

CITY OF LEBANON
MUNICIPAL REGIONAL PLANNING COMMISSION
Meeting Minutes –January 24, 2023

Members

David Taylor
Chris Crowell

Mack McCluskey
Chad Williams

Chuck Daley
John Lankford

Adrian Kelley
Nick Hays

Staff

Kristy Barhite
Mattie Neely

Joshua Stahle
Andy Wright

Kathleen Vail
Sarah Haston

Paul Corder

Call to Order

Commissioner Mack McCluskey called the meeting to order at 5:00PM. Commissioner Chris Crowell opened with the invocation and led the Pledge of Allegiance.

Election of Officers

1. Chairman

A motion was made by Chad Williams and seconded by John Lankford for Mack McCluskey for Chairman. Motion carried. Mack McCluskey is Chairman.

2. Vice Chairman

A motion was made by Chuck Daley and seconded by Chris Crowell for David Taylor for Vice Chairman. Motion carried. David Taylor is Vice Chairman.

3. Secretary

A motion was made by Chris Crowell and seconded by Adrian Kelley to elect Staff as Secretary. Motion carried. Staff is Secretary.

Staff Reports

1. Sidewalks Report - Staff said that all of the thirty-seven sidewalk permits are being installed for this month. There was one request for a payment in-lieu-of and it was denied.

Committee Reports

1. SP & Annexation Committee Report – Chuck Daley reported that they had a special-called meeting regarding Old Business Item #2, and it was moved forward.
2. Historic Preservation Committee Report – No report.
3. Sidewalk, Bike, and Trails Committee Report –The committee did not meet.
4. Zoning Committee Report – No report.
5. Residential Development Committee – Chad Williams reported that the meeting is next week.
6. Training Committee Report – Nick Hays reported that the first meeting is scheduled for January 31st with Attorney Andy Wright and there are also discussions with Ragan Smith's Brett Smith for training with understanding the development side to be scheduled later in the year.

Changes to the Agenda – None.

Public Hearing

1. *Public Hearing on the proposed amendment to the Future Land Use Plan for about 49.37 acres of the Remington Grove project at unaddressed properties on Trousdale Ferry Pike and Bluebird Road (Tax Map 67 Parcels 40.37 & 48) from FLH2 to FLH4 and FLH16 near Ward 2 (PN 753034)*

Marian Young of 792 Trousdale Ferry Pike said that the neighbors present are not in favor of this project. She said that they have not seen anything in writing, and they cannot get any information, but they heard that it would be high density and that the egress and ingress will be coming out on Trousdale Ferry Pike. She said that this is a state maintained rural road with a blind hill and having the multifamily units would make it unsafe and add ridiculous traffic.

District 21 County Commissioner Mike Kurtz represented the community in this area, and they are opposed to the project. He said that he had received many phone calls and there is even a text group to stay informed. He explained that the reason that there is a Future Land Use Plan is to control use and when you look at it, it does not include what this development will bring. He said that he wanted the commission to know that the community in this area are opposed to it.

Jim Young of 792 Trousdale Ferry Pike said that area is zoned R2, and these apartments are going to be put right in the middle of all that and it just does not seem right.

2. *Public Hearing on the proposed amendment to the Future Land Use Plan for about 5.88 acres at an unaddressed property on Central Pike (Tax Map 101 Parcel 25.01) to be included in the RPO area near Ward 4*

No comments.

3. *Public Hearing on the proposed amendment to the Future Land Use Plan for about 0.43 acres at 222 Cainsville Road (Tax Map 68M Group B Parcel 33) from CXU to CI in Ward 2 (PN 917893)*

No comments.

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

Approval of Minutes

A motion was made by Chad Williams and seconded by Chuck Daley for recommended approval of the Regular December 27, 2022 Planning Commission minutes. Motion carried.

Consent Agenda

1. *Request by Lawrence Properties for site plan approval for South Maple Townhomes, Phase 2, a residential development on about 9.55 acres at an unaddressed property on South Maple Street (Tax Map 68N Group C Parcel 20.01) zoned RM6 in Ward 3*
2. *Request by Southland Park Place/Township LLC for site plan approval for Madison at Township, a residential development on about 14.46 acres at 6715 Lebanon Road (Tax Map 55 Parcel 28.02) zoned CN in Ward 6*

A motion was made by Chad Williams and seconded by Chuck Daley for recommended approval of the items on the consent agenda. Motion carried 8-0.

Old Business

1. *Request by National Cement Company of Alabama for site plan approval for Site Development Plans of National Cement Distribution Terminal (Highway 109 N), a non-residential development on about 12.69 acres at 2760 Highway 109 N (Tax Map 55 Parcel 55) zoned IP in Ward 6*

Staff comments:

- Block length shall not be more than 1,200 feet in length and block perimeter shall not be more than 5,700 feet in length.
 - A variance has been requested for block length.
 - A variance has been requested for block perimeter.
- Applicant has requested payment in-lieu-of sidewalks of the amount of \$21,360.
- This item has been reviewed by Staff and meets all other criteria under consideration by the Planning Commission.

Staff recommended approval with the variances due to the existing train easement being a valid hardship.

A motion was made by Chad Williams and seconded by Chuck Daley for recommended approval of the site plan with the variances for the block length and block perimeter and the payment in-lieu-of sidewalks amount of \$21,360.00. Motion carried 8-0.

2. *Request by Summit Builders Corp for rezoning approval for about 2.57 acres of the SP-R-North College and Sycamore project at 215 N College Street (Tax Map 68E Group B Parcel 24) CS to NCSSP in Ward 2*

Staff comments:

- All adjacent properties are zoned CS. The Future Land Use Plan identifies this area as Downtown Mixed-Use which would support this SP request.

Staff recommended approval as all changes suggested by the SP & Annexation Committee have been incorporated. This is a recommendation to City Council and the expected City Council first reading for this ordinance is February 7, 2023

A motion was made by Chad Williams and seconded by John Lankford for recommended approval of the rezoning to City Council. Motion carried 8-0.

New Business

1. *Request by Mason Properties Inc. for site plan approval for Mason Center, a non-residential development on about 5.23 acres at 201 Pryor Creek Road (Tax Map 56 Parcel 58.08) zoned IP in Ward 6*

Staff comments:

- An 8ft wide foundation planting along the front façade of the building is required excluding entrances.
 - A variance has been requested to not provide the foundation planting.
- Sidewalks, or payment in-lieu-of sidewalk construction, are required for all new development.
 - Applicant has requested payment in-lieu-of sidewalks of the amount of \$11,040.

- This item has been reviewed by Staff and meets all other criteria under consideration by the Planning Commission.

Staff recommended approval with the plan meeting the code.

Civil Site Design Group's Joe Haddix was available to answer any questions. He explained that the variance for landscaping is because this is the third phase of the project and at the time of the Master Plan there was no landscaping requirements and there is existing paving from the operation that has been operating for a decade.

A motion was made by Chad Williams and seconded by David Taylor for recommended approval of the site plan with the variance for foundation planting and the payment in-lieu-of sidewalks amount of \$11,040.00. Motion carried 8-0.

2. *Request by CR 109 Apartments for site plan approval for Highway 109 Multifamily, a residential development on about 22 acres at 6438 Hickory Ridge Road (Tax Map 79 Parcel 43.05) zoned CS in Ward 4*

Staff comments:

- Plans include a righthand turning lane on Hickory Ridge Road on to Highway 109.
- Additional road improvements have been shown and will need to be approved by the County Road Commission and City Staff.
- This item has been reviewed by Staff and meets all other criteria under consideration by the Planning Commission.

Staff recommended approval meeting the code and providing road improvements required by the City and County.

Staff recounted the history of the project:

- Property was annexed in October 2018 by City Council along with the property that became Publix (Resolution 18-2229, Resolution 18-2230, and Ordinance 18-5688).
- Site plan was submitted in June 2022 but was deferred by applicant in July 2022.
- Site plan presented to Planning Commission in August 2022 and was deferred.
- Site plan presented again to Planning Commission in September 2022 and was deferred.
- Site plan presented again in November 2022 to the Planning Commission and was denied.
- These plans were revised and submitted in December 2022 and that is why this project is on the agenda as a new business item.

Chairman Mack McCluskey explained to the assembly that it is the City Council who ultimately decides on annexations and zoning and that the Planning Commission does not have the authority to vote for or against something. The Planning Commission votes on whether it is in compliance with the zoning.

District 23 County Commissioner Jeremy Reich started off with asking the people present to stand if they were opposed to the property. (Numerous people stood.) He said that he wanted to thank the commission for voting this project down in November but now it is back here, and the problems still exist. He said it is our duty to protect and do what is best for the citizens of Wilson County and this development is not what is best. He said that the city has had a massive influx into the area, but we must remember our duty is to our residents first. He said that the developers have found that they can maximize profits through developments and townhomes. He said that he figured that the development would be adding 105 cars or more onto Hickory Ridge Road and Palmer Road, which are county roads, and they cannot handle the traffic. This development will put a burden on citizens, the sheriff's office, and the road commission and

he noted that the county does not have the money to expand or widen the roads there. He asked that the commission turn down this item.

Henry Orlik of 451 Bonnie Valley said that yesterday the left turning lane had eleven cars with nobody turning right because everyone who lives in their community works in Nashville and needs to turn left so the proposal for a right turning lane does not make sense. He also asked if there was a new traffic study that factors in Publix, the restaurants, and other commercial properties. He also pointed out the crime involved with rentals and asked for denial.

Rick Nelson of 105 Ten Oaks Drive said that he drove around Lebanon this morning to look at all the new apartments that the commission approved, and he counted about 2,150 empty apartments under construction, and he felt that the city does not need another large complex in our community.

Attorney Tom White represented the applicant. He said that there are certain duties the planning commission does and there are certain things the legislative body does, and the annexation and zoning were done already. He said that they are facing a piece of property that is clearly allowed for multifamily and there are no issues about that. He said this argument is twofold and that one of the issues is a fairness issue; you would expect the general public and the applicant to understand that when there are rules and requirements for development by the city, that the builder would spend a lot of money for compliance to make sure they did the right thing and that is what happened with this project. He explained that the basic fairness issue is when someone puts out a site plan approval and someone clearly meets the requirements then as basic fairness, you would expect it to be approved. He said that the second issue is basically a legal issue, and the law is very clear, if someone meets site plan approval; there is no discretion by the Planning Commission, they need to approve it and the city has had issues with this before. He spoke with City Attorney Andy Wright, and he would tell you that is correct. Additionally, he pointed out that the staff report said that the site plan meets all the conditions so there is no choice but to approve it.

Tony Jeanette of 6250 Hickory Ridge Road said that he lived there since the 80s and the traffic is backed up on the southbound side and it is excessive on Highway 109 and Hickory Ridge Road. He pointed out that the right turn lane is rarely used so putting in a right turn lane does not make a lot of sense. He also mentioned that people are now using the Publix parking lot as a bypass to avoid the traffic light on Hickory Ridge Road. He said that traffic is atrocious and putting in an apartment where it does not even need to be adds to the situation and will be nothing but chaos.

Chelsea Carter of 865 Trousdale Ferry Pike said that at the Starbucks she works at, people compliment the small town feeling and that is the biggest appeal of Lebanon. She said that are so many apartments that it not only hurts the citizens already here, but it hurts the curb appeal for the people who are looking to move here.

An unnamed citizen spoke and said that if you take everything on Leeville Pike and Highway 109 which funnels (like sand) all that traffic and then add another funnel, then you have increased the traffic issues. Decreasing the density would be great if the property could be purchased by the city but he said he does not know the ins and outs of all that.

Maureen Vescera of 507 Stonehenge Drive mentioned that they can already see Publix from their development, but her concern is with the blasting that will hurt their house. She explained that when Stonebridge was under construction, the blasting caused cracking on walls, but Stonebridge said it was just the houses settling (in 30-year homes). Meritage Homes caused flooding issues and the city has still not corrected that issue, and there was blasting issues with Publix and now this. She asked what is going to protect them, will they put something there to measure the blasting, what will happen with all the

extra water and how much more damage does their subdivision have to take? She said that the neighbors are concerned, and they do not feel that the city has protected them.

Dan Hubbard of 504 Chelsea Lane said that the intersection traffic blocks the box on Highway 109 southbound to where people cannot make a left-hand turn and there is no police enforcement. Additionally, they cannot get out of the subdivision now. He finished by mentioning higher crime, higher turnover, trash, etc., and noted that this is not the right thing to go in that area.

Mary Craven of 6007 Hickory Ridge Road said that in the 25 years she has lived there it is not even safe to mow their lawns now citing the crashes on their property from speeding and now there are semis on that road which has made it even more dangerous. She said that the city is doing a survey for the Lebanon Master Parks Plan and pointed out that this property would be a great place to put a park.

Commissioner Chris Crowell said that project's history said that it made changes and is now a new business item after being denied and he wanted to know what the new improvements were.

Catalyst Design Group's Jack Parker was available to answer any questions. He said the improvements were the additional lanes which are above and beyond those recommended in the updated traffic study. He said that right turn lane at the intersection of Hickory Ridge Road and Highway 109 and the widening of Hickory Ridge Road beyond the easternmost entry point into the development.

Commissioner John Lankford asked Jack Parker about the updated traffic study and what that entailed.

Jack Parker said that basically this study was an overall regional traffic study that studied all the commercial spaces that are lining Highway 109, originally it was a different type of residential use, and the request was to update that study for this multifamily use. He said that the traffic consultant conferred with the city engineering staff and asked what needed to be updated from the original study, additional counts were provided, and the updated study was submitted.

John Lankford said that did not answer his question. He said that he does not have the traffic study report and felt that as a commissioner, it seemed important since everyone talked about traffic. He asked why it was approved.

Chairman Mack McCluskey said that he thinks that is a procedural question and that the commissioners are not traffic experts and are not in a position to evaluate a traffic study.

John Lankford said that he gets that it was approved but as a commissioner, he thinks it is important to know why it was approved, how does it increase the traffic? He said otherwise he would abstain because he does not have enough information.

Director of Development Mattie Neely said that she agreed with the Chairman, that the commissioners would not understand a lot of the information used in a traffic study which uses Level of Services containing terms, diagrams, the turning movements of cars, etc., and a lot of it is predictive. Traffic Engineer Kristen Rice looks at the level of services along the roads and at the intersections as well as their ratings and she determines if it would need to be improved or if they are changing the level of service than the existing traffic would have made it that the city would need to do some work as well. The Engineering Department goes above and beyond sometimes what those traffic studies ask for, which is partially why the study does not go to the commission, we do not want the commission to make the developer do something that Staff would consider only the minimum. Additionally, traffic studies do not take in to account some outside elements and Staff must look at it as a holistic picture. Staff reviewed this

traffic study and also worked with the county, because that is a county road, that is why we added the additional right turn lane.

City Attorney Andy Wright gave the history of a development off Bethlehem Road and how when there was opposition to it, Planning Commission denied the plan even though it met all the code and the city got sued. After losing in Chancery Court, the City Council instructed him to appeal to the State Court of Appeals and one of the justices there said to him, "If the City of Lebanon is going to deny plans that meet all your codes, all your regulations, all of your zoning aspects, then you need to change those things because if they meet them, then you cannot deny them because you put them in place." So, if applicants come in meeting every code, and every regulation and if this property is zoned CS, then apartments are allowed by right. He spoke to Traffic Engineer Kristen Rice who called the prior traffic plan adequate but said that she was going to make recommendations that they go above and beyond that. This meets all of the city's codes, all our regulations, they have not asked for any variances, and from a legal standpoint this project is actually easy. The problem is when you eliminate all those reasons to deny it, all you are left with is oppositions and fears of the neighbors and the courts in Tennessee say if that is all you got is fear and opposition of the neighbors, that is not a valid reason for denying a project.

A motion was made by Chad Williams and seconded by Chuck Daley for recommended approval of the site plan since it meets the code.

Commissioner Chris Crowell said that this type of project is one of the reasons of why he is a strong proponent of the SP (Specific Plan) process because in this particular case we have a proposal of something that changed. That is the developers right to change but when a community is told something and then it gets changed, we as a community can be left holding the bag and as a representative of this area, he does not appreciate it.

Commissioner Chad Williams said that this is the exact reason that the Residential Committee has asked for the city to put apartments in their own zoning, and it will come before the Planning Commission soon.

Roll call Vote:

Nick Hays	Yes
Adrian Kelley	Yes
Chuck Daley	Yes
Chad Williams	Yes
Mack McCluskey	Yes
Chris Crowell	No
David Taylor	Yes
John Lankford	Abstain

Motion carried 6-1.

- 3. Request by Vogue Tower Partners VII LLC for site plan approval for Vogue Towers - Pole Replacement at Lebanon High School, a non-residential development on about 0.05 acres at 500 Blue Devil Boulevard (Tax Map 69 Parcel 29.02) zoned RR in the South Hartmann Overlay in Ward 4*

Staff comments:

- This site plan was approved by Planning Commission at the February 2020 meeting and received final approval from the City in November 2021. The approval expires in February 2023. No changes have been made to the final approved plans stamped in November 2021.

- This item has been reviewed by Staff and meets all other criteria under consideration by the Planning Commission.

Staff recommended approval because this project is eligible for an approval extension and no variances have been requested.

Vogue Towers' Michael Sandifer was available to answer any questions. He said that they are just asking for an extension to the original approval.

A motion was made by Chad Williams and seconded by John Langford for recommended approval of the site plan extension. Motion carried 8-0.

4. *Request by Staff for future land use plan amendment approval for about 5.88 acres at an unaddressed property on Central Pike (Tax Map 101 Parcel 25.01) to be included in the RPO area near Ward 4*

Staff comments:

- The properties to the North as Public/Institutional/Residential, to the east as Rural/Preservation Open Space, to the south as Light Industrial, and to the west as Light Industrial & Interchange Commercial on the Future Land Use Plan.
- This Commission recommended to City Council and County Commission at their last meeting to deannex (contract City limits) this property.

Staff recommended approval because it is consistent with the nearest properties.

Benjamin Hawkins of 15751 Central Pike said that there is a lot of industrial, warehouses, and the high school in the area and preserving this property as residential would make a lot of sense and would provide a good buffer for protecting the neighborhood in that area.

A motion was made by Chad Williams and seconded by Chris Crowell for recommended approval of the amendment to the Future Land Use Plan to City Council. Motion carried 8-0.

5. *Request by Staff for zoning approval for about 5.88 acres at an unaddressed property on Central Pike (Tax Map 101 Parcel 25.01) to A-1 in the County*

Staff comments:

- The properties to the North are zoned RS20, to the south as IP, and to the west as IP & CG. All adjacent properties in the County are zoned A-1. The requested Future Land Use designation of RPO would support this request.
- This Commission recommended to City Council and County Commission at their last meeting to deannex (contract city limits) this property.

Staff recommended approval because it is consistent with the nearest properties.

A motion was made by Chad Williams and seconded by Chris Crowell for recommended approval of the rezoning to Wilson County Commission. Motion carried 8-0.

6. *Request by L & B Plumbing, LLC for future land use plan amendment approval for about .43 acres at 222 Cainsville Road (Tax Map 68M Group B Parcel 33) from CXU to CI in Ward 2*

Staff comments:

- The properties to the North are indicated as Light Industrial, to the east and west as Commercial Mixed-Use, and to the South as Residential 16 Units an Acre on the Future Land Use Plan.

Staff recommended denial as this does not meet the Future Land Use Plan and at the Preliminary Planning Commission Meeting, the commissioners were concerned about spot zoning for this parcel.

A motion was made by Chad Williams and seconded by David Taylor for recommended denial of the amendment to the Future Land Use Plan to City Council because of spot zoning and not meeting the Future Land Use Plan. Motion carried 8-0.

7. *Request by L & B Plumbing, LLC for rezoning approval for about .43 acres at 222 Cainsville Road (Tax Map 68M Group B Parcel 33) from R2 to CG in Ward 2*

Staff comments:

- The properties to the north are zoned Light Industrial and to the east, south & west as R2. The Future Land Use Plan identifies this area as Commercial Mixed-Use which would not support this request. The requested Future Land Use designation as Interchange Commercial would support this request.

Staff recommended denial as this does not meet the Future Land Use Plan and at the Preliminary Planning Commission Meeting, the commissioners were concerned about spot zoning for this parcel.

A motion was made by Chad Williams and seconded by David Taylor for recommended denial of the rezoning to City Council. Motion carried 8-0.

8. *Request by Kimbel Mengelberg for future land use plan amendment approval for about 49.37 acres of the Remington Grove project at unaddressed properties on Trousdale Ferry Pike and Bluebird Road (Tax Map 67 Parcels 40.37 & 48) from FLH2 to FLH4 and FLH16*

Staff comments:

- The properties to the north are indicated as Residential 2 Units per Acre, to the east as Residential 2 Units per Acre & Rural/Preservation Open Space, to the south and west as Residential 2 Units per Acre, Rural/Preservation Open Space, Mixed Housing & Residential 16 Units per Acre, on the Future Land Use Plan.

Staff recommended approval. This annexation is not contiguous to the City limits; however, it has existing access to city sewer at the property line.

Marian Young of 792 Trousdale Ferry Pike said that if you allow this high-density residential zoning onto Trousdale Ferry Pike and Bluebird Road, we are going to be in the same position in a year. If you change the zoning, she said that we are going to be in the same argument because the developer can change it to anything he wants.

TTL's Randy Laine was available to answer any questions. He said that they have heard the concerns and understand with what is going on tonight with the level of distrust. He said that he was born and raised here and regarding Palmer Road, he raised two boys there and fortunately they are still alive, and those roads are a mess. He said that they would like to have a meeting with the community to talk about their concerns.

A motion was made by John Lankford and seconded by Chad Williams to defer the project until after a community meeting. Motion carried 8-0.

Commissioner Chris Crowell said that he appreciated that this is a local developer meeting with the community.

9. Request by Kimbel Mengelberg for plan of services approval for about 49.37 acres of the Remington Grove project at unaddressed properties on Trousdale Ferry Pike and Bluebird Road (Tax Map 67 Parcels 40.37 & 48) and zoning to RM6 & RD9 to be added to Ward 2

A motion was made by John Lankford and seconded by Chad Williams to defer the project until after a community meeting. Motion carried 8-0.

10. Request by Kimbel Mengelberg for annexation and zoning approval for about 49.37 acres of the Remington Grove project at unaddressed properties on Trousdale Ferry Pike and Bluebird Road (Tax Map 67 Parcels 40.37 & 48) and zoning to RM6 & RD9 to be added to Ward 2

A motion was made by John Lankford and seconded by Chad Williams to defer the project until after a community meeting. Motion carried 8-0.

11. Request by Camille Burdine and Fred Burton to amend Title 14 Lebanon Zoning Code, to add Chapter 9 Section 5 (14.905) Yard Parking Overlay District, to limit parking in the front yard in the designated Yard Parking Overlay District, and to amend Chapter 8 Section 4.1.2 to add Subsection H Off-street parking in the Yard Parking Overlay District

Staff was not opposed.

A motion was made by Chad Williams and seconded by Chuck Daley for recommended approval of the amendment to the Zoning Code to City Council. Motion carried 8-0.

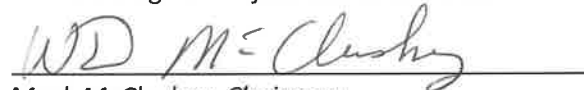
Commissioner Chris Crowell said that there are representatives from the wards that would be impacted, and Ward 4 is intentionally staying out of it.

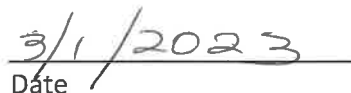
Directors Comments

Residential Development Committee's Public Meeting – January 30, 2023 at 5:00PM to discuss possible changes to regulations for single family houses.

Adjourn

The meeting was adjourned at 6:14 PM.


Mack McCluskey, Chairman


Date


Kathleen Vail, Recording Secretary


Date