

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

MEMBERS PRESENT

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

MEMBERS ABSENT

OTHERS PRESENT

David Taylor, Karl Kreis, Sammy Ownby, Jerry Hanson, Paula King, Mike Suttles, Bill Delozier, Jimmy Taylor, Ross Ogle, Scott Tillery, Attorney Jim Tipton, Tyler Huskey, Mimi Kulp, Phil Campbell, Dan Draper, Michael Pursley, Ronnie Reed, others.

Cindy Wyrick – City Attorney
Joe Barrett

PLANNING COMMISSION

CALL TO ORDER

Vice-Chairman Houser called the meeting to order. He welcomed City Commissioner Kenny Maples as a new Planning Commission member.

APPROVAL OF MINUTES

Commissioner Marsh made a motion to approve the Planning Commission minutes for the meeting from June 26, 2018. Commissioner Taylor seconded and all voted in favor.

OLD BUSINESS

None.

NEW BUSINESS

City of Pigeon Forge Items

Miscellaneous Action

1. Election of officers for the 2018 Planning Commission.

ELECTION OF OFFICERS

Vice-Chairman Houser asked for nominations and they were granted as follows:

ACTION TAKEN

Chairman: Commissioner Maples nominated Vice-Chairman Houser, Commissioner Clark seconded. No other nominations were received and all voted in favor of Vice-Chairman Houser for the post.

Vice Chairman: Commissioner Dodgen nominated Commissioner Taylor, Commissioner Clark seconded. No other nominations were received and all voted in favor of Commissioner Taylor for the post.

Secretary: Commissioner Kyker nominated (Acting) Commissioner Dodgen, Commissioner Marsh seconded. No other nominations were received and all voted in favor of Commissioner Dodgen for the post.

A. Special Events

2. Smoky Mountain Jeep Club – Great Smoky Mountain Jeep Invasion, Friday, August 24th and Saturday, August 25th, 2018, The LeConte Event Center/City Parking Lot – Teaster Lane, Kevin Carlson (Public Property).

Phil Campbell was present to represent the request.

STAFF RECOMMENDATION

Staff Planner Taylor said it is an annual event that is growing. He stated the request was in order and that the city department administrative review committee recommends this event. He did note that one element in the application (a dinner) is being held at the Hard Rock Café. He said that would need to be submitted as a separate event by the Café and not part of this approval. Mr. Taylor continued that it could be approved

through administrative review and did not have to go before Planning Commission.

ACTION TAKEN

Commissioner Clark made a motion to approve the event. Commissioner Dodgen seconded and all voted in favor.

3. Shades of the Past – Rod Run (off-site vending areas), Friday, September 7th and Saturday, September 8th, 2018, Splash Country – 2700 Dollywood Parks Blvd., Dan Draper (Appeal of Administrative Review).

Mr. Draper was present for the request. He gave detailed background of the event. He said he wanted t-shirt trailers at light number 1 and 8 as in year's past.

STAFF RECOMMENDATION

Staff Planner Taylor said the event was approved by the city department administrative review committee. He stated the reason for appeal is they are proposing off-site t-shirt sales trailers at lights #1 and #8. He said, as with the Pigeon Forge Rod Run, one trailer was allowed if the off-site location could show a strong connection to the event. He continued that the Pigeon Forge Rod Run was allowed a trailer at the Black Fox Lodge, their host hotel and no others. He said that the proposed trailer at Light #1 was their host hotel (National Park Resort), and could be allowed; but, the one at Dollywood office at Light #8 could not be recommended. Discussion ensued. Mr. Draper argued that Dollywood is part of their event. Commissioner felt these types of trailers need to be limited to one to be consistent with previous approvals. Mr. Draper said that if he could only have one, he wanted the one at Dollywood offices Light #8 and could provide documentation that that is part of the event. Commission members agreed that if Mr. Draper could provide document, the trailer could be at Light #8 instead of Light #1. They also agreed that the documentation should go to the city department administrative review committee for a recommendation. No action was necessary at this time.

ACTION TAKEN

After discussion this item was withdrawn.

B. Subdivisions

- 1. None**

C. Planned Unit Developments (PUD)

- 1. None.**

D. Site Plans

- 1. Comedy Barn, Revised Site Plan, 2775 Parkway, Jimmy Taylor – Associated Design Group, Inc.**

Mr. Jimmy Taylor represented the request. He said that they need to replace the HVAC units.

STAFF RECOMMENDATION

Staff Planner Taylor said the site plan revision is minor, but he said there is an issue of temporary storage containers at the site that need to be removed. He showed the Commission pictures of containers and buildings that are not in compliance with the regulations. Discussion ensued. Mr. Jimmy Taylor said they have been there a very long time. Commissioner Maples talked at length about how he felt these containers are unsightly, taking over the city, and showing the city in a bad light. He expressed that it is a growing problem that needs to be addressed proactively. He recommended that they should have 90 days to remove them. City Attorney Wyrick recommended that the motion should state that the temporary containers be removed from the site plan.

ACTION TAKEN

Commissioner Taylor made motion to approve the site plan subject to a revised the site plan showing no temporary buildings/containers on the site plan and that the temporary buildings/containers being removed before any building permits are issued. Commissioner Clark seconded and all voted in favor.

- 2. Uncle Lem’s Outfitters, (Revised) Site Plan, 2450 Parkway, Michael Pursley, MPA Architects, LLC.**

Mr. Pursley was present. He explained the latest revisions to the site plan. He said they plan to shift the dumpster forward to ensure meeting the drainage ordinance of no increases in water at the property line. He said with that shift the engineer will stamp and seal a no pre to post construction increase letter.

STAFF RECOMMENDATION

Staff Planner Taylor said the site plan is very minor as they are using the old welcome center building. He reported they are adding a dumpster, some sidewalk, and restriping the parking. He said with the minor changes explained by the architect, staff recommended the site plan.

ACTION TAKEN

Commissioner Dodgen made a motion to approve the request with the minor revisions. Commissioner Marsh seconded and all voted in favor.

E. Requests for Rezoning

- 1. None.**

F. Miscellaneous Requests or Required Actions

- 1. Request for temporary signage to cover an existing non-operational reader board, Baskin Robbins – 3270 Parkway, Valerie Baxter.**

Ms. Baxter was present.

STAFF RECOMMENDATION

Staff Planner Taylor said they are asking for this sign for a short duration, two weeks starting Aug 7th. Staff recommended in favor.

ACTION TAKEN

Commissioner Maples made a motion to approve the temporary sign for two weeks starting August 7, 2018. Commissioner Marsh seconded and all voted in favor.

- 2. Review and discussion of possible amendments to the City of Pigeon Forge Zoning Ordinance – Article V, adding Section 701 and Article VII, adding Section 701.10 to address short term rentals in an R-1 district, Staff.**

STAFF RECOMMENDATION

City Attorney Wyrick said that this ordinance has passed on first reading by City Commission. She stated this is very time sensitive as this is the only way to restrict short term rentals in a R-1 district, since the State law was passed allowing them despite current local zoning code. She continued that at the current time the city must allow them in all districts, but after the amendment has passed they will not be allowed in R-1 districts in the city. She pointed out that short term rentals currently operating in an R-1 district could be grandfathered under conditions spelt out in the ordinance.

ACTION TAKEN

Commissioner Dodgen made a motion to approve the request. Commissioner Taylor seconded and all voted in favor.

Planning Region Items

A. Subdivisions

- 1. Final Minor Subdivision of Lot 1 of the Rainwater Properties, Section 3, Little Valley Road (near Lightfoot Way), Steven Hurlbut.**

This item was withdrawn.

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. Devin Koster with Tennessee Land Title and Real Estate asked that the ordinances on short term rental be sent to him.
2. Staff Planner Taylor said that the Rocky Top Mountain Coaster is moving more dirt than anticipated and staff feels a revised grading and drainage plan is needed. He also said there are some other changes to curb cuts and possibly some other changes occurring in the field. He reported at this point they seem to be minor.

ACTION TAKEN

Commissioner Maples made a motion to have staff approve the revised site plan administrative unless the changes turnout to be major. Commissioner Taylor seconded and all voted in favor.

3. Commissioner Maples said that something needs to be done about temporary storage containers throughout the city. Staff Planner Taylor explained there have been letters of warnings and a crackdown in the past. Discussion ensued. City Attorney Wyrick said that certified letters could be sent to business owner who are not compliance with the ordinance.

ACTION TAKEN

Commissioner Maples made a motion to have staff make a recommendation by next meeting. Commissioner Taylor seconded and all voted in favor.

ADJOURNMENT

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

The meeting was adjourned at 4:20 p.m.

BOARD OF ZONING APPEALS

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

A. Request of Front Setback variance in an R-1 district to allow a 15 feet setback instead of the required 30 feet, Monte Wood Subdivision, Lot 12C, Jonathan Lyons.

Ronnie Reed was present for the request.

STAFF RECOMMENDATION

Staff Planner Taylor said that variances based on topography has been granted by the Board if greater than 30 percent slope. He said this has 40 percent slope. He recommended in favor of the 15 feet front setback.

ACTION TAKEN

Commissioner Dodgen made a motion to allow a 15 feet front setback based on extreme topographic conditions. Commissioner Kyker seconded and all voted in favor.

B. Frizzle Chicken - Chicken Display, Request for interpretation if theming plan meets criterion for theming per Section 317(a).1 of Zoning Ordinance, Frizzle Chicken – 2785 Parkway, Jimmy Taylor – ADG.

No one was present for this request.

STAFF RECOMMENDATION

City Attorney Cindy Wyrick made clear to the Board that the item was not withdrawn. She continued that the BZA has no justification to hear the appeal and that the appeal would need to be to Chancery Court. She said to be fair the applicant it would be made known that the period for making an appeal would start today.

ACTION TAKEN

No action was necessary.

ADJOURNMENT

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

The meeting was adjourned at 4:40 p.m

Stephen Houser, Chairman

Attest: _____