

Hartsville/Trousdale Planning Commission Regular Meeting

Meeting Minutes

July 11, 2022 - 7:00 P.M. – Trousdale County Courthouse – 2nd Floor Courtroom

Present: John Kerr, David Nollner, Rhonda Keisling, Thomas Harper, David Thomas, Mary Ann Baker, Carol Pruitt, Sarah Murray and Sam Edwards.
Absent: Mark Swaffer
Others Present: Kealan Millies-Lucke (GNRC), Stephen Chambers, Rosalie Myhan, Several Citizens and other County Officials **Please See Attached Committee Sign in Sheet and Citizens' Response to Agenda Items Sign In Sheet**

Roll Call

Chairman Kerr called the meeting to order at 7:00 P.M. and Secretary Baker conducted a roll call.

Approval of Minutes

Chairman Kerr asked for review of the June 13th and June 22nd meetings. David Nollner made a motion to approve the minutes, Seconded by Thomas Harper. **MOTION CARRIED**

Changes to the Agenda

N/A

Public Hearing

N/A

Old Business

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

Jordan Fleming was present and asked for any questions, he advised the Committee Members of his plans to divide the property into 6 lots and build homes on them. Kealan with (GNRC) identified no Zoning, Subdivision Regulations or Plat Issues with the plat. Sam Edwards (Building Official) identified no issues as well. David Thomas made a motion to approve the Plat, Seconded by Rhonda Keisling. **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 7th Civil District.*

Jared Claiborne, Engineer for this project, spoke for Michael Woodard. He advised that the proposed site was between Front Street and West Main Street and the number of storage units were unknown, but the square footage of the units was 4600 square ft. Chairman Kerr asked if the project was going to have apartments as well and was advised no that was a separate piece of property. Kealan (GNRC) identified no Zoning Issues and on the Site Plan to show the location of any existing treed areas to remain. The parcel number had been corrected. Sam Edwards identified no other issues other than the noted vegetation. Sarah Murray made a motion to approve pending the noted vegetation. 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 6th Civil District.*

Joshua Denton spoke on behalf of Hunters Point Quarry along with Monica Conley of Frost Brown Todd Attys due to a deferral from last month's meeting. He advised committee members that the following were present

to answer any questions or concerns members may have regarding the project. Jack Mitchell, John Cross, Will Glusak, Doug Wright, Matt Lamb, Matt Mouncey, Tracy Mouncey, Mark Stephens, Shane Boring, Kennedy Adams, Peter Faulkenburg, Steven Cotton, Jeffery Straw, Lauren Walls, Richard Kirkland all who have submitted reports regarding the project.

Mr. Denton stated that materials had been submitted/filed since May 9 thru July 10, 2022, for the Plot/Site Plan application under the Trousdale County Ordinances 3.080 and since this project includes mining section 4.120 must be followed as well, a staff report from GNRC had been received stating all the requirements had been met. Mr. Denton also stated that part of the delay is whether mining activities are permitted on the property. He had submitted letter to the Planning Commission and the Hartsville/Trousdale County Attorney detailing that analysis and noted the following points.

- Ordinance 4.120 addresses the location and development standards for mining activities by stating they shall be in an area that is sparsely developed. Noting the A-1 zoning and the definition of rural being 500 people per square mile by the US Census Bureau and this area only being 74 per square mile although the ordinance states sparsely developed not populated, population is a good indication as to development.
- They have submitted operational reports in regard to dust, noise, vibrations as well as exceeding the setbacks as stated in the ordinance.

Mr. Denton then introduced Lauren Walls to address the issue that had been brought up of gravesites on the property, she advised that she received the information from Mr. Armstrong today and had initially reviewed all areas that ground would be disturbed and there was no indication of cemeteries there. However, this afternoon search found a looted Native American Stone Box grave cemetery well outside of the quarry pit but just within of 90 feet of the 250-foot buffer. The cemetery has clearly been looted for several years and not sure if there are even burials still there. The other site is an African American enslaved persons cemetery with 20 – 25 burials in it and it is located within the buffer zone.

Sarah Murray asked since this discovery what was the plan to maintain and keep them? Ms. Walls advised that although there is no letter of the law as to not disturbing a burial what would need to be done would be draw a detailed drawing of the cemeteries to confirm that we know the extent of them get all the information such as age and family names file them with the state and recommend fencing and allow access to family members.

Mr. Denton added that the applicant would be more than willing to comply with those requests and the location of the mining would not be in those cemetery areas.

Mr. Denton also noted exclusionary zoning is invalid in Tennessee and although there is no zone that specifically speaks to mining activities in the various zones, Ordinance 4.120 states in sparsely developed areas. Although there is a proposed Ordinance now before the County Commission the applicant had submitted the application before that was presented to the Commission and the new Ordinance would not apply to the applicant. Member Thomas Harper asked when the application was filed and was advised May 9, 2022.

Member Rhonda Keisling asked if Richard Kirkland could speak in more detail about sparsely developed and sparsely populated. Mrs. Keisling asked if there was a projection of the life of the quarry. Richard Kirkland advised that he used software to conduct business that looks at US Census data and within the next five years it showed 1.84% increase per year, so he used 2.0% over the next 50 years which projects about 170 people per square mile. Member David Thomas expressed concern that with the definition of sparsely developed we were given is you could come into the Urban Services District although that was not the intent that was written for. Looking at Trousdale County as a whole, the 231 corridor is the most developed area in the county, and he did not see how it would meet that definition.

Member David Nollner asked the explosive expert what kind of explosives would the company be using? Jeffery Straw, Vice President of Geosonics a vibration acoustic consulting firm who had worked the past 44 years. For this project, the product used would be an emulsion a semi liquid paste type material, considered an oxidizer which will go off in 2 parts milliseconds apart which helps increase fragmentation inside the pit and reduce ground vibration.

David Thomas asked about fly rock and what are the chances of fly rock coming from the pit area and was advised nothing was zero, but it is extremely low. Mr. Straw advised that he had investigated the concerns brought up at the last meeting and those instances were from construction blasts which are completely different than mining blasting.

Mary Ann Baker asked about property damage and property values and the assurances that Hunters Point offers. Mr. Straw advised that the damage part is what he deals with. This includes a pre blast inspection offered and maintained by the mining company. There are standards that are nationally known that have been adopted by Tennessee to preclude defects in houses. They also follow up with seismographs. Thomas Harper asked if seismographs would be placed around the property and was advised they typically go to the closest structure and place a permanent one and there will be more at different locations on the property.

Mary Ann Baker asked about how many public meetings were held by Hunters Point and the level of turnout. Mr. Denton said a lot although he had not been to all of them. They have worked with the codes department to give information about their website, rented the Community Center, as well as being in the hallway before meetings to answer any questions. Mary Ann Baker confirmed she had been to 3 and turnout was very low, but meetings had been held by Hunters Point Quarry.

Public Comments

*Nelson Armstrong spoke in opposition of the Quarry due to concerns over Native American and African American gravesites and the timeliness of the response from Hunters Point.

*Timothy Raines opposed the quarry due to concerns of lime dust, traffic, and noise.

*Audrey Wilburn opposed the quarry over concerns of children suffering from night terrors and blasting.

*Casey Kuhn opposed the quarry stating the revenue that the revenue the quarry would bring in would not be enough to repair county roads.

*Jamie Hollin, Land Use and Zoning Attorney for Chase and Becky Johnson advised members that mining, and quarrying is strictly prohibited in A-1 zoning and this body lacks the authority to approve a site plan for a project that is strictly prohibited. He advised that this area not sparsely developed.

*Nate Ellis urged members to vote no because he believes the county government should represent the citizens of the county not Industry.

* Steve Woods opposed the quarry and voiced concerns over safety, blasting, traffic, and homes being damaged.

*Blake Giles opposed the quarry sighting Ordinances and TCA.

At that time Chairman Kerr advised Committee Members that our Legal Advisor has advised him that this does not fit in the A-1 zone area and based on his legal opinion we cannot pass this tonight.

Thomas Harper asked how/why we have a site plan if this is not allowed. Chairman Kerr advised that we only received the legal opinion within the last few days and that is something we will look at going forward.

Mr. Denton advised members that he respectfully disagrees that it doesn't go in A-1 zone and if the reason it doesn't go in A-1 is because it's not listed out, it's not listed out in any zone within the county. They are glad to answer any questions and would like the input from the Planner or the Building Official.

Mr. Brandon Bellar responded to Mr. Denton by respectfully disagreeing with him on some of the interpretations of the Robertson and the Hoover case and specifically it's not a permitted use, accessory use, nor a special exception.

Kealan (GNRC) advised that the plot plan met all requirements, Sam Edwards (Building Official) noted his office had a virtual meeting with TDOT regarding the entrance and their recommendation would be to install acceleration and deceleration lanes at the entrance. Mr. Denton advised they had no objection with TDOT's recommendation. He also noted that the Sumner County case involved a floating zone.

Rhonda Keisling asked Mr. Bellar that if our regulations speak well enough to put it in M-2 if that's a possibility. Mr. Bellar advised that the M-2 as written it would be more appropriate based on the purpose maintained in that M-2 district and you looked at the 4.120 language and the M-2 district requirements there are a lot of similarities. Chairman Kerr added that any property owner could ask that their property be rezoned. David Thomas asked Mr. Bellar if the training planning members have received that state you cannot zone a lawful entity out of a county is correct and although we have no place stated for mining and quarrying to go, we do exclusively say it doesn't go in A-1? So therefore, it can go M-2, I-1, even a Commercial area we really couldn't stop that but because it does exclude it from A-1 it does not apply at this point. Mr. Bellar advised he was specifically referring to our M-2 as written right now. The proposition that we have excluded mining and quarrying explicitly from Trousdale County he does not agree with that statement.

David Nollner made a motion to deny this project specifically because our regulations concerning A-1 zones do not permit it. Seconded by Carol Pruitt.

MOTION CARRIED

New Business

- *FY 2023 On-Call Local Planning Assistance Subscription Program (Metro Hartsville-Trousdale) renewal of GNRC subscription.*

Under State Law the Planning Commission can contract for service providers and the mayor does not have the authority to sign this contract without the Planning Commission. David Nollner made a motion to approve the contract for 1 year and for the mayor to sign. Seconded by David Thomas.

MOTION CARRIED

- *Request by Ron and Grace Moreland for the rezoning of 0.30 acres at 108 Morrison Street and unaddressed Stott Street, (Map 027B Group A Parcel 037.00) from R-2 to R-3 for building townhouse in the 7th Civil District.*

Ron Moreland spoke on both properties. It is their wish to build townhouse units. Kealan (GNRC) advised that both properties should be considered as one as the one lot is a lot of record and to avoid spot zoning. Sam Edwards (Building Official) advised that one of the lots were a lot of record created in 1900. Rhonda Keisling verified that both properties would need to be combined and rezoned. David Thomas made a motion to combine the properties and approve the rezoning. Seconded by Carol Pruitt.

MOTION CARRIED

- *Request by 113 Planters Street LLC for the rezoning of 2.31 acres at unaddressed Harper, AV. (Map 19K Group B Parcel 24.03) from R-3 to I-1 in the 7th Civil District.*

The applicant nor representative were present at meeting. Thomas Harper made a motion to defer. Seconded by David Thomas.

MOTION CARRIED

- *Site Plan by R & C Enterprises for Fast Pace Health of 4.09 acres at the corner of Highway 25 and Thoroughbred Ln. (Map 19 p/o Parcel 16.18) for Medical Clinic in the 7th Civil District.*

Rick Morrow presented plan for a 3700-sg ft. medical clinic. Kealan (GNRC) noted to show a location of all flood zone areas and correct the flood note to include portions of the lot line within Flood Zone A. Sam Edwards (Building Official) had no other issues. Mary Ann Baker made a motion to approve, Seconded by David Thomas.

MOTION CARRIED

Discussion Topics

N/A

Closing Remarks from the Chair and Commission

N/A

Adjourn

Sarah Murray made a motion to adjourn, Seconded by Carol Pruitt

MOTION CARRIED