

CITY OF LEBANON
MUNICIPAL REGIONAL PLANNING COMMISSION
April 28, 2009
Town Hall Meeting Room
5:00 PM

Members Present:

Robert Schmidt	Rick Jones	Paul White	Pam Black
David Taylor	Joe Hayes	Maynard Pate	Mayor Philip Craighead
W.D. McCluskey			

Others Present:

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

Chairperson Robert Schmidt called the meeting to order at 5:00 P.M. W.D. McCluskey opened with the invocation followed by Chairperson Robert Schmidt leading the Pledge of Allegiance.

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

Chairperson Schmidt explained the order of proceedings.

Chairperson Robert Schmidt asked if the Planning Commission members had read over the minutes and requested a motion. A motion was made by Pam Black, seconded by Maynard Pate, all voting aye, to approve the minutes of the March 24, 2009 regular Planning Commission Meeting as written.

CONSENT ITEMS

There were no consent items on this Agenda

OLD BUSINESS

1. Rezoning – Heros – 101 Elm St. – Map 68G Group H Parcel 1.01 – from R-1 to B-6 – 0.25 ac. (Ward 5).

Planner, Will Hager, explained last month the original rezoning request was brought before you with just the property located at 101 Elm Street. This month it is brought back before you with the property at 103 Elm Street, owned by Church Street Enterprises, partnered together with 101 Elm Street. Church Street Enterprises also owns 730 West Main Street which is currently zoned B-4 and adjoins the Elm Street properties to the east. The applicants have provided the Commission with a letter stating their understanding that these properties would need to be reconfigured by subdivision or consolidation in order to develop the Elm Street properties under the provisions of the B-4 district.

Jayne Boyd-Zaharias, Director of Hero's, explained this is a non-profit organization. In talking with Mr. Brownie Vantrease, owner of 103 Elm Street and 730 West Main, discussion was using

the property that fronts West Main Street and 103 Elm Street as an entrance for the 101 Elm Street property for any B-4 development.

Pam Black, stated her concern with this rezoning is that neither of these properties comply with the bulk requirements and these properties are owned by two different entities.

After discussion a motion was made by Paul White, seconded by Mayor Philip Craighead to recommend approval of the rezoning. Motion failed with a vote of 5 nays and 3 ayes.

Maynard Pate asked Chairperson Robert Schmidt if there were any suggestions we could offer the applicants so they could carry their development any further. Chairperson Robert Schmidt explained he knows the City Staff has been working with the applicant trying to come up with a way to make this come about. The ball is back in the applicant's hand now. Rick Jones asked would this be a good parcel for the SP district. Planner, Will Hager explained at this point probably not due to the fact they don't know what the end use would be.

NEW BUSINESS

1. Rezoning – Wilson Land Trust Partners – Leeville Pk. – Map 80 Parcel 23.02 – from R-1A to B-3 – 42.94 ac. (Ward 4).

Planner, Will Hager, explained this is a rezoning request for property on Leeville Pike. It is a large parcel of land surrounding the property also being considered for rezoning under Item #2. The applicants want to rezone from R-1A to B-3. We first considered this property in July of 2008 and at that time did not recommend approval. Property to the north is zoned R-1A, currently used for single family residence, south is zoned R-1A, currently used as agricultural/single family, and east and west zoned R1A, currently used as low density single family residence.

Paul Crockett, project surveyor, representing Wilson Land Trust Partners, explained we did have this request up last year. I think one of the concerns last year was a small tract that belongs to Mr. Rowland that this property wraps around. By looking at this request, and the uses permitted in the B-3 district, the applicant feels that it is now a reasonable request.

Planner, Will Hager, explained they had received several calls from property owners in the area. Cindy Scrofani, 2503 Kinderhill Way, Chris and Lisa Durham, 2001 Dorchester Dr, and an e-mail from Mr. Smith, 2022 Dorchester, all oppose this rezoning request.

Tom Murphy, 2011 Dorchester Drive, explained this development would destroy the residential property value and we don't need commercialism in this area.

Anne Gaines, 2979 Leeville Pike, explained she is a homeowner and loves Lebanon and she is upset that someone can come in and totally upset the area, and then leave. What she would love to have is a continuation of the residential neighborhood. She asks that we please not accept this rezoning and she is not alone. She asked for the other people in her neighborhood to stand with her that are against this rezoning. Many stood with her representing her plea to not accept this rezoning.

Jody Vance, 2501 Westfield Drive, explained he worries of this 40 plus acres of future commercial development plopped down on Leeville Pike. He feels there is a site distance issue as

well as this being spot zoning. He added that anything this big would create a traffic problem. There is a lot of commercial property within 1500 feet of this property and over 300 acres of commercial property between this property and Hartmann Drive none of which is developed.

Gary Fach, 2930 Leeville Pike, expressed his agreement with all that has been said and is concerned about traffic.

Sheila Gibbs, 3160 Leeville Pike, reiterated concerns about traffic and the uncertainty of what will be coming into the area.

Tim Eatherly, 4205 Leeville Pike, expressed concerns that future development may cause current traffic issues to worsen.

Chris Crowell, 3831 Leeville Pike, stated that he believes this is spot zoning. He has seen several people die on this road. There is land in abundance and feels there is no immediate urgency to act on this now.

W.D. McCluskey stated he would like to know what has been done in regards to communication between the neighbors and the developer.

The residences responded by saying there has been no communication with the developer. They were told at the last meeting there would be some information given, but they have heard nothing. Pam Black explained she has listened to everyone and she has drove up and down Leeville Pike and agrees there is a traffic issue now and it is too early.

Mayor Philip Craighead, asked if when the Future Land Use Plan was set was it (the land use designation) basically because of 840 going through out there for the commercial development or if they were talking into consideration 840 going further north.

City Planner, Magi Tilton, explained that the Major Thoroughfare Plan and Land Use Plan were worked on at the same time therefore land use and the proposed road improvements were considered together.

Joe Hayes, Councilman for this ward, made a motion to recommend denial of the rezoning, seconded by Rick Jones. The reason for the negative recommendation was stated as being the existing infrastructure cannot handle B-3 Zoning. All voted aye to recommend denial of this rezoning.

Paul Crockett stated to the Planning Commission that he would like to withdraw Item #2 and Item #3 at this time.

2. Rezoning – Pearman Property – 4206 Leeville Pk. – Map 80 Parcel 25.01 – from R-1A to B-3 – 5.64 ac. (Ward 4). **Withdrawn**
3. Rezoning – Rowland Property – 3500 Leeville Pike – Map 80 Parcel 13.00 – from R-1A to B-3 – 1.00 acre (Ward 4) **Withdrawn**

4. PUD Amendment – StoneBridge, Attached Units – Meandering Way (Ward 4).

Planner, Seth Rivard, explained the applicant is requesting a change in the street pattern, reduction of condominium style units and an increase in villa units. There is no change in density to the development. Applicant is also requesting a reduction to the front and rear setbacks, from 25 feet to 20 feet. Under the proposed configuration, 0.3 acres will be gained in the open space.

Staff received a letter from Cindy Scrofani, a neighboring property owner with whom the developer has communicated with in the past. Mrs. Scrofani accepts changes to this site plan.

Jack Ludington, Goodall Homes, expressed his agreement with staff comments and was available to answer any questions.

After discussion a motion was made by Pam Black, seconded by Mayor Philip Craighead, all voting aye to approve the amendments subject to engineering, cross-connection and fire departments requirements.

5. PUD Amendment – StoneBridge, Amenity Center – Meandering Way (Ward 4)

Planner, Seth Rivard, explained the applicant is requesting a change to the passive area of the amenity center. In February the applicant proposed and was granted an amendment to the amenity area to allow a looped walking trail rather than a more active area. The proposed change is to have a trail leading to a fire pit with the remaining area to be an open event lawn. Because this amendment impacts the open space, the proposed change shall go before City Council.

Jack Ludington, Goodall Homes, was available to answer any questions.

After discussion a motion was made by Pam Black, seconded by Joe Hayes, all voting aye, to recommend the PUD amendment to City Council for their consideration with the stipulation of extending the trail further with a pedestrian bridge to the Rolling Hills section of this development.

6. Annexation, Plan of Services and Zoning – Clark Property – 1137 Palmer Road – Map 56
Parcel 34.03 – from Ag. To Rural Residential – 9.30 acres (Ward 6)

City Planner, Magi Tilton, explained this request involves 9.30 acres of a larger 27.20 acre tract, the acreage being considered for annexation is immediately adjacent to the Derby Downs Subdivision. Blue Ribbon Downs ends with a temporary cul de sac at the subject property. The portion of the subject property not proposed for annexation will continue to have access to Palmer Road. The Rural Residential district permits only single-family dwellings and related accessory structures with a minimum lot size of three acres. Based on the amount of acreage being annexed, there will be not more than three lots. The R-1A district which includes the Derby Downs Subdivision has a minimum lot size of 20,000 square feet.

Paul Crockett, project surveyor, representing Mr. and Mrs. Clark, stated that it is his opinion that this is a reasonable request and would appreciate consideration for approval.

City Planner, Magi Tilton, explained she has received several calls regarding this item with none being opposed to the annexation and zoning.

Councilperson, Kathy Warmath, stated she is a neighbor to this property. She had received five calls and no one has any great concerns regarding this annexation.

After discussion a motion was made by Pam Black, seconded by Mayor Craighead, all voting aye to approve Annexation, Plan of Services and Zoning to City Council for their consideration.

7. Final Plat – Five Oaks, Resubdivision of Lots 87 and 89 – 1.74 acres – 2 lots (Ward 6)
Planner, Seth Rivard, explained this plat extends the rear yards of both lots into the open space of the Five Oaks development. The proposed changes would reduce the amount of open space, however, the development continues to comply with the minimum open space requirements. Because this amendment impacts the open space, the proposed change shall go before City Council.

Gabe Ottinger stated this would allow the kids more space to play.

After discussion a motion was made by Pam Black, seconded by W.D. McCluskey, all voting aye, to approve final plat and recommend to City Council for their consideration.

8. Site Plan – La Quinta & StayBridge Inns – Hwy. 231 S. – 5.966 acres – 112,427 sq.ft. (Ward 3)

Planner, Seth Rivard, explained the La Quinta Inn is shown to be 74 rooms with 685 square feet of conference area. StayBridge Inn is shown to be 86 rooms with 736 square feet of conference space. The site plan complies with the minimum building setbacks, off-street parking requirements and a sidewalk is shown to be installed along Murfreesboro Road. Dumpster enclosures are shown to be either of brick or split face block to match the buildings with evergreen shrubs around the exterior. Staff has several recommendations to be included in any approval of this site plan.

Richard Jones, representing this project, was available to answer any questions.

Lt. Pat O'Brien, Fire Department, had several comments regarding the site plan needing to show the sprinkler system connection on both buildings and an additional fire hydrant.

Richard Jones stated they would take care of these issues.

Rick Jones asked if both buildings were going to be completed at the same time.

Richard Jones explained yes, that is the plan for sometime in late August.

After further discussion a motion was made by Rick Jones, seconded by David Taylor, all voting aye, to approve the site plan with the stipulation of adding another fire hydrant and the following conditions:

1. All signage shall comply with the Sign Ordinance.
2. Subject to Engineering, Cross Connection and Fire Department requirements.

9. Site Plan – Hartmann Plantation, Sec. 1, Phase 1B and Amenity Center – Tuckers Gap Road – 20 units (Ward 4)

Planner, Seth Rivard, explained this is the second phase and they are coming back for 20 units. The landscaping plan complies with the planting requirements. A six-foot opaque fence is shown around the perimeter of the development. The required amount of landscaping is shown, with Foster Holly's shown as a hedge. The amenity center is shown to be constructed completely of brick. Staff recommends several conditions be included in any approval of the Phase 1B and Amenity Center Site Plan.

Gary McNabb was available to answer any questions.

Pam Black, asked what the fencing material will be made of.

Gary McNabb explained it would probably be wood but he would discuss this with Seth Rivard.

After discussion a motion was made by Mayor Craighead, seconded by Joe Hayes, all voting aye, to approve Phase 1B and Amenity Center with the following conditions:

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

OTHER BUSINESS

1. Vote – Amendment to Subdivision Regulations relative to storm water markings.

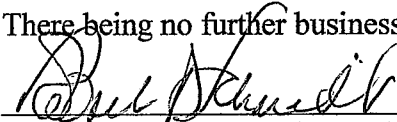
Planner, Seth Rivard, explained the stormwater markings are to make the public more aware. Most stormwater basins are made with the labels, but some are not. City Staff is going around and marking those that have none.

All Planning Commission members voted to approve the amendment.

2. Zoning Ordinance Amendment – floodplain ordinance reference to specific map panels.

Rick Jones made a motion to recommend approval of the amendment to the Zoning Ordinance relative to the floodplain ordinance. David Taylor seconded the motion and the motions were unanimously recommended for approval.

There being no further business to come before the board the meeting was adjourned at 5:40 p.m.



Chairperson, Robert Schmidt



Date