

MINUTES OF THE
GATLINBURG MUNICIPAL/REGIONAL PLANNING COMMISSION
January 17, 2008
THURSDAY, 5:00 P.M., CITY HALL

MEMBERS PRESENT

Robert Maples
Don Smith
Larry Claiborne
David Ogle
Dana Soehn

MEMBERS ABSENT

Teresa Cantrell
Phil Nemeth

OTHERS PRESENT

Patrick Herrell
Robert Johnson
Charles Laney
Travis Henegar
Benjamin Mullins
James Tomiczek
Tom Malone
Tim Malone
Natalie Malone
Matt Hatfield

Staff Representatives: David Ball, City Planner
Ashley Miller, Assistant City Planner
Bart Hose, LPAO
Dale Phelps, Utilities Manager
Ralph Ramsey, Fire Inspector

Chairman Maples called the meeting to order at 5:00 P.M. The minutes of the December 20, 2007, meeting were unanimously approved following a motion by Mr. Don Smith and a second by Mr. Larry Claiborne.

Petitions and Communications from the Public

Staff Report

Old Business

New Business

a) Review and consideration for revised PUD site plan approval for “Westgate Resorts, Phases 12 and 13,” Tax Map 116, Parcel 195, located on Winding Smoky Way, C-4 zone, requested by Westgate Resorts.

Staff presented the request for revised PUD site plan approval for “Westgate, Phases 12 and 13,” to redistribute the phase lines and the addition of a proposed multi-family building to Phase 12. Staff stated that the revised site plan for Westgate, Phases 12 and 13 consists of relocating the phase line between the two phases and increasing the area of Phase 12 to 20.18 acres. Staff added that the site plan also reflects the location of Building 5000 in the area transferred from Phase 13. Staff explained that the additional 4-story multi-family building consists of 32

additional units within Phase 12, bringing the total building count within Phase 12 to 23 cabins and 3 multi-family buildings. Staff noted that the Utilities Department noted with the previous Phase 12 approval, that no additional units are to be added to Phase 12 until the wastewater capacity numbers have been submitted for the additional units and the Utilities Department has had the opportunity to review the data and provide feedback to the designer, prior to their approval. Staff also noted that the Utilities Department has received the requested data and determined that the utility sewer line, which receives wastewater from the development and then transports the waste across US 441 (Spur) to the waste water treatment plant, is inadequate to handle the additional units. Staff added that the site plan further lacks approval from the E-911 Coordinator and a revised stormwater plan.

Mr. Robert Johnson was present and stated that the City's engineer has rendered an opinion in regard to the capacity of the existing sewer line. Mr. Johnson noted that he was aware that the Board was in position to deny the request due to the concerns about the utilities, but wanted the Board to know that Westgate is working with the City to obtain better flow data. Mr. Johnson added that the flow data provided by Vision accounted for 15 vacant lots outside of the Westgate property. Mr. Johnson noted that the additional multi-family building is equivalent to 23 single family bedroom units. Mr. Johnson added that the developers would be working with the City's Utility Department to resolve the utility capacity issues. After further discussion, Mrs. Dana Soehn made the motion to deny revised PUD site plan approval until the Utilities Department has approved the additional units in Phase XII. Mr. Don Smith seconded the motion which passed with all members voting aye.

b) Review and consideration for preliminary PUD site plan for "Cottages of the Glades," located on Highland Drive, R-2 zone, requested by Powdermill Corporation.

Staff presented the request for preliminary PUD site plan approval for "Cottages of the Glades," being a total of 26 units dispersed between 7 buildings on 3.69 acres. Staff stated that the proposed site plan reflects the footprints of seven buildings, with Building 100 being a duplex and Buildings 200-700 being multi-family structures consisting of four units per building for a total of 26 units. Staff also stated that it appears that Building 400 encroaches into the 15' PUD setback; however staff has consulted with the design engineer which has indicated that the encroachment is roof overhang. Staff noted that the amount of roof overhang permitted is one inch for every one foot of building setback and one inch for every one foot of roofline height from average grade, not to exceed 36 inches. Staff added that the site plan also reflects the dedication of a portion of the subject property to the Wilderness Lane Right-of-Way for a public turnaround area and improvements to said right-of-way. Staff noted that a subdivision plat for the dedicated portion of property is needed to legally subdivide the dedicated area from the larger development tract. Staff explained that once the platting process and improvements are complete, the developer can move forward with the dedication of the improvements. Staff also stated that utility improvements are proposed for Highland Drive. Staff added that the developer would need to post a bond or letter of credit for the improvements. Staff noted that the Fire Department had expressed concerns over the placement of the fire hydrants and the radius of the

private roadway, Glades Pass, onto Highland Drive. Staff added that a revised plan has been submitted the adjustments to the intersection radius and hydrant placement issues. Staff explained that the Fire Department has requested that an apron with an adequate radius be incorporated at the access point to Highland Drive to allow for larger truck access. Staff pointed out that prior to final site plan approval the following lacking items need to be submitted: a site plan that denotes the areas of disturbance, landscape plan, solid waste collection plan, E-911 approval, Utilities Department approval, City stormwater permit, TDEC approval, and the legal documentation for the home owner's association if the units are to be individually sold. Chairman Maples asked about the current property line. Staff stated the portion of the turnaround are would need to be dedicated and the property lines replatted. The Board also inquired about the use of both Wilderness Lane and Highland Drive. Staff stated that the development would utilize both streets, which would create a loop for emergency access. After further discussion, Mr. Larry Claiborne made a motion to grant preliminary PUD site plan approval subject to the lacking information being submitted at the final review. Mr. David Ogle seconded the motion, which passed with all members voting aye.

c) Review and consideration of a revised final PUD site plan for "Glades Point," located on Parton Drive, R-1 zone, requested by Through the Woods, LLC.

This item was removed from the agenda at the request of the owner and engineer. Mr. Don Smith made a motion to remove the agenda item. Mr. Larry Claiborne seconded the motion with all members voting aye.

d) Review and consideration for a preliminary and final plat for "The Settlement, Phases 3 and 4," located on Forest Springs Drive, R-2 zone, requested by Tom Malone.

Staff stated that the actual request has been revised to preliminary plat approval. Staff further noted that the applicants changed the request on Monday. Staff explained that the City Attorney, Ron Sharp, has received correspondence from Mr. Benjamin Mullins, an attorney representing the developer, Mr. Malone, and noted that the correspondence raises several legal issues as it relates to the review and approval of this project. Staff stated that the correspondence was not received by the City Attorney until yesterday, January 16th. Staff further noted that only brief discussions had occurred with the City Attorney and that he has been unable to review the correspondence or provide any response to the issues raised by Mr. Mullins. Staff then recommended that the Board defer any action on the item and suggested that the Board request, of the applicant, that the item be deferred until the next, regular February meeting. Ms. Soehn then requested of Mr. Malone a response to the deferment as suggested by Staff. Mr. Malone stated that he objected to the deferral and stated that it has taken probably 16 months to get this item before the Planning Commission. Mr. Malone noted that he was aware that the Board could defer the request, but he objects to the deferral. Chairman Maples commented that the City Attorney's opinion is needed to proceed. Staff stated that based on Mr. Malone's objection to defer, and because it is a preliminary plat request, there are provisions within the Subdivision Regulations that say the Board must act within 30 days. Staff added that if the Board elects to defer then a special called meeting will be required before the 30 day period is up. Chairman

Maples suggested that as soon as the Board receives word from the City Attorney that a special called meeting be set. Mr. David Ogle made the motion to defer the request. Mr. Larry Claiborne seconded the motion which passed with all members voting aye. Mrs. Dana Soehn explained that the Board would feel more comfortable obtaining an opinion from the City Attorney prior to acting on the request.

e) Review and consideration for a proposed extension to the Letter of Credit for infrastructure improvements for “The Settlement, Phase II” located off Forest Springs Drive, R-2 zone, requested by Eagle Cove Development, LLC.

Staff presented the request for consideration for an extension of the Letter of Credit #26011, issued by Tennessee State Bank. Staff stated that the Letter of Credit, in the amount of \$20,312.50, is to complete the road improvements at “The Settlement, Phase II,” located on Forest Springs Drive. Staff also noted that the Phase II project is currently under construction and significant progress has been made towards the completion of the roads. Staff pointed out that the Letter of Credit is scheduled to expire on March 3, 2008. Staff added that if the remaining improvements are not completed by March 3rd, this proposed extension would permit the re-issuance of a Letter of Credit with a revised expiration date. Staff pointed out that this would assure that all proposed improvements are completed. Staff stated that currently the developer is asking for a one (1) year extension to the Letter of Credit. 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. Mr. Tom Malone stated that letter of credit is for the final layer of paving in Phase II. Staff stated that the last coat typically is done after construction is complete. Mr. Malone stated that staff already has the revised letter of credit.

After further discussion, Mr. Larry Claiborne made a motion to grant a one (1) year extension of the Letter of Credit for the proposed road improvements subject to two revised estimates for the paving work. Mrs. Dana Soehn seconded the motion, which passed with all members voting aye.

f) Review and consideration for a proposed extension to the Letter of Credit for infrastructure improvements for “Outback Resort,” located off Woodland Drive N., RR-1 zone.

Staff presented the request for consideration for an extension of the Letter of Credit #48, issued by Citizens Bank of Forsyth County. Staff stated that the Letter of Credit, in the amount of \$64,890.00, is to complete the road improvements at “Outback Downunder,” located off of North Woodland Drive. Staff stated that the developer of this project requested that the proposed road system within this development not be public as originally planned but rather be privately owned and maintained. Staff added that a revocation of the previous plat approval was reviewed and approved by the Board which removed the public street status. Staff also stated that the developer provided an indemnity to the City and the Planning Commission with regard to future issues that may arise with the road status. Staff stated that the project was then reviewed and approved as a Planned Unit Development. Staff also stated that as it pertains to the Letter of

Credit, the surety bond was being provided to ensure the improvements are installed as per the design approval. Staff pointed out that the Board may wish to require the letter of credit to be issued to the home owners association to ensure the completion of the improvements. Staff further stated that the private roadway and the PUD is currently under construction however; the Letter of Credit is scheduled to expire on February 8, 2008. Staff finally stated that therefore, if the improvements are not installed by February 8, 2008, the Board's approval would permit the extension of the existing Letter of Credit. Staff added that this would ensure that all necessary improvements are completed within the development as originally approved by the Board. After further discussion, Mr. David Ogle made a motion to grant a one (1) year extension of the Letter of Credit for the proposed road improvements. Mr. Don Smith seconded the motion, which passed with all members voting aye.

Unscheduled Items

Chairman Maples reminded the Board members of the importance of reviewing the previous meetings minutes to make sure that the action noted is what actually occurred at the meeting.

The Board welcomed back Mr. Bart Hose as the LPAO representative.

The Board discussed taping the meetings and asked staff to look into the issue.

Mr. Hose noted to the Board that state law had recently changed to allow for a 35 day deferral of preliminary plats, and recommended that the Board consider updating the Subdivision Regulations to be consistent with state law.

Adjournment

There being no further business to come before the Board, the meeting was unanimously adjourned at 5:36 P.M., after a motion by Mr. Don Smith and a second by Mrs. Dana Soehn.

Approved:

Planning Commission Secretary

Date

MINUTES OF THE
GATLINBURG MUNICIPAL/REGIONAL PLANNING COMMISSION
February 14, 2008
THURSDAY, 3:00 P.M., CITY HALL

MEMBERS PRESENT

Robert Maples
Don Smith
Larry Claiborne
Phil Nemeth

MEMBERS ABSENT

David Ogle
Teresa Cantrell
Dana Soehn

OTHERS PRESENT

Dan Hellman
Tim Malone
Natalie Malone
Tom Malone
Matt Hatfield
Benjamin Mullins
Candace Grimm
Lesley Price
Patrick Harrell

Staff Representatives: David Ball, City Planner
Ashley Miller, Assistant City Planner
Ron Sharp, City Attorney
Ron Greene, Assistant City Manager/Public Services Director
Ralph Ramsey, Fire Inspector
Dale Phelps, Utilities Manager

Chairman Maples called the meeting to order at 3:00 P.M. The minutes of the January 17, 2008, meeting was unanimously approved following a motion by Mr. Larry Claiborne and a second by Mr. Don Smith.

Petitions and Communications from the Public

Staff Report

City Planner David Ball asked everyone to remember the Soehn family in their thoughts and prayers.

Old Business

a) Review and consideration for a preliminary plat for “The Settlement, Phases III and IV,” located on Forest Springs Drive, R-2 zone, requested by Tom Malone.

Staff presented the request for preliminary plat approval for “The Settlement, Phases III and IV,” consisting of approximately 29.87 acres to be divided into 44 lots, located off of Forest Springs Drive, Rock Orchard Lane, and Boulder Lane. Staff noted that the original Forest Springs Drive, a City Street, terminated at the property and was extended into the development through Phases I and II. Staff stated that Forest Springs Drive was proposed to extend through Phases III and IV

as well. Staff referenced subdivision regulations with regard to length of cul-de-sacs and noted that the length of Forest Springs Drive is extensive in relation to the subdivision regulations. Staff also noted that the subdivision regulations do recognize that topography of the property can necessitate the extension of these streets. Staff stated that the development contains steep topography and that there appears to be no adjoining public streets that the proposed street could have been connected with due to the shared common boundary with the adjoining National Park property. Staff noted that due to the extensive length of Forest Springs Drive, discussion with the developer had occurred about incorporating an emergency access off of Rock Orchard Lane as indicated on the civil design plans. Further, the plan depicts a proposed 12 feet wide paved emergency access drive but no detail of the proposed emergency access had been provided to ensure that the road grades are feasible as means of emergency access. Staff noted that the access is an important connection and could provide for an alternative exit and evacuation route in the event of an emergency in the lower portions of the development.

Staff explained that the typical paving plan for the proposed streets indicate 20 feet of asphalt surface, with curbing on the upper side of the streets. Staff noted that the street width for “Forest Springs Drive” is proposed less than required by the subdivision regulations (26’ required) and will require a variance if approved by the Board. Also, there are various sections of the road which exceed the 15% maximum grade standards found in the subdivision regulations and therefore will also require road grade variances for the various road sections. Staff directed the Boards attention to the table within staff recommendations then read aloud the proposed road grades and lengths.

Beginning Station	Ending Station	Length of Road Section	Proposed Road Grade
Forest Springs Drive Section “A” (Sheets C2.1 – C2.2)			
0+00	0+93.41	93.41	20%
2+35.06	12+89.17	1,054.11	20%
Forest Springs Drive Section “B” (Sheet C-2.3)			
0+57.0	5+00.0	443.0	20%

Staff stated that the grades are of concern due to the extensive lengths of constant 20% grade. Staff noted that the two (2) sections of most concern consists of lengths of 1054.11 linear feet and 443.0 linear feet both of which are at a constant grade of 20%. Staff advised that the Public Works Department and Fire Department each have concerns over the steep grades when applied in a constant, uninterrupted manner as proposed. Further staff noted that copies of the memorandums issued by the Fire Department and the Public Works Director are enclosed which lists their issues and concerns which deal with accessibility and constant grade of the roads.

Staff indicated to the Board that representatives from each department were also present to answer questions. Staff noted that there is a concern about the retaining wall along Forest Springs Drive adjoining the National Park Boundary for approximately 1,000 feet. Public Works has issued concerns about the potential liability and maintenance issues of having the wall located on the public right-of-way and have indicated that the wall needs to be located off of the right-of-way. Staff noted that the Fire Department indicated concerns pertaining to the hydrant spacing and locations and that some of the hydrants were spaced more than a 1,000 feet apart. Staff further noted that the other two streets Rock Orchard Lane and Boulder Lane were less than the maximum grade standards. Staff noted that the Fire Department had indicated that a portion of the cul-de-sac area for Boulder Lane was in excess of 3 percent and the preference would be that those areas be as level as possible for turnaround and public use.

Staff stated that the road profile information for Rock Orchard indicated significant fill areas of approximate 10 feet for a couple of hundred feet which could have an impact on the adjoining lots 41, 42 and 43. Staff noted that because there has been no final grading plan the impact cannot be determined at this time. Staff noted that the plat depicts a potential lot line reconfiguration for Lots 41 and 42 which were established on the plat for Phase II and appear to have been sold and built upon. Mr. Malone noted that the right-of-way had to be adjusted and that the lots were being increased due to the adjustment. Staff noted that the current property owners would have to consent to the reconfiguration. The Board further discussed the proper procedure in which to accomplish the reconfiguration.

Staff continued discussion regarding the proposed subdivision with regard to the lot sizes and number of lots. Staff noted concerns regarding the steepness of the lots and the impact of the topography when constructing driveways to gain access to the lots. Further staff noted that the Fire Department personnel are concerned that the proposed road grades will create difficulty in the set-up and staging of emergency responses to future structure fires. Also, the Department has indicated concerns with accessing the proposed lots at such grades with emergency vehicles due to the 20 percent road grade and steepness of the lots. Chairman Maples then asked Mr. Ralph Ramsey to explain their concerns related to the road grades and steep driveways. Mr. Ramsey stated that concerns primarily relate to the operation of the vehicles such as stopping. Mr. Ramsey stated that most of the engines have to be specially designed to operate at over a 6% grade and to the best of his knowledge their equipment had not been designed to operate over that standard. Mr. Ramsey then stated that the design standard was per NFPA Standards for setup

of fire apparatus. Chairman Maples asked Mr. Ramsey what they encountered on the steep grades and driveways. Mr. Ramsey noted that setting up the equipment, operating around the equipment, dragging hoses, fighting the fire and operating the pumps on the apparatus on the steeper grades the more potential for accidents and equipment failure and utilizing the water available on the apparatus.

Staff also noted that the final grading could impact some of the lots and the impacts on future access to those lots but until a final grading plan is prepared impacts could not be determined. Additionally, staff noted that the storm water plan depicts two detention ponds in Phased III and IV, one of which is depicted on Lot 41 which has been previously built upon. Mr. Malone then stated that corrected drawings had submitted with the correct lot number for the detention pond. Mr. Malone noted that at the last meeting corrected drawings were given to Staff from the engineer with the correct fire hydrant distances and corrected lot number and felt that these items had been resolved. Staff addressed Mr. Malone and noted that the plans submitted at the night of the last meeting, January 17, 2008, had been checked by the Fire Department and the hydrant locations were incorrect. Mr. Matt Hatfield, Project Engineer, stated that the revised plan had been changed to the required spacing. Staff then proceeded to provide Mr. Hatfield with the plans that were stamped received at the January 17, 2008, meeting. Mr. Hatfield responded that those were not the revised plans that another plan had been revised and prepared. Staff again noted that the only plans received at the January 17th, meeting was the subject plans. Mr. Hatfield further explained that the revised plans depict the detention pond off Lot 41, on another adjacent lot, revised hydrant spacing, and revised cul-de-sac with grades at 3%. Staff stated that the plans may have been revised however staff's review was based on the information that was available. Staff noted that the revisions would likely address the pond and hydrant issues. The Board asked the engineer the location of the proposed pond. Mr. Hatfield and Mr. Malone proceeded to explain where the revised location for the detention pond would be based on the plans. Staff then noted a second pond to be located on Lot 70 which Mr. Hatfield noted had not been moved. Staff noted that the legal documents for the maintenance and upkeep of the drainage ponds would be needed for final.

Staff summarized the lacking items and noted that a copy of the revised plan would alleviate the hydrant location, detention pond location, and cul-de-sac issues. The Board enquired about the grading plan referenced in the staff recommendation and whether or not the plan had been provided. Staff explained that a road profile had been provided but the final grading for the cut and fill slopes associated with the road construction had not been included in the design. Mr. Hatfield explained there were two issues related to the grading plan. Mr. Hatfield explained that the primary issue was that the grading plan all ties back to the road profile and extent of the grading was dependant on the road profile. Mr. Hatfield further noted that Staff had already made the recommendation to the Board that the road grades not be approved based on the 20 percent grade. Further, Mr. Hatfield stated that the grading plan takes a lot of time to generate and is very involved. Mr. Hatfield stated that it would have been a waste of time to generate a grading plan if the road profile was not going to be approved. Mr. Hatfield noted that he had

advised Staff that he would generate the grading plan but that the issue of the road profiles would need to get resolved first and whether or not the grades were going to be approved by the Board. Mr. Hatfield did not want to waste the time and effort to generate the grading plans if the roads were not approved. Staff agreed with Mr. Hatfield that the discussions had occurred with regard to the necessity of the grading plan at this time due to the uncertainty of the road grade approvals. Mr. Hatfield further explained that he could not find in the subdivision regulations the requirement for a grading plan and that he had seen other approved development plans that did not include the grading plan. Mr. Hatfield stated that he would be glad to do a grading plan but that at this point it was a moot point until the road grade issues were resolved. Staff then read from the subdivision standards the provisions which, in their opinion, required the grading plan. Staff further stated that some of the lots are approximately 70 percent slope and the grading plan would reflect the impact of the right-of-way grading to the lots. Staff noted that other developments were required to submit grading plans under the noted section. Staff also noted that this development consists of such topography that a road profile will not show the full extent of grading and the impact of those graded areas to the adjoining lots. Mr. Nemeth inquired about whether or not having the grading plans would have changed staff's recommendation. Staff stated that the primary issue was the 20 percent road grade and that the recommendation would still be to deny the project.

Staff noted that a profile for the emergency access road was needed to verify road grades and to ensure accessibility. The Board asked if the emergency access would be implemented as a part of the approval and a fire control? Also, the Board questioned whether or not the emergency road would be a public street? Staff stated that it would be a Board decision and that Mr. Malone has simply agreed to do an emergency access and not open as a public street. Further that the road would serve as emergency access in the event something occurred on the lower portions of the development that would prevent access. This would be a secondary means for emergency access or an evacuation route. Mr. Ralph Ramsey stated that the maintenance of the road would need to be determined as to whether or not the developer, home owners, or City would maintain the road to ensure access. The Board stated that eventually the maintenance would need to be resolved. Staff added that if the City was to be responsible, a legal easement for the emergency access would be needed to provide for the City's right to maintain the road.

Staff then noted that the Utility Department has indicated that the proposed method in which water is to be supplied for domestic use and fire flow requirements is not the preferred distribution system. The Utility Director has issued concerns related to the proposed water booster pumping station specifically related to maintenance and reliability of the proposed system. Further, the utility layout plan for hydrant installation does not meet the minimum fire code design standards which require that hydrants be spaced no more than 1,000 feet apart. In addition, the Fire Department has indicated that the proposed fire pump will require an emergency generator as a back-up power source. The civil design indicates that a back-up generator will be included but no detail has been provided in the utility plans. Mr. Hatfield noted that the plan does specify a generator per City's Utility Department. Mr. Nemeth then asked if

the project will require fire protection. Mr. Dale Phelps, Utility Director, then stated that due to the property topography the engineer has proposed a pump system to provide a water supply for the necessary domestic and fire use. Mr. Phelps added that this system is not the preferred but will provide the water necessary for domestic use and fire protection. Mr. Phelps then stated that the preferred method would include a water storage tank at the upper elevation of the property with the pump system. Mr. Phelps noted that if the development is approved that the utility department would be compelled to work with the developer on this system.

Staff stated that the Public Works Department has noted concerns related to the road grades and the negative impacts to providing public services and maintenance such as paving, grading, garbage collection, and general street maintenance. Additionally, the proposed plan for Forest Springs Drive also indicates the use of retaining walls within the proposed public right-of-way area to retain adjoining slopes along the road way. The Public Works Director has indicated that this is a maintenance and liability issue, and recommends that the walls be removed from the proposed right-of-way areas if these areas are to be dedicated as City Streets. The Board asked Mr. Ron Greene to comment on the proposed retaining wall location. Mr. Greene stated that the walls present a maintenance and liability issue for the City. Mr. Greene indicated that the preference would be that the walls remain on private property and be privately maintained. Mr. Hatfield requested that the Board allow a response to Mr. Greene's comments. After additional discussion, the Chairman permitted Mr. Hatfield to comment. Mr. Hatfield stated that there are several areas throughout the City that have retaining walls on right-of-way. Further, if the walls are designed and constructed properly there should be no maintenance or safety issues for the City to deal with. Mr. Greene stated that walls are sometime necessary but not wanted on the right-of-way and just like any other structure at some point in time will require maintenance and/or will potentially fail. Staff then summarized the lacking items pertaining to the development and recommended the Board deny preliminary plat approval due to the excessive road grades and lacking items.

Mr. Benjamin Mullins, Attorney for Mr. Malone, then addressed the Board and noted their understanding of staff's recommendation and that there is a difference of opinion with regard to whether or not a road grade variance was issued for the project. Mr. Mullins stated that they would like to take the opportunity to discuss the other issues and narrow down those issues to come back at a later date. At this time, Mr. Malone addressed that Board. Mr. Malone stated that he was confused about the process and that the process to get before the Board had taken 18 months. Mr. Malone stated that he would not have spent the money if the land could not have been developed. Mr. Malone further stated that the March 20, 2003, minutes were very specific and that a road grade variance was granted with noted issues. Mr. Malone continued and noted that the road grades can be mitigated and that level areas could be incorporated along the 20 percent grade for the fire department. He further stated that after hearing comments from the fire department that he is concerned about fire equipment not being designed to operate on grades above 6 percent. Mr. Malone added that in 2003 the fire department had found that the road grades were accessible and questioned why they are not now accessible. Mr. Malone stated that several other roads throughout the City have steep grades and existing PUD's have been

approved with 3 or 4 switchbacks. Mr. Malone then commented that other than the grade, there were no other issues with his development. Mr. Malone continued that he was given concept approval with a variance in 2003 and purchased the property because he was told a variance was given. Mr. Malone stated that the variance in 2003 was a contract between him and Planning Commission. Mr. Malone then referenced other developments and stated that lots within those developments were approved at steeper grades. Mr. Malone stated that the whether or not a lot is usable is dictated by costs.

The Board then discussed the lots, accessibility to the lots, and also the road grades. Mr. Nemeth inquired about the grades within Phases I and II. Further, Mr. Nemeth stated that he was of the opinion that a road grade variance had not been granted in 2003, but that the minutes spoke for themselves. Chairman Maples then added that the history of the Board was not to grant 20% grades for extensive lengths. Mr. Maples further added that he had certainly not left the meeting in 2003 with the understanding that the Board had granted a road grade variance of 20 percent for 1700 feet. Mr. Maples stated that we just don't do that. After brief discussions, Chairman Maples then made a motion to deny preliminary plat approval based on the 20 percent road grades and lacking items. Mr. Larry Claiborne then seconded the motion with all members voting aye.

Unscheduled Items

Adjournment

There being no further business to come before the Board, the meeting was unanimously adjourned at 4:14 P.M., after a motion by Mr. Don Smith and a second by Mr. Phil Nemeth.

Approved:

Planning Commission Secretary

Date

MINUTES OF THE
GATLINBURG MUNICIPAL/REGIONAL PLANNING COMMISSION
February 21, 2008
THURSDAY, 5:00 P.M., CITY HALL

MEMBERS PRESENT

Robert Maples
Larry Claiborne
David Ogle
Phil Nemeth

MEMBERS ABSENT

Teresa Cantrell
Don Smith
Dana Soehn

OTHERS PRESENT

Rick Bergstrom
Keith Robinson
Lisa Hays
Fred McMahan
Tom Vance
Mike Stalcup
Jon Nesbitt
James Tomiczek
Don Kloke
Doug Unger
Larry Reece
Dimitri Melisotis
Charles Laney
Kathy Moore

Staff Representatives: David Ball, City Planner
Ashley Miller, Assistant City Planner
Dale Phelps, Utilities Manager
Bart Hose, LPAO

Chairman Maples called the meeting to order at 5:00 P.M. Staff noted that the February 14, 2008, minutes have yet to be completed due to the limited time between the two meeting dates. Staff explained that the February 14 and 21 minutes would appear on the March agenda.

Petitions and Communications from the Public

Staff Report

Staff stated that items 6 (a) and (h) have been removed from the agenda.

Old Business

New Business

a) Review and consideration for a preliminary PUD site plan for “Great American Honeymoon Resorts, Phase II,” Tax Map 116, Parcel 221, R-1 zone, requested by Edward Bates.

This item was removed from the agenda at the request of the owner. Mr. Phil Nemeth made a motion to remove the agenda item. Mr. David Ogle seconded the motion with all members voting aye.

b) Review and consideration for a minor subdivision of Tax Map 127, Parcels 23.01 and 24.02, located on Newman Road, R-1 zone, requested by Stephen Newman.

Staff presented the request for preliminary and final plat approval for a proposed minor subdivision of Tax Map 127, Parcels 23.01 and 24.02, consisting of the deletion and replatting of an interior property line. Staff stated that the plat would decrease the area of one lot to 0.88 acres (38,541 sq ft) and increase the area of the other lot to 1.54 acres (67,282 sq ft). Staff also stated that the reconfiguration would not only increase the area of the 1.54 acre lot, but would also provide the lot with frontage on Newman Road. Staff noted that there is a 25’ wide easement that cuts across the 1.54 acre lot. Staff further stated that the plat lacks lot numbers, zoning district, and the following signatures of approval: Ownership and Dedication, E-911, Sevier County Electric System, Utilities Department and/or Sevier County Health Department. After further discussion, Mr. Phil Nemeth made a motion to grant preliminary and final plat approval for the minor subdivision subject to the lacking revisions and signatures being added to the plat. Mr. Larry Claiborne seconded the motion, which passed with all members voting aye.

c) Review and consideration for a proposed commercial site plan for “Ober Gatlinburg Bear Park,” Tax Map 136, Parcel 1, C-4 zone, requested by Ober Gatlinburg.

Staff presented the request for commercial site plan approval for “Ober Gatlinburg Bear Park,” in order to expand an existing building on the site and add walkways throughout the exhibit. Staff stated that the proposed commercial site plan reflects the construction of an 80’x 21’6” covered area on an existing building pad at the bear habitat along with constructing bridges within two of the enclosures for observation purposes. Staff added that the current plan does not reflect the expansion of any existing building footprints or drainage areas. Ms. Lisa Hays was present and stated the exhibit was built in the early 1980’s. After further discussion, Mr. Larry Claiborne made a motion to grant commercial site plan approval. Mr. David Ogle seconded the motion, which passed with all members voting aye.

d) Review and consideration for a minor subdivision of Tax Map 126K, Group D, part of Parcel 4, R-1 zone, located on Greystone Heights Road, requested by Thelma Hill.

Staff presented the request for preliminary and final plat approval for a proposed minor subdivision of Lot 5B of the “Greystone Heights Subdivision,” creating two lots with Lot 5B-1 being 0.45 acres (19,743.72 sq ft) and Lot 5B-2 being 0.48 acres (21,103.38 sq ft). Staff noted that a subdivision plat for Lot 5 was submitted and approved as a two lot subdivision at the April 21, 2005 Planning Commission meeting, which created Lots 5A and 5B. Staff stated that on two

other occasions, March 20 and April 17, 2003, subdivision plats were submitted for Lot 5 to create 3 lots. Staff pointed out at that time there were concerns about the access to the two lots that were proposed on the up slope side of Greystone Heights Road due to the extremely steep terrain. Staff added that based on the minutes of the April 17, 2003, meeting Mr. Mike Stalcup acknowledged the concern and amended the request to a two lot resubdivision of Lot 5. Staff stated that at the April 21, 2005 meeting, the plat reflecting the two lots was submitted and approved by the Board. Staff explained that the current request is to further subdivide Lot 5B in two lots, which in 2003 was and continues to be a concern due to the steepness of the access to the existing lot from Greystone Heights Road. Staff further stated that accessible frontage should be provided to each lot and staff questions if the criteria can be met due the steep terrain. Staff noted that the engineer has submitted a site plan for both proposed lots which depict retaining wall systems to be used to gain access to the properties. Staff pointed out that there are concerns about the proposed plan in regard to parking and drainage. Staff stated that due to the reduction of the front yard setback to 15-feet, it appears as though the site plan does not provide for adequate on-site parking on each site. Staff also stated that based on the configuration of the proposed retaining walls, that there is a concern that the runoff from the sites would be channeled into Greystone Heights Road. Staff further stated that the rear walls of the structures, which also serve as retaining walls, are depicted at heights ranging from 25-feet to 32-feet. Staff noted that the plat lacks the following signatures of approval: Ownership and Dedication, E-911, Utilities Department and/or Sevier County Health Department.

Mr. Nemeth inquired if there was a structure on either 5A or 5B. Mr. Jon Nesbitt was present and stated that both lots were vacant. Mr. Mike Stalcup was present and stated that other construction designs could work on these lots. Mr. Stalcup added that there are numerous lots in the Greystone Heights area with retaining walls. Chairman Maples stated that pre-existing non-conforming comparisons could not be considered since the request is for the creation of new lots. Mr. Nemeth asked about the engineered retaining walls. Mr. Nesbitt stated that his engineering firm does not do structural engineering. Mr. Nemeth noted that the problem is approving a lot that is not buildable. Staff stated that a 2:1 slope would have to be maintained on cut and fill slopes or a retaining wall constructed. Mr. Stalcup stated he could retain the slope. Staff stated the corner elevations of the buildings as noted on Mr. Nesbitt's plan. Staff stated that based on the presented evidence that a significant retaining wall would be required for these lots. Staff noted a concern with the layout of the buildings 15-feet off the property line, and how that area would not allow for a vehicle to back out of the garage. Mr. Nesbitt noted the frontage of house, and stated that a 3 point turn could be used for turnaround. Mr. Maples noted the wall heights and backing into the right-of-way as issues. Mr. Hose stated that access must be controlled and the driveway cut must be defined. Staff stated that the ingress/egress point must be 26-feet or less. Chairman Maples noted that because of the retaining wall, line of site could be impacted. Staff stated that the slope would have to be graded to a 2:1 on City's right-of-way and retained on the private property. Mr. Stalcup added that those were rules and regulations that are already in place. The Board discussed Mr. Stalcup building on the existing Lot 5B, then coming back for

consideration of a subdivision of Lot 5B. After further discussion, Mr. Phil Nemeth made a motion to deny the minor subdivision due to concerns of access to the two lots from Greystone Heights Road and concerns about the impacts to site visibility created by the proposed retaining walls. Mr. Larry Claiborne seconded the motion, which passed with all members voting aye.

e) Review and consideration for a proposed rezoning of Tax Map 108, Parcel 2.02, from RR-1 (Rural Residential) to CL-3 (Crafts Commercial), located on Bird's Creek Road, requested by Rick Bergstrom.

Staff presented the request for a proposed rezoning of Tax Map 108, Parcel 2.02, located on Bird's Creek Road, from RR-1 (Rural Residential District) to CL-3 (Crafts Commercial District). Staff stated that the property is currently adjoined by RR-1 to the northwest and east, CL-2 to the northeast and southwest, and CL-3 to the southwest. Staff also stated that the current use of the property is single-family residential with a customary home occupation on-site, and the applicant is proposing to expand the area of the home occupation area, which is a welding business. Staff explained that it appears that the property lies within an unnumbered A-zone along Birds Creek as identified on FIRM 4702360150B effective date June 15, 1984. Staff added that though the City cannot enforce the adopted Floodplain Ordinance in the Planning Region; the owner should be aware that the potential for flooding exists. Staff noted that the property is located in a rural portion of the County which is not currently serviced by public water or sanitary sewer. Staff further noted that therefore any improvements made on the property would more than likely serviced from a well and septic tank/field line system. Staff stated that the applicant has indicated that in addition to performing welding activities for customers, that art is also created and would be potentially retailed from this location. Staff also stated that the CL-3 zoning classification appears more in keeping with the proposed use of the property and the surrounding uses in this rural area. Staff passed out to the Board copies of a letter received by Mr. and Mrs. John Eachus, adjoining property owners, in support of the rezoning request. After further discussion, Mr. Phil Nemeth made a favorable recommendation to the Board of Commissioners for the rezoning to CL-3. Mr. David Ogle seconded the motion, which passed with all members voting aye.

f) Review and consideration for a revised final PUD site plan for "Glades Point," located on Parton Drive, R-1 zone, requested by Venture Real Estate Group.

Staff presented the request for revised PUD site plan for "Glades Point," being a proposed 8 units on 5.61 acres. Staff noted that the site plan received revised PUD site plan approval on May 17, 2007. Staff stated that the proposed site plan included the addition of two units, the relocation of Unit 4, and an additional curb cut on Parton Drive. Staff added that the development is served by Parton Drive which is a public street. Staff also stated that the street consists of varying widths that range from 14' to 16' in areas. Staff pointed out that there is a concern about the additional units and the traffic impact to Parton Drive. Staff further stated that the Board should consider whether or not additional improvements (pavement width) to Parton Drive should be incorporated to mitigate future traffic issues. Staff added that the current

number of units and road length would require approximately 20-feet of pavement width. Staff further stated that the additional access point for unit number 8 is also concerning due to the substandard width of Parton Drive and the creation of an additional curb cut. Staff noted that the proposed drive to service Unit 8 is shown to be approximately 200' long. Staff explained that a grade profile for the drive has not been submitted with the revised PUD information to reflect that the proposed improvement would meet the Subdivision Regulations minimum design standards. Staff noted that the owner and designer should consider accessing Unit 8 via the existing private road, Dogwood Point Way. Staff stated that this alternative access would not only alleviate staff's concerns, but would also minimize the overall disturbance areas. Staff pointed out that the Utilities Department has indicated that the Cole Lane sanitary sewer improvements would need to be bonded and completed prior to the issuance of any certificates of occupancy for the units. Staff finally stated that the plan lacks the following information: utility department approval, sanitation department approval for the proposed dumpster pad location, and revised legal documentation.

Mr. Fred McMahan was present and asked about widening Parton Drive. Mr. McMahan noted that Parton drive is only 16½-feet wide. Staff stated at this point the developer has not proposed to widen the road. Mr. James Tomiczek was present and stated that even with the previous 12 unit approval that there were no improvements proposed, and admitted that the traffic situation of the site is bad due to delivery trucks and construction traffic. Mr. Tom Vance was present and stated that the storm drains and the sewer improvements along Cole Lane have not been installed. Mrs. Kathy Moore was present and noted concerns about aesthetic issues, the lack of vegetation on the burm, concerns about additional densities on Parton Drive due to the width, and questioned the height restrictions in the R-1 zone. Staff responded that the R-1 zone height limitations are a 36-foot average and a 48-foot maximum. Mrs. Moore asked if the height of the structures had been verified. Staff stated that the Building Inspections Department would have to verify the height, and added that staff would forward Mrs. Moore's concerns about the elevations of the structures on to the inspector. Mrs. Moore stated that she would like for the elevations to be checked. Mr. Tomiczek stated that the development is well below the allowable density afforded, and when Venture Real Estate Group purchased the property there were 12 units. Mr. Tomiczek noted that the units have 67 to 119 feet of separation. Mrs. Moore stated that the original plan had 12 units with 4 bedrooms, and that Cole Lane is to be impacted by the sewer improvements. Staff stated that the improvements within Cole Lane would have to be coordinated with the Utilities Department and the Police Department. Mr. Nemeth questioned the Parton Drive Right-of-Way width. Staff stated that the right-of-way is thought to be 30-feet wide. Mr. Nemeth further questioned who was responsible for widening the road. Chairman Maples asked about requiring the road to be widened. Mr. Nemeth asked how wide the road could be improved. Staff stated that a plan would have to be looked at by Public Works and an engineering firm. Mr. Tomiczek noted that the revised plan has addressed the previous issues. Staff stated that the request was removed from the January agenda. Chairman Maples noted to Mr. Kloke that they need to come back with a plan to widen Parton Drive, and asked the

developer if he would rather the Board deny or defer the plan. Mr. Tomiczek stated that he does not want the plan denied, and asked the Board to please defer. Mr. Tomiczek asked if trip data from the Gatlinburg Falls property would be acceptable to show improvements may not be necessary to Parton drive. Chairman Maples noted that the road was a one-way 14-foot wide road, and improvements need to be made. After further discussion, Mr. Phil Nemeth made a motion to defer until a road improvement plan coordinated with Public Works could be approved for additional width improvements to the public road. Mr. David Ogle seconded the motion, which passed with all members voting aye.

g) Review and consideration for a revised PUD site plan for “Westgate Phase 12,” located on Winding Smoky Way, C-4 zone, requested by Westgate Resorts.

Staff presented the request for revised PUD site plan approval for a proposed for “Westgate, Phases 12 and 13,” to redistribute the phase lines and the addition of a proposed multi-family building to Phase 12. Staff stated that the revised site plan for Westgate, Phases 12 and 13 which consist of relocating the phase line between the two phases and increasing the area of Phase 12 to 20.18 acres. Staff stated that the site plan also reflects the location of Building 5000 in the area transferred from Phase 13. Staff added that the additional 4-story multi-family building consists of 32 addition units within Phase 12, bringing the total building count within Phase 12 to 23 cabins and 3 multi-family buildings. Staff stated that the Utilities Department noted with the previous Phase 12 approval, that no additional units are to be added to Phase 12 until the wastewater capacity numbers have been submitted for the additional units and the Utilities Department has had the opportunity to review the data and provide feedback to the designer, prior to their approval. Staff further stated that the Utilities Department has received the requested data and determined that the utility sewer line, which receives wastewater from the development and then transports the waste across US 441 (Spur) to the waste water treatment plant, is inadequate to handle the additional units. Staff finally stated that the site plan further lacks approval from the E-911 Coordinator.

Mr. Chuck Laney was present and stated that the revised plan shows the removal of units 77 and 78, and the relocation of Unit 72. Mr. Laney added that there is a reduction of 18 units by removing units 77 and 78. Mr. Dale Phelps was present and stated there is a capacity issue with the Wiley Oakley Bridge and Westgate has agreed to improve the line that was installed in the early 1980's. Mr. Phelps noted that he has had discussions today with the design engineer and noted that the City's consulting engineer has not reviewed the revised information. Chairman Maples questioned if this item could be approved subject to the Utilities Department's approval. Mr. Phelps stated that the Utilities Department's approval could come at a later date. Mr. Tomiczek added that they would request that the Board grant site plan approval subject to approval from McGill and the Utilities Department. After further discussion, Mr. Phil Nemeth made a motion to grant revised PUD site plan approval subject to approval from the Utilities Department. Mr. Larry Claiborne seconded the motion, which passed with all members voting aye.

h) Review and consideration for a proposed rezoning of Tax Map 126, Parcel 1, from R-2 (Medium Density Residential) to R-1 (Low Density Residential) and C-2 (General Business District), located on Campbell Lead Road, requested by McClean Company, LLC.

This item was removed from the agenda at the request of the engineer. Mr. Phil Nemeth made a motion to remove the agenda item. Mr. David Ogle seconded the motion with all members voting aye.

Unscheduled Items

Mr. Robert Maples asked the Board to review the previous meetings minutes.

Mr. Phil Nemeth questioned when the Board would be considering a new master plan for the City. Chairman Maples asked about setting standards for buildability which do not factor cost.

Mr. Bart Hose stated that a grade standard between the right-of-way and building site could be set, and a site triangle established for visibility.

Adjournment

There being no further business to come before the Board, the meeting was unanimously adjourned at 6:41 P.M., after a motion by Mr. Phil Nemeth and a second by Mr. David Ogle.

Approved:

Planning Commission Secretary

Date

MINUTES OF THE
GATLINBURG MUNICIPAL/REGIONAL PLANNING COMMISSION
March 20, 2008
THURSDAY, 5:00 P.M., CITY HALL

MEMBERS PRESENT

Robert Maples
Teresa Cantrell
Don Smith
Dana Soehn
David Ogle

MEMBERS ABSENT

Larry Claiborne
Phil Nemeth

OTHERS PRESENT

Lynn S. Fields
James Tomiczek
Dale Chapman
Patrick Harrell
Tom Malone
Natalie Malone
Benjamin Mullins
James Temple
Jack Williams
Dan Hellman

Staff Representatives: David Ball, City Planner
Ashley Miller, Assistant City Planner
Bart Hose, LPAO
Ralph Ramsey, Fire Inspector

Chairman Maples called the meeting to order at 5:00 P.M. The minutes of the February 14 and 21, 2008, meetings were unanimously approved following a motion by Mr. Don Smith and a second by Mrs. Dana Soehn.

Petitions and Communications from the Public

Staff Report

Old Business

New Business

a) Review and consideration for a minor subdivision of Tax Map 118, Parcels 133 and 135, located on CH Lane, R-1 zone, requested by Ted Cantrell.

Staff presented the minor subdivision request. Staff stated that the proposed minor subdivision consists of the re-platting of the interior lot line which would decrease the area of Lot 2A1 to 1.06 acres and increase the area of Lot 2A2 to 0.99 acres. Staff added that both lots are shown to have frontage on an existing 23-foot right-of-way noted in Map Book 21, Page 47, however the right-of-way has not been improved and accepted as a City street. Staff explained that the proposed plat does not attempt to create any new lots, but is to reconfigure the interior property line to correct the existing structural encroachment onto Lot 2A1. Staff noted that the plat lacks the zoning district and the following signatures of approval: Ownership and Dedication, E-911,

Sevier County Electric System, Utilities Department and/or Sevier County Health Department. After further discussion, Mr. Don Smith made a motion to grant preliminary and final approval for the minor subdivision plat subject to the lacking item and signatures being added to the plat. Mr. David Ogle seconded the motion, which passed with all members voting aye.

b) Review and consideration for a proposed rezoning of Tax Map 137C, Group C, Parcels 13-15, from R-1 (Low Density Residential) to C-1 (Tourist Commercial), located on Highland Road, requested by Constance Walker.

Staff presented the request for the proposed rezoning of Tax Map 137C, Group C, Parcels 13-15, located on Highland Drive, from R-1 (Low Density Residential) to C-1 (Tourist Commercial). Staff noted that the applicant had previously submitted a rezoning request for the subject properties from R-1 to R-2 in June 2007, which was denied by the Board. Staff explained that the subject property is located on Highland Drive and Savage Garden Road. Staff further explained that the applicant has noted that the current use of the property is single-family residential and has not proposed a use for the property at this time. Staff noted that the applicant has not been denied use of the property under the current zoning classification. Staff stated that the property is currently adjoined by R-1 to the north and west, C-1 to the east and southeast, and the Great Smoky Mountains National Park to the south. Further staff stated that there is a single-family residential PUD adjoining the property. Staff noted that enclosed in the Board's packet of information is a letter from the applicant's attorney, Mr. Patrick Harrell, which addresses the nature of the request and his opinion of the surrounding land use. Staff stated that the Gatlinburg Land Use Plan projects land use for the property as residential, and promotes lower density developments on hillsides and steeper slopes. Staff noted that the Utilities Department has indicated that if more units are to be added to the property then the developer would need to consult with the Utilities Department about an infrastructure study. Further staff noted that the Fire Department has raised concerns about ladder truck access on Savage Garden Road for a multi-story building. Staff explained that because no specific use has been indicated, the impacts to the infrastructure and potential emergency access can not be fully assessed at this time. Staff added that based on a previous survey provided by the applicant, the lower portion of Savage Garden Road Right-of-Way is twenty (20) feet wide. Staff stated that the current pavement widths range from 14-15 feet which would not support any additional high density commercial use, and due to the narrow right-of-way widths, additional improvements would be limited unless additional right-of-way is dedicated as public. Staff stated that the subject property is currently separated from the commercial/multi-family developments off of Historic Nature Trail because of the topography and the natural drainage divide. Staff also stated that there is a single-family residence between the subject property and the Holiday Inn property. Staff explained that based on the Gatlinburg Municipal Zoning Ordinance the intent of the C-1 district is to be "an area for concentrated general business development that the general public requires." Staff further explained how the district description addresses the heavy volumes of pedestrian traffic in the C-1 corridor; however the Savage Garden's area currently does not have public sidewalks to connect any pedestrian traffic to Parkway, a distinct, physical difference from the C-1

properties off Historic Nature Trail. Furthermore, staff noted that the Land Use Policies generally recommend that higher density zoning be limited to areas that have adequate infrastructure in place to support the higher density developments. Staff noted that in this instance, neither the infrastructure nor the proposed use of the property appears to substantiate the need for a zoning change from low density residential to tourist commercial district. Staff further noted that four letters of opposition to the rezoning requests have been received and forwarded on to the Board. After further discussion, Mrs. Dana Soehn made a recommendation to deny the rezoning request to the Board of Commissioners for the rezoning to C-1. Mrs. Teresa Cantrell seconded the motion, which passed with all members voting aye.

c) Review and consideration for a proposed rezoning of Tax Map 137C, Group C, Parcel 16, from R-1 (Low Density Residential) to C-1 (Tourist Commercial), located on Savage Gardens Road, requested by Linda Nelson.

Staff presented the request for the proposed rezoning of Tax Map 137C, Group C, Parcels 13-15, located on Highland Drive, from R-1 (Low Density Residential) to C-1 (Tourist Commercial). Staff explained that the subject property is located on Savage Garden Road. Staff further explained that the applicant has noted that the current use of the property is single-family residential and has not proposed a use for the property at this time. Staff noted that the applicant has not been denied use of the property under the current zoning classification. Staff stated that the property is currently adjoined by R-1 to the north, south and west, and C-1 to the east. Staff explained that the size of the lot is approximately 0.08 acres, and due to the limited size and the steepness of the lot, staff is of the opinion that commercial zoning is inappropriate. Staff noted that enclosed in the Board's packet of information is a letter from the applicant's attorney, Mr. Patrick Harrell, which addresses the nature of the request and his opinion of the surrounding land use. Staff stated that the Gatlinburg Land Use Plan projects land use for the property as residential, and promotes lower density developments on hillsides and steeper slopes. Staff noted that the Utilities Department has indicated that if more units are to be added to the property then the developer would need to consult with the Utilities Department about an infrastructure study. Further staff noted that the Fire Department has raised concerns about ladder truck access on Savage Garden Road for a multi-story building. Staff explained that because no specific use has been indicated, the impacts to the infrastructure and potential emergency access can not be fully assessed at this time. Staff added that based on a previous survey provided by the applicant, the lower portion of Savage Garden Road Right-of-Way is twenty (20) feet wide. Staff stated that the current pavement widths range from 14-15 feet which would not support any additional high density commercial use, and due to the narrow right-of-way widths, additional improvements would be limited unless additional right-of-way is dedicated as public. Staff stated that the subject property is currently separated from the commercial/multi-family developments off of Historic Nature Trail because of the topography and the natural drainage divide. Staff also stated that there is a single-family residence between the subject property and the Holiday Inn property. Staff explained that based on the Gatlinburg Municipal Zoning Ordinance the intent of the C-1 district is to be "an area for concentrated general business

development that the general public requires.” Staff further explained how the district description addresses the heavy volumes of pedestrian traffic in the C-1 corridor; however the Savage Garden’s area currently does not have public sidewalks to connect any pedestrian traffic to Parkway, a distinct, physical difference from the C-1 properties off Historic Nature Trail. Furthermore, staff noted that the Land Use Policies generally recommend that higher density zoning be limited to areas that have adequate infrastructure in place to support the higher density developments. Staff noted that in this instance, neither the infrastructure nor the proposed use of the property appears to substantiate the need for a zoning change from low density residential to tourist commercial district. Staff further noted that four letters of opposition to the rezoning requests have been received and forwarded on to the Board. After further discussion, Mrs. Dana Soehn made a recommendation to deny the rezoning request to the Board of Commissioners for the rezoning to C-1. Mrs. Teresa Cantrell seconded the motion, which passed with all members voting aye.

d) Review and consideration for revised final PUD site plan for “Dudley Creek Sales Center,” located at 504 Ridge Road, C-2 zone, requested by Venture Real Estate Group, LLC.

Staff presented the request for the revised final PUD site plan. Staff stated that the final PUD site plan was reviewed and approved at the June 21, 2007 meeting. Staff explained that the proposed site plan reflects a 2 story, 4,800 square foot check-in building, a 1,800 square foot laundry/maintenance building, and 31 parking spaces on 1.75 acres. Staff noted that the site plan in 2007 reflected a triangulated easement area at the access point of Ridge Road, if there is an access easement in place then the legal documents establishing the rights of the easement should be provided prior to revised PUD site plan approval. Staff further noted that the Utilities Department has asked for the water demand calculations for the laundry facility. Staff also noted that the Fire Department has asked that the curvature into the parking area from the Ridge Road entrance be softened to allow for better access by emergency vehicles. Staff stated that the retaining wall holding the cut slope at the Ridge Road access point appears to project beyond the property line into the City’s right-of-way area, and should be pulled back so that all components of the structure are maintained on the private property. Staff noted that the project further lacks building elevations, dumpster location, Utilities Department approval, E-911 approval, and Sanitation Department approval. Mr. James Tomiczek was present and stated that the size of the sales center has been reduced to two-stories and that the plan has been revised which reflects the retaining wall being pulled back onto the private property. Mr. Tomiczek also stated that the curvature into the parking area has been adjusted for better emergency access and the point of ingress/egress had been adjusted. Chairman Maples questioned the line of sight. Staff noted that back in 2007 they had met on-site with Mr. Tomiczek to observe traffic flows and visibility. Mr. Tomiczek added that point of ingress/egress on Dudley Creek Road is back from the intersection approximately 125’ and the access point on Ridge Road about 75’ away from the intersection. After further discussion, Mrs. Teresa Cantrell made a motion to grant revised final PUD site plan approval subject to the lacking item and signatures being added to the plat. Mr. Don Smith seconded the motion, which passed with all members voting aye.

e) Review and consideration for final PUD site plan for “River Road Condominiums,” located on River Road, C-2 zone, requested by Matt Ligdon.

Staff presented the request for a final PUD site plan review for a proposed multi-family residential development located on River Road and fronts along the West Prong of the Little Pigeon River. Staff stated that the final site plan does not reflect the total acreage of the property nor the total density. Staff explained that the development plan proposes three (3) condominium buildings containing 192 total units, and a fourth building containing site amenities such as an indoor and outdoor pool, health club, office area, outdoor exercise area, and waterfall feature. Staff noted that the proposed plan also depicts 297 on-site parking spaces to serve the development with unit parking located primarily on the ground/surface level underneath the buildings. Staff explained that the property is located within a Special Flood Hazard Area (SFHA) as identified by the FEMA and TVA Flood-study Maps. Staff stated the finished floor elevations for the proposed buildings. Staff noted the site plan also depicts an encroachment into the 500 year floodway boundary; however a certification pertaining to “no-impact” to the 500-year TVA floodway has been submitted with the final site plan. Staff further noted that the engineer has submitted a map amendment to FEMA reflecting the proposed fill improvements which result in the property being elevated above the 100 year base flood elevation and out of the special flood hazard area. Staff stated that the map amendment has not been approved by FEMA at this time. Staff explained that the proposed development depicts significant cut rock slopes along the side and rear yard areas adjoining the parking areas and Building D, which exceed the Municipal Code requirement of a 2H:1V. Staff further explained that the preliminary PUD site plan had shown the area retained. Staff reiterated comments made at the June 2007 meeting, that regardless if retaining walls or another means of slope stabilization are to be utilized, geotechnical information as well as the structural design of any walls or certification of the slopes will be required for the final site plan to determine if the adjoining slopes are properly secured and stabilized. Staff stated that the Utilities Department has indicated that new utilities for water and sewer would be required to be installed via the bridge access to River Road, and final approval by the Utilities Department would be required prior to the installation and a letter of credit or bond for the proposed public improvements would be necessary to ensure the installation. Staff explained that the Fire Department has requested that the location of the fire department connections (FDC) be shown on the site plan to insure that the placement of the FDCs do not compromise access to other buildings within the development. Staff noted that the final PUD site plan lacks the zoning district, acreage of the property, FAR calculations, open-space delineation, Utilities Department’s approval, Sanitation Department’s approval, E-911 approval and a letter of credit/bond for public utility line improvements. Mr. James Temple was present and stated that he had spoken with the FEMA regional office on Friday and hopes to have the LOMA back within the week. Staff stated that the LOMA has been noted as a lacking item, and added that the buildings are to be elevated to meet the adopted FEMA/floodplain regulations. Staff noted that there is a small encroachment into the 500’ floodway and the engineer has provided a “no-impact” certification to the floodway. Staff stated that the 2H:1V is

still an issue that needs to be resolved and the types of retaining mechanisms need to be identified. Staff further stated that the geo-technical analysis for the proposed walls and cuts need to be submitted. Mr. Temple explained that in some areas a retaining wall or soil nailing would be used and in other areas they would certify the stability of the rock face. Mr. Temple noted that the rock removed from the toe of the slope would be used as fill elsewhere on the site. Chairman Maples questioned the property had been subdivided. Mr. Temple stated that the tract had been subdivided and the development site is approximately 8.5 acres. Staff stated that the project does not have final utilities approval to date, though the department has looked at the numbers. Staff also stated that the bond and/or letter of credit for the public line needs to be posted for the proposed improvements. Mrs. Dana Soehn also stated that the geo-technical information is also needed. Mr. Temple asked the Board to consider final PUD site plan approval. After further discussion, Mrs. Dana Soehn made a motion to grant revised preliminary PUD site plan approval subject to the lacking items being submitted for a final review. Mrs. Teresa Cantrell seconded the motion, which passed with all members voting aye.

Unscheduled Items

Staff noted that Mr. Tom Malone had submitted a redesign on the road within his development and has asked for feedback from the Board in regard to the redesign. The Chairman asked for the guidelines of the discussion. Staff stated that the Board is not required to take a vote on the item. Staff presented the Board with the revised road profile and asked Mr. Malone to come up and explain the revisions. Staff explained that the profile had been printed off from an email and that the scale was hard to see because of the .PDF file. Staff explained that the green and blue lines represent the natural topography and the topography shot in the field. Staff further explained that the yellow line represents the current proposed road grade. Staff noted that the February 2008 submittal had road grades of 20%, and the new plan works in vertical curves in an effort to mitigate long steep sections. Staff noted that there is a 450' section at 19% with 7% grades to 30-50' to another 450'. Mr. Malone stated that the sections of 7% are 60-70' and another at 30-40'. Mr. Malone further stated that the design has a pullout designed along the road for the Fire Department. Staff questioned if the pullout was at 7%. Mr. Malone stated that the pullout would be no more than 6% and indicated the location of the pullout on the map. Mr. Malone stated that the four lots along the 19% grade would be serviced from the top road and thus the central location for fire access. Chairman Maples asked if staff had spoken with the Public Works Director, Ron Greene, about the revised road grades. Mr. Malone stated he had not seen him. Staff stated that they had spoken with Mr. Greene and there were issues with the road grades. Mr. Ralph Ramsey, Fire Inspector, noted that the 19% duration even with short curves may not present enough for transmission to cool off. Chairman Maples noted the recent Wears Valley fires and that the major issue was responding to get water, which is one of our concerns. Mr. Malone questioned if there were fire hydrants in that development. Chairman Maples responded that he did think that there were. Chairman Maples stated that the grades have always been an issue and that 15% at a long length is a sled run. Chairman Maples stated that he

does not know how to mitigate the grades and asked Mr. Malone to help them. Mr. Malone stated that a mountain is a mountain and that he has done as much as he can do to mitigate the concerns. Mr. Bart Hose asked Mr. Malone if he had considered shortening the road length. Mr. Malone stated that if lower down the mountain then there will still have a grade to reach the top. Mrs. Dana Soehn asked how many lots need access. Mr. Malone responded that 4 lots and the other lots on top. Mrs. Soehn asked what the maximum lengths were at 19%. Mr. Malone stated that 456' with a 60' break in vertical curves have been incorporated to softened angle of approach. Chairman Maples stated that personally the road grades are a safety issue and that the Fire Department and Public Works Director have issues with these grades. Chairman Maples stated that the Board has to come to a consensus with road grades, and in order to say yes, the Fire Department, Utilities Department, and Public Works Department concerns would need to be satisfied before he would feel comfortable to say okay. Chairman Maples continued stating that at some point the community will have to say that property is too steep and he does not know at what point that is. Chairman Maples stated that the Board has to look at concerns with public safety. Mrs. Dana Soehn stated that she appreciated Mr. Malone's efforts on revising the plan and stated that she hoped to that they could meet in the middle and make some adjustments. Chairman Maples stated that there are certainly ways to mitigate, but the road grades remain an issue. Mrs. Teresa Cantrell asked staff if they had seen the new design and if they still had concerns. Staff noted that they had reviewed the redesign and still had concerns about the road grade. Chairman Maples asked Mr. Malone if he had anything to add. Mr. Malone stated no and thanked the Board for their time.

Adjournment

There being no further business to come before the Board, the meeting was unanimously adjourned at 5:46 P.M., after a motion by Mr. Don Smith and a second by Mr. David Ogle.

Approved:

Planning Commission Secretary

Date

MINUTES OF THE
GATLINBURG MUNICIPAL/REGIONAL PLANNING COMMISSION
April 17, 2008
THURSDAY, 5:00 P.M., CITY HALL

MEMBERS PRESENT

Robert Maples
Larry Claiborne
David Ogle
Phil Nemeth
Dana Soehn

MEMBERS ABSENT

Teresa Cantrell
Don Smith

OTHERS PRESENT

Frank Glossia
Natalie Malone
Tom Malone
Ben Mullins
Matt Hatfield
Doyle Jones
Lynn Fields
Craig Cooper
Rebecca Moeller
Patrick Herrell
Dale Chapman
Howard Dawson
James Tomiczek
Robert Murray
Rick Joyce
James Temple, Jr.
Stan Sorey
Jane Sorey

Staff Representatives: David Ball, City Planner
Ashley Miller, Assistant City Planner
Bart Hose, LPAO
Ron Greene, Building Official/Director of Public Works
Greg Patterson, Fire Chief
Ralph Ramsey, Fire Inspector
Dale Phelps, Utilities Director

Chairman Maples called the meeting to order at 5:00 P.M. The minutes of the March 20, 2008, meeting were unanimously approved following a motion by Mr. Larry Claiborne and a second by Mr. Phil Nemeth.

Petitions and Communications from the Public

Staff Report

Old Business

New Business

a) Review and consideration for a minor subdivision of Tax Map 126P, Group D, Parcels 42 and 43, located at the intersection of Luzerne Court and Stans Road, R-1 zone, requested by Harry Wall.

Staff presented the request for preliminary and final plat approval for a proposed minor subdivision of Tax Map 126P, Group D, Parcels 42 and 43, consisting of the deletion of an interior property line. Staff stated that the proposed minor subdivision consists of deleting the interior property line between Lots 1 and 2 of the Block I, Section 2 of Tyrolea Subdivision in turn creating Lot 1R being 0.60 acres (26,211 square feet). Staff also stated that the property is currently improved with a single-family residential structure that is situated across the existing property line. Staff further stated that the plat, if approved, would correct the encroachment issue. Staff finally stated that the plat appears to meet the minimum design standards, but lacks the following signatures of approval: Ownership and Dedication of all property owners, E-911, Sevier County Electric System, Utilities Department and/or Sevier County Health Department. After further discussion, Mrs. Dana Soehn made a motion to grant preliminary and final plat for the minor subdivision approval subject to the lacking signatures being added to the plat. Mr. Larry Claiborne seconded the motion, which passed with all members voting aye.

b) Review and consideration for a preliminary PUD plan for “The Settlement, Phase IV,” located on Forest Springs Drive, R-2 zone, requested by Tom Malone.

Staff presented an overview of the request. Staff explained that in an effort to mitigate the Fire Department and Public Works Department’s concerns the developer has submitted Phase IV as a PUD concept and Phase III as a traditional subdivision. Staff further explained that the PUD plan addresses some of the Public Works Departments concerns with regard to road and utility maintenance. Staff stated that the developer did not have all the preliminary PUD items required for a preliminary plan, but needed to resolve the road grade issue before moving forward with further design. Staff then turned the discussion over to Mr. Tom Malone and Mr. Matt Hattfield to discuss the proposed mitigation techniques. Mr. Nemeth questioned if each of the phases contained 21 lots and asked about the original lot numbers. Mr. Malone stated that there were 44 lots originally proposed for Phases III and IV, but 2 lots are now to be used for detention. Staff added that the 20% uninterrupted lengths of road grade had been revised to 19% with vertical curves incorporated to reduce the lengths. Staff also noted that non-skid asphalt was proposed for grades in excess of 15 percent, guard rails, individual sprinkler systems for the homes within Phase IV, and additional hydrants placed at various locations within Phase IV including at the staging area for the Fire Department which is at 3% grade. Mr. Malone added that the pullout is to service 4 houses along the long grade. Chairman Maples questioned if the pullout would be used as a driveway. Mr. Malone stated that it would not be a driveway and denoted as a pullout for the Fire Department. Chairman Maples asked for the dimensions of the pullout. Mr. Malone stated that the pullout was 50 feet long by 20 feet wide. Mr. Nemeth asked about the location of the pullout. Mr. Malone stated that the pullout was located at Lots 71 and 72. Chairman Maples questioned if another pullout was needed. Mr. Malone stated that he had met with the Fire Department and has provided for one pullout where the Fire Department felt like it was needed.

Mr. Malone further stated that another pullout could be put in if the Fire Department needs it. Chairman Maples stated that the 19% grade has been broken into three lengths. Mr. Malone stated that the road goes 460 feet then breaks, then runs another 460 feet and breaks at the left hand turn. Chairman Maples questioned how the lengths were broken up. Mr. Malone stated that vertical curves have been introduced within the length of the road. Staff added that the vertical curves and the intersections are at 7% grade. Chairman Maples discussed the two lower lengths. Mr. Malone noted at the left hand turn the road turns onto the ridge then there is another section at 19% above Lot 72. Staff explained that the transition area is roughly 90 feet from leaving the 19% to the vertical curve, but that 7% would be the flattest area through the vertical curve. The Chairman asked the developer to show him on the road profile the vertical curve areas. Mr. Malone's engineer, Mr. Matt Hattfield, explained the road grad profile plan to the Board. Mr. Phil Nemeth questioned how the developer was achieving the 7% grade. Mr. Hattfield stated that lowering the grade is at a cost, and noted that more excavation could be done but at an added cost and disturbance. Chairman Maples noted that the roads appear to be fairly straight. Mr. Nemeth questioned if the vertical curve needed a variance to be at 7% grade. Staff explained that actually the area in question is an intersection with a run-out, and noted that if a curve or switchback exists then would need to be designed at 3% grade. Mr. Malone stated that he has addressed the concerns of the Fire Department and Chief Patterson feels as though the concerns have been addressed. Mr. Malone continued to explain that the Public Works Department concerns have been removed by establishing a private street. Mr. Malone stated that the Board has given variances at 18%, but what was built was different. Mr. Malone explained slopes can be changed with more excavation. Mr. Malone noted that from the article in the Mountain Press the public wants less excavation with steeper roads. Mr. Malone noted that more excavation would create a bigger scar, and added that this request is not extreme from the standards based on the public's comments. Mr. Malone further noted that his wishes to leave as many trees as possible and minimize the excavation. Chairman Maples noted that the road grades are an issue and the Board needs to look at safety issues. Chairman Maples questioned if 19% was fair and reasonable, and added that in the past the Board has granted road grade variances for short distances. Mr. Nemeth added that the Board is bound by the regulations, but the developer could obtain a variance if a hardship is present. Mr. Nemeth questioned if the number of units proposed could be reduced. Mr. Malone stated no, that the intent is for one unit per lot. Mr. Nemeth questioned if the developer could cluster the units. Mr. Malone stated that clustering 12 houses could create more of a visual impact. Mr. Nemeth questioned if anything could be done to reconfigure or reduce the number of lots. Mr. Malone stated that he could cut the mountain side down like out on Highway 66, but added that he has changed the design as much as he could change it. Mr. Malone further stated that certain hardships make the property un-developable. Mr. Nemeth noted that the hardship is that you own property with residential houses and have to have a 19% road grade in order to put those homes there. Mr. Malone stated that is the hardship today. Mr. Nemeth stated that the hardship is that Mr. Malone cannot get the houses on the upper portions of the property without 19% road grade. Mr. Benjamin Mullins, Mr. Malone's attorney, stated that based on the variance section of the ordinance topography is

an issue and referred back to the Subdivision Regulations. Staff noted that the variance section is located on page 49, Item J in the Subdivision Regulations. Mr. Nemeth agreed with Mr. Malone that strict adherence to the regulations would cause him to chop down the mountain, and no one would want to see that happen. Mr. Nemeth continued by stating that if a departure is permitted then the Board must make sure that it does not destroy the intent of the Subdivision Regulations. Mr. Malone noted that the Board will be faced with this issue again due to the recommendations of the Saratoga Report. Mr. Malone added that there were two choices which included lessening the impact of the development or reducing the mountain height. Mr. Malone stated that the bottom line is that he would have never purchased the property if the Board had not granted him a variance for 20%. Mr. Malone further stated that he had a variance up to 20% and at some point a balance has to be struck. Mr. Malone stated that he has done everything that he can do by meeting with the Fire Department and the Public Works Department to address their concerns. Mr. Malone noted that the Board will be called upon to deviate from the standard due to topography of the area. Mr. Malone added that due to the amount of cost associated with the water pump system, Phase III cannot be done economically without Phase IV development. Mr. Malone stated that he can get to Phase IV, and that he is already doing what the Saratoga Study recommends. Mr. Nemeth questioned the width of the road. Mr. Malone stated that he thinks Forest Springs Drive is 22 feet. Chairman Maples stated that the taskforce has not come to the end of the hillside and ridges information. Chairman Maples explained that three or four meetings back Mr. Malone was told that Phase IV would be difficult. Mr. Maples added that Mr. Malone said then that he did not own the property, so the concerns were thrown out before he bought the property. Mr. Malone stated that he got a road grade variance and then went off and wrote the contract based on the minutes, and noted that he did not own the land at the meeting. Mr. Mullins added that the in review of the concept in 2003 the Board indicated that they would grant a road grade variance if mitigated. Mr. Nemeth noted the difference between would and granted as it relates to the 2003 Minutes. Mr. Mullins added that Mr. Malone has done everything to mitigate the concerns and the hardship is the topography. Mr. Mullins explained that they have dealt with Public Works, and the Fire Department. Chairman Maples agreed that the developer has done several things to mitigate the road grades, but in his opinion the 400 feet road length at 19 percent is too long. Chairman Maples stated that the developer has done a good job with the pullouts and guardrails. Mrs. Dana Soehn stated that she is the newest member to the Board and added that in her tenure the Board has not granted variances for long lengths of steep grades. Mrs. Soehn explained that Mr. Malone has met with the City officials and alleviated their concerns, and that she feels better about the project. Mr. Larry Claiborne noted the 600 feet, 400 feet and 450 feet of 19% road grade being a total 1,500 feet and noted that even at 15% he would have a problem with that distance. Mr. Claiborne commended Mr. Malone for his efforts and willingness try to mitigate the grade issues. Mr. Malone stated that two years ago the Board granted a variance at 18% for 1,800 feet, and that switchback exists for less than 60 degree radius. Mr. Claiborne questioned where to draw the line with regard to road grade variances. Mr. Malone stated that the road is a serviceable piece of road. Mr. Malone stated that he did not know how to alleviate the Boards fears for the deviation from the 15%

standard. Mr. Mullins stated that they have done everything to mitigate concerns and then asked the Board what other concerns could be mitigated. Mr. Mullins added that the roads are as safe as can allow but, without the Board's acceptance there is an undue hardship to my client. Mr. Nemeth stated that the issue is a safety issue. Mr. Nemeth further stated that the road grade is and was an issue based on the 2003 minutes, but comes down to public safety. Mr. Nemeth stated that is not the function of the Board to tell the developer how to design the road to make it safe. Mr. Nemeth stated that it appears that the developer is using the Planned Unit Development to avoid the City from taking over the streets. Mr. Mullins stated that they have alleviated the Public Works Departments concerns by controlling the street in question as a private street and added that the 2003 minutes do state that the Board would approve. Chairman Maples asked if taking the Public Works maintenance personnel off the road is really mitigating the public safety concern. Mr. Mullins stated that they plan to use non-skid asphalt and guardrails. Mr. Malone stated that most dangerous piece of equipment to transverse the road will be the fire truck. Chairman Maples stated that the newspaper article previously noted by Mr. Malone noted concerns by first responders which would have to transverse 18% road grades. Mr. Malone stated that they will deed restrict the houses that they have to have sprinkler systems. Mr. Nemeth questioned when the roads were roughed-in or graded. Mr. Malone stated that the roads were graded in the 1970's. Mr. Nemeth asked if the proposed roads follow the same location as previously graded. Mr. Malone stated that they could not go anywhere else because of the rock formations. Mrs. Soehn stated that the Board has talked about public safety and she feels that since the concerns of the Fire Department and Public Works Department have been satisfied, the project has the public safety stamp on it. Fire Chief Greg Patterson stated that he commended Mr. Malone on the last phase with hydrant placement and individual sprinkler systems. Chief Patterson further stated that for any road over 15% grade, the Fire Department will have concerns, but can work with the design as presented. Chief Patterson explained that back in 2003, the then fire officials were quoted as stating that the proposal was accessible with fire equipment. In light of the 2003 position regarding Fire Department access, the current Fire Department Administration is inclined to work with the developer to resolve and mitigate Fire Department Issues. Further, Chief Patterson noted that with any grade over 15 percent the Fire Department will have concerns for safety measures. Chairman Maples questioned what the concern of roads over 15% grade specifically relates too. Chief Patterson stated there is a concern about the distances of grades in excess of 15 percent because of possible transmissions overheating. Chief Patterson further stated that the developer has indicated that hydrants will be placed where Fire Department deems necessary and that the pullouts have been incorporated for a Fire Department staging area to relieve some of the concerns. The Board questioned if the Fire Department equipment manufactures specifications would prohibit the use of the equipment on the grades in question. Chief Patterson noted that he was unaware of the detailed manufacturing specifications for the trucks. Chairman Maples asked if the Fire Department needed one or two pullouts to fight a fire on the ridge, and questioned if the pullouts are adequate to fight on the long stretch. Chief Patterson stated that it helps that the homes will have individual sprinkler systems and that an additional pull-out may be necessary upon further review. Chairman Maples

questioned the hydrant placement. Chief Patterson stated that the Fire Department will still have to climb the hill, and stated that it is difficult setting up on 19% grade. Chief Patterson stated that they can work with the project with what Mr. Malone has done to mitigate the concerns.

The Board then discussed what granting a variance may have on future development request. Mrs. Soehn stated that the next person with a 19% road grade without special asphalt and pullouts will not get a variance. Staff stated that each project must be looked at on an individual basis and that variances must be based on specific criteria and situations. Staff further stated that the Board should be cautious not to establish precedence that would provide future developments only general criteria for obtaining road grade variances. Mr. Nemeth stated that every situation is different. Mr. Nemeth asked the design engineer for his professional opinion and if this is the only way the roads can be done without further excavation. Mr. Hattfield stated that they have beaten the blood out of this project, and there is no way to make the road longer. Mr. Nemeth asked for Mr. Hattfield's opinion and asked if the reduction of the number of units would do anything for the road grade. Mr. Hattfield stated that reducing the unit count would not help the road grade, and that they are trying to get to the flat area at the top of the mountain which is the ideal area to develop. Mr. Nemeth asked if the PUD regulations give flexibility in locating the road on the property. Mr. Hattfield then questioned if Mr. Nemeth was asking if the road was safe. Mr. Hattfield continued noting that Claiborne County allows roads at 20% grade. Mr. Hattfield then stated that he is not going to put his engineering seal on an unsafe situation or design. Mr. Hattfield added that if the Board is considering the 19% grade in the most extreme cases like ice then, the design was not based on extreme weather conditions. Mr. Nemeth asked that with the PUD regulations could the developer put 12-14 units on the level spot on the property and access them with the road and not driveways. Mr. Malone stated that only four lots will have a driveway connection in the 19% grade. Mr. Malone added that public safety still an issue because the Fire Department still has to go up the road even if the units are clustered. Chief Patterson stated that it could be a challenge, but added that anytime they can stage on a flatter area the better. Mr. Ralph Ramsey, Fire Inspector, stated that regardless if they have a flatter area to stage and the units are clustered, the fire equipment will still have to traverse the 19% grade. Mr. Malone stated that they will be pumping everything up the road to fight a fire one at a time. Mr. Malone further stated that the past Fire Chief said that there is a 1% chance of fire. Mr. Malone also noted that the Fire Chief has issued a memo stating that the mitigation measures are acceptable. Mr. Malone added that he was opposed to clustering the units. Mr. Nemeth questioned if the water to sprinkle the units was from the City water system. Mr. Malone stated that it will be City water. Staff explained that the water system consists of a pump with a master meter to divide the public line from the private line. Staff added that the Utilities Department has indicated that they will work with the developer. Chairman Maples questioned how many lots are in the development. Mr. Malone stated 82 lots. Chairman Maples questioned if that number included Phases III and IV. Mr. Malone stated that it did. Chairman Maples stated that 60 lots will have been created when Phase III is completed. Mrs. Soehn added that what she is hearing from the developer that he will not do Phase III without Phase IV.

Chairman Maples stated that Mr. Malone has not been denied the use of the property. Mr. Nemeth stated that the Board needed to make a motion. Mr. Nemeth asked that the minutes reflect that he thinks absolute strict adherence in relation to what the developer has proposed as mitigation measures being the individual sprinkler systems for the units, the 22 feet of road width, non-skid asphalt, hydrant spacing, Fire Department pullouts, and guardrailing. Mr. Nemeth continued stated that if kept in strict adherence then precedence will not have been established for subsequent requests. Mr. Nemeth stated that based on the Project Engineer, it is easier to lay out the development this way and directed that the minutes reflect that if the developer is held to strict adherence to what he has proposed as mitigation techniques, then the developer has addressed the safety concerns. After further discussion, Mrs. Dana Soehn made a motion to grant preliminary PUD site plan approval subject to the lacking item being submitted. Staff questioned if the motion included a variance for the road grade. Mrs. Soehn stated that the motion did include the road grade variance. Mr. Phil Nemeth seconded the motion. Chairman Maples called for the vote. The motion passed with Mrs. Dana Soehn, Mr. Phil Nemeth, and Mr. David Ogle voting aye, and Mr. Larry Claiborne and Chairman Robert Maples voting nay.

c) Review and consideration for a preliminary subdivision plat approval for “The Settlement, Phase III,” located on Forest Springs Drive, R-2 zone, requested by Tom Malone.

Staff presented the request for preliminary plat approval for “The Settlement, Phase III,” consisting of approximately 14.96 acres to be divided into 21 lots, located off of Forest Springs Drive. Staff stated that the typical paving plan for the proposed streets indicate 20 feet of asphalt surface, with curbing on the upper side of the streets. Staff added that the road profile for “Boulder Lane” indicates a total road length of approximately 500 feet with 367.5 linear feet at a grade of 14.37%. Staff noted that the road profile for “Rock Orchard Lane” indicates maximum grades of less than 13%. Staff further noted that the road layout depicts a modified cul-de-sac area with the cul-de-sac area off-set from centerline of the road way. Staff explained that there is approximately 10’ of fill for the first couple of hundred feet of the proposed road, which is why a grading plan is needed for the development. Staff further explained that this fill could impact adjoining lots 41, 42, and 43 however, due to the lack of a final grading plan that depicts the finished grades, the impact of the cut and fill slopes can not be determined at this time. Staff noted that Lots 41 and 42 of Phase II have been previously subdivided, sold, and built upon and cannot be modified without current owner consent. Staff added that an area of disturbance plan cannot be prepared until the final grading plan is complete showing the proposed grading limits.

Staff stated that as noted in previous phases, the existing topography of the subject property does create difficulty in property access, parking arrangements, and location of adequate building sites without additional variances from the Board of Zoning Appeals. Staff noted that the previous phases in this development have proven to be difficult to develop due to the herein references issues related to the properties topography. Staff further noted that the proposed lots of Phases III appear to be no different with some natural slopes as steep as approximately 70% and greater,

and these are just approximations due to the uncertainty of the accuracy of the topographical information. Staff added that the topography provided is not surveyed topography but information from aerial photography. Staff explained that as noted in previous phases, steep lots with narrow street frontages create several issues with access and parking, and the narrow frontage requires driveways to be constructed as steeper grades and most often require retaining wall structures. Staff further explained that the narrow, steep lots also limit areas in which vehicle parking and turnaround can be provided, and the zoning ordinance requires a minimum of two car on-site parking with adequate turnaround. Staff noted that several of the previous lots in Phases I and II have proven to be very difficult in the satisfaction of the minimum requirements due to the steepness of the lots, minimum lot areas, and narrow street frontages, and the purpose of Subdivision Regulations is to ensure the responsible design of the streets and lots so that areas suitable for development can be utilized and areas unsuitable preserved. Staff feels that allowing lots to be created which do not provide for adequate building sites or allowing lots which will require additional variances from zoning provisions, is not in keeping with the subdivision regulations. Staff stated that the civil engineer's design depicts Lot 48 with an emergency access lane to extend to Topside Drive, and added that a permanent easement will need to be legally established for Lot 48 to ensure for the future use of the easement and a road profile for the emergency access road to be connected to Topside Drive is needed to verify access. Staff further stated that the Phase II development excluded Lot 39 due to geotechnical concerns, soil stability issues, and adequate accessibility from Stone Fence Lane and the proposed Phase III now depicts Lot 39 with a proposed access easement across Lots 43 and 44. Staff explained that the proposed access however, does not appear to be practical due to the steepness of the lower portion of the easement and potential non-compliance with adopted driveway policies. Staff added that the lots within Phase III which adjoin the private street within Phase IV should be restricted to gain access from Rock Orchard Lane and Boulder Lane. Staff noted that the preliminary subdivision plat does not depict the natural spring and stream areas which bisect Lots 54 and 43 that are shown on the civil designs, and that these natural drainage areas could impact building sites for these lots as well as limit access to the sites. Staff explained that the storm water plan depicts a detention pond to be placed within Phases III of the development on Lot 43, therefore an easement for the utility will need to be legally established and documentation presented as part of the storm water plan to indicate the party responsible for the maintenance and upkeep of the detention pond if this lot is to be sold to an individual. Staff noted that if the area of the detention pond is to be public and/or common, the lot number should be removed and the map revised to indicate the common area not to be developed, and at a minimum, the preliminary subdivision plat should be revised to reflect these improvement areas. Staff stated that the plan also lacks a public turnaround area at the termination point of Forest Springs Drive where the public road meets the private road within Phase IV and a subdivision standard turnaround should be incorporated and platted to reflect adequate public turnaround where the public street will terminate adjoining the private PUD development in Phase IV. Staff further stated that a revised subdivision plat reflecting only Phase III lots will need to be submitted for the final approval. Staff added that a bond or letter of credit for the public infrastructure improvements will be needed with the final plat.

Staff expressed the need for the public turnaround where the public road ends and the private street begins. Mr. Nemeth asked if this revision has revised and reflected on the plat. Mr. Tom Malone stated that the change had not been incorporated into the design at this point in time and added that he has told staff that he would get that information when they start Phase IV. Mr. Nemeth questioned if the turnaround would be a cul-de-sac. Mr. Malone stated that he did not know what the design would be and added that the engineer would have to develop the best design. Staff reiterated that the turnaround area issued would have to be resolved. Mr. Nemeth questioned if Phase III was ready for a preliminary plat approval. Staff stated that the engineer has submitted a preliminary utilities design. Mr. Nemeth questioned if anything in Phase III would require a variance. Staff stated that the modified turnaround on Rock Orchard Lane may need a variance. Mr. Matt Hattfield stated that due to the topography he had to off-set the layout of the turnaround area. Mrs. Soehn asked about Lot 39. Staff stated that Lot 39 was originally shown in Phase II. Mr. Malone stated that the lot in question is actually Lot 38. Staff noted some issues with steep lots and added that the grading plan will address those concerns. Staff added that the lots with storm water facilities on them will need to be deed restricted, the lot numbers removed from the plat, and the legal documents for maintenance provided. Mr. Nemeth questioned if any additional variances were needed for Phase III other than the modified turnaround. Mr. Hattfield stated that he was not aware of any variances needed for Phase III. Staff stated that the profile for the emergency access lane proposed to tie into the Topside Drive area is needed for the Fire Department. After further discussion, Mrs. Dana Soehn made a motion to grant preliminary subdivision plat approval subject to the grading plan and other lacking item being provided. Mr. David Ogle seconded the motion, which passed with all members voting aye.

d) Review and consideration for a preliminary plat for “Great American Honeymoon Resorts, Inc., Phase 2,” located on Kristis Place, R-1 zone, requested by Ed Bates.

Staff presented the request for preliminary plat approval. Staff stated that at the agenda deadline staff was under the impression that the request was for a traditional subdivision which prompted staff’s recommendation due to the issues noted in the review. Staff explained that the owner has now submitted a concept to do a PUD under type “B” as a cluster PUD/subdivision with 10,000 square foot lots and 5,000 square feet per lot in common open space. Staff noted that Mr. Howard Dawson, the project surveyor, would like to discuss the PUD concept with the Board before the owner moves forward with the engineering design. The Board asked if action should be taken on the preliminary plat before discussion on the new concept PUD/subdivision plan. Mr. Dawson asked that the item be removed from the agenda. Mrs. Dana Soehn made a motion to remove the agenda item. Mr. Larry Claiborne seconded the motion with all members voting aye.

Mr. Dawson was presented and stated that there are several improvements that need to be made to the property and the owner is looking for direction from the Board if PUD/subdivision concept

is a feasible option. Mr. Dawson explained that he was originally under the impression that the owner wanted to do a traditional subdivision, but now would like to do a PUD/subdivision. Staff stated that traditionally PUDs are done under concept "C" of the PUD regulations, but the applicant is considering doing this design under concept "B." Mrs. Soehn questioned the units shown on the plan. Mr. Dawson explained that there is already a PUD on the property from 1992. Staff noted that two units are shown on Lot 5. Mr. Dawson indicated that the owner had directed him to configure the Lot 5 in the manner shown. Mr. Dawson indicated that the owner wants to place a water storage tank on the site that will be serviced by a well to meet fire flows and indicated that the individual lots/house sites would be serviced off of individual wells. Staff noted concerns to the access to two of the lots and noted the legal opinion submitted by Mr. Barry Eubanks. Mr. Dawson noted the Kristis Place is not a public road, but the owner is proposing to make improvements. Mr. Phil Nemeth questioned if the PUD tract needed to have frontage on a public road. Staff noted that the PUD tract typically does have to have frontage on a public street, but added that the property is already developed with an existing PUD. Mr. Nemeth stated that the new plan proposes to increase the density of the development and due to change the plan should meet the current standards. Mr. Nemeth noted that the PUD tract needs to have frontage on a public road. Staff added that the owner is proposing to bring Kristis Place up to the current adopted standards and there is a mutual easement agreement for Kristis Place. Mr. Nemeth stated that the PUD is one lot, so the PUD tract should have frontage on a public street. Staff explained that they have spoken to the owner about this issue, and the owner has indicated that there is a concern that all of the property owners along the Kristis Place roadway are not willing to dedicate it for public use. Staff noted that the deeds reference a "public right-of-way" but until such time the road is improved and brought up to City standards it would not be an accepted public street. Mr. Dawson added that the property has been used as a PUD since 1992 and Mr. Bates owns all of the units within the development. Mr. Nemeth stated that in his opinion the owner needs to dedicate the road for public use to give the PUD tract frontage on a public street and Lot 5 revised so that each house is on an individual lot. Staff noted that if the Board deems it necessary then road profiles would be needed for a preliminary PUD submittal. Mr. Nemeth stated that the owner needs to spend some money and include the road profiles in the preliminary submittal.

e) Review and consideration for final PUD site plan for "River Road Condominiums," located on River Road, C-2 zone, requested by Matt Ligdon.

Staff presented the request for final PUD site plan approval for a proposed development consisting of three (3) buildings (A, B, & C) containing a total of 192 units and a fourth building (Building D) containing various property amenities and office area. Staff stated that the request consists of a final PUD site plan review for a proposed multi-family residential development located on River Road and fronts along the West Prong of the Little Pigeon River. Staff explained that the development proposes three (3) condominium buildings containing 192 total units. Staff added that included is a fourth building containing site amenities such as an indoor

and outdoor pool, health club, office area, outdoor exercise area, and waterfall feature. Staff noted that the proposed plan also depicts 297 on-site parking spaces to serve the development with unit parking located primarily on the ground/surface level underneath the buildings. Staff also noted that the property is located within a Special Flood Hazard Area (SFHA) as identified by the FEMA and TVA Flood-study Maps. Staff added that the proposed finished floor elevations at the surface parking level are Building A – 1313.5, Building B – 1315.0, Building - C 1316.5 and Building D – 1313.0. Staff stated that the engineer has established the minimum 100 and 500 year flood elevations for this property to be 1305 to 1310.5 and indicates that the development will maintain a minimum of one (1) foot above the 500 year flood elevation which has been identified to be between and elevation of 1311.5 to 1314.5. Staff further noted that the site plan also depicts an encroachment into the 500 yr. floodway boundary; however a certification pertaining to “no-impact” to the 500-year TVA floodway has been submitted with the final site plan. Staff also noted that the engineer has submitted a map amendment to FEMA reflecting the proposed fill improvements which result in the property being elevated above the 100 year base flood elevation and out of the special flood hazard area. Staff pointed out that the CLOMR-F has been approved by FEMA, and is included in the packet of information. Staff stated that the proposed development depicts significant cut rock slopes along the side and rear yard areas adjoining the parking areas and Building D, which exceed the Municipal Code requirement of a 2H:1V. Staff noted in June 2007, regardless if retaining walls or another means of slope stabilization are to be utilized, geotechnical information as well as the structural design of any walls or certification of the slopes will be required for the final site plan to determine if the adjoining slopes are properly secured and stabilized. Staff further stated that the Utilities Department has indicated that new utilities for water and sewer will be required to be installed via the bridge access to River Road. Staff added that final approval of the Utilities Department will be required prior to the installation and a letter of credit or bond for the proposed improvements will be necessary to ensure the installation.

Mr. Nemeth inquired if a new bridge would be built. Mr. James Temple was present and stated that the sewerline under the bridge was too small and need to be upgraded to an 8-inch line. Mr. Temple added that the 2-inch waterline under the brudge would also be upgraded to an 8-inch line. Mr. Temple also stated that the bridge certification for ladder truck has been submitted to staff. Mr. Nemeth inquired about the preselling of the units. Mr. Stan Sorey was present and stated that several units have been presold. Mrs. Soehn asked about the open space area. Mr. Sorey replied that the open space area is to the back of the property. Staff finally stated that the final PUD site plan lacks the open-space delineation, Utilities Department’s approval, Sanitation Department’s approval, E-911 approval and a letter of credit/bond for public utility line improvements. After further discussion, Mr. Phil Nemeth made a motion to grant final PUD site plan approval subject to the open-space delineation, Utilities Department’s approval, Sanitation Department’s approval, E-911 approval and a letter of credit/bond for public utility line improvements. Mrs. Dana Soehn seconded the motion, which passed with all members voting aye.

f) Review and consideration for preliminary PUD site plan for “Ski Mountain PUD,” located on Campbell Lead Road, R-2 and C-2 zones, requested by Fred Allred and McClean Company, LLC.

This item was removed from the agenda at the request of the engineer. Mr. Phil Nemeth made a motion to remove the agenda item. Mr. Larry Claiborne seconded the motion with all members voting aye.

g) Review and consideration for a commercial site plan for “Epi’s Fine Wine and Spirits,” located at 1359 East Parkway, C-2 zone, requested by Epifanio Bordes.

Staff presented the request for commercial site plan approval for a proposed “Epi’s Fine Wine and Spirits,” which is to be located in the existing commercial building located at 1359 East Parkway. Staff added that the intent of Mr. Bordes is to create a separate space for a retail liquor store within 33,222 square feet of the space formally occupied by Save A Lot. Staff noted that the proposed store would not occupy the entire 33,222 square feet, but only 7,871 square feet of the building. Staff also noted that this item is on the agenda because Title 8, Section 8-111, of the Gatlinburg Municipal Code requires Planning Commission’s review and approval of a site plan prior to the issuance of an original or renewal liquor license. Staff explained that due to the relocation of the applicant’s license to a new address, the current code does require the Planning Commissions review and approval a site plan. Staff added that because the building and site are practically unchanged, the applicant has submitted a site plan depicting the existing site conditions. Staff stated that under a new proposed building development, a site plan would be reviewed by the Planning Commission and typically cover an original license request. Staff added that because the applicant is moving into an existing building, as currently stated within the Municipal Code, every renewal license is required to also submit a site plan to the Board for review and approval regardless if the renewal is within an existing building and address. Staff pointed out that after discussing this provision with the City Attorney, this provision seems to require an unnecessary step for renewals in existing locations, and therefore may need to be amended. Staff also stated that the current code indicates that all renewals would require Planning Commissions approval prior to review by the City Commission. Staff added that this step in the process seems unnecessary and redundant if the location has received previous approval by the Board. Mr. Deacon Jones was present and stated that when redeveloping the Save A Lot property, the property lines were reconfigured at McDonalds. Mr. Jones added that the site plan is important to ensure the number of parking spaces. Mr. Phil Nemeth asked about the redundancy of Title 8, Section 8-111 in the Municipal Code. Staff stated that it is justified to bring new licenses to the Board, but reviewing the renewals at existing locations currently requires the Board’s review and approval. Mr. Nemeth inquired about existing licenses and staff’s ability to certify that the proposed liquor store location meets all zoning requirements. Mr. Nemeth stated that the Board does not need to review renewals. After further discussion, Mr. Phil Nemeth made a motion to grant commercial site plan approval. Mr. David Ogle seconded the motion, which passed with all members voting aye.

Mr. Phil Nemeth also made a motion to recommend to the Board of Commissioners an amendment to remove site plan review requirements from the Municipal Code when an applicant is renewing a liquor license. Mr. David Ogle seconded the motion, which passed with all members voting aye.

h) 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, in the amount of \$156,300.00, is for improvements to Laurel Lane and Reba Lane. Staff stated that the project is currently under construction, but the improvements to the public right-of-ways have yet to start. Staff added that the Letter of Credit is scheduled to expire on June 12, 2008. Staff also stated that if the improvements are not completed by June 12, this proposed extension would permit the re-issuance of a Letter of Credit with a revised expiration date. Staff further stated this would assure that all proposed public improvements are completed. Staff added that currently the developer is asking for a one (1) year extension to the Letter of Credit. 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 finally stated that the estimates will be used to establish the proposed amount of the letter of credit upon re-issuance. After further discussion, Mr. Dana Soehn made a motion to grant a one (1) year extension of the Letter of Credit for the proposed road improvements subject to two revised estimates for the paving work. Mr. David Ogle seconded the motion, which passed with all members voting aye.

i) Review and consideration for acceptance of public utilities and road improvements for “Greenbriar Subdivision,” Tax Map 127, Parcel 19, located on Newman Road, C-2 zone, requested by Staff.

Staff presented the request for acceptance of the public utilities and road improvements for “Greenbriar Subdivision.” Staff stated that “Greenbriar Subdivision” received final plat approval at the September 16, 2004, Planning Commission meeting. Staff added that since the aforementioned meeting, the developer has installed approximately 911 linear feet of 8-inch sanitary sewer line, 558 linear feet of 4-inch waterline, 250 linear feet of 6-inch waterline, and constructed “Greenbriar Village Lane” and “Briar Patch Lane” to City standards. Staff stated that at this juncture the developer is asking the City to accept the public utilities and the road improvements. Staff noted that the acceptance by the Board of Commissioners will allow for the release of Letter of Credit #26019. After further discussion, Mr. Phil Nemeth made a motion for a favorable recommendation to the Board of Commissioners in regard to the acceptance of the public utilities and road improvements. Mrs. Dana Soehn seconded the motion, which passed with all members voting aye.

Unscheduled Items

Planning Commission Minutes
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Adjournment

There being no further business to come before the Board, the meeting was unanimously adjourned at 7:21 P.M., after a motion by Mr. Phil Nemeth and a second by Mr. David Ogle.

Approved:

Planning Commission Secretary

Date

MINUTES OF THE
GATLINBURG MUNICIPAL/REGIONAL PLANNING COMMISSION
May 15, 2008
THURSDAY, 5:00 P.M., CITY HALL

MEMBERS PRESENT

Robert Maples
Don Smith
Larry Claiborne
David Ogle
Phil Nemeth
Dana Soehn

MEMBERS ABSENT

Teresa Cantrell

OTHERS PRESENT

Barry Eubanks
Richard Greene
James Tomiczek
Frank Gioscia
Chuck Laney
Mike Johnson
Mike Smelcer
Verlin Watson
Bud Lawson
Mitch Mitchell
Jud Wilson
Tom Trotter
James Temple
Howard Dawson
J.B. Turnmire
Ed Bates

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

Chairman Maples called the meeting to order at 5:00 P.M. The minutes of the April 17, 2008, meeting were unanimously approved following a motion by Mr. Don Smith and a second by Mr. Larry Claiborne. Mr. Phil Nemeth amended Mr. Smith's motion to include the following language in the April 17, 2008 minute discussion of Item 6b pertaining to The Settlement, Phase IV, that "Chairman Maples stated that none of the members left the meeting in 2003 thinking that a variance was granted for the excessive road grades." Mr. Don Smith seconded the amendment, with all members voting aye.

Petitions and Communications from the Public

Staff Report

Old Business

New Business

a) Review and consideration for acceptance of the public road improvements to Acorn Branch Lane, R-2 zone, requested by Sam Large.

Staff presented the request for the acceptance of the public road improvements for Woodland Drive South. Staff added that the actual road name was Acorn Branch Lane. Staff stated that the plat reflecting the area of the Acorn Branch Lane Right-Of-Way to be improved and dedicated received final plat approval at the July 19, 2007, Planning Commission meeting. Staff added that since the aforementioned meeting, the developer has constructed the public turnaround area for Acorn Branch Lane to City standards. Staff pointed out that at this juncture the developer is asking the City to accept the road improvements as public. Staff noted that the acceptance by the Board of Commissioners would allow for the release of Letter of Credit #1594. After further discussion, Mrs. Dana Soehn made a motion to make a favorable recommendation to the Board of Commissioners in regard to the acceptance of the public road improvements. Mr. Phil Nemeth seconded the motion, which passed with all members voting aye.

b) Review and consideration for revised final PUD site plan for “Gatlinburg Falls Parkview,” located off Cheshire Court, R-1 and R-2 zones, requested by Venture Real Estate Group.

Staff presented the request for revised final PUD site plan approval for a proposed office/conference facilities building at “Gatlinburg Falls Parkview.” Staff stated that the proposed building is to be located where Units 25, 27, 29 and 31 were previously shown. Staff noted that the design engineer has indicated that the four units are to be deleted, but sheet C1.01, which reflects the entire development, is needed to reflect the final unit locations. Staff added a landscaping plan for the accessory building has not been submitted with the packet of information. Staff stated that the R-1 zoning provisions for PUD accessory buildings/uses require: *701.9.4. There shall be a planted, native evergreen plant species buffer along the immediate side/s and rear of all accessory structures adjoining an exterior property line boundary. The initial plant species shall be no less than six (6) feet in height from finished grade and so arranged to accomplish no less than 75 percent screening of the building within two (2) years of the initial planting.* Staff further stated that the plan lacks the calls and dimensions of all property lines, zoning district, acreage of property, revised density (FAR) calculations, total square footage of the proposed building, revised total unit count, grading, drainage and erosion control plans for the building site, landscape plan, and a utilities plan for the building. Staff noted the submission of sheet C1.01 may address some of the lacking items. Mr. James Tomiczek was present and stated that the Board could consider the four units eliminated from the plan. Mr. Nemeth questioned if there was an issue with the on-site check-in office. Staff stated that the R-1 zoning provisions for a PUD had been amended several years ago to permit check-in offices within private developments provided that certain setbacks and landscaping provisions were met. After further discussion, Mr. Phil Nemeth made a motion to grant revised final PUD site plan approval subject to the lacking items being submitted to staff for review. Mr. Don Smith seconded the motion, which passed with all members voting aye.

c) Review and consideration for a preliminary PUD site plan for “Ski Mountain PUD,” located on Campbell Lead Road, R-2 and C-2 zones, requested by Fred Allred and McLean Company, LLC.

Staff presented the request for preliminary PUD site plan approval for “Ski Mountain PUD,” located on Campbell Lead Road. Staff stated that the proposed PUD site plan reflects 77 buildings with 956 units on 67.92 acres. Staff stated that the plan does call for a service road to tie into Long Branch Road, therefore an emergency exit is being provided as a means of secondary ingress and egress. Staff stated that the Fire Department has noted that the service road would need to be paved and a turnaround or pull-off be provided along the roadway. Staff further stated that the Fire Department has asked that both entrances of the service road be gated. Staff added that the gating of the private access could also control traffic flow through the residential neighborhood located off Long Branch Road. Staffs’ position is that unless the access to Long Branch Road is restricted to emergency access only, additional traffic flow information would need to be provided regarding not only the subject site traffic but the neighboring property as well to determine if the existing road infrastructure is adequate to handle any additional traffic. Staff noted that at this juncture, staff does not feel that Long Branch Road should be utilized as anything other than emergency access to the property. Staff added that the Fire Department has questioned the ladder truck access and the fire department connection (FDC) locations in relation to the hydrant placement for the hotel/lodge building and the A-units. Staff also stated that the Fire Department has concerns about the parking areas in front of the A-units and how the parking configuration may compromise the staging area for the ladder truck. Staff further stated that the Fire Department has noted that some the hydrants proposed may need to be relocated as not to create blockage for additional fire apparatus. Staff finally stated that the Fire Department has requested more information on the access to the zip lines and chairlift. Staff recommended that the designer consult with Fire Department personnel in regard to these issues. Staff stated that the site plan reflects a retaining wall and the associated grading to encroach beyond the subject property onto the Campbell Lead Road Right-of-Way and possibly the adjoining property. Staff added that the property boundary and right-of-way area information was not submitted with the request; therefore staff is unable to determine the total impact of the excavation beyond the property lines. Staff also stated that it appears that several of the cut/fill slopes are not conforming to the Municipal Code requirement of a 2H:1V slope. Staff added that the plan needs to be revised to reflect the grading in compliance with the adopted regulations. Staff also noted that due to the proposed number of units, the Utilities Department has noted that the plan would need to be phased into more manageable numbers especially for sewer capacity. Staff stated that a plan has been submitted to the Utilities Director for their review and consideration however, due to the time frame in which the information was submitted to the Utilities Department, the City’s consulting engineer has not been able to review the demand numbers of the development. Staff stated that the Utilities Department is unable to approve the utilities plan at this time, therefore, it is staffs’ recommendation that no site plan approvals should be granted until the utilities issues have been resolved and it has been determined that adequate capacities exists to accommodate the development. Staff further stated that the site

plan lacks the dimensions and calls of all property lines, the size of units to verify the parking calculations, drainage and erosion control plan, zoning boundaries, setback locations, and a subdivision plat for the property to consolidate the tracts. Staff pointed out that at the May 6, 2008, Board of Commission Meeting, the Board requested that Planning Commission not approve any further ridge-top developments until the Hillside and Ridges Taskforce Committee, which has been appointed to develop and recommend hillside and ridges development standards, has completed their process. Staff stated that this particular development, as presented, does appear to be located in a visible ridge-top area that potentially could have an impact on surrounding public scenic venues. Staff also stated that the grading plan reflects an elevation of 1924' be lowered to 1890' to accommodate the lodge/hotel building along Campbell Lead Road.

Staff stated that the boundary survey had been submitted the day before the meeting, and has not signed by the surveyor. Mr. Tomiczek stated that when Campbell Lead Road was relocated, a portion of the property was submitted by Mr. Fred Allred, and was approved a couple of years back for 150 units. Staff stated that the conceptual approval was for 150 units, but the final PUD approval was for approximately 60 units. Mr. Tomiczek stated that the City Street was relocated to allow for the development of the property. Mr. Tomiczek added that now the development goes from Campbell Lead Road to Long Branch Road, and includes the McLean property. Mr. Tomiczek noted that there is a combination of R-2 and C-2 zoning, and the development consists of 956 units within 77 buildings accessed off Campbell Lead Road. Mr. Tomiczek added that there would be no public access through the adjoining neighborhood, and the roadway could be gated for emergency access only. Mr. Tomiczek explained that the utilities are accessed from Campbell Lead Road. Mr. Tomiczek noted that Vision Engineering has been working on this project for four months, and has been working with the City since March 19, 2008. Mr. Tomiczek added that the engineers report was submitted to the Utilities Department on April 24, 2008. Mr. Tomiczek stated that when looking at utilities, in his opinion there is some capacity already reserved for this development. Mr. Tomiczek explained that their concern is that capacity at the wastewater treatment plant may be years away. Mr. Tomiczek asked the Board for preliminary approval and then stated that if the City could not provide sewage disposal then the developer would look at an alternative system. Mr. Tomiczek stated that monies have been expended by the developer and the plan has been in the works for a couple of months. Staff stated that it is difficult for the City to reserve capacities for developments and the Utilities Department would have to re-evaluate and analyze the demands based on a change from the previously approved development that was presented by Mr. Allred. Mrs. Dana Soehn stated that the unit numbers from a couple of years ago were much less than what is currently being presented. Mrs. Soehn asked for the previous developments unit count. Mr. Tomiczek stated that it was for 150 units. Staff stated that the final approvals had only been given for approximately 60 units out of the 150. Mrs. Soehn stated that the current proposal has significantly more units. Mr. Chuck Laney was present and stated that the previous development was two phases, and the concept consisted of 14 acres. Mr. Laney stated that now the property consists of 60 acres and added that the request is for a preliminary approval and Utilities

approval is not required until final approval. Staff stated that the regulations allow for phasing of the development. Staff noted that the Utilities Department is currently evaluating the numbers. Mr. Laney stated that if the preliminary plan is denied and the City does not have any more capacity then the developer can develop an alternative system approved by the state. Mr. Laney further stated that failure to respond is not a good answer either. Mr. Bart Hose stated that the City could refuse another utility within their jurisdiction. Mr. Laney added that once the City has capacity the sewage could then be pumped into the public system. Mr. Tomiczek stated that there is the potential to do phasing, but first they need to obtain preliminary PUD approval. Mr. Hose added that staff's recommendation is based on what the Utilities Department can handle. Mr. Nemeth stated that there is not enough information and part of it is the utilities information is needed before any approvals are granted. Chairman Maples added that City Commission has asked the Planning Commission to not approve any more ridge-top developments until the Hillside and Ridges Taskforce completes their recommendation. Chairman Maples stated that City Commission has been very supportive of the Planning Commission, and the Board should work with City Commission. Mr. Tomiczek stated that the utilities, fire and hillside issues would be addressed at the next level. After further discussion, Mr. Phil Nemeth made a motion to deny preliminary PUD site plan approval until the Utilities Department has approved the development plan and the lacking items can be submitted for review. Also, due to the BOC action on May 6, 2008, the Board considered the request of the City Commission to defer any action on ridge-top and hillside developments until the appointed taskforce has completed its process. Mr. Don Smith seconded the motion, which passed with all members voting aye.

d) Review and consideration for a minor subdivision of Tax Map 107, part of Parcel 118, located on Powdermill Road, RR-1 zone, requested by Verlin Watson.

Staff presented the request for preliminary and final plat approval for a proposed minor subdivision of Tax Map 107, part of Parcel 118 and 118.04, in order to correct the boundary line perpendicular to Kidds Way being line N 36°25'33" (78.46'). Staff stated that the plat of record (Large Map 7, Page 74) reflects the centerline of the 20-foot private right-of-way to cross over Parcel 118 at the property line that is noted as 77.28-feet long. Staff added that Mr. Watson's title agent has advised him that the area of the 20-foot private right-of-way should be removed from Parcel 118 and platted to Parcel 118.04, which is currently developed with a Planned Unit Development. Staff noted that the purpose of the re-plat would be to incorporate the actual private road area into the PUD for which it serves. Staff also stated that the plat submitted for consideration at this time does not reflect the calls and dimensions of Parcel 118.04 nor notes the total area to be transferred by the platting process. Staff added that any property lines shown between the Kidds Way and the Parcel 118.04 should also be removed from the plat. Staff further stated that the plat lacks the following signatures of approval: Ownership and Dedication of all property owners, E-911, Utilities Department, and the Sevier County Health Department. After further discussion, Mr. Don Smith made a motion to grant preliminary and final plat approval for the minor subdivision subject to Parcel 118.04 being shown on the plat along with the area being transferred noted and the lacking signatures of approval. Mr. David Ogle seconded the motion, which passed with all members voting aye.

e) Review and consideration for a preliminary PUD site plan for “Great American Honeymoon Resorts, Phase II,” Tax Map 116, Parcel 221, R-1 zone, requested by Edward Bates.

Staff presented the request for preliminary PUD site plan approval for “Great American Honeymoon Resorts, Phase 2,” being Tax Map 116, Parcel 221, located off Dudley Creek Road. Staff stated that the proposed preliminary PUD site plan consists of 23 lots and 6 open space areas. Staff also stated that the development is proposed under Type B, of the PUD regulations being the potential cluster type subdivision of property as permitted under section 406.4.1(b). Staff added that the developer is proposing to access the lots from Kristis Place, and bring the roadway up to City standards. Staff also stated that the developer is also proposing to extend public sewer to the development. Staff pointed out that a utilities plan and improvement plan for the roadway were not submitted with the request. Staff added that the developer should consider consulting with the Utilities Department in regard to any potential improvements because if public sewer is not available the PUD will have to be designed to the Health Department’s minimum design standards. Staff explained that there is a concern that some of the horizontal and vertical curves need to be designed to the subdivision standards, and the preliminary plan should reflect those improvements. Staff also stated that a road improvement plan has not been submitted for the proposed pavement widths within the development. Staff further stated that where the proposed Kristi’s Place roadway improvements are shown to end at the Michael S. Stalcup property, a public turnaround area needs to be incorporated at that point. Staff also stated that the turnaround area on Mount Garrison Way needs to be at 3% or less. Staff added that the grades of the two possible switchback curves and the intersection of Kristis Place and Mount Garrison Way are of concern since they do not appear to meet the minimum design requirements of the Subdivision Regulations. Staff added that there is a question as to the ownership of the right-of-way from Dudley Creek Road to the subject property. Staff also stated that the concern pertains to the ability to the legal rights to improve the right-of-way areas to the City’s adopted standards and then the dedication of said right-of-way. Staff stated that Mr. Barry Eubanks has submitted a letter stating his opinion to the rights of the Kristis Place right-of-way. Staff noted that at the April 17, 2008, meeting, when the surveyor discussed the proposed PUD site plan with the Board, it was the opinion of the Board that the PUD tract would have to have frontage along a public street. Staff also stated that therefore a plat reflecting the right-of-way area to be dedicated to the City as public will need to be submitted and a bond or letter of credit for the improvements posted to ensure the public infrastructure improvements. Staff stated that the Fire Department has also issued some concerns in regard to the grade at the intersection of Mount Garrison Way and Kristis Place and the grade of the turnaround of Mount Garrison Way. Staff added that the Fire Department has questioned the grade of the curve between Sta. 15+00 and Sta. 16+00. Staff stated that the inside curve data is also needed. Staff noted that the Fire Department has also noted the dead-end at Sta. 22+00, and the need for a turnaround area to prevent the need to back emergency vehicles back down to the intersection of Mount Garrison Way and Kristi’s Place. Staff pointed out that 21 of the proposed 23 units encroach into the

district setbacks that are applied to each lot, and therefore the site plan needs to be revised to reflect the unit locations in compliance with the district setbacks. Staff finally stated that the site plan also lacks the total acreage of the development, the overall density of the development, and landscaping concepts.

Mr. Barry Eubanks was present and stated that before final approval that Mr. Bates would bring the road up to City standards and run sewer to the property. Chairman Maples asked if Kristis Place was a public road. Mr. Eubanks stated that it was not. Staff questioned if the roadway would be public throughout the development. Mr. Eubanks stated that it would be public at least to the property line. Mr. Nemeth questioned if there was anything in the deeds that would restrict dedication of the roadway for public use. Mr. Eubanks stated no. Mr. J.B. Turnmire was present and stated that he needs to know all the design criteria. Mr. Turnmire added that he would of like to have known about these issues three days ago so that he could have made the revisions. Mr. Nemeth read aloud the section of the Planned Unit Development provisions and how the design is dedicated by the Subdivision Regulations. Mr. Hose added that there are two standards for the road plan and staff has asked for a more detailed road plan. Mr. Ed Bates was present and noted that no portion of the roadway would be over 15% grade. Mr. Turnmire stated that he needed the Board to tell him what is needed. Mr. Howard Dawson was present and stated that the request was for preliminary approval. Staff stated that the road profile submitted reflects the existing road plan and not what the developer is proposing to construct. Mr. Turnmire stated that the curves have been flattened and added that there are two sets of rules and regulations. Staff stated that the PUD Regulations refer to the Subdivision Regulations as it pertains to road construction and design. Mr. Eubanks asked that the item be withdrawn at this time and the developer would go through the list to submit a complete plan for a future meeting. Mr. Bates further noted that he was fully aware of the right-of-way issue. Mr. Eubanks stated that a right-of-way to Dudley Creek Road exists and is proposing to bring Kristis Place up to City standards. Chairman Maples stated that in all fairness to staff, the Board usually sees the full road plan. Mr. Hose questioned if the Kristis Place Right-of-Way was shown on a plat of record. Mr. Eubanks stated that it is only referenced in deeds. Mr. Hose stated that the portion of the road to be dedicated as public would need to be platted. After further discussion, Mrs. Dana Soehn made a motion to accept the withdrawal made by the applicant's attorney. Mr. Don Smith seconded the motion with all members voting aye.

f) Review and consideration for a proposed amendment to Article IV, Section 406.2.5, being the Height, Density, and Area Regulations for PUDs of the Municipal Zoning Ordinance requested by staff.

Staff presented the request for an Amendment to Article IV, Section 406.2.5, being the Height, Density, and Area Regulations for PUDs to change the setback requirements for multi-family, commercial, and mixed-use PUDs in C-1 and C-2 zones. Staff stated that the proposed amendment consists of adding language to Article IV, Section 406.2.5, which currently reads:

406.2.5 HEIGHT, DENSITY, AND AREA REGULATIONS. No building project shall exceed the height restrictions of the zoning district in which the PUD is located. All PUDs shall have a minimum development site of one (1) acre; and, each PUD shall adhere to the density requirements for the zoning district in which it is located. No freestanding buildings shall be closer than twenty-five (25) feet to any exterior property line or public street right-of-way and no closer than fifteen (15) feet to any private street edge. No freestanding building shall be closer than twenty (20) feet to any other freestanding building.

Staff stated that the amendment proposed would add the following sentence to the end to the paragraph:

“Provided, however, PUDs, not including single-family and/or two-family/duplex dwellings units, within the C-1 and C-2 districts shall adhere to the setback requirements within their respective districts except where adjoining residential districts, in which case the 25 foot setback shall be required from the residential zoning district property.”

Staff stated that the purpose of the requested amendment primarily relates to commercial and multi-family structures within designated commercial districts. Staff also stated that over the last several years there has been an increase in mixed-use commercial and condominium developments within the commercial district. Staff added that generally, the condominium developments have functioned very similar to hotel/motel uses due to the rental nature of the units. Staff also added that while often the units have been sold individually, very seldom have the individual units been utilized in a permanent, residential nature. Staff stated that the mixed-use commercial developments have primarily consisted of retail commercial, hotel/motel, condominium, and some minor recreation use. Staff also stated that the issues with the current PUD provisions are that, even though the uses within these developments are permitted uses, they are required to be developed as PUD's due to the “multi-use” nature of the development. Staff pointed out that because of this classification under the PUD Regulations; they are subjected to the additional PUD setback standards. Staff further stated that in contrast, a neighboring property may consists of an identical single use, such as a motel, but only be subject to the district setbacks. Staff added that this would enable the adjoining neighboring property to construct up to the side and rear property boundaries.

Staff stated that the concern or question, with regard to the additional setbacks in the higher density commercial districts, is what purpose would they achieve when all adjoining commercial uses are not subject to the same standards simply because of their single use? Staff also stated that current planning strategies (smart growth) encourage the use of higher density in areas that are equipped to accommodate such development. Staff further stated that the adopted fire and building codes would generally dictate the building materials, fire suppressions systems, and separations based on the type of construction. Staff finally stated that the requirement for the

additional PUD setbacks in the commercial districts for commercial mixed-uses and multi-family structures does not seem to achieve any needed buffering or protection for adjoining properties when they are developed as intensely as the proposed PUD developments.

Mr. Tom Trotter was present and stated that the proposed amendment goes along with smart growth policies. Mr. Trotter stated that developers could be subdivided to avoid the PUD setbacks, but that would then restrict future large scale redevelopment of the site. Mr. Trotter added that on a current project the developer would have to give up 110' on Parkway. Staff stated the amendment is really to address development concentrated in areas with adequate infrastructure, but would still have to adhere to floor area ratio (FAR) for the given district. Mr. Bart Hose stated that this amendment would eliminate fragmented pieces of property that might hinder redevelopment. Staff stated that there is not that much difference between rental condominiums and motels. Staff clarified that single family residence/duplex uses are not supported by this amendment because of the adopted commercial building and fire codes. Mr. Trotter added that the building codes are very specific on how buildings should be designed. After further discussion, Mr. Phil Nemeth made a motion to recommend to the Board of Commission to adopt the amendment as written. Mrs. Dana Soehn seconded the motion, which passed with all members voting aye.

g) Review and consideration for proposed amendments to the Storm Water Ordinance, requested by staff.

Staff presented the request for review and discussion regarding the City of Gatlinburg Storm Water Ordinance. Staff stated that as mandated by the Federal and State Governments, the City is required to comply with the National Pollutant Discharge Elimination System Permit (NPDES) and establish a MS4 Phase II, Storm Water Management Program, pursuant to the provisions of 40 CFR §122.2. Staff stated that the MS4 Phase II Storm Water Management Program is specifically related to municipal separate storm water systems that are not covered under the Phase I program such as a medium or large MS4's. Staff pointed out that the objective of the program is to reduce the discharge of untreated pollutants into local receiving rivers and streams, protect water quality, and satisfy water quality requirements of the Clean Water Act.

Staff stated that there are six (6) elements termed "minimum control measures" of the small MS4 storm water management program. Staff noted that they include: public education and outreach, public participation/involvement, illicit discharge detection and elimination, construction site runoff control, post-construction runoff control, and pollution prevention/good housekeeping. Staff pointed out that in order to accomplish some of these minimum control measures and comply with the NPDES permit requirements, the City is required to adopt the revisions highlighted in the Storm Water Ordinance. Staff stated that the proposed storm water ordinance establishes certain standards and guidelines associated with the City's storm water system in an effort to improve the water quality of the receiving streams and rivers. Staff also stated that the ordinance is comprised of the following ten (10) sections:

1. General Provisions
2. Definitions
3. Land Disturbance Permits
4. Storm Water System Design and Management Standards
5. Post Construction
6. Existing Locations and Developments
7. Illicit Discharge
8. Enforcement
9. Penalties
10. Appeals

Staff stated that the Storm Water Ordinance has been created through a joint city and county effort involving participants from Sevier County, City of Pigeon Forge, City of Sevierville, and the City of Gatlinburg. Staff noted that this cooperative effort has resulted in standards and guidelines that will be consistent throughout the County with very little variation. Staff also stated that this will be important in the aspect that as developers and contractors move and develop throughout the County, the standards and guidelines will be similar enough as to alleviate confusion about applicability and compliance requirements. Staff noted that a previous storm water ordinance was reviewed by this Board on May 19, 2005. After further discussion, Chairman Maples made a motion to recommend to the Board of Commission to adopt the revised storm water ordinance. Mr. Don Smith seconded the motion, which passed with all members voting aye.

h) Review and consideration of the City of Gatlinburg's proposed FY 2008–2013 Capital Improvements Program Projects, requested by staff.

Staff presented the request for review and discussion of the FY 2008-13 Capital Improvements Program Projects.

Staff stated that the Capital Improvements Program (CIP) is a budgeting tool that is utilized by the Board of Commission, to identify capital projects that should be undertaken within a five (5) year planning process. Staff added that the projects are identified and prioritized by individual departments and then compiled into a formal document by the CIP Committee and then to the Board of Commission for their review and considerations during their annual budgeting process.

Staff stated that the CIP is made-up of four (4) types of funds as follows:

- Special Revenue
- General
- Water
- Waste Water

Staff also stated that the Special Revenue Fund generally consists of projects that are specifically related to our tourism industry and the overall enhancement of our city. Staff further stated that the General Fund consists of projects that have been identified as needs within specific departments to carry out general operations of the City Government. Staff added that the final two funds, which are Water and Waste Water, are self-supporting funds that are specifically related to the operations of the two public utilities.

Staff stated that the project summary sheets for Fiscal Years 2008 through 2013 were placed in the agenda packets. Staff pointed out that these summary sheets identify the name of the projects, project amounts, department priorities, and the projected years that the department would like to undertake the project. Staff noted that all projects generally fall within the five (5) year program with the exception of water and wastewater. Staff also stated that the wastewater projects have been projected based on in-house construction, which will require more than the five-year time frame for their completion. Chairman Maples questioned if there were any projects proposed to address the pedestrian crosswalk on River Road at Mountain Mall. Staff stated that they would forward the concern on to the Public Works Director. Mr. Nemeth added that he would like to see the City have a study conducted which evaluates the crosswalk. After further discussion, Mr. Don Smith made a motion to make a formal recommendation of approval to the Board of Commission. Mr. Larry Claiborne seconded the motion with all members voting aye.

i) Review and consideration for a proposed football equipment storage building at Mills Park, located on Mills Park Road, C-4 zone, requested by the Gatlinburg Recreation Department.

Staff presented the request for site plan approval for proposed 900 square foot equipment storage and meeting space building for Gatlinburg Highlander Youth Athletic Association at Mills Park. Staff stated that the proposed building is located just behind the baseball/softball field and across the walkway from the basketball court at Mills Park. Staff also stated that this building would be utilized by the local little league football programs during the season to provide shelter, meeting space, and equipment storage. Mr. Mike Smelcer was present and stated that the proposed building would be located where the play structure is currently located, and would include lockers and meeting room space. Mr. Smelcer added that the wood framed building would have wooden siding, a metal roof, and native stone recycled from Mill's Auditorium. After further discussion, Mr. Don Smith made a motion to grant site plan approval subject to the state's approval. Mr. Larry Claiborne seconded the motion, which passed with all members voting aye.

Unscheduled Items

Chairman Maples asked about time limits on approvals. Staff stated that there is a one year time limit on preliminary approvals, but nothing on final approvals. Staff added that they had been discussing with the State Planning Office a time limit of 2-3 years if significant progress has not been done on a project. Mr. Phil Nemeth stated that staff should define work and/or progress.

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Mr. Hose noted that a certificate may be added to the plan that the approval lapses within so many years and the developer would also sign the certificate. Mr. Hose added that a time limit could only be established for final site plans and PUD plans, and not final subdivision plats.

Adjournment

There being no further business to come before the Board, the meeting was unanimously adjourned at 6:25 P.M., after a motion by Mr. Phil Nemeth and a second by Mr. Don Smith.

Approved:

Planning Commission Secretary

Date

MINUTES OF THE
GATLINBURG MUNICIPAL/REGIONAL PLANNING COMMISSION
June 19, 2008
THURSDAY, 5:00 P.M., CITY HALL

MEMBERS PRESENT

Robert Maples
Teresa Cantrell
Don Smith
Phil Nemeth

MEMBERS ABSENT

Larry Claiborne
David Ogle
Dana Soehn

OTHERS PRESENT

Travis Henagar
Randy Harley
Paul Williams
Alex Davis
Logan Coykendall
Chuck Laney
James Tomiczek
Mike Johnson
Greg Logue

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 May 15, 2008, meeting was unanimously approved following a motion by Mr. Don Smith and a second by Mr. Phil Nemeth.

Petitions and Communications from the Public

Staff Report

Old Business

New Business

a) Review and consideration of a minor subdivision for “Banner Baptist Church,” Tax Map 116, Parcels 174-176, located at 209 Beech Branch Road, RR-1 zone, requested by Cleo Fox.

Staff presented the request for preliminary and final plat approval for a minor subdivision to delete the interior lines and consolidate the three (3) parcels into a single parcel being 2.43 acres which will contain the existing church and its accessory structures. Staff stated that the property is accessed via Banner Road, a public road owned and maintained by the County. Staff finally stated that the plat lacks the following information: Health Department signature of approval, E-911 signature of approval, Sevier County Electric System, and Owners signature of Ownership and Dedication. After further discussion, Mrs. Teresa Cantrell made a motion to grant preliminary and final plat approval for the minor subdivision subject to the submission of a final plat containing the lacking information and signatures for Planning Staff’s review prior to recordation. Mr. Phil Nemeth seconded the motion, which passed with all members voting aye.

b) Review and consideration for a preliminary and final PUD site plan for “Cottages of the Glades,” Tax Map 117D, Group A, Parcel 6, located on Highland Drive, R-2 zone, requested by Lonnie Privett.

Staff presented the request for a revised preliminary and a new final PUD site plan request for “Cottages of the Glades,” located on Highland Drive being a proposed multi-family planned unit development consisting of two duplex buildings, six four-plex buildings, and an accessory structure. Staff noted that this development received preliminary PUD site plan approval at the January 17, 2008, Planning Commission meeting. Staff stated that the proposed plan consists of nine buildings, one of which is an accessory building, on 3.69 acres with a total of 28 units. Staff added that the preliminary plan submitted in January consisted of 26 units within seven buildings. Staff also stated that the revised plan reflects the only duplex building proposed on the previous plan to be converted into the pool/clubhouse and two additional duplex buildings being constructed along Glades Pass, the proposed private street. Staff explained that the zoning ordinance provisions require that any accessory structure be setback 50’ from any property boundary and that additional landscaping be incorporated for the structure. Staff added that a landscaping plan for the accessory building has not been submitted with the packet of information nor does the structure meet the 50’ setback. Staff stated that therefore a landscaping plan for the building is needed prior to a revised PUD site plan approval. Staff also stated that the Fire Department has requested that the turning radius at STA. 9+00 be improved to provide for fire equipment access. Staff added that the Utilities Department has noted that an additional public fire hydrant would need to be located at the intersection of Highland Drive and Wilderness Lane when the public waterline is extended to the subject property. Staff further stated that a subdivision plat to create the public turnaround area would be required prior to final PUD site plan approval along with the road and utility improvements associated with the public right-of-way. Staff finally stated that if the infrastructure improvements are not in place, a letter of credit or bond would be needed to ensure the improvements. Staff noted that at the May 6, 2008, Board of Commission meeting, the Board requested that the Planning Commission not approve any further ridge-top developments until the Hillside and Ridges Taskforce Committee, which has been appointed to develop and recommend hillside and ridges development standards, has completed their process. Staff added that this particular development, as presented, does appear to be located in a visible ridge-top area that potentially could have an impact on the surrounding public scenic venues (Glades Road). Mr. Nemeth asked if any other action has been taken by the Board of Commission since the May 6, 2008 meeting. Staff stated no further action had been taken. Mr. Nemeth asked about 90° turning radius. Mr. Travis Henegar was present and stated that he has not been able to speak with anyone at the Fire Department. After further discussion, Mr. Phil Nemeth made a motion to grant only revised preliminary PUD site plan subject to the subdivision plat and other lacking items being submitted for a final review. Mr. Don Smith seconded the motion, which passed with all members voting aye.

c) Review and consideration for a preliminary PUD site plan for “Ski Mountain PUD,” located on Campbell Lead Road, R-2 and C-2 zones, requested by Fred Allred and McLean Company, LLC.

Staff presented the request for preliminary PUD site plan approval for “Ski Mountain PUD,” located on Campbell Lead Road being a total of 77 buildings and 956 units on 67.92 acres. Staff stated that the plan depicts a service road to tie into Sunset Drive, therefore an emergency exit is being provided as a means of secondary ingress and egress to the development. Staff added that the Fire Department has noted that the service road would need to be paved and a turnaround or pull-off be provided along the roadway. Staff explained that both entrances of the service road will be gated and the gating of the private access could also control traffic flow through the residential neighborhood located off Sunset Drive. Staff stated that it is staffs’ position that unless the access is restricted to emergency access only, additional traffic flow information will need to be provided regarding not only the subject site traffic but the neighboring property as well to determine if the existing road infrastructure is adequate to handle any additional traffic. Staff also stated that it appears that several of the cut/fill slopes do not conform to the Municipal Code requirement of a 2H:1V slope. Staff pointed out that on sheet C0.02 under the Site Grading and Earthwork Notes, a general reference has been made to the involvement of a geo-technical engineer in the development of slopes within the property. Staff added that they would request that a specific reference be added to require the geo-technical engineer to provide certified documentation to the City of Gatlinburg for all slopes in excess of 2:1 and/or requiring designed retaining mechanisms. Staff stated that due to the proposed number of units, the Utilities Department has noted that the plan will need to be phased into more manageable numbers especially for sewer capacity. Staff added that a plan has been submitted to the Utilities Director for their review and consideration however, no conformation or approval has been forwarded from the City’s Utilities Department or consulting engineer with regard to the capacities. Staff further stated that therefore, as previously stated, it is Staffs’ recommendation that no approvals (including preliminary) should be granted until the utilities issues have been resolved and it has been determined that adequate capacities exists to accommodate the development. Staff also stated that the site plan depicts a potential encroachment onto an adjoining property with the sewer line that extends to the Campbell Lead Road sewer line. Staff added that the engineer has been asked to verify whether or not an encroachment is proposed and if so, additional easement information will be needed to ensure the encroachment is legal. Staff further stated that the site plan appears to meet all other PUD site plan requirements. Staff noted that prior to final plan submittal, a subdivision plat deleting all interior lot lines will be required to consolidate the properties into a single parcel. Staff stated that at the May 6, 2008, Board of Commission meeting, the Board requested that the Planning Commission not approve any further ridge-top developments until the Hillsides and Ridges Taskforce Committee, which has been appointed to develop and recommend hillside and ridges development standards, has completed their process. Staff explained that this particular development, as presented, does appear to be located in a visible ridge-top area that potentially could have an impact on surrounding public scenic venues. Staff further stated that the grading plan reflects elevation 1924’ be lowered to 1890’ to accommodate the lodge/hotel building along Campbell Lead Road. Staff finally stated that

previously the Fire Department concerns related hydrant location, zip-line access, and access to the larger multi-family units have been resolved by the engineer to the satisfaction of the Fire Department.

Staff stated that the Fire Department's issues have been resolved and the service road has been changed to come off Sunset Drive. Staff explained that the plans reflect both ends of the service road to be gated and added that there was a concern about the service road not being gated due to the traffic impacts on the adjoining subdivision. Staff clarified that the service road is only for emergency access to the property. Chairman Maples questioned what would happen if the development started using the service road at a later date. Staff noted that it would have to be evaluated by the Public Works Department because the roads within the adjoining subdivision may be inadequately sized for the additional traffic. Mr. Nemeth stated that if the developer chooses to change the access to the development, then the developer would have to come back before the Board with a revised site plan. Staff added that a traffic study would also have to be done at that time. Mr. James Tomiczek was present and stated that the final PUD plans would note the gates. Staff stated that some of the cut/fill slopes within the development are greater than the 2:1 Municipal Code requirement, however notes have been added to the plan indicating that all slopes in excess of 2:1 will require a certification and/or stabilization plan from a licensed geo-technical engineer. Staff also noted that an email from the Utilities Director had been received that indicates approval for the proposed sewer and water in the capacities proposed for the development. Staff further noted that the final approvals would require smaller phases with regard to the sewer pump stations and/or a gravity line system to River Road. Staff explained that there are sections of the public line that will need to be upgraded and a plan should be submitted at final PUD submittal for the public sewer line improvements. Staff added that if the development goes with the gravity system, then the issue with the sewer line encroachment on adjoining property on Campbell Lead Road would no longer be an issue. Mr. Nemeth stated that other large scale developments come in with master plans. Mr. Tomiczek stated that they came in looking to get the entire development approved, but the Utilities Department is requesting that the development be phased for utility purposes. Mr. Nemeth questioned if the Board needed to see the phases with the preliminary plan. Mr. Tomiczek stated that the phases need to be coordinated with the Utilities Director. Staff explained that the Board no longer conducts conceptual reviews, but feels master concepts are good review tools as long as the Board is clear that no approvals are granted for said master concepts. Mr. Nemeth stated that there is a difference between concept approvals and a master plan. Mr. Nemeth added that there needs to be something in place so that a developer is required to follow the master plan. Mrs. Teresa Cantrell stated that all phases should be coordinated with capacity. Mr. Bart Hose added that the regulations allow for the Planning Commission to require phasing of the development.

Chairman Maples asked about the Board of Commission's action on May 6, 2008, and questioned if the Planning Commission could take action on the request. Staff read aloud the minutes from the May 6 Board of Commission meeting. Staff noted that the City Commission had simply made a request of Planning Commission and a formal moratorium was never passed.

Mr. Greg Logue was presented and stated that a few items ago the Board passed a preliminary PUD plan with the same issue. Mr. Logue stated that that the Board has guidelines for preliminary PUD approval, and the Board should deal with the regulations before them. Mr. Logue added that the Planning Commission should not deny the preliminary plan based on the potential adoption of the hillside taskforces recommendations. Mrs. Teresa Cantrell asked about grandfathering provisions. Staff stated that no grandfathered status has been established to this point. Mr. Nemeth added that the Board of Commission was not telling the Planning Commission that there is a moratorium, but that guidelines would be forthcoming. Chairman Maples explained that he also serves on the City's Hillside Ridges Taskforce, and questioned what would happen if preliminary was granted then in the meantime hillside and ridge regulations are adopted. Staff stated that they would have to discuss this issue with the City Attorney. Mr. Tomiczek explained that they are not trying to rush this project through and they have actually been working on the development for months. Mr. Nemeth stated that he does not think the Board can deny preliminary subject to something City Commission may do in the future. Chairman Maples asked Mr. Tomiczek how he felt about the City adopting the Saratoga guidelines. Mr. Tomiczek responded that some of the recommendations can easily be achieved while there are some that will be difficult. Mr. Chuck Laney was present and gave an overview of the Fred Allred project. Mr. Laney also stated that at Westgate there was a natural slope of 1:1, but they had to clear several trees to get the 2:1 slope and made the project look worse. Chairman Maples questioned why a geo-technical engineer did not assess the stability of the 1:1. Staff added that the Municipal Code allows for a geo-technical engineer to certify the stability of the slope through the Building Official. Mr. Laney stated that the larger buildings have been moved away from Campbell Lead Road and the design tries to soften the impact with vegetation. Chairman Maples added that this new plan proposes to develop the lower portions of the property. Mr. Laney stated that the parking for the large hotel building is away from the building on the ridge so more vegetation could be incorporated. Mr. Nemeth stated that based on the new information changes that the Board could recommend for the project except for the Board of Commission item. After further discussion, Mrs. Teresa Cantrell made a motion to grant preliminary PUD site plan approval but struggled with direction from Board of Commission and noted that more specific guidance for development if changes by final include geo-technical data, phasing plan. Mr. Don Smith asked for an opinion from the City Attorney in reference to the Board of Commission's action on May 6, 2008, and included an opinion regarding projects with preliminary approval and the grandfathering status of said projects. Mr. Phil Nemeth seconded the motion with all members voting aye.

d) Review and consideration for a minor subdivision of Tax Map 126N, Group A, Parcels 14, and 15, located on River Road, C-1 zone, requested by Alex Davis.

Staff presented the request for preliminary and final plat approval for the minor subdivision to delete the interior property lines to create a single parcel being a total of 1.7489 acres. Staff also stated that the property fronts on both River Road and Oak Street and is currently occupied with a commercial retail shopping center, single family residential structure, and a commercial parking lot. Staff noted that the property is served with both public water and sewer. Staff also

pointed out that the property is located in a Special Flood Hazard Area (SFHA) however; the plat does not depict the floodplain boundary. Staff further stated that a revised plat would be needed which reflects the boundary and flood elevation information of the property. Staff finally stated that the plat lacks the following signatures and approval and information: Ownership and Dedication of all property owners, E-911, Utilities Department, Sevier County Electric System, and floodplain boundary information. After further discussion, Mrs. Teresa Cantrell made a motion to grant preliminary and final plat approval for the minor subdivision subject to the lacking signatures and information being added to a final plat for Planning Staff's review prior to recordation. Mr. Don Smith seconded the motion, which passed with 3 members voting aye, and Mr. Phil Nemeth abstaining.

e) Review and consideration for a commercial site plan for "Hilton Garden Inn," Tax Map 126N, Group A, Parcels 14, and 15, located on River Road, C-1 zone, requested by Alex Davis.

Staff presented the request for commercial site plan approval for a proposed "Hilton Garden Inn," located on River Road and Oak Street. Staff stated that the proposed commercial site plan consists of a redevelopment of an existing commercial retail shopping center, single family residential structure, and a commercial parking lot for a proposed Hilton Gardens Inn. Staff also stated that the development site is 1.75 acres in area and the proposed building is 73,703 square feet containing 118 units. Staff noted that the building is proposed to be 5 stories in height; however building elevations have not been submitted with the site plan. Staff further stated that the site plan reflects 120 parking spaces being provided for the occupants of the hotel. Staff also noted that the Municipal Board of Zoning Appeals granted a variance for this project on May 22, 2008, to allow for the three points of ingress and egress onto Oak Street. Staff added that the property is located in a Special Flood Hazard Area (SFHA) however; the site plan does not depict the floodplain boundary. Staff added that a revised plan would be needed which reflects the boundary and flood elevation information of the property and the first finished floor of the building. Staff further stated that an elevation certificate would be required for this project. Staff noted that the Fire Department has issued some concerns related to the curbing, the overhead utility lines at the front of the building and has discussed these issues with the designer. Staff explained that the developer is aware of the Fire Department's issues and they are currently working with Sevier County Electric System to underground the utilities.

Mr. Logan Coykendall was presented and stated that the proposed development would try to obtain LEED Silver Certification. The Board and the developer discussed the requirements for LEED Certification. After further discussion, Mr. Don Smith made a motion to grant commercial site plan approval subject to final approval by the Utilities Director, verification of the floodplain boundaries and finished floor elevations, and the building elevations being submitted to staff for review. Mrs. Teresa Cantrell seconded the motion, which passed with 3 members voting aye, and Mr. Phil Nemeth abstaining.

f) Review and consideration for a preliminary PUD site plan for “Great American Honeymoon Resorts, Phase II,” Tax Map 116, Parcel 221, located on Kristis Place, R-1 zone, requested by Edward Bates.

This item was removed at the request of the owner, Mr. Ed Bates. Mr. Phil Nemeth made a motion to remove the agenda item and Mr. Don Smith seconded the motion with all members voting aye.

g) Review and consideration for a minor subdivision of Tax Map 126M, Group D, Parcel 10, located on Loop Road, R-1 zone, requested by David R. Ogle.

Staff presented the request for preliminary and final plat approval for the minor subdivision of Lots 2, 3, and 4 of the “Baskins Heights Subdivision,” to delete the interior property lines to create a single parcel consisting of 0.2444 acres. Staff stated that the property is accessed via Loop Road, an existing City street. Staff noted that the plat reflects the interior lot lines which create the current lot configuration consisting of three separate parcels. Staff added that the request is to delete the interior lines and consolidate the three (3) parcels into a single parcel being 0.2444 acres. Staff finally stated that the plat lacks the following information: Sevier County Health Department’s and/or the Utilities Department signature(s) of approval, E-911 signature of approval, Sevier County Electric System, and Owners signature of Ownership and Dedication. Chairman Maples stated that the location map is incorrect and needs to be changed. After further discussion, Mrs. Teresa Cantrell made a motion to grant preliminary and final plat approval for the minor subdivision subject to the submission of a final plat containing the lacking signatures and corrections for Planning Staff’s review prior to recordation. Mr. Don Smith seconded the motion, which passed with all members voting aye.

Unscheduled Items

Adjournment

There being no further business to come before the Board, the meeting was unanimously adjourned at 5:49 P.M., after a motion by Mr. Phil Nemeth and a second by Mrs. Teresa Cantrell.

Approved:

Planning Commission Secretary

Date

MINUTES OF THE
GATLINBURG MUNICIPAL/REGIONAL PLANNING COMMISSION
July 17, 2008
THURSDAY, 5:00 P.M., CITY HALL

MEMBERS PRESENT

Robert Maples
Teresa Cantrell
Don Smith
Dana Soehn

MEMBERS ABSENT

Larry Claiborne
Phil Nemeth
David Ogle

OTHERS PRESENT

Russ Brien
Pat Brien
Richard Green
Dan Greengold
Greg Logue
James Tomiczek
Michael Johnson
Jim Galbraith
Andrew Galbraith
Mitch McCarter
James Temple
M.A. Grossman
David English, II
Lisa English

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 June 19, 2008, meeting was unanimously approved following a motion by Mr. Don Smith and a second by Mrs. Teresa Cantrell.

Petitions and Communications from the Public

Staff Report

Old Business

New Business

a) Review and consideration for a minor subdivision of Tax Map 117N, Group C, Parcel 4, located on Bruce Road, R-1A zone, requested by Patricia Brien.

Staff presented the request for preliminary and final plat approval for the minor subdivision of Lot 78 of the Montgomery Woods #2 Subdivision consisting of platting an interior property line within the existing 1.8269 acre lot, creating Lot 78 being 1.3644 acres and Lot 78R being 0.4624 acres (20,142.144 square feet). Staff also stated that the lots have frontage along Bruce Road, a public street, however the proposed access to Lot 78 is via an existing joint-use driveway

which is currently to the east of Lot 78R. Staff noted that the plat does not note the instrument in which the use and rights of the joint driveway is recorded. Staff explained that if the future owner/developer proposes access to Lot 78 via the existing driveway the legal recorded instrument establishing the use and rights of the joint drive would be required prior to the issuance of any building permits. Staff further stated that if the document does not exist and is unable to be secured between the owners of Lot 78R and Lot 77, then the access to Lot 78 would have to come from Bruce Road. Staff noted that Lot 78R is currently developed with a single-story dwelling. Staff finally stated that the plat lacks the location map, owner's information, zoning district, Bruce Road Right-of-Way width, and the following signatures of approval: Ownership and Dedication, E-911, Sevier County Electric System, and the Utilities Department. After further discussion, Mrs. Dana Soehn made a motion to grant preliminary and final plat approval for the minor subdivision subject to the lacking items and signatures of approval being added to the plat. Mr. Don Smith seconded the motion, which passed with all members voting aye.

b) Review and consideration for a minor subdivision of Tax Map 125M, Group C Parcel 2, located at Lower Alpine Way and Ski Mountain Road, R-3 zone, requested by Gary Jackson.

Staff presented the request for preliminary and final plat approval for the minor subdivision Tax Map 125M, Group C Parcel 2, consisting of platting an interior property line within the existing 0.7888 acre lot, creating Tract 1 being 0.4835 acres (21,062 square feet) and Tract 2 being 0.3053 acres (13,299 square feet). Staff also stated that the property is currently developed with one building containing 2 rental units and another building containing 4 rental units, with both buildings utilizing a common drive isle from Ski Mountain Road. Staff noted that the plat reflects the proposed interior property line to be situated between the two buildings. Staff explained that the configuration of the proposed property line would create a side yard setback encroachment for the building on Tract 1. Staff further stated that the property lines should be adjusted to reflect each of the buildings maintaining the district setback requirements. Staff added that an easement for the shared parking areas and the maintenance of the joint-use drive isle are needed prior to a final approval. Staff noted that the owner should consult with the Utilities Department in regard to the possible water meter issue and a shared utility easement established for the water and sewer lines. Mrs. Dana Soehn questioned how far the proposed interior property line would have to be moved to fix the encroachment issue. Staff stated that the side yard setback area for the R-3 zone is 8-feet. Staff finally stated that the plat further lacks the following signatures of approval: Ownership and Dedication, E-911, Sever County Electric System, and the Utilities Department. After further discussion, Mrs. Dana Soehn made the motion to deny the minor subdivision plat due to the setback encroachment the plat will create and the need for the noted easements. Mrs. Teresa Cantrell seconded the motion which passed with all members voting aye.

c) Review and consideration for a minor subdivision of Tax Map 107, Parcels 117 and 118, located on Powdermill Road, RR-1 zone, requested by Verlin Watson.

Staff presented the request for preliminary and final plat approval for the minor subdivision of Tax Map 107, a portion of Parcel 117 and Parcel 118 to delete the interior property lines to create Tract 1R being 5.46 acres. Staff stated that the property is accessed via Powdermill Road, a public road owned and maintained by the County. Staff further stated that the plat appears to meet the minimum design requirements, but lacks the following signatures of approval: Health Department signature of approval, E-911 signature of approval, Sevier County Electric System, and owner's signature of Ownership and Dedication. After further discussion, Mrs. Teresa Cantrell made a motion to grant preliminary and final plat approval for the minor subdivision subject to the submission of a final plat containing the lacking signatures of approval. Mr. Don Smith seconded the motion, which passed with all members voting aye.

d) Review and consideration for a proposed rezoning of Tax Map 118, Parcels 3, 4, and 6.01, from R-1 (Low Density Residential District), R-2 (Medium Density Residential District), C-3 (Neighborhood Commercial District), and C-5 (Crafts Commercial District) to R-2 and C-3, requested by White Oak Apartment Ventures, LLC.

Staff presented the request for the proposed rezoning of Tax Map 118, Parcels 3, 4, and 6.01, located at Glades Road and Watson Drive, to reconfigure the existing zones, R-1 (Low Density Residential), R-2 (Medium Density Residential), C-3 (Neighborhood Commercial), and C-5 (Crafts Commercial), on the property. Staff stated that currently the former White Oak Flats PUD property is zoned R-2 to the north, C-3 along Glades Road and a small portion of C-5 in the center of the property. Staff added that the request also includes the Moyers' property which is currently zoned R-2 to the north and west and R-1 to the south and east. Staff noted that the rezoning proposal consists of reconfiguring the zoning lines throughout the aforementioned properties to the lower sections of the property as C-3 and the upper section of the property as R-2, and eliminating the R-1 and C-5 zones on the properties. Staff pointed out that the request has been submitted to accommodate the proposed "Covered Bridge in the Glades" PUD development, which consists of mixed-use buildings along Glades Road and multi-family apartment buildings in the upper portion of the property. Staff stated that the requested zoning changes are consistent with the current zoning of the property. Staff also stated that the Land Use Plan and Glades Small Area Plan indicates that the C-3 and R-2 are compatible and permissible land uses in the Glades Area. Staff noted that the proposal includes the Moyer's Property under the condition that an acquisition of the Moyer's Property will occur and be consolidated with the subject Planned Unit Development property to create a single parcel. Staff explained that the Board should be aware that if the property acquisition fails to occur, and the rezoning process is completed, then a potential access issue to the commercial C-3 property (Moyer's Property) may be created as a result.

Mr. James Temple was present and stated that the property is to be purchased in August before the second reading of the request by the Board of Commissioners. Mr. Temple added that if the purchase of the property does not happen, then he would remove the rezoning request from the

agenda. Mr. Bart Hose questioned the replatting of the property. Mr. Temple explained that the property would be consolidated at the August Planning Commission meeting. After further discussion, Mrs. Dana Soehn made a motion to make a favorable recommendation to the Board of Commissioners based on the purchase of the property and the submission of the subdivision plat. Mr. Don Smith seconded the motion, which passed with 3 members voting aye, and Mrs. Teresa Cantrell abstaining.

e) Review and consideration for a minor subdivision of Tax Map 118, Parcel 3, located on Glades Road and Watson Drive, R-2, C-3, and C-5 zones, requested by White Oak Apartment Ventures, LLC.

Staff presented the request for preliminary and final plat approval for a minor subdivision of Tracts 1A, 1B, and 2 of the Homespun Valley Subdivision in order to delete the interior property line between Tracts 1A and 2 and a resurvey of Tract 1B. Staff stated that the proposed subdivision would create a 13.88 acre lot. Staff also stated that the plat reflects the survey boundaries of Tract 1B. Staff noted that the plat has not been stamped and signed by the licensed surveyor. Staff further stated that the plat lacks the following signatures of approval: Ownership and Dedication of all property owners, E-911, Sevier County Electric System, and the Utilities Department. After further discussion, Mr. Don Smith made a motion to grant preliminary and final plat approval for the minor subdivision subject to the lacking signatures of approval and the surveyor's certification and signature being added to the plat. Mrs. Dana Soehn seconded the motion, which passed with all members voting aye.

f) Review and consideration for preliminary PUD site plan for "Covered Bridge in the Glades," R-1, R-2, C-3, and C-5 zones, requested by White Oak Apartment Ventures, LLC.

Staff presented the request for preliminary PUD site plan approval for "Covered Bridge in the Glades," located on Watson Drive and Glades Road being a total of 250 units and 50,000 square feet of retail space. Staff stated that the proposed plan consists of a mixed-use retail/residential and a multi-family residential apartment development. Staff also stated that the mixed-use retail development (250 units) is located on the south end which consists of 50,000 square feet of retail and 58,982 square feet of residential. Staff added that the multi-family apartments are located on the north end of the property and consist of 197,824 total square feet. Staff noted that a breakdown of the density is provided on the preliminary plan however, actual breakdown per zoning district cannot be determined until requested zoning changes have been approved by the City Commission and all subdivisions of current and adjoining properties has occurred to consolidate properties. Staff also stated that the property fronts on Glades Road and Watson Drive and there are two access points to each of the City Streets being proposed by the preliminary plan. Staff also noted that the access point to Watson Drive located in the northwestern portion of the property is to be gated and limited to emergency access only. Staff further stated that if Watson Drive is to be utilized by the property occupants, it is a recommendation of staff that the road be widened to a minimum of 24 feet to accommodate the additional traffic loads that will be imposed by the apartment development. Staff added that a traffic study of the proposed impacts to the two adjoining City streets is also recommended to

determine if the current widths, intersections, access points and alignments are adequate to accommodate the development. Staff stated that the plan lacks road profiles for the private roadway system within the development, a traffic study evaluating the impact of the development on the existing public system, subdivision plat that consolidates the former Postlewaite property (subject property) and the Moyers tracts (adjoining property) since the development spans these properties, rezoning request being approved by City Commission, a specific phase plan detailing projected construction phases. Staff also stated that there appears to be setback encroachments with the commercial portion of the development (20') and needs verification. Staff added that the building heights for both the mixed-use commercial and apartment buildings will need to be verified and correlated with the proposed site topography. Staff noted that it appears that several large retaining walls are being proposed for the property in order to maintain slope stability. Staff further stated that a structural and geotechnical engineered certification will be required for all proposed engineered walls and manufactured slopes.

Staff stated that the Utilities Department has noted that the proposed utilities improvements within the public rights-of-ways will require a bond or letter of credit and the improvements are to be done at the owner's expense. Staff also stated that the Utilities Department also noted that the existing on-site sewer system has not been tested and approved to date, and the designer should consult with the department about this issue. Staff added that a final approval of the proposed utility capacities has not been received from the Utility Department at this time. Staff noted that the Building Inspection and Utilities Departments expressed concern about the bearing weight of Apartment Building C and the impacts that building could have on the proposed 8" sewer line adjacent to the building. Staff further stated that the Utilities Department has requested a more detailed utilities plan with sewer profiles. Staff stated that the Fire Department has noted that a new bridge is shown on the PUD site plan and the weight limit and size are needed to assess the bridge as it relates to the emergency equipment. Staff also stated that the Fire Department has also noted that the size and shape of the curbing around the pool area may create a problem for the ladder truck to access the 4-story buildings and has asked that the design engineer verify the access. Staff further stated that the Fire Department has indicated that the fire protection systems may require a fire pump if the water system is not capable of providing the required pressure to operate the system, and the road profiles are lacking. Staff noted that the development will most likely fall within the Hillside and Ridges Overlay District within the Glades Road Area. Staff explained that as previously indicated on other developments, the City Commission has requested that hillside and ridge-top developments not be approved until such time that the Hillside and Ridges Taskforce Committee has completed their review process.

Mrs. Teresa Cantrell questioned the impact of the development on Glades Road. Mr. James Temple stated that the preliminary traffic study indicates that no improvements are needed to Glades Road. Mrs. Dana Soehn questioned the one-way entrance. Staff stated there is a proposed trolley access at the covered bridge, and road systems within the development are 24-foot wide. Mrs. Soehn asked about the utility issues. Staff stated that Utilities Department has indicated approval for Phase I being 58 apartments with 30,000 square feet of retail space to be shown on a

final site plan. Chairman Maples asked if the developer was requesting approval with the Utilities Department's required phasing. Mr. Temple stated that the request is for preliminary approval for the entire development and will come back with phases for final approval. Mrs. Cantrell questioned the improvement length of Watson Drive. Mr. Temple stated that there is limited right-of-way width on Watson Drive and that the road would just be widened up to the entrance of the development. Mr. Temple added that the upper portion of Watson Drive will be used for a secondary emergency point of ingress/egress. Staff asked about a road profile, and noted that one was not submitted with the request. Mr. Temple stated that the main roadway is 11 percent grade. Staff stated that road profiles are still needed for review along with the building separations. Mr. Temple stated that there are 20-feet between each of the buildings. Mr. Temple also noted that a no-impact has been provided, and the site is 11-feet higher than existing stream bank. Mr. Temple also stated that the final site plan will be submitted in September and only for Phase I. After further discussion, Mrs. Dana Soehn made a motion to grant preliminary PUD site plan approval subject to the sale of the property, the rezoning being approved by the Board of Commissioners, the Fire Department's concerns being addressed, and the Utilities Department's items being met. Staff noted that if the adjoining property is not acquired and the rezoning is disapproved, the subject plan will need to be revised to adjust for density, setbacks, and permissible uses under current zoning classifications. Mr. Don Smith seconded the motion, which passed with 3 members voting aye, and Mrs. Teresa Cantrell abstaining.

g) Review and consideration for a minor subdivision of Tax Map 126, Parcel 1, Tax Map 126J, Group B, Parcel 1, and Tax Map 126O, Group B, Parcel 1, located on Campbell Lead Road, R-2 and C-2 zones, requested by Fred Allred and McLean Company, LLC.

Staff presented the request for preliminary and final plat approval for the minor subdivision of Tax Map 126, Parcel 1, Tax Map 126J, Group B, Parcel 1, and Tax Map 126O, Group B, Parcel 1 in order to delete the interior property lines to create a single parcel being a total of 61.65 acres. Staff stated that the plat consists of the deletion of all interior lot lines to create a 61.65 acre single parcel for a proposed PUD development. Staff also stated that the property fronts on Campbell Lead Road, Long Branch Road and Sunset Drive. Staff further stated that the plat appears to meet the minimum design standards but lacks the following signatures and approval: Ownership and Dedication of all property owners, E-911, Utilities Department, and Sevier County Electric System. After further discussion, Mr. Don Smith made a motion to grant preliminary and final plat approval for the minor subdivision subject to the lacking signatures being added to a final plat for Planning Staff's review prior to recordation Mrs. Dana Soehn seconded the motion, which passed with all members voting aye.

h) Review and consideration for final PUD site plan for "Ski Mountain PUD," located on Campbell Lead Road, R-2 and C-2 zones, requested by Fred Allred and McLean Company, LLC.

Staff presented the request for final PUD site plan approval for "ECC 4:12," located on Campbell Lead Road being a total of 77 buildings on 61.65 acres and 956 units. Staff noted that the project received preliminary PUD site plan approval at the June 19, 2008 meeting. Staff

stated that the PUD is being developed under Article IV, Section 406.4.1 (C) and 406.4.3 of the PUD Regulations. Staff added that the plan depicts a service road to tie into Sunset Drive, therefore an emergency exit is being provided as a means of secondary ingress and egress to the development. Staff stated that the utilities plan has been revised to reflect the sewer to be a gravity system and tie in to River Road. Staff pointed out that the public improvements will have to be coordinated with the Utilities and Public Works Departments, and a bond or letter of credit will be required for said public improvements.

Staff stated that the Fire Department has noted that the service road would need to be paved and a turnaround or pull-off be provided along the roadway. Staff noted that both entrances of the service road will be gated. Staff also stated that the gating of the private access could also control traffic flow through the residential neighborhood located off Sunset Drive. Staff explained that it is Staffs' position that unless the access is restricted to emergency access only, additional traffic flow information will need to be provided regarding not only the subject site traffic but the neighboring property as well to determine if the existing road infrastructure is adequate to handle any additional traffic. Staff stated that it appears that curve "C-35" on Clingmans Way is less than the 60' radius required by the Subdivision Standards. Staff also stated that the curvature needs to be revised or a variance granted by the Board. Staff further stated that Elkmont Way dead-ends at 13% grade, and the turnaround area should be revised to be less than 3%. Staff explained that a revised plan had been submitted which corrected the radius and turnaround grade issues. Staff pointed out that it appears that several of the cut/fill slopes do not conform to the Municipal Code requirement of a 2H:1V slope. Staff stated that on sheet C0.01, note 1, under the Site Grading and Earthwork Notes, a general reference has been made to the involvement of a geo-technical engineer in the development of slopes within the property. Staff also noted that specific reference be added to require the geo-technical engineer to provide certified documentation to the City of Gatlinburg for all slopes in excess of 2:1 and/or requiring designed retaining mechanisms.

Staff stated that at the May 6, 2008, Board of Commission meeting, the Board requested that the Planning Commission not approve any further ridge-top developments until the Hillsides and Ridges Taskforce Committee, which has been appointed to develop and recommend hillside and ridges development standards, has completed their process. Staff also stated that this particular development, as presented, does appear to be located in a visible ridge-top area that potentially could have an impact on surrounding public scenic venues. Staff further stated that the grading plan reflects elevation 1924' be lowered to 1890' to accommodate the lodge/hotel building along Campbell Lead Road.

Staff finally stated that the final plan lacks the following information: a bond for the public infrastructure improvements, E-911 signature of approval, Sanitation Department's approval, Utilities Department's approval of the proposed phasing of development and proposed public sewer system improvements, and a revised landscape plans denoting the specific proposed number of trees to verify compliance with the zoning ordinance. Staff noted that in addition to

the Master Deed, the preparing attorney's letter and signature is needed stating that the document has been prepared in accordance with the Horizontal Property Regime requirement and state statutes.

Staff stated that there may be an issue with the average height of the A-buildings. Staff explained that the architectural drawings are needed to verify the heights of the buildings and cautioned the developer that the heights may have to be adjusted to meet the district height requirements. Staff further explained that if a building is situated over the R-2/C-2 zoning line boundary, then the most restrictive district height would be applied being the R-2 zone. Staff added that a bond or letter or credit will be needed for the utilities and public infrastructure improvements. Staff noted that the bridge improvements would have to be coordinated with the State. Staff discussed phasing with the Board and noted that the Utilities Department has only approved 360 units. Mr. James Tomiczek was present and stated that Phase I contains 360 units. Staff noted that a landscape plan was needed with the planting schedule. Chairman Maples questioned the master deed. Staff stated that the Horizontal Property Regime tells how the development is structured and added that the preparing attorney needs to submit a letter which is filed with the master deed that the development has been structured under the Horizontal Property Regime. After further discussion, Mr. Don Smith made a motion to grant final PUD site plan approval for Phase I being 360 units subject to the lacking revisions and approvals by the Utility Department. Mrs. Dana Soehn seconded the motion, which passed with all members voting aye.

i) Review and consideration for a proposed rezoning of Tax Map 126D, Group A, Parcels 6-8 and Tax Map 126E, Group B, Parcel 1, located on Parkway, from C-1 (Tourist Commercial District) to C-2 (General Business District), requested by David and Lisa English.

Staff presented the request for a proposed rezoning of Tax Map 126D, Group A, Parcels 6-8 and Tax Map 126E, Group B, Parcel 1, from C-1 (Tourist Commercial) to C-2 (General Business). Staff stated that the properties are adjoined by C-2 across Parkway and C-2 across the West Prong of the Little Pigeon River. Staff added that the applicant is proposing to relocate their tattoo parlor from 386 Parkway to the existing building at 201 Parkway, Tax Map 126E, Group B, Parcel 1. Staff also stated that the application notes that the proposed use at 201 Parkway to be a "Christian, kid friendly, tattoo studio." Staff noted that the applicant has requested that the three adjoining properties along Parkway also be rezoned to C-2 as suggested by Staff to avoid an isolation of C-1 zone property and thus potentially creating a spot zoning. Staff pointed out that at this time none of the property owners have consented to the rezoning request and to the contrary, two (2) of the parcel owners within the rezoning area has indicated that they do not wish to change the zoning of their property. Staff stated that the Board may elect to assess just Tax Map 126E, Group B, Parcel 1, regarding the rezoning request but is strongly cautioned about creating a spot zoning scenario for the parcel located at 201 Parkway. Staff explained that although the property adjoins C-2 to the rear there is a physical feature (West Prong of the Little Pigeon River) that provides a natural break between the C-1 properties on Parkway and the

mostly residential properties off Hemlock Street. Staff added that Chapter V under the Commercial Land Use Section of the Land Use Plan states that commercial redevelopment areas shall be restricted to areas that are adequate in size to accommodate the proposed uses.

Staff stated that the City Commission in 1999 passed Ordinance No. 2174 which specifically removed the use of tattoo parlors from the C-1, but allows for the use within the C-2 zone. Staff noted that it was the Commissions intent to remove the tattoo parlors and adult oriented business from the C-1 zone, and to specifically permit tattoo parlors within the C-2 zone. Staff also stated that the minutes from the February 2, 1999 and March 2, 1999 City Commission meetings where the use and changes to the zones were discussed are included within the packet of information. Staff added that under Chapter VI - Planning Tools within the Zoning Section, the Land Use Plan discusses how the zoning ordinance is the principal tool to be used when evaluating land use by the standards that have been set for each district. Staff pointed out that the Land Use Plan provides the policies and guidelines to the community in an effort to assist in the evaluation of the land use of the City. Staff explained that in this process, the Board should consider if the proposed zoning amendment is in keeping with what the community has envisioned the subject area of the City to be developed. Staff noted that based upon the action in 1999, it appears that the community made a conscious effort to remove tattoo parlors from the downtown tourist commercial areas. Staff added that unlike the C-1 zone, the C-2 zone requires on-site parking and turnaround for businesses and residences. Staff questions if adequate on-site parking and turnaround area can be achieved on the 201 Parkway property. Staff also stated that based on the City's GIS system, it appears that all of the parking currently provided to the subject property is located on the US 441 Right-of-Way.

Staff further stated that most of the commercial areas if not all, that front on the Parkway have been zoned C-1 (Tourist Commercial District). Staff explained that this is primarily because these areas are mostly accessible by pedestrian traffic via public sidewalk and therefore lend themselves to a tourism industry development pattern. Staff added that these areas are generally the most congested areas throughout the City and therefore the need to eliminate the use of vehicles and utilize the sidewalk and mass transit systems is more desirable. Staff stated that the C-1 zoning is designed to promote this type of development pattern by the elimination of on-site parking. Staff also stated that the C-2 zone however, which requires on-site parking, tends to be more suitable to developments which are less accessible by pedestrians and require transportation. Staff pointed out that this is an important aspect to consider as it relates to the continued development and redevelopment of the downtown commercial district.

Staff finally stated that in conclusion, the Boards recommendation should be based on the adopted land use policies and guidelines as well as considers the uses permitted with the adopted zoning ordinance. Staff added that the Board should consider previous actions taken by the Board of Commission with regard to the proposed uses of the property in the downtown commercial district. Staff stated the letters had been received by property owners included within the rezoning requesting that their properties not be rezoned. Staff explained that the

rezoning request should be looked at as a single parcel being Tax Map 126E, Group B, Parcel 1. Staff explained the difference between the C-1 and C-2 zones. Staff noted that the C-1 zone is primarily for tourist, pedestrian traffic, while the C-2 zone is for general business uses and requires on-site parking and turnaround.

Mrs. Lisa English was present and stated that she was issued a business license by the Finance Department and relocated the family's tattoo parlor two blocks down Parkway. Mrs. English asked the Board to consider a use variance instead of the rezoning. Staff stated that the Board of Zoning Appeals reviews variance requests. Staff clarified that the Board of Zoning Appeals could not grant use variances. Mrs. English explained that the tattoo parlor would be just two blocks down Parkway from its existing location. Mr. David English II was present and stated that the City should not have issued a new business license. Mr. English added that his business was not a typical tattoo industry. Mr. Bart Hose stated that the existing tattoo parlor location has a grandfathered use, but that grandfathering status does not transfer to another location. Mrs. English noted a court case in Knoxville. Staff stated that they had discussed the issue with the City Attorney and the court case in Knox County was a separate issue. Chairman Maples noted his concern about rezoning several large parcels without the property owner's consent. Mrs. English asked the Board to consider their leased parcel. Chairman Maples stated that just rezoning the one parcel would constitute spot zoning. Mrs. Dana Soehn stated that by rezoning the property to C-2 it would affect every property in the corridor and potentially future leasees of the building. Chairman Maples questioned if the applicant did their homework. Mrs. English stated that they got a new business license. Staff stated that because of state law the City cannot refuse a business license, and noted that on the business license application there is a paragraph that states the use and zone needs to be confirmed by the applicant with the Planning Department. Mr. Don Smith stated that the Finance staff is unaware of the zoning of properties. Mr. English stated that the problem was when Cracker Jack's called and complained. Mr. Don Smith stated that the report was not the issue, it was moving the tattoo business which violates the adopted ordinance. Mr. English stated that what Mr. David Ball told them to do was just a waste of time. Staff stated that the English's had two options: 1) rezone the parcel, 2) buy/lease a piece of C-2 property. Mr. Bart Hose noted that City Commission makes the final decision on the rezoning. Chairman Maples stated that the Board is charged with upholding good planning practices. Chairman Maples explained that this request is not in keeping with the City's planning practices because of spot zoning. After further discussion, Mr. Don Smith made a recommendation to the Board of Commissioners to deny the rezoning to C-2. Mrs. Dana Soehn seconded the motion with all members voting aye.

j) Review and consideration for an amendment to the Stormwater Ordinance, requested by Staff.

Staff stated that some additional changes to the Stormwater Ordinance would be forthcoming and the Public Services Director and City Attorney are still drafting those changes. After further discussion, Mr. Don Smith made the motion to defer action on the request. Mrs. seconded the motion which passed with all members voting aye.

k) Review and consideration for an amendment to the Municipal Zoning Ordinance, Article IV, Section 411.3.1.2, Number 11, being the Rate and Price Sign for Parking Lots provisions, requested by Staff.

Staff presented the request for review and consideration on an amendment to the Gatlinburg Municipal Zoning Ordinance, Article IV, Section 411.3.1.2, Number 11, to change the regulations on Rate and Price Sign for Parking Lots. Staff stated that this zoning amendment specifically pertains to Rate and Price Signs for Parking Lots. Staff pointed out that the Department of Tourism has received several complaints with regard to private parking facilities located near the Convention Center. Staff stated that the users of the Convention Center have voiced concerns over the manner in which the parking rates are posted and that rates often change from the time of entry to the time of exiting the facilities. Staff added that therefore, the amendments to the rate and price signs for parking lots have been proposed to ensure that the rates and prices are clearly posted so that vehicular traffic can see rates prior to entry into the parking lots, that signs are legible, and that advertised rates may not changed upon exiting the lot. Staff read allowed the proposed ordinance:

“11. Rate and Price Signs for Parking Lots. Rate and price signs for parking lots must be prominently displayed at or near the entrance to each pay parking lot which is open to the public. Such signs shall be placed so that they are visible to prospective customers prior to entering the lot or driveway to the lot. Signs shall be at least one (1) square foot and shall be no more than four (4) square feet in size, with lettering at least six (6) inches in height. Signs shall be limited to no more than two per entrance. Patrons may be charged no more than the amount posted when they enter the lot.”

Chairman Maples stated that maybe language should be added that the rate could not be changed until midnight or rate is from midnight to midnight. Chairman Maples further stated that if the rate is to change then the time of the rate change should also be posted on the sign. Staff discussed regulating the signs through the Municipal Code. Staff asked for any other suggestions. Mrs. Dana Soehn added that she agreed that the rate should not be changed. Mr. Don Smith stated that he would recommend that the signs not be hand written. After further discussion, Mr. Don Smith made the motion to approve the proposed amendments to Article IV, Section 411.3.1.2, Number 11, and recommend to the Board of Commission that a time limit for the rate be posted on the signs and amend the Municipal Code for the rate changes. The motion passed unanimously with a second by Mrs. Dana Soehn.

l) Review and discussion for the 2008-2009 Fiscal Year Annual Report and Program Design, requested by the Planning Staff and the State Planning Office.

Staff presented the request for Review of the Gatlinburg Municipal / Regional Planning Commission 2007-2008 Annual Performance Report and 2008-2009 Planning Program Design. Staff stated that attached are the Gatlinburg Municipal/Regional Planning Commission 2007-2008 Annual Performance Report and 2008-2009 Planning Program Design that has been

submitted by the Local Planning Assistance Office (LPAO). Staff stated this plan is a review of the previous year's activities conducted by the Planning Commission, Planning Staff, and LPAO. Staff also stated that this plan identifies the program design for 2008-2009. After further discussion, Mrs. Teresa Cantrell made a motion to adopt the 2007-2008 Annual Performance Report and 2008-2009 Planning Program Design. Mr. Don Smith seconded the motion, which passed with all members voting aye.

Unscheduled Items

Adjournment

There being no further business to come before the Board, the meeting was unanimously adjourned at 6:46 P.M., after a motion by Mr. Don Smith and a second by Mrs. Dana Soehn.

Approved:

Planning Commission Secretary

Date

MINUTES OF THE
GATLINBURG MUNICIPAL/REGIONAL PLANNING COMMISSION
August 21, 2008
THURSDAY, 5:00 P.M., CITY HALL

MEMBERS PRESENT

Robert Maples
Teresa Cantrell
Don Smith
Larry Claiborne
Dana Soehn
Jason Seavy

MEMBERS ABSENT

Phil Nemeth

OTHERS PRESENT

James Temple, Jr.
Donna Cantrell
Tom Trotter
Ron Hensarling
Peter Medlin
Jay DeFoe
Keith Robinson
Dan Greengold
Gary Jackson
Ira Grossman
Richard O. Green

Staff Representatives: David Ball, City Planner
Ashley Miller, Assistant City Planner

Chairman Maples called the meeting to order at 5:00 P.M. The minutes of the July 17, 2008, meeting were unanimously approved following a motion by Mr. Don Smith and a second by Mr. Larry Claiborne.

Petitions and Communications from the Public

Staff Report

Staff welcomed Mr. Jason Seavy as the newest member of the Planning Commission and welcomed back Mrs. Dana Soehn.

Old Business

New Business

a) Review and consideration for a minor subdivision of Tax Map 118, Parcels 3, 4, and 6.01, located on Glades Road, Watson Drive and Moyers Drive, R-1, R-2, C-3, and C-5 zones, requested by White Oak Apartment Ventures, LLC and Joe Moyers.

Staff presented the request for preliminary and final plat approval for the minor subdivision of Tax Map 118, Parcels 3, 4, and 6.01, to delete the interior property lines between the three parcels creating Tract 2-R1 consisting of 17.06 total acres. Staff stated that the plat reflects the consolidation of the recently purchased "Moyers" property and the former "Postlewaite" property to form the development site for "The Covered Bridge in the Glades" project. Staff

added that the proposed plat reflects the deletion of the interior property lines between Parcels 3, 4, and 6.01 to create a single Tract 2-R1 consisting of 17.06 acres. Staff also stated that tract 2-R1 is the future development site for White Oak Apartments Ventures, LLC. Staff noted that a few of the notes on the plat need to be revised: Note 4B needs to be revised to reflect a 6' easement instead of 5', Note 5 should also note the R-1 zoning district, and Note 7 needs to note the Plat Book and Page Number for the sewer easement. Staff further stated that there are numerous blank Plat Book/Warranty Deed Book and Page Number references on the plat without the actual book and page numbers noted. Staff added that this information should be added to the plat prior to the recording. Staff noted that the plat has not been stamped and signed by the licensed surveyor. Staff finally stated that the plat lacks the following signatures of approval: Ownership and Dedication of all property owners, E-911, Sevier County Electric System, and the Utilities Department. The plat also needs to reflect any floodplain and/or wetland areas associated with the site. **NOTES:** Staff stated that at the previous meeting the discussion was about consolidating the Moyers property and the White Oaks Apartments. Staff added that the Moyers property has been purchased. Staff also stated that the revised plat had been received and now they are only lacking the signatures. After further discussion, Mrs. Dana Soehn made the motion to grant preliminary and final plat approval for the minor subdivision subject to the lacking signatures. Mrs. Teresa Cantrell seconded the motion, which passed with all members voting aye.

b) Review and consideration for a rezoning of Tax Map 126D, Group A, Parcels 4-8, from C-1 & C-2 to C-2, located on Parkway and Park Lane, requested by Trotter and Associates.

Staff presented the request for a proposed rezoning of a portion of Tax Map 126D, Group A, Parcels 4-8, from C-1 (Tourist Commercial) to C-2 (General Business). Staff stated that currently the Parcels 4 and 5 are zoned C-2 and Parcels 6-8 are zoned C-1. Staff explained that the request consist of changing the rear portion of Parcel 6 from C-1 to C-2 and rezone Parcels 7 and 8 to C-2 with a 40' C-1 buffer left along Parkway up to Dudley Creek. Staff added that the properties are adjoined by C-2 across Parkway and C-2 across the West Prong of the Little Pigeon River. Staff noted that the Land Use Plan within Chapter V under the Commercial Land Use Section states that commercial redevelopment areas shall be restricted to areas that are adequate in size to accommodate the proposed uses. Staff also stated that the proposed redevelopment site is approximately 7.77 acres. Staff further stated that Chapter VI - Planning Tools within the Zoning Section, the Land Use Plan discusses how the zoning ordinance is the principal tool to be used when evaluating land use by the standards that have been set for each district. Staff stated that the Land Use Plan provides the policies and guidelines to the community in an effort to assist in the evaluation of the land use of the City. Staff explained that in this process, the Board should consider if the proposed zoning amendment is in keeping with the community has envisioned the subject area of the City to be developed. Staff noted that unlike the C-1 zone, the C-2 zone requires on-site parking and turnaround for businesses and residences. Staff finally stated that in conclusion, the Boards recommendation should be based on the adopted land use policies and guidelines as well as consider the uses permitted with the adopted zoning ordinance. **NOTES:** Mrs. Dana Soehn asked when the property was zoned C-1. Staff stated that it is continuous along Parkway. Mr. James Temple stated all for next item on the agenda. Mrs. Soehn stated that 40' C-1 buffer will tie into adjoining C-1 to leave the pedestrian corridor. Chairman Maples Boards.

After further discussion, Mrs. Dana Soehn made the motion to approve the rezoning of a portion of Tax Map 126D, Group A, Parcels 4-8, from C-1 (Tourist Commercial) to C-2 (General Business) and recommended as such to the Board of Commissioners. Mrs. Teresa Cantrell seconded the motion, which passed with all members voting aye.

c) Review and consideration for a preliminary PUD site plan for “Gateway Gatlinburg,” Tax Map 126D, Group A, Parcels 4-8, located on Parkway and Park Lane, C-1 and C-2 zones, requested by Real Estate Development Trust, LLC.

Staff presented the request for preliminary PUD site plan approval for a mixed-use development consisting of hotel/condotel, restaurant, multi-level parking garage facility and retail uses. Staff stated that the proposed preliminary PUD site plan is for a mixed-use development consisting of hotel, restaurant, parking garage and retail uses on 7.77 acres. Staff also stated that the development consists of 3 hotels/condotels containing 560 units being a total of 373,076 square feet, 266,880 square feet parking garage, 65,206 square feet of retail space, 39,656 square feet of restaurant space, and 7,712 square feet underground waste corridor. Staff added that the redevelopment site is located at the north end of town and includes the properties on the right hand side of Parkway from the Knight’s Inn to Wildwater LTD at the Parkway and Dudley Creek traffic light. Staff also stated that the development consists of three (3) access points along Parkway and a proposed trolley stop. Staff pointed out that the developer is proposing to relocate, redevelop and re-plat the current right-of-way area (Park Lane) to the Herbert Holt Park. Staff explained that the abandonment and redevelopment will require the approval of both the Planning Commission and City Commission once the property has been purchased by the developer and submitted for re-subdivision. Staff noted that in addition, the Tennessee Department of Transportation will have to approve the extension of the turn lane and curb cuts proposed for Parkway prior to a final site plan approval.

Staff noted that the density calculations the proposed development provides for a 2.5 Floor Area Ratio (FAR) for the hotels and a 1.72 FAR for the remaining commercial areas including the parking garage facility. Staff added that the current zoning ordinance provisions provide for 2.5 FAR for Hotels in C-2 zones, and 2.0 FAR for all remaining uses in C-1 and C-2 zoning districts. Staff added that the proposed density appears to comply with density allotments for this property.

Staff stated that the proposed development adjoins the West Prong Little Pigeon River and the Dudley Creek Floodplain Areas. Staff also stated that the proposed development encroaches into the 100 year and 500 year floodway and floodplain areas. Staff noted that flood data for the development site needs to be submitted to staff for review and a no-impact certification is needed for the FEMA 100-year and the City adopted TVA 500-year floodways. Staff pointed out that the designers should be aware that all structures must be elevated at a minimum of 1’ above the 100-year base flood elevation and any structure containing overnight sleeping accommodations will have to be elevated to 1’ above of the 100-year base flood elevation and be located at or above the 500-year with floodway elevations.

Staff stated that the Utilities Department has issued a concern about the underground master meter, and has requested that an alternative location and/or layout for the meter. Staff also stated that the Utilities Department has noted a concern about the sewer line connection for the

adjoining building/s on the Benson Property. Staff pointed out that specifically, the Utility Department questions the sewer line along the interior property lines with the Benson property and whether the proposed utility plan accommodates the reconnection of the building/s on the Benson's property. Staff added that if it is determined that the Benson Property is utilizing the existing sewer line then a utility easement will have to be established or other arrangements made to continue the sewer service. Staff stated that it is recommended that the design engineer consult with the Utilities Department to resolve this issue prior to submitting for final site plan approval for this project.

Staff stated that upon review of the preliminary PUD site plan, it appears that a few parking spaces and the development's trash compactor are proposed to be located on the relocated Park Lane Right-of-Way. Staff noted that the site plan should be revised to reflect all private improvements out of the City's right-of-way. Staff explained that the point of ingress/egress at Park Lane should have a control mechanism (i.e. traffic island, curbing) in place to prevent vehicles from turning left onto Parkway due to the point of intersection being located along the curve on Parkway and site distance issues. Staff stated that it appears as though the crosswalk for Parkway at the intersection with Dudley Creek Road will direct pedestrian traffic not to the public sidewalk, but into the point of ingress/egress for the development. Staff noted that for public safety the ingress/egress point should be reconfigured to provide safe pedestrian traffic directly to a sidewalk area.

Staff explained that prior to any final development approvals, the rezoning issue and the Park Lane Right-of-Way closure and re-plat will have to be resolved with City Commission. Staff noted that if it is the developer's intent to internally subdivide the property a subdivision plat reflecting the proposed interior property lines would also be required prior to any final development approvals. Staff added that the preliminary site plan lacks the designation of open space areas.

NOTES: See Ashley notes

After further discussion, Mrs. Teresa Cantrell made the motion to grant preliminary PUD site plan approval subject to the lacking items being submitted for staff's review and that the Preliminary PUD Site Plan approval is contingent upon the proposed property rezoning and right-of-way abandonment and relocation issues being resolved with City Commission and that preliminary approval in no way implies or ensures any future development approvals. Mr. Larry Claiborne seconded the motion, which passed with all members voting aye.

d) Review and consideration for a minor subdivision of Tax Map 125M, Group C, Parcel 2, located on Ski Mountain Road and Lower Alpine Way, R-3 zone, requested by Gary Jackson.

Staff presented the request for preliminary and final plat approval for the minor subdivision of Tax Map 125M, Group C Parcel 2, consisting of platting an interior property line in order to create two lots. Staff stated that the proposed minor subdivision consist of platting an interior property line within the existing 0.7888 acre lot, creating Tract 1 being 0.03220 acres (14,027 square feet) and Tract 2 being 0.4468 acres (20,334 square feet). Staff also stated that the property is currently developed with one building containing 2 rental units and another building containing 4 rental units, with both buildings utilizing a common drive isle from Ski Mountain Road. Staff added that the plat reflects the proposed interior property line to be situated between

the two buildings. Staff noted that the plat notes an ingress/egress easement for the joint-use drive and a parking easement draft document has also been submitted with the request. Staff added that the parking easement will need to be recorded at the Register of Deeds office. Staff further stated that the plat further lacks the following signatures of approval: E-911, Sevier County Electric System, and the Utilities Department. **NOTES:** Staff noted that this item was on the agenda last month and all the issues have been resolved on a revised subdivision plat that has been submitted.

After further discussion, Mr. Larry Claiborne made the motion to grant preliminary and final plat approval for the minor subdivision plat subject to the parking easement documents being recorded and the lacking signatures of approval being added to the plat. Mr. Don Smith seconded the motion, which passed with all members voting aye.

e) Review and consideration for a minor subdivision for “Gatlinburg Falls Parkview Resort,” Tax Map 117, Parcel 63 and Tax Map 127A, Group A, Parcel 10, located on Ridge Road and Cheshire Court, R-1 and R-2 zones, requested by Venture Real Estate Group, LLC.

Staff presented the request for preliminary and final plat approval for the minor subdivision of Tax Map 117, Parcel 63 and Tax Map 127A, Group A, Parcel 10, in order to delete the interior property lines between the two parcels creating a 27.37 acres lot which is currently being developed as “Gatlinburg Falls Parkview PUD.” Staff stated that the proposed subdivision plat reflects the deletion of the interior property lines between Tax Map 117P, Group C, Parcels 1-4 and Tax Map 117, Parcel 63, along with the closure of a portion and replatting of a turnaround area for Shady Grove Lane. Staff noted that the aforementioned consolidation and road closure/replat was reviewed and approved by the Board on March 15, 2007, however the plat from 2007 was never recorded. Staff also stated that the current request consists of deleting the interior property lines between Tax Map 117, Parcel 63, and Tax Map 127 A, Group A, Parcel 10 creating a 27.37 acres lot. Staff added that the plat lacks a lot number for the newly created 27.37 acre lot and the following signatures of approval: Ownership and Dedication of all property owners, E-911, Utilities Department, and Sevier County Electric System.

NOTES: Staff stated that several months ago a plat was submitted to abandon Shady Grove Lane and on a lower portion a City parcel that was exchanged, plat to consolidate all interior property lines because the original plat was never recorded.

After further discussion, Mr. Don Smith made the motion to grant preliminary and final plat approval for the minor subdivision plat subject to the lacking signatures of approval being added to the plat. Mr. Larry Claiborne seconded the motion, which passed with all members voting aye.

f) Review and consideration for revised final PUD for “Gatlinburg Falls Parkview Resort,” Tax Map 117, Parcel 63, located on Ridge Road and Cheshire Court, R-1 and R-2 zones, requested by Venture Real Estate Group, LLC.

This item was removed from the agenda at the request of the engineer. Mr. Don Smith made a motion to remove the agenda item. Mr. Larry Claiborne seconded the motion, which passed with all members voting aye.

g) Review and consideration for a commercial site plan for “Ober Gatlinburg Snow Tubing Park,” located at 1339 Ski Mountain Road, C-4 zone, requested by Keith Robinson.

Staff presented the request for commercial site plan approval for a proposed 3,000 square feet Snow Tubing Park building at Ober Gatlinburg. Staff stated that the site plan reflects a new Snow Tubing Park to be added to the Ober Gatlinburg amusement along with a 3,000 square feet building. Staff noted that the proposed building is located on the south end of the Ice Arena. Staff explained that based on the site plan the engineer needs to verify the cut and fill slopes around the building meet the Municipal Code requirement of 2H:1V. Staff added that the Building Inspections Department has noted that the building would need to be sprinkled. Staff also stated that the Fire Department has commented that the site plan needs to reflect the fire department connection (FDC) and a hydrant within 100-feet of the FDC. Staff further stated that the site plan lacks the zoning district, acreage of property, solid waste collection plan, and a utilities plan.

NOTES: Mr. Keith Robinson was present and stated that the proposed building would be for ticket sales, food and a gift shop. Staff stated issues.

After further discussion, Mr. Larry Claiborne made the motion to grant commercial site plan approval subject to the lacking items being submitted for staff's review. Mrs. Teresa Cantrell seconded the motion, which passed with all members voting aye.

h) Election of Officers

Mr. Robert Maples was nominated by Mr. Larry Claiborne to remain the Planning Commission Chairman, the motion was seconded by Mrs. Teresa Cantrell.

Mr. Phil Nemeth was nominated by Mr. Larry Claiborne to remain the Planning Commission Vice Chairman, the motion was seconded by Mrs. Dana Soehn.

Mrs. Teresa Cantrell was nominated by Mrs. Dana Soehn to remain the Planning Commission Secretary, the motion was seconded by Mr. Don Smith.

Mrs. Dana Soehn was nominated by Mr. Larry Claiborne to remain the Planning Commission Vice Secretary, the motion was seconded by Mr. Don Smith.

Planning Commission Minutes

August 21, 2008

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Unscheduled Items

Adjournment

There being no further business to come before the Board, the meeting was unanimously adjourned at 6:35 P.M., after a motion by Mrs. Teresa Cantrell and a second by Mr. Larry Claiborne.

Approved:

Planning Commission Secretary

Date

MINUTES OF THE
GATLINBURG MUNICIPAL/REGIONAL PLANNING COMMISSION
September 18, 2008
THURSDAY, 5:00 P.M., CITY HALL

MEMBERS PRESENT

Robert Maples
Teresa Cantrell
Larry Claiborne
Phil Nemeth

MEMBERS ABSENT

Don Smith
Dana Soehn
Jason Seavy

OTHERS PRESENT

Josh Flory
Kacie Huffaker
James Temple
Ira Grossman
Gail Wilson
Tom Trotter
Dan Greengold
Logan Coykendall
Phillip Royer
Thomas Buxton
Len Flint
Don Kloke
Verlin Watson
James Tomiczek
Uwe Rothe
Tim Wesley
Earl Worsham
Svend Brooks

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 August 21, 2008, meeting was unanimously approved following a motion by Mr. Larry Claiborne and a second by Mrs. Teresa Cantrell.

Petitions and Communications from the Public

Staff Report

Old Business

New Business

a) Review and consideration for a minor subdivision of Tax Map 107, Parcels 99 and 118.01, located on Powdermill Road and Manis Hollow Road, RR-1 zone, requested by Paul Bennett.

Staff presented the request for preliminary and final plat approval for a proposed minor subdivision of Tax Map 107, Parcels 99 and 118.01, to reconfigure and re-plat the interior line to create a 20.50 acre tract. Staff stated that the proposed minor subdivision consists of combining 3.30 acres of Parcel 99 (being the Ruby Manis property) into the 17.20 acres of Parcel 118.01 (being the Verlin Watson property), in turn creating a 20.50 acre tract which has public street frontage along Powdermill Road. Staff also stated that the plat deletes property lines S21°10'26"W (184.48'), S52°10'41"W (153.80'), S67°48'03"W (187.23'), and S68°21'43"W (157.76'), and plat a new property line being S35°05'06"W (300.38'). Staff added that there are various parcels shown on the plat of the Manis property, however those lots are not being created by this plat. Staff noted that the surveyor has added the following note to the plat to address this issue: "This plat only represents the addition to Lot 1, Large Map Book 196, of a 3.30 acre tract from the Ruby Manis Property (Tax Map 107, Parcel 99.00). Staff explained that the remaining Ruby Manis property is shown as deeded with no further subdivision being done at this time." Staff further stated that the plat appears to meet the minimum design requirements, but lacks the following signatures of approval: Ownership and Dedication of all property owners, E-911, Sevier County Health Department, Sevier Count Electric System, and the Gatlinburg Utilities Department. After further discussion, Mrs. Tersa Cantrell made a motion to grant preliminary and final plat approval for the minor subdivision subject to the signatures of approval being added to the plat. Mr. Larry Claiborne seconded the motion, which passed with all members voting aye.

b) Review and consideration for a preliminary plat for Tax Map 126D, Group A, Parcels 4-8, and the proposed closure and replatting of the Park Lane Right-of-Way, located on Parkway and Park Lane, C-1 and C-2 zones, requested by Real Estate Development Trust, LLC.

Staff presented the request for preliminary plat approval for a proposed reconfiguration of the interior property lines and the closure and replatting of the Park Lane Right-of-Way being a total area of 8.11 acres. Staff stated that currently there are 5 parcels (Tax Map 126D, Group A, Parcels 4-8) and the Park Lane Right-of-Way that make up the "Gateway Gatlinburg" development site. Staff added that the preliminary plat proposes to delete the interior property lines and the right-of-way area and create 7 parcels, one of which is the relocated Park Lane Right-of-Way. Staff explained that the proposed lot configuration is as follows:

Lot:	Acreage:	Square Footage:	Public Street Frontage:
Parcel 1	2.00 acres	87,167.36 sq. ft.	Parkway
Parcel 2	1.05 acres	45,716.71 sq. ft.	Parkway and Park Lane
Parcel 3	1.82 acres	79,396.49 sq. ft.	Parkway
Parcel 4	1.36 acres	59,377.04 sq. ft.	Park Lane
Parcel 5	1.22 acres	53,264.14 sq. ft.	Park Lane
Parcel 6	0.30 acres	12,882.04 sq. ft.	Parkway and Park Lane
Parcel 7	0.34 acres	14,987.10 sq. ft.	Park Lane Right-of-Way Proposal

Staff noted that the current Park Lane Right-of-Way is 29,246 square feet or 0.67 acres, and the proposed relocation area for the Park Lane Right-of-Way is 14,987.10 square feet or 0.34 acres. Staff pointed out that the Board of Commission will have to approve the closure and relocation of the public right-of-way. Staff noted that a bond or letter of credit will need to be posted along with two construction estimates for the proposed Park Lane improvements. Staff further stated that the access to Herbert Holt Park will need to be coordinated with the Public Services Director during the road closure and reconstruction process of Park Lane. Staff stated that the property is located in a Special Flood Hazard Area (SFHA) however; the plat does not depict the floodplain and floodway boundaries. Staff noted that a revised plat will be needed which reflects the boundary and flood elevation information of the property. Staff stated that the plat further lacks the location map, owner's information, surveyor's certificate and signature, all utility easements, and names of the adjoining property owners, and a bond with construction estimates for the proposed right-of-way improvements.

Mr. James Temple was present and stated that prior to constructing the new Park Lane the developer will first have to extend the turn lane on Parkway to the new Park Lane entrance. Mr. Temple added that the improvements within the U.S. Highway 441/Parkway will have to be approved by the Tennessee Department of Transportation (TDOT). Staff stated final plat should include a bond or letter of credit for the public improvements. Mr. Nemeth questioned how far the turn lane would extend down Parkway from the Dudley Creek By-Pass intersection. Mr. Temple stated that the turn lane would extend down to the new Park Lane intersection. After further discussion, Mr. Phil Nemeth made a motion to grant preliminary plat approval subject to the Board of Commission's approval of the Park Lane Right-of-Way closure and relocation, and the lacking items being added to the final plat. Mr. Teresa Cantrell seconded the motion, which passed with all members voting aye.

c) Review and consideration for final PUD site plan for "Gateway Gatlinburg," Tax Map 126D, Group A, Parcels 4-8, located on Parkway and Park Lane, C-1 and C-2 zones, requested by Real Estate Development Trust, LLC.

Staff presented the request for final PUD site plan approval for a mixed-use development consisting of hotel/condotel, restaurant, multi-level parking garage facility and retail uses. Staff stated that the proposed final PUD site plan is for a mixed-use development consisting of hotel, restaurant, parking garage and retail uses on 7.77 acres. Staff explained that the development consists of 3 hotels/condotels containing 560 units being a total of 373,076 square feet, 266,880 square feet parking garage, 65,206 square feet of retail space, 39,656 square feet of restaurant space, and 7,712 square feet underground waste corridor. Staff also stated that the redevelopment site is located at the north end of town and includes the properties on the right hand side of Parkway from the Knight's Inn to Wildwater LTD on Parkway. Staff added that the development consists of four (4) access points along Parkway and a proposed trolley stop. Staff noted that all the points of access should be controlled to be no more than 26-feet wide. Staff also stated that the developer is proposing to relocate, redevelop and re-plat the current right-of-way area (Park Lane) to the Herbert Holt Park. Staff explained that the abandonment and

redevelopment will require the approval of both the Planning Commission and City Commission once the property has been purchased by the developer and submitted for final subdivision approval. Staff added that the Tennessee Department of Transportation (TDOT) will have to approve the extension of the turn lane and curb cuts proposed for Parkway. Staff pointed out that due to the nature of the multiple lots within the PUD and due to the design of the vehicular and pedestrian circulation, a joint-use access and parking easement will be needed for the properties. Staff further stated that a site plan needs to be submitted reflecting the proposed buildings in relation to the proposed property lines. Staff stated that the Fire Department has issued some concerns about the staging pad at the northwest end of the parking garage. Staff also stated that the concern is that the pad is not wide enough for staging and maneuverability around the fire apparatus. Staff noted that the Fire Department has noted that the fencing around the staging area should be installed to the outside edge of the pad and that the details on the staging pad need to be submitted to the department. Staff added that a profile is needed for the turf block turnaround for the Fire Department's equipment. Staff explained that there is a concern that the ladder truck may bottom out at the turnaround area due to the grade of Park Lane. Staff further stated that one of the fire lane staging areas is shown to be at 8% grade, and all of the staging areas for the Fire Department should be at 3% grade or less. Staff also stated that the Fire Department discussed the aforementioned items on September 12 with Mr. Temple and feels that the issues of concern have been addressed. Staff noted that the density calculations the proposed development provides for a 2.5 Floor Area Ratio (FAR) for the hotels and a 1.72 FAR for the remaining commercial areas including the parking garage facility. Staff stated that the current zoning ordinance provisions provide for 2.5 FAR for hotels in C-2 zones, and 2.0 FAR for all remaining uses in C-1 and C-2 zoning districts, therefore, the proposed density appears to comply with density allotments for this property. Staff stated that the proposed development adjoins the West Prong Little Pigeon River and the Dudley Creek Floodplain Areas. Staff also stated that the proposed development encroaches into the 100 year and 500 year floodway and floodplain areas. Staff pointed out that the designers should be aware that all structures must be elevated at a minimum of 1' above the 100-year base flood elevation and any structure containing overnight sleeping accommodations will have to be elevated to 1' above of the 100-year base flood elevation and be located at or above the 500-year with floodway elevations. Staff stated that the Utilities Department has noted a concern about the sewer line connection for the adjoining building/s on the Benson Property. Staff stated specifically, that the Utility Department questions the sewer line along the interior property lines with the Benson property and whether the proposed utility plan accommodates the reconnection of the building/s on the Benson's property. Staff added that if it is determined that the Benson Property is utilizing the existing sewer line then a utility easement will have to be established or other arrangements made to continue the sewer service. Staff also noted that it is recommended that the design engineer consult with the Utilities Department to resolve this issue prior to submitting for final site plan approval for this project. Staff further stated that prior to the issuance of any development permits, the rezoning issue and the Park Lane Right-of-Way closure and re-plat will have to be resolved with City Commission. Staff finally stated that the final site plan lacks an

erosion control plan, building elevations, noted open space areas, stormwater plan, sign locations, legal documentation, E-911 approval, Sanitation Department's approval, Utilities Department's approval, TDOT's approval, and TDEC's approval.

Staff stated that they had spoken with the Fire Department today about the issues with the ladder truck staging area and pad. Staff explained that the Fire Department has indicated their approval of the reach of the ladder truck with the widened staging pad. Mr. James Temple added that the width of the staging pad should be adequate for the Fire Department. Staff questioned the sewer line location from the adjoining Benson property. Mr. Temple indicated that the line will have to be evaluated closer to construction. Staff stated that the densities for the development has been verified, but lacked the final building elevations, stormwater approvals, and the legal documentation for the development. Mr. Temple responded that the stormwater plan has been submitted to TDEC and approved. Mr. Temple noted that the 100-year No-Rise Certificate was submitted with the packet of information. Chairman Maples questioned the length of the widening to Parkway. Mr. Temple stated that the developer will be widening about 10' of the U.S. Highway 441/Parkway Right-of-Way. Mr. Temple explained to the Board the extent of the U.S. Highway 441/Parkway widening project. Staff added that the improvements to U.S. Highway 441/Parkway will have to be submitted to TDOT for approval prior to any curb cuts for the property. Chairman Maples commented on the amount of lacking information. After further discussion, Mr. Phil Nemeth made a motion to grant final PUD site plan approval subject to the rezoning of the property being approved by City Commission, the sewer line issue with the Benson property being resolved, TDOT's approval for the curb cuts and right-of-way improvements to Parkway, Park Lane Right-of-Way closure and replat being approved by City Commission, erosion control plan, building elevations, noted open space areas, stormwater plan, sign locations, legal documentation, E-911 approval, Sanitation Department's approval, Utilities Department's approval, TDEC's approval, bond or letter of credit for the proposed public improvements, a joint-use access and parking easement for the development, and a site plan reflecting the proposed building locations in relation to the proposed property lines. Mrs. Teresa Cantrell seconded the motion, which passed with all members voting aye.

d) Review and consideration for final PUD site plan for "Covered Bridge in the Glades, Phase I," located on Glades Road and Watson Drive, R-1, R-2, C-3, and C-5 zones, requested by White Oak Apartment Ventures, LLC.

Staff presented the request for final PUD site plan approval for Phase I of "Covered Bridge in the Glades," for a mixed-use development consisting of 3 buildings containing 30,000 square feet of retail space and 58 apartment units on 17.06 acres. Staff stated that the property will be accessed from Glades Road and Watson Drive. Staff added that improvements will have to be made to Watson Drive to accommodate the additional traffic loads. Staff noted that a bond or letter of credit for the Watson Drive improvements and any public utility improvements is needed with construction estimates to ensure the improvements are made to City standards. Staff pointed out that the maximum point of access permitted by the Zoning Ordinance is 26', and it appears that the Watson Drive point of access is 36'. Staff added that the point of access should be revised to

comply with the 26' standard. Staff also stated that the proposed streets within Phase I are shown to be 24' wide with parking along the edge of the roadway. Staff also noted that the parking required for 607 square foot apartment unit is calculated using the 1.25 spaces per unit, but there appears to be additional parking spaces shown. Staff explained that there are several encroachments into the small stream setback based on the top of the stream bank which has been identified on the site plan; the encroachments include excavation/fill. Staff stated that the site plan should be revised to remove the encroachments or a no impact certification be submitted by the design engineer. Staff further stated that the Utilities Department has noted that the proposed public and private PVC waterlines for this development are to be ductile iron. Staff pointed out that the design engineer should consult with the Utilities Department about the exact specifications on the waterlines. Staff further the Utilities Department has not approved utilities plan. Staff finally stated that the final site plan also lacks an erosion control plan, landscaping plan, open space delineation, building elevations, E-911 approval, Utilities Department's approval, Sanitation Department's approval, and TDEC permit.

Mr. James Temple noted that the site plan has been revised to incorporate the improvement plan for Watson Drive. Staff explained that the concern with Watson Drive is future traffic congestion. Mr. Temple added that the design reflects a turn lane at the entrance of the property. Staff noted that a section of Watson Drive was disturbed when the stream was relocated by the previous owner of the property. Mr. Temple added that there were also water and sewer lines installed by the City which disturbed Watson Drive. Mr. Nemeth questioned if the entire development had been reviewed by the Board. Staff stated that the preliminary plan was reviewed in July. Mr. Temple added that the preliminary PUD site plan was approved in July and the rezoning request was approved by City Commission on Tuesday. Staff noted that the flood elevation documents have been provided and the water lines have been revised to ductile iron. Staff stated that the site plan lacks an erosion control plan, landscaping plan, open space delineation, building elevations, E-911 approval, Utilities Department's approval, Sanitation Department's approval, and TDEC permit. Mr. Temple stated that the landscape plan has been completed and will be submitted to staff. Mr. Temple explained that the stormwater plan will have to be resubmitted to TDEC as a revision. Mr. Nemeth questioned the location of the apartments. Mr. Temple noted that the first floor of the buildings in Phase I are retail space and the apartments will occupy the second and third floors. After further discussion, Mr. Larry Claiborne made a motion to grant final PUD site plan approval for Phase I subject to the lacking items and revisions being submitted for staff's review. Mr. Phil Nemeth seconded the motion, which passed with all members voting aye.

e) Review and consideration for revised final PUD site plan for "Gatlinburg Falls Parkview Resort," Tax Map 117, Parcel 63, located on Ridge Road and Cheshire Court, R-1 and R-2 zones, requested by Venture Real Estate Group, LLC.

Staff presented the request for revised final PUD site plan approval for "Gatlinburg Falls Parkview" for an additional 9 units and an approximate 1,000' extension to Resort Way. Staff stated that the additional units (which include the accessory buildings) will increase the total unit

count for the development to 76. Staff noted that 2 of the 9 additional units are proposed for accessory uses for the PUD, these accessory buildings are required to be at a minimum of 50' from all exterior property lines and a planted, native evergreen plant species buffer shall be installed along the immediate side/s and rear of all accessory structures adjoining an exterior property line boundary. Staff added that the proposed final PUD site plan reflects about a 1,000' extension to Resort Way, a private street within the development. Staff explained that the private road was previously approved at 20' wide, however due the additional units and the total length of the road now being 2,056.23' the entire roadway would need to be widened to 24' to accommodate the additional traffic or a variance granted for the 20' width. Staff also added that from the Resort Way cul-de-sac there is an emergency access road to Galloway Lane. Staff stated that due to the width of Galloway Lane at the Gatlinburg Falls Parkview property and the residential neighborhood in which it services, the emergency access road will need to be gated and the gate coordinated with the Fire Department. Staff also noted that pull-offs have been incorporated into the road extension for the Fire Department. Staff pointed out that the Fire Department has noted that due to the parking around the perimeter of the Resort Way cul-de-sac, that no vehicles shall park within the designated turnaround area and signage should be posted and/or the area marked as a fire lane. Staff further noted that revised density and capacity demand numbers have not been submitted to the Utilities Department for their review and comments.

Staff stated the proposed units consist of seven 6-plex units and two accessory buildings. Mr. James Tomiczek was present and provided an overview of the proposed development site. Mr. Tomiczek stated that the rough grade of the road was already in place. Mr. Tomiczek stated that this section of the development would be removed from the Hillside Overlay District. Mr. Tomiczek stated that he has met with staff and the Fire Department about the proposed road extension issues. Mr. Tomiczek explained that electrical components are in place along the existing roadway which would not allow for the widening of the road without removing and relocating the components. Mr. Tomiczek added that there is a full size turnaround at the end of the road and two intermediate pull-offs for the Fire Department along the stretch of road. Mr. Tomiczek noted that the mid-point turnaround area will remain for the Fire Department. Mr. Tomiczek further noted that the emergency access drive to Galloway Lane will be designated for City use only and will be gated at both ends. Chairman Maples questioned the party responsible for opening the gate. Mr. Tomiczek stated that it would be the City. Staff stated that the gates have to be reviewed by Planning Commission and the Fire Department and typically consists of a simple lock system. Staff suggested that reflectors be placed on the gate. Mr. Tomiczek stated that he had met with the Utilities Director which felt comfortable with additional units. Staff added that the Utilities Director had notified them with his approval of the additional units, but staff added a revised stormwater plan would be needed for the development. Chairman Maples questioned the need for the road width variance. Mr. Tomiczek stated that the electrical pull-boxes are along the left side of the road and left side of the road is rock. Mr. Tomiczek explained that the developer does not want to have to relocate the electrical components and cut into the rock bank. Mr. Nemeth questioned what was lacking with the accessory buildings. Staff

stated that the plan for the additional landscaping for the accessory buildings was lacking. Staff finally stated that the revised final PUD site plan further lacked the following items: E-911 approval for the additional units, revised erosion control plan, revised stormwater permit, revised legal documentation for the additional units, and the Utilities Department's approval. After further discussion, Mr. Phil Nemeth made a motion to grant revised final PUD site plan approval subject to the lacking items being submitted to staff for review, and granted a variance for the 20' wide road with turnaround constructed according to the Subdivision Regulations. Mrs. Teresa Cantrell seconded the motion, which passed with all members voting aye.

f) Review and consideration for a commercial site plan for "Walgreen's/BB&T," Tax Map 126N, Group A, Parcel 22, located at 811 Parkway, C-1 zone, requested by Holrob-Gatlinburg II, LLC.

Staff presented the request for commercial site plan for a proposed multi-tenant building located on 0.39 acres. Staff stated that the proposed commercial site plan consists of the demolition of the existing BB&T building and the construction of a 15,385 square foot multi-tenant commercial building. Staff also stated that the largest portion of the building, 14,550 square feet, will be occupied by Walgreens while the remaining 835 square feet will contain a BB&T branch. Staff pointed out that the site plan reflects all vehicular traffic to enter the property via a 25' permissive use agreement from River Road that is of record in ROW Book 10, Page 240. Staff added that there is a 10' joint use easement noted along the property line with the Midtown Travel Lodge of record in Deed Book 157, Page 3. Staff noted that copies of both easement instruments need to be submitted to staff for review. Staff also stated that a utility plan was submitted with the packet of information; however the Utilities Department has indicated that there potentially could be an issue with the proposed water meter location. Staff added that the Utilities Department is currently working to resolve the water meter location issue. Staff further stated that a boundary survey reflecting the calls and dimensions of the property lines is needed to verify the front yard setback for the proposed building. Mrs. Cantrell asked when the demolition would start. Mr. Phil Rorar was present and stated that the demolition will start as soon as possible, and the developer is closing on the property in the next few days. Chairman Maples asked about overhead electrical. Mr. Rorar stated underground electric service would come from River Road up to the building. Chairman Maples questioned why the electrical service would not come from Parkway. Mr. Rorar stated the preferred route is from River Road and will serve the adjacent Red Rocket building. Mrs. Cantrell questioned if consideration has been given to trash and noise from the demolition. Mr. Rorar stated that the demolition will be complete in 2 weeks and done by mid-October. Staff noted that though a state erosion/sediment control permit is not needed for this project due to the acreage, the developer will still have to acquire a stormwater permit from the City. Staff finally stated that further approvals are needed by the Sanitation Department for the proposed dumpster pad location, E-911, and Utilities Department's final approval. After further discussion, Mr. Larry Claiborne made a motion to grant commercial site plan approval subject to the lacking items and approvals being submitted for staff's review. Mr. Phil Nemeth seconded the motion, which passed with 3 members voting aye, and Mr. Robert Maples abstaining.

g) Review and consideration for preliminary PUD site plan for “Greystone Cliff Condominiums,” Tax Map 126F, Group A, Parcel 25, located on Greystone Heights Road, R-2 zone, requested by Billy Proffitt.

Staff presented the request for preliminary PUD site plan approval for a proposed 16 multi-family buildings with 216 unit multi-family condominium development on 35.41 acres and accessed off Greystone Heights Road. Staff also stated that the development site is accessed via a curve on Greystone Heights Road. Staff noted that the developer may have to make improvements Greystone Heights Road, and post a bond or letter of credit for the public improvements. Staff pointed out that there are two private roads within the development: Road A and Road B. Road A, which comes off of Greystone Heights Road, is approximately 1,280' in length and serves 177 units within the development. Staff stated that the road width proposed for Road A is 22', however due to the length of the road and the numbers of units that are served by the road, the Subdivision Regulations require the road to be at a minimum 26' wide. Staff further stated that the Subdivision Regulations limit dead-end streets to 600', and Road A is approximately 1,280' long. Staff added that the design engineer should resign Road A to be in compliance with the adopted regulations or request a variance from the Board. Staff stated that Road B is the second private roadway within the development and comes off of Road A. Staff also stated that the development plan proposes Road B to be 22' wide and is approximately 800' long. Staff explained that again, the design engineer will need to redesign the Road B to meet the 600' maximum length for a dead-end street or request a variance from the Board. Staff noted that the curvature data for both roadways is needed to verify if a switchback design is required. Staff also noted that it appears that Road A abruptly dead-ends at 15% and branches out in to large parking areas. Staff stated that due to the length of the parking areas, the drive isle will need to be designed as streets and profiles submitted with sufficient turnaround areas. Staff stated that the Fire Department has also raised concerns about the lack of a turnaround area at the end of the parking areas. Staff also stated that the Fire Department has noted that a fire hydrant is needed in front of Building 13. Staff further stated that the overall development density calculations were not submitted with the preliminary site plan and cannot be determined until a complete boundary survey has been completed and submitted for review. Staff added that the density information/calculations are needed and should depict right-of-way areas for all proposed streets within the area. Staff noted that typically, a 50' right-of-way area is used for all streets within the development for deduction purposes. Staff also noted that the site plan noted that some areas are to be landscaped, however a landscape plan was not submitted with the packet of information. Staff pointed out that during staff's concept review with the design engineer, an emergency access was shown to tie in to the Medlin Addition Subdivision off of Hemlock Street. Staff stated that staff questions why the emergency access has now been removed from site plan and urges the designer to reconsider the restricted access point due to the dead-end streets within the development. Staff stated that the Utilities Department has noted that the proposed public and private PVC waterlines for this development are to be ductile iron. Staff also stated that the design engineer should consult with the Utilities Department about the exact specifications on the waterlines. Staff further stated that the Utilities Department has not approved utilities plan.

Staff finally stated that the preliminary site plan lacks the dimensions and calls of all property lines, the density calculations with right-of-way areas deducted, landscaping plan, open-space areas noted on the plan, curvature data, and Utilities approval.

Staff stated that there is concern about the point of access and the width of Greystone Heights Road. Staff further stated that there is also concern about the impact of 216 units will have on the City street. Staff explained that the road currently services overnight rentals in the area. Staff noted that the plan proposes 22' wide roads and the Subdivision Regulations require the roads to be 26' wide. Staff noted that the design engineer has revised the turnaround area. Mr. James Temple explained that the turnarounds have been sized for the Fire Department and Sanitation trucks. Mr. Temple stated that the maximum heights of the buildings are three stories. Staff stated that the heights of the buildings were of concern due to the ladder truck access. Mr. Temple added that the density calculations have been revised with the right-of-way areas deducted out. Staff noted that they spoke with the Utilities Director today, and he indicated that there does not appear to be an issue with capacity of water and sewer but there could be a possible pressure issue. Staff explained that if this is the case then a back-up private generator system with a booster system for adequate fire protection will be required. Chairman Maples questioned the access via Greystone Heights Road. Staff stated that the Fire Department is able to get an engine up to the property, but the issue is with the ladder truck. Staff explained that is why there are concerns about the heights of the buildings. Mr. Temple stated that a majority of the buildings will be sprinkled. Staff stated that during staff review with the design engineer, there was an emergency access road proposed to the Medlin Addition. Mr. Temple explained that due to the grade it would be difficult to construct the road without it being at the maximum grade with switchbacks. Chairman Maples asked Mr. Temple for the reasoning for the width variance request. Mr. Temple explained that the variance is needed to help minimize the excavation on the hillsides. Chairman Maples asked Mr. Temple how his claim was substantiated. Mr. Temple replied that the evaluation was based on the topographical maps. Chairman Maples questioned if pioneer roads existed on the property. Mr. Temple explained that no excavation has occurred on the property. Mr. Nemeth noted that the submittal lacks 16 items, and questioned if the Board should approve the preliminary PUD site plan without those items. Staff noted that the boundary survey, the utilities, and the turnarounds were the biggest issues. Mr. Nemeth stated that the Board has discussed not approving projects with numerous lacking items. Mr. Nemeth further stated that he does not feel as though the Board should approve the item because all the amount of information lacking which is what prompted staff's recommendation. After further discussion, Mr. Phil Nemeth made a motion to deny preliminary PUD site plan approval due to the amount of lacking information. Mr. Larry Claiborne seconded the motion, which passed with all members voting aye

h) Review and consideration for a proposed extension to the Letter of Credit for infrastructure improvements for "Norton Creek, Phase I," located on Norton Creek Road, RR-1 zone, requested by Staff.

Staff presented the request for consideration for an extension of the Letter of Credit # 05-06-10-2701, issued by Sevier County Bank for Norton Creek, LLC. Letter of Credit # 05-06-10-2701,

in favor of Estates at Norton Creek Homeowners Association, Inc., in the amount of \$251,403.60, is to complete the roads in Phase I. Staff stated that the paving and street project is currently under construction. Staff also stated that however, the Letter of Credit is scheduled to expire on October 27, 2008. Staff added that therefore, if the remaining 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 further stated 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 finally stated that the estimates will be used to establish the proposed amount of the letter of credit upon re-issuance. After further discussion, Mr. Larry Claiborne made a motion to grant a one (1) year extension of the Letter of Credit for the proposed road improvements subject to two revised estimates for the paving work. Mrs. Teresa Cantrell seconded the motion, which passed with all members voting aye.

i) Review and consideration for a proposed Municipal Zoning Ordinance amendment to Article IV, Sections 406.4.2.2 and 406.4.3.2, establishing an expiration period for final PUD site plan, requested by Staff.

Staff presented the request for amendment to Article IV, Sections 406.4.2.2 and 406.4.3.2, establishing an expiration period for final PUD site plan. Staff stated that currently, preliminary PUD site plan expires 12 months from date of approval, this amendment is to establish a 24 month expiration period for final PUD site plans. Staff also stated that the proposed amendments will require all projects with no substantial progress to re-submit plans to the Planning Commission prior to commencement of development and subsequently subject said projects to any newly adopted development standards and policies. Staff read aloud the proposed language:

“Approval of a final PUD plan shall lapse twenty-four (24) months from the date it was approved by Planning Commission if substantial progress has not been made towards the development of the project. For the purpose of this section, substantial progress shall mean that the infrastructure improvements (roads and utilities) shall be completed to the extent that sub-grades can be certified by the design engineer and all utilities have been inspected and tested to the satisfaction of the City within the 24 months of the approval. Further, at least one-third (1/3) of the structures have obtained development permits and are under construction. If the developer cannot meet these timeline stipulations, then phasing of the development should be considered as an alternative.”

Mr. Nemeth stated that the language was good, but recommended that the last sentence be deleted and language recommending phasing be incorporated. Chairman Maples questioned if the property receives a variance from the Planning Commission, would the variance also expire? Staff stated that once the plan has expired all stipulations would also expire. Chairman Maples noted that one year would be a better expiration time period. Staff stated that a 12 month time period might not be long enough. Mr. Bart Hose stated that language about the expiration would need to be certified on the plan. Staff stated that maybe the best action would be to defer action

until staff could speak further with the City Attorney and place the item on next agenda. Chairman Maples asked Mr. Uwe Rothe for an opinion on the proposed amendment. Mr. Rothe stated that during these nervous economic times that it would be dangerous to set such an expiration on final development plans. Mr. Rothe questioned grandfathering provisions. Mr. Rothe suggested that the Board give an extension option and explained the consequences of financing. Chairman Maples that is the plan expires then any future proposals would have to update to current codes. After further discussion, Chairman Maples asked to defer the item. Mr. Phil Nemeth seconded the motion, with all members voting aye.

j) Review and discussion of proposed amendments to the Regional Zoning Ordinance and Zoning Map to include a RC-6 Zoning District (Planned Golf Resort Development), requested by Staff.

Staff presented the request for discussion of a proposed amendment to the Regional Zoning Ordinance and Zoning Map to create a RC-6 Zoning District being a Planned Golf Resort Development District. Staff stated that specifically, the developers/owners of property located in the Norton Creek Area, in the Gatlinburg Planning Region, have requested that the City consider incorporating zoning provisions and use provisions into the Regional Zoning Ordinance and Zoning Map to permit golf course developments. Staff also stated that as such, staff has developed a draft ordinance (see attached) for review and discussion as it pertains to specific development guidelines and provisions that would govern such type of developments in the surrounding Planning Region. Staff stated that in the development of these standards, strong consideration was given to the fact that these areas outside the corporate limits are areas with limited infrastructure, if any, and are typically rural in nature. Staff also stated that therefore, staff feels that much emphasis should be placed on preserving the surrounding rural residential areas, maintaining low density type developments, and providing for the means to improve infrastructure where needed to accommodate these types of development as well as meet the needs of the surrounding residents and uses of the area. Staff added that the open-space that is associated with these recreational types of development (golf courses) is a means of achieving open-space, while not undisturbed, still open. Staff pointed out that however, with this type of development there is always a certain amount of commercialization due to the nature of the development. Staff further stated that as such, the proposed ordinance is designed to ensure that the golf course is the principle use and that the accompanying commercial uses are subordinate to the principle use. Staff explained that due to the location of these areas, emergency access and response times are quite often restricted and therefore, certain additional restrictions have been proposed to ensure the safety of the development as well as surrounding areas. Staff further explained that this is primarily achieved by the required additional separation requirements, engineered infrastructure analysis, and means of fire protection. Staff noted that infrastructure analysis is added to ensure that roads and utilities are evaluated not only within the development but outside the development area as well. Staff pointed out that hopefully, this will require and encourage improvements to both public and private infrastructure when deficiencies are identified in pre-development reviews and evaluations. Staff stated that the attached ordinance is a draft ordinance and is intended to stimulate discussion with regard to the needed provisions to

provide for said types of development, and to seek direction from the Board if the Board determines that these uses are appropriate in the surrounding Planning Region and should be provided for within the adopted ordinances of the Region.

Mr. Earl Worsham was present and stated that he felt the proposed ordinance was fine, but noted that it could take longer than three years to complete the golf course. Mr. Nemeth questioned the regulations within the City. Staff explained that the language is similar, but changes were made due to the rural areas in the Planning Region. Mrs. Teresa Cantrell stated that in her opinion, no development should occur until the golf course is open. Mr. Nemeth stated that if development is to occur along with the golf course, then the developer could set aside 150 acres of the golf course and another 150 acres for the resort on a 400 acres tract. Staff stated that the design must be a planned development. Staff explained that currently the area is mostly zoned residential and the developer would have to identify the resort area and leave the remaining areas residentially zoned. Mr. Bart Hose stated that the developers will have to do an infrastructure study on the front end of the development. Mr. Uwe Rothe stated that there is a concern with the time delay because the developer will want to start the commercial development with the golf course facility. Mr. Nemeth stated that maybe the language should be adjusted. Mrs. Teresa Cantrell stated that the City could limit the certificates of occupancy. Staff noted that the City does not issue certificates of occupancy in the Planning Region. Mr. Tim Wesley was present and stated that the revised language is a good balance. After further discussion Mrs. Teresa Cantrell made a motion for staff to move forward with the draft ordinance and place it on the next agenda. Mr. Phil Nemeth seconded the motion with all members voting aye.

k) Review and consideration for an amendment to Section 10 of the Stormwater Ordinance pertaining to Appeals of Civil Penalty and Damage Assessment Impositions, requested by Staff.

Staff presented the request for a proposed amendment to Section 10 of the Storm Water Ordinance pertaining to Appeals of Civil Penalty and Damage Assessment Impositions. Staff stated that the revisions to the recently adopted Storm Water Ordinance (June 17, 2008) consist of rewriting the language in Section 10 being the Appeals provisions in order to change the appeals process. Staff also stated that the current ordinance establishes a County Appeals Board as the entity to consider appeals of the Storm Water Ordinance. Staff added that however the County never established the joint appeals before, therefore the current ordinance needs to be amended to reflect the correct appeals entity. Staff further stated that the proposed amendment to the Storm Water Ordinance will set the Storm Water Appeals Board of Sevier Water Board, Inc., as the appeals entity for the ordinance. After further discussion, Mr. Phil Nemeth made the motion to approve the request per staff recommendations and recommended as such to the Board of Commissioners. The motion passed unanimously with a second by Mrs. Teresa Cantrell.

Unscheduled Items

Mrs. Teresa Cantrell made a motion to count 3 hours from the Hillside Ridges workshops which were held on August 26 and September 17, 2008 towards their continuing education. Mr. Phil Nemeth seconded the motion, with all members voting aye.

Mr. Robert Maples stated that variance criteria had been put on hold, but that there is a need for variance standards. Staff stated that an application on what variances are being requested and a justification for those variances is needed.

Adjournment

There being no further business to come before the Board, the meeting was unanimously adjourned at 6:53 P.M., after a motion by Mr. Larry Claiborne and a second by Mr. Phil Nemeth.

Approved:

Planning Commission Secretary

Date

MINUTES OF THE
 GATLINBURG MUNICIPAL/REGIONAL PLANNING COMMISSION
 October 16, 2008
 THURSDAY, 5:00 P.M., CITY HALL

MEMBERS PRESENT

Teresa Cantrell
 Don Smith
 Larry Claiborne
 Phil Nemeth
 Dana Soehn
 Jason Seavy

MEMBERS ABSENT

Robert Maples

OTHERS PRESENT

Gina Lea
 Jimmy Lea
 Joy Roddy
 Mark Roddy
 John Webb
 Tricia Voyles
 Ed Whaley
 Earl Worsham
 Tim Wesley
 Uwe Rothe
 Svend Brooks

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

Vice Chairman Nemeth called the meeting to order at 5:00 P.M. The minutes of the September 18, 2008, meeting was unanimously approved following a motion by Mr. Don Smith and a second by Mr. Larry Claiborne.

Petitions and Communications from the Public

Staff Report

Old Business

New Business

a) Review and consideration for a minor subdivision of Tax Map 127, Parcel 12, located on East Parkway, C-2 zone, requested by C. Edwin Whaley.

Staff presented the request for preliminary and final plat approval for a proposed minor subdivision consists of deleting the interior property line between Tracts A and B, and replatting two additional interior property lines in order to create three lots. Staff stated that the entire property consists of 5.26 acres. Staff pointed out that the proposed three lots are:

Approximate			
Lot #:	Acreage:	Frontage:	Development Status:
Tract A	0.91 acres	153' US Hwy 321	Currently Vacant
Tract B	2.02 acres	268' US Hwy 321	Developed with a Single-Family Residence
Tract C	2.32 acres	380' US Hwy 321	Currently Vacant

Staff stated that the property line dimensions along US Hwy 321 for Tract A and B do not scale to the noted line lengths. Staff added that the surveyor should revise the lengths for lines N88°13'04"E (Tract A) and N86°30'29"E (Tract B). Staff also stated that all three proposed lots are within a Special Flood Hazard Area. Staff added that the area has been identified by FEMA and TVA as an area prone to flooding from Dudley Creek. Staff noted that the plat also lacks the following signatures of approval: E-911, Sevier County Electric System, and the Gatlinburg Utilities Department. After further discussion, Mr. Don Smith made a motion to grant preliminary and final plat approval for the minor subdivision subject to the revised dimensions of the property lines and the lacking signatures of approval being added to the plat. Mr. Larry Claiborne seconded the motion, which passed with all members voting aye.

b) Review and consideration for a proposed rezoning of Tax Map 126N, Group G, Parcel 12, located on Popular Lane, from R-2 (Medium Density Residential District) to C-2 (General Business District), requested by Citizens National Bank.

Staff presented the request for the proposed rezoning of a portion of Tax Map 126N, Group G, Parcel 12, from R-2 (Medium Density Residential) to C-2 (General Business). Staff stated that the proposed request consists of rezoning Tax Map 126N, Group G, Parcel 12, being approximately 0.33 acres, from the R-2 zone to the C-2 zone. Staff also stated that the subject property is currently surrounded by the R-2 zone to the north and west, and by the C-2 zone to the south and east, and is accessed via Popular Lane. Staff noted that the surrounding area is developed with a church, single-family residences, and low density multi-family residences. Staff pointed out that the applicant has indicated on the application that rental units are the proposed use for the property and has noted the justification for the rezoning is to achieve a higher density. Staff also noted that the current R-2 zone does allow for multi-family rental units. Staff explained that the primary differences between the R-2 and C-2 zones are the additional height allowances for the C-2 zone (60ft. max. vs. 84ft. max), fewer setback requirements for the C-2 zone (C-2 - front yard only), and a higher floor area ratio allowance for the C-2 (R-2 = .5 F.A.R. vs. C-2 = 2.0 F.A.R.). Staff further stated that typically, the rezoning of a piece of property for the sole purpose of obtaining higher development densities should not be the only factor considered, especially when the proposed use of the property is a permitted use under the current zoning district. Staff added that other factors should include the type of development, adequacy of infrastructure to support additional densities and/or impact to existing infrastructure, and whether or not the rezoning request is in keeping with the land use policies adopted by the City. Staff pointed out that obviously, higher density and use of the property can only be obtained if the property and surrounding infrastructure is adequate to support such development. Staff stated that the impact of higher density is difficult to evaluate unless specific development details have been provided indicating infrastructure needs for the development. Staff explained that if the Board chooses to recommend for the rezoning, then staff would ask that the entire R-2 zone in the area be evaluated and considered as a part of the rezoning request and that the infrastructure be assessed as to the adequacy or inadequacy for higher density. Staff also stated that if this is the course of action, then the applicant should work to obtain *Property*

Owner Consent Forms from every property owner in the current R-2 zone prior to a presentation to the Board of Commission.

Mrs. Dana Soehn questioned if the R-2 zone allows for multi-family dwellings. Staff stated that the R-2 zone permits multi-family uses. Mr. Mark Roddy was present and questioned the future plans for the property. Mr. David Verble was present and stated that the property had been foreclosed on and is currently for sale. After further discussion, Mrs. Teresa Cantrell made a motion to make a favorable recommendation to the Board of Commissioners for the rezoning. Mr. Larry Claiborne seconded the motion, which passed with all members voting aye.

c) Review and consideration for a minor subdivision of Tax Map 127H, Group C, Parcels 28 and 29, located at 224 Sherman Clabo Road, R-1 zone, requested by Ken Porter.

Staff presented the request for preliminary and final plat approval for a proposed minor subdivision consisting of deleting and replatting the interior property line to correct a structural encroachment which will adjust the area of Parcel 28 to 0.93 acres (40,610 sq. ft.) and Parcel 29 to 0.68 acres (29,812 sq. ft.). Staff noted that even with the proposed replatting of the property lines, the building will still encroach into the side yard setback area. Staff also stated that the plat should be revised to correct the encroachment and to comply with the adopted district setbacks. Staff further stated that the Gatlinburg Utilities Department has indicated that the lots are not currently serviced by sanitary sewer, therefore the Sevier County Health Department must approve the reconfiguration of the interior property lines. Staff pointed out that due to the steepness of the lots, staff is concerned that Parcel 29 will not meet the Health Department's minimum lot area standards. Staff finally stated that the plat also lacks lot numbers, the zoning district, and the following signatures of approval: Ownership and Dedication of all property owners, E-911, Sevier County Health Department, Sevier County Electric System, and the Utilities Department. After further discussion, Mrs. Dana Soehn made a motion to deny preliminary and final plat approval for the minor subdivision until the plat receives approval from the Sevier County Health Department, and the noted revisions and lacking signatures are added to the plat. Mr. Don Smith seconded the motion, which passed with all members voting aye.

d) Review and consideration of proposed amendments to the Regional Zoning Ordinance and Zoning Map to include a RC-6 (Planned Golf Resort Development) Zoning District, requested by Staff.

Staff presented the request for consideration of a proposed amendment to the Regional Zoning Ordinance and Zoning Map to create a RC-6 Zoning District being a Planned Golf Resort Development District. Staff stated that the developers/owners of property located in the Norton Creek Area, in the Gatlinburg Planning Region, have requested that the City consider incorporating zoning provisions and use provisions into the Regional Zoning Ordinance and Zoning Map to permit golf course developments. Staff also stated that they have developed a draft ordinance for review and approval as it pertains to specific development guidelines and provisions that would govern such type of developments in the surrounding Planning Region.

Staff noted that in the development of these standards, strong consideration was given to the fact that these areas outside the corporate limits are areas with limited infrastructure, if any, and are typically rural in nature. Staff also stated that staff feels that much emphasis should be placed on preserving the surrounding rural residential areas, maintaining low density type developments, and providing for the means to improve infrastructure where needed to accommodate these types of development as well as meet the needs of the surrounding residents and uses of the area. Staff added that the open-space that is associated with these recreational types of development (golf courses) is a means of achieving open-space, while not undisturbed, still open. Staff further stated that however, with this type of development there is always a certain amount of commercialization due to the nature of the development. Staff explained that as such, the proposed ordinance is designed to ensure that the golf course is the principle use and that the accompanying commercial uses are subordinate to the principle use. Staff also stated that additional language has been added to the proposed ordinance pertaining to “subordinate commercial uses” that will provide a formal appeal to the Regional Planning Commission in the event permits are sought prior to the completion of the official golf course. Staff noted that due to the location of these areas, emergency access and response times are quite often restricted and therefore, certain additional restrictions have been proposed to ensure the safety of the development as well as surrounding areas. Staff stated that this is primarily achieved through added separation requirements, required engineered infrastructure analysis, and means of fire protection. Staff further stated that infrastructure analysis is added to ensure that roads and utilities are evaluated not only within the development but outside as well. Staff added that this will require and encourage improvements to both public and private infrastructure when deficiencies are identified in pre-development reviews and evaluations. Staff finally stated that if the Board so finds that these uses are needed within the Planning Region of the City and the proposed ordinance amendments are adequate to meet those needs, then a formal recommendation is needed to the Board of Commissioners. Staff explained that this request does not create or designate specific property as an RC-6 zoning district. Staff added that once the district has been incorporated into the Regional Zoning Ordinance, then property owners would have to make a specific site rezoning request for a rezoning change to their property. Mr. Nemeth stated that language should be added to Section 711.4.1 (final PUD language) for an extension of the approval. After further discussion, Mrs. Dana Soehn made the motion to make a favorable recommendation to the Board of Commissioners with the amendments. The motion passed unanimously with a second by Mr. Don Smith.

Unscheduled Items

Adjournment

There being no further business to come before the Board, the meeting was unanimously adjourned at 5:28 P.M., after a motion by Mr. Larry Claiborne and a second by Mrs. Teresa Cantrell.

Planning Commission Minutes
October 16, 2008
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Approved:

Planning Commission Secretary

Date

MINUTES OF THE
GATLINBURG MUNICIPAL/REGIONAL PLANNING COMMISSION
November 20, 2008
THURSDAY, 5:00 P.M., CITY HALL

MEMBERS PRESENT

Robert Maples
Larry Claiborne
Dana Soehn
Jason Seavy

MEMBERS ABSENT

Teresa Cantrell
Don Smith
Phil Nemeth

OTHERS PRESENT

Donna Cantrell
James Temple, Jr.
Ed Thompson
Eric Wohlbruck
Chad Kennedy
Jennifer Kennedy
Doyle Trentham

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, October 16, 2008, meeting were unanimously approved following a motion by Mr. Larry Claiborne and a second by Mrs. Dana Soehn.

Petitions and Communications from the Public

Staff Report

Mrs. Dana Soehn made a motion to count the one-hour workshop on September 30, 2008, the one-hour workshop on October 16, 2008, and the 1.5-hour workshop on October 28, 2008, towards their continued education credits. Mr. Jason Seavy seconded the motion, with all members voting aye.

Old Business

a) Review and consideration for a proposed Municipal Zoning Ordinance amendment to Article IV, Sections 406.4.2.2 and 406.4.3.2, establishing an expiration period for final PUD site plan, requested by Staff.

Staff presented the request that consists of establishing an expiration period on final PUD site plans. Staff stated that currently preliminary PUD site plans expire 12 months from the date of approval. Staff also stated that this amendment is to establish a 24-month expiration period for final PUD site plans. Staff read aloud the proposed language:

“Approval of a final PUD plan shall lapse twenty-four (24) months from the date it was approved by Planning Commission if substantial progress has not been made towards the development of the project. For the purposes of this section, substantial progress shall mean that

the infrastructure improvements (roads and utilities) shall be completed to the extent that sub-grades can be certified by the design engineer and all utilities have been inspected and tested to the satisfaction of the City. Where the installation of infrastructure is not required for the development, then substantial progress shall mean that a minimum of 10% of the proposed structure(s) for the entire development (if not phased) or of Phase I (if phased) shall have been permitted and under physical construction. If the developer cannot meet these timeline stipulations, then a formal request for an extension of the final approval may be submitted to the Municipal Planning Commission provided that the applicant can produce written documentation that the proposed development will begin within 60 days.”

The application for a final approval extension shall include the following:

- 1. A written formal request from the property owner for an extension;*
- 2. Copies of all construction contracts containing dates and signatures;*
- 3. Proof of final funding for project improvements and/or a letter from a lending institution stating that funding has been secured for the completion of the project;*
- 4. A time schedule indicating the proposed starting date and anticipated completion date with both developer and contractor’s signatures.”*

Staff added that the proposed amendments will require all projects with no substantial progress to re-submit plans to the Planning Commission prior to commencement of development and subsequently subject to any newly adopted development standards and policies. Staff added that the language also needs to include a statement requiring a stamp be placed on the final PUD site plan where the owner/developer acknowledges the 24-month expiration period, and noted that the language will be added to the PUD checklist. After further discussion, Mrs. Dana Soehn made the motion to recommend the amendment including requiring the stamp to the Board of Commissioners. The motion passed unanimously with a second by Mr. Larry Claiborne.

New Business

a) Review and consideration for a commercial site plan for “The Shops at Gatlinburg Town Center,” located at 739 Parkway, C-1 zone, requested by Chad Kennedy.

Staff presented the request for a revised final site plan approval for “The Shops at Gatlinburg Town Center,” being a proposed 25,970 square feet commercial building. Staff noted that this project was previously reviewed by the Board on September 20, 2007. Staff stated that the proposed revisions consist of a commercial building with two tenant spaces in the basement being a total of 10,064 square feet, two tenant spaces at street level being 14,677 square feet, and a 1,228 mezzanine. Staff added that the request consists of a minor footprint change, and the street level going from an open air mall to an enclosed 2-story building. Staff stated that the site plan reflects the existing fire line to the building running beneath the adjoining motels swimming pool. Staff also stated that the Utilities Department has noted that the existing fire line beneath

the swimming pool should be abandoned and a new fire line installed with the other utilities to service the building. Staff further stated that the Utilities Department has stated that marking tape shall be placed on each utility line which indicates the type of line. Staff also noted that the Building Inspection Department has concerns about the tenant spaces in the basement. Staff pointed out that the designer should consult with the Deputy Building Official prior to submitting for any construction permits. Staff finally stated that the commercial site plan appears to meet all minimum zoning design standards, but lacks signatures of approval from the Utilities Department and E-911. Mrs. Soehn questioned the easement issues from the 2007 meeting. Mr. Chad Kennedy was present and stated that he was working with Mr. Bob Myrick on an agreement for the sewer line to run under a portion of the proposed building. Mrs. Soehn also inquired about outside access to Mr. Myrick and Mr. Miller's shops. Mr. Kennedy stated that the portion of the building footprint along those adjoining properties has not changed from the 2007 submittal, and added that Mr. Myrick is mostly concerned with the sewer access. After further discussion, Mr. Larry Claiborne made a motion to grant revised PUD commercial site plan approval subject to approval by the Utilities Department and E-911. Mr. Jason Seavy seconded the motion, which passed with all members voting aye.

b) Review and consideration for revised final PUD site plan for "Gatlinburg Falls Parkview Resort," Tax Map 117, Parcel 63, located on Ridge Road and Cheshire Court, R-1 and R-2 zones, requested by Venture Real Estate Group, LLC.

Staff presented the request for revised final PUD site plan approval in order to rearrange six units within the development. Staff stated that the proposed revisions to the final PUD site plan consist of the design engineer swapping the locations of Units 16, 17, 18, and 19 with the locations Units 20A and 22A. Staff noted that the non-sequential numbering of the units is of concern due to the fact that the addresses for the units have already been issued by the E-911 Coordinator, and will cause future confusion for emergency responders. Staff also stated that the site plan should be revised to show the units numbered in sequential order. Staff further stated that the site plan lacks the approval of the Utilities Department and E-911. Mrs. Donna Cantrell was present and stated that the unit numbers cannot be reassigned to be in sequential order since contracts to purchase have already been signed on all of the units. Mrs. Cantrell stated that in the past the E-911 Coordinator has been willing to work with the designer in reassigning the addresses. After further discussion, Mrs. Dana Soehn made a motion to grant revised PUD site plan approval subject to the noted revision being made to the site plan and the lacking signatures of approval being added to the plan. Mr. Larry Claiborne seconded the motion, which passed with all members voting aye.

c) Review and consideration for preliminary PUD site plan for "Greystone Cliff Condominiums," Tax Map 126F, Group A, Parcel 25, located on Greystone Heights Road, R-2 zone, requested by Billy Proffitt.

Staff presented the request for preliminary PUD site plan approval for a proposed 216 unit multi-family condominium development on 35.41 acres and accessed off Greystone Heights Road.

Staff noted that this project was reviewed by the Board at the September 18, 2008 meeting. Staff stated that the proposed PUD site plan consists of 16 multi-family buildings with a total of 216 dwelling units. Staff also stated that the development site is accessed off Greystone Heights Road. Staff noted that at the September 18, 2008 meeting a boundary survey with the call and dimensions of all the property lines was requested, and since has been submitted with the most recent information. Staff added that the site plan submitted does not reflect the location of the buildings relative to the property lines. Staff pointed out that a site plan is needed that shows the buildings on the boundary survey. Mr. James Temple was present and stated that the property line is 200' away from the buildings, and noted that a site plan reflecting the property lines has been submitted to staff. Staff further stated that as noted in September, the developer may have to make improvements to Greystone Heights Road, and post a bond or letter of credit for the public improvements. Staff explained that a traffic study is needed from the developer as to the impacts that the proposed development will have on Greystone Heights Road and recommendations for proposed improvements to said road. Staff added that the traffic engineer should also assess the point of access and visibility of the entrance road onto Greystone Heights Road. Mr. Temple stated that the visibility of the access point was assessed in September, and added that if the Board requires a traffic study on the existing road system then one could be provided with the final PUD submittal. Staff stated that there are four private roads within the development: Road A being 1,641.66 linear feet, Road B being 847.51 linear feet, Road C being 509 linear feet, and Road D being 438 linear feet. Staff further stated that Roads A and B exceed the maximum length of 600' set by the Subdivision Regulations for dead-end streets. Mr. Temple stated that due to the terrain the roads within the development cannot be looped and requested a variance from the Board on road length. Staff explained that there is concern about the length of the roadways due to the limitation of one ingress/egress point on the property. Staff added that the design engineer should redesign Roads A and B to be in compliance with the adopted regulations or request a variance from the Board. Staff also stated that the proposed roadways are shown to be 24' wide. Mr. Temple requested a variance on the road width from 26' to 24', and added that all of the curves within the development are at least at a 60' radius. Staff stated that due to the length of Road A and the number of units in which it services, the roadway would need to be at a minimum 26' wide based on the Subdivision Regulations or a variance granted by the Board for the width. Staff noted that the Roads A, C and D dead-end into parking areas and do not have adequate turnaround. Staff also stated that the design engineer shall incorporate Subdivision Regulation compliant turnarounds at the ends of the roadways. Staff further stated that radius data are needed for the private roads. Staff pointed out that there is concern that the Fire Department may not be able to maneuver a couple of the curves within the development. Staff added that the Fire Department has noted that the property cannot be accessed by the ladder truck due to the switchback curves leading up to the property. Staff also stated that therefore the smaller engines with ground ladders will be the means of fire protection. Staff stated that due to the use of the ground ladders, the buildings within the development shall not exceed 30' above street grade. Mr. Temple stated that the buildings would be less than 30' in height. Staff further stated that the Fire Department has issued concerns about staging at the buildings located on a 15% grade and requested that the Fire Department has asked that pull offs/staging areas be

incorporated in the design. Staff also stated that the Fire Department has also noted that a mid-point turnaround needs to be incorporated into Road B due to the length of the roadway. Staff further stated that the Fire Department has stated that building elevation Detail A may exceed the height for ground ladder access at street level, and should be revised. Staff further stated that in reviewing the building and road layout, there appears to be several setback encroachments. Staff explained that in some instances there is just a 10' separation from the landing of one building to another and encroachments into the 15' setback from the edge of street. Mr. Temple stated that the building is actually one building with stairwells. Staff stated that exit stairs would be exempted from the setbacks based on Article III of the Municipal Zoning Ordinance. Staff added that some of the other buildings still encroach into the 15' setback from the edge of street and should be revised or removed from the plan. Staff questions if the area noted as a playground/picnic area is a building or just open space. Mr. Temple stated that the larger playground/picnic area would be a pool and the other area an uncovered picnic area. Staff added that if the playground/picnic areas contain buildings (pavilion, gazebo, etc.) then those structures will also have to maintain the PUD setback requirements. Staff pointed out that there are some areas on the plan where extensive vegetation removal and grading are noted to occur, but no proposed buildings are located within the disturbed areas. Mr. Temple noted that the area identified on the site plan to be disturbed is for the fill from the site which will be landscaped once the project is complete. Mr. Temple explained that all of the retaining walls are less than 20' in height, but the material could be hauled off the site if directed by the Board. Staff added that the current excavation provisions within the Municipal Code states that only areas of development are to be disturbed in order to preserve as much of the natural vegetation as possible. Staff noted that with growing concerns about vegetation preservation and the need to minimize land disturbance activities, staff questions the need for land disturbance and the vegetation removal is questionable. Staff further noted that there are several retaining wall structures throughout the development. The heights of the retaining walls are needed to evaluate the walls visual impact, since one of the walls is approximately 560' long. Also verification will be needed on the stability of the slopes, and it appears that a couple of the artificial slopes may exceed the 2H:1V as required by the Municipal Code. Mr. Temple stated that all the artificial slopes within the development are at a 2H:1V. Staff further stated that Road A and the proposed private sewer line encroach onto the adjoining property. Mr. Temple stated that Mr. Proffitt owns the adjoining lot and in the future will combine the two lots which will alleviate the encroachment issue. Staff added that the plan should be revised to reflect all proposed improvements on the subject property. Staff also stated that the site plan noted that some areas are to be landscaped, however a landscape plan was not submitted with the packet of information. Staff finally stated that the preliminary site plan further lacks the landscaping plan, open-space areas noted on the plan, curvature data, drainage plan and Utilities approval.

Mr. James Temple stated that there are a lot of lacking items and assured the Board that he will take care of each item. Chairman Maples stated that he felt that the two most important issues are the traffic study and the dead-end roads and turnarounds. Mr. Temple stated that there are turnarounds at the end of the roads that did not show up on the map. Chairman Maples asked

about the Fire Department's approval. Staff stated that the Fire Department had concerns about turnaround areas and the potential need for staging areas along the 15 % grade areas where there are proposed buildings. Chairman Maples told Mr. Temple to meet with Fire Department about these issues. Mr. Temple stated that he would work with the Fire Department. Mrs. Soehn questioned if the retaining walls are needed if there are no disturbance within the area that was proposed to be filled. Mr. Temple stated that the walls in that area would not be needed and the area would remain undisturbed. Chairman Maples asked for staff's recommendation. Staff stated that the traffic study could have a major bearing on whether or not improvements to Greystone Heights Road would be needed. Staff noted that the traffic study is needed to determine if infrastructure is adequate to serve the development. Mrs. Soehn stated that there is concern about Road A being three times longer than the regulations recommend. Mr. Temple again stated that due to the topography that the road cannot be looped. Chairman Maples stated that the Fire Department should look at the length of the road, evaluate the exit, and approve the pull-outs. The Chairman also noted that a traffic study is needed to assess the existing road system servicing the development. Staff questioned if the pump station would be private. Mr. Temple noted that the pump would be located on private property, and would be dedicated to the City. Staff stated that typically the City would not accept any utility improvements within the private development. Mrs. Soehn questioned if the curves met the 60' radius requirement. Staff stated that Mr. Temple is to verify the radius data. Mrs. Soehn stated that the 24' road width did not bother her as much as the length issue. After further discussion, Mrs. Dana Soehn made a motion to approve the preliminary PUD site plan with a road width variance to permit a 24' wide road and subject to the Fire Department's approval for the excessive road length, Fire Department pull-offs being incorporated into the design, Subdivision Regulation compliant turnarounds being added at the end of each of the private roads, a traffic study being submitted, the area to be filled being revised to be undisturbed and the retaining walls for that area omitted from the site plan, and all other noted lacking items. Mr. Larry Claiborne seconded the motion, which passed with all members voting aye.

d) Review and consideration for a proposed extension to the Letter of Credit for utility improvements for "Potter's Ridge Subdivision," located on Johnson Lane, R-2 zone, requested by Staff.

Staff presented the request for consideration for an extension of the Letter of Credit # 09-07-12-2801, issued by Sevier County Bank for Kelch Trucking and Excavating, LLC. Letter of Credit # 09-07-12-2801, in the amount of \$5,759.78 is to complete the utility installation for Potter's Ridge Subdivision. Staff stated that the paving and street project is currently under construction. Staff noted that the Letter of Credit is scheduled to expire on December 28, 2008. Staff also stated that therefore, if the remaining 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 further stated 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 finally stated that the estimates will be used to establish the proposed amount of the letter of

credit upon re-issuance. After further discussion, Mr. Larry Claiborne made a motion to grant a one (1) year extension of the Letter of Credit for the proposed utility improvements subject to two revised estimates. Mrs. Dana Soehn seconded the motion, which passed with all members voting aye.

Unscheduled Items

Adjournment

There being no further business to come before the Board, the meeting was unanimously adjourned at 6:06 P.M., after a motion by Mr. Larry Claiborne and a second by Mr. Jason Seavy.

Approved:

Planning Commission Secretary

Date

MINUTES OF THE
GATLINBURG MUNICIPAL/REGIONAL PLANNING COMMISSION
December 18, 2008
THURSDAY, 5:00 P.M., CITY HALL

MEMBERS PRESENT

Robert Maples
Teresa Cantrell
Phil Nemeth
Dana Soehn
Jason Seavy

MEMBERS ABSENT

Larry Claiborne
Don Smith

OTHERS PRESENT

Jeff Cole
Mike Freeman

Staff Representatives: David Ball, City Planner
Ashley Miller, Assistant City Planner

Chairman Maples called the meeting to order at 5:00 P.M. The minutes, of the November 20, 2008, meeting were unanimously approved following a motion by Mr. Phil Nemeth and a second by Mr. Jason Seavy.

Petitions and Communications from the Public

Staff Report

Staff wished the Board a Merry Christmas and a Happy New Year.

Old Business

New Business

a) Review and consideration for a minor subdivision of Tax Map 118, Parcels 26.01 and 26.21, located on Ogle Road, R-2 zone, requested by Sherri Gray.

Staff presented the request for preliminary and final plat approval for a proposed minor subdivision of Tax Map 118, Parcels 26.01 and 26.21, being a total of 2.60 acres in order to adjust the interior property line between Lots 1R and Lot 2. Staff stated that the proposed minor subdivision consists of replatting the interior property line between Lots 1R being 1.17 acres and Lot 2 being 1.42 acres. Mr. Phil Nemeth questioned if the existing apartment building should be shown on the plat. Staff stated that typically existing improvements on the property are shown on the subdivision plats. Staff also stated that the plat lacks the revised floor area ratio calculation for Lot 2, and lacks the following signatures of approval: Ownership and Dedication of all property owners, E-911, Utilities Department, and Sevier County Electric System. After further discussion, Mrs. Teresa Cantrell made a motion to grant preliminary and final plat approval for the minor subdivision subject to the lacking item and signatures of approval being added to the plat. Mrs. Dana Soehn seconded the motion, which passed with all members voting aye.

b) Review and consideration for a proposed site plan review for “Cole Townhouses,” Tax Map 137D, Group A, Parcel 40, located on Turkey’s Nest Road, R-2 zone, requested by Jeff Cole.

Staff presented the request for site plan approval for a multi-family dwelling (4 unit townhouse) development located on 0.115 acres and accessed via Turkey Nest Road. Staff noted that the proposed development site is currently developed with a single-family structure. Staff added that based on the size of the proposed units, five parking spaces are required for the building. Staff also stated that there is concern that the configuration of the turnaround area is inadequate for the five parking spaces and will promote vehicles backing into the public right-of-way. Staff also noted that there is concern about the Sanitation Department’s access to the proposed dumpster location. Staff added that the dumpster pad should be located in an area that is easily accessible with the side-loading sanitation truck. Staff explained that the site plan reflects an overhead utility line to cross over Lot 18, and an easement for the utility should be obtained prior to the issuance of any permits. Staff stated that Mr. Cole has indicated that the utilities will be undergrounded if possible. Staff stated that the underground utilities will have to be approved by Sevier County Utility District. Staff further noted that the site plan also lacks the following information and signatures of approval: grading plan, drainage and erosion control plan, landscape plan, on-site utilities plan, City Stormwater plan, E-911 approval, Utilities Department’s approval, and Sevier County Electric Systems approval. Staff noted that the drainage, grading and stormwater plans will have to be coordinated with the Public Services Director. Staff added that the developer should be aware that no permits will be issued until all lacking information has been submitted to staff for review and comment. Mr. Phil Nemeth questioned if the building will be under single-ownership. Mr. Jeff Cole was present and indicated that he intends to retain ownership of the property and the new building. Staff stated that the site plan was reviewed as a principal dwelling on a single lot. Chairman Maples questioned if the lot was level. Mr. Cole indicated that the lot was level and the proposed building will utilize the existing footprint. Staff noted that the existing retaining wall on the property will remain. Mrs. Dana Soehn questioned if the owner has looked at the parking issue. Mr. Cole indicated that he will work with the Planning Staff to make sure the parking meets the requirements of the City. After further discussion, Mr. Phil Nemeth made a motion to grant site plan approval subject to the lacking items, revisions, and signatures of approval being submitted to staff. Mrs. Teresa Cantrell seconded the motion, which passed with all members voting aye.

c) Review and consideration for a proposed Municipal Flood Damage Prevention Ordinance, amendments to Article VII, Section 712 being the Floodplain District (FP-1), and applicable FEMA and TVA Maps and Reports.

Staff presented the request for endorsement of the Municipal Flood Damage Prevention Ordinance and the applicable FEMA and TVA maps and reports, which is to be a freestanding ordinance adopted in the Gatlinburg Municipal Code. Staff stated that the request also includes an amendment to Article VII, Section 712 being the Floodplain Overlay District (FP-1) to

reference the new Municipal Flood Damage Prevention Ordinance. Staff also stated that specifically the items to be adopted by the Municipal Flood Damage Prevention Ordinance are directly from the model ordinance from the National Flood Insurance Program (NFIP). Staff explained that the items to be adopted within the ordinance are Federal Emergency Management Agency's (FEMA) Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRM), being Community Panel Numbers 47155C – 0265E, 0270E, 0330E, 0332E, 0333E, 0334E, 0351E, 0352E, 0353E, and 0356E, to be dated May 18, 2009, along with all supporting technical data. Staff further stated that in addition, this ordinance shall also adopt by reference and incorporate "Floods on West Prong Little Pigeon River, Dudley Creek, Roaring Fork Creek, Baskins Creek, and LeConte Creek in the Vicinity of Gatlinburg, TN, a report by the Tennessee Valley Authority, TVA/OECD/FPM-82/20, dated September 1982, for use as best available information in connection with these regulations. Staff noted to the Board that the first sections of the ordinance will mostly likely be revised by the City Attorney to a more standardized ordinance format, but the core regulations will not change. Staff stated that in addition to the Flood Plain Prevention Ordinance the request includes an amendment to Article VII, Section 712 - Floodplain Overlay District (FP-1) of the Municipal Zoning Ordinance. Staff stated that FEMA has endorsed the model ordinance that has been amended to fit the needs of the City of Gatlinburg. Staff noted that the only major additions to the proposed model ordinance was to incorporate the requirement for all residential structure to be built at or above the 500 year flood elevation in addition to meeting the base flood elevation. Staff explained that the Flood Plain Prevention Ordinance will be a freestanding ordinance within the Municipal Code. After further discussion, Mrs. Teresa Cantrell made a motion to make a favorable recommendation to the Board of Commissioners to adopt the Municipal Flood Damage Prevention Ordinance, amendments to Article VII, Section 712 being the Floodplain District (FP-1), and applicable FEMA and TVA Maps and Reports. Mr. Phil Nemeth seconded the motion, which passed with all members voting aye.

Unscheduled Items

Adjournment

There being no further business to come before the Board, the meeting was unanimously adjourned at 5:26 P.M., after a motion by Mr. Phil Nemeth and a second by Mrs. Teresa Cantrell.

Approved:

Planning Commission Secretary

Date