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City of Portland Public Recognition Sign-In Sheet

- In accordance with Resolution #26-33, public comments are allowed when those comments are germane to either the agenda or to the board's governing authority, except where otherwise prohibited.
- The number of speakers and/or allotted time may be limited by the presiding officer to ensure all views are heard in a timely manner.

All wanting to speak must complete the signup sheet before the start of the meeting.

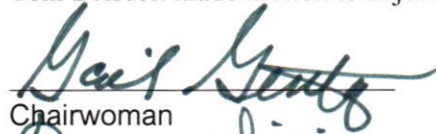
Public Hearings & Agenda Item Comments Use This Section			
Comments must be germane to agenda & public hearing items and each speaker has a maximum of 5-minutes			
Speaker Information		List the agenda item to comment on	
Print Name	Richard Geness	VARIANCE for Parking Lot	East 9th Street
Address		Kens Property	
Print Name	Richard Geness	Conditional Use for Athletic	
Address		at Kens Property on East 9th St. Gym	
Print Name	Chris Shoemaker	Herald Property	
Address	1018 Silver Maple Ln		
Print Name			
Address			
Print Name			
Address			
Non-Agenda Item Comments Use The Section Below			
Comments must be germane to the authority of the board and each speaker has a maximum of 3-minutes			
Speaker Information			
Print Name		Address	
Print Name		Address	
Print Name		Address	
Print Name		Address	
Print Name		Address	
Print Name		Address	

The Following Information Is To Be Filled Out By The Presiding Meeting Clerk

Board/Committee: BZA Meeting Date: 6/23/26 Page # 1 of

Adjournment

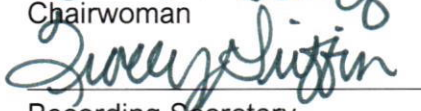
Tom Driscoll made motion to adjourn at 4:53 pm, Robert Tooker gave a second.



Chairwoman



Date



Recording Secretary



Date

Gail Gentry: OK. And then the second, the variance for the parking. Do I have a motion to do that variance?

Tom Driscoll: I'll bring a motion with the with the amendments for the site plan and the field, that there is a floodway study.

Gail Gentry: Second?

Jess Birdwell: So

Jess Birdwell: Sorry, so you're making a motion to approve it with the amendments, that's what you're saying?

Tom Driscoll: Correct.

Gail Gentry: OK, all in favor say aye. All said Aye.

Gail Gentry: All opposed? No one.

By:	Robert Tooker
Second:	Tom Driscoll
All in Favor:	Gail Gentry, Jess Birdwell Robert Tooker, Tom Driscoll
Absent:	Jim DiPiazza
Motion Carried	

Officer Election

Nate Heisler: So, we will need elections of a Chairman and a Vice Chair. So, the way that we can go first is Chairman, and if you want to make a recommendation for a Chairman and then make a vote based on that, and then we can do the same for Vice Chair.

Robert Tooker nominated Gail Gentry for Chair of the MBZA
Tom Driscoll -Second
Gail Gentry Accepted
All in Favor 4-0
Jim DiPiazza-Absent

Robert Tooker nominated Tom Driscoll for Co-Chair of the MBZA
Gail Gentry-Second
Tom Driscoll Accepted
All in Favor 4-0
Jim DiPiazza -Absent

B. 2026 Calendar
Motion to approve- Robert Tooker
Second- Tom Driscoll
All in Favor 4-0
Jim DiPiazza -Absent

City Planners Comments

No Comments

Zoning Board Member Commented the Following:

No Comments

All Opposed:
Absent:
Motion Fails

Robert Tooker, Tom Driscoll
Jim DiPiazza

Gail Gentry: Oh ok.

Nate Heisler: So now you can make, we talked about before, if there's a motion with an amendment.

Gail Gentry: Do you want to make a motion?

Robert Tooker: Certainly, I'll make a motion to amend for a 6-month conditional use while a rezoning is in process and completed. But to say GCS or the proper zoning.

John Bradley: And doing that you will come back before you in 6 months to decide whether you want to extend that, if it's been rezoned, in the meantime we won't be an issue, you'll never come back before you but, that gives you that option right? That doesn't mean you don't do it, you don't continue after 6 months it's just you're only approving 6 months, which I think he made very clear I think that's what you're trying to do.

Robert Tooker: Yes

Gail Gentry: How much will it cost him to go through this to change this up?

Jess Birdwell: At this point. I think it matters.

Nate Heisler: I've got our fee schedule, If you want to see, It's based off of acreage. Give me just a second and I can bring that up.

John Bradley: I would think the biggest expense has already been incurred by Mr. Head, I think this wouldn't be that much additional but there might be some.

Nate Heisler: Our rezoning application up to 0.99 acres is \$300.00. You go from 1 to 9 acres where I would think that this would fall, Is \$350.00 for a rezoning application.

Gail Gentry: OK. Do I have a second to Bob's motion?

Ted Driscoll: Does Bob's motion also include amendments for the site plan and the flood?

Nate Heisler: That has not been said yet.

Robert Tooker: I mean we can add that on, I thought we were doing this on the conditional use and then we were going to do the parking side of it but perhaps maybe that's.

Tom Driscoll: Oh, you're right. Yeah, conditional use. You're right, I jumped ahead.
I second.

Gail Gentry: All in favor say aye

Tom Driscoll, Gail Gentry, Robert Tooker: Aye.

Jess Birdwell: I would like to speak to them for both I'm disappointed that we've come to this, I feel like we are setting a precedence but in my opinion it's not a good one he's made an investment in our city and you know I just I want to say my piece I'm going to vote for it because at least it gives him a path forward, but I'm, I'm just disappointed.

Tom Driscoll: I'll say my side of it, I don't believe that it does meet community assembly, that's why it's not that I don't love the idea of the building and what it provides to the community, but I think that by not adhering to some of the definitions of what community assembly are, I think that sets a bad precedent for this community so, that's why you know that's my opinion lies so. That's why there's board.

Gail Gentry: OK so did we vote we brought? All in favor say aye.
All said aye.

Gail Gentry: All opposed? No one

By:

Robert Tooker

Second:

Tom Driscoll

All in Favor:

Gail Gentry, Jess Birdwell

Robert Tooker, Tom Driscoll

Absent:

Jim DiPiazza

Motion Carried

period makes all the sense in the world if Mr. Head will go forward with it, I mean I guess you got to ask him, and he's willing to do that it It's a simple question.

Gail Gentry: Lewis, would you come back up here? What are your feelings on changing the zoning?

Lewis Head: So, I have a truck repair company that's dying to move in, and if this fails that's what's going in there. I mean they're going to move in there and they're going to have semi-trucks and trailers and they're going to have, it's already approved for the parking for a semi-truck from a prior zoning board and appeals and so we're trying not to do that but I mean I mean we spent well over 1,000,000 and a half dollars there, today, to try to do something to like you know make it where it's not a grease bucket you know, in the middle of Portland. Because that's what it was before when we bought it, it was just a big grease bucket. So, I mean but we're not going to go through another zoning appeals or try to change all that because I mean ultimately, it's a significant expense to try to change it and go through that. So, at some point you just got to stop spending money on. So.

Tom Driscoll: Question, if it was rezoned commercial what happens with the parking? Does that need a variance then since it wouldn't meet the parking for the commercial?

Nate Heisler: So, if you look at the use based upon if it were commercial zoning, it doesn't call out a specific number of parking spaces, but it does call out that the site plan must be approved by the Planning Commission, so the Planning Commission would ultimately make the decision on the parking. But it doesn't call out specific number for the use under commercial zoning. Like it does under conditional use, it's a little different.

Gail Gentry: Anything else? Thank you. How do we want to move forward? It's so much better than it was.

Robert Tooker: Yeah, no question but I would I would like to actually have this zoned correctly.

Jess Birdwell: Could we vote on the motion as is and go from there if it fails then?

Tom Driscoll: Would you would we vote on the motion of the amendment to have the temporary, to have the 6th month and then, because if it fails, if vote on just the variance fails alone, on condition use then the whole thing fails so no sense of having any amendments or so.

Robert Tooker: Right.

Tom Driscoll: If you have concerns or if you want to bring that that amendment up, we can vote on that.

Robert Tooker: Yeah. I'd like to offer an amendment.

Gail Gentry: Do we need to vote on his first?

John Bradley: Yes

Gail Gentry: OK.

Jess Birdwell: Because if it fails then you would make another motion. The item doesn't completely fail right?

Nate Heisler: The motion.

Jess Birdwell: Like if my motion fails, he could go back and make another motion and say hey we're not off of this item yet, I want to make a motion to do whatever.

Nate Heisler: Right

Gail Gentry: OK, you want to start your motion again.

Jess Birdwell: I would make a motion to approve the variance as requested.

Jess Birdwell: For the conditional use, for the conditional use

Gail Gentry: Ok, I second that while ago so I'll second it again. All in favor say aye

Jess Birdwell and Gail Gentry: aye.

Gail Gentry: All opposed?

Robert Tooker: No.

Tom Driscoll: No.

Nate Heisler: The motion fails. A tie fails

Motion to Approve the Variance Request item under new business

By: Jess Birdwell

Second: Gail Gentry

All in Favor: Gail Gentry, Jess Birdwell

Motion to re-adjust the Agenda by: Robert Tooker
Second: Tom Driscoll
All in Favor: Gail Gentry, Jess Birdwell
Robert Tooker, Tom Driscoll
Absent: Jim DiPiazza
Motion Carried

- A. Applicant Lewis Head requests a variance for conditional use, of a recreational facility, located at 104 East Knight Street (Tax Map 0331, Parcel 14.01 & 16.00) Sumner County, 3.78 +/- acres, Zoned IR (Restrictive Industrial).

Jess Birdwell: It might fail, but I would like to make a motion that we are we approve as requested. I don't know if I need to speak now or speak later but that's my motion.

Gail Gentry: Second. I'll second it.

Jess Birdwell: Now we can speak.

Gail Gentry: do you have a question?

Tom Driscoll: If I want to add amendments to the motion. How do I go about? I bring a motion to add amendments to his motion.

John Bradley: yes

Tom Driscoll: OK. Uh.

Jess Birdwell: But first we can see right or do you.

Nate Heisler: Do you want to have discussion on the original motion?

Jess Birdwell: I do, yeah, yeah. Yeah, I just and the reason why is because I understand your concerns about that it doesn't exactly the puzzle piece doesn't fit exactly but well.

Robert Tooker: It doesn't fit at.

Jess Birdwell: But I mean he has made a significant investment in our town.

Robert Tooker: Oh, I understand that and I I have no problems with that aspect and no problems with the use of the building. It's a beautiful building, it's good for our community we're going to set a precedent here, I think you know, but anybody that walks the door and just ask us to wave the wand to make it fit. This does not fit, it's not industrial.

Jess Birdwell: Right.

Robert Tooker: And it's for profit, so it doesn't fit. What's been proposed? So that's my feeling

Jess Birdwell: OK.

Tom Driscoll: Are you leaning on the side of the 6-month variance.

Robert Tooker: I am in favor of that. I think we need to go through the process giving a 6-month conditional approval for use during that 6 months. Should be more than enough time to go to the Planning Commission and get those approvals and then it's golden, it's good to go.

Jess Birdwell: So.

Gail Gentry: But the owner didn't want to

Robert Tooker: And the owner doesn't want to do that so.

Jess Birdwell: So, you're the city attorney?

John Bradley: Right yes.

Jess Birdwell: So, in your legal opinion I understand that we have opinions on whether it fits or doesn't fit, do you from a legal aspect do you feel like what he is requesting to use fits within our guidelines for this variance?

John Bradley: I would like to see him move forward with the rezoning because it would fit better, that you just referred to, 6 months should be plenty of time to do that. In 6 months, Mr. Head will be able to get this accomplished or he may decide he doesn't need to have it accomplished. I mean maybe industrial use that he ends up with, but he doesn't know that now he didn't have a tenant, so we're sort of in a situation we're trying to find some way to let him move forward. While we also are you know, being you know sticking to our zoning ordinance, which says this ought to be probably commercial instead of industrial. So, I mean to me the 6-month

building but also be something that like when you go by and look at it you go wow that's a nice building in the middle of Portland and you don't walk down through there and you go wow why do they allow you know a truck shop or some sort of construction. Services that has a lot of outdoor usage that just kind of jumps things up. And so that's why we kind of settled on this usage here and then we kind of thought it would probably fit into the fitness gym that's already back there I know Austin back there does a lot of good things that he's done a lot of. Good things for Portland.

Lewis Head: It's that's how we came on the usage.

Richard Graves: But you.

Lewis Head: I would rather leave it lighted industrial like it is and get the variance because when you go to the General Commercial Services, I'm not sure what the impact or the cost or the time would be to try to do all that you know. And when we first researched it through like before we started, I looked up as light industrial and I don't know about the city ordinance because I wasn't too burst into 300 pages or whatever it is, but I just kind of did a search on the Internet and I asked if a training facility that would be able for people to rent out was included in light industrial. And so that was what we got there without getting like real in depth to what Portland asked, and like Richard said, we're not going to run a training facility. So basically, like if you had a ball team, and you had your team scheduled to practice this afternoon and it says like there's a 70% chance of rain. And so you could go onto the website and there's a booking app called swift and you go on to the app and you fill out the waiver that says that you have the proper insurance and that everything like that and then you put in your name and you basically can book like one hour segments of what you want to use and then after you book it and you pay for it and you fill out the waiver then it sends you a code and so the code allows you to open the door 10 minutes before and then the code is not valid 10 minutes after your time is up and so it would just be kind of a self-serve option and like he said we would only have maybe somebody there if you had like busy times, you know, to help keep up with the trash like on a Saturday and then just janitorial services. And so that's kind of sort of what we're looking at is like a kiosk kind of thing where you can use it, you know, who could use it. I mean a church could use it I mean. If you wanted to rent it for your family event, you know you could rent it for a family event or a birthday party, or you know just what whatever you wanted to use it ain't just specifically to like hey we're just going to use it for travel team or something like that so.

Gail Gentry: Any other questions?

Lewis Head: Great, thank you.

Gail Gentry: Do we need a motion somebody will make a Motion?

Robert Tooker: So, which one do we want to do first?

Jess Birdwell: So, I would say I would like to make a motion that we approve the parking variance as requested.

Robert Tooker: My only concern is that it could become a moot point, parking, If the conditional use first.

Jess Birdwell: Ok.

Tom Driscoll: I agree with the conditional use first personally but.

Jess Birdwell: So, and I don't know if you want to make like I don't. I would like for us to approve the conditional and not do a 6 months

Gail Gentry: Yes

Jess Birdwell: That would, did you have something?

Nate Heisler: Yeah. I was going to say it might be easier for the group if you're wanting to look at the conditional use first, you can amend the agenda to look at that first, make a motion to amend the agenda and move Item B ahead in the agenda if you wanted to make that vote first.

Robert Tooker: I'll certainly make a motion to re-adjust the agenda to consider that first.

Gail Gentry: OK, need a second.

Tom Driscoll: I'll second.

Gail Gentry: All in favor say. Aye.

All were in favor.

Gail Gentry: Alright so.

Richard Graves: So, we're clear.

Gail Gentry: Any other questions?

Tom Driscoll: I got one final question. What would be like the max expected occupancy? Let's say all the bays are rented out, teams in each one, is 70 the max or I guess what I'm getting at, is there a plan for an overflow?

Richard Graves: I don't, I've coached Little League, I've coached Minor League, most parents in a training facility, there will be some mothers and fathers there, but for the most part they're going to drop them off and they're going to leave, and they're going to come back and pick them up, especially with your traveling teams and you know your Little League teams, there's going to be several of them stay. But we think Me and Nate was going over that the other day and had a couple of teams there at 14 a piece that's 28 you know you got a parent bringing them, you know, so you're right there at 50, 40 to 50. Probably Max, I would and we actually had a league, I ran the Soccer League in Westmoreland for 4 years and that was a little different during practice there was maybe 10 cars there and we had 10 teams there, because there was a lot of parents you know there was Chaperones you might say or parents who didn't leave their kids there but we had 300 kids. So, but on game day there's nowhere to park. That's not going to be the situation here, they're going to be practicing and everything, so we believe 70 sufficient. Like you said, when we first started talking about this, he looked at some of the other jurisdictions and it looks like it's excessive on a facility of this, 134 is.

Jess Birdwell: If you ever went to Cheerville in Gallatin, Oh my gosh, there's you know, there's not many, parents are dropping off and there's maybe 40 spots and you know it's tight, but you know, just for while your dropping off and picking up, so this is going to be double what that got going.

Nate Heisler: And I also say as far as occupancy max, we also have fire regulations centered around that too, so they'll look at that any time a use is being provided they do life safety inspection and they'll look at the numbers on that also.

Robert Tooker: The Fire Marshall hasn't given occupancy level on this yet?

Nate Heisler: Not yet. That comes with the use of occupancy permit and that's at the end when they're ready to get going.

John Bradley: But having this 6-month period, if you do it for 6 months, like you had a good variance for 6 months, in 6 months you can watch to see what's happening and see if it's a problem, and if it's not a problem then you know then they can go ahead and get the rezoning. This is a very temporary kind of a fix, it's just so that Mr. Head can move forward with this without having to go through all the rezoning at this point, but this would enable him to do that over the next 6 months and there's a problem with it, we'll know it by then. I mean if there's you know there's a problem with parking. I mean I've lived here all my life; I can't imagine that would be more parking they needed than that, for that facility. Hard to believe, it could be.

Gail Gentry: Would there be; changing the zoning to GCS, would there be a benefit to him over that IR? It would be a benefit to him?

John Bradley: I think it would be a benefit to him.

Nate Heisler: It would open up more commercial uses.

John Bradley: It gives you more uses and that's something that I think he would want to look into. We're trying to get this moving forward and everybody talks about graded looks but then we got to find a way to get there. And this is the way to do that.

Richard Graves: You want to come speak to that? I think the owner here, if we're going to require him to do something that we not ask for, I think we need to hear from him.

Lewis Head: I'm Lewis Head, I'm the owner. So, the reason why that we did what we did is because when we bought the property the property was a truck. Shop and when we bought it was just a mess in the middle of Portland and so we looked at many usage and we had several people that wanted to use that building I mean from truck repair to a trailer guy we even had a scrap yard want to use it to scrap metal and so but me and my wife. Talks about like when our kids were in school, they had nowhere to practice and so they were always trying to get a gym a school or something like that and so our kids have already graduated. But we still have that problem it's so when we bought the building we thought how could we make the most practical use of the

some good uses to keep this building practical where it's at, at the floodplain and keep the zoning practical for what you're doing.

Robert Tooker: But if it was going to be resold for different use perhaps someday. It could be rezoned.

Richard Graves: And doubt you would ever get an IR back in the middle of town. By itself.

Nate Heisler: One thing that the Board can do, if we're getting hung up on the conditional use, is a temporary conditional use. While a commitment from the applicant for a reason. That gives them the ability to get started on what they want to do, but also have rezoning and process, 6-month temporary conditional use while rezoning.

Robert Tooker: Right.

Jess Birdwell: But we've got 2 different issues here right. So, Do we need to vote separately on the 2 different Issues?

Nate Heisler: Yes.

Tom Driscoll: I have a question on outdoor use, because is there any outdoor use plan for that building?

Richard Graves: No

Tom Driscoll: Ok.

Richard Graves: It will all being internal.

Tom Driscoll: Has the site plan been approved by the Planning Commission?

Nate Heisler: No, the requirement for the BZA as it pertains to conditional use, is for them, if they do get a conditional use, to build a site plan for the Planning Commission later on. So, we have a site plan right now, but if approved they have to go to the Planning Commission, in order to build that parking lot.

Robert Tooker: And then it goes to the council?

Nate Heisler: Not with the site plan, just Planning Commission. If there were a rezoning, that would go to City Council. But site plan for the parking lot this one, that we're looking at right here, Is Planning Commission only.

Jess Birdwell: And it's paved parking.

Richard Graves: Yeah, I've got some estimates if y'all would like to look at it.

Robert Tooker: And that would be parking aspect of this.

Nate Heisler: That would be for the parking aspect of this.

Robert Tooker: And then the other would be the conditional use, for 6 months or so, until it could be rezoned.

Gail Gentry: What other zone would you make it? For this particular use?

Nate Heisler: Could you repeat that, I'm sorry.

Gail Gentry: What other zoning would you make it? For this particular use?

Nate Heisler: I think more than likely, GCS. Would be appropriate for it? General Commercial Services.

Tom Driscoll: Have the utilities been verified? That they will support?

Richard Graves: Yes.

Tom Driscoll: What about floodway?

Nate Heisler: It is located in a FEMA floodway, we've had conversations with the applicant when you have a project that is located in the FEMA floodway, a flood study is required for it. And they've agreed to these provisions. So, in order to, that would more than likely come along with the Site Plan. So, we have a LOMA FEMA study also with it.

Tom Driscoll: We have to include those amendments when we bring a motion forward?

Nate Heisler: Yes. Site Plan and FEMA study.

Richard Graves: No Rise Study, correct?

Nate Heisler: Yes

Richard Graves: It's a pre-1974 building so it doesn't, it predates the FEMA. So, the building would, its existing, and we did change the footprint.

Nate Heisler: It would be for the parking lot.

Richard Graves: It would be for the parking lot, that's correct.

Nate Heisler: Yes

Jess Birdwell: And I guess, so to spring off what you're, and again I think it's, I agree with you, like I think it's this is a wonderful asset to Portland. But, to maybe help answer his question, are there other options that could have been considered, I mean personally, like I don't have a problem with it. I understand primarily used for profit even though he's going to be making money. Like to me, I look at it from a different lens I guess, what the community is going to gain from it versus what property is going to make. To me that offsets but are there other options that could be used other than this one, to allow him to do?

Robert Tooker: Like General Commercial Services or even a Central Business District CBD.

Nate Heisler: The next option aside from a conditional use is a rezoning.

Jess Birdwell: And what would that entail?

Nate Heisler: Rezoning takes a while. Process is about a 2-to-3-month process depending on you know where the meetings land. So, it's a longer process. So those are really 2 options you have the conditional use permit, or you have the rezoning.

Jess Birdwell: Is there another option for conditional use though, other than this one.

Nate Heisler: Not for what is being proposed this is the closest match.

Jess Birdwell: OK.

Gail Gentry: What is the zoning on the gym below it? The fitness center.

Nate Heisler: GCS General Commercial Services.

Tom Driscoll: Nate, could you pull the map up that you had before. I believe everything surrounding it is commercial as well and is only what we have highlighted, that's the only industrial?

Nate Heisler: Let me bring up the GIS, give me just a second.

Jess Birdwell: And while you're pulling that up, like why can, while it is not qualify, why could you not use it under general commercial service, could we not give them a variance to do it General Commercial Services, and he still be able to open like.

Nate Heisler: It would be a rezoning.

Jess Birdwell: Rezoning oh, so you can't grant a variance on that.

Nate Heisler: You can grant variances as far as conditional uses for what's labeled in the chart under industrial and I can I can show you that. So, we're looking at the chart here you see IR? You come down this list here and under, you have a list of commercial activities you can, see that they're permitted. And then you have community facility activities and when you have a "C" next to it that means it's a conditional use. Community Assembly, what we're talking about right now is a conditional use for the zoning.

Jess Birdwell: Right. That makes a whole lot more sense, so you picked you took the current zoning you picked from a list of what's available and this was, I get it, that makes total sense.

Richard Graves: If we? If I may interject, if we look up, go back to The to the. Can we go back to the, Go let's go up, there's a lot of uses there that are in this light industrial like from A to M that would work in this building also. If the reason we want the conditional use he would like to help the community out, he's got a lot of people that would love to rent this building, a lot of traveling teams and a lot of different people. If he decided to change at some point, this business venture or the rental of the building didn't work out, there's a lot of good things there that the animal care, the automotive and other, then there's been automotive repair, truck repair, there is Construction sales and service and it's in town, it's not it's not a harsh use. But some of those things are not allowed in GCS.

Jess Birdwell: Right.

Richard Graves: So, you've got you got the best of the best of both worlds here, and that and it fit in there. And then if this this building was ever sold or converted back and the general equipment and repair services and the food and beverage services with stuff like that it just it's just a good zone and it's an old, this this property been light industrial for years you know, they've had Jim Hodges had it Hodges Group worked out of it on gas plant repair, building steps and stuff for them. There's been a lot of things, trailers built there, there's been storage facilities storage buildings built there it's been a lot of good uses there over the years as the market demanded. Right now, there's a demand for the teams, travel teams and all your Little League and softball teams to get in out of the weather. So, it's that right now seems to be the way to go, but there are

Robert Tooker: And don't get me wrong in the questions that I ask, because I've actually seen some pictures of the facility on social media, it looks beautiful.

Richard Graves: Yeah

Robert Tooker: It looks great, it's going to be a great addition to this community, but the real question is why is it zoned this way, and then I look at the community assembly, and I also interpret that is, it's not for profit. So, it would be for like Rotary Clubs or Lions Clubs or you can imagine whatever kinds of organizations that are not-for-profit that might use a facility like this but I'm a little stuck on the industrial side of it. And then the community assembly. Did you folks consider other zoning options?

Richard Graves: We have, but due to the floodplain issues and all the issues that property has, this zone, this conditional use, seem to fit that and I in the conversations like I said that we've had, the building is for rent but we're not operating we're not going to have a business license to run a recreational facility it's going to be there for anybody, any team, any Little League team, anybody can use the building and rent it for.

Robert Tooker: For profit.

Richard Graves: I would think any landlord would want to rent his building.

Robert Tooker: So, it's really a commercial business.

Richard Graves: The rental is, the rental is, I agree.

Robert Tooker: The facility is.

Richard Graves: Yes

Robert Tooker: The property is. So, I guess I go back to my question. Why haven't you considered other zoning for this? And I understand the floodplain kinds of issues that can be dealt with. So, it just seems like we're not in sync on the zoning and the intended use.

Richard Graves: This this lack the thing that you're reading now about the full profit and when we looked at that that come up very late in the review process. And that's what we were we're trying to work through last Thursday till today.

Robert Tooker: I'm a little surprised though, if I go out and buy a piece of property with an intention of developing that property. Probably going to know up front, what the zoning is for that property and then I can go to the Planning Commission requested zoning change. I'm just wondering why that wasn't considered.

Richard Graves: When we found out about it, when we really looked at the zoning ordinance, it didn't preclude us from doing that, it was just, we don't even know how it was written like that, it's not written that it shall be, it's not written that you got to, it's just written that, you want to read the ordinance? That would be. Yeah, right

Nate Heisler: Yeah, for community assembly, this grouping is intended to include a broad range of facilities utilized as public gathering places in conjunction with various social and recreational events. And then this is the part where we're talking about. This grouping is not intended to include facilities primarily utilized for profit and then it goes on to talk about extensive impact facilities which this would not be.

Robert Tooker: This is not primarily used for profit?

Nate Heisler: I think that it could be, you know we me and Richard had conversations around, you know is there nonprofit uses inside of that, you know because you can have a little bit of both.

Robert Tooker: But then I go back to, what's industrial about this property, about this facility, does it produce something? Does it support industry? If I go back to the definition of IR it's pretty clear.

Jess Birdwell: Can I chime in real quick? So, before there was there was something being produced but this building is don't know if you're familiar with what it used to look like.

Robert Tooker: oh, I know.

Jess Birdwell: It was a big eye sore on Portland

Robert Tooker: oh gosh yeah, it's it looks great now. What we're really talking about is-

Jess Birdwell: Yeah.

Robert Tooker: The proper zoning for right now.

Nate Heilser: Alright, so I'm going to bring the property in on the map here. You know, zoom in. This is the location that we're talking about located on 104 East Knight Street. So, when we're looking at this we kind of have to look at it holistically but first let's take a look at the parking side of this. So currently when we zoom into the property there? Actively 14 parking spots at the property right now. Which really limits how many uses can go in so, the conversation centered around Richard and Mr. Head was to expand upon the parking to unlock more uses for the building. You know what he's requesting is a recreational center, so the zoning ordinance when we're looking through this calls out the way that it's worded is one parking space for every 75 square foot of a gross floor square footage of the building. So, the building is 9800 square feet, when you do the math on that, it comes to 130 parking spots. They are requesting 70. I'm going to pull up the site plan. So, this is the site plan that has been proposed, you can see the current parking here and then see the new parking. After doing research in our area for other uses like this seems to be the common place that we see parking is in between 50 and 100 spots. Maybe our ordinance goes a little bit over but looking at the building and what they're proposing and the building size It seems to be 70 would fit pretty well as far as what they're proposing for the building. So that's the site plan that's the request like I said the ordinance is 130. They're requesting 70, so if the board has any questions for me, we can answer.

Tom Driscoll: Question on this site plan, it looks like there's 2 lots, lots one and two, are they both zoned for Industrial?

Nate Heilser: They are both zoned as industrial restrictive which is light industrial.

Tom Driscoll: OK. From the I think on the Sumner County GIS it had lot 2 zone as residential when I looked it up. Maybe that's just a mistake on their end.

Nate Heilser: So, yes, they're both industrial.

Gail Gentry: Any other questions? Anybody want to make a motion?

Tom Driscoll: I have a question and this is intended to be for profit?

Richard Graves: We had several discussions, Richard Graves again, we had several discussions with staff and I think staff reached out to city attorney, he owns the building I think if, where we were last Thursday and our discussions if I owned the building and the nonprofit wanted to come in and rent the building they would raise the money to rent the building they might not purchase the building or own the building but he's not going to Mr. Head is not going to be the Recreational Facility, he's going to rent the building to be used by individuals. It's going to be insured and everything for them to do that of course, he built the business to rent the building, of course, but he's not going to have an on-staff pro as we might say or anything like that, it's just going to be a building rental like you would have anywhere in town.

Tom Driscoll: And the classification for community assembly is intended to be for nonprofit, is that correct?

Nate Heilser: The way it's worded is this grouping is not intended to include facilities primarily used for profit. So, when we think about that and John can give his interpretation also, doesn't say shall be only nonprofit you know there seems to be when you when you interpret the language there seems to be a little bit of wiggle room there for the board to decide. John, do you want to give your interpretation?

John Bradley: Yeah, that's why we're here, that's what this board is for, to grant a variance, that's what Mr. Head is asking for, is a variance.

Robert Tooker: Or a conditional use.

John Bradley: Or conditional use, right.

Robert Tooker: Tell me, what's industrial about this building, and the property?

Richard Graves: There has been light industrial uses in the past with this building and when we looked at the uses in the light industrial zone this building and its location and lend itself to this kind of use there was a need and some requests in the community for some stuff like this for an indoor facility or the teams and different teams that could come and use it and he that's why he's here requesting the use.

bottom of the table of contents and the list of amendments it says it contains 322 pages if you go to the start of chapter one it changes to 389 pages. It stays in correct numerical order do you get page 114 and then it jumps and says it only has 345 pages. Once you hit page 241 the next 21 pages have no page numbers at all. Then it jumps back and says you got page 300 out of 345. But it gets really interesting when you hit page 346 out of 345 and stays that way till you hit 368 out of 345. So, it's real complicated for someone to look at this and understand this document and understand, it's been revised time and time and time, just don't think we've ever updated and followed the pages to make it to where somebody can actually look at it, and we know where they're supposed to be bouncing to. So, it makes it very difficult to navigate but other than that I highly encourage you to request is variances. Thanks.

Gail Gentry: OK. Public hearing Applicant Lewis Head requests a variance for parking, Located at 104 East Knight Street (Tax Map 033I, Parcel 14.01 & 16.00) Sumner County, 3.78 +/- acres, Zoned IR (Restrictive Industrial).

I think I just read that, didn't I? But it's the same thing as down here. Zoned IR (Restrictive Industrial).

This is in new business with. Well Richard, do you want to speak again on the other?

Richard Graves: I think I will wait on the presentation.

Gail Gentry: OK. Old business, We have none.

New business.

Applicant Lewis Head requests a variance for conditional use, of a recreational facility, located at 104 East Knight Street (Tax Map 033I, Parcel 14.01 & 16.00) Sumner County, 3.78 +/- acres, Zoned IR (Restrictive Industrial).

Jess Birdwell: Did we skip the other?

Gail Gentry: He's going to wait until.

Nate Heisler: I think we probably need to go ahead and do the B, second Public Hearing, section B.

Gail Gentry: That's what he wants to wait until.

Nate Heisler: He was talking about my presentation, after my presentation of New Business. So, it might be appropriate to go ahead and do the public hearing for section B.

Gail Gentry: OK, Richard, he wants you to go ahead and

Richard Graves: OK. I can do that. I think what we're doing. Richard Graves again on the use, the conditional use and we'll go over this and presentation but of course y'all can tell what he's done to the building and remodeled and everything for youth facility and like the previous speaker. I think it would be an asset to the building. It's going more or less going to be like a rental, there'll be a keypad, your team wants to go up and practice you'll go up and you'll rent it for so many hours or day, that kind of thing and it will be open to volleyball teams, softball teams during the heat of the summer, the cold of the winter, whatever and for church groups I'm sure or for anybody that would like to use it and it's going to be an asset I really believe it's going to be an asset to the community for what's proposed. There will be limited staff, there will be people that will come in and clean up, there will be people that maintenance the building from the ownership side of the of the situation but it'll be open to any team or you know and teams to come and rent the building and be able to get in and get out and do what they need to do. Thank y'all.

OLD BUSINESS

NONE

NEW BUSINESS

- A. Applicant Lewis Head requests a variance for parking, Located at 104 East Knight Street (Tax Map 033I, Parcel 14.01 & 16.00) Sumner County, 3.78 +/- acres, Zoned IR (Restrictive Industrial).

Public Comments Period:

Richard Graves: Richard Graves, Richard Graves Land Surveying here representing Lewis Head. We are proposing a use of, sorry, 2 different things. On the parking lot we would like to request a variance from a minimum of 134 parking spaces required for the use at 104 East Knight Street. We proposed to provide 70 total parking spaces of which 14 are on the existing site. The balance 56 parking spaces will be added on the property currently that that Mr. Head currently owns to the east side of the building. Site constraints the proposed the property is severely limited in space. The property that the actual building is setting on, this building was built several years ago, and he's never had adequate parking. The existing conditions, there is a floodway on the adjacent property that we're putting parking lot on. We're going to need a No Rise Certificate and of course a Site Plan for the parking. But we and the in which we proposed a new parking lot addition which dramatically limits us using more of the property for for additional parking. And then reducing the footprint of the parking due to those things directly minimizes the heat. In urban heat, my efforts and lowered stormwater infrastructure requirements due to all that extra pavement. We had checked, me and Nate had went over some of this and I think it will come out in his presentation. We looked at some of the other cities and I think we're in line with them for this particular use, but anyway, we just respectfully request that you look at this variance for us today. I got a minute or 2 left, and will I get to speak during the other process?

Gail Gentry: You will.

Richard Graves: I think I'll wait on that, till then.

Chris Shoemaker, I live at 1018 Silver Maple Lane here in Portland, outside town. I don't know Mr. Head, never met the man a day in my life, had never spoken to him until this project came about and I've seen it, but I believe the project that he's doing has a great benefit for our city, gives a lot for somebody to do. And I think we should be significantly small business friendly and everything that we do. So, once I heard about this issue, I pulled the Zoning Ordinance and started looking into it, I spoke with I think you're Nate, right? OK, I spoke with you a little bit about it so here's what I've tried to gather is that he's trying to open roughly a 10,000 square foot facility, he's currently asked being asked to provide 134 parking spaces but they're asking to have that variance down to 70. So, looking at the zoning, thing is enough to give anybody a headache, unless you need a good nap, then by all means you get great reading material. But he's currently being classified up, the way I've gathered this, as a community facility which is listed as a nonprofit only. Which he's not. While reading the zoning regarding ordinance Is it, reading the zoning ordinance, there we go, 14-506.1 states you'll need one parking spot for every 75 square feet of building space as long as he's a Non-Profit. If he's classed as a non-under commercial activities as a group assembly limited that says that for the parking the quote the off-street parking requirement shall be based on a recommendation from the Planning Commission. So, I don't know where that's at, but again, it's complicated to read. But if a dollar store was to take that building and slap it in there, they would have to have one parking spot for every 400 square feet versus his 70. I mean so it's like there's a vast difference there. The gas station, the auto parts store, and the Gym are all zoned GCS, his little area right there is zoned IR. So, I know this is on the next public hearing, but I highly encourage that variance there to allow him to do that because looking at the zoning thing if this was in a neighborhood he would be perfectly permitted to put this in there and never have a question one asked. So, I'm asking you to use your knowledge of the zoning ordinance because trying to read that, I don't and do what needs to do be small business friendly and make everything as easy as possible for this place to get open, because it will do a lot. We don't have a lot in the city that interest our youth, especially with youth seasons is obvious you know the T-ball for the kids this year got cancelled due to the lack of interest. So, anything that we can do to encourage that and provide feeder programs for our school system, we need to. But the Zoning Code, I'm just going to tell you, needs a serious hard division and here's

CITY OF PORTLAND
MUNICIPAL BOARD OF ZONING APPEALS
SPECIAL CALL MEETING MINUTES

June 23, 2026

4:00 PM

Call to Order

Chairwoman Gail Gentry call to order at 4:00 P.M.

Roll Call

Present: Chairwoman Gail Gentry, Vice Chairman Tom Driscoll, Robert Tooker, Jess Birdwell

Absent: Jim DiPiazza

Also Present: Nate Heisler, City Planner, Tracey Griffin, Planning Asst., John Bradley, City Attorney

PUBLIC COMMENTS

Public Comments

In accordance with Resolution #26-33, public comments are allowed when those comments are germane to either the agenda or to the board's governing authority, except where otherwise prohibited. The number of individuals speaking and/or the allotted time to speak may be limited by the presiding officer to ensure opposing viewpoints are fairly represented in a timely manner. Sign-up sheets for public recognition will be available before the start of each meeting in the same room where the meeting is being held and anyone wishing to speak must sign up before the start of the meeting. Speakers will be recognized one at a time.

Chairwoman Gentry opened the public comments stating if you want to speak on an agenda item, please sign your name and address on the sign in sheet, you will have five minutes to speak.

Approval of Agenda

Motion to: Approve

By: Robert Tooker

Second: Tom Driscoll

Yes: Chairwoman Gail Gentry, Tom Driscoll, Robert Tooker, Jess Birdwell

Absent: Jim DiPiazza

Approval of minutes:

Motion to: Approve the March 4, 2025, Minutes

By: Robert Tooker

Second: Jess Birdwell

Yes: Chairwoman Gail Gentry, Tom Driscoll, Robert Tooker, Jess Birdwell

Absent: Jim DiPiazza

PUBLIC HEARING

- A. Applicant Lewis Head requests a variance for parking, Located at 104 East Knight Street (Tax Map 033I, Parcel 14.01 & 16.00) Sumner County, 3.78 +/- acres, Zoned IR (Restrictive Industrial).
- B. Applicant Lewis Head requests a variance for conditional use, of a recreational facility, located at 104 East Knight Street (Tax Map 033I, Parcel 14.01 & 16.00) Sumner County, 3.78 +/- acres, Zoned IR (Restrictive Industrial).