

**MINUTES OF THE
CITY OF PIGEON FORGE PLANNING COMMISSION
AND BOARD OF ZONING APPEALS
TUESDAY, MARCH 22, 2016, 3:00 P.M.
CITY HALL, PIGEON FORGE, TENNESSEE**

MEMBERS PRESENT

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

MEMBERS ABSENT

Jerry Clark

OTHERS PRESENT

David Taylor, Karl Kreis, Brandon Williams, Pete Smith, Stewart Dethridge, Derek Metcalf, Jimmy Taylor, Carol Muszik, Johnny Guiden, Chris Truskee, Ted C. Miller, Mimi Kulp, Brenda Poloski, Attorney Adrienne Waters- Ogle, others.

Jim Gass, City Attorney
Midge Jessiman

PLANNING COMMISSION

CALL TO ORDER

Chairman Ogle noted that a quorum was present.

APPROVAL OF MINUTES

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

OLD BUSINESS

NEW BUSINESS

City of Pigeon Forge Items

A. Special Events

- 1. Smoky Mountain Resorts – Smoky Mountain Antique Toy and Pedal Car Show, Monday, May 9th through Sunday, May 15th, 2016, Country Cascades (Sharon Drive) to TGIFridays (Parkway), Dennis Sapp and Pete Smith.**

Pete Smith was present.

STAFF RECOMMENDATION

Staff recommended in favor of this annual event.

ACTION TAKEN

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

- 2. East Tennessee Corvette Club – East Tennessee Corvette Show 2016, Friday, October 7th and Saturday, October 8th, 2016, Country Cascades (Sharon Drive), Jan Hammons.**

Pete Smith was present.

STAFF RECOMMENDATION

Staff recommended in favor.

ACTION TAKEN

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

- 3. CASA Classic Road Race Run/Walk, Saturday, May 14th, 2016, Greenway/Patriot Park 5k Route, Tishia Morris.**

Ms. Tishia Morris was present. She reported it is a first time event.

STAFF RECOMMENDATION

Staff explained that they will be using the Police Department approved 5k route. Staff recommended in favor.

ACTION TAKEN

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

- 4. Country Barn Gift Shop – Pigeon Forge High Band Boosters Fundraisers, Friday and Saturdays April 15th & 16th, May 20th & 21st, June 3rd & 4th, and September 9th & 10th, 2016, 2869 Parkway, Carol Keathley.**

Ms. Brenda Poloski was present.

STAFF RECOMMENDATION

Staff reported they have had events there before. Staff recommended in favor.

ACTION TAKEN

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

- 5. Karate School Rod Run Fundraisers, Thursday, April 14th through Saturday, April 16th, Friday, September 9th and Saturday, September 10th, and Friday, September 15th through Sunday, September 17th, 2016, Lazorport – 2782 Parkway, Freddie Cantrell.**

Mr. Johnny Guiden was present.

STAFF RECOMMENDATION

Staff recommended in favor of this annual event.

ACTION TAKEN

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

- 6. Citizens National Bank – Rod Run Cookout for Relay 4 Life, Friday, April 15th and Saturday, April 16th, 2016, Citizens National Bank – 2661 Parkway, Jake O’Donnell.**

Mr. Stewart Detherage was present.

STAFF RECOMMENDATION

Staff reported the event was held last year without problem.

ACTION TAKEN

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

- 7. Pigeon River Crossings – 2016 Sidewalk/Truckload Sales, Wednesday, April 6th through Wednesday, April 13th, Wednesday, May 11th through Wednesday, May 18th, Wednesday, June 15th through Wednesday, June 22nd, Wednesday, July 13th through Wednesday, July 20th, Wednesday, August 10th through Wednesday, August 17th; Wednesday, August 31st through Wednesday, September 6th, Wednesday, October 12th through Wednesday, October 19th, Wednesday, November 2nd through Wednesday, November 9th; 2016, 2717 Teaster Lane, Russell Carr.**

Mr. Chris Truskee was present.

STAFF RECOMMENDATION

Staff reported that the dates are fairly similar to last year’s events and recommended in favor.

ACTION TAKEN

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

- 8. Rivers Landing Campground – Food Trailer, Thursday, April 14th through Sunday April 17th, 2016, 304 Day Springs Road, Brent Collier.**

Mr. Derek Metcalf was present.

STAFF RECOMMENDATION

Staff said that this is solely for the benefit of people staying at the campground. He recommended in favor of the event.

ACTION TAKEN

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

B. Subdivisions

- 1. None.**

C. Planned Unit Developments (PUD)

- 1. Final PUD Plan for Home2 Suites, Phase 1, Teaster Lane, Pigeon Falls, LLC. Subdivision, Lot 10R-1, Jimmy Taylor – Associated Design Group, Inc.**

Mr. Jimmy Taylor was present. He was seeking final PUD plan of phase 1 of this PUD development.

STAFF RECOMMENDATION

Staff Planner Taylor explained the first phase is for 107 rooms in one hotel. He said the site plan is in order, but a bond for landscaping and paving is due within 10 days.

ACTION TAKEN

Commissioner Harrell made a motion to approve the request subject to letter of credit/bond for paving and landscaping being received within 10 days. Commissioner Dodgen seconded and all voted in favor.

- 2. Final Minor PUD Re-Plat of Pigeon Falls, LLC, Lot 10R-1, Teaster Lane, Jimmy Taylor – Associated Design Group, Inc.**

Mr. Jimmy Taylor was present.

STAFF RECOMMENDATION

Staff Planner Taylor said that the plat is mostly in order. However, he said that both PUD lots need labels and that the unlabeled one needs to be labeled Lot 10R-2. He said that in addition to that correction all required signatures are needed.

ACTION TAKEN

Commissioner Marsh made a motion to approve the plat subject staff's recommendations. Commissioner Dodgen seconded and all voted in favor.

D. Site Plans

1. Cootie Brown Moonshine Distillery and Sales, Site Plan, 2914 Willow Street, Jimmy Taylor – Associated Design Group, Inc.

Mr. Jimmy Taylor was present. He said that he received Staff comments and felt he made all necessary changes or responded to comments satisfactorily in writing.

STAFF RECOMMENDATION

Staff Planner Taylor said that the State Legislators have passed a bill that distilleries are not to be located within 1000 feet of the Parkway. He said that the bill is on the Governor's desk to be signed. He said the property for this distillery is within 400 feet from the Parkway. He stated (in light of this) that he recommended that the site plan be deferred for 30 days to see if the bill is signed. Discussion ensued. The attorneys for the applicant (Attorney Waters-Ogle) argued that it is up to the City to adopt the legislation and until that time the Planning Commission can act on the site plan before them. They gave exhibits (of court cases) to the Commission that they felt showed precedence for such an action. Commissioners were split. Some felt the Commission should not hold up progress while others felt it unnecessary to rush to a decision. City Attorney Gass felt that without all the information it is prudent to delay action for 30 days. He continued that there is plenty of legal precedence that (developers) cannot rush in and get approval with pending legislation that may prohibit the development. He said he could further research that if delayed for 30 days. Attorney Water-Ogle said a delay would adversely affect her client. After more discussion, Staff Planner Taylor reported there are site plan issues as well. He said that large trucks cannot maneuver on-site, which is

necessary for the (light) manufacturing part of the business. Additionally, the solid waste plan does not work. Lastly, they are showing much more signage than required. He said that he could not recommend at this time. He continued since the site is so small and challenging that the maneuverability issues for large trucks and solid waste trucks may not be correctible. Mr. Jimmy Taylor said that the solid waste could be moved to the front and only small trucks would be making deliveries. Staff Planner Taylor pointed out that the site could be sold and want large trucks for its manufacturing. Commissioner Houser reported visiting the site and he felt there was no way that this small site could handle the proposed use and he added that Willow Street could not handle such an intensive use. Staff Planner Taylor said that concerns about Willow Street were on the staff review comments given to the applicant. Jimmy Taylor said they would be willing to improve Willow Street. Some discussion among Commissioners focused on whether the site plan could be approved with conditions of fixing the site plan issues at a later date. Planner Midge Jessiman said in her long history of working with the City that site plans were never approved with contingencies.

ACTION TAKEN

Commissioner Harrell made a motion to table the site plan for 30 days. Chairman Ogle asked for a second; the motion died for lack of a second. Chairman Ogle asked for another motion. Commissioner Houser made a motion to deny the site plan due to all the issues/problems associated with it as presented. Commissioner Harrell seconded. Chairman Ogle asked for a roll call vote: Commissioners Houser, Harell, and Ogle voted to deny. Commissioners Marsh, Dodgen, and Kyker abstained from the vote. The site plan was denied.

2. The Challenge Dome, Revised Site Plan, 115 Conner Heights Road, Carol Muszik.

Ms. Muszik was present for the request. She talked at length about the various plans that have been submitted and her engineers. She had one of her engineers (Omar) on the phone to listen in and comment as necessary.

STAFF RECOMMENDATION

Staff Planner Taylor gave some of the history of the approvals. He reminded the Commission that a site plan was approved by them and

later a slight revision was approved administratively. He said that later there was another revision with the zip coaster going through the Dome and apparently this has created structural issues with the Dome. Building Department Staff Jerry Hanson reported that there has been many changes and modifications to the plans; one engineer quit who felt the Dome was not structural safe (in a letter from his attorney). Mr. Hanson said there is another engineer who believes he can make it work. Staff Planner Taylor said he cannot recommend at this time. He recommended certified engineered as-built be submitted with a revised site plan. The engineer on the phone (Omar Abu-Yasein) said he could do that and backed the design of the Dome. Commissioners found inconsistencies in the letters and plans. City Attorney Gass felt an engineer must take ownership of the project.

ACTION TAKEN

After much discussion, Commissioner Marsh made a motion that certified engineered as-built and revised site plan be submitted showing/stating that the Dome and Zip Coaster are safe. He furthered in his motion that these can be approved administratively by Staff. Commissioner Dodgen seconded and all voted in favor.

E. Requests for Rezoning

- 1. Lumberjack Adventures, approximately 6 acres over eight parcels (Tax Map 83J, Group A, Parcels 5.00, 8.00, & 9.00 and Group B, Parcels 13.00, 14.00, 15.00, 16.00, & 17.00) and ROW of Smoky Drive, C-2 (Tourist Commercial) District to C-4 (Planned Unit-Commercial) District.**

No one was present for this request.

STAFF RECOMMENDATION

Staff Planner Taylor said this property is the expanded (formerly) Lumberjack Feud Theater. He said the Dollywood Company purchased the property and is in the process of expansion. He stated the property is being combined into one parcel and will meet the 2 acre minimum for C-4 zoning. He felt the development/property met the intent of the district. Staff recommended in favor of this rezoning.

ACTION TAKEN

Commissioner Dodgen made a motion to recommend the map amendment to City Commission. Commissioner Houser seconded and all voted in favor.

F. Miscellaneous Requests or Required Actions

1. The Winery, 3331 South River Road, Request for a secondary sign in accordance with Section 408.6.3.2.1 of the Pigeon Forge zoning ordinance, Kay Collier-Pittman.

No one was present for this request.

STAFF RECOMMENDATION

Staff Planner Taylor read the section of the ordinance. He said this would allow up to two additional wall signs of 37.5 square feet. He continued that they already get an additional sign for being on perpendicular streets. He reported they were looking for three walls signs in all. He felt that area of the Old Mill district was heavy with pedestrians. He said that there is no room for a ground sign and pedestrians approach the business from many directions. Staff recommended in favor.

ACTION TAKEN

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

2. Proposed Amendments to Zoning and Municipal Code Regarding Special Events, Staff.

STAFF RECOMMENDATION

Staff Planner Taylor explained that these zoning code amendments and municipal code changes work together to help streamline the special event approval process. He said that city departments that currently review special events would now approve all special events not on public property. He continued that events on public property will still be reviewed by city departments, but officially approved by the Planning Commission. He stated the Planning Commission will also serve as an appeal board for any special event not approved at the city departments administrative review meetings. He furthered that the municipal code regarding peddlers

is proposed being amended (and cleaned up) as some of these activities are currently administered as special events. He explained that the amendments do set time limits and frequency of special events, but does allow flexibility. Commissioner Kyker asked if they would be kept abreast of the special events approved. Mr. Taylor said that a list of approved special events and some information would be in their monthly packets. Commissioner Harrell suggested some corrections to the grammar were need. Staff said they would get together with her on that.

ACTION TAKEN

Commissioner Houser made a motion to recommend the municipal code and zoning text amendments to City Commission with corrections. Commissioner Marsh seconded and all voted in favor.

Planning Region Items

A. Subdivisions

1. Final Minor Re-Subdivision of the Ted C. Miller, ET UX Property into Tracts 1 & 2, Crestview Court, Ted C. Miller.

Mr. Miller was present. He said he was able to get all signatures including Health Department and Road Superintendent.

STAFF RECOMMENDATION

Staff recommended in favor.

ACTION TAKEN

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

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 5:20 p.m.

Jay Ogle, Chairman

Attest: _____