



**CHEATHAM COUNTY PLANNING COMMISSION  
MINUTES FOR November 5, 2015**

Meeting was called to order at 6:31 p.m. by Acting Chairman John Werne  
Acting Chairman John Werne called for the roll to be taken and called the roll.  
Members Present: Roger Hamiter, Chester Hannah, John F. Werne III, James Atkins, Brian McCain

Members Absent: David Bibee, Tonnie Trotter, Jordon Tupper, Mark Jarrell  
Acting Chairman John Werne declared a quorum present.

Others Present: Cheatham County Building Director Franklin Wilkinson, Cheatham County Planner Brett Smith, Cheatham County Attorney Michael Bligh, Kyle T. Heinze, Ron Heinze, Jonathan King, Brenda Montgomery, Luann Engleman, Lois E. Stokes, Richard Gillingham, Kenny Wallace

**Approval of Minutes and Agenda:**

Acting Chairman John Werne stated that everyone should have received their meeting packets and a copy of the minutes from the October 1, 2015 Planning Commission meeting. He asked if there were any comments or corrections. Hearing none, John Werne asked for a motion to approve the minutes from the October 1, 2015 Planning Commission meeting. **\*\*MOTION\*\*** made by James Atkins to approve the minutes as presented and circulated; second by, Roger Hamiter. Acting Chairman John Werne called for a voice vote. The motion to approve the minutes passed by a unanimous "aye" voice vote.

Acting Chairman John Werne stated that the agenda for this meeting has been presented and circulated and asked if there were any corrections or changes. Acting Chairman John Werne called for a motion to approve the agenda. **\*\*MOTION\*\*** to approve the agenda was made by Roger Hamiter and second by Brian McCain. The motion to approve passed by a unanimous "aye" voice vote.

Acting Chairman John Werne opened the floor for Public Forum at 6:33 PM. There being no one to speak, Acting Chairman John Werne closed the floor for Public Forum at 6:33 PM.

**ITEM #1**

Kevin & Lois Stokes, requesting a Zone Change of E-1 to R-1 for the purpose of creating a one 1.25 acre lot, one 1 acre lot, and one 2.25 acre lot. Property is located at Roberson Rd, Ashland City, TN; map 42 parcel 43.01 consisting of 4.5 acres. Property is in the 2<sup>nd</sup> voting district and is not in a special flood hazard area. Brett Smith addressed the Commission and presented his comments. The applicant requests to rezone the existing 4.5 acre site to R-1 for the purpose of subdividing into three lots. They have attached a sketch, however, a plat is not currently being considered. It is zoned Estate and has Commercial neighborhood adjacent to the southeast. Across from said Commercial (across Bearwallow Road) there is a large contiguous portion of R-1. However to the east, west, due south and north, it is all largely contiguous Estate Residential (E-1).

Lois Stokes addressed the Commission and stated; She would like to sell the existing house and sell two other lots with the house. The County Highway Department is in the process of widening and doing some overdue maintenance on the road. After further discussion a **\*\*MOTION\*\*** to rezone was made by Roger Hamiter; second by James Atkins. The motion to rezone from E-1 to R-1 passed by roll call vote. Chester Hannah – yes, James Atkins – yes, Roger Hamiter – yes, Brian McCain – yes, John Werne – yes.

### **ITEM #2**

Jonathan King (representing Wayne and Beverly King), requesting a Zone Change of Agriculture to E-1 for the purpose of subdividing property into 4 lots to construct Single Family Residential Dwellings. Property is located on Thomasville Rd., Chapmansboro, TN; map 7 parcel 4.08 and consist of 13.01 acres. Property is in the 4<sup>th</sup> voting district and is not in a special flood hazard area. Brett Smith presented his comments. The applicant, representing Wayne and Beverly King, requests a zone change of the property from Agriculture to E-1 for the purpose of subdividing the existing 13.01 acres into 4 lots to construct Single Family Residential Dwellings. The applicant has submitted two scenarios on a boundary survey, however, a plat is not currently being considered. The property is in an Agricultural District and that zone is a large contiguous area. However, two parcels to the west, there is R-1; and further south there is a large contiguous portion of Estate. It does appear that further north on Thomasville Road and just east on Ervan Pace, there are smaller lots that are still within Agricultural zone. After further discussion a **\*\*MOTION\*\*** to rezone was made by James Atkins; second by Roger Hamiter. The motion to rezone from Agriculture to E-1 passed by roll call vote. Chester Hannah – yes, James Atkins – yes, Roger Hamiter – yes, Brian McCain – yes, John Werne – yes.

### **ITEM #3**

David Ferlisi and/or representative of Turner & Associates Realty, representing the Estate of Robert Guye Sr. is requesting a waiver per section 3.110 C. 3 of the Landscaping and Buffer Strip requirements for the proposed 9,100 Square Foot retail building for use by Dollar General. Property is located at 1046 Neptune Rd., Ashland City, TN; map 28 parcel 5.02 consisting of 5.62 acres. Property is in the 4<sup>th</sup> voting district and is not in a special hazard flood area. Brett Smith stated: he has looked at the plan and in the past the Commission has allowed landscaping to count toward the base site requirements. The applicant is requesting to remove trees in the base site and keep the buffer. In the past the Commission has waived the buffer requirements because they are so onerous. David Ferlisi addressed the Commission and stated; We are asking for a reduction in trees in the site area. The buffer along Neptune Rd. would remain intact. We are requesting to diminish the height and caliper size of some of the trees in the buffer. The requested reduction in trees would be as follows; Given that the proposed building pad is to be situated approximately eight feet lower than the existing grades and visual line of sight from

Neptune Road, we're proposing the elimination of 10 canopy trees as well as diminishing the required calipers and heights as noted below. The required Buffer along Neptune Road would still be provided but with slightly smaller trees than stated in the ordinance. The 10 trees that we are requesting to be eliminated are interior site trees, and are not located within the required buffer. The specific changes would be as follows; **Canopy Trees:**

***General:***

- Reduction of total number of required trees by 10 trees (interior site trees)

***Red Maple, Willow Oak & Sugar Maple:***

- Reduction of 15' min. height to 10' min. height
- Reduction of 5" cal. to cal. based on 10' height

***October Glory Maple, Willow Oak, Sweet Gum & River Birch:***

- Reduction of 10' min. height to 8' min. height
- Reduction of 3" cal. to cal. based on 8' height

***October Glory Maple, Sugar Maple, Sweet Gum & Willow Oak:***

- Reduction of 10' min. height to 8' min. height
- Reduction of 2" cal. to cal. based on 8' height
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**Understory Trees:**

***Cedar, Nellie Stevens & Arborvitae:***

- Reduction of 15' min. height to 8' min. height
- Reduction of 2.5" cal. to 1.5" – 2" cal.
- Reduction of 10' min. height to 8' min. height

***Leyland Cypress, Cedar, Nellie Stevens, Sweet Bay Magnolia & Arborvitae:***

- Reduction of 10' min. height to 8' min. height

After further discussion, Brenda Montgomery addressed the Commission and stated that she is concerned with the lack of buffering along the northwest portion of the site as you egress off Neptune Rd. toward Highway 12 North. David Ferlisi stated; he could extend the buffer north west along Neptune Rd. and add trees toward the rear of the building. After further discussion

the Commission decided to table the request for a waiver and present a plan at the next scheduled meeting that will address the reductions and additional buffering. **\*\*MOTION\*\*** to differ the approval of the landscape plan was made by Roger Hamiter; second by Brian McCain. The motion to differ passed by a unanimous “aye” voice vote.

#### **ITEM #4**

Amend Cheatham County Zoning Resolution: Section 6.050(A) is hereby amended by adding the following language as a new subsection (3)

#### 6. Non Agricultural Resource Processing

(a) Includes the processing for sale or consumption of resources to be consumed by human beings derived exclusively from naturally occurring sources located on the parcel where the processing will take place and subject to the additional specified conditions:

**Bottling or otherwise packaging spring water including any required health or safety treatment.**

(b) In addition to the otherwise applicable zoning requirements, Resource Processing under this section shall be subject to the following conditions as determined by the Building Commissioner based on a site plan submitted by the applicant:

(i) The minimum lot size shall be not less than \_\_\_ acres;

(ii) The maximum square footage of all facilities utilized in processing, including storage of supplies and equipment used in the processing, storage and transportation, shall be not more than \_\_\_ square feet.

(iii) The minimum yard requirement (front, side and rear) for all structures and equipment used in the processing, storage and transportation of the resource and any accessory structures so used shall be \_\_\_ feet.

(iv) No equipment, inventory or vehicles related to the resource processing shall be stored within the required front, side or rear yards.

(v) The resource processing facility shall have adequate access to a public street or highway with such access consisting, at a minimum, of a graded crushed stone drive.

(vi) Landscape buffering shall be required to screen all structures, equipment and vehicles storage areas used in the processing, storage and transportation of the resource to the extent such are visible from public roadways and/or adjacent property.

**\*\*MOTION\*\*** to approve and forward recommendation to the County Commission was made by Chester Hannah; second by James Atkins. The motion to approve and forward a favorable

recommendation to the County Commission passed by roll call vote. Chester Hannah – yes, James Atkins – yes, Roger Hamiter – yes, Brian McCain – yes, John Werne – yes.

#### **ITEM #5**

Discussion of Amending Cheatham County Zoning Resolution: Section 3.030  
Franklin Wilkinson addressed the Commission and reviewed the zoning regulations for issuing building permits for lots of record that use an easement from a public way to access their property.

**“3.030 A LOT MUST ABUT A PUBLIC STREET OR PERMANENT ACCESS EASEMENT (Amended by Resolution 6, Dated October 16, 1995)** No building permit or certificate of compliance may be issued nor any building or structure shall be erected on any lot within the planning region unless one of the following criteria is met:

D. The lot fronts for a distance of at least fifty (50) feet on a permanent access easement with access to an existing public highway or street which conforms to all rules, regulations and specifications applicable to the permanent access easement requirements of the planning commission or other department, division or agency of the county.

Provided further, that a permanent access easement which serves more than one resident or farm, or is used as access to a lot or tract of land having been separated by deed or plat from other property, be at least fifty (50) feet in width, its entire length and meet the requirements for a permanent access easement as set forth in the Cheatham County Subdivision Regulations.”

Franklin Wilkinson presented an example of a property located on a private drive with no recorded easement. The deed and legal description for the property did not retain or include any form of a public access easement. The boundary survey legal description for the lot does briefly mention a private drive. The next example presented lots of record with a recorded private drive as a public access easement but was less than 50’ in width. After further discussion, the Planning Commission concluded that lots of record without a recorded public access easement would have to establish a 50’ easement and maintenance agreement with a legal description through a licensed surveyor before the issuance of a permit or get a court order establishing the easement. The Board of Zoning Appeals does not establish easements. Lots of record that have a recorded public access easement that is less than 50’ in width are required to get approval from the Board of Zoning Appeals for a variance from the required 50’ easement before the issuance of a permit.

#### **ITEM #6**

Discussion of the Zoning Regulations Section 8.081, Application for rezoning requirements. Franklin Wilkinson stated that applicants wanting to rezone a portion of a lot of record typically submit a tax map with a boundary sectioned off as support documentation for the application. This may not meet the full extent of what is required under section 8.081 for the purpose of rezoning. The Planning Commission concluded that a boundary survey is not necessary to complete the application to rezone but at least a graphically dimensioned drawing should be submitted with the application.

**OTHER BUSINESS:**

The Planning Commission decided to amend the Landscaping requirements at the next scheduled Planning Commission meeting.

Franklin Wilkinson needs to set up and schedule the required 4 hours of continued education training for the Planning Commission and Board of Zoning Appeals members. Preferably with food provided.

Having no further business, **\*\*MOTION\*\*** was made to adjourn the meeting by Roger Hamiter; second by Chester Hannah. Voice vote carried unanimously by all present. Meeting Adjourn at 7:25 PM.

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