

**MINUTES OF THE  
SPECIAL CALLED  
CITY OF PIGEON FORGE PLANNING COMMISSION  
AND BOARD OF ZONING APPEALS  
FRIDAY, FEBRUARY 4 2015, 9:30 A.M.  
CITY HALL, PIGEON FORGE, TENNESSEE**

MEMBERS PRESENT

Jay Ogle, Chairman  
Jeff Dodgen  
Stephen Houser  
Tom Marsh

MEMBERS ABSENT

Jerry Clark  
Judy Harrell

OTHERS PRESENT

David Taylor, Karl Kreis, Midge Jessiman, City Attorney Gass, Sammy Ownby, Brandon Williams, Jake Old, Mike Suttles, Brett Collier, Attorney Arthur Seymour, Attorney Adam Carr, 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, 3576 Parkway, Brent Collier and Mike Suttles.**

Mr. Mike Suttles, Mr. Brett Collier, Attorney Arthur Seymour, and Attorney Adam Carr were present to represent the request. Attorney Arthur Seymour started the presentation stating he had many exhibits that they would like to put in the record. He read sections of Tennessee State Law for Board of Zoning Appeals regarding variances. He showed powerpoint slides of the site plan. He said that due to the odd triangular shape of this client's lot that he does not have reasonable use of his land. He discussed their proposed parking plan. He said they had three plans for parking (hoping the Board would approve one of them). First, to use the Corky's parking lot, Second, to use the Corky's parking lot and part of Golden's Corral parking lot, and third, to use the Parkway R-O-W parking. He said all the parking would be within

400 ft as Section 402.19 requires. He conferred with Mr. Suttles and had him explain how their parking plan would work. He showed the Board members an approximately 50 slide powerpoint presentation similar to one shown at a previous meeting. 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. He pointed out that the Board has granted variances, etc. for other land owners and businesses. He said that he understands that his client could put a "shack" on the lot to meet requirements, but he felt that was overly burdensome and had not been required by the Board in the past. He summed up by stating they were asking the Board for variance of parking requirements and/or application of Section 402.19 by using other businesses or State ROW parking. He pointed out that nobody has objected to their request. And, he felt that "special circumstances" of a triangular shaped lot applied to this situation. City Attorney Gass questioned staff about some of the examples given by Attorney Seymour in his powerpoint presentation. Both staff members acknowledged that many of the Board rulings or staff approvals in Attorney Seymour presentation dealt with existing businesses (sometimes with extreme topographical issues) and not flat undeveloped land as with this current situation.

#### STAFF RECOMMENDATION

Staff Planner Taylor laid out site plans for Corky's restaurant, Golden Corral restaurant, and an adjacent hotel. He explained that Corky's (when approved) had just enough parking for their uses under city requirements. He said that the adjacent hotel used some of their required parking from a nearby parking lot. He read BZA minutes where Corky's tried to get parking under Section 402.19 (from the same nearby parking lot), but were denied because the distance was greater than the required 400 ft under that section. He went through the site plans of Golden Corral (including an expansion) and explained that they had to expand that same nearby parking lot to meet their required parking needs. Mr. Taylor pointed out that under Section 402.19 "open space" must be used and not required parking from adjacent businesses. He said that the only area that would fit this section is that same parking lot (previously referenced), which has been shown serving several businesses. Furthermore, he maintained that this parking lot was too far for Corky's and is too far for the proposed distillery. He continued that "cross parking" is out because all the neighboring businesses do not have surplus parking to give. He did point out that the applicant's latest parking plan shows more parking than previous plans. He said that parking was gained by

removing required landscaping from the plan and reducing the "maximum service capacity" of the restaurants. Mr. Taylor stated that cannot be allowed since "maximum service capacity" is set by the size of the restaurant, which has remained the same. He lastly showed an approved site plan for the property showing a smaller building (than that proposed) and parking. He concluded by saying site plans have been approved for that property in the past and this is a case where the developers were trying to overbuild the property. He said nowhere in any ordinances or laws does it say you get a variance for over building property. Discussion ensued. Mr. Collier said the previously approved site plan was for timeshares sales, the building was never built, and he contends the land is no longer good for that use. He started a discussion about bus parking. He claimed much of his business comes from bus parking, which he contended will require less parking. After a long discussion on bus parking, Attorney Gass pointed out that there was not any bus parking shown on any of the proposed plans. Commissioner Houser asked many questions and felt that parking is important for both businesses and the public. He did not feel that Pigeon Forge parking requirements were difficult to meet.

ACTION TAKEN

Commissioner Houser made a motion to deny the request for off-site parking under Section 402.19 or any parking variances. Commissioner Marsh commented that he did not feel the applicants satisfied the requirements for that section or criterion for variance and seconded the motion. All voted in favor of the motion to deny.

4. Adjournment

The meeting was adjourned at 11:40 a.m.

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Jay Ogle, Chairman

Attest:\_\_\_\_\_