

**MINUTES OF THE
CITY OF PIGEON FORGE PLANNING COMMISSION
AND BOARD OF ZONING APPEALS
TUESDAY, APRIL 24, 2018, 3:00 P.M.
CITY HALL, PIGEON FORGE, TENNESSEE**

MEMBERS PRESENT

Jay Ogle, Chairman
Tony Kyker
Jeff Dodgen
Tom Marsh
Stephen Houser
Laurie Taylor

MEMBERS ABSENT

Jerry Clark

OTHERS PRESENT

David Taylor, Brandon Williams, Mark Miller, Sammy Ownby, Brandon Williams, Jerry Hanson, Paula King, Matt Sprinkle, David Proctor, Frank Damante, Kacie Huffaker, Lori Wood, Jimmy Taylor, Mike Suttles, Dixon Greenwood, Bill Delozier, Mimi Kulp, Guy Wantiez, Jim Headrick, David Fee, others.

Cindy Wyrick – City Attorney
Joe Barrett

PLANNING COMMISSION

CALL TO ORDER

Chairman Ogle called the meeting to order.

APPROVAL OF MINUTES

Commissioner Clark made a motion to approve the Planning Commission minutes for the meeting from March 27, 2018. Commissioner Taylor seconded and all voted in favor.

OLD BUSINESS

NEW BUSINESS

City of Pigeon Forge Items

A. Special Events

- 1. Wounded Warrior Project – Half Marathon, 10 miler, and 5k Road Race, Saturday, March 23rd, 2019, Starts in Sevierville to LeConter Center/Ripkin in Pigeon Forge via Veterans Boulevard and back, Frank Damante (Public Property).**

Mr. Damante was present for the request.

STAFF RECOMMENDATION

Mr. Taylor stated the request was in order and that the city department administrative review committee recommends this event. They will need \$1,000,000 of liability insurance with the city listed as additional insured.

ACTION TAKEN

Commissioner Houser made a motion to approve the special event. Commissioner Kyker seconded and all voted in favor.

B. Subdivisions

- 1. None**

C. Planned Unit Developments (PUD)

- 1. Final PUD Plan for The Tower Shops (former Belz Mall Redevelopment), Revised Phase 1, Phase 2, & Phase 3, Teaster Lane, Dixon Greenwood.**

Dixon Greenwood was present for this item.

STAFF RECOMMENDATION

Staff Planner Taylor said that a final PUD site plan for phase 1 was approved by Planning Commission at last month's meeting. He said that phase 1 showed the tower and the remaining retail space (after demo of some of the middle of the old Belz development). He said phase 2 was infilling half of the demo space and phase 3 is the infilling of the other half. He said this month staff received plans for a revised phase 1 showing only the tower. He reported that after a series of workshops that

Ordinance 1040 was drafted and approved by both Planning Commission and City Commission. He said that ordinance spells out in detail that tall towers (like that proposed) are only allowed if they meet certain conditions including there must be at least 100,000 square feet of retail space. He said because of the ordinance that he could not recommend the revised phase 1 and recommended they develop the tower and retail together as the approved Phase 1. Discussion ensued. Mr. Dixon and others present for this item insisted they have every intention of developing the retail, but it would help them to get the tower operational and collecting revenue first. City Attorney Cindy Wyrick said that the ordinance is clear and that approval of the revised phase 1 would be in conflict with the ordinance.

ACTION TAKEN

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

2. Preliminary PUD Plan for Three Bears Warehouses, 2928 C.A. King Boulevard, Mike Suttles.

Mr. Suttles was present.

STAFF RECOMMENDATION

Staff Planner Taylor reminded the Commission that the proposed warehouse is located within 500 feet of a residence which is against C-6 zoning. He said that this was on the BZA agenda last month, but since it didn't meet the ordinance was withdrawn by the applicant. As instructed by the Board, staff researched ways to relax the regulations some, while not disrupting residential neighborhoods. He said there is a proposal on this agenda for that. He recommended site plan approval for preliminary PUD plan, but final could not be granted until an amendment is approved allowing warehouses at this location.

ACTION TAKEN

Commissioner Marsh made a motion to approve preliminary PUD plan subject to the C-6 zoning text amendment being approved before final PUD plan approval. Commissioner Kyker seconded and all voted in favor.

3. Preliminary PUD Plan for Blalocks Support Facilities, 1836 Ridge Road, Mike Suttles.

Mr. Suttles was present for the request.

STAFF RECOMMENDATION

Staff Planner Taylor said that this proposal was in the industrial zoning district (M-1) which allows warehouses as a permitted use. He said that they are proposing adding four more warehouses to the property which already has two warehouses and a concrete facility. He said that this has to be developed as a PUD to have multiple buildings and the plans are in order for preliminary PUD plan approval and recommended preliminary PUD plan approval.

ACTION TAKEN

Commissioner Houser made a motion to approve the preliminary PUD plan. Commissioner Taylor seconded and all voted in favor.

D. Site Plans

1. Lazerport – Bama Scooter Rental and Sales, (Revised) Site Plan, 2782 Parkway, Kacie Huffaker – Norvell and Poe.

Ms. Huffaker was present for the request.

STAFF RECOMMENDATION

Staff Planner Taylor said that this is a proposal to add medium speed vehicles and scooter rentals to this existing business. He stated that the site plan revisions are minor and staff can recommend the site plan. However no medium speed vehicles can be parked in the state right-of-way. The applicants stated that the scooters are medical assist and travel between 2 to 4 miles an hour and presented documentation. City Attorney Wyrick said that moving forward it would be a good idea to have a city ordinance about what type vehicles can travel on the sidewalks and she would research the matter.

ACTION TAKEN

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

2. The Dollywood Company – New Office Space, (Revised) Site Plan, 2700 Dollywood Parks Blvd, Jeff Williamson.

Guy Wantiez was present for the request.

STAFF RECOMMENDATION

Staff Planner Taylor said the site plan was in order and recommended approval.

ACTION TAKEN

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

E. Requests for Rezoning

1. Mike Suttles, approximately 55 acres of a portion of Tax Map 83, Parcels 115.00 and 200 feet of R-O-W of Ridge Road, southwest of the intersection of Ridge and Sugar Hollow Roads, R-1 (Low Density Residential) and C-6 (Mixed-Use Commercial) to M-1 (Industrial) District.

Mr. Suttles was present.

STAFF RECOMMENDATION

Staff Planner Taylor said that this property is on Ridge Road and part of a large tract where Blalock Cement Facility is located and where the warehouses are proposed earlier in the agenda. He reported the tract is split zoned with M-1 and R-1 along Ridge Road and is C-6 to the rear of the property and along Ridge Road. He stated the property is being developed in a manner where M-1 fits well and is surrounded by M-1 zoning. He recommended the zoning map amendment.

ACTION TAKEN

Commissioner Houser made a motion to recommend the zoning map amendment to City Commission. Commissioner Marsh seconded and all

voted in favor.

- 2. Joe Barnes & Others, approximately 7.5 acres over three parcels (Tax Map 83, Parcels 97.10, 97.11, & 97.12), northeast of the intersection of Teaster Lane and Christmas Tree Lane, C-6 (Mixed-Use Commercial) to C-4 (Planned Unit – Commercial) District.**

Mr. Barnes and others were present for the request.

STAFF RECOMMENDATION

Staff Planner Taylor said that these properties are on Teaster Lane across from Christmas Tree Lane and each has a recently built hotel on them. He told the Commissioners that much of Teaster Lane is already C-4 and probably the most appropriate district for the development that is occurring there. Mr. Taylor felt that this is the appropriate zoning for the area and recommended the map amendment.

ACTION TAKEN

Commissioner Dodgen made a motion to recommend the zoning map amendment to City Commission. Commissioner Taylor seconded and all voted in favor.

F. Miscellaneous Requests or Required Actions

- 1. Request for acceptance of Bond or Letter of Credit for demolition of a structure, Smoky Shadows – 4215 Parkway, Jimmy Taylor.**

Mr. Jimmy Taylor was present and explained the nature for the request. He reported his client has a contract for demoing the building and he has a pre-letter of credit to cover it.

STAFF RECOMMENDATION

Staff Planner David Taylor said it is an unusual situation. He stated that the office is in the building to be demoed and the new office is finished being constructed and are seeking a CO to move the office. Mr. Taylor showed pictures of the dilapidated building and the need for the building to be demoed. He feared the new office could be occupied and the building not demoed becoming a public hazard. He suggested in order to

grant the CO that a security like a letter of credit be issued to the city to demo it if necessary. He said that it is typical for the city to get securities for paving and landscaping, which he said is also needed for this project. Discussion ensued. Many including City Attorney Wyrick felt a time limit needs to be placed on the letter of credit to ensure the demo happens in a timely manner. It was suggest that a separate letter be issues for the demo with a time limit of two to three months and the one for paving and landscaping could be longer.

ACTION TAKEN

Commissioner Kyker made a motion to require two separate bonds or letters of credit, one for demoing the building with a time limit of three months and another for landscaping and paving. He furthered that both letters need to be based on attached estimates for the work as customary. Commissioner Dodgen seconded and all voted in favor.

2. Proposed amendment of the Pigeon Forge Zoning Ordinance to Section 711.3.5 (Wholesale business and warehousing) in a C-6 district regarding distance from residences, Staff.

STAFF RECOMMENDATION

Staff Planner Taylor said this zoning text amendment relates to the warehouse proposal in the C-6 district earlier in the agenda. He gave background to the item explaining the city has recently been working on removing the unsightly temporary storage containers around the city that have grown over time. He continued, in doing so, it has come to light that many businesses need the storage and that the requirements to allow warehouses in a C-6 district may be too restrictive, required to be 500 feet from residential structures. He stated the amendment addresses this to some degree while still making it restrictive in more residential areas. He reported that (in a C-6) this amendment would allow warehouses near residences close to arterial streets and to expand existing warehouse areas, but would still need to be 500 square feet in all other circumstances. He furthered that warehouses would still need to go before BZA as a Use Permitted Upon Review for approval. He recommended the zoning text amendment.

ACTION TAKEN

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

Planning Region Items

A. Subdivisions

1. None.

B. Planned Unit Developments (PUD)

1. None.

C. Site Plan

1. None.

D. Requests for Rezoning

1. None.

F. Miscellaneous Requests or Required Actions

ADJOURNMENT

Commissioner Dodgen made a motion to adjourn. Commissioner Marsh seconded and all voted in favor.

The meeting was adjourned at 4:15 p.m.

BOARD OF ZONING APPEALS

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

A. Request for interpretation as to whether a structure solely used to hold up graphics for display is a sign, and if so, what type, Frizzle Chicken – 2785 Parkway, Jimmy Taylor – ADG.

Mr. Jimmy Taylor and David Fee were present for the request.

STAFF RECOMMENDATIONS

Staff Planner David Taylor said that a permit was issued for wall signs for four chickens to be placed on the Frizzle Chicken Restaurant building. He said the city received an updated site plan and building plans needing a support structure for these chickens to be placed over the roof of the building (but not attached). He explained that this is no longer a wall sign and is either a ground sign, a roof sign, or neither. He said if it is a ground sign it is proposed too tall and if it is roof sign there maybe be too much square footage. Discussion ensued. Mr. David Fee said that the chickens are 2,500 pounds each, hence the need for the structure. He said that if it was a roof sign they could likely conform, but really feels that it is "theming" and should not have to meet sign requirements. The definitions were read and City Attorney Wyrick said it was not a roof sign according to the definition since it clearly states it has to be attached to the roof. Chairman Ogle said that if attached it would be a roof sign and if they could attach it, get the square footage in compliance, he felt a sign permit could be issued administratively by staff. City Attorney Wyrick and Commission Houser concurred. Chairman Ogle continued that it could possibly be "theming" but that the Board must rule on what was before them today.

ACTION TAKEN

Commissioner Houser made a motion that the structure presented before them is not in conformance with the City of Pigeon Forge signage regulations and to deny the request. Commissioner Taylor seconded and all voted to deny.

ADJOURNMENT

Commissioner Marsh made a motion to adjourn. Commissioner Dodgen seconded and all voted in favor.

The meeting was adjourned at 5:00 p.m.

4/24/2018

Jay Ogle, Chairman

Attest: _____