



# CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

## CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

### MINUTES

**Date:** June 28, 2022

**Time:** 2:00 PM

#### Members Present

Thom Spigner, Vice Chairman

Bryce Powers

Wade Hadley

Stacey Streetman

Larry Rocconi

Maria Jimenez

Wade Hadley

Bill Kimbrough

#### Others Present

Jeff Tyndall, Director of Planning

John Spainhoward, Zoning Coordinator

Brad Parker, Subdivision Coordinator

Brent Clemmons, Design Review Coordinator

Angela Latta, Planning Tech

LaDonna Marshall, Office Manager

Daniel Morris, GIS Planner

Sarah Cook, Long Range Planner

Jackey Jones, Administrative Support

Chris Cowan/Joe Green/Jerome Henderson/Eric Salmon, City Street Dept.

Ben Browder, Clarksville Gas & Water

Officers Bergen and Burton, Clarksville Police Department

Jeff Bryant, County Highway Department

Mr. Spigner called the meeting to order at 2:03 PM.

Pledge of Allegiance.

Mr. Spigner stated a quorum was present.

## Approval of Minutes

Mr. Spigner asked for a motion for approval of the minutes from the May 24, 2022 meeting. Mrs. Streetman moved to recommend approval. The motion was seconded by Mr. Kimbrough and carried unanimously.

## Announcements/Deferrals

Mr. Tyndall announced the deferrals which include Z-16-2022 and S-48-2022. Mr. Tyndall stated that CZ-12-2022 was withdrawn. There being no more discussion. Mr. Powers recommended approval of deferrals. The motion was seconded by Mr. Rocconi and carried unanimously.

Mr. Tyndall made the announcement of the Visioning Workshops for the Comprehensive Plan.

Mr. Spigner went over the procedure for addressing the Regional Planning Commission and the procedure for following cases through City/County Commission.

## City Zoning Cases

**CASE NUMBER Z-44-2022** Applicant: Powers & Atkins LLC

REQUEST: R-3 Three-Family Residential District to R-6 Single-Family Residential District

LOCATION: Property fronting on the west frontage of Richardson St., 200 +/- feet north of the Richardson St. & Lynes St. intersection

TAX MAP:079D PARCELS: K 008.00, K 009.00, K 010.00 ACREAGE: 0.637 +/-

REASON FOR REQUEST: Redevelopment of dilapidated home into multiple new homes in conformance with the transition trends of the area.

Mr. Spainhoward read the case and gave the staff recommendations:

### APPROVAL

1. The proposed zoning request is consistent with the adopted Land Use Plan.
2. The proposed R-6 Single Family Residential Zoning is not out of character with the surrounding development pattern & adequate infrastructure serves the site, including other residential-supportive uses such as, mass transit and retail services in the area.
3. No adverse environmental issues were identified relative to this request.
4. Sidewalks will be required as part of the development as required per R-6 Single Family Zoning.

Mr. Spainhoward stated that as of 4:30 PM 05/23/2022 there have been no formal comments.

Bobby Powers spoke in favor of the case stating that the house is run down and feels this is an opportunity for starter homes that are needed in the Montgomery County/Clarksville area.

With there being no further discussion Mr. Rocconi made the motion to approve the case based on it being consistent with the adopted Land Use Plan. Mrs. Streetman seconded. Mr. Powers abstained. All others were in favor. Motion passed.

**CASE NUMBER Z-45-2022** Applicant: Joey & Rayna Williamson

REQUEST: R-3 Three Family Residential District to C-2 General Commercial District

LOCATION: Property fronting on the east frontage of Old Russellville Pike & Hickory Trace Rd. intersection.

TAX MAP: 041 PARCEL: 078.00 ACREAGE 0.75 +/-

Reason for Request: Property has two old duplexes on the property currently. Owners would build new townhomes to increase the number and quality of homes

Mr. Spainhoward read the case and gave the staff recommendations:

APPROVAL

1. The proposed zoning request is consistent with the adopted Land Use Plan.
2. The C-2 General Commercial District will permit the existing multi-family development to be brought into zoning compliance and affords the opportunity for additional units.
3. The proposed request is an extension of the established C-2 zoning district to the south.
4. No adverse environmental issues were identified with this request.

Mr. Spainhoward stated that as of 4:30 PM 05/23/2022 there have been no formal comments.

Joey Williamson spoke in favor of the case stating that the property does contain two run down properties. He further stated that if the rezoning is allowed it will give them the opportunity to build higher quality townhomes for our community.

There being no further discussion Mr. Kimbrough made the motion for approval stating that it is an extension of the established C-2 zoning district to the south and Mrs. Streetman seconded. All others were in favor. Motion passed.

**CASE NUMBER Z-46-2022** Applicant: Johnathan Ross

REQUEST: R-3 Three Family Residential District to R-4 Multiple-Family Residential District

LOCATION: Property located at the northeast corner of the Peachers Mill Rd. & Pollard Rd. intersection.

TAX MAP: 043L PARCEL: H 028.00 ACREAGE: 0.41 +/-

Reason for Request: Requesting an extension of the existing R-4 zone to allow the construction of a multi-family building.

Mr. Spainhoward read the case and gave the staff recommendations:

APPROVAL

1. The proposed zoning request is consistent with the adopted Land Use Plan.
2. The proposed R-4 Multi-Family Residential District is not out of character with the development pattern in the area.
3. Adequate infrastructure will serve the site & no adverse environmental issues were identified relative to this request.

Mr. Spainhoward stated that as of 4:30 PM there have been no formal public comments.

Vernon Weakley spoke in favor of the case stating it is already zoned R-3 this will allow him to go up to 5 units instead of 3.

Anthony Wood spoke in opposition of the case stating that it is not that kind of area, that apartments have not been there. He further stated that it would cause traffic problems, apartments will make it worse.

Mr. Spigner asked Mr. Weakley the difference between zoning.

Mr. Weakley stated it is three units now and would be five at new zoning.

With there being no further discussion Mr. Rocconi made the motion for approval based on the proposed zoning request is inconsistent with the adopted Land Use Plan. Mrs. Streetman seconded. All were in favor. Motion for disapproval passed.

**CASE NUMBER Z-47-2022** Applicant: Jeffrey B. Long

REQUEST: R-1 Single-Family Residential District to R-6 Single-Family Residential District

LOCATION: Property fronting on the south frontage of Bellamy Ln., 1,200 +/- feet east of the Rossvie Rd. & Bellamy Ln. intersection.

TAX MAP: 041 ARCEL: 173.00 ACREAGE: 0.39 +/-

Reason for Request: This request is for R-6 for better utilization of the property.

Mr. Spainhoward read the case and gave the staff recommendations:

DISAPPROVAL

1. The proposed zoning request is inconsistent with the adopted Land Use Plan.
2. The R-6 Single Family Residential District is out of character with the surrounding development pattern.
3. The property is zoned correctly as R-1 Single Family Residential.
4. Adequate infrastructure will serve the site & no adverse environmental issues were identified relative to this request.

Mr. Spainhoward stated that an email could be found on page 29 for formal public comments.

Jeff Long spoke in favor of the case stating that he felt this zoning would be of highest and best use. He further stated that there was R-6 within a mile of property and across the street from R-4.

There being no further discussion Mrs. Streetman made the motion for disapproval stating that the R-6 is out of character with the surrounding development pattern. Mrs. Jimenez seconded. All others were in favor and motion for disapproval passed.

**CASE NUMBER Z-48-2022** Applicant: Orville James Agent: Chris Blackwell

REQUEST: R-3 Three-Family Residential District to R-6 Single-Family Residential District

LOCATION: Property located at the northeast corner of the N. Ford St. & Simpson Ln. intersection.

TAX MAP:055 PARCEL: 041.00 ACREAGE: 1.88 +/-

REASON FOR REQUEST: Provide a single-family zoning.

Mr. Spainhoward read the case and gave the staff recommendations:

#### DISAPPROVAL

1. The proposed zoning request is inconsistent with the adopted Land Use Plan.
2. High density single family residential homes should not be encouraged in close proximity to an active quarry operation.
3. Adequate infrastructure will serve the site.

Mr. Spainhoward stated that as of 4:30 PM 05/23/2022 there have been no formal comments.

Jamie Wallace spoke in favor of the case stating that it was going to be less dense than originally thought at 16 units. She further stated they will be for rent not for sale.

Cal Burchett spoke in favor of the case stating that at R-3 we can build a triplex of 18 units and 16 units on single lots with requested zoning.

Mr. Rocconi asked if they had any concerns with it being that close to the quarry.

Mr. Burchett stated they could look further into it with soil testing and make sure that compaction is proper.

Robert Young spoke in opposition of case stating that N. Ford Street is too narrow. He stated that the detonations scare him at times. He further stated that traffic will be terrible.

Mr. Rocconi stated that density is not problematic but the distance from quarry is a concern and with that being said he made a motion for disapproval stating that high-density single-family homes should not be encouraged in close proximity of active quarry conditions. Mr. Kimbrough seconded. All were in favor and motion for disapproval passed.

**CASE NUMBER Z-49-2022** Applicant: Johnny Piper

REQUEST: R-6 Single-Family Residential District to R-4 Multiple-Family Residential District

LOCATION: Property fronting on the southern frontage of Cave Springs Rd. east of Danko Ln.

TAX MAP:054 E 054 D PARCEL: A 005.00 (p/o) C 001.05 (p/o) ACREAGE: 5.6 +/-

REASON FOR REQUEST: None given.

Mr. Spainhoward read the case and gave the staff recommendations:

**APPROVAL**

1. The proposed zoning request is consistent with the adopted Land Use Plan.
2. The proposed R-4 zoning district is not out of character with the surrounding development & the access for the development will be from Sinclair Drive.
3. The Cave Springs Rd. frontage is encumbered by an oil pipeline. It was determined during design phase of a preliminary subdivision plat that crossing oil pipeline would be cost prohibitive, so no access to Cave Springs Rd. will be available.
4. Adequate infrastructure will serve the site & no adverse environmental issues were identified relative to this request.

Mr. Spainhoward stated that as of 4:30 PM 05/23/2022 there have been no formal comments.

Mr. Kimbrough asked when this was rezoned to R-6.

Mr. Spainhoward stated he believed a little over a year ago. He further stated that during the design phase he believed Sunoco Pipeline had come back with the estimate of (he believed) to be \$500,000 to make improvements to the pipeline.

Houston Smith spoke in favor of the case stating that there will not be a connection to Cave Springs, because of pipeline. He stated he was available for any questions.

Mrs. Streetman made the motion for approval stating the proposed zoning request is consistent with the adopted Land Use Plan. Mrs. Jimenez seconded. All others were in favor and motion passed.

**CASE NUMBER Z-50-2022** Applicant: Jerry Trotter

REQUEST: AG Agricultural District to R-2 Single-Family Residential District

LOCATION: The tract of land is located at the southern terminus of Viewmont Dr. and north of Gibbs Lane.

TAX MAP:032 PARCEL: 009.00 ACREAGE: 31.61 +/-

REASON FOR REQUEST: The rezone request would be an extension of the zoning classification to the west and would allow for development of a single-family residential district.

Mr. Spainhoward read the case and gave the staff recommendations:

## APPROVAL

1. The proposed zoning request is consistent with the adopted Land Use Plan.
2. Request is an extension of an existing R-2 Single Family Residential zoning district to the north & west. The proposed R-2 zoning district is not out of character with the surrounding area.
3. The adopted land use opinion map identifies this area for single family residential development.
4. No adverse environmental issues have been identified relative to this request.

Mr. Spainhoward stated that emails were received as formal public comment and can be found on pages 53-58.

Vernon Weakley spoke in favor of the case stating this site has steep terrain and we are estimating in the neighborhood of about 20 lots.

Doug Artis spoke in opposition of the case stating that he asked the commission to not approve this case because it will connect to our village causing more traffic concerns. He further stated that he has been told there is a housing shortage but the infrastructure of Trenton Road has not changed. He stated that the flood zone is an issue as well. He asked why not wait until Trenton Road is widened. He turned in a petition signed by the residents.

Eleanor Schuyler spoke in opposition of the case stating that she and whole development is adamantly opposed to this case. She stated that there are no sidewalks and there are walkers, skateboarder, etc.. She stated that cutting down trees and disrupting wildlife is an adverse environmental effect. She stated that traffic is an issue.

Tabitha Farmer spoke in opposition of the case stating she is a Gold Star Widow, she stated that traffic is an issue and she is the only one her kids have. She stated that the hundred-year flood was catastrophic and if the dam had broken it would have been worse. She stated do you want the blood of people on your hands if the dam flooded.

Mr. Spigner asked Mr. Weakley to speak to the flooding and stormwater.

Mr. Weakley stated that after the zoning process it has to go through preliminary plat process and there are several department approvals that you have to get, one of which is the street department. He further stated that you cannot increase the flood water from your site, it will not add to Spring Creek flooding it will be the same as it is today.

Mr. Spigner asked of Mr. Weakley you cannot by affect the flood plain.

Mr. Weakley stated that is correct.

Mr. Powers asked if the Broomfield Farms will be developed in conjunction with this and will the connections be made early in the phase?

Mr. Weakley stated that is correct and it should be one phase.

Mr. Rocconi made the motion for approval of the case based on it is an extension of the R-2 residential district to the north and west. and Mr. Powers seconded. Mr. Jimenez voted in opposition and all others were in favor. Motion for approval passed.

## County Zoning Cases

**CASE NUMBER CZ-13-2022** Applicant: Anthony W. Outlaw Sr. Agent: Kevin Bracey

REQUEST: AG Agricultural District to R-1 Single-Family Residential District

LOCATION: A tract fronting on the east frontage of Dotsonville Rd., 360 +/- feet north of the Dotsonville Rd. & Wooten Rd. intersection.

TAX MAP: 068 PARCEL: 057.00 ACREAGE: 0.85 +/-

Reason for Request: To add more value for the purpose of selling.

Mr. Spainhoward read the case and gave the staff recommendations:

### APPROVAL

1. The proposed zoning request is inconsistent with the adopted Land Use Plan.
2. The proposed R-1 Single Family Residential request bring a non-conforming lot into compliance & is in character with the surrounding development pattern.
3. Adequate infrastructure will serve the site & no adverse environmental issues were identified relative to this request.

With there being no further discussion Mr. Kimbrough made the motion for approval stating that the request brings a non-conforming lot into compliance and Mrs. Streetman seconded. All others were in favor and motion passed.

### SUBDIVISION CASES:

#### SUBDIVISION VARIANCE:

Case Number: V-2-2022

Miller Farm (Cluster) (Corresponding Subdivision Case S-44-2022)

Variance Requested:

The applicant is requesting a variance from Section 4.1.9 Subsection 1, of Subdivision Regulations for the proposed "Road E" to allow a cul-de-sac length of approximately 1,109', which exceeds the maximum allowed of 750'.

Mr. Parker presented the variance.

Houston Smith spoke in favor of the variance stating that the topography makes this a tough piece of property, no real way to connect with no existing stub roads and a pipeline pretty much cutting it in half.



With there being no further discussion Mr. Hadley made a motion for approval due to the topographical issues. Mr. Powers seconded. Mr. Rocconi abstained. All others were in favor and motion passed.

Mr. Parker read the consent agenda cases into the record.

**CASE NUMBER: S-44-2022** APPLICANT: Mark Holleman  
REQUEST: Preliminary Plat Approval of Miller Farm (Cluster)  
LOCATION: South of and adjacent to Ashland City Road (Hwy 12), approximately 160 feet southeast of the intersection of Glenstone Drive and Ashland City Road.  
MAP: 088 PARCEL: 121.00 ACREAGE: 98.3 +/- # OF LOTS: 139 +/- ZONING: R-1/R-5 GROWTH PLAN: CITY

STAFF RECOMMENDATION: PRELIMINARY PLAT APPROVAL SUBJECT TO THE CONDITIONS LISTED: This Approval Recommendation is subject to variance approval.

1. Approval by City Engineer's Office and the State Department of Environment and Conservation of all utility plans before construction of utilities begins.
2. Approval by the City Street Department of all road, drainage, grading, and erosion control plans before construction begins. No grading, excavating, stripping, filling, or other disturbance of the natural ground cover shall take place prior to the approval of a grading, drainage, and erosion control plan.
3. Approval by the City Street Department of all driveway access locations to the public right-of-way before construction begins on site, as per City of Clarksville Driveway Access Ordinance.
4. Improvement to Highway 12, including a left turn lane and deceleration lane shall be required.
5. The proposed "Road A" shall be three (3) lanes, use a commercial paving section, and a 60" ROW from Highway 12 to "Road B".
6. Approval by the Tennessee Department of Transportation (TDOT) for highway connection permit to State Highway 12.

**CASE NUMBER: S-45-2022** APPLICANT: Rossvie Farms LLC  
REQUEST: Preliminary Approval of Kirkwood Road Right-of-Way Dedication  
LOCATION: South of and adjacent to the intersection of Rossvie Road and Kirkwood Road  
MAP: 039 PARCEL: 032.00 ACREAGE: 3.428 +/- # OF LOTS: 0 +/- ZONING: MXU-PUD2 GROWTH PLAN: UGB

STAFF RECOMMENDATION: PRELIMINARY PLAT APPROVAL SUBJECT TO THE CONDITIONS LISTED.

1. Approval by County Highway Department of road and drainage plans, for drainage structures within the proposed right-of-way, before construction begins on site.
2. Approval by the County Building and Codes Department of all, drainage, grading, water quality and erosion control plans. No grading, excavating, stripping, filling, or other disturbance of the natural ground cover shall take place prior to the issuance of a grading and/or water quality permit.
3. Approval by the City Engineer's Office or the Utility District and the State Department of Environment and Conservation of all utility plans before construction of utilities begins.
4. Approval by the Tennessee Department of Transportation (TDOT) for a highway connection permit to State Highway 237.

**CASE NUMBER: S-46-2022** APPLICANT: Derrick Stevens (Ascension Properties, LLC)  
REQUEST: Preliminary Plat Approval of Ascension Properties, LLC West Thompkins Lane Lots 1-6  
LOCATION: East of and adjacent to the current terminus of West Thompkins Lane.  
MAP: 080H PARCEL: E 008.00 ACREAGE: 0.967 +/- # OF LOTS:6 +/- ZONING: R-6 GROWTH PLAN: CITY

STAFF RECOMMENDATION: PRELIMINARY PLAT APPROVAL SUBJECT TO THE CONDITIONS LISTED.

1. Approval by City Engineer's Office and the State Department of Environment and Conservation of all utility plans before construction of utilities begins.
2. Approval by the City Street Department of all road, drainage, grading, and erosion control plans before construction begins. No grading, excavating, stripping, filling, or other disturbance of the natural ground cover shall take place prior to the approval of a grading, drainage, and erosion control plan.
3. Approval by the City Street Department of all driveway access locations to the public right-of-way before construction begins on site, as per City of Clarksville Driveway Access Ordinance.

**CASE NUMBER: S-49-2022** APPLICANT: Robert Kolbe  
REQUEST: Preliminary Plat Approval of Kolbe Farms section 1 Lots 1-16  
LOCATION: South of and adjacent to Shelton Ferry Road, east of and adjacent to Hunter Road, west of and adjacent to Hinton Road.  
MAP: 147 PARCEL: 013.00 ACREAGE: 27.61 +/- # OF LOTS:16 +/- ZONING: AG GROWTH PLAN: RA

STAFF RECOMMENDATION: PRELIMINARY PLAT APPROVAL SUBJECT TO THE CONDITIONS LISTED.

1. Approval by County Highway Department of road and drainage plans, for drainage structures within the proposed right-of-way, before construction begins on site.
2. Approval by the County Building and Codes Department of all, drainage, grading, water quality and erosion control plans. No grading, excavating, stripping, filling, or other disturbance of the natural ground cover shall take place prior to the issuance of a grading and/or water quality permit.
3. Approval by the City Engineer's Office or the Utility District and the State Department of Environment and Conservation of all utility plans before construction of utilities begins.

**CASE NUMBER: S-50-2022** APPLICANT: David N. Young  
REQUEST: Minor Plat Approval of Biglen Subdivision Lots 1-5  
LOCATION: North of and adjacent to Biglen Road, approximately 190 feet northwest of Batts Lane and Biglen Road intersection.  
MAP: 029I PARCEL: D 035.00 ACREAGE: 0.951 +/- # OF LOTS: 5 +/- ZONING: R-6 GROWTH PLAN: City

STAFF RECOMMENDATION: FINAL PLAT APPROVAL BY MINOR PLAT PROVISIONS:

**CASE NUMBER: S-51-2022** APPLICANT: Alpine Development, LLC  
REQUEST: Preliminary Plat Approval of Joe Winn Property Tiny Town Road, lots1-3 and Travel Easement  
LOCATION: South of and adjacent to Tiny Town Road, approximately 180 feet west of Tower Drive.

MAP: 007 PARCEL: 011.00 ACREAGE: 8.48 +/- # OF LOTS:3 +/- ZONING: C-5/R-4 GROWTH PLAN: City

STAFF RECOMMENDATION: PRELIMINARY PLAT APPROVAL SUBJECT TO THE CONDITIONS LISTED.

1. Approval by City Engineer's Office and the State Department of Environment and Conservation of all utility plans before construction of utilities begins.
2. Approval by the City Street Department of all road, drainage, grading, and erosion control plans before construction begins. No grading, excavating, stripping, filling, or other disturbance of the natural ground cover shall take place prior to the approval of a grading, drainage, and erosion control plan.
3. Approval by the City Street Department of all driveway access locations to the public right-of-way before construction begins on site, as per City of Clarksville Driveway Access Ordinance.
4. Approval by the Tennessee Department of Transportation (TDOT) for a highway connection permit to State Highway 236.

Mr. Kimbrough made the motion for approval of consent agenda. Mr. Rocconi seconded. All were in favor and motion passed.

Mr. Spigner asked Mr. Tyndall to explain to the public the subdivision process before the case (S-47-2022) pulled from the consent agenda is presented.

Mr. Tyndall stated that for subdivisions staff holds up the applications submitted by the owners, applicants or engineers to the current rule books and if the rules match there is not a lot that the planning commission staff or commissioners can require or do otherwise. He further stated that if an application meets the rules one hundred percent of the way, doesn't need any variances and there is not an interpretation issue with it, if it was a staff review we are obligated to approve it. He stated that when it gets to a certain size of a subdivision (over 16 units) the commissioners have to hear it per state law.

Mr. Parker presented the case.

**CASE NUMBER: S-47-2022** APPLICANT: Jack Miller, Jack Rudolph

REQUEST: Preliminary Plat Approval of Red River Ridge

LOCATION: North of Memorial Drive, south of the Red River, east of and adjacent to Little Barn Drive and Woodmeadow Drive.

MAP: 064 PARCEL: 020.00, 014.00 ACREAGE: 148 +/- # OF LOTS: 277 +/- ZONING: R-1 GROWTH PLAN: CITY

STAFF RECOMMENDATION: PRELIMINARY PLAT APPROVAL SUBJECT TO THE CONDITIONS LISTED.

1. Approval by City Engineer's Office and the State Department of Environment and Conservation of all utility plans before construction of utilities begins.
2. Approval by the City Street Department of all road, drainage, grading, and erosion control plans before construction begins. No grading, excavating, stripping, filling, or other disturbance of the natural ground cover shall take place prior to the approval of a grading, drainage, and erosion control plan.

3. Approval by the City Street Department of all driveway access locations to the public right-of-way before construction begins on site, as per City of Clarksville Driveway Access Ordinance. Mr. Parker stated the formal comments (emails) are included in Commissioners' packets.

Mrs. Streetman asked if the condos in the villages at Rudolphtown was included, with how many accesses they need to get out.

Mr. Parker stated those actually have their own access to a public right of way.

Mrs. Streetman stated that they can also use Pond Apple Road so they should be counted.

Mrs. Streetman stated that the other day at the meeting ya'll had said that it put it 20 over the limit of 500. She further stated that the Villages at Rudolphtown is private and could be gated off at any time to only allow those who live there access.

Mr. Tyndall stated that the staff continued to discuss this Monday and that if you don't include condos or Rudolphtown Road which actually has two accesses one to Warfield and one to Memorial Drive. You are left with two accesses for the exiting homes minus the townhouse development and the Red River Ridge is still below the 500. If you count the townhouses you have to count the driveways on Rudolphtown Road. He further stated you cannot get it both ways, for example, we are going to count the townhouses but not the condos or count the townhouses and not the driveways. He stated that if you count the townhouses you would also have to include their accesses which would bring this entire subdivision up to four entrances.

There was discussion about how many entrances and a map of the accesses was shown.

There was discussion of whether the count was over 500 and Mr. Tyndall read Chapter 4.1.2 C & D of the subdivision regulations (attached).

There was more discussion of the counts and accesses.

Mr. Rocconi can we approve in phases.

Mr. Tyndall stated that yes it could be in phases.

Mr. Powers asked if we could limit the numbers until the access to Memorial extension.

Mr. Tyndall stated he would defer to the applicant.

Chris Goodman spoke in favor of the case stating he was available for any questions.

Mr. Powers asked what was the reason for not connecting out to Memorial extension since Mr. Miller owns that property as well.

Mr. Goodman stated Mr. Miller is not ready to sell that property yet.

Mrs. Streetman asked if there was any idea when he would want to sell.

Mr. Goodman stated not at this time.

Mr. Rocconi asked if his company engaged the company that did the traffic study.

Mr. Goodman stated yes.

Mr. Rocconi asked if that would cause any safety issues in his opinion.

Mr. Goodman stated that with the improvements it would reduce all that.

Mr. Spigner asked if Mr. Goodman could speak to those traffic improvements.

Mr. Goodman stated they would be putting in turning lanes on Stone Meadow and Pond Apple.

Mr. Spigner asked Mr. Goodman if they were following all staff recommendations.

Mr. Goodman stated yes.

Mr. Spigner read the recommendations and Mr. Goodman verified that all were being followed.

Mr. Kimbrough asked what the timeline would be for completion of all phases.

Mr. Goodman stated at least four to five years.

Casey Kyster spoke in favor of the case stating that our intent was to provide a plan that met all subdivision rules and regulations and he understands there is a concern about the total lot count and

potential of four of five phases approved now, that if they count of 501 lots is confirmed they would be willing to drop one or two lots to get to the full approval and have no variances.

Mike O'Malley spoke in opposition of the case stating that they are not opposed to Mr. Miller and Mr. Rudolph selling and developing their land they certainly have the right to do that but not at our expense. He stated it is not good planning that it should connect to the Memorial Road extension. He stated that traffic is an issue and construction traffic for the next four to five years. He stated there are only two access points to come and go, this would pose a significant safety issue. He stated they do not have sidewalks in Rudolphtown. He stated that just because it meets with the letter of law does not mean it's a proper outcome or a good plan.

Jeff Bibb spoke in opposition of the case stating what is common sense and when does that prevail. He stated that based on reviewing the Civil Site plat map our understanding is that there are 195.67 acres which could yield a potential 482 homes. He stated that is two and a half times the Rudolphtown homes. He stated that the acreage of homes is much less. He stated that traffic is an issue and there are no sidewalks. He stated that it may meet the guidelines but as opposed to current neighborhood streets could become thoroughfares. He stated the neighborhood should connect to Memorial Drive.

Kyle Gardner spoke in opposition of the case stating he is the president of the HOA for the neighborhood. He spoke of the emails that were sent. He stated that one of the most important concerns from neighborhood is the egress and ingress points being proposed. He stated that traffic is an issue and that there are currently no sidewalks and the road has one blind curve after another. He stated the homes should match the current Rudolphtown lot size and aesthetics in order to keep the balance, that the residents of Rudolphtown have been there longer and outing the homes on that size lot will at some time affect our property values. He stated this traffic needs to be directed to the Memorial Drive extension.

Mr. Rocconi addressed the audience stating to see the side that we (the commissioners) are sitting on, when Mr. O'Malley and Mr. Bibb when you stated the letter of the law and guidelines, on our side, the way I view it is that we are challenged to look at it per the letter of the law. If it meets the criteria we shall vote yes, is the way he views it, not that everybody may view it that way. He stated when you say disregard the letter of the law that's not a really good response to us. He stated that in his opinion the time to stop this was when it was rezoned.

Mr. Powers asked about a trip generation, could we look at the trip generation as a whole including commercial.

There was discussion of counting lots or units and if the number could be solidified as part of the deferral.

Mr. Kimbrough asked Mr. Goodman if they would entertain a 30-day deferral.

Mr. Kyster asked if that would be just to determine the scope of the traffic study.

Mr. Powers stated that you have already done a traffic study, he is talking about how a trip generation would look compared to our matrix in our subdivision regulations. He stated that the intent here was vehicles per day.

Mr. Kyster stated that if needed to verify lot count and traffic study, we would understand that.

Mr. Powers made the motion to defer for 30 days to determine the exact lot and unit counts and commercial trip generation from what we have existing and what they are proposing to have. Mrs. Jiminez seconded.

Mr. Kimbrough asked where their construction entrance would be.

Mrs. Streetman asked if there was not going to be an easement for construction.

Mr. Kyster stated that we don't have any other accesses except what is shown on the plat.

Mrs. Streetman stated but you are speaking on behalf of the applicants Jack Miller and Jack Rudolph they do own the property they have the property to afford a construction easement.

Mr. Kyster stated that they do but we are only looking at the plat for this portion and he does not have the environmental survey information if it is feasible if they were to grant property for an easement. He stated questions could be asked around this but he can't confirm.

Mr. Spigner stated there is a motion and a second on the floor all were in favor of the 30-day deferral and motion passed.

#### **SITE REVIEW CASES:**

Mrs. Russell read the consent agenda cases into the record.

**CASE NUMBER: SR-33-2022** APPLICANT: Hans Dachtler AGENT: Cal Burchett  
DEVELOPMENT: One Stop Auto PROPOSED USE: Automobile Sales  
LOCATION: 2151 Madison Street MAP: 081A, D 028.00 ACREAGE: 2.49 +/-

STAFF RECOMMENDATION: APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS

1. Approval of all utility plans by the Office of the Chief Utility Engineer.
2. Approval of all grading, drainage, and water quality plans by the City Street Department.
3. Approval from the Common Design Review Board.
4. Approval from TVA.
5. Approval of a landscape plan.

**CASE NUMBER: SR-34-2022** APPLICANT: Allen Moser AGENT: Cal Burchett

DEVELOPMENT: Reynolds Street Industrial Storage PROPOSED USE: Warehouse  
LOCATION: N. Reynolds Street MAP: 055M, D 012.00 ACREAGE: 7.16 +/-

STAFF RECOMMENDATION: APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS

1. Approval of all utility plans by the Office of the Chief Utility Engineer.
2. Approval of all grading, drainage and water quality plans by the City Street Department. No structure or fill in flood zone without a no-rise certification with supporting documentation.
3. Approval of a landscape plan.

**CASE NUMBER: SR-35-2022** APPLICANT: Maynard Construction AGENT: Cal Burchett  
DEVELOPMENT: West Brook PROPOSED USE: Multi-family  
LOCATION: Peachers Mill Road MAP: 031, 002.00 ACREAGE: 20.258 +/-

STAFF RECOMMENDATION: APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS

1. Approval of all utility plans by the Office of the Chief Utility Engineer.
2. Approval of all grading, drainage and water quality plans by the City Street Department.
3. Approval of landscape plan.

**CASE NUMBER: AB-3-2022** APPLICANT: CW Partners AGENT: Jim Cherry  
DEVELOPMENT: Weakley Brothers PROPOSED USE: Abandonment  
LOCATION: South of Madison Street, east of Golf Club Lane, and west of Davis Drive. MAP: 065P, G  
between parcels 0002.000, 003.00 and 009.00 and 024.00 ACREAGE:

STAFF RECOMMENDATION: APPROVAL, NO CONDITIONS.

There being no further discussion Mr. Rocconi made the motion for approval of consent agenda. Mrs. Streetman seconded. Powers abstained from case SR-34-2022. All others were in favor and motion passed.

Mrs. Russell presented the case pulled from the consent agenda. She further stated there were 4 emails received for public comment and is included in commissioner's packet.

**CASE NUMBER: SR-32-2022** APPLICANT: Richard D. Collins AGENT: Brad Weakley  
DEVELOPMENT: Batts Lane Townhomes PROPOSED USE: Multifamily  
LOCATION: 1909,1911 Batts Lane: 1868 Columbia Street. MAP: 030I, H 001.00, 002.00, 002.01, 002.02,  
002.03, 003.00 ACREAGE: 3.9 +/-

STAFF RECOMMENDATION: APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS

4. Approval of all utility plans by the Office of the Chief Utility Engineer.
5. Approval of all grading, drainage, and water quality plans by the City Street Department.
6. Subdivision/minor plat completed.
7. Approval of a landscape plan.

Vernon Weakley spoke in favor of the case stating he was available for any questions.

Mr. Rocconi asked Mr. Weakley if it met all requirements.  
Mr. Weakley stated that it did.

Kyle Crow spoke in opposition stating that traffic is a problem. He stated there have been multiple accidents.

Mr. Tyndall explained that a lot of Batts Lane is R-4 because prior to 2010 it was single family zone.

With there being no further discussion Mr. Rocconi made the motion to approve the case. Mr. Kimbrough seconded and all were in favor. Motion passed.

#### **OTHER BUSINESS:**

#### **A. MONTHLY PROFIT AND LOSS STATEMENT**

Mr. Rocconi made the motion to approve with Mrs. Jiminez second. All were in favor. Motion passed.

**B. SUBDIVISION REGULATIONS UPDATE  
(attached)**

Mr. Rocconi made the motion for approval and Mr. Hadley seconded. All were in favor and motion passed.

**C. UPDATE ON LETTER OF CREDIT S-52-2022 Ashland Corner**

Mr. Tyndall provided the commission an update on both letters of credit.

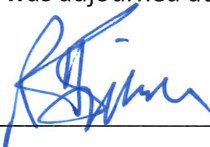
**D. UPDATE ON LETTER OF CREDIT S-68-2022 Glenstone ROW**

Christian Black spoke to the letters of credit stating it needed to be extended because of delays in scheduling.

Mr. Rocconi made the motion to approve with Mrs. Jiminez seconded. Mr. Powers abstained. All others were in favor. Motion passed.

The meeting was adjourned at 4:16 PM

ATTEST:



\_\_\_\_\_ Chairman



## **June 2022 Proposed Changes to the Clarksville – Montgomery County Subdivision Regulations**

*The following amendments to the subdivision regulation are deemed necessary to provide clarity or update procedures to roadway construction or travel easements in the city and county.*

*In addition, the RPC is reducing the required amount of copies of paper plans from 15 to 5 to reduce waste and cost to the applicants.*

### **2.2 Definitions**

#### **Replace**

*Easement, Travel (Commercial, Office, and Industrial):* The right granted by the owner of land to another party, by deed, or prescription, to allow access across one parcel of land to another. Commercial, Office or Industrial lots may be created without frontage on a public street or dedicated permanent easement, in accordance to all rules and regulations specified within these Regulations if a "travel easement" is created.

#### **With**

*Easement, Travel:* The right granted by the owner of land to another party by plat, to allow access across one parcel of land to another. Appropriately zoned lots may be created without frontage on a public street, in accordance to all rules and regulations specified within these Regulations if a "travel easement" is utilized.

#### **Section 3.2.4:**

##### **Replace:**

“4. A Planned Unit Development (PUD) development, including the large-scale construction of housing units together with necessary drives and ways of access, may be approved by the Regional Planning Commission although the design of the project does not include standard street, lot, and subdivision arrangements if the departure from the foregoing standards can be made without destroying their intent”

##### **With the following:**

“4. The roads, streets, and alleys contained within an approved Planned Unit Development (PUD) development or Mixed Used Planned Unit Development (MXU-PUD) shall defer to the road typologies approved in the original PUD / MXU-PUD approval although the design of the project may not include standard arrangements as deemed acceptable by the local authority having jurisdiction over roadway construction.”

#### **Section 3.2.6 TRAVEL EASEMENTS IN CITY**

##### **In #1 Add**

“an Association shall be formed” after “easement” and before “the following note...”

**Replace**

“2. In approving office, civic/institutional, commercial, or industrial zoned travel easements, the RPC staff shall consider such factors as circulation (vehicular and pedestrian), access, ingress and egress, parking, as well as maintenance of said travel easement and other subdivision and zoning requirements of any lots(s) affected by said travel easement. Travel easements are for the use of creating road frontage to the public right-of-way. The Planning Director shall have the authority to determine if such travel easement may be utilized within a development.”

**With**

“2. In approving office, civic/institutional, commercial, industrial, or multi-family zoned travel easements, the planning staff shall consider such factors as circulation (vehicular and pedestrian), access, ingress and egress, parking, as well as maintenance of said travel easement and other subdivision and zoning requirements of any lots(s) affected by said travel easement. The Planning Director shall have the authority to determine if such travel easement may be utilized within a development.”

**Replace**

“6. All travel easements shall be connected to a public right-of-way or permanent easement.”

**With**

“6. All travel easements shall be connected to a public right-of-way.”

**Replace**

“9. Curb and gutter may not be required.”

**With**

“9. Curb and gutter may be required.”

**Add New Section**

**3.2.8 TRAVEL EASEMENTS IN UNINCORPORATED AREA**

Office, Civic/Institutional, Commercial, or Industrial zoned lots may be created without frontage on a public street right-of-way provided the following conditions exist:

1. The travel easement is shown on the final plat, recorded in the office of the Montgomery County Register of Deeds, concurrently with the platting of lots being served by said travel

easement, an Association shall be formed and the following note shall be added to the final recorded plat:

“The Association will be responsible for the maintenance of the storm sewer structures, the travel easement, pedestrian ways and/or the development directory sign and their improvements.”

2. In approving office, civic/institutional, commercial, or industrial zoned travel easements, the RPC staff shall consider such factors as circulation (vehicular and pedestrian), access, ingress and egress, parking, as well as maintenance of said travel easement and other subdivision and zoning requirements of any lots(s) affected by said travel easement. Travel easements are for the use of creating road frontage to the public right-of-way. The Planning Director shall have the authority to determine if such travel easement may be utilized within a development.
3. The County Highway Supervisor and Montgomery County Building and Codes Department may review and approve the road and drainage plans for travel easements. The County Building and Codes Department with assistance from the County Highway Supervisor will have the authority to conduct inspections of any sidewalk and/or roadway easement construction, and it shall be a licensed engineer’s responsibility to ensure that all roadways are constructed to the Subdivision Regulations, the County Highway Supervisor pavement specifications, and Montgomery County drainage requirements. The Montgomery County Building and Codes Department will have the authority to inspect all drainage facilities and may require any information needed to ensure that the drainage facilities have been installed correctly.
4. The parcels involved in the travel easement agreement shall be served internally by a common parking lot(s), no parking shall be allowed in said travel easement.
5. The following shall be noted on the final plat:

“Montgomery County shall not be responsible for the inspection and/or maintenance of the storm sewer structures, the travel easement, and/or pedestrian ways and their improvements. Storm Water maintenance shall be in accordance with the Montgomery County Stormwater Management Manual.”

6. All travel easements shall be connected to a public right-of-way.
7. Exhibit A must be submitted prior to a Certificate of Occupancy being released for any lot, tract, or parcel of land. (See sample certifications in Chapter 8). This certification must include the licensed engineer’s signature, engineer's seal, and date signed.
8. Travel easements shall have a minimum pavement width of 24 feet.
9. Curb and gutter may be required.

**Renumber Former Sections 3.2.8 through 3.2.11 will be subsequently 3.2.9 through 3.2.12**

### **Section 5.1.1 FILING OF APPLICATION AND PLANS**

#### **Paragraph 1**

**Replace** "fifteen (15)"

**With** "five (5)"

#### **Paragraph 2**

**Replace** "The Planning staff shall forward one (1) of said copies to...."

**With** "The Planning staff shall forward a digital copy or one print to...."

### **Section 5.2**

#### **Replace**

"2. Fifteen copies and a digital copy of a preliminary plat submitted by the subdivision deadline date established by the Regional Planning Commission office."

#### **With**

"2. Five paper copies and a digital file of a preliminary plat submitted by the subdivision deadline date established by the Regional Planning Commission office."

### **Section 6.1.1**

#### **Paragraph 1**

**Replace** "fifteen (15)"

**With** "five (5)"

#### **Paragraph 2**

**Replace** "The Planning staff shall forward one (1) of said copies to...."

**With** "The Planning staff shall forward a digital copy or one print to...."

### **6.4 CONTENT FOR FINAL PLATS**

#### **Replace**

"Fifteen copies and a digital copy of a preliminary plat submitted by the subdivision deadline date established by the Regional Planning Commission office."

#### **With**

"Five paper copies and a digital file of a preliminary plat submitted by the subdivision deadline date established by the Regional Planning Commission office."

**Remove the following from 6.4 (57) (i) AND 6.5.3 (16)**

“If the lot is served by sanitary sewer or septic not using swale easements: A minimum of five feet along the inside of all side lot lines and ten feet along the inside of all rear lot lines is reserved as a utility and/or drainage easement. OR”

**6.7.2 TRAVEL EASMENTS**

**Replace**

The following shall be noted on the final plat for travel easements in the City:

“The City of Clarksville shall not be responsible for the inspection and/or maintenance of the storm sewer structures, the travel easement, and/or pedestrian ways and their improvements. Storm Water maintenance shall be in accordance with the City of Clarksville Storm Water Management Manual.”

**With**

The following shall be noted on final plats utilizing travel easements:

“The [City of Clarksville or Montgomery County] shall not be responsible for the inspection and/or maintenance of the storm sewer structures, the travel easement, and/or pedestrian ways and their improvements. Storm Water maintenance shall be in accordance with the Jurisdiction’s Storm Water Management Manual.”

“The Travel Easement shall be maintained by the association as recorded in ORV\_\_\_\_Page\_\_\_\_ROMCT”