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McMinnville/Regional Planning Commission Staff Report - 4/9/2021

1. Zoning Amendment: General Contractor in C-2 + C-3

1. **Zoning Amendment: General Contractor Use in General Commercial (C-2) & Highway Commercial (C-3)**

In the last year, we have had two requests for contractors to build a primary structure for the predominant use of storing equipment and building supplies in C-2 General Commercial Zoning District. Staff has denied these building permits since "General Contractor and Specialty Contractors; Building Materials and Supplies" are a Permitted Use in I-1 (Light Industrial District) and I-2 (Heavy Industrial District). Additionally, there is no use in C-2 that is primarily storage aside from the consumer-oriented self-service storage facilities. Due to the multiple requests for this use in C-2, we have investigated including this use in C-2 and brought our findings and recommendation to the Planning Commission.

Existing Conditions

We conducted a windshield survey of different contractors in town to understand the contractor use better. The use falls into three broad categories: Offices, Enclosed Storage, & Contractors Yard.

Offices

While these would fall under an office use, we included them here to contrast with other contractor uses. This use includes office building type with building users consisting of office staff, other employees, and clients. The building houses office equipment and furnishings. The building is active during the day and traffic includes mostly cars and small trucks. This use is allowed in C-2.



Enclosed Storage

This use includes a building type conducive to storage typically with garage doors and large open space for vehicles, large equipment, tools, and building supplies. Users of the space include primarily contractors and their employees and their vendors; customers rarely use the building. Daily activity includes the loading and unloading needed equipment and supplies for a job a couple times a day. Traffic consists primarily of small and large trucks.



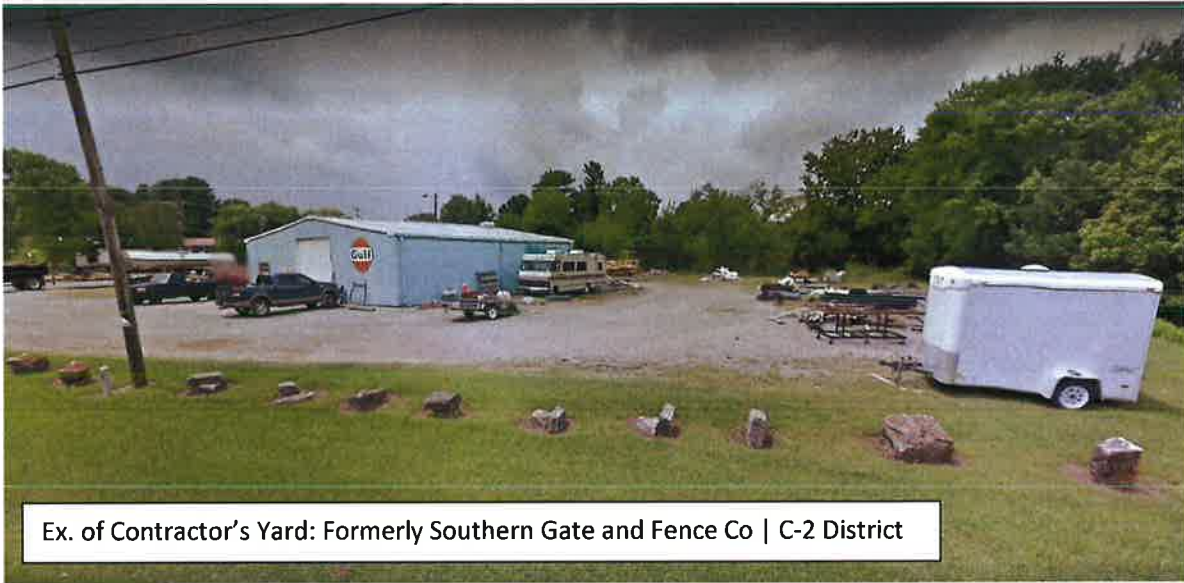
Ex. of Enclosed Storage: Waymon Hale Construction | C-2 District



Ex. of Enclosed Storage: TT & G Construction | C-1 District

Contractor's Yard

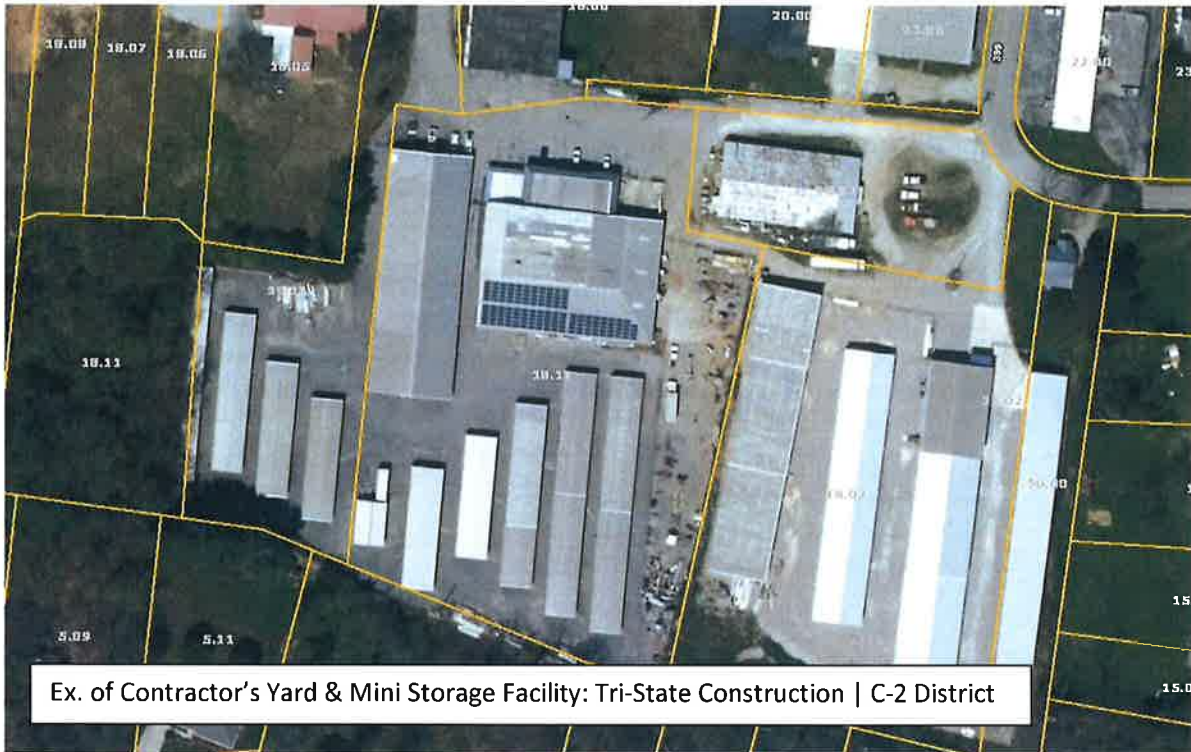
This use is like the enclosed use storage except with outdoor storage of building materials and equipment. It involves a storage building with garage doors and large open space for vehicles, large equipment, tools, and building supplies. Users of the space include primarily contractors and their employees and their vendors; customers rarely use the building. Daily activity includes the loading and unloading needed equipment and supplies for a job a couple times a day. Traffic consists primarily of small and large trucks.



Ex. of Contractor's Yard: Formerly Southern Gate and Fence Co | C-2 District



Ex. of Contractor's Yard: Porter Roofing | C-2 District



Current McMinnville Zoning Districts and Related Uses

The Zoning Code characterizes the purpose of each district to provide a context for which uses are permitted or not in the district. We have included the purpose for the districts of concern and uses related to construction and contractors for background:

- **General Commercial (C-2):** An area for the conduct of community and regional retail and service business dealing predominantly in those goods transportable by private auto and for those creating a substantial amount of automotive traffic.
 - Retail and wholesale building material sales
 - Prohibited: Outdoor Storage

- **Highway Commercial District (C-3):** an area for the conduct of heavy retail and wholesale commercial uses of a predominantly regional nature.
 - Retail and wholesale building material sales
 - Prohibited: Outdoor Storage

- **Light Industrial District (I-1):** An area in which the principal use of land is for light manufacturing and assembly plants, processing, storage, warehousing, wholesaling, and distribution.
 - Warehousing, cold storage plant, distribution center, self-service facilities
 - General contractors and specialty contractors
 - Building materials and supplies
 - Special Exception: Outdoor storage of materials with conditions

- **Heavy Industrial District (I-2):** An area in which the principal use of land is for heavy manufacturing and assembly plants and processing.
 - Warehousing, cold storage plant, storage yard, distribution center, self-service facilities
 - General contractors and specialty contractors; Building materials and supplies
 - Special Exception: Outdoor storage of materials with conditions

Other Jurisdictions

When reviewing how other jurisdictions handled this use, contractors are defined by the building type and use of the land. In Morristown, Tullahoma, and Athens, a distinction is made between contractor who operations involve only enclosed buildings and contractor yards. In Cookeville and Manchester, they use a general term to refer to the use regardless of the building type and use. Here is what we found:

City	Commercial Districts/Relevant Uses	Industrial Districts/Relevant Uses
Dyersburg	General Commercial District Building improvement products, repairs and maintenance	
Athens		Light Industrial District Contractor Heavy Industrial District Contractor yard
Morristown		Light Industrial District Contractor's yard
Tullahoma	General Commercial District Contractor's office completely enclosed	Restricted Industrial and Warehousing District Building materials storage and sales
Cookeville	Planned Commercial District General contractors and specialty contractors	Commercial/Industrial Mixed, I-1, 1-2 Districts General contractors and specialty contractors
Lebanon	Commercial Neighborhood & Commercial Service District Light Construction Service <ul style="list-style-type: none"> • Carpentering Contractors • General Building Contractors • Painting and Paper Hanging General Commercial District Light Construction Services Medium Construction Service <ul style="list-style-type: none"> • Glazing Contractors • Masonry, Stonework, Tile Setting, and Plastering Contractors • Plumbing, Heating, and Electrical Contractors • Roofing and Sheet Metal Contractors 	Light Industrial & Heavy Industrial Districts Light Construction Service Medium Construction Service Heavy Construction Service <ul style="list-style-type: none"> • Concrete Contractors • Excavation Contractors • Highway and Street Construction Contractors
Manchester	Highway Commercial & General Commercial Districts Construction sales and services	
Greenville	Intermediate Business Wholesale business, warehouses, storage yards and buildings and similar uses	Restricted Manufacturing and Warehouse District Wholesale business, warehouses, storage yards and buildings and similar uses Manufacturing High Impact Use Storage yards and buildings and similar uses

While there is not a clear consensus among the jurisdictions we reviewed, there is a trend of contractor operations that use larger equipment, heavy vehicles or outdoor storage being limited to industrial areas. This aligns with how our industrial areas function in the city – a district for noisy or noxious, storage-oriented operations with large vehicle traffic.

When contractors are allowed in commercial districts, some cities took different steps to mitigate the impact of their presence in the district. Lebanon’s approach is to categorize contractors by light, medium, and heavy and then use that categorization to match them to different zoning districts where that use is a harmonious fit. Additionally, Tullahoma requires contractors to completely enclose their operations in a commercial district. In Cookeville, general contractors are only allowed in planned commercial districts.

Staff Recommendation

Staff recommend adding a Special Exception use to C-2 General Commercial District for General Contractor and Specialty Contractors with standards to ensure this use fits harmoniously within the retail and service-oriented district. Standards focus on ensuring the use is not used solely for storage but contains a customer- or office-oriented use on site. Also, these standards align the use with the district’s prohibition on outdoor storage.

<p>14-507.3G General contractors’ and specialty contractors’ offices and enclosed storage</p> <ol style="list-style-type: none">1. All activities completely enclosed within a building or buildings.2. Storage shall not occupy more than sixty (60) percent of the total gross square footage of building or, in the case of multiple buildings, of all buildings combined.3. A floor plan and site plan shall be submitted4. Outdoor storage of building materials and equipment is prohibited
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2. Addendum for 4.9.2021 Special Meeting

Researching Equipment Rental in General Commercial (C-2)

One question brought up during the March 30, 2021 meeting related to the “equipment rental” use in General Commercial. The concern was whether this use conflicted with the proposed zoning amendment’s prohibition of outdoor storage of building materials and equipment. It also brought up the need to reconcile the “equipment rental” use with the general prohibition of outdoor storage of any type found in General Commercial (C-2) and Highway Commercial (C-3).

Upon further review of the Zoning Code, while equipment rental is a use in C-2, “heavy equipment” sales and “agricultural supplies and equipment sales and repairs” are uses found in Light Industrial (I-1) and Heavy Industrial (I-2). Highway Commercial (C-3) also has “farm equipment sales and supplies; tractor sales” as a permitted use. Both C-2 (as a special exception) and C-3 (as a permitted use) have “agricultural supply” as a use which seems to be focused on the materials and goods of the trade and not equipment.

Additionally, the “equipment rental” use in C-2 is clustered with business and personal services all of which occur in enclosed spaces. One use, veterinary services” in that cluster specifically notes the use is permitted but indoor only.

These distinctions in the Zoning Code seeks to limit establishments storing heavy equipment outdoors in the industrial areas and highway areas. This distinction aligns with the fact the Zoning Code also currently limits General Contractors and Specialty Contractors to the Industrial Districts. This distinction indicates equipment rental in General Commercial (C-2) refers to smaller equipment perhaps not needing outdoor storage or display.

Consideration of Proposed 14-507.3F for Highway Commercial (C-3)

With the encouragement of the commission, staff reviewed the fit of the proposed amendment for Highway Commercial (C-3). The purpose of the Highways Commercial district is retail and wholesale commercial businesses especially of a regional nature. It seeks to promote the clustering of businesses for transient users (commuters, tourists, or visitors). To support these uses, the code advises the district should only be located on roads no less than a minor arterial classification.

General Commercial (C-2) and Highway Commercial (C-3) share many similarities. Many of the uses in C-2 are permitted uses in C-3. Notable differences include some uses listed as special exceptions in C-2 become permitted uses in C-3 (examples include car lots, auto repair shops, self-storage facilities). Also, there are no housing uses as permitted uses in C-3. And the addition of farm equipment sales and tractor sales that we have noted above as a permitted use. These differences highlight the purpose of the district to support large-scale developments, like shopping centers and office buildings, which serve large numbers of users from the region and the community.

After reviewing the Highway Commercial district, the proposed use and standards would be appropriate within the district as a special exception use. Since most of the building(s) could be devoted to storage of materials and equipment, the special exception designation would allow the BZA to judge whether the use adversely impacts surrounding properties in the area.

The proposed zoning amendment would add this use to Highway Commercial (C-3) as a special exception use:

14-508.3F General contractors' and specialty contractors' offices and enclosed storage

1. All activities completely enclosed within a building or buildings.
2. Storage shall not occupy more than sixty (60) percent of the total gross square footage of building or, in the case of multiple buildings, of all buildings combined.
3. A floor plan and site plan shall be submitted
4. Outdoor storage of building materials and equipment is prohibited

