

**MINUTES OF THE
CITY OF PIGEON FORGE PLANNING COMMISSION
AND BOARD OF ZONING APPEALS
TUESDAY AUGUST, 28, 2012, 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, Theresa Siewart, Gwen Ford, Billy Worsham, Guy Wantiez, Mike Suttles, Chuck Burton, James Tomiczek, Mimi Kulp, others.

Jim Gass
Midge Jessiman

PLANNING COMMISSION

CALL TO ORDER

Chairman Bradley noted that a quorum was present.

APPROVAL OF MINUTES

The minutes of the meeting July 24, 2012 were approved on a motion by Commissioner Young. Commissioner Harrell seconded and all voted in favor.

NEW BUSINESS

City of Pigeon Forge Items

A. Special events

1. Vacation Lodge – Motorcycle Group, Sunday, September 16 through Thursday, September 20, 2012, 3450 Parkway, Akhil Barber.

Mr. Barber was present.

STAFF RECOMMENDATION

Staff recommended in favor of the request.

ACTION TAKEN

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

2. Pigeon Forge High School – Tiger 8K Road Race in October, Saturday, October 20, 2012, 414 Tiger Drive, Carrie Rudder.

Ms. Rudder was not present.

STAFF RECOMMENDATION

Staff was in favor of the event.

ACTION TAKEN

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

3. Adrenaline Sports Management – Santa Hustle in the Smokies' Half Marathon, Sunday, December 9, 2012, Parkway, Heather Frayn.

No one was present.

STAFF RECOMMENDATION

Staff recommended in favor of the request. Chairman Bradley stated that some complaints were filed from motels in the area that they weren't notified of the event.

ACTION TAKEN

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

4. The Christmas Place at Bell Tower Square – Labor Day Weekend Sidewalk Sale, Friday, August 31 through Sunday, September 9, 2012, 2470 Parkway, Teresa Hughes.

Ms. Hughes was present.

STAFF RECOMMENDATION

Staff recommended in favor of the request.

ACTION TAKEN

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

5. Run to the Hills 8 Auto Cross Event, Friday, September 14 through Sunday September 16, 2012, Splash Country Parking Lot – 212 Dollywood Lane, Bill Howell.

Mr. Howell was present.

STAFF RECOMMENDATION

Staff recommended in favor of the request. Mr. Taylor stated that a sound permit would be required.

ACTION TAKEN

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

6. Sevier County Right to Life – Memorial Walk for the Unborn , Saturday, October 20, 2012, Community Center/Parkway, Terry Aparicio.

Ms. Aparicio was not present.

STAFF RECOMMENDATION

Staff recommended in favor of the request. Mr. Taylor stated that if the event was cancelled that the Police Department needed to be notified.

ACTION TAKEN

- 7. Old Mill Square – 9th Annual Old Mill Heritage Day, 175 Old Mill Avenue/ Butler Street, Saturday, September 22, 2012, Marvelle Sewell.**

Ms. Sewell was present.

STAFF RECOMMENDATION

Staff 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.

- 8. Remote Area Medical (RAM) – Mobile Clinic, Saturday, March 2 and Sunday, March 3, 2013, Pigeon Forge High School – 414 Tiger Drive, Mary Vance.**

Ms. Vance was present.

STAFF RECOMMENDATION

Staff 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.

- 9. Titanic Tennessee, LLC. – Holiday Snow Event and Firework Show, Thursday, November 22 through Saturday, November 24 and Saturdays, December 1, 8, 15, & 22, 2012, 2134 Parkway, Lorene Boatner.**

Ms. Boatner was not present.

STAFF RECOMMENDATION

Staff recommended in favor of the request.

ACTION TAKEN

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

10. Alzheimer's Association – 20th Anniversary Smoky Mountain Walk, Saturday, September 29, 2012, Pigeon Forge High School – 414 Tiger Drive, Kay Watson.

Ms. Watson was not present.

STAFF RECOMMENDATION

Staff recommended in favor of the request.

ACTION TAKEN

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

11. Pigeon Forge Office of Special Events, 23rd Annual Winterfest Kickoff Event (Patriot Park) and 2nd Annual Salute to Veterans Parade (Jehu Street to Patriot Park via Parkway), Tuesday, November 6, 2012, Butch Helton.

Mr. Helton was present.

STAFF RECOMMENDATION

Staff recommended in favor.

ACTION TAKEN

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

B. Subdivision

1. Resubdivision Tract 2 Pigeon Falls, LLC, Teaster and Jake Thomas, 360 Surveying, Jonathon Lyons.

Mr. Jimmy Taylor from Associated Design was present.

STAFF RECOMMENDATION

Mr. Taylor stated that the subdivision meets city regulations, but the Public Works Director Mark Miller is out of town and not able to sign it before the meeting. Because of the circumstances he recommended in favor of the request subject to all required signatures.

ACTION TAKEN

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

2. Resubdivision of Harmony Hills Lots 10 and 11, 3524 Peggy Lane, Donna Cantrell, Vision.

Ms. Cantrell was present.

STAFF RECOMMENDATION

Staff recommended in favor of the request subject to it being signed by Public Works Director Miller when he returns.

ACTION TAKEN

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

B. Planned Unit Developments (PUD)

1. None.

D. Site Plans

1. Cabins For You, Revised Site Plan, 2824 Willa View Drive, Bruce Rutherford, SRA.

Mr. Rutherford was present.

STAFF RECOMMENDATION

This existing building is in the floodway and is going to be converted into a rental property and laundry. Mr. Taylor stated that per the city's flood

ordinance the renovations cannot be more than 50% the worth of the building. He said staff is waiting on a copy of the contract from construction contractor to confirm this. A no rise certificate is needed for proposed improvements in parking, etc in the floodway. He said solid waste will need screening per C-6 requirements.

ACTION TAKEN

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

2. Froyoz Frozen Yogurt, Revised Site Plan, 3535 Parkway, Bruce Rutherford, SRA.

Mr. Rutherford was present.

STAFF RECOMMENDATION

Mr. Taylor stated that the site plan met requirements, but a temporary signage board had been added to the property and is not compliant and should be removed. Also, he recommended that temporary trailers in the back that cover required parking be removed before any building permits are issued.

ACTION TAKEN

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

Planning Region Items

A. Subdivisions

1. None.

B. Planned Unit Developments (PUD)

1. None.

C. Site Plans

1. None.

D. Requests for Rezoning

1. None.

BOARD OF ZONING APPEALS

CALL TO ORDER

Chairman Bradley opened the Board of Zoning Appeals Meeting.

NEW BUSINESS

A. Harmony Hills Lot 10 – 3524 Peggy Lane, Revisit previously denied request for variance of front and rear setbacks, Donna Cantrell, Vision.

Ms. Cantrell was present, as well as, property owners McMillan’s and Attorney Mathew Grossman. Mr. Grossman spelled out at great length his clients case. He presented many exhibits to the board. He felt the building had to be built at that location to be out of a major drainage area and due to steep topography. He also said that many buildings in the subdivision encroach their setbacks and showed a map to the board. He also felt his client is doing his best by combining this lot with an adjacent lot and “cleaning” up the property. He also felt the original platted cul-de-sac forced the first property owner to the back of the property.

STAFF RECOMMENDATION

Staff Planner Taylor reminded the board that they heard and denied this request in the past. He said it was due to a gross disregard of the setbacks when the builder encroached the rear setback 16.55 feet and the front setback 5 feet. He reported that staff warned the (now) property owner of the previous denial before he purchased the property. Mr. Taylor feels his only recourse is to buy more property to the back of the building and remove the porch in the front. He admitted the property/and subdivision has its challenges, but said staff cannot recommend a rear setback of 8.65 feet when 25 feet is required. Discussion ensued. Many board member felt overturning a previous ruling would set a bad precedence and they felt satisfied that the buyer/property owner had been adequate warned of the situation before buying the property.

ACTION TAKEN

Commissioner Ogle made a motion to deny the request. Commissioner Clark seconded and all voted to deny.

B. New York New York Retail Store, Request for variance of height limit for a ground sign, 3229 Parkway, Cara Knapp, Associated Design Group.

Mr. Jimmy Taylor was present.

STAFF RECOMMENDATION

Mr. David Taylor stated that the ground sign in question is 36 ft. tall and the maximum height is 25 ft. He said a sign can sometimes be 30 feet high, but there must be topographical and/or sign congestion issues. He said neither exists in this situation. Mr. Jimmy Taylor said that his client does not consider the statue to be a sign. Mr. Taylor said that this is new and that discussion has been about this as a sign. City Attorney Gass said that the board could only rule at this meeting on the sign height variance request. He and staff said the item will have to be resubmitted next month if he could spell out to the board what part of the zoning ordinance he wanted interpretation or variance.

ACTION TAKEN

No action was necessary, Mr. Taylor withdrew the request.

C. Memories Theater, Appeal of staff's regarding the replacement of non-conforming signs, Brennon Garrett.

Mr. Garrett and Dee Galyon were present. Mr. Garrett said the sign was cut down and moved to another location. They are asking to return it to the original location.

STAFF RECOMMENDATION

Staff Planner Taylor stated that the sign was setback 2.2 feet from the ROW before removal and 5 feet is required in the ordinance. He said non-conforming signs that come down must be put up in compliance of the

8/28/12

ordinance. Ms. Galyon feels the sign is grandfather. City Attorney Gass said the sign is not grandfather since it was removed.

ACTION TAKEN

No action was necessary, the item was withdrawn.

The meeting was adjourned at 4:42 p.m.

Bill Bradley, Chairman

Attest: _____