

# Hartsville/Trousdale Planning Commission Regular Meeting

## Meeting Minutes

**June 13, 2022 - 7:00 P.M. – Trousdale County Courthouse – 2nd Floor Courtroom**

**Present:** John Kerr, David Nollner, Rhonda Keisling, Thomas Harper, David Thomas, Mark Swaffer, Mary Ann Baker, Carol Pruitt, Sarah Murray and Sam Edwards.

**Absent:** N/A

**Others Present:** Kealan Millies-Lucke (GNRC), Carroll Carman, Jim Carman, Greg Barton, Jerry Helm, Rosalie Myhan, Joshua Denton, Becky Johnson, Nelson Gregory Armstrong, Michelle Wright, Jon Kelley, Paul Phillips, Kevin Graves and several Citizen's

### Roll Call

Chairman Kerr called the meeting to order at 7:00 P.M. and Secretary Baker conducted a roll call. Chairman Kerr introduced Kealan Millies-Lucke with GNRC who is the new planner for Trousdale County.

### Approval of Minutes

Chairman Kerr asked for review of the May 9, 2022 meeting. David Nollner made a motion to approve the minutes.

Mark Swaffer commented that since he had made the motion to send ordinance #243-2022-13 which amended the Zoning Resolution to allow mining in the A-1 and M-2 Districts to the County Commission he would like to rescind that motion stating that he had missed that the resolution included A-1 District and that the Commission had not taken action on the ordinance yet.

Chairman Kerr asked for clarification and was advised by Mayor Chambers that the approval of minutes was just to confirm that the minutes were a correct account of how the previous meeting proceeded and other actions could be added to the agenda.

Sarah Murray seconded the motion to approve the minutes as presented.

**MOTION CARRIED**

### Changes to the Agenda

Mark Swaffer made a motion to add rescinding Ordinance # 243-2022-13 to the agenda under Old Business, Seconded by Thomas Harper.

**MOTION FAILED 5/4**

**No – Kerr, Thomas, Keisling, Murray and Baker / Yes – Swaffer, Harper, Nollner, Pruitt**

Chairman Kerr noted that Site Plan by Michael Woodard had been moved to the July meeting and Site Plan should be Plot Plan by Hunters Point Quarry. Sarah Murray made a motion to approve the agenda, Seconded by David Thomas.

**MOTION CARRIED**

Chairman Kerr then asked since there were such a large number of Citizens wanting to speak on the same topic (Quarry) if they could select a few to speak for all, several Citizens left the courtroom to discuss downstairs and the meeting continued.

### Public Hearing

N/A

**Old Business**

N/A

**New Business**

- *Request by Gene Carman Estate for the rezoning of 5.01 acres on Hwy 25 W. (Map 18 Parcel 20.08) from C-2 to R-1 for subdividing into 2 Residential lots in the 7<sup>th</sup> Civil District.*

Carroll Carman advised that the property is currently zoned commercial and the property owners would like to divide the 5-acre tract into 2 tracts in order to build 2 homes on it.

Jerry Helm, who is an adjoining property owner spoke in favor of the request.

Kealan (GNRC) noted that the property is along Hwy 25 which is considered an arterial road, it is serviced by Hartsville/Trousdale Water & Sewer Utility district and not in a Special Flood Hazard Area. She went over the permitted uses and does not appear to have any significant steep slopes greater than 15-20%. Since this property is well over 1 acre the rezoning would not be considered spot zoning if approved.

Carroll Carman advised that the property owners would put restrictions in the deed preventing no more than 2 homes to be built. Sam Edwards advised members that the intent was not loose commercial property however this property is a 5-acre lot and A-1 could also be considered as most of the other properties in the area are 5 acre lots which are typical A-1 lot sizes.

Mary Baker questioned the lot size requirements in the R-1 zoning districts and how many homes could be built if rezoned R-1 and was advised that was not the intent of the owners. David Thomas made a motion to approve the request. Seconded by Rhonda Keisling.

**MOTION CARRIED**  
8 Yes/1 No Sarah Murray

- *Request by Greg Barton for the rezoning of 5.34 acres on Thoroughbred Lane (Map 019G Group a Parcel 017-00, Map 019B Group a Parcels 067.00 and 064.00) from A-1 to R-1 to bring the lots compliant in the 4<sup>th</sup> Civil District.*

Property owner Greg Barton advised members that while having his property looked at it was discovered that these lots were zoned incorrectly as A-1 instead of R-1 and he would like to correct that.

Kealan advised that these parcels were located at the cul-de-sac of Thoroughbred Lane, they are in the Hartsville/Trousdale Water Utility District, however there are no sewer lines that extend along Thoroughbred Lane. The properties are not in a Special Flood Hazard Area and do not appear to have any significant steep slopes. Sam Edwards advised that all of Thoroughbred was intended to be R-1 and this request is just to continue to correct the zoning. David Nollner made a motion to approve the request Seconded by Mary Ann Baker.

**MOTION CARRIED**

- *Final Plat approval for Stonehill Subdivision by Arthur Harper / Craig Moreland of 7.15 acres off McMurry Blvd. E (Map 019M Group C Parcel 17.02) for 21 lots in the 9<sup>th</sup> Civil District.*

Jim Carman was present to speak for the property owners. He presented the Final Plat for review.

Kealan asked and was advised the plat would not be recorded until the 911 Board approves a street name at the next meeting in July. She requested to note the uses other than residential proposed for lots 1 and 21 which are commercial. Sam Edwards reviewed the plat and had no issues. David Nollner made a motion to

approve the Final Plat. Seconded by Thomas Harper.

**MOTION CARRIED**

- *Final Plat Approval for James Byrnes Subdivision by James Byrnes of 5.69 acres on McMurry Blvd. E (Map 019M Group A Parcel 1.04) for 3 lots in the 9<sup>th</sup> Civil District.*

Jim Carman advised that the property owner has no plans other than to divide the 3 lots and market them as commercial property for sale.

Kealan asked for clarification on the property description was this was no longer a portion of a parcel and was advised it was not that it had been taken care of in previous meetings. She noted Access from Arterial or Collector Public Ways and a recommendation of a shared driveway to limit access points created on McMurry Blvd. E. She also noted to include the location and size of all existing and proposed sewer facilities. Sam advised that there is an agreement between Harper/Moreland and Byrnes for equipment to be shared for cutting sewer connections on each of the properties.

David Thomas made a motion to approve the plat with shared driveway to connect to New Halltown only. Jim Carman asked if TDOT could have input on the entrance being on McMurry Blvd and was told yes as they "TDOT" has the final decision on McMurry anyway. Motion was seconded by David Nollner.

**MOTION CARRIED**

- *Site plan by Michael Woodard for Front Street Mini-Storage of 5.62 acres on Front Street (Map 027B Group a Parcel 019.00) for Mini-Storage Units in the 7<sup>th</sup> Civil District.*

This item has been moved to the July meeting.

- *Site Plan by Robert Powers for the East Main Street Development of 27,045 sq. ft. on East Main Street (Map 027D Group A Parcel 4.00) for multifamily units in the 9<sup>th</sup> Civil District.*

Jim Carman spoke for property owner Robert Powers and presented a Site Plan for a 7-unit apartment development on East Main Street.

Kealan noted the permitted uses, bulk standards and this property will be held to the development standards for Group Housing Project and identified the following items for review: building heights and dimensions, dimensions of parking spaces, note proposed ground coverage and floor area of each building, proposed means of surface drainage, label all commonly held open space or note entity responsible for maintenance of those areas, show pedestrian access from parking areas to buildings and include dumpster screening and to also show connection between the driveway and the public street. Sam Edwards had no other comments.

David Thomas made a motion to approve the Site Plan contingent upon the required information being included. Seconded by Rhonda Keisling.

**MOTION CARRIED**

- *Sketch Plat by Fleming Homes LLC for Freedom Farms Subdivision of 16.21 acres on Temprow Rd. and Bass Rd. (Map 16 Parcel 24.05) for 6 lots in the 5<sup>th</sup> Civil District.*

Chairman Kerr asked if anyone was present to speak to this project and no one was, Therefore Sarah Murray made a motion to table this until the next meeting. Seconded by David Thomas.

**MOTION CARRIED**

- *Plot plan by Hunters Point Quarry LLC for the LaLance Property of 147.55 acres at 1250 Hwy 231 S (Map 041 Parcels 06.00, 05.01, 05.02) for mining and quarrying activities in the 6<sup>th</sup> Civil District.*

Several neighbors to the property were present to speak and representatives were asked to sign in .

Chairman Kerr had also asked that a representative from the Quarry be present as well to give an overview of the proposed project and answer any questions anyone may have.

Joshua Denton, Attorney with Frost Brown Todd LLC was present to speak on behalf of Hunter's Point Quarry LLC as well as the following:

Doug Wright, Turn Key Processing Solutions

Will Glusack, James Baxter and Matt Lamb for Engineering and Operational questions

Matt Mouncey, Colinas Group

Dr. Christopher Thief, President/Director of Toxicology for Hazardous substance and Waste Mang. Research Inc.

Sarah Daniel Meyer, Geosonics Inc. for questions regarding vibrations and acoustics.

Shane Boring, Senior Environmental Scientist for questions regarding wetlands, wildlife, threatened or endangered species.

Ryan Agu, Kimley Horn for questions regarding the traffic study.

Mr. Denton advised members of the application which was in accordance with Section 4.120 of the Trousdale County zoning resolution which deals with development standards for mining activities for review noting the following:

- Increased the setbacks an additional 150 feet from the 100 ft. that was required.
- The updated site plan reflected the Side Slopes and Drainage questions.
- Septic and well water will be used for the office. The location map and site layout issues were addressed in the updated site plan submitted today.

Members had no questions at that time.

Kealan advised that if Septic was to be used an updated site plan reflecting soils area and wells would be needed. Also, and arial photo of about a mile would be needed and loading and unloading of trucks needed more detail as well.

At that time citizens had the opportunity to speak.

Becky Johnson, Property Owner spoke against the Quarry sighting neighbors opposition, the area not sparsely populated, mining activities not being listed as an allowable use in A-1 zoned areas, property damage, property values, dangerous roads, air and noise pollution, wildlife refuge, water and rock debris from blasts.

Nelson Gregory Armstrong, Property Owner spoke against the Quarry sighting his property adjoins the site and he has environmental concerns stating that quarry site (1) is right beside a wildlife refuge for waterfowl, underground disruption and the historical gravesites at the location being disrupted.

Michelle Wright, Property Owner, Engineer and a Site Selection Consultant shared the same concerns as other neighbors and was concerned that this development being temporary when looking at direct and indirect economic development for the county. She urged members to do due diligence and consider bridges and other waterways that could be affected if something should go wrong.

Jon Kelley, Owner of Kelley's Berry Farm spoke in opposition of the quarry sighting this lime dust and the effect it could have on his berry crops.

Paul Phillips, Property Owner who worked for a foundation repair company voiced concerns over shifting soil caused by water, hydrostatic pressure and seismic activity. He said repairs can cost \$30,000.00.

Kevin Graves, from Wilson County expressed concerns over the Nathan J Harsh bridge and the heavy trucks traveling over it and the proposed site being located up river from Wilson County's water supply .

Sam Edwards advised that he had checked on the entrance to the project with Mr. Allen Hall of TDOT who has went out and looked at the site and approved the new entrance as submitted. Currently, there are NO directions in the counties Zoning Ordinance that directs us in the setup of these quarries, and sited 4.120 Development Standards for Mining Activities and Related Services of Hartsville Zoning Ordinance. He added that for the past 3 months the planning commission had been working on developing restrictions for this, one was approved and sent to the County Commission but no action has been taken on it yet. This application was submitted before that and does not have to follow the restrictions approved by the planning commission but the applicant has done so.

David Thomas asked with the property being zoned A-1 and mining and quarrying not being listed as an allowable use in that zone is there a legal opinion on this issue? Chairman Kerr agreed and also noted that A-1 does not prohibit as well and asked that we consult the County Attorney.

At that time Mark Swaffer stated that in looking at the zoning ordinances it's not a permitted use nor special exception as our current ordinances are and its strictly prohibited use. He also noted that some of the surrounding properties were zoned R-1 if the zoning maps were correct.

Chairman Kerr advised that according to State Law we cannot just not put something in, we have to make a place for it. That is what the planning commission had been working on since February and had passed it to the County Commission who was doing their due process of how to deal with it and it has not passed yet, this body the planning commission had to deal with items according to our current regulations not what they might be in the future.

Sam Edwards advised that Rivercrest Estates are all zoned R-1 and one lot to the North is R-1 as well. However, A-1 does state that it's not a permitted use but all of the others state the same. The questions he has received is can we have an outright ban on something? If we can that answers the question but if we can't we have to move forward.

David Thomas asked to clarify, the planning commission has no authority to set ordinances for zoning. Therefore, they cannot amend zoning only refer to the county commission for changes to be made. We may only use the current ordinances.

Chairman Kerr agreed and advised that we have to make decisions according to current laws and ordinances.

David Thomas advised that in looking back Trousdale County did have regulations in place for mining and quarries but the county commission took them out several years ago. Chairman Kerr advised that did happen 12 years ago.

David Thomas asked to clarify if the planning commission had to look at this as properly zoned plot? Chairman Kerr asked Mayor Chambers for clarification.

Mayor Chambers asked if we needed clarification on the following:

Since we have no zoning for mining to go into there's an ambiguity there. Even though we have regulations saying how we are going to regulate mining since we have no specific zone what is the effect of that? Does that mean it can do anywhere or what is the effect of that?

Planners agreed that is the question and Mayor Chambers advised that he had been in contact with County Attorney Branden Bellar and they were still in the process of doing research and were unable to give a legal opinion at this time.

Chairman Kerr gave the following options to planning members. To handle the plan tonight using each members interpretation of the current ordinances or to table the item and allow for a legal opinion noting that if it is tabled, planning will be required to take action next month.

Mark Swaffer made a motion to Reject the Plot Plan Seconded by Carol Pruitt.

**MOTION FAILED 4/5**

Yes – Swaffer, Harper, Nollner & Pruitt / NO – Kerr, Thomas, Baker, Keisling & Murray

David Thomas made a motion to table this item until next month. Seconded by Rhonda Keisling.

**MOTION CARRIED 7/2**

Yes – Thomas, Keisling, Nollner, Harper, Baker, Kerr & Murray / NO – Swaffer & Pruitt

#### **Discussion Topics**

N/A

#### **Closing Remarks from the Chair and Commission**

N/A

#### **Adjourn**

David Nollner made a motion to adjourn, Seconded by Thomas Harper

**MOTION CARRIED**