

**MINUTES OF THE
CITY OF PIGEON FORGE PLANNING COMMISSION
AND BOARD OF ZONING APPEALS
TUESDAY DECEMBER 15, 2009, 3:00 P.M.
CITY HALL, PIGEON FORGE, TENNESSEE**

MEMBERS PRESENT

Bill Bradley
Robert Young
Jerry Clark
Jay Ogle
Bill Howell
Kevin McClure

MEMBERS ABSENT

Keith Whaley

OTHERS PRESENT

David Taylor, Karl Kreis, Mark Miller, Joe Dunn, Jerry Hanson, Mike Fleming, Ross Ogle, Jr, David Hurst, Mimi Kulp, others.

Jim Gass - City Attorney
State Planner- Bart Hose

CALL TO ORDER

Chairman Bradley noted that a quorum was present.

APPROVAL OF MINUTES

The minutes of the meeting November 24, 2009 were approved on a motion by Commissioner Young. Commissioner Clark seconded and all voted in favor.

OLD BUSINESS

NEW BUSINESS

PLANNING COMMISSION

C. PLANNED UNIT DEVELOPMENT (PUD)

1. Revised Preliminary PUD Plan of Lots 1 – 5 of Brookstone Village PUD Development (5 units), Phase 1, Brookstone Way (near Ogle Drive), David Hurst.

Mr. Hurst was present.

STAFF RECOMMENDATION

Mr. Hurst explained that this plat was submitted last month and denied. The applicant said he thought he had submitted for the December meeting instead of the November meeting. Mr. Taylor explained that this plan had been in front of the Planning Commission several times. The topography is very steep and not conducive to building. The plan calls for large retaining walls that could compromise foundations of adjoining cabins. He said the original PUD plans show this area as common area and now the area is used for drainage. TDEC has determined it is a wet weather conveyance. Staff continued to recommend the request be denied. City Attorney Gass stated that even though the plan was denied last month, since it is on the agenda this month the Planning Commissioners must vote on it again.

ACTION TAKEN

Commissioner Howell made a motion to deny the request. Commissioner Clark seconded and all voted to deny it.

D. SITE PLANS

1. MF Billboards, LLC, Billboard Relocation and Consolidation, Alf's, 1965 Parkway, Mike Fleming.

Mr. Fleming was present.

STAFF RECOMMENDATION

Mr. Taylor stated that the Planning Commission is only considering the site plan; ensuring that the sign location complies with the requirement of being 5 ft. off the public right-of-way. To ensure the 5' billboard setback and that the billboard site is not located in the parking lot, Mr. Taylor

recommended a survey be provided to the Planning Commission. Public Works Director Mark Miller also recommended that Sevier County Electric be contacted to make sure the billboard isn't too close to the electrical lines. Staff recommended getting a letter from Sevier County Electric to that effect. City Attorney Gass stated that a standard agreement between applicant and City Commission must still be negotiated and approved.

ACTION TAKEN

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

2. Zip Lines of the Smokies, Site Plan, 3363 Parkway, E.S.D.S. Architects, Ross Ogle, Jr.

Mr. Ogle was present.

STAFF RECOMMENDATION

Mr. Taylor reported that the applicant is proposing a small building to sell Zipline tickets on one of the lots that Fantasy Golf is located. A portion of wall and landscaping from Fantasy Golf would need to be removed to accommodate the site plan. Much discussion ensued about section 504 of the zoning, which states only one principle building on a lot is allowed. Staff reminded the Commission that this issue is on this month's BZA agenda for interpretation. The applicant stated that Fantasy Golf is on three lots and that this site plan would be on its own separate lot. Staff stated that the proposed building would encroach lots for Fantasy Golf and block its parking.

ACTION TAKEN

Commissioner Howell made a motion to approve the request subject to BZA approval. Commissioner Young seconded and all voted in favor.

The meeting was adjourned at 3:55 p.m.

Planning Region Items

A. Subdivisions

- 1. Final Minor Subdivision of Lots 1 – 3 of the Hansel Ogle Property, 2552 Goose Gap Road, Smoky Mountain Land Surveying Co, Inc., Howard Dawson.**

This item was withdrawn before the meeting.

BOARD OF ZONING APPEALS

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

A. Request for a variance of section 402 of the zoning ordinance to allow (vehicle) backing onto a public street, 428 Indian Knob Circle, Bob Hogston.

Contractor Brent McMahan was present.

STAFF RECOMMENDATION

Mr. Taylor explained that BZA granted a variance to this property to have a front setback of 15' instead of 30' for a single family residence, due to topography issues. Since that time he has changed the building to a duplex, which has increased his need for parking. Staff said that they were shown an acceptable parking plan. However, they decided not to follow the plan and built parking that back into the street in violation of section 402 of the zoning text. Staff also showed the board pictures of the hazardous situation this created. Mr. McMahan stated that his client wanted a front yard for the site to look better and that the street is not heavily traveled. Staff stated that this is a self-imposed hardship and recommended against the variance.

ACTION TAKEN

Commissioner Howell made a motion to deny the request. Commissioner Clark seconded and all voted to deny it.

B. Request for interpretation/variance of the zoning ordinance to allow a structure to generate power as an customary accessory building/use to a single family residence in an R-1 district.

This item was withdrawn before the meeting.

C. Zip Lines of the Smokies, Site Plan, 3363 Parkway, E.S.D.S. Architects, Ross Ogle, Jr.

Mr. Ogle was present.

STAFF RECOMMENDATION

Mr. Taylor reminded the Board that the site plan has just been approved by PC subject to BZA approved. Staff stated that per zoning ordinance (section 504) and per past BZA and PC action that only one principle use per lot has been allowed. Staff provided examples of how this has been applied in the past. Mr. Ogle argued that the ordinance states "building" not "use" and that his "building" will be on a separate lot. He said that only the wall and landscaping would be shared and that does not include a "building." Discussion continued.

ACTION TAKEN

Commissioner Young made a motion to interpret that a wall and landscaping is not a "building" under section 504 of the zoning text and that the ordinance would allow this site plan. Commissioner Clark seconded and all voted in favor.

The meeting was adjourned at 4:05 p.m.

Bill Bradley, Chairman

Attest:_____