

**CITY OF LEBANON  
MUNICIPAL REGIONAL PLANNING COMMISSION**

**Meeting Minutes – August 23, 2016  
Town Hall Meeting Room – 5:00 PM**

**Members Present:**

Kathy Adams	Dan Mack	Beulah Garrett	Larry Hubbard
David Taylor	Mike Walls	Ensley Hagan	Bernie Ash

**Others Present:**

Paul Corder	Kathleen Vail	Regina Santana	Andy Wright
Richard Donovan	Andy Wright	Shahad Abdulrahman	

Chairperson David Taylor called the meeting to order at 5:00 p.m. Commission member Beulah Garrett opened with the invocation and also led the Pledge of Allegiance.

Chairperson Taylor explained the order of proceedings.

Planning Director Paul Corder announced that Commissioner Rick Bell had resigned from the Planning Commission and he introduced Ensley Hagan as the new Planning Commission member.

**ELECTION OF OFFICERS**

A motion was made by Kathy Adams and seconded by Bernie Ash to nominate Dan Mack to service as Vice-Chairman of the Planning Commission. Motion carried unanimously.

**CHANGES TO THE AGENDA**

Item #6 has been moved to the first item under new business.

**APPROVAL OF MINUTES**

Chairperson David Taylor asked if the Planning Commission members had read over the minutes. A motion was made by Larry Hubbard and seconded by Dan Mack to approve the minutes of the July 26, 2016 Planning Commission meeting. Motion carried unanimously.

**OLD BUSINESS**

- 1. Request by Carolyn Eakes, Stephen Piercey, and Billy Huff for rezoning approval, for about 5.05 acres at unaddressed West Main Street (Tax Map 57 part of Parcel 25.04) from RS20 to CN in Ward 6**

Planner Richard Donovan noted that this request was reduced down to 5 acres. The CN zoning will allow for multi-family, if approved, a maximum of 86 units could be built on the parcel. He reminded the commission that this would be a recommendation to City Council.

Crockett Survey's Paul Crockett was available to answer any questions. He mentioned that the reduction made this a reasonable request and he appreciated the commission's consideration.

A motion was made by Larry Hubbard and seconded by Bernie Ash to make no recommendation to City Council in regards to the rezoning. Motion carried unanimously 8-0.

**NEW BUSINESS**

**6 Request by J & S Construction Company, Inc. for site plan approval for Builders First Source, a development of 14.77 acres at 300 Pryor Creek Road (Tax Map 56 Parcel 57.01) zoned IP in Ward 6**

Planner Richard Donovan noted that the proposed elevations do not meet the masonry standard in the Zoning Code. Staff estimates the material breakdown as follows:

	Split face	Metal
Front (South)	21%	79%
East Side	0%	100%
West Side	30%	70%
Rear (North)	26%	74%

Mr. Donovan also pointed out that the Zoning Code requires a landscaping buffer between the industrial and the residential land and one had not been provided.

J & S Construction's Ryan Morris was available to answer any questions. He pointed out that they are trying to match the adjacent existing buildings masonry design. They want to leave the existing tree line intact and add three additional trees along the street. He also noted that there is a 100 ft. buffer and a 30 ft. sewer easement, so that is 130 ft. that would not expand into the existing parcels.

A motion was made by Dan Mack and seconded by Mike Walls to recommend approval of the site plan based on the intention to build on to the building. Motion carried unanimously 8-0.

**1. Request by Goodall Homes for a master plan amendment for the Colonial Village Planned Unit Development, a 249-lot subdivision of 80.6 acres at unaddressed Woodside Drive (Tax Map 68 part of Parcels 1 and 1.01) zoned HDRPUD in Ward 5**

Planner Richard Donovan stated that this request is simply increasing the lot widths and reshuffling the lots with phases 9-10 and 11, and that no wording was changed in the PUD.

Goodall Homes' Hillary Bonham was available to answer any questions.

A motion was made by Kathy Adams and seconded by Bernie Ash to recommend approval of the master plan amendment. Motion carried unanimously 8-0

**2. Request by Goodall Homes for site plan approval for Colonial Village Phase 10, a 37-lot subdivision of 6.65 acres at unaddressed Standish Drive (Tax Map 68 part of**

**Parcels 1 and 1.01) zoned HDRPUD in Ward 3**

Planner Richard Donovan pointed out that this site plan was acting as a preliminary plat and it meets all the criteria in the code.

Goodall Homes' Hillary Bonham was available to answer any questions.

A motion was made by Bernie Ash and seconded by Dan Mack to approve the site plan. Motion carried unanimously 8-0.

**3. Request by Goodall Homes for final plat approval for Colonial Village Phase 10, a 37-lot subdivision of 6.65 acres at unaddressed Standish Drive (Tax Map 68 part of Parcels 1 and 1.01) zoned HDRPUD in Ward 5**

Planner Richard Donovan stated that this final plat meets all the criteria in the code.

A motion was made by Dan Mack and seconded by Kathy Adams to recommend to approval of the final plat. Motion carried unanimously 8-0.

**4. Request by Jason Conger for final plat approval for Castlevue Estates, a 3-lot subdivision of 1.12 acres at 512 Castle Heights Drive (Tax Map 68J Group G Parcel 3.01) zoned RD9 in Ward 4**

Planner Richard Donovan mentioned that he spoke to the surveyor about the address because the home currently has frontage on Castle Heights and once it is subdivided, it will only have frontage on Vanview Drive. The surveyor confirmed that it has been readdressed.

Crockett Survey's Paul Crockett was available to answer any questions.

A motion was made by Larry Hubbard and seconded by Beulah Garrett to recommend to approval of the final plat. Motion carried unanimously 8-0.

**5. Request by Food Concepts for site plan approval for Food Concepts, a development of 3.688 acres at 801 North Cumberland Street (Tax Map 58L Group J Parcel 28) zoned IL in Ward 1**

Planner Richard Donovan pointed out that the proposed masonry does not meet the masonry standard. Staff estimates the material breakdown as follows:

	Split face & brick	Metal
Front	46%	54%
East Side	46%	54%
West Side	46%	54%
Rear	46%	54%

Staff drove by this property and the existing building is a mixture of both a brick material and metal. Mr. Donovan reminded the commission that they had approved split face block before. He

also noted that the sidewalk does not extend from the parking lot from the front door and Staff would like to see a pedestrian plan.

Dean Design Group's Charlie Dean was available to answer any questions. He said that the sidewalk connection is no problem and that the drawing was already complete. As far as the architecture adjustments, they already have a masonry band along the bottom and panel at the top of the existing building and they would like to mirror the project for uniformity.

Greg May, architect of the project, explained that whereas the Zoning Code would require 75% on the front and 50% on the sides, which calculates to 8100 sq. ft. of masonry, they are proposing masonry on all four sides of the building extending 12 ft. up the walls for a total of 8300 sq. ft. This design would look uniform to the existing buildings.

A motion was made by Dan Mack and seconded by Larry Hubbard to recommend approval of the site plan with the pedestrian plan and the masonry design as discussed. Motion carried unanimously.

**7. Request by Curtis A. Gibbs, Jr. for rezoning approval for Factory Row, a development of 0.68 acres at 309, 311, and 313 North Maple Street (Tax Map 68D Group J Parcels 20 and 21) from CS to DMU in Ward 3**

Planner Richard Donovan reminded the commission that this would be a recommendation to City Council and that this would be the first rezoning request under the Downtown Mixed Use District (DMU) which extends the Square to the areas adjacent to it.

Curtis Gibbs Jr., the owner of the property, was available to answer any questions.

Janice Frizzel, of 315 N Maple Street, asked whether this would affect the zoning of her property. The response was no.

A motion was made by Larry Hubbard and seconded by Dan Mack to recommend to City Council approval of the rezoning. Motion carried unanimously 8-0.

**8. Request by DJS Partners for rezoning approval for 4.00 acres at 1731 West Main Street (Tax Map 57 Parcels 37, 38 and 39) from CN to CG in Ward 6**

Planner Richard Donovan stated that this request is to rezone about 4.00 acres on West Main Street and the Future Land Use Plan calls for this area to be Residential Mixed Use. Mr. Donovan reminded the commission that this would be a recommendation to City Council.

A motion was made by Larry Hubbard and seconded by Beulah Garrett to make no recommendation to City Council in regards to the rezoning.

Commissioner Kathy Adams asked if there could be a discussion as to what the reasoning would be as to why there would be no recommendation to City Council.

Commissioner Larry Hubbard stated that since he has sat on this board, he feels that most of the time when the commission sends something to the City Council that the recommendations really do not factor into their votes. He thinks is a moot point to make recommendations.

Commissioner Dan Mack thinks that's important for the commission's recommendations to go to City Council because if the commission has an intent then it should be given to them.

Planner Richard Donovan pointed out that in the last month there was a request from City Council to start including the Planning Commission's recommendations and the vote count in their agenda. Any potential issues would warrant further study or a work session to discuss the issue. Therefore, City Council is considering what this body is recommending and it does have weight when it gets to them.

Commissioner Hubbard quantified that the last couple of items that were unanimous and sent to City Council were deferred.

Commissioner Mack asked Staff for clarification about when the City Council receives a recommendation from the Planning Commission do they receive the minutes and the actual comments made or just the votes?

Planner Donovan replied that Staff is providing them, at their request, just the votes. They are not receiving the minutes at this point.

Commissioner Mack understands Commissioner Hubbard's comment. City Council needs to know what the feeling of the Planning Commission is and what their comments are not just the vote.

Commissioner Hubbard pointed out that the Planning Commission spends a lot of time with work sessions and preliminary meetings to make these decisions and they are not just a matter of opinions. When the Future Land Use Plan was decided on and then sent it to City Council, they should had taken that the recommendation as such. That is the reason for the motion of no recommendation.

Commissioner Bernie Ash mentioned that as a member of City Council, the comments of the Planning Commission are taken into consideration. However, their job is not to rubberstamp the Planning Commission. He feels that what the Planning Commission has to say is very important and it is taken into consideration, but City Council has their job to do as well.

Commissioner Hubbard responded that when the Planning Commission is looking at the FLU or the Major Thoroughfare Plan that there are no political implications involved in the decisions because it is our future that the commission is planning. So when the commission sends a recommendation to City Council, then our decision should be taken as such, especially when Staff also recommends it.

Commissioner Mack feels that if we don't provide a recommendation when we have one, that they are just abdicating our responsibility and our role in the process.

Chairman David Taylor restated the motion which was to send no recommendation to City Council. Motion failed 2-6 with Larry Hubbard and Beulah Garrett voting yes.

Commissioner Mack asked whether we could amend the process so that the reasons behind any recommendations that the Planning Commission would give, like the minutes, would be provided to City Council.

Chairman David Taylor said that one of the processes is that we have a City Council member sitting on the Planning Commission board and his role is to carry our comments to the City Council. He speaks for the Planning Commission.

Commissioner Bernie Ash thinks it would be a good idea to send the minutes to City Council.

Planning Director Paul Corder said that the minutes are not official until they have been approved at the next Planning Commission meeting. Also, the first reading at City Council is before those minutes are approved. Mr. Corder is reluctant to publish the minutes before they had been approved.

Commissioner Hubbard points out that the meetings are open to the public and the City Council members could come to the work sessions and the preliminary meetings.

Chairman David Taylor asked if is there any way we can send them an unofficial report.

Planning Director Paul Corder replied that we could just send them out a summary.

A motion was made by Ensley Hagan and seconded by Kathy Adams to recommend to City Council approval of the rezoning. Motion carried 7-1 with Larry Hubbard voting no.

A motion was made by Bernie Ash and seconded by Dan Mack to recommend that Staff would send a summary of the Planning Commission meetings to City Council. Motion approved unanimously 8-0.

- 9. Request by Staff to approve the Cumberland University Historic Preservation District on about 92 acres including 108, 110, 111, 114, 115, 118, 119, 122, 123, 124, 125, 126, 127, 128, 129, 130 and 132 Castle Heights Avenue; 106, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 119, 120, 122, 124, 208, 209, 210, 212, 213, 214, 217, 218, 219, 221, 222, 224, 225, 226, 227, 228 and 229 Pennsylvania Avenue; 107, 108, 111, 113, 114, 117, 118, 119, 121½, 122, 123, 125, 126, 127, 128, 129, 130, 131, 132 and 133 South Greenwood Street; 105, 107, 109, 110, 111, 112, 113, 114, 115, 116, 117, 120, 121, 124, 125, 128, 129, 132, 133 and 134 South Hatton Avenue; 105, 106, 108, 109, 110, 111, 112, 113, 114, 115, 116, 119, 120, 123, 124, 126, 202, 206, 210, 214, 218, 302 and 310 South Tarver Avenue; 237 University Avenue; 234 and 238 West Gay Street; and 238, 309, 311, 313, 315, 317, 405, 409, 413, 417, 421, 425, 429, 505, 507, 508, 509, 514, 515, 516, 519, 520, 606, 608, 612, 612B, 613, 614, 615, 616, 617, 619, 621 and 624 West Spring Street (Tax Map 68E Group K Parcels 14 and 16; Tax Map 68E Group**

**L Parcels 1, 2, 3, 22, 23, 24, 25, 26, 27, 28, 29 and 30; Tax Map 68F Group A Parcels 8, 11, 12, 13, 14, 15, 23, 24.01, 24.02, 25, 26, 27, 28, 29, 30 and 31; Tax Map 68F Group B Parcels 5, 6, 7, 8, 9 and 10; Tax Map 68F Group C Parcels 9, 10, 11, 12, 13, 14, 15, 20, 20.01, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32 and 33; Tax Map 68F Group D Parcels 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28; Tax Map 68F Group E Parcels 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35; Tax Map 68F Group F Parcels 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 14, 15, 16 and 17; Tax Map 68F Group F Parcels 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, 14, 30, 31, 32, 33, 34, 35, 36 and 37; and Tax Map 68G Group H Parcels 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20) in Ward 3**

Planner Richard Donovan stated that Staff has been working with the Historic Preservation Commission and they toured the neighborhood as well as hosted three informal meetings, to have discussions with the neighbors, as well as having the regular commission meetings. This map represents the final study of this area. Staff has received numerous comments about this area with mixed reviews and we are available to answer any questions that Planning Commission may have on this item.

Historic Preservation Chairman Tracey Parks addressed the commission to recommend the Cumberland University Historic District to the Council for the approval of what would be Lebanon's third historic district. The ordinance for the creation of the Historic Planning Commission was passed by City Council over three years ago and Mr. Parks has had the pleasure of being able to chair the Commission. Since that time, they have had the approval by City Council of the Greenlawn Historic District and the E. Spring Street Historic District. The Cumberland University District would be the largest for the community. They have worked diligently to look at the boundaries that they felt were appropriate to the Cumberland area to meet the criteria that the City Council gave to the Historic Preservation Commission which is to protect, enhance and perpetuate resources which represent distinctive and significant elements to the City. Prior to this, the Center for Historic Preservation at Middle Tennessee State University had done an architectural survey and that was the basis to which they did their study. This area represents Lebanon's long and happy association with Cumberland University. This district sprang up because Lebanon grew largely around the University. The commission believes this is something worth preserving. They have tried to address the concerns with meetings. The commission believes this is important for Lebanon.

Sheila Music, of 120 Pennsylvania Avenue, said she is all for this area being historical, however, she feels that in the bylaws there is no guarantee of a monthly meeting in case they needed to change anything. She does not want to wait six months to a year for any meetings. She would like language in the guidelines that guarantees her safety if they want to change anything.

Forrest Shoaf, of 409 W Spring Street, said that he wanted to acknowledge that a lot of work and a lot of thought has gone into this, however, he is opposed to it. He feels that if it is implemented, it will step upon the rights of the property owners. In his opinion, they will diminish the value of his property. He feels that the guidelines have rules that govern every part of the exterior of his home and it inhibits the enjoyment of his home. He does not feel that he needs to live under these rules. He respectfully requested the commission to refuse this request.

Mike Sales, of 131 S Greenwood, declared that he has always maintained his house with no troubles or complaints and he would like to opt out this area.

Planner Richard Donovan noted that the request can be made to be removed from the district. The Planning Commission or City Council can remove a property from the boundaries at their discretion.

Commissioner Bernie Ash asked if the study area can be approved with a means of opting out.

Planning Director Paul Corder said that the process for opting out is the same as any other zoning process.

Donald O'Rourke, of 133 South Greenwood St., mentioned that he respected the opinion of his friends that bought their homes and put so much work in them and he wants them to know that it is appreciated. He said that there are a lot of people who care about their homes however there are a number of houses that are not kept up. His house is three years short of being a century-old. Whereas he does not believe that this Council is in the business of putting a ball and chain on these homeowners, there should be some standards that those who belong to this district can adhere to. He would be happy to have standards because he would feel proud that our City cares enough to preserve part of their history. He stated that if the commission passes this district, he hoped that there would be standards in this area. He thinks the area is a bit of history and he appreciates it.

Father Michael O'Brien, Pastor of the St. Cabrini Catholic Church, pointed out that they own two houses that have no economic value and have no architectural elements that would be described as historic, and when you look at the study map, you can see they are isolated like an island from the rest of the historic district. He requests that they be removed from the historic district.

John Peponte, of 130 South Greenwood Ave, he stated that he is not a fan of historic districts however he likes the way everything is worded. He wondered when things had to be replaced because it is not in the verbiage. For instance, as far as the siding on the house is concerned, he wanted to know whether he will have to return to what the previous owner had as far as the siding or can he maintain the level it is now.

Planning Director Paul Corder replied that repairs to the houses are exempt from requiring a COA and if you are replacing the same for same look, then it is a repair.

Jonathan Smith, of 126 Castle Heights Avenue, stated that he is opposed to the district and the document as it is presented. He felt he was left off of the mailing list. He did research on his home and it has no ties to the Cumberland University. He feels this document shows that everything rests on the homeowner. There is nothing in the budget in the City for architectural streetlights as described, if the homeowners wanted to put in yard lights. Also there is nothing that says that the City is going to use any money to help improve the infrastructure in this district. He would like to opt out of the district.

Jerry Warren, of 109 Pennsylvania Ave., said that he respectfully requested that his property be removed from this district. His property backs up to the Sonic parking lot which is zoned CN. His building was built in the early 1950s and he tries to maintain and take care of his own property; however, folks who do not take care of their property will not do anything with this overlay anyway. He gave the coordinates of his property as Tax map 68 F group C Parcel 33. He mentioned that if in the future, there is an overly considered for West Main Street that it might be a more appropriate area for his property to be considered for.

Randy Newman, of 425 West Spring St., mentioned that his house was built in 1902 and they rebuilt their house to the character of the neighborhood. He has appreciated all the work that Tracey Parks had done, however their neighborhood has survived for over 150 years. Now he is told that we need their protection. He respectfully would like to opt out of the district and he asked that the commission does not allow it.

Brandy Warman, of 128 Tarver, stated that they are opposed to this district. They feel that the commission is putting a burden on the homeowners without having any benefits. They are all for city ordinances being put in place to keep the slumlords out. They respectfully requested to opt out of the district.

Brenda Price, of 608 West Spring St., said she feels like her rights would be violated if this goes through. She respectfully requested that her property be removed from the district. She does not feel like she needs the government or the City looking over her shoulder telling her how to keep her house.

A motion was made by Larry Hubbard and seconded by Ensley Hagan to defer the request for 30 days.

Sheila Music, of 120 Pennsylvania Ave., wants to know if they could get together and have a petition if they get the majority.

Planning Director Paul Corder replied that it is the citizen's place to make any cases that they need to make, so they can do it however they want to do it. There is no 50% or majority requirement, the City Council has the final say.

Commissioner Dan Mack asked what would be the next steps if there was a deferral.

Planning Director Paul Corder replied that if there was a deferral they would bring it to the next meeting Planning Commission. The next scheduled Historic Planning Commission meeting will be September 13 at 5:00 pm. Their bylaws require that they meet every three months but currently there is a meeting every month.

Historic Preservation Chairman Tracey Parks emphasized that the commission meets the second Tuesday of each month. It was his plan on the next agenda to have a session where any of the property owners could meet and ask questions and go over the guidelines and also explain that they do not require anybody to make any changes. As a commission, they are required to meet four times a year however they have been meeting once a month. The ordinance requires that if

there is an application for a COA that then commission must meet within 30 days of that COA. The next scheduled meeting is September 13 at 5:00 pm.

A motion was made by Larry Hubbard to defer the study area based on the fact that there are too many unanswered questions and also to look at the properties that do not need to be in it, like the commercial use property. Commissioner Hubbard feels he is not educated on it so he cannot vote on it.

Commissioner Kathy Adams, who is a Commissioner of the Historic Preservation Commission, stated that the commission has been in operation for three years and they look at each area and make an inventory of each house before they move forward as far as designating the historic area. There are towns all over the country and all over the state that use this kind of overlay. She attended a seminar in Franklin and there were people from Lynchburg, Springfield, and Columbia as well as Gallatin and Murfreesboro who use this kind of tool, so it is not foreign or new. She stated that as someone who lives in a historic area, the main concern is demolition or building infill and this does address that. The commission is not trying to change anyone's paint color.

A motion was made by Larry Hubbard, seconded by Ensley Hagan to defer the Cumberland University Area study until the next meeting. Motion approved unanimously 8-0.

**COMMISSIONER COMMENTS**

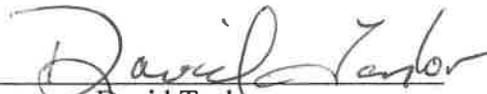
Ensley Hagan thanked Mayor Philip Craighead for the opportunity to serve the community as a commissioner. He also thanked Rick Bell for his many years of service and he hopes to learn from the rest of the commissioners.

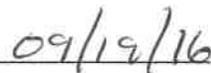
**PLANNING DIRECTOR COMMENTS**

Planning Director Paul Corder announced that the urban design group Common Ground will be presenting at the Preliminary Planning Commission meeting on September 13 at 10:00 am.

**ADJOURN**

There being no further business to come before the commission, the meeting was adjourned at 6:35 p.m.

  
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Chairperson, David Taylor

  
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Date