

CITY OF LEBANON
MUNICIPAL REGIONAL PLANNING COMMISSION
January 22, 2008
5:00 PM

Members Present:

Robert Schmidt	Rick Jones	Ray Cravens	Bill Durham
Maynard Pate	Paul White	Pam Black	Beulah Garrett

Others Present:

Magi Tilton	Regina Santana	Seth Rivard	Will Hager	Joyce Allen
Andy Wright	Lt. Pat O'Brien			

Chairperson Robert Schmidt called the meeting to order at 5:00 P.M.

Chairperson Robert Schmidt asked City Planner, Magi Tilton, if there were any changes to the agenda. Ms. Tilton stated there were no changes.

Mr. Schmidt explained the order of proceedings and administered the oath to all participants.

Chairperson Robert Schmidt explained to the Planning Commission members that there were two sets of minutes for approval tonight, the November 27, 2007 minutes and December 20, 2007 minutes. He stated that the November 27, 2007 minutes were deferred due to clarification being needed regarding removal of trailers on Hillcrest Baptist Church's property. Mr. Schmidt addressed a question to Planner Will Hager asking him when did the time frame expire. Planner Will Hager explained the time frame began in December 2006 and ended in December 2007. Prior to the expiration date, they had a site plan approved with the removal of the trailers stated as being the time of completion. Planning Commission may want to consider extending this time frame, 3 to 6 months, to allow completion of the approved site plan.

After further discussion a motion was made by Rick Jones, seconded by Maynard Pate, all voting aye, to recommend a six-month extension with Staff tracking the progress. If necessary, the church could request an additional extension.

A motion was made by Beulah Garrett, seconded by Pam Black, all voting aye, to approve the minutes of the November 27, 2007 Planning Commission Meeting as amended.

A motion was made by Beulah Garrett, seconded by Pam Black, all voting aye, to approve the minutes of the December 20, 2007 Planning Commission Meeting.

CONSENT ITEMS:

1. Final Plat - Spence Creek, Phase 8 - Highway 109 North - 5.85 acres - 20 Lots (Ward 6).
Site Plan - Spence Creek, Phase 8, 9, & 10 - Highway 109 North - 13.6 acres - 60 Lots (Ward 6)

City Planner, Magi Tilton, read the list of consent items. On motion by Ray Cravens, seconded by Paul White, all voting aye, the consent items were approved subject to engineering, fire department & cross-connection requirements.

NEW BUSINESS:

1. Annexation, Plan of Services & Zoning - Carmen Mangrum Property – 105 Orchard Hill Lane (Map 57, Part of Parcel 113) – R-1A – 4.23 acres (Ward 6)

Planner, Seth Rivard, explained this property is located on Orchard Hill Road with a single family residence on it. Half of the east portion of this property is to be annexed into the City. Growth Management Plan and the Future Land Use Plan both designate the property as Low Density Residential. The surrounding land use and zoning to the north and west is large lot residential zoned County R-1 and to the south and east, medium lot residential zoned R-1A.

R.T. Baldwin, surveyor for the property, explained their intent was to consolidate.

After discussion a motion was made by Pam Black, seconded by Beulah Garrett, all voting aye, to recommend Annexation, Plan of Services & Zoning to City Council for their consideration.

2. Rezoning – Callis Property – 454 Woodall Lane (Map 94, Parcel 15) – From RM-6/PUD to RM-6 – 56.86 acres (Ward 4)

3. Rezoning – Maxey Property – 840 Callis Road (Map 94, Parcel 14) From R-1A & RS-12/PUD to RS-6 – 138.05 (Ward 4)

City Planner, Magi Tilton, explained she would like to discuss the next two items together but will need two separate motions. The applicant would like to remove the PUD overlay and rezone the Callis property to RM-6. The property is currently vacant and the surrounding property on this side of Highway 109 is also vacant. The Growth Management Plan designates the subject property as Commercial along the Woodall Lane/Hwy. 109 frontage with Planned Business to the west. The Highway 109 Corridor Land Use Study, completed in 2002, designates the subject property as Medium Density Residential and Mixed Use. The Update to the Land Use Plan designates the subject property as Commercial along the Woodall Lane/Hwy. 109 frontage with High Density Residential to the west. Three final plats have been approved for the Village at Callis Crossing PUD, if the PUD designation is removed, these previously approved final plats would be void.

She stated, depending on the plans for development, the Callis and Maxey Properties may be required, as a whole, to comply with the Sewer Capacity Management Plan in terms of phasing. As this property develops, it is likely that road improvements, similar to those required in the traffic study submitted as part of the PUD application, will continue to be required.

City Planner, Magi Tilton further explained, in regards to the Maxey Property, part of this was included in the Village at Callis Crossing PUD, the remainder (western portion) of the property was proposed to develop as a typical subdivision under the R-1A regulations. The RS-6 district allows only single-family dwellings, minimum lot area is 6,000 sq. ft. with a minimum lot width of 45 feet.

Rob Porter, Civil Site & Design, explained they requested the PUD prior to other properties in this area developing under straight zoning.

Pam Black asked about the three approved plats.

Rob Porter responded by saying the plats have been approved but not recorded and if this request is approved the final plats would be void.

Robert Schmidt stated it would be hard to come up with a good reason to take the PUD away.

Terry Edwards, owner of the property, explained bringing this into the market that exists today, is not the same as it was eighteen months ago when the PUD was approved.

After further discussion a motion was made by Bill Durham, seconded by Paul White, with a vote of 6 to 2, Pam Black and Beulah Garrett voting nay, to recommend removal of the PUD designation and rezoning of the Callis Property to RM-6 to City Council for their consideration.

A motion was made by Bill Durham, seconded by Paul White, with a vote of 7 to 1, Pam Black voting nay, to recommend removal of the PUD designation and rezoning of the Maxey Property to RS-6 to City Council for their consideration.

4. Rezoning – William Harris Property – 314 Cainsville Road (Map 68M, Group B, Parcels 42, 45, 46, 47, 48, 49 & 50.01) – From AG and R-2 to M-2 – 9.50 acres (Ward 3)

Planner, Will Hager, explained this is the site of the William Harris Property. The current use of the property is an existing auto wrecking yard. There is a memo from City Attorney, Andy Wright, in each of the packets for your review regarding this item. The applicant is requesting to rezone from AG and R-2 to straight M-2 zoning. Staff understands that Mr. Harris would like to transfer the business over to his son and would like to have it rezoned before applying to the State. The current Growth Management Plan designates the property as Existing Core Development without providing any other guidance. The update to the Land Use Plan that has been adopted by City Council on first reading designates the property as High Density Residential within Commercial designations to the south. The property and its use are categorized as a “legal non-conforming use”, meaning the use was in existence prior to the application of zoning, The use is permitted to operate expand and even be transferred to another owner in that location as long as the site is in continuous operation.

After a brief discussion a motion was made by Robert Schmidt, seconded by Pam Black, all voting aye, to defer this item in order to receive some clarification from the State regarding this issue. Item was deferred.

5. Rezoning – Darryl Noble & Jim Pritchard Properties – 100 Countrywood Drive & 3625 Lebanon Road (Map 56D, Group A, Parcels 3, 4 and 5) – From R-1A to B-6 – 2.2 acres (Ward 6)

Planner, Seth Rivard, explained the applicant is asking for rezoning from R-1A to B-6. There are single family homes on the properties. Growth Management Plan designates the property as Low Density Residential. The Future Land Use Plan designates the property as Medium Density Residential. The surrounding land use and zoning to the north and east is single family residential zoned R-1A, to the south is vacant parcel zoned B-3/PUD and to the west is vacant parcel zoned B-1.

Darryl Noble, owner of 3625 Lebanon Road, explained when he moved to this location in 1993 it was not in the city limits and now there are many changes being made to the area such as a five

lane highway and commercial fronting along Hwy. 70 area. Mr. Noble's property adjoins a portion of Five Oaks, where it is zone B-3. He would like to turn his property into small light duty commercial use, like a Chiropractic Office, etc.

Jim Prichard, owner of 100 Countrywood Drive, explained he has been in the neighborhood for fourteen (14) years, and would like to open up his property for small business.

Tom Colby, 110 Old Horn Springs Road, states he represents several neighbors in the area and know that the talk of going commercial is high right now. They would like to not see this go commercial. They want to maintain the neighborhood and stay as it is now. He has fifty-six (56) signatures on a petition against this rezoning.

Mike Mohlere, 108 Countrywood Drive, resident there since 1990, and have spent a lot of effort maintaining his place. He is immediately north to Mr. Noble's property and due to the L shape of Mr. Noble's property it will essential drive a commercial wedge between two residential properties. He feels it would desecrate the entrance into this subdivision by having two pieces of commercial property.

James Franklin, property owner immediately to the east of Mr. Noble's residence, states due to the L-shape of the property, it would isolate him from the rest of the Horn Springs Estate.

Kathy Warmath, Council Person for Ward 6, confirms calls to her not supporting this rezoning. She feels the integrity of this neighborhood would be affected. She would like to see the neighborhood left intact as it is now.

Jimmy Gaines, 105 Countrywood, states he has been a resident there since 1986 and has no desire to change the area.

After discussion a motion was made by Ray Cravens, seconded by Bill Durham, all voting aye, to recommend denying rezoning on to City Council.

6. Preliminary Plat Amendment – Five Oaks, Phase 5 – Five Oaks Blvd.- 62.5 acres – 89 Lots
(Ward 6)

City Planner, Magi Tilton, explained this is an amendment to Phase 5 of the Five Oaks Development. The area to be amended is the northern section; the street layout is similar to what was originally approved with the lots shown smaller than originally approved. Stubs to adjacent property remain as previously shown. The previous preliminary plat showed fifty-one lots where eighty-nine are now proposed. She stated that the Five Oaks development does not have sidewalks, however, the timeframe for not having to install sidewalks has expired and sidewalks could be installed in this portion of the development without looking greatly out of place with the remainder of the development. The Planning Commission may want to provide a recommendation not only on the Preliminary Plat Amendment but also on whether sidewalks should be installed, or not. Staff recommends several conditions be included in any approval of this revised Preliminary Plat.

Rob Porter, Civil Site & Design, explained they are taking Phase 5 and 6 and making it all Phase 5, with 36 less lots than shown on previously submitted Phases 5 and 6. He stated that this is the

last phase of Five Oaks and sidewalks would not be desirable to the development at this time. Mr. Porter asked for Planning Commission approval to this Preliminary Plat revision.

The question was raised by both Pam Black and Chairperson Robert Schmidt regarding if sidewalks are not installed would the applicant be required to pay money in lieu of installation?

Kathy Warmath, Councilperson for Ward 6, stated she feels there is no clear policy regarding "in lieu of" payments for sidewalks yet, and in this case, the development began long before this was ever an issue.

After further discussion a motion was made by Ray Cravens, seconded by Paul White to recommend approval of the Preliminary Plat to City Council for consideration with no recommendation regarding the provision of sidewalks. The Preliminary Plat Amendment is subject to the following conditions:

1. Fire hydrants shall be provided spaced no further apart than five hundred (500) feet.
2. Subject to Engineering, Fire Department and Cross-Connection requirements.

7. Final Plat – Lot 3 and 3A of University Medical Business Center – Medical Boulevard – 5.51 Acres – 2 lots (Ward 5)

Planner, Will Hager, explained in revising this plat the applicant has shown all of the area called out as Lot 3 on the revised preliminary approved in July of 2007, however, the area has been subdivided into lots 3 and 3A. Lot 3A is encumbered by the Texas Eastern natural gas easement but, the plat shows the lot can still provide a substantial building envelope.

There being no one to represent this item a motion was made by Paul White, seconded by Ray Cravens, all voting aye, to approve Final Plat subject to the following conditions:

1. Fire hydrants shall be provided spaced no further apart than five hundred (500) feet.
2. Subject to Engineering, Fire Department and Cross-Connection requirements.

8. Site Plan – Genesis Career College – Noah Ct. – 1.32 acres – 10,000 sq.ft. (Ward 5)

Planner, Will Hager, explained this site is one lot of a developing subdivision that is zoned B-6. The B-6 zoning district, while intended for the preservation of historic structures, has also been used on undeveloped property to buffer commercial uses from established residential areas. The proposed use received a "Use on Appeal" at the January 14, 2008 Board of Zoning Appeals meeting. Staff has suggested a more residential look be incorporated into the building. Since most of the neighboring residences are to the west of the proposed structure, the applicant has arranged a bulk of the parking to the east or street side of the building. Staff recommends several conditions be included in any approval of this site plan.

Randy Laine, engineer for the project, was available for any questions.

After discussion a motion was made by Beulah Garrett, seconded by Ray Cravens, all voting aye, site plan was approved subject to the following conditions:

1. The aluminum storefront should be replaced with a brick veneer and standard residential scale windows.

2. The metal wall panels shown along the north side of the building shall be replaced with brick veneer.
3. Lighting should be kept to a minimum in order not to intrude upon neighboring residences.
4. Fire hydrants shall be provided spaced no further apart than five hundred (500) feet.
5. Subject to Engineering, Fire Department and Cross-Connection requirements.

9. Site Plan – Discount Tire – 613 S. Cumberland Street – 0.985 acres – 7,296 sq.ft. (Ward 3)

City Planner, Magi Tilton, explained the existing structure is proposed to be demolished. The proposed site plan complies with the requirements of the Zoning Ordinance relative to minimum building setbacks, off-street parking and landscaping. Existing points of access will continue to be used. The dumpster is located at the rear of the site, within the building setback and partially within the PUDE. Staff's policy has been to require dumpsters to be located outside of the PUDE and inside the building setback. Ms. Tilton further explained, because there is not a specific requirement stated in the Zoning Ordinance, the Planning Commission has flexibility with respect to the location of the dumpster. Information on the site plan does not show any exterior tire storage, the Planning Commission may want to confirm this and might want to add a condition of approval related to such exterior storage. Staff recommends several conditions be included in any approval of this site plan

Zac Dufour, representing Discount Tire, explained there was not a whole lot of options for the dumpster and/or for the access into the garage bays.

Lt. Pat O'Brien made mentioned for the Planning Commission's benefit, the building would be fully sprinklered and there would be no outside tire storage per the developers.

After discussion a motion was made by Ray Cravens, seconded by Beulah Garrett, all voting aye, to approve site plan subject to the following conditions:

1. Site Plan needs to indicate the location of the sprinkler system fire department connection.
2. A fire hydrant shall be located approximately fifty (50) feet from the fire department connection dedicated for this connection only.
3. Other fire hydrants shall be located so that the most remote exterior portion of any building can be reached with no more than five hundred (500) feet of house.
4. Subject to Engineering, Fire Department and Cross-Connection requirements.

OTHER BUSINESS:

1. Zoning Ordinance Amendment related to accessory structures.

Planner, Will Hager, explained this amendment is related to accessory structures, and it seems to be a little restrictive in some incidences. Proposal is a pretty big lap, but is one Building Inspection and Staff are comfortable with.

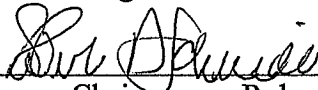
After discussion a motion was made by Maynard Pate, seconded by Pam Black, all voting aye, to recommend approval of Zoning Ordinance Amendment related to accessory structures, on to City Council.

2. Recommendation regarding adoption of Major Thoroughfare Plan.

City Planner, Magi Tilton, explained that the Land Use Plan was held up in order for the Major Thoroughfare Plan to be further developed. She asked for the Planning Commission to make a recommendation to City Council with respect to adoption of the Major Thoroughfare Plan.

After discussion a motion was made by Maynard Pate, seconded by Beulah Garrett, all voting aye, to recommend approval of Major Thoroughfare Plan to City Council for their consideration.

There being no further business to come before the board the meeting was adjourned at 6:55 pm.



Chairperson, Robert Schmidt

26 Feb 08
Date