

MINUTES OF THE
GATLINBURG MUNICIPAL/REGIONAL PLANNING COMMISSION
December 18, 2014
THURSDAY, 5:00 P.M., CITY HALL

MEMBERS PRESENT

Robert Maples
Teresa Cantrell
Larry Claiborne
Dana Soehn
Kirby Smith
Jackie Leatherwood

MEMBERS ABSENT

Bud Ogle
Don Smith
Charlie Moore

OTHERS PRESENT

James Tomiczek
Bob Murphy
Robert Johnson
Brian Gumlick
Matt Waroway

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

Chairman Maples called the meeting to order at 5:00 P.M. The minutes, of the, November 20, 2014, meeting, were unanimously approved following a motion by Larry Claiborne and a second by Kirby Smith.

Petitions and Communications from the Public

Staff Report

Staff wished members a Merry Christmas and Happy New Year. Staff also reminded Board Members to submit their annual disclosure information to the State Ethics Commission.

Old Business

New Business

a) Review and consideration for a minor subdivision of Tax Map 126L, Group E, Parcel 13.01, located at 450 Silverbell Heights Lane, R-1 Zone, requested by Brian Gumlick.

Staff presented the request for a resubdivision of "Silverbell Heights, Block B, Lots 1, 2, and 3," into two (2) lots being Lots "1-R" and "3-R" located off Silverbell Heights Lane. Staff stated that the request consists of the deletion of the interior lot lines between lots 1 and 2; and between lots 2 and 3 and includes the platting of a new interior lot line to create the two (2) new lots. Staff stated that the plat depicts Lot 1-R with an existing structure and a proposed lot size of 11,000 sq. ft. of lot area. Staff added that the plat also depicts Lot 3-R with an existing structure and a proposed lot area of 11,751.8 sq. ft. Staff also stated that depicted on Lot 3-R is a proposed detached garage which has not yet been constructed on the site. Staff noted that the plat will need to be revised to remove the nonexistent structure from the subdivision plat. Staff explained that each of the lots is served with public water and an individual septic tank and field line sewer system. Staff noted that each of the existing structures has been constructed in the required

setback areas but the new lot line reconfiguration does not create any additional encroachments or worsen the current encroachment conditions. Staff further stated that although the proposed lot areas do not meet the current adopted minimum lot size requirement, the reduction of the number of lots is an improvement in future density for the property. Staff further noted because there are two (2) existing structures and because the Zoning Ordinance only permits one (1) principle dwelling per lot, the minimum number of lots required in this instance would be two.

Staff finally stated that the plat lacks the following information: revised "Lot 3-R" to remove the proposed garage; adjoining property owner information located on the north most property boundary; certificates and signatures for E-911, Sevier County Electric System, Gatlinburg Utility Department, Sevier County Health Department Signature of Approval; and Ownership and Dedication.

After further discussion, Mrs. Teresa Cantrell made a motion to grant approval of the re-subdivision to create "Lots 1-R" and "3-R" subject to the lacking information being provided on a revised plat and submitted to Staff for final review prior to recordation. Mr. Larry Claiborne seconded the motion, which passed with all members voting aye.

b) Review and consideration for a proposed rezoning from R-1A (Low Density Residential) to R-1 (Low Density Residential), located on Galloway Lane, requested by James Wenning. Staff presented the request for for a proposed rezoning of Tax Map 1170, Group A, Parcel 14, being "Lot 33 located at 526 Galloway Lane, from an R-1A District to R-1 District.

Staff stated that the two zoning classifications are considered low density residential districts with the only difference being that the R-1A District does not permit the property to be utilized as an overnight rental property. Staff added that the property owners, Mr. and Mrs. Wenning, have indicated that they desire to use the property as an overnight rental in the future since they no longer reside at the property. Staff noted that the current R-1A District contains approximately 38 lots including the subject lot. Staff added that the lots are accessed by via a narrow road system that is only suitable for residential access.

Staff stated that both zoning classifications are low density residential and are designed for single family residential uses, the overnight rental use permitted in the R-1 is a significant change in the property and potential change to the neighborhood characteristics of the surrounding area. Staff explained that the currently Land Use Plan (see attachments) establish specific goals and recommendations to the preservation of residential neighborhoods. Staff also stated that the plan recognizes that "...residential zones which do not allow tourist residencies shall be maintained in order to preserve permanent residents' neighborhoods' quality of life." Staff added that the distinction of "permanent residents" by the Land Use Plan is an important distinction due to the common nature of rental properties throughout the City in residential districts. Staff also noted that the permanent resident distinction would indicate areas that are more traditional residential

areas with no overnight rental (R-1A), which seems to be the primary use of the majority of the lots in the Galloway Lane area.

Staff stated that a significant concern with the request is that the rezoning area contains only a single parcel. Staff further stated that if approved, the rezoning would benefit only one property owner and for all practical purposes be a spot zoning. Staff finally stated that as with all R-1A District rezoning requests, all the property owners within the district have been notified of the rezoning request via a letter.

Mr. Matt Waroway was present and addressed the Board. Mr. Waroway stated that he was the adjoining property to the proposed rezoning and stated that he shares a driveway with the adjoining property to access his property. Mr. Waroway further noted that the drive and streets are narrow and not adequate to support overnight rental traffic. Mr. Waroway noted that the area is primarily residential and requested that the Board disapprove the request.

After further discussion, Mrs. Dana Soehn made the motion to deny the rezoning request due to the inconsistencies with the recommended goals and objectives of the Land Use Plan with regard to preservation of residential neighborhoods. Further, the request must be denied due to the fact that if approved, the rezoning would result in a "spot zone." The motion passed unanimously with a second by Mr. Larry Claiborne.

c) Review and consideration for a planned unit development site plan for "Westgate Resorts, Phase 14," located on North Mountain Trail and Dudley Creek Road, R-2, C-2, and C-4 Zones, requested by CEC, Inc.

Staff presented the request and noted that a revision to the traffic study has been submitted by the developer's traffic engineer. Staff also noted that a request from the acting National Park Superintendent, Mr. Clay Jordan, has been received requesting that the Board defer action on the request until the Park could have the traffic impact study reviewed by a consulting agency. Staff proceeded to distribute both the revised traffic study and National Park request to the Board Members. Staff also distributed additional view shed profiles for Phase 14 which had been prepared by the engineer.

Mr. James Tomiczek was present on behalf of Westgate and gave an overview of the request. Mr. Tomiczek explained that the developer has recently purchased an adjoining property that extends from the development down to Dudley Creek Road. Mr. Tomiczek further explained that the purchase provides for the potential resolution of two issues related to existing sewer line capacity and area traffic impacts and property access. Mr. Tomiczek noted that previously the existing sewer line, which extends from North Mountain Trail over to the sewer treatment plant through the National Park Service, was being studied to determine if the sewer line could be upgraded to accommodate additional development demands. Mr. Tomiczek stated that much time and effort had been exerted to evaluate several different solutions but no final resolution has been decided upon. Mr. Tomiczek stated that the proposal provides the opportunity to construct

a new sewer line, on the newly purchased property down to the Dudley Creek Road public sewer line, which will accommodate all future phases of development. Further, Mr. Tomiczek added that Dale Phelps, Utility Department Director, has reviewed the plan and has indicated that the existing public sewer line in Dudley Creek will accommodate the proposed Phases of 14 and 15. Staff added that the plan has not yet been approved by the State.

Mr. Tomiczek then began discussion related to the traffic impact study and noted that a conference call meeting with the Planning Staff, Bob Bowers (City's Consulting Traffic Engineer), and Mr. Bob Murphy (developer's traffic consultant) had occurred prior to the meeting to discuss issues that Mr. Bowers had raised in his review of the traffic study. Mr. Tomiczek noted that Mr. Bowers' concerns had been addressed and that he was agreeable with the study methodologies and recommendations. Mr. Tomiczek stated that the traffic impact study is a short term study that encompasses Phases 12B, 14, and 15 including approximately 647 additional units. Further, Mr. Tomiczek stated that an additional study will be conducted for the long range development for the property which is anticipated to take several months. Mr. Tomiczek introduced Mr. Bob Murphy, with RPM Transportation Consultants, LLC, who prepared the traffic impact study for the short term development phases. Mr. Murphy proceeded to give a brief overview of the study and explanations of the revisions to the study which included the omission of a proposed turn lane that involved the National Park Service property. Mr. Murphy noted that the original proposal to include the turn lane was not absolutely necessary to accommodate the additional development but due to the seemingly ease of construction in the area of flat topography, the turn lane would be a simple improvement that would help users exiting the development to go North on the Spur. Mr. Tomiczek noted that in order to make the improvement that the National Park Service would most likely have to follow a NEPA process which would take several months and therefore his client would rather avoid such delays for the short term development proposals with the understanding that long range development plans will include the involvement of the National Park Service. Chairman Maples questioned the revision and noted that it seemed odd to change what seemed to be a necessary improvement to a no longer needed improvement. Mr. Murphy advised that the turn lane was a simple recommendation that would be beneficial to the intersection but not necessary to accommodate the proposed short term development. Mr. Murphy continued to explain the methodologies and content of the traffic impact study. The Board inquired about the existing intersection on the Spur, where the main entrance to the development is located, and the impacts of the added development to the intersection. The Board noted that accidents had occurred at the crossing and issued concerns about the safety of the intersection. Staff added that the study indicated that the level of service for that specific intersection was poor but that no improvements were recommended for the intersection. Mr. Murphy stated that the level of service rating relates primarily to the function and anticipated delays of traffic users. Chairperson Cantrell inquired about the traffic diversion rate used in the study. Mr. Murphy stated that the study assumed that 80% of the added new traffic would utilize the new access road from Dudley Creek Road. Further, Mr. Murphy added that no assumptions were made related to the existing Phase 12 which is located near the proposed Phase 14. Mr. Tomiczek stated that it is likely that a portion

of the traffic generated by Phase 12 will utilize the new road especially if traveling to Gatlinburg. Planning Commissioner Smith inquired about the 80/20 diversion rate of the new traffic and asked what the impacts to the intersection would be, if for example 50% of the new traffic utilizes the existing entrance to the development from the Spur. Mr. Murphy noted that it would most likely result in longer delays for traffic crossing the intersection to enter the development but that the intersection was not specifically evaluated based on that given scenario of the new traffic. Mr. Murphy further noted that based on the video traffic counts that were made, with no assumptions for Phase 12 traffic utilizing the new road, the traffic projections are most likely overstated at the intersection. Mr. Murphy further stated that with the additional road connection on Dudley Creek Road, the traffic will flow adequately with additional short term traffic. Chad Davis, with ETDD, asked what steps could be taken internally to divert traffic to the Dudley Creek access. Mr. Murphy stated that there were plans to incorporate the Dudley Creek Road access into directions that would be distributed to guests of the property. Mr. Murphy added that his firm has been employed and is currently working on the development of a long range traffic impact study which will be analyzing the future phases of development and their impacts to the surrounding public and private road systems. Staff encouraged Mr. Tomiczek and Mr. Murphy to engage the National Park Service early in the process for input to the study. Chairman Maples asked if the City's consulting engineer's concerns had been addressed by Mr. Murphy. Staff stated that Mr. Bowers was satisfied with Mr. Murphy's methodologies used in the development of the short term study and responses to his concerns previously raised in review of the study. Staff added however that Mr. Bowers did issue concerns about impacts to the existing intersection on the Spur where Westgate patrons currently enter the development and felt the intersection would only worsen over time. Staff added that it was Mr. Bowers' opinion as well as staff's that the turn land on Dudley Creek was needed and that the turn lane should be extended to the maximum length possible for future planning purposes. Mr. Tomiczek stated that it should be no problem to design and construct the turn lane to the full extent possible. Staff added that a subdivision plat will be necessary to replat the right-of-way area if the City Commission is favorable to the right-of-way improvements. Chairman Maples stated that in these instances where the Board has no expertise on a specific issue, such as traffic, the Board has to rely on the project design professionals and any consulting available to guide the Board in their decision making process. Mr. Maples then asked Mr. Murphy if the study and recommendations included the traffic generated by both Phases 14 and 15, and not just Phase 14 traffic. Mr. Murphy stated that with the added new connection to the Dudley Creek Road and the existing road network system, the short term development and traffic as proposed in Phases 14 and 15, would be adequately accommodated with the revised recommendations to the study.

Staff referenced the view shed profiles that had been previously distributed to the Board. Staff noted that the profiles depict various view points along the US 441 (Parkway) corridor. Staff further noted that the profiles indicate that the proposed structures in Phase 14 appear to be screened with the existing site vegetation as required in the Hillside Overlay District Provisions. Staff stated that the additional building elevation profiles will be needed to identify specific

building heights at the various locations on the property since portions of the property are sloped. Staff further stated that a soils report from a license geotechnical engineer will be needed in accordance with the Critical Slope Floating Zone (CSFZ) due to the slope areas exceeding 30% grade. Mr. Tomiczek stated that the project has utilized a geotechnical engineer through the previously phases of development and that Phase 14 would be no different.

Planning Commissioner Claiborne then inquired of Mr. Tomiczek if he was aware of the National Park Services' request to defer the item until they could complete their review of the traffic impact study and if a deferral would be acceptable? Mr. Tomiczek stated that he was aware of the Park Services' request but was concerned about the time frame that would be needed by the Park Service to conduct a review. Mr. Tomiczek further stated that since the revised study has no recommended improvements that would involve an encroachment on to the National Park Service property, he wasn't sure the benefit of deferring action on the item until the conclusion of their review. Mr. Tomiczek stated that he and his clients understood that future phases will certainly require the National Park Services involvement in the process because of the likelihood of improvements needed on Park Service property. Mr. Tomiczek asked if the Board would consider final approval for Phase 14 subject to the submission of the lacking items and approvals from the City Commission for Dudley Creek Right-of-way turn lane improvements. Staff advised against granting a final approval for the project until the proposed Dudley Creek Road improvements could be reviewed and approved by the City Commission and a financial surety or bond in place to ensure the improvements. Staff further advised that no development permits could be issued by the City until a final PUD site plan approval is granted by the Board. The Board commended Mr. Tomiczek and the developers' on their efforts to resolve the sewer line and traffic issues that were raised with the short term development proposal and to respond to the various development issues. However, the Board expressed concerns with granting final approvals for the development until the City Commission has reviewed the proposed public right-of-way improvements that have been recommended on Dudley Creek Road.

After further discussion, Mr. Maples made a motion to grant preliminary PUD site plan approval with a favorable recommendation to the City Commission for the proposed Dudley Creek Road turn lane improvements, and to allow the National Park Service time to evaluate the traffic impact study. Mr. Maples' motion also included the understanding that no development permits will be issued to the developer until final site plan approval has been granted by the Planning Commission as stated within the adopted PUD Site Plan Regulations. The motion was seconded by Kirby Smith with all members voting aye except Ms. Soehn and Ms. Cantrell who abstained from the vote.

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Unscheduled Items

Adjournment

There being no further business to come before the Board, the meeting was unanimously adjourned at 6:45 P.M., after a motion by Teresa Cantrell and a second by Jackie Leatherwood.

Approved:

Planning Commission Secretary

Date