

**MINUTES OF THE
CITY OF PIGEON FORGE PLANNING COMMISSION
AND BOARD OF ZONING APPEALS
TUESDAY, JUNE 26, 2018, 3:00 P.M.
CITY HALL, PIGEON FORGE, TENNESSEE**

MEMBERS PRESENT

Jerry Clark
Tony Kyker
Tom Marsh
Stephen Houser
Laurie Taylor

MEMBERS ABSENT

Jay Ogle, Chairman
Jeff Dodgen

OTHERS PRESENT

David Taylor, Brandon Williams, Sammy Ownby, Brandon Williams, Jerry Hanson, Paula King, Mike Suttles, Bill Delozier, Jimmy Taylor, Ross Ogle, Scott Tillery, Attorney Jim Tipton, Tyler Huskey, Mimi Kulp, others.

Cindy Wyrick – City Attorney
Joe Barrett

PLANNING COMMISSION

CALL TO ORDER

Chairman Ogle called the meeting to order.

APPROVAL OF MINUTES

Commissioner Marsh made a motion to approve the Planning Commission minutes for the meeting from May 22, 2018. Commissioner Clark seconded and all voted in favor.

OLD BUSINESS

None.

NEW BUSINESS

City of Pigeon Forge Items

A. Special Events

- 1. None.**

B. Subdivisions

- 1. None**

C. Planned Unit Developments (PUD)

- 1. Preliminary PUD Plan for Three Bears Warehouse, 2928 C.A. King Boulevard, Mike Suttles & Bill Delozier.**
- 2. Final PUD Plan for Three Bears Warehouse, 2928 C.A. King Boulevard, Mike Suttles & Bill Delozier.**

Mr. Suttles and Mr. Delozier were present.

STAFF RECOMMENDATION

Staff Planner Taylor asked that these two items be handled together. He reminded the Commission that this item(s) has been going on for some time now. He said that in order for a warehouse to be located on this lot a text amendment was necessary and that was approved by City Commission and the waiting period has passed. He said that the PUD was small and minor issue (addition of one building) and felt that preliminary and final approval is warranted in this instance. He continued that final PUD documents were needed before building permits were issued. He recommended as such.

ACTION TAKEN

Commissioner Marsh made a motion for Preliminary and Final PUD Plan subject to PUD documents being submitted before any building permits be issued. Commissioner Clark seconded and all voted in favor.

D. Site Plans

- 1. None.**

E. Requests for Rezoning

- 1. Larry Russell, approximately 2.6 acres over six parcels at Tax Map 83B, Group E, Parcel 2.00 (Brock's Addition Subdivision, Lots 1 – 6), Sugar Hollow Road including 211 Sugar Hollow Road, R-1 (Low Density Residential) to R-2 (High Density Residential) District.**

Mr. Russell was present for the request. He said he wants to place small single family residents on each lot. He feels that buyers may want to use them for overnight rentals, so he is looking for R-2 zoning.

STAFF RECOMMENDATION

Staff Planner Taylor said that this actually six lots, not one lot as the parcel layer on the GIS map is showing. He continued that there is no other R-2 in the area and this would be encroachment into R-1 neighborhood. He expressed concerns with increased traffic into this area. Commissioner Kyker said it would be spot zoning. Staff could not recommend this map amendment.

ACTION TAKEN

Commissioner Clark made a motion to recommend to City Commission that the property remain R-1 and to deny the request. Commissioner Kyker seconded all voted to deny with Commissioner Marsh abstaining.

F. Miscellaneous Requests or Required Actions

- 1. Frizzle Chicken - Chicken Display, Theming Consideration per Section 317(a).1 of Zoning Ordinance, Frizzle Chicken – 2785 Parkway, Jimmy Taylor – ADG.**

Mr. Taylor, Scott Tillery, Tyler Huskey and Attorney Jim Tipton were present for this request. Attorney Jim Tipton spoke at length and handed out multiple exhibits for the Commission. He gave history of the chicken display before the Commission or Board since April 2018. He showed them pictures of the chickens and sections of the zoning text related to "theming." He also read a Wikipedia definition of theming and felt the zoning text usage of it is objective. He said that any document could change the meaning of words, but that doesn't change the meaning of the word. He stated the proposal met any definition of "theming" including the one in the zoning text. He said that (as in the zoning definition) there is no one large graphic and there is a logical relationship

to the content of the building since the whole indoor of the building is chickens. He concluded that this was theming and should not be counted as signage.

STAFF RECOMMENDATION

Staff Planner Taylor said that the Commission and staff have been working on theming for some time and last month 10 percent more graphics were voted in favor. He stated that agenda Item F3 proposes more changes regarding theming and he felt the item should be tabled until amendments are approved. Attorney Tipton objected and said the law needs to be applied as written today and not applied ex post facto. Discussion ensued. Many of the Commissioners were confused as to why this was back before them when the chickens were approved and installed. It was explained to them that the applicant wants more signage and that the chickens are called the wrong thing ("signage" instead of "theming"). City Attorney Wyrick said the theming definition is clear and that the proposal would have to mean every word. She continued that part of the definition is "...graphics throughout a building's façade" she reminded the Board that the chickens are above the façade and not part of it at all. She said that the original inquiry/discussion of the restaurant graphics as a possible theme, described the chickens with many other elements as a unified theme. She said the chicken only proposal has no unified theme. She concluded that the proposal is inconsistent with the ordinance and inconsistent with past ruling and could be voted down. She furthered that in fairness to the applicant a decision should be made and it should be voted up or down.

ACTION TAKEN

Commissioner Clark made a motion that the chicken display was not theming as defined in Section 317(a)1 and to deny the request. Commissioner Kyker seconded. Acting Chairman Houser called for a roll vote. Commissioners Kyker, Marsh, Taylor, Clark voted that it was not theming and to deny. There were no votes in favor.

2. Review of Plan of Services for the annexation of a 29.28 acre portion of MacAllan Ridge Development (Tax Map 093, Parcel 122.07), between Wears Valley and Lost Branch Roads, Staff.

STAFF RECOMMENDATION

Staff Planner Taylor explained that they were proposing a standard Plan of Service for this annexation. He continued as it has become standard that water and sewer would have to be extended at the owner's expense. He also said that a recreational component needs to be added and staff would do that before it goes to City Commission for approval.

ACTION TAKEN

Commissioner Marsh made a motion to recommend the Plan of services for annexation to City Commission with a recreation component added. Commissioner Taylor seconded and all voted in favor.

3. Multiple proposed text amendments to Article 3 of the City of Pigeon Forge Zoning Ordinance regarding graphics, theming, signage, and architecture, Staff.

STAFF RECOMMENDATION

Staff Planner Taylor presented the latest proposal to the on-going problem with graphics, theming, and signage. He read the proposed changes to Article III & IV aloud. He explained that "theming" is being eliminated, signage is words, letters, and numbers and "graphics" are separate, and that "architecture" is defined and handled differently as well. He further stated that these changes work in conjunction with graphics percentage ordinance (previously Ordinance 1043) where they recommended 10 percent additional graphics to City Commission at last month's Planning Commission meeting (see minutes from May 22, 2018 PC meeting). Discussion ensued. There was some confusion about whether all the zoning districts were covered under this amendment and whether the targeted districts would be the only ones impacted. Staff Planner Taylor said the intent is for these amendments to be directed at the Parkway (the C-2 & C-1 zoning districts) and not either C-6 & C-7 as one Commissioner inquired. Vice-Chairman Houser asked the item be amended.

(Pre) ACTION TAKEN

Commissioner Taylor made a motion to amend the proposal to cover (protect) all zoning districts as necessary, Commissioner Kyker seconded and all voted in favor.

Staff said it would double check to make sure the amendment affects only the intended zoning district. He continued that staff recommends the zoning text amendments to be combined with the proposal from last month's meeting (previous Ordinance 1043).

ACTION TAKEN

Commissioner Kyker made to recommend the zoning text amendment to City Commission (with any necessary corrections – if any), Commissioner Taylor 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

1. None.

ADJOURNMENT

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

The meeting was adjourned at 4:37 p.m.

6/26/18

Jay Ogle, Chairman

Attest: _____