

MINUTES OF THE
GATLINBURG MUNICIPAL/REGIONAL PLANNING COMMISSION
April 16, 2009
THURSDAY, 5:00 P.M., CITY HALL

MEMBERS PRESENT

Robert Maples
Teresa Cantrell
Larry Claiborne
Phil Nemeth
Dana Soehn
Jason Seavy

MEMBERS ABSENT

Don Smith

OTHERS PRESENT

Bill Bashor
Richard Greene
Travis Henegar

Staff Representatives: David Ball, City Planner
Ashley Miller, Assistant City Planner
Bart Hose, LPAO

Chairman Maples called the meeting to order at 5:00 P.M. The minutes, of the March 19, 2009, meeting, were unanimously approved following a motion by Mr. Larry Claiborne and a second by Mr. Jason Seavy.

Petitions and Communications from the Public

Staff Report

Old Business

New Business

a) Review and consideration of a revised site plan for “Boston Hill Apartments,” Tax Map 118, Parcel 26.21, located on Ogle Road at P.A. Proffitt Road, R-2 zone, requested by Kirby Smith.

Staff presented the request for revised site plan approval for a proposed 18 unit apartment complex located on 1.17 acres and accessed via Ogle Road and P.A. Proffitt Road. Staff noted that this site plan was reviewed and approved at the January 15, 2009 meeting. Staff stated that the proposed site plan still consists of a multi-family building containing 18 apartment units and an attached laundry facility on 1.17 acres. Staff added that the changes consist of the building height being increased from two-stories to three-stories and the laundry facility relocated from the end of the building along Ogle Road, to a new location between Units 2 and 3. Staff noted that the ingress and egress along with the parking area remain the same as previously presented in January. Staff explained that the Fire Department has noted that the FDC needs to be shown on the site plan to ensure the proper spacing of the connection point from the fire hydrant to the building. Staff added that there are still some issues the design engineer needs to work out with

the Utilities Department. Staff pointed out that on February 5th, the Utilities Manager issued an email to the designer regarding the lacking items. Staff further stated that the Utilities Department has noted that the wastewater demand calculations have not been submitted for staff's review. Staff added that the issues with the Utilities Department will have to be resolved prior to the issuance of any building permits. Staff noted that if the units within the multi-family building are to be individually sold, then the legal documentation will need to be submitted to staff. Staff finally stated that the site plan lacks a stormwater plan, Sanitation Department's approval, E-911 approval, and the Utilities Department's approval. After further discussion, Mrs. Teresa Cantrell made a motion to grant revised site plan approval subject to the lacking items, revisions, and signatures of approval being submitted to staff. Mr. Phil Nemeth seconded the motion, which passed with all members voting aye.

b) Review and consideration for final PUD site plan for "Idyll Club Downtown Resort, Phase I" Tax Map 137B, Group B, Parcel 2, located at 323 Ownby Street, C-2 zone, requested by William Bashor, Jr.

Staff presented the request for final PUD site plan approval for a proposed multi-family/town house development, which consist of four (4) units on 1.379 acres. Staff also stated that the master site plan within the packet of information depicts a total of four phases for the development which includes an amenities area and 28 units. Staff pointed out that the four units within Phase I are accessed via a joint-use driveway off of Ownby Street. Staff further stated that the Public Works Department has expressed concern about the width of Ownby Street and has asked the developer to widen the road to 18'. Staff noted during the preliminary site plan review, the plan still notes the trash pick-up location but the actual dumpster location and layout design have not been shown on the final PUD site plan. Staff added that the acreage on the survey needs to match the acreage on the PUD site plan. Staff finally stated that the final plan further lacked an erosion control plan, signatures from the design architect, surveyor, and engineer, E-911 approval, dumpster locations, Sanitation Department's approval, legal documents, and the stormwater plan submitted needs to bear the seal and signature of the design engineer.

Mr. Bill Bashor was present and gave a brief overview of the project. Mr. Bashor stated that submitted with the revisions was the water retention plan for the entire development to be located within Phase I and with the development of the road the water will be routed to a catch basin 200-feet away. Mr. Bashor also stated that a coordinated effort will be made between himself and Mr. Dale Phelps to replace the AC waterline in Ownby Street. Mr. Bashor noted that when the street is cut for the improvements then Mr. Phelps will replace the pipes and the developer will be responsible for the repaving. Mr. Bashor stated that Ownby Street is currently 18-feet wide; however several hedges have overgrown the edge of the street. Mr. Bashor stated that the edge of the roadway will be cleaned up so that there is 18-feet of pavement width. Staff stated that the signatures from the design architect and engineer for the erosion control plan had been submitted for review. Staff noted that the surveyor's signature, E-911 approval, and

legal documents were still lacking. Staff added that the solid waste collection plan submitted is shown to encroach onto the Ownby Street Right-of-Way, and needs to be revised to be contained on the subject property. Mr. Bashor stated that the dumpster location will be adjusted to meet the Sanitation Department's requirements. Staff added that a note needs to be added to the Phase I site plan in which the developer signs acknowledging the 12 month final PUD site plan expiration prior to the issuance of any construction permits. After further discussion, Mr. Phil Nemeth made a motion to grant final PUD site plan approval for the four units within Phase I subject to the lacking items and revisions being submitted to staff. Mr. Jason Seavy seconded the motion, which passed with all members voting aye. Staff noted that a bond or letter of credit will be needed for the public improvements to Ownby Street. Mr. Bashor stated that the surety will be supplied at Phase II.

c) Review and consideration for a minor subdivision of Tax Map 126F, Group B, Parcel 21, located at 572 Greystone Heights Road, R-1 zone, requested by Chris Mason.

This item was removed from the agenda at the request of the surveyor. Mrs. Teresa Cantrell made a motion to remove the agenda item. Mr. Phil Nemeth seconded the motion with all members voting aye.

d) Review and consideration for a proposed extension to the Letter of Credit for public infrastructure improvements for "Laurel Estates," located on Laurel Lane and Reba Lane, R-2 zone, requested by Staff.

Staff presented the request for consideration for an extension of the Letter of Credit # 06-07-06-1201, issued by Sevier County Bank for Incred-I-Builders, LLC – Laurel Estates. Letter of Credit # 06-07-06-1201, in the amount of \$156,300.00 is to complete improvements to Reba Lane and Laurel Lane. Staff stated that the proposed improvement projects to Reba Lane and Laurel Lane have yet to begin and the Letter of Credit is scheduled to expire on June 12, 2009. Staff also stated that therefore, if the improvements are not completed by this date, this proposed extension would permit the re-issuance of the Letter of Credit with a revised expiration date. Staff added that this would assure that all proposed improvements are completed. Staff noted that in addition to a revised letter of credit, the developer will need to provide at least two (2) construction estimates from 2 separate contractors for the remaining improvements. Staff further stated that the estimates will be used to establish the proposed amount of the letter of credit upon re-issuance. After further discussion, Mrs. Dana Soehn made a motion to grant a one (1) year extension of the Letter of Credit for the proposed improvements to Reba Lane and Laurel Lane subject to two revised estimates. Mrs. Teresa Cantrell seconded the motion, which passed with all members voting aye.

e) Review and consideration of a proposed ordinance to amend Ordinance No. 830 of the City of Gatlinburg, being the Zoning Ordinance, by adding an additional district being the Educational District thereto and amending the Table of Contents, Article III, Article VI, Article VII, and Article VIII, requested by Staff.

Staff presented the request for review and consideration of an additional zoning district being an Education/Cultural (EC) District, for the benefit of existing and future educational and cultural facilities within the corporate limits. Staff stated that this request requires amendments to the Table of Contents, Article III, Article VI, Article VII, and Article VIII of the Municipal Zoning Ordinance. Staff presented the draft ordinance and Exhibit A for review. Staff stated that the proposed Education/Cultural District is to establish areas for the preservation and protection of certain education, cultural and community purposes such as public and private schools, arts and crafts, and associated ancillary facilities. Staff also stated that this district will also provide for open-space areas, parks, and recreation areas and facilities, certain public buildings, historic and cultural sites, and accompanying accessory facilities and amenities for education properties. Staff noted that this request does not include the actual rezoning or designation of any properties as an EC District. Staff explained that the process to rezone would require a formal request of land owners once the formal adoption of said district has occurred and established as an official zoning district by the City Commission.

Staff explained that currently there is no district within the Municipal Zoning Ordinance specifically for education and cultural uses. Staff noted that the proposed ordinance will only create the district within the Municipal Zoning Ordinance and does not propose any property rezonings at this time. Mr. Nemeth questioned if the zone was an overlay zone. Staff stated that the EC District is not proposed as an overlay zone and that it will function as an established zoning district. Chairman Maples questioned if this district will create spot zoning issues. Mr. Bart Hose stated that the creation of the district will not create a spot zoning issue because the zone requires that the use conform to a specific plan with a public purpose. Mr. Nemeth questioned who came up with the idea for the EC District. Staff stated that the request came from the Sevier County Board of Education. Mr. Nemeth questioned if staff will be rezoning any properties to the EC District. Staff stated that as currently required, the property owner will have to request any specific rezoning change. After further discussion, Mr. Phil Nemeth made the motion for a favorable recommendation to the Board of Commission for the incorporation of the EC District into the Municipal Zoning Ordinance. The motion passed unanimously with a second by Mr. Jason Seavy.

f) Review and consideration of a proposed ordinance to amend Ordinance No. 830 of the City of Gatlinburg, being the Zoning Ordinance, by amending Article VII, Section 713, requested by Staff.

Staff presented the request for an amendment to Article VII, Section 713 being the C-A (Commercial Aesthetic) Overlay District to incorporate an additional section being Section 713.1.4, to create certain Arts and Crafts exhibitions and demonstrations as permitted uses. Staff stated that the C-A District is an overlay district which prohibits the outdoor display of merchandise on the exterior of a business. Staff pointed out that the proposed amendments would provide for the exhibition and demonstration of certain arts and crafts outside of the business, if a "Special Use on Review Permit" is reviewed and approved by the Municipal Board

of Zoning Appeals (MBZA). Staff also stated that the amendment establishes a definition of an art and craft and creates specific conditions that would permit the approval and issuance of a special use on review permit. Staff further stated that the proposed amendment to Article VII, Section 713, is as follows:

713.1.4 Arts and crafts exhibitions and/or demonstrations conducted by local artisans and approved by the Gatlinburg Municipal Board of Zoning Appeals as a Special Use on Review Permit provided that the following conditions are met:

1. The exhibition and/or demonstration may not be conducted within the required setback areas;
2. No sale or monetary transactions shall be permitted for the art and/or craft outside the principal building;
3. No exhibitions or demonstrations shall be permitted that violate or conflict with any other code or ordinance adopted by the City;
4. No exhibition or demonstration shall be permitted that creates a nuisance or interferes with the adjoining public right-of-way, sidewalk, or pedestrian traffic flow;
5. The Municipal Board of Zoning Appeals approval of a Special Use on Review Permit shall expire six (6) months after the approval;
6. Only one (1) permit per tax parcel shall be granted by the Board;
7. The exhibition and/or demonstration may only be conducted during the operating hours of the business.

For the purposes of this section, an art or craft shall be defined as visual art forms of original creations and of a handmade workmanship quality which are traditional to the Appalachian Region. Arts and crafts shall include candle making, glass blowing, weaving, pottery making, woodworking, sculpting, and painting. The term does not include outdoor air-brushing of tee shirts, caricaturing, face painting and/or body art, or other similar activities.

Mr. Nemeth questioned if a shop owner had requested the proposed amendment. Chairman Maples stated that he felt that the property owner should have the full use of the property and felt as though the permitted exhibitions and demonstrations should be allowed within the setback area. Ms. Soehn inquired about the use of setback area and if it was related to pedestrian flow. Staff stated that the reasoning for keeping the setback area clear of exhibitions was to allow for adequate area for pedestrians to view the demonstrations without impeding adjacent sidewalk areas. Staff added that the concern is that by allowing the demonstrations to take place in the setback area then pedestrians will likely use sidewalk areas to view said demonstrations thus creating pedestrian traffic issues. Chairman Maples added that the property owner is not permitted to build in the setback area, so the owner should have the right to use the space in

some other way. Mrs. Soehn stated that demonstrations should be allowed within the setback area.

Mr. Bart Hose added that the setback difference could be split and demonstrations setback 5-feet from the property line. After further discussion, Chairman Robert Maples made a favorable recommendation to the City Commission for the proposed amendment to Article VII, Section 713, being the addition of Section 713.1.4, with the exception of eliminating the setback provision. Mr. Larry Claiborne seconded the motion, which passed with all members voting aye. Also, Mrs. Dana Soehn made a motion to amend the motion and to add the prohibition of chain-saw art. Mrs. Teresa Cantrell seconded the motion, which passed with all members voting aye.

g) Review and consideration of a proposed ordinance to amend Ordinance No. 813 of the City of Gatlinburg, being the Regional Zoning Ordinance, by amending Article VIII, requested by Staff.

Staff presented the request for review and consideration for proposed amendments to Article VIII of the current Regional Zoning Ordinance. Staff stated that the proposed amendments to Article VIII of the Gatlinburg Regional Zoning Ordinance include:

1. Increasing the minimum lot size area for the RR-1 and RR-2 zones from 20,000 sq.ft. to 40,000 sq.ft. This change has been prompted by the lot sizes set forth by the Health Department. The 40,000 sq.ft. lot is the minimum size allowed if water and sewer are not available to the property and the lot exceeds 30%.
2. Removed Footnote *** being the exemption from the maximum height provision. This footnote was also recently removed from Article VIII of the Municipal Zoning Ordinance.
3. Replaced the footnote asterisks with numbers,
4. Changed the language in Footnote 2 to be the same as in the Municipal Zoning Ordinance. The change better defines the setback reduction allowed based on the right-of-way width in which the lot frontage,
5. Added the CL-3 District to the Article VIII table. The CL-3 District is a defined district in Article VII but has been inadvertently left out of Article VIII over the years.

After further discussion, Mr. Jason Seavy made a motion for a favorable recommendation to City Commission for the proposed Article VIII amendments to the Regional Zoning Ordinance. The motion passed unanimously with a second by Mr. Larry Claiborne.

h) Review and consideration for proposed Planning Commission submittal checklists, requested by the Board.

Staff presented the request for amendments to the development checklists and the creation of a Submittal Policy for all submissions to Planning Commission. Staff stated that the proposed amendments change the language on each checklist used by staff, designers, and developers to evaluate Subdivision Plats, PUDs and Commercial Site Plans. Staff also stated that the amended checklists and the Submittal Policy are attached with the changes highlighted in gray. Staff

further stated that staff split the current PUD Checklist into a Preliminary and Final list. Mr. Phil Nemeth suggested that the deadline date be added to the checklists. Mr. Larry Claiborne noted that the policy needs to be enforced by staff. After further discussion, Mr. Phil Nemeth made the motion to approve the checklists and Submittal Policy, and directed staff to move forward with amending the Appendix of the Municipal Zoning Ordinance. The motion passed unanimously with a second by Mrs. Teresa Cantrell.

Unscheduled Items

Adjournment

There being no further business to come before the Board, the meeting was unanimously adjourned at 5:51 P.M., after a motion by Mr. Jason Seavy and a second by Mr. Phil Nemeth.

Approved:

Planning Commission Secretary

Date