

**SUMNER COUNTY PLANNING COMMISSION  
MINUTES  
FEBRUARY 23, 2010  
5:00 P.M.**

SUMNER COUNTY ADMINISTRATION BUILDING  
355 N. BELVEDERE DRIVE  
COUNTY COMMISSION CHAMBERS  
GALLATIN, TN. 37066

**MEMBERS PRESENT:**

LUTHER BRATTON, CHAIRMAN  
SHAWN FENNELL, VICE-CHAIRMAN  
CECIL RAY  
CYNTHIA HALL TEMPLETON  
JIM WILLIAMS  
BOB HENDRICKS  
MIKE HONEYCUTT  
PAUL GOODE

**MEMBERS ABSENT:**

NORMAN TRIPP  
SAUNDRA BOYD  
CHARLES HAYNES

**OTHERS PRESENT:**

MICHAEL BRIGGS, AICP, COUNTY PLANNER  
LISA DIORIO, ADMINISTRATIVE ASSISTANT  
RACHAEL IVIE, STATE PLANNER  
TODD BAKER, STATE PLANNER  
LEAH MAY DENNEN, COUNTY ATTORNEY

**A. MOTION FOR APPROVAL OF JANUARY MINUTES BY MR. FENNELL, SECONDED BY MR. HONEYCUTT.  
MOTION PASSED.**

**5 AYES: FENNELL, HONEYCUTT, RAY, TEMPLETON, WILLIAMS,**

**NAYS: 0**

**2 ABSTAINED: GOODE AND HENDRICKS**

**1. SITE PLAN APPROVAL-NEW MONOPOLE TELECOMMUNICATIONS TOWER- (1<sup>ST</sup> COUNTY COMMISSION DISTRICT)-REPRESENTED BY NEW CINGULAR WIRELESS PCS, LLC- RICHARD AND JERRY DENNING, OWNERS AND NEW CINGULAR WIRELESS, LESSEE, WERE REQUESTING SITE PLAN APPROVAL FOR A NEW 190 FOOT MONOPOLE TELECOMMUNICATION TOWER. SUBJECT PROPERTY IS LOCATED AT 662 FAIRFIELD ROAD, WESTMORELAND, TN., IS ON TAX MAP 23, PARCELS 7 & 8 , CONTAINS 107.06 ACRES , AND IS ZONED AGRICULTURAL.**

MR. BRIGGS PRESENTED AN OVERVIEW OF THIS PROPERTY. MR. BRIGGS REPORTED THAT THIS PROPERTY IS NOT LOCATED IN ANY URBAN GROWTH BOUNDARIES. IF THIS IS APPROVED TONIGHT, THEY WILL GO TO THE ZONING BOARD OF APPEALS MARCH 11, 2010 TO ASK FOR APPROVAL. MR. BRIGGS STATED THAT ALL OF THE STAFF COMMENTS HAVE BEEN ADDRESSED.

DAVE SMITH, AT&T, CAME FORWARD TO REPRESENT THIS REQUEST AND TO ANSWER ANY QUESTIONS. THIS IS A VITAL AREA FOR THIS TOWER TO IMPROVE CELL PHONE SERVICES. THIS TOWER IS BUILT FOR THREE CARRIERS.

THERE WAS DISCUSSION.

**MOTION FOR APPROVAL BY MR. FENNELL, SECONDED BY MR. WILLIAMS. MOTION PASSED UNANIMOUSLY.**

**2. PUBLIC HEARING- THIS PUBLIC HEARING WAS TO DISCUSS AND VOTE TO AMEND THE SUMNER COUNTY ZONING RESOLUTION, ARTICLE III, SECTION 3.2 AND TO ADD ARTICLE IV, SECTION 20 PERTAINING TO TENTS/CAMPERS USE. ALSO TO DISCUSS AND VOTE TO AMEND ARTICLE VII, SECTIONS 4, 5, AND 7, PERTAINING TO COMMERCIAL PUD OVERLAYS.**

**THIS PUBLIC HEARING IS ALSO TO DISCUSS AND VOTE TO AMEND THE SUMNER COUNTY SUBDIVISION REGULATIONS, CHAPTER 4-102.9 PERTAINING TO FLAG LOTS.**

**THIS WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON FEBRUARY 10, 2010.**

**THE FIRST AMENDMENT DISCUSSED WAS THE PROPOSED AMENDMENT TO THE SUMNER COUNTY ZONING RESOLUTION ARTICLE III, SECTION 3.2 AND TO ADD ARTICLE IV, SECTION 20 PERTAINING TO TENTS/CAMPERS.**

MR. BRIGGS REPORTED THAT CURRENTLY THE ZONING RESOLUTION DOES NOT SEPARATE CAMPERS FROM MOBILE HOME DWELLINGS. THIS PARTICULAR AMENDMENT WILL CLARIFY WHAT IS A MOBILE HOME AND WHAT IS NOT. ALSO WE HAVE ADDED AN ARTICLE TO THE GENERAL PROVISION WHICH ADDRESSES WHERE THE CAMPER CAN BE PARKED, STORED AND USED. NO MAJOR RECREATIONAL EQUIPMENT SHALL BE PARKED OR STORED ON ANY LOT IN A RESIDENTIAL DISTRICT IN ANY FRONT YARD, HOWEVER SUCH EQUIPMENT MAY PARK ANYWHERE ON RESIDENTIAL PREMISES NOT TO EXCEED 24 HOURS DURING LOADING OR UNLOADING. THIS AMENDMENT ALSO PROHIBITS LIVING, SLEEPING, OR HOUSEKEEPING PURPOSES ON A PERMANENT BASIS WHEN PARKED OR STORED ON A RESIDENTIAL LOT OR IN ANY LOCATION NOT APPROVED FOR SUCH USE. WE DO UNDERSTAND THERE WILL BE PEOPLE THAT WILL HAVE FAMILY THAT WILL BE COMING IN TO STAY IN A MOTOR HOME FOR ONE OR TWO WEEKS, AND THIS WILL NOT BE A PROBLEM. HOWEVER THERE WILL MORE THAN LIKELY BE A THIRTY DAY LIMITATION PLACED ON THIS. THEY WILL NEED TO CALL OUR OFFICE IF THIS NEED WILL BE FOR *LONGER* THAN THIRTY DAYS. THIS WILL GIVE US A HEADS UP IN CASE OUR OFFICE RECEIVES ANY COMPLAINTS. THIS IS TO DISCOURAGE PEOPLE FROM LIVING IN MOTOR HOMES OR TENTS DUE TO RECENT ECONOMIC CONDITIONS. THIS RESOLUTION ONLY APPLIES TO THE UNINCORPORATED COUNTY.

CHAIRMAN BRATTON OPENED THE FLOOR FOR THE PUBLIC HEARING.

JAMES N. SMITH CAME FORWARD TO ASK QUESTIONS. HE ASKED ABOUT POPLAR WOODS SUBDIVISION WHICH HAS NO ROOM TO PARK MOTOR HOMES, ETC., ON THE SIDES OR THE REAR OF THE HOMES. THIS RULING WOULD PUT A HARDSHIP ON RV OWNERS IN THIS AREA. HE FELT THAT THERE WERE ALREADY EXISTING LAWS ON THE BOOKS TO COVER THIS.

SUE O'NEAL CAME FORWARD TO SPEAK. MRS. O'NEAL STATED THAT THEY TRAVEL AND FOR 2 OR 3 MONTHS AT A TIME THEY ARE PARKED AT THEIR DAUGHTER'S RESIDENCE. WE ARE OFF THE ROAD AND DO HAVE CONNECTIONS. WILL THIS CAUSE A PROBLEM?

CHAIRMAN BRATTON RESPONDED TO MRS. O'NEAL BY STATING THAT THIS WOULD PUT YOU IN VIOLATION.

MR. FENNEL STATED THAT WE DO NEED TO HAVE MORE DISCUSSION ON THIS PARTICULAR AMENDMENT. MR. FENNEL STATED THAT HE FELT THAT MRS. O'NEAL'S SITUATION WOULD BE A HARDSHIP.

MR. GOODE STATED HE FELT THAT WE COULD COME UP WITH SOME LANGUAGE FOR SPECIAL CIRCUMSTANCES SUCH AS MRS. O'NEAL'S.

SHARON CRAIG STATED THAT HER PARENTS HAVE BEEN LIVING FOR THE LAST COUPLE OF YEARS ON HER PROPERTY OFF LONG HOLLOW PIKE ON NEW HOPE ROAD. WE HAVE SPENT THOUSANDS OF DOLLARS FOR A CONCRETE PAD AND FOR ELECTRICITY FOR THEM WHEN THEY ARE IN TOWN. MY DAD HAS MAJOR HEALTH ISSUES. MY PARENTS SOLD THEIR TEN ACRES OFF SHELL ROAD AND BOUGHT A MOTOR HOME TO LIVE WHEN THEY ARE IN TOWN FOR US TO TAKE CARE OF THEM WHEN THEY ARE NOT TRAVELING. WE HAVE A FIVE BEDROOM HOME, BUT THIS ALLOWS THEM MORE PRIVACY IN THEIR MOTOR HOME, THEIR OWN PLACE TO CALL HOME. THIS SHOULD BE, IN MY OPINION, GRANDFATHERED IN. THERE SHOULD NOT BE ANY HEALTH ISSUES INVOLVED, THEY RAISED ME AND NOW IT IS MY TURN TO TAKE CARE OF THEM.

MR. HONEYCUTT STATED THAT WE NEED TO LOOK AT THE PRIVATE RESTRICTIONS PERTAINING TO SUBDIVISIONS SUCH AS POPULAR WOODS SUBDIVISION.

THERE WAS DISCUSSION.

CHAIRMAN BRATTON STATED THAT WE ARE JUST TRYING TO TAKE CARE OF THE WELFARE OF THE PUBLIC. WE APPRECIATE ALL THE PUBLIC INPUT.

**MOTION TO DEFER BY MR. FENNEL UNTIL WHICH TIME MR. BRIGGS COULD DO MORE RESEARCH TO ADDRESS SOME OF THESE ISSUES DISCUSSED TONIGHT, AND BRING THIS AMENDMENT BACK TO US NEXT MONTH FOR REVIEW AND DISCUSSION, AND FOR MR. BRIGGS TO E-MAIL ANYONE INTERESTED FROM THE PUBLIC TONIGHT PRIOR TO NEXT MONTHS MEETING THE PROPOSED NEW VERBIAGE, SECONDED BY MR. GOODE. MOTION PASSED UNANIMOUSLY.**

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**DISCUSSION OF AMENDMENT TO THE SUBDIVISION REGULATIONS ARTICLE 4-102.0, CHAPTER 4-FLAG LOTS-**

MR. RAINEY CAME FORWARD TO COMMEND MR. BRIGGS ON THIS FLAG LOT ISSUE AND DOES NOT SEE ANYTHING THAT NEEDS TO BE CHANGED.

MR. GRAVES CAME FORWARD TO STATE THAT HE AGREED WITH MR. RAINEY, IT LOOKS LIKE SOMETHING WE CAN LIVE WITH AND GOOD SOLUTIONS.

**MOTION TO APPROVE THE AMENDMENT TO THE FLAG LOTS BY MR. FENNEL, SECONDED BY MR. HENDRICKS. MOTION PASSED UNANIMOUSLY.**

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**DISCUSSION OF AMENDMENT TO THE ZONING RESOLUTION, ARTICLE VII, SECTION 5, 6 AND 7-ALL  
COMMERCIAL DISTRICTS-**

MR. RAINEY CAME FORWARD TO STATE THAT HE TOTALLY AGREES WITH THIS AMENDMENT AND IT MEETS WITH WHAT THE PUBLIC WANTS AND WOULD RECOMMEND APPROVAL OF THIS.

MR. RAINEY STATED REFERRING TO THE MOTOR HOME AMENDMENT THAT WAS PREVIOUSLY DISCUSSED THIS EVENING THAT AT THE ZONING BOARD OF APPEALS WE HEAR A LOT OF HARDSHIP CASES AND GRANT A LOT OF VARIANCES. WE CAN NOT CREATE A BALL THAT IS UNIVERSAL.

MR. RAINEY STATED THAT WHEN WE GRANT A HARDSHIP VARIANCE FOR A PERIOD OF TWO YEARS, THEY REPORT TO THE STAFF IN ONE YEAR TO MAKE SURE THE HARDSHIP IS STILL NEEDED. THEY CAN COME BEFORE THE ZONING BOARD WITH NO CHARGE FROM THE COUNTY.

CHAIRMAN BRATTON CLOSED THE PUBLIC HEARING.

**MOTION TO APPROVE AMENDMENT TO THE COMMERCIAL DISTRICTS BY MR. FENNELL, SECONDED BY MR. HONEYCUTT. MOTION PASSED UNANIMOUSLY.**

**MEETING ADJOURNED AT 5:35 P.M.**