

CITY OF LEBANON  
MUNICIPAL REGIONAL SPECIAL CALLED PLANNING COMMISSION  
Remote Meeting Minutes – April 28, 2020

Special Note: Due to the nature of this meeting being remotely broadcast, all documents pertaining to this meeting were published and displayed on the Planning Department website and are available to all the Commissioners, the Applicants, and the Public prior to this meeting.

Members Participating Remotely

David Taylor	Mack McCluskey	Chad Williams	Kathy Adams
Ronnie Kelley	Camille Burdine	Robert (Bob) King	Jesse Gilliam

Staff Present in City Hall

Seth Harrison	Matt Schenk	Kathleen Vail
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Call to Order

A roll call was taken for quorum assurance.

David Taylor called the meeting to order at 5:00 PM and turned the meeting over to Planner Seth Harrison to run.

Planner Seth Harrison explained how the meeting would proceed.

- 1. Request by Staff to hold a remote meeting because the health of the public requires it*

A motion was made by David Taylor and seconded by Kathy Adams to hold the remote meeting.

Roll call vote

Kathy Adams	Yes
Camille Burdine	Yes
Jesse Gilliam	Yes
Robert (Bob) King	Yes
Mack McCluskey	Yes
David Taylor	Yes
Chad Williams	Yes

Motion carried 7-0.

Changes to Agenda

- 2. Request by L&E Properties Developers for preliminary plat approval for Hartsville Pike Subdivision, a 9-lot subdivision on about 5.05 acres at unaddressed Hartsville Pike (Tax Map 59 Parcel 33) zoned RD9 in Ward 2*

Applicant has requested deferral to the May Planning Commission Meeting.

*13. Request by MSI Properties for rezoning approval for about 0.33 acres at 105 North Hatton Street (Tax Map 68F Group B Parcel 22) from RD9 to CN in Ward 3*

Applicant has requested deferral to the May Planning Commission Meeting.

*17. Request by Staff for Approval of the South Hartmann Gateway Overlay.*

Applicant has requested deferral to the May Planning Commission Meeting.

Public Hearing

- 1. The proposed amendment to the Future Land Use Amendment for about 0.33 acres at 105 North Hatton Street (Tax Map 68F Group B Parcel 22) from MDR to RPC in Ward 3 (Planning Commission Resolution 20-03)*

Susan Decareaux of 107 N Hatton Avenue was available via Zoom. She stated that she had Glenda Musice of 108 N Hatton Avenue with her. She said that she sent comments to Planner Seth Harrison, City Councilor Camille Burdine, and Planning Commissioner Chad Williams. She asked Seth Harrison if he wanted her to repeat the comments or if sending the email was enough because she wanted to be respectful of everyone's time.

Planner Seth Harrison read the following email for reference:

**Sent:** Wednesday, April 22, 2020 8:01:56 PM  
**To:** Paul Corder <[paul.corder@lebanontn.org](mailto:paul.corder@lebanontn.org)>  
**Subject:** 105 N Hatton Ave rezone request

I received notification of the request for rezoning of the property at 105 N Hatton Avenue which is located right next door to me. I live at 107 N Hatton Avenue. The letter indicates that the property is currently zoned RD9, which states the following:

1. Uses Permitted:

Boarding or Rooming House  
Dwelling, one-family detached  
Dwelling, two-family detached  
Dwelling, semi-detached

2. Allowed Conditional Uses

Administrative Services Community Assembly Community Education Cultural and Recreational Services Intermediate Impact Facilities

3. Prohibited Uses

Any use not specifically allowed

Currently, I believe that there are 5 total units in that property.

The letter states that the request has been made to change the zoning to CN which allows the following uses:

Administrative Services  
Automotive Parking  
Community Assembly  
Convenience  
Commercial  
Dwelling, single-family  
Dwelling, two-family detached  
Dwelling, semi-detached  
Dwelling, townhouse  
Dwelling, multi-family  
Financial, Consultative and Administrative Services  
Food & Beverage Services  
General Personal Services  
General Retail Trade  
Light Construction Service  
Health Care  
Medical Services  
Personal & Group Care  
Transient Habitation  
Undertaking Services

Mr. Harrison has confirmed to me that the property is already in violation of it's current zoning but has been grandfathered in. So is this request made to bring the current use into zoning compliance?

Thinking that is unlikely, can you tell what is being proposed for that location? What business is Mr. Langley planning to put there that would "meet the frequent and regular needs of

of individuals" in this neighborhood? It seems to me that we have enough of all of the allowable uses already located in this neighborhood and within walking distance. What could be added that would bring value?

My concerns are as follows:

1. The building is already in violation. Broadening the allowable uses would open the door for even more abuse and who knows what type of business and what type of clientele would end up there, with absolutely no recourse for the residents with a zoning change.
2. Depending upon the type of business (eg. Transient house), I am concerned for my safety and the safety of my neighbors, many who are single women and live alone.
3. This property has historically been rented to people that are frequently visited by the police. It does not appear that Mr. Langley has any regard for his neighbors based upon the selection of tenants and his tolerance of criminal behavior. If allowed to add more units, I fear that would only bring more trouble.
4. What is having a business or more rental units next door to my property going to do to my property value? I just don't think it is going to maintain its current value with either one right next door.

Please do not allow this zoning change.

Thank you!  
Susan Decareaux

*(An additional comment was received by Zoom during the Old Business Item #1 and will be placed here for ease of reading)*

Glenda Musice of 108 N Hatton Avenue and has lived there for 47 years. It has always been a good neighborhood and now all residential neighborhood and all the older residents died out and other people buy them of course and we do have some slumlords. It is still a very great neighborhood to live in although I do consider Mr. Langley, the owner of 105 N Hatton properties, to be a slumlord. This man has rented, at one time, he had four units over here and probably none of them are more that 400-500 sq. ft. per. He had 17 kids, minor children, that lived in these little homes. I feel like that anything that he has in mind, will not be in the best interest of our neighborhood. I could name you about eight or nine different women, that live alone in this neighborhood and so far, it's been a good one with the exception of this piece of property. He also operates his office out of this property, which I am pretty sure is against all codes. Which he is against a lot of codes that I have been told and maybe grandfathered in, which I don't understand that. I wish you would just invoke the codes that he is not living up to on his end, just like it is, and you can go, just like I said, you can go and check police records. I cannot tell you how many times the police have been over here. The last one about two months ago on a Saturday night, we had a stabbing. I am asking you to leave it zoned the way it is and him live up to his part of the codes as they are right now. Thank you.

#### Old Business

1. *Request by City of Lebanon Fire Department for site plan approval for WCH New Tower, a non-residential development on about 42.83 acres at 419 Wildcat Way (Tax Map 101 Parcel 29) zoned RS20 in Ward 4*

Staff comments

Staff is not opposed to the variance for the tower height based on the provided documentation stating the tower will remain on the property in the event of a failure.

Engineering comments

Engineering Director Regina Santana stated that all their comments were on iDtPlans.

*(Note: Commissioner Ronnie Kelley was able to connect to the meeting.)*

PC comments

Commissioner Mack McCluskey said that there is a notice that the engineering study has been done indicating how the tower will fail. He asked if it was implicit that it is going to be constructed with the engineering study or does that need to be specified?

Planner Seth Harrison said that in the engineering letter stamped by the PE it is stated that if the event the tower does fail, it will collapse in a zero-foot radius. Basically, into itself and not spread out anywhere.

Commissioner McCluskey said that he understands that but is it written somewhere that the tower will be constructed consistent with the engineering study.

Planner Harrison said that they could have it put on the site plan as well. He asked Planner Matt Schenk if the site plan's visibility was laid out referring to the drop zone letter.

Planner Matt Schenk responded that it does not.

Planner Harrison said that we can make that comment on their next resubmittal to include the letter in the site plan.

Commissioner McCluskey said that it needs to be documented.

Commissioner Chad Williams said that he agrees 100% with Commissioner McCluskey.

A motion was made by Chad Williams and seconded by Ronnie Kelley to defer the site plan to May meeting until there is the proper documentation.

Roll call vote

Kathy Adams	Yes
Camille Burdine	Yes
Jesse Gilliam	Yes
Ronnie Kelley	Yes
Robert (Bob) King	Yes
Mack McCluskey	Yes
David Taylor	Yes
Chad Williams	Yes

Motion carried 8-0.

New Business

2. Request by L&E Properties Developers for preliminary plat approval for Hartsville Pike Subdivision, a 9-lot subdivision on about 5.05 acres at unaddressed Hartsville Pike (Tax Map 59 Parcel 33) zoned RD9 in Ward 2

Applicant has requested deferral to the May Planning Commission Meeting.

3. *Request by MRA Development, LLC for final plat approval for MRA Development, LLC, an 8-lot subdivision on about 2.85 acres at 413 Maple Hill Road (Tax Map 57 Parcel 50) zoned RD9 in Ward 5*

Staff comments

Staff recommends approval with the construction of sidewalks on new lots.

A motion was made by David Taylor and seconded by Jesse Gilliam to approve the final plat.

Roll call vote

Kathy Adams	Yes
Camille Burdine	Yes
Jesse Gilliam	Yes
Ronnie Kelley	Yes
Robert (Bob) King	Yes
Mack McCluskey	Yes
David Taylor	Yes
Chad Williams	Yes

Motion carried 8-0.

4. *Request by Pulte Homes of Tennessee, LP for final plat approval for Harper Spence Creek Phase 32, a 57-lot subdivision on about 13.04 acres at 5240 Highway 109 North (Tax Map 48 Parcel 28) zoned CN in Ward 6*

Staff comments

Staff recommends approval with the construction of sidewalks on new lots. Staff noted that there was a petition regarding this project.

Applicant comments

CSDG Engineering's Ryan Lovelace was available by Zoom to answer any questions. He said he didn't believe there were any Staff comments, but if there were, they agree with them, and he asked for approval.

Any written comments given to Staff or Facebook live comments

Ryan Lovelace was asked to repeat his comments and he complied.

PC comments.

Commissioner Camille Burdine asked if this was the project that they talked about that needed a connection?

Planner Seth Harrison said yes. This is the one that has the active petition from the neighboring property wanting to have no connection to Spence Creek.

Commissioner Burdine asked if that was resolved.

Planner Seth Harrison said that the petition still exists however it is the commission's job as a voting body to determine whether they want that connection or not.

Planning Director Paul Corder said that this was discussed at the preliminary meeting. The connection is consistent with the 109 Access Management Study that the State did. The preliminary plat had the connection and staff thinks it is a good connection that will allow for access out of that neighborhood. Staff requires connections and we think it is a good idea and it is consistent with the State's plan.

Commissioner Burdine said that she understands now. She thought the developer did not want it.

A motion was made by Chad Williams and seconded by Camille Burdine for approval of the final plat.

Any discussion about the motion

Chairman David Taylor wants the motion changed to require the connection.

Planning Director Paul Corder said the connection is going to be automatically required unless the commission grants a variance.

Commissioner Chad Williams said that the connection is prudent, so the motion stands as it is, and it automatically includes the connection.

Roll call vote

Kathy Adams	Yes
Camille Burdine	Yes
Jesse Gilliam	Yes
Ronnie Kelley	Yes
Robert (Bob) King	Yes
Mack McCluskey	Yes
David Taylor	Yes
Chad Williams	Yes

Motion carried 8-0.

- 5. Request by GARGI Investments for site plan approval for GARGI Investments, a non-residential development on about 1.25 acres at 12 Franklin Road (Tax Map 81C Group D Parcel 4) zoned CN in Ward 3*

Staff comments

Staff recommends approval with the variances for dumpster enclosure, landscape buffer, and transparency due to the shape and narrowness of the lot.

Applicant comments

Dean Design Group's Charlie Dean was available by Zoom. He said that they went over the reasons for the variances and seems like staff has support for those. He said he would be happy to answer any questions and have those items addressed.

PC comments

Commissioner Chad Williams said that he would like to see the sidewalks that are mentioned in the description on the staff report.

Planner Seth Harrison said that sidewalks are shown on the site plan and in the staff report.

A motion was made by Camille Burdine and seconded by Jesse Gilliam to approve the site plan with the sidewalks.

Roll call vote

Kathy Adams	Yes
Camille Burdine	Yes
Jesse Gilliam	Yes
Ronnie Kelley	Yes
Robert (Bob) King	Yes
Mack McCluskey	Yes
David Taylor	Yes
Chad Williams	Yes

Motion carried 8-0.

- 6. Request by Long Rifle Partnership for site plan approval for Wilson County Motors Building and Parking Lot Expansion, a non-residential development on about 13.62 acres at 903 South Hartmann Drive (Tax Map 81 Parcel 2.05) zoned CG in Ward 4*

Staff comments

Staff is not opposed to the variance for street trees due to the completeness of the remaining landscape plan.

Applicant comments

Matt Taylor said that they have taken care of all of staff's comments and would appreciate approval.

PC comments

Commissioner Mack McCluskey said that he is picking up on Commissioner Williams' comments that sidewalks are shown, and he wants to continue to see them there.

A motion was made by Chad Williams and seconded by Kathy Adams to approve the site plan with the variances for the landscaping and with the sidewalks in place.

Roll call vote

Kathy Adams	Yes
Camille Burdine	Yes
Jesse Gilliam	Yes
Ronnie Kelley	Yes
Robert (Bob) King	Yes
Mack McCluskey	Yes



David Taylor        Yes  
Chad Williams      Yes

Motion carried 8-0.

*(This Item was reopened by vote after New Business Item #12 and will be placed here for ease of reading.)*

W.P. Bone of 903 South Hartmann Drive stated that when Long Rifle Partnership, which he is a partner, donated the land to the City of Lebanon to build Aviation Way. There was an agreement, specifically, to keep the sidewalks on the south side of the street because the developers at that time wouldn't build them. There are no sidewalks from South Hartmann to where it could connect with these. If you approved it with new sidewalks, I would like you to reconsider that. (the connection was not clear enough for the full statement.

Planner Seth Harrison explained to everyone who could not understand that essentially whenever the developers had built Aviation Way, they made an agreement to have the sidewalk only on the south side. At this time, there are no sidewalks connecting to where this future sidewalk would be. He asked WP Bone is that is correct summation.

WP Bone said that is correct.

Engineering Director Regina Santana said that she reached out to Public Services Director Jeff Baines and he said that what WP Bone said was correct and we can confirm that before we approve the site plan.

#### PC comments

Commissioner Mack McCluskey asked if there are sidewalks on the south side of Aviation Way as of yet to be built.

Seth Harrison said that as of right now, we have an approved site plan to the east of this project, SR Residential is showing sidewalks on the north side of the road and he demonstrated the location on the PowerPoint.

Commissioner McCluskey noted that there is an agreement that the sidewalks would only be on the south side of Aviation Way and that they would be built by the City, correct.

WP Bone said that they would be built by the developers.

Planning Director Paul Corder said the south side of Aviation Way has not been developed, it been vacant so there would not have been any sidewalks yet.

A motion was made by Chad Williams for approval without sidewalks and without payment in lieu of because of the deal the City made with the developer on the north side.

Seth Harrison said that Planning Commission does not have the ability to grant payment in lieu of, that can only be done at City Council.

Engineering Director Regina Santana said that she did not know if the payment in lieu of was done at City Council. However, Jeff Baines did contact her and said the sidewalk on the south side will go all the way from the airport back out to Hartmann Drive as property develops.

Seth Harrison asked if this gets approved with a payment in lieu of and then gets changed afterwards.

Regina Santana said that City Council did approve the agreement.  
Paul Corder said that the motion is fine as was previously stated.

Kathy Adams seconded the motion.

Roll call vote

Kathy Adams	Yes
Camille Burdine	Yes
Jesse Gilliam	Yes
Ronnie Kelley	Yes
Robert (Bob) King	Yes
Mack McCluskey	Yes
David Taylor	Yes
Chad Williams	Yes

Motion carried 8-0.

- 7. Request by Greg Dugdale Properties for site plan approval for 105 Hartmann Commerce a non-residential development on about 13.62 acres at 105 Hartmann Commerce Drive (Tax Map 81 Parcel 87.06) zoned CG in Ward 3*

Staff comments

Staff recommends approval with the building façade meeting transparency and articulation requirements.

Applicant comments

Dean Design Group's Charlie Dean said that the variance they are requesting is to build the same building that they built next door. This is essentially the exact building in size that they built next door so they would like variances for the transparency and the articulation so that they can build that same building. Other than that, he said that he believes everything else is in order. He would be happy to answer any questions.

PC comments

Commissioner Chad Williams asked if there were sidewalks in front of the building that is currently shown.

Applicant response

Charlie Dean requested the payment in lieu of sidewalks amount.  
Planner Seth Harrison noted the amount would be \$6,520.00.

A motion was made by Chad Williams and seconded by Jesse Gilliam to approve the site plan with the payment in lieu of sidewalks amount and the variances for articulation and transparency.

Roll call vote

Kathy Adams	Yes
Camille Burdine	Yes

Jesse Gilliam	Yes
Ronnie Kelley	Yes
Robert (Bob) King	Yes
Mack McCluskey	Yes
David Taylor	Yes
Chad Williams	Yes

Motion carried 8-0.

8. *Request by Pedcor Investments LLC for site plan approval for The Residences at Ironwood, a development of 186 units on about 10.97 acres at 415 Rome Pike (Tax Map 67 Parcel 2) zoned CN and RM6 in Ward 2*

Staff comments

There was one change between the Staff Report that was issued on Friday and this Staff Report, the building materials issue for the building to the North has been fixed so that is now in compliance. At this time, Staff is not opposed to the variance for the connection to Twyla Drive in the Bonnie Oaks Subdivision.

Applicant comments

Michael Rogers said that other than the variance that Seth mentioned, and he would be glad to answer any questions and discuss anything that was talked about in the work sessions and the reasons we were requesting the variance. They felt it was not a good connection and that the neighbors to the East also are opposed to the connection. He asked that the motion be made to request that variance. Otherwise, they are in agreement with all other things and have revised our plans to be in compliance.

A motion was made by Camille Burdine with the variance.

Planner Seth Harrison asked for clarification regarding the sidewalks.  
Commissioner Burdine said approval with the sidewalks.

Commissioner Camille Burdine said there was an issue with the sidewalks on the corner to the right.

Planner Seth Harrison said that they have control over that corner, and they are showing sidewalks on that parcel.

Commissioner Burdine asked Michael Rogers why they did not want sidewalks in that corner.

Planner Seth Harrison said that because they own that property and you can grant the payment in lieu of amount for that section; it will have to be calculated after the meeting. At this time there will be a gap between the existing building and where the sidewalks are at.

Michael Rogers said that while that is a small section of sidewalk on that area at the east edge of the property, where we end that sidewalk and where that sidewalk ends at the east, there is concrete pavement that comes out from that commercial development all the way out to the highway.

Camille Burdine repeated the motion for granting the variance for the connection and including sidewalks. Kathy Adams seconded.

Roll call vote

Kathy Adams	Yes
Camille Burdine	Yes
Jesse Gilliam	Yes
Ronnie Kelley	Yes
Robert (Bob) King	Yes
Mack McCluskey	Yes
David Taylor	Yes
Chad Williams	Yes

Motion carried 8-0.

9. *Request by Farmington Woods LLC for site plan approval for Quail Run, a development of 48 units on about 11.33 acres at 1035 Maple Hill Road (Tax Map 46 Parcel 9.08) zoned RD9 in Ward 1*

Staff comments

Staff recommends approval with the variance for the façade and transparency since it is less than a 25% deviation from the overall, and a variance for bike parking.

Applicant comments

Lose Design’s April Anderson was available by Zoom. She said that one of the items that was discussed at the preliminary meeting, about the public road that was coming through, we had talked about eliminating the sidewalk on the east side of that road for reasons of grading hardship, the adjacent lot, and the turn radius around that lot in Farmington Woods. It seemed as though everyone was in favor of that and she want to make sure that is discussed on the record. Other than that, we look for approval on all these waivers.

Any written comments given to Staff or Facebook live comments

David Pierce messaged that he thought the original was for 44 homes.

April Anderson responded that the original plan was for 44 units but due to several meetings several meetings with Staff to discuss the road connection through, the gated entrance, etc., that they were able to reorient the buildings which made the internal circulation function better and were to get 2 more buildings and 4 more units in the development.

PC comments

Commissioner Mack McCluskey asked if this was the one where the sidewalk just stopped over on the east side.

Planner Seth Harrison said it was and it stops along the new road.

Commissioner Mack McCluskey queried that you don’t want to put a crosswalk in the curve.

Seth Harrison said that is correct due to safety because it would be a mid-walk crossing and it would be a blind curve.

Mack McCluskey asked if there really was a reason to have a sidewalk there.

Seth Harrison demonstrated on the PowerPoint where the intersection where the crosswalk would be going.

Paul Corder said that the sidewalk already exists in Farmington Woods.

Seth Harrison explained that Phase 8 the two sections of sidewalk already exist.

Commissioner McCluskey asked then why it can't be continued.

April Anderson said that the reason that they did not want to continue it is because of the grading constraints in making the tight curve around lot 93. In order to make grade at Maple Hill Road, there is a significant amount of fill needed in order to get that to the right elevation for that intersection. In order to tie back our contours to stay within the constraints of the site, we needed to eliminate that sidewalk on that side.

Commissioner McCluskey said that if you stop a sidewalk in midair, you are begging people to cross the street at somewhere other than a crossing. That is a safety problem.

Paul Corder asked April to confirm that sidewalk is there.

Engineering Director Regina Santana said that the sidewalks are built with the houses. If there is not a house on that lot yet, sidewalks would be there eventually. The builder would not know where the driveway would go, and construction traffic would drive over them which would tear them up. Only talking about a curve cut, which is an ADA ramp to cross the street in a wheelchair for example. So, you don't want to encourage that anywhere except at an intersection where there is stop conditions and that is why we don't want it on the curve. So, it is really curb ramps we are talking about.

Commissioner McCluskey said he sees a sidewalk running east-west and the sidewalk ends on the west end and it begs people to walk across the street in a non-crossing location.

Seth Harrison the house has not been built essentially and the sidewalk is not in place. Amending the construction documents would have to go through review again.

Chairman David Taylor said that there needs to not be sidewalks on those two western lots where it stops at that intersection and that would take care of Mack's problem.

Paul Corder said that value of the sidewalks is to get those 2 units to the intersection. One compromise would be stopping the sidewalk at a driveway, so they don't go all the way through the last parcel. It stops at the driveway.

Commissioner McCluskey Regina or whoever. figure out a way a safe way to do that You just don't accidentally run a sidewalk up there and stop it.

April Anderson said that she believes that the client would be willing to do that, stopping at the driveway so the residents could safely get to a crosswalk. Reiterate again that the reason they were not showing it on both sides were the grading constraints.

Commissioner McCluskey said okay if you just make a conscious decision based on safety as to where the sidewalk should stop.

Any written comments given to Staff or Facebook live comments

David Pierce – Is this still a gated community?

Planning Director Paul Corder - Yes.

Sue Siens – They are fine with the plat as shown.

Sue Siens – Isn't there a sidewalk on the west side of the entrance road?

April Anderson - could be referring to the public road extension. There are no sidewalks on Maple Hill Road.

A motion was made by Chad Williams and seconded by David Taylor to approve the site plan with the variances and the payment in lieu of sidewalks.

Roll call vote

Kathy Adams	Yes
Camille Burdine	Yes
Jesse Gilliam	Yes
Ronnie Kelley	Yes
Robert (Bob) King	Yes
Mack McCluskey	Yes
David Taylor	Yes
Chad Williams	Yes

Motion carried 8-0.

*10. Request by Farmington Woods LLC for gate approval for Quail Run, a development of 48 units on about 11.33 acres at 1035 Maple Hill Road (Tax Map 46 Parcel 9.08) zoned RD9 in Ward 1*

Staff comments

Staff recommends approval subject to new business item #9.

A motion was made by Chad Williams and seconded by Jesse Gilliam to approve the gate.

Roll call vote

Kathy Adams	Yes
Camille Burdine	Yes
Jesse Gilliam	Yes
Ronnie Kelley	Yes
Robert (Bob) King	Yes
Mack McCluskey	Yes
David Taylor	Yes
Chad Williams	Yes

Motion carried 8-0.

*11. Request by Tri-Star Equipment for rezoning approval for about 1.99 acres at 1229 South Hartmann Drive (Tax Map 81 Parcel 86.14) from CN to CG in Ward 3*

Staff comments

Staff recommends approval due to compliance with the Future Land Use Plan.

Applicant comments

Applicant, Mark Wilson requested approval.

PC comments

Commissioner Camille Burdine asked if the map shown is correct with the CN next to it, she was told it was CG Zoning.

Planner Seth Harrison explained that some of the maps had not be updated and to the West of this property it is CG and this property in CN.

Commissioner Burdine said that was the confusion at the workshop and she apologizes to the applicant and after making sure that is CG, she is in agreement with having this rezoned.

A motion was made by Jesse Gilliam and seconded by David Taylor to recommend this rezoning to City Council.

Roll call vote

Kathy Adams	Yes
Camille Burdine	Yes
Jesse Gilliam	Yes
Ronnie Kelley	Yes
Robert (Bob) King	Yes
Mack McCluskey	Yes
David Taylor	Yes
Chad Williams	Yes

Motion carried 8-0.

*(At this juncture, Commissioner Chad Williams received a text from W. P. Bone about not being able to comment on Item #6.)*

A motion was made by Chad Williams and seconded by Kathy Adams to reconsider Item #6.

Roll call vote

Kathy Adams	Yes
Camille Burdine	Yes
Jesse Gilliam	Yes
Ronnie Kelley	Yes
Robert (Bob) King	Yes
Mack McCluskey	Yes
David Taylor	Yes
Chad Williams	Yes

Motion carried 8-0.

*12. Request by MSI Properties for a Future Land Use Plan Amendment for about 0.33 acres at 105 North Hatton Street (Tax Map 68F Group B Parcel 22) from MDR to RPC in Ward 3*

Staff comments

Staff is not opposed to this amendment due to the surrounding Future Land Use. Staff spoke with the applicant and he is planning on going through with an SP district. The Future Land Use Plan

amendment is continuing because of the 30 days' notice public hearing. Staff is working together with the applicant with the SP.

Planning Director Paul Corder said that the requirement was that we have the public hearing so this can be voted on today or deferred. He would prefer it be deferred.

A motion was made by Chad Williams and seconded by David Taylor to defer the Future Land Use Plan.

#### Any discussion about the motion

Commissioner Camille Burdine spoke with Mr. Langley and expressed concerns with him that they had at the work session. She expressed the concerns that she had spoken with Susan about on the email, that he has not been a good neighbor and that she can't trust what he's going to do going forward. It is news to her tonight that he already has the office already there, so she will be checking into that. She will also be checking to see if he has pulled the building permits to redo this property. Also, she did say to him that if he truly wanted to do what was right with the property, that he needed to talk with Planning about an Specific Plan (SP) which she will let Paul Corder talk about, which means whatever he turns it into, he can only use it for that use. If the property is sold or he does something different with it, he would not be able to go along with the property. He couldn't put tattoo parlors or whatever. She is agreeing with working with him if he comes up SP; with the help of the neighborhood and he'll clean the place up, she is agreeing to help him with that. However, she is willing to straight zone this property.

Planning Director Paul Corder said that he did talk to Building Official Danny Raines and there were no permits pulled. He has driven by several times and has not observed anyone doing construction, but they are continuing to watch the property. With an SP they would be able to tailor their zoning to specific uses that they would want to use, and other uses would be eliminated, like tattoo parlors, to give the neighborhood some peace of mind.

Commissioner Adams asked how many uses we are talking about and would he be requesting the uses?

Commissioner Burdine replied that he requested to put his management office in there. He wants to work out of that office. Unless there is an SP, we couldn't be sure that was what he was doing, but it sounds like he is already working out of there.

Commissioner Kathy Adams asked if the SP would allow him to have an office there and the rest of it would stay residential.

Commissioner Burdine replied that he is wanting to keep two residential there instead of five. So, two residential and one management.

Commissioner Mack McCluskey asked why we need to do a Future Land Use Plan for an SP.

Planner Seth Harrison said that it has to match the FLU Plan.

Commissioner Burdine said that the reason she is open to a SP is it is the first one behind a commercial building. She doesn't agree with him not being a good neighbor. She is willing to listen to an SP.

Susan Decareaux thanked Camille Burdine her having their backs. She asked what is next in the process.

Planner Seth Harrison said essentially the applicant will have to meet with the planning department and the engineering department and the city counselor for that Ward, which is Camille Burdine. On the SP they will have to have the prohibited uses, setbacks, landscape requirements, sidewalk requirements, etc. then it goes to Planning Commission for



recommendation to City Council. At the Planning Commission, the commissioners have the option to amend the SP as well as when it goes to City Council. If it is amended more than 25% it may have to go back to the Planning Commission.

*(At this point the meeting was disconnected.)*

*(Meeting difficulties)*

Commissioner Mack McCluskey said we established that this person is not a good neighbor and that he does not worry that much about compliance; it seems like we are jumping through hoops to give him what he wants. That seems inconsistent so why are we doing it?

Seth Harrison said that we are trying to not advertise the SP again.

Commissioner McCluskey said he is talking about the whole initiative just to create a SP so he can have his office there. Doesn't he have some responsibility to come into compliance or something before we start worrying about creating what he wants.

Seth Harrison said that he contacted him today and Camille Burdine to create a SP and my job as staff is to walk him through the process.

Planning Director Paul Corder said that in some respects they have the right to ask and we take them through the process. We are not putting out any more effort that we wouldn't give to anyone else. It is possible for the Planning Commission to recommend denial on the whole thing to City Council. It is an option for when it comes back.

Chad Williams said that they should go through with the motion of the floor to defer it, because we already put it out but it was deferred and that way the applicant and all the public will have the opportunity to come back and speak for it or against it. That way we can allow everyone to have equal say.

A motion was made by Chad Williams and seconded by David Taylor to defer the Future Land Use Plan Amendment.

Roll call vote

Kathy Adams	Yes
Camille Burdine	Yes
Ronnie Kelley	Yes
Robert (Bob) King	Yes
Mack McCluskey	Yes
David Taylor	Yes
Chad Williams	Yes

Motion carried 7-0.

*13. Request by MSI Properties for rezoning approval for about 0.33 acres at 105 North Hatton Street (Tax Map 68F Group B Parcel 22) from RD9 to CN in Ward 3*

Applicant has requested deferral to the May Planning Commission Meeting.

*14. Request CA South Development, Inc for rezoning approval for about 33.77 acres at 1770 and 2000 Callis Road (Tax Map 79 Parcels 56 and 56.01) from IP to SP in Ward 4*

Staff comments

Staff recommends approval based on the Future Land Use Plan.

Applicant comments

Fulmer Engineering's Kevin Eakes said that this went to City Council and It is in Chris Crowell's Ward and he sees this as a need for his ward especially in light of the tornado damage. He wanted us to go through a SP to remove some of the undesirable uses in case something was to happen and this parcel was sold. It does protect the parcel from some of the undesirable uses for this property. It does match the FLU. The SP is based off the IP zoning with basically the removal of automotive, vehicular and hotel uses, no conditional uses, Heavy Construction Service, Medium Industry, Intermediate Impact.

A motion was made by Chad Williams and seconded by Jesse Gilliam to recommend approval of the rezoning to City Council.

Roll call vote

Kathy Adams	Yes
Camille Burdine	Yes
Jesse Gilliam	Yes
Ronnie Kelley	Yes
Robert (Bob) King	Yes
Mack McCluskey	Yes
David Taylor	Yes
Chad Williams	Yes

Motion carried 8-0.

*15. Request by CA South Development Inc for plan of services approval for about 1.50 acres at 2000 Callis Road (Tax Map 79 Parcel 56.01) and zoning to SP in to be added to Ward 4*

Staff comments

Staff recommends approval based on the Future Land Use Plan.

Applicant comments

Fulmer Engineering's Kevin Eakes said that they are just bringing the adjacent parcel into the SP.

A motion was made by Chad Williams and seconded by Kathy Adams to recommend approval of the Plan of Services to City Council.

Roll call vote

Kathy Adams	Yes
Camille Burdine	Yes
Jesse Gilliam	Yes

Ronnie Kelley	Yes
Robert (Bob) King	Yes
Mack McCluskey	Yes
David Taylor	Yes
Chad Williams	Yes

Motion carried 8-0.

*16. Request by CA South Development Inc for annexation and zoning approval for about 1.50 acres at 2000 Callis Road (Tax Map 79 Parcel 56.01) and zoning to SP to be added to Ward 4*

Staff comments

Staff recommends approval based on the Future Land Use Plan.

Applicant comments

Fulmer Engineering’s Kevin Eakes said that this is a split parcel that they want to bring into the City.

A motion was made by Chad Williams and seconded by Camille Burdine to recommend approval of the annexation to City Council.

Roll call vote

Kathy Adams	Yes
Camille Burdine	Yes
Jesse Gilliam	Yes
Ronnie Kelley	Yes
Robert (Bob) King	Yes
Mack McCluskey	Yes
David Taylor	Yes
Chad Williams	Yes

Motion carried 8-0.

*17. Request by Staff for approval of the South Hartmann Gateway Overlay*

Applicant has requested deferral to the May Planning Commission Meeting.

Planning Director Paul Corder gave an update regarding the South Hartmann Overlay that it is in good shape with a few edits left:


- Empower Me Day Camp property is changing to Suburban Office Residential which fits. There was a similar request from Ensley Hagan regarding his piece of property.
- Clarification that site plans in walkable areas would be reviewed at staff level rather than Planning Commission, to speed up the process.
- Work on site plans overlay regulations except for single family homes and duplexes.

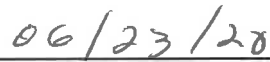
- May exempt the RR zoning.
- Clarify setback regulations along Hartmann Drive.
- Need site plan trigger overlay regulations.
- Open space – the intent is for it to be 50 acres or more however, it may just go by residential of 20 units or more.

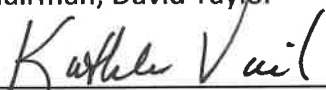
Because of these, we are going to defer the request. There should be a cleaner version next month, but we are glad to get it to this point.

Adjourn

A motion was made by Chad Williams and seconded by David Taylor to adjourn. The meeting was adjourned at 6:58 PM.

  
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Chairman, David Taylor

  
\_\_\_\_\_  
Date

  
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Kathleen Vail, Recording Secretary

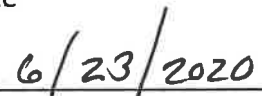
  
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EXHIBIT A includes Facebook comments that were unclassified.

## EXHIBIT A

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**Marc Oakley** · 1:13:58 Will you be covering the rezoning of the various properties on SE Tater Peeler?

4w



**Paul Corder** · 1:14:58 Yes they are on the agenda but the applicant has asked for a deferral.

4w



**Penny Sisco Benton** · 1:14:46 Thanks Paul

4w



**Penny Sisco Benton** · 1:08:03 Is there a place to view the site plans on Lebanon website? We can not see the visuals. Thanks

4w



**Paul Corder** · 1:13:14 We can post the slide show before the voting meeting. If you need something specific let me know.

4w



**Elizabeth Langford** · 1:22 Here Kaitie Holley Heather Crouch wondering if this is going to be about reopening??

4w



**Paul Corder** · 47:20 No that will not be on the agenda.

4w