

CITY OF LEBANON
MUNICIPAL REGIONAL PLANNING COMMISSION
Meeting Minutes – April 25, 2023

Members

Mack McCluskey	David Taylor	Adrian Kelley	Chris Crowell
Chad Williams	Lisa Noble	John Lankford	Nick Hayes
Ronnie Kelley	Chuck Daley		

Staff

Kristy Barhite	Joshua Stahle	Kathleen Vail	Paul Corder
Mattie Neely	Andy Wright	Sarah Haston	

Call to Order

Chairman Mack McCluskey called the meeting to order at 5:00PM. Commission member Chris Crowell opened with the invocation and led the Pledge of Allegiance.

Staff Reports

1. Sidewalks Report - Staff said that all of the 123 sidewalk permits are being installed for this month.

Committee Reports

1. SP & Annexation Committee Report – Chuck Daley reported that three items were going to the May preliminary meeting.
2. Historic Preservation Committee Report – Staff reported that there would be a work session scheduled to discuss the proposed historic guidelines on Monday, May 1st at 5:00PM.
3. Residential Development Committee – Chad Williams reported that they had a discussion on the design standards for multifamily housing similar to single family housing that they did last month.
4. Training Committee Report – Nick Hayes reported that there will be several training sessions and the first will be on May 24th at 9:30 AM.

Changes to the Agenda – None.

Public Hearing

1. *Public Hearing on the proposed amendment to the Future Land Use Plan for about 1.44 acres at 108 Hartmann Commerce Drive (Tax Map 81 Parcel 87.14) from CMO to CI in Ward 3*

There were no comments.

2. *Public Hearing on the proposed amendment to the Future Land Use Plan for about 3.24 acres at 305 & 310 S Cumberland Street (Tax Map 68L Group D Parcel 28) from IH to DXU in Ward 3, and about 2.54 acres at 223, 301, and unaddressed S College Street (Tax Map 68L Group F Parcels 6, 6.01, & 7) from IL to DXU in Ward 2*

Rochelle McCulloch & Aulds PLLC's Byron Gill said that his client recently purchased this property and was surprised by this request. The owner has received his Certificate of Occupancy and started operating a storage facility and he said that it is a mixed-use by right. He said that his client is not interested in a rezone

of his property and as far as the general overlay for the downtown district, they do not see a benefit in that; this property is not the same as the square uses and they want it to stay industrial.

3. *Public Hearing on the proposed amendment to the Future Land Use Plan for about 12.52 acres at 1732 and unaddressed properties on W Old Murfreesboro Road (Tax Map 81 Parcels 107, 108 & 109) from RXH to CI in Ward*

Seeing as there were no further comments, the public hearing was closed.

Approval of Minutes

A motion was made by Chad Williams and seconded by John Lankford for recommended approval of the March 28, 2023 Planning Commission minutes. Motion carried.

Consent Agenda

1. *Request by Jeff Rowlett for final plat approval for Forest of Lebanon, Phase 5, a 47-lot subdivision on about 97.71 acres at an unaddressed property on Cherrydale Drive (Tax Map 47 Parcel 26.03) zoned RS20 in Ward 6 (PN 985420)*
2. *Request by Fred Yates for final plat approval for Final Plat of Section 3 Manor View Subdivision, a 14-lot subdivision on about 3.63 acres at an unaddressed property on Classic View Drive (Tax Map 57 Parcel 54) zoned R2 in Ward 5 (PN 985453)*
3. *Request by DRP TN 1, LLC for final plat approval for Waverly Subdivision - Phase 7, a 45-lot conservation subdivision on about 12.1 acres at an unaddressed property on Mables Way (Tax Map 70 Parcel 83) zoned RS9 in Ward 4 (PN 986730)*
4. *Request by CND Five Oaks for final plat approval for Five Oaks Phase 5 Section 5, a 24-lot subdivision on about 4.44 acres at P/O unaddressed property on Rosenhaven Court (Tax Map 46 Parcel 43) zoned FOGCPUD in Ward 6 (PN 913085)*
5. *Request by Chick-fil-a, INC for site plan approval for Chick-fil-A #2985 -Lebanon, TN, a non-residential development on about 1.24 acres at 706 S Cumberland Street (Tax Map 81 Parcel 33) zoned CG in Ward 3 (PN 966849)*

A motion was made by Chad Williams and seconded by Chuck Daley for recommended approval of the consent agenda items. Motion carried 10-0.

New Business

1. *Request by Suncrest Real Estate & Land for preliminary plat approval for Barton Village – Revised Preliminary Plat, a 777-lot conservation subdivision on about 240.97 acres at unaddressed properties on South Hartmann Drive, Bartons Creek Road & Pinhook Road (Tax Map 81 Parcels 122 and 124, Tax Map 92 Parcels 88.09 and 89.01 & Tax Map 93 Parcel 18.01) zoned BVSP, RS6 & RS9 in Ward 3*

Staff comments:

- The maximum block length is 1,200 feet.
 - Kings Canyon Road extends approximately 1,808 feet without a connection south due to the cul-de-sacs of Tortugas Road and Great Basin Drive no longer connecting, as shown on the previously approved preliminary plat. The applicant has requested a variance stating there are streams and wetlands they do not wish to cross. The stream in this location is classified as a stream order Level 2 which does not constitute a valid hardship as only Level 4 and Level 5 do.
- Open Space Lots 569 and 570 create spite strips to the property to the east. These lots are approximately 10 feet deep from sidewalk to the property line, have no value and are not allowed. Either put them in the ROW or add them to the adjacent lots.
- The stub to the West appears to be connecting to a pond. This must be fixed on the final plat.
- This item has been reviewed by Staff and meets all other criteria under consideration by the Planning Commission.

Staff recommended approval with the plat meeting the Code.

CDSG's Kyle Griffin was available to answer any questions. He thanked Staff for the report and said that there were only three comments that were outstanding, and they were the variances, the pond, and the spite strip. He said that they agreed with Staff's comments regarding the pond and the spite strips. He requested their support for the block length variance, and that they had worked really hard with TDEC to reduce their impacts.

A motion was made by Chad Williams and seconded by Chuck Daley for recommended approval of the preliminary plat with a variance for block length and meeting code. Motion carried 10-0.

2. Request by Delta Holdings, LLC for site plan approval for Smartpark North, a non-residential development on about 5.43 acres at 321 Maddox-Simpson Parkway (Tax Map 81 Parcel 75) zoned IP in Ward 3

Staff comments:

- The ends of the building do not meet the articulation standards. There is no articulation for approximately 62 feet on each end of the building when the Code requires articulation at least every 50 feet.
 - The applicant has applied for a variance from the articulation requirements.
- The Code requires 20% transparency on the front façade. The architectural elevations state that only 15% transparency is provided.
 - The applicant has applied for a variance from the transparency requirements.
- The applicant has requested payment in-lieu-of sidewalk construction.
 - The payment in-lieu-of sidewalks fee has been calculated to \$8,016.
 - There are no sidewalks in the area.
- This item has been reviewed by Staff and meets all other criteria under consideration by the Planning Commission.

Staff recommended approval with the site plan meeting the Code.

Dean Design Group's Charlie Dean was available to answer any questions. He requested the commission's support for the payment in-lieu-of amount instead of sidewalks since this area does not have any.

Manous Design's Mike Manous was available to discuss the architectural designs. He explained that they had been working with Staff to bring the architecture into compliance with the design standards and there are a couple of outstanding issues that they would like to work out with the commission tonight and would like to discuss the articulation of the façade with a couple of different design studies which did not make it in time for the submittal and he started to ask Staff a question.

Chairman Mack McCluskey interrupted and said that they are not there to negotiate and if the package is not finished then they would need to put it off.

Mike Manous said that they would then stand by what they are asking for, the variances from the articulation requirements and the transparency requirements.

Commissioner Chris Crowell said that he is okay regarding the sidewalks and because of the location he is okay with the variances as well.

A motion was made by Chris Crowell and seconded by Chad Williams for recommended approval of the site plan with variances for articulation and transparency requirements and with the payment in-lieu-of amount of \$8,016.00. Motion carried 10-0.

3. *Request by Lochinvar, LLC for site plan approval for AOS/Lochinvar Expansion, a non-residential development on about 119 acres at 300 Maddox-Simpson Parkway (Tax Map 92 Parcel 26) zoned IP in Ward 3*

Staff comments:

- Minor note corrections are needed.
- Sidewalks are needed along all road frontages.
 - The addition is approximately a 10% increase in roofed area. The applicant is responsible for sidewalks on at least 10% of their road frontage. Payment in-lieu-of sidewalks has been requested. If granted the fee would be \$11,040.
- A pedestrian connection between the road and building is needed.
 - The applicant has requested a variance stating there are no sidewalks along the road, and they have requested payment in-lieu-of sidewalks.
- A street tree is needed at a rate of 1 for every 40 feet of road frontage.
 - The addition is approximately a 10% increase in roofed area. The applicant is responsible for street trees equal to at least 10% of their road frontage requirement which equates to 6 street trees. The applicant has requested their existing vegetation along the road be counted in-lieu-of any new trees.
- This item has been reviewed by Staff and meets all other criteria under consideration by the Planning Commission.

Staff recommended approval with the site plan following the Code.

Lochinvar Facility Engineer Jim Durbin was available to answer any questions. He said that they would like the commission's consideration and would be adding 75 to 100 manufacturing jobs around the design development center.

Commissioner John Lankford asked about the existing vegetation.

Jim Durbin replied that there are maple trees along the frontage of the property that were planted with the last edition in 2015.

A motion was made by Chad Williams and seconded by David Taylor for recommended approval of the site plan with a variance for the tree requirement and with the payment in-lieu-of amount of \$11,040.00. Motion carried 10-0.

4. *Request by Red Carpet Liquors for site plan approval for Red Carpet Liquors- Hamilton Springs, a non-residential development on about 1.86 acres at an unaddressed property on Lebanon Road (Tax Map 57 Parcel 8.04) zoned HSSP in Ward 5*

Staff comments:

- The Specific Plan limits the sign to 7 feet high max, 20 square foot max per side, and does not allow for LED illumination.
- A building buffer consisting of a 5 feet sidewalk and 5 feet planting strip is needed on all sides of the building.
 - A loading area is being shown on the back of the building with no building buffer. Variances cannot be granted on Specific Plans, and this will require an SP amendment to be passed by City Council.
- This item has been reviewed by Staff and meets all other criteria under consideration by the Planning Commission.

Staff recommended approval subject to the SP being amended to allow for this building buffer design and the sign meeting the code.

Lose Design's Mike Wrye was available to answer any questions.

Chairman Mack McCluskey explained to the commission cannot grant variances with Specific Plans instead it would have to be amended. He asked Staff if that is correct.

Planning Director Paul Corder said that all changes would need to be amended.

Mike Wrye said that he wanted to add some clarity, the sign is being withdrawn; they will either fix it or redesign it, the building buffer conflicts with other provisions in the SP which allows for loading and drive thrus and they will clean those up in the SP which is a simple modification.

Mack McCluskey asked if it is correct that this will be in compliance with the SP.

Paul Corder said that any of the variances that the commission normally grants are going to be accomplished through the amendment to the SP which the developer had agreed to do. He said that this commission cannot grant those variances so it can be approved subject to the Specific Plan getting amended.

A motion was made by Chad Williams and seconded by Chuck Daley for recommended approval of the site plan subject to the SP being amended. Motion carried 10-0.

- 5-7. *Request by Hartmann Group for future land use plan amendment approval from CMO to CI, South Hartmann Overlay amendment approval from AS-OM to AS-IC, and rezoning approval from CN to CG for about 1.44 acres at 108 Hartmann Commerce Drive (Tax Map 81 Parcel 87.14) in Ward 3*

Staff comments:

- The properties to the north, west, and south are zoned CG & CN, and to the east as CG. The Future Land Use Plan identifies this area as CMO which would not support this request. The requested Future Land Use designation of CI would support this request.
- This item has been reviewed by Staff and meets all other criteria under consideration by the Planning Commission.

Staff recommended approval.

Dean Design Group's Charlie Dean was available to answer any questions. He said that this project is part of an existing subdivision that are all flex buildings. He said that the FLU Plan went into effect after the first two developments. The development of this parcel would allow the continued development of the building on this property in keeping with everything else in that subdivision.

Commissioner Chris Crowell asked if a use had been identified for the spec flex space.

Charlie Dean explained that one, two, three, four, seven, and eight have been developed as spec flex space so everything there had been developed this way.

A motion was made by Chad Williams and seconded by Chuck Daley for a positive recommendation of the amendments of the Future Land Use Plan and the South Hartmann Overlay and the rezoning to City Council. Motion carried 10-0.

8. *Request by Councilor Burdine and Councilor Burton for future land use plan amendment approval for about 3.24 acres at 305 & 310 S Cumberland Street (Tax Map 68L Group D Parcel 28) from IH to DXU in Ward 3, and about 2.54 acres at 223, 301, and unaddressed S College Street (Tax Map 68L Group F Parcels 6, 6.01, & 7) from IL to DXU in Ward 2*

Staff comments:

- The properties to the west are indicated as Downtown Mixed Use and Commercial Mixed Use, to the north as Downtown Mixed Use, to the east as Light Industrial, Commercial Mixed Use and Heavy Industrial, and to the south as Commercial Mixed Use and Heavy Industrial on the Future Land Use Plan.

Staff recommended approval.

Rochelle McCulloch & Aulds PLLC's Byron Gill was available to answer any questions. He reiterated that his client is not interested in a rezone.

Commissioner Chad Williams asked if the property was changed, it would open it up to a rezone, then the applicant would have to request it and not the city.

Planning Director Paul Corder said that someone from the property would have to ask for it to be rezoned and that could be the owner, the city councilor, or the mayor.

Commissioner Chuck Daley said that this would open the property up for a rezoning.

Paul Corder said that if this property were to be rezoned to DMU, that would be the first step.

Chad Williams noted that they have a property owner who does not want it and he wouldn't want it done to his property and force him out so he cannot support this request.

Ward 1 City Council Camille Burdine said that everything started with a downtown overlay and the Zoning Committee is working on matching the zoning to match the city's Future Land Use Plan. She said that these properties have an opportunity in the future, all the properties will be cohesive to go to a downtown mixed use. She said that those properties would be grandfathered in.

Paul Corder said that the owners are currently going through the process of establishing their property and by the time this request goes through City Council, it would be likely that they would be grandfathered in, and the use would be established unless it ceased to exist for 30 months.

Camille Burdine said that this request is just for cleaning up the FLU Plan, and she is fine as the councilor for this property not to be rezoned at this time.

Chuck Daley noted that Camille Burdine could change it to a rezoning as a council person.

Camille Burdine replied that does not mean it has to pass and the zoning committee is working on new zonings for our downtown.

Discussion regarding opening these properties to a rezoning change.

Byron Gill said that there is a Certificate of Occupancy that has been issued and the business should start soon.

There was continued discussion over the time period for grandfathering and rezoning.

Bryon Gill said that his client would be against rezoning.

A motion was made by Nick Hayes and seconded by David Taylor for a positive recommendation of the amendment of the Future Land Use Plan to City Council.

Roll Call Vote

Nick Hayes	yes
Adrian Kelley	yes
John Lankford	no
Chuck Daley	no
Chad Williams	no
Mack McCluskey	yes
David Taylor	yes
Chris Crowell	yes
Ronnie Kelley	yes
Lisa Noble	no

Motion carried 6-4.

9. *Request by Johnathan Long for rezoning approval for about 4.44 acres of the Kept Well Storage – Specific Plan project at 1141 Murfreesboro Road (Tax Map 81 Parcel 86.11) from CG to KWSSP in Ward 3*

Staff comments:

- The properties to the north are zoned IP & CG, to the east as CG and IL, to the south as IL, and to the west as CG and Timberline Campground SP. The Future Land Use Plan identifies this area as CI which would support this request.
- This item has been reviewed by Staff and meets all other criteria under consideration by the Planning Commission.

Staff recommended denial because there are better uses for this land and for the City of Lebanon.

Dean Design Group's Charlie Dean was available to answer any questions. He said that this request is to institute a storage facility. He pointed out the neighboring properties are industrial and a gas station and how this property had been vacant. He pointed out that the submittal showed a high quality designed commercial development with a masonry screen wall to hide the storage use.

Commissioner Chad Williams asked how high the wall was.

Charlie Dean replied that the wall would be 14 feet.

Planning Director Paul Corder explained that mini storage was removed from the CG District to prevent it from taking prime spots.

Economic Development Director Sarah Haston agreed with the removal of storage units from CG that this particular use of land and there is no sales tax revenue with a prime as shown on her recent opportunity cost presentation. She noted that this area is a prime spot, and the proposed use is not the best use for the land and as such she supported the Staff's negative recommendation.

Charlie Dean said that this parcel had been vacant for quite a while and to his knowledge no commercial and he knows that you talk to people all the time to site businesses however, the city had not come to the Longs with a viable option for a commercial development of this parcel. He said that property is sandwiched in between 40- and 50-year-old industrial parks, storage to the east and a gas station adjacent to it. This use is appropriate for this area. He noted that thousands of units within one mile of this area that have already been approved and those people are going to need places like this. He noted that this design is elevated, and this is an opportunity to work with a developer that is willing to set an extremely high standard.

Commissioner David Taylor said that the commission is to look forward to the vision of the city and they just started the soccer field and they do not know what that will do with people coming into town. He added that he would hate to exclude something that would bring tax revenue.

A motion was made by David Taylor and seconded by John Lankford for a negative recommendation of the rezoning to City Council.

Commissioner Chris Crowell said that he appreciated the comments from economic development and would certainly like to see more sales tax revenue in the community but as to what Charlie Dean said about architectural standards and trying to improve the look of our community, he believed it is something that

the Longs (applicants) have worked hard on, and he would like to see more of in the community. He said that he planned on voting against David Taylor's motion.

David Taylor said that he thought it was just the wrong place for it.

Roll Call Vote

Nick Hayes	yes
Arian Kelley	no
John Lankford	yes
Chuck Daley	no
Chad Williams	no
Mack McCluskey	yes
David Taylor	yes
Chris Crowell	no
Ronnie Kelley	no
Lisa Noble	no

The motion failed 4-6.

A motion was made by Chuck Daley and seconded by Chad Williams for a positive recommendation of the rezoning to City Council.

Roll Call Vote

Nick Hayes	no
Arian Kelley	yes
John Lankford	no
Chuck Daley	yes
Chad Williams	yes
Mack McCluskey	no
David Taylor	no
Chris Crowell	yes
Ronnie Kelley	yes
Lisa Noble	yes

Motion carried 6-4.

*10. Request by Mattie Neely for a Zoning Code amendment to update Title 14, Chapter 9, Section 14.902
FPD - Floodplain Overlay District*

Staff comments:

- An amendment to regulate development within the corporate limits of Lebanon, to minimize danger to life and property due to flooding and to maintain eligibility for participation in the National Flood Insurance Program.

Director of Development Mattie Neeley was available to answer any questions. She said that it was discussed at the preliminary meeting and that FEMA is requiring that this goes through Planning Commission and City Council.

A motion was made by Chad Williams and seconded by Chuck Daley for a positive recommendation of the amendment of the Zoning Code to City Council. Motion carried 10-0.

11. Request by Staff to take boarding houses out of the summary paragraph of the RD9 Zoning District

Staff comments

- This is an amendment to remove a conflicting word out of a paragraph.

A motion was made by Chad Williams and seconded by Chuck Daley for a positive recommendation of the amendment of the Zoning Code to City Council. Motion carried 10-0.

12. Request by Staff to take building square footage out of the summary paragraph of the CS Zoning District

Staff comments

- This is an amendment to remove the building square footage requirement out of the summary paragraph.

A motion was made by Chad Williams and seconded by Chuck Daley for a positive recommendation of the amendment of the Zoning Code to City Council. Motion carried 10-0.

Directors Comments

Planning Director Paul Corder wanted to give some clarification regarding waiving the payment in-lieu-of sidewalks and the motions. The commission can only vote for the developer to install sidewalks or grant a payment in-lieu-of sidewalks and only City Council can waive that payment.

Adjourn

The meeting was adjourned at 5:53PM.

David Taylor
 Mack McCluskey, Chairman
 DAVID TAYLOR VICE CHAIRMAN

Kathleen Vail
 Kathleen Vail, Recording Secretary

05-23-2023
 Date

5/23/23
 Date