

**MINUTES OF THE
GATLINBURG MUNICIPAL PLANNING COMMISSION
APRIL 21, 2022
THURSDAY, 5:00 P.M., CITY HALL**

MEMBERS PRESENT

Robert Maples
Larry Claiborne
Cam Caton
Jackie Leatherwood

MEMBERS ABSENT

Kirby Smith

OTHERS PRESENT

Bryce Bentz
Gus Floodquist
Gary Norvell
Mahavir Patel
Eve Buero
Jeremy Puckett
Jan Lapidés
Vimyrka Plaskett
Vick Samtani
Rohita Daggubati

Staff Representatives: David Ball, Building & Planning Director
 Gary Brackins, Assistant City Planner
 Joe Barrett, ETDD
 Jodi Bible, 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 February 17, 2022, meeting, were unanimously approved following a motion by Mr. Larry Claiborne and a second by Mrs. Jackie Leatherwood.

STAFF REPORT

The Building and Planning Director made an introduction of the Assistant City Planner, Gary Brackins and welcomed him to the staff.

PETITIONS AND COMMUNICATIONS FROM THE PUBLIC

OLD BUSINESS

NEW BUSINESS

Review and consideration of a site plan approval for “Gatlinburg Apartments 3, LLC,” being Tax Map 126M, Group C, Parcels 2 and 3, C-2 Zone, located at 223 & 224 Circle Drive, requested by Robert G. Campbell and Associates.

Staff explained that the request depicts a proposed 3,000 square foot single-story building to be located on a .56-acre (24,393.6 square foot) lot. Staff noted that the property is currently made up of lots 5, 6, 7 and a portion of lot 4 of the “Ogle Addition Subdivision.” Staff added that the construction of the storage facility will require a lot consolidation of the lots into a single parcel. Staff explained that the property will be accessed from Circle Drive.

PC Minutes

4/21/2022

2 | Page

The plan indicates that the building will consist of 3,000 square feet, however, the plan scale indicates a larger building footprint than the noted 3,000 square feet. Based on 3,000 square feet building, the overall density for the project will be .12 which is well below the allowable 2.0 floor area ratio. Staff noted that the plan shows approximately 22 surface parking spaces to serve the development. Staff also stated that the plan shows an underground electrical service to the building, but no other utilities have been provided for the project. Staff explained that the project may require additional utilities which will need to be added to the site utility plan. Staff noted that the plans indicate that the property will surface drain to the public stormwater system in the adjacent street however, no pre and post construction stormwater conditions have been provided to determine whether detention/retention will be required for the property. The plan indicates a retaining wall structure located in the rear of the building in the south portion of the lot. It appears that this is an existing wall structure currently located on the property. However, if the wall is not currently located on the property, the portion of the wall encroaching on to the property to the east will need to be eliminated from the site plan.

The staff mentioned the site plan lacks the following: revised public street name to Circle Drive, revised notes to indicate a storage building versus an apartment building, detailed utilities plan, solid waste collection plan. Note, a minor subdivision plat to consolidate the lots is needed to create a single lot for the development.

After a brief discussion, Mr. Larry Claiborne made a motion to grant site plan approval subject to submittal of a revised site plan with the lacking items, and Mrs. Jackie Leatherwood provided a second with all members voting, "aye."

Review and consideration of proposed rezoning of Tax Map 127, Parcels 26 & 27, from R-1 (Low Density Residential) District to R-2 (Medium Density Residential) District, located at 312 Newman Road, requested by Phillip Derosia.

The staff presented a request that involves the rezoning of Tax Map 127, Parcels 26 and 27 from R-1 (Low Density Residential) District to R-2 (Medium Density Residential) District, located at 312 Newman Road. Staff noted that the area of the two (2) tax parcels is approximately 3.8 acres located on Newman Road and that Tax Parcel 27 is currently developed with a couple of separate structures that are divided into six (6) rental units (per the current owner). Staff stated that Parcel 26 is undeveloped at this time. Staff explained that the tax assessment data for the property indicates that structure was built in the 1950's and 1960's. Based on the available data, it appears the property has been used for multi-family apartments for many years. Staff explained that the current use of the property is a violation of the R-1 District permitted uses and therefore the reason for the request. Staff added that the applicant has indicated that they would like to remove the older structures and reconstruct approximately ten (10) rental townhouse apartments on the two (2) parcels however, the current R-1 Zoning District would only allow a single-family dwelling. The applicant is requesting a rezoning of the property to R-2 District to permit the current use of multi-family and to permit the removal of the older structures to rebuild new structures on the property.

Staff stated that the property is surrounded by R-1 (Low Density Residential) zoning on all adjoining sides. The property is served by Newman Road which is a small residential street that

PC Minutes

4/21/2022

3 | Page

provides access to the existing apartments complex, surrounding single family dwellings located in the immediate area, and "The Greenbrier Restaurant" that is located at the termination of Newman Road.

Staff stated that a concern with the rezoning request is that the approval of an R-2 District classification creates an isolation of the multi-family use in an area of single-family dwellings. Staff stated that the City Attorney has been consulted regarding the potential of spot zoning but due to the facts that the property has been utilized as a multi-family use in excess of forty (40) years and that the tract is a larger tract, the impacts may be less of a concern in the Board's consideration. Staff explained that generally, "spot zoning" is a concern when an individual property owner is provided a use of his or her property that is not afforded to the surrounding properties. Obviously, the use of the property would not change if the rezoning were approved from the current nonconforming use of the property. Also, an argument could be made that the rezoning would "right" the current nonconforming use if approved to create a conforming use of the property. The current street access configuration to the property does not appear to have created any considerable issues with access to the property. Staff explained that the Fire Department has indicated that provided the property was not overly developed and developed as the applicant has indicated with two-story or less structures, they did not foresee an issue with emergency access.

Following a brief discussion, Mrs. Jackie Leatherwood made a motion to provide a formal recommendation to the City Commission for their review and consideration. Mr. Larry Claiborne provided a second with all members voting, "aye."

Review and consideration of a minor subdivision of "Lots 8 & 9 Park Path Way," being Tax Map 127, Group G, Parcel 27, R-1 Zone, located at 608 Park Path Way, requested by Ira and Jan Lapides.

Staff presented the request of a minor subdivision to delete the interior lot line between Lots 8 and 9. Staff noted that the plat depicts an interior lot line deletion to create a single lot being "Lot 8R" consisting of 11,259 square feet or .259 acres located on Park Path Way. The plat depicts the existing dwelling and accessory structures associated with the property as well as driveway and right-of-way encroachments with neighboring accessory structures. The lot fronts on a 20' right-of-way which is a private street. The property is served with both public water and sewer.

Staff explained that the minor subdivision plat lacks the following information: legend of monuments, monuments for the new property corners; Signatures of approval for utilities, E-911, and Sevier County Electric System. The plat also lacks the Signatures of Ownership and Dedication.

After a brief discussion, Mr. Larry Claiborne made a motion to grant final approval for the minor subdivision to the noted revisions and additions and lacking signatures. Mr. Cam Caton provided a second with all members voting, "aye."

PC Minutes

4/21/2022

4 | Page

Review and consideration for a revised PUD site plan approval for, “Stone Village,” being Tax Map 126M, Group A, Parcel 33.03, C-1 Zone, located at 147 Baskins Creek Bypass, requested by Anakeesta, LLC.

Staff presented a request that consists of a preliminary PUD site plan approval for a proposed “Stone Village,” addition to the Anakeesta development. The proposed PUD plan depicts additions to the upper portion of the development just northeast of the existing tower element. The site plan depicts several new buildings to be located on the property including a three (3) story brewery/retail building, a single-story bakery, a single-story retail structure, and a 2-story, retail/coaster building. Note, the proposed layout results in various locations where the proposed buildings cross interior property lines. Staff recommends that the interior lot lines be removed, and the property be consolidated into a single parcel to alleviate the boundary line issue.

Staff noted that the site layout plan also proposes a new pedestrian walkway to cross over the emergency access road from the plaza area to the coaster element located on the south portion of the property. Further, the plan indicates that the existing emergency access road will be regraded, but no road profile has been provided for review. A profile of the new road will be needed for review by the Fire Department to ensure adequate access is being provided to the site. Note, an additional concern of the Fire Department relates to the access to the plaza area with emergency vehicles especially to the 3-story building. Generally, with multiple story structures a ladder truck will be the emergency response vehicle which requires a minimum of a 26’ fire lane. The plan indicates a road access to the east of the building, but the width and grade will not meet the Fire Code requirements for access. As such, a revision will be required to provide an acceptable emergency access to the building which will require the review and approval of the Gatlinburg Fire Department. Also, verification that the elevated walkway will be elevated for a minimum clearance of 13’-8” above the road to ensure emergency vehicle accesses are maintained to the site. The plan also includes several retaining walls and new concrete pedestrian walkway areas. In review of the plan of the proposed wall sections, there appear to be wall heights above the maximum heights of 15 feet. As such, the Critical Slope Floating Zone requirements require that the height be less than 15 feet or terraced to avoid large wall masses. Note, a geotechnical report for the new phase of development will be required prior to final site plan approval is granted by the Board.

The design engineer has provided topography of the property that depicts the existing and new grading of the “Stone Village” area of development. The plan does include a storm water pollution prevention plan with designed erosion controls for the construction of the site. The plan also includes a stormwater detention plan with a proposed detention storage area. The drainage plans include additional 12” and 15” drainage piping to extend from the plaza to the north side of the property where it will be discharged into a drainage area with several check dam structures. However, no stormwater calculations have been provided regarding the pre and post construction rate of runoff conditions for the property.

The plan includes a utility plan showing both water and sewer extensions into the new development area. The site usage and demand information has not been provided to the Utility Department at this time and will be required before final site plan approval. The plan does depict an additional fire hydrant in the plaza area to serve the buildings. However, an additional hydrant may be required in area near the coaster ride element along the emergency access road to cover the

PC Minutes

4/21/2022

5 | Page

proposed structure to the south. All proposed utility plans will need to be approved and reviewed by the Gatlinburg Utility Department. Staff added that the plan lacks the following items: property density calculations; storm water calculations, building elevations for the structures, road profiles of all streets, proposed building dimensions, landscaping concepts plan, geotechnical report for the new development area, revised retaining wall heights to a maximum of 15 feet, utility calculations and demands information, and a final plat for the consolidation of the property to resolve property line boundary encroachments within the property.

In conclusion of the discussion, Mr. Larry Claiborne made a motion to grant preliminary PUD site plan approval only, and subject to all lacking revisions and information. Mr. Cam Caton provided a second with all members voting, "aye."

Review and consideration of proposed rezoning of Tax Map 126N, Group G, Parcel 9 from R-2 (Medium Density Residential) District to C-1 (Tourist Commercial) District, requested by Reagan Drive Partners, LLC.

Staff presented the request involving a rezoning of Tax Map 126N, Group G, Parcel 9 located at the intersection of Reagan Drive and Trentham Lane from R-2 to C-1 Zoning District. Staff noted that the property consists of approximately .43 acres (18,958 square feet) and is currently undeveloped. The property can be accessed from Reagan Drive and Trentham Lane and is served with public water and sewer from the public utilities located in Reagan Drive. The property was previously used as a residential use.

Staff explained that the property is adjoined across Trentham Lane to the north with C-2 Zoning and to the west and south with R-2 Zoning. The property across Reagan Drive is zoned C-1 Tourist Commercial District. The property is adjoined to the south with the City of Gatlinburg Utility Department Offices and to the east with a BellSouth utility which is accessed from Trentham Lane. Staff noted that the predominant zoning classifications along Reagan Drive are made up of C-1 and C-2 Districts. The subject parcel is one of only four parcels along Reagan Drive that are not classified as commercial. The applicant has indicated that the proposed use of the property will be parking to service an adjoining hotel development planned for the former "Bear Land Lodge" which is now a pay parking lot. The property lies within 400 feet of the proposed hotel development and will be needed to satisfy the parking requirements for the hotel.

In review of the Land Use Plan, the request to rezone to C-1 (Tourist Commercial) District can be supported in the Reagan Drive area and historically has been encouraged for the area. As noted previously, many of the properties along the corridor are currently designated for commercial use.

After a brief discussion, Mrs. Jackie Leather made a motion to formally recommend the request to the City Commission for their review and consideration. Mr. Larry Claiborne provided a second with all members voting, "aye."

Review and consideration of a revised PUD site plan for "Hidden Hills Vistas," being Tax Map 117, Parcels 236.03, 9 and 8.03 located at East Parkway and Hidden Hills, C-2 Zone, requested by Robert G. Campbell and Associates.

Staff presented the request consisting of a revised final PUD site plan approval for Phase 1 and 2 of the "Hidden Hills Vista," a Planned Unit Development. Specifically, the request consists of a

PC Minutes

4/21/2022

6 | Page

revision to the proposed type of units proposed within the development. Previous approvals consisted of a mixture of single-family dwellings and multi-family dwelling units which totaled 105 residential units. The proposed revisions include a total of 94 detached cabins consisting of the following breakdown:

1-Bedroom Cabins = 45	
3-Bedroom Cabins = 6	
4-Bedroom Cabins = 11	
5-Bedroom Cabins = 15	
6-Bedroom Cabins = 17	Total Cabins = 94

The plan indicates that 24 detached dwellings will be constructed in Phase 1 and the remaining 70 dwellings will be in Phase 2 of the development. The project layouts and infrastructure improvements do not change from the original plans other than slight adjustments in parking areas for the units based on size and number of bedrooms. Mr. Gary Norvell noted that the main purposed of the request is to revised Phase 1 and that potential revisions for Phase 2 may be presented in the future. Mr. Norvell did verify that the infrastructure located within Phase 1 will not change from the original plan.

After a brief discussion, Mr. Cam Caton made a motion to grant revised PUD site plan approval, and Mrs. Jackie Leather provided a second with all members voting, “aye.”

Review and consideration for a proposed preliminary plat approval for, “Ralph Lawson Estates,” being Tax Map 117, Parcels 39.01 and 37, R-1 Zone located at Old Cartertown Rd. requested by Scott Cantrell.

The staff presented a request for review and consideration for a proposed preliminary plat for “Ralph Lawson Estates”. Staff explained the applicant decided to formally withdraw the request for review and consideration by the Board.

Review and consideration of a minor subdivision of “Lots 1-R and 2-R on King Road,” being Tax Map 117, Parcel 226, R-2 Zone, located at 305 King Road, requested by Moore Real Estate Ventures, LLC.

Staff presented the request for the minor subdivision consisting of a subdivision of a 2.47-acre tract into two (2) lots being “Lot 1R” consisting of 1.23 acres (53,366 sq. ft.) and “Lot 2R” being 1.24 acres (53,861 sq. ft.). Staff noted that the surveyor has provided the slope information for the property to determine the minimum lot size requirements that are required for each lot. Based on the slopes, the property configuration and lot areas meet the minimum size requirements. The property is located on King Road which will be the public street serving the property and both lots have ample public street frontage. Note however, there plat does depict a 20’ private access easement through Lot 1R to Lot 2R that will serve as a joint use access easement. There is public water and sewer service available at the property.

The minor subdivision lacks the following information: Ownership and Dedication Signatures; Utility Department Signature of Approval; E-911 Signature of Approval; Sevier County Electric System Signature of Approval; and the signature of Certificate of Approval for Recording.

After a brief discussion, Mr. Cam Caton provided a motion to grant preliminary and final plat approval for the minor subdivision subject to revisions and lacking signatures. Mrs. Jackie Leatherwood provided a second with all members voting, “aye.”

Review and consideration of a minor subdivision approval for, “Ellis Ogle, Jr. Heirs,” being Tax Map 127G, Group C, Parcels 6 and 6.01, R-1 Zone, located at 738 Ellis Ogle Drive, requested by Eve Buero.

Staff presented the request for a minor subdivision of Tax Map 127G, Group C, Parcels 6 and 6.01, to create a single lot being “Lot 1,” consisting of 11,226 square feet or .26 acres. Staff noted that the survey indicates that the interior deeded lot line will be removed to consolidate the two parcels for the creation of the single lot. Staff explained that the lot does not meet the minimum lot size requirements nor does the lot contain the minimum required street frontage. However, the property previously existed as two (2) separate parcels and consisted of multiple dwellings. The proposed subdivision, while not completely compliant, is an improvement over the current configuration of two (2) parcels, one of which has no public street frontage. While the single lot is not ideal, the proposed configuration is an improvement over the existing nonconforming situation. In addition, the Sevier County Health Department has approved the proposed lot for a 2-bedroom dwelling to be constructed on an individual septic tank and field system for the sewer service. Public water is available to the property.

The minor subdivision lacks the following information: Ownership and Dedication Signatures; Utility Department Signature of Approval; E-911 Signature of Approval; Sevier County Health Department Signature of Approval; Sevier County Electric System Signature of Approval; and the signature of Certificate of Approval for Recording.

After a brief discussion, Mr. Cam Caton provided a motion to grant preliminary and final plat approval for the minor subdivision subject to revisions and lacking signatures. Mr. Larry Claiborne provided a second with all members voting, “aye” except Mrs. Jackie Leatherwood who abstained from the vote.

Review and consideration of a proposing rezoning of Tax Map 126O, Group A, Parcel 6, from a R-2 (Medium Density Residential District) Zone to C-2 (General Business District) Zone, located at 540 Sunset Drive, requested by XBT Engineering.

Staff presented the request involving the rezoning of Tax Map 126O, Group A, Parcel 6, from R-2 (Medium Density Residential) District to C-2 (General Business) District, located at 540 Sunset Drive. Staff added that the property consists of approximately 1.19 acres (52,000 square feet) and is currently undeveloped. Staff stated that the property is accessed from Sunset Drive and is served with public water however, the public sewer, while near the property, is not immediately available to the property from Sunset Drive. Staff explained that there is a sewer line in Sunset but not immediately adjacent the subject property. Mr. Jaime Quarve was present and noted that sewer would most likely come through the adjoining property which is under the same ownership. Staff stated that the property was previously developed in conjunction with the adjoining “Fabulous Chalets” development, but the structure was destroyed by fires some time ago. The applicant has indicated that the proposed use of the property would be condominium rentals. Staff noted that the property is adjoined on all sides with C-2 District zoning. Staff further explained

PC Minutes

4/21/2022

8 | Page

that there is a large area of R-1A (Low Density Residential) District property that is located to the west and south and the subject property will share the same access as the adjoining neighborhood. The current zoning classification will allow the multi-family use however, the requested zoning is consistent with the zoning immediately adjoining the subject property. Note, should the Board consider changing the current zoning classification, the applicant should be required to address the lack of sewer for the commercial zoning classification.

Following a brief discussion, Mr. Larry Claiborne made a motion to provide a formal recommendation to the City Commission for their review and consideration. Mr. Cam Caton provided a second with all members voting, "aye."

Adjournment

The meeting was adjourned at 5:51 p.m. upon a motion by Mr. Larry Claiborne and second by Mr. Cam Caton which was unanimously approved by the Board.

Approved:

Jackie Leatherwood
Planning Commission Secretary

5.31.22
Date