

**MINUTES OF THE  
CITY OF PIGEON FORGE PLANNING COMMISSION  
AND BOARD OF ZONING APPEALS  
TUESDAY MAY 26, 2009, 3:00 P.M.  
CITY HALL, PIGEON FORGE, TENNESSEE**

MEMBERS PRESENT

Bill Bradley  
Robert Young  
Jay Ogle  
Bill Howell  
Joyce Brackins  
Jerry Clark

MEMBERS ABSENT

OTHERS PRESENT

David Taylor, Karl Kreis, Mark Miller, Jerry Hanson Terry Aparicio, Frank Aparicio, Mike Fleming, Tony Lee Rast, Mike Suttles, Randall Robinson, Doug Greene, Mike Carico, Mimi Kulp, others.

City Attorney – Jim Gass  
State Planner Bart Hose

CALL TO ORDER

Chairman Bradley noted that a quorum was present.

APPROVAL OF MINUTES

The minutes of the meeting April 28, 2009, 2009 were approved on a motion by Commissioner Brackins. Commissioner Young seconded and all voted in favor.

NEW BUSINESS

**PLANNING COMMISSION**

**A. SPECIAL EVENTS**

- 1. Belz Outlets – Summer Truckload Sales. June 12-14, July 16-19 and August 13-16, 2009, 2655 Teaster Lane, Amanda Fox.**

Ms. Fox was not able to attend the meeting.

STAFF RECOMMENDATION

Mr. Taylor recommended in favor of the annual event.

ACTION TAKEN

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

**C. PLANNED UNIT DEVELOPMENTS (PUD)**

**1. Revised Final PUD Plat of Mountain Park, Country Oaks, Michael Brady, Inc.**

This item was withdrawn before the meeting.

**D. SITE PLANS**

**1. Premier Media, Billboard Relocation, Site Plan, 2065 Parkway, Mike Flemming.**

Mr. Flemming was present.

STAFF RECOMMENDATIONS

Mr. Taylor stated that the role of Planning Commission is to make sure that the billboard site is at least 5 feet off of the right-of-way. City Commission will vote on whether to allow it. This site meets the requirement.

ACTION TAKEN

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

**2. Cakes By Bakin Bishop, 826 Wears Valley Road, Site Plan, Norvell and Poe.**

No one was present.

STAFF RECOMMENDATIONS

Mr. Taylor reported that staff recommends approval of the site plan.

ACTION TAKEN

Commissioner Howell made a motion to approve the request.  
Commissioner Brackins seconded and all voted in favor.

**F. MISCELLANEOUS REQUESTS OR REQUIRED ACTIONS**

**1. Request for annexation, approximately 10.5 acres at Little Valley Road, (Tax Map 93, Parcel 27.01), Tony Lee Rast.**

Mr. And Ms. Rast were present.

STAFF RECOMMENDATION

Mr. Rast stated that he is willing to pay to extend city services to serve his property and feels annexation of his property would bring tax revenue to the city. Mr. Taylor explained that staff has reviewed the request. He said one problem with the property is that it is very flood prone. He also stated another big issue is sewer capacity. Mr. Taylor explained that the current plant is at maximum capacity at certain times of the year. He felt little capacity is left should be reserved for development within city limits. He stated that until the new sewer plant is build, it would be poor planning practice to recommend annexation of property, especially one with an approved county site plan for 30 RV sites. Staff cannot recommend in favor at this time.

ACTION TAKEN

After much discussion, Commissioner Howell made a motion to deny the request. Commissioner Ogle seconded and all voted to deny it.

**2. Proposed amendment to Section 409.1 of the zoning text to add surveyors to the list as allowed to prepare site plans.**

STAFF RECOMMENDATION

Mr. Taylor reported that (over time) it has become common practice to allow surveyors to prepare site plans. This amendment would bring the regulations into harmony with the current practice. Staff recommended

that Section 409.1 now read "Site plans shall be prepared by an engineer, surveyor, and/or architect."

ACTION TAKEN

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

**PLANNING REGION ITEMS**

**G. SUBDIVISIONS**

**1. Preliminary Re-Subdivision Plat of Lots 1R, 2R, 3R, 4R and 8R Americana Community (Tax Map 82, Parcel 98.00, District 5), Crestview Drive, Frank and Terry Aparicio/ Mike Suttles.**

Mr. and Ms. Aparicio were present with their attorney Jim Tipton. Mr. Tipton stated that no compromise was made between the landowner and the homeowner's association for the Americana Community. He continued that at the last PC meeting, legal counsel for the home owner's association stated that if they couldn't work out an agreement by this meeting, they would no longer oppose the plat (there has been opposition to the plat the last couple of months). No opposition (to the plat) was stated that this meeting.

STAFF RECOMMENDATION

Mr. Taylor stated that the proposal met the standards of the subdivision regulations and he recommended in favor of preliminary approval.

ACTION TAKEN

Commissioner Howell made a motion to approve the request. Commissioner Young seconded and all voted in favor.

The meeting was adjourned at 3:30 p.m.

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

**A. River Place Inn, Request to allow a ground sign on the property line instead of set back 5 feet (as required under Section 408.2.1 of the zoning ordinance), Parkway, Doug Greene.**

Mr. Greene was present.

STAFF RECOMMENDATION

Staff presented the situation through slides. Mr. Taylor stated that the applicant is asking for a zero setback from the ROW for his sign – instead of the required 5 feet. Mr. Taylor explained (and showed) that any “hardship” (if there is any) is created by his own building. Due to this, staff feels like the request does not meet the conditions for a setback variance. They recommended denial of the request. Commissioner Howell requested that the property be surveyed (to determine the exact sign location being requested) before the Board consider the request any further.

ACTION TAKEN

Mr. Greene withdrew the request.

**B. Request to allow front setback to zero instead of the required 30 feet Cherry Laurel, Mike Carico.**

Mr. Carico was present.

STAFF RECOMMENDATION

Mr. Taylor stated that an encroaching structure (a carport) was recently built to the ROW of Cherry Laurel. He showed slides that showed the surrounded area had similar structure encroachments. He reported the neighboring structures were built before the property was annexed into the city. He continued that the area developed that way due to steep topography combined with the smaller and (sometimes) odd shaped lots. Furthermore, he reported that the property was at the end of the street, making the encroachment less of a safety issue. Lastly, the street department

determined that the carport was out of the ROW and not an issue for them. Staff recommended in favor of the request.

ACTION TAKEN

Commissioner Howell made a motion to approve the zero setback variance as built. Commissioner Brackins seconded and all voted in favor.

4. Adjournment

\_\_\_\_\_  
Bill Bradley, Chairman

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