

**MINUTES OF THE
CITY OF PIGEON FORGE PLANNING COMMISSION
AND BOARD OF ZONING APPEALS
TUESDAY, DECEMBER 13, 2016, 3:00 P.M.
CITY HALL, PIGEON FORGE, TENNESSEE**

MEMBERS PRESENT

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

MEMBERS ABSENT

OTHERS PRESENT

David Taylor, Karl Kreis, Brandon Williams, Mark Miller, Jeremy Schmid, Jimmy Taylor, James Tomiczek, Mike Suttles, Kacie Huffaker, Donna Cantrell, Rod McCarter, Ken Maples, Randall Robinson, Jeff Farrell, David Wear, Mike Smelcer, Tim Zitzman, Clyde Cummins, Marcus Whaley, Mimi Kulp, Bob Fleming, Robin Turner, Arthur Seymour, Adam Carr, Frank Damante, others.

Midge Jessiman
Jim Gass – City Attorney

BOARD OF ZONING APPEALS

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

A. Request for interpretation of Section 317(a) as to whether a business's theming plan meets the intent of the ordinance, 2115 Parkway, Front Page Attraction – Robin Turner.

Mr. Robin Turner, Bob Fleming, Mike Smelcer, and Attorney Arthur Seymour were present for the request. Mr. Bob Fleming commences the presentation.

He showed graphics/posterboards of their proposal and pictures of buildings throughout the city. He discussed the architecture of their proposal compared with other buildings around the city he considers being "themed." He said that their proposal fit together as form and referred to the protruding graphics as "french fries" and how they were integral in forming the architecture/design along with all the letters, large newspapers pages, and "interior spaces" in their proposal. He felt all this is "theming" in his opinion.

STAFF RECOMMENDATION

Staff Planner Taylor stated that the applicant has been told that it's staff opinion both proposals (with and without letters) are graphics under Section 317(a), not theming, and as such, must be measured as signage. He stated staff is familiar with the definition and he read the definition under Section 317(a). He continued that letters has always had to be included as signage. He reported that the entire front is one large graphic in both proposals which is not allowed under theming. He said the tops of the letters (earlier referred to as "French fries") are 75 feet high which is two and a half the size of the building. He argued such graphics/attention gathering devices must be measured out as signage and cannot be included as theming. Discussion ensued. Attorney Seymour said they are all smaller pieces of a puzzle. Mike Smelcer said the letters would be heated space making it part of the building. Chairman Ogle said that tall letters in the air are in conflict with the ordinance. He said they need to present something, or work with staff to propose something, in compliance. Commissioner Houser said there is no logical relationship to either of their proposals and the content of the building which is critical to the theming definition.

ACTION TAKEN

Commissioner Harrell made a motion to uphold staff's decision that both proposals (with or without letters) are graphic in nature (under Section 317(a), not considered theming (under Section(a)1), and must be measured as signage in its entirety. Commissioner Houser seconded. Chairman Ogle asked for roll call vote. Commissioners Kyker, Dodgen, Ogle, Clark, Harrell, and Houser all voted to uphold staff's decision.

B. Request for variance of parking requirements per Section 410, Butler Street and Old Mill Avenue, Ole Smoky Retail and Distillery – Matt Sprinkle.

The item was withdrawn before the meeting.

C. Request for off-site parking per Section 402.19 of the zoning text, 3576 Parkway, Brent Collier and Mike Suttles.

Mr. Mike Suttles and others were present for this request. Mr. Suttles said that the Golden Corral lot is being re-platted and combined with the parking lot in the back. He felt once re-platted they would qualify for the cross parking.

STAFF RECOMMENDATION

Staff Planner Taylor said the proposal is for the smaller triangular retail lot for which the Board is very familiar. He concurred with Mr. Suttles that once re-platted that the off-site parking presented will fall within the 400 feet distance required and that they have demonstrated they have surplus parking to share. He continued that the parking lot functions with Golden Corral and that it is good planning practice moving forward that they be combined. Staff recommended the off-site parking for the proposed retail triangular lot.

ACTION TAKEN

Commissioner Kyker made a motion to approve the off-site parking proposal between the triangular lot and Golden Corral per Section 402.19. Commissioner Dodgen seconded and all voted in favor.

PLANNING COMMISSION

CALL TO ORDER

Chairman Ogle noted that a quorum was present.

APPROVAL OF MINUTES

Commissioner Harrell made a motion to approve the December 13, 2016 and Stormwater Committee meeting December 13, 2016,. Commissioner Dodgen seconded and all voted in favor.

OLD BUSINESS

NEW BUSINESS

City of Pigeon Forge Items

A. Special Events

- 1. Wounded Warrior Project – Warrior 10 mile and 5k Road Race, Saturday, March 11th, 2017, Starts in Sevierville to LeConte Center in Pigeon Forge via Veterans Boulevard and back, Frank Damante.**

Frank Damante was present and explained their event. He said that they want to go back to the original date of the event.

STAFF RECOMMENDATION

Staff explained that the request was in order and that the city department administrative review committee recommends the event with \$1,000,000 liability insurance with the city list as “additional insured.”

ACTION TAKEN

Commissioner Marsh made a motion to approve the request subject to liability insurance being received. Commissioner Clark seconded and all voted in favor.

- 2. Pigeon Forge Spring Fling 5K Road Race, Sunday, April 23rd, 2017, City PD approved 5k route from Patriot Park to The Island via the City Greenway and back, Frank Damante**

Frank Damante was present and explained the event.

STAFF RECOMMENDATION

Staff explained that the request was in order and that the city department administrative review committee recommends the event with \$1,000,000 liability insurance with the city list as “additional insured.”

ACTION TAKEN

Commissioner Clark made a motion to approve the request subject to liability insurance being received. Commissioner Harrell seconded and all voted in favor.

B. Subdivisions

1. Final Minor Plat of the John Robertson Farm Subdivision, Lot 24R-1, 3610 Parkway, Mike Suttles – Land Surveying Services.

Mr. Suttles was present.

STAFF RECOMMENDATION

Staff Planner Taylor said that the plat is in order. He stated it needs to be recorded before building permits issued based on the site plan.

ACTION TAKEN

Commissioner Marsh made a motion to approve the request. Commissioner Harrell seconded and all voted in favor.

C. Planned Unit Developments (PUD)

1. Preliminary PUD for Mill Creek Resort RV Campground – Phase 3, 119 W. Mill Creek Road, Kacie Huffaker – Norvell and Poe Engineers.

Ms. Huffaker was present.

STAFF RECOMMENDATION

Staff Planner Taylor said the request is for 25 additional sites. The detention for Phase 2 was never built, but that the detention for Phase 3 could handle the detention for Phase 2 and 3.

ACTION TAKEN

Commissioner Marsh made a motion to approve preliminary PUD for the request. Dodgen seconded and all vote in favor.

D. Site Plans

1. Bear Country Track Additions, Revised Site Plan, 4061 Parkway, Donna Cantrell.

Ms. Cantrell was present.

STAFF RECOMMENDATION

Staff Planner Taylor said that one of the tracks is proposed over a gas easement that is being abandon and noted on the plans. Staff recommended in favor.

ACTION TAKEN

Commissioner Dodgen made a motion to approve the site plan revision. Commissioner Kyker seconded and all voted in favor.

2. Collier Restaurant Group, Site Plans, 3610 Parkway, Mike Suttles – Land Surveying Services.

Mr. Suttles was present.

STAFF RECOMMENDATION

Staff Planner Taylor explained that these were site plans for Golden Corral and the proposed triangular retail building that work together. He said that there is no proposed on-site parking for the new retail building but BZA just approved off-site parking from Golden Corral per Section 402.19 of the ordinance. He also said as part of this plan is bus parking that will account for 42 parking spaces. He stated that some parallel parking spaces have been proposed on this plan at Golden Coral property line in the Parkway ROW that are unnecessary and don't work. He said they need to be removed from the plan. Chairman Ogle asked if the cross parking agreement will be properly documented and Mr. Taylor said yes. Staff recommended in favor without the Parkway parking ROW redesign.

ACTION TAKEN

Commissioner Marsh made a motion to approve the site plans based on BZA action to allow shared parking per Section 402.19 and without the Parkway parking ROW redesign at the Golden Coral property line. Commissioner Dodgen seconded with and all voted in favor.

3. Country Inn and Suites, Site Plan, 4215 Parkway, Jimmy Taylor – Associated Design Group, Inc.

Mr. Taylor was present to explain the request. He said this redesign would eliminate the need for cross parking.

STAFF RECOMMENDATION

Staff Planner Taylor explained that this is a site plan revision/redesign proposing removing a building, swimming pool, and redesigning the parking. He did say they will need heavy pavement in circulation areas where solid waste trucks will circulate, but site plan revision meets regulations.

ACTION TAKEN

Commissioner Marsh made a motion to approve the request. Commissioner Harrell seconded and all voted in favor.

4. Creekstone Inn, Revised Site Plan, 4034 South River Road, Kacie Huffaker – Norvell and Poe Engineers.

Ms. Huffaker was present.

STAFF RECOMMENDATION

Staff Planner Taylor explained that this is a site plan revision/redesign proposing expanding existing office space by 5,645 square feet and adding a 3,600 square feet patio. He said the site plan revision is in order, but that the Sanitation Department has asked that the solid waste plan be changed to find a more suitable dumpster area. Ms. Huffaker said that she would work with her client for a new dumpster location.

ACTION TAKEN

Commissioner Marsh made a motion to approve the request. Commissioner Clark seconded and all voted in favor.

5. Days Inn Proposed Indoor Pool Addition, Revised Site Plan, 3206 Parkway, Donna Cantrell.

Ms. Cantrell was present.

STAFF RECOMMENDATION

Staff Planner Taylor said they are adding an indoor pool on the Pine Mountain Road side of the building near the Parkway. He said that it was originally proposed outdoors and staff had safety concerns about this with

traffic coming down Pine Mountain Road and the pool in close proximity to the street. He said staff much prefers the indoor design. He continued they are also adding bollards outside the build for added protection. Staff recommended in favor.

ACTION TAKEN

Commissioner Marsh made a motion to approve the request. Commissioner Dodgen seconded and all voted in favor.

6. Dollywood 2017 Attraction, Site Plan, 2700 Dollywood Parks Boulevard, Guy Wantiez – CEC.

Mr. James Tomiczek was present.

STAFF RECOMMENDATION

Staff Planner Taylor stated that they would not need the fall zone for the attraction since they provided the proper engineering document required per the C-5 district to eliminate the fall zone. He reported that staff has some concerns about whether it meets height limit restrictions since the front page says it will be 150 feet and other pages say 200 feet high. He believed it needs to be 150 feet or less and believes it is proposed to be at 150 feet, but could be 200 feet. Discussion ensued. There was some caution to approve expressed by the Commission regarding the height limit. Mr. Tomiczek asked that the site plan be approved as long as it meets the regulations for height limits after investigation. He said if it is proposed at 200 feet and that doesn't meet the regulations they will come back to the BZA or make the plans meet regulations. Staff added the site plan itself is in order.

ACTION TAKEN

Commissioner Dodgen made a motion to approve the site plan revision with the attraction height up to 150 ft or as long as it meets regulations for height limits in a C-5 district. Commissioner Kyker seconded and all voted in favor.

7. Fun Stop Expansion, Revised Site Plan, 3311 Parkway, Mike Suttles – Land Surveying Services

Mr. Suttles was present.

STAFF RECOMMENDATION

Staff Planner Taylor said the site plan revision is to remove kiddy rides and add a track. Staff recommended in favor.

ACTION TAKEN

Commissioner Marsh made a motion to approve the site plan revision. Commissioner Dodgen seconded and all voted in favor.

8. Huck Finns Catfish Restaurant Employee Parking Lot, Site Plan, 3330 Parkway, Guy Wantiez – CEC.

Mr. Rod McCarter was present.

STAFF RECOMMENDATION

Staff Planner Taylor said the restaurant proposes adding surplus parking for employees on a separate lot. He said a plat is needed to combine the lots. He recommended in favor with the plat.

ACTION TAKEN

Commissioner Houser made a motion to approve the site plan revision with the surplus parking being platted with the restaurant lot. Commissioner Kyker seconded and all voted in favor.

9. Ole Smoky Retail and Distillery, Site Plan, Old Mill Avenue and Butler Street, Matt Sprinkle – CEC.

This item was withdrawn before the meeting.

10. Pro Therapy Services, Site Plan, Sand Pike Boulevard (Sandy Pike Commercial Park – Lot 9), Marcus Whaley –WC Whaley Engineering, Inc.

Mr. Whaley was present. He reported that they are proposing underground storage for their detention plan and that it will drainage to land under control of the Sevier County Board of Education. He said they are in the process of getting approval from that board to allow that.

STAFF RECOMMENDATION

Staff Planner Taylor said they are proposing a 3,530 sq/ft office building with 17 parking spaces. He stated it was in order and recommended approval.

ACTION TAKEN

Commissioner Kyker made a motion to approve the site plan as long as they obtain the Sevier County Board of Education approval to drain water to their land. Commissioner Harrell seconded and all voted in favor.

11. Re-Build of Schmid Construction, Site Plan, 3136 Easy Street, Rod McCarter – CEC.

Mr. Rod McCarter was present.

STAFF RECOMMENDATION

Staff Planner Taylor reported that the building was completely damaged by fire. He said they are raising the height of the building, but they are building in the same building footprint. He said it meets regulations and recommended the site plan.

ACTION TAKEN

Commissioner Dodgen made a motion to approve the request. Commissioner Kyker seconded and all voted in favor.

12. The Island in Pigeon Forge, Phase III, James Manor Hotel, Revised Site Plan, Smoky Drive, Greg Presnell – CEC

Mr. James Tomiczek was present for the request.

STAFF RECOMMENDATION

Staff Planner Taylor explained that this phase was to include the James Manor Hotel as part of The Island development. He said the revision includes changes to the pool and expanding parking. Staff recommended in favor.

ACTION TAKEN

Commissioner Clark made a motion to approve the request.
Commissioner Dodgen seconded and all voted in favor.

E. Requests for Rezoning

1. Cindy Owens, approximately 11 acres on Tax Map 72, Parcels 179.00 and R-O-W of Veterans Boulevard and Center View Road, R-1 (Low Density Residential) to C-6 (Mixed-Use Commercial) District.

Mr. Whaley was present for the request. He reported the parcel will be subdivided into four lots.

STAFF RECOMMENDATION

Staff Planner Taylor said this property is located at the intersection of Veterans Boulevard and Center View Road with a small 0.5 acre portion east of Veterans Blvd. He stated the entire parcel is over 11 acres, but they are currently subdividing the property into four lots. He explained a visually projected copy of the proposed plat. He reported lots 2 and 3 propose a shared easement to reduce curb cuts. He said Staff has concerns of too much commercial down Center View Road away from Veterans Boulevard. Therefore, he recommended the western most proposed lot (Lot 1) being removed from the request. Mr. Whaley said his client would agree as they plan residential uses for that lot.

ACTION TAKEN

Commissioner Harrell made a motion to recommend C-6 zoning for Lots 2, 3, and 4 (on the provided plat) to City Commission. Commissioner Kyker seconded and all voted in favor.

2. Pigeon River Crossing, LLC., approximately 108 acres over four parcels (Tax Map 83, Parcels 91.00, 92.00, 92.01, & 94.00), C-4 (Planned Unit - Commercial) to C-5 (Commercial Amusement Park) District.

Mr. Tim Zitzman was present for the request. He said that he is proposing a combination of retail and amusements on this property. He admitted that at one point he wanted C-5 because they were going to relocate the helium balloon from its current location at the north end of the city to this

location. However, he reports they no longer want the balloon, but he still want C-5 for other reasons including a 150 feet high attraction at the middle of his site.

STAFF RECOMMENDATION

Staff Planner Taylor said whether or not he still want the balloon is irrelevant, because under C-5 zoning they can have the balloon as a permitted use. He stated staff has concerns about a 500 feet high balloon on top of a hill in this part of the city. He says that (for the most part) the property can be developed as the applicant intends under the current C-4 district. He said that staff needs to study the proposal further before making a recommendation. He recommended tabling the item until next month and maybe having a workshop about the item before the next meeting. Discussion ensued. Mr. Zitsman strongly objected to tabling. He feels his development must have C-5 zoning and feels the C-5 could be amended to remove the balloon. The Commission expressed concerns regarding the 150 feet attraction as well. Mr. Zitsman said there is currently a 150 feet tower on site. Nobody present knew of any such tower and Mr. Taylor stressed it was other reason to table it and research the matter.

ACTION TAKEN

Commissioner Kyker made a motion to table the item until next month's meeting. Commissioner Dodgen seconded and all voted in favor.

3. Bill Smith and Others, approximately 1.7 acres over six parcels (Tax Map 83A, Group A, Parcels 1.00, 2.00, 3.00, 4.00, 4.00, 5.00, & 6.00, Henderson Chapel Road and Chapel View Circle, R-1 (Low Density Residential) to R-2 (High Density Residential) District

No one was present for this request.

STAFF RECOMMENDATION

Staff Planner Taylor recommended tabling the item for one month.

ACTION TAKEN

Commissioner Houser made a motion to table the item until next month's meeting. Commissioner Marsh seconded and all voted in favor.

F. Miscellaneous Requests or Required Actions

- 1. None.**

Planning Region Items

A. Subdivisions

- 1. None.**

B. Planned Unit Developments (PUD)

- 1. None.**

C. Site Plan

- 1 Auto Traders, Site Plan, West Mill Creek, Mike Suttles – Land Surveying Services.**

Mr. Mike Suttles and Mr. Randell Robinson were present for the request.

STAFF RECOMMENDATION

Staff Planner Taylor said that this is a Planning Region site plan. He explained that site plan and expressed concerns about proposed drainage plan. He showed pictures of the site which was loaded with temporary storage containers, trucks, and cars. He said the drainage plan depends on the site being vegetative and rip rap added. Staff questioned if any of these measures would be installed. He also reported that Mr. Robinson has inundated the adjacent lot with vehicles without permission of the landowner. He added since the agenda has been in the paper, he has had many complaints about these vehicles. He could not in good faith recommend the site plan until this situation was remedied. He felt this agenda item should be tabled until the vehicles were removed. Mr. Robinson insisted that the one has nothing to do with the other and the site plan must be viewed on its merits. He also insisted he had permission to store the cars, but did admit the he no longer has permission. Mr. Taylor said that there is only one bridge across the stream for the proposal and the stored cars. He argued the lots were dependent on each other.

ACTION TAKEN

Commissioner Harrell made a motion to table the item until such time as all the cars are removed from the adjoining landowner's lot. Commissioner Marsh seconded and all voted in favor.

D. Requests for Rezoning

1. None.

E. Miscellaneous Requests or Required Actions.

Staff Planner Taylor said that he would like to schedule a workshop for the proposed C-5 rezone (earlier tabled) and to discuss Theming. He proposed Monday, January 9, 2017 at 9 AM at the City Commission Room. He also proposed having Planning Commission training at the same time. Members seemed to concur that the date works with their schedules.

4. Adjournment

The meeting was adjourned at 5:15 p.m.

Jay Ogle, Chairman

Attest: _____