

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

MEMBERS PRESENT

Robert Maples
Kirby Smith
Larry Claiborne
Cam Caton
Don Smith

MEMBERS ABSENT

Jackie Leatherwood

OTHERS PRESENT

Rocky Creighton
Jill Russell
Gus Floodquist
Rod McCarter
Yang Liu
Rodney Threatt
Joe LeLonek
David Better
Brian Davin
Bryce Bentz
Karen Bentz
Sherilyn Hammonds
Davy Thomas
David Hurst

Staff Representatives: David Ball, Building & Planning Director
 Joe Barrett, ETDD

CALL TO ORDER AND APPROVAL OF MINUTES

Chairman Robert Maples called the meeting to order at 5:00 P.M. The minutes of the September 16, 2021, meeting was unanimously approved following a motion by Mr. Don Smith and a second by Mr. Larry Claiborne.

STAFF REPORT

PETITIONS AND COMMUNICATIONS FROM THE PUBLIC

OLD BUSINESS

NEW BUSINESS

Review and consideration for a proposed rezoning of a portion of Tax Map 126M, Group D, Parcel 19.00, from a R-1 (Low Density Residential) to C-1 (Tourist Commercial) District, located off Silverbell Heights Lane and Little Fox Road, requested by Silverbell Chalets, LLC.

Staff presented the request for a proposed rezoning of a portion of Tax Map 126M, Group D, Parcel 19, from Low Density Residential District- (R-1) to Tourist Commercial District – (C-1), located off Silverbell Heights Lane and Little Fox Road. Staff added that the request involves the rezoning of a portion of Tax Map 126M, Group D, Parcel 19, from Low Density Residential District- (R-1) to Tourist Commercial District – (C-1), located on Silverbell Heights Lane and Little Fox Road. Staff explained that in November of 2018, the entire property was presented for rezoning from R-1 to C-1 but the Board, at the request of the neighboring property owners, agreed

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to rezone only the topmost portion of the property as shown on the attached map. The rezoning was approved by the City Commission based on Planning Commission recommendations and was completed in early of 2019. Staff stated that the property owner is now requesting that the remainder of the property be considered for C-1 zoning to accommodate future commercial/recreational use of the property. Staff added that during the consideration of the rezoning in 2018, the neighboring property owners voiced concerns about the development of the lower portion with commercial development and the noise that would accompany such development. The developers at that time indicated that the lower portion was too steep for development and did agree to work with the neighboring property owners to adjust the rezoning boundaries to leave the R-1 buffer as it exists today.

Staff explained that in review of the current surrounding zoning, the properties immediately the subject property are currently classified as Low Density Residential (R-1) except for the property associated to the Anakeesta development that adjoins the north portion of the property. If the entire parcel is rezoned to C-1, there would no longer be a buffer area to the adjoining R-1 properties as was agreed to previously. This is an issue of concern as the property narrows as it falls to the south portion leaving less area for buffering purposes. Another issue to consider is that the property does front on Little Fox Road which is a minor residential street. The Board should consider the impacts of creating commercial development along minor residential streets as it relates to the possibility of commercial traffic and access. Note, most of the development is accessed via the Chondola mechanism that extends from Parkway and through a private street located on the property that extends from Baskins Creek By-pass.

Mr. Bob Bentz was present to discuss the request and the future uses of the property. Mr. Bentz explained that since the initial request, the majority of the surrounding properties have either been purchased by the development ownership or are currently in negotiations to purchase properties adjoining the subject property. Chairman Maples asked about the use of the property. Mr. Bentz explained that the property is steep, and the proposed use is most suitable for a mountain coaster amusement. Mr. Bentz further noted that many of the adjacent properties have not been redeveloped since the wildfires.

Chairman Maples then acknowledged an adjoining property owner Mr. Rodney Threatt. Mr. Threatt stated that while his family is not opposed the development being undertaken by Mr. Bentz, that they are concerned about the Baskins Creek Area becoming developed with commercial uses. Mr. Threatt stated that the Baskins Creek area is mainly residential uses and that he would not want the area to become commercialized. Mr. Threatt further stated that his family owns several properties along Baskins Creek and their plans are to redevelop the properties with residential rental uses. Mr. Threatt also noted that the property located directly to the south of the subject property is the families former vacation home and their plan is to reestablish the dwelling. Mr. Threatt explained that the concern with the request is that the rezoning would allow the development to come further down the mountain near the property and there would be concerns with noise from the development. Mr. Threatt concluded that while he is not against the development, he does oppose allowing the commercial zoning so close to the adjoining residential lots.

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Mr. Bentz stated that there is a significant difference in elevation of the properties and that the upper portions of the Threatt properties are extremely steep with little opportunity if any for adequate access to any development. After several minutes of discussion regarding the surrounding properties zoning classifications, locations, uses and alternatives, Mr. Larry Claiborne made a motion to defer request to allow the developer and Mr. Threatt to meet to discuss a potential compromise for the zoning boundary. The motion was seconded by Mr. Don Smith which passed with all members voting "aye."

Review and consideration for a proposed rezoning of Tax Map 118, Parcel 101.02, from a R-1 (Low Density Residential) to C-1 (Tourist Commercial) District, located at 1909 East Parkway, requested by Charles & Anne Freeman.

Staff advised that the application for rezoning was withdrawn by the applicant.

Review and consideration for a proposed subdivision approval for "Gatlinburg Motel Company Property," being Tax Map 137C, Group C, Parcel 041.00, located on Historic Nature Trail, C-1 Zone, requested by Rod McCarter with CEC.

Staff presented the request for final plat approval for a proposed minor subdivision of Tax Map 136C, Group C, Parcel 41 being the "Gatlinburg Motel Company Property," and former "Holiday Inn Property," located on Historic Nature Trail. Staff explained that the request consists of the division of an 8.58 acre tract into two (2) lots consisting of a new 1.97 acres tract and the remaining 6.61 acres. Staff further noted that the subdivision will also include the absorption of two (2) existing lots within the area of the 1.97 acre tract that currently exist. The 1.97 acre lot is currently developed with an existing hotel so the subdivision has been created to account for the density of the building based on the zoning ordinance area requirements. Staff also stated that the plat shows a couple of parking and access easement areas associated with the proposed subdivision. The first is a 50' easement on the 6.61 acre tract that extends from Historic Nature Trail in a westward direction back to LeConte Creek. This is area creates the main access to the larger tract but will also serve as an access easement to the adjoining property. The second easement area is along the west boundary of the 1.97 acre tract along LeConte Creek.

Staff noted that the plat lacks the following: Lot numbers for the lots; zoning and setback information; Signature of Ownership and Dedication; Utility Department Signature of Approval; Electric System Signature of Approval; and E-911 Signature of Approval.

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

Review and consideration of a minor subdivision for "Montgomery Woods," being Tax Map 117N, Group B, Parcels 10.00, 11.00 & Tax Map 117N, Group A, Parcel 16.00 located on Ivy Road, R-1A Zone, requested by David Wilson.

Staff presented the request for a final plat approval for a proposed minor subdivision of Tax Map 117N, Group B, Parcels 10 and 11 and Tax Map 117N, Group A, Parcel 16, being "Lots 156, 157, and 160 of the Montgomery Woods Subdivision," located on Ivy Road. Staff noted that the proposed request consists of a subdivision to remove the interior lot lines between the three parcels to create a single lot being "Lot 156R." The proposed lot line deletion will remove all interior lot lines to create a single lot of 1.709 acres or 74,455.3 square feet. The property is located on Ivy

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Road and Gatlin Drive and is served with both public water and sewer. Staff stated that the plat lacks the following information: Certificate and Signatures of Ownership and Dedication, Certificate and Signature of Approval of the Utility Department, Certificate and Signature of Approval for Sevier County Electric System, Certificate and Signature of Approval of E-911, names of adjoining property owners.

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

Review and consideration of a minor subdivision for "Lewis Clabo Estates Subdivision, Lot's B & J," being Tax Map 127I, Group D, Parcel 29.00, located on Lewis Clabo Road, R-1 Zone, requested by Michael Suttles.

Staff presented the request for a plat approval for a proposed subdivision of Tax Map 127I, Group D, Parcel 29, being "Lots B, C, D, E, F, G, H, I and J, of the Lewis Clabo Estates Subdivision," consisting of a total of 2.25 acres, located on Lewis Clabo Road. Staff explained that the proposed request consists of a re-subdivision to remove the interior lot lines between the nine (9) parcels to create a proposed four lot subdivision consisting of "Lot 1," "Lot 2," "Lot 3," and "Lot 4." The plat also depicts the re-platting of undeveloped right-of-way areas that are entirely encompassed by the private property boundaries. The plat shows that the proposed lots will consist of a minimum lot size of .45 (19,499 s.f.) up to a maximum lot size of .62 (27,200 s.f.). The lots sizes are based on property slopes of less than 20% which allows lots of 15,000 s.f.

Staff also noted that each of the four (4) lots are depicted with public street frontage on Lewis Clabo Road at a minimum width of 79.90' and greater. The frontage as shown meets the minimum frontage requirement of the Municipal Subdivision Regulations. The lots are served with both public water and sewer from Lewis Clabo Road Right-of-way area. Staff stated that the plat lacks the following: Certificate and Signatures of Ownership and Dedication, Certificate and Signature of Approval of the Utility Department, Certificate and Signature of Approval for Sevier County Electric System, Certificate and Signature of Approval of E-911. Note, the certificates need to be amended to reflect "Gatlinburg Municipal Planning Commission" and municipal subdivision regulations.

After a brief discussion, Mr. Larry Claiborne made a motion to approve the request as presented and Mr. Cam Caton provided a second which passed with members voting "aye."

Review and consideration of a proposed subdivision for "Smoky Heights Subdivision," being Tax Map 126E, Group A, Parcels 15 through 31, located on Hemlock Street, C-2 Zone, requested by Castle Peak Holdings.

Staff presented the request for a plat approval for a proposed subdivision of Tax Map 126E, Group A, Parcels 15 through 31 of the "Smoky Heights Subdivision," consisting of a total of approximately 6.47 acres, located on Hemlock Street. Staff explained that the proposed request consists of a re-subdivision to remove the interior lot lines between the seventeen (17) parcels which account for 20 lots in the "Smokey Height Subdivision" to create a proposed single lot. The plat also depicts the deletion of the right-of-way boundary of the Hemlock Street Right-of-way area that extends through the parcels. Staff noted that the right-of-way abandonment area will require an additional review as a "Right-of-way Abandonment" process (Item 6(g) on the Agenda).

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Staff stated that the plat depicts that the interior lot lines will be removed to consolidate the lots into the single lot consisting of approximately 6.47 acres for redevelopment purposes. Currently, Lots 1 – 6R are developed with an existing hotel and small residential cabin. The re-subdivision technically does not qualify as a subdivision as the resulting acreage is more than 5 acres. However, due to the re-platting and abandonment of the developed and undeveloped portion of right-of-way areas that are entirely encompassed by the private property boundaries, Staff believed that it was appropriate for the Board to review the proposed request. Note, the plat currently does not depict Tax Map 126E, Group A, Parcel 28 which is the property located at the termination point of Hemlock Street. This property is currently owned by the Public Building Authority of Sevier County and is under contract for purchase by the applicants. The map will need to be revised to delete the lot lines separating the properties to properly consolidate the tract into a single lot.

Staff stated that the property is accessed via Hemlock Street and is served with both public water and sewer. The proposed subdivision plat lacks the following information: zoning district, setbacks, revised lot number, Certificate and Signatures of Ownership and Dedication, Certificate and Signature of Approval of the Utility Department, Certificate and Signature of Approval for Sevier County Electric System, Certificate and Signature of Approval of E-911. Note, the plat needs to include the surveyor's signature and Tax Map 126E, Group A, Parcel 28 boundary information.

Staff further noted the right-of-way abandonment will require City Commission review and approval and therefore, the plat approval must be subject to the approval of the right-of-way abandonment request. Staff explained that if the abandonment of the right-of-way does not receive approval, an additional plat review will be required for the Board's review and approval to ensure compliance with the adopted subdivision regulations.

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

Review and consideration of a proposed right-of-way abandonment for a portion of Hemlock Street Right-of-way, adjoining Tax Map 126E, Group A, Parcels 15 through 31, located in the "Smoky Heights Subdivision," C-2 Zone, requested by Castle Peak Holdings.

Staff presented the request for a review and consideration of an abandonment of an approximate 27,960 s.f. improved and unimproved portion of the "Hemlock Street Right-of-way," adjoining Tax Map 126E, Group A, Parcels 15 through 31 of the "Smoky Heights Subdivision. Staff noted that the proposed request consists of the formal abandonment of a 30' wide by 932' long platted right of way area of Hemlock Street. The subject right-of-way consist of an improved section that is approximately 342' in length and a 590' section of unimproved area. Staff stated that the improved portion that is owned and maintained by the City, consists of street pavement and utilities improvements. The adjoining property owners have consented to the applicants request that the right-of-way area be reviewed for abandonment and closure so that the area can be absorbed into the property immediately adjacent the right-of-way (see previous Agenda Item 6(f)) for the purposed of future redevelopment.

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In review of the request with the Public Works and Utility Departments, the abandonment of the improvements can be accommodated because the improvements do not serve any other properties. The details of the abandonment of the utility portions will potentially require the relocation of water meters to the north end of the existing right-of-way area.

The proposed abandonment will require a formal review and approval by the City Commission. The abandonment process involves an ordinance that will require two (2) hearings, with the second reading being a public hearing. A quit claim deed will be required for the City Commission review as well as a title opinion that the right-of-way abandonment does not impact any other adjoining properties.

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

Review and consideration for a commercial site plan approval for “Gatlinburg Investments, LLC,” being Tax Map 126L, Group C, Parcels 15, 18-20, located at 320 & 322 East Parkway, C-2 Zone, requested by Robert G. Campbell and Associates, LP.

Staff presented the request for a commercial site plan approval for “Gatlinburg Investments, LLC,” located at 320 and 322 East Parkway and being Tax Map 126L, Group C, Parcels 15, and 18 – 20. Staff explained that the request consists of a site plan approval for a proposed employee parking lot addition at 320 and 322 East Parkway. The plan depicts the addition of approximately 64 parking spaces to be added to the existing commercial property. The property is accessed from East Parkway with an existing curb cut. However, the plan depicts a relocation of the curb cut in an easterly direction which will require the review and approval of Tennessee Department of Transportation.

Staff noted that the site plan shows that the lot will be regraded and that a new storm water detention system implemented into the parking lot area. The detention is made up of a series of 18” underground pipes that will be capturing the surface water runoff through three (3) surface drainage catch basins. The plan shows that 12” piping from the catch basins will feed the underground detention system. The site plan also includes a proposed landscape plan with landscaping located shown throughout the parking lot. Note however, the provisions of Article IV, Section 407.3.2 of the Zoning Ordinance do require a minimum of 1 tree for each 25’ of parking lot boundary not fronting on a street. As such, additional tree plantings will need to be added to the eastern boundary of the site. Also note, the site plan depicts a retaining wall along the eastern boundary that varies in height up to a maximum height of three (3) feet. The wall may impede the ability to plant trees in this section so the Board will have to consider this option or alternatives. After additional discussion, the applicant’s indicated that the site may not include retaining walls as shown. Staff added that the site plan lacks the following information: revised landscape plan and approval of the main access from East Parkway by TDOT.

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

Review and consideration of a proposed subdivision for “Laurel Estates at the Glades, LLC,” being Tax Map 117, Parcels 194, 197 & 216, located on Glades Road, R-2 & C-2 Zones, requested by Robert G. Campbell & Associates, LP.

Staff presented the request for final plat approval for a proposed minor subdivision of Tax Map 117, Parcels 194, 197, and 216, for the “Laurel Estates at the Glades, LLC,” property, located on Glades Road, Laurel Lane, Reba Lane and Maples Road. Staff explained that the proposed request consists of a subdivision to remove the interior lot lines between the three parcels to create a single lot consisting of 31.05 acres located off Glades Road, Laurel Lane, Reba Lane, and Maples Road. The subject property is the property being developed as Laurel Estates Planned Unit Development which is a residential cabin rental development. The proposed subdivision is to consolidate the parcels to create a larger development tract. Staff advised that in previous reviews of the Planned Unit Development, the various phases and buildings were approved subject to the removal of the interior lot lines to prevent encroachments over property lines with the buildings. The proposed re-subdivision will consolidate the property into a single development tract which alleviates concerns with property line encroachments and establishes the exterior development boundary for the Planned Unit Development. The property is served with public water and sewer through the private development master meter system. The streets within the development are also privately owned and maintained by the Homeowners Association.

Staff noted that the plat lacks the following: Certificate and Signatures of Ownership and Dedication, Certificate and Signature of Approval of the Utility Department, Certificate and Signature of Approval for Sevier County Electric System, Certificate and Signature of Approval of E-911.

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

Review and consideration for a commercial site plan approval for “Allegory Hotel,” being Tax Map 126N, Group A, Parcel 029.00, located on 937 Parkway, C-1 Zone, requested by Robert G. Campbell & Associates, LP.

This item was withdrawn by the applicant.

Review and consideration of a proposed subdivision for “Lot 39 of the Settlement at Gatlinburg Phase 2,” being Tax Map 127P, Group C, Parcel 39, located on Stone Fence Lane, R-2 Zone, Requested Bob Bentz.

Staff presented a request for a final plat approval for a proposed minor subdivision of Tax Map 127P, Group C, Parcel 39 and Tax Map 127, Parcel 33.04, to formally establish “Lot 39” of “The Settlement at Gatlinburg, Phase 2,” subdivision, located on Stone Fence Lane. Staff explained that the request consists of the subdivision plat approval to formally establish “Lot 39” as a legal lot of record. Staff noted that the original subdivision plat for “The Settlement at Gatlinburg, Phase 2,” depicted “Lot 39” as a future lot and was not established with the approval of the development. Therefore, the lot would technically still be considered as part of the adjoining larger tract being Tax Map 127, Parcel 33.04. Staff stated that the current request is to officially approve “Lot 39” which consists of approximately 11,409 square feet or .26 acres as a lot of record. The lot does front on Stone Fence Lane and public water and sewer is available to the property. Staff also noted that apparently, a deed was previously created for the property, recorded, and property taxes

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have been paid through the previous years. Mr. Bob Bentz was present and stated that the request is to officially establish the lot. Mr. Bentz noted that the lot is similar to the surrounding properties and was not sure why the lot did not receive approval during the original request. The Board inquired about the proposed use of the property. Mr. Bentz stated that it would most likely be a single-family cabin similar in nature to the surrounding lots.

Staff stated that the lot size and frontage does not meet today's current standards and therefore will require a variance from the Planning Commission and the Board of Zoning Appeals. Note however, the proposed lot size is in keeping with adjoining lot sizes which were permitted at 10,000 square feet when the subdivision was originally approved by the Planning Commission. The plat lacks the following: Certificate and Signature of Ownership and Dedication; Utility Department Certificate and Signature of Approval; Electric System Signature of Approval; E-911 Signature of Approval; and the Certificate of Approval for Recording.

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

Adjournment

The meeting was adjourned at 6.07 p.m. upon a motion by Mr. Don Smith and second by Mr. Larry Claiborne which was unanimously approved by the Board.

Approved:

Jacqui Leatherwood
Planning Commission Secretary

11/18/21
Date