



**CHEATHAM COUNTY PLANNING COMMISSION
MINUTES FOR MAY 2, 2013**

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

Chairman Jarrell called the roll of members.

Members Present: Roger Hamiter, Chester Hannah, Tom Cullen, Mark Jarrell, John F. Werne III, Tonnie Trotter, David Bibee, James Atkins and Perry Keenan

Members Absent: None

Chairman Jarrell declared a quorum present.

Others Present: Building Director Chris Atkins, Planner Brett Smith, Cheatham County Attorney Michael Bligh, Vernon Weakley, Charley Hooks, Steve Denny, Shayne Bell and five others who failed to sign the sign-in sheet

Approval of Minutes and Agenda:

Chairman Jarrell stated that everyone should have a copy of the minutes circulated for the January 3, 2013 Planning Commission meeting. He asked if there were any proposed changes. Hearing no changes proposed, Chairman Jarrell asked if there was a motion to approve the minutes as is. ****Motion**** made by Mr. Keenan to approve the minutes for the January 3, 2013 Planning Commission meeting as presented and circulated; second by Mr. Cullen. Voice Vote Taken; Motion carried unanimously by all members present; Motion Passed; Minutes for the January 3, 2013 Planning Commission meeting approved as presented and circulated.

Chairman Jarrell stated that everyone should have a copy of the circulated agenda for this meeting. He asked if there were any changes to the agenda for this meeting. Hearing none, he asked if there was a motion to approve the agenda for this meeting as presented and circulated. ****Motion**** made by Mr. Cullen to approve the agenda for this meeting as presented and circulated; second by Ms. Trotter. Voice Vote Taken; Motion carried unanimously by all members present; Motion Passed; Agenda for this meeting approved as presented and circulated.

Agenda Item To Be Heard:

1. Weakley Brothers Engineering, representing Community Bank and Trust, Johnnie R. Mitchell and Massmark Companies, requesting Zone Changes and modifications to the approved Residential Planned Unit Development (R-PUD) for the Maple Hills Subdivision. Tract 1, owned by Massmark Companies, is requesting to be removed from the approved R-PUD and rezoned from R-PUD to Agriculture. Tract 3, owned by Mr. Johnnie R. Mitchell, is requesting to be removed from the approved R-PUD and rezoned

from R-PUD to Agriculture. A portion of Tract 2, owned by Community Bank and Trust, is requesting to be removed from the approved R-PUD and rezoned from R-PUD to Agriculture; leaving the remaining portion of Tract 2 with the infrastructure already completed in the R-PUD as presented. Properties are located on Norman Harris Rd., Ashland City, TN, map 26 and parcels 17.00, 17.05 and 17.06. Properties are in the 3rd voting district and are not in a flood area.

PUBLIC FORUM: Chairman Jarrell opened the floor for Public Forum at 6:03 p.m.. There being no one to speak, Chairman Jarrell closed Public Forum at 6:03 p.m..

ITEM #1: Chairman Jarrell read the item as advertised into the record. Planner Brett Smith read his planning review and comments into the record as per his hand-out to the members (see hand-out in meeting file). Planner Smith stated a concern he had was the final condition to which the four existing stub streets would be left and the location of the final boundary of the R-PUD associated with such. Planner Smith pointed out a contradiction in the subdivision regulations regarding the extension of stub streets and permanent/temporary turnarounds between 4-106.7(1) and 4-105.3(8). He summarized the contradiction as applied to this item by saying that 4-106.7(1) is in regards to stub streets in a phased overall development, but 4-105.3(8) is in regards to stub streets at the end of a development with consideration for the future development of adjacent tracts of land. Planner Smith then presented the project via a Power Point presentation with pictures depicting the existing condition and extents of the development. Discussion was had concerning the original number of lots proposed for the development. Discussion was had concerning the original density proposed for the development. Mr. Weakley, representing the owners, stated that the revised R-PUD will have roughly the same lot density as originally proposed. Mr. Werne expressed concern over it appearing that the lot density for the revised R-PUD will be higher than originally proposed. Member Atkins made comments about the amount of open space proposed now versus the original. Discussion was had to establish what the lot density was originally compared to what is now being proposed for the revised R-PUD. Chairman Jarrell acknowledged members of the public who had come in after the meeting started and asked if they wished to speak on this item. One of them spoke, she failed to identify herself, to say she was confused as to exactly what is being discussed. Building Director Atkins explained that this item is basically a situation where the owners of the rest of the development's unplatted properties are requesting to have the development's overall extents diminished and the current discussion is in regards to determining if the proposed lot density is proper. Discussion continued concerning establishing the lot density. Mr. Weakley spoke again to say part of the confusion is caused by the lot numbers on the recorded final plat for the existing Section 1 were cut off out of sequence to match the rest of the future lots in the portion where the infrastructure has been built, but not platted; meaning the total lots being considered for the existing Section 1 and finishing out the R-PUD to the existing infrastructure limits is a total of 122 lots. Discussion was had again to establish the proposed density originally and as revised. A member of the public asked if the

average size of the proposed lots will stay the same as currently in Section 1; Mr. Weakley responded yes. Planner Smith stated that if this development was a straight zone it would be an R-2 and that this body may revise the R-PUD as it sees fit. Building Department Director Atkins and Planner Smith expressed reservations concerning changing the entire development to an R-2 zone instead of leaving it an R-PUD due to the development conditions that already exist such as open space, restrictions, set-backs, etc., which is why this revised scenario has been presented before this board. Mr. Werne expressed concern over the existing homeowners' access to open space. More discussion was had on lot size. Mr. Weakley stated that the proposed lot sizes will stay the same. Mr. Atkins responded to Mr. Werne to say that he required Community Bank and Trust to send a certified letter to all the home and land owners in the existing platted Section 1 of the hearing of this item. Planner Smith stated that the proposal reflects maintaining the existing lot size. Mr. Cullen asked how many lots have been sold and built on in the existing Section 1. Mr. Weakley stated that out of 61 total lots in Section 1, 50 have been sold to private individuals and builders. Mr. Keenan discussed how to break this item out for voting purposes. ****Motion** was made by Mr. Keenan to recommend approval of removing Tract One, owned by Massmark Companies, from the approved R-PUD and rezoning it from R-PUD to Agriculture to the Cheatham County Commission for consideration.** Mr. Hamiter asked one of the audience members if she bought out there based upon the amount of proposed green space. She answered basically yes and no. Mr. Keenan responded to her to say that her concern is basically will the open space to be provided be enough and that he believed, in his opinion, it would considering all the land beyond would be rezoned to Agriculture and be left open in combination with the development's open space. Mr. Weakley stated that none of the proposed lots to abut the proposed Agriculture land have been legally created, platted or sold yet. Discussion was had concerning final ownership and maintenance of the open space. Discussion was had on how to define the proposed limits of the R-PUD on Tract 2 to make it more visible and clear. Explanation of the stub road and turnaround issues for the new R-PUD limits was made by Planner Smith. Mr. Weakley stated that the person interested in purchasing the rest of Tract 2 wishes them to be treated just like normal stub streets because he may decide to expand the subdivision in the future yet to be determined. Discussion was had about emergency vehicle access with turnarounds. Discussion was had concerning the sub regs' contradictions in regards to turnarounds, the R-PUD's boundaries and how to move forward with a vote or votes. **Mr. Keenan reiterated the need to have three separate motions and restated his original motion **Second to Motion** by Chairman Jarrell.** Mr. Hannah expressed concern over the effect on the tax rolls by down-zoning to Agriculture. Mr. Weakley expressed legal problems with Agriculture uses in an R-PUD zone. Mr. Hamiter asked if there was any recourse from the homeowners concerning lot density and open space changes. Mr. Weakley pointed out that there will be 13 acres of open space as revised now. Mr. Bligh stated that he did not know if the homeowners would have standing to enjoin such. **Roll Call Vote taken by Chairman Jarrell; Voting Yes – David Bibee, James Atkins, Roger Hamiter, Mark Jarrell, Tom Cullen, Tonnie Trotter and Perry Keenan; Voting No – Chester Hannah and John F. Werne III; Absent – None; 7 – Yes, 2 – No, 0 – Absent;**

Motion Passed; Recommended Approval to the Cheatham County Commission for Tract One.

****Motion** made by Mr. Keenan to recommend approval of removing Tract Three, owned by Mr. Johnnie R. Mitchell, from the approved R-PUD and rezoning it from R-PUD to Agriculture to the Cheatham County Commission for consideration; second by Mr. Jarrell; Roll Call Vote taken by Chairman Jarrell; Voting Yes – David Bibee, James Atkins, Roger Hamiter, Mark Jarrell, Tom Cullen, Tonnie Trotter and Perry Keenan; Voting No – Chester Hannah and John F. Werne III; Absent – None; 7 – Yes, 2 – No, 0 – Absent; Motion Passed; Recommended Approval to the Cheatham County Commission for Tract Three.**

Discussion was had concerning the difference between a cul-de-sac and a turnaround and providing emergency vehicle access. Mr. Weakley, representing the applicant, requested the Planning Commission defer action on Tract Two for 30 days (to next month's Planning Commission meeting) to allow him to provide a plan to the Planning Commission of how to address the stub streets/turnarounds/cul-de-sac issues in Tract Two. The board had no issue with such.

OTHER BUSINESS: NONE

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

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