

CITY OF LEBANON
MUNICIPAL REGIONAL PLANNING COMMISSION
Meeting Minutes –February 28, 2023

Members

David Taylor	Mack McCluskey	Chuck Daley	Adrian Kelley
Chris Crowell	Chad Williams	Lisa Noble	Nick Hays
Ronnie Kelley			

Staff

Kristy Barhite	Joshua Stahle	Kathleen Vail	Paul Corder
Mattie Neely	Andy Wright	Sarah Haston	

Call to Order

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

Staff Reports

1. Sidewalks Report - Staff said that all the 140 sidewalk permits are being installed for this month.

Committee Reports

1. SP & Annexation Committee Report – Chuck Daley reported that there were three new items that will come before the Preliminary Planning Commission.
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 NB #7 was heavily before the subcommittee recommended that the ordinance be on the agenda as a stop gap for preventing large apartment complexes however, work will continue on the zoning classifications and mixed used developments. The subcommittee approved having the building standards ordinance at the next preliminary meeting in April. And the public meeting that was scheduled had an issue with advertising and will have to be rescheduled.
6. Training Committee Report – Nick Hays reported that the committee will be meeting in March on the 14th.

Changes to the Agenda – None.

Public Hearing

1. *Public Hearing on the proposed amendment to the Future Land Use Plan for about 14 acres at an unaddressed property on Murfreesboro Road (Tax Map 92 Parcel 53.01) from RXH to IL near Ward 3*

David Bogle of 3051 Old Murfreesboro Road said that the person who owns the property previously had tried to get it rezoned and it failed and now the attempt is to get it in the city limits. This property is surrounded by residential, and he said that he believes that the owner is looking to get warehousing there. He said that he is not opposed to more houses and neighbors.

Owner Jimmy Comer of 418 Stumpy Lane said that this property was brought before the city last summer or apartments by his cousin and he had heartburn over that, so he bought the property from them. He said that he has been working with Al. Neyer with the present plan that is here today. He said that Al. Neyer had built an above average building with the REI project, and he felt that the 14 acres property would be a natural extension for what exists there currently. He said that he had mentioned to them that it should not be a truck terminal or something like that but something that fits in with the soccer facilities across the road. He would like to see the project move forward.

2. *Public Hearing on the proposed amendment to the Future Land Use Plan for about 130.24 acres at 2575, 2665, 2763, 2765, 2801 & unaddressed property on SE Tater Peeler Road (Tax Map 92 Parcels 27.01, 27.04, 27.05, 28, 28.01 & 28.02) from RPO and FLH8 to IL*

Staff said that whereas they are holding the public hearing tonight, this project will be on next month's agenda with an additional parcel.

There were no comments.

3. *Public Hearing on the proposed amendment to the Future Land Use Plan for about 3.2 acres at 305 & 310 S Cumberland Street (Tax Map 87L Group D Parcel 28) from IH to DMU*

Rochelle McCulloch and Aulds' Attorney Byron Gill stated that he would be representing the owner next month as he understood that the project would not be on the agenda tonight.

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

Approval of Minutes

A motion was made by Chuck Daley and seconded by Chad Williams for recommended approval of the Regular January 24, 2023 Planning Commission minutes. Motion carried.

Consent Agenda

1. *Request by Lebanon Ventures, LLC for preliminary plat approval for One Lebanon Place Phase 1 Preliminary Plat – Revision, a 91-lot subdivision on about 9.7 acres at 1 Outlet Village Boulevard (Tax Map 81Parcel 95) zoned CN in the South Hartmann Overlay in Ward 3 (with sidewalks) (PN 935885)*
2. *Request by Fred Yates for preliminary plat approval for Preliminary Plat of Section 3 Manor View Subdivision, a 14-lot subdivision on about 3.63 acres at an unaddressed property on Classic View Drive (Tax Map 57 Parcel 54) zoned R2 in Ward 5 (with sidewalks) (PN 940318)*

K&A Landscaping's Brian Keith stated that this project was an extension of an existing subdivision that would fit really well with what already existed and he asked for approval.

3. *Request by DR Horton for final plat approval for Woodbridge Glen – Phase 2, Section 1, a 26-lot subdivision on about 4.44 acres at an unaddressed property on Pintail Pointe (Tax Map 94 Parcel 14.07) zoned RS6 in Ward 4 (with sidewalks) (PN 922621)*

4. *Request by Clayton Properties for final plat approval for The Preserve at Belle Pointe, Phase 1C, a 15-lot subdivision on about 2.13 acres at an unaddressed property on Fiona Drive (Tax Map 47 Parcel 10) zoned RS12 (The Preserve PUD) in Ward 6 (with sidewalks) (PN 940325)*
5. *Request by M/I Homes for final plat approval for Hawks Landing Phase 2, a 29-lot subdivision on about 17.04 acres at 312 Carver Lane (Tax Map 58 Parcel 1.02) zoned RS20 in Ward 1 (with sidewalks) (PN 930287)*
6. *Request by Southern Bank Equipment & ATMs for site plan approval for Wells Fargo ATM - Lebanon, a non-residential development on about .85 acres at 603 S Cumberland Street (Tax Map 68M Group E Parcel 1) zoned CG in Ward 2 (PN 940372)*
7. *Request by Wilson County Government for site plan approval for Proposed Tie Barn and Drainage Improvements - James E. Ward Agricultural Center, a non-residential development on about 22.5 acres at 945 E Baddour Parkway (Tax Map 67 Parcels 80 & 88.02) zoned RD9 & CS in Ward 2 (PN 924802)*
8. *Request by Mark Vastola for site plan approval for Averitt Landing, a 77-unit residential development on about 31.93 acres at 722 & unaddressed Hancock Lane (Tax Map 58 Parcel 32.03 & 32.10) zoned HCSP in Ward 1 (PN 952168)*

A motion was made by Chad Williams and seconded by Chuck Daley for approval of the consent items. Motion carried 9-0.

Old Business

1. *Request by Servus Properties for site plan approval for Ballard Point Reserve, a residential development on about 1.1 acres at 271 & 289 Trousdale Ferry Pike (Tax Map 67G Group A Parcels 10 & 11) zoned R2 in Ward 2 (PN 917710)*

Staff comments:

- Street trees and furnishings should be placed between the sidewalk and roadway.
 - A variance has been requested to place them behind the sidewalk.
- 2 bollards have been proposed behind the sidewalk.
 - When bollards are used, they should be placed between the sidewalk and the roadway.
- This item has been reviewed by Staff and meets all other criteria under consideration by the Planning Commission.

Staff recommended approval with moving the sidewalks back and placing street trees and furnishings placed between the sidewalk and roadway.

Warren and Associates' Jerry Warren was available to answer any questions. He asked that it be approved with the variances because there are existing utility lines in that area.

Planning Director Paul Corder asked if there was any issue to moving the bollards between the road and the sidewalk.

Jerry Warren replied that the public water line is located there.

Paul Corder asked if they could use a different furnishing because it does not make any sense.

Jerry Warren said that they would look at it and see if something else could work, they just thought it looked attractive because these are lit bollards which would help to designate and make the driveways stand out.

A motion was made by Chad Williams and seconded by Chuck Daley for recommended approval of the site plan with a variance for the placement of street trees. Motion carried 9-0.

2. *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 (PN 753034)*

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.
- This item was deferred last month so that the applicant could hold a neighborhood meeting. That meeting was held Tuesday, February 7, 2023.

Staff recommended approval. The annexation is not contiguous to the City limits, however, there is existing access to City sewer at the property line.

Marian Young of 792 Trousdale Ferry Pike said that they did meet with the builder and traffic was discussed as a concern as the traffic light on Bluebird is always backed up. She said that there is already a complex being built that will cause more traffic. She said that the zoning should be laid out specifically for these builders and done before they approve high density.

Chairman Mack McCluskey explained that the zoning does establish those restrictions.

Marian Young said that they are against this project and do not want high density.

District 21 County Commissioner Mike Kurtz of 1414 Trousdale Ferry Pike said that he spoke at the last meeting, and it was deferred, and he thanked the developer for the neighborhood meeting, and they explained everything quite well. He said that there are three things that are always discussed; safety, roads, and schools and this city is blessed with schools, however in his day job (student services administrator for the Lebanon Special School District) he worried about how they are going to keep up with the growth. He said that the County is facing building two new schools and the LSSD is in the planning stages of an additional school, and this is why we look at long range planning and how things are zoned. He felt that this project will create some issues. He encouraged the commission to vote against the project.

Ray Bowman of 809 Trousdale Ferry Pike said that there are concerns with blasting because of the solid rock there and he felt that there will be a lot of lawsuits and if approved, they requested seismic receivers to be put on their properties to measure.

Chairman Mack McCluskey interrupted to explain that there are state regulations involving blasting.

He said that this project is approved then the size of the plan is his second concern. One hundred and sixty-seven homes would be in the middle of residential properties, and he said it is not right and that they do not want it.

TTL's Randy Laine was available to answer any questions. He said that they had a good meeting and tried to explain as much as they could about what was proposed, and they made a promise to come back to the neighborhood with development plans. He said that it could allow up to 167 homes but rarely are there that many due to terrain, etc. The 55 and over are one-story units and that is their plan. He asked for the commission's approval.

Jim Young of 792 Trousdale Ferry Pike said that he had a concern with the long-term construction and all that comes with it. He said that his second concern is what if the financing fails because now that property would be zoned for three-story monoliths that an out-of-town buyer can take care of.

Annexation Committee's Chairman Chuck Daley said that the committee had an issue with it not being contiguous with the city and that the whole idea was to get the area with the apartments annexed in but that never happened.

Staff said that there have been conversations with the apartments, but no application had been made.

The SP and Annexation Committee's Chairman Chad Williams said that they brought a negative recommendation to the preliminary meeting because is not contiguous with the city limits and for safety reasons.

A motion was made by Chad Williams and seconded by Chuck Daley for a negative recommendation of the amendment to the Future Land Use Plan to City Council.

Commissioner Chris Crowell added that the City of Lebanon has one of the largest footprints of any city its size in Tennessee so when we are providing public services, we try to hold the taxes down but the further we stretch out, the more that can become an issue and that is a concern. He said that he has not heard a compelling public benefit at this point.

The motion continued. Motion carried 9-0.

3. *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 (PN 744605)*

A motion was made by Chad Williams and seconded by Chuck Daley for a negative recommendation of the plan of services to City Council. Motion carried 9-0.

4. *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 (PN 744605)*

A motion was made by Chad Williams and seconded by Chuck Daley for a negative recommendation of the annexation to City Council. Motion carried 9-0.

New Business

1. *Request by Journey Church for site plan approval for Journey Church, a non-residential development on about 10.70 acres at 1240 Leeville Pike (Tax Map 68 Parcel 11.03) zoned RR in the South Hartmann Overlay in Ward 4 (PN 936063)*

Staff comments:

- Applicant has requested payment in-lieu-of sidewalks. The fee is \$7,760.00.
- A connection to the right-of-way stub at the South side of the property is needed.
 - A variance has been requested.
 - The Code states when an existing development pattern prevents the reasonable extension of a road, an additional pedestrian connection or a pocket park should be required based on the cost of the land.
- This item has been reviewed by Staff and meets all other criteria under consideration by the Planning Commission.

Staff recommended approval with a sidewalk/trail within the right-of-way to the South, instead of a road.

Civil Site Design Group's Brad Snyder was available to answer any questions. They said they agreed with Staff comments but asked that the project be approved with the sidewalk/trail requirement removed. He said that the church would comply with whatever the commission's decision would be; however, they had reached out to the neighbors, and they had no interest in having a trail or right-of-way improvements.

A motion was made by Chris Crowell and seconded by David Taylor for recommended approval of the site plan with the variance for the stub and with the payment in-lieu-of amount of \$7,760.00.

Commissioner Chad Williams asked if there were any sidewalks nearby.

Staff said that there is a school across the street and a potential trail connection that could come down Leeville Pike.

A motion was made by Chad Williams and seconded by Chuck Daley to amend the motion to include sidewalks. Motion carried 8-1.

The original motion as amended continued which included the required sidewalks and the variance for the stub. Motion carried 9-0.

New Business Items #2, #3, and #4 were considered together.

- 2. Request by Al. Neyer for future land use plan amendment approval for about 14 acres at an unaddressed property on Murfreesboro Road (Tax Map 92 Parcel 53.01) from RXH to IL near Ward 3 (PN 931511)*
- 3. Request by Al. Neyer for plan of services approval for about 14 acres of the Comer Park II project at an unaddressed property on Murfreesboro Road (Tax Map 92 Parcel 53.01) and zoning to IP to be added to Ward 3 (PN 929317)*
- 4. Request by Al. Neyer for annexation and zoning approval for about 14 acres of the Comer Park II project at an unaddressed property on Murfreesboro Road (Tax Map 92 Parcel 53.01) and zoning to IP to be added to Ward 3 (PN 929317)*

Staff Comments:

- The properties to the North are indicated as Light Industrial, to the east as Mixed Housing, to the South and west as Residential 8 Units an Acre on the Future Land Use Plan.
- The Future Land Use Plan identifies this area as Mixed Housing which would not support this request. The requested Future Land Use designation as Light Industrial would support this request.

Staff recommended deferral until a completion of the economic analysis for the area around the new sports complex.

Economic Development Director Sarah Haston started out by stating that she appreciated hers and the city's relationship with Al. Neyer and the industrial projects they have done in Lebanon. She said that the concern with this a timing issue; when the REI project was approved, the city had yet to commit public funding to the sports complex and now she wanted to do an analysis for opportunity costs of rezoning more industrial out there. She said that she does not think it would be in the city's best interest to put industrial park there, there are parks within the city. She explained that in the past couple of months there have been a lot of changes including creating the City of Lebanon Industrial Development Board, which give the city the ability to provide a tax increment finance district out there. As they do this study and look at surrounding sports complex and future growth; having something there that could provide hospitality that compliments the sports complex and that is why she said she is asking for this deferral. She said that she spoke with Al. Neyer earlier and they were prepared to do the deferral.

Al. Neyer's Matt Anderson was available to answer any questions. He asked if the analysis came back showing that a hotel was better for this property, would that lock this property into only being a hotel.

Chairman Mack McCluskey said that is a hypothetical question and they do not answer those questions.

Matt Anderson said that if the timeline is 30 days, then they are comfortable with a deferral. He said that he wanted to highlight a few of the public benefits since it was referred to in the preliminary meeting. He said that public sewer was extended with the REI project and if it lines up, it will give the city an opportunity to tie into it for the sports complex. He said the assumed real estate tax would be \$312,000.00 per year as well as 100 to 200 employees that would be showing up to the proposed development and he figured that the building area would only be around 17% of the property with a lot of green space.

Commissioner Chuck Daley asked Matt Anderson if he was comfortable with a 30-day deferral.

Matt Anderson said that they would prefer not to defer however, if that would make the city more comfortable with the application, then they are willing to do so.

Staff noted that the next commission meeting was 28 days.

A motion was made by David Taylor and seconded by Adrian Kelley for recommended deferral of the project until the next commission meeting.

Commissioner Chris Crowell said that he appreciated the comments about public benefits however, it falls short. He said that he is looking for something more than extending the sewer line and the number of employees. He said that in the preliminary meeting they were told that this is a spec building and there is no commitment so there is nothing concrete regarding the number of employees.

Chairman Mack McCluskey asked if New Business Items 2, 3, and 4, could be considered together.

City Attorney Andy Wright replied with, group them.

Commissioner Chad Williams remarked about the road work done around the northern area of the REI development; are there plans on doing anything farther south and helping with the road into the complex.

Matt Anderson replied that they would follow with whatever the traffic study recommendations would be.

The motion continued. Motion carried 9-0.

5. *Request by Tony and Pamela Adams for rezoning approval for about 3.49 acres at 1930 W Old Murfreesboro Road (Tax Map 81K Group A Parcel 17) from RR to RM6 in the South Hartmann Overlay in Ward 3 (PN 887295)*

Staff comments:

- The properties to the North are zoned RR & CN, to the east as CN, to the south as RR, and to the west as IP. The South Hartmann Overlay identifies this area as Mixed Housing which would support this request.

Staff recommended approval because this request meets the Future Land Use Plan within the South Hartmann Overlay.

Daniel Owen of 140 Angel Cove Lane was available to answer any questions.

A motion was made by Chuck Daley and seconded by Adrian Kelley for recommended approval of the rezoning to City Council.

Roll Call vote:

Nick	Yes
Ronnie	Yes
Adrian	Yes
Chuck	Yes
Chad	No
Mack	No
Chris	No
David	Yes
Lisa	Yes

Motion carried 6-3.

6. *Request by Camille Burdine for a Zoning Code amendment to rename Transient Habitation to Hotel/Motel and adding Hotel/Motel as permitted uses in the CD district.*

Staff recommended approval.

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 9-0.

7. *Request by Staff for a Zoning Code amendment to add residential maximums and commercial minimum requirements in the CN and CS districts.*

Staff comments:

- CN will be 8 units per building and CS will be 4 units per building. A minimum of 20% commercial in CN and 30% commercial in CS will be required.

Warren and Associates' Jerry Warren was available to answer any questions. Their property at 109 Pennsylvania Avenue is zoned CN and it is not large enough for an apartment complex however, he commented that when they purchased their property, as well as several other owners who purchased their properties, they had the right to do certain things that are in their zoning. He said that these changes basically are cherry picking the rights of the property owners and taking those rights away.

Chairman Mack McCluskey referred to Attorney Andy Wright in stating that the City of Lebanon has the right to rezone property.

Attorney Andy Wright said correct.

Commissioner Chad Williams said that there was a discussion at the Residential Development Committee that this is a great first step in stopping a developer from having an open checkbook on what they can put on a property. He said that they recommended starting with this ordinance and to continue working on the CN and CS Districts next.

A motion was made by Chad Williams and seconded by David Taylor for recommended approval of the amendment to the Zoning Code to City Council.

Commissioner Adrian Kelley asked if the property owners had been asked how they feel about this change.

Planning Director Paul Corder explained that this is a city-wide change.

Chairman Mack McCluskey said that if there are active development projects underway then they are grandfathered.

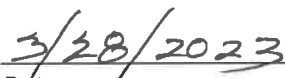
Commissioner Chris Crowell said that he appreciated the work of the Residential Subcommittee, and he has gotten the message from his constituents that they are for it, and he will be voting for it at City Council as well.


The motion continued. Motion carried 9-0.

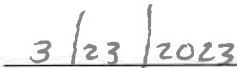
Adjourn

The meeting was adjourned at 5:58PM.


Mack McCluskey, Chairman


Date


Kathleen Vail, Recording Secretary


Date

