

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

Members Present:

Robert Schmidt	Rick Jones	Maynard Pate	Paul White	Pam Black
Beulah Garrett	Joe Hayes	Bill Durham	W. D. McCluskey	

Others Present:

Magi Tilton	Seth Rivard	Will Hager	Pat O'Brien	Joyce Allen
Andy Wright	Tim Martin			

Chairperson Robert Schmidt called the meeting to order at 5:00 P.M. Bill Durham, Personnel Director and Planning Commission Member, opened with a prayer followed by the Pledge of Allegiance.

Chairperson Robert Schmidt asked City Planner, Magi Tilton, if there were any changes to the agenda. Ms. Tilton explained Item #1 under Old Business, William Harris Property has been withdrawn.

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

Chairperson Robert Schmidt asked if the Planning Commission members had read over the minutes and requested a motion. A motion was made by Beulah Garrett, seconded by Pam Black, all voting aye, to approve the minutes of the March 25, 2008 regular Planning Commission Meeting.

CONSENT ITEMS

- ~~1. Final Plat – Spence Creek, Phase II – Hwy. 109 – 7.72 acres – 20 Lots (Ward 6).~~
Site Plan – Spence Creek, Phase II – 13 – Hwy. 109 – 21.30 acres – 60 Lots (Ward 6).
2. Final Plat – Five Oaks, Phase 5, Section 1 – Calloway Dr. – 9.81 acres – 8 Lots (Ward 6).
Site Plan – Five Oaks, Phase 5, Section 1 – Calloway Dr. – 8.92 acres – 8 Lots (Ward 6).
3. Final Plat – Cheryl White Property – 6316 Hickory Ridge Rd. – 4.94 – 2 lots (County).
4. Final Plat – Lots 1 & 2 of the City of Lebanon Property – Franklin Rd. & S. Hartmann Dr. – 2.10 acres – 2 Lots (Ward 4).

All consent items are subject to Engineering, Cross Connection and Fire Department requirements.

City Planner, Magi Tilton, read the list of consent items. A motion was made by Joe Hayes, seconded by Paul White, all voting aye, to approve the consent items subject to engineering, fire department & cross-connection requirements.

NEW BUSINESS

1. Rezoning – Hearthstone – Coles Ferry Pike – Map 58 Parcel 33.02 – 30 acres – from R-1A to RS-12 (Ward 1).

City Planner, Magi Tilton, explained the property is located south of Coles Ferry Village. She stated that 30 acres of the larger 40 acres is proposed to be rezoned. The future Land Use Plan designates this area as Residential Mixed Use which is intended to incorporate all housing types with light commercial activities. The property to the north is zoned R-1, requiring a minimum lot size of 9,000 square feet, to the east is zoned R-1 and R-1A, requiring a minimum lot size 20,000 square feet, and to the west and south is zoned R-1A. The conceptual layout is not being acted upon as part of this application. The RS-12 district allows only single-family residences with a minimum lot size of 12,000 square feet. A review of more than 80 lots in the Cole Ferry Village subdivision to the north reveals that the average lot size is 13, 853 square feet

Cliff Carey, developer of the property, stated he is only asking for 65 lots and the RS-12 zoning due to the layout of the property.

Alex Buhler, Councilperson for Ward 1, asked the Planning Commission to consider the density of the requested zoning district. He further questioned the location of the proposed entrance into this property.

Penelope Mason, property owner in Coles Ferry Village, stated that two-thirds of the lots in Coles Ferry Village are larger than 12,000 square feet. She would like to see homes at least 1,800 square feet in size and RS-15 zoning.

Bill Durham explained he respects Mr. Carey, but does not want to send something back to City Council that has already been denied. Based on this comment, Mr. Durham made a motion to recommend denial of the rezoning to City Council, seconded by Maynard Pate, all voting aye.

2. Rezoning – Groce Property – 1729 W. Main Street – Map 57 Parcel 38 – 0.6 acres – from R-1A to B-4 (Ward 6).
3. Rezoning – Jennings – Winfree Property -1731 W. Main Street – Map 57 Parcel 39 – 2.49 acres from R-1A to B-4 (Ward 6).
4. Rezoning – Jennings Property -1733 W. Main Street – Map 57 Parcel 37 – 1.00 acre – from R-1A to B-4 (Ward 6).

~~Planner, Will Hager, explained he would like to present the next three items all together. This property is located between Maple Hill Church and Sports Village properties. The Growth Management Plan addresses this area as Commercial while the Future Land Use Plan which is being currently being considered by City Council addresses this area as Residential Mixed Use tat allows for a small percentage of "light commercial" activity. This property is neighbored to the east and west by properties that are currently zoned B4.~~

Attorney Jere McCullouch, representing the Jennings Family and Groce Family, and all recognizing that the Groce property standing alone is of no value. One piece of the Jennings property is narrow, but all combined together is the logical use for the properties as B-4 zoning. It is comparable to surrounding properties.

Dr. Andy Jordan, 105 Geers Court, states his front door faces these properties. He knows they will be developed into something, but would like it zoned other than B-4. He would also like for the neighborhood to have a voice in what would go in there, possibly B-6.

Bob O'Brien, resident in Geers Court, states what ever it is zoned will have a direct effect on the neighborhood and opposes the B-4 zoning it is too evasive. He would like to have the rezoning be B-6.

Maynard Pate explains he is not comfortable with all the B-4 zoning we have in the City now. There is detrimental things that happen when we over rezone the same.

W.D. McCluskey asked has the property owners and the neighbors worked together on this.

Several residences answered no.

Attorney, Jere McCullough, states they are in no hurry and would consider working with the neighborhood.

After some discussion Jere McCullough asked to defer these three properties for rezoning until discussion between the property owners and the neighborhood can work toward an understanding of what could be done in the area.

Kathy Warmath, Councilperson for Ward 6, explained a special use zoning is on City Planner, Magi Tilton's desk right now. Mrs. Warmath would like to go back and look at this as something that might work for this particular situation.

A motion was made by Bill Durham, seconded by Robert Schmidt, all voting aye, to accept deferral of this item.

5. Rezoning - Twyla Stone Martin Property – E. High Street and Rome Pike – Map 67 Parcel 2.00 and 2.11 – 7.56 acres – from R-1 to RM-6 and 0.76 acre – from R-1 to B-4 (Ward 2).

Planner, Seth Rivard, explained the area requested to be rezoned is currently vacant. The front of the property is zoned B-4. The requested portion of property for rezoning is 7.56 acres from R-1 to RM-6 and 0.76 acre from R-1 to B-4. The future Land Use Plan designates the subject property as both Commercial along E. High Street and High Density Residential with a corresponding density of 5.1 units per acre or more units per acre. The surrounding land use and zoning to the south is a business use zone B-4 and public housing zoned R-2, to the north, is large lot residential zoned RR, to the west is small lot residential zoned B-4 and R-1 and to the east business use zoned M-2 and Bonnie Oaks Subdivision zoned R-1.

Paul Crockett with Crockett Surveying, explained the survey where the state highway will come through is how we determined the split for rezoning. He made himself available for any questions.

Chairperson, Robert Schmidt, asked when is the realignment of Hartsville Pike to take place.

Paul Crockett explained the Mayor talked to someone at the State and it could possibly be in the next 6 months.

After further discussion, a motion was made by Rick Jones, seconded by Pam Black, all voting aye, to recommend rezoning on to City Council for their consideration.

6. Rezoning – Roberts Property – 109 West End Heights – Map 68B “C” Parcel 45.00 – 4.24 acres – from R-1 to B-4 (Ward 5).

Planner, Seth Rivard, explained a note was handed to him from the applicant requesting to withdraw.

7. Final Plat J.D. Williams – Hwy 109 and Leeville Pike – 4.10 acres – 2 Lots (Ward 4).

Planner, Seth Rivard, explained the purpose of this Final Plat is to expand an existing lot by gaining additional area from two adjoining lots. An ingress/egress access has been shown along both Leeville Pike and Hwy. 109. This parcel would be part of the proposed Thornton's Gas Station on this month's agenda.

Paul Crockett, Crockett Surveying, explained he has addressed all issues and made himself available to answer any questions.

After discussion a motion was made by Joe Hayes, seconded by Pam Black, all voting aye, to approve Final Plat subject to engineering, cross-connection and fire departments requirements.

8. Site Plan – Thornton's – Hwy 109 and Leeville Pike – 3,755 sq.ft. (Ward 4).

Planner, Seth Rivard, explained this is for a convenience store consisting of 3,755 sq.ft. with 12 pumps being shown. Sidewalks, parking, landscaping, dumpster enclosure and building material all comply with the site plan requirements. The 10 foot landscape easement required across the front of the property is shown as only 6 feet wide. The applicant has requested a variance from the Board of Zoning Appeals, but was denied at the meeting last night.

Mike Rubino, GPD Group, explained this will be an all brick building with dumpster enclosure of same material. He noted that the plan was denied the landscaping easement at the Board of Zoning Appeals meeting last night, but will adjust to comply with the landscape easement.

Lt. Pat O'Brien questioned the location of the fire hydrant, and states it need to shift to the south from better access.

Rick Jones asked if this could be deferred for a new site plan with all the changes.

Mike Rubino explained; with the minor changes to be made, he would prefer to move forward with this.

After further discussion a motion was made by Paul White, seconded by Rick Jones, all voting aye, to approve Site Plan with the stipulation the fire hydrant be moved south for better emergency access and subject to engineering, cross-connection and fire department requirements.

9. Site Plan – S. Hartmann Office Building – South Hartmann and Franklin Road – 45,179 sq.ft. (Ward 3).

City Planner, Magi Tilton, explained this site plan would be located on South Hartmann Drive between Physicians Way and the creek. They are proposing a four-story medical office building approximately 45,000 square feet in size. She stated that the building height has been reduced to comply with maximum height requirement. Proposed driveway cuts align with those across the street and sidewalks will be provided along the street frontages. The building materials consist of brick with windows shaded by metal screens. A metal screen will shield the parking located under the building facing the creek. The freestanding wall sign shown on the Site Plan complies with the Sign Ordinance. Staff recommends several conditions be included in any approval of this site plan.

John Dewaal, Dewaal & Associates, was available to answer any questions.

Phillip Pace introduced himself to the Planning Commission as one of the owners.

Lt. Pat O'Brien asked if the fire department connections are shown on the plans and also a fire hydrant needs to be within 50 feet of that connection. He also stated that a standpipe is required based on the building being more than three stories in height.

After further discussion a motion was made by Pam Black, seconded by Beulah Garrett, all voting aye, to approve Site Plan subject to the following conditions:

1. The applicant and contractors shall obtain all necessary clearances from the Federal Aviation Association (FAA) for the building and related construction equipment.
2. Any proposed signage shall comply with the requirements of the Sign Ordinance and shall be properly permitted prior to installation.
3. Subject to Engineering, Cross connection and Fire Department requirements.

10. Site Plan – Best Western – S. Hartmann Drive and Franklin Road – 47,851 sq.ft. (Ward 4)

Planner, Will Hager explained this property is located on the north side of I-40 at the intersection of Franklin Road and S. Hartmann Drive and right across from the entrance to Home Depot. The three story hotel will have a combination EIFS and manufactured stone veneer, complying with our design guidelines. Sidewalks and landscaping have been provided for in any approval of the proposed site plan. Staff recommends several conditions be included in any approval of this site plan.

Jim Harrison, Civil Site & Design, explained they will take care of any items mentioned by Will and the sidewalk will mean adding 40 feet and the islands we have will make the connection in question to the west side of the building.

After discussion a motion was made by Paul White, seconded by Joe Hayes, all voting aye, to approve site plan subject to the following conditions:

1. Canopy shall conform to the required setbacks.
2. The proposed dumpster shall be landscaped on all sides excluding the door.
3. Any proposed signage shall comply with the requirements of the Sign Ordinance and shall be properly permitted prior to installation.
4. Plan needs to show sprinkler and fire department connections and any existing or proposed fire hydrants.
5. Subject to engineering, cross-connection and fire department requirements.

11. Site Plan - Tennessee Private Storage – E. High Street – 1,920-sq. ft. (Ward 2).

City Planner, Magi Tilton, explained the structure will be used as an office with storage behind the building. The storage area is proposed to be fenced and will be used for moving truck rentals. Based on residences existing behind this property, it would be appropriate to require an opaque fence or wall along the sides and rear rather than the chain link fencing that is proposed. Access is provided using a single, existing curb cut shared with the property to the east. The property does have an existing sidewalk. Staff recommends five conditions be included in any approval of this site plan.

Randy Laine, engineer for the project, explained this is the office for the Mini Storage Buildings on Babb Drive.

Pam Black asked about the storage area in the back; would it be paved and on average, how many trucks would be stored back there.

Randy Laine responded that the storage area would be paved and approximately 8 to 10 trucks would be stored there. He added that they would move the fence slightly into the property and

install landscaping along the outside of the fence. He did request that chainlink be permitted for the gates and front for security reasons.

After discussion a motion was made by Pam Black, seconded by Bill Durham, all voting aye, to approve the site plan subject to the following conditions:

1. If the use of the building changes or the rear storage area is used differently, a dumpster may be required in the future. Such dumpster shall be located behind the building, screened with a wall to match the existing structure.
2. Any proposed signage shall comply with the requirements of the Sign Ordinance and shall be properly permitted prior to installation.
3. If the existing sidewalk is negatively impacted during the development of this site, the applicant will be responsible for repairing/replacing the sidewalks.
4. Plan needs to show any existing or proposed fire hydrants.
5. Subject to Engineering, Cross connection and Fire Department requirements.

12. Site Plan – Pilot Truck Care Center – 921 Hwy. 231 – 10,377 sq. ft. (Ward 3).

Planner, Seth Rivard, explained this proposed site plan is for a 10,377 sq.ft. Maintenance facility, with three garage bay doors for repair, at the existing Pilot Travel Center on Hwy. 231. The sides facing Alligood Way and Tater Peeler Road are proposed to be a minimum of 75% brick, stone or some other material deemed appropriate by the Planning Commission. To bring the site into compliance, Little Gem Magnolia Trees are planted along the front of Hwy. 231 and Alligood Way and sidewalks have been added along those roads. Staff recommends several conditions be included in any approval of this site plan.

Aaron Dickenson, representing Pilot, was available to answer any questions.

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

1. Signage for site and proposed structure shall comply with the Sign Ordinance.
2. Sidewalks shall extend to the property line.
3. All overhangs must be out of the setback.
4. Subject to Engineering, Cross connection and Fire Department requirements.

OTHER BUSINESS

1. Review and recommendation on the proposed Zoning Ordinance Amendment to replace the existing Mixed Use District with the Specific Plan District.

City Planner, Magi Tilton, explained that she is asking the Planning Commission to make a recommendation to City Council relative to deleting the Mixed Use District and adding the Specific Plan (SP) District. She explained that the SP district is a unique zoning district, not an overlay. It continues to allow for creativity and flexibility in development. She continued by stating that a judge viewed our existing PUD ordinance as administrative, thus it is more likely that City Council loses control over land use decisions if the applicant complies with the PUD standards. She concluded by stating that Staff intends to work on establishing a specific format for SP applications and may publish a model ordinance.

After a brief discussion, a motion was made by Pam Black, seconded by Beulah Garrett, all voting aye, to recommend the proposed amendments to the Zoning Ordinance to City Council for their consideration.

2. Review and recommendation on the proposed Zoning Ordinance Amendment to delete the Planned Unit Development Chapter.

City Planner, Magi Tilton, explained that in order to not cause confusion by having both an SP district and a PUD overlay, Staff is recommending that the PUD chapter be deleted. She stated that the SP district will serve a similar purpose. She concluded by stating that wording would be added which states that PUDs approved under the existing, soon to be previous, ordinance will continue to function as approved.


A motion was made by Bill Durham, seconded by Maynard Pate, all voting aye, to recommend deleting the PUD chapter and adding a section stating that the PUD's approved under the previous ordinance will continue to function as approved.

3. Reconsideration and confirmation of recommendation to City Council of the Update to the Major Thoroughfare Plan based on changes requested by Councilmember's.

City Planner, Magi Tilton, explained this is to reaffirm the adoption of the Major Thoroughfare Plan with the changes made.

A motion was made by Maynard Pate, seconded by Pam Black, all voting aye, to reaffirm their previous recommendation to City Council for approval.

There being no further business to come before the board the meeting was adjourned at 6:20 pm.



Chairperson, Robert Schmidt

27 May 08
Date