



**CHEATHAM COUNTY PLANNING COMMISSION
MINUTES FOR JANUARY 5, 2012**

Meeting was called to order at 6:10 p.m. by Vice-Chairman John Werne.

Roll Call*

Members Present: Buddy Wright, Chester Hannah, John F. Werne III, James Atkins, Roger Hamiter, Tom Cullen, Tonnie Trotter and Perry Keenan

Members Absent: Mark Jarrell

Vice-Chairman John Werne declared a quorum present.

Others Present: Brett Smith with Ragan-Smith-Associates, Inc., Cheatham County Attorney Bill Herbert, Building Department Director Chris Atkins, Kerry R. McCarver, 2nd District County Commissioner Rob Myers, Tim Adkins, Jack S. McCanless Jr. and Dan Moore.

After Roll Call, Vice-Chairman John Werne acknowledged the presence of two new members of the Planning Commission, Mr. Chester Hannah and Mr. Roger Hamiter. Mr. Hannah is to fulfill the unexpired term of Mr. Jerry Trosper (who is deceased) and Mr. Hamiter is to take the place of outgoing member Mr. Tony Campbell for a full term. Additionally, Vice-Chairman Werne pointed out that a former member of the Planning Commission, Mr. Jim Schippers, died over the past week. Ms. Trotter asked about sending a condolences card on behalf of the Planning Commission. It was agreed to do so with a statement that it was from the entire Planning Commission. Ms. Trotter volunteered to send it.

Election of New Officers:

Current Chairman, Mr. Tony Campbell, was not reappointed to the Planning Commission.

****Election of New Chairman**

*Initial Motion by Mr. Wright, Second by Mr. Cullen – To Elect Mr. John Werne III as Chairman. Initial motion failed due to Mr. Werne declining the position before a vote because he believed that with his current profession as a local architect he would have too many potential conflicts of interest. He further stated that he did not mind chairing meetings from time to time as vice-chairman in the absence of the chairman, but did not feel comfortable as the actual chairman.

*Second Motion by Member Atkins, Second by Mr. Keenan – To Elect Mr. Mark Jarrell as Chairman. Vice-Chairman Werne asked if Mr. Jarrell had been asked about serving since he is absent from this meeting. Mr. Keenan said yes he was and will accept the position if elected. Roll Call Vote Called for; Voting Yes – Buddy Wright, John F. Werne III, James Atkins, Roger Hamiter, Tom Cullen, Tonnie Trotter and Perry Keenan.

Voting No – None; Voting to Abstain – Chester Hannah; Absent – Mark Jarrell

Mr. Mark Jarrell elected as new Chairman. Due to Mr. Jarrell's absence for this meeting, the newly elected vice-chairman will chair the remainder of this meeting after the election of the new officers is concluded.

Election of New Officers (cont.):

****Election of New Vice-Chairman**

***Motion Made by Mr. Keenan, Second by Ms. Trotter – To Elect Mr. John F. Werne III as Vice-Chairman. Roll Call Vote called for; Voting Yes – Buddy Wright, James Atkins, Roger Hamiter, Tom Cullen, Tonnie Trotter and Perry Keenan.**

**Voting No – None; Voting to Abstain – Chester Hannah & John Werne; Absent – Mark Jarrell
Mr. John Werne elected as new Vice-Chairman. Vice-Chairman Werne continued to chair the remainder of the meeting due to Chairman Jarrell's absence.**

****Election of New Secretary**

***Motion Made by Mr. Wright, Second by Mr. Keenan – To Elect Mr. James Atkins as Secretary. Roll Call Vote called for; Voting Yes – Buddy Wright, Chester Hannah, John F. Werne III, James Atkins, Roger Hamiter, Tom Cullen, Tonnie Trotter and Perry Keenan.**

**Voting No – None; Voting to Abstain – None; Absent – Mark Jarrell
Mr. James Atkins elected as new Secretary.**

Approval of Minutes from Last Meeting and Agenda for this Meeting:

Ms. Trotter asked that one correction to the Minutes for the December 1, 2011 Planning Commission meeting be made. She pointed out that under the Public Forum section in the second from last sentence, Ms. Trosper should be changed to Ms. Trotter.

***Motion made by Mr. Keenan to approve the Minutes for the December 1, 2011 Planning Commission meeting as presented and circulated with the change requested by Ms. Trotter included; second by Mr. Cullen. Voice vote carried unanimously by all members present. Motion Passed and the Minutes for the December 1, 2011 meeting were approved as amended.**

Mr. Brett Smith of Ragan-Smith-Associates asked that discussion of the proposed changes to the buffer standards and establishing a community planning meeting for the Jackson Felts Road/New Hope Road Interstate Exit area be added to the agenda for this meeting.

***Motion made by Mr. Cullen to approve the Agenda for this meeting as presented and circulated except to include under the Other Business section the discussion of the items Mr. Brett Smith requested be added; second by Ms. Trotter. Voice vote carried unanimously by all members present. Motion Passed. The Agenda for this meeting was approved as amended.**

Public Forum – Mr. Dan Moore from Pleasant View spoke. He is purchasing the current Charity Baptist Church property located next door to the property that is the subject of Item #1 on tonight's agenda. He gave the Planning Commission an update of the progress of the purchase and development of the church property into his medical billing business' new location. He said that he will be submitting a final C-PUD master plan to the Planning Commission for approval soon.

Agenda Items To Be Heard:

1. Mr. Jack McCanless, Jr. requesting a Zone Change from R-2 to R-3 for the purpose of possibly constructing a 55 and over age group residential development. Property is located on Jackson Felts Road, Joelton, TN; Map 39, Parcels 40.22, 40.25, 40.26 and 40.27. The total area of all the parcels being considered is approximately 5.90 acres. Property is in the 2nd voting district and is not in a flood area.

Note: This will serve as public notice to all adjoining property owners of the above request:

Item (1) – Dan Moore-Charity Baptist Church, John Shacklett, Claude Wair, Harold & Dorothy Chaffin, Michael & Kimberly Malone, Paul & Faye Dickens, PVVFD, Dwain Myers, Dorothy Mayo, Vanessa Harris, Richard Larue and John & Patricia Brabson

ITEM #1:

Vice-Chairman Werne read the item's description into the record. Mr. Brett Smith of Ragan-Smith-Associates read his planning findings to the Planning Commission. Mr. Smith stated that the applicant is requesting a zone change from R-2 to R-3. This entire Jackson Felts Road corridor is being considered for a change to its entire zoning classifications with planning workshops and community meetings to be scheduled in the near future. The existing Charity Baptist Church property next door received a zone change to C-PUD in order to change its use to a medical billing commercial use with no appreciable changes to the existing site. That change was appropriate with its current infrastructure. Concerning this item, there are no existing R-2 or R-3 zoned properties aside from this one in the area. Higher density residential uses are typical step-down uses from high-density commercial uses though. Even if this type of residential use may be deemed appropriate for this property, some of the other uses permitted by right in R-3 may not be appropriate for the area. Consequently, a Residential Planned Unit Development may be a more appropriate zoning classification until such time as workshops and meetings are held in the area to establish more concrete zoning classifications for the corridor. Any action taken by this body tonight is just a recommendation to the County Commission. Currently, this property's R-2 zoning is surrounded by R-1 zoned properties. Mr. McCanless spoke as the applicant. He said that he lives on the property at this time. He said that his intentions are to ask that this property be rezoned from R-2 to R-3 in order to construct condominiums for the 55 and over age group; for retirees who want to get away from property maintenance. He wants to build 40 units. He stated there currently is public sanitary sewer supplied by the Pleasant View Utility District at the corner of Bearwallow Road and Old Clarksville Pike. He said that if County officials and planners would agree to bring that public sanitary sewer line up to this area, we can build more rooftops so the existing commercial businesses at the Interstate 24 exit of New Hope Road would get more customers. He said there are no apartment complexes in the area. He stated that he bought the property originally to provide his mother and himself a residence like a good son. He said that his mother is now

deceased and the market is primed for him to develop his property. Member Atkins asked how he was going to get the sewer service to the property. Mr. McCanless said that that is up to the County Commission and pointed out that Commissioner Myers was in attendance here tonight. Mr. McCanless said he couldn't run the whole thing. Mr. Keenan asked what size of unit he was planning to build. He said probably one or two bedrooms and whatever size the market will dictate. He said that this would spur growth and help area businesses. Mr. McCanless noted that a local car lot just went out of business. He further stated that there are just not enough residents in the area. Director Atkins asked if he still had his plumbers' license. Mr. McCanless said that he was still a licensed plumber in Davidson County and a State of Tennessee Master Plumber. He said that he had retired his state contractor's license. However, it could be brought out of retirement. Mr. McCanless said he could do the construction work himself. He further stated that he will either develop it as is as R-2 or as R-3 if it is rezoned. He stated that if he developed it as R-2, he would rent them out and move to Pleasant View to keep from paying a fire tax. It was discussed how many units he would build roughly under his current R-2 zoning. Under the R-2 zoning, he would use septic tank systems. Mr. McCanless reiterated the economic needs of the area for more rooftops in the area. He discussed ideas for a swimming pool and clubhouse. Cheatham County Attorney Bill Herbert had a concern for spot zoning being an issue, but, with the Planning Commission looking at rezoning the entire corridor and if an R-3 zoning is consistent with those changes, he believed he could defend a spot zoning claim. It was discussed that some of Mr. McCanless' neighbors may be interested in getting rezoned as well. Mr. McCanless said they were, but wanted him to stick his neck out first. The only neighbor present was Dan Moore who told the Planning Commission he had no objections. Ms. Trotter, Mr. Keenan and Director Atkins stated they had each received one complaint from the same person. That person's concern was not being opposed to a rezone of the property per se, but instead their worry was exactly what Mr. McCanless would be allowed to put there be something the community couldn't live with. That person wanted to see a master plan of what is considered. Ms. Trotter said it was her understanding that no rezones that may be considered spot zoning would be allowed until the community as a whole had meetings to discuss changes to the zonings of the whole area. Mr. Keenan concurred with Ms. Trotter. Mr. Keenan stated that same person contacted him and said they felt uncomfortable attending this meeting to speak or be present because of possible repercussions. Mr. Keenan continued by saying that person wanted to see plans for the community as a whole. Mr. Keenan asked if a comparison between what Mr. McCanless could do with an R-3 zone and an R-PUD could be conducted. Brett Smith stated that if it is zoned R-3, all the inherent land uses of R-3 would be allowed, one of which being mobile home parks. Mr. Keenan asked if more control of its uses be possible with an R-PUD. Mr. Smith responded that that was the rationale on the church property that was rezoned next door and that same rationale would allow such type of control in a residential manner on this subject property. Mr. Cullen asked if Mr. McCanless will go forward with this project with an R-3 zoning without public sanitary sewer available. Mr. McCanless responded that he will develop it one way or the other; either as R-2 or R-3. Director Atkins said that an R-PUD would give Mr. McCanless the flexibility to develop using an

on-site septic system as a "place-card" so to speak until public sanitary sewer is extended to the area. Mr. Smith read the district description for R-3 from the Zoning Ordinance. Mr. Wright asked why Mr. McCanless hadn't considered an R-PUD in the first place. Mr. McCanless stated that he has been waiting over 20 years and wants to develop his property. Mr. Wright said he is more comfortable with an R-PUD than an R-3 and he believes that is probably more in line with the concerns of the neighbor who called. Member Atkins said his problem with a straight R-3 zoning is if Mr. McCanless passes on, his heirs could develop a trailer park under an R-3 zone. Mr. McCanless said that his sister would be executor of his estate and follow his wishes. Mr. Keenan concurred with Member Atkins' sentiments. Mr. Keenan and Mr. McCanless bantered back and forth. Mr. Wright said that he believes that the concept of an R-PUD is the best direction that has been presented tonight. After a five minute recess, Mr. McCanless asked the Planning Commission that his item be tabled. Mr. Wright requested that Mr. McCanless table his request as well. It was determined that if his request is modified at all, it will have to be readvertised. Mr. McCanless' request has been tabled until he decides what direction to take.

Other Business:

Buffer standard changes to the Zoning Ordinance were discussed. It was determined to advertise such changes being considered for a vote at next month's meeting. It was decided to advertise for a public meeting concerning the rezoning of the entire Jackson Felts Road/New Hope Road at Interstate 24 exit area and changes to the zoning classifications themselves. Said meeting will take place at the East Cheatham Elementary School in the cafeteria on Thursday, February 23, 2012 at 6:00 p.m.. The Chamber of Commerce will be notified. It was determined that it will be advertised in all local newspapers twice before the meeting.

Having no further business, ****motion** was made to adjourn by Mr. Keenan; second by Member Atkins. **Voice vote carried unanimously by all members present at the time. Meeting adjourned.**

**JAMES ATKINS – SECRETARY
CHEATHAM COUNTY PLANNING COMMISSION**