

**MINUTES OF THE
GATLINBURG MUNICIPAL/REGIONAL PLANNING COMMISSION
May 21, 2020
THURSDAY, 5:00 P.M., CITY HALL**

MEMBERS PRESENT

Robert Maples
Kirby Smith
Larry Claiborne
Don Smith
Jackie Leatherwood

MEMBERS ABSENT

Bud Ogle
Charlie Moore

OTHERS PRESENT

James Tomiczek
Bruce Cantrell
Chuck Clabo
Andre Therrien
Luke Laney
Chuck Laney
Mike Smelcer
Jay Horner

Staff Representatives: David Ball, Building & Planning Director
 Joe Barrett, ETDD
 Penny Douglas, Executive Secretary

CALL TO ORDER AND APPROVAL OF MINUTES

Chairman Robert Maples called the meeting to order at 5:00 P.M. The minutes of the March 19, 2020 meeting were unanimously approved following a motion by Mr. Kirby Smith and a second by Mr. Don Smith.

STAFF REPORT

PETITIONS AND COMMUNICATIONS FROM THE PUBLIC

OLD BUSINESS

NEW BUSINESS

Review and consideration for a re-subdivision of the “Smoky Heights” Property, being Tax Map 126F, Group A, Parcel 5, located at Red Bud Lane, R-2 Zone, requested by Brennon Garrett.

Staff presented the request for a re-subdivision of the “Smoky Heights” Property being Tax Map 126F, Group A, Parcel 5, located at Red Bud Lane, R-2 Zone. Staff stated that the minor subdivision involved interior lot line deletions to reconfigure three (3) lots to create two (2) lots. Staff explained that the request consists of a re-subdivision of Parcel 5 into two lots being “Lot 16R” and “Lot 17R.” Staff noted that the subdivision map that was created in 1932 and is of record at the Register of Deeds Office, depicts three separate lots being Lots 15, 16, and Lot 17. However, at some point apparently Lot 15 was re-subdivided into two (2) lots via a deed or some instrument other than a plat.

Staff stated that the applicant is now requesting to re-subdivide the property, which is depicted as Parcel 5, from the three lots which all are approximately 11,000 square feet lots into two (2) lots consisting of 19,162 square feet (Lot 17R) and 15,811 square feet (Lot 16R). The property

topography is less than 30% slope but the proposed lot sizes do not meet the minimum lot sizes for lots of 20% to 29% slope which requires 32,621 square feet of lot area. However, the reduction from 3 lots to two lots with an increase in the individual lot area is an improvement over the current lot configuration. The Municipal Board of Zoning Appeals will have to approve the lot sizes if the Board is favorable to the re-subdivision. The property is served with both public water and sewer and the property fronts on Red Bud Lane which is a City Street. The plat lacks the following information: Signature of Ownership and Dedication, Utility Signature of Approval, E-911 Signature of approval, and Sevier County Electric System Signature of Approval.

After a brief discussion, Mr. Don Smith made a motion to approve the request and Mr. Kirby Smith provided a second which was passed with members voting “aye”.

Review and consideration for a re-subdivision of the “Greystone Heights No. 2,” Property, of Tax Map 126K, Group B, Parcels 14.00, 20.00, 21.00 & 22.00, located at 527 Smoky View Court, R-1 Zone, requested Brennon Garrett.

Staff presented the request for a subdivision of Tax Map 126K, Group B, Parcels 20, 21, and 22 to create “Lot 7R,” “Lot 8R” and “Lot 9R,” and a 40’ right-of-way extension of the Smoky View Court Right-of-way.

Staff explained that the request consists of a subdivision of the three (3) tax parcels to recreate three lots and a right-of-way area at the termination point of Smoky View Court. Staff further explained that when the “Greystone Height No. 2” subdivision was originally approved, the property consisted of the three lots being lots 7, 8, and 9 and the right-of-way area of Smoky View Court which extended back to Lot 9. Staff stated that the right-of-way consisted of no platted turnaround area and simply terminated at its intersection with Lot 9. However, in the early 1980’s, a re-subdivision to consolidate Lots 8 and 9 into a single lot was approved by the City which included the City’s abandonment of the portion of the Smoky View Court Right-of-way that extended past the northwestern most point of Lot 7. The consolidation of Lots 8 and 9 and the abandonment of the right-of-way area resulted in the construction of a single structure on the revised lot configuration. Since the time of the re-subdivision and right-of-way abandonment, the property existed as two (2) lots with Lot 7 being a vacant property and the consolidated Lots 8 and 9 serving as a single lot developed with a single-family dwelling. Staff explained that this was the situation until the wildfires of 2016 and now the properties are vacant with only the foundation remnants from the previous structure.

Staff noted that the current property owner wishes to reestablish the property back to the original configuration of three (3) lots and to reestablish the Smoky View Court Right-of-way. The plat depicts three lots being “Lots 7R, 8R, and 9R” consisting of .414 acres, .434 acres, and .863 acres respectfully. The plat also depicts the extension of the 40’ right-of-way area of Smoky View Court back to “Lot 9R” in a similar configuration as it existed prior to the re-subdivision and right-of-way abandonment that occurred in 1983. The plat depicts the proposed extension to come to a dead-end with no means to turnaround. Staff stated that the developer has looked at the possibility of providing a turnaround area at the proposed termination point of the street but due to the surrounding topography and existing retaining wall structures, could not accommodate the needed turning radius’ for emergency vehicles. Currently, there is no public turnaround area located on the street.

Staff explained that there are several issues that must be considered by the Board as it relates to the proposed subdivision. The property is extremely steep with slopes in excess of 50% which under today's zoning ordinance, requires minimum lot size of 2 acres. If the Board wishes to grant subdivision approval, then the lot size variance will be required to be reviewed by the Board of Zoning Appeals to deviate from the minimum lot size requirements of the Zoning Ordinance. The proposed lot sizes do however exceed the minimum requirements that existed when the original subdivision occurred which was 15,000 square feet.

Staff also noted that a second issue of concern is the lack of a turnaround area at the termination of the public street. Currently, there is no public turnaround area for public and emergency vehicles along Smoky View Court or Smoky View Drive. The original plats depicted the streets with a dead-end at each termination point of the two streets with no means for public or emergency turnaround. The roads are narrow and adjoined with steep topography above and below the existing streets. The applicant has indicated a willingness to develop the turnaround and dedicate the areas necessary for the turnaround in exchange to be able to reestablish the three (3) lot configuration for future development. A proposed turnaround area would be an improvement to the current situation if the configuration would provide an adequate area to achieve the turning radius' necessary for Fire Department emergency vehicles. However, to date the applicant has been unable to develop a turnaround design and configuration to meet the minimum layout requirements and dimensions of the Subdivision Regulations or the Fire Department standards. As such, without a sufficient turnaround at the termination point of the street, additional lots for future development would seem to further compound the existing access and turnaround issues in this area. Staff stated that there is a water supply to the properties via a 2" diameter water line. Because of the nature and size of the developer's future structures for the properties, a minimum of a 6" water line and hydrant improvements will be required as part of this request. The developer has spoken with the Utility Department about the extension of a six-inch water line, but the detailed design of the extension has not yet been finalized.

Mr. Andre Therrien was present and explained that the property he purchased was sold as three (3) lots. Mr. Therrien added that the property had been assessed as three lots by the Tax Assessors Office and was depicted on the Sevier County GIS information as three lots. Mr. Therrien explained that he was willing to work with the City to create a turnaround area and thought that the issue was resolved but was then told that the turnaround would not be adequate for Fire Department vehicles. Mr. Therrien further noted that he was willing to place a turnaround area at the end of the road but was limited on what could be done due to the steep terrain surrounding the property. Mr. Therrien added that he just wanted to be able to construct three dwellings on the three parcels that he purchased and if the re-subdivision wasn't approved by the Board, he would lose a considerable amount of money on the property purchase. Mr. Therrien also noted that he was willing to utilize smaller structures on the three lots but if he was only allowed to develop two lots the structures would have to be significant larger to make up for the lost parcel. The Board expressed their sympathy for Mr. Therrien's situation but stated that the issue seemed to be created by the misrepresentation of the property as three lots when it was sold. The Board further stated that because of the concerns over emergency access to the properties and the additional problems being created with additional development, the Board could not grant the approval for the third

lot. After a brief discussion, Mr. Larry Claiborne made a motion to disapprove the request and Mr. Don Smith provided a second which was passed with members voting “aye”.

Review and consideration for a re-subdivision of the “Hugh Clabo” Property, being Tax Map 127I, Group B, Parcels 24, 24.01 & 24.02, located at 325 Lewis Clabo Road, R-2 Zone, requested Cantrell Engineering & Surveying, PLLC.

Staff presented the request for a preliminary and final plat approval for a proposed re-subdivision of the “Hugh Clabo Property,” being Tax Map 127I, Group B, Parcels 24, 24.01, and 24.02, located on Lewis Clabo Road and being “Lots 1, 2 and 3.” Staff stated that the request consists of a preliminary and final plat approval for the minor subdivision to reconfigure the existing lots to relocate an interior lot line between Lot 2 and Lot 3. The plat depicts the interior lot line to be deleted and a new property boundary line to be placed between the two properties. There does not appear to be any change to the existing “Lot 1” boundaries as depicted on the plat. The plat indicates that the resulting area for each of the lots are in excess of one (1) acre sites which meets the minimum lot size requirements of the zoning ordinance. The property is served with both public water and sewer.

Staff noted that the minor subdivision plat lacks the following: a legend box indicated monuments and/or monument labels, Signature of Ownership and Dedication, Utility Department Signature of Approval, E-911 Signature of Approval, and Sevier County Electric System Signature of Approval. After a brief discussion, Mr. Don Smith made a motion to approve the request and Mr. Kirby Smith provided a second which was passed with members voting “aye”.

Review and consideration for a re-subdivision of the “McKinney Family Partners” Property, being Tax Map 127A, Group B, Parcels 18, 19, 32 & 32.01 located at East Parkway & Hickman Hollow Road, C-2 Zone, requested Cantrell Engineering & Surveying, PLLC.

Staff presented the request for a plat approval of a re-subdivision of the “McKinney Family Partners Property,” being “Lots 1, 2, and 3,” located on East Parkway and further being Tax Map 127A, Group B, Parcels 18, 19, 32, and 32.01.

Staff stated that the request consist of the re-subdivision of Tax Parcels 18, 19, 32, and 32.01 to relocate the interior lot line boundaries and to delete an existing 16’ easement area along the boundaries of “Lot 1” and “Lot 2.” Staff noted that the plat shows that there are four (4) parcels and the 16’ easement area that is being re-platted to create three (3) lots consisting of .47 (20,596 sq.ft.), .27 acres (11,620 sq.ft.) and .61 acres (26,519 sq.ft.). The property depicted as “Lot 1” is the property that is currently being developed as a NAPA Auto Parts store. Staff added that the remaining properties are vacant but were previously developed with the former “Mountain Lodge Restaurant” and associated parking lot areas. The new lot configuration simply consolidates the property into a three (3) lot layout with Lot 1 fronting on Hickam Hollow Road and Lots 2 and 3 fronting on East Parkway. The property is commercially zoned and is served with public water and sewer.

Staff stated that the plat lacks the following: Signature of Ownership and Dedication; Utility Department Signature of Approval; E-911 Signature of Approval for Street Name; and Sevier County Electric System Signature of Approval. Also, the Tax Map reference information for Parcel 32 should be added to the Title Block of the plat.

After a brief discussion, Mr. Larry Claiborne made a motion to approve the request with the recommendations from Staff and Mrs. Jackie Leatherwood provided a second which was passed with members voting “aye”.

Review and consideration for a revised PUD site plan approval for “The Highlands,” being Tax Map 126J, Group C, Parcel 24.00, located at 855 Campbell Lead Road, R-3 Zone, requested by C. Laney and Sons.

Staff presented the request for a preliminary and final approval for a revised PUD site plan approval for “The Highlands,” located at 855 Campbell Lead Road, and being Tax Map 126J, Group C, Parcel 24. Staff noted that the request consists of a preliminary and final PUD site plan approval for “The Highlands Condominiums,” to be reconstructed at 855 Campbell Lead Road.

Staff explained that the proposed plan depicts a revised PUD plan for the reconstruction of the buildings in similar locations and footprints as they existed prior to the wildfires of 2016. The plan indicates that the original development plan consisted of six (6) acres of property broken into four (4) phases of development that contained seven buildings with approximately 77 multiple-family units. The plan also indicates that the site was developed with approximately 115 individual parking spaces for the units. The proposed plan also is broken into four (4) phases with a proposal to reduce the number of buildings to five (5) buildings containing 91 units and an increase in the parking spaces to accommodate 155 spaces. The increase of units is a result of a proposal to add a full 4th floor to the buildings located in Phases 1 and 2 which originally consisted of 3 stories and a loft area. The buildings located in the remaining phases will be 3-story buildings as existed before with no increase in units. The proposed design of the four-story buildings includes raising the adjoining finished grade around the buildings so that the maximum building height elevations of 60’ can be used as illustrated in the level lot building design of the Zoning Ordinance. The other significant site plan change relates to the Phases 2 and 3 of the proposed development. The original site plan consisted of four separate buildings and the proposed plan indicates only two (2) buildings.

The plan includes the reuse of the existing site utilities as they currently exist throughout the property except for the area located on the South portion of the property and referenced as Phases 2 and 4 of the development. In this area, the plan depicts a short 6” water line extension of approximately 285’ from Campbell Lead Road. The water line extension will include the addition of a fire hydrant at the end of the line extension for fire suppression. The site plan also includes the addition of a hydrant on the northeast portion of the property at the entrance point of Phase 3.

The additional parking spaces will be added to throughout Phases 1, 2, and 4 to accommodate the required number of parking spaces to serve the 14 units being added to the development. Further, the design includes additional stormwater facilities to accommodate the addition drainage and runoff that will be created by the impervious surfaces being added to the property. Also, at the termination area of the parking lot for Phases 2 and 4, there is a proposal to incorporate a T-turnaround area for Fire Department emergency equipment. The turnaround is an added improvement to the site that did not previously exist. Note, the building located in Phase 3 does not comply with the PUD setback requirements. However, the original PUD plan approval that was granted by the City included a variance from the 25’ perimeter setback for the building. The

proposed plan is to reconstruct the building in the same footprint as it now exists, utilizing the same parking and access drive to the building.

Mr. James Tomiczek, with CEC, Inc. was present and gave a brief overview of the site and noted the proposed site layout information and minor changes with the redevelopment of the property. Mr. Mike Smelcer was present as the architect for the project and noted the proposed building design and building heights. Mr. Smelcer explained that the grading for the site was changing to create a level lot development site for the upper two buildings so that an additional full fourth floor could be added to the buildings in lieu of a loft area that existed with the previous building design. Mr. Smelcer also added that the additional building height would allow for increased floor to ceiling height to accommodate additional plumbing, heating and air ducts, and sprinkler systems to meet current building code requirements for multi-family construction

Staff noted that the PUD site plan lacks the following: finish grading details and retaining wall locations associated with the raising of the finished grades around the buildings, draining and erosion control plan; storm water plan calculations; and revised landscaping concepts. After a brief discussion, Mr. Kirby Smith made a motion to approve the request and Mrs. Jackie Leatherwood provided a second which was passed with members voting "aye".

Review and consideration of a minor subdivision of the "Jack & Blanche Arthur Subdivision," and "Ogle's Baskins Creek Apartments, LLC" Property, and the Tidwell Drive Right-of-way Area, being Tax Map 126N, Group K, Parcels 2.00, 5.00, 6.00, 7.00 & 7.01, located at Baskins Creek Road & Tidwell Drive, C-2 Zone, requested by Bud Ogle. Staff presented the request for a proposed subdivision of Tax Map 126N, Group K, Parcels 2, 5, 6, 7, & 7.01 being the re-subdivision of "Lots 1-8" of the "Jack and Blanche Arthur Subdivision," and the "Ogle's Baskins Creek Apartments, LLC, Property," and the "Tidwell Drive Right-of-way," located on Baskins Creek Road and Tidwell Drive.

Staff explained that the request consists of a subdivision to consolidate Tax Map 126N, Group K, Parcels 2, 5, 6, 7, & 7.01 into a single lot and includes an abandonment of the 4,183.9 square feet of right-of-way area of Tidwell Drive. Staff noted that the plat depicts all the interior property lines to be deleted to combine the areas of Parcels 2, 5, 6, 7, 7.01, and Tidwell Drive to create a single parcel of land consisting of 2.37 acres. The consolidation of the properties and right-of-way area will create approximately 103,086.8 square feet of property with frontages on both Baskins Creek Road and Cherokee Orchard Road.

Staff explained that the request does involve an abandonment of the existing Tidwell Drive public right-of-way area and improvements. The right-of-way area as shown is surrounded by the property involved in this property consolidation request and does not appear to adjoin or provide access to any other adjoining properties. The right-of-way area is approximately 4,183.9 square feet and mainly consists of pavement improvements which provides the primary access to the apartment complex located on the subject property. Staff explained that the abandonment of the right-of-way area will require a formal review and approval process by the City Commission if this re-subdivision of property is approved by the Board. Staff noted that because the property surrounding the right-of-way is under single ownership and because the right-of-way area does not

adjoin or provide access to any other properties, the request to abandon the right-of-way does seem reasonable.

Staff added that the property, while having frontage on both Baskins Creek Road and Cherokee Orchard Road, is accessed via Baskins Creek Road. Staff noted that the portion of property that fronts onto Cherokee Orchard Road is approximately 15' to 20' below the existing City Street and less desirable for an access to the property. The property is served with both public water and sewer services. Staff added that the plat does indicate that the property is located in the Special Flood Hazard Area associated with Baskins Creek. The property is also bisected with a small stream that flows through the property. Staff noted that the plat lacks the following information: Ownership and Dedication Signatures; Utility Department Signature of Approval; E-911 Signature of Approval; and Sevier County Electric System Signature of Approval.

After a brief discussion, Mr. Larry Claiborne made a motion to approve the request and Mr. Don Smith provided a second which was passed with members voting "aye".

Adjournment

The meeting was adjourned at 6:45 p.m. upon a motion by Mr. Larry Claiborne and second by Mr. Don Smith which was unanimously approved by the Board.

Approved:

Jackie Leatherwood
Planning Commission Secretary

7/16/20
Date