

**MINUTES OF THE
GATLINBURG MUNICIPAL/REGIONAL PLANNING COMMISSION
January 21, 2016
THURSDAY, 5:00 P.M., CITY HALL**

MEMBERS PRESENT

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

MEMBERS ABSENT

Charlie Moore
Teresa Cantrell

OTHERS PRESENT

Sid Maples
Ralph Maples
Heather Maples
Brett Ogle
Paula Ogle
Sheila Franklin
Tim Heinrich
Logan Coykendall
Davy Thomas
Jonathon Lyons

Staff Representatives: David Ball, Building & Planning Director
 Gerri Lawall, Executive Secretary

CALL TO ORDER AND APPROVAL OF MINUTES

Chairman Maples called the meeting to order at 5:00 P.M. The minutes of the December 17, 2015 meeting were unanimously approved following a motion by Larry Claiborne and a second by Mr. Don Smith.

STAFF REPORT

Staff had nothing new to report at this time.

PETITIONS AND COMMUNICATONS FROM THE PUBLIC

No petitions or communications from the public.

OLD BUSINESS

No old business.

NEW BUSINESS

Review and consideration for a proposed rezoning of Tax Map 126N, Group C, Parcel 41, located at 520 Historic Nature Trail, from C-1 “Tourist Commercial“ to C-2 “General Business” District, requested by Hospitality Development Solutions.

Staff presented the request for the zoning change on these two properties. Staff noted that Item 6 (a) and item (b) both involved the same rezoning classification and were located in the area of the City. Staff noted that the Board may wish to consider the rezoning requests as one even though there were two distinct properties in order to alleviate a concern of spot zoning. Staff then informed the Board that this specific request involved the former “Holiday Inn” property on Airport Road. The applicants were looking to purchase the property and develop it, but have an issue with height constraints of the C-1 District. Based on the applicants information, the additional 24’ maximum height allotment of the C-2 District would allow the rear portion of the property to be developed with a hotel structure at the density needed to be a successful development.

Staff then noted that prior to 2008 there was a footnote in the Gatlinburg Municipal Zoning Ordinance, Article VIII, – Area, Yard, and Height Requirements which allowed for the 84” maximum height for a property in the C-1 District if there was on-site parking and a certain amount of open space in the development. However, in 2008, that footnote was removed as there was no clear definition of “open space” in the Ordinance. Staff gave the example of the former “Crown Park” Development. Staff noted that the developer had provided an enhanced landscaping plan to qualify for the 84’ maximum height.

Mr. Logan Coykendall presented the plans to the Board and noted that most of the site plan is under 60’, however to the back of the property, there are plans for a full-service Suite hotel that will require the additional height allowance. He also explained that 4 acres of the 8 are actually open parking and landscaping and the part of the development in front of the R-1-A zoned properties is actually a parking area and would not use the extended height. He also informed the Board that the property has not been purchased yet, and that they needed the extra height in order to proceed with their purchase and development.

Staff then told the Board that he had spoken with several owners of surrounding property regarding the rezoning, including Mike Helton and Sheila Franklin, who would both front the upper part of the property and had concerns about the additional height allowed with the rezoning if there was to be development located on the upper end of the property. Mr. Coykendall then noted that on the area requiring the additional height, there was a slope so the bottom of the structure would be 30’ below grade, on the lower section of the property.

Sheila Franklin was present and stated that her property was the last lot on Chewase Drive on the right, and she asked if the zoning change would change the setbacks, making them able to build closer to her property. Staff informed her that there would be no difference in the setbacks. Mr. Coykendall then explained that the parking lot would be closer to her property than the buildings so she would not be staring at a building.

Mr. Tim Heinrich was also present and also lives on Chewase. He explained that he had no issue with the plan presented and that he respects the work that Mr. Coykendall’s company has done throughout the city. Mr. Heinrich further stated that his concern was that if the change in the zoning occurred on this property and then the applicants end up not purchasing and developing the property, there is no guarantees about the type of development that could possibly be built on the property in the future.

Mr. Sid Maples then added that the applicants were “good stewards” of Gatlinburg and that he knows the development would be an asset to the City. However, Mr. Maples added that he would be hesitant to rezone, as there is no idea what would be built if this does not get developed, now or even in the future. Mr. Maples also brought up land use and the different types of businesses that could be built in C-2 district, including establishments such as tattoo parlors for example. Mr. Maples stated that he would prefer a revision of the Ordinance, reestablishing the footnote, as once the rezoning to C-2 occurs, the property will never go back to C-1. Staff then presented a draft definition of “open-space” and noted that if the Board wanted to consider a reintroduction of the footnote, that staff has discussed the idea of providing this option to obtain the additional height with the developers who seem to be open to the idea versus a rezoning.

Mr. Robert Maples then asked how close are we getting to “spot zoning” if this is approved. Staff concurred that the request was a concern as it relates to spot zoning. Ms. Sheila Franklin then asked if there was a possibility to divide the properties and consider each separately for zoning. Staff then explained that they were getting close to “spot zoning” and that the parking needed to be attached to the property in question in order to rezone.

Ms. Dana Soehn then asked what the procedure would be to add the footnote in lieu of the rezoning. Staff explained that the Board could deny the rezoning request with the recommendation to the City Commission reintroducing the footnote to Article VIII. He also explained that the timing would be the same as a rezoning request in regards to how many City Commission meetings it would require to pass the revision. Mr. Kirby Smith then asked how the addition of the footnote would affect other properties. Staff then explained that they would just need to document that they were providing on-site parking and meeting the criteria for open area spaces. Ms. Dana Soehn then asked if there could be a percentage – like 5-10% of the property to be required as “open spaces.” Staff replied that it was difficult to quantify percentages due to the varying lot sizes and areas throughout downtown.

Following a brief discussion, Mr. Bud Ogle made a motion to deny the request for rezone, with the recommendation that Staff present to the City Commissioners the request to reintroduce the footnote to Article VIII. Ms. Dana Soehn seconded the motion, with all members voting “Aye.”

Review and consideration for a proposed rezoning of Tax Map 126N, Group G, Parcel 25.01, located at 605 Historic Nature Trail, from C-1 “Tourist Commercial“ to C-2 “General Business” District, requested by Robert Alex Davis.

In accordance with the discussion held regarding Item 6(a), Ms. Dana Soehn made the motion to deny the request for rezone, with the recommendation that Staff present to the City Commissioners the request to reintroduce the footnote to Article VIII. Mr. Bud Ogle seconded the motion, with all members voting “Aye.”

Review and consideration for a plat approval of a minor subdivision of the “Mildred Ogle Property,” located at 642, 646, and 702 East Parkway, Tax Map 127H, Group B, Parcel 4, Zoned C-2, requested by 360 Surveying & Mapping, LLC.

Staff presented the request for the subdivision of the 3.85 acres of property located at 642, 646 and 702 East Parkway, currently developed with an existing market (depicted on Lot 2), a four (4) bay car wash (depicted on Lot 3), and a restaurant (shown on Lot 4). “Lot 1”, as shown, is a steep portion of property that is undeveloped. The plat depicts joint easements for ingress and egress between “Lots 2” and “3” and between “Lots 3” and “4.” The plat also depicts an area located on the rear lot lines of “Lots 3 and 4” as a deed overlap area with the adjoining “Daniels” and “Reagan” properties. Staff then explained that in discussion with the applicant, it was decided that since there is no access to Lot 1, that the plat would be revised to combine “Lots 1 and 2” to create a three (3) lot subdivision of the property rather than a four lot division.

Mr. Jonathon Lyons then demonstrated their plans on a marked up copy of the plat. Mr. Robert Maples added that the Board could not approve the request without a revised plat. Mr. Don Smith then made the motion to approve the subdivision, subject to the new plat being presented to the Planning Commission at the February 18, 2016 meeting. Mr. Larry Claiborne seconded the motion, which passed with all members voting “Aye.”

Review and consideration of amendments to Article IV, Section 406.4 including subsections therein, being the “Planned Unit Development Plan Preparations and Review Process,” of the Municipal Zoning Ordinance, to incorporate specific vested property rights and vesting periods associated with approved development plans in accordance with Tennessee Code Annotated 13-4-310, requested by the Planning Staff.

Staff presented the request, explaining that items 6(d) and 6(e) both involve revisions to the Planned Unit Development Plan Preparations and Review Processes to incorporate State Law requirements related to vested property rights and vesting periods for development approvals. Item 6(a) involves the Municipal Zoning Ordinance and Item 6(e) involves the Regional Zoning Ordinance.

Staff noted that the reason for the change is that State Law establishes the time frame requirements that the City must adhere to with regards to approved developments and the issuance of development permits. Staff explained that the state law is a bit complicated as to the various timeframes and vesting periods and to avoid further complications the proposed ordinance amendments would simply reference state law rather than incorporate verbatim every single provision. Staff also noted that, in the event the state law undergoes future changes they will be automatically incorporated into the City’s adopted standards.

Ms. Dana Soehn made the motion to approve this request and to make a recommendation to the City Commission to make these changes. Mr. Larry Claiborne seconded the motion and all members voted “Aye.”

Review and consideration of amendments to Article IV, Section 407.9 including subsections therein, being the “Application Procedure for Planned Unit Developments,” of the Gatlinburg Regional Zoning Ordinance, to incorporate specific vested property rights and vesting periods associated with approved development plans in accordance with Tennessee Code Annotated 13-3-413, requested by the Planning Staff.

In accordance with the discussion held previously regarding Item 6(d), Mr. Bud Ogle made the motion to approve this request and to make a recommendation to the City Commission to make these changes. Mr. Kirby Smith seconded the motion and all members voted “Aye.”

UNSCHEDULED ITEMS

ADJOURNMENT

There being no further business to come before the Board, the meeting was unanimously adjourned at 6:09 p.m. after a motion by Mr. Larry Claiborne, and a second by Ms. Jackie Leatherwood.

Approved:

Planning Commission Secretary

Date