

**MINUTES OF THE
GATLINBURG MUNICIPAL/REGIONAL PLANNING COMMISSION
January 21, 2021
THURSDAY, 5:00 P.M., CITY HALL**

MEMBERS PRESENT

Robert Maples
Kirby Smith
Larry Claiborne
Don Smith
Bud Ogle

MEMBERS ABSENT

Jackie Leatherwood
Cam Caton

OTHERS PRESENT

Randy Watson
Mike Walston
Johnathan Lyons
Kacie Huffaker
Eric Mickeliunas
Emily Jones
Kim Stancil
Malcom H. Odom
Patricia L. Odom
Dale Ditmanson
Suzanne Ditmanson
Keith Wilkson
Teri Jacobs
Lynn Lyon
Steve Shoemaker
Claudia Dybus
James Bettis
Jann Pietso
Mike Lyons
Bob Conley
Becky Conley

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 December 17, 2020 meeting were unanimously approved following a motion by Mr. Larry Claiborne and a second by Mr. Kirby Smith.

STAFF REPORT

PETITIONS AND COMMUNICATIONS FROM THE PUBLIC

OLD BUSINESS

NEW BUSINESS

Review and consideration for a proposed rezoning of 117 Tax Map, Parcel 169.03, from R-1-A (Low Density Residential) District to C-5 (Crafts Commercial) District, located at 628 Glades Road, requested by Daniel Patrick Gray.

Staff presented the request for a proposed rezoning of Tax Map 117, Parcel 169.03, from R-1A (Low Density Residential) to C-5 (Crafts Commercial) District, located at 628 Glades Road. Staff explained that the property consists of approximately 5.38 acres and is currently developed with a single-family dwelling. The property is accessed with a single driveway from Glades Road and is served with public water and sewer from the public utilities located in Glades Road. The existing dwelling is located approximately 350' off of Glades Road and approximately 250' from any adjoining property dwellings. Staff stated that the property is currently zoned R-1A which is a low-density residential designation which prohibits the use of the property as an overnight rental. The property is adjoined on the east and south with R-1A District properties and to the north and west across Glades Road with C-5 District properties. The applicant has indicated that the proposed use of the property will be overnight rental with an art workshop service/art studio use. Staff also presented the Board with the adopted Land Use policies associated with both commercial and residential uses in the Glades. Staff further explained that the applicant's request to rezone the entire parcel has been revised to only a portion of the property.

Mr. Daniel Grey then presented to the Board his request and purpose for the rezoning. Mr. Grey stated that he would like for 1.5 acres to remain in the R1A Zoning and asked that the remain 3.8 acres be rezoned to the C-5 Zoning. Mr. Grey stated he would like to build a 50' x 50' Art Studio on the 3.8 acres and possible add 5 small cabins to house art students. Mr. Grey stated that property to the north was already zoned C-5. Staff stated that to the north and across the Glades Road is C-5 zoned properties. Staff stated that this R1A zone is the largest one in the City. Staff also explained that there are 103 properties that front Glades Road, and approximately 23 are zoned residential with the remaining being designated C-2, C-5 and C-3.

Ms. Terri Jacobs stated she lived off Ownby Drive ask that the rezoning request be denied just like 4 other times this area has been before the Board. There is no back access to this area, and we are asking to keep the tourist traffic from coming into the Ownby Hills. Ms. Jacobs stated that Elk Cove already comes through Ownby Drive. Ms. Jacobs states that she feels like he is trying to open a small Arrowmont School.

Ms. Becky Conley stated that she had three different rental sites showing the property was available for overnight rental. Ms. Conley stated they had a fence put up in 2018 and asked if this is rezoned what will it do to the quality of life of the R1A residents. Mr. Larry Claiborne ask if the driveway was there when they put up the fencing in 2018. Ms. Conley answered Mr. Claiborne yes, the driveway was already there. Mr. Grey stated that he did have property with Turn-Key and once the TR Permit was denied he pulled the property from the site.

Mr. Dale Ditmanson stated he lived at 615 N. Ownby Drive and with the Craft Community we know that things are busy in the day time, but we also know that around 5 p.m. most of the businesses close so the traffic slows down with the noise. Mr. Ditmanson stated that the C-5 Zoning is open to many different options that could come into the property if Mr. Grey decided to sell once it was rezoned. Mr. Ditmanson stated that Mr. Grey's property was not a business on Glades Road, but it would be off Glades Road. Mr. Ditmanson stated he had met with Mr. Grey

on January 20, 2021, to discuss the plans Mr. Grey has with his property. Mr. Robert Maples ask how the buffer changes your mind? Mr. Ditmanson commented that while he appreciates the idea and concepts for more arts and crafts uses as discussed by Mr. Grey, he did not feel this particular property due to the topography and layout achieves the same commercial uses as provided along Glades Road.

Mr. Steve Shoemaker was present and stated that he lives on the other side of North Ownby Street and that he was a former member of the Craft Community. Mr. Shoemaker stated that he felt that if the property was rezoned and Mr. Grey sells the property that a buffering system is not promised when a new owner comes in and wishes to do something different. Mr. Shoemaker stated that the noise of multiple gatherings will cause noise to our neighborhood. Mr. Kirby Smith ask if it was an issue with the TR program. Mr. Shoemaker stated in the wintertime when the leaves are gone, we can see as well as hear everything.

Mr. Kirby Smith ask if there was a way to do a split zone to help Mr. Grey and the R-1A neighborhood both. Staff stated that a split zoning can be done and after a meeting with Mr. Grey, we have suggested that this may be an option. Mr. Bud Ogle asked about the number of cabins were being planned or that could be built. Mr. Grey stated only 3 or 4 small studio cabins are planned for guests. Staff stated that with commercial zoning the number would only be limited by the density and with the acreage of the property many more could be constructed under a Planned Unit Development. Staff also stated that the use of the property as a customary home occupation could be an option to allow the craft use. Mr. Grey stated that 30% would not be an effective amount of room for his work studio and a gallery. Mr. Grey stated that he was not looking to build a drive up rental or overnight rentals, that it would be a scheduled retreat for art lessons. Staff did clarify that the request does include overnight rental of the existing dwelling.

Sharon Wilcox stated that she worked for a rental cabin business in the area and that having a 1-2-bedroom rental cabins are the most rented cabins that her company has. Mr. Grey stated that this is a future in the process nothing will be happening soon. Ms. Wilcox stated that she felt that it would just bring problems in for their neighborhood. Mr. Larry Claiborne stated that if Mr. Grey puts a driveway in off Glades Road there should be no bother to the neighborhood because no one would be traveling up Ownby Drive.

Ms. Kim Stancil was present and stated that she bought a property off Tank Hill Road about 2 years ago and everyday people are traveling to the overnight rentals. Ms. Stancil also stated that they leave trash along the side the road. Ms. Stancil stated that who is to say if the zoning is passed that instead of 5 rentals, he adds 50 rentals.

Mr. Robert Maples stated that the Board knows you all are in a dilemma, but even if Board does not pass at this time Mr. Grey still has the option to take this to City Commission. Mr. Grey stated he was looking to find the best way to live and work at his property. Staff ask if there was a way maybe the studio moved down to the 3.8 acres and with a split zoning this could work with the C-5 zone. Mr. Grey stated he did not feel this would work because he would not be able to get delivery trucks in and out to pick up art pieces. Mr. Grey stated he was looking to build his home in the R1A Zone of his property.

PC Minutes

1/21/2021

4 | Page

Ms. Jane Pritzo stated she was the past President of the Arts & Craft Community and a long-term resident of the Ownby Drive area. Ms. Pritzo stated it was a wonderful plan that Mr. Grey has in mind but at this time Ms. Pritzo does not feel it is the correct decision for the area in which he wants to place it.

After a few additional comments, Mr. Maples made a motion to deny the request for rezoning. Mr. Bud Ogle seconded the motion which passed with all members voting aye except Mr. Claiborne who voted nay.

Review and consideration for a re-subdivision of "Highgate" being Tax Map 126J, Group C, Parcel 36.04 located on 935 Campbell Lead Road, R-2 Zone, requested by Carol Muszik.

Staff presented a request for a final plat approval for a proposed minor subdivision of Lot 7, in the Highgate Subdivision/Planned Unit Development, being Tax Map 126J, Group C, Parcel 36.04, located on Highgate Way. Staff explained that the request consists of the division of a 2.18 acre tract into two (2) lots being "Lot 7R" consisting of 1.0 acres and "Lot 7R-1" consisting of 1.18 acres, for the purposes of dedication of "Lot 7R-1" to the National Park Service. The current "Lot 7" is a lot located within a Planned Unit Development and located off Highgate Way, a private street. The application wishes to subdivide the property into the two lots for the sole purpose of dedicating the lower portion of the property (Lot 7R-1) to the National Park. The surveyor has indicated that the remaining portion of the property (Lot 7R) is less than 50% slope but greater than 30% slope thus requiring a minimum lot size of one (1) acre for "Lot 7R." The one (1) acre lot does meet the minimum lot size requirements of Article VIII of the Municipal Zoning Ordinance. Staff stated the primary purpose of the subdivision was to subdivide a lower portion of steep property off of the existing lot and dedicate the land to the National Park Service. Staff stated that we do not know if Mrs. Carol Muszik has spoken to the Great Smoky Mountain National Park about her gifting of the property. Staff stated Mrs. Muszik would have to have a legal document stating that the Great Smoky Mountain National Park will except the gift of the land and then have it properly recorded.

Staff stated that the plat lacks the following: Signature of Ownership and Dedication; Utility Department Signature of Approval; Electric System Signature of Approval; and E-911 Signature of Approval. Note, Staff has not received any information from the National Park Service regarding the acceptance of the dedicated portion of the property should the subdivision be approved. As such, Staff would recommend that a copy of the formal acceptance document from the National Park Service be provided to the City upon completion for records keeping purposes.

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

Review and consideration for a minor re-subdivision of "Bavarian Way," being Tax Map 125M, Group H, Parcel 002.02, located on Bavarian Way and Upper Alpine Way, C-2 Zone, requested Jonathan Lyons, 360 Survey and Mapping.

Staff presented a request for a final plat approval for a boundary survey of "Lot 3, of the Bavarian Ridge Subdivision," to correct the property boundary information currently of record in the Sevier County Register of Deeds Office in Plat Book 31, Page 275 and Deed Book 4076, Page 101.

Mr. Johnathan Lyons was present and gave a brief overview of the request explaining that the purpose of the request was to clean up property line boundaries that were created in previous subdivisions of the property. Mr. Robert Maples ask if this was just a correction of a mistake from a previous survey. Mr. Lyons stated that yes, the proposed subdivision will correct a boundary mistake. Mr. Lyons also noted that the right-of-way areas nor the adjoining lot boundaries would be changed with the proposed re-platting of Lot 3. Mr. Lyons stated that all right-of-way widths would remain the same if not slightly increase and that the improved roadway would fall within the platted right-of-way area. Staff stated that the plat lacks Certifications and signatures of Owners; Utilities; E-911 and Sevier County Health Department.

After a brief discussion, Mr. Bud Ogle 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 commercial site plan approval for "Tennessee State Bank," being Tax Map 126L, Group C, Parcel 037.00, located at 414 East Parkway, C-2 Zone, requested by Robert G. Campbell & Associates, LP.

Staff presented a request for a commercial site plan approval for a proposed drive-thru ATM facility addition and parking lot expansion to the existing "Tennessee State Bank" property located at 414 East Parkway. Staff explained that the site plan depicts the expansion of the existing Tennessee State Bank parking lot area to the lot located to the east of the existing bank property to create an expanded customer parking lot area and a drive-thru ATM facility. The bank property currently consists of a one-way drive-thru access on the west side of the building and a two-way access on the east side of the bank building. The property also contains approximately 25 parking spaces and a walk-up ATM building. The proposed plan shows that the existing curb cut, that is located to the east of the two-way access point, will be utilized as an egress from the property onto East Parkway. The plan also depicts that the existing walk-up ATM facility will be replaced with a covered drive-thru ATM facility for customers. The overall parking space numbers of 25 spaces will remain the same but in a different configuration and layout on the property. The plan depicts an internal traffic circulation of two-way traffic through 24' drive aisles and the use of 90° parking stall layouts with 9' x 18' stall dimensions. There is a new 4' retaining wall shown on the south side of the property immediately adjacent the expanded parking lot area.

Ms. Kacie Huffaker with Robert Campbell Associates was present and stated that TDOT has limited the property to a 2 exits only. Ms. Huffaker stated that property would be expanding the parking lot area and adding a new covered ATM machine. Staff stated that he had ask for the drainage information. Ms. Kacie Huffaker stated she had emailed the information to the staff. Staff also stated that the plan shows that the drainage behind the wall location will be routed from the existing storm pipe to a new rip-rap ditch and directed to the north along the east property boundary. However, the plan does not depict a specific discharge or capturing structure for the drainage. Ms. Huffaker stated that she was not the designing engineer on the project but that they would look into the details of the drainage in this area to verify compliance with the storm water requirements.

Staff explained that site plan lacks the following: property line calls and dimensions; storm water and drainage calculations for pre and post construction run-off; landscape planting locations; utilities plan for electrical service to the new ATM location. Also note, the proposed plan will

require TDOT approval of the ingress and egress plan for the site. A copy of TDOT approval and permits will be required prior to the issuance of building permits for the additions. Staff has spoken with TDOT officials and the plan is acceptable provided the third curb cut is utilized as an egress only from the property onto East Parkway.

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

Review and consideration for a subdivision of “Winfield Heights Subdivision,” being Tax Map 126O, Group B, Parcel 19.00, located on Winfield Heights Road, R-2 Zone, requested by Eric Mickeliunas. Staff presented a request for a review and consideration of a minor subdivision of the “Mike Hays Property,” being Tax Map 126O, Group B, Parcel 19, located on Winfield Height Road.

Staff explained that the request consists of a minor subdivision of a 2.6-acre tract consisting of a 2.55 acres (111,078 sq. ft.) into two (2) lots being “Lot 1” with 1.84 acres, and a second lot containing .71 acres. Note, the second lot is also labeled as “Lot 1” and will have to be relabeled to differentiate the two lots from each other. The property is currently being developed with a single-family dwelling on “Lot 1” and the second lot is vacant. The property was previously developed as a PUD with three (3) cabins that were destroyed during the 2016 Wildfires. The applicant wishes to subdivide the property into two (2) separate lots for the development with single family dwellings on each lot. Staff stated that the property slopes are between 30% and 50% and therefore under the current zoning provisions will require each lot to be a minimum of 1 acre lots.

Staff stated that the minor subdivision 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. Kirby Smith made a motion to approve the request and Mr. Don Smith provided a second which was passed with members voting “aye”.

Review and consideration for a revised Commercial PUD site plan approval for “Skybridge/Skylift,” being Tax Map 126K, Group D, Parcel 0022.01, located at 541 Campbell Lead Road, C-2 Zone, requested by Civil & Environmental Consultants, Inc.

Staff presented a request for a revised commercial PUD site plan approval for “Sky Lift Gatlinburg,” for site additions to the existing PUD that is located at 541 Campbell Lead Road, and further being Tax Map 126K, Group G, Parcel 21.01. Staff explained that this is a revision to the previously approved PUD site plan for the restroom facility located on the west portion of the “Skylift Sky Park,” a commercial Planned Unit Development. Staff also noted that in addition, a new proposed access road to the west end of the SkyBridge has been designed to provide for a better emergency access to the property. The plan depicts a proposed 20’x 30’ restroom facility equaling approximately 600 square feet to be provided for patrons to the site. The restroom facility is shown to be located behind the existing observation deck at the west end of the SkyBridge. The restrooms will be served with a 2” force main sewer line and a 2” water line for domestic water use through connections to the public utilities located in Campbell Lead Road. The private force main sewer line will connect to a public force main sewer line that is scheduled to be completed by the City in the Spring of 2021.

Staff added that the plan also shows a new 600' access road from Campbell Lead Road to the restrooms and west end SkyBridge observation area. A road profile has not been provided but based on the grading shown for the length of the road it doesn't appear that the road grades will exceed 15% at any point. The plan indicates that a road width of 18' is proposed however, the road will serve as an emergency access road and therefore will need to be a minimum of 20' in width plus the 2' shoulders. Staff stated that the width of the road had been discussed with the Fire Department and they are requiring a 20% width for Emergency Vehicles. Mr. Puckett stated that the design could go to a 20' width but the developer understood that the Fire Department would allow an 18-foot width. Staff stated that the width would need to be revisited with the Fire Department. The plan depicts areas of grading along the new road with both cut and fill slopes. These slopes will need to be maintained at no more than a 2:1 slope ratio and/or a designed provided by a licensed geotechnical engineer will need to be provided depicting the method of stabilization. Staff also noted that there is an area of grading that projects onto the Campbell Lead Right-of-way area that will need to be addressed by the geotechnical engineer. If a retaining wall structure is required, the encroachment will require an approval by the City Commission.

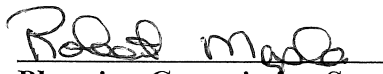
An updated stormwater calculation plan is needed to verify that post construction run off numbers do not increase over pre-construction run off rates and volumes. Also, a maintenance plan for the permanent storm water controls is needed for the site for recording purposes to ensure continued maintenance responsibilities with the system. The plan lacks the following information: landscape plan; solid waste collection plan; revised storm water plan and calculations; and a geotechnical soils report is needed for the site. Also, a road profile is needed to determine if the road is acceptable for emergency access. Note, the property is located in a Hillside Overlay District and Critical Slope Floating Zone so all buildings and site work must comply with the adopted provisions of each of the overlay districts.

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

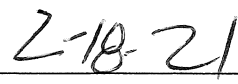
Adjournment

The meeting was adjourned at 6:35 p.m. upon a motion by Mr. Larry Claiborne and second by Mr. Don Smith which was unanimously approved by the Board.

Approved:



Planning Commission Secretary



Date