



**CHEATHAM COUNTY PLANNING COMMISSION
MINUTES FOR NOVEMBER 1, 2012**

Meeting was called to order at 6:01 p.m. by Chairman Mark Jarrell.

Chairman Jarrell called for the roll to be taken and called the roll.

Members Present: Bobby Hackett, John F. Werne III, James Atkins, Roger Hamiter, Mark Jarrell, Tom Cullen, Tonnie Trotter and Perry Keenan

Members Absent: Chester Hannah

Chairman Jarrell declared a quorum present.

Others Present: Cheatham County Building Director Chris Atkins, Cheatham County Planner Brett Smith, Charles Binkley, Houston Binkley, James Jenkins, County Commissioners John Haines, Dale McCarver, Doris Sanders and Donnie Jordan

Approval of Minutes and Agenda:

Chairman Jarrell stated that everyone should have received their meeting packets and a copy of the minutes for the October 4, 2012 Planning Commission meeting. He asked if there were any comments or corrections. Hearing none, Chairman Jarrell asked if there was a motion for approval of said minutes. ****Motion**** made by Mr. Hamiter to approve the Minutes for the October 4, 2012 Planning Commission meeting as presented and circulated; second by Mr. Werne. Roll Call Vote Taken. Voting Yes – Bobby Hackett, John F. Werne III, James Atkins, Roger Hamiter, Mark Jarrell, Tom Cullen, Tonnie Trotter and Perry Keenan; Voting No – None; Absent – Chester Hannah. Motion Passed; October 4, 2012 Planning Commission Meeting Minutes Approved as Presented and Circulated.

Chairman Jarrell stated that the agenda for this meeting has been presented and circulated and asked if there were any changes. Chairman Jarrell acknowledged the presence of several County Commissioners and asked of them if they had any issues to discuss. They responded they wished to discuss the changes to the advertising requirements for meetings and their items. Building Director Atkins stated that the agenda for this meeting was established a month ago and it was too late to get the item onto the advertised agenda, but it was possible to add it to the agenda as other business for discussion purposes only. ****Motion**** made by Mr. Cullen to approve the Agenda for tonight's meeting as presented and circulated with the addition of discussion of the advertising requirements for called meetings to the Other Business Portion of the Meeting; second by Ms. Trotter. Roll Call Vote Taken. Voting Yes – Bobby Hackett, John F. Werne III, James Atkins, Roger Hamiter, Mark Jarrell, Tom Cullen, Tonnie Trotter and Perry Keenan; Voting No – None; Absent – Chester Hannah. Motion Passed; Agenda for tonight's meeting approved as presented and circulated with the addition

of discussion of the advertising requirements for called meetings to the Other Business Portion of the Meeting.

Public Forum

Chairman Jarrell opened the floor up to the public for any subject not on tonight's agenda. Cheatham County Commission Chairman John Haines spoke to discuss TDOT's imminent realignment and enlargement of the intersection of State Highway 49 and Old Clarksville Pike. Discussion was had by all concerning it's affect on the adjoining properties and possible changes. It was determined that the Building Department would contact the County Mayor's office and TDOT about the current plans for the intersection. Chairman Jarrell closed Public Forum at 6:24 p.m..

Agenda Item To Be Heard:

1. Mr. Charles Binkley requesting a Zone Change from Agriculture to R-1 to divide one acre out of an existing parcel and rezone that one acre to R-1 to allow the applicant's son to construct a new stick-built dwelling upon it. Property is located at 1228 Mt. Zion Road, Joelton, TN; Map 24, Parcel 38; consisting of 6.2 acres. Property is in the 2nd voting district and is not in a flood area.

ITEM #1: Chairman Jarrell read the item into the record. Planner Brett Smith presented his comments. Brett Smith stated that because of no other properties of similar proposed zoning anywhere near this property and no plans for utility, roadway or overall land use changes for the area, this would be a strict spot-zone. Building Director Atkins concurred that such is a spot-zone. Chairman Jarrell asked the applicant to speak and the applicant restated his intention as advertized. Chairman Jarrell asked if there were other options for the applicant to accommodate his request. Planner Brett Smith stated that if the parcel was divided into two 3-plus acre parcels, both would have to be rezoned to E-1, which would be spot-zoning as well. Mr. Cullen summarized the dilemma of the applicant and sympathized. Brett Smith stated that such a spot-zone with no existing R-1 or E-1 zones anywhere near the property would probably be indefensible in a court of law. Discussion was had concerning how much of the 6.2 acres would be lost when the surveyor backed out the portion of the deeded property which is now the Cheatham County right-of-way of Mt. Zion Road and it's effect if the applicant would have enough for even a possible E-1 rezone request. Mr. Keenan summarized spot-zoning problems. Building Director Atkins asked the applicant if he wished to table this request to see what his options would be based upon a more detailed examination of his boundaries by his surveyor. Chairman Jarrell expressed his desire to help the applicant help his son if possible. The applicant stated he has other children and if he gives this son 3 acres, he won't have anymore property to give the other children so dividing the land up into two 3 acres parcels is not an option. Mr. Hamiter asked when the last spot-zone was recommended by this board. Chairman Jarrell responded none since he has been on this board. Mr. Werne expressed concern of setting a wrong precedent if a spot-zone is approved. ****Motion** made by Mr.**

Werne to recommend denial of the zone change request as presented to the County Commission; second by Mr. Cullen. Mr. Cullen stated that, by his calculations, approximately three tenths of an acre would be lost to Mt. Zion Road's right-of-way. Brett Smith asked if the applicant purchasing more property adjacent to his property was an option. The applicant stated the adjoining property is owned by their grandfather. The applicant stated further that his son might be able to buy some of the adjoining land and combine it with some of the 6.2 acres and be compliant. The applicant was told the process to develop a final plat or deed to accomplish such. The applicant said that it is their grandfather's intention to split up the property within the coming year. Brett Smith stated if he purchased enough extra property to have 2 – 4 acre parcels with sufficient road frontage, he would not require a zone change at all. The applicant stated he wished to table his request now. **Mr. Werne withdrew his motion; Mr. Cullen concurred.** Building Director Atkins summarized the process from this point to the applicant. ****Motion** made by Chairman Jarrell to table this zone change request indefinitely; second by Mr. Hackett.** The applicant stated he would have his surveyor talk to Building Director Atkins soon. **Roll Call vote taken by Chairman Jarrell. Voting Yes – Bobby Hackett, John F. Werne III, James Atkins, Roger Hamiter, Mark Jarrell, Tom Cullen, Tonnie Trotter and Perry Keenan; Voting No – None; Absent – Chester Hannah. Motion Passed; Zone Change Request Tabled.**

Other Business:

Continuing education was discussed. It was determined that Building Director Atkins would coordinate with the Board of Zoning Appeals about a common date for one, four hour session. Discussion was had between the Planning Commission members and the County Commission members present in the audience concerning the recent zone change votes by the respective commissions.

Discussion was had concerning notification requirements for zone change and land use change items involving the Planning Commission and Board of Zoning Appeals. County Commissioner Donnie Jordan presented his case for requiring certified letters be sent to the surrounding property owner to such items. He stated that such a requirement would alleviate debate with surrounding property owners to such items concerning not being notified of such changes. He stated that the cost of such certified letter should be borne by the applicant. He stated that certified letters would be in addition to the notification sign and newspaper advertisements already being performed. He stated they, as County Commissioners, realize they have jurisdiction to require such on Board of Zoning Appeals items, but not on Planning Commission items. He concluded by saying they wished the Planning Commission would mirror such requirements upon it's items for consideration as well. Brett Smith summarized his experience concerning notification requirements in other cities and counties. Discussion was had concerning the logistics and problems of such new requirements. Mr. Werne asked Building Director Atkins to get with the County Attorney and draft a resolution for consideration by this board. Building Director Atkins stated that the current proposed resolution for the notification requirement changes for the Board of Zoning Appeals has already been drafted and would

come before the Planning Commission next month, but any such change for the Planning Commission would need to be drafted as requested. Further discussion was had concerning determining that the Building Department would need to handle the certified letters for the applicant and charge the applicant accordingly.

Having no further business, ****motion**** was made to adjourn the meeting by Mr. Werne; second by Chairman Jarrell. Voice vote carried unanimously by all present.

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