

**MINUTES OF THE
CITY OF PIGEON FORGE PLANNING COMMISSION
AND BOARD OF ZONING APPEALS
TUESDAY DECEMBER 9, 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, Mark Miller, Eric Brackens, Michael Shultz, Midge Jessiman, City Attorney Gass, Jerry Hanson, Sammy Ownby, Jake Old, Butch Helton, Mike Suttles, Brett Collier, Rod Milligan, Greg Mahalik, David Wear, Scott Tillery, Rod McCarter, Leonard Waring, Bud Cullun, Adam Carr, Kacie Huffaker, Ken Maples, Jimmy Taylor, Phil Campbell, Mimi Kulp, others.

BOARD OF ZONING APPEALS

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

A. Request for variance of parking requirements under Section 402 of the zoning ordinance, Proposed Rooftop Restaurant – Brewery – Distillery – Winery, 3576 Parkway, Brent Collier and Mike Suttles.

Mike Suttles, Brett Collier, Attorneys' Arthur Seymour and Adam Carr, and others were present for this request. Attorney Arthur Seymour started the discussion/presentation. He stated that this request is for variance of on-site parking. No limits were given to the variance request. He further discussed "cross-parking" possibilities between the various businesses in the area. He then showed the Board members an approximately 50 slide powerpoint presentation (he later gave staff a hard copy of the presentation and

requested it as Exhibit A to accompany the official minutes of the meeting). He stated that he researched examples of variances that were granted by the Board. The slides were a wide variety of variances (mostly setback variance, but some related to parking), interpretations, administrative reviews by the Board, and memos between city staff employees. The examples started in the 1980s and continued to recent years.

STAFF RECOMMENDATION

Staff Planner Taylor said that the variance request received by staff was for all on-site parking under Section 402 of the zoning ordinance. He showed pictures of the property and reported that there is not any constricts or grounds for variance like topography issues or an odd shaped lot. He maintained that the applicant was just planning to over-build the property. He continued by showing an approved site plan from 2002 of the property showing a 1,500 square foot building and 5 parking spaces. He said that in regards to the powerpoint presentation that every situation is different and has to be reviewed by the Board under its own merits. Attorney Gass asked staff if the powerpoint was made available to them to review to be to respond to, if necessary. Mr. Taylor said no and continued that many examples predated current planning staff. Discussion ensued about cross-parking. Mr. Taylor said that no cross-parking had been approved since he has been on staff. He said it has demonstrated at previous meetings (regarding this development/through a parking analysis) that there was no parking available (to share) from the surrounding businesses.

ACTION TAKEN

Commissioner Harrell made a motion to deny the request for variance of all parking requirements under Section 402 of the zoning ordinance. Commissioner Clark seconded. Commissioners Harrell, Clark, Ogle, Houser, and Dodgen voted for the motion to deny the request. Commissioner Marsh voted against the motion to deny.

4. Adjournment

PLANNING COMMISSION

CALL TO ORDER

Chairman Bradley noted that a quorum was present.

APPROVAL OF MINUTES

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

OLD BUSINESS

None.

NEW BUSINESS

City of Pigeon Forge Items

A. Special Events

- 1. Office of Special Events – The 15th Annual SaddleUp! Celebration, Various City Locations, Wednesday, February 18th through Sunday, February 22nd, 2015, Butch Helton.**
- 2. Pigeon Forge Office of Special Events – The 30th Annual Dolly's Homecoming Parade, Friday, May 1st, 2015, Parkway (from River Road to Wears Valley Road), Butch Helton.**
- 3. Pigeon Forge Office of Special Events – The 25th Annual Patriot Festival, Patriot Park, July 4, 2015, Butch Helton.**
- 4. Pigeon Forge Office of Special Events – The 3rd Annual Veterans Home Coming Parade, Saturday, August 29th, 2015, Parkway (from Dollywood Lane to Jake Thomas), Butch Helton.**

Mr. Helton was present. He explained the details of the special events.

STAFF RECOMMENDATION

Chairman Bradley explained that Special Events 1-4 would be considered and voted on in one motion.

ACTION TAKEN

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

- 5. Endurance Sports Management – The 6th Annual Double Dip Sprint Triathlon, Saturday, June 6th, 2015, Pigeon Forge Community Center and surrounding area, Kevin Mahan.**

This item was withdrawn before the meeting.

- 6. 33rd Spring & Fall Pigeon Forge Rod Runs, The City of Pigeon Forge Parking Lot, Teaster Lane, Spring (Thursday April 16th through Sunday April 19th) and Fall (Thursday, September 17th through Sunday, September 20th), 2015, Rod Milligan.**

Mr. Milligan was present.

STAFF RECOMMENDATION

Staff recommended in favor of the request, but stated that the T-shirt trailer near light #6 would need to be located outside of the State ROW.

ACTION TAKEN

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

- 7. Sevier County Right to Life – The 10th Annual Rally and March, Sunday, January 11th, 2015, Country Tonite Theater to Henderson Springs Road and back, Terry Aparicio.**

Greg Mahalik 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.

- 8. Music Road Convention Center – The 15th Annual Pontiacs in Pigeon Forge Car Show, Friday June 5th through Sunday June 7th, 2015, 303 Henderson Chapel Road, Joseph Blackburn.**

Mr. Blackburn was present and stated it was the same as last year's.

STAFF RECOMMENDATION

Staff recommended in favor.

ACTION TAKEN

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

9. The Island in Pigeon Forge – The 2nd Annual New Year’s at The Island, Wednesday, December 31st, 2014, The Island in Pigeon Forge – 131 The Island Drive, Summer Wilson.

David Wear was present.

STAFF RECOMMENDATION

Staff recommended in favor.

ACTION

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

10. Retro Running – Weekend In the Smokies 5 Mile Run, Sunday, May 1st, 2016, Race Route – TBA, Steven Hall.

This item was withdrawn before the meeting.

11. Smoky Mountain Opry - The Lords Child, Saturday, December 13th, 2014, Parkway, Scott Tillery.

Scott Tillery asked if the Planning Commission could hear this request. He said there was some confusion about the application, but it was submitted as requested. He stated the event was the same as last year, where they give out clothes, bikes, and toy to children in need.

STAFF RECOMMENDATION

Staff had no objection to the request.

ACTION

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

B. Subdivisions

1. None.

C. Planned Unit Developments (PUD)

1. **Preliminary Commercial PUD Plan for Grocery Store and Shops, Near Southwest intersection of Parkway and Wears Valley Road, John Anderson – Site Incorporated.**

Staff Planner Taylor asked that this item be heard by the Commission with items 2 and 3 under City Miscellaneous. He said all the items are for the same development.

F. Miscellaneous Requests or Required Actions

2. **Results of a traffic impact study by CDM Smith Inc. for the proposed Grocery Store and Shops, Parkway and Wears Valley Road, Staff.**
3. **Proposal to allow a public section of right-of-way on Florence Drive to become a private easement, Staff.**

Grant Berry and Bud Cullum from Site Inc. were present. They gave an overview of the project. Mr. Cullum said that the project was for the development of a major grocery store of 45,600 square feet and other retail space totaling 10,000 square feet. He said there is another existing retail shop that is remaining at the site. Jeff Mize from CDM Smith, Inc. was present to explain the traffic study. He explained several changes are proposed for intersections in the area, including right turn in/right turn out where Wears Valley Road intersects with Florence Drive. He also said the construction of a new road segment is proposed from Lafollette Circle (behind the store) to the intersection of Wears Valley Road and McGill Street.

STAFF RECOMMENDATION

Staff Planner Taylor stated that the PUD plan was sufficient for preliminary approval, but there would need to be some changes by final PUD approval. He said the landscaping was inadequate and the sanitation plan won't work as proposed. He expressed concerns about not enough surplus parking if retail shops get converted to restaurants. He also said that the proposed circulation in front of the store is a section of Florence Drive. He proposed that this section would need to be closed as public ROW and become private easement for circulation. He continued that public easements for utilities will still be needed in this area. He also said the area could be development under the current C-1 zoning, but the 13 lots involved need to be combined and the property rezoned to C-4. He recommended in favor of granting preliminary PUD approval with the mentioned changes being made by final. Additionally, he recommended that the section of Florence Drive contained in the proposed site plan become a private circulation and utility easement and be close as a public ROW.

ACTION TAKEN

Chairman Bradley recommended voting on Items C1 and F2 and F3 in one motion. Commissioner Houser made a motion for Preliminary PUD approval per staff's recommendation and to recommend the items F2 and F3 to City Commission, but he wanted the City to get fair market value for the section of Florence Drive being conveyed for the development. Commissioner Clark seconded and all voted in favor.

2. Revised Preliminary PUD Plan for The Lodges at Pigeon Forge (formerly Grand Crowne Resorts) PUD, Phases 2A-E, 3, 4, 5, & 6 (109 Units), Music Mountain Drive, Rod McCarter - CEC Engineers

Rod McCarter was present. He said that they have been reducing the density with each redesign of the property. He says they plan to build 12 units this year.

STAFF RECOMMENDATION

Staff Planner Taylor said that this preliminary makes the 5th one in 6 years. He said that the City is getting complaints from customers buying time shares, but not being able to make reservations because there are not enough units. He said that they need to start getting final approvals

and building units; and not continually changing the approved preliminary. He also stated that a master meter is needed at the entrance.

ACTION TAKEN

Commissioner Ogle made a motion based on staff's recommendation and that a final PUD plan for Phase 2B – 2F to be submitted promptly. Commissioner Marsh seconded and all voted in favor.

D. Site Plans

1. Outdoor Gravity Park (formerly Zorb), Site Plan, Sugar Hollow Road, Kacie Huffaker - Norvell & Poe Engineers.

Mrs. Huffaker was present.

STAFF RECOMMENDATION

Staff Planner Taylor said the site plan was in order. He did say that a stormwater maintenance agreement was needed for their detention pond. Staff recommended in favor.

ACTION TAKEN

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

2. Challenge Dome, Site Plan, Conners Height Road and the Spur, Robert Johnson - CEC Engineers.

Rod McCarter was present.

STAFF RECOMMENDATION

Staff Planner Taylor reviewed the site plan. He said they were revising a multi-tenant retail center on Conners Height Road and adding a recreational "dome" attraction in back on top of a ridge. He stated they are reserving 8 parking spaces for this attraction. He said that no public vehicle access will be allowed to the dome. He stated shuttles will be transporting customers. He said that staff has received an emergency evacuation plan. He said that the road to the back has been a problem for stormwater runoff. He continued that the drainage will need to be improved, likely by increasing the drainage pipe from 6" to 15". He

furthermore said that if more grading is needed that the site plan will have to be revised.

ACTION TAKEN

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

E. Requests for Rezoning

- 1. Edna Clabo, approximately 1 acre at the intersection of Wilson and Oldham Streets (Tax Map 94D, Group E, Parcel 14.00), R-1 (Low Density Residential) to R-2 (High Density Residential) District.**

Leonard Waring was present for the request.

STAFF RECOMMENDATION

Staff Planner Taylor said there is R-2 zoned property adjacent to two sides of the property. He said staff had no objections to the request. .

ACTION TAKEN

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

- 2. CHM Development, LLC, approximately 7.5 acres over 13 parcels on both sides of Florence Drive - near the southwest intersection of the Parkway and Wears Valley Road (Tax Map 83J, Group C, Parcels 1 (a portion), 2, 3, 4, 5, 6, 7, 8 and Tax Map 830, Group A, Parcels 1, 2, 3, 4, 13), R-1 (Low Density Residential), C-1 (General Commercial), C-2 (Tourist Commercial), and C-6 (Mixed-Use Commercial) to C-4 (Planned Unit - Commercial) District.**

STAFF RECOMMENDATION

Staff Planner Taylor stated that 13 parcels were to be combined into one tract. He said the acreage of the combined lots would be about 8 acres and meet the minimum acreage requirements for C-4 zoning of 2 acres. He said the proposed outparcel in the development would remain C-1. He recommended the request.

ACTION TAKEN

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

F. Miscellaneous Requests or Required Actions

1. Proposed Pigeon Forge Zoning text amendment of Section 801 (Area, Yard, and Height Requirement) regarding C-3 setbacks, Staff.

STAFF RECOMMENDATION

Staff Planner Taylor said that there is not much C-3 (Neighborhood Commercial) zoning in the City. He stated that during inquiries of developing one of the tracts as commercial, it was discovered that there was a side setback of 35 feet and no rear setback. He said that staff could not find any justification for this and it seemed contrary to the "neighborhood commercial" intent of this district. Staff proposed setting the side and rear setbacks at 20 feet which would combine reasonable commercial development, while affording compatibility with the "neighborhood" intent of the district.

ACTION TAKEN

Commissioner Houser made a motion to recommend the zoning text amendment to City Commission. 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. **Ross W. Ogle, approximately 21.5 acres on Mill Creek Road (Tax Map 105, Parcel 91.04), R-1 (Rural Residential) to A-1 (Agricultural) District.**

No one represented the request.

STAFF RECOMMENDATION

Due to lack of representation, staff recommended tabling the request for one month.

ACTION TAKEN

Commissioner Harrell made a motion to table the item until next month. Commissioner Dodgen seconded and all voted in favor.

E. Miscellaneous Requests or Required Actions.

1. None.

OTHER BUSINESS

Staff Planner asked the Commission about the possibilities of trainings in the future. Midge Jessiman proposed some training on procedure and other topics. After discussion, Monday, March 30th at 2:00 PM was agreed upon as a tentative training day.

Chairman Bradley read a statement that his term as Chairman and member of the Planning Commission is up at the end of the year. He stated that he was not seeking

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to renew his term. He thanked everyone for his opportunity to serve for the last 15 years. Commissioners, staff, and the public thanked him for his service.

4. Adjournment

The meeting was adjourned at 4:45 p.m.

Bill Bradley, Chairman

Attest:_____