



Municipal Planning & Design Review Commission
Regular Meeting Agenda
Thursday, December 16, 2021, 5:30 PM
City Hall, Lakeland, Tennessee 38002

- I. CALL TO ORDER:
- II. ROLL CALL:
- III. APPROVAL OF MINUTES OF PREVIOUS MEETING:
 - 1. November 18, 2021
- IV. PUBLIC DISCUSSION:
- V. REPORTS OF OFFICERS AND COMMITTEES:
- VI. OLD BUSINESS:
- VII. NEW BUSINESS:
 - 1. Action on approval of Final Plat and Subdivision Modification at 9176 Old Brownsville Road – The McGrory Property.
- VIII. ANNOUNCEMENTS:
- IX. ADJOURNMENT:

**LAKELAND MUNICIPAL PLANNING COMMISSION
MEETING MINUTES**

THURSDAY, NOVEMBER 18, 2021, 5:30 PM

CITY HALL, LAKE LAND, TN.

- I. CALL TO ORDER:** The meeting was called to order at 5:30 PM by Mayor Mike Cunningham.

II. ROLL CALL BY ACTING RECORDER:

Jeff Adams	Present
Commissioner Jim Atkinson	Present
Scott Carmichael	Present
Mayor Mike Cunningham	Present
Todd Laessig	Present
Brian Sullivan	Absent (<i>excused</i>)
(C) Susan Mitchell	Present

Others present:

Shane Horn, City Manager

Richard Donovan, Planning Director

Jordan McKenzie, City Planner

Emily Harrell, City Engineer

For the record: Commissioner Gonzales and Commissioner Wright were present in the audience.

III. APPROVAL OF MEETING MINUTES:

Mr. Laessig moved to approve the regular meeting minutes of October 21, 2021, as written.

Vice Chairman Carmichael seconded the motion.

Motion passed unanimously, voice vote, 6 in favor 0 against.

IV. PUBLIC DISCUSSION:

For the record: No comments were heard.

V. REPORTS OF OFFICERS AND COMMITTEES:

VI. OLD BUSINESS: None

VII. NEW BUSINESS:

1. Action on approval of a Final Plat – Oakwood Grove Phase 5.

Commissioner Atkinson moved to bring this item to the floor.

Mr. Laessig seconded the motion.

Discussion ensued.

After discussion, Mr. Laessig moved to approve the Final Plat for Oakwood Grove, Phase 5, as presented.

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CITY HALL, LAKELAND, TN.**

Commissioner Atkinson seconded the motion.

Motion passed unanimously, voice vote, 6 in favor 0 against.

2. Review and feedback on a Sketch Plan Application – Taylor Farms PD.

Mr. Laessig moved to bring this item to the floor.

Commissioner Atkinson seconded the motion.

Discussion ensued.

For the record: Comments were heard from the following:

- David Bray – The Bray Firm (*Representing the applicant*)
- Ronnie Faulkner – Applicant/Partner (*present in audience*)
- Len Burke – 10000 block of Maple Springs Cv.
- Jessica Cannon – 10000 block of Ramblewood Dr
- Greg Williams – 10000 block of Ramblewood Dr.
- Bill Sheridan – 4000 block of Graysen Gorge Rd.

Discussion only, no action was taken.

VIII. ANNOUNCEMENTS:

IX. ADJOURNMENT:

Mayor Cunningham moved to adjourn the meeting. Mr. Laessig seconded the motion.

Motion passed unanimously, voice vote, 6 in favor 0 against.

The meeting was adjourned at 6:32 p.m.

Jeff Adams, *Secretary*

ATTEST:

Debra Murrell, *City Recorder*

These minutes were approved on December 16, 2021.

Meeting Cycle: Thursday, December 16, 2021

Subject: Action on approval of Final Plat and Subdivision Modification at 9176 Old Brownsville Road – The McGrory Property.

Staff Contact: Richard Donovan, Planning Consultant

STAFF RECOMMENDATION

Staff recommends denial based on non-compliance with Article II, Section 3 and Article II, Section 9.B.c, e, and f. of the Land Development Regulations and not meeting the requirements for a subdivision modification.

DISCUSSION

The applicant is seeking approval of a Final Plat and Subdivision Modification for the proposed The McGrory Property Final Plat.

SITE INFORMATION:

LOCATION: 9176 Old Brownsville Road
PARCEL ID: L0150 00372
ZONING: AG (Agriculture)
NEIGHBORHOOD TYPE: Type II
LOTS: 5 Lots
DENSITY: 1.92 DU/Acre
AREA: 57.8 acres
APPLICANT/OWNER:

BACKGROUND:

This property is just about 58 acres and located on Old Brownsville Road at the intersection with Canada Road. The property is zoned AG and in Neighborhood Type 2. This subdivision is atypical in the fact that road is in place, but the utilities are not. This property does not have access to adequate public water and that is the reason there is a subdivision modification request and final plat before the MPC. We will discuss the issue with utilities further in the discussion items section.

ANALYSIS:

General content:

Staff has reviewed this item and the Final Plat meets the LDR requirements.

Required notes:

Staff has reviewed this item and the Final Plat meets the LDR requirements.

Setbacks:

Staff has reviewed this item and the Final Plat meets the LDR requirements.

Minimum lot size:

Staff has reviewed this item and the Final Plat meets the LDR requirements.

Neighborhood Type:

See Discussion Items.

Road frontage:

Staff has reviewed this item and the Final Plat meets the LDR requirements.

Easement:

Staff has reviewed this item and the Final Plat meets the LDR requirements.

Flood data:

Staff has reviewed this item and the Final Plat meets the LDR requirements.

Utilities:

See Discussion Items.

DISCUSSION ITEMS:

This is an atypical subdivision that would not typically be seen by MPC but in this case is required to be before the MPC. The italicized excerpt below is for an exempt subdivision that typically would exempt such a subdivision from being before the MPC. Typically, 5 acre lots are exempt from platting unless improvements are not required or likely required in the future. After some discussion with the City of Bartlett it was determined that the line serving this property is undersized and not capable of serving the property as required by the LDRs. We will discuss the individual issues further in the Staff Report.

I. Administration

Section 4 – Process Criteria and Application

B. Exempt Division

5. Review Criteria. The Exempt Division application shall be reviewed using following criteria.

- a. A Plat of Subdivision is not required if both of the following two (2) criteria are met.*
 - (1) The resulting Parcels are greater than five (5) acres in size.*
 - (2) The resulting Parcels do not require improvements to develop, such as streets or utilities, nor will they likely necessitate such improvements in the future.*
- b. A Plat of Subdivision can be approved through endorsement of the secretary of the MPC if both following criteria are met:*
 - (1) The division results in no more than two (2) Parcels.*
 - (2) No variances from this Ordinance are required for either Parcel to be developed.*

Another reason this is an atypically subdivision, as a subdivision modification is being requested along with the final plat. Below and italicized are the standards for that should be reviewed and determined if the property meets them and can be approved as subdivision modification.

I. Administration

Section 4 – Process Criteria and Application

H. Subdivision Modification

5. Review Criteria. The application for a Modification shall be reviewed utilizing the following sets of criteria.

a. Applicant shall meet the following two criteria.

- (1) The strict application of the Subdivision Regulations results in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the Applicant.*
- (2) If granted, relief shall not cause substantial detriment to the public good and without substantially impairing the intent and purposes of the Comprehensive Plan and these Land Development Regulations.*

b. In determining whether the above criteria are met, the MPC shall consider the following.

- (1) Shall not adversely affect or diminish the purpose of these Land Development Regulations.*
- (2) Is not based on financial returns.*
- (3) Was not a self-made hardship, created by any person having an interest in the property after the effective date of these Land Development Regulations.*
- (4) Is the minimum request that shall make possible the reasonable Use of the land, building or structure?*
- (5) The situation is unique; the conditions upon which the application is based would not be applicable, generally, to other properties in the same district.*
- (6) Shall not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.*

This development has several issues with the LDR related to the subdivision regulations and that require a subdivision modification if the plat is to be approved. The first being related to the Neighborhood Type II regulations. The neighborhood types standards have requirements for neighborhood mix of zoning districts. Type II, as recently amended, does not allow for lots withing in the AG zoning district. Type I is specifically allows RE and AG lots.

This is the first of the subdivision modification requested. This could also be remedied through and amendment to the Neighborhood Type Map that is a part of these Subdivision Regulations. The subdivision regulation amendment is the better option versus the subdivision modification as it could be seen to under mind the validity of the maps thus leading many developers to request exceptions to this portion of the subdivision regulations.

The next three issues are all related to the utilities available at the site. This property is currently served by the City of Bartlett Water. The City Engineer was notified by the water provider that this area has pressure issue that would limit the service to domestic water only and could not provide water for fire protection. This triggering the subdivision process as extension/improvement is required or will required in the future. The Utilities standards require an property being subdivided to have capacity for the maximum number of units allowed by zoning. This site would allow 11 units and the current line cannot meet this requirement. This is

an issue because the property could be further divided under the zoning. There are also additional issues with the fire protection and line size required by the LDRs.

II. Neighborhood Development Regulations

Section 9 - Utility Standards

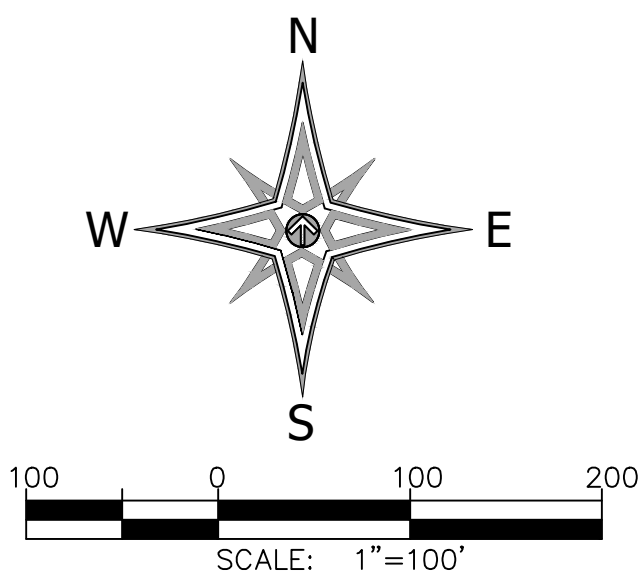
B. Water supply system.

- c. Capacity. The Applicant shall ensure that there is adequate capacity to serve all the Lots proposed to be served by the utility, plus any additional extensions to the main which might be made to develop property in the same pressure area with the type of Uses and to the maximum Density permitted by the existing Zoning Regulations of the City with respect to the property within the corporate limits and by the anticipated Zoning for any land currently outside the corporate limits.*
- d.*
- e. Fire Hydrants. Standard fire hydrants shall be provided at each intersection of two (2) or more public streets or roadways, and additional hydrants shall be provided as necessary so that hydrants are not more than five hundred (500) feet apart in all areas. All fire hydrants shall have auxiliary valves.*
- f. Size Requirements. The minimum size water main shall be eight (8) inches in diameter; on cul-de-sac or other permanently disconnected streets, six (6) inches in diameter is acceptable.*

Upon review by Staff, Staff does not believe the request qualifies for a subdivision modification. While the water line will be expensive to extend the subdivision modification can not be granted for financial reasons. It could set a precedent for approving other properties based on the same or similar circumstances. The lack of fire hydrants and pressure also hinders the ability of the Fire Department to fight any fire for the additional dwelling units. Additionally modifying the Neighborhood Type standards will attempted and used a precedent for any development not following those requirements.

PROPOSED (EXAMPLE) MOTIONS:

1. Move to approve the Final Plat and Subdivision Modification for The McGrory Property with the following conditions:
 - a. Commission's discussion.
 - b. All dwelling units on the site are required to be served by a fire sprinkler system and plans for said system shall be submitted with any application for a building permit to Lakeland and Shelby County.
2. Move to approve the Final Plat and Subdivision Modification for The McGrory Property without conditions.
3. Move to deny the Final Plat and Subdivision Modification for The McGrory Property.
 - a. Based on Staff's comments and recommendation.
 - b. State another reason for denial.



CERTIFICATE OF OWNER(S) AND DEDICATION
THE UNDERSIGNED, _____ (ETC.) HEREBY CERTIFY THAT THEY ARE THE OWNERS OF THE FOREGOING PROPERTY AND THAT THE PLAT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE ABOVE NAMED OWNERS, PROPRIETORS, DO HEREBY DEDICATE TO THE CITY OF LAKELAND ALL PUBLIC IMPROVEMENTS, EASEMENTS, OR LANDS HEREIN SPECIFICALLY IDENTIFIED FOR DEDICATION, FOR THE PURPOSES OF OPERATION, CONSTRUCTION AND MAINTENANCE OF THESE IMPROVEMENTS, AS NEEDED FOR THE PROPER DEVELOPMENT AND MAINTENANCE OF SAID SUBDIVISION.

DATE: _____

SIGNATURE OF OWNER(S)
INCLUDE NOTARY SEAL AND SIGNATURE

CERTIFICATE OF MUNICIPAL PLANNING COMMISSION APPROVAL –
SUBDIVISION

I, _____ DO HEREBY CERTIFY THAT THE CITY OF LAKELAND MUNICIPAL PLANNING COMMISSION HAS APPROVED THIS PRELIMINARY / FINAL PLAT (WHICHEVER IS APPLICABLE). THE SIGNING OF THIS CERTIFICATE SHALL IN NO WAY BE DEEMED TO CONSTITUTE OR EFFECT AN ACCEPTANCE OF THE DEDICATION OF ANY STREET, IMPROVEMENT, OR OTHER GROUND SHOWN UPON THE PLAT.

DATE: _____

MPG SECRETARY

MSSA INC
PARCEL ID L0140 00067C

LINETYPE LEGEND

----- SUBJECT PROPERTY LINE
----- ADJACENT PROPERTY LINE
--- OHE --- OHE --- OVERHEAD ELECTRIC

CERTIFICATE OF PLANNING REVIEW AND COMPLIANCE

THE PRELIMINARY / FINAL PLAT / MINOR SITE PLAN REVIEW / SITE PLAN REVIEW (WHICHEVER IS APPLICABLE) IS REVIEWED AND DEEMED COMPLIANT WITH THE LAND DEVELOPMENT REGULATIONS, SUBJECT TO ANY WAIVERS, MODIFICATIONS, OR VARIANCES THEREOF GRANTED BY THE CITY OF LAKELAND.

DATE: _____

CODE ADMINISTRATOR

CERTIFICATE OF NATURAL RESOURCES DIRECTOR

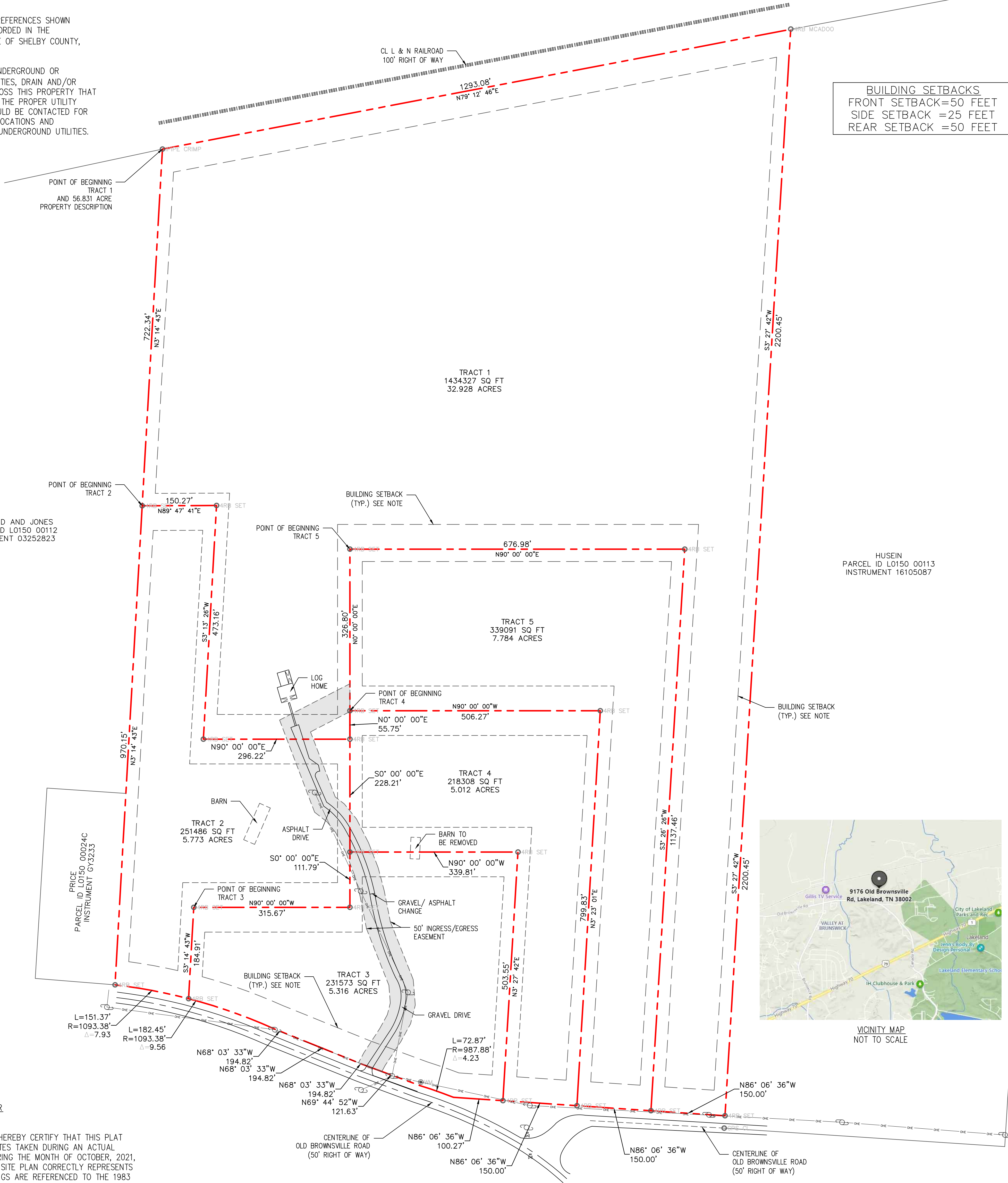
THE PRELIMINARY / FINAL PLAT / SITE PLAN (WHICHEVER IS APPLICABLE) IS REVIEWED AND DEEMED COMPLIANT WITH THE LAND DEVELOPMENT REGULATIONS, SUBJECT TO ANY WAIVERS, MODIFICATIONS, OR VARIANCES THEREOF GRANTED BY THE CITY OF LAKELAND., AND IF APPLICABLE, HAVE RECEIVED REVIEW BY THE NRB.

DATE: _____

NATURAL RESOURCES DIRECTOR

GENERAL SURVEY NOTES:

1. SURVEY PREPARED FOR CURRENT OWNER AND PROSPECTIVE BUYERS.
2. BEARINGS ARE RELATIVE TO THE TENNESSEE STATE PLANE COORDINATE SYSTEM VIA TRIMBLE VRS NOW REFERENCE STATION AND TRIMBLE R12 GNSS RECEIVERS.
HORIZONTAL DATUM: NAD83 (2011)
VERTICAL DATUM: NAVD88
GEOID: 18
3. ALL DEED BOOK REFERENCES SHOWN HEREON ARE RECORDED IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE.
4. THERE MAY BE UNDERGROUND OR NON-VISIBLE UTILITIES, DRAIN AND/OR SEWER LINES ACROSS THIS PROPERTY THAT ARE NOT SHOWN. THE PROPER UTILITY AUTHORITIES SHOULD BE CONTACTED FOR MORE SPECIFIC LOCATIONS AND INFORMATION ON UNDERGROUND UTILITIES.

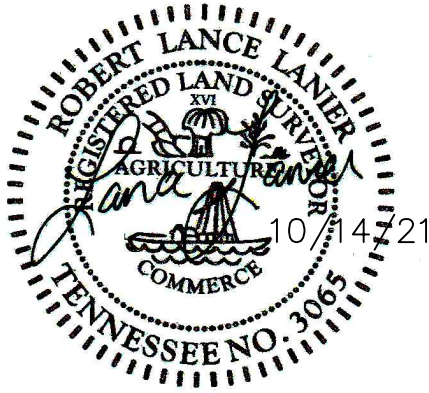


CERTIFICATE OF SURVEYOR
STATE OF TENNESSEE
COUNTY OF SHELBY

I, ROBERT LANCE LANIER, HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM NOTES TAKEN DURING AN ACTUAL SURVEY MADE BY ME DURING THE MONTH OF OCTOBER, 2021, AND THAT THIS PLAT OR SITE PLAN CORRECTLY REPRESENTS SAID SURVEY. ALL BEARINGS ARE REFERENCED TO THE 1983 TENNESSEE STATE PLANE COORDINATE SYSTEM; ALL NEW PROPERTY CORNERS ARE MARKED IN ACCORDANCE WITH LAKELAND SUBDIVISION STANDARDS; THE PRECISION OF THE UNADJUSTED SURVEY IS 1:10,000 OR GREATER AND ALL SPECIAL FLOOD HAZARD AREAS ARE PROPERLY LOCATED AS PER THE LATEST FLOOD INSURANCE RATE MAP. ALL DIMENSIONS ARE EXPRESSED IN FEET AND DECIMALS. ALL BEARINGS, DISTANCES, AND FIELD INFORMATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

IN WITNESS WHEREOF, I THE SAID ROBERT LANCE LANIER, A LAND SURVEYOR, HEREUNTO SET OUT HAND AND AFFIX MY SEAL THIS 14TH DAY OF OCTOBER 2021.

TENNESSEE REGISTRATION NO. 3065



CERTIFICATE OF CITY ENGINEER

THE PRELIMINARY / FINAL PLAT / MINOR SITE PLAN REVIEW / SITE PLAN REVIEW (WHICHEVER IS APPLICABLE) IS REVIEWED AND DEEMED COMPLIANT WITH THE LAND DEVELOPMENT REGULATIONS, SUBJECT TO ANY WAIVERS, MODIFICATIONS, OR VARIANCES THEREOF GRANTED BY THE CITY OF LAKELAND.

DATE: _____

CITY ENGINEER

FINAL PLAT- MCGRORY SUBDIVISION

PAUL V. MCGRORY AND LISA MCGRORY PROPERTY
9176 OLD BROWNVILLE ROAD
PARCEL ID L0150 00372
INSTRUMENT 21149851
2,474,784 SQUARE FEET 56.813 ACRES
LAKELAND, SHELBY COUNTY, TENNESSEE



SHEET
1 OF 1