

**MINUTES OF THE
SPECIAL CALLED
CITY OF PIGEON FORGE PLANNING COMMISSION
AND BOARD OF ZONING APPEALS
TUESDAY, OCTOBER 4, 2016, 9:00 A.M.
CITY HALL, PIGEON FORGE, TENNESSEE**

MEMBERS PRESENT

Jay Ogle, Chairman
Jeff Dodgen
Jerry Clark
Judy Harrell
Stephen Houser
Tom Marsh
Tony Kyker

MEMBERS ABSENT

OTHERS PRESENT

David Taylor, Karl Kreis, Brandon Williams, Sammy Ownby, David Hurst, Kacie Huffaker, Lonnie Privett, Carol Muzick, Mike Suttles, Paul Williams, Mike Smelcer, John King, Robin Turner, Robin Askew, Mimi Kulp, others.

Midge Jessiman
Jim Gass

BOARD OF ZONING APPEALS

1. Call to order
2. Old business
3. New business

A. Request for warehouse in a C-6 (Mixed-Use Commercial) District as a Use Permitted on Review, Dixie Stampede Warehouse, River Road, Marcus Whaley – W.C. Whaley, Inc.

Marcus Whaley and Mike Smelcer were present. Mr. Whaley explained that the proposed warehouse is located in a C-6 district and fronts an existing employee parking area opens to a parking lot. He referenced other warehouses he has designed in the C-6 district. Mr. Smelcer said that the building would be surrounded by trees every 12.5 feet. He said the

warehouse would mostly be used when the parking lot is empty. He said the reason for the warehouse is the city made them remove the temporary storage containers they had on-site.

STAFF RECOMMENDATION

Staff Planner Taylor read the section of the ordinance explaining this as a Use Permitted on Review and that certain conditions must be met to be considered. He explained that the Board has approved two and denied one in the past near residents. He said the two that have been approved both had frontage on arterial streets. The one denied fronted a collector street and located in the middle of a residential area. He said this proposed warehouse did not front an arterial road and adjoined residences on one side. He also said that there was no maneuverability for large trucks through the streets or in the parking lot in front of the proposed warehouse. He said that Conner Lane is a 30 foot R-O-W and River Road is a 40 foot R-O-W, both inadequate for large trucks. Attorney John King said that he represented nearby residents Mr. and Mrs. (Rick) Huskey. He said per Uses Permitted on Review there was 500 feet required from a residential structure. He said his clients are 80 feet away and other nearby residents are 35 feet, 100 feet, and 185 feet. He also questioned the maneuverability of the trucks through the residential neighborhood. He continued that the applicants have not provided a stormwater plan. Mr. Taylor said staff was concerned about the lack of detention in their stormwater plan, but their engineer has put a note on the site plan that it would meet the city stormwater regulations without detention.

ACTION TAKEN

Commissioner Harrell made a motion to deny the request due to lack of the required distance between the proposed warehouse and residential structures. And, further moved to deny for lack of large truck maneuverability through the residential neighborhood and on-site. Commissioner Kyker seconded. Commissioners Clark, Houser, Harrell, Marsh, and Kyker voted to deny. Commissioner Dodgen abstained. The request was denied.

Chairman Ogle asked that the BZA be suspended so that the related site planning items (to remaining BZA items A – C) could first be addressed by Planning Commission. There were no objects to this request.

B. Request for variance of off-street parking requirements under Section 402 of the Zoning Ordinance, Collier Restaurant Group –

Triangle Proposal A, Parkway and Emert Street, Brent Collier/Mike Suttles.

C. Request for variance of off-street parking requirements under Section 402 of the Zoning Ordinance, Collier Restaurant Group – Triangle Proposal D, Parkway and Emert Street, Brent Collier/Mike Suttles.

D. Request for variance of off-street parking requirements under Section 402 of the Zoning Ordinance, Collier Restaurant Group – Corky’s Barbeque Proposal A, 3584 Parkway, Brent Collier/Mike Suttles.

Chairman Ogle re-opened the BZA at 11:35 AM. After returning to BZA from Planning Commission, and considering the tabling of the related site plan items (see site plan items 2 and 3), City Attorney Jim Gass asked that BZA items A – C be tabled until the December 13, 2016 meeting as well.

ACTION TAKEN

Commissioner Houser made a motion to table the items until December 13, 2016 meeting. Commissioner Dodgen seconded and all voted in favor.

4. Adjournment

The meeting was adjourned at 11:45 a.m.

PLANNING COMMISSION

CALL TO ORDER

Chairman Ogle noted that a quorum was present.

APPROVAL OF MINUTES

OLD BUSINESS

NEW BUSINESS

City of Pigeon Forge Items

A. Special Events

B. Subdivisions

- 1. Final Minor Plat of Lots 32 – 36 into Lot 36R of Midway Subdivision, River Road, Marcus Whaley – W.C. Whaley, Inc.**

The item was withdrawn before the meeting.

C. Planned Unit Developments (PUD)

- 1. Final PUD Plan for Brooks Landing PUD Development (22 units), Willa View and Keegan Drive, Marcus Whaley – W.C. Whaley, Inc.**

The item was withdrawn before the meeting.

D. Site Plans

- 1. Dixie Stampede Warehouse, Site Plan, River Road, Marcus Whaley – W.C. Whaley, Inc.**

Since this item failed to be approved as a Use Permitted on Review by the BZA, the item was withdrawn by the applicant.

- 2. Addendum to Golden Corral – Proposals A, B, C, or D, Revised Site Plans, 3576 Parkway, Brent Collier/Mike Suttles.**

- 3. Addendum to Corky’s Barbeque – Proposal A, Revised Site Plan, 3584 Parkway, Brent Collier/Mike Suttles.**

Mr. Collier and Mr. Suttles were present, as well as, several others for the applicant. Mr. Suttles discussed the various site plans. There were five site plans under these two items. He admitted all the various site plans were different ways to share the parking between Corky’s Restaurant, Golden Corral Restaurant, rear parking lot, and the adjacent hotel in a way that makes room for the proposed retail building, utilizing existing parking in order to fill its required parking needs. He said that no new parking was proposed for any of these site plans except Golden Corral C which proposes new bus parking.

STAFF RECOMMENDATION

Staff Planner Taylor said that they were proposing multiple “scenarios” for which they wanted Staff/Planning Commission to suggest the best option.

He said that some of the plans (Proposals Golden Corral A, Golden Corral B, Golden Corral D, and Corky's A) changes the number of tables which is against the regulations, since restaurant parking is based on maximum occupancy of a building. He clarified that a maximum occupancy is based on square footage of the building which is not changing. He said Golden Corral C propose bus parking, which staff is unsure how to handle. He reported that BZA sometime ago determined that 1 bus spaces is equal to 42 people which would equate to approximately 10 spaces. However, Mr. Taylor was not sure if that number is based on a planning standard. He continued that Golden Corral C does not define the bus parking spaces, just shows where they might be. He furthered that there is nothing in the ordinance except Section 402.19 (400 feet rule) that addresses or allows cross-parking agreements. He said that an ordinance amendment would be needed and could be a possibility in certain circumstances, but the circumstances need defining. He said at the very least it must be platted or recorded by some instrument so there is not so much confusion as staff has had trying to figure out the parking for these businesses. He also admitted that some type of cross-parking has already occurred since the hotel shares spaces with Golden Corral. However, he had no idea how it was handled – if at all. He did point out that (according to minutes/site plans) the hotel shares 17 parking spaces, not 10 spaces as all the five proposed site plans show. Commissioner Harrell felt when these spaces are shared there needs to be signage at each space stating which business they are for. Discussion ensued on both cross-parking and bus parking. While representatives for Mr. Collier and Mr. Collier stated that cross-parking and bus parking has been going on for years and working fine; many Commissioners felt that without any regulations they were uncertain on how to resolve the issues before them in the future. Representation for Mr. Collier said they were willing to use platting or another instrument and signage to handle cross-parking and were willing to define the bus parking on the plans. Some Commissioners and staff saw potential abuse with future business using bus parking to circumvent parking requirement. Commissioner Marsh said that ordinance changes take time and the businessman wants to open now. Commissioner Harrell strongly objected and felt the last thing they needed were setting new precedence. Over the course of discussion it was realized that one of these five site plans has to be combined with one of the three site plans under BZA to work as a complete site plan for the proposed retail business. Discussion started to center around Golden Corral C and potentially combining it with a "Triangle" site plans listed under BZA. City Attorney Gass agreed with staff that Golden Corral C (with the bus parking) is the only site plan that does not decrease the number of

restaurant seats, yet would still require an ordinance change for the bus parking. It also became clear to the Commission that all the plans under BZA need variance of parking. Commissioners became increasingly uncomfortable with the situation.

ACTION TAKEN

Commissioner Houser made a motion to table the items until December 13, 2016 meeting so staff could research ordinance changes and the like. Commissioner Clark seconded. Commissioners Kyker, Dodgen, Houser, Harrell, and Clark voted to table the item. Commissioner Marsh voted against tabling.

E. Requests for Rezoning

- 1. None.**

F. Miscellaneous Requests or Required Actions

- 1. Set the November/December Planning Commission Meeting, Staff.**

STAFF RECOMMENDATION

Staff Planner Taylor said the regular meeting time for the November/December combined meeting is the second Tuesday in December. He said that would be Tuesday, December 13, 2016 at 3 PM.

ACTION TAKEN

All Commissioners agreed that the November and December meeting would be held Tuesday, December 13, 2016 at 3 PM.

Planning Region Items

A. Subdivisions

- 1. None.**

B. Planned Unit Developments (PUD)

- 1. None.**

C. Site Plan

- 1 None.**

D. Requests for Rezoning

- 1. None.**

E. Miscellaneous Requests or Required Actions.

- 1. None.**

4. Adjournment

The meeting was adjourned at 11:30 a.m.

Jay Ogle, Chairman

Attest: _____