

**MINUTES OF THE  
CITY OF PIGEON FORGE PLANNING COMMISSION  
AND BOARD OF ZONING APPEALS  
TUESDAY JULY 26, 2011, 3:00 P.M.  
CITY HALL, PIGEON FORGE, TENNESSEE**

MEMBERS PRESENT

Bill Bradley, Chairman  
Robert Young, Vice Chair  
Jerry Clark  
Jay Ogle  
Judy Harrell

MEMBERS ABSENT

Kevin McClure

OTHERS PRESENT

David Taylor, Karl Kreis, Mark Miller, Jerry Hanson, Kacie Huffaker, James Gregory, John Smith, Peggy Wilson, Marvelle Sewell, MC Wilson, Brian Johnson, Laura Howard, Melissa Dove, Marcus Whaley, Jeffrey Turnmire, Jerry Douglas, Mimi Kulp, Autumn Somerfield, Timothy Elrod, John Webb, others.

Jim Gass - City Attorney

CALL TO ORDER

Chairman Bradley noted that a quorum was present.

APPROVAL OF MINUTES

The minutes of the meeting June 28, 2011 were approved on a motion by Commissioner Clark. Commissioner Young seconded and all voted in favor.

OLD BUSINESS

NEW BUSINESS

**PLANNING COMMISSION**

**A. SPECIAL EVENTS**

**1. Sugar Creek Carriage Rides at the Red Roof Mall, August 1<sup>st</sup> - September 1<sup>st</sup>, 2011, Darius Zelli.**

Mr. James Gregory the new Manager of the mall was present along with the owner/operator of the Sugar Creek Carriage Rides Mr. John Smith.

STAFF RECOMMENDATION

Mr. Taylor explained that the issues from last month had been resolved. Mr. Gregory stated that they would like to move the staging area (for the ride) from the side to the front of the mall. Mr. Taylor explained that staff does not want the ride in the front of the mall because of existing traffic congestion in that area. Mr. Gregory said that they would like to use four parking spaces for turning around, but would stay out of the Parkway's ROW and not circulate through the front parking area. After looking over the map and some discussion, the Planning Commission decided to approve the carriage rides for one month and monitor the situation closely to assure safety.

ACTION TAKEN

Commissioner Young made a motion to approve the request.  
Commissioner Clark seconded and all voted to approve the request.

**2. Heritage Carriage Rides – Anniversary party, Music Road Hotel Convention Center, 3 p.m., August 20<sup>th</sup>, 2011, Peggy Wilson.**

Ms. Wilson was present.

STAFF RECOMMENDATION

Staff explained that this request is for one day and one hour. He said details are being worked out with hotel staff. He recommended in favor of the request.

ACTION TAKEN

Commissioner Harrell made a motion to approve the request.  
Commissioner Ogle seconded and all voted in favor.

**3. Smoky Mountain Music and Heritage Series - 8<sup>th</sup> Annual Old Mill Heritage Day, 175 Old Mill Avenue/ Butler Street, September 24<sup>th</sup>, 10 a.m. - 8 p.m., 2011, Marvelle Sewell.**

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Ms. Sewell was present. Ms. Sewell stated that this event was the same as last year's event.

STAFF RECOMMENDATION

Staff recommended in favor of the request.

ACTION TAKEN

Commissioner Ogle made a motion to approve the request. Commissioner Harrell seconded and all voted in favor.

**4. Kerbela Shriners Parade - Teaster Lane/ Butler Street to Parkway, September 24<sup>th</sup>, 2011, Brian Johnson.**

Mr. Johnson was present.

STAFF RECOMMENDATION

Mr. Taylor explained that the parade route had changed from the 2008 parade and the line up will start at the Pigeon Forge parking Lot on Teaster Lane to Jake Thomas, Parkway and end up on East Wears Valley Road. He said this is to minimize disruption to the Old Mill area and the Heritage Days event there. Mr. Johnson stated that there will be "parade practice" on Friday in the City of Pigeon Forge parking lot. Mr. Taylor said that City Administration is aware and approved the practice time.

ACTION TAKEN

Commissioner Young made a motion to approve the event. Commissioner Clark seconded and all voted in favor.

**5. Preserving the Mountain in Me 5k Run/Walk and kids - Keep Sevier Beautiful, City of Pigeon Forge Greenway, Saturday, April 14<sup>th</sup>, 2012, 8:00a.m., Laura Howard.**

Ms. Howard was present. She said they have added a "rain course" and a kids fun run, but the regular course has stayed the same.

STAFF RECOMMENDATION

Staff recommended in favor of the event.

ACTION TAKEN

Commissioner Ogle made a motion to approve the request. Commission Young seconded and all voted in favor.

**6. No Way Jose's Cantina - Iron Boar Bike Wash, 104 Waldens Landing, Friday, August 19<sup>th</sup> and Saturday, August 20<sup>th</sup>, 2011 Alan Magnum.**

Ms. Somerfield represented the request. When asked, she reported that no music will be played during the event.

STAFF RECOMMENDATION

Staff recommended in favor of the request.

ACTION TAKEN

Commissioner Clark made a motion to approve the request. Commissioner Young seconded and all voted in favor.

**7. Boys and Girls Club of the Smoky Mountains - Dancing Divas (& Dudes) Car Wash, Pigeon Forge Factory Outlet Mall, 2850 Parkway, Saturday, July 30<sup>th</sup>, 2011 Melissa Dove.**

Ms. Dove was present.

STAFF RECOMMENDATION

Staff stated that safety will be the main concern and suggested that the area be roped off. Staff recommended in favor of the request.

ACTION TAKEN

Commissioner Harrell made a motion to approve the request subject to staff's recommendation. Commissioner Clark seconded and all voted in favor.

**B. Subdivision**

**1. Final Minor Re-Subdivision of the Langley Corporation property, (2 Lots) Henderson Chapel Road, Ronnie Sims.**

Mr. John Webb was present for the request.

STAFF RECOMMENDATION

Staff reported that Tract 2A has an encroachment of a landscape area/fountain into the public ROW of Henderson Chapel Road. Staff said that (some years ago) some landscaping was approved in the ROW on the site plan, but there is no record of a fountain being approved. Staff questioned that there is any easement agreement for this ROW encroachment. City Attorney Gass said that approval of the plat does not have to constitute ratification of the encroachment.

ACTION TAKEN

Commissioner Young made a motion to approve the platting, but not to ratify the encroachment in any way. Commissioner Ogle seconded and all voted in favor.

**C. Planned Unit Developments (PUD)**

**1. Bear Cove Village RV Park, final PUD Site Plan, Phase 2 and 3, Veterans Boulevard and Whaley Drive, Kacie Huffaker – Norvell and Poe.**

Ms. Huffaker was present.

STAFF RECOMMENDATION

Staff Planner Taylor stated that Phases 2 and 3 have been switched from the preliminary approval to this current final. He pointed out that this final has been changed to just Phase 2 (previously Phase 3) and does not include Phase 3 (previously Phase 2). He asked that a bond to cover paving and landscaping be submitted within 10 days. He recommended in favor of Phase 2 only.

ACTION TAKEN

Commissioner Harrell made a motion to approve the request subject to staff recommendation. Commissioner Ogle seconded and all voted in favor.

**D. Site Plans**

**1. Dott McMahan Addition, Lots 54 and 55, Site Plan, Mountain View Lane, Marcus Whaley.**

Mr. Whaley was present.

STAFF RECOMMENDATION

Mr. Taylor stated that staff has concerns about the proposed drainage plan. However, Mr. Whaley has provided documentation that it meets the current ordinances. He recommended in favor of the request.

ACTION TAKEN

Commissioner Clark made a motion to approve the request.  
Commissioner Harrell seconded and all voted in favor.

**2. Family Dollar, Site Plan, Wears Valley Road, Jeffrey Turnmire.**

Mr. Turnmire was present.

STAFF RECOMMENDATION

Staff Planner Taylor said that the dumpster will need to be screened per C-6 district requirements. He also reported that preliminary design for the new city park shows the main entrance near the property line with the Family dollar site. He feels that the Family Dollar entrances are far enough away for traffic conflicts, but feels these ingress/egress points should be coordinated if possible. City Attorney Gass said that action to approve the plan would give these developers approval to build their site as approved. Mr. Turnmire said that they would be willing to work with the engineers for the park if needed.

ACTION TAKEN

Commissioner Young made a motion to approve the request.  
Commissioner Harrell seconded and all voted in favor.

The meeting was adjourned at 4:00 p.m.

**BOARD OF ZONING APPEALS**

**A. Request for variance on Lot 22, 534 Royal Coachman Dr., Jerry Douglas, Kathey Hennessy.**

Mr. Douglas was present and stated that he wanted to place his residence within 8 feet of the sideyard setback.

### STAFF RECOMMENDATION

Staff Planner Taylor explained that some interpretation was needed as to whether a "loft" constitutes a floor (or "story" in article 8) and whether it would need to be setback as such. He explained that in an R-2 district that the sideyard setback is 8 feet per story. He said that the "loft" will be occupied by people at times (as a game room), which could consider it as another floor. This would then require a 16 foot setback. An architect in attendance said it should be considered based on how it appears from the outside. Discussion ensued. It became apparent there were varying opinions on the subject. Some board members considered whether he had criterion for a variance since many lots in that subdivision already had been granted them. Board member Ogle thought from the pictures that at 8 feet he would be very close to the neighbor who already appeared to be setback 8 feet. Board members agreed that more information on elevations and placement of the building on the lot was needed to make a decision.

### ACTION TAKEN

No action was necessary. The item was withdrawn.

### **B. Request to replace an additional existing non-conforming ground sign, 2256 Parkway, Eugene Lafollette.**

Attorney Timothy Elrod was present representing the owners of the business being leased at the property (who were also present).

### STAFF RECOMMENDATION

Staff Planner Taylor showed the board pictures showing two ground signs for one business (only one is allowed per business). He said that the signs are non-conforming and since the business has been inactive for greater than 90 days that (per regulations) the signs must be brought into compliance. He said that one would have to come down and since one is also too high per current regulations, that sign would make the most sense to be removed. Discussion went in many different directions. Attorney Elrod and his clients maintained that the additional sign was there because of it being at a corner of perpendicular streets. Staff pointed out that the perpendicular street in question has been officially closed and the property returned to adjacent property owners. Furthermore, the sign is in the wrong place to meet that regulation, had the street not been closed. The petitioners also expressed that they

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leased the building, because it had two grounds signs. Board members increasing expressed opinions that the sign(s) should be brought into compliance.

ACTION TAKEN

No action was necessary. The item was withdrawn.

The meeting was adjourned at 4:15 p.m.

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Bill Bradley, Chairman

Attest:\_\_\_\_\_