

**Minutes for the Meeting of the
City of Dyersburg Municipal-Regional Planning Commission
August 10, 2017
10:00 am
Municipal Courtroom**

Commission Members Present: Brian Ramm, Tony Dement, Paul Newbill, Eddie Burks, Robert Taylor, Jr., and Sherry Guthrie.

Other Staff Present: Will Radford, Planner/Consultant, Nelson Community Development Group, Tiffany Heard, Engineer, SSR., Scott Ball, Storm Water and Construction Inspection, Thomas Mullins, Codes Enforcement.

Chairman Burks declared that a quorum was present and called the meeting to order. Chairman Burks called for a motion to approve the minutes of the May 11, 2017 Commission meeting. The City Recorder noted specific errors in the that had been corrected. The motion was made by Commissioner Paul Newbill with second by Commissioner Tony Dement. The motion passed and the minutes were approved.

Chairman Burks called for any old business. None was presented.

New Business:

A. St. John Commercial Development Site Plan (Mini-Storage)

Background

A site plan has been submitted to construct a Mini-Storage facility on St. John Avenue (U.S. Highway 51) near 1999 St. John Avenue. The property can be further identified as Parcel 4.20 on Dyer County Tax Map 089. The property is zoned P-B (Planned Business) District. A portion of the property appears to be located in a federally identified flood hazard area according to FIRM# 47045C0211E, dated October 16, 2008.

Analysis

The site plan is proposing gravel driving aisles as opposed to asphalt with a concrete access point onto St. John Avenue. The site plan is showing no planned parking areas. Staff is requesting that the Board of Zoning Appeals review the issues of parking and gravel driving aisles in a meeting in the near future.

The site plan meets all setback and lot requirements of the P-B district. Staff has been advised that the site plan has been approved by the Dyersburg Fire Department as of this writing.

The site plan has been approved by the City Engineer in regards to grading and drainage.

Recommendation

Staff is recommended approval of the site plan. The gravel driving aisles and parking requirements will be discussed by the BZA.

Chairman Burks called for any further discussion. With none presented a motion was made by Commissioner Paul Newbill, and seconded by Commissioner Brian Ramm to approve the site plan request as presented. The motion was approved by the full commission.

B. The Village at the Farms – Final Plat (Champions Drive)

Background

A final plat has been submitted on behalf of David and Sherry Alexander to create three lots, a common open space area, and dedication of a new road. The property is located on Fairway Drive and can be further identified as Parcel 34.00 on Dyer County Tax Map 088. The property is zoned R-2 (Medium Density Residential) District. The property does not appear to be located in a federally identified flood hazard area.

Analysis

A preliminary plat has not been approved for this subdivision, therefore the preliminary plat requirement must be waived by prior to the approval of the final plat.

The road being proposed on the plat doesn't show the road name. Staff has been advised that the proposed road name is "Champions Drive". The name of the road should be approved by the Planning Commission as well as local E-911 management to ensure that there is no conflict with the proposed name and existing roads in the County.

The plat is missing the Certification of Streets and Utilities Certificate:

CERTIFICATE OF THE APPROVAL OF STREETS AND UTILITIES

I hereby certify:(1) that streets, utilities and _____ have been installed in an acceptable manner and according to specifications, or (2) that a surety bond in the amount of \$_____ has been posted with the Planning Commission to assure completion of all required improvements in case of default.

_____, 20____
Date

City Engineer

Staff has been advised that the road has been built and inspected by the City Engineer and is built to City Standards.

The maintenance of the common area has been addressed and shown on the plat.

The responsibility of maintaining the common has been shown and clearly delineated and noted on the plat.

The setbacks of the R-2 have been shown and labeled on the proposed lots. Lots 2 and 3 shows “30-foot side yard setback” on what would be the front on a rear lot lines of the proposed lots.

Recommendation

Staff recommended approval provided the above stated issues (Certification, Road Name approval, bonding, maintenance note, etc.) are adequately addressed.

The Developers should consult with the City Engineer to determine if a performance bond is necessary for a period of time after acceptance of the road to cover any potential costs associated with the maintenance and upkeep of the new road.

The commission discussed various aspects of the request which resulted in several motions as recommended by Chairman Burks. The first motion called for a waiver requiring a preliminary plat. A motion was made by Commissioner Paul Newbill, with a second from Commissioner Sherry Guthrie to approve the site plan request supporting a waiver of a requirement for a preliminary plate. The motion was approved by the full commission.

A second motion was made by Commissioner Brian Ramm, with a second from Commissioner Tony Dement requiring the developer a performance bond for a to be determined period of time after acceptance of the road by the city to cover any potential costs associated with the maintenance and upkeep of the new road. The motion was approved by the full commission.

C. Frank Bryant Rezoning Request

Background

A rezoning request has been submitted on behalf of Frank Bryant to rezone a portion of property (5 acres) located near the intersection of Court Street and Frank Maynard from R-2 (Medium Density Residential) District to B-2 (General Trade and Service) District. The property can be further identified as Parcel 44.00 on Dyer County Tax Map 98. A portion of the property appears to be located in a Zone AE flood hazard area according to FIRM #47045C0213E, effective on 10/16/2008.

Analysis

The property has adjacent M-2 zoning to the east of this property.

The property is designated “Low Density Residential/Open Space” according to the 2020 Development Plan Future Land Use Map.

The property has access to Highway 104/Court Street which is designated as an arterial street which is conducive to commercial development.

The Dyersburg Land Use and Transportation Plan States:

2. *Commercial development shall be approved in only those areas where infrastructure is available and is adequate to support such development.*

Staff feels that the existing infrastructure (arterial street and sewer and water capacity) is adequate to support the development.

If rezoned, this area could serve as a transitional zone from the adjacent M-2 and the R-2 districts. The B-2 is a mixed-use zone that allows for single-family and multiple-family residential uses as well as most highway commercial uses.

Recommendation

Staff recommended approval of the rezoning request.

Chairman Burks called for any further discussion. With none presented a motion was made by Commissioner Paul Newbill, with a second from Commissioner Brian Ramm to approve the rezoning request as presented. The motion was approved by the full commission.

D. Sherry Guthrie Rezoning Request (Commissioner Guthrie recused herself from the commission procedure and action of voting).

Background

A rezoning request has been submitted by Sherry Guthrie behalf of Raymond Dunevant to rezone property located near the intersection of Forrest Street and Chandler Drive from P-B (Planned Business) District to M-1 (Light Industrial) District. The property can be further identified as Parcel 1.03 on Dyer County Tax Map 98. The property does not appear to be located in a federally identified flood hazard area.

Analysis

The property has adjacent B-2 (General Trade and Service) zoning to the west of this property and R-2 (Medium Density Residential) to the north.

The property is designated “Low Density Residential/Public-Semi Public” and “Infill/Comprehensive Redevelopment” according to the 2020 Development Plan Future Land Use Map.

The property has access to Highway 104/Forrest Street which is designated as an arterial street.

The Dyersburg Land Use and Transportation Plan state the following in regards to Industrial development:

“The City of Dyersburg is the primary location in Dyer County for manufacturing and industrial uses. This status is maintained through coordination, between the municipal and county elected officials and the Chamber of Commerce, this has resulted in the location of numerous industries in the Dyersburg Industrial Park. Due to this successful industrial recruitment, Dyersburg has initiated the development of a second large scale park for manufacturing/industrial development. Efforts should be taken, however, to ensure that the existing industries are retained and are able to expand when feasible and to provide for some limited light industrial development throughout the City”.

- 1. The Legislative Body should support improvements in the local economy by providing new industrial site locations and by maintaining and improving existing industrial site locations.*
- 6. Based on locally developed criteria, industrial land uses known or suspected of having harmful impacts on the health, safety, and welfare of people, and those activities and uses which would degrade, retard, or otherwise harm the natural environment, or the economic potential of the community, shall be discouraged from locating in the City.*
- 1. All industrial developments shall be designed in compliance with appropriate site development standards.*
- 3. Industrial uses should locate near transportation facilities that offer the access required by the industry. Such uses should not be allowed to create demands that exceed the capacity of the existing and the future transportation network.*
- 4. Industrial development should locate within the City, consistent with the phasing plan for infrastructure, where the proper sizing of facilities, such as water, sewer and transportation has occurred or has been planned.*
- 5. To the extent feasible, landscaping or other screening shall be provided to reduce the conflict and to soften the impact between industrial uses and other land uses.*

The site has nearby access to the Highway 51 bypass which is necessary to carry large trucks to an industrial site. The Planning Commission should consider the quality of Forrest Street and whether or not it can handle the additional truck traffic.

The R-2 district to the north is a developed residential district. Staff has significant concerns of the impact an industrial district will have on the adjacent residential neighborhood.

Recommendation

Siting specific criteria and language from the Dyersburg Land Use and Transportation Plan, staff recommended denial of the rezoning request. Staff further noted that while industrial development should be encouraged when appropriate to promote the economic interest of the city, the Development Plan's designation of this area as "Low Density Residential" and the neighboring residential districts make this site unsuitable for industrial development.

The Commission discussed various concerns that included:

Chairman Burks noted his opinion of the site and advised the commission to note specific language of the Dyersburg Land Use and Transportation Plan which states:

1. *The Legislative Body should support improvements in the local economy by providing new industrial site locations and by maintaining and improving existing industrial site locations, and*
3. *Industrial uses should locate near transportation facilities that offer the access required by the industry. Such uses should not be allowed to create demands that exceed the capacity of the existing and the future transportation network.*

Chairman Burks added:

- the site location was on a designated truck route that connects into a four lane State highway,
- acknowledged the proximity of the closest neighborhood, but felt the potential may be willing to mitigate both visual and auditory noise to accommodate the city's ordinances pertaining to such, and
- he has serious fears for the length of time the building upon the site has remained vacant, which leads to a variety of community growth, health, and public safety concerns.

Commissioner Sherry Guthrie spoke from the audience to note that landscape barrier (ditch, trees and chain link fence) is currently already existing between the neighborhood and the identified parcel.

Alderman Robert Taylor, Jr. stated his concerns for the increased truck traffic, visual, and auditory noise, and air quality pollution the proposed business may place upon the adjacent residential neighborhood. He presented a signed petition from residents in the adjacent neighborhood who are opposed to the occupation of the property by the potential buyer.

Mr. Thomas Mullins noted that currently there exist similar concerns and issues involving the city's ordinances vs. ground level grain storage with a residential neighborhood that is even

farther distance from the grain site location than exist in distance from building on the parcel under rezoning request.

Staff planner Will Radford noted the commission should also consider the future use of the area if rezoned to the request. He felt the city had other industrial areas more properly suited for the type of propose business on the parcel, and was unsure of the site plan requirements on an existing building.

Mr. Ricky Petty, as a potential buyer of the property, was present and he was asked to come before the commission to answer any questions or concerns the commission may have.

Upon questioning, Mr. Petty Mr. Petty provided the following statements:

1. He would be willing to install a solid fencing barrier on the property.
2. His current business employs a dust collection system to reduce dust pollution.
3. He would upgrade the dust collection system if he purchases the property.
4. He noted the lumber his current business purchases is pre-cut, and his employee work is 90% assembly of pre-cut lumber.
5. He has only minimal and periodic truck traffic
6. He noted there would be nail gun noise from the assembly work, but the assembly work occurs inside of the building.
7. He noted that the noise was somewhat of a detriment, but the noise and dust conditions were in compliance with OSHA regulations.
8. He felt his business would serve as a security factor to the surrounding neighborhood and businesses.

Other commissioners expressed the need for the potential buyer and Alderman Taylor to further engage with the residential homeowners to promote a better understanding of the proposed business. Both Alderman Taylor and Mr. Petty agreed to the recommendation noting the action would well serve the request.

At the end of discussion, the commission recommended the rezoning request be withdrawn to allow the potential buyer the necessary time and opportunity to engage the residential neighborhood residents the request.

The potential buyer agreed to the recommendation and the request was withdrawn.

E. Any other new business that may be accepted by the Planning Commission.

None presented.

F. Other Business/Reports: No report.

G. Administrative Reports: No report.

With no further business, the meeting adjourned at 11:00 a.m.

Tony Dement, Secretary

Robert C. Jones, City Recorder