



**CHEATHAM COUNTY PLANNING COMMISSION
MINUTES FOR SEPTEMBER 3, 2015**

Meeting was called to order at 6:00 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, Brian McCain, Mark Jarrell, John F. Werne III, James Atkins, Tonnie Trotter

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, Kyle Heinze, Gaylyn Pate, Heston Tidwell, Margarie Pate, Madget Tidwell, Valerie Heinze, Ron Heinze, Bill Jeans, Robert Leach, Jeremy Boyd

Approval of Minutes and Agenda:

Chairman Jarrell stated that everyone should have received their meeting packets and a copy of the minutes from the August 6, 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 August 6, 2015 Planning Commission meeting. ****MOTION**** made by Tonnie Trotter to approve the minutes as presented and circulated; second by, James Atkins. 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 Roger Hamiter. The motion to approve passed by a unanimous "aye" voice vote.

Chairman Jarrell opened the floor for Public Forum at 6:02 PM. There being no one to speak, Chairman Jarrell closed the floor for Public Forum at 6:02 PM.

ITEM #1

Chairman Jarrell read item #1 into the record. Mrs. Valerie Heinze, requesting a Zone Change of Agriculture to C-3 for Limited Manufacturing of Beverage. Property is located off Briar Patch Ln. Joelton, TN; map 53 parcel 106 consisting of 101 acres. Property is in the 2nd voting district and is not in a special flood hazard area. Brett Smith addressed the Commission and presented his comments. Applicant wishes to bottle and sell spring water on the 101 acre property. It has been determined by the County attorney that this is not Agricultural as it is selling a resource, therefore, a different use other than Agricultural must be in place. C-3 allows limiting manufacturing by Special Exception (BZA approval). It should be noted that if this is zoned C-3, other uses would be allowed, such as automotive service and repair, farm equipment sales, convenience/commercial, fast food restaurants, etc. A C-PUD (Commercial PUD) would have the same steps involved in a rezone and site plan approval, but would limit the use to only that approved by the County Commission, as shown on the PUD Master Plan. Also, it is unclear, per Section III-15, if the private drive that would now access two lots, would apply to anything other than "Residential and Farm parcels". It is also uncertain if the applicant would require road

construction to a higher standard than the requisite access drive for this operation and probable truck traffic. Brett Smith presented a power point presentation of the exhibits. Kyle Heinze presented a map showing the boundary where the water production would take place. After further discussion as to the location of the property, John Werne asked why is the bottling of water not an Agricultural use. Mr. Werne asked if it would be better to include the bottling of water in agricultural zoning as a permitted use instead of rezoning the property? Michael Bligh stated that the Zoning Resolution does not address this use very well. It may be acceptable to add this use in the ag zoning as a special exception. When you look at state statute, this is not in the list of agricultural uses. Brett Smith stated; where the zoning resolution is silent, we look to state law. Under the "right to farm act" agricultural uses were further defined, and additional uses were added. The bottling of water use has not been defined as an agricultural use. Valerie Heinze stated that she was granted the rights, from Tennessee Department of Environment & Conservation, to use the water in 2009. Mr. Werne asked Mrs. Heinze; who does the division of ground water fall under. Mrs. Heinze stated; it is under the US Department of Agriculture. Mr. Werne stated that Mrs. Heinz went to the Department of Agriculture to get permission to do this, how can we say it is not an agricultural use. Mr. Bligh stated that this use is not defined by the County as an agricultural use. Chairman Jarrell asked if TDEC is under the Department of Agriculture? Mrs. Heinze stated that the recommendation for the best and highest use of the land came from the Division of Forestry. John Weren stated that the letter form the Division of Forestry stated that the bottling of water is regulated by Tennessee Department of Agriculture. Chairman Jarrell asked why the applicant is seeking approval for this use from the County? Brett Smith stated that it is not an agricultural use by the zoning resolution or by State law. Franklin Wilkinson stated that the applicant contacted his office to get a letter of approval from the County for the use. The only way we can endorse the use is to define it and make it work under state law or zoning. After further discussion a ****MOTION**** was made by John Werne to amend the zoning resolution, to allow the use by right, of bottling water in the Agricultural Zoning district, and that Planning staff will draft something for consideration at the next scheduled Planning Commission meeting, and to table the rezone request from A to C-3 in the event the applicant still wants to pursue the rezoning and still present it as an agenda item for next month. Second by; Mark Jarrell. The motion passed by roll call vote. Roger Hamiter - yes, Chester Hannah - yes, Brian McCain - yes, Mark Jarrell - yes, John F. Werne III - yes, James Atkins - yes, Tonnie Trotter - yes

ITEM #2

Chairman Jarrell read item #2 into the record. Mr. Heston Tidwell, requesting a Zone Change of E-1 to R-1 for the purpose of creating a 1 acre lot. Property is located at 1194 Nora Ln. Pegram, TN; map 86 parcel 135.00 consisting of 5.02 acres. Property is in the 5th voting district and is not in a special flood hazard area. Brett Smith addressed the Commission and presented his comments. Applicant wishes to subdivide 1 acre from the existing 5.02 acre site for the purposes of an additional residence. E-1 zoning is the predominant zoning with large contiguous Agricultural zoning to the east. It should be noted there are lots with R-1 designation to the northwest, but not in the immediate area. Heston Tidwell addressed the Commission and stated that he is wanting to create a one acre lot that his good friends, Mr. & Mrs. Pate, can place a double wide manufactured home on and live. As they all get older, they wanted to be in close proximity so they can help take care of each other. He had placed the public announcement sign on the property for the rezone and has had no opposition to the rezone. After further discussion, the applicant indicated that the request is for the rezoning of the entire lot and not just for a one acre portion. One acre will be subdivided at a later date and recoded before a permit is applied for. A ****MOTION**** was made by James Atkins to make a favorable recommendation to the County Commission to rezone the property. Second by; Mark Jarrell. The motion passed by roll call vote. Roger Hamiter - yes, Chester Hannah - no, Brian McCain - yes, Mark Jarrell - yes, John F. Werne III - yes, Tonnie Trotter - yes, James Atkins - yes

ITEM #3

Chairman Jarrell read item #3 into the record. Mr. Robert Leach, requesting a Final Plat Review to create a 2 lot subdivision. Property is located on River Rd. Ashland City, TN; map 61, parcel 19, consisting of 3.16 acres. Property is in the 5th voting district and is partially in the AE Flood Hazard area. Brett Smith addressed the Commission and reviewed comments for the plat. This is a review of the final plat received on July 21, 2015. This application is recognized as a Major Subdivision as defined in Section 2-101.201 of the current Cheatham County Subdivision Regulations. Staff comments are as follows; 1. Spell out the word "Subdivision" in the title. 2. Make the Vicinity Map legible. 3. Add owner's e-mail address. 4. Add the surveyor's e-mail address. 5. Show the Davidson Road intersection on the plat. 6. Show the primary and secondary septic areas. 7. Add parcel numbers to the lots and adjoiner. 8. All property corners must have a permanent marker. "Point" will not suffice. 9. Add the books and pages to the Owners Certificate and additional signature lines. 10. Add note 1, stating "The purpose of this plat is to create a three lot subdivision" 11. Add note 2, stating "bearings are based on....." 12. Add the road right-of-way width. 13. There are at least three structures within the building setback and access easement. Please reconcile. 14. Show the FEMA AE Flood Line. 15. The private drive must be constructed to County Road Standards. 16. Minimum lot area for R-1 zoning is 1 acre. Lot 1 is 0.80 acre. Brett Smith stated that our research cannot find any evidence to show that the two existing lots were ever platted. They are lots of record but under 5 acres. The zoning regulations state; 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. Jeremy Boyd addressed the Commission and stated that he is purchasing Mr. Leach's house and Mr. Leach will build a new house on the newly created lot. The structure in the middle lot is a single family dwelling with an approved septic system. The structure on the upper lot is a picnic shelter with a septic system permitted for a one bedroom home. Mr. Leach plans to remove the shelter and use the existing septic permit, and to construct a one bedroom home on the lot. After further discussion a ****MOTION**** was made by John Werne to approve the plat, contingent on Planning staff comments being addressed on the final plat and that the plat is review for completion by the Planning Department. Second by; Mark Jarrell. Roger Hamiter - yes, Chester Hannah - yes, Brian McCain - yes, Mark Jarrell - yes, John F. Werne III - yes, James Atkins - yes. Motion to approve passed by roll-call vote.

OTHER BUSINESS: Brett Smith stated that the Planning Commission should review the requirements for road construction and designed of Public Assess Easements.

Having no further business, ****MOTION**** was made to adjourn the meeting by John Werne; second by Roger Hamiter. Voice vote carried unanimously by all present. Meeting Adjourn at 7:22 PM.

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