

MINUTES OF THE
GATLINBURG MUNICIPAL/REGIONAL PLANNING COMMISSION
May 21, 2015
THURSDAY, 5:00 P.M., CITY HALL

MEMBERS PRESENT

Robert Maples
Don Smith
Larry Claiborne
Kirby Smith
Jackie Leatherwood

MEMBERS ABSENT

Teresa Cantrell
Dana Soehn
Charlie Moore
Bud Ogle

OTHERS PRESENT

Stacey Adam
Bill Whisnant
Shirley Whisnant
James Tomiczek
Matt Sprinkle

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, April 16, 2015, 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

Old Business

New Business

a)Review and consideration for a final plat approval of Tax Map 126I, Group B, Parcels 7 and 8, Zoned R-1, located on Ski View Drive, requested by Bill and Shirley Whisnant.

Staff presented the request for plat approval for a proposed minor subdivision of Tax Map 126I, Group B, Parcels 7 and 8, to consolidate the property into a single lot consisting of 3.11 acres on Ski View Drive. Staff explained that the interior lot line that currently divides the property into two (2) parcels will be removed as a result of this proposed minor subdivision. Staff noted that the property as proposed will meet the minimum design standards of the Subdivision Regulations as well as minimum lot size requirements of the Municipal Zoning Ordinance.

Staff also stated the plat lacks the following information: monuments; E-911 Signature of Approval; Health Department Signature of Approval; Sevier County Electric System Certificate and Signature of Approval; Owners Signature of Ownership and Dedication. Staff noted that the Health Department has provided a letter with regard to the approval of the plats and it appears that they are not required to sign the plats prior to recordation.

After further discussion, Mr. Don Smith made a motion to grant minor subdivision plat approval for the re-platting of Lots 3 and 4 to create the revised "Lot 3R" subject to the signatures being

added to the final plat prior to recordation with the Register of Deeds. Mr. Larry Claiborne seconded the motion, which passed with all members voting aye.

b) Site plan approval for the “Gatlinburg Farmers Market,” located at the Covered Bridge Development on Glades Road.

Staff presented the request for site plan approval for the “Gatlinburg Farmers Market,” located at the Covered Bridge Development on Glades Road. Staff stated that the zoning ordinance requires an annual site plan submittal for all farmer’s market locations. Staff added that the site plan is a simple plan which depicts the vendor layout and various ingress and egress points into the market. Staff explained that the purpose of the plan is to provide the City with the site layout to verify that emergency access to the property is adequate and that parking for market goers is available. Staff noted that since the market location is subject to change periodically, the annual submittal is required along with a permit so that the zoning ordinance provisions can be verified by City Staff.

Staff also stated that the Gatlinburg Farmer’s Market applicants have indicated that typically there are 10 to 15 vendors each Saturday, so the number shown on the site plan is generally not fully utilized by the vendors. Staff added that the plan indicates that emergency access will be maintained from Glades Road to the vendor areas at all times. Staff further stated that there is an additional parking area to the east of the vendor areas that are available to the visitors to the market.

After further discussion, Mr. Larry Claiborne made a motion to grant site plan approval for the Gatlinburg Farmers Market. Mr. Kirby Smith seconded the motion, which passed with all members voting aye.

c) Review and consideration for a final plat approval of a subdivision of Tax Map 116, Parcel 195, and Tax Map 126, Parcels 4 and 6, Zoned R-2, C-2, and C-4, located on Westgate Resorts Road and Dudley Creek Road, requested by CEC, Inc.

Staff presented the request for plat approval for a proposed minor subdivision of Tax Map 116, Parcel 195, and Tax Map 126, Parcels 4 and 6, to consolidate the property into a single lot consisting of 283.97 acres located off North Mountain Trail and Dudley Creek Road.

Staff stated that the request involves the re-platting of the existing lots to create a single parcel of property through the deletion of the interior lot line that currently divides the property into three (3) parcels. Staff further stated that the property as proposed will meet the minimum design standards of the Subdivision Regulations as well as minimum lot size requirements of the Municipal Zoning Ordinance. Staff noted that the plat lacks the following information: E-911 Signature of Approval; Gatlinburg Utilities Department Signature of Approval; Sevier County Electric System Certificate and Signature of Approval; Owners Signature of Ownership and Dedication.

After some brief discussion, Mr. Don Smith made a motion to grant subdivision plat approval for the re-platting of the three (3) tracts to create "Lot 1" consisting of 283.97 acres subject to the signatures being added to the final plat prior to recordation with the Register of Deeds. Mr. Larry Claiborne seconded the motion, which passed with all members voting aye.

d)Review and consideration for a proposed rezoning of Tax Map 126, Parcels 4 & 6, from R-2 (Medium Density Residential District) and C-2 (General Business District) to C-4 (Recreation Commercial District), located on Dudley Creek Road, requested by CEC, Inc.

Staff presented the request for a proposed rezoning of Tax Map 126, Parcels 4 and 6, from R-2 (Medium Density Residential) and C-2 (General Business District) to C-4 (Recreation Commercial). Staff stated that the request involves rezoning Parcels 4 and 6 which consists of approximately 72.47 acres to C-4 Recreation Commercial. Staff noted that the C-4 classification would match the existing Westgate Resorts property to the north which is also zoned C-4. Staff explained that the property is adjoined on the west with C-2 General Business District, to the east with R-1 Low Density Residential and C-2 General Business District, and to the south across Dudley Creek Road is a 90 acre tract that is zoned C-4. Staff added that the C-4 zone is a district established for recreational uses and accompanying service uses such as other recreation/amusements, restaurants, motels or hotels, and similar uses. Staff pointed out that Westgate Resorts is currently developed with a large indoor water park facility, multiple timeshare units, and other retail uses. Staff also noted that the only area of concern would be potential impacts to the residential area located to the east of the rezoning area. Staff added that this area is residential and for the most part, consists of tourists rental properties. Staff further stated that the subject property adjoining the residential area is very steep and heavily vegetated with natural growth. Staff reminded the Board that as previously approved by the Board, the subject property is currently being developed with a proposed new access road from Dudley Creek Road. Staff noted that based on the development plan of the new road, the road will be located at least 50 feet from the property line adjoining the R-1 zone and for a very short distance. Staff added as such, it would seem to have very little to no impact to the residential district. Staff finally noted that the proposed rezoning request does not appear to have any impact on the other adjoining commercial districts.

Staff finally stated that based on the compatibility of the request to the surrounding zoning districts, Staff would recommend approval of the rezoning request and relative changes to the Municipal Zoning Map. Staff would also request that the rezoning approval be recommended to the City Commission for their review and consideration. After brief discussion, Mr. Larry Claiborne made a motion to approve the rezoning request and further recommended approval of the request to the City Commission for their consideration. Mr. Kirby Smith seconded the motion which passed with all members voting aye.

e) Review and consideration for a PUD site plan approval of Westgate Resorts, Phase 15, Tax Map 116, Parcel 195, Zoned C-4, located on Westgate Resorts Road, requested by CEC, Inc.

Staff presented the request for PUD site plan approval for Westgate Resorts, Phase 15, consisting of 24 cabins with a total of 288 units. Staff stated that the PUD plan depicts 24 cabins paired in twelve separate buildings connected with an elevator system. Staff also stated that this phase of the development was depicted and analyzed in the traffic study that was referred to as a “short term” development plan along with Phase 14. Staff explained that the traffic study concluded that the additional traffic generated by development of Phases 14 and 15 was acceptable provided an additional access road to the development was provided that extended to Dudley Creek Road. Staff pointed out that in addition, a new private sewer line is to be constructed and connected to the existing public sewer that is also located in Dudley Creek Road. Staff noted that the utilities plan has not received approval of the Utilities Department as it relates to capacity verifications based on the demands of the proposed development. Staff added that to date, the new sewer line that is to be constructed in the new access road from Dudley Creek Road has not received final approval from the State.

Staff distributed additional information from the National Park Service’s Deputy Superintendent Mr. Clay Jordan, which reiterated the National Park Services position on any additional phase approvals beyond Phase 14. Staff stated that the Park Service had requested that no phases beyond Phase 14, that was previously approved by the Board not be approved until such time that the a vetting process occur between each of the parties affected by the traffic. Staff further stated that the Park Service indicated that they did receive the developer’s traffic engineer’s response to the Federal Highway Administrations (FHWA’s) review of the study in mid-April, but had not completed a review of the responses. Mr. Tomiczek stated that the traffic engineer had received FHWA comments on the traffic study and that the items identified by FHWA were addressed in the April response back to the Park. Mr. Tomiczek further stated that the traffic engineers feel the “short term” traffic concerns have been adequately addressed by the revised study information which includes Phase 15 traffic impacts. Chairman Maples commented that the concerns of the National Park Service has to be considered by the Board due to their ownership of the adjoining right-of-way area which provides an access to the development and as a key stakeholder. The Board suggested that the Park be contacted to follow-up with concerns of the FHWA to seek resolution to the issues.

Staff stated that in review of the plan, the proposed private road is in excess of the maximum length permitted for a street ending with a cul-de-sac. Staff further stated that the road profile depicts the cul-de-sac area to be at a 5% grade which is greater than the 3% maximum permitted in the Subdivision Regulations. Staff noted that the units depicted as “future units” were removed from the site plan as they were not part of this request. Staff further noted that there has been no information submitted related to the visibility of the development as required by the Hillside Overlay District provisions. Staff explained that until the visual assessment information has been submitted and reviewed, there is no assurance that the proposed development will be

compliant with the HOD provisions nor can any level of screening be determined if visible from an identified Scenic Land Resource of Significance (SLRS). Staff stated that under the Critical Slope Floating Zone requirements, all artificial wall sections or un-terraced slopes sections are limited to a maximum of 15 feet in height. Staff further explained that the plan indicates several wall sections in excess of this requirement and will need to be revised and/or terraced as required by the code.

Staff finally stated that the plan lacks the following information: engineer's certification; zoning district information; dimensions and calls on all property lines; total density of development including existing and proposed development; road profiles for all private streets; storm water calculations; landscape plan; screening and buffering plan; setback information; building elevations to determine compliance with zoning height requirements; visual assessment information for Hillside Overlay District provisions.

Mr. James Tomiczek with CEC, Inc., was present and stated that several revisions have been resubmitted with regard to the issues raised in Staff review of the project. Mr. Tomiczek stated that the plans have all been stamped and certified as requested by Staff. Mr. Tomiczek further noted that the "upper road" section has been revised to place an intermittent t-turnaround at approximately 1,200 feet in an effort to request a variance from the Board to allow the road to be extended to the proposed 1,800 feet. Mr. Tomiczek stated that the road cannot be connected to the lower road to create a loop street due to the 50' elevation difference in the property. Staff added that the regulations limit the length of cul-de-sac streets to a maximum of 1,200 feet but provide for variances if necessitated by topography up to 2,400 ft. maximum. Staff added that the variances may be granted by the Board if additional turnarounds and pull-offs are incorporated into the road lengths. Staff stated that the revised road design created some concerns as it relates to the grade of the t-turnaround and the functionality of the turnaround with two-way traffic. Mr. Tomiczek stated that a cul-de-sac could be incorporated at a 3% grade and at a full 80' diameter.

Mr. Tomiczek stated that the Phase 15 sewer calculations were being reviewed by the Utility Department and that the Dudley Creek sewer line extension has been submitted to the State for their approval. Mr. Tomiczek stated that the wall sections have not yet been revised to comply with the maximum of 15' height. Mr. Tomiczek added that the visual assessment information has been submitted and that the development appears to comply with the screening percentages of the Hillside Overlay District provisions with the existing vegetation that is in place. Staff questioned the information referred to as "Visibility Line #4" and whether or not the existing vegetation provided adequate screening. Mr. Tomiczek stated that additional photo information could be provided to illustrate the existing tree canopy and coverage that currently exists. Staff questioned whether the vegetation is located on the applicant's property. Mr. Tomiczek stated that the area is partially on Westgate and an adjoining 11 acre property under different ownership.

Mr. Tomiczek then stated that due to Staff's recommendation to deny final approval based on the outstanding items, and since some of the items have been satisfactorily revised but that other items will need further revision, they would request preliminary PUD site plan approval at this time rather than final. After further discussion, Mr. Robert Maples made a motion to grant preliminary PUD site plan approval only at this time. Mr. Kirby Smith seconded the motion, which passed with all members voting aye.

f) Review and consideration of the 2016 – 2020 Capital Improvements Program, requested by staff.

Staff presented the request for review and approval of the FY2016 – 2020 Capital Improvements Program (CIP) projects. Staff stated that the proposed Capital Improvement Projects for the FY 2016 – 2020 Program is as submitted by the various departments. Staff stated that the CIP is a 5 year program that identifies capital project needs of each department in the City. Staff also stated that the CIP is divided into four (4) funds which are: Special Revenue; General Fund; Water; and Waste Water. Each project submitted in the CIP must meet a minimum cost of \$10,000 and have an anticipated life expectancy of at least 10 years to qualify as a CIP Project. Staff stated that this review process allows a review of the projects by the Board and to provide an opportunity for the Board to proposed projects or identify needs not presented in the program by the departments. Further, Staff stated that the Board will need to make a formal recommendation to the City Commission. Staff further stated that if the Board would like to make suggestions for a new CIP project or make specific recommendations related to a project within the summary sheets, Staff will forward said recommendations and comments to the City Commission.

The Board asked staff to forward a request to consider a pedestrian traffic signal on River Road at the crosswalk that extends from the Mountain Mall over to the pedestrian bridge to the Ripley's Aquarium. The Board stated that the uncontrolled pedestrian crossing creates traffic congestion at Traffic Light #5 due to the lack of any mechanism to yield pedestrian traffic from crossing River Road when the vehicular light is green. The Board requested that their concerns be forwarded to City Commission for consideration. The Board also issued concerns regarding the street surface condition of Roaring Fork Road from its intersection with Hwy. 321 up to Ely's Mill area. The Board stated that the road surface was in poor condition especially in areas where utility lines have been previously installed and settlement has occurred creating uneven driving conditions. The Board cited that the road should be a priority due to high volumes of traffic from adjoining development in the immediate area and additional traffic created by visitors exiting the motor nature trail from the National Park.

After further discussion, Mr. Larry Claiborne made the motion to make a favorable recommendation to the Board of Commissioners to grant approval for the proposed FY 2016 – 2020 Capital Improvements Program Projects with the addition of the River Road pedestrian crosswalk project. The motion passed unanimously with a second by Mr. Don Smith.

7. **Unscheduled Items**

Staff and the Board discussed the possibility of changing the submittal dates for Planning Commission Agenda submittals. Staff stated that many revisions were being submitted after the internal predevelopment reviews were conducted on the projects but that the revisions could not be included in the packets due to the short time periods. Staff stated that if additional time could be incorporated in to the process developers could make revisions and resubmit prior to packet preparations so that Board Members would have most updated information or a determination made as to whether or not the item made the agenda. The Board suggested that a 30 day submittal deadline be established and that a policy be adopted to prevent projects from being placed on the agenda if the project designers did not provide complete information after the initial review from City Staff. The Board also agreed that Staff would have to established specific timelines for Staff responses to submittals to provide developers and designers with sufficient time to make revisions and corrections to their submittal.

Staff also discussed the idea of transitioning to a digital submittal process and utilizing the digital media in the council room to present Planning Commission Agenda items. The Board agreed that a digital presentation and submittal would help eliminate the need for storage of development plans but stated that there would be a continued need for a hard copy for member review packets.

8. **Adjournment**

There being no further business to come before the Board, the meeting was unanimously adjourned at 6:15 P.M., after a motion by Mrs. Jackie Leatherwood and a second by Mr. Larry Claiborne.

Approved:

Planning Commission Secretary

Date