

MINUTES OF THE
GATLINBURG MUNICIPAL/REGIONAL PLANNING COMMISSION
December 20, 2012
THURSDAY, 5:00 P.M., CITY HALL

MEMBERS PRESENT

Robert Maples
Don Smith
Larry Claiborne
Dana Soehn
Kirby Smith
Jackie Leatherwood

MEMBERS ABSENT

Teresa Cantrell
Charlie Moore
Bud Ogle

OTHERS PRESENT

Brian Mansfield
Donna Cantrell
Logan Coykendall

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, November 15, 2012, meeting, were unanimously approved following a motion by Mr. Larry Claiborne and a second by Mr. Don Smith.

Petitions and Communications from the Public

Staff Report

Staff advised that information related to the new requirement for members to file with the State Ethics Commission would be forwarded in January. Staff further noted that the forms are required to be complete by January 31, 2013.

Old Business

New Business

a) Review and consideration for a rezoning of Tax Map 126N, Group G, Parcel 7.00, located at 426 Trentham Lane, from R-2 Zone to C-2 Zone, requested by Craig Trentham and Logan Coykendall.

Staff presented the request for a rezoning of the subject property from R-2 (Medium Density) Residential to C-2 (General Business) Commercial District. Staff stated that the property is located on Trentham Lane and contains approximately .76 acres (33,105.6 sq. ft.). Staff noted that the property is currently developed with a single-family residence and its accessory structures. Staff explained that the applicant has indicated that the purpose of the request is to change the current zoning to commercial to permit the use of the existing structure as a private office space. Staff also stated that the subject property is adjoined on the West and South boundaries by R-2 zoned properties which are developed with a variety of uses including residential, communications utility (AT&T), and a City office building (former Shilling Center).

Staff pointed out that the property across Trentham Lane to the North is zoned C-2 and is developed with a multi-family structure. Staff added that the vacant property to the immediate East is property under the same ownership as the subject property and is zoned C-2.

Staff further stated that in review of the current Land Use Plan, the property is depicted as commercial for the purposes of future development in the area. Staff added that the property is serviced with both public water and sewer and the streets providing access are public streets. Staff pointed out that this area has not experienced commercial development to the degree of areas developed in closer vicinity to Airport Road and Parkway. Staff noted that this particular area still possesses many residential characteristics with many of the older residential structures still in existence. Staff also noted that Trentham Lane is constructed and functions mostly as a minor street which loops back into Reagan Drive.

Staff stated that in lieu of a C-2 zoning classification, Staff is recommending that the Board consider an alternative zoning of R-3 (High Density) Residential classification. Staff also stated that the R-3 District is a residential district but provides for professional offices, etc. that would accommodate the applicants desired use of the property (see R-3 Description). Staff noted that rather than rezoning the single parcel, Staff is recommending that five (5) adjoining properties be included in the reclassification to the R-3 (see attached map). Staff also noted that the surrounding properties are currently zoned R-2 with the exception of the immediate property to the east (Tax Map 126N, Group G, Parcel 6) which is currently C-2. Staff added that this property is also owned by the applicant and is currently vacant. Staff further noted that the remaining four parcels are currently developed with a variety of uses. Staff added that two of the parcels have single family residences constructed on them, one (1) property is under the ownership of AT&T, and is used as a communication utility, and the remaining parcel is a City owned and occupied office building (formerly known as the Shilling Center).

Staff stated that they have advised the applicant of this recommendation for the R-3 designation. Staff noted that the applicant has agreed to the R-3 in lieu of the C-2 for both properties. Staff further stated that the surrounding property owners have been contacted with regard to the reclassification of their properties to R-3 and no objection has been raised to the proposed rezoning. Staff finally noted that Staff would recommend that the C-2 zoning request be denied with a recommendation to the City Commission that the following six (6) tax parcels be reclassified from R-2 to R-3 Zone:

<u>Tax Map</u>	<u>Group</u>	<u>Parcel</u>
126N	G	5
126N	G	6
126N	G	7 (Subject Property)
126N	G	8
126N	G	9
126N	G	10

After further discussion, Mr. Larry Claiborne made a motion to grant the request for a rezoning of the subject property from R-2 (Medium Density) Residential and C-2 (General Business) Commercial District to R-3 (High Density) Residential. Mr. Kirby Smith seconded the motion, which passed with all members voting aye.

b) Review and consideration for a site plan revision for “Elk Springs Resort,” a Planned Unit Development, Tax Map 107, Parcel 116, located on Powdermill Road, RR-1 Zone, requested by Vision Engineering.

Staff presented the request for Preliminary site plan approval for a revised PUD site plan for “Elks Springs Resort,” to incorporate a proposed wedding chapel accessory structure into the development. Staff stated that the development is accessed from Powdermill Road and located in the Gatlinburg Planning Region.

Staff stated that the request consists of the deletion of residential unit site “120” to be replaced with an accessory wedding chapel structure. Staff noted that the preliminary plan is intended to depict the approximate location of the wedding chapel. Staff also noted that the applicant has been advised by staff that the wedding chapel use can not be approved as a freestanding commercial use. Staff added that the property is zoned RR-1 which is a Rural Residential District designation. Staff further stated that while the district does allow for churches and chapels, Staff does not feel that commercial wedding chapels are permitted in the RR-1 District. Staff pointed out that because the property has been developed as a Planned Unit Development consisting of residential rental cabins, staff would agree that chapels as an accessory use or amenity to the primary use of the property would be permitted within the PUD. Staff explained that if the intent is to utilize the chapel as a commercial business which is accessible to others outside the realm of the PUD ownership and rental use, the chapel would then be in violation of the Regional Zoning Ordinance.

Attorney, Mr. Brian Mansfield was present as a representative for the developer and noted that the developer has requested to establish the wedding chapel as a private element which would be under the sole control of the developer. Mr. Mansfield further noted that owner is willing to establish parameters for the use of the chapel in conjunction with the planned unit development bylaws and covenants. Staff noted that under the provisions of the Regional Zoning Ordinance, this type of building is generally viewed as an accessory use to the primary use which would be the residential units.

Staff noted that the preliminary site plan depicts the approximate location of the wedding chapel and also denotes additional parking areas associated with the chapel. Staff stated that these areas are denoted along the main access road serving the development in various locations. Staff explained that under the Regional Zoning Ordinance, Article IV, Section 402.2, the required parking for a chapel would be determined based on one (1) space for each four seats in the chapel, therefore, the maximum number of parking spaces will be determined based on a maximum seating capacity of the wedding chapel. Staff also stated that once the parking space number is determined, a detailed parking plan will be required along with the necessary storm

water and drainage plans for the disturbance areas. Staff further stated that specific plans will be required for the access road to the chapel to determine that road grades and widths comply with the subdivision standards.

Staff pointed out that additional plans for utilities, landscaping as well as the necessary approvals by the Health Department, E-911 and Electric System will be required for a final site plan submittal. Staff also stated that the revised legal documents that define and incorporate the chapel use into the PUD will be required with any approvals that may be required by the Home Owners Association.

After further discussion, Chairman Robert Maples made a motion to grant preliminary site plan approval for the revised PUD and requested that the legal documents be submitted for the review of the City Attorney to determine if the proposed use of the chapel doesn't create a zoning conflict. Mrs. Dana Soehn seconded the motion, which passed with all members voting aye.

c) Review and consideration for a proposed extension to the Letter of Credit for infrastructure improvements for "The Settlement, Phase II," located off Forest Springs Drive, R-2 Zone.

Staff presented the request for a one (1) year Letter of Credit extension for Letter of Credit #21238, on the account of David Gilleland, for infrastructure improvements associated with "Forest Springs Drive, Phase 2," located off Forest Springs Drive.

Staff stated that the request is for the approval of a one (1) year extension of the letter of credit that was issued for the infrastructure improvements for Phase 2, of the Forest Springs Development. Staff noted that the development is a residential subdivision that includes infrastructure associated with utilities and roadway improvements. Staff also noted that the development has been ongoing and the remaining letter of credit for \$25,712.50 is needed to finalize the infrastructure improvements. Staff pointed out that due to recent economic impacts to development in general, there has been little or no activity associated with the development of this property. Staff further stated that a revised construction cost estimate will be needed to ensure the current letter of credit amount is adequate to complete the improvements.

After further discussion, Mrs. Dana Soehn made a motion to grant a one (1) year extension for the letter of credit to ensure the completion of the infrastructure improvements associated with Phase 2 of this development. Mr. Larry Claiborne seconded the motion, which passed with all members voting aye.

Unscheduled Items

Adjournment

There being no further business to come before the Board, the meeting was unanimously adjourned at 5:40 P.M., after a motion by Mr. Don Smith and a second by Mr. Larry Claiborne.

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Approved:

Planning Commission Secretary

Date