

**MINUTES OF THE
CITY OF PIGEON FORGE PLANNING COMMISSION
AND BOARD OF ZONING APPEALS
TUESDAY, JUNE 27, 2017, 3:00 P.M.
CITY HALL, PIGEON FORGE, TENNESSEE
RECONVENED CITY OF PIGEON FORGE PLANNING COMMISSION
THURSDAY JUNE 29, 2017 10 A.M.
ANNEX ROOM A - CITY HALL, PIGEON FORGE, TENNESSEE**

MEMBERS PRESENT

Jay Ogle, Chairman
Jeff Dodgen
Tom Marsh
Tony Kyker
Stephen Houser (Thursday 6/29/2017)

MEMBERS ABSENT

Stephen Houser (Tuesday 6/27/2017)

OTHERS PRESENT

David Taylor, Brandon Williams, Mark Miller, Sammy Ownby, Jerry Hanson, Marcus Whaley, Mimi Kulp, Dixon Greenwood, Robin Turner, Mike Suttles, David Fee, Jeff Murrell, Tim Zitzmen, others.

Midge Jessiman
Jim Gass – City Attorney

PLANNING COMMISSION

CALL TO ORDER

Chairman Ogle called the meeting to order.

APPROVAL OF MINUTES

Commissioner Marsh made a motion to approve the minutes for the May 23, 2017 Planning Commission Meeting. Commissioner Dodgen seconded and all voted in favor.

OLD BUSINESS

None.

NEW BUSINESS

City of Pigeon Forge Items

A. Special Events

- 1. Wounded Warrior Project – Warrior 10 mile and 5k Road Race, Saturday, March 3rd, 2018, From Sevierville via Veterans Boulevard to Teaster Lane/Jake Thomas Extension and return to Sevierville, Frank Damante (Public Property).**

Mr. Damante was present for the request.

STAFF RECOMMENDATION

Staff explained that the race starts in Sevierville. He said this year they added a half marathon distance. He said that PD can provide support for the same route as previous years, but any added distance would need to be in Sevierville. Mr. Damante agreed with this and said he has already started making arrangements with Sevierville. Mr. Taylor stated the request was in order and that the city department administrative review committee recommends the event (with the noted route changes) with \$1,000,000 liability insurance with the city listed as "additional insured." Staff recommended in favor.

ACTION TAKEN

Commissioner Marsh made a motion to approve the event as the Pigeon Forge route was last year. Commissioner Kyker seconded and all voted in favor.

- 2. Knoxville Track Club – Pigeon Forge Midnight 8K Road Race, Holiday Inn – Parkway Race, 3230 Parkway, Saturday, August 5, 2017, Midnight to 1:30 AM Sunday, David Black (Public Property).**

Mr. Black represented in request.

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 listed as "additional insured." Mr. Taylor also explained that a sound permit must be obtained. He furthered that the Police Department has requested that the race route be moved to the south to be away from Parkway/The Island Drive intersection which gets backed up. He said that the route could be as proposed this year, but future years the route must be changed. Mr. Black said they are in the process of making the change this year and will certify the course soon.

ACTION TAKEN

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

3. Praise @ The Park by Fusion, Saturday, August 26, 2017, 6 PM to 9:30 PM, Patriot Park, Zavin Jade Gregg (Public Property).

Mr. Gregg was present for the request.

STAFF RECOMMENDATION

Staff explained that this was a first time event. He said 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." Mr. Taylor also explained that a sound permit must be obtained; they could not block off parking spaces, park in the grass, block the greenway, or approach people in the park to attend their event.

ACTION TAKEN

Commissioner Kyker made a motion to approve the event per staff's recommendations. Commissioner Marsh seconded and all voted in favor.

4. John Sevier Chapter of the Overmountain Victory Trail Association – Battle of Kings Mountain Public Programming, Saturday, September 16, 2017, Patriot Park, Ralph Martin (Public Property).

Mr. Martin was present and explained his event.

STAFF RECOMMENDATION

Staff explained that this was a first time event and being held during Rod Run. He said 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." Mr. Taylor also explained that a sound permit must be obtained; they could not block off parking spaces, park in the grass, block the greenway, or approach people in the park to attend their event.

ACTION TAKEN

Commissioner Marsh made a motion to approve the event per staff's recommendations. Commissioner Kyker seconded and all voted in favor.

- 5. Jesus Tent Rally – Youth Event, Wednesday, July 12th through Saturday, July 15th, 2017, Riverbend Campground (2479 Riverbend Loop), Rex McCarter (Appeal of Administrative Review Decision).**

No one was present for this item.

STAFF RECOMMENDATION

Staff explained that this is on the agenda because they are proposing the event for four days and the limit is three days. Therefore, the city department administrative review committee could only approve for three days, so he is now appealing for a fourth day. The applicant has been holding this event for four days for years and was unaware of the regulation change. He told staff that he would reduce the event to three days next year, but has already advertised it for four days this year.

ACTION TAKEN

Commissioner Dodgen made a motion to approve a fourth day for this event. Commissioner Marsh seconded and all voted in favor.

B. Subdivisions

- 1. None.**

C. Planned Unit Developments (PUD)

1. Revised Final PUD Plan of The Pigeon Forge Workforce Housing, 3602 Householder Street, Alicia McAuley – Michael Brady, Inc.

The item was withdrawn before the meeting.

D. Site Plans

1. Cart Rentals, Site Plan, Collier Winery - 2174 Parkway, Mike Suttles – Land Surveying Services.

Jay Stewart represented the request.

STAFF RECOMMENDATION

Staff Planner Taylor stated that this is only for site plan approval. He continued that this item is also on BZA agenda for determining if this is an allowable use in the city. He affirmed that no permits could be issued until BZA determines the use issue. He said this building (on this site plan) has been used for various reasons in the past. He maintained that for this small building to be utilized they would have to confirm that it is 500 feet or less to a public bathroom, they need an agreement to use the winery bathrooms if within 500 ft, and these businesses would need the same hours of operation to have access to the bathrooms. Staff reported the site plan was in order.

ACTION TAKEN

Commissioner Dodgen made a motion to approve the site plan only and that the BZA must approve the use for any permits to be issued. Commissioner Marsh seconded and all voted in favor.

2. Pigeon Forge T-Shirts, Site Plan, 4074 Parkway, George Armour Ewart Architect.

Mr. Ewart represented the request.

STAFF RECOMMENDATION

Staff Planner Taylor said that this is a tight site and the site plan had to be revised several times to get to this version. He said the stormwater complies with the ordinance and they have an agreement with Krispy

Kreme to circulate vehicles/solid waste through their site. Staff recommended in favor.

ACTION TAKEN

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

E. Requests for Rezoning

- 1. Planning Staff, approximately 75.5 acres over 24 parcels on both sides of the Parkway on the northern most end of the city, C-5 (Commercial Amusement Park) to C-4 (Planned Unit - Commercial) and C-2 (Tourist Commercial) District.**

Attorney Jeff Murrell, Robin Turner, and David Fee were present to support the proposed rezoning.

STAFF RECOMMENDATION

Staff Planner Taylor said this property is located along both sides of the Parkway at the northern most part of the city. He continued all the properties were rezoned C-5 in 2011 for a proposed large development in that part of the city and for increased height limits for the helium balloon. He reported the balloon is gone and the zoning text for C-5 has been amended to remove the balloon. He held that the C-5 has caused signage and development problems for the property owners as the district was originally written for Dollywood and has not translated well for this area. Mr. Taylor said even after some amendments that helped, staff has received many complaints about the C-5 zoning there. Attorney Jeff Murrell (representing several property owners) and David Fee (who leases/owns theaters) concurred that C-5 has not worked and would like a different zoning district. Staff recommended that the properties return to the C-4 (west of the Parkway) and C-2 (east of the Parkway) as they were zoned before the C-5 rezoning. Mr. Taylor expressed that a land owner of two of the parcels on the east side of the Parkway (Tax Map 720, Group A, Parcels 6.00 & 6.01) is now asking for C-4 instead of the original C-2 and staff has no objection.

ACTION TAKEN

Commissioner Kyker made a motion to recommend the presented map amendment to City Commission with the change of two parcels (Tax Map 720, Group A, Parcels 6.00 & 6.01) recommended as C-4 instead of the C-2 shown on the proposed map. Commissioner Dodgen 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) on Teaster Lane, C-4 (Planned Unit - Commercial) to C-5 (Commercial Amusement Park) District.

Dixon Greenwood was present for the request. He announced frustration over the length of the process to getting a tower for his development. He voiced his returned to the original rezone request of this property to C-5. He suggested that at some later date they would be requesting the property be rezoned to C-7.

STAFF RECOMMENDATION

Staff Planner Taylor reminded the Commission of the process to date. He said the request now is for C-5 zoning. But, he stated this issue has been workshopped a couple of times and the Commission have been leaning towards amending the C-4 or C-7 zoning (if they add a public component). He asserted that staff could not recommend the C-5 zoning. He continued that as the previous item demonstrates, the C-5 has not worked well outside the Dollywood development. He also maintained that fluctuating between zoning districts is poor planning practice and not in the best interest of the city. He recommended denying the C-5 request and staying on the same path with either the C-4 amendment or rezoning to the C-7 district. He said a workshop could be set for Thursday to potential identify a solution. Mr. Greenwood continued to protest and felt this did not meet their time frame.

ACTION TAKEN

Chairman Ogle recessed the item with no action until the Planning Commission can reconvene after the upcoming workshop (see minutes of reconvened Planning Commission June 29th at the end of these minutes).

F. Miscellaneous Requests or Required Actions

1. Proposed amendment to Section 330.17 of the Pigeon Forge Zoning Ordinance regarding calculating the area of wall signage, Staff.

STAFF RECOMMENDATION

Staff Planner Taylor said a text amendment in 2008 required “tightly boxing” to measure a wall sign. He added that this has been hard to administer. He suggested that removing the “boxing” would allow some flexibility in signage which could be a first step in lessening theming requests. Staff recommended in favor of the amendment.

ACTION TAKEN

Commissioner Dodgen made a motion to recommend this text amendment to City Commission. Commissioner Marsh seconded and all voted in favor.

2. Proposed amendment to Article VIII of the Pigeon Forge Zoning Ordinance Regarding Area, Yard and Height Requirements regarding minimum lot size for an additional unit in an R-1 district, Staff.

STAFF RECOMMENDATION

Staff Planner Taylor said that in an R-1 district, the minimum lot size is 10,000 sq/ft with public water and sewer and double that to have a duplex or 20,000 sq/ft. He added that in an R-2 district the minimum lot size is 7,000 sq/ft for the first unit and 3,500 sq/ft for each additional unit. He explained this ordinance proposes that the second unit in an R-1 district be an additional 5,000 sq/ft (not 10,000 sq/ft) or 15,000 sq/ft for a duplex. He felt this is more in line with the R-2 and will encourage in-fill development needed in the R-1 district. Staff recommended in favor of the amendment.

ACTION TAKEN

Commissioner Dodgen made a motion to recommend this text amendment to City Commission. Commissioner Marsh seconded and all voted in favor.

Planning Region Items

A. Subdivisions

- 1. None.**

B. Planned Unit Developments (PUD)

- 1. Final PUD Plat and Plan of Parkside Resort PUD Development, Phase 2b (Lots 65 – 82), off Parkview Vista Way and Little Cove Road, Tim Howell.**

No one represented the request.

STAFF RECOMMENDATION

Staff Planner Taylor reminded the Commission that per State law they have 60 days to take action on the plat or it could be automatically approved. He affirmed they are seeking final PUD approval and this is part of an approved preliminary PUD. He said staff received an updated plat past the deadline. He reported the plat has many deficiencies including none of the required signatures including the surveyors. He reported another phase has been built in the development that has neither preliminary nor final approval. He said the preliminary PUD plans for this development need to be revised to add this (unapproved) phase. Staff recommended denial of this plat.

ACTION TAKEN

Commissioner Marsh made a motion to deny the final PUD plat and plan. Commissioner Kyker seconded and all voted in favor.

C. Site Plan

- 1. None.**

D. Requests for Rezoning

- 1. None.**

E. Miscellaneous Requests or Required Actions.

1. None.

MEETING RECESSED

Commissioner Dodgen made a motion to recess the Planning Commission meeting until after the Planning Commission workshop (held Thursday, June 29th 2017 – see minutes at end of these minutes). Commissioner Marsh seconded and all voted in favor.

BOARD OF ZONING APPEALS

CALL TO ORDER

Chairman Ogle called the BZA to order.

OLD BUSINESS

There was no old business for the BZA.

NEW BUSINESS

A. Request for variance of perimeter setback of a PUD from the required 25 feet to 10 feet, Pigeon Forge Workforce Housing – 3602 Householder Street (Tax Map 94E, Group D, Parcel 14.00), Marcus Whaley.

Mr. Whaley was present for the request.

STAFF RECOMMENDATIONS

Staff Planner Taylor reminded the Board that this issue was explained at a workshop. He revealed that after final PUD approval it was discovered that TVA owned some of the property under the powerlines thought to be owned by them. He reported this reduced their setback to the rear of the property from 100 feet to 10 feet. He said that all the land is still in easement and would not be developed. He also said the lot is of irregular space. He recommended in favor of variance to reduce the required perimeter setback.

ACTION TAKEN

Commissioner Kyker made a motion to allow a 10 feet perimeter setback instead of the required 25 feet for a PUD. Commissioner Dodgen seconded and all voted in favor.

B. Request for a cart rental facility in the city limits, Collier Winery - 2174 Parkway, Jay Stewart.

Jay Stewart and Mike Suttles were present for the request. Mr. Stewart said that he has had no safety problems to date in other cities. He contended the carts get better mileage and have low emissions. He also mentioned his carts have been modified to travel 35 miles an hour.

STAFF RECOMMENDATIONS

Staff Planner Taylor said that City Commission is reviewing and creating a municipal ordinance to regulate golf carts (and the like) within the city limits. He expressed that the Police Department has had safety concerns for some time with these type of vehicles and rentals. He recommended tabling the item while City Commission decides the direction the city will go with this issue. Mr. Stewart protested.

ACTION TAKEN

Commissioner Dodgen made a motion to table the item. Commissioner Marsh seconded and all voted in favor.

C. Appeal of staff's decision in the administration of Sections 330.11 and 408.2.4 regarding logo signage, (NAO Hospitality – 3676 Parkway), Hung G. Truong.

Mr. Truong was present for the request.

STAFF RECOMMENDATIONS

Staff Planner Taylor said that the location is wrong in the agenda; it is NAO Hospitality – 3676 Parkway. He said that Mr. Truong wants to add some logo signs to a restaurant he is opening at the (former) Burger King (on the Parkway) location. He said the proposed signage for the restaurant is over the maximum for the district, yet he wants to add logo signs. Discussion ensued. Mr. Taylor said Mr. Truong could add logo signs if he reduced some of the signage he is proposing. Mr. Taylor said staff could work with him to come into compliance.

ACTION TAKEN

No action was necessary the item was withdrawn by the applicant.

ADJOURNMENT

Commissioner Kyker made a motion to adjourn the BZA. Commissioner Dodgen seconded and all voted in favor.

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

PLANNING COMMISSION

PLANNING COMMISSION RECONVENED

Chairman Ogle called the Planning Commission back to order on June 29, 2017 at 10 a.m. (held at Annex Room A – City Hall).

E. Requests for Rezoning

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

Mr. Greenwood decided to withdraw the rezoning request.

ACTION TAKEN

Based on the Commission discussions and work done during the preceding Planning Commission workshop, Commissioner Kyker made a motion to revise the Planning Commission agenda to add a zoning text amendment to add a Section 706.2.1 regarding amusement height limits in a C-4 district. Commissioner Dodgen seconded and all voted in favor.

F. Miscellaneous Requests or Required Actions

- 1. Proposed amendment to the Pigeon Forge Zoning ordinance to add a Section 706.2.1 regarding amusement height limits in a C-4 district.**

STAFF RECOMMENDATIONS

Staff Planner Taylor summarized the provisions in the proposed text amendment for the Commission. He reported that C-4 could have amusement height limits of 200 ft (measured from nearest arterial street) but only for large commercial PUD (at least 60 acres) under one ownership. He said the developed area of the PUD must be at least 10 acres and have 100,000 square feet of leasable commercial space and be setback 150 feet from the front property line. He furthered that only one waiver of fall zone setback is allowed per development. Some Commissioners expressed satisfaction that this would meet the needs of this development, future large development, and benefit the city without opening the door for tall towers throughout the city.

ACTION TAKEN

Commissioner Dodgen made a motion to recommend the proposed text amendment to City Commission. Commissioner Marsh seconded and all voted in favor.

D. Site Plans

1. Cart Rentals, Site Plan, Collier Winery - 2174 Parkway, Mike Suttles – Land Surveying Services.

After the Planning Commission was reconvened, Jay Stewart approached the Commission about reopening an item after being tabled June 27th. He feels that the Commission is acting prejudicial against him and golf carts. City Attorney Jim Gass reminded him that the item tabled was a BZA item, not Planning Commission and that the Planning Commission item (site plan – see June 27th minutes) was approved. He said the City Commission is looking at creating municipal code regarding cart rentals in Pigeon Forge, so it is possible the item may not come back to BZA. He was told the City Commission plans a workshop regarding the item that he could attend.

No action was necessary.

ADJOURNMENT

Commissioner Dodgen made a motion to adjourn the Planning Commission meeting. Commissioner Marsh seconded and all voted in favor.

7/27/17 & 7/29/17

The (reconvened) Planning Commission meeting was adjourned June 29th, 2017 at 10:10 a.m.

Jay Ogle, Chairman

Attest: _____