

**MINUTES OF THE
CITY OF PIGEON FORGE PLANNING COMMISSION
AND BOARD OF ZONING APPEALS
TUESDAY JUNE 28, 2011, 3:00 P.M.
CITY HALL, PIGEON FORGE, TENNESSEE**

MEMBERS PRESENT

Bill Bradley, Chairman
Robert Young, Vice Chair
Jerry Clark
Jay Ogle
Judy Harrell

MEMBERS ABSENT

Kevin McClure

OTHERS PRESENT

David Taylor, Karl Kreis, Mark Miller, Jerry Hanson Darius Zelli, Marvelle Sewell, Bill Worsham, Kacie Huffaker, Bill Delozier, Attorney S. Douglas Drinnen, Curtis Krebs, Girish Thacker, Ron Ogle, Shane McCarter, Rob Scheer, Mimi Kulp, others.

Jim Gass - City Attorney
State Planner- Bart Hose

CALL TO ORDER

Chairman Bradley noted that a quorum was present. He also thanked State Planner Hose for working with the City Planning Department, explaining that the State Planning office was dissolving because of State cut backs.

APPROVAL OF MINUTES

The minutes of the meeting June 28, 2011 were approved on a motion by Commissioner Harrell. Commissioner Young seconded and all voted in favor.

OLD BUSINESS

NEW BUSINESS

PLANNING COMMISSION

A. SPECIAL EVENTS

- 1. Stringtime Presented by Old Mill Square, Thursday, August 5th through Saturday, August 6th, 2011, 3341 Old Mill Street, Marvelle Sewell.**

Ms. Sewell was present.

STAFF RECOMMENDATION

Staff Planner Taylor stated that this is an annual event and recommended approval.

ACTION TAKEN

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

- 2. American Cancer Society – Relay For Life, Friday June 1st and Saturday, June 2nd, 2012, Patriot Park, Billy Worsham.**

Mr. Worsham was present.

STAFF RECOMMENDATION

Staff explained that was an annual event, but the time of year has changed. Staff recommended approval.

ACTION TAKEN

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

- 3. Red Roof Mall July Festivities on Stage - Extreme Cloggers, July 8, 2011, Rocky Top Playhouse, July 15th - 16th, 2011 Darius Zelli.**

Mr. Zelli was present.

STAFF RECOMMENDATION

Staff Planner Taylor said that they have received a site plan for the stage and that these were the first activities proposed at the stage. Mr. Zelli said that they have just received a building permit and that they likely would not have the stage up in time, but were asking for the dates just in case.

ACTION TAKEN

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

4. Red Roof Mall Sugar Creek Carriage Rides July1st - August 1st, 2011, Darius Zelli.

Mr. Zelli was present.

STAFF RECOMMENDATION

Staff Planner Taylor said that the applicant was given a month trial period by the board and did not comply with the conditions to stay out of the Parkway ROW or at the front of the building. He showed the board a picture that he obtained from social networking site Facebook clearly showing a horse and carriage in the Parkway ROW at the front of the mall. Mr. Taylor said due to this he could not recommend the special event for this month. Mr. Zelli said that it was a misunderstanding with the carriage people who were working in the ROW and that it would not happen again. Mr. Taylor further stated that there have been two carriage rides reported working at the mall and they have been letting the horses graze unfenced in an adjunct lot. He said that only one ride was in the application and nothing was mentioned about grazing in the area. Discussion ensued. Commissioner Harrell said that maybe documentation from some organization like the Human Society should be obtained in order to have horse and carriage rides in City Limits. The director from the Sevier County Human Society was present and said that horse and carriage rides can very rarely be endorsed by them. Mr. Zelli pleaded with the board to let them have another chance. He reports they have been an asset to the mall.

ACTION TAKEN

Commissioner Young made a motion to approve the request for another month. Commissioner Clark seconded and all voted in favor with Commissioner Harrell opposed.

C. Planned Unit Developments (PUD)

1. **Bear Cove Village RV Park, Preliminary PUD Site Plan, Phase 2, Veterans Boulevard and Whaley Drive, Kacie Huffaker – Norvell and Poe.**

Ms. Huffaker was present.

STAFF RECOMMENDATION

Staff Planner Taylor pointed out that they were seeking Preliminary approval of both phase 2 and 3. He said that there were concerns about whether the “pre-fab” cabins they were proposing were approvable in the city. He said they are working with an architect and the building codes department. There were also some fire access concerns that have been worked out as well. Staff recommended preliminary approval.

ACTION TAKEN

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

2. **Preliminary PUD Plan of Three Bears General Store Support Complex, Commercial PUD Site Plan, corner of CA King and Keegan Drive, Tim Howell/Bill Delozier**

Mr. Delozier was present.

STAFF RECOMMENDATION

Staff Planner Taylor said that this was originally proposed as a warehouse complex. However, the new C-6 district requires that warehouse be 500 feet from residents. He said they are now proposing other uses for some of the buildings including a recreation building. Taylor felt a walkway is now needed from the parking area to the recreation building, since youth will be using the recreation building. He said that a bond or letter of credit was also needed for paving parking and circulation, the walkway, detention, and landscaping. Staff recommended preliminary PUD site plan with those recommendations.

ACTION TAKEN

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

D. Site Plans

1. Smoky Mountain Zoo, Site Plan, 3059 Parkway, Attorney S. Douglas Drinnen & Curtis Krebs.

Mr. Krebs and Mr. Drinnen were present.

STAFF RECOMMENDATION

City Attorney Gass addressed the board saying there will to be a court reporter for this item and item C on the BZA provided by the petitioner. He reported to preserve time that information for both items will be presented together during this item. He cautioned the board that things will be run very much like a court hearing with witnesses being called one at a time by Mr. Krebs' council Drinnen and himself. Witnesses were called in the following order:

Engineer Girish Thakkar
Mr. Curtis Krebs
Walgreens Manager Phyllis Denton
Staff Planner David Taylor

Attorney Drinnen called the witnesses and asked questions, followed by questions from City Attorney Gass. Questioning was long, sometimes repetitive, and much of it not relevant for the board. Basic information that did come out was that the applicant was given approval for an uncovered outdoor pony ride in 2004. However, from 2004 to present day the applicant has expanded his business to an indoor "petting zoo" without approval. Currently, the lot is completely concreted and covered by a wooded building and (now removed) tent. The structure has been deemed unsafe by building codes and fire departments. Staff Planner Taylor said a few months ago a stop work order was issued for numerous violations and the "zoo" was closed to the public. He said that the present site plan before the board is showing some of the building removed and 7 parking spaces added, but he said 11 are required. Attorney Drinnen feels that only 10 are required. Mr. Taylor reported that access is proposed across Walgreens property and some it going the wrong direction for Walgreen's circulation plan. He also said that staff does not have a formal agreement from Walgreens to allow access through the property. The Walgreens manager reported that one can be provided.

However, it is still unclear (after discussion) whether Walgreens would enter a shared parking agreement (for the 3 or 4 remaining spaces) and whether Walgreens has surplus parking to lease to Mr. Krebs. Staff Planner Taylor also said the site plan lacks a solid waste plan and the landscaping shown is proposed on Walgreens property not his own property. He pointed out that "on-site" landscaping is required. He also said that staff disputes the engineer's claim that no detention is needed. Engineer Girish Thakkar stated that no detention is needed because the lot is impervious (concrete) under the building. Mr. Taylor showed the board an aerial photo from 2005 showing the area (now concreted) as grass and dirt. Staff recommended denial of the site plan. Discussion ensued. Chairman Bradley questioned Mr. Krebs why he built so much without seeking approvals from the city considering he knew to ask for approval for a pony ride in 2004. Mr. Krebs claimed he thought he had approval, a claim building codes staff strongly disagreed he received or attempted to receive. Ms. Vaughn from the Sevier County Human Society addressed the board and expressed various concerns for the animals in that building and a neighboring restaurant owner complained of the odors from the building.

ACTION TAKEN

Commissioner Clark made a motion to deny the request. Commissioner Ogle seconded and all voted to deny the request.

2. Furniture Store, Site Plan, Veterans Blvd, Tim Howell/Ron Ogle.

Mr. Cole was present.

STAFF RECOMMENDATION

Staff Planner Taylor stated that this property was issued a stop work order after their site plan was denied by the board last month. He reported that now have a drainage plan and that they updated their site plan and removed the outdoor display areas from the ROW. He said that the site plan shows one area in the front, but staff does not consider it close enough to the building to meet C-6 requirements. Staff also ask that an out building on the property receive building codes approval if open to the public and that all signs be permitted. Staff recommended with those recommendations.

ACTION TAKEN

Commissioner Young made a motion to approve the request with staff's recommendations. Commissioner Ogle seconded and all voted in favor.

3. Three Bears General Store, Revised Site Plan, 2861 Parkway, Bill Delozier

Mr. Cole was present.

STAFF RECOMMENDATION

Staff Planner Taylor stated that they are proposing adding a "hamster ball" attraction to the site. Staff showed the board pictures of it, which is a pool of water and kids get in balls and walk on the water. He reported that this was added before approval and they were given a stop work order. He reported that these are new to the city and staff considers it a "pool," which would require fencing. Mr. Taylor said that the State has flipped flopped on whether they consider it a pool. He said that they are now saying it is not a pool, therefore no fencing is required. He feels for safety concerns a fence should be required. He also feels to expand the site plan that many of the original site plans elements should be implemented. Among them: bond for the back parking lot and solid waste area, get a Certificate of Occupancy (CO) from building codes department, and bring their signage into compliance. Mr. Dunn reminded the board that per the original site plan approval he needs a signage plan approved by the board before they can be granted CO.

ACTION TAKEN

Commissioner Young made a motion to approve the request per staff's recommendation for a fence around the attraction and a bond for unfinished work, and a CO obtained. Commissioner Harrell seconded and all voted in favor.

4. Joy Restaurant Group, Commercial, Revised Site Plan, corner of Lafollette Circle and Parkway, Kacie Huffaker – Norvell and Poe

Ms. Huffaker was present.

STAFF RECOMMENDATION

Staff Planner Taylor stated they revised their site plan by pushing the building to the front property line and moving some parking to the back. He noted that the developers have been warned that moving the building to the property line could make a ground sign location difficult and that one is currently not being shown. He said because one of the buildings was removed that this no longer had to be a PUD. Staff recommended site plan approval.

ACTION TAKEN

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

BOARD OF ZONING APPEALS

A. Request for variance of front setback, 144 Conner Heights Road, Shane McCarter.

Mr. McCarter was present.

STAFF RECOMMENDATION

Staff Planner Taylor stated that the applicant was requesting to add a room onto an existing encroachment. He said the property has a great deal of topographical challenges. He said to add to the back of the property (and out of the setback) could compromise the foundation of cabins on a hillside behind him. Staff felt he had sufficient hardship. Mr. Taylor did ask that he furnish a survey showing the addition even with the existing encroachment, which would be about a 12 foot front setback.

ACTION TAKEN

Commissioner Ogle made a motion to approve the request subject to staff recommendation. Commissioner Harrell seconded and all voted in favor.

B. Request for additional signage under Section 408.6.2, LumberJack Theater – Smoky Drive, Rob Scheer

STAFF RECOMMENDATION

Staff Planner Taylor stated that the applicant was proposing 590 square feet of signage between three signs, while 350 feet were required for the district. Although staff understands that this is a major attraction for the city, nothing currently in the regulations allows for signage increase due to size of the development. Staff could not recommend the request. The applicant explained to the board that he felt he had a hardship due to being set back from the Parkway and needed more signage to be clearly visible. Chairman Bradley said if they were to approve this request that every business in the city would be at next month's meeting for the same thing.

ACTION TAKEN

The applicant withdrew the request.

C. Request for multiple variances, Smoky Mountain Zoo – 3059 Parkway, Attorney S. Douglas Drinnen & Curtis Krebs

STAFF RECOMMENDATION

Attorney Drinnen said even though his client's site plan was denied, they wanted to still pursue a variance to allow three less spaces than required. Some board members were confused by this request since the site plan was denied by the Planning Commission and that the site plan would require multiple variances to be approved. However, Attorney Drinnen made it clear that his client wanted to pursue a variance of parking requirement. Staff stated there is no hardship or grounds for variance to recommend the request.

ACTION TAKEN

Commissioner Harrell made a motion to deny a variance request for less parking. Commissioner Ogle seconded and all voted in favor.

The meeting was adjourned at 5:30 p.m.

Bill Bradley, Chairman

Attest:_____