

MUNICIPAL REGIONAL PLANNING COMMISSION
Meeting Minutes – August 27, 2019

Members Present:

David Taylor	Mack McCluskey	Chuck Daley	Kathy Adams
Jesse Gilliam	Mike Walls	Robert King	Chad Williams
Ronnie Kelley	Camille Burdine		

Staff Present:

Paul Corder	Seth Harrison	Kathleen Vail	Andy Wright
Regina Santana	Dillan Jackson	Brian Whitnel	

CALL TO ORDER

Chairman David Taylor called the meeting to order at 5:00 PM. Commission member Jessie Gilliam opened with the invocation and led the Pledge of Allegiance.

CHAIRMAN'S COMMENTS

Chairman David Taylor explained the order of proceedings.

PUBLIC HEARING

1. **Public Hearing** the proposed amendment to the Future Land Use Plan of about 182.27 acres at unaddressed properties and 1523 Murfreesboro Road (Tax Map 92 Parcels 52, 53.06, 53.09, and 53.10) from LDR to CO in the UGB (Planning Commission Resolution 19-09)
2. **Public Hearing** the proposed amendment to the Future Land Use Plan of about 3.35 acres at 1427 Alhambra Drive (Tax Map 58 Parcel 14.01) from MDR to LDR in Ward 1 (Planning Commission Resolution 19-10)

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

APPROVAL OF MINUTES

A motion was made by Chad Williams and seconded by Jesse Gilliam to approve the minutes of the Regular Called July 24, 2019 Planning Commission Meeting.

DEFERRAL ITEM

- Request by OldSmith Group LLC for rezoning approval of about 118.50 acres at an unaddressed property on Callis Lane (Tax Map 79 Parcel 60) from RS20 to CN in Ward 4

It was noted that this item that was on the Agenda at the Preliminary Planning Meeting requested a deferral.

CONSENT

1. *Request by Meritage Homes of Tennessee Inc. for preliminary plat approval of McMillen Townhomes, a 4-lot subdivision on about 33.08 acres at an unaddressed property on West Main Street (Tax Map 57 Parcel 32.01) zoned CN in Ward 6*
2. *Request by Meritage Homes of Tennessee Inc. for final plat approval of McMillen Townhomes, a 4-lot subdivision on about 33.07 acres at an unaddressed property on West Main Street (Tax Map 57 Parcel 32.01) zoned CN in Ward 6*
3. *Request by Goodall Homes and Communities for final plat approval of Five Oaks, Phase 5 Section 2C, a 3-lot subdivision on about 0.72 acres at 104, 106, and unaddressed property on Rosehaven Court (Tax Map 46H Group F Parcel 6, 7, & 8) zoned HRDPUD in Ward 6*
4. *Request by Lennar Homes of Tennessee LLC for final plat approval of Vineyard Grove, Phase 1B, a 66-lot subdivision on about 13.01 acres at 1500 Hunters Point Pike (Tax Map 58 Parcel 66.01) zoned CN in Ward 1*
5. *Request by DS Woodbridge Glen Sub LLC for final plat approval of Woodbridge Glen, Phase 1A Section 3, a 29-lot subdivision on about 24.57 acres at an unaddressed property on Callis Road (Tax Map 94 Parcel 14.05) zoned RS6 and RM6 in Ward 4*
6. *Request by CDT Cedar Creek Partnership for site plan approval of East Division Street Warehouse, a non-residential development on about 8.90 acres at 5510 East Division Street (Tax Map 79 Parcel 74) zoned IP in Ward 4*

A motion was made by Mack McCluskey and seconded by Chuck Daley to approve the items on the consent agenda. Motion carried 10-0.

NEW BUSINESS

1. *Request by Van Webber LLC for site plan approval of Bluebird Road Townhomes, a development of 6 units on about 0.60 acres at 1410 Bluebird Road (Tax Map 67G Group C Parcel 18) zoned RD9 in Ward 2*

Planner Seth Harrison said that they need to include the lumens produced for each luminaire on the photometric plan. Also, the Planning Commission will have the ability to require sidewalks along Bluebird Road or a payment in lieu of sidewalks amount of \$2,625.00. Staff recommended approval with the photometric plan meeting code.

A motion was made by Chad Williams and seconded by Chuck Daley to approve the site plan with the photometric plan corrected and with the requirement of sidewalks. Motion carried 10-0.

2. *Request by Envision Construction for site plan approval of Bluebird Townhomes, a development of 5 units on about 0.37 acres at 935 Bluebird Road (Tax Map 67G Group B Parcel 11) zoned RM6 in Ward 2*

Planning Director Paul Corder said that Staff talked with the engineers and they will work with Staff regarding the dumpster location behind the townhomes. Staff recommended approval based on compliance with the City of Lebanon Zoning Code.

A motion was made by Kathy Adams and seconded by Chad Williams to approve the site plan. Motion carried 10-0.

3. *Request by Meritage Homes of Tennessee Inc. for site plan approval of McMillen Townhomes, a development of 228 units on about 33.08 acres at an unaddressed property on West Main Street (Tax Map 57 Parcel 32.01) zoned CN in Ward 6*

Planner Seth Harrison said that Buildings 33-48 are required to follow the building material requirements because they are adjacent to R2 zoning. The site plan does not include the height for the luminaires. Multi-family and non-residential developments within the CN district shall utilize tree grates, planters, or wells, as opposed to continuous landscape strips, to maximize pedestrian circulation throughout the planting strip area and the applicant is requesting a variance due to the nature of the location and site. Additionally, the Planning Commission will have the ability to require sidewalks along Shirl Drive or require a payment in lieu of sidewalks amount of \$84,304.80. Staff recommended approval with buildings 33-48 meeting building material requirements, and the landscape and photometric plan meeting code.

Civil Site Design's Joe Haddix said that they are in agreement with Staff's comments and conditions. They are asking for a variance with the trees in the well requirement and have provided a 10ft grass strip lined with trees and sidewalks at each intersection.

A motion was made by Mack McCluskey and seconded by Chad Williams to approve the site plan to require the trees in the planting strip, compliance with the building materials, photometric plan, and requiring the sidewalks. Motion carried 10-0.

4. *Request by Destiny Homes for site plan approval of Highland Court Townhomes, a development of 7 units on about 0.60 acres at an unaddressed property on Highland Court (Tax Map 67A Group A Parcel 44.01) zoned R2 in Ward 2*

Planning Director Paul Corder said that the engineers are willing to work with Staff with the dumpster location. The Planning Commission will have the ability to require sidewalks along Highland Court or payment in lieu of sidewalk amount of \$1,200.00. Staff recommended approval based on compliance with the City of Lebanon Zoning Code.

Derek Dodson of 106 Chapman Drive said that there is no rezoning sign on the property. Additionally, he asked if Destiny Homes exists and he said that he does not have a problem with this property being developed but feels that this is shady project. He named the surrounding properties and said that putting seven townhomes on a narrow lot between two residential houses will cause Greg Dugdale to want the same thing on all his acres. He said he just exposed this slick way to cram as many townhomes on this narrow piece of property as possible.

Planning Director Corder said that there is no rezoning sign because this is a site plan submittal and that any name can be submitted.

Commissioner Chad Williams stated that as much as he agreed with Mr. Dodson, he did not see any legal reason to deny this request.

A motion was made by Chad Williams and seconded by Mack McCluskey to approve this site plan with the required sidewalks. 10-0.

5. *Request by Wilson County for site plan approval of Wilson County Jail Expansion, a non-residential development on about 9.15 acres at 105 & 209 East High Street, 413 Lake Street, and 202, 204, & 206 Rogers Avenue (Tax Map 68D Group D Parcels 1, 2, 3, 4, 11, & 12) zoned R2, CN, CS, and CG in Ward 2*

Planner Seth Harrison said that there was no landscape plan submitted and the applicant is requesting a variance for all required landscaping. The applicant is requesting a variance from the access requirement and the maximum fence height requirement. Additionally, no photometric plan had been submitted. The Planning Commission will have the ability to require sidewalks along Rogers Avenue or a payment in lieu of sidewalks amount of \$26,882.70. Staff recommended approval with sidewalks required along Rogers Avenue, the variances for building materials, landscaping, and fences, and the distance between access points meet code.

Civil Cite Design's Joe Haddix said that they are requesting a waiver from the landscaping because it causes security issues and from the access requirement because it will be for delivery only and they need the width for the trucks and they did not want to have a truck backing out onto Rogers Avenue they would be happy to stripe it to be one way. He requested the payment in lieu of sidewalks and said that they will provide the photometric plan with the final plat.

A motion was made by Chad Williams and seconded by Kathy Adams to approve the site plan with the required sidewalks and the variances for building materials, fence height, landscaping, and the distance between access points. Motion carried 10-0.

6. *Request by Flemming Homes for site plan approval of Melrose Place Townhomes, a development of 7 units at 523 Melrose Avenue (Tax Map 68M Group B Parcels 18 & 19) zoned R2 in Ward 3*

Planner Seth Harrison said that calculation for landscaping required and provided needs to be included as well as the calculation for street trees, planting strip between road and sidewalk, and the foundation plantings. The Planning Commission will have the ability to require sidewalks along Melrose Avenue or a payment in lieu of amount of \$6,000.00. Sidewalks are shown on the site plan. Staff recommended approval with landscape plan meeting code.

Randy Laine said that they are requesting a variance from the tree wells because they have a landscaping strip. They would be glad to install the sidewalks and they are shown on the site plan. He said that they are showing the sidewalk in the street ROW but the plantings between in sidewalk and the road is in the ROW and they are asking if that is really what everybody wants.

There was a discussion regarding tree wells and the planting strip.

A motion was made by Chad Williams and seconded by Mack McCluskey to approve the site plan with a variance for putting trees on the opposite side of the sidewalk, and variance for planting strip and with the required sidewalk. Motion carried 10-0.

7. *Request by Farmington Woods LLC for site plan approval of Quail Run, a development of 44 units on about 11.33 acres at 1035 Maple Hill Road (Tax Map 46 Parcel 9.08) zoned RD9 in Ward 1*

Planning Director Paul Corder said that The Zoning Code, which regulates Site Plans, limits the block length to 1,200ft. Brook Trail is already about 2,400ft and it has no connections to the north. Farmington Woods originally had six connections, as shown on their plat from 2006, to the surrounding properties and if the variance is approved with no connection to the north, the development will only have 2 connections. Both of those connections are to Carver Lane which is a substandard road that will have 1,172 new units on it if all the approved developments get built. A permanent open access to Maple Hill Road is required from Brook Trail. Also, a planting strip between the road and sidewalk is required along Maple Hill Road. The Planning Commission will have the ability to require sidewalks along Maple Hill Road or a payment in lieu of sidewalks in the amount of \$3,666.75. The applicant has provided 2 spots and is requesting an interpretation for the remaining bike parking. Additionally, the site plan is missing the adjacent property owner and zoning information. Traffic Engineer Kristen Rice requested that the access on Maple Hill Road meets the Intersection Sight Distance and Stopping Sight Distance requirements per AASHTO Geometric Design of Highway and Streets policy. Staff recommended a deferral until these issues can be resolved.

Lose Design's Mike Wrye reminded everyone of the discussion that was at the preliminary meeting that this is proposed to be a gated condominium HPR development with no public or private streets, only private driveways. With regards to the sight distance on Maple Hill Road, he said that mailboxes and signposts exist among every public street, the guard rail is below the height of the driver's eye, the property across the way is floodplain and creek. He said he would like to offer a compromise that would not involve any changes to the plan but they evaluated a curve running about 250 feet and changing the design speed change around 20 to 25 miles an hour, so they would like to reach out to the County to request a reduction in the speed limit. Lastly, in regards to the sidewalks, he said they would request the in lieu of payment option. He asked attorney Andy Wright if it is appropriate to require an in lieu fee on a county road.

Attorney Andy Wright replied that he would have to delve into the Zoning Code.

Sue Seins of 1033 Maple Hill Road said that they have worked with her and the other neighbors to plan a beneficial and appropriate project. She said that the project is upscale, gated, and small enough that it would not increase traffic and she is in support of the project as it has been submitted.

Commissioner Mack McCluskey said that he agreed with Staff on there being a lot of unanswered questions.

A motion was made by Mack McCluskey and seconded by Kathy Adams to defer the site plan until the next meeting. Motion carried 10-0.

8. *Request by Farmington Woods LLC for gate approval of Quail Run, a development of 44 units on about 11.33 acres at 1035 Maple Hill Road (Tax Map 46 Parcel 9.08) zoned RD9 in Ward 1*

Planning Director Paul Corder noted that it may be appropriate to defer this item since Item #7 was deferred.

Lose Design's Mike Wrye requested deferral.

9. *Request by DS Woodbridge Glen Sub LLC for review of payment in lieu of sidewalks for an approved plat at unaddressed Callis Road (Tax Map 94 Parcel 14.06) zoned RS6 and RM6 in Ward 4*

Planner Seth Harrison said that the Planning Commission has the ability to require sidewalks along Woodall Road or payment in lieu of \$38,300.25.

The applicant sent a letter with the following comments:

- Proximity of proposed sidewalk to 18" water main-CUD not likely to be in agreement to allow any earthwork within their easement, especially cutting. Very significant portion of sidewalk would need the grade to be cut +/-2' to allow for sidewalk and roadside ditch at the needed elevations.
- Opposite side of Woodall Road has TDOT guardrail and access control fencing that would prevent sidewalk from that portion of Woodall being feasible.
- Fall at 109 apartments have no sidewalk to connect to.
- All roads internal to Woodbridge Glen have sidewalks on both sides of roads that are available for use and connectivity.

Staff additionally noted that the approved plat included sidewalks.

Land Solutions Company's Thomas Steffen said that with the utilities, the 18" water main, and the fact that the grade will have to be cut to get the sidewalk to be at the appropriate elevation, sidewalks would be a conflict.

Commissioner Chad Williams requested Staff's recommendation.

Planning Director Paul Corder replied that there already is a sidewalk on Woodall Road and pedestrian accommodations need to be made.

A motion was made by Chad Williams and seconded by Mack McCluskey to deny the payment in lieu of request. Motion carried 10-0.

10. *Request by Drew Boggs and Daniel Johnson for rezoning approval of about 0.80 acres at 25 Tuckers Gap Road (Tax Map 68 Parcel 15) from RR to RS9 in Ward 4*

Planning Director Paul Corder said that the Future Land Use Plan identifies this area as Single Family Detached Housing and thus supports the rezoning request to RS9. Staff recommended approval based on compliance with the Future Land Use Plan.

Debra Konrath of 700 Maple Crest Drive asked about the property being multi-family. She asked that the Planning Director address the public and not just the commission.

Planning Director Paul Corder said that the zoning only allows for single family development and that the zoning is more restrictive than RS9.

A motion was made by Chad Williams and seconded by Mack McCluskey to approve the rezoning request based on compliance with the Future Land Use Plan. Motion carried 10-0.

11. Request by MIDTNDEV LLC for rezoning approval of about 150 acres at an unaddressed property on Maple Hill Road (Tax Map 46 Parcel 21.01) from R-1 to R-2 in the UGB

Planner Seth Harrison said that the Future Land Use Plan identifies this area as Medium Density Residential and thus supports the rezoning request to R-2; Suburban Residential District. Staff recommended approval based on compliance with the Future Land Use Plan. This is a recommendation to Wilson County Commission.

Lose Design's Mike Wrye said that the commission originally recommended this rezoning to the City Council with a positive recommendation. He that this certainly would be amenable if it needs to be sent to City Council while continuing to go forward with Wilson County Commission.

Derek Dobson of 106 Chapman Drive asked if the zoning was for the City or the County.

Planning Director Paul Corder said that the zoning of R2 is the County zoning.

Wilson Wilshams of 490 Plantation Boulevard and had previously lived at 6523 Beckwith Road said that he moved to this location because of all the houses being built, and he now has nice tree line, creek and wildlife. He said he just now saw this plan but he asks if they can leave the tree line/fence row which would afford some privacy.

There was a discussion on how this project should proceed.

A motion was made by Mack McCluskey and seconded by Chad Williams to recommend approval of the rezoning to the Wilson County Planning Commission. Motion carried 10-0.

12. Request by Ronald Deiters for a Future Land Use Plan amendment of about 3.35 acres at 1427 Alhambra Drive (Tax Map 58 Parcel 14.01) from MDR to LDR in Ward 1

Planner Seth Harrison said that this is a request to change the Future Land Use Plan to match the zoning request for New Business Item #13. This is because the Board of Zoning Appeals recommended an amendment to the Zoning Code regarding accessory structures limits because they have been getting an abundance of requests for variances. Staff recommended deferral until the amendment is in place.

Mike Steward representing the applicant, asked that this item not be deferred because of the timing of the installation of solar panels to get the maximum rebate for this year.

A motion was made by Chad Williams and seconded by Mack McCluskey to recommend approval of the Future Land Use Plan to City Council. Motion carried 10-0.

13. Request by Ronald Deiters for rezoning approval of about 3.35 acres at 1427 Alhambra Drive (Tax Map 58 Parcel 14.01) from RS20 to RR in Ward 1

Planner Seth Harrison said that the requested Future Land Use Plan of Low Density Residential supports the rezoning request to RR and this is part of the previous item.

A motion was made by Chad Williams and seconded by Mack McCluskey to recommend approval of the rezoning to City Council. Motion carried 10-0.

14. Request by the City of Lebanon for a Future Land Use Plan amendment of about 182.27 acres at unaddressed properties and 1523 Murfreesboro Road (Tax Map 92 Parcels 52, 53.06, 53.09, and 53.10) from LDR to CO in the UGB

Planner Seth Harrison said that this is a request to change the Future Land Use Plan to match the zoning request for New Business Item #15.

Franklin Westbrook of 101 Leeanna Lane asked what the FLU Plan use is for this property.

Sharon Greer of 1520 Murfreesboro Road asked if property taxes would increase because of this project.

Staff explained that two pieces of the property are owned by the City and there is a study for a future park there, and the City is allowed to put a park in that location. It will not change the zoning of anyone else's property and since this is a County property, taxes will not change.

A motion was made by Mack McCluskey and seconded by Robert King to recommend approval of the amendment to the Future Land Use Plan to City Council. Motion carried 10-0.

15. Request by the City of Lebanon for plan of services approval of about 182.27 acres at unaddressed properties and 1523 Murfreesboro Road (Tax Map 92 Parcels 52, 53.06, 53.09, and 53.10) and zoning to CS to be added to Ward 3

Planner Seth Harrison read an abbreviated version of the Plan of Services. The total appraised property value for these parcels in the annexation area is about \$1,078,600. This equals to an assessed value of about \$38,225 for a residential property. The property tax generation from this property as a residential property in the City would be about \$232.22 per year. The estimated cost to serve this area is \$391,040.

A motion was made by Mack McCluskey and seconded by Chad Williams to recommend approval of the Plan of Services to City Council. Motion carried 10-0.

16. Request by the City of Lebanon for annexation and zoning approval of about 182.27 acres at unaddressed properties and 1523 Murfreesboro Road (Tax Map 92 Parcels 52, 53.06, 53.09, and 53.10) and zoning to CS to be added to Ward 3

Planner Seth Harrison said that the Future Land Use Plan requested is Commercial Office, and thus supports the requested zoning to CS.

A motion was made by Chad Williams and seconded by Chuck Daley to recommend approval of the annexation to City Council. Motion carried 10-0.

17. Request by Staff for Zoning Code amendment to Title 14 Section 14.807 Circulation and Mobility to amend Pedestrian Circulation

Planner Seth Harrison explained that this amendment to the Zoning Code is to change the payment in lieu of amount from \$5.00 to \$8.00 per square foot. The Planning Commission is not authorized to waive the payment in lieu of sidewalks. Waiving of the payment in-lieu of sidewalk construction shall be approved only by action of the City Council. The money collected from payments in-lieu-of sidewalks shall go into a fund that can be used for sidewalks, sidewalk maintenance, or trails. Staff recommended approval based on the average cost to construct a sidewalk.

A motion was made by Chad Williams and seconded by Camille Burdine to recommend approval of the amendment of the Zoning Code to City Council. Motion carried 10-0.

18. Request by MRA Development LLC for rezoning approval of about 3.16 acres at 413 Maple Hill Road (Tax Map 57 Parcel 50) from RS20 to RD9 in Ward 5

Planner Seth Harrison said that the Future Land Use Plan identifies this area as Medium Density Residential and thus supports the rezoning request to RD9. Staff recommended approval based on compliance with the Future Land Use Plan.

Derek Dobson of 106 Chapman Drive said that this request is an example of what Dr. Chad Williams spoke about in the newspaper with Iroquois, Shenandoah, South Fork: this would not be happening there. This request is to put 5-6 houses an acre right behind this nice neighborhood and he said that this request is outrageous.

Crockett Surveying's Paul Crockett said that this request is in line with the land use plan.

A motion was made by Mack McCluskey and seconded Jesse Gilliam to recommend this Future

COMMISSIONERS COMMENTS – None.

PLANNING COMMENTS– None.

- Comprehensive Plan Parklet Day is on September 21st partnering with Historic Lebanon. Please see Kathleen Vail for additional information.
- Cumberland Region Tomorrow will sponsor the Power of Ten Conference which will be held on October 3rd. This will count for education credits for the commission's training requirements. Kathleen Vail will be registering anyone interested.
- TAPA Conference is in Franklin on October 11th and they will have a training opportunity for Commissioners.
- The new planner, Matt Schenk will be starting September 3, 2019.

Economic Developer Sarah Haston remarked that the Power of Ten Conference said that it has a lot of topics regarding economic development and planning working together with the land use so if the commissioners could attend, it would be beneficial.

ADJOURN

A motion was made by Chad Williams and seconded by Kathy Adams to adjourn. The meeting was adjourned at 6:12 PM.

David Taylor
Chairman, David Taylor

09/24/2019
Date

Kathleen Vail
Kathleen Vail, Recording Secretary

09/24/2019
Date