

**MINUTES OF THE
GATLINBURG MUNICIPAL PLANNING COMMISSION
August 19, 2021
THURSDAY, 5:00 P.M., CITY HALL**

MEMBERS PRESENT

Robert Maples
Jackie Leatherwood
Larry Claiborne
Cam Caton
Don Smith

MEMBERS ABSENT

Kirby Smith

OTHERS PRESENT

Gary Norvell
Jeremy Puckett
Robert Maples II
Randy Watson
Gus Floodquist
Lisa McCoy
Joe Lelonek
Bob Bentz
Bryce Bentz
Sherilyn Hammonds
Brain Davin
Mounira Bellatreche
Debbie Frankton

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 July 15, 2021, meeting was unanimously approved following a motion by Mr. Don Smith and a second by Mrs. Jackie Leatherwood.

STAFF REPORT

PETITIONS AND COMMUNICATIONS FROM THE PUBLIC

OLD BUSINESS

NEW BUSINESS

Review and consideration for a proposed rezoning of Tax Map 127I, Group C, Parcel 5.00, from a R-1 (Low Density Residential) to R-2 (Medium Density Residential) District, located at 303 Church Street, requested by Mounira Bellatreche.

Staff presented the request for the rezoning of Tax Map 127I, Group C, Parcel 5, from R-1 (Low Density Residential) to R-2 (Medium Density Residential) District, located at 303 Church Street. Staff noted that the property consists of approximately .16-acre lot and in 2016, the wildfires destroyed the existing dwelling that was located on the property. Staff added that in 2017, a permit request to rebuild a single-family dwelling for owner's own use was made and a permit was issued for the rebuilding of a dwelling. Subsequently, it was discovered that the unfinished basement of the dwelling had been divided into individual apartments which resulted in a violation of the permit and the current R-1 Zoning District. Staff explained that the applicant is now requesting a rezoning of the property to R-2 District to permit the dwelling to be used as a multi-family dwelling. Staff

stated that emails and a petition from the surrounding neighborhood have been provided to the Boards packets for review stating that they were against the rezoning. Chairman Robert Maples asked when the permit was issued. Staff stated the permit was issued in 2017. Mr. Maples asked when the project was built. Staff stated the building occurred in 2018 and 2019. Mr. Maples addressed the applicants and stated that the Building Department issued a permitted to build a Single-family dwelling and that is what this zone is allowing. Mr. Robert Maples asked how many electric meters were on the home. Ms. Mounira Bellatreeche stated that there were 3 meters. Ms. Bellatreeche stated they would take it back to one meter. Mr. Robert Maples states the Board understands that you have built a multi-family dwelling, but we are not able to grant you the zoning request because that would be considered spot zoning. Mr. Maples stated that spot zoning was not allowed in the City of Gatlinburg. Staff stated the home would have to comply with the building codes.

Staff noted that the property is adjoined on three sides with R-1 (Low Density Residential) zoning and by R-2 (Medium Density Residential) zoning on the back side of the lot. The property that adjoins the rear of the property that is zoned R-2 is accessed from Roaring Fork Road which serves as a collector street to the area. The subject property is accessed from Church Street which serves a residential neighborhood of single-family dwellings. The street serving the property is a small residential street and provides access to single family dwellings located in the immediate area. There are no multi-family dwellings located on Church Street or any other properties designated as R-2 on Church Street other than the property where Roaring Fork Baptist Church is located which is immediately adjacent Roaring Fork Road.

Staff explained that the 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 and would result a "spot zoning." Due to the facts that the request is for a small, single parcel, only benefits the applicant, and affords the property owner a use not compatible with the surrounding property uses is a concern and generally considered spot zoning. An additional concern relates to the access to the property. The properties located on the east, west, and south boundaries are zoned R-1 and accessed from Church Street and even though the property is adjoined by R-2 zoning along the north boundary, the property to the north that is designated as R-2 is accessed entirely from Roaring Fork Road. The current street access configuration to the property further isolates the property to be more in keeping with R-1 District classification.

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

Review and consideration for a Final PUD site plan approval for "Sunset Drive Estates," being Tax Map 126O, Group A, Parcel 5.00, located at Sunset Drive, C-2 Zone, requested by Robert G. Campbell & Associates, LP.

Staff presented the request for a final PUD site plan approval for "Sunset Drive Estates," being Tax Map 126O, Group A, Parcel 5, located on Sunset Drive. Staff stated that the request consists of a final PUD site plan approval for a proposed eight (8) unit town home PUD development located on a 1.06-acre tract. The proposed plan indicates that there will be eight town homes constructed on the 1.06-acre tract and accessed from Sunset Drive. The plan indicates that each unit will be approximately 30'x 40' in size with exception of one unit that is shown at 33' x 35'. The property is referenced as a single tax parcel consisting of six (5) lots. Mr. Gary Norvell, the project engineer, indicated that there will be a subsequent subdivision plat to consolidate the five

lots into a single lot. Staff added that a copy of the proposed subdivision plat has been included however, the initial submittal did not include the subdivision and therefore, an item will be placed on a future agenda to consolidate the lots.

Staff explained that the plan shows that an access drive to the rear parking lot will be constructed at an approximate 10% grade. The proposed drive is shown at 24' in width and approximate 365 feet in length. The private drive will provide access to a rear parking lot area that contains 17 parking spaces to serve the townhomes. The site plan shows the installation of a terraced retaining walls to create the drive and parking area behind the building as well as two (2) terraced wall sections on the downside of the proposed building location. Generally, retaining walls may be permitted in front yard setback areas when associated with driveway and parking areas. However, the two walls located in the front yard area on the south portion of the property are not used in conjunction with the driveway and parking area of the site and will require a variance from the Municipal Board of Zoning Appeals. In review of the plan, it appears that the wall heights range from 2' up to a maximum of 8 feet. Mr. Norvell indicated that the plan has been revised to remove the walls from the project. Chairman Maples asked if there was enough area to achieve a 2:1 slope without the walls. Mr. Norvell replied that the grade could be properly graded to the City's standards. Mr. Norvell stated that the underground drain basin would discharge into a stone pit to spread the flow for drainage and the walls could not be located in that area. Mr. Robert Maples asked about the elevation in the area of question. Mr. Norvell stated that it was 10-15 feet. Mr. Robert Maples asked if a bond would be required for the project. Staff stated yes but not at this stage of the project.

Staff stated that the plan shows that the sewer line in Sunset Drive will have to be extended to the property within the right-of-way area. The extension will require a bond for the proposed sewer line improvements. The property is currently served with a 6" public water line for domestic and fire protection. Staff added that the final PUD plan lacks the following information: storm water plan calculations, landscape plan and any property amenities. Also, final PUD site plan approval must be subject the approval of a final re-subdivision plat to consolidate the property into a single lot and subject to the approval of the City Commission for any public right-of-way infrastructure improvements.

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

Review and consideration for a site plan approval for "Gatlinburg Skypark," being Tax Map 126, Parcel 3.01, located at 650 Campbell Lead Road, C-2 Zone, requested by CEC, Inc.

Staff presented the request for a final commercial PUD site plan approval for "Gatlinburg SkyPark Development," located at 650 Campbell Lead Road, and being Tax Map 126, Parcel 3.01, for the addition of a proposed laydown/construction site.

Staff presented the request for a site plan approval for the addition of a laydown/construction site to serve the "Gatlinburg SkyPark Development. Staff noted that the site plan indicates that the existing laydown area will be extended to create areas for construction storage and the installation of a temporary construction trailer to be utilized during the next several months as the various phases

of development occur on the adjoining property. Staff stated that the site plan depicts two proposed areas consisting of a storage and solid waste collection station and an area to be used for construction materials and contractor trailer area. The site is proposed to be fenced to create a secure area and to separate the various site functions.

The plan indicates that a retaining wall will be placed around the laydown area to retain the proposed fill that will be placed on the site for the purposes of creating a flat to slightly slope site condition. The wall heights range from 3' up to approximately 10' and the fill will be approximately 8 feet deep at the lowest point of the site. Because the uses shown are temporary in nature, there are no utilities shown on the site plan. However, if utilities are required to serve the uses, a revision will need to be provided prior to the issuance of a construction permit. Mr. Jeremy Puckett stated that the retaining wall would be redi-rock and would not be visible from the parkway. Staff stated that a storage unit would be added in the fenced in area. Mr. Puckett stated that there would be stone back fill. Mr. Puckett stated that this area would not be used for the public only a work area.

Staff added that the plan indicates that a outlet drain will be provided for the site at the north portion of the fill area. A certification from the civil engineer regarding the rate of run off will be needed to ensure no increase or changes from the pre to post construction drainage will be required for the project. The applicant has indicated that the site will be pervious (i.e. gravel) to permit absorption of surface water. The plan also depicts solid waste containers on the site. The Sanitation Department will have to verify access to the containers and approval the solid waste collection plan. The plan lacks the designers stamp and seal, fence location, the location of the ingress and egress to the site, and approval by the Sanitation Department.

After a brief discussion, Mr. Larry Claiborne mad a motion to approve the request as presented and Mrs. Jackie Leatherwood provided a second which passed with members voting "aye."

Review and consideration for a site plan approval for "Anakeesta Office & Bus Parking Lot," being Tax Map 126M, Group A, Parcel 33.03, located at 147 Baskins Creek By-Pass, C-1 Zone, requested by Anakeesta, LLC.

Staff presented a request for a PUD site approval for additions to "Anakeesta" consisting of new "bus" and "employee" parking areas to be located 147 Baskins Creek By-pass. Staff noted that the request consists of the addition of two (2) new parking areas to serve bus and the office parking area for the "Anakeesta" development site located on Baskins Creek By-pass. Staff noted that the property is located in a C-1 District which does not require on-site parking, so the proposed parking additions are voluntary by the property owner. The plan indicates a four (4) space bus parking area and a twenty-two (22) space office parking area are to be added to the site. Staff stated that the office parking lot would be graveled with one way in and one way out. Staff stated that it would have 4-5 spaces available for bus parking. Mr. Bryce Bentz stated the buses would only be buses for Anakeesta. Staff stated that the plan indicates that the parking area will be created by filling the property with fill material up to 13' in depth. The plan indicates that the fill slopes will not exceed a 2:1 slope which is in keeping the current adopted excavation standards of the city. The plan does propose permanent stabilization using topsoil, seeding and matting in areas of disturbance.

Staff added that the additional office parking area is depicted immediately adjacent the right-of-way area of Baskins Creek By-pass. The plan indicates that 45-degree angled parking will be used and there will be a one-way, 14' drive aisle to serve the parking spaces. The parking area will be entered on the south end of the lot and exited on the north end. The plan indicates that a retaining wall structure will be built along the east side of the parking lot area to retain the slope above the parking area. The wall height ranges from 6" up to 15' in height. The plan depicts a gravel parking lot however, due to the close proximity of the parking area the lot may need to be paved to prevent the gravel surface from being pulled onto the public right-of-way. Typically, commercial lots are paved due to the heavy volume of use. If the Board wishes to permit the gravel surface, it is recommended that a minimum depth of 25' of the entrance and exit areas be paved to prevent the gravel from entering the right-of-way area. Staff added that due to concerns of sight distances, the Police Department did review the plan to determine if there are any safety concerns with entering and exiting the property and determined the proposal was acceptable.

Staff noted that the office parking site plan is a revision to an original submittal, so the designer's signature and seal are absent from the plan. The plan also lacks storm water information, landscape plan. Also note, a small portion of the proposed excavation is shown on the public right-of-way area and will require a review by the Public Works Department to determine if the excavation is acceptable. It appears the excavation is proposed to improve sight distance along Baskins Creek By-pass and may be desirable for safety concerns at the exit end of the parking lot.

After a brief discussion, Mr. Don Smith made a motion to approve the request as presented and Mrs. Jackie Leatherwood provided a second which was passed with members voting "aye."

Review and consideration for a site plan approval for "Anakeesta-Bear Parking Lot," being Tax Map 126L, Group E, Parcels 16 &17, located on Silverbell Heights Lane, R-1 Zone, requested by Anakeesta, LLC.

Staff presented a request for a site approval for additions to "Anakeesta" consisting of a proposed parking lot area to be located off Silverbell Heights Lane. Staff explained that the request consist of the extension of a parking lot facility into a residential district to serve "Anakeesta" employees. The site plan depicts a proposed thirty-four (34) space parking lot area to be located off Silverbell Heights Lane. The plan shows the parking lot area, which immediately adjoins "Anakeesta" development property to be developed for employee parking. The property where the parking is located is zoned R-1 (Low Density Residential). The parking regulations of the city does allow for the extension of parking spaces serving commercial developments to extend into residential districts up to 120 feet. The parking is within the 120' maximum distance as required by the ordinance. The site plan shows that the property will be excavated to accommodate the additional spaces. Note, the plan indicates a 1:1 slope for the cut slopes will be used which are in excess of the permitted excavation slopes as permitted under the current adopted standards. As such, a geotechnical report for the property will be required to verify the 1:1 slope can be utilized in a stabilized manner without retaining walls.

Staff noted that the plan indicates that all cut, and fill slopes will be permanently stabilized with topsoil, seeding and matting. The plan also indicates that the first 25' of the driveway will be paved and the remaining parking lot area will be a gravel surface. The driveway to the parking lot area must not exceed the adopted standards for driveways as adopted in the Gatlinburg Municipal

Code. A storm water plan will be required for the site to ensure pre and post construction run off is compliant with the adopted storm water ordinance.

Staff added that the final plan lacks the following: Property boundary information, a stormwater plan and site calculations, and geotechnical soils report in compliance with the Critical Slope Floating Zone requirements. Note, should the 1:1 cut slope areas require a retaining wall, a detailed retaining wall design will be required prior to issuance of a building permit.

After a brief discussion Mr. Don Smith made a motion to approve the request as presented and Mrs. Jackie Leatherwood provided a second which was passed with members voting "aye."

Review and consideration for a commercial site plan approval for a proposed townhouse development for "Gatlinburg Apartments 3, LLC," being Tax Map 126M, Group C, Parcels 2.00 & 3.00, located at 223 & 231 Circle Drive, C-2 Zone, requested by Robert G. Campbell and Associates, LP.

Staff presented a request for a commercial site plan approval for a proposed four (4) unit townhome development for "Gatlinburg Apartments 3," located on Circle Drive. Staff stated that the site plan depicts a proposed four (4) unit townhome development with accompanying parking area on a .56 acre lot (24,393.6 sf.). The property is currently made up of lots 5, 6, 7, and a portion of lot 4 of the "Ogle Addition Subdivision." The plan indicates that the building and parking area will span across the lots and as such, will require the consolidation of the lots into a single parcel. The property is access from Circle Drive which has been improperly labeled as Hughes Road on the site plan.

Staff noted that the plan indicates that the building will consist of four, 2-story units at 1,148 square feet each for a total floor area of 4,592 square feet. The plan indicates that the overall density for the project will be .19 which is well below the allowable 2.0 floor area ratio. The plan shows approximately 17 exterior, surface parking spaces to serve the development. The plan also notes that the lowest floor of the building is a garage area which is assumed for parking as well.

Staff noted that the plan shows that the site utilities will be accessed from Circle Drive. The plan also notes that the site will surface drain into the public stormwater system located in Circle Drive. The engineer for the project has provided a certified letter regarding the pre and post construction stormwater conditions and has indicated that site detention will not be required for the site. 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 an existing wall structure currently located on the property. However, if the wall is not currently located on the property, the portion of wall encroaching on to the property to the east will need to be eliminated from the site plan. The plan indicates that the solid waste collection will occur on the apartment development across Circle Drive. The site plan requirements generally require the collection area to be located on the site and therefore will require some legal document ensuring solid waste is being provided to the townhouse development. The Sanitation Department will need to review and approve the proposed collection plan. In addition, the Fire Department and Utilities Department has reviewed the plan and indicated that the proposal is acceptable but will conduct a final review of the construction details. Chairman Maples commented on the additional parking spaces shown on the plan. Mr. Joe Lelonek stated that apartment #3 parking would support the rest of the project. Staff added that the site plan lacks

the following: revised public street name to Circle Drive, and parking breakdown per unit. Note, the proposed solid waste collection legal document will be required for the off-site collection arrangement. Staff stated that the project would also require an aesthetic review by the EDRB. Staff stated that if there were any changes made to the plans that it would have to come back to this Board. Mr. Robert Maples asked where the dumpsters would be located. Mr. Lelonek stated that these townhouse units would share dumpsters with the adjoining apartment complex. Staff stated that a legal document would be needed to ensure adequate solid waste operations for the project would be available.

After a brief discussion Mr. Don Smith made a motion to approve the request with lacking items and Mrs. Jackie Leatherwood provided a second which passed with members voting “aye.”

Review and consideration for a commercial site plan approval for a proposed storage units and parking lot addition to “Gatlinburg Apartments 2, LLC,” being Tax Map 126N, Group K, Parcels 34.00 & 35.00, located at 306 & 304 Circle Drive, C-2 Zone, requested by Robert G. Campbell and Associates, LP.

Staff presented the request for a commercial PUD site plan approval for a proposed parking lot and storage building addition for “Gatlinburg Apartments 2,” located at 304 and 306 Circle Drive. The site plan depicts a proposed extension of the parking lot area for the apartment complex development currently under way on Circle Drive. The plan depicts the addition of approximately thirty (30) additional parking spaces to serve the existing apartment complex and the addition of four (4) storage buildings. The plan shows that the existing parking lot area serving the apartment development will be extended through to the site which is located south of the apartment development. The plan shows that the parking and driveway will extend to Circle Drive creating a two-point access connection to Circle Drive. The plan depicts the proposed storage units to be located on the southwest portion of the property and accessed from the private drive. Staff stated that this would extend the parking lot and provide storage units for renters of the apartment complex. Mr. Joe Lelonek stated the storage units would be a garage style unit on the property facing each other with roll up garage doors.

Staff stated that the property is a separate parcel from the apartment development and will require a consolidation of the properties or will require legal documentation for the shared ingress and egress through each of the properties. The plan does indicate some minor regrading of the property to create the connection of the driveway and parking areas. The plan does not indicate the need for any site utilities however, if the storage units do require electrical service a revised utility plan will be needed to show the service and will need to be underground service.

The project engineer has indicated that site detention will not be required for the site due to a reduction of impervious site conditions with the plan. The Fire Department and Utilities Department has reviewed the plan and indicated that the proposal is acceptable but will conduct a final review of the construction details. After a brief discussion, Mrs. Jackie Leatherwood made a motion to approve with the lacking items and Mr. Larry Claiborne provided a second which passed with members voting “aye.”

Adjournment

The meeting was adjourned at 5:40 p.m. upon a motion by Mrs. Jackie Leatherwood and second

PC Minutes

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by Mr. Don Smith which was unanimously approved by the Board.

Approved:

Gacine Leatherwood
Planning Commission Secretary

9.22.21

Date