

MINUTES OF THE
GATLINBURG MUNICIPAL/REGIONAL PLANNING COMMISSION
January 20, 2011
THURSDAY, 5:00 P.M., CITY HALL

MEMBERS PRESENT

Robert Maples
Don Smith
Larry Claiborne
Jason Seavy
Charlie Moore

MEMBERS ABSENT

Teresa Cantrell
Dana Soehn

OTHERS PRESENT

Staff Representatives: David Ball, City Planner
Ashley Miller, Assistant City Planner
Bart Hose, LPAO

Chairman Maples called the meeting to order at 5:00 P.M. The minutes, of the December 16, 2010, 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

Old Business

New Business

a) Review and consideration for preliminary plat approval of Tax Map 126M, Group C, Parcels 4-6, and 9-11, located on Circle Drive at Hughes Road, C-2 zone, requested by Jeroen Zwagerman.

This item was removed from the agenda at the request of the surveyor. Mr. Charlie Moore made a motion to remove this item from the agenda. Mr. Don Smith seconded with the motion with all members voting aye.

Unscheduled Items

Adjournment

There being no further business to come before the Board, the meeting was unanimously adjourned at 5:08 P.M., after a motion by Mr. Charlie Moore and a second by Mr. Don Smith.

Approved:

Planning Commission Secretary

Date

MINUTES OF THE
GATLINBURG MUNICIPAL/REGIONAL PLANNING COMMISSION
February 17, 2011
THURSDAY, 5:00 P.M., CITY HALL

MEMBERS PRESENT

Robert Maples
Don Smith
Dana Soehn
Charlie Moore

MEMBERS ABSENT

Teresa Cantrell
Larry Claiborne
Jason Seavy

OTHERS PRESENT

Allyson Virden
Doug Yates
Jane Sorey

Staff Representatives: David Ball, City Planner
Bart Hose, LPAO

Chairman Maples called the meeting to order at 5:00 P.M. The minutes, of the January 20, 2011, meeting, were unanimously approved following a motion by Mr. Don Smith and a second by Mr. Charlie Moore.

Petitions and Communications from the Public

Staff Report

Mr. Bart Hose was present and stated that on March 30 and 31 there are work sessions for education hours on East Tennessee Quality Growth. Staff noted that an email reminder would be sent to Board members.

Old Business

New Business

a) **Review and consideration for a commercial site plan for the “Gatlinburg Farmers Market,” located at 735 East Parkway, C-2 Zone, requested by the “Gatlinburg Farmers Market.”**

Staff presented the request for site plan approval for a proposed Farmers Market to be located at the Alamo Steakhouse parking lot at 705 East Parkway. Staff stated that the site plan consists of the proposed layout of the farmers market that is to be temporarily located in the Alamo Steakhouse parking lot adjoining East Parkway and it is to be used during the upcoming season on Saturday mornings. Staff pointed out that the plan depicts approximately 35 vendor sites and the proposed parking associated with the market. Staff explained that the plan has been reviewed by the Fire Department and Building Inspections Services Department and appears to be adequately designed for emergency access. Staff noted that the zoning ordinance does not require a site plan for this type of temporary use to be prepared by a licensed architect unless a permanent structure is being built on the site. Staff also noted that as such, the plan is a general layout of the site to insure adequate access is being provided for the public and emergency

personnel. After further discussion, Mr. Don Smith made a motion to grant site plan approval for the proposed Farmers Market. Mrs. Dana Soehn seconded the motion, which passed with all members voting aye.

b) Review and consideration for a proposed amendment to the Gatlinburg Municipal Zoning Ordinance, Article VII, Section 706.10, Subsection 1, being the governing provisions for Accessory Uses in Farmers Markets, requested by the “Gatlinburg Farmers Market.”

Staff presented the request for review and consideration of a proposed amendment to the governing provisions of the Farmers Markets Accessory Uses to permit the sale of arts and crafts associated with on-site demonstrations. Staff stated that the Gatlinburg Farmers Market has requested that the accessory use provisions of the Farmers Markets, Section 706.10, Subsection 1, be amended to provide for the sale of arts and crafts at Farmers Markets under the following conditions:

- No more than two (2) crafters may be permitted to demonstrate during the operating hours of any approved Farmers Market;
- Crafters may be permitted to sell their craft but only while demonstrating and may not demonstrate or sell goods outside the operating hours of any approved Farmers Market;
- Demonstrating crafters must be a Gatlinburg resident and/or have a shop within the City Limits, where their goods are being sold.

The Board inquired about limiting of the number of crafters at each site. Staff noted that the original ordinance was purposefully written to avoid creating a situation where only arts and crafts were being made and sold as to avoid a conflict with the Arts and Crafts Community. Ms. Allyson Virden and Ms. Jane Sorey were present as representatives of the Gatlinburg Farmers Market and stated that initially the market was having difficulty recruiting crafters because of the inability to sell goods. Ms. Virden and Ms. Sorey also noted that the idea was to work with local artisans and crafters to provide an opportunity for them to display their craft. Ms. Virden added that their intention is to create a rotation with the local crafters to allow a variety of demonstrations throughout the duration of the market operations. The Board issued concerns over limiting the number to only two (2) crafters. After further discussion, Mrs. Dana Soehn made a motion to approve with an amendment to have no more than ten (10) crafters demonstrating at a time and make a favorable recommendation to the Board of Commission to consider for a future ordinance amendment. Mr. Don Smith seconded the motion, which passed with all members voting aye.

c) Review and consideration for a commercial site plan review of Tax Map 126N, Group C, Parcel 5, located at 815 Parkway, C-2 Zone, requested by Wolfgang Partners.

Review and consideration of a proposed 10' X 30' addition to an existing commercial business located in the C-1 (Tourist Commercial) District. Staff stated that the site plan depicts a 300 square feet (10'x 30') addition to an existing 9,395.2 square feet structure. Staff added that the

addition will result in a net floor area ratio (F.A.R.) of .588 which is well below the permitted 2.0 F.A.R. Staff also stated that the new space will extend to the front yard setback area in line with the existing structure located to the southwest side of the addition. Staff explained that the plan does not depict any existing or proposed utility lines but the minor addition does not appear to require any further utility extensions other than are currently being utilized by the existing structure. Staff noted that the existing utilities should be added to the site plan to verify that the new addition does not impede or prohibit access to any utility or fire department connection. Staff also noted that the current property use consists of commercial retail businesses. Staff further stated that there is no indication of the proposed use and therefore any approval should be subject to a zoning compliance review by Planning Staff to verify that the proposed use is permitted in the C-1 Zoning District. Staff finally stated that the site plan for the minor addition appears to meet all other zoning ordinance requirements.

After further discussion, Mr. Charlie Moore made a motion to grant site plan approval subject to the addition of any existing and proposed utility and/or service lines and a zoning review of the proposed use to determine compliance with C-1 District Provisions. Mrs. Dana Soehn seconded the motion, which passed with all members voting aye.

d) Review and consideration of a rezoning for a portion of Tax Map 117N, Group A, Parcel 1, from R-1 (Low Density Residential) to R-2A (Medium Density Residential), located at 523 Gatlin Drive, requested by Staff.

Staff presented the request for review and consideration of a proposed rezoning of a portion of Tax Map 117N, Group A, Parcel 1, from R-1 (Low Density Residential) District to R-2A (Medium Density Residential) District which is currently developed with the "Park Royale Condominiums."

Staff stated that in a recent review of the zoning map, it was discovered that the subject property which was recently developed with multi-family condominiums, is split-zoned with a portion of the property consisting of R-1 and the remaining portion consisting of R-2A. Staff noted that the original rezoning of a large portion of the property from R-1 to R-2A occurred in 1996. Staff added that apparently when the property was subdivided into the current 2.29 acre tract in 2006, there was no zoning map amendment to relocate the zoning district boundary to coincide with the newly created property boundary. Staff explained that subsequently, the site development plan for the multi-family condominiums was submitted and approved based on information which indicated an R-2A Zoning designation for the entire parcel. Staff also stated that to date, the building and site improvements have been completed for the project. Staff pointed out that in addition, there is the possibility that the zoning boundary may also bisect a small portion of the building.

Staff stated that as a result of the most recent discovery, this request has been submitted, by the Planning Staff, to reconcile the zoning boundary with the new property boundary. Staff noted that obviously, this was an oversight by the Planning Staff in the review process and should have

been rectified prior to site plan approvals and permit issuances. Staff also stated that the current property owner, who is not the original developer, has consented to this request being presented by the Planning Staff.

Staff stated that as part of the normal rezoning process, property notices were sent to property owners within 200 feet of the subject property. Staff pointed out that attached is an email document received by the City Planner from Mr. and Mrs. Boswell that identifies some request considerations that the Boswells have asked be presented to the Board in the rezoning (see attached). Staff further noted that the immediate property owner, Mr. Vaughn had contacted Staff and requested that the rezoning line only be adjusted as necessary to avoid the structure and not be extended to Gatlin Drive, thus preserving a small portion of R-1 Zone at the entrance of the property. Staff then described the approximate location of the new zoning line if the line was shifted eastwardly rather than to the full extent of the property boundary. Staff further noted that this adjustment would not create a zoning problem if the property owner does not object to the revised line. Attorney Doug Yates was present on behalf of Citizens National Bank and stated that the bank had no objection to the revision as requested by Mr. Vaughn. Staff stated that they have also received other phone calls from notification recipients none of which have opposed the rezoning request.

After further discussion, Mr. Don Smith made a motion to approve the rezoning with a revised zoning line beginning at a point approximately 59 feet west of the current zoning boundary line to a common point of the Bluegreen, Vaughn, and the subject property at Southeastern most point, then in a straight line to the Northeast point being the common point of subject property and the Byrd property (being tax map 117N, group A, Parcel 1.04) resulting in a shift of the zoning boundary in a eastwardly direction. Mr. Charlie Moore 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 5:50 P.M., after a motion by Mr. Charlie Moore and a second by Mr. Don Smith.

Approved:

Planning Commission Secretary

Date

MINUTES OF THE
GATLINBURG MUNICIPAL/REGIONAL PLANNING COMMISSION
March 17, 2011
THURSDAY, 5:00 P.M., CITY HALL

MEMBERS PRESENT

Robert Maples
Teresa Cantrell
Larry Claiborne
Charlie Moore

MEMBERS ABSENT

Don Smith
Dana Soehn
Jason Seavy

OTHERS PRESENT

Mike Smelcer
Doug Yates
David Verble
Greta Cole
Ken Simonis

Staff Representatives: David Ball, City Planner
Bart Hose, LPAO

Chairman Maples called the meeting to order at 5:00 P.M. Staff noted that the minutes of the February 17, 2011, meeting, had the incorrect tax map and zoning information on item 6 (c). Mr. Charlie Moore made a motion to amend the minutes to reflect the corrected tax map and zoning information. Mr. Larry Claiborne seconded the motion with all members voting aye.

Petitions and Communications from the Public

Staff Report

Staff provided the Board members with ETQG information on an upcoming training session.

Old Business

New Business

a) Review and consideration for a commercial PUD site plan approval for “Pancake House,” of Tax Map 126N, Group B, Parcel 14, C-1 Zone, requested by Five Oaks Development Company.

Staff presented the request for Commercial PUD site plan approval for a new building to replace the former “River Road Pancake House,” located on Tax Map 126N, Group B, Parcel 14. Staff stated that the site plan consists of a proposed 42’ x 78’ restaurant building to be added back to the 1.03 acre property. Staff noted that the previous restaurant structure, that was 2,080 square feet, was demolished earlier this year so that the proposed building consisting of 3,198 square feet could be constructed. Staff added that the new building is part of a redeveloped project that when complete, will consist of the subject building, a winery, and an existing retail market and liquor store. Staff also stated that the proposed site plan depicts the new structure to be located in the same footprint as the previous building. Staff pointed out that the building square footage increase, compiled with the other buildings located and being constructed on the property, will

result in a total property density of .36 floor area ratio. Staff further stated that the site plan lacks only a detailed landscape plan.

Mr. Mike Smelcer, project architect, was present and gave a brief overview of the project. Staff finally stated that the plan has been reviewed by the Fire Department, Utility Department and Building Inspections Services Department and appears to be adequately designed for emergency access and utility connections. Staff also noted that the electrical service is proposed to be placed underground as required by the zoning ordinance. Staff further noted that the current site parking and solid waste containment areas will be utilized for the proposed building.

After further discussion, Mr. Larry Claiborne made a motion to grant site plan approval for the proposed restaurant building subject to the lacking information being added to the site plan. Mr. Charlie Moore seconded the motion, which passed with all members voting aye.

b) Review and consideration for a minor subdivision of Tax Map 106, Parcel 108, located on King's Branch Road, RR-1 Zone, requested by Marcus Whaley.

Staff presented the request for a resubdivision of Lots 2, 3, 4, and part of 5, "Grady's Little Pigeon" subdivision, located in the Planning Region, to create two (2) lots being Lot 2R and Lot 4R. Staff stated that the proposed request consists of the consolidation of Lot 2 and a portion of Lot 3 to create Lot 2R being .88 acres (38,238.7 sq. ft.) and the consolidation of Lot 4 with a portion of Lots 3 and 5 to create Lot 4R being 1.43 acres (62,441.6 sq. ft.). Staff noted that the property is currently developed with a single family residence which appears to have been constructed over the common boundary line of Lots 3 and 4. Staff pointed out that the request will result in larger lot areas and resolve any property boundary encroachments with the existing improvements Staff also stated that the property is currently served with a sewer utility that is operated by Tennessee Waste Waters Inc., who has approved and verified that a second lot can be connected to the system upon approval of the subdivision. Staff also noted that a private well provides water service to the property and Sevier County Electric Systems provides electrical service and that the property frontage and access is located on King Branch Road, a county road. Staff further stated that the plat appears to meet the minimum requirements with exception of the lot area of Lot 2R which is shown at 38,238.7 sq. ft. and the lot frontage is less than 80 feet. Staff added that the current Regional Zoning Ordinance minimum lot size requirement for RR-1 (Rural Residential) District is 40,000 sq. ft. Staff also pointed out that the surveyor has revised the map to increase the lot size and street frontage. Staff finally stated that the only lacking items are the various signatures of approval and ownership and dedication signatures.

After further discussion, Mrs. Teresa Cantrell made a motion to grant preliminary and final plat approval for the minor subdivision of the lots to create two new lots subject to the addition of the lacking signatures. Mr. Larry Claiborne seconded the motion, which passed with all members voting aye.

c) Review and consideration for a minor subdivision of Tax Map 126P, Group B, Parcel 18, located on Ski Mountain Road, C-2 Zone, requested by Gregory Forderhase.

Staff presented the request for a proposed subdivision of Tax Map 126P, Group B, Parcel 18, to create three (3) separate lots containing a commercial office, wedding chapel, and a residential planned unit development located off of Ski Mountain Road and Holly Branch Road. Staff stated that the existing tract, which has been developed as a Planned Unit Development, consists of 4.390 acres with a commercial office building, wedding chapel and several single family residential units. Staff also stated that the survey map only depicts a division of the existing 4.390 acre tract into two (2) lots being Lot 1 consisting of .79 acres (34,412 sq. ft.), and Lot 2 being .90 acres (39,204 sq. ft.). Staff noted that the existing office building is depicted on Lot 1 and the wedding chapel is situated on Lot 2. Staff added that the subdivision plat does not show the remaining 2.7 acres which is developed with single family residential units as a Planned Unit Development. Staff pointed out that the plat will need to be revised to show the remaining PUD areas and land as well as any access and/or utility easements that are currently being used in and through the property. Staff also noted that the applicant has also submitted a proposed grading plan from Vision Engineering to depict the ability to construct a driveway up to the wedding chapel parcel via the frontage along Ski Mountain Road. Staff further stated that at a previous meeting, this information was requested by the Board to ensure that the proposed lot could be accessed via the frontage provided with the new subdivision.

Staff stated that the subdivision plat needs to be revised to include the remaining acreage and improvements, setback information, and the lacking signatures of E-911, Utility Department, Sevier County Electric System, and Owners Signature of Ownership and Dedication. Staff noted that the plat will require the signatures of all owners within the PUD. Staff discussed the need to obtain additional utility easements for future utility installations to the remaining area located west of the two (2) depicted lots. Staff stated that the applicant has agreed to providing easements along boundaries once the City has determined the best and most appropriate locations for the easements.

After further discussion, Mrs. Teresa Cantrell made a motion to grant preliminary and final plat approval subject to the lacking revisions and signatures being added to the subdivision plat. Mr. Larry Claiborne seconded the motion, which passed with all members voting aye.

d) Review and consideration for a revised final PUD site plan approval of Tax Map 126P, Group B, Parcel 18, located on Ski Mountain Road, C-2 Zone, requested by Gregory Forderhase.

Staff presented the request for a proposed revised PUD site plan for a single-family residential development located on Holly Branch Drive. Staff pointed out that this PUD is the remnant area of the previous agenda item 6(c), involving the subdivision of Tax Map 126P, Group B, Parcel 18, to create three (3) separate lots containing a commercial office, wedding chapel, and a residential planned unit development located off of Ski Mountain Road and Holly Branch Road.

Staff stated that the existing 4.390 acre tract, which has been developed as a Planned Unit Development, contains a commercial office building, wedding chapel and eight (8) single family residential units. Staff added that due to the proposed subdivision of the property to create separate lots for the commercial office building and wedding chapel, a revised PUD plan is required for the remaining development which consists of the single-family residential units. Staff also stated that the revised PUD will now consist of 2.7 acres with 8 individual single-family units accessed from Holly Branch Drive.

Staff stated that the PUD site plan needs revised to include all improved areas, easements and common areas of the property. Staff pointed out that all noted “proposed” structures, which have been completed, will need to be amended to reflect an “existing” status. The revised PUD site plan will need the approval of E-911 to ensure proper addressing due to the re-subdivision of the property. Also, there appear to be minor discrepancies in the street locations as depicted on the current plan and those areas will need to be verified and properly depicted on the revised plan. A copy of the revised legal documents and master plan will be necessary due to the omission of the commercial office and wedding chapel from the PUD. Further, staff discussed the need to obtain additional utility easements for future utility installations to the remaining area located west of the office and wedding chapel structures. Staff further stated that the applicant has agreed to providing easements along boundaries once the City has determined the best and most appropriate locations for the easements.

After further discussion, Mrs. Teresa Cantrell made a motion to grant final PUD site plan approval subject to the lacking revisions and changes to the PUD site plan and re-submittal of legal documents and master deeds for the PUD. Mr. Larry Claiborne seconded the motion, which passed with all members voting aye.

e) Review and consideration of a rezoning for a portion of Tax Map 117N, Group A, Parcel 1, from R-2A (Medium Density Residential) to R-2 (Medium Density Residential), located at 523 Gatlin Drive, requested by Citizens National Bank.

Staff presented the request for a proposed rezoning of a portion of Tax Map 117N, Group A, Parcel 1, from R-2A (Medium Density Residential) District to R-2 (Medium Density Residential) District. The property is currently developed with the “Park Royale Condominiums.” Staff stated that the subject 2.29 acres consist of a 4-story, multi-family condominium building that is partially zoned R-1 and R-2A. Staff also stated that the original rezoning of a large portion of the property from R-1 to R-2A occurred in 1996. Staff added that just recently, a further rezoning of the property occurred to rezone an additional portion of the property from R-1 (Low Density Residential) to R-2A (Medium Density Residential). Staff pointed out that the rezoning from R-1 to R-2A is scheduled to be heard on 2nd reading by the Board of Commission on April 5, 2011. Staff stated that this request is to reclassify the portion of R-2A Zoning to an R-2 Zoning District. Staff also stated that attached is a copy of the R-2 and R-2A Zoning District Provisions and Article VIII –Area, Yard, and Height Requirements. Staff

noted the only difference between the two districts is the R-2A District does not permit tourists residencies. Staff also noted that the area, yard and height requirements for the districts are identical. Staff further stated that the current zoning of the property only permits the condominium units to be used as a permanent residential unit. Staff pointed out that if the zoning change is approved, the property units could then be used for tourist residencies (overnight/weekly rentals).

Staff stated that the current Land Use Plan depicts the area as residential and does not differentiate between single and multi-family. Staff noted that a copy of a portion of Article V of the Land Use Plan is also included which provides various guidelines and policies with regard to land use planning. Staff added that included in Article V are the “Development Goals” (p.108-109) which provide general statements of belief related to future development; “Land Use Policies” (p.110-111) which provide general recommendations to be used in achieving the overall community development goals; and “Residential Land Use” which provides development statements and policies related specifically to residential land uses. Staff also stated that these guidelines do provide some guidance as it pertains to the protection of residential neighborhoods however; the policies also recognize the coexistence of single-family and multi-family residential developments.

Staff stated as with all rezonings, property notices were sent to property owners within 200 feet of the subject property. Staff added that an email document received by the City Planner from Mr. and Mrs. Boswell that identifies some considerations that the Boswells have asked be presented to the Board in the rezoning request. Staff also stated that the email correspondence was originally received for the request considered by the Board at the February 17th Meeting. Staff pointed out that the Boswells have asked that the Board give consideration to these concerns as it relates to this recent rezoning request. After further discussion, Mr. Charlie Moore made a motion to make a favorable recommendation to the Board of commissioners. Mr. Larry Claiborne seconded the motion with all members voting aye.

Unscheduled Items

Adjournment

There being no further business to come before the Board, the meeting was unanimously adjourned at 6:10 P.M., after a motion by Mr. Larry Claiborne and a second by Mrs. Teresa Cantrell.

Approved:

Planning Commission Secretary

Date

MINUTES OF THE
GATLINBURG MUNICIPAL/REGIONAL PLANNING COMMISSION
April 21, 2011
THURSDAY, 5:00 P.M., CITY HALL

MEMBERS PRESENT

Teresa Cantrell
Don Smith
Dana Soehn
Jason Seavy

MEMBERS ABSENT

Robert Maples
Larry Claiborne
Charlie Moore

OTHERS PRESENT

Staff Representatives: David Ball, City Planner
Bart Hose, LPAO

Vice Chairman Seavy called the meeting to order at 5:00 P.M. The minutes, of the, March 17, 2011, meeting, were unanimously approved following a motion by Mrs. Teresa Cantrell and a second by Mrs. Dana Soehn.

Petitions and Communications from the Public

Staff Report

Old Business

New Business

a) Review and consideration for commercial site plan approval for “Town Center Parking Lot,” Tax Map 126K, Group E, Parcel 3, located at 407 River Road, C-1 Zone, requested by Chad Kennedy.

This item was removed from the agenda at the request of Mr. Chad Kennedy. Mr. Don Smith made a motion to remove the agenda item. Mrs. Teresa Cantrell seconded the motion with all members voting aye.

b) Review and consideration for site plan approval for a press box at “Mill’s Park,” C-4 Zone, requested by the Gatlinburg Recreation Department.

Staff presented the request for a replacement of a press box for the Mills Park Football Field Facility located on Mills Park Road. Staff noted that Mills Park and its facilities are exempted from the Municipal Zoning Ordinance however staff feels that it is good policy to present public improvement projects to the Board for review and input in the overall development of public infrastructures. Staff stated that the proposal consists of the demolition of the current press box facility and the reconstruction of a new structure. Staff stated the current facility has existed since the original development of the property and no longer meets the needs of its users. Staff provided an architects rendering of the proposed facility to the members. Staff explained that the location of the press box will not change but may involve slight modifications and expansions of

the footprint in comparison of the previous area. After further discussion, Mr. Don Smith made a motion to grant site plan approval for the new press box improvements. Mr. Jason Seavy seconded the motion, which passed with all members voting aye.

c) Review and consideration for a proposed extension to the Letter of Credit for public infrastructure improvements for “Laurel Estates,” located on Laurel Lane and Reba Lane, R-2 Zone, requested by Staff.

Staff presented the request for a proposed extension to an existing letter of credit for the public right-of-way improvements associated with the “Laurel Estates Planned Unit Development,” Staff stated that the request consists of an extension of the existing **Irrevocable Letter of Credit No.06-10-06-0701** (see attached) that has been issued for the public right-of-way improvements to Laurel and Reba Lanes as proposed by a plan prepared by Norvell and Poe Engineering. Staff noted that the existing letter of credit is scheduled to expire on June 7, 2011. Staff added that to date the public improvements have not been completed and therefore an extension of the letter of credit is needed to ensure that sufficient funds exist to complete these improvements. Staff also reminded the Board that in addition to a revised letter of credit, if an extension is approved by the Board, two (2) construction costs estimates will be needed to verify the amount being secured by the letter of credit is adequate to complete the right-of-way improvements. After further discussion, Mr. Jason Seavy made a motion to grant approval of a six (6) month extension to the letter of credit subject to a revised letter of credit and the submittal of two construction costs estimates for the project improvements. Mrs. Teresa Cantrell 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 5:20 P.M., after a motion by Mr. Don Smith and a second by Mrs. Dana Soehn.

Approved:

Planning Commission Secretary

Date

MINUTES OF THE
GATLINBURG MUNICIPAL/REGIONAL PLANNING COMMISSION
May 19, 2011
THURSDAY, 5:00 P.M., CITY HALL

MEMBERS PRESENT

Robert Maples
Teresa Cantrell
Jason Seavy
Charlie Moore

MEMBERS ABSENT

Don Smith
Dana Soehn
Larry Claiborne

OTHERS PRESENT

Staff Representatives: David Ball, City Planner
Bart Hose, LPAO

Chairman Maples called the meeting to order at 5:00 P.M. The minutes, of the, April 21, 2011, meeting, were unanimously approved following a motion by Mr. Jason Seavy and a second by Mr. Charlie Moore.

Petitions and Communications from the Public

Staff Report

Old Business

New Business

a) Review and consideration of the City of Gatlinburg's proposed FY 2012–2016 Capital Improvements Program Projects, requested by the Planning Staff.

Staff stated that the Capital Improvements Program (CIP) is a budgeting tool that is utilized by the Board of Commission, to identify capital projects that should be undertaken within a five (5) year planning process. Staff also stated that the projects are identified and prioritized by individual departments and then compiled into a formal document by the CIP Committee and then to the Board of Commission for their review and considerations during their annual budgeting process.

The CIP is made-up of four (4) types of funds as follows:

Special Revenue
General
Water
Waste Water

Staff explained that the Special Revenue Fund generally consists of projects that are specifically related to our tourism industry and the overall enhancement of our city. Staff added that the

General Fund consists of projects that have been identified as needs within specific departments to carry out general operations of the City Government. Staff further stated that the final two funds, which are Water and Waste Water, are self-supporting funds that are specifically related to the operations of the two public utilities.

Staff stated that attached in their packets are the project summary sheets for Fiscal Years 2011 through 2016. Staff pointed out that these summary sheets identify the name of the projects, project amounts, department priorities, and the projected years that the department would like to undertake the project. Staff noted that all projects generally fall within the five (5) year program with the exception of wastewater. Staff also stated that the wastewater projects have been projected based on in-house construction, which will require more than the five-year time frame for their completion.

Staff asked the Board members to please review the project summary sheets for a formal recommendation of approval to the Board of Commission. Staff also said that any recommendations for additional projects or suggestions regarding the proposed projects should be included in the Boards recommendation to the BOC.

After further discussion, Mr. Charlie Moore made a motion to make a favorable recommendation to the Board of Commissioners. Mr. Jason Seavy seconded the motion, which passed with all members voting aye.

b) Review and discussion of growth readiness principles and Subdivision Regulations requested by the Planning Staff.

Staff stated that this item was for review and discussion of the incorporation of the Growth Readiness Principles into the Gatlinburg Municipal and Regional Subdivision Regulations. Staff distributed a revised draft copy of the Subdivision Regulations to each member present and noted that the documents should be reviewed for future workshop discussions.

Unscheduled Items

Adjournment

There being no further business to come before the Board, the meeting was unanimously adjourned at 6:00 P.M., after a motion by Mr. Jason Seavy and a second by Mrs. Teresa Cantrell.

Approved:

Planning Commission Secretary

Date

MINUTES OF THE
GATLINBURG MUNICIPAL/REGIONAL PLANNING COMMISSION
July 21, 2011
THURSDAY, 5:00 P.M., CITY HALL

MEMBERS PRESENT

Robert Maples
Teresa Cantrell
Don Smith
Larry Claiborne
Dana Soehn
Charlie Moore

MEMBERS ABSENT

Jason Seavy

OTHERS PRESENT

Craig Cooper
Chad Kennedy
Nancy Irvine
Charlie Anderson
Nellie Thomas
Pamela Joyce

Staff Representatives: David Ball, City Planner
Ashley Miller, Assistant City Planner

Chairman Maples called the meeting to order at 5:00 P.M. The minutes, of the, May 19, 2011, 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

Staff discussed conducting a workshop meeting on the proposed Subdivision Regulations prior to the regular scheduled meeting in August. The Board agreed to a 4:00 p.m. workshop session on August 18, 2001.

Old Business

New Business

a) Review and consideration for commercial site plan approval for “Town Center Parking Lot,” Tax Map 126K, Group E, Parcel 3, located at 407 River Road, C-1 Zone, requested by Chad Kennedy.

Staff presented the request for review and approval for a commercial site plan for “Town Center Parking Lot” located at 407 River Road. Staff stated that the site plan consists of a proposed 71 space “pay parking lot” to replace the former “Edge Park Whaley” Motel located on River Road. Staff added that the site plan depicts 71 parking spaces and a ticket dispensing booth. Staff also stated that the site plan proposes the use of the former office building as the ticket booth for the parking lot. Staff explained that after reviewing the site plan, it was determined that the following items are lacking: an engineered storm water plan for the parking lot; revised turning radius’ for both the ingress and egress points; revised landscape plan; revised setback information; solid waste collection plan; signature of surveyor; and detail of the lot entrance to

ensure adequate two (2) car stacking and grades to provide for emergency access. Staff noted that currently the plan depicts the two-car stacking to encroach into the adjoining right-of-way of River Road. Staff also noted that Rod McCarter at Vision Engineering has verified that the proposed plan will decrease storm water run-off from the property in comparison to previous site conditions.

Staff stated that the submittal contains a landscaping plan however based on staff's review the landscaping minimum requirements have not been met with the proposed plan. Staff explained that for example, interior tree planting requires approximately 107 trees for the interior landscaping areas and 23 for the exterior property areas. Staff further stated that the proposed plan depicts a total of eighteen (18) trees for the entire property.

Staff stated that the Fire Department has conducted a review of the site plan and is concerned about the accessibility to the parking lot from River Road with emergency equipment. Staff also stated that the primary concern relates to the grade transition of the driveway from River Road onto the site. Staff also added that the Fire Department has indicated a concern related to the height of the roof overhang that the current driveway passes directly under and the inability of emergency vehicles to pass under the canopy. Staff further stated that the existing drive could potentially work provided the transition grade is properly excavated to accommodate fire department emergency equipment and the roof canopy removed from the office building. Staff finally stated that unless a grade profile is provided there is no way of determining whether or not the alternative access will work (see attached Fire Department memorandum).

After further discussion, Mrs. Teresa Cantrell made a motion to grant approval of the plan for the proposed parking lot subject to staff's recommendations. Mr. Larry Claiborne seconded the motion, which passed with all 3 members voting aye, and Mr. Charlie Moore abstaining.

b) Review and consideration for an amendment to Article VII, Section 703, being the R-2 (Medium Density Residential) District, to incorporate a Special Use on Review Permit for accessory real estate offices, requested by Staff.

Staff presented the request for a proposed amendment to Article VII, Section 703, being the R-2 (Medium Density Residential) District Use Provisions. Staff stated specifically, an amendment to add provisions to allow a real estate as a Special Use on Review by the Municipal Board of Zoning Appeals under certain conditions.

Staff gave a brief overview of the Planned Unit Development that was developed in the 1980's. Staff stated that the previous City Planner issued a letter to allow a Real Estate Office on the property under the PUD provisions. Staff stated that the office use ceased and was moved off-site and now the applicant would like to re-establish the office. However, staff feels that the current use provisions of the R-2 do not allow such office use and therefore the use is not permitted in the R-2 zone. Staff stated that due to the conflict with the current use provisions of the R-2 zone, a rezoning of the property was initially considered and thus the reason for the

property notifications to adjoining property owners. Staff noted that after further research, the proposed approach of creating a Special Use on review permit from the Board of Zoning Appeals was a better approach to address the issue. Chairman Maples stated that if the condo sales are out, then what happens with the office. Mr. Charlie Anderson was present and stated that the Homeowners Association would help manage the use of the office and that units turn over and create in-house sales. A member of the audience raised a concern for additional development, specifically at the Tree Tops Property on Roaring Fork Road. Staff stated that the amendments do not create additional density for the property however; this does not conclude that additional development may occur at this location. Mr. Anderson responded and stated that no further development was planned for the site.

Staff stated that the specific amendments to the R-2 District Use Provisions provide for an accessory real estate office associated with and serving specific on-site developments. Staff noted that the proposed amendment will establish a process in which an application would be made to the Municipal Board of Zoning Appeals to determine if a Special Use on Review Permit could be issued for the on-site office. Staff stated that the amendment shall establish the following conditions for the Special Use on Review Permit as parameters for the Municipal Board of Zoning Appeals:

- The on-site real estate office shall be permitted provided that said office is strictly and exclusively limited to the premises on which the R-2 District development is located and shall in no way be permitted to serve persons and/or properties outside of the development;
- Only one (1) Special Use on Review Permit for an on-site real estate office per development may be granted by the Board and shall be voided if the use is discontinued for a period ninety (90) days or more. If the use is discontinued for a period of ninety (90) days or more, a new application to the MBZA will be required to reestablish the use.
- The on-site real estate office shall not exceed 400 square feet in area and shall have a minimum of 2 parking spaces designated specifically for the office use.
- In instances where the real estate office is located in a detached/freestanding building as the only occupant, said building must be located no less than fifty (50) feet from all exterior property line boundaries.
- Only one (1) non-illuminated wall sign, located immediately adjacent to the space occupied by the real estate office, and not exceeding four (4) square feet in service display area shall be permitted for the on-site real estate office. All real estate office signs shall be consistent with materials and colors of the existing building and other on-site development signs.
- The Special Use on Review Permit shall be subject to any and all additional stipulations and/or requirements of the Municipal Board of Zoning Appeals.

Chairman Maples asked if the proposed regulations should stipulate additional requirements now rather than as proposed under the last bulleted item. Staff replied no, that those additional

Planning Commission Minutes

July 21, 2011

Page 5

Mrs. Teresa Cantrell was nominated by Mr. Larry Claiborne as the Planning Commission Secretary and the motion was seconded by Mrs. Dana Soehn. Being no other nominations, Mrs. Cantrell was unanimously re-elected as the Planning Commission Secretary.

Mrs. Dana Soehn was nominated by Mr. Larry Claiborne to be the Planning Commission Vice Secretary. The motion was seconded by Mrs. Teresa Cantrell and with a unanimous vote, Mrs. Soehn was elected as the Vice Secretary.

Unscheduled Items

Mr. Craig Cooper was present and stated that he would be submitting a request at the August Planning Commission meeting for the Fun Mountain Property to be rezoned from C-1 to C-2. Mr. Cooper stated that a potential development was being considered for the property but that the current C-1 Zone height limitations presented a concern for the potential developers. Mr. Cooper stated that the development being considered was a mixed use development with potential for restaurant, retail, and lodging uses. Mr. Cooper noted that the existing chair lift would likely be utilized or expanded as part of the development plan.

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. Charlie Moore and a second by Mr. Don Smith.

Approved:

Planning Commission Secretary

Date

MINUTES OF THE
GATLINBURG MUNICIPAL/REGIONAL PLANNING COMMISSION
August 18, 2011
THURSDAY, 5:00 P.M., CITY HALL

MEMBERS PRESENT

Robert Maples
Teresa Cantrell
Don Smith
Larry Claiborne
Dana Soehn
Bud Ogle
Kirby Smith

MEMBERS ABSENT

Jason Seavy
Charlie Moore

OTHERS PRESENT

Brenda Thornburgh
Tom Thornburgh
Emma Lou Coffin
Craig Cooper
Kay Stephens
Robert Harrison
Jim Hayes

Staff Representatives: David Ball, City Planner
Ashley Miller, Assistant City Planner

Chairman Maples called the meeting to order at 5:00 P.M. The minutes, of the, July 21, 2011, 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 explained that recently the City Commission had approved the expansion of the Municipal/Regional Planning Commission by two (2) members and welcomed the new members, Mr. Bud Ogle and Mr. Kirby Smith. Staff also noted that Mr. Larry Claiborne was reappointed to another five year term.

Old Business

New Business

a) Review and consideration of a rezoning for a portion of Tax Map 126L, Group C, Parcel 1, from C-1 (Tourist Commercial) to C-2 (General Commercial), located at 130 East Parkway, requested by Fun Mountain, Mountain View Inc.

Staff presented the request for a proposed rezoning of Tax Map 126L, Group C, Parcel 1, from C-1 (Tourist Commercial) to C-2 (General Business). Staff stated that the subject property is accessed via East Parkway and is approximately 8.8 acres. Staff stated that the subject property is currently surrounded by the R-2 zone to the northeast, the C-1 zone to the south, southeast, and west, and by the C-2 zone to the north. Staff also stated that the surrounding area is developed with a hotel, parking garage, retail shops, and a multi-family building. Staff explained that at this time the applicant has not identified a proposed use for the property and thus, a proposed

development plan has not been submitted to staff. Staff added that the density allotments for C-1 and C-2 are the same, being a FAR of 2.0. Staff also stated that the maximum and average building heights are increased from the C-1 zone (average height of 48' and a maximum height 60') to the C-2 zone (average height 60' and maximum height of 72'). The Board requested that Staff identify the subject property on the zoning map. Staff noted that several citizens have contacted the Planning Department regarding the notices that were mailed for this item. Staff added that a letter from Ms. Jean Thornburgh Klockenkemper (see attached), was received by staff in opposition of the request due to concerns related to the height of any potential buildings that may be constructed on the property and the potential impact to their property.

Staff stated that the Land Use Plan reflects the property and the surrounding properties to consist of a commercial use. Staff noted that there is a concern about the amount of traffic generated by future development plans due to the close proximity of the properties ingress and egress to Traffic Light #3, being a major intersection. Staff added that the Utilities Department has been consulted in regard to the rezoning request and confirmed that water and sewer services are available to the property but improvements to the utilities system may have to be made depending on the capacity numbers associated with any future development. Staff further stated that once a development plan is identified, the developer is strongly encouraged to meet with the Utilities Department.

Staff further noted that the item was reviewed and approved at first reading by City Commission on Tuesday, August 16, 2011. Staff explained that a second reading, public hearing on the rezoning will be held on September 6, 2011, by the City Commission. After some discussion regarding the sequence of the hearings, the Board inquired about the proposed use of the property. Mr. Craig Cooper was present and provided an overview of the map. Mr. Cooper stated that there are no development plans at this time but noted that a group is looking at the property with no specific plans. Mr. Cooper noted that Mr. Brownlee Reagan wants to rezone the property for future investors and to maximize the potential commercial use of the property.

Chairman Maples then acknowledged audience members Mr. Tom and Mrs. Brenda Thornburgh. Mr. and Mrs. Thornburgh stated they were present to discuss the potential impact of the rezoning to their property located at 116 Baskins Creek By-pass. Mr. and Mrs. Thornburgh noted that the existing cottage at 116 Baskins Creek By-pass was built in 1926, and has been passed down from generation to generation in the Thornburgh family. Mr. and Mrs. Thornburgh voiced concerns about the potential for the additional height standards of the C-2 zoning to negatively affect the views from the adjoining residential properties and stated that considerations should be given by the Board to the adjoining properties. Additionally, the Thornburghs' issued concerns about the potential for the residential area along the By-pass to be boxed in with the current development, "The Chateau," and the potential new development especially if the additional height is granted as a result of the rezoning.

Planning Commission Minutes

August 18, 2011

Page 3

Chairman Maples stated that he understands the concerns raised by the adjoining property owners but also sees the need of the property owner to consider the commercial zoning issues with C-1 versus the C-2 zoning as it relates to the development of the property. Mr. Thornburgh was present and stated that there is a local ordinance to protect hillside developments and questioned whether or not the rezoning would contradict that ordinance. The Board and Staff explained how the HOD overlay district provisions would apply to the property with regard to the height. Mr. Thornburgh asked where the property is in relation to Howard Johnsons? Mr. Cooper explained that the property was immediately adjacent the subject property. The Board asked about the height differences between C-1 and C-2 districts. Staff stated that the height differences are 48 feet to 72 feet average height and 60 feet to 84 feet maximum heights. Chairman Maples stated that from a planning perspective there were no issues in his opinion but understands the concerns of the neighboring properties. Mrs. Thornburgh stated that she would like the Board to consider adjacent property owner issues in their consideration of the request.

Board member, Mrs. Dana Soehn, stated that she can see needing change but hated to see change at the potential expense of the adjoining property owner. Mrs. Soehn further stated that a struggle in review of this request is that the applicant has not presented any specific development plans at this time and therefore hasn't presented a need for the zoning change. Mr. Cooper stated that there are no deals and no plans at this time. Mr. Cooper stated that a group is looking at a possible lodge hotel and use of the "Mountain View" name. Mr. Cooper added that at this time he could not say anything definite about the height of buildings. Mrs. Soehn noted that in her opinion, because no definite plans exist for the property, that the current zoning would not prevent a commercial development and therefore no change would seem necessary at this time.

Ms. Kay Stephens was present as a representative for the Reagan's. Ms. Stephens stated that the Reagans have no plans to sell the property but to lease. Further, Ms. Stephens stated that the lease arrangement will allow the Reagans to control what goes on the property and to keep it a family oriented business and in keeping with the town. Ms. Stephens stated that when issues are raised in the future, the owners will work to protect the neighbor's interests.

Chairman Maples stated that in looking at the request from strictly a zoning change, he feels that the property fits the criteria. Chairman Maples noted that the Board of Commission makes the final decision and that Planning Commission only reviews for a recommendation to the Commission. Mr. Maples did request a further explanation from Staff as to why the request was reviewed by the Board of Commission before the Planning Commission. Staff stated that under state law there is no mandated order in which the Board reviews the request and that there is still a second reading to be conducted by the City Commission at their September 6, 2011, meeting. Staff further noted that the September 6, 2011, meeting will be an open, public hearing in which the public will be given the opportunity to voice concerns and objections. Chairman Maples stated that this is not spot zoning and it's feasible to be changed because it doesn't meet the criteria to deny. Ms. Emma Lou Coffman was present and stated that her house was built 40

years ago when the Mountain View Hotel was still on the property. Ms. Coffman also stated that later the road was built on the opposite side of the property and that there is now view because of the trees that have been removed from the property. Ms. Coffman stated that she doesn't know why the change is being requested if the owners do not have a development plan. Ms. Coffman noted that she would not be happy about a high rise hotel being built on the adjoining property and can understand how the neighbors feel. Chairman Maples stated that from a planning standpoint the only concern is the potential for the new development to impact the neighbors view but at this point is not a certainty. Chairman Maples commented that the commercial use and nature of the property does not appear to further impact the adjoining property. Ms. Thornburgh stated that the future neighbor is a hypothetical proposal and that the priority of the Board should be based on what is right for Gatlinburg. Ms. Thornburgh asked the Board about future input opportunities on any development plan. The Board noted that a site development plan will be required for any future development and that public input can occur during the Planning Commission review process. Staff explained that a difference in a site plan review and a rezoning is that the public does not receive a notice via the mail. Staff further noted that Planning Commission Agendas are posted on the City's website and that meetings occur every third Thursday of the month. After further discussion, Mr. Bud Ogle made a motion to make a favorable recommendation to the Board of Commissioners. Mr. Larry Claiborne seconded the motion, which passed with 5 members voting aye, and Mrs. Teresa Cantrell and Mrs. Dana Soehn voting nay.

b) Review and consideration for proposed signage (2 Wall Signs) for "Bella Dona Boutique," located at 511 Parkway, Suite 113, requested by Vicki Kotowski.

Staff presented the request for proposed signage for "Bella Dona," located in Riverbend Mall at 511 Parkway, Suite 113. This request was denied by the Environmental Design Review Board (EDRB) at the May 26, 2011, meeting. The proposed request consists of approval of two wall signs for "Bella Dona." Specifically, one wall sign is 5.7 sq.ft. and the other wall sign is 6.7 sq.ft. The Sign Regulations of the Municipal Zoning Ordinance allows for a minimum of 60 sq.ft. for each business, and the request is for 12.4 sq.ft. of permanent business signage. Since the EDRB disapproved the request at their May 26, meeting, the applicant has elected to have the signage reviewed by the Municipal Planning Commission per Article IV, Section 411.13.2, of the Municipal Zoning Ordinance. Staff noted that the EDRB's review criteria differs from that of Planning Commission in that the EDRB is charged with reviewing the aesthetics of requests where the Planning Commission is charged with reviewing the request based on the criteria set forth in the Zoning Ordinance. Staff noted that the proposed signage meets the square footage and location requirements of the Municipal Zoning Ordinance. After further discussion, Mrs. Dana Soehn made a motion to grant approval of the proposed signage based on compliance with the Municipal Zoning Ordinance. Mrs. Teresa Cantrell seconded the motion, which passed with all members voting aye.

Unscheduled Items

Planning Commission Minutes
August 18, 2011
Page 5

Mrs. Dana Soehn made a motion to count the one-hour workshop on August 18, 2011, towards their continuing education. Mrs. Teresa Cantrell seconded the motion, with all members voting aye.

Adjournment

There being no further business to come before the Board, the meeting was unanimously adjourned at 5:50 P.M., after a motion by Mr. Larry Claiborne and a second by Mr. Don Smith.

Approved:

Planning Commission Secretary

Date

MINUTES OF THE
GATLINBURG MUNICIPAL/REGIONAL PLANNING COMMISSION
October 20, 2011
THURSDAY, 5:00 P.M., CITY HALL

MEMBERS PRESENT

Robert Maples
Teresa Cantrell
Jason Seavy
Charlie Moore
Bud Ogle
Kirby Smith

MEMBERS ABSENT

Don Smith
Larry Claiborne
Dana Soehn

OTHERS PRESENT

Bruce McClellan

Staff Representatives: David Ball, City Planner

Chairman Maples called the meeting to order at 5:00 P.M. The minutes, of the, August 18, 2011, meeting, were unanimously approved following a motion by Mrs. Teresa Cantrell and a second by Mr. Bud Ogle.

Petitions and Communications from the Public

Staff Report

Staff updated the Board regarding the Subdivision Regulations amendments and noted that ETDD was currently reviewing the document for further amendments.

Old Business

New Business

a) Review and consideration for a re-subdivision of Tax Map 117M, Group B, Parcels 1, 2, and 3, located on Moody Drive, R-1 Zone, requested by Sarah Zoder Lowe.

Staff presented the request for a preliminary and final subdivision plat approval for a minor subdivision of Lots 10, 11, 12, and 13 of the Shieldview Estates, 2nd Addition, to create two (2) revised lots being Lots 10R and 13R, located off of Moody Drive. Staff stated that the minor subdivision consists of the resubdivision of Lots 10 – 13 to consolidate the lots into two (2) revised lots being Lots 10R and 13R. Staff also stated that the survey map depicts the deletion of the interior lot lines and the reestablishment of a common boundary line to create the two lots. Staff further stated that the original plat submittal lacked the signatures of approval for E-911, Sevier County Electric System, Utility Department and/or Health Department, revised lot sizes for the lots, zoning setback information, and owners' signatures. Staff added that in addition, all utility easement areas had not been platted to ensure availability of the utility, specifically the sewer utility, based on the depicted line locations. However, Staff stated that a revised plat has been provided that containing the lacking information. After further discussion, Mrs. Teresa

Planning Commission Minutes

October 20, 2011

Page 2

Cantrell made a motion to grant plat approval for the minor subdivision. Mr. Jason Seavy 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 5:15 P.M., after a motion by Mr. Charlie Moore and a second by Mr. Jason Seavy.

Approved:

Planning Commission Secretary

Date

MINUTES OF THE
GATLINBURG MUNICIPAL/REGIONAL PLANNING COMMISSION
November 17, 2011
THURSDAY, 5:00 P.M., CITY HALL

MEMBERS PRESENT

Robert Maples
Teresa Cantrell
Larry Claiborne
Dana Soehn
Bud Ogle
Kirby Smith

MEMBERS ABSENT

Don Smith
Charlie Moore
Jason Seavy

OTHERS PRESENT

James A. Jones
Clarence Murphy
Frank L. Carter
Herbert McCuiston
Jeff Collart
Janis Collart
Pat McPherson
Virginia Steiner
Linda Fox
Randy Harley
Gail Valentine
Bill Valentine
Pat Brien
Kathy Swisher
David Hurst
Lamar Allen
John Northcote
Henry P. Tyler

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

Chairman Maples called the meeting to order at 5:00 P.M. The minutes, of the, October 20, 2011, meeting, were unanimously approved following a motion by Mr. Larry Claiborne and a second by Mrs. Teresa Cantrell.

Petitions and Communications from the Public

A petition was submitted by the property owners in the Montgomery woods Subdivision in opposition to Item 6 (b).

Staff Report

Staff introduced Mr. Chad Davis with East Tennessee Development District (ETDD). Staff noted that Mr. Davis was the assigned planner from ETDD who would be providing assistance with planning services as was previously provided for by the State through the Local Planning Assistance Office.

Old Business

New Business

a) Review and consideration for a commercial site plan for “Gatlinburg Auto Sales,” Tax Map 127C, Group A, Parcel 13, located at 1420 East Parkway, C-2 Zone, requested by James Dewan Tant.

Staff presented the request for a commercial site plan approval for a proposed “used car sales lot” located on Hwy. 321 – North. Staff stated that the proposed request involves the conversion of an improved commercial site to a used car sales property. Staff added that the request consists of utilization of the existing building, parking, and access points with a proposal to add vehicular parking in the rear of the property for the used vehicles. Staff explained that the site plan proposes two (2) separate concepts for the proposed lot. They are as follows:

The first concept depicts twelve (12) parking spaces with a 19 foot drive isle. This concept proposes to utilize the existing paved area that currently exists today. There are two (2) existing curb cuts onto Hwy. 321 North from and to the property.

The second plan proposes an expanded parking area to twenty three (23) parking spaces with an added parking area in the rear of the property. The developer has indicated that the area in the rear of the property is proposed to be a gravel surface. Typically, the site plan provisions require these areas to be paved. Staff stated that however, because of the area being primarily used for overflow parking, the developer is requesting that the area be permitted to be graveled. Note, the un-adopted “Growth Readiness Principles” recommend that overflow parking areas be permitted to utilize pervious surfaces to promote improved water quality. Staff also stated that in addition, the proposed drive isle is depicted at twenty four (24) feet width which provides for a better transition area for vehicles entering and exiting the property as well as a turning area for the parked automobiles. Staff further stated that the proposed improvements are minor with much of the property being utilized as it exists today. Staff finally stated that the site plan does lack the signature and seal of the designer.

The Board inquired as to which concept the applicant (Mr. Dwan Tant) wish to utilize. Mr. Tant explained that the second option provided more turnaround area and better drive aisle. Mr. Tant further explained that the parking area was partially paved but wish to utilize a gravel surface for the rear overflow parking area. After further discussion, Mrs. Dana Soehn made a motion to grant site plan approval with a recommendation that the second concept (site plan B) be utilized and permit the use of gravel in the overflow area is an acceptable application for the proposed use. Mr. Larry Claiborne seconded the motion, which passed with all members voting aye.

b) Review and consideration for a proposed rezoning of Tax Map 117N, Group A, Parcel 10, located on Crest Road, from R-1A (Low Density Residential) to R-1 (Low Density Residential) District, requested by James A. Jones, Jr. and Billie Jones.

Staff presented the request for a proposed rezoning of Tax Map 117N, Group A, Parcel 10, being property addressed at 557 Crest Road, from R-1A (Low Density Residential) to R-1 (Low Density Residential) District. Staff stated that the proposed request involves the rezoning of a

single parcel (Parcel 10) located in the Montgomery Woods Subdivision, from R-1A to R-1 District. Staff pointed out that the applicants, Mr. and Mrs. Jones, have indicated that the purpose in the request is to permit the use of the existing dwelling unit as an overnight rental for rental income. Staff explained that the difference between the current R-1A District and the proposed R-1 District is that the R-1A does not permit the use of the property as an overnight rental property. Staff added that the current zoning designation of R-1A occurred in 1983. Staff also stated that the property is accessed via Crest Road in the Montgomery Woods Subdivision and is surrounded by properties zoned R-1A with the exception of the property located to the northwest which is zoned C-2 (General Business Commercial). Staff further stated that the C-2 Zoned property is the Mountain Loft Development which is accessed from Hwy. 321 North and is not accessed from the adjoining Montgomery Woods Subdivision. Staff stated that the current Land Use Plan of the City depicts the property as residential use. Staff explained that the policies of the Land Use Plan identify single family rental properties as residential use (see attached pg. 111). Staff stated that however, in instances where neighborhoods have been zoned to prohibit rentals, the Land Use policies recommend that "...A single family zone that does not allow tourist residences shall be maintained in order to preserve permanent residents' neighborhoods' quality of life" (see attached pg. 112 – Number 9). Staff pointed out that the Planning Staff has received letters, signed petitions, and emails from residents opposed the request (attached). Staff also stated that in addition, because of the nature of the request being limited to a single parcel of land and due to a conflict with Land Use Policies, the request may also be considered "spot zoning." Staff explained that the term "spot zoning" is referred to by the American Planning Association's PAS Report Number 521/522 in one instance as "Rezoning a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the comprehensive plan." Staff finally stated that the Board should consider if the request serves the general public interests or is merely the benefit of an individual interest.

Chairman Maples asked how many signatures were on the petition. Staff stated there were 53 signatures, two emails, and an additional five signatures received just prior to the meeting, totaling 60. Mr. James Jones was present and explained that he purchased and began construction on the property approximately three years ago. Mr. Jones further explained that he was building the home as a future retirement residence and added that he has invested over \$500,000 in the construction. Mr. Jones stated that he had intended on renting the structure on an overnight basis as a source of income until he reached retirement. Mr. Jones stated that he was told by his daughter, who was also his realtor, that it was zoned for an overnight rental and that the property that he owned adjacent the subject property was an overnight rental. Mr. Jones further stated that he made a mistake and should have looked at the zoning more closely before making the purchase.

Chairman Maples stated that he understands that his other house is grandfathered. Staff added that it was used as an overnight rental prior to the rezoning to R-1A. Mr. Jones stated that it's a financial burden for him not to be able to rent it on an overnight basis. Mr. Maples asked how long he had owned the house. Mr. Jones stated two and a half years ago. Mr. Maples stated that if it was not disclosed from the seller then he may have recourse against the seller. Mr. Jones stated that he would have his attorney look into the matter. Mr. Kirby Smith asked if it was his intent to have it as an overnight rental from the beginning. Mr. Jones stated yes. Staff stated that

in the permitting process the applicant must indicate whether the construction is for “Owner’s Own Use,” or as a “Rental Use.” Staff noted that the application was checked for “owners own use” and processed as such. Mr. Jones stated that his son-in-law Jerry McCarter filled out the application. Mr. Jones noted that in addition to his rental unit on the adjacent lot that there were other rental properties adjoining the subject property. Staff stated that the property Mr. Jones is referring to is the “Mountain Loft” property. Staff noted that the “Mountain Loft” development is accessed from Hwy. 321 and was not considered a part of the “Montgomery Woods Subdivision.” Mr. Frank Carter stated that he built the house two and a half years ago and should have verified the zoning before spending a lot of money. The Chairman acknowledged Mr. Jeff Collart as a spokesperson for the Montgomery Woods Residents. Mr. Collart stated that he was sorry for Mr. Jones’ dilemma but the residents in this area banded together, during the 1982 World’s Fair, to keep this a residential area and to prevent rentals in the neighborhood. Mr. Collart stated that the Montgomery Woods Area is one of very few areas that are being maintained as permanent neighborhoods. Mr. Collart further noted that the residents want to preserve a sense of the permanent neighborhood and that the request would be spot zoning and encroachment into the residential area. Mr. Collart added that if the request is approved it would set a precedent for future rental encroachments into the area. Mr. Collart requested that the Board respect the request of the residents to preserve the integrity of permanent neighborhood and keep the R-1A zone in tact for this area. Mr. Jones stated that Mountain Loft is behind his house and there are condominiums on Bruce Road and other houses that are rented on an overnight basis. Mr. Jones thanked the Board for their consideration.

Chairman Maples stated it was unfortunate that Mr. Jones was not aware of the current zoning restrictions to prevent overnight rentals in this area but due to the fact that the Montgomery Woods Subdivision came together to form the current zone in 1983, and because the spot zoning would only favor Mr. Jones, he was of the opinion that it be request be denied by the Board. Mr. Bud Ogle stated that spot zoning is a real issue of concern because if the request is approved by the Board it would establish a precedent for future similar requests and more difficult to protect the integrity of the permanent, residential neighborhood.

After additional comments and discussion from the Board, Mr. Bud Ogle made the motion to disapprove the request per staff recommendations and recommended as such to the Board of Commissioners. The motion passed unanimously with a second by Mr. Larry Claiborne.

c) Review and consideration for a resubdivision for “Huskey’s Grove Cemetery,” Tax Map 116, Parcel 148, located on Huskey’s Grove Cemetery Road, RR-1 Zone, requested by Marcus Whaley.

Staff presented the request for review and consideration of a plat approval for the resubdivision of Tax map 116, Parcels 148 and 150.13, to add 5,716.5 square feet to the existing “Huskey Grove Cemetery.” Staff stated that the proposed request involves the resubdivision of Parcels 148 (being the Cemetery Property) and 150.13 (McFalls Acres) to add .13 acres of property to Parcel 148 to increase the lot area from 1.10 acres to 1.23 acres. Consequently, the resubdivision results in a decrease of Parcel 150.13 from 4.68 acres to 4.55 acres. Staff also stated that the .13 acres will be added to the cemetery property for the sole purpose of expanding the burial area of the property and is not intended for the use of building or development. Staff added that the plat depicts the deletion of the interior lot lines between the two parcels along with the new property

line boundaries. Staff further stated that the plat does not depict the remaining lot area of Parcel 150.13 but does reference remaining acreage. The property access is from Huskey Grove Cemetery Road which provides access to Huskey Grove Road. Staff pointed out that both roads are County maintained roads thus providing the required public street frontage for both resubdivided lots. Staff noted that the surveyor has contacted the County Health Department regarding the resubdivision and because the nature of the subdivision does not require the approval of a septic sewer system. Staff finally stated that the only lacking items include the signatures of ownership and dedication, and E-911 signature of approval. After further discussion, Mrs. Dana Soehn made a motion to grant preliminary and final plat approval for the resubdivision of the properties subject to the lacking items. Mrs. Teresa Cantrell seconded the motion, which passed with all members voting aye.

d) Review and consideration for a revised PUD road grade plan for “Laurel Estates,” Tax Map 117, Parcel 194, located on Reba Lane and Laurel Lane, R-2 and C-1 Zones, requested by Norvell and Poe.

Staff presented the request for review and consideration of a revised PUD road grade plan for “Laurel Estates” consisting of road grade variances. Staff stated that the proposed request involves the review and approval of the as built roads within the “Laurel Estates” Planned Unit Development. In a recent survey of the existing road grades of the PUD, the engineer verified that three (3) sections of road are in excess of the allowable 15% road grade. They are as follows:

<u>Road Name:</u>	<u>Location:</u>	<u>Proposed Grade:</u>	<u>Grade Length:</u>	<u>% Difference</u>
Whittlers Way	Sta. 0+55 to Sta.1+50	15.23%	55 lft.	.23%
	Sta. 1+80 to Sta. 2+16	15.35%	36 lft.	.35%
Anastasia Way	Sta. 1+08 to Sta.1+62	16.11%	54 lft.	1.11%

Staff pointed out that there are two (2) sections of road grade on Whittlers Way and one (1) section along Anastasia Way that exceeds the allowable 15% road grade standards established by the Subdivision Regulations. Staff further stated that all three (3) sections of road are short sections with the longest being 55 feet. Staff noted that the Fire Department has reviewed the plans as well as visited the site to look at the proposed road grade variances and have no objection to the proposed variances. Staff further noted that all other infrastructure has been installed within the road way areas and appears to meet minimum standards. Staff finally stated that the only lacking infrastructure item is the final flow testing of the fire hydrants to determine that all fire protection requirements have been met.

Chairman Maples stated that based on the Boards previous discussions related to road grade variances and the limiting of the variance sections to 200 feet or less, the request was a reasonable length. Staff noted that the Fire Department has visited the site and determined that the proposed grades do not pose any access issues or problems. Mr. Bud Ogle stated that four of the cabins depicted on the site plan are not part of the property development. After further

discussion, Mrs. Teresa Cantrell made a motion to approve of the road grade variances for the three (3) sections of road grade. Mrs. Dana Soehn seconded the motion, which passed with all members voting aye.

e) Review and consideration for a commercial site plan for the “Whaley Building,” Tax Map 126N Group E, Parcel 9, located at 732 Parkway, C-1 Zone, requested by Steve Whaley.

Staff presented the request for review and consideration of a commercial site plan approval for a proposed 394 square foot addition to an existing commercial building located at 735 Parkway. Staff also stated that the plan depicts a single story addition to be constructed on the Westside of the existing building in the alley space adjoining the former “Cliff Dwellers” location. Staff added that as depicted, a legal easement document, for the emergency exit discharge through the adjoining property, will need to be submitted to the Planning Staff for review prior to the issuance of any building permits. Staff explained that this will be necessary to ensure adequate and proper emergency exits have been achieved and verified by the Building Inspections and Fire Departments.

Staff stated that the plan lacks the following information: utility plans depicting both existing and proposed water, sewer, and electrical utility locations (note, underground electrical will be required); emergency egress easement documents; solid waste collection plan; signed and stamped site plan. Staff noted that the State Historical Marker for “John H. Reagan” located on the adjoining property will be relocated to another site in the City. Staff further stated that the State of Tennessee Historical Commission has approved the relocation of the marker but final paper work has not been received by the City at this time. Staff finally stated that the project architect has verified the approval and will provide the documentation at the meeting.

Mr. Randy Harley was present from Trotter & Associates, and verified that the owner is in the process of securing the easement between Whaley and Morrison. Mr. Harley also confirmed that the relocation of the State Historical Marker has been approved by the State.

After further discussion, Mr. Larry Claiborne made a motion to grant site plan approval for the minor addition subject to the lacking items being provided to the Planning Staff. Mrs. Teresa Cantrell seconded the motion, which passed with all members voting aye.

Planning Commission Minutes
November 17, 2011
Page 2

Unscheduled Items

Adjournment

There being no further business to come before the Board, the meeting was unanimously adjourned at 5:32 P.M., after a motion by Mr. Larry Claiborne and a second by Mrs. Dana Soehn.

Approved:

Planning Commission Secretary

Date

MINUTES OF THE
GATLINBURG MUNICIPAL/REGIONAL PLANNING COMMISSION
December 15, 2011
THURSDAY, 5:00 P.M., CITY HALL

MEMBERS PRESENT

Robert Maples
Teresa Cantrell
Don Smith
Larry Claiborne
Kirby Smith

MEMBERS ABSENT

Charlie Moore
Jason Seavy
Dana Soehn
Bud Ogle

OTHERS PRESENT

Jay Ogle
Ned Vickers
Brad Smith
Rachel Osborn

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 17, 2011, meeting, were unanimously approved following a motion by Mr. Larry Claiborne and a second by Don Smith.

Petitions and Communications from the Public

Staff Report

Mrs. Teresa Cantrell made a motion to count the one-hour workshop on January 20, 2011, towards their continuing education. Chairman Maples seconded the motion, with all members voting aye.

Old Business

New Business

a) Review and consideration for a commercial site plan approval for "805 Parkway Building," formerly the "Midtown Lodge," located at 805 Parkway, C-1 Zone, requested by 805 Parkway Partners.

Staff presented the request for commercial site plan approval for a proposed redevelopment of the former "Midtown Lodge" located at 805 Parkway, to create an 8,443 square foot commercial retail building and a 167 space, pay parking lot. Staff stated that the proposed plan consists of the removal of the "Midtown Lodge" to create a redevelopment area for a commercial retail building and pay parking lot. Staff noted that the lot is approximately 2.34 acres and fronts Parkway, River Road, and Maples Lane. Staff also stated that the proposed commercial building is 8,443 square feet and the proposed floor area ratio (FAR) is .08. Staff explained that the allowable FAR for C-1 District is 2.0 so the proposal is much less than permitted by the Zoning Ordinance. Staff also noted that the site plan also depicts a proposed 167 space commercial pay parking lot. Staff further stated that the ingress to the parking lot is depicted from Parkway and

River Road. Staff added that the Parkway ingress is limited to entry only and consists of two (2) entry drives. Staff explained that the entry drive area is arranged to accommodate three (3) car stacking for a total of a six (6) car stacking configuration. Staff finally stated that the egress from the parking lot is proposed from three (3) separate locations being one (1) at River Road, one (1) at Maples Lane and one (1) into a private easement area that would exit onto River Road.

Staff stated that a drainage analysis report has been submitted for the proposed project. Staff noted that the report indicates that the current site consists of 2.32 acres of impervious area with 750 square feet of landscaping/green space. Staff added that the proposed site will consist of 2.1 acres of impervious site with approximately 9,750 square feet of landscaping/green space. Staff pointed out that per the drainage analysis report, the site run conditions will decrease with the new development. Staff further stated that the proposed plan indicates that the site storm water structures will be sized to accommodate the 100 year storm with a minimum of 15 inch pipe sizes to be utilized for drainage. Staff stated that the following site plan items need to be submitted and/or revised to receive plan approval: a revised entrance off Parkway to accommodate emergency entry; a revised solid waste collection plan; a detailed landscape plan; easement information to ensure usage rights for the property.

After further discussion, Mr. Larry Claiborne made a motion to grant site plan approval. Mr. Don Smith seconded the motion, which passed with 4 members voting aye, and Chairman Robert Maples abstaining. After further discussion, Mrs. Teresa Cantrell made a motion to grant site plan approval subject to a final site plan submittal with the lacking items being added to the plan. Mr. Larry Claiborne seconded the motion, which passed with 4 members voting aye, and Chairman Robert Maples abstaining.

b) 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 review and consideration for a proposed one (1) year extension to the Letter of Credit #21238 for infrastructure improvements for “The Settlement, Phase II,” located off Forest Springs Drive. Staff stated that the proposed request involves an extension of the existing Letter of Credit for “The Settlement, Phase II,” in the amount of \$25,712.5, for the infrastructure improvements which have not yet been completed for this project. Staff explained that the current letter of credit is not scheduled to expire until February 7, 2012. Staff added that however, in order to allow time for a revised letter of credit to be submitted along with new project costs estimates for the lacking improvements, an approval for the extension is necessary.

After further discussion, Mrs. Teresa Cantrell made a motion to approve extension to the Letter of Credit for infrastructure improvements for “The Settlement, Phase II,” located off Forest Springs Drive. Mr. Don Smith seconded the motion, which passed with all members voting aye.

c) Review and discussion of the proposed Gatlinburg Municipal and Regional Subdivision Regulations, requested by the Planning Staff.

Staff presented the request for a review and discussion of the proposed Municipal and Regional Subdivision Regulations and the amendments to include the Growth Readiness Principles. Staff stated that the proposed Growth Readiness Principles have been incorporated into the Municipal/Regional Subdivision Regulations as previously discussed and recommended. Staff added that since the last review, additional changes have been made to Articles III and IV that relate to the Minimum Standards of Design and Development Prerequisite to Final Approval for water supply systems. Staff stated specifically, the proposed amendments include a differentiation for fire protection systems depending on the availability of a public water supply system. Staff explained that where a public water supply system is reasonably accessible, a water supply system shall be connected to the system in a manner to provide for domestic use and fire protection in accordance with the City's Water System Regulations.

Staff also explained that where a public water supply system is not available such as in areas outside of the corporate limits, and an alternative system may be utilized as approved by the County Health Officer. Staff noted that these systems are typically individual well systems which provide for domestic use to each lot but cannot provide fire protection in the same manner (i.e. hydrants, etc.) as is provided in the City. Staff also stated that the amendments require that the developer consult with the Fire Department having jurisdiction to develop alternative means of fire protection for the development where deemed necessary by the Fire Department.

Staff stated that another proposed change relates to unit separations in Planned Unit Developments that involve the subdivision of land. Staff also stated that specifically, at the request of the Fire Department, an additional setback area of fifty (50) feet has been added for freestanding buildings to other freestanding buildings in a PUD located in the Region where no public water supply is available for fire protection. Staff noted that the current regulations require only a twenty (20) foot separation between units. Staff added that the proposal of fifty (50) feet would provide for an additional separation to prevent structure fires from spreading to adjoining structures.

There being no more discussion, Staff stated that the Planning Department would proceed with public notices for a final, public hearing of the amendments for the February Meeting.

Unscheduled Items

Chairman Robert Maples requested that Staff look into the possibility of the City increasing the limits of Minor Repair Permits so that the permits could be issued for costs of construction up to \$6,500. Mr. Maples stated that the current limits are so low that an individual cannot re-roof their private home without obtaining a regular building permit. Mr. Maples further stated that one should be allowed to perform certain repairs and maintenance activities on their property under the minor repair permit structure of the City.

Planning Commission Minutes
December 15, 2011
Page 4

Adjournment

There being no further business to come before the Board, the meeting was unanimously adjourned at 5:45 P.M., after a motion by Mr. Don Smith and a second by Mr. Larry Claiborne.

Approved:

Planning Commission Secretary

Date