

**MINUTES OF THE
CITY OF PIGEON FORGE PLANNING COMMISSION
AND BOARD OF ZONING APPEALS
TUESDAY, JULY 23, 2019, 3:00 P.M.
CITY HALL, PIGEON FORGE, TENNESSEE**

MEMBERS PRESENT

Laurie Taylor
Tony Kyker
Ken Maples
Jeff Dodgen
Tom Marsh

MEMBERS ABSENT

Stephen Houser, Chairman
Mark Rutledge

OTHERS PRESENT

Jeremy Pucket, Kacie Huffaker, Mike Shular, Jeff Farrell, Mimi Kulp, Matt Sprinkle, Mike Smelcer, William Robinson, Jacqueline Randolph, Jim Rankin, Robin Turner, Chucky Blalock, Terry Romans, others.

Cindy Wyrick – City Attorney
Joe Barrett – Staff Planner
David Taylor – City Planner
Karl Kreis – Assistant City Planner

BOARD OF ZONING APPEALS

CALL TO ORDER

Vice-Chairman Taylor called the meeting to order.

- A. Request for interpretation as to whether balconies should be included in the calculation for Floor Area Ratio in a commercial district, Condo Developments for DJM Properties and Orif Marsiano, Mike Smelcer.**

Mike Smelcer was present for the request.

STAFF RECOMMENDATION

Staff Planner Taylor explained to the Commission that the Floor Area Ratio (FAR) in most commercial district is 1.0 which basically means that a development must

have one square foot of land for every square foot of building floor. He continued that FAR is defined in Section 317 of the zoning ordinance, but the definition gets unclear because it includes "covered porches" to be used in the calculations. He stated that this proposal has "balconies" which staff is not sure is the same as covered porches or not. He said that if balconies are included, the FAR will exceed the 1.0 standard. He reported that staff researched how FAR has been administered in the past and has been done seemingly in a variety of ways or just unclear. He also admitted that the FAR doesn't approach 1.0 very often so usually is not an issue. He felt that it time for BZA to make an interpretation and/or ordinance change to clarify the matter. City Attorney Cindy Wyrick said that she does not feel the ordinance is clear enough to rule that balconies must be used in the calculations. She said that it is only fair to rule in favor (plan meets FAR standard) and change the ordinance to be more clear. Discussion ensued. Some felt it should mean "living space" but no one could be sure why covered porches were added or even what to do with covered walkways (also on the plans). All agreed that a workshop would be helpful to discuss the matter.

ACTION TAKEN

Commissioner Maples made a motion interpreting Section 317 that "balconies" and "covered walkways" are not to be included in the calculation of Floor Area Ratio (FAR). Commissioner Dodgen seconded and all voted in favor.

The meeting was adjourned at 3:20 p.m.

PLANNING COMMISSION

CALL TO ORDER

Vice-Chairman Taylor called the meeting to order.

PUBLIC COMMENT FROM CITIZENS

No one came forward for public comment.

APPROVAL OF MINUTES

Commissioner Marsh made a motion to approve the Planning Commission minutes for the meeting from June 25, 2019. Commissioner Dodgen seconded and all voted in favor.

OLD BUSINESS

Staff Planner Taylor said that the first phase of The Tower Shops is near completion and an update and some revisions should come before them soon.

NEW BUSINESS

City of Pigeon Forge Items

A. Special Events

- 1. Old Mill Square – 16th Annual Old Mill Heritage Day, Saturday, September 28th, 10a.m.-7p.m., 175 Old Mill Ave., Marvelle Sewell (Public Property).**

No one was present for the request.

STAFF RECOMMENDATION

Staff Planner Kreis said that it is an annual event and similar to last year's event. He said that it comes before the Commission because they close Butler Street as part of the event. He stated the city department administrative review committee recommends the event.

ACTION TAKEN

Commissioner Maples made a motion to approve the event. Commissioner Marsh seconded and all voted in favor.

- 2. Mountain Hope Good Shepherd Clinic, Inc. – 80s Throwback for Mountain Hope (concert), Wednesday, August 14th, 2019 4p.m.-11p.m., Patriot Park, Ashley Burnette (Public Property).**

No one was present for the request.

STAFF RECOMMENDATION

Staff Planner Kreis said that this is a last minute event as a local charity found a popular rock group was coming to town and willing to do a fundraiser for them. He said that these type of events generally take more time to plan. He continued that the city department administrative review committee recommended the event under the following conditions: that the concert end at 10p.m., provide 2 million dollars liability insurance with the city listed as

"additional insured", \$2,000 bond in place for damages to the park, sound permit needed, and no parking on grass.

ACTION TAKEN

Commissioner Maples made a motion to approve the event per city department administrative review committee recommendations if the city received everything by August 2, 2019. Commissioner Kyker seconded and all voted in favor.

3. Fear This, Inc. – National Firefighter’s Day 5k, City Park, Greenway, Community Center Drive, Saturday, May 2, 2020, Woodrow Gaines. (Public Property).

No one was present for the request.

STAFF RECOMMENDATION

Staff Planner Kreis said that the event was approved for May but due to lack of signup the event never happened. The organizer wanted to move it to October but issues arose with the previously approved route. He now is requesting an approval date so he can advertise for next year. The city department administrative review committee recommends that the (old) city employee 5k route be utilized for the event. This route does not go down the newer section of greenway which has unresolved issues.

ACTION TAKEN

Commissioner Kyker made a motion to approve the request. Commissioner Maples seconded and all voted in favor.

4. Wyndham Fall Fest, Wednesday, October 2nd, 2019, 7:30a.m. to 6p.m., Wears Farm Park, Pavilion 2, Baylie Isaacs (Public Property).

No one was present for the request.

STAFF RECOMMENDATION

Staff Planner Kreis reported that several issues arose in review that need to be worked out through the Parks Department. He said the city department

administrative review committee decided to postpone recommendation while these issues are worked through.

ACTION TAKEN

Commissioner Maples made a motion to defer the request. Commissioner Kyker seconded and all voted in favor.

B. Subdivisions

- 1. None.**

C. Planned Unit Developments (PUD)

- 1. Preliminary PUD Plan for Condominium Development for DJM Properties, LLC (40 units), 404 Henderson Chapel Road, Mike Smelcer, SRA Architects, Inc.**

Mike Smelcer represented the request.

STAFF RECOMMENDATION

Staff Planner Taylor reminded the Commission that due to BZA interpretation the FAR is okay. He said that condos must be PUD per regulations and that PUDs require 25 feet perimeter setback. He pointed out the plan shows varying setbacks (less than 25 feet), which he stated PUD requirements can allow for small lot/one building PUD with Commission approval. He said that sight distance is an issue and felt some grading should be added by final to improve the problem at the curve of Henderson Chapel Road. Staff recommended Preliminary PUD Plan.

ACTION TAKEN

Commissioner Maples made a motion to approve preliminary PUD plan with the setbacks shown and that sight distance must be improved by final PUD plan. Commissioner Kyker seconded and all voted in favor.

- 2. Preliminary PUD Plan for Condominium Development for Orif Marsiano (87 units), 252 Old Mill Avenue, Mike Smelcer, SRA Architects, Inc.**

Mike Smelcer was present for the request.

STAFF RECOMMENDATION

Staff Planner Taylor said that this is a small lot/one building PUD like the previous request. He continued that these plans also show reduced setbacks, but that everything was in order. Staff recommended preliminary PUD plan.

ACTION TAKEN

Commissioner Dodgen made a motion to approve preliminary PUD plan allowing setbacks as shown. Commissioner Marsh seconded and all voted in favor.

3. Preliminary PUD Plan for Eagles Ridge PUD Development, Phase 5 (38 cabins), Osprey Way, Kacie Huffaker – Norvell & Poe Engineers.

Kacie Huffaker was present for the request. She reported they have found a place for detention to work.

STAFF RECOMMENDATION

Staff Planner Taylor reported that a similar design had preliminary PUD approval but expired some years ago. He said that due to topography issues the road exceeds the 600 feet limit without an outlet, which is like the formerly approved preliminary. He said there were some detention issues that needed resolution by final.

ACTION TAKEN

Commissioner Maples made a motion to approve the preliminary PUD plan with a road of more than 600 feet without an outlet and with detention issues being resolved by final. Commissioner Kyker seconded and all voted to approve it.

4. Revised Final PUD Plan for The Lofts, Phase II – Office/Clubhouse, 3611 Householder Street, Matt Sprinkle – CEC, Inc

Matt Sprinkle was present for the request.

STAFF RECOMMENDATION

Staff Planner Taylor said that this revision is due to developers having secured less land so the ROW had to be shifted and now the clubhouse is proposed 6 feet from the ROW. He said the developers want the road to be public, but the Public Works Department does not like the building that close to the ROW and that this also brings up some utility issues. He continued that recently received plans show the water line in the road as requested by Public Works.

ACTION TAKEN

Commissioner Marsh made a motion to approve the revised final PUD plan. Commissioner Maples seconded and all voted in favor.

D. Site Plans

1. Avid Hotel Pigeon Forge, (83 rooms) Site Plan, 308 Henderson Chapel Road, William Robinson – Randolph Architecture.

William Robinson and Jacqueline Randolph were present for the request. They stated this and the adjacent hotel are owned by the same person.

STAFF RECOMMENDATION

Staff Planner Taylor explained that there were issues that had to be worked through since these plans add a hotel, adjacent to an existing hotel, where the two site plans function together. He reported the issues have been worked through except the shared pool. He said that easements between properties for the pool need to be platted before any building permits are issued to ensure no future problems.

ACTION TAKEN

Commissioner Maples made a motion to approve the site plan, but no building permits issued until easements for the shared pool are platted. Commissioner Marsh seconded and all voted in favor.

2. Pink Jeep Adventure Tours, Revised Site Plan, 4020 Parkway, Matthew Sprinkle – CEC Engineering.

Matt Sprinkle was present for the request.

STAFF RECOMMENDATION

Staff Planner Taylor said that they are adding a pavilion, a minor addition to the original site plan. Staff recommended in favor.

ACTION TAKEN

Commissioner Maples made a motion to approve the site plan revision. Commissioner Dodgen seconded and all voted in favor.

3. Request for ground sign with less than 9 feet clearance under Section 408.2.2., Sunliner Diner – Parkway, Jim Rankin.

Jim Rankin was present.

STAFF RECOMMENDATION

Staff Planner Taylor said that to have a ground sign of less than 9 feet clearance, there must be 200 feet sight distance at the property line. He said the proposed clearance is 7' 8" and have provided a survey showing 200 feet sight distance. Staff recommended the request.

ACTION TAKEN

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

E. Requests for Rezoning

- 1. None.**

F. Miscellaneous Requests or Required Actions

- 1. Request for temporary signage while permanent sign is delivered, Beyond the Lens (formerly National Enquirer Museum) – Parkway, Robin Turner.**

No one was present for the request.

STAFF RECOMMENDATION

Staff Planner Taylor said that the regular sign is ordered and, by request, illegal signage was removed. He said that the Commission usually sets time limits for such requests. He recommended three months, at which time if the regular sign has not arrived, they must come back before the Commission to extend.

ACTION TAKEN

Commissioner Maples made a motion that they could have the temporary signage until their regular sign arrives but not longer than three months. Commissioner Kyker seconded and all voted in favor.

2. Request for additional graphics under Section 408.6.4, Top Jump Trampoline Park – Parkway, Chucky Blalock.

Chucky Blalock was present for the request.

STAFF RECOMMENDATION

Staff Planner Taylor said that staff has reviewed the request which was well under the allowable graphics. He recommended the graphics request.

ACTION TAKEN

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

Planning Region Items

A. Subdivisions

1. Final Plat of Laurel Branch Subdivision, Phase 3, Lots 19 – 21, Newt Huff Way, David Hurst – Norvell & Poe Engineers.

This item was withdrawn before the meeting.

B. Planned Unit Developments (PUD)

1. Final PUD Plan for Parkside Resort PUD Development, Phase 3, Lots 76 – 82, Parkside Ridge Way of Little Cove Road, Terry Romans –

Romans Engineering.

Terry Romans and others were present to represent the request.

STAFF RECOMMENDATION

Staff Planner Taylor reported that the preliminary was approved in 2014 but has been actively worked on since that time. He said the lots are served by public water and that it was in order for approval including all signatures obtained.

ACTION TAKEN

Commissioner Dodgen made a motion to approve final PUD plan & plat for the request. Commissioner Maples seconded and all voted in favor.

C. Site Plan

1. None.

D. Requests for Rezoning

1. None.

F. Miscellaneous Requests or Required Actions

1. None

ADJOURNMENT

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

The meeting was adjourned at 4:10 p.m.

Stephen Houser, Chairman

Attest: _____