

**SEVIERVILLE PLANNING COMMISSION**

**8/3/2023**

**5:00 P.M. – Civic Center**



# Planning Commission

## AGENDA

8/3/2023

- A. Call to Order
- B. Approval of Minutes – 7/11/2023
- C. Public Forum
- D. Old Business
  - 1. Site Plan – Civil & Environmental Consultants, Inc. requests site plan approval for Middle Creek Retail – 1240 Middle Creek Road (City).
- E. New Business
  - 1. Subdivision Plat – W C Whaley, Inc requests final subdivision plat approval for Ogle Property – Tax Map 061, Parcel 148.00, Ridge Road (City).
  - 2. Site Plan – General Engineering Company requests site plan approval for Wilderness Cabins Phase II – Tax Map 037, Parcel 057.00, Gists Creek Road (City).
  - 3. Site Plan – General Engineering Company requests site plan approval for Wilderness Maintenance Building – Tax Map 037, Parcel 057.00, Gists Creek Road (City).
  - 4. Site Plan – MBI Companies, Inc requests site plan approval for Sevier County Electric System – 217 East Main Street (City).
- F. Staff Report
  - 1. Non-State Route TODS
- G. Adjournment



# Planning Commission

## AGENDA NOTES

8/3/2023

- A. Call to Order
- B. Approval of Minutes – 7/11/2023
- C. Public Forum
- D. Old Business

- 1. Site Plan – Civil & Environmental Consultants, Inc. requests site plan approval for Middle Creek Retail – 1240 Middle Creek Road (City).

This is a proposed strip shopping center located off Middle Creek Road to the east of The Ridge RV Resort which was previously deferred due to driveway access location. Due to the topography and conversations with adjacent property owners, the proposed access is the only feasible option for the development. Staff recommends approval.

- E. New Business

- 1. Subdivision Plat – W C Whaley, Inc requests final subdivision plat approval for Ogle Property – Tax Map 061, Parcel 148.00, Ridge Road (City).

This is a previously approved subdivision creating five (5) lots and public right-of-way known as Britlynn Blvd. The current proposal is to create a temporary cul-de-sac and eliminate the extension of the right-of-way to Ridge Road. The reason for the request is due to the where the owners are at in the closing process on the northern most parcel. Once the closing is completed, the original plan connecting to the Ridge Road intersection will be followed. The feasibility of the temporary cul-de-sac is under consideration and a recommendation will come at the time of the meeting.
- 2. Site Plan – General Engineering Company requests site plan approval for Wilderness Cabins Phase II – Tax Map 037, Parcel 057.00, Gists Creek Road (City).

This is a proposed Phase II for the previously approved Wilderness Cabins Phase I cabin development located at the intersection of Gists Creek Road and Reed Schoolhouse Road. Phase II consists of 37 cabin units. Staff is awaiting corrections related landscaping and adequate material for fire apparatus to turn around. If received prior to the meeting staff would recommend approval.
- 3. Site Plan – General Engineering Company requests site plan approval for Wilderness Maintenance Building – Tax Map 037, Parcel 057.00, Gists Creek Road (City).

This is a proposed maintenance building to serve the Wilderness Cabins development located at the intersection of Gists Creek Road and Reed Schoolhouse Road. Staff is awaiting corrections regarding fire hydrants and water & sewer notations. If received prior to the meeting staff would recommend approval.
- 4. Site Plan – MBI Companies, Inc requests site plan approval for Sevier County Electric System – 217 East Main Street (City).

This is a proposed warehouse, shop, and fuel station for Sevier County Electric System located off E Main Street. Staff is currently reviewing drainage calculations. If adequate staff can recommend approval.

- F. Staff Report

- 1. Non-State Route TODS – A draft copy was presented for review at last month’s meeting, staff will request additional discussion.

- G. Adjournment



**PLANNING COMMISSION  
MINUTES  
JULY 11, 2023**

The rescheduled meeting of the Sevierville Regional Planning Commission was held at the Civic Center, 130 Gary Wade Boulevard, Sevierville, Tennessee on Tuesday, July 11, 2023, at 5:00 PM.

There were present and participating:

**MEMBERS PRESENT**

Vincent Snider, Chairman  
Robbie Fox  
Wayne Helton  
Butch Stott

**MEMBERS ABSENT**

Austin Williams, Vice Chairman  
Douglas Messer, Secretary  
Daryl Roberts

**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  
Brooke Fradd, Recording Secretary

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 June 6, 2023 meeting, which received a second from Mr. Stott. The motion passed with a unanimous vote.

**OLD BUSINESS**

None

## **NEW BUSINESS**

### **REZONING – TEMPLE ENTERPRISES REQUESTS REZONING FROM AC - ARTERIAL COMMERCIAL TO MDR - MEDIUM DENSITY RESIDENTIAL – TAX MAP 061, PARCELS 012.00 & 013.00, TEMPLE LANE (CITY).**

#### **Staff Recommendation**

Mr. Smith explained this rezoning request is for property on Temple Lane, located off East Hardin Lane. He further stated that since the parcels are not near an arterial road, staff believes that the proposed MDR zoning would be a better fit for the property and recommended approval.

#### **Action Taken**

Mr. Stott made a motion to approve the rezoning, which received a second from Mr. Helton. The motion passed unanimously and is certified to the Board of Mayor and Aldermen.

### **RIGHT-OF-WAY ABANDONMENT – LYNCH SURVEYS LLC REQUESTS ROW ABANDONMENT – TAX MAP 008, PORTION OF PARCEL 026.00, BASS PRO DRIVE (CITY).**

#### **Staff Recommendation**

Mr. Smith stated that this abandonment request is for an unimproved ROW on Bass Pro Drive. Staff has requested that an additional portion of this ROW, located on a different parcel, be included with the request. A meeting next week is scheduled between both property owners regarding the addition of this property.

#### **Action Taken**

Mr. Stott made a motion to defer the ROW abandonment. The motion received a second from Mr. Fox and passed unanimously.

### **SUBDIVISION PLAT – W.C. WHALEY, INC REQUESTS CONCEPT APPROVAL FOR A.T. UMBARGER FARM – TAX MAP 062, PARCEL 013.00, HARRISBURG ROAD (PLANNING REGION).**

#### **Staff Recommendation**

Mr. Smith explained that this eight-lot subdivision plat meets city regulations for the conceptual approval requested by the applicant. The commission questioned why the proposed new road doesn't align with Mountain Vista Drive on the other side of Harrisburg Road. Mr. Whaley explained that the design considers the topography of the land when placing the road and its frontage point.

### **Action Taken**

Mr. Stott made a motion to grant conceptual approval of the subdivision plat. The motion received a second from Mr. Helton and passed unanimously.

### **SUBDIVISION PLAT – W.C. WHALEY, INC REQUESTS FINAL APPROVAL FOR OAK HAVEN PHASE 6 – TAX MAP 038, PARCEL 001.23, RED CEDAR RIDGE ROAD (CITY).**

### **Staff Recommendation**

Mr. Smith stated that this plat proposes an 18-lot subdivision in the existing Oak Haven subdivision. Water pressure concerns have been addressed, and staff recommended approval. The commission inquired if all the lots are buildable without requiring a variance, which Mr. Whaley confirmed they are.

### **Action Taken**

Mr. Helton made a motion to approve the subdivision plat, which received a second from Mr. Fox. The motion passed unanimously.

### **SUBDIVISION PLAT – THE LAND SURVEYORS, INC. REQUESTS FINAL APPROVAL FOR CHARLES SEATON SUBDIVISION – TAX MAP 038, PARCELS 053.00, 054.00, 054.04, AND 054.05, PULLEN ROAD (PLANNING REGION).**

### **Staff Recommendation**

Mr. Smith explained that while this subdivision plat does include a landlocked parcel, this is an existing condition. Additionally, the proposed plat provides road frontage for a parcel which was previously landlocked. Staff recommended approval.

### **Action Taken**

Mr. Helton made a motion to approve the subdivision plat. The motion received a second from Mr. Stott and passed unanimously.

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

### **Staff Recommendation**

Mr. Smith reminded the commission that this subdivision plat previously received preliminary approval while the applicant worked through access issues on Ridge Road. The proposed plat creates five lots and provides a dedicated roundabout area at the intersection of Britlynn Boulevard and Ridge Road. Staff received road profiles and details, and recommended approval subject to a bond being submitted for the newly created city street.

### **Action Taken**

Mr. Stott made a motion to approve the subdivision plat, subject to city's receipt of the bond. The motion received a second from Mr. Helton and passed with a unanimous vote.

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

#### **Staff Recommendation**

Mr. Smith explained that this site plan proposes a shopping center on Middle Creek Road, next to the Ridge RV Resort. Staff had ongoing conversations with the applicant about the proposed entrance and its proximity to both the Ridge's access and an adjacent residential access.

Mr. Puckett, addressed the commission on behalf of the applicant. He explained that the topography of the lot has produced a challenge to relocation of the entrance. He further stated that the access point meets city regulations, despite its vicinity to the two others. The commission requested that the applicant meet with the two property owners to further discuss a potential shared access point.

#### **Action Taken**

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

### **SITE PLAN – PROE ENGINEERING SERVICES REQUESTS SITE PLAN APPROVAL FOR WORKOUT ANYTIME – 1004 BLUE RIBBON DRIVE (CITY).**

#### **Staff Recommendation**

Mr. Smith stated that this site plan is proposed at the corner of the newly created Blue Ribbon Drive, at its intersection with Middle Creek Road. All outstanding concerns have been addressed and staff recommend approval.

#### **Action Taken**

Mr. Helton made a motion to approve the site plan. The motion received a second from Mr. Stott and passed unanimously.

### **MURAL – ARTSIE FARTSY BY BETH REQUESTS MURAL APPROVAL FOR WYNDHAM WELCOME CENTER – 825 PARKWAY (CITY).**

#### **Staff Recommendation**

Mr. Smith explained that this mural request proposes a butterfly on the north facing side of the business. A maintenance agreement has been submitted and the design meets the intent of the public art process. The proposal meets city regulations and staff recommended approval.

## **Action Taken**

Mr. Stott made a motion to approve the mural. The motion received a second from Mr. Fox and passed unanimously.

## **STAFF REPORTS**

### *Annual Report*

Mr. Smith presented the FY 2023 annual report and stated that he will also email copies to the commissioners. He pointed out the influx of commercial permits in contrast with the small number of residential permits issued for the year. Also included in the report are the outstanding performance bonds and letters-of-credit being held by the city.

### *Non-State Route TODS*

Mr. Smith explained that Mr. Black edited the previously existing Tourist Oriented Directional Signs (TODS) language and created allowances for non-state routes. This new process was prompted by an item on June's Board of Zoning Appeals agenda. The proposal will be refined and presented for approval at a subsequent meeting.

## **ADJOURNMENT**

There being no further business, the meeting adjourned at 5:42 PM.

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Vincent Snider, Chairman

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Douglas Messer, Secretary

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Brooke Fradd, Recording Secretary



**CERTIFICATE OF APPROVAL FOR RECORDING**  
 I HEREBY CERTIFY THAT THE PLAT HAS BEEN EXAMINED BY ME AND THAT THE SUBMISSION IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE SEVER COUNTY PLANNING COMMISSION AND THAT THE PLAT IS APPROVED FOR RECORDING IN THE OFFICE OF THE COUNTY CLERK.

DATE: \_\_\_\_\_ SECRETARY, REGIONAL PLANNING COMMISSION

**CERTIFICATE OF STREET NAMES**  
 I, COUNTY CLERK, HAVE REVIEWED THE PROPOSED STREET NAMES AND HAVE DETERMINED THAT THEY ARE APPROPRIATE AND DO NOT DUPLICATE EXISTING STREET NAMES IN THE COUNTY.

DATE: \_\_\_\_\_ COUNTY CLERK

**CERTIFICATE OF OWNERSHIP AND PROPERTY**  
 I, COUNTY CLERK, HAVE REVIEWED THE DEEDS OF THE PROPERTY SHOWN HEREON AND HAVE DETERMINED THAT THE PROPERTY IS OWNED BY THE PERSONS SHOWN HEREON AND THAT THE PROPERTY IS NOT SUBJECT TO ANY OTHER INTEREST.

DATE: \_\_\_\_\_ COUNTY CLERK

**CERTIFICATE OF STREETS**  
 I, COUNTY CLERK, HAVE REVIEWED THE PROPOSED STREETS AND HAVE DETERMINED THAT THEY ARE APPROPRIATE AND DO NOT DUPLICATE EXISTING STREETS IN THE COUNTY.

DATE: \_\_\_\_\_ COUNTY CLERK

**CERTIFICATE OF THE APPROVAL OF PUBLIC UTILITIES AND SERVICE SYSTEMS**  
 I, COUNTY CLERK, HAVE REVIEWED THE PROPOSED UTILITY AND SERVICE SYSTEMS AND HAVE DETERMINED THAT THEY ARE APPROPRIATE AND DO NOT DUPLICATE EXISTING UTILITY AND SERVICE SYSTEMS IN THE COUNTY.

DATE: \_\_\_\_\_ COUNTY CLERK

TRACED	MARK	LENGTH	CORNER	BEARING
1	1	142.50'	1	S 08°10'20" W
1	2	142.50'	2	S 08°10'20" W
1	3	142.50'	3	S 08°10'20" W
1	4	142.50'	4	S 08°10'20" W
1	5	142.50'	5	S 08°10'20" W
1	6	142.50'	6	S 08°10'20" W
1	7	142.50'	7	S 08°10'20" W
1	8	142.50'	8	S 08°10'20" W
1	9	142.50'	9	S 08°10'20" W
1	10	142.50'	10	S 08°10'20" W
1	11	142.50'	11	S 08°10'20" W
1	12	142.50'	12	S 08°10'20" W
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1	18	142.50'	18	S 08°10'20" W
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1	92	142.50'	92	S 08°10'20" W
1	93	142.50'	93	S 08°10'20" W
1	94	142.50'	94	S 08°10'20" W
1	95	142.50'	95	S 08°10'20" W
1	96	142.50'	96	S 08°10'20" W
1	97	142.50'	97	S 08°10'20" W
1	98	142.50'	98	S 08°10'20" W
1	99	142.50'	99	S 08°10'20" W
1	100	142.50'	100	S 08°10'20" W

LOTS 3R, 4, 5, 6, & 7  
 A RESUBDIVISION OF  
 LOT 3  
 OGLE PROPERTY  
 INSTRUMENT BOOK 6161 PAGE 113  
 INSTRUMENT BOOK 6065 PAGE 363  
 INSTRUMENT BOOK 6005 PAGE 569  
 PLAT BOOK 46 PAGE 216  
 FIFTH CIVIL DISTRICT  
 SEVIER COUNTY, TENNESSEE  
 JULY 25, 2023

**CERTIFICATE OF APPROVAL FOR RECORDING**  
 I HEREBY CERTIFY THAT THE PLAT HAS BEEN EXAMINED BY ME AND THAT THE SUBMISSION IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE SEVER COUNTY PLANNING COMMISSION AND THAT THE PLAT IS APPROVED FOR RECORDING IN THE OFFICE OF THE COUNTY CLERK.

DATE: \_\_\_\_\_ SECRETARY, REGIONAL PLANNING COMMISSION

**CERTIFICATE OF STREET NAMES**  
 I, COUNTY CLERK, HAVE REVIEWED THE PROPOSED STREET NAMES AND HAVE DETERMINED THAT THEY ARE APPROPRIATE AND DO NOT DUPLICATE EXISTING STREET NAMES IN THE COUNTY.

DATE: \_\_\_\_\_ COUNTY CLERK

**CERTIFICATE OF OWNERSHIP AND PROPERTY**  
 I, COUNTY CLERK, HAVE REVIEWED THE DEEDS OF THE PROPERTY SHOWN HEREON AND HAVE DETERMINED THAT THE PROPERTY IS OWNED BY THE PERSONS SHOWN HEREON AND THAT THE PROPERTY IS NOT SUBJECT TO ANY OTHER INTEREST.

DATE: \_\_\_\_\_ COUNTY CLERK

**CERTIFICATE OF STREETS**  
 I, COUNTY CLERK, HAVE REVIEWED THE PROPOSED STREETS AND HAVE DETERMINED THAT THEY ARE APPROPRIATE AND DO NOT DUPLICATE EXISTING STREETS IN THE COUNTY.

DATE: \_\_\_\_\_ COUNTY CLERK

**CERTIFICATE OF THE APPROVAL OF PUBLIC UTILITIES AND SERVICE SYSTEMS**  
 I, COUNTY CLERK, HAVE REVIEWED THE PROPOSED UTILITY AND SERVICE SYSTEMS AND HAVE DETERMINED THAT THEY ARE APPROPRIATE AND DO NOT DUPLICATE EXISTING UTILITY AND SERVICE SYSTEMS IN THE COUNTY.

DATE: \_\_\_\_\_ COUNTY CLERK

TRACED	MARK	LENGTH	CORNER	BEARING
1	1	142.50'	1	S 08°10'20" W
1	2	142.50'	2	S 08°10'20" W
1	3	142.50'	3	S 08°10'20" W
1	4	142.50'	4	S 08°10'20" W
1	5	142.50'	5	S 08°10'20" W
1	6	142.50'	6	S 08°10'20" W
1	7	142.50'	7	S 08°10'20" W
1	8			

**PARKING CALCULATION**

TREEHOUSE CABIN, 5 BEDROOMS, 1542 SQFT = 5 SPACES  
 3-BED CABIN, 3 BEDROOMS, 1079 SQFT = 3 SPACES  
 ENTERTAINMENT CABIN, 5 BEDROOMS, 1378 SQFT = 5 SPACES

SUBPHASE 2A: (4) 3-BED CABIN, (9) ENTERTAINMENT CABIN, = 37 SPACES, 38 PROVIDED  
 SUBPHASE 2B: (1) 3-BED CABIN, = 3 SPA CES, 40 PROVIDED  
 SUBPHASE 2C: (9) 3-BED CABIN, (6) TREEHOUSE CABIN, = 57 SPACES, 62 PROVIDED

**TOTAL CABINS: 37**  
 TREEHOUSE CABIN: 6  
 3-BED CABIN: 26  
 ENTERTAINMENT CABIN: 5

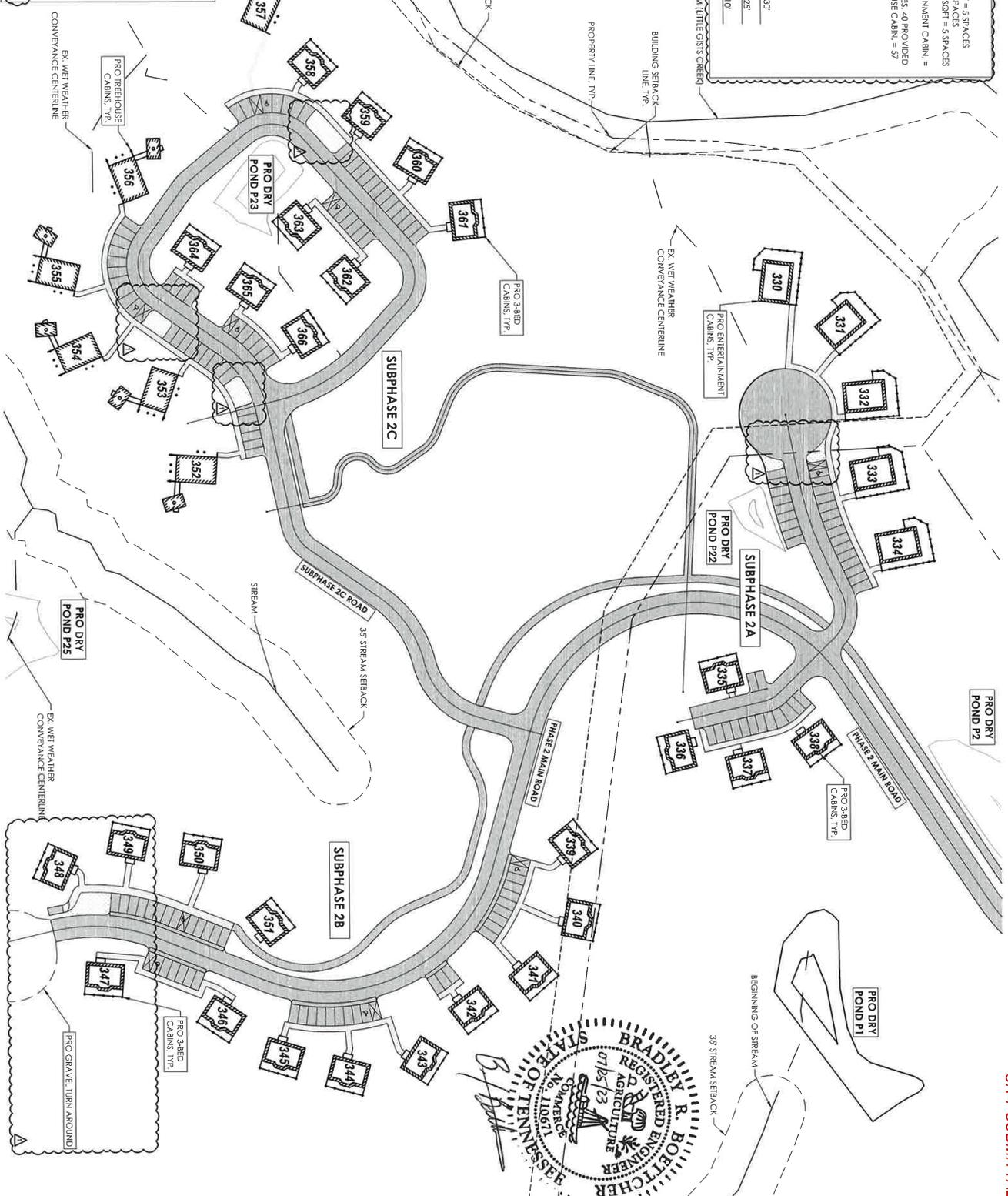
**TOTAL REQUIRED PARKING: 133 SPACES**  
**TOTAL PROVIDED PARKING: 149 SPACES**

FOURTH COMMERCIAL DISTRICT - TCU(C-5)

FRONT SERPAC	30'
BACK SERPAC	25'
SIDE SERPAC	10'

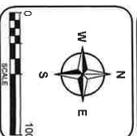
STREAM LITTLE GISTS CREEK

- NOTES:**
1. ALL EXISTING UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATE AND SHOULD BE FIELD VERIFIED PRIOR TO CONSTRUCTION.
  2. ALL GENERAL NOTES FOUND ON SHEET G1.1.
  3. CONTOUR INFORMATION HAS BEEN TURNED OFF FOR CLARITY. SEE SHEET G2 AND G3 FOR CONTOUR AND ELEVATION INFORMATION.
  4. SEE SHEET SERIES C4 AND C7 FOR DETAILED SITE UTILITY INFORMATION.
  5. ALL ROADS ARE FOR PRIVATE USE.



**C3.0**

DRAWN BY: M.M.  
 REVIEWED BY: B.B.  
 ISSUE DATE: 7/27/23  
 GEC FILE NO.: 2-0518-275AG  
 SHEET NO.



REVISIONS	NO.	BY	DATE
ADDENDUM #1	#1	M.M.	7/21/2023

**PROPOSED SITE PLAN**  
**2024 CABIN DEVELOPMENT**  
**TENN WILDERNESS CABINS, LLC**

CITY OF SEVIerville  
 SEVIER COUNTY, TN

**General Engineering Company**

P.O. Box 340 • 916 Silver Lake Dr. • Portage, WI 53901  
 608-742-2169 (office) • 608-742-2592 (Fax)  
 www.generalengineering.net

**CEC**

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CITY SUBMITTAL





PROJECT NO. 07210323  
 PROJECT NAME: PHASE I EXPANSION TO SEWER COUNTY ELECTRIC SYSTEM  
 PROJECT NUMBER: 07210323  
 DATE: 07/21/2023

PROJECT NO. 07210323  
 PROJECT NAME: PHASE I EXPANSION TO SEWER COUNTY ELECTRIC SYSTEM  
 PROJECT NUMBER: 07210323  
 DATE: 07/21/2023

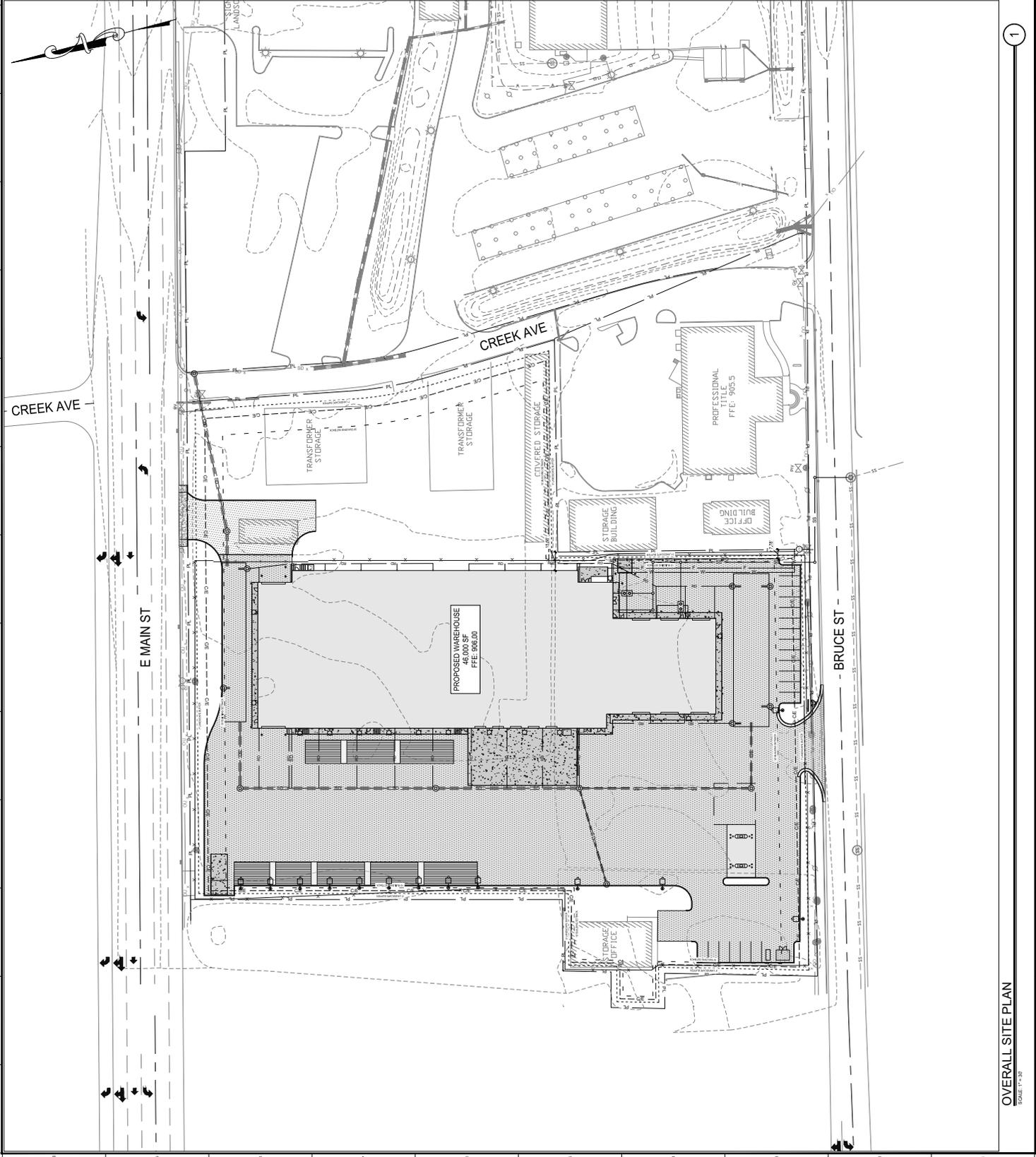
NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITS	07/21/2023
2	FOR REVIEW ONLY	
3	FOR REVIEW ONLY	
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50	FOR REVIEW ONLY	

**GENERAL SHEET NOTES**  
 1. SEE SHEET C001 FOR NOTES AND LEGENDS.  
 2. THIS SHEET IS FOR PERMITS AND RECORDS ONLY.

**SHEET LEGEND**  
 --- LANDSCAPE BUFFER  
 --- 15' SIDE FURNISHMENT  
 --- BUILDING SETBACK  
 --- FENCE

**811**  
 Know what's below.  
 Call before you dig.  
 1-800-881-1111

GRAPHIC SCALE  
 1" = 30'  
 1" = 60'  
 1" = 120'  
 1" = 240'



**OVERALL SITE PLAN**  
 SCALE: 1" = 30'

## 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 and distances 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, and the distance to the facility shown beneath the 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 signs in the City.
8. TODS panels, sign supports and installation shall be in accordance to the standards of the City, MUTCD, and if outside the City by the County Road Superintendent.
9. 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 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:
  - 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. 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 legend and border on a blue background. Maximum character height shall be 7 inches.
2. The TODS shall show the mileage to the business and 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.