



**CHEATHAM COUNTY PLANNING COMMISSION  
MINUTES FOR DECEMBER 6, 2012**

Meeting was called to order at 6:00 p.m. by Chairman Mark Jarrell.

Chairman Jarrell called the roll of members.

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

Members Absent: Tonnie Trotter

Chairman Jarrell declared a quorum present.

Others Present: Cheatham County Attorney Alan Johnson, Cheatham County Building Department Director Chris Atkins, Cheatham County Planner Brett Smith, Josh Bracey, Jennifer Bracey, Donna Moore, Billy Moore, Jo Ann Mayo, Sonny Mayo, James Jenkins, Josh Lyon, James Rice, Sarah Rice, Cheatham County Commissioners Donnie Jordan, Dale McCarver, John Haines, Doris Sanders and Walter Weakley

**Approval of Minutes and Agenda:**

Chairman Jarrell stated that everyone should have a copy of the minutes for the November 1, 2012 Planning Commission meeting. He asked if there were any proposed changes. Hearing none, he asked if there was a motion to approve the minutes. \*\*Motion made by Mr.

Keenan to approve the minutes for the November 1, 2012 Planning Commission meeting as presented and circulated; second by Mr. Hackett. Roll Call vote taken; Voting Yes – Bobby Hackett, Chester Hannah, John F. Werne III, James Atkins, Roger Hamiter, Mark Jarrell, Tom Cullen and Perry Keenan; Voting No – None; Absent – Tonnie Trotter; Motion Passed 8 yes, 0 no, 1 absent – Minutes for the November 1, 2012 Planning Commission meeting approved as presented and circulated.

Chairman Jarrell stated that everyone should have a copy of the agenda for this meeting. He asked if there were any amendments to the agenda for this meeting. Planner Brett Smith asked that discussion of the new state requirement for Planning Commission members to file disclosure statements with the State Bureau of Ethics and Finance be added to the Other Business section of the meeting. Building Director Atkins asked that discussion of scheduling the continuing education class for all Planning Commission and Board of Zoning Appeals members be added to the Other Business section of the meeting. Chairman Jarrell agreed and asked if there was a motion to approve the agenda as amended. \*\*Motion made by Mr. Keenan to approve the agenda for this meeting as presented and circulated except to add discussion of Planning Commission members submitting disclosure statements to the state and the upcoming continuing education class under the Other Business section of this meeting; second by Mr. Cullen. Roll Call vote taken; Voting Yes – Bobby Hackett, Chester Hannah, John F. Werne III, James Atkins, Roger Hamiter, Mark Jarrell, Tom Cullen and Perry

Keenan; Voting No – None; Absent – Tonnie Trotter; Motion Passed 8 yes, 0 no, 1 absent – Agenda for this meeting approved as amended.

**Agenda Items To Be Heard:**

1. Ms. Jo Ann Mayo requesting a Site Plan Review and Approval to place 3 mini-storage warehouse buildings for commercial storage in a C-2 zone. Property is located at 1926 Bearwallow Road on the Bandy Road side of the property, Ashland City, TN; map 50, parcel 27.00. Property is in the 2<sup>nd</sup> voting district and is not in a flood area.
2. Mr. and Mrs. Josh and Jennifer Bracey requesting a zone change from R-1 to Agriculture to allow farm animals. Property is located at 2387 Bearwallow Road, Ashland City, TN; map 41, parcel 59.04 consisting of 6.7 acres. Property is in the 2<sup>nd</sup> voting district and is not in a flood area.
3. Consideration of an amendment to Section 8.050 (D) (2) of the Cheatham County Zoning Resolution that would require certified letters be sent to certain surrounding property owners of a subject property regarding notification of items to be heard by the Cheatham County Board of Zoning Appeals. This is in regards to Resolution #12, dated October 15, 2012, titled "To approve as amended a resolution to submit to the Cheatham County Planning Commission on proposed changes to the Cheatham County Zoning Resolution regarding notice requirements for action taken by the Cheatham County Board of Zoning Appeals."

**PUBLIC FORUM:** Chairman Jarrell opened the floor for Public Forum at 6:06 p.m.. Cheatham County Commissioner Dale McCarver spoke to ask if the certified letter notification amendment was on tonight's agenda. Building Director Atkins stated that it was on tonight's agenda in regards to the Board of Zoning Appeals' advertising changes. Hearing no other comments from the public, Chairman Jarrell asked if there was a motion to close the public forum. **\*\*Motion made by Mr. Keenan to close the public forum; second by Member Atkins; Voice Vote Taken; Approved unanimously by all members present; Public Forum closed at 6:07 p.m..**

**ITEM #1:** Chairman Jarrell read the item into the record. Planner Brett Smith read his planning review into the record (see attached document in the meeting file). He stated that this proposed design is much better from a planning and engineering viewpoint than the initial design that was submitted for review. Chairman Jarrell asked if there was anyone who wished to speak on this item. Josh Lyon, engineer for the applicant, spoke. He asked whether the perimeter fencing was to be solid plank fencing or chain-link or something similar relating to the meaning of solid fencing in the resolution. Building Director Atkins responded that, in reading the resolution, the issue of the fencing is in the context of security and not privacy; the buffer screening addresses privacy with the fencing addressing security issues. Continuing, he stated that such would mean for a fence to be solid, it would be one that effectively prevents access to the site, as a chain-link fence with a barb-wire top treatment would provide. Brett Smith stated that such is what is provided for on this revised set of plans. Mr. Werne asked if the lighting provided was cut-off lighting and Mr. Lyons responded that it was except at the

security gate. Discussion was had concerning the site's identification sign. Mr. Cullen asked if it was possible for a tractor trailer to enter the site. Mr. Lyons responded that he provided the required width between buildings per the zoning resolution. Chairman Jarrell asked if a fire truck could access the site. Building Director Atkins responded that the minimum fire access width is 20' per the IFC and the width provided between buildings is 25' for this site. Mr. Werne added that a fire truck would sit out front and use the proposed fire hydrant during a fire event anyway. Building Director Atkins agreed. Mr. Keenan expressed safety concerns over turning into the site based on the location of the entrance along Bandy Road. Mr. Hackett asked if this site has a security gate with a keypad. He was told yes. Discussion was had concerning traffic issues due to vehicle stacking at the entrance. It was determined that the 37' depth of entrance to the security gate could easily handle two vehicles. Mr. Keenan explained his concern was due to this entrance being on a main thoroughfare and not at the end of a cul-de-sac. Discussion was had concerning placing a second entrance off Bearwallow Road or having the only entrance off Bearwallow Road. It was determined that the zoning resolution allows for only one entrance for a mini-storage facility and Bearwallow Road has greater traffic concerns than Bandy Road. Discussion was had concerning moving the entrance to the northwest corner of the site. Building Director Atkins and Brett Smith asked Mr. Lyons about site distance changes by moving the entrance below the crest of the rise on Bandy Road. It was determined that such would be no more than a 2' change and would still allow for adequate vertical site distance. It was determined that doing so would not create conflicting turning movements with the road across Bandy Road. **\*\*Motion made by Mr. Werne to approve the site plan as presented with the stipulations that the ingress/egress entrance along Bandy Road be relocated to the north corner of the property, the property be subdivided by final plat and recorded prior to the issuance of a building permit, the proposed 5" and 3" buffer trees be placed along Bandy Road, shift the proposed fire hydrant to match the shift of the ingress/egress entrance for access by fire personnel and add a 10' turn radius for the new ingress/egress location; second by Mr. Hackett; Roll Call Vote Taken; Voting Yes – Bobby Hackett, Chester Hannah, John F. Werne III, James Atkins, Roger Hamiter, Tom Cullen and Mark Jarrell; Voting No – Perry Keenan; Absent – Tonnie Trotter; Motion Passed 7 yes, 1 no, 1 absent – Site Plan approved as amended.**

**ITEM #2:** Chairman Jarrell read the item into the record. Planner Brett Smith read his planning review into the record (see the attached document in the meeting file). Discussion of the surrounding zone classifications was had and concerns of spot zoning were discussed with a change to an Agricultural zone. Mr. Werne asked the applicant what type of farm animals they wished to have on the subject property. He was told goats. James and Sarah Rice were allowed to speak by Chairman Jarrell. Mr. Rice spoke to say that he and his wife live on the corner of Bearwallow Road and Peter Pond Road next to this property. They expressed concern that the close proximity of the common property line to their driveway and home would impact their use of their property if goats were put on the subject property. They presented a petition from neighbors opposing the rezone application (see the attached copy in the meeting file). Brett Smith stated that any such action by this board is just a recommendation to the County

Commission. Discussion was had concerning different types of animal husbandry or fostering that was allowable. Discussion was had concerning what the applicant could do with the property. Discussion was had concerning the residential development potential of the property with it's R-1 zone classification. Discussion was had concerning if an Estate zone classification would be appropriate and if a goat could be considered a pet and not livestock. Mr. Cullen stated that he believed kennels would be permitted in E-1 zone classifications. The applicant was asked if they wished to withdraw their application or follow through. The applicant chose to follow through at this time and not withdraw. **\*\*Motion was made by Mr. Werne to recommend denial of the proposed zone change from R-1 to Agriculture to the Cheatham County Commission; second by Mr. Hannah; Roll Call Vote Taken; Voting Yes – Bobby Hackett, Chester Hannah, John F. Werne III, James Atkins, Roger Hamiter, Tom Cullen and Perry Keenan; Voting No – Mark Jarrell; Absent – Tonnie Trotter; Motion Passed – Recommended Denial of the Proposed Zone Change to the Cheatham County Commission**

**ITEM #3:** Chairman Jarrell read the item into the record. Building Director Atkins stated that what is before this board is to consider whether or not to recommend approval of the presented notification change to be imposed upon the Board of Zoning Appeals to the County Commission; then consider if any such similar changes should be imposed upon this board. County Commissioner Donnie Jordan explained the causes for needing this amendment to require certified letters be sent to surrounding property owners. Mr. Jordan stated that such an amendment would fully satisfy notification responsibilities the County Commission believes is in keeping with dealing in good faith with surrounding neighbors and minimizing confusion. Discussion was had concerning the history of certified letter notification of the Building Department. Mr. Cullen asked if the current notification requirements would remain. He was told yes. Building Director Atkins stated that the County Commission had authority to impose these restrictions upon the Board of Zoning Appeals, but not the Planning Commission. County Attorney Alan Johnson verified such and said that it is the responsibility of the Planning Commission to recommend or not any such amendment to the Zoning Resolution to the County Commission. Discussion was had concerning extra fees to be charged, the extra workload burden to be imposed upon the Building Department by such a change and any legal ramifications pro or con. Member Atkins expressed concern that this amendment would not solve the notification problem. Discussion was had as to the pros and cons of sending letters by regular mail as administrative policy as opposed to a legal requirement to send letters by certified mail. **It was discussed between Building Director Atkins and County Attorney Alan Johnson about adding the following to the amended text as presented: on the second line, after "herein," insert the following: "require the Cheatham County Building Department to make every reasonable effort to". \*\*Motion made by Mr. Keenan to recommend approval of the amendment to Section 8.050 (D) (2) of the Cheatham County Zoning Resolution as presented and circulated except to add the extra language as recommended by Building Director Atkins and County Attorney Alan Johnson to the Cheatham County Commission; second by Mr. Hackett; Roll Call Vote Taken; Voting Yes – Bobby Hackett, Chester Hannah,**

John F. Werne III, James Atkins, Roger Hamiter, Tom Cullen, Perry Keenan and Mark Jarrell; Voting No – None; Absent – Tonnie Trotter; Motion Passed – amendment with the additional language recommended for approval to the Cheatham County Commission.

**OTHER BUSINESS:**

Discussion was had concerning imposing the same certified mail notification requirements upon the Planning Commission. **\*\*Motion made by Mr. Werne to implement the same certified mail notification rules upon the Planning Commission as what was recommended to the Cheatham County Commission be imposed on the Board of Zoning Appeals earlier; second by Mr. Cullen; Roll Call Vote Taken; Voting Yes – Bobby Hackett, Chester Hannah, John F. Werne III, James Atkins, Roger Hamiter, Tom Cullen, Perry Keenan and Mark Jarrell; Voting No – None; Absent – Tonnie Trotter; Motion Passed – Same Rules Approved (Change not advertised so it may be invalid.)**

Continuing education scheduled for December 18, 2012 at 5:30 p.m. for both the Planning Commission and Board of Zoning Appeals.

Discussion was had about the filing of disclosure statements with the State by all Planning Commission members. Building Director Atkins reminded all members to submit them directly to the state or to him to turn in to the state by January 31, 2013.

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

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