



**CHEATHAM COUNTY PLANNING COMMISSION
MINUTES FOR MAY 7, 2015**

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: Roger Hamiter, Chester Hannah, Mark Jarrell, John F. Werne III, Tonnie Trotter, James Atkins

Members Absent: David Bibee, Jordon Tupper

Chairman Jarrell declared a quorum present.

Others Present: Cheatham County Building Director Franklin Wilkinson, Cheatham County Planner Brett Smith, Cheatham County Attorney Michael Bligh, Billy Tipton, Chris Williams, Tracy Baker, Barry Mayo, Brandi Ghergia, Daryl Phillips, Vern Dant, Francine Nickles, Donetta Hedges

Approval of Minutes and Agenda:

Chairman Jarrell stated that everyone should have received their meeting packets and a copy of the minutes for the April 2, 2015 Planning Commission meeting. He asked if there were any comments or corrections. Hearing none, Chairman Jarrell asked for a motion for approval of the minutes from April 2, 2015 Planning Commission meeting. ****MOTION**** made by Tonnie Trotter to approve the minutes as presented and circulated; second by Roger Hamiter. Chairman Jarrell called for a voice vote. The motion to approve the minutes passed by a unanimous "aye" voice vote.

Chairman Jarrell stated that the agenda for this meeting has been presented and circulated and asked if there were any corrections or changes. Hearing no corrections or changes, Chairman Jarrell called for a motion to approve the agenda. ****MOTION**** to approve the agenda was made by Chester Hannah and second by Tonnie Trotter. The motion to approve passed by a unanimous "aye" voice vote.

Chairman Jarrell open the floor for Public Forum at 6:03 PM. There being no one to speak, Chairman Jarrell closed the floor for Public Forum at 6:03 PM.

ITEM #1 - Mr. and Mrs. Jeremy and Tracy Baker, representing Bakers Home Improvement, Owner/Applicant, requesting a Zone Change from R-1 to R-2 to be able to construct a Duplex for the Family. Property is located on Thomasville Rd, Chapmansboro, TN.; map 3 parcel 45. Property is in the 3rd voting district and is not in a flood area. **(Deferred from April 2, 2015 meeting)**

Chairman Jarrell read the item into the record as advertised. Brett Smith addressed the Commission and read his comments into the record. Applicant is requesting zone change for a 3 ½ acre parcel from R-1 to R-2 for the purpose of adding a duplex. The parcel is within a "rectangle" of contiguous R-1 along both sides of Thomasville Road, surrounded by Agricultural. There is Commercial further to the north at the intersection of 41-A. There does not

appear to be any R-2 in the area. Chairman Jarrell opened the floor to anyone wishing to speak on this agenda item. Chris Williams, 530 Knox Road, addressed the Commission and stated he is opposed to the zoning change. Mr. Williams stated that he sent a letter to the Commission last month regarding his opposition to the zoning change. Chairman Jarrell stated that the letter to the Commission, dated March 24, 2015 is included in the packet of materials for tonight's meeting. Mr. Williams stated that he is opposed to the rezone for 4 different reasons. 1. It is not consistent with the character of the community, 2. The rezone is not necessary. The ground will only perk for 4 bedrooms. Under current zoning regulations the applicant can build a 4 bedroom house. Or build two – 2 bedroom houses. Mr. Williams offered and distributed a 4 bedroom perk plot for the property. 3. The property floods. Mr. Williams presented for view pictures of the property showing standing water and stated that the property floods about 3 to 4 times per year. 4. Trust. Mr. Williams stated that he has an issue with trusting the applicant and presented pictures of the rezoning sign and stated that it was placed so far off the road it was not visible from the road and was up less than the minimal amount of time. The sign did not go back up till April 6, 2015 and the sign still and the March date. Shortly thereafter the sign was updated with the correct date. Mr. Williams presented pictures of another site containing an office building, built by the applicant, on a different parcel off Highway 41 A in Robertson County. Mr. Williams stated that the building permit for that building only perked for 4 to 6 employees. The applicant may be exceeding the original perk permit by leasing out office space in that building and may have built over the perk field. After further discussion, Billy Tipton, 537 Knox Road, addressed the Commission and stated that he is opposed to the rezoning. The property is extremely wet and is concerned with establishing rental properties in the area where most people in that community own and live in their homes. Tracy Nickles, 536 Knox Road, addressed the Commission and stated that she is opposed to the rezoning based on the existing density of houses in that area and the proposed duplex would back up to their property. Tracy Baker, 2381 Pleasant View Road, addressed the Commission and stated that the purpose of wanting to build the duplex is for her mother in-law and step-daughter, who is a single mother. Her mother now lives in the house right in front of the property. The plan was to get all the family close to one central location. Mrs. Baker stated that she had only requested a septic permit for 4 bedrooms. It may accommodate more than that but only wants it to perk for 4 bedrooms. The goal was to have completely separate dwellings for daughter in-law and baby, and for mother in-law, who has medical issues and needs assistance. Mrs. Baker stated that she had not come to tonight's meeting prepared to discuss the property on 41-A in Robertson County, but assured the Commission that everything on that site is legally done in accordance with the building permit and the septic system permit. Mrs. Backer stated that her mother lives in the house in front of the property and acknowledged that her Mother's yard does occasionally get standing water but based on the approval from the environmentalist, thinks the proposed septic system on the adjacent lot will be ok. Mrs. Baker stated that the property next to her mother is rental property, along with 4 houses across the street that are rental property. They do not plan to make the duplex rental property. John Werne stated that it would be permissible to build a single family dwelling with a mother-in-law apartment.

Mrs. Baker stated that the mother-in-law apartment may be an option but would like to have separate utilities which may not be allowed with the mother –in-law apartment. Mrs. Nickles expressed her concern with the displacement of the water that may occur when a structure is placed on the property. Mr. Williams addressed the Commission and stated that he is not opposed to the property remaining R-1 with a single family dwelling. Mr. Tipton expressed his concerns with the accumulation of water on the property. After further discussion Chairman Jarrell called for a motion to rezone the property from R-1 to R-2. ****MOTION**** to disapprove and not change the zoning was made by John Werne: Second by James Atkins. The motion to disapprove the request for zone change and leave the property R-1 passed by roll call vote. Roger Hamiter -yes, Chester Hannah - yes, Mark Jarrell - yes, John F. Werne III - yes, Tonnie Trotter - yes, James Atkins – yes. All present members vote yes to deny the zone change and the property to remain R-1. The Planning Commission does not forward to the County Commission a positive recommendation to rezone the property.

ITEM #2 - Mr. and Mrs. Barry and Natalie Mayo, Owner/Applicant, requesting a Zone Change from Agriculture to R-1 for 1 acre of the 43.70 acres with the existing residence, leaving the remaining 42.70 acres as Agriculture. Property is located at 4849 Thomasville Rd., Chapmansboro TN.; map 3 parcel 62.02. Property is in the 3rd voting district and is not in the flood area. (Deferred from April 2, 2015 meeting)

Chairman Jarrell read the item into the record as advertised. Brett Smith addressed the Commission and read his comments into the record. Applicant wishes to subdivide 1 acre of a 43.70 acre tract along existing frontage of Thomasville Road from Agriculture to R-1, while leaving the remaining 42.70 acres as Agriculture. The subject parcel is within an area completely dominated by Agricultural zoning. To the north, there is one small area of R-1 along Thomasville Road (close to 41-A), and also another small area along Oaks Road. It should be noted there are parcels along Thomasville Road, just to the south -on the same side, that appear to be less than the Agricultural minimum lot size. For the purposes of accommodating a single family residence, a 4 acre (at minimum lot size) could be created if public water is available, or a 5 acre lot size if not (which then would not require a subdivision plat per state law). Barry Mayo, 4845 Thomasville Road, addressed the Commission and stated that he would like to subdivide one acre with the house, sell the house, and keep the rest of the property agricultural. The lot has city water. John Werne asked if the applicant had considered rezoning to E-1 instead of R-1. Mr. Mayo stated that the minimum lot size in E-1 is 3 acres and the people interested in the house are not interested in anything over 1 acre. R-1 allows for a 1 acre lot. After further discussion Chairman Jarrell called for a motion to rezone the property from A to R-1. ****MOTION**** to rezone the property from Agricultural to R-1 Low Density Residential was made by Chester Hanna: Second by Roger Hamiter. With a quorum present but not a majority of the eight Planning Commissioners voting yes, the request to rezone from A to R-1 fails and the Planning Commission cannot make a positive recommendation to the County Commission for the zoning change. Roger Hamiter -yes, Chester Hannah - yes, Mark Jarrell - yes, John F. Werne III - no, Tonnie Trotter - no, James Atkins – yes.

ITEM #3 - Discussion of C-5 Zoning

Chairman Jarrell suggested that the County should consider allowing individual property owners to request rezoning from C-5 to C-1 on an as needed basis instead of doing any type of “blanket” rezoning over several parcels or changing the bulk regulations in the existing C-5 zoning. Donetta Hedges approached the Commission and stated that she is a realtor and has been representing property owners in that area for over 20 years. Ever since the C-5 zoning has come into place nothing has happened in the area of the New Hope Road exit at state route I 24. Growth has stopped and thinks it is primarily due to the current C-5 zoning. After further discussion Donetta Hedges offered to assemble a group of property owners in that area and explore the possibility of rezoning From C-5 to C1 with several applicants using one zoning request application. Brandi Ghergia addressed the Commission and stated that she is in favor of the commercial zoning in that area going from C-5 to C-1.

OTHER BUSINESS

Vern Dant, 158 West Field Dr., Nashville TN, addressed the Commission and stated that he is a developer and is interested in the development of a property at the intersection of Old Clarksville Pike and State Route 49. It is currently zoned C PUD. After further discussion the Commission suggested that Mr.Dant pursue the concept of rezoning the property to an R PUD or R-3 zoning to allow for the residential use.

Having no further business, ****MOTION**** was made to adjourn the meeting by Tonnie Trotter; second by Chairman Jarrell. Voice vote carried unanimously by all present. Meeting Adjourn at 7:18 PM.

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