

MINUTES OF THE  
GATLINBURG MUNICIPAL/REGIONAL PLANNING COMMISSION

March 5, 2015

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

MEMBERS PRESENT

Robert Maples  
Don Smith  
Bud Ogle  
Kirby Smith  
Jackie Leatherwood

MEMBERS ABSENT

Teresa Cantrell  
Larry Claiborne  
Dana Soehn  
Charlie Moore

OTHERS PRESENT

Chuck Laney  
Luke Laney  
Hank Freeman  
Bob Bowers  
Brenda Bowers  
Beville Reagan  
James Tomiczek  
Westgate Resort  
Employees

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, January 15, 2015, meeting, were unanimously approved following a motion by Mr. Don Smith and a second by Mr. Kirby Smith.

Petitions and Communications from the Public

Staff Report

Old Business

New Business

**(a) Review and consideration for a minor subdivision of Tax Map 117, Parcel 133, R-2 Zone, located on Highland Drive West, requested by Hank Freeman.**

Staff presented the request for review and consideration of a minor subdivision of the “Helen Joyce Franklin Property,” being Tax Map 117, Parcel 133.00, and located on W. Highland Drive, E. Highland Drive, and Glades Road. Staff stated that the request consists of a minor subdivision of the 9.96 acre tract to create two (2) lots being “Lot 1” a 8.91 acre lot and “Lot 2” a 1.05 acre lot. Staff noted that the request involves the re-subdivision of the original tract of property to create “Lot 2.” Staff added that the new lot (Lot 2), will consists of 1.05 acres and have public street frontage on W. Highland Drive for 123.97 feet. Staff explained that the proposed lot size of 1.05 acres is compliant with the minimum lot size requirements provided the natural topography does not exceed 49 percent slope. Staff pointed out that the slope will need to be verified by the surveyor. Staff also stated that the remaining tract (Lot 1) will consist of 8.91 acres and front on W. Highland Drive, Glades Road, and E. Highland Drive with ample frontage on each of the streets. Staff added that both the proposed lots appear to have access to both

public water and sewer. Staff stated that the plat lacks the following information: certificates and signatures for E-911, Sevier County Electric System, Gatlinburg Utility Department and/or Sevier County Health Department Signature of Approval; and Ownership and Dedication. After further discussion, Mr. Bud Ogle made a motion to grant the minor subdivision to create "Lot 1" and "Lot 2" subject to the lacking information and signatures being provided on a revised plat and submitted to Staff for final review prior to recordation. Mr. Don Smith seconded the motion, which passed with all members voting aye.

**(b) Review and consideration for a minor subdivision of Tax Map 126L, Group B, Parcel 3, located on East Parkway at Poplar Lane, C-2 Zone, requested by Beville Reagan.**

Staff presented the request for review and consideration for a proposed minor subdivision of Tax Map 126L, Group B, Parcel 3.00, being the "Brookside Resort Complex," located at 463 E. Parkway, to create two lots being "Lot 1" of 3.980 acres and "Lot 2" of 1.096 acres. Staff noted that the existing "Brookside Resort Complex" will be located on "Lot 1." Staff stated that the minor subdivision of the "Brookside Resort" property consisting of a total of 5.076 acres, is to create a second lot being "Lot 2." Staff added that the proposed lot will consist of 1.096 acres and have adequate public street frontage on both E. Parkway and Poplar Lane. Staff pointed out that the remaining 3.980 acres will continue as the "Brookside Resort Complex" which also fronts on E. Parkway and Poplar Lane. Staff stated that since the initial plat submission, Mr. Reagan had secured the needed signatures and recommended for final subdivision plat approval. After further discussion, Mr. Don Smith made a motion to grant final plat approval for the minor subdivision. Mr. Bud Ogle seconded the motion, which passed with all members voting aye.

**(c) Review and consideration for final PUD site plan approval for "Westgate Resorts, Phase 14," located on Winding Smoky Way, Tax Map 116, Parcel 195, and Tax Map 126, Parcels 4 and 6, R-1, C-2, and C-4 Zones, requested by CEC, Inc.**

Staff presented the request for review and consideration for a final PUD site plan approval for Westgate Smoky Mountain Resorts, Phase 14, consisting of 25 buildings containing 288 cabin units and 32 midrise units for a total of 320 units on approximately 31.06 acres along with a new access road from Dudley Creek Road up to Phase 14.

Staff provided the Board with additional information consisting of a letter from National Park Superintendent regarding Phase 14 and traffic impacts, an executive summary from the Federal Highway Administration's (FHWA) review of the developer's traffic impact study, and a response from RPM Transportation Consultants, LLC to the FHWA's review of the traffic study information (included in these minutes). Mr. James Tomiczek was present as representative for Westgate and stated that the RPM response was just received and addressed issues raised by the Federal Highway Administration's review of the initial traffic study report prepared in December. Mr. Tomiczek noted that the study has been revised since the initial study to address comments on the study by the City's consulting engineer, Mr. Bob Bowers, and to address issues made by the National Park Service. Mr. Tomiczek added that RPM responded satisfactorily to the City's consultant as it relates to the short term development and issues related to the Dudley

Creek Road connection. Mr. Tomiczek further stated that RPM is currently responding to the FHWA's comments but noted that some of the issues being raised by FHWA are issues that typically are not associated to studies prepared for this level of development. Mr. Tomiczek stated that RPM's study was done consistently with other traffic studies typically prepared for a municipal organization and that the traffic engineers are very comfortable and confident in the level of the study prepared for this type and size of development. Mr. Tomiczek added that the FHWA tends to work with studies prepared for a much more involved project such as a major interstate exchange which require a much more involved and costly process. Mr. Tomiczek noted that this study was prepared for the short term development and that the developer will be conducting additional traffic studies pertaining to the long range development with the understanding that the National Park Services participation will be necessary as it relates to future evaluations and improvements that may be necessary on Park properties.

Mr. Chuck Laney, the contractor for the development, was present and stated that Westgate has purchased the Stalcup property at significant expense to address the traffic and sewer issues that have been raised by the City and the National Park Service. Mr. Laney added that the Phase 14 development will not recover the costs associated with the property purchase and required improvements to build the road and provide the additional sewer line and connection at Dudley Creek and therefore additional phases of development is anticipated for the future. Mr. Laney stated that "Spur" traffic issues go beyond Westgate's development and that other existing developments as well as any future development in the surrounding area will impact the traffic conditions at the intersection adjoining Westgate's development. Mr. Laney stated that Westgate is willing to make improvements as needed at their expense to improve the intersection but because of the extensive approval processes and periods associated with the National Park Service, Westgate cannot wait to begin the short term development. Mr. Laney added that the developer feels that they have been responsive to the Planning Commission's and National Park Service's request in providing traffic studies and addressing issues related to the short term development as needed and are willing to continue to study the traffic issues as development moves forward. Chairman Maples noted that the letter from the Park Superintendent indicates that the National Park Service is not in opposition with moving forward with Phase 14 at this time but is opposed development beyond this phase until further traffic analysis and discussions between all the various parties has been undertaken. Mr. Tomiczek noted that they are confident that the traffic engineer's response to the FHWA's comments will satisfactorily address concerns with the short term development.

Chairman Maples then requested that Mr. Bob Bowers, who served as the City's consulting traffic engineer, give his comments regarding the traffic study and comments by the FHWA. Mr. Bowers began by stating that his review of the RPM Traffic Study was conducted on behalf of the City to ensure that the City's interest were being protected and primarily was focused on the Dudley Creek Road connection and the associated traffic impacts. Mr. Bowers stated that his concerns raised in review of the short term traffic analysis were adequately addressed by RPM. Mr. Bowers further stated that in his review he did note concerns related to the continued

deterioration of the intersection on the “Spur” that is adjacent Westgate main entrance as future phases of development occur but added that he wasn’t sure what authority or role the Planning Commission would have in any proposed improvements to the intersection. Chairman Maples added that the Spur issues would have to be worked out between the National Park Service and the developer because the City has no say in those issues. Staff added that because the City is responsible for the review and approval processes associated with development of the private property, the City does have an obligation to serve as a conduit for communication between the various parties potentially impacted by the development. Mr. Bowers further stated that he agreed that the study prepared by RPM for this development is consistent and very typical to traffic studies prepared for municipalities in the evaluation of impacts for development of this type and level. Mr. Bowers stated that he feels it will be important for the study process to be continued and expanded upon as it relates to the longer range development plans and that certainly the National Park Service will play an important role in the “Spur” improvements which will most certainly be a vital part of future improvements required as the development is expanded into additional phases beyond the short term.

Staff noted that the previous preliminary review discovered private street setback encroachments with a couple of the buildings. Staff pointed out that the final plan layout has been revised to correct the encroachments. Staff added that in review of the final PUD site plan, it appears that all the lacking information has been submitted and that the issues of concern have been addressed by the engineers with exception of the building elevations and cross-sections depicting building heights to verify compliance with height limitations of 48’ average and 60’ maximum. Staff noted that while the floor elevations have been provided the actual building heights cannot be determined without the cross-sections at each specific site point on the property. Staff explained that Staff will be required to verify the height of each and every structure at the time the developer requests a building permit to verify the height is compliant with zoning ordinance regulations. Mr. Tomiczek noted that a thorough review of the topography had been conducted and that there should be no problem with adhering to the building height limitations. Further, Mr. Tomiczek noted that building foundations could be adjusted specifically to each site in order to meet zoning height requirements and that each site would be addressed at the time of submittal of building permit application. Staff stated that a preliminary approval for Phase 14 and the new roadway improvements from Dudley Creek Road was granted by the Board at the December 18, 2014, Meeting. Staff also stated that the preliminary approval was granted subject to the submittal and approval, of the proposed turn lane improvements to the Dudley Creek Road Right-of-Way Area to the City Commission. Staff added that the City Commission has taken official action to approve the proposed improvements to Dudley Creek as proposed by the developer. Staff stated that the only lacking issue with regard to the right-of-way improvements was the submittal of estimates for the improvements and surety for the completion of the improvements. Staff noted that any approval of Phase 14 should stipulate that the estimates and surety be provided for the City’s approval. Staff also noted that this approval is with the understanding that no development permits would be issued by the City until the information

was received and approved by the City. Staff then asked Mr. Laney, as the representative for Westgate, if they were agreeable to submitting the estimates and surety to the City for approval prior to receiving any development permits of which Mr. Laney responded that the developer was agreeable to that stipulation. Mr. Laney further noted that the estimates had already been prepared and that a surety bond could be provided immediately upon request. Staff added that prior to receiving the surety, the estimates would have to be reviewed and approved by the Public Works Department and then an amount established for the surety.

After further discussion, Mr. Kirby Smith made a motion to approve Phase 14 PUD site plan with the stipulation that no development permits be released until the developer provides the City with two (2) estimates for the right-of-way improvements which will require the Public Works Director's approval and the necessary bonds or sureties to ensure the improvements are completed to the City's satisfaction. Mr. Don Smith seconded the motion, which passed with all members voting aye.

**(d) Review and consideration for a preliminary plat approval for a minor subdivision of Tax Map 126, Parcels 4 and 6, to dedicate additional right-of-way to Dudley Creek Road, R-1 Zone, requested by CEC, Inc.**

Staff presented the request for review and consideration for a preliminary plat approval for the re-platting of Tax Map 126, Parcels 4 and 6, to create additional right-of-way area adjoining Dudley Creek Road. Staff stated that specifically, the request consists of the re-platting and dedication of an additional right-of-way area approximately 392.57' in length and in varying widths, to incorporate an additional turn lane on Dudley Creek Road at the newly proposed entrance and road connection for Westgate Resorts.

Staff also stated that the applicants are proposing the dedication of an additional right-of-way area in conjunction with the new turn lane improvements proposed within Dudley Creek Road Right-of-Way Area. Staff further stated that due to the location of Dudley Creek on the south side of the public right-of-way, the only logical way to achieve the improvements is to adjust the right-of-way boundary on the north side of the roadway which is owned by Westgate Resorts. Staff pointed out that since the proposed turn lane is necessitated by the proposed additional development and associated traffic, the developer has agreed to re-plat the property to expand the right-of-way area to the north side. Staff stated that with recent revisions to the preliminary plat, that the preliminary plat meets all minimum standards of design.

After further discussion, Mr. Bud Ogle made a motion to grant preliminary plat approval for the proposed subdivision of Parcels 4 and 6, to create additional right-of-way area for Dudley Creek Road per Staff's recommendation. Mr. Don Smith seconded the motion, which passed with all members voting aye.

**(e) Review and consideration for a site plan approval for “Westgate Resorts, Phase 12, Sales Building,” located at 915 Westgate Resorts Road, Tax Map 116, Parcel 195, and Tax Map 126, Parcels 4 and 6, C-4 Zone, requested by CEC, Inc.**

Staff presented the request for review and consideration of a PUD site plan approval for a proposed 7,700 sq. ft. sales pavilion addition to Phase 12 of the Westgate Resorts Development. Staff explained that the information submitted for review was incomplete and therefore inadequate to conduct a complete zoning review. Staff further stated that due to the lack of information required to conduct a site plan review, Staff’s recommendation was for disapproval of the site plan at this time. After further discussion, Mr. Don Smith made a motion to deny PUD site plan approval for the proposed sales pavilion addition to Phase 12 due to inadequate and incomplete site plan information. Mr. Bud Ogle 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 6:50 P.M., after a motion by Mr. Don Smith and a second by Mr. Bud Ogle.

**Approved:**

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**Planning Commission Secretary**

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**Date**