

**MINUTES OF THE
CITY OF PIGEON FORGE PLANNING COMMISSION
AND BOARD OF ZONING APPEALS
TUESDAY DECEMBER 14, 2010, 3:00 P.M.
CITY HALL, PIGEON FORGE, TENNESSEE**

MEMBERS PRESENT

Bill Bradley
Robert Young
Jay Ogle
Bill Howell
Kevin McClure
Jerry Clark

MEMBERS ABSENT

Keith Whaley

OTHERS PRESENT

David Taylor, Mark Miller, Karl Kreis, Charlie Cobble, Peggy Wilson, Steve Helton, Will Morgan, Jonathan Lyons, Mike Suttles, Tim Dunnavant, Ragbir Chopra, Marcus Whaley, Mike Moncrief, Mimi Kulp, others.

Jim Gass - City Attorney
State Planner- Bart Hose

CALL TO ORDER

Chairman Bradley noted that a quorum was present.

APPROVAL OF MINUTES

The minutes of the meeting December 14, 2010 were approved on a motion by Commissioner Young. Commissioner Clark seconded and all voted in favor.

OLD BUSINESS

NEW BUSINESS

PLANNING COMMISSION

A. SPECIAL EVENTS

- 1. All Chevy Supernationals Car Show, City Municipal Parking Lot - Teaster Lane, Thursday, June 16th through Saturday, June 18th, 2011, Charlie Cobble.**
- 2. 33rd Annual F-100 Supernationals Car Show, City Municipal Parking Lot - Teaster Lane, Thursday, May 12th through Saturday, May 14th, 2011, Charlie Cobble.**

Mr. Cobble was present.

STAFF RECOMMENDATION

Mr. Taylor suggested that the Planning Commission vote on items 1 and 2 in the same motion. He stated that the events were yearly events, but that last year complaints were made about illegal signs along Teaster Lane and Jake Thomas Road and vehicles traveling on and blocking the greenway. Mr Cobble stated that those problems were taken care of and suggested that yellow tape be put up on the parking lot across the street.

ACTION TAKEN

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

- 3. Heritage Carriage Ride - Waldens Landing, Tuesday, December through Sunday, January 2th, 2011, Peggy Wilson.**

STAFF RECOMMENDATION

Staff recommended in favor.

ACTION TAKEN

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

- 4. (11th Annual) Pontiacs in Pigeon Forge Car Show, Music Road Convention Center – a 303 Henderson Chapel Road, Friday June 3rd through Sunday June 5th, 2011, Joseph Blackburn.**

STAFF RECOMMENDATION

Staff recommended in favor of the request.

ACTION TAKEN

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

5. Remote Area Medical (RAM) – Mobile Clinic, Pigeon Forge High School – 414 Tiger Drive, Saturday, March 11 through Sunday, March 12, 2011.

STAFF RECOMMENDATION

Staff recommended in favor of this yearly event.

ACTION TAKEN

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

6. (6th Annual) Sevier County Right to Life Rally/March, Starting at the Library on Community Center Drive and ending at Country Tonite Theater, Sunday, January 9, 2011, Terry Aparicio.

STAFF RECOMMENDATION

Staff recommended in favor of this yearly event.

ACTION TAKEN

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

7. Murder Mystery Dinner Show – Marketing for Village Peddler with Actor in Costume, Millstone Village – 155 Old Mill Avenue, #1, Wednesday, December 15, 2010 through January 2, 2011, Joseph Prescott.

Mr. Moncrief was present.

STAFF RECOMMENDATION

Mr. Taylor explained that he could not recommend in favor of the request. The site would block pedestrian's path on the sidewalk. Planning Commissioner Howell worried about a precedent being set by allowing a special event at this location for the benefit of a business at a different location.

ACTION TAKEN

No action was necessary. Mr. Moncrief withdrew the request.

D. SITE PLANS

1. Big Daddy's Pizzeria & Arcade (formerly Ultrazone), Site Plan, 3053 Parkway, Tim Dunnavant, TD Architect.

Mr. Dunnavant was present.

STAFF RECOMMENDATION

Mr. Taylor explained the restaurant would hold 290 seats. Based on that number of seats, he said that the current parking plan lacks parking spaces. He continued that the original plan had enough parking, but staff was worried about traffic circulation with some of the angled parking and felt that changing to parallel parking in that area would be the best for the overall plan. Site approval will be subject to BZA approval for a variance to parking standard.

ACTION TAKEN

Commissioner Howell made a motion to approve the request subject to BZA approval of parking. Commissioner Young seconded and all voted in favor.

2. Gum Stand Baptist Church, Revised Site Plan, Veterans Boulevard, Bruce Rutherford/SRA.

STAFF RECOMMENDATION

Mr. Taylor stated (and showed pictures) demonstrating that the last approved site plan was over-graded. This was causing some problems for adjoining properties. He said that from this the applicant was asked to correct the problem and update their site plan. Staff recommended in favor.

ACTION TAKEN

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

3. Hollywood Wax Museum, Site Plan, Parkway, Mike Suttles/Vision.

Mr. Suttles was present.

STAFF RECOMMENDATION

Mr. Taylor stated that any approval of the site plan will be subject to BZA interpretation of their proposed signage. He also stated that the proposed zipline is not included in this site plan approval. Staff recommended in favor of the site plan without the zipline and subject to BZA interpretation of the proposed signage

ACTION TAKEN

Commissioner Howell made a motion to approve the site plan subject to BZA interpretation of signage. Commissioner McClure seconded and all voted in favor.

E. REQUESTS FOR REZONING

- 1. Ragbir Chopra, an approximately 0.4 acre parcel, (Tax Map 94C, Group C, Parcel 29), from R-1 (Rural Residential) to C-2 (Tourist Commercial District).**

Mr. Chopra was present.

STAFF RECOMMENDATION

Mr. Taylor explained that this parcel is a part of the Hillsboro Acres neighborhood even though it is accessible from Pine Mountain. Staff feels that the original intent was for it to be a residential and that it should remain residential. Planning Commissioner Howell stated that the lot is very small to be considered commercial. Staff recommended against rezoning the parcel.

ACTION TAKEN

Commissioner Howell made a motion to recommend against the rezoning. Commissioner Young seconded and all voted against the rezoning.

F. MISCELLANEOUS REQUESTS OR REQUIRED ACTIONS

1. Proposed zoning text amendment to the chart in Section 408.8.2 regarding signage in a C-4 District.

Mr. Taylor explained that the zoning text would be changed from ground/monument signage to total allowable signage...

STAFF RECOMMENDATION

Mr. Taylor stated that staff noticed that a signage chart was incorrect when the C-4 district was recently updated. Staff would like to correct the mistake.

ACTION TAKEN

Commissioner Ogle made a motion to recommend the amendment of Chart in Section 408.8.2 to City Council. Commissioner McClure made seconded and all voted in favor.

PLANNING REGION ITEMS

D. SITE PLANS

1. Lindsey and Lindsey, County Site Plan, Lost Branch Road, Marcus Whaley.

Mr. Whaley was present.

STAFF RECOMMENDATION

Owner is proposing a 8000 sq. ft. Warehouse. The site plan was in order and staff recommend in favor.

ACTION TAKEN

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

E. REQUESTS FOR REZONING

1. Will Morgan, approximately a 2.5 acre parcel on Wears Valley Road (Tax Map 104, Parcel 120), R-1 (Rural Residential) to C-1 (Rural Commercial) District.

Mr. Morgan was present.

STAFF RECOMMENDATION

Mr. Taylor stated that the request was originally before Planning Commission in October. It was withdrawn during the meeting when questions arose about accessed to the property. The planning commission felt the property would be access from a private road (Trace Way) and requested documentation that he has legal access to the property from Trace Way. He returned this month with documentation that was acceptable to the City Attorney and the Planning Commission..

ACTION TAKEN

Commissioner Howell made a motion to recommend the rezoning to the Commissioner Ogle seconded and all voted in favor.

The meeting was adjourned at 3:45 p.m.

BOARD OF ZONING APPEALS

1. Call to order
 2. Old business
 3. New business
- A. Request for variance of parking standard, Big Daddy's Pizzeria & Arcade (formerly Ultrazone) 3053 Parkway, Tim Dunnavant, TD Architect.**

STAFF RECOMMENDATION

Mr. Taylor explained that parking has been a challenge for this site. Based on the constraints of the site staff feels that this is the best design and is in favor of the variance.

ACTION TAKEN

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

B. Request for front setback variance in C-2 District, 3311 Parkway, Steve Helton.

Mr. Helton was present.

STAFF RECOMMENDATION

Mr. Taylor explained that the site has several challenges arising from the substandard size of the lot for commercial development, combined with being on a curve along Garland Street. He said that he has met with several individuals regarding this lot and none of them could get their proposal to work. Mr. Helton is proposing adding a porch to the existing structure. A variance of 5 feet is needed in order for the porch to comply with the front setback regulations. Staff feels that there is no use for this property unless the variance is granted. However, staff is recommending ingress only next to the proposed porch, due to sight distance concerns.

ACTION TAKEN

Commissioner Howell made a motion to grant a variance to allow the front setback to be 30 feet from the center line of Garland Street, subject to staff recommendation for the circulation plan. Commissioner McClure seconded all voted in favor.

C. Interpretation of section 330 regarding definitions of signs, Hollywood Wax Museum, Parkway, Mike Suttles/Vision.

Mike Suttles was present

STAFF RECOMMENDATION

Mr. Taylor stated that the proposed plan for this property includes a great deal of "theming" throughout the site. He showed slides showing the theming with included statues, unusual facade, and large windows that spell "Hollywood." It was noted that "theming" has always pressed the envelope of the regulation for signage and have long been a challenge for staff. Staff is most concerned with the windows that spell "Hollywood." Staff reported that although statues have been allowed on site plans and some facades have included graphics, letters (of any type) have always been considered signage. Mr. Taylor reported that Section 330 of the zoning text, under definition of a sign, says that "letters" cannot be excluded from being considered a sign. The square footage of the Hollywood "windows" adds up to over 1000 square feet – three times the

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allowed signage for the district. The applicants argued (and showed drawings) that these are functional windows and should not be considered signage. Discussion ensued. City Attorney Gass agreed with staff's interpretation of Section 330 and felt that allowing these windows not to be considered signage could set a bad precedence.

ACTION TAKEN

Commissioner Young made a motion agreeing with staff's interpretation of Section 330 of the zoning text that all letters (including the windows) are considered signage. Howell seconded and all voted in favor.

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

Bill Bradley, Chairman

Attest: _____