

**MINUTES OF THE
CITY OF PIGEON FORGE PLANNING COMMISSION
AND BOARD OF ZONING APPEALS
TUESDAY OCTOBER 28, 2014, 3:00 P.M.
CITY HALL, PIGEON FORGE, TENNESSEE**

MEMBERS PRESENT

Bill Bradley, Chairman
Judy Harrell
Jeff Dodgen
Jay Ogle
Stephen Houser
Tom Marsh

MEMBERS ABSENT

Jerry Clark

OTHERS PRESENT

David Taylor, Karl Kreis, Midge Jessiman, City Attorney Gass, Jerry Hanson, Sammy Ownby, Jake Old, Howard Reagan, Pam Ogle, Jimmy Taylor, Brandon Williams, Brent Collier, Mike Suttles, Louise Wuebker, Mimi Kulp, others.

BOARD OF ZONING APPEALS

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

A. Request for off-site parking per Section 402.19 of the zoning text, Proposed Rooftop Restaurant – Brewery – Distillery – Winery, Brett Collier and Mike Suttles.

Mr. Suttles and Mr. Collier were present. Mr. Suttles presented a parking proposal to the Board. This proposal showed (with colored circles) that each of the three existing businesses and the proposed business would have required parking within 400 feet of the main entrances if the parking was shared between the businesses and the parking lot in the rear which Mr. Collier owns.

STAFF RECOMMENDATION

Staff Planner Taylor read Section 402.19 of the ordinance. The section basically said that if parking cannot be reasonably provided on the same lot that the Board could allow parking if it was within 400 feet of the main entrance. He continued that it must also be "open space" that was "set aside" associated with the permitted use with the property providing parking. He contended that existing parking for neighboring businesses cannot be used as in their proposed plan since it was not "open space." He stated that the only place that could be considered for parking under this section of the ordinance is from the existing parking lot behind the businesses. He said that since there was no existing business on that property requiring parking it could be considered "open space." He said that the problem is that lot is over 500 feet from the main entrance. He measured the distance as someone would walk to the restaurant using public conveyances. He furthermore explained that three businesses are already using parking spaces from that parking lot for their required parking. He stated that calculating the required parking for all the businesses (using maximum service capacity for Golden Corral) and the proposed site plan, he said that they lack 19 parking spaces. He concluded that the proposal did not meet the section of the ordinance and recommended denial. He lastly said that this was the third month the Board has visited this issue and he would like the Board to take action on the matter. Mr. Collier and his lawyers argued that things like beer permits measured straight line and the parking lot is within 400 feet when measured that way. Attorney Seymour said there is precedence for measuring the distance in this manner. Board member Harrell said that the Board is considering interpretation of people walking and not looking at distances from schools, etc for beer permit consideration. Discussion ensued. There was discussion about cross-parking agreements between businesses. Mr. Taylor explained that they were not considering a cross-parking agreement; that they were considering if what the applicant was proposing met Section 402.19 of the ordinance (explained above). City Attorney Gass acknowledged that the Board was to consider the parking as presented and whether the Board interpreted that it met that section of the ordinance.

ACTION TAKEN

Commissioner Harrell made a motion to deny - beware the proposed parking plan did not meet Section 402.19 as presented. That motion failed due to lack of a second. Commissioner Houser made a motion to table. That motion failed for lack of a second. Chairman Bradley asked for another motion. None was made.

B. Request to allow a 20 ft. front setback instead of the require 30 ft. front setback in an R-1 district, 812 West Gold Dust Drive, Thomas Liles.

This item was withdrawn due to staff finding that a variance to allow a 20 ft front setback had previous been granted for that address.

C. Request for interpretation to allow a mini storage facility as a permitted use in a C-3 district, Goose Gap Road, Eldridge Ownby Farm, Lot 5, Devin Koester.

Mr. Koester was present.

STAFF RECOMMENDATION

Staff Planner Taylor said that "mini-storage" is not a listed permitted commercial use in a C-3 district. However, "and similar uses" is at the end of the few listed commercial uses. He felt mini-storage met the intent of low impact commercial uses allowed in this "neighborhood commercial district." Staff recommends to interpret mini-storage can be allowed in C-3 district.

ACTION TAKEN

Commissioner Houser made a motion to interpret mini-storage can be an allowable use in C-3 district. Commissioner Ogle seconded and all voted in favor.

D. Request for interpretation in determining front setback of a corner lot in an R-1 district, River Bend Acres, Lot 2, Henderson Chapel Road and North Asbury Drive, Eugene Dubay.

Mr. Dubay and Contractor David Bohanon were present. He said he want to put an addition on part of his house near North Asbury Drive. He said it would benefit him if that addition could be setback 22.5 from the street.

STAFF RECOMMENDATION

Staff Planner Taylor said that the house is located on a corner lot. On a corner lot, the primary front setback must be 30 feet and the secondary front setback can be 50 percent greater than the required side setback or 22.5 feet in the R-1 district. He said the house is not oriented square with the property lines, making interpretation of primary front and secondary front setback

unclear. Furthermore, he stated that staff generally interprets the front setback as the street across from the front door. The house has a door on both street frontages, is addressed off of Henderson Chapel Road, but the longer side of the house is on North Asbury Drive. Mr. Taylor said that the house is lined with large trees on the North Asbury Drive where the applicant plans the addition. He said staff has no objection to interpreting Henderson Chapel Road be the primary front setback, allowing a 22.5 feet setback on North Asbury Drive.

ACTION TAKEN

Commissioner Houser made a motion to interpret Henderson Chapel Road as the primary front setback and allow a 22.5 feet setback on North Asbury Drive. Commissioner Ogle seconded and all voted in favor.

E. Request for variance of landscaping requirements under Section 409.8.3 of the zoning ordinance, Proposed Sherwin Williams – Wears Valley Road, J.B. Turnmire.

Mr. Turnmire was present. He said they are working with a tight site that is restricted with a large retaining wall from a previous project. He said that the delivery trucks are 55 feet long and cannot maneuver on site with strict landscape requirements (mainly at the perimeter of the sides of the parking). He proposed not landscaping sections of the side perimeter parking areas and adding extra landscaping at the sides of the building and front, which is more visible to Wears Valley Road.

STAFF RECOMMENDATION

Staff Planner Taylor said that this item is on for site planning on the Planning Commission agenda. But, the proposed site planning will hinge on approval by the BZA for this request. He said they are proposing more overall square footage for landscaping than required. He recommended in favor of variance for landscaping.

ACTION TAKEN

Commissioner Marsh made a motion to allow variance of the 5 feet perimeter landscaping requirement in parking areas. Commissioner Harrell seconded and all voted in favor of the variance.

4. Adjournment

PLANNING COMMISSION

CALL TO ORDER

Chairman Bradley noted that a quorum was present.

APPROVAL OF MINUTES

Staff Planner Taylor said that there was a typo in the minutes. He said on Page 3 it should read 16 parking spaces, not 6 spaces as the draft agenda in their packets. The minutes of the September 23, 2014 meeting were approved on a motion by Commissioner Marsh with the correction noted by staff. Commissioner Dodgen seconded and all voted in favor.

OLD BUSINESS

None.

NEW BUSINESS

City of Pigeon Forge Items

A. Special Events

- 1. The Christmas Place at Bell Tower Square – Secondary Market, Friday, October 31st through Sunday, November 2nd, 2014, 2470 Parkway, Teresa Hughes.**
- 2. The Christmas Place at Bell Tower Square – Winterfest, Friday, November 13th through Wednesday, December 24th, 2014, 2470 Parkway, Teresa Hughes.**

STAFF RECOMMENDATION

Staff recommended that item 1 and 2 for the Christmas Place be voted on together. They recommended in favor of both events.

ACTION TAKEN

Commissioner Harrell made a motion to approve the requests. Commissioner Houser seconded and all voted in favor.

3. Smoky Mountain Sevier ABWA – ABWA 5k Jingle Jog and Walk, Saturday, December 6th, 2014, Patriot Park/Greenway, Jackie Barnes.

STAFF RECOMMENDATION

Staff recommended in favor of the event.

ACTION TAKEN

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

4. Comedy Barn – Kickin’ Chicken 5k Run and Fun Walk, Saturday, September 5th, 2015, The Island Drive/Greenway, Clyde Cummins.

Mr. Cummins was present.

STAFF RECOMMENDATION

Staff recommended in favor of the request.

ACTION TAKEN

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

5. Old Mill Square – Brunch with Santa, Saturday, December 6th, 2014, 3341 Old Mill Street, Marvelle Sewell.

Ms. Sewell was present.

STAFF RECOMMENDATION

Staff recommended in favor of the request.

ACTION TAKEN

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

6. Angel Wings Memory Gowns Fundraiser, Saturday, November 8th, 2014, Former Smoky Mountain Jubilee Theater – Parkway, Jennifer Jones.

Ben Jones was present.

STAFF RECOMMENDATION

Staff recommended in favor of the request.

ACTION TAKEN

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

7. Smoky Mountain Harley Davidson – Veteran’s Day Appreciation, Tuesday, November 11th, 2014, Smoky Mountain Harley Davidson – 105 Walden’s Main Street, Kandy Futch.

Ms. Futch was present.

STAFF RECOMMENDATIO

Staff recommended in favor of the request.

ACTION TAKEN

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

8. Titanic Museum Attraction – Thanksgiving Night Fireworks, Thursday, November 27th, 2014, 2134 Parkway, Ashli Arden.

Ms. Arden was present.

STAFF RECOMMENDATION

Staff recommended in favor.

ACTION TAKEN

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

9. The Island in Pigeon Forge – Thompson Square Live Concert, Saturday, November 1st, 2014, The Island in Pigeon Forge – 131 The Island Drive, Summer Wilson.

No one was present.

STAFF RECOMMENDATION

Staff Planner Taylor said that The Island has a stage and approved to have concerts on that stage without Planning Commission approval. However, this is a large concert where they are proposing have on one of their parking lots, so Staff felt getting Planning Commission approval was warranted. Staff recommended in favor of the request.

ACTION

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

B. Subdivisions

1. None.

C. Planned Unit Developments (PUD)

1. None.

D. Site Plans

1. **Jose Ramon Rivera Sierra Convenience Market (former auto transmission garage), Revised Site Plan, 2961 Veterans Boulevard, Bill Denton.**

Mr. Denton was present. He said that the site has been cleaned up and they are ready for this new development.

STAFF RECOMMENDATION

Staff Planner Taylor said they need to finalize their solid waste site with the sanitation department and the dumpster will need to be screened per C-6 requirements.

ACTION TAKEN

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

2. Doc Collier's Restaurant (Brewery, Distillery, and Winery), Site Plan, 3576 Parkway, Brent Collier/Mike Suttles.

Mr. Suttles reviewed their proposed site plan. (Carrying over from last month's issues) He said an ARAP has been applied for and obtained from TDEC. A drainage plan and landscaping plan has been provided. He said the dumpster doesn't currently work, but they are looking at removing a parking island, so sanitation trucks can maneuver on site. He and Mr. Collier argued that the stream they are bordering is not high quality, mostly tiled, and a "drainage ditch." Therefore (they argued), not worth meeting required stormwater requirements like the 30 feet stream buffer.

STAFF RECOMMENDATION

Staff Planner Taylor said that considering the lack of approval by the BZA (regarding their parking plan), that the site plan does not meet parking requirements. He said for that reason alone, he could not recommend the site plan. He stated that there are other issues as well. He explained that the 30 feet stream buffer requirements were a minimum requirement. He said had the stream been considered "pristine" there would be a 60 feet stream buffer requirement. He reported that obtaining a TDEC ARAP permit does not exempt them from local stormwater requirements. He lastly reported that the sanitation plan doesn't work. Staff recommended denial of the site plan. Discussion ensued. Some Commissioners wondered why they were considering a site plan for a business (distilleries) that the Board voted was not a permitted use in a C-6 district. Chairman Bradley reminded the Commission that this item was site planning and whether the use (distilleries) is allowed is a separate matter. City Attorney Gass felt that (as presented by staff) the site plan was lacking in many areas and the Commission needed to act.

ACTION TAKEN

Commissioner Harrell made a motion to deny the request. Commissioner Houser seconded and all voted to deny.

3. Sherwin Williams Paint Center, Site Plan, Wears Valley Road, J.B. Turnmire.

Mr. Turnmire was present. He explained the site plan. He said they will be demolishing the partially built family dollar store and starting over as proposed in the site plan.

STAFF RECOMMENDATIONS

Staff Planner Taylor stated that the BZA approved their proposal for landscape variance. He said they will need a stormwater maintenance agreement for the detention area. He reported staff has received a letter stating there are no issues with the existing retaining wall. He said the site plan was in order.

ACTION TAKEN

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

4. The Smoky Mountain Alpine Coaster, Revised Site Plan, 867 Wears Valley Road, Michael Suttles, Land Surveying Services.

Mr. Aaron Sams was present. He explained the site plan revisions. He said they are adding a tower, observation deck, and a covered area for the waiting line to the attraction.

STAFF RECOMMENDATIONS

Staff recommended in favor of the request.

ACTION TAKEN

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

5. Teddy Jones Storage Building, Site Plan, Corner of Veterans Boulevard and Lee Cardwell Circle, Marcus Whaley

Mr. Whaley was present.

STAFF RECOMMENDATIONS

Staff Planner Taylor said that the site has been recently redesigned to help large truck maneuver. He said they added an entrance to the east of the property. He said they will need a certified letter once the retaining wall is complete (to the effect) that it was built per engineering plans. He mentioned that they have been granted BZA approval to allow one exterior wall sheet metal along the retaining wall. He recommended in favor of the request.

ACTION TAKEN

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

E. Requests for Rezoning

- 1. Carroll Rauhuff Property and Others, approximately 13.4 acres on Cain Hollow Road, Lots 1 & 2 of Edd Bohanan et ux Jean Property and a portion of Lot 2R of Carroll Rauhuff Property (Currently Tax Map 72, Parcel 131.00), M-1 (Industrial) to R-1 (Low Density Residential) District.**

Noone was present for the request.

STAFF RECOMMENDATION

Staff Planner Taylor reported that these properties were the only section (on that side of the street) of Cain Hollow Road not R-1. He said the owners would like to develop the area with single family homes. Staff had no objections to the request.

ACTION TAKEN

Commissioner Harrell made a motion to recommend the rezoning to City Commission. Commissioner Houser seconded and all voted in favor.

F. Miscellaneous Requests or Required Actions

1. Set November/December Planning Commission meeting, Staff.

STAFF RECOMMENDATION

Staff recommended setting the November/December meeting and Christmas Dinner for December 9 at 3p.m.

ACTION TAKEN

Commissioner Houser made a motion to approve the change. Commissioner Harrell seconded and all voted in favor.

2. Request for annexation, approximately 10.51 acres at Up the Creek Campground, (Tax Map 93, Parcel 27.01), Tony Lee Rast, Jr.

3. Review of City's Plan of Services for proposed annexation of Up the Creek Campground, Staff.

Tony Rast, Jr. was present. He said that he has provided the no-rise certificate, elevation certificates and as-builts that were requested showing he meets the Pigeon Forge flood ordinance.

STAFF RECOMMENDATION

Chairman Bradley recommended voting on Items F1 and F2 in on motion. Staff Planner Taylor reminded the Commission that this has been an on-going request. He said Mr. Rast has provided the necessary information for the FEMA files. He also said that the bridge has been improved and okay to accept in the city. He recommended the annexation and Plan of Services be forwarded to City Commission for consideration.

ACTION TAKEN

Commissioner Houser made a motion to recommend the items to City Commission. Commissioner Ogle seconded and all voted in favor.

4. Harpoon Harry's Restaurant, Request for a 30 feet high sign under Section 408.2.9.2 of the zoning text due to topography or congestion, Snyder Signs.

Nobody was present for this request.

STAFF RECOMMENDATION

Staff Planner Taylor read the section of the ordinance which allows an increase up to five feet for "topography or congestion." He said that the applicant maintains that they are lower than the Parkway. Mr. Taylor stated that in the past a survey is required to show how far below the Parkway the sign area is located. He reports (like in the past) they could be allowed to increase the ground sign height one foot for every foot they are below the level of the Parkway (not to exceed 5 feet). He also said the sign must be 5 feet off R-O-W and have 9 feet of ground clearance. Staff recommends this administration as in the past.

ACTION TAKEN

Commissioner Ogle made a motion to allow a one foot ground sign height increase for every foot the land is below the Parkway (not to exceed 5 feet) as discovered through survey. Commissioner Harrell seconded and all voted in favor.

Planning Region Items

A. Subdivisions

1. None.

B. Planned Unit Developments (PUD)

1. None.

C. Site Plans

1. None.

D. Requests for Rezoning

1. None.

E. Miscellaneous Requests or Required Actions.

1. None.

OTHER BUSINESS

4. Adjournment

The meeting was adjourned at 4:00 p.m.

Bill Bradley, Chairman

Attest: _____