

**MINUTES OF THE
SPECIAL CALLED
STORMWATER COMMITTEE MEETING
FRIDAY, MARCH 9 2015, 1:30 P.M.
CITY HALL, PIGEON FORGE, TENNESSEE**

MEMBERS PRESENT

Jay Ogle, Chairman
Judy Harrell
Stephen Houser
Tom Marsh

MEMBERS ABSENT

Jerry Clark
Jeff Dodgen

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, Bruce Cantrell, Tina Fannin, others.

BOARD OF ZONING APPEALS

1. Call to order.

Meeting was called to order at 1:30 P.M.

2. Approval of Minutes.

The minutes of the February 4, 2015 meeting were approved on a motion by Commissioner Marsh. Commissioner Harrell seconded and all voted in favor.

3. Old business.

None.

4. New business.

A. Request for Variance, Section 4, 6 (a) of the Stormwater Ordinance, Buffer Requirements, 3576 Parkway, Brent Collier and Mike Suttles.

Mr. Mike Suttles, Mr. Brett Collier, Attorney Arthur Seymour, Attorney Adam Carr, and were present to represent the request. They spoke at different times. Basically, they contend that their plans for the property would not

allow a 30 foot stream buffer. They felt they are "grandfathered" from having to provide a buffer, but despite this (or because of this), are asking the Board for variance of the buffer requirements. They wanted the Board to grant variance before paying for engineered plans. Engineer Bruce Cantrell felt stream encapsulation is their only way to "mitigate" the problem. Mr. Cantrell stated that if the stream was encapsulated, it would be bad for the stream. Mr. Cantrell also felt that McDonalds would not allow the stream to be encapsulated as it is on McDonald's property. Brett Collier said that TDEC has been against encapsulation in the past.

STAFF RECOMMENDATION

Staff Planner Taylor said that one of the issues is whether the situation is "grandfathered." He read an email from TDEC stating there was no grandfathering and the problem could be mitigated. He said that staff has still not received any engineered stormwater plans and that staff does not have enough information to make a recommendation. He stated staff opposes any variance until the engineered stormwater plan is based on a workable site plan. He referenced an approved site plan for the property from 2006. He admitted that the site plan would likely need stormwater variance with current regulation, but the site plan functioned on other levels, so (potentially) a variance could be recommended. By contrast, he pointed out the current variance request was based on a site plan denied by the Planning Commission for multiple reasons. Discussion ensued. Attorney Arthur Seymour contends that the Board has granted variances in the past and that Mr. Taylor would oppose any plans submitted. Stormwater Staff Brandon Williams said that TDEC would likely permit encapsulation easier than disregarding buffer requirements. Chairman Ogle stated that most variance request that come before the Board are based on surveyed plans. He said the Board needs more information. Commissioner Harrell also felt they need more information and that the situation cannot be grandfathered. She said they needed to rule on the information they have and felt it was not the Board's job to decide whether applicants can afford (or should have to pay for) engineering plans. Chairman Ogle agreed. City Attorney Gass also concurred that the Board needs to make a ruling based on the information they have (or lack thereof).

ACTION TAKEN

After much discussion, Commissioner Harrell made a motion to deny the request based on the information presented. Commissioner Marsh seconded.

Commissioners Marsh, Harrell, and Chairman Ogle voted to deny.
Commissioner Houser abstained.

4. Adjournment

The meeting was adjourned at 2:45 p.m.

Jay Ogle, Chairman

Attest:_____