

CITY OF LEBANON  
ZONING AND PLANNING COMMISSION  
August 08, 2019

BE IT REMEMBERED that the Zoning and Planning Commission met at 6:00 P.M. Thursday, August 08, 2019 in the Council Chambers at City Hall located at 401 South Jefferson.

ROLL CALL AND DECLARATION OF A QUORUM

Upon roll call, the following Members were present: Becky Burk, Stephen Marcum, Randy Randolph, David Schneider, Jeff Stokes, and Danessa Williams. Absent: Don Allen, Darrell Deputy, and Randy Wall.

A quorum was declared.

Staff members and others in attendance: Code Administrator Joe Berkich, Code Admin Rep. Steve Hemphill, and Deputy City Clerk Lindsey Slavens.

Commission Member Jeff Stokes presided over the meeting in the absence of Chairman Deputy.

Deputy City Clerk Lindsey Slavens took the meeting minutes.

APPROVAL OF MINUTES

Schneider moved, and Burk seconded that the Commission approve the minutes from the Zoning and Planning meeting held on July 11, 2019 as presented. Motion carried as follows: Yea: (6) Burk, Marcum, Randolph, Stokes, Schneider, and Williams. Nay: (0) None; Abstain: (0) None; Absent: (3) Allen, Deputy, and Wall.

PUBLIC HEARINGS

Schneider moved, and Marcum seconded that the Commission enter into Public Hearing. Motion carried as follows: Yea: (6) Marcum, Randolph, Stokes, Schneider, Williams, and Burk. Nay: (0) None; Abstain: (0) None; Absent: (3) Allen, Deputy, and Wall.

Public Hearing on a Conditional Use at 238 S. Jefferson Street

Code Administrator Joe Berkich explained the location of the requested Conditional Use being located across from MFA, and that the intended use of the building would be to open a medical marijuana dispensary. Berkich continued that the need for the Conditional Use was due to the back corner of the building being adjacent to a Residential Zone. Russell Guinn stated that he was a resident within the area being discussed and voiced his opposition for the approval. Mike Eblen, Conditional Use applicant, explained that the building located behind the said property was a commercial building. He continued that he had reached out to residents in the area being discussed and had expressed that with all of the security features that the proposed store would require, it would enhance security for the neighborhood as a whole. He also stated that the purpose of bringing this matter to the commission was to approve a conditional use, not a matter of what will be going into the building. JoEllen Kelly passed out a letter to the Commission, whereas Stokes acknowledged. A member of the public requested that the letter be read aloud. Stokes read the letter aloud and requested that it be entered into the minutes; hereby attached and made part of the permanent record. Pharmacist Jess Dickerson stated that upon first hearing about medical marijuana becoming legal, he was opposed. After research, he found that there was a need for it. He continued that he had witnessed countless testimonies and the benefits it brought. He closed by stressing the importance of realizing it was for medical

purposes. Patti Brayfield, owner of the discussed property, explained that the store was being used to sell CBD products at the time. She continued that the majority clientele were elderly with medical issues. The use of CBD and possibly medical marijuana gave them an alternative to the use of opioids. Schneider asked if the parking lot located to the side of the property would be used, and Brayfield answered yes. She also stated they would be expanding the parking 7 spaces.

**Public Hearing on a Conditional Use at 1100 Lynn Street**

Berkich explained, due to the old Senor Pepper's restaurant being closed longer than 12 months that the Conditional Use was needed in order to open a restaurant at this location again. Philip, owner of the proposed restaurant, stated that he had several successful restaurants, and requested that the commission approve the Conditional Use, which would bring more options for dining on the North side of Lebanon.

Williams moved, and Schneider seconded that the Commission move out of Public Hearing and back into Regular Session. Motion carried as follows: Yea: (6) Randolph, Stokes, Schneider, Williams, Burk, and Marcum. Nay: (0) None; Abstain: (0) None; Absent: (3) Allen, Deputy, and Wall.

**COMMISSION RECOMMENDATION TO COUNCIL ON A CONDITIONAL USE AT 238 S JEFFERSON**

Randolph moved, and Williams seconded that the Commission move to approve a Conditional Use at 238 S Jefferson. Motion carried as follows: Yea: (5) Stokes, Williams, Burk, Marcum, and Randolph. Nay: (1) Schneider; Abstain: (0) None; Absent: (3) Allen, Deputy, and Wall.

**COMMISSION RECOMMENDATION ON A CONDITIONAL USE AT 1100 LYNN STREET**

Schneider moved, and Randolph seconded that the Commission move to approve a Conditional Use at 1100 Lynn Street. Motion carried as follows: Yea: (6) Schneider, Williams, Burk, Marcum, Randolph, and Stokes. Nay: (0) None; Abstain: (0) None; Absent: (3) Allen, Deputy, and Wall.

**STAFF DISCUSSION:**

None.

**COMMISSION DISCUSSION:**


Marcum stated that he felt Medical Marijuana opened medicinal options for Veterans. Stokes reminded the public that the legality of Medical Marijuana was a State Law, and that the City was unable to prohibit or make burdensome for potential storefronts.

**ADJOURNMENT**

Stokes declared the meeting adjourned at 6:22 P.M.

ATTEST:

  
Code Administrator  
Joe Berkich

  
Secretary Danessa Williams

Minutes Approved September 12, 2019