

**MINUTES OF THE
CITY OF PIGEON FORGE PLANNING COMMISSION
AND BOARD OF ZONING APPEALS
TUESDAY SEPTEMBER 25, 2012, 3:00 P.M.
CITY HALL, PIGEON FORGE, TENNESSEE**

MEMBERS PRESENT

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

MEMBERS ABSENT

OTHERS PRESENT

David Taylor, Karl Kreis, Billy Worsham, Peggy Wilson, Laura Howard, Theresa Hughes, James Tomecheck, Stefanie Hopson, Jimmy Taylor, Pat Maples, Mimi Kulp, Jeffrey Murrell, Ashley Mercereau and 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 August 28, 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. Heritage Carriage Rides, October 1-March 31, 2013, 3 p.m. -2 a.m., Walden's Landing, Peggy Wilson.

Ms. Wilson was present.

STAFF RECOMMENDATION

Mr. Taylor reminded the Commission that proposed changes to the special events section of the ordinance have been recommended to the City Commission, but yet to be approved. He felt this type of thing should be handled through site planning if a permitted use in the zoning district. Commissioner Harrell said that "special" needs to be defined as these ongoing events are not "special." Staff recommended (under the current circumstances) extending this event for three months.

ACTION TAKEN

Commissioner Young made a motion to approve the special event for three months. Commissioner McClure seconded and all voted in favor.

2. American Cancer Society – Mini Relay For Life, Saturday, October 13, 2012, 10 a.m. - 3 p.m. Pigeon Forge High School, Billy Worsham.

Mr. Worsham was present.

STAFF RECOMMENDATION

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

ACTION TAKEN

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

3. Keep Sevier Beautiful – Sevier County Recycles Day, Saturday, November 10, 2012, 8 a.m. - 1 p.m., City Parking Lot – Teaster Lane, Laura Howard.

Ms. Howard was present.

STAFF RECOMMENDATION

Staff recommended in favor of the request.

ACTION TAKEN

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

**4. The Christmas Place at Bell Tower Square – Secondary Market/
Tent Sale, Saturday, November 3 – Sunday December 3, 2012, 9
a.m.- 9 p.m., 2470 Parkway, Teresa Hughes.**

Ms. Hughes was not present.

STAFF RECOMMENDATION

Mr. Taylor explained that more details are needed for this event before staff can recommend in favor. This event has been approved in the past, but not for a month. The event needs to be resubmitted in October.

ACTION TAKEN

Commissioner Young made a motion to defer the request for one month.
Commissioner McClure seconded and all voted in favor.

**5. Request for a Temporary Use Permit (OPC Location), Red Roof
Mall – 2850 Parkway, Robert Slous.**

This item was moved to the Site Plans.

C. Planned Unit Developments (PUD)

**1. Revised Preliminary PUD Plan of The Island At Pigeon Forge,
Teaster Lane, James Tomechek - Vision.**

Mr. Tomechek was present and explained the changes to the plan since the initial approvals.

STAFF RECOMMENDATION

Mr. Taylor explained that several issues need to be addressed before final approval is granted. Landscaping, stormwater and solid waste will need to be more detailed on the plans by final. He said that they are proposing

parking in the floodway, which may need permitting from TDEC and could be a stormwater problem. Staff would need more detail and information by final to recommend the parking. Also, some of the buildings are in the floodway and an engineered no-rise certificate needs to be received.

ACTION TAKEN

Commissioner Harrell made a motion for Revised Preliminary PUD approval. Commissioner Clark seconded and all voted in favor.

D. Site Plans

1. Smoky Mountain Zoo, Site Plan, 3059 Parkway, Girish Thakkar & Curtis Krebs.

Mr. Krebs and Mr. Thakkar were not present.

STAFF RECOMMENDATION

Mr. Taylor explained that this item had been before the planning commission many times. He continued that in April of 2011 a Stop Work Order was issued to the owner. He also stated that the site plan has been denied in the past, because it does not meet the cities requirements. He said that although the current site plan shows the building reduced to 2,800 square feet instead of the 5,900 square feet building that was illegally constructed, that the current site plan is still deficient for on-site parking, drainage, and landspacing. Attorney Jeffrey Murrell asked to address the Commission. He said that he represents three nearby businesses. He said his clients have endured the sight, smells, and illegal signage from this illegally constructed business long enough. He feels that it is time for the City to consider having the building removed. Commissioner Harrell suggested condemnation of the building stating that it is unsafe. City Attorney Gass said that the Commission needed to act on the site plan submitted before them, but they could recommend condemnation proceedings to the City Commission.

ACTION TAKEN

After much discussion, Commissioner Harrell made a motion to deny the request and recommend to City Commission to condemn it. Commissioner Clark seconded and all voted in favor.

2. Boot Factory Outlet, Revised Site Plan, 2575 Parkway, Stefanie Hopson - R2R Studio.

Ms. Hopson was present.

STAFF RECOMMENDATION

Staff recommended in favor.

ACTION TAKEN

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

3. Request for a Temporary Use Permit (OPC Location), Red Roof Mall – 2850 Parkway, Robert Slous.

Ashley Mercereau was present.

STAFF RECOMMENDATION

Staff recommended in favor of the temporary permit.

ACTION TAKEN

Commissioner Young made a motion to approve the request. Commissioner McClure 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. New York New York Retail Store, Appeal of staff's decision that a single statue does not constitute "theming" under Section 317(a).1 of the zoning ordinance and must be considered a sign under Sections 408.6.4 and 317(a), Jimmy Taylor.

Mr. Taylor was present. He said that his client is requesting a 30 feet high model of the Statue of Liberty. He stated that in his opinion this is an element from the building and not a sign. He submitted pictures of different graphics in town to the Planning Commissioners. He explained that many businesses have similar things on the building as his client is proposing and many buildings are out of compliance.

STAFF RECOMMENDATION

Staff Planner Taylor explained that "statues" are listed as "graphics" in the ordinance. He said "graphics" can only be handled two ways. It can be considered "theming" and not count towards signage or it is a "sign" and must count towards the signage requirements. He said that the statue does not meet the definition of "theming" which states, "No one large graphic will be considered theming." He said staff considers a 30 feet high model of the Statue of Liberty one large graphic and not "theming" and must be measured as a sign. He also said that it does not meet the 25 feet height limit for a sign. Discussion ensued. All seemed to agreed that it was one large graphic and was not theming. Chairman Bradley stated that the planning commission has no problem with the statue and would like to see if it can meet city standards. The owner contends that it must be 30 feet high and not 25 feet high.

ACTION TAKEN

10/25/12

Commissioner Harrell made a motion to uphold staff's interpretation that a single statue is not theming and must count towards signage. Commissioner Young seconded and all voted in favor.

The meeting was adjourned at 4:35 p.m.

Bill Bradley, Chairman

Attest: _____