

MINUTES OF THE
GATLINBURG MUNICIPAL/REGIONAL PLANNING COMMISSION
April 16, 2015
THURSDAY, 5:00 P.M., CITY HALL

MEMBERS PRESENT

Robert Maples
Teresa Cantrell
Larry Claiborne
Charlie Moore
Kirby Smith

MEMBERS ABSENT

Don Smith
Dana Soehn
Bud Ogle
Jackie Leatherwood

OTHERS PRESENT

David Hurst
Bruce Cantrell
Elmer Gross

Staff Representatives: David Ball, City Planner
Chad Davis, ETDD Representative

Chairman Maples called the meeting to order at 5:00 P.M. The minutes, of the, March 19, 2015 2015, meeting, were unanimously approved following a motion by Mrs. Teresa Cantrell and a second by Mr. Charlie Moore.

Petitions and Communications from the Public

Staff Report

Old Business

New Business

a) Review and consideration for a minor subdivision of Tax Map 107M, Group C, Parcel 17, located on Parkway Terrace, RR-1 Zone, requested by James Bearden.

Staff presented the request for plat approval for a proposed minor subdivision of Tax Map 107M, Group C, Parcel 17, to re-plat a 2,084 sq. ft. of the Parkway Terrace (a county road) cul-de-sac area into the adjacent "Lot 7R."

Staff stated that the request involves the re-platting of the adjoining, undeveloped Parkway Terrace Right-of-way cul-de-sac area which consists of 2,084 sq. ft. Staff added that the area of the cul-de-sac will be incorporated in to the adjoining Lot 7R as depicted. Staff pointed out that a plat was submitted and approved in 1995 to absorb the undeveloped cul-de-sac area into the lot however, the deed exchange between the County and then property owner was never processed as part of the plat recordation process. Staff also stated that the current property owner has contacted the County Road Superintendent, who has agreed to the re-platting of the undeveloped cul-de-sac area provided that all currently paved areas of the street fall within the new right-of-way boundaries.

Staff noted that the re-platting of the turnaround area does not affect the public's ability to turnaround at the termination of the street. Staff explained that currently, there is a tee-turnaround constructed and maintained by the County Highway Department at the end of the street as referenced on the plat. Staff finally stated that the plat lacks the following information: Surveyor's Signature and Certification Stamp; revised zoning and setback information to reflect RR-1 Zoning information; E-911 Signature of Approval; Health Department Signature of Approval; Sevier County Electric System Certificate and Signature of Approval; Owners Signature of Ownership and Dedication;

After further discussion, Mrs. Teresa Cantrell made a motion to grant minor subdivision plat approval for the re-platting of Lot 7R and the adjoining right-of-way area subject to the revisions and signatures being added to the plat. Mr. Charlie Moore seconded the motion, which passed with all members voting aye.

b) Review and consideration for a final plat approval of Tax Map 117, Parcel 236.04, located at East Parkway and Hidden Hills Road, C-2 Zone, requested by Al Shirley.

Staff presented the request for plat approval for a proposed subdivision of Tax Map 117, Parcel 236.04, to create three (3) lots being "Lots 1, 2 and 3," located at the intersection East Parkway and Hidden Hills Road.

Staff stated that the subdivision plat depicts the creation of three (3) lots, "Lot 1, Lot 2, and Lot 3," from the existing 1.16 acre tract located in the C-2 (General Business District). Staff added that the plat shows each lot fronting on East Parkway and "Lot 1" also fronting on Hidden Hills Road. Staff noted that the lots vary in area with "Lot 1" consisting of 14,679.9 sq. ft., "Lot 2" consisting of 15,383.3 sq.ft, and "Lot 3" containing 20,252.2 sq. ft. Staff also stated that the plat depicts ample frontage along East Parkway with each lot containing a minimum of 140+ feet. Staff noted that the plat shows that there are two (2) existing curb cuts along the State Right-of-way which do not seem to have any specific relation to the proposed lot layout. Staff further stated that "Lot 3" as depicted does not have a curb cut for access along the State Right-of-way. Staff added as such, Staff would recommend that the applicant consult with the Tennessee Department of Transportation (TDOT) about the possibility of obtaining future curb cut permits prior to the recordation of the plat as to avoid future access issues to the lots. Staff further noted that all other public utilities are available to the proposed subdivided lots.

Staff pointed out that staff has been provided a topography map of the property which reflects significantly steep lot conditions for the property (60 foot elevation change from the slope toe to the top) on a majority of "Lots 2 and 3." Staff stated that based on the location of the toe of slope for "Lot 2" in relationship to the required 15' setback, there appears to be an approximate 30' x 35' buildable area in the southwest corner to place a structure without the need for significant excavation and retaining wall system. Staff added that the buildable area for "Lot 3" is far less with an area of approximately 18' x 30' in size. Staff noted that the C-2 zoning will require on-site parking for any future developments which will further impact the existing areas and most

likely require significant excavations and retaining wall systems in order to create enough buildable/usable land area.

Staff also stated that the plat lacks the following information: E-911 Signature of Approval; Utility Department Signature of Approval; Sevier County Electric System Certificate and Signature of Approval; and the Owners Signature of Ownership and Dedication;

Staff further recommended that the applicant consider a two (2) lot subdivision rather than three (3) lots by combining "Lots 2 and 3" in an effort to provide for adequate building and parking areas that will be required for future development of the property. Staff further stated that that if the Board chooses to grant approval for the three (3) lots that the applicant contact TDOT to verify that the property access is not restricted to the depicted curb cuts and that additional cut permits could be attained for the third lot. Staff finally stated that if possible, Staff would suggest that the information be added to the plat prior to recordation for the benefit of potential property purchasers

After further discussion, Mr. Charlie Moore made a motion to grant subdivision plat approval for the proposed property division subject to the revisions and signatures being added to the plat and with a notation regarding the curb cuts. Mrs. Teresa Cantrell seconded the motion, which passed with all members voting aye.

c) Review and consideration for minor subdivision of Tax Map 118, Parcel 43, located at 1869 Hidden Hills Road, R-1A Zone, requested by Al Shirley.

Staff presented the request for plat approval for a proposed minor subdivision of Tax Map 118, Parcel 43, to create two (2) lots being "Lots 1 and 2," located on Hidden Hills Road. Staff stated that the plat depicts the subdivision of the existing .75 acre tract into two (2) separate lots being "Lot 1" consisting of .40 acres (17,477.4 sq. ft.) and "Lot 2" consisting of .35 acres (15,054.2 sq. ft.). Staff explained that "Lot 1" is currently developed with a single family residence and "Lot 2" is depicted as a vacant lot. Staff added that the plat shows that each lot will front on Hidden Hills Road with "Lot 2" consisting of the least amount of frontage with 89.69' of frontage. Staff noted that the surveyor has provided topography on the property as well as a slope report to verify that the lots meet the minimum lot size requirements in relation to slope. Staff also stated that the "Lot 1" consists of an average slope of less than 20% and "Lot 2" which is the new vacant lot consists of an average slope of 8% thus allowing the 15,000 sq. ft. lot areas. Staff noted that the survey also depicts encroachments into the setback areas with the existing residential structure. Staff pointed out that these encroachments have not been created as a result of the proposed subdivision of the property and currently exists under the single lot conditions.

Staff finally stated that the plat lacks the following information: E-911 Signature of Approval; Utility Department Signature of Approval; Sevier County Electric System Certificate and Signature of Approval; and the Owners Signature of Ownership and Dedication.

After further discussion, Mrs. Teresa Cantrell made a motion to grant minor subdivision plat approval for the property division subject to the revisions and signatures being added to the plat and submitted for Staff's review prior to recordation. Mr. Larry Claiborne seconded the motion, which passed with all members voting aye.

d) Review and consideration for a final plat approval of Tax Map 127H, Group A, Parcels 28, 29.02, 29.24, and 31, located on Pinnacle Drive, West Ogle Drive, and Oglewood Lane, R-1 Zone, requested by William Gross.

Staff presented the request for plat approval for a proposed subdivision of Tax Map 127H, Group A, Parcels 28, 29.02, 29.24, and 31, to create five (5) lots being "Lots 1 thru 5," located on W. Ogle Drive, Oglewood Lane, and Pinnacle Drive.

Staff stated that the subdivision plat depicts the deletion of the interior lot lines between existing lots "1, 2, 3, and 4" to create a five (5) lot subdivision through the reconfiguration of the lot lines and additional plotted lot line between the depicted "Lots 4 and 5." Staff pointed out that the proposed subdivision as depicted on the plat is noncompliant with the adopted Subdivision and Zoning Regulations. Staff added that first, the lot configuration depicts "Lot 4" with no public street frontage. Staff also stated that the "General Requirements and Minimal Standards of Design," in Article III of the adopted Subdivision Regulations, require that each lot to front on a right-of-way of no less than 40 in width for a minimum of 40 feet. Staff further stated that the design standards require that the new lots meet the minimum size standards of the Zoning Ordinance. Staff added that the topography for the property has been provided and indicates slope conditions in excess of 35% for "Lots 4 and 5" which would require a minimum lot size of one (1) acre for each lot per Article VIII of the Zoning Ordinance. Staff noted that while "Lot 4" area meets the minimum size standard, "Lot 5" is depicted at .38 acres (16,740.2 sq.ft) which is well short of an acre site. Staff finally stated that while a slope report of the lot percentages for the remaining lots "1, 2, and 3" have not been provided, based on the topography it would appear that "Lots 1 and 2" would not comply with today's minimum lot size standards.

Mr. Bruce Cantrell was present and gave a brief overview of the request and the objective of his clients to create an additional lot. Mr. Cantrell explained that they were trying to avoid a flag lot design for the additional lot. Mr. Cantrell stated that the proposed request, while not meeting the frontage requirements, was creating a better lot configuration with the existing lots by increasing lot buildable areas. Mr. Cantrell stated that the new lot (Lot 5) is a very buildable site but on the lower portion of the property but due to the slopes on the upper portion creates lot size issues with the new adopted area regulations of the zoning ordinance. Mr. Cantrell further stated that the remaining lot area (Lot 4) would meet lot size but does not front on the public street as required by subdivision standards. Mr. Cantrell did note that similar situations existed in the neighborhood with access provided via an easement.

Staff stated that the plat lacks the following information: E-911 Signature of Approval; Utility Department Signature of Approval; Sevier County Electric System Certificate and Signature of

Approval; and the Owners Signature of Ownership and Dedication. Staff further stated that due to the request not meeting minimum lot size requirements of the Zoning Ordinance or minimum design standards of the Subdivision Regulations, the plat should be disapproved by the Board.

After further discussion, Mr. Kirby Smith made the motion to deny the plat approval for the proposed subdivision due to noncompliance with the adopted Subdivision and Zoning Ordinance Regulations. Mr. Larry Claiborne seconded the motion which passed with all members voting aye.

7. **Unscheduled Items**

8. **Adjournment**

There being no further business to come before the Board, the meeting was unanimously adjourned at 6:15 P.M., after a motion by Mrs. Teresa Cantrell and a second by Mr. Charlie Moore.

Approved:

Planning Commission Secretary

Date