 12, 2011, Breakfast with Santa, Saturday, December 3, 2011, 175 Old Mill Street, Marvelle Sewell.**

Ms. Sewell was present.

STAFF RECOMMENDATION

Staff recommended in favor of the request.

ACTION TAKEN

Commissioner Harrell made a motion to approve the banners. Commissioner Ogle seconded and all voted in favor.

- 3. Titanic Tennessee, LLC. – Black Friday Tent, Friday, November 25, 2011, Professional Ice Sculpture Event, Saturday, January 14, 2012, 2134 Parkway, Lorene Boatner.**

No one was present.

STAFF RECOMMENDATION

Mr. Taylor explained that this is a reoccurring event and staff recommended in favor.

ACTION TAKEN

Commissioner Ogle made a motion to approve the request. Commissioner Young seconded and all voted in favor.

4. Adrenaline Sports Management – Santa Hustle in the Smokies' Half Marathon, Saturday, December 11, 2011, Parkway, Heather Frayn.

Ms. Frayn was not present.

STAFF RECOMMENDATION

Mr. Taylor stated that the half marathon would begin in the city of Sevierville, continue to the Pigeon Forge Community Center via the Parkway and then back to Sevierville. He said city departments have reviewed the request and staff recommended in favor of the request.

ACTION TAKEN

Commissioner Ogle made a motion to approve the request. Commissioner Young seconded and all voted in favor.

5. Holy Cross Church – The Annual Our Lady of Guadalupe Procession/parade, Monday, December 12, 2011, 144 Wears Valley Road, Rigoberto Ricardo.

Mr. Ricardo was present.

STAFF RECOMMENDATION

Mr. Taylor explained that this has been an annual event. A small change had been made to the route and will be going through the Waldens Landing parking lot. He said this change takes the march from public R-O-W to private property. Staff recommends they get permission from Waldens Landing to march on their property, but is fine with the rest of their march route.

ACTION TAKEN

Commissioner Young made a motion to approve the request per staff's recommendation. Commissioner Harrell seconded and all voted in favor.

6. Great Smoky Mountain Watershed Initiative – Earth Day Celebration, Patriot Park, Sunday, Sunday, April 22, 2012, Michael Hughes.

No action was necessary this item was withdrawn before the meeting.

7. Smoky Mountain Harley Davidson – Veterans Day Celebration, 105 Waldens Main Street, Friday, November 11, 2011, Steve Ownby.

Mr. Ownby was not present.

STAFF RECOMMENDATION

Mr. Taylor stated that several events had been held at Smoky Mountain Harley Davidson in the side parking lot and no problems had been reported. Staff recommended in favor of the request.

ACTION TAKEN

Commissioner Ogle made a motion to approve the request. Commissioner Young seconded and all voted in favor.

D. Site Plans

1. No Way Jose's (Iron Boar Saloon), Revised Site Plan, 104 Waldens Main Street, Cara Lynne Knapp – Associated Design Group, Inc.

STAFF RECOMMENDATION

Staff Planner Taylor stated that the addition was to add a patio. He said the plan meets patio requirements for beer sales and site plan regulations.

ACTION TAKEN

Commissioner Harrell made a motion to approve the site plan. Commissioner Ogle seconded and all voted in favor.

2. Flap Jacks Restaurant, Billboard Relocation and Consolidation, 2734 Parkway, Brent Collier.

STAFF RECOMMENDATION

Mr. Taylor stated that the billboard to be relocation is actually at Golden

Corral Restaurant on the Parkway not Flap Jacks Restaurant. He said the proposed location at Cabins USA on the Parkway meet the recommended 5 feet off of the R.O.W. He recommended in favor of the request subject to location approval and an agreement with the City being executed to relocate the sign. City Attorney Gass stated that a standard agreement between the applicant and City Commission must still be negotiated and approved.

ACTION TAKEN

Commissioner Young made a motion to approve the request. Commissioner Ogle seconded and all voted in favor.

F. Miscellaneous Requests or Required Actions

1. Proposed Amendment to Sections 709.1, 709.7, 709.9 of the zoning text for C-5 Commercial Amusement Park District to accommodate tethered balloon rides, David Taylor.

STAFF RECOMMENDATION

Staff Planner Taylor stated that this amendment is basically to allow tethered balloon rides in a C-5 district. He reported that the amendment was written by City Attorney Gass at City Commission's instruction. He said the amendments would allow tethered balloon rides of not higher than 500 feet. City Attorney Gass reported that some additional changes are necessary. He reported that "passenger carrying" be added before "tethered balloon rides," so none are erected for signage or to gather attention. He also wanted language added that the rides must have an "FAA waiver" to exceed height limit added as well.

ACTION TAKEN

Commissioner Harrell made a motion to recommend the amendment to the City Commission with City Attorney's recommendations. Commissioner Ogle seconded and all voted in favor.

2. Proposed amendment to Section 711.3 of the zoning text for C-6 Mixed-Use Commercial District – Uses Permitted on Review to add "Horseback Riding Stables," David Taylor.

STAFF RECOMMENDATION

Staff Planner Taylor reported reminded the Commission that this issue was discussed at the last meeting. He said that staff has drafted an amendment to allow riding stable as "Uses permitted on Review" in a C-6 district. He recommended the following conditions be added: "provided all livestock are kept a minimum of 100 feet from all roadways. Adequate facilities must be provided on site for the protection of all animals during inclement weather, with all stables, riding trails, and grazing areas fenced by non-barbed or electric fencing. Structures of a permanent nature, which meet all building codes and ADA requirements, must be provided for ticketing and other facilities for the public. No temporary structures are allowed. Parking must be provided on the site plan at 1 space for every 4 horses and 1 space for every 4 employees."

ACTION TAKEN

Commissioner Young made a motion to recommend the amendment as drafted to the City Commission. Commissioner Ogle seconded and all voted in favor.

Planning Region Items

A. Subdivisions

1. Final Re-Subdivision of Twin Rock Mountain, Lots 2, 3, 4, McCarter Drive, Marcus Whaley.

No one was present to represent the request.

STAFF RECOMMENDATION

Staff Planner Taylor stated that this was a re-plat of three existing lots. He said that the lot line currently bisect the cabins on them. He said all the cabins and driveways currently exist. He stated the property is very steep and if starting from scratch, he could not recommend the lots. However, he does feel they are approving a bad situation and could recommend the replat if notes were added to the plat that this is for the replat of interior lot line only (no new subdivision) and to recognize that the driveways are too steep for emergency vehicle access.

ACTION TAKEN

Commissioner Ogle made a motion to approve the request subject to staff recommendation. Commissioner Harrell seconded and all voted in favor.

2. Final Re-Subdivision of the Ruby Parham Property, Lots 1R-1, 1R-2, Spruce Drive off of Upper Middle Creek Rd., J. Brennon Garrett – The Land Surveyors.

No one was present to represent the request.

STAFF RECOMMENDATION

Staff Planner Taylor stated that the plat does not have health department approval. He recommended denial.

ACTION TAKEN

Commissioner Harrell made a motion to deny the request. Commissioner Ogle seconded and all voted in favor.

BOARD OF ZONING APPEALS

A. Request for variance of zoning ordinance (Section 408.2.1 and 408.2.2 – General Requirement *for Signage*) to allow a sign less than 5 feet from the ROW and have less than 9 feet ground clearance, 2256 Parkway, Eugene Lafollette Property.

No one was present to represent the request.

STAFF RECOMMENDATION

Staff Planner Taylor stated that this was before the board in the past and was withdrawn. He said the existing sign violate sign regulations and need to be brought into compliance. He said the applicant wanted to address the board a second time, but was not present. He stated there were no grounds for variance of sign regulations and in light of the no show he recommends denial.

ACTION TAKEN

Commissioner Harrell made a motion to deny the request. Commissioner Young seconded and all voted to deny it.

B. Request for variance of zoning ordinance (Section 801 – Area, Yard and Height Requirements) to allow 6 feet one inch frontyard setback instead of the required 30 feet and a 7 feet 8 inch sideyard setback instead of the required 15 feet in a R-1 zoning district, 120 Hillis Drive, Joseph Zambon.

Mrs. Zambon was present to represent the request.

STAFF RECOMMENDATION

Staff Planner Taylor stated that the applicant is requesting a garage be placed to the front of the building that would grossly violate setbacks. He said the lot is flat, square, and there seems to be room in the back for a garage. He reported that staff could find no grounds to grant a variance. Additionally, he showed pictures of neighborhood and how out of character with the neighborhood a garage in the front would be if allowed. Mrs. Zambon stated that their "hardship" for variance is that her husband has difficulty walking.

ACTION TAKEN

Commissioner Young made a motion to deny the request. Commissioner Harrell seconded and all voted to deny the request.

C. Request for interpretation or variance of zoning ordinance (Section 709.6 – Signs for C-5 Commercial Amusement Park District) to allow 685 square feet of total signage instead of the required 350 feet for individual "parks" or "resorts," Parkway – formerly Miracle Theater, Smoky Mountain Opry, LLC.

No action was necessary this item was withdrawn before the meeting

The meeting was adjourned at 3:50 p.m.

Bill Bradley, Chairman

Attest: _____