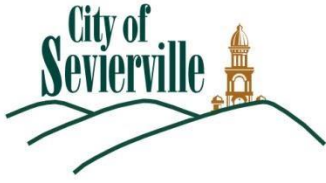


**SEVIERVILLE PLANNING COMMISSION**

**9/7/2023**

**5:00 P.M. – Civic Center**

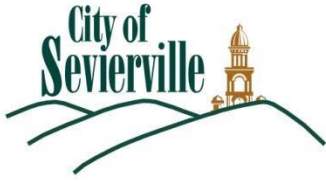


# Planning Commission

## AGENDA

9/7/2023

- A. Call to Order
- B. Approval of Minutes – 8/3/2023
- C. Public Forum
- D. Old Business
- E. New Business
  - 1. Rezoning – The Land Surveyors, Inc requests rezoning from LDR – Low Density Residential to IN – Industrial – 1100 Park Road (City)
  - 2. Subdivision Plat – The Land Surveyors, Inc requests final subdivision plat approval for Witt Hollow Road Extension – Tax Map 050, Parcels 029.00, 029.01, 029.02, Witt Hollow Road (Planning Region).
  - 3. Subdivision Plat – TrueLine Land Surveying, LLC requests final subdivision plat approval for Cedar Hills – 113 Cedar Hills (City/Planning Region).
  - 4. Concept Plan – W C Whaley, Inc requests conceptual approval for Alpha School – Tax Map 049N, Group D, Parcel 001.00, Parkway (City).
  - 5. Site Plan – W C Whaley, Inc request site plan approval for Oak Haven Storage Structure – 3909 Boyds Creek Highway (City).
  - 6. Zoning Ordinance Amendment – Non-State Route Tourist Oriented Directional Signs.
- F. Staff Report
- G. Adjournment



# Planning Commission AGENDA NOTES

9/7/2023

- A. Call to Order
- B. Approval of Minutes – 8/3/2023
- C. Public Forum
- D. Old Business
- E. New Business

1. Rezoning – The Land Surveyors, Inc requests rezoning from LDR – Low Density Residential to IN – Industrial – 1100 Park Road (City)

Please see the staff report for full comments and details. Staff does not recommend approval.

2. Subdivision Plat – The Land Surveyors, Inc requests final subdivision plat approval for Witt Hollow Road Extension – Tax Map 050, Parcels 029.00, 029.01, 029.02, Witt Hollow Road (Planning Region).

This is a proposed subdivision plat located off Witt Hollow Road in the Planning Region. The proposed plat affects four parcels, extends Witt Hollow Road slightly, and creates Mamie Turner Road. This plat has previously been denied due to the lack of clarification to the extent Witt Hollow Road was a County owned public street. The current plat shows what can be verified via recorded documents and the County road maintenance plan. Sevier County Roads Superintendent has signed off on the plat. To the best of our understanding the existing plan meets all standards and staff can recommend approval.

3. Subdivision Plat – TrueLine Land Surveying, LLC requests final subdivision plat approval for Cedar Hills – 113 Cedar Hills (City/Planning Region).

This is a proposed subdivision plat located off Cedar Hills Road with the City Limits on the south side and the Planning Region on the north side creating a total of five (5) parcels. The plan meets all standards and staff can recommend approval.

4. Concept Plan – W C Whaley, Inc requests conceptual approval for Alpha School – Tax Map 049N, Group D, Parcel 001.00, Parkway (City).

This is a conceptual plan for a proposed private school known as the Alpha School located on the west side of Connie Huston Drive within the Smoky Mountain Children's Home complex. Staff is working with applicant to address issues with parking, pedestrian and vehicular circulation, and location of water lines. Staff recommends conceptual approval.

5. Site Plan – W C Whaley, Inc request site plan approval for Oak Haven Storage Structure – 3909 Boyds Creek Highway (City).

This is a proposed storage building to serve Oak Haven Resort located on the south side of Boyd's Creek Highway. The site plan meets all standards and staff can recommend approval.

6. Zoning Ordinance Amendment – Non-State Route Tourist Oriented Directional Signs.

This is presented for final approval with the changes as previously discussed. Staff requests approval.

F. Staff Report

G. Adjournment



## **PLANNING COMMISSION MINUTES AUGUST 3, 2023**

The regularly scheduled meeting of the Sevierville Regional Planning Commission was held at the Civic Center, 130 Gary Wade Boulevard, Sevierville, Tennessee on Thursday, August 3, 2023, at 5:00 PM.

There were present and participating:

### **MEMBERS PRESENT**

Vincent Snider, Chairman  
Austin Williams, Vice Chairman  
Douglas Messer, Secretary  
Robbie Fox  
Wayne Helton  
Daryl Roberts  
Butch Stott

### **MEMBERS ABSENT**

None

### **STAFF PRESENT**

Dustin Smith, Deputy City Administrator  
Kristina Rodreick, Senior Planner  
David Black, Building Official  
JC Green, Fire Marshal  
Charles Valentine, Chief Building Inspector  
Jim Ellison, City Surveyor

Chairman Snider declared a quorum present and announced the meeting would proceed.

### **APPROVAL OF MINUTES**

Mr. Helton made a motion to approve the minutes from the July 11, 2023 meeting, which received a second from Mr. Roberts. The motion passed with a unanimous vote.

## **OLD BUSINESS**

### **SITE PLAN – CIVIL & ENVIRONMENTAL CONSULTANTS, INC. REQUESTS SITE PLAN APPROVAL FOR MIDDLE CREEK RETAIL – 1240 MIDDLE CREEK ROAD (CITY).**

#### **Staff Recommendation**

Mr. Smith reminded the commission that the site plan was originally presented at the previous meeting and deferred allowing time for the applicant to discuss a potential shared access point with adjoining property owners. Attempts to come to such an agreement were unsuccessful. While not ideal, the presented layout meets city regulations, and staff recommended approval.

#### **Action Taken**

Mr. Williams made a motion to approve the site plan, which received a second from Mr. Fox. The motion passed unanimously.

## **NEW BUSINESS**

### **SUBDIVISION PLAT – W C WHALEY, INC REQUESTS FINAL SUBDIVISION PLAT APPROVAL FOR OGLE PROPERTY – TAX MAP 061, PARCEL 148.00, RIDGE ROAD (CITY).**

This subdivision plat was withdrawn by the applicant prior to the meeting.

### **SITE PLAN – GENERAL ENGINEERING COMPANY REQUESTS SITE PLAN APPROVAL FOR WILDERNESS CABINS PHASE II – TAX MAP 037, PARCEL 057.00, GISTS CREEK ROAD (CITY).**

#### **Staff Recommendation**

Mr. Smith stated that this site plan is the second phase of the Wilderness Cabin development located on Gists Creek Road at Reed Schoolhouse Road. The plan proposes a 37-unit cabin development, with a temporary roundabout for future development. Staff is still awaiting the landscaping plan and verification of adequate materials in the temporary roundabout for fire apparatuses to turn around. Contingent on receiving these, staff recommended approval.

#### **Action Taken**

Mr. Roberts made a motion to approve the site plan, subject to the landscaping plan and adequate material for emergency service apparatus turnaround. The motion received a second from Mr. Williams and passed unanimously.

**SITE PLAN – GENERAL ENGINEERING COMPANY REQUESTS SITE PLAN APPROVAL FOR WILDERNESS MAINTENANCE BUILDING – TAX MAP 037, PARCEL 057.00, GISTS CREEK ROAD (CITY).**

**Staff Recommendation**

Mr. Smith explained that this proposal is for a maintenance building to be located on the same parcel as the previous agenda item and will serve all future build outs at that location. A separate, gated entrance for maintenance equipment only is located off Gists Creek Road. The main entrance will be shared with the cabin development. Pending the receipt of the landscaping plan and the expansion of the compactor clearance by 2 feet, staff recommended approval.

**Action Taken**

Mr. Roberts made a motion to approve the site plan, subject to the landscaping plan and addition of compactor clearance. The motion received a second from Mr. Messer and passed unanimously.

**SITE PLAN – MBI COMPANIES, INC REQUESTS SITE PLAN APPROVAL FOR SEVIER COUNTY ELECTRIC SYSTEM – 217 EAST MAIN STREET (CITY).**

**Staff Recommendation**

Mr. Smith stated that this site plan is for phase I of the overall Electric System complex expansion, for which the Board of Zoning Appeals provided an interpretation on setbacks at a previous month's meeting. This phase includes a warehouse, shop, and fuel station. Staff recommended approval.

**Action Taken**

Mr. Roberts made a motion to approve the site plan, which received a second from Mr. Helton. The motion passed with all voting in favor, except Mr. Fox, who abstained.

**STAFF REPORTS**

*Non-State Route TODS*

Mr. Smith explained that these changes to Chapter 6.0, Signs of the Sevierville Zoning Ordinance stem from safety concerns presented by businesses to the Board of Zoning Appeals, requesting additional signage. Prior to this meeting, staff provided a draft of the proposed changes for the commissioners' review. The commissioners considered adding a stipulation that businesses must be in good standing to qualify for the TODS program. They also discussed information to include on the signs, including if distance should be included or if the sign should just contain the business name and directional arrow.

## **ADJOURNMENT**

There being no further business, the meeting adjourned at 5:23 PM.

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Vincent Snider, Chairman

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Douglas Messer, Secretary

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Brooke Fradd, Recording Secretary





Development Department  
Staff Report to Planning Commission  
Rezoning Request – City of Sevierville  
1100 Park Road – Portion of Parcel 061 081.00

**Applicant:** The Land Surveyors Inc. & Hollingshead Materials, LLC

**Owners:** Patricia Hatcher & John Campbell

**Staff:** Dustin Smith and Kristina Rodreck

**Tax ID Number:** Tax Map 061, Parcel 81

**Current Zone:** Low Density Residential (LDR)

**Requested Zone:** Industrial (IN)

**Number of Lots:** 1

**Current Use:** Residential

**Proposed Use:** Ready Mix Concrete Production

**Notification:** City will provide notice in accordance with City of Sevierville Planning Department policies and procedures.

**Exhibits:** Application and Map

**Request**

Rezoning a portion of 1 parcel totaling 7.476 acres +/- from Low Density Residential (LDR) to Industrial (IN).

**Background**

Property is located within the City Limits

The properties abutting the proposed rezoning area are as follows:

North – Arterial Commercial (AC) used for commercial

East – Low Density Residential (LDR) used for residential

South & West – Industrial (IN) used for industrial

**Staff Comments**

The immediate surrounding area is used for commercial, residential, and industrial.

**Public Comments**

None to date.

**Staff Recommendation**

See attached report.

## 1100 Park Road Rezoning from LDR to IN Staff Recommendation

The proposed rezoning is a seven-acre area currently zoned Low Density Residential (LDR) and is located on the south side of Park Road. To the east is a single-family dwelling and mobile home park. To the north is the west prong of Little Pigeon River and a Recreational Vehicle Park. The western and southern sides are adjacent to the current industrial zone and use of Vulcan Materials which has existed since the 1990s and then expanded in the 2000s prior to current zoning regulations. The proposal for rezoning the seven acres to Industrial (IN) is for a proposed Smyrna Ready Mix Concrete facility owned by Hollingshead Materials, LLC. The operation would be classified under Table 3.1 of the Zoning Ordinance as Mining/Extraction as per the definition in section 3.4.4.3(ii), “on-site manufacturing or processing operations that may involve the use of equipment for the crushing, screening, separation, washing, compounding, mixing or blending of mineral aggregates or nonmetallic resources obtained by extraction from the mining site or with materials transferred from off-site”. This proposed use would require a special exception approved by the Board of Zoning Appeals in order to operate in the Industrial (IN) district which is not guaranteed.

The additional standards of the use require setbacks from property boundaries at the surface and their vertical extensions below of one thousand feet (1,000') from any existing dwelling or platted residential subdivision not owed by the operator or owner unless written consent from the owner has been secured and recorded with the Register's office. There are three residentially zoned properties with residential dwellings developed within the 1,000' property boundary. These include a single-family dwelling directly to the east, slightly further east is the Country Meadows Mobile Home Park, and to the southeast is Ogle Place which is an apartment building.

If the applicant can secure and record owner consent from all three parties, there is another standard that requires five hundred feet (500') from the boundary of any zoning district where such operations are not permitted. The proposed boundary would be directly adjacent to Low Density Residential (LDR) which does not permit the use. It would also abut Arterial Commercial (AC) to the north which does not permit the use. Another property to the northeast appears to be within the 500' boundary and is zoned Intermediate Commercial (IC) which also does not permit the use. The proposal would need to prove all operations would not be within this 500' boundary, however this may be difficult to maintain as operations will inevitably grow as shown in the Vulcan expansion of 2004.

Other requirements in the same section require all dust vapor, odors, and contaminants be contained entirely on the property, must meet noise limits, and any other applicable special requirement that would protect the health, safety, and welfare of the public. These coupled with the above-mentioned required setback issues

pose a significant possibility that the special exception, and therefore the use, would be denied even if rezoning was granted.

The use of concrete mixing/crushing has a long history of creating issues with air, water, damage to roadways, negatively impacting the character of residential neighborhoods, reducing property values, and other nuisances such as noise and dust. As the City is a tourist-based economy, this may also pose a negative impact to tourism-related developments nearby. Given that the area surrounding the proposed rezoning is developed for residential and tourist-based uses, staff does not believe it would be in the best interest of the public to expand the Industrial (IN) zone in this centralized location for any industrial use including the proposed. Staff recommends denial of the request.



# Proposed Rezoning from Low Density Residential (LDR) to Industrial (IN)



## Legend

- Parcels
- Proposed Rezoning
- City Zoning
- Road Centerlines

Maxar, Microsoft









**ZONING\BUILDING SETBACKS**

**ZINING CITY OF SEVIERVILLE**  
**IC**

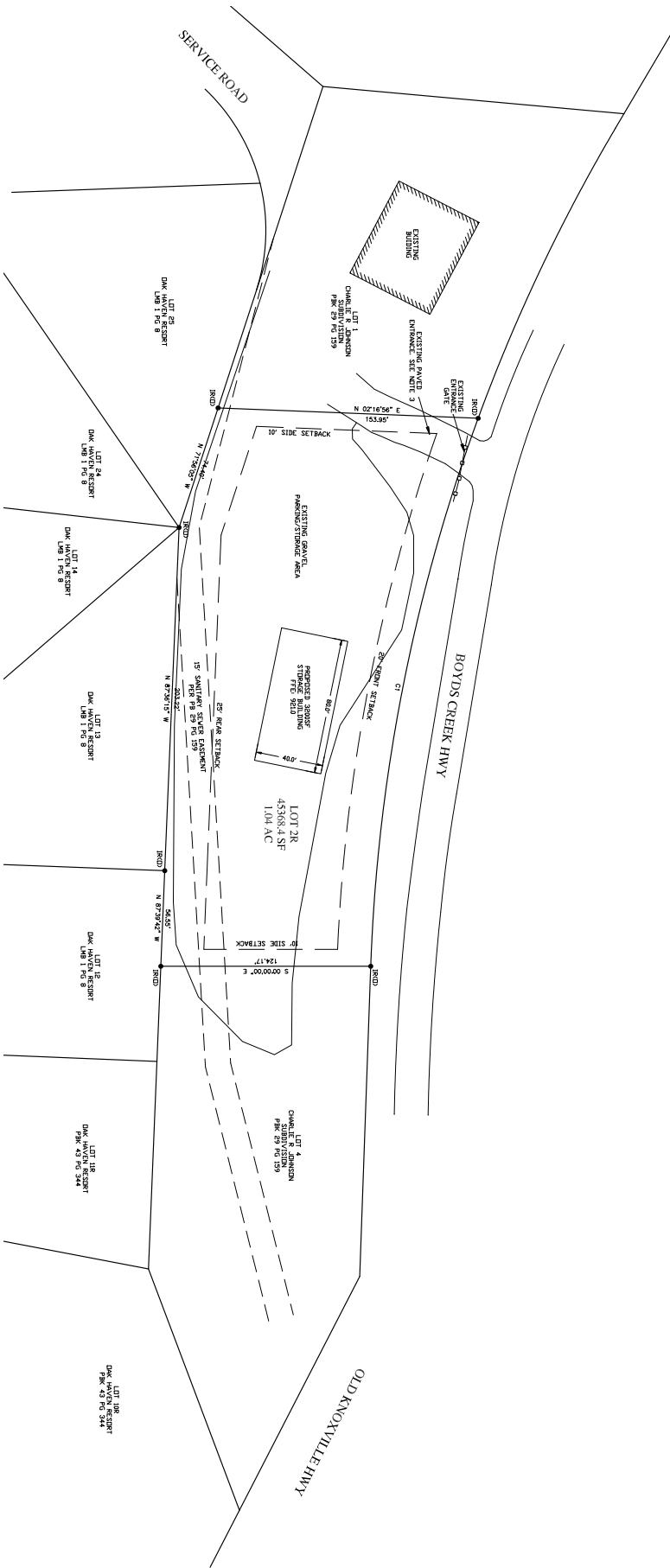
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**BUILDING SETBACKS**  
 FRONT = 20'  
 SIDE = 10'  
 REAR = 25'



VICINITY MAP

1. THE PROPOSED STRUCTURE SHOWN WILL BE THE PRIMARY STRUCTURE FOR THE BUILDING AND WILL BE USED PRIMARILY AS STORAGE. THERE WILL BE NO PUBLIC USE OF THIS BUILDING.
2. A MINOR GRADING IS TO OCCUR.
3. THERE WILL BE NO ACCESSORY OR GARAGE USES.
4. PARKING, ALARMS, AND OTHER USES.
5. THE EXISTING SHOWN IS EXISTING AND HAS BEEN IN USE FOR DECADES. THE PROPOSED BUILDING SHOWN ON THIS SITE PLAN AT THIS TIME THERE IS NO PLAN TO EXTEND WATER OR SEWER DUT TO THE BUILDING. IT WILL BE SERVED BY ELECTRIC DIAL



LEGEND

● IRCD DENOTES AN IRON ROD OLD  
DENOTES AN EXISTING CONTOUR



STORAGE BUILDING SITE PLAN  
FOR OAK HAVEN RESORT  
LOT 2R  
CHARLIE R JOHNSON  
SUBDIVISION

INSTRUMENT BOOK 4240 PAGE 417  
PLAT BOOK 29 PAGE 159  
SEVENTH CIVIL DISTRICT  
SEVIER COUNTY, TENNESSEE

DRAWN BY: RC  
CHECKED BY: MW  
SURVEYED BY: BW

DATE 7/27/23

SHEET NO. 1 OF 1

ENGINEERING  
W.C. WHALEY, INC.  
SURVEYING

ENGINEERING, SURVEYING  
AND LAND PLANNING

PO BOX 6699  
635 WALL STREET, SUITE 4  
SEVIERVILLE, TN 37864-6699  
OFFICE (865) 453-1258

MARCUS G. WHALEY



6.0 Signs

6.11 Tourist Oriented Directional Signs (TODS)

Explanatory Note

The TODS program is an off-premises directional sign program available to qualifying businesses and facilities. It is managed by the City in accordance with the provisions set out in this section. The City is responsible for the installation and maintenance of these signs. Participation in the TODS program does not relieve the participant from compliance with any applicable provisions of Signs, Chapter 6.0 of this ordinance.

For further information or to apply for a TOD sign, contact the Code Enforcement Division of the Department of Development.

Tourist Directional Signs

A. Definitions

- 1. Business means a public or private commercial activity providing an attraction, service, or activity to the traveling public and which meets the qualifications provided in these guidelines. The terms business, attraction, service, or activity may be used interchangeably in this document.
- 2. Crossroad means a public road intersection.
- 3. Eligibility distance means the distance from the intersection where the directional sign is located to the entrance driveway of the business.
- 4. City means the City of Sevierville, Tennessee.
- 5. MUTCD means Federal Highway Administration's Manual on Uniform Traffic Control Devices.
- 6. Tourist Oriented Directional Signs (TODS) means a tourist information sign located on the right-of-way of a public road providing;
  - a. The official name, or "doing business as" name, of the eligible program participant; and,
  - b. Directional information to the business.

B. General Provision:

- 1. TODS structures are permitted on arterial streets which are not state highways, major and minor collector streets.
- 2. The City will control the erection and maintenance of TODS panels in accordance with the MUTCD and this ordinance.
- 3. TODS shall be rectangular in shape and shall have a white legend and border on a blue background. Each sign shall have not more than two lines of legend, a separate directional arrow. The content of the legend shall be limited to the identification of the business or activity, and the directional information. Legends shall not include promotional advertising or logos.
- 4. There may be no more than two TODS structures in advance of a crossroad. The first structure shall contain those activities where a left turn is required to reach the facility. The second structure shall contain those activities requiring a right turn in order to reach the business.
- 5. No more than four activities may be installed on each sign structure. When the total number of signs for activities to the left and to the right is four or less, they may be placed on one sign structure.
- 6. The location of other traffic control devices shall at all times take precedence over the location of tourist oriented directional signs.
- 7. A permit must be obtained to install TODS in the City.
- 8. TODS in areas annexed by the City are required to conform to City TODS requirements within twelve (12) months from the effective date of annexation.

C. Business Eligibility, Criteria, And Restrictions

- 1. To be eligible for participation in the TODS program, a business establishment shall be located within the city limits and within one (1) mile from the crossroad intersection. The establishment shall be a permanent business or attraction, and shall meet the following standards for a business or activity:

1.0 GENERAL PROVISIONS
2.0 ZONING DISTRICTS
3.0 USE & CONDITIONS
4.0 DEVELOPMENT STANDARDS
5.0 PARKING
6.0 SIGNS
7.0 NON-CONFORMITIES
8.0 ADMINISTRATION
9.0 DEFINITIONS
APPENDIX

- a. Be licensed and approved by the appropriate local agencies regulating the particular type of business or activity;
- b. Be in continuous operation at least eight hours a day, five days a week, one of which must be Saturday, during the normal tourist season;
- c. Have restroom facilities available for public use;
- d. Provide the public activities of interest in which visitors participate for purposes of recreation, enjoyment, enrichment, or amusement; and,
- e. Provide notice of any admission costs on the outside of the main entrance to the facility.

2. Each business or attraction identified on a TODS shall provide assurance of its conformance with applicable laws concerning the provisions of public accommodations without regard to race, color, sex, culture, social origin or condition, religion, or disability.
3. All property taxes, license fees or other charges owed by the permittee, or by the owners of the permittee, to the City or Sevier County, Tennessee, must be kept current.
4. The premises of the business shall at all times be in compliance with City zoning ordinances, and with all fire, health, safety and building codes of the City and/or the State of Tennessee.
5. If a business or attraction is in violation of any of these laws, it shall be considered ineligible for participation in this program and its signs will be removed, with no return of any fee.

#### D. Participation In The TODS Program

1. Each approved sign structure shall have a maximum of four (4) activities displayed on the panels. The business with the shortest distance to the intersection where the sign structure is installed shall have the first priority for placement on the TODS sign structure and have its name panel placed on top of the sign structure. An eligible business having the next greater distance from the intersection will have its name panel placed below the first, and so on, until the maximum of

four business panels are installed on the TODS structure.

2. Once the directional sign of a business is installed on the TODS panel, the business shall remain on the structure as long as the activity is in compliance with these provisions and pays for all fees required by this program.
3. A seasonal business may participate in the TODS program and remain on the TODS structure provided it advises the city of periods not to open for business or visitors. A fee will be charged for the placement of a CLOSED placard over the directional panel of the business.

#### E. Suspension or Revocation

1. The City may suspend or revoke the privilege of an activity to participate in the TODS program if it finds:
  - a. The activity no longer meets the eligibility requirements set forth in this document.
  - b. The owner or responsible operator of the activity willfully makes a false, deceptive, or fraudulent statement in its application or in any other information submitted to the City.
  - c. The owner or responsible operator of the activity or agent thereof revises or modifies a TODS panel erected by the City.
  - d. The owner or responsible operator of the business or activity has engaged in a deceptive or fraudulent business practice.
2. The City reserves the right to remove immediately any TODS panel for which fees are delinquent.
3. Prior to revoking the privileges of a business to participate in the TODS program, the City will notify the activity in writing. The business will be granted a period of fifteen (15) days to make the necessary adjustments or corrections in accordance with these regulations.
4. Should the applicant not agree with the revocation, the decision may be appealed to the Board of Zoning Appeals. If there is no appeal within thirty (30) days after notification of the revocation, the individual TODS panel(s) shall be removed from the sign structure.

## F. Sign Composition

1. TODS shall be 36"x 12" and shall have a white leg-end and border on a blue background. Maximum character height shall be 7 inches.
2. The TODS shall show the direction of turn for the motorist to reach the business.

## G. TODS Installation and Maintenance

1. All TODS panels will be installed by the City.
2. If a panel must be permanently removed or covered for a seasonal closing for any reason, a fee will be charged by the City to cover costs.
3. The participating business shall be responsible for the cost of repair and/or replacement of directional signs damaged or destroyed by acts of vandalism, natural causes, or vehicular accidents.

## H. Fees for TODS

1. Costs for providing the TODS are to be covered by the businesses participating in the program.
2. The permit issued by the City to a business is for the term of one (1) year and fees will be billed on July 1 of each year. If a sign is placed during the year before July 1, the fees will be prorated for the time period until July 1.
3. Permits may be renewed on an annual basis.
4. Renewal fees are due thirty (30) days after the invoice date
5. Fees are not to be pro-rated for seasonal closings, and, in the event a business closes or its signs are removed due to a breach of contract, there is no reimbursement of fees.
6. Fees are as follows:

Initial Permit Fee (each sign)	\$ 1,000.00
Annual Permit Fee (each sign)	\$ 500.00
Sign Change-out/Replacement	\$ 1,000.00
Seasonal closure covering/uncovering	\$ 100.00

## I. Inspection And Liability

1. The Building Official may inspect a business at any time after the business has made application for

participation in the TODS program to assure that the business meets eligibility requirements.

2. The Building Official may inspect a business at any time during its permit period to assure the business is still in compliance with eligibility requirements.
3. The City shall have no liability for business lost due to TODS panels becoming temporarily out of service. The display of the business on the sign structures is not to be considered an endorsement or recommendation by the City on behalf of the business.