



**CHEATHAM COUNTY PLANNING COMMISSION
MINUTES FOR AUGUST 4, 2016**

Meeting was called to order at 6:03 p.m. by Chairperson Mark Jarrell.

Chairperson Mark Jarrell called for the roll to be taken and called the roll.

Members Present: Roger Hamiter, Chester Hannah, Mark Jarrell, John F. Werne, David Bibee, Chris Atkins

Members Absent: Brian McCain, Paula Shaw, Jordon Tupper

Chairperson Mark Jarrell declared a quorum present.

Others Present: Cheatham County Building Commissioner Franklin Wilkinson, Cheatham County Attorney Michael Bligh, Cheatham County Planner Rick Gregory, Gene Evans, Shanon Pickard, Diana Lovell, Katelyn Busby, Chris Orange, Jackie Stephens, Vance Mayo, Mary Ann Mayo, Marvin Wright, Betty Davidson, Debra Durham, Ann Jerreau, Jim Harp, Sue Harp, Helena Pauley, Paul Cummings, Valerie Cummings, Donetta Hedges, Susan Dietsch, Debra York, Dawson Carroll, Judy Vick, Shanon Pearson, Cheryl Medley, Shanon Pritchett, Willie Pritchett, David C Risner, John Pendelton, Amy Pendelton, Kyle Pritchett, Gerald Rose, Vickie Rose, Joann Mayo, Dean Neal, Murry Neal, Wendell Binkley, Kim Binkley

Approval of Minutes and Agenda:

Chairperson Mark Jarrell stated that everyone should have received their meeting packets and a copy of the minutes from the July 7, 2016 Planning Commission meeting. He asked if there were any comments or corrections. John Werne made a ****MOTION**** to correct the minutes from July 7, 2016 regarding ITEM #2 on page 3 by changing the first word of the first sentence on page 3 from "withdraw" to "table" to more accurately reflect the intent of the Commission; second by Roger Hamiter. Motion to amend the minutes passed by roll call vote. Roger Hamiter - yes, Chester Hannah - yes, Mark Jarrell - yes, John F. Werne - yes, David Bibee - yes.

Chairperson Mark Jarrell asked for a motion to approve the minutes from the July 7, 2016 Planning Commission meeting with amendments. ****MOTION**** made by John Werne to approve the minutes as presented with noted amendments; second by Roger Hamiter.

Chairperson Mark Jarrell called for a voice vote. The motion to approve the minutes passed by a unanimous "aye" voice vote.

Chairperson Mark Jarrell stated that the agenda for this meeting has been presented and circulated and asked if there were any corrections or changes. ****MOTION**** made by John Werne to add as ITEM #4 the rezone request from Agriculture to R1 by Betty Davidson as tabled from the Planning Commission meeting on July 7, 2016; second by Chester Hannah. The motion to approve the agenda as amended passed by roll call vote. Roger Hamiter - yes, Chester Hannah - yes, Mark Jarrell - yes, John F. Werne - yes, David Bibee - yes.

Chairperson Mark Jarrell opened the floor for Public Forum at 6:04 PM. Marvin Wright addressed the Commission and stated that he is requesting that the rezone application from Betty Davidson to rezone property from Agriculture to R1 as tabled from the Planning Commission on July 7, 2016 be heard at tonight's meeting. After further discussion Chairperson Mark Jarrell declared Public Forum closed at 6:10 PM.

ITEM #1

Chairperson Mark Jarrell read Item #1 into the record. Donetta Hedges, representing Creative Industries, requesting a Zone Change from C-5 Neighborhood Commercial, Mixed Use district to C-1 General Commercial district. Properties are located on Hwy 41-A, Pleasant View TN; Map 23 Parcels 59, 60, 60.01, 60.02 and 79. Properties are in the 3rd voting district and are not in a Special Flood Hazard area. Rick Gregory presented staff comments. Analysis – This is a request for rezoning several parcels to C-1. Other properties adjoining this property are currently zoned C-5, C-1 and C-2. Other requests have been made and approved in the recent past to rezone properties in the immediate area to C-1 zoning. If it is the case that the planning commission and county commission desire this trend to continue, then this request fits with those requests and could be considered a continuation of that rezoning trend. Recommendation – Approval of the request to rezone the property C-1 if it is seen as a continuation of recent rezoning requests. Donetta Hedges stated that this request is basically an extension of similar requests to other properties in the area. After further discussion a ****MOTION**** to approve the rezone request from C5 to C1 was made by John Werne; second by David Bibee. The motion passed by roll call vote. Roger Hamiter - yes, Chester Hannah - yes, Mark Jarrell - yes, John F. Werne - yes, David Bibee – yes, Chris Atkins – abstain.

ITEM #2

Chairperson Mark Jarrell read Item #2 into the record. Amy and John Pendleton, requesting a Zone Change from Agriculture district to R-2 Medium Density Residential district for the purpose of constructing a duplex. Property is located at 3669 Sweet Home Rd., Ashland City, TN; map 26 parcel 4 and consisting of 10 acres. Property is in the 4th voting district and is not in a Special Flood Hazard area. Rick Gregory addressed the Commission and presented staff comments. Analysis – This is a request for rezoning approximately 10 acres from Agriculture district to R-2 Medium Density Residential district. This property is bordered on the north and east by R-2 zoned property and would create a logical extension of the R-2 district. Recommendation – Approval. John Pendleton addressed the Commission and stated that he concurs with the staff review. A ****MOTION**** to rezone was made by John Werne; second by Chris Atkins. The motion passed by roll call vote. Roger Hamiter - yes, Chester Hannah - yes, Mark Jarrell - yes, John F. Werne - yes, David Bibee – yes, Chris Atkins – yes.

ITEM #3

Chairperson Mark Jarrell read Item #2 into the record. Vance Mayo, requesting a Zone Change from E-1 Estate Residential district to Agriculture district for the use and operation of a small scale saw mill. Property is located at 1027 George Boyd Rd., Ashland City, TN; map 42 parcel

36 and consisting of 51 acres. Property is in the 2nd voting district and is not in a Special Flood Hazard area. Rick Gregory addressed the Commission and presented staff comments. Analysis – This is a request for rezoning approximately 51 acres from E-1 Estate Residential district to Agriculture district. This property is bordered on the north by Agriculture zoned property. The property has an irregular shape and while the northern boundary abuts Agriculture zoned property, most of the property is surrounded by several parcels zoned E-1. Granting this request and changing the zoning to Agriculture would create an irregularly shaped extension of a different zoning district into an existing E-1 district. This requested zoning change would not appear to be in keeping with the character of the area. Recommendation – Disapproval. Chris Orange addressed the Commission and presented a petition of residents in favor of the sawmill. Vance Mayo addressed the Commission and stated that the reason we are here today is because we went down to Mr. Wilkinson's office. Kathy Reed and Mr. Wilkinson were there and I was told I could get a permit for a sawmill. They said you don't even need a permit just go out there and put it up. I said I would like a permit for the building and they said you don't even really need one for that. I did get a permit for the building for the sawmill and they knew it was for the sawmill. The sawmill was ordered. Then about six weeks later Mr. Wilkinson calls my wife at 6:30 in the morning, she was still in the bed and he wants to talk to me. I had already left the house. He wants to talk to me because he had been to one of the County Commission meetings and there was a girl opposing the sawmill. He tells me not to buy anything else. I told him my sawmill is already coming. I have already ordered it. I said I'll need a building to put it in because it is electric. He said go ahead and build your building. The exact words he said. So here we are in this spot today and I have spent over \$200,000.00. John Werne stated that what is before us tonight is the rezone request and not approval of a sawmill. Jim Harp addressed the Commission and presented an exhibit and distributed it to the Commission members. He stated that he understands the request tonight is for a rezoning request but the purpose is to permit a sawmill operation. There are some issues concerning George Boyd Rd. Heavy truck traffic, inadequate roadway, the fact that agricultural vehicles carrying agricultural product are allowed to operate at 10% over the 80,000 lb., limit putting them at 88,000 lbs. There are places on the road that if you meet a tractor trailer with a car, one is going to have to back up. The intersection entrance is only 16' wide. There is a school bus that operates there on George Boyd Rd., to pick up and discharge students. If it runs into an 8.5' wide tractor trailer one of the vehicles is going off the road. There are no shoulders on George Boyd Rd. There is a negative financial impact in this situation. The property values will decrease because of the location of the sawmill. Parcel 19.01 and parcel 19.03 are both owned by Mr. Mayo. Either of these properties would be better suited for the placement of a sawmill. Ann Jarreau addressed the Commission and encouraged the Commission to not pass the rezone. Helena Pauley stated that she lives at 1295 George Boyd Rd., She has lived on that road for forty years and knows of multiple wrecks of trucks going off the road. The hill is very steep. My son has been broadsided coming out of my drive. I got run over on George Boyd Rd., while crossing it. There are kids that run up and down the road. There are curves, hills, and a bridge. It will not stand up to this. It will cost the tax payers lots of money to replace that bridge and to maintain the road. The noise, the smell of the wood as it is being cut, the pollution and the dust it will cause. She feels sorry he was told he could do it but once he was turned down by the Board of Zoning Appeals he built a heavy duty driveway and started on the building. The residents that live up and down this road do not want to hear this. This is a manufacturing commercial business and she does not think it should be allowed in this area. John Werne stated that what is before us tonight is not the approval of a saw mill but is a request to

rezone from E1 to Agriculture. Valeri Cummings, 1273 Bearwallow Rd., addressed the Commission and asked if the Commission should consider the intent for use of the property in considering the rezoning? Susan Deitesch, 256 George Boyd Rd., addressed the Commission and stated her primary concern is for the safety for everyone traveling George Boyd Rd. Debra York addressed the Commission and stated that even after the Board of Zoning Appeals meeting Mr. Mayo continued to work on the site with large dump trucks seven days a week starting at 6:00 AM. She is concerned for the safety of the residents on the road including the children that live there. The neighbors that rent from him cannot come outside because of the trucks rolling in and out. Michael Bligh stated that if the property is rezoned to Agriculture there would still be the requirement for the submission of a site plan and the use of the sawmill. That application would have to go to the Planning Commission for site plan approval. After further discussion Mr. Mayo stated that his property was rezoned to E1 without his knowledge. When he found out about all of this he went to Mr. Wilkinson's office and he (Mr. Wilkinson) was not able to show where it had been changed to E1. Unless he has something with him tonight, he still has not been able to show where it had been changed. The property was Agricultural when I bought the property in 1987. Chris Orange stated that a 16' entrance on state route 249 is perfectly legal and a suitable entrance from the state road for a tractor trailer. Mr. Mayo stated that he doesn't know why Mr. Wilkinson cannot show when the zoning was changed. He sent us down to the County Clerk's office to look for the records. We were there for an hour and a half and the Clerk's assistants could not find anything showing when the property had been rezoned. Paul Cummings, 1273 Bearwallow Rd., addressed the Commission and stated he is not against anyone operating a business but is concerned with the noise, runoff, pollution, quality of life, and the negative impact on property values that a sawmill would have as it will back up to his property. If the zoning allows Mr. Mayo to get the sawmill he is opposed to the rezoning. Murry Neal, 2937 Bearwallow Rd., stated that he is not opposed to the sawmill and supports it. Mr. Mayo stated that he would like to use a circular saw with an electric motor and does not see how it would cause any issues. Sara Medley, 1015 George Boyd Rd., stated that she moved there ten years ago to be in the country with peace and quiet and does not want the noise, safety, and pollution that would be generated by a saw mill at that location. Betty Ramsey, 1st District Commissioner, stated that the tax records indicate that the property is zoned Agriculture. John Werne requested Rick Gregory to review staff comments. After further discussion a ****MOTION**** to deny the rezone request from E1 to Agriculture was made by Chester Hannah; second by Roger Hamiter. The motion to deny the rezone change from E1 to Agriculture passed by roll call vote. Roger Hamiter - yes, Chester Hannah - yes, Mark Jarrell - abstain, John F. Werne - yes, David Bibee - yes, Chris Atkins - yes.

ITEM #4

Chairperson Mark Jarrell stated that Item #4 was tabled from the last Planning Commission meeting on June 7, 2016 and is back before the Commission tonight. Chairperson Mark Jarrell read ITEM #4 into the record. Betty Davidson, requesting a Zone change from Agriculture to R-1 on 1.097 acres for the purpose of assigning an existing single family dwelling to a 1.097-acre lot to separate the existing legally nonconforming use of two principal structures on one lot. Property is located on Davidson Rd., Ashland City, TN; Map 66 Parcel 1.00 and consist of 98.17 acres. Property is in the 5th voting district and part of property is in the AE and the A Special Flood Hazard Area. Marvin Wright presented a preliminary plat to show the boundary that Mrs.

Davidson is requesting the rezone, briefly presented his history with the Cheatham County Planning Commission, and discussed spot zoning. After further discussion Diana Lovell, Commissioner 5th district, addressed the Commission and stated that she is in favor of the rezone request. David Davidson, 1010 Lakeside Circle addressd the Commission and stated that Betty Davidson is his mother and that she is trying to get her affairs in order. This rezone request is to provide a separate lot for a single family dwelling that currently sits on the same lot as another single family dwelling and is grandfathered. After further discussion a ****MOTION**** to approve the rezone from Agriculture to R1 was made by David Bibee; second by Chris Atkins. Motion to approve the rezone request from Agriculture to R1 was approved by roll call vote. Roger Hamiter - yes, Chester Hannah - yes, Mark Jarrell - yes, John F. Werne - yes, David Bibee – yes, Chris Atkins – yes.

OTHER BUSINESS: None

Having no further business, ****MOTION**** was made to adjourn the meeting by David Bibee; second by Chris Atkins. Voice vote carried unanimously by all present. Meeting Adjourned at 7:32 PM.

**PAULA SHAW – SECRETARY
CHEATHAM COUNTY PLANNING COMMISSION**