

MINUTES OF THE
GATLINBURG MUNICIPAL/REGIONAL PLANNING COMMISSION

March 20, 2014

THURSDAY, 5:00 P.M., CITY HALL

MEMBERS PRESENT

Robert Maples
Larry Claiborne
Bud Ogle
Charlie Moore
Kirby Smith

MEMBERS ABSENT

Teresa Cantrell
Don Smith
Dana Soehn
Jackie Leatherwood

OTHERS PRESENT

James Tomiczek
Marty Nicely

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 February 20, 2014, meeting, were unanimously approved following a motion by Mr. Larry Claiborne and a second by Mr. Charlie Moore.

Petitions and Communications from the Public

Staff Report

Staff informed the Board of the recent passing of Mary Hutsell, the mother of the Planning Department's Executive Secretary Ms. Diane Townsend, and asked the Board to keep the family in their thoughts and prayers.

Old Business

New Business

6(a) Review and consideration for a proposed subdivision of Tax Map 126M, Group A, and Parcel 33, located on Cherokee Orchard Road and Parkway, C-1 Zone, requested by Vision Engineering.

Staff presented the request and gave a brief overview of the proposed subdivision. Staff explained that the plat depicts the subdivision of Parcels 33 and 33.04 which consists of 18.48 acres into three (3) separate lots. These two properties are the "Pi Beta Phi" and the "Sevier County Board of Education" properties. Staff noted that the properties adjoin various Public Streets with frontage on Baskins Creek By-Pass, Cherokee Orchard Road, Bishop Lane, and Parkway. Staff further noted that each of the three (3) proposed lots has existing structures located on them with various easements for ingress and egress, utilities and drainage throughout the properties. Mr. Bud Ogle asked about the accessibility of Lot 1 from Baskins Creek By-pass due to the steep terrain. Mr. James Tomiczek, the engineer representing the project, advised that

Planning Commission Minutes
March 20, 2014
Page 2

in addition to the extensive frontage on Baskins Creek By-pass, the easement from Parkway to the property will still remain effective via the easement agreement.

Staff advised that the proposed subdivision meets the minimum lot size and frontage requirements of Article VIII and Subdivision Standards of Design and lacks only the following items: E-911 Signature of Approval, Utilities Signatures of Approval, and Owners Signature of Ownership and Dedication.

Following a brief discussion, Mr. Bud Ogle made a motion to approve as presented subject to the addition of the lacking signatures. The motion unanimously passed after a second from Mr. Charlie Moore.

6(b) Review and consideration for site plan approval of a commercial parking lot addition to Tax Map 126M, Group A, Parcel 33, located at 556 Parkway, C-1 Zone, requested by Vision Engineering.

Staff presented the request and stated that the site plan depicts the addition of approximately 66 parking spaces to the existing commercial pay parking lot for a total of 112 parking spaces on the newly created 2.11 acre lot (see previous item). Staff further noted that the parking lot expansion is located on the south end of the property and will replace an existing area that is currently occupied with tennis and playground areas that Pi Beta Phi Elementary School currently uses and maintains. Staff stated that the proposed paved parking lot will result in a net increase in the impervious area and net reduction in open space (green space).

Staff explained that the packet does contain a landscape plan however; the plan does not reflect any new landscaping. Staff stated that the plan serves more as a removal and preservation plan of the existing vegetation and depicts the removal of six (6) large hardwood trees from the property as well as the relocation of existing shrubbery. Staff noted that based on the current Tree Protection Ordinance, a tree replanting of new vegetation (trees) at a ratio of 4:1 will be required to account for the hardwood removal from the site and therefore, there will need to be 24 trees measuring one and one half inches (1.5") at dbh to replace the hardwoods. Staff further stated that a specific landscape plan will be needed that specifies planting materials, locations, and sizes.

Staff explained that the storm water calculations and details for the storm water had been provided since the initial submittal and that further review by City Staff would be needed to determine compliance with storm water regulations. Staff further noted that the site plan lacks the following items: drainage and erosion control plan, storm water calculations and details, and a detailed landscape plan.

The Board inquired about the preservation of the large Poplar and hardwood trees located on the property and playground area for Pi Beta Phi Elementary for current and future development

Planning Commission Minutes
March 20, 2014
Page 3

plans for the property. Mr. James Tomiczek was present and stated that he was not sure if the future development plan included the preservation of the trees on the south portion of the property based on preliminary concept designs. Staff noted that the current site plan for the additional parking did not project the removal of the trees. The Board discussed the importance and historic nature of the trees and expressed concerns about the future preservation of the trees, especially the large poplar tree currently located on the south end of the property as depicted on the plan.

After considerable discussion, Chairman Maples made a motion to approve the current proposed site plan for the parking lot addition and asked that the minutes reflect the Boards discussions and recommendation to the property owners that any future development plans include the preservation of the large popular tree. Mr. Bud Ogle seconded the motion and all members voted aye.

6(c) Review and consideration for PUD site plan approval for “Westgate Smoky Mountain Resort, Phase 14,” located off North Mountain Trail, C-2, C-4, and RR-1 Zones, requested by Vision Engineering.

Staff presented the request for a final PUD site plan approval for Phase 14 of Westgate Smoky Mountain Resorts. Staff stated that the plan is for approval of 344 additional units. Staff added that this Phase appears to be the combination of previous Phases 14 and 15. Staff noted that in a previous review of Phase 12 that occurred in 2008, it was noted that the Utility Department had advised that no future phases beyond Phase 12 could be approved until such time that the sewer line from North Mountain Trail to the Waste Water Treatment Plant was improved to increase the capacity of the line. Staff further stated that in late 2013, the Board reviewed and disapproved Phase 14 due to the inadequacy of the existing sewer line and in keeping with the recommendation of the City’s consulting engineer. Staff also stated that to date, no change or improvements have been undertaken with regard to the existing sewer line that would accommodate the additional capacity demands that would be imposed by Phase 14.

Mr. James Tomiczek was present on behalf of the developers and stated that Phase 14 has been reduced from 344 units to 320 units. Mr. Tomiczek stated that the developer has been aware of the limited capacity of the existing sewer line for a while. Mr. Tomiczek further stated that in May of 2013, discussions were initiated by Westgate to get the line upsized but was advised that the City did not want to proceed with any line approvals until after the NPDES appeal was heard in June or July of 2014. Mr. Tomiczek noted that in response to the City, Westgate proposed to pay for all costs associated with the construction of the line improvements and would accept all risk if permitted to move forward with Phase 14 to ensure the pace of construction met that of sales. Mr. Tomiczek stated that their proposal was again denied by the City under the advisement of the consulting engineer that no improvements to the line occur until the appeal of the NPDES Permit was resolved. Mr. Tomiczek advised that in January of 2014, Westgate went to the State to support the City’s NPDES Application and pursue options to expedite the appeal process at which time the State indicated that they saw no link between the permit application

Planning Commission Minutes
March 20, 2014
Page 4

and the line improvements. Mr. Tomiczek then stated that since that time, the appeal to the NPDES Application has been resolved which has been the road block preventing the request to upsize the line and preliminary discussions between the City and the National Park regarding the line improvements appear favorable.

The Board inquired as to the reason the request was being resubmitted at this time for Phase 14 approval since no change has occurred with the sewer line serving the development. Mr. Tomiczek then proceeded to explain that since the NPDES permit is no longer an issue, Westgate would like to move forward with approvals of the development under the understanding that no development permits will be requested and acknowledgement by Westgate that no permits would be received from the City until the National Park and TDEC approve the request to improve the existing sewer line. Further, Mr. Tomiczek stated that Westgate would not request any Certificate of Occupancy for the units in Phase 14 until the line improvements are completed. Mr. Tomiczek added that the importance of seeking approval at this time from the Board would be an assurance that their efforts to seek approvals for the line improvements would not be in vain.

The Board then stated concerns about approving the development so prematurely. Chairman Maples stated that this is not a simple, standard situation where the City is the only entity involved in the approval process. Mr. Maples further stated that because the City doesn't control the land that the sewer line passes through and has no formal approvals from the National Park and/or TDEC at this time, he sees no way that the Board can approve the request for additional units. Mr. Maples further stated that the emphasis at this time should be to move forward with getting the approvals for the line improvements from the National Park and TDEC and that the request not be brought back to the Board until the approvals have been granted. The Board further stated that Westgate was not necessarily being asked to expend funds to complete the line improvements before Phase 14 could be approved, but at a minimum all approvals should be obtained from the National Park and TDEC. Staff added that there would have to be some form of a formal surety posted to ensure the improvements would be completed if approvals were granted prior to the physical completion of the line improvements but that those arrangements are very typical as part of a development approval process.

After brief discussion, Mr. Maples made a motion to disapprove based on inadequacy of the current sewer line to serve the proposed additional units of Phase 14. Mr. Bud Ogle seconded the motion with all present members voting aye.

6(d) Review and consideration of proposed site improvements to “Mills Park,” located on Mills Park Road, C-4 Zone, requested by the Gatlinburg Recreation Department.

Staff presented the request for site improvements to Mills Park. Mr. Marty Nicely, Recreation Director, explained that the proposal consist of the replacement of the playground equipment and lighting as part of a Local Park and Recreation Fund (LPRF) grant application to the State of Tennessee. Mr. Nicely noted that the existing playground equipment is approximately 17 years

Planning Commission Minutes
March 20, 2014
Page 5

old and the track field lighting is the original lighting system that was installed approximately 18 years ago.

Staff explained that the new equipment is made of a composite material which is anticipated to last over 20 years. Staff further noted that the wooden poles have deteriorated and twisted in a way that the lights are rendered ineffective. Staff added that the new lighting system will match the existing Mills Park Facility Lighting and the Rocky Top Sports World lighting systems and will consist of galvanized steel poles. Staff further noted that the lighting is considered a “green system” with energy savings of more than 50% over standard lighting systems. Staff stated that the lighting system is guaranteed for 25 years and will reduce the number of light structures needed to illuminate the track field area.

After brief a discussion, Mr. Charlie Moore made a motion to approve as presented. Mr. Kirby Smith seconded the motion and all members present voted aye.

Unscheduled Items

Adjournment

There being no further business to come before the Board, the meeting was unanimously adjourned at 6:05 P.M., after a motion by Mr. Charlie Moore and a second by Mr. Kirby Smith.

Approved:

Planning Commission Secretary

Date