



**CLARKSVILLE CITY COUNCIL  
EXECUTIVE SESSION  
JULY 30, 2020, 4:30 P.M.**

**COUNCIL CHAMBERS  
106 PUBLIC SQUARE  
CLARKSVILLE, TENNESSEE**

**AGENDA**

**\*This meeting will be conducted in person, via Google Meets, and live-streamed on [cityofclarksville.com](http://cityofclarksville.com)\***

*In order to comply with the technical aspects of the Governor's Executive Order regarding holding open meetings in a forum other than in the open and in public, this governing body determines that meeting electronically is necessary to protect the health, safety, and welfare of its citizens due to the COVID-19 outbreak.*

**1) PLANNING COMMISSION** *RPC Director Jeff Tyndall*

**ZONING POSTPONED**

1. **ORDINANCE 5-2020-21** (First Reading; Postponed July 2; Public Hearing held July 2) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Wm. Hoosier, Todd Morris-Agent, for zone change on property located at the terminus of Prewitt Lane from AG Agricultural District to R-1 Single Family Residential District *RPC: Approval/Approval*

**ZONING PUBLIC HEARING**

1. **ORDINANCE 9-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Carol Stevens, Derrick Stevens-Agent, for zone change on property located at the southern terminus of West Thompkins Lane from R-1 Single Family Residential District to R-3 Three Family Residential District *RPC: Disapproval/Disapproval*

2. **ORDINANCE 10-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Faith Investments % Chris Blackwell for zone change on property located at the intersection of North Whitfield Road and Needmore Road from AG Agricultural District to R-4 Multiple Family Residential District *RPC: Disapproval/Disapproval*
3. **ORDINANCE 11-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Joe Roberts, Cal McKay/Burchett & Company-Agent, for zone change on property located at the intersection of Old Ashland City Road and Martha Lane from R-3 Three Family Residential District to R-6 Single Family District *RPC: Disapproval/Approval*
4. **ORDINANCE 12-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Syd Hedrick, Syd Hedrick-Agent, for zone change on property located at the intersection of Greenwood Avenue and Woodmont Boulevard from R-3 Three Family Residential District to R-6 Single Family Residential District and R-4 Multiple Family Residential District *RPC: Approval/Approval*
5. **ORDINANCE 13-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Mary Davis Holt, Bobby Powers/Greenspace Partners-Agent, for zone change on property located at the intersection of Ashland City Road and Avondale Drive from C-5 Highway & Arterial Commercial District to R-6 Single Family Residential District and R-2 Single Family Residential District *RPC: RPC: Approval/Approval*
6. **ORDINANCE 14-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Mary Davis Holt, Bobby Powers/Greenspace Partners-Agent, for zone change on property located at the intersection of Ashland City Road and Avondale Drive from R-1 Single Family Residential District to C-2 General Commercial District *RPC:RPC: Approval/Approval*
7. **ORDINANCE 15-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Luke Baggett, Syd Hedrick-Agent, for zone change on property located at the intersection of Seven Mile Ferry Road and Edmondson Ferry Road from C-2 General Commercial District and R-1 Single Family Residential District to R-6 Single Family Residential District *RPC: RPC: Approval/Approval*
8. **ORDINANCE 16-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of River Chase Marine Terminal, LLC for zone change on property located at the intersection of Ashland City Road and Beacon Drive from R-4 Multiple Family Residential District to R-2A Single Family Residential District *RPC: RPC: Approval/Approval*
9. **ORDINANCE 17-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Re4e Holdings, LLC, for zone change on property located at the intersection of Lafayette Road and Lillie Belle Lane from R-1 Single Family Residential District to R-6 Single Family Residential District *RPC: RPC: Approval/Approval*



## LAND REGULATION ADVISORY COMMISSION

1. **RESOLUTION 12-2020-21** Repealing Resolution 60-1992-93 (Residential Development Commission) and approving the formation of the Land Regulation Advisory Committee *Jeff Tyndall (Finance Committee: Approval)*

### 2) CONSENT AGENDA *City Clerk*

*All items in this portion of the agenda are considered to be routine and non-controversial by the Council and may be approved by one motion; however, a member of the Council may request that an item be removed for separate consideration under the appropriate committee report:*

1. **ORDINANCE 2-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Tupeno Partnership for zone change on property located at the intersection of Martin Luther King, Jr. Parkway, Old Farmers Road, and Wesson Drive, from R-1 Single Family Residential District to R-2 Single Family Residential District

2. **ORDINANCE 3-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Hayes Property of Clarksville, LP, Daniel Chambers (Quiktrip Corporation)-Agent, for zone change on property located at the intersection of Interstate 24 and Rossview Road (SR237) from AG Agricultural District and R-1 Single Family Residential District to C-4 Highway Interchange District

3. **ORDINANCE 4-2020-21** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Chris Blackwell for zone change on property at the intersection of Edmondson Ferry Road and Edmondson Ferry Court from R-2 Single Family Residential District to R-6 Single Family District

4. **RESOLUTION 14-2020-21** Approving a Certificate of Compliance for retail liquor sales for Bill's Package Store (1651 Fort Campbell Boulevard) *CPD: No Criminal History*

5. **RESOLUTION 15-2020-21** Approving appointments to the Human Relations Commission, Land Regulation Advisory Committee, Parking Commission

- *Human Relations Commission: Pastor Jose Ramon Vazquez (replace Juanita Charles-term expired) - August 2020 through June 2023*
- *Land Regulation Advisory Committee: Councilman Richard Garrett, Council Lady Wanda Smith - September 2020-August 2022*
- *Parking Commission: Ryan Bowie (reappointment) - September 2020 through August 2022*

6. Adoption of Minutes: July 2, July 7

3) FINANCE COMMITTEE *Chairman Jeff Burkhart*

1. **ORDINANCE 1-2020-21** (First Reading; Postponed July 2) Amending the Official Code to establish regulations pertaining to short term rentals
2. **ORDINANCE 7-2020-21** (First Reading) Repealing ORDINANCE 152-2006-07 establishing the Capital Projects Revenue District and the Capital Improvement Fund *Finance Committee: Approval*
3. **RESOLUTION 16-2020-21** Approving the waiver of the City's subrogation claim related to the OJI death of Jeffrey Prosecky *Finance Committee: Approval*

4) GAS & WATER COMMITTEE *Chairlady Valerie Guzman*

1. **ORDINANCE 6-2020-21** (First Reading) Authorizing extension of utility services to 1551 Woodlawn Road; request of Patricia Murphy *Gas & Water Committee: No Recommendation*
2. Department Report

5) HOUSING & COMMUNITY DEVELOPMENT COMMITTEE *Chairman David Allen*

1. Department Report

6) PARKS & RECREATION COMMITTEE *Chairlady Valerie Guzman*

1. Department Report

7) PUBLIC SAFETY COMMITTEE *Chairman Jeff Henley*

1. Department Reports

8)STREETS & GARAGE COMMITTEE *Chairman Tim Chandler*

1. **RESOLUTION 13-2020-21** Expressing the sense of the City Council pertaining to a prohibition through traffic regulation, lighting, and/or signage to prevent tractor trailer trucks from turning right from Riverside Drive onto College Street *Street Committee: Approval*
2. Department Reports

9)TRANSPORTATION COMMITTEE *Chairlady Wanda Smith*

1. Department Reports

#### 10) DESIGNATIONS COMMITTEE

1. **RESOLUTION 17-2020-21** Approving the honorary designation of Walker Street as “Sharroniese L. Horton Memorial Drive” *Mayor Pitts*

#### 11) NEW BUSINESS

1. **ORDINANCE 8-2020-21** (First Reading) Amending the Official Code relative to fireworks *Councillady Smith*
2. **RESOLUTION 18-2020-21** Approving a settlement of the Robinsons and/or Franklin Street Corporation v. City State Court and Federal Court Lawsuits (Postponed July 2) *Councilman Allen*

#### 12) MAYOR AND COUNCIL MEMBER COMMENTS

#### 13) PUBLIC COMMENTS

*In accordance with the Alternative Public Comment procedure (RESOLUTION 8-2020-21), a request to speak must be submitted no less than 48 hours prior to meeting time; no requests were received.*

#### 14) ADJOURNMENT

## CITY ZONING ACTIONS

The following case(s) will be considered for action at the formal session of the Clarksville City Council on: August 6, 2020. The public hearing will be held on: July 30, 2020.

CITY ORD. #: 9-2020-21      RPC CASE NUMBER: Z-20-2020

Applicant: CAROL STEVENS

Agent: Derrick Stevens

Location: Property fronting on the east frontage of West Thompkins Lane at the southern terminus of West Thompkins Lane.

Ward #: 7

Request: R-1 Single-Family Residential District  
to  
R-3 Three Family Residential District

STAFF RECOMMENDATION: DISAPPROVAL

PLANNING COMMISSION RECOMMENDATION: DISAPPROVAL

\*\*\*\*\*

CITY ORD. #: 10-2020-21      RPC CASE NUMBER: Z-21-2020

Applicant: FAITH INVESTMENTS C/O CHRIS BLACKWELL

Agent:

Location: Property located on the east frontage of N. Whitfield Rd. 500 +/- feet north of the N. Whitfield Rd. & Needmore Rd. intersection.

Ward #: 9

Request: AG Agricultural District  
to  
R-4 Multiple-Family Residential District

STAFF RECOMMENDATION: DISAPPROVAL

PLANNING COMMISSION RECOMMENDATION: DISAPPROVAL

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CITY ORD. #: 11-2020-21      RPC CASE NUMBER: Z-24-2020

Applicant: JOE ROBERTS

Agent: Cal Burchett McKay, Burchett & Company

Location: Property located at the southwest corner of the Old Ashland City Rd. & Martha Ln. intersection.

Ward #: 7

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

STAFF RECOMMENDATION: DISAPPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

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CITY ORD. #: 12-2020-21      RPC CASE NUMBER: Z-25-2020  
Applicant:      SYD HEDRICK  
Agent:      Syd Hedrick  
Location:      Property fronting on the north frontage of Woodmont Blvd. 525 +/- feet west of the Greenwood Ave. & Woodmont Blvd. intersection.  
Ward #:      6  
Request:      R-3 Three-Family Residential District  
                 to  
                 R-6 Single-Family District / R-4 Multiple-Family Residential District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

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CITY ORD. #: 13-2020-21      RPC CASE NUMBER: Z-26-2020  
Applicant:      MARY DAVIS HOLT  
Agent:      Bobby Powers Greenspace Partners  
Location:      Property located at the southwest corner of the Ashland City Road and Avondale Drive intersection  
Ward #:      7  
Request:      C-5 Highway and Arterial Commercial District  
                 to  
                 R-6 Single-Family District / R-2 Single-Family Residential District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

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CITY ORD. #: 14-2020-21      RPC CASE NUMBER: Z-27-2020  
Applicant:      MARY DAVIS HOLT  
Agent:      Bobby Powers Greenspace Partners  
Location:      Property fronting on the north frontage of Ashland City Road 874 +/- feet west of the Ashland City Road and Avondale Drive intersection  
Ward #:      7  
Request:      R-1 Single-Family Residential District  
                 to  
                 C-2 General Commercial District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

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CITY ORD. #: 15-2020-21      RPC CASE NUMBER: Z-28-2020  
Applicant:      LUKE BAGGETT  
Agent:      Syd Hedrick  
Location:      Property located on the southeast corner of the Seven Mile Ferry Road and Edmonson Ferry Road intersection  
Ward #:      7  
Request:      C-2 General Commercial District / R-1 Single-Family Residential District  
                 to  
                 R-6 Single-Family District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

\*\*\*\*\*

CITY ORD. #: 16-2020-21      RPC CASE NUMBER: Z-29-2020

Applicant:      RIVER CHASE MARINE TERMINAL, LLC

Agent:

Location:      Property fronting on the south frontage of Ashland City Road, 837 +/- feet west of the Ashland City Road and Beacon Drive intersection.

Ward #:      7

Request:      R-4 Multiple-Family Residential District  
                 to  
                 R-2A Single-Family Residential District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

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CITY ORD. #: 17-2020-21      RPC CASE NUMBER: Z-30-2020

Applicant:      RE4E HOLDINGS, LLC

Agent:

Location:      Property fronting on the south frontage of Lafayette Road, 135 +/- feet east of the Lafayette Road and Lillie Belle Lane intersection.

Ward #:      4

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

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

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**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**

**STAFF REVIEW - ZONING**

**RPC MEETING DATE** 7/29/2020

**CASE NUMBER:** Z - 20 - 2020

**NAME OF APPLICANT:**Carol

Stevens

**AGENT:** Derrick

Stevens

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**GENERAL INFORMATION**

**TAX PLAT:** 080-H-E

**PARCEL(S):** 008.00

**ACREAGE TO BE REZONED:** 0.967

**PRESENT ZONING:** R-1

**PROPOSED ZONING:** R-3

**EXTENSION OF ZONING**

**CLASSIFICATION:** YES TO THE WEST

**PROPERTY LOCATION:** Property fronting on the east frontage of West Thompkins Lane at the southern terminus of West Thompkins Lane.

**CITY COUNCIL WARD:** 7

**COUNTY COMMISSION DISTRICT:** 5

**CIVIL DISTRICT:** 12

**DESCRIPTION OF PROPERTY:** Vacant grassland field with slight slope with frontage along a substandard right of way.

**APPLICANT'S STATEMENT** Requesting a zone change to R-3 Three Family Residential District  
**FOR PROPOSED USE:**

**GROWTH PLAN AREA:** CITY

**PLANNING AREA:** South Clarksville

**PREVIOUS ZONING HISTORY:**

**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**  
**STAFF REVIEW - ZONING**  
**DEPARTMENT COMMENTS**

☒ GAS AND WATER ENG. SUPPORT MGR.  
☒ GAS AND WATER ENG. SUPPORT COOR.  
☐ UTILITY DISTRICT  
☒ CITY STREET DEPT.  
☒ TRAFFIC ENG. - ST. DEPT.  
☐ COUNTY HIGHWAY DEPT.  
☐ CEMC  
☒ DEPT. OF ELECTRICITY (CDE)

☐ ATT  
☒ FIRE DEPARTMENT  
☐ EMERGENCY MANAGEMENT  
☒ POLICE DEPARTMENT  
☐ SHERIFF'S DEPARTMENT  
☒ CITY BUILDING DEPT.  
☐ COUNTY BUILDING DEPT.  
☒ SCHOOL SYSTEM OPERATIONS  
☐ FT. CAMPBELL

☐ DIV. OF GROUND WATER  
☐ HOUSING AUTHORITY  
☐ INDUSTRIAL DEV BOARD  
☐ CHARTER COMM.  
☐ Other...

**1. CITY ENGINEER/UTILITY DISTRICT:**

Comments received from department and they had no concerns.

**2. STREET DEPARTMENT/  
COUNTY HIGHWAY DEPARTMENT:**

Need for turnaround to be determined by CFD & RPC.

**3. DRAINAGE COMMENTS:**

Comments received from department and they had no concerns.

**4. CDE/CEMC:**

**5. FIRE DEPT/EMERGENCY MGT.:**

Increased density requires a compliant turnaround/ROW improvements

**6. POLICE DEPT/SHERIFF'S OFFICE:**

Comments received from department and they had no concerns.

**7. CITY BUILDING DEPARTMENT/  
COUNTY BUILDING DEPARTMENT:**

**8. SCHOOL SYSTEM:**

ELEMENTARY: BARKSDALE  
MIDDLE SCHOOL: RICHVIEW  
HIGH SCHOOL: CLARKSVILLE

Barksdale Elem., Richview Middle & Clarksville High are in the 3rd fastest growing region in Montgomery County. Barksdale Elem. is at 97% capacity and currently has 1 portable classroom, Richview Middle is at 100% capacity and currently has 1 portable classroom, Clarksville High is at 93% capacity. CMCSS has added an average of 10 portable classrooms each year for the last 4 years. This continued student growth necessitates additional action to address building capacity growth & school bus transportation needs in Montgomery County. This development will contribute additional students & neither infrastructure, funding, nor processes are in place at this time to address housing development in this region!

**9. FT. CAMPBELL:**

**10. OTHER COMMENTS:**



**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**  
**STAFF REVIEW - ZONING**

**PLANNING STAFF'S STUDY AND RECOMMENDATION**

**IMPACT OF PROPOSED USE ON** Increased residential density  
**SURROUNDING DEVELOPMENT:**

**INFRASTRUCTURE:**

**WATER SOURCE:** CITY

**SEWER SOURCE:** CITY

**STREET/ROAD ACCESSIBILITY:** West Thompkins Lane

**DRAINAGE COMMENTS:** Varies

**RESIDENTIAL DEVELOPMENT**

**APPLICANT'S ESTIMATES    HISTORICAL ESTIMATES**

**LOTS/UNITS:**

**6**

**POPULATION:**

**16**

**APPLICABLE LAND USE PLAN**

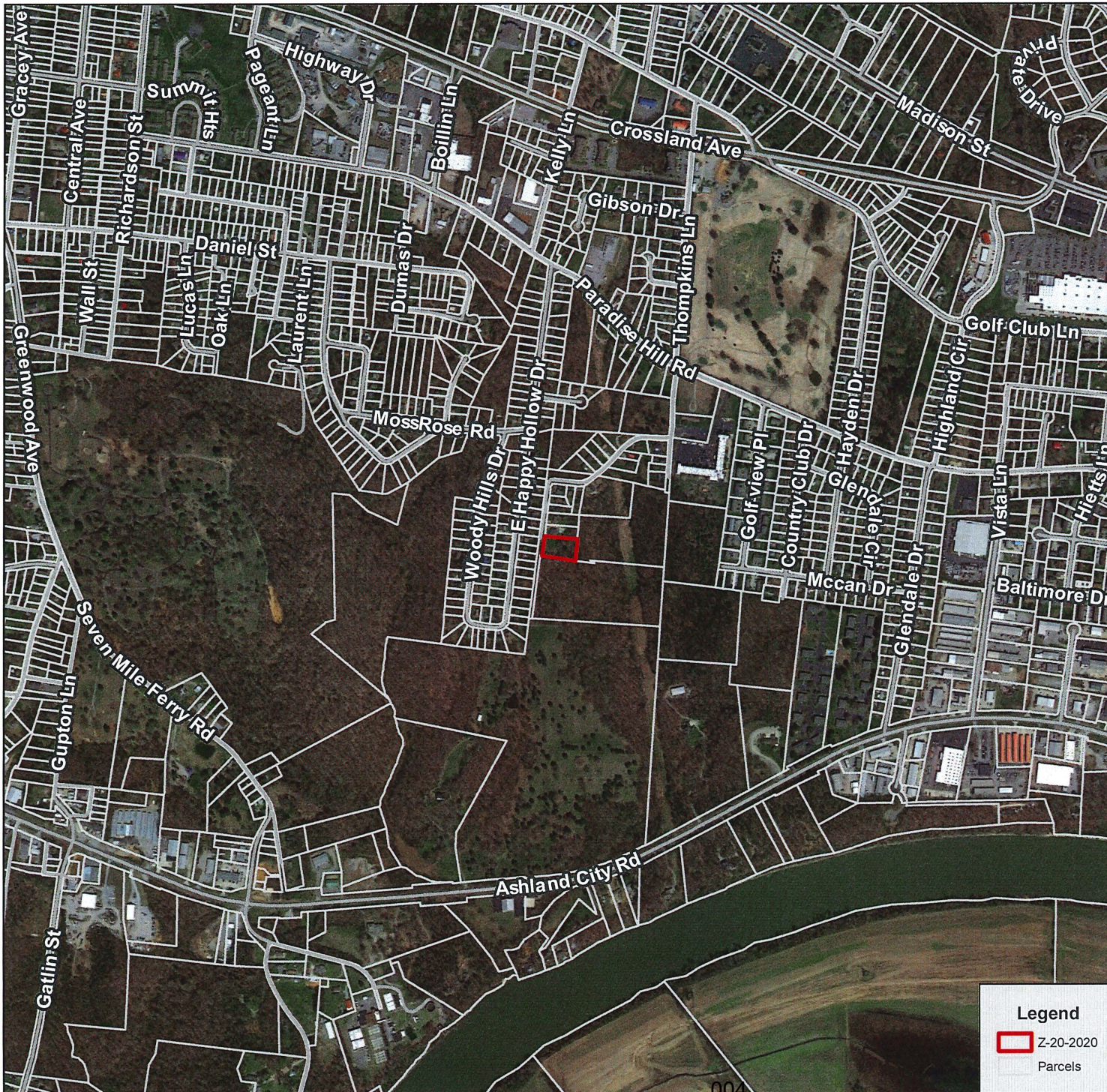
South Clarksville Planning Area - South Clarksville is dominated by residential development but is ringed by commercial and light industrial uses. It is near the core of the city and has a well developed transportation network for destinations within its boundaries and other areas of the city. Sufficient infrastructure to support high density development.

**STAFF RECOMMENDATION:**      **DISAPPROVAL**

- 1.** The proposed zoning request is inconsistent with the adopted Land Use Plan.
- 2.** The adopted Land Use Plan indicates that the present R-1 zoning is assumed to be correct unless the proposed zone is more consistent with the land use plan, the parcel was incorrectly zoned in the first place or major changes of an economic, physical or social nature were not considered in the present plan which have substantially altered the character of the area.
- 3.** Inadequate roadway infrastructure limits development potential. Subdivision of the property and/or increased development density may require infrastructure improvements that would likely exceed the value of the development.
- 4.** No adverse environmental issues were identified relative to this request.

**5.**





**Z-20-2020**

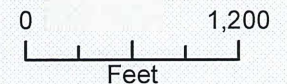
**APPLICANT:**  
CAROL STEVENS

**REQUEST:**  
**R-1**  
TO  
**R-3**

**MAP AND PARCEL**  
**080H E 00800**

**+/- ACRES**  
**0.97**

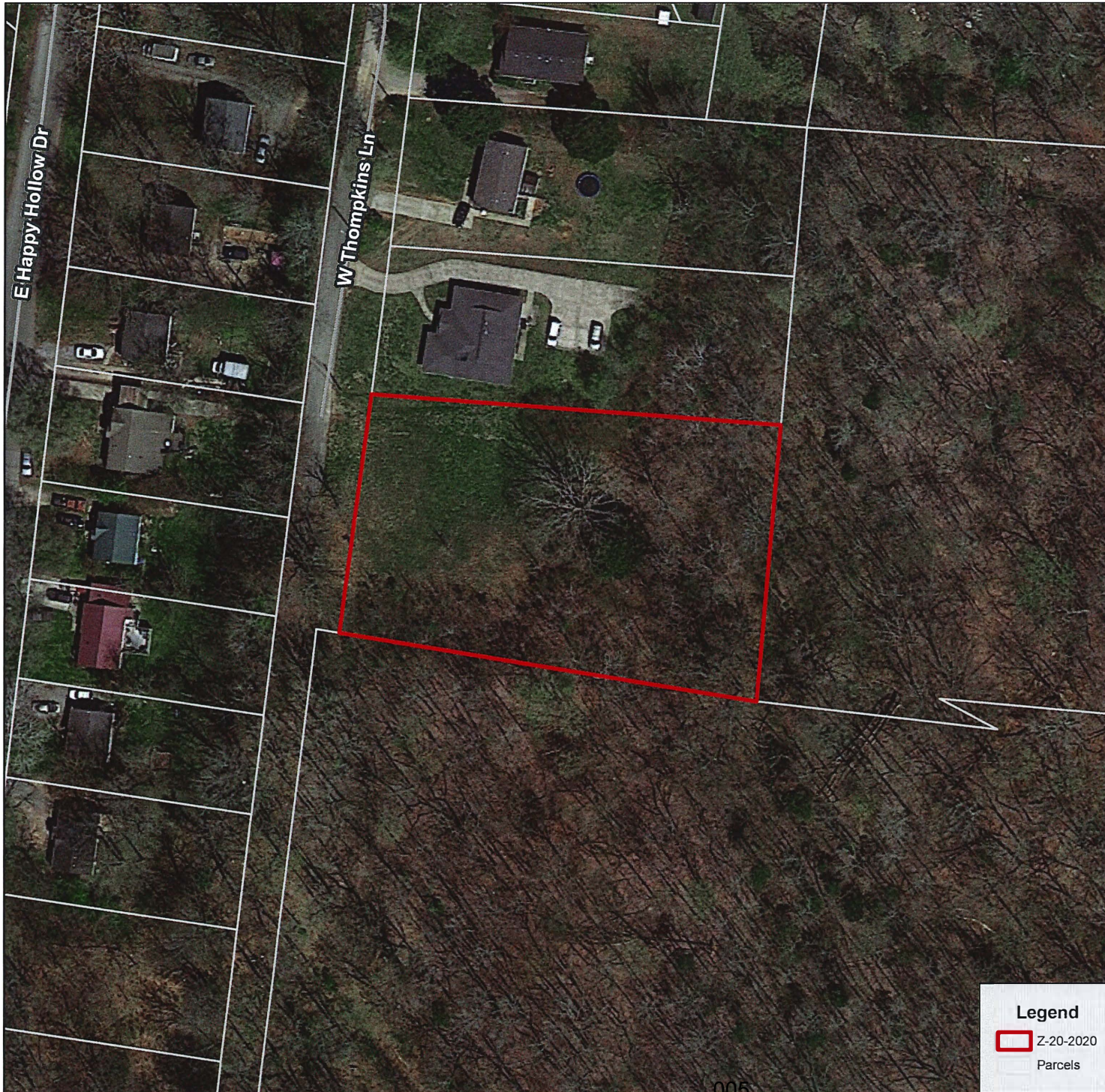
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6/24/2020







**Z-20-2020**

**APPLICANT:**  
**CAROL STEVENS**

**REQUEST:**  
**R-1**  
**TO**  
**R-3**

**MAP AND PARCEL**  
**080H E 00800**

**+/- ACRES**  
**0.97**

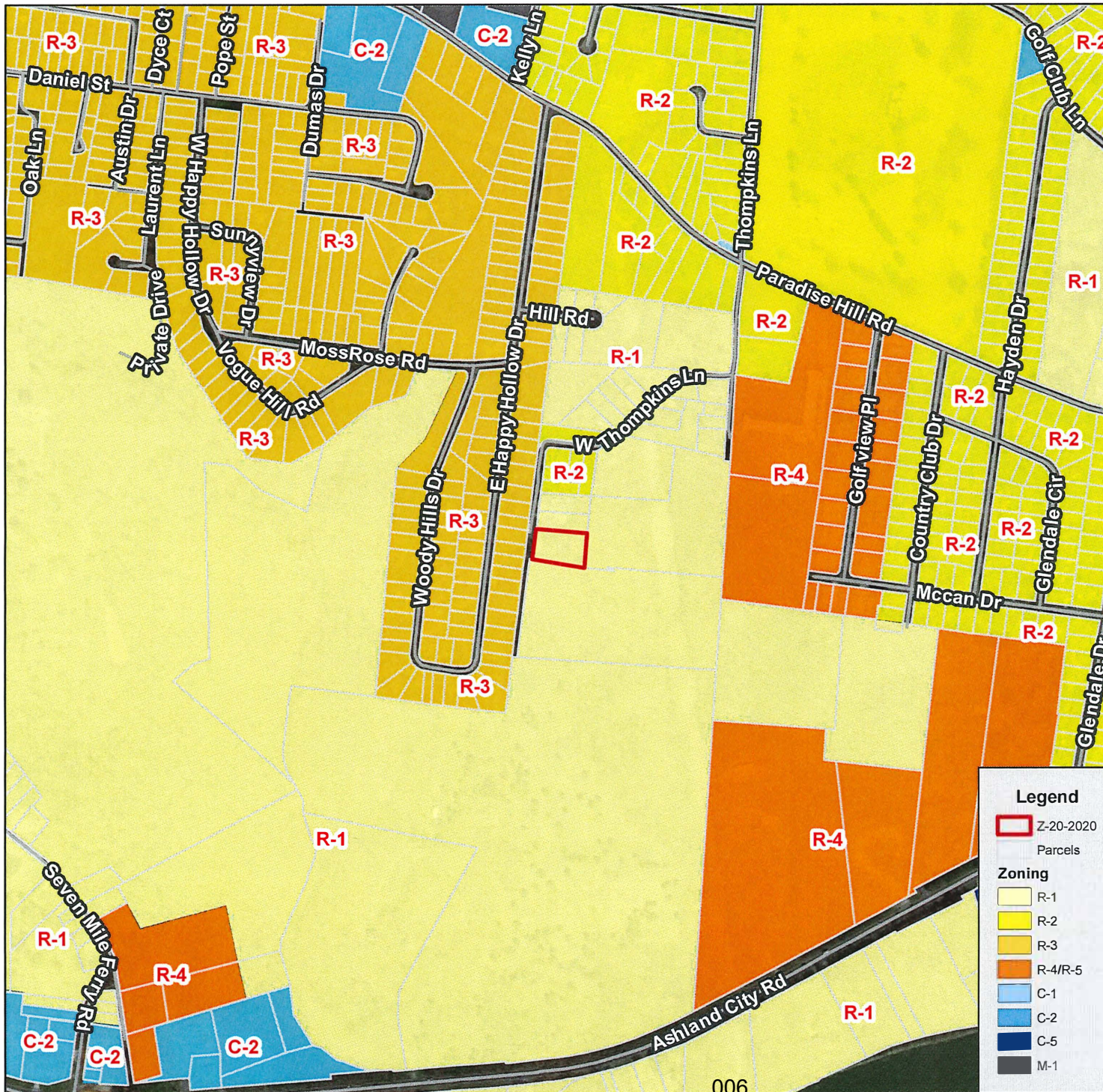
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6/24/2020







**Z-20-2020**

**APPLICANT:**  
CAROL STEVENS

**REQUEST:**  
**R-1**  
**TO**  
**R-3**

**MAP AND PARCEL**  
080H E 00800

**+/- ACRES**  
0.97

1:8,000

0 800  
Feet

6/24/2020



**CASE NUMBER:** Z 20 2020 **MEETING DATE** 7/29/2020

**APPLICANT:** Carol Stevens

**PRESENT ZONING** R-1

**PROPOSED ZONING** R-3

**TAX PLAT #** 080-H-E

**PARCEL** 008.00

**GEN. LOCATION** Property fronting on the east frontage of West Thompkins Lane at the southern terminus of West Thompkins Lane.

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**PUBLIC COMMENTS**

None received as of 10:30 A.M. on 7/29/2020 (A.L.)

**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**

**STAFF REVIEW - ZONING**

**RPC MEETING DATE:** 7/29/2020

**CASE NUMBER:** Z - 21 - 2020

**NAME OF APPLICANT:**Faith Investments

C/o Chris Blackwell

**AGENT:**

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**GENERAL INFORMATION**

**TAX PLAT:** 031

**PARCEL(S):** 017.00

**ACREAGE TO BE REZONED:** 2.48

**PRESENT ZONING:** AG

**PROPOSED ZONING:** R-4

**EXTENSION OF ZONING**

**CLASSIFICATION:** NO

**PROPERTY LOCATION:** Property located on the east frontage of N. Whitfield Rd. 500 +/- feet north of the N. Whitfield Rd. & Needmore Rd. intersection.

**CITY COUNCIL WARD:** 9

**COUNTY COMMISSION DISTRICT:** 17

**CIVIL DISTRICT:** 2

**DESCRIPTION OF PROPERTY:** Existing level single family home site.

**APPLICANT'S STATEMENT** To develop a small multifamily infill development. The size and shape of the property as  
**FOR PROPOSED USE:** well as access restrictions to Whitfield limits the feasibility of a single family  
development.

**GROWTH PLAN AREA:** CITY

**PLANNING AREA:** Trenton

**PREVIOUS ZONING HISTORY:**

# CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

## STAFF REVIEW - ZONING

### DEPARTMENT COMMENTS

☒ GAS AND WATER ENG. SUPPORT MGR.  
☒ GAS AND WATER ENG. SUPPORT COOR.  
☐ UTILITY DISTRICT  
☒ CITY STREET DEPT.  
☒ TRAFFIC ENG. - ST. DEPT.  
☐ COUNTY HIGHWAY DEPT.  
☐ CEMC  
☒ DEPT. OF ELECTRICITY (CDE)

☐ ATT  
☒ FIRE DEPARTMENT  
☐ EMERGENCY MANAGEMENT  
☒ POLICE DEPARTMENT  
☐ SHERIFF'S DEPARTMENT  
☒ CITY BUILDING DEPT.  
☐ COUNTY BUILDING DEPT.  
☒ SCHOOL SYSTEM OPERATIONS  
☐ FT. CAMPBELL

☐ DIV. OF GROUND WATER  
☐ HOUSING AUTHORITY  
☐ INDUSTRIAL DEV BOARD  
☐ CHARTER COMM.  
☐ Other...

**1. CITY ENGINEER/UTILITY DISTRICT:**

No gravity sewer available.

**2. STREET DEPARTMENT/  
COUNTY HIGHWAY DEPARTMENT:**

A traffic assessment required.

**3. DRAINAGE COMMENTS:**

Comments received from department and they had no concerns.

**4. CDE/CEMC:**

No Comment(s) Received

**5. FIRE DEPT/EMERGENCY MGT.:**

Comments received from department and they had no concerns.

**6. POLICE DEPT/SHERIFF'S OFFICE:**

Comments received from department and they had no concerns.

**7. CITY BUILDING DEPARTMENT/  
COUNTY BUILDING DEPARTMENT:**

No Comment(s) Received

**8. SCHOOL SYSTEM:**

ELEMENTARY: GLENELLEN  
 MIDDLE SCHOOL: NORTHEAST  
 HIGH SCHOOL: NORTHEAST

Glenellen Elementary, Northeast Middle & Northeast High are in the fastest growing region in Montgomery County. Glenellen Elem. is at 101% capacity & currently has 4 portable classrooms. Northeast Middle is at 109% capacity & currently has 9 portables & Northeast High is at 86% capacity. CMCSS has added an average of 10 portable classrooms each year for the last 4 years. This continued student growth necessitates additional action to address building capacity growth & school transportation needs. This development will contribute additional students & neither infrastructure, funding, nor processes are in place at this time to address housing development in this region!

**9. FT. CAMPBELL:**

**10. OTHER COMMENTS:**

**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**  
**STAFF REVIEW - ZONING**

**PLANNING STAFF'S STUDY AND RECOMMENDATION**

**IMPACT OF PROPOSED USE ON SURROUNDING DEVELOPMENT:** Increased multi-family residential density

**INFRASTRUCTURE:**

**WATER SOURCE:** CITY

**SEWER SOURCE:** CITY

**STREET/ROAD ACCESSIBILITY:** N. Whitfield Rd.

**DRAINAGE COMMENTS:** East

**RESIDENTIAL DEVELOPMENT**

**APPLICANT'S ESTIMATES    HISTORICAL ESTIMATES**

<b>LOTS/UNITS:</b>	<b>29</b>
<b>POPULATION:</b>	<b>78</b>

**APPLICABLE LAND USE PLAN**

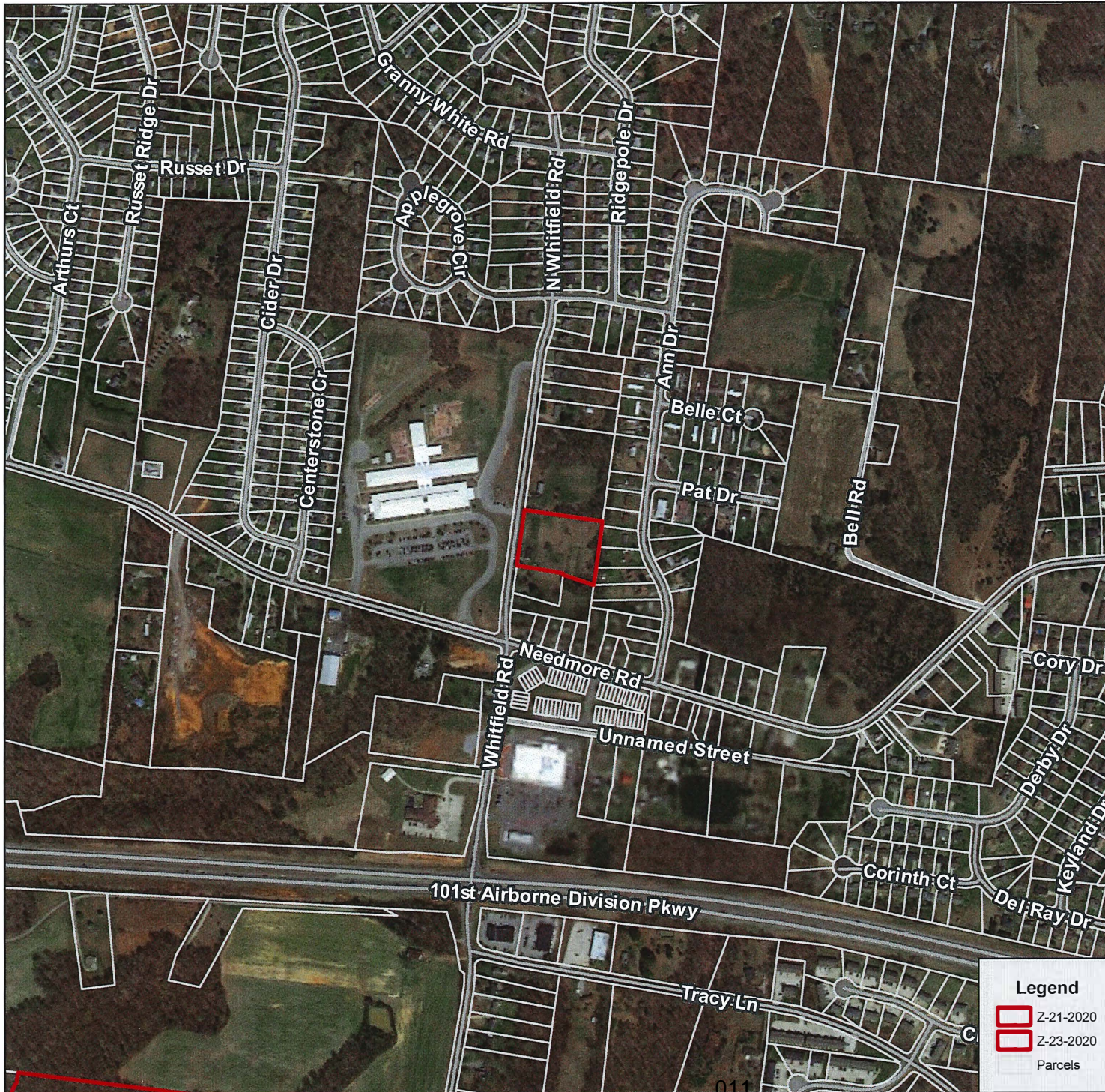
Trenton Road Planning Area: The dominant transportation corridor in the area is I-24, strongly supported by Wilma Rudolph Blvd. & 101st Airborne Parkway. Exit 1 I-24 interchange with Trenton Road has seen tremendous growth since 2000.

**STAFF RECOMMENDATION:**      **DISAPPROVAL**

1. The long range potential of this property appears to be multi-family, however existing roadway infrastructure at the N. Whitfield & Needmore Rd. intersection is currently inadequate.
2. The submitted traffic assessment indicates the current level of service as being inadequate for the N. Whitfield & Needmore Rd. intersection
3. This proposed zoning should be delayed until the intersection improvements are completed.
4. No adverse environmental issues were identified relative to this request.

5.





**Z-21-2020**

**APPLICANT:**  
**FAITH INVESTMENTS**

**REQUEST:**

**AG**  
**TO**  
**R-4**

**MAP AND PARCEL**  
**031 01700**

**+/- ACRES**  
**2.48**

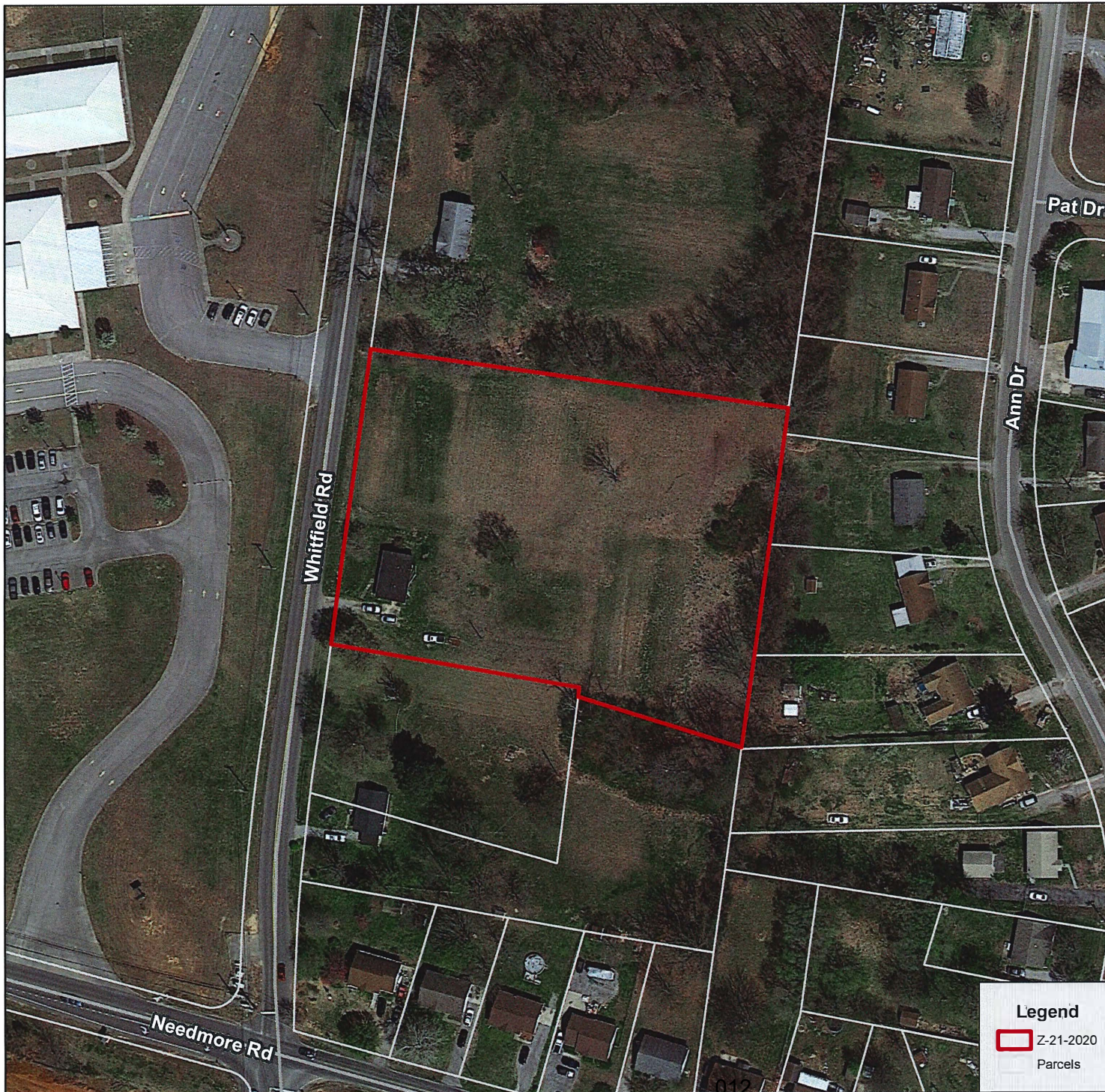
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6/24/2020







**Z-21-2020**

**APPLICANT:**  
**FAITH INVESTMENTS**

**REQUEST:**  
**AG**  
**TO**  
**R-4**

**MAP AND PARCEL**  
**031 01700**

**+/- ACRES**  
**2.48**

1:1,500



6/24/2020







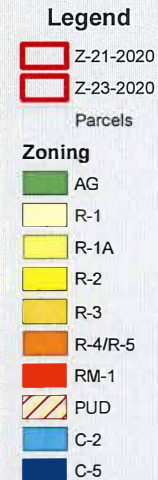
**Z-21-2020**

**APPLICANT:**  
FAITH INVESTMENTS

**REQUEST:**  
**AG**  
**TO**  
**R-4**

**MAP AND PARCEL**  
031 01700

**+/- ACRES**  
**2.48**



1:8,000



6/24/2020



**CASE NUMBER:** Z 21 2020 **MEETING DATE** 7/29/2020

**APPLICANT:** Faith Investments C/o Chris Blackwell

**PRESENT ZONING** AG **PROPOSED ZONING** R-4

**TAX PLAT #** 031 **PARCEL** 017.00

**GEN. LOCATION** Property located on the east frontage of N. Whitfield Rd. 500 +/- feet north of the N. Whitfield Rd. & Needmore Rd. intersection.

\*\*\*\*\*

**PUBLIC COMMENTS**

A copy of e-mail is in the file.

John,

Comments for Planning Meeting:

The property adjacent to the proposed project (Case Number Z-21-2020) south towards Needmore Road is owned by our family (Sonjia McGlown, Riniski McGlown, Fonda Malone and Orlando Reed). Currently, on this property is a single family residence that has been in the possession of the Reed family for over thirty years. The property is used by the family as a second home and remains in the family as a possible location for retirement homes for several family members. Properties along this section of North Whitfield Road have been used for single family dwellings also over the last thirty years. Farming on the properties along North Whitfield Road had been discontinued even before Glenellen School was built in the late 1990s. During this time the properties along North Whitfield road have been used primarily as single family residence.

With addition of the Glenellen Elementary school and the housing subdivision down North Whitfield Road a tremendous traffic flow problem have developed in that area. There is an ongoing road improvement project underway to reduce traffic congestion. This road imprudent project will implement a roundabout at the intersection of Needmore and North Whitefield Road. Based on observations of the traffic in that area, this will pose safety issue with no stop light or stop sign to slow traffic as it enters North Whitefield Road in the immediate vicinity of the family property driveway. This road improvement project may enhance the flow of traffic, but it will also create a hazardous condition for our family with egress on to North Whitefield Road from the residence located on the property.

In Clarksville significant traffic flow issues are prevalent across the city as approval for the additions of schools, apartments, subdivisions and multiple family units are implemented without full regard to the impacts to the community at large. As a native Clarksvillians, we are shocked when we come home at the congestion and traffic flow issues especially in area of what we refer to as Saint Bethlehem. As military families, we have been stationed at numerous locations across the nation that have experienced rapid population growth. Some communities have managed the growth well, where others have not. It can be truly a difficult problem to resolve.

With the addition of multiple family units as proposed (Case Number Z-21-2020) there will be an additional traffic burdens on the intersection and the bordering the school property resulting in the direct opposite effect of the road construction project that is under development. In addition, the nature and the natural beauty of the properties adjacent to the school in that area will be irrevocably altered.

We understand the area will change over time. But, we believe preserving the current nature of the area with single family residences would be a more prudent planning decision in the long term. This would maintain the current nature of the area adjacent to the school, eliminate additional traffic flow problems in the best interest for the community at large.

One suggestion for the planning committee before a final decision is render. Conduct a survey of the households along North Whitfield to include those in the subdivision down North Whitfield Road as to their opinion of the multiple family unit project. We believe if this issue is clearly presented to the community they would reject a multiple family units in the area.

We are truly thankful for an opportunity to address our concerns.

Respectfully Submitted,

McGlown and Reed Families



**City  
of  
Clarksville**

John Spainhoward <[john.spainhoward@cityofclarksville.com](mailto:john.spainhoward@cityofclarksville.com)>

7-21-2020

## Zone Change

1 message

**Tiffany Caler** <[tfinlason@yahoo.com](mailto:tfinlason@yahoo.com)>

Mon, Jun 29, 2020 at 8:52 PM

Reply-To: Tiffany Caler <[tfinlason@yahoo.com](mailto:tfinlason@yahoo.com)>

To: "john.spainhoward@cityofclarksville.com" <[john.spainhoward@cityofclarksville.com](mailto:john.spainhoward@cityofclarksville.com)>

Hello,

I am emailing regarding the zoning change to the property on N Whitfield across from Glenellen Elementary. I think this would be a HUGE mistake. The intersection of Whitfield and Needmore is already horribly congested from all the housing that has been added to the Glenn Ellen Landing neighborhood. Traffic floods out into 101st where people have to sit through 3-4 light cycles just to turn into Whitfield from 101st. The city wants to add either a roundabout or a traffic signal to alleviate some of the congestion, but this will only get worse if more housing, especially apartments are built there. Please consider not only the people who already live and deal with this congestion daily, but the burden to an already overwhelmed school that cannot sufficiently move traffic during pick up and drop off times.

Thank you,

Tiffany Caler

[tfinlason@yahoo.com](mailto:tfinlason@yahoo.com)

(352) 345-9933



**City  
of  
Clarksville**

**John Spainhoward** <john.spainhoward@cityofclarksville.com>

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## N. Whitfield rezone

1 message

2-21-2020

**Alicia Archuleta** <aliciamarchuleta@gmail.com>

Mon, Jun 29, 2020 at 9:45 PM

To: john.spainhoward@cityofclarksville.com

Mr. Spainhoward,

As a resident of Applegrove for the last 14 years I have seen growth upon growth in the area with little regard to the infrastructure.

By adding apartment buildings across from the elementary school, it will only be adding to the problem that spills onto 101st at the light. More than once I have been stuck in the intersection because cars were moving and all the sudden backed up blocking the traffic going toward FT Campbell Blvd. Personally I am anxious about the traffic circle solution as most locals aren't familiar with them and don't know how to work the four way stop, but no one seemed to listen during that call for input.

The neighborhood representatives were ignored when we went in person to ask for the Walmart market to not be approved because of the traffic we deal with daily, so I'm sure this is likely for naught as well.

However as a voter, parent and nearly 40 year resident of this town I feel the need to voice this.

Sincerely,  
Alicia Archuleta  
2829 Rome Lane  
9312167039

Sent from my iPhone



**City  
of  
Clarksville**

**John Spainhoward** <john.spainhoward@cityofclarksville.com>

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## zone change

1 message

Z-21-2020

**Julie Greatorex Griffith** <jeg8718@yahoo.com>

Mon, Jun 29, 2020 at 11:18 PM

To: john.spainhoward@cityofclarksville.com

Hello.

I was informed that there could possibly be some apartments being built on or close to Needmore road. I strongly urge against this decision. This area is already bombarded with traffic and I fear it will only make things worse. Especially when school is back in session.

Also, please, if there is any way for the timing on the red lights on 101st and Whitfield to be changed to a more efficient wait time, I'm sure everyone who sits there for 5-10 minutes at times would greatly appreciate it!

Sincerely,

Julie Griffith.

Sent from my iPhone





**City  
of  
Clarksville**

**John Spainhoward** <[john.spainhoward@cityofclarksville.com](mailto:john.spainhoward@cityofclarksville.com)>

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## Rezoning of lot on N Whitfield rd (in city limits)

1 message

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**J.Bellofatto** <[joefitness88@gmail.com](mailto:joefitness88@gmail.com)>  
To: [john.spainhoward@cityofclarksville.com](mailto:john.spainhoward@cityofclarksville.com)

Thu, Jun 25, 2020 at 11:58 PM

To whome it may concern:

I am writing in reference to, what I believe to be, rezoning **case number Z-21-2020**.

This is the property on North Whitfield Rd directly across from Glenellen Elementary. In the rezoning request, it is stated that, "The size and shape of the property as well as access restrictions to N Whitfield limits the feasibility of single family development". What the request fails to explain is that an R4 family development, in area so small and narrow, will add strain to an already failed traffic nightmare. The location having its nearest corner crossing at N Whitfield and Needmore rd.

Since the City of Clarksville agreed on the move to allow Walmart into the corner lot of N Whitfield and 101st AA Parkway, traffic in the entire area has become debilitating. So much so that the city will soon be starting a multi million dollar project to improve traffic from an "F" rating to, at best, a "D" rating. Included in this traffic project will be the loss of property to both sides of N Whitfield, further limiting access to the proposed lot rezoning. Approval of said property will increase the traffic to the surrounding area as well as create more dangerous conditions for child pickup and drop off from Glenellen Elementary.

As a resident of [991 Granny White rd](#) for 20 years, I've witnessed the decline of traffic conditions in our neighborhood, as well as the very stagnant approach the city has taken to "Attemp" any correction of the problem. At this time it needs to be recognized that N Whitfield rd is the main entrance and exit to a neighborhood of over 400 homes. That which is still growing after the rezoning of land located just off Needmore rd (in the same area) that "WILL" connect to the current 400 + homes here now.

This request needs to remain agricultural or, at best, be rezoned to R1 single family with limitations set on the amount of homes allowed on this lot.

Thank you for your consideration:

Joseph Bellofatto  
[991 Granny white rd](#)  
Clarksville TN 37040  
931-302-7821

JDB II

**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**

**STAFF REVIEW - ZONING**

**RPC MEETING DATE:** 7/29/2020

**CASE NUMBER:** Z - 24 - 2020

**NAME OF APPLICANT:**Joe

Roberts

**AGENT:** Cal Burchett

Mckay, Burchett & Company

---

**GENERAL INFORMATION**

**TAX PLAT:** 080-F-A

**PARCEL(S):** 007.00

**ACREAGE TO BE REZONED:** 0.49

**PRESENT ZONING:** R-3

**PROPOSED ZONING:** R-6

**EXTENSION OF ZONING**

**CLASSIFICATION:** NO

**PROPERTY LOCATION:** Property located at the southwest corner of the Old Ashland City Rd. & Martha Ln. intersection.

**CITY COUNCIL WARD:** 7

**COUNTY COMMISSION DISTRICT:** 20

**CIVIL DISTRICT:** 11

**DESCRIPTION OF PROPERTY:** Existing residential lot with very little slope & an existing residential structure onsite.

**APPLICANT'S STATEMENT** For redevelopment into 6-7 single family homes. Existing structure has sustained  
**FOR PROPOSED USE:** irreparable flood damage and is non-conforming in R-3 district

**GROWTH PLAN AREA:** CITY

**PLANNING AREA:** Hilldale

**PREVIOUS ZONING HISTORY:**

# CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

## STAFF REVIEW - ZONING

### DEPARTMENT COMMENTS

- ☒ GAS AND WATER ENG. SUPPORT MGR.
- ☒ GAS AND WATER ENG. SUPPORT COOR.
- ☐ UTILITY DISTRICT
- ☒ CITY STREET DEPT.
- ☒ TRAFFIC ENG. - ST. DEPT.
- ☐ COUNTY HIGHWAY DEPT.
- ☐ CEMC
- ☒ DEPT. OF ELECTRICITY (CDE)

- ☐ ATT
- ☒ FIRE DEPARTMENT
- ☐ EMERGENCY MANAGEMENT
- ☒ POLICE DEPARTMENT
- ☐ SHERIFF'S DEPARTMENT
- ☒ CITY BUILDING DEPT.
- ☐ COUNTY BUILDING DEPT.
- ☒ SCHOOL SYSTEM OPERATIONS
- ☐ FT. CAMPBELL

- ☐ DIV. OF GROUND WATER
- ☐ HOUSING AUTHORITY
- ☐ INDUSTRIAL DEV BOARD
- ☐ CHARTER COMM.
- ☐ Other...

#### 1. CITY ENGINEER/UTILITY DISTRICT:

Comments received from department and they had no concerns.

#### 2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT:

Comments received from department and they had no concerns.

#### 3. DRAINAGE COMMENTS:

Comments received from department and they had no concerns.

#### 4. CDE/CEMC:

No Comment(s) Received

#### 5. FIRE DEPT/EMERGENCY MGT.:

Comments received from department and they had no concerns.

#### 6. POLICE DEPT/SHERIFF'S OFFICE:

Comments received from department and they had no concerns.

#### 7. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

Comments received from department and they had no concerns.

#### 8. SCHOOL SYSTEM:

ELEMENTARY: BARKSDALE  
MIDDLE SCHOOL: RICHVIEW  
HIGH SCHOOL: CLARKSVILLE

Barksdale Elem., Richview Middle & Clarksville High are in the 3rd fastest growing region in Montgomery County. Barksdale Elem. is at 97% capacity and currently has 1 portable classroom, Richview Middle is at 100% capacity and currently has 2 portable classroom, Clarksville High is at 93% capacity. CMCSS has added an average of 10 portable classrooms each year for the last 4 years. CMCSS has not constructed a school since 2015 & is at it's highest growth rate in 30 years. This continued student growth necessitates additional action to address building capacity growth & school bus transportation needs in Montgomery County. This development will contribute additional students & neither infrastructure, funding, nor processes are in place at this time to address housing development in this region!

#### 9. FT. CAMPBELL:

#### 10. OTHER COMMENTS:

**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**  
**STAFF REVIEW - ZONING**

**PLANNING STAFF'S STUDY AND RECOMMENDATION**

**IMPACT OF PROPOSED USE ON SURROUNDING DEVELOPMENT:** Request would increase the potential of ownership of single family homes near to an established M-1 Light Industrial zone.

**INFRASTRUCTURE:**

**WATER SOURCE:** CITY

**SEWER SOURCE:** CITY

**STREET/ROAD ACCESSIBILITY:** Old Ashland City Rd. & Martha Ln.

**DRAINAGE COMMENTS:** Varies

**RESIDENTIAL DEVELOPMENT**

**APPLICANT'S ESTIMATES    HISTORICAL ESTIMATES**

**LOTS/UNITS:** 6

**POPULATION:** 16

**APPLICABLE LAND USE PLAN**

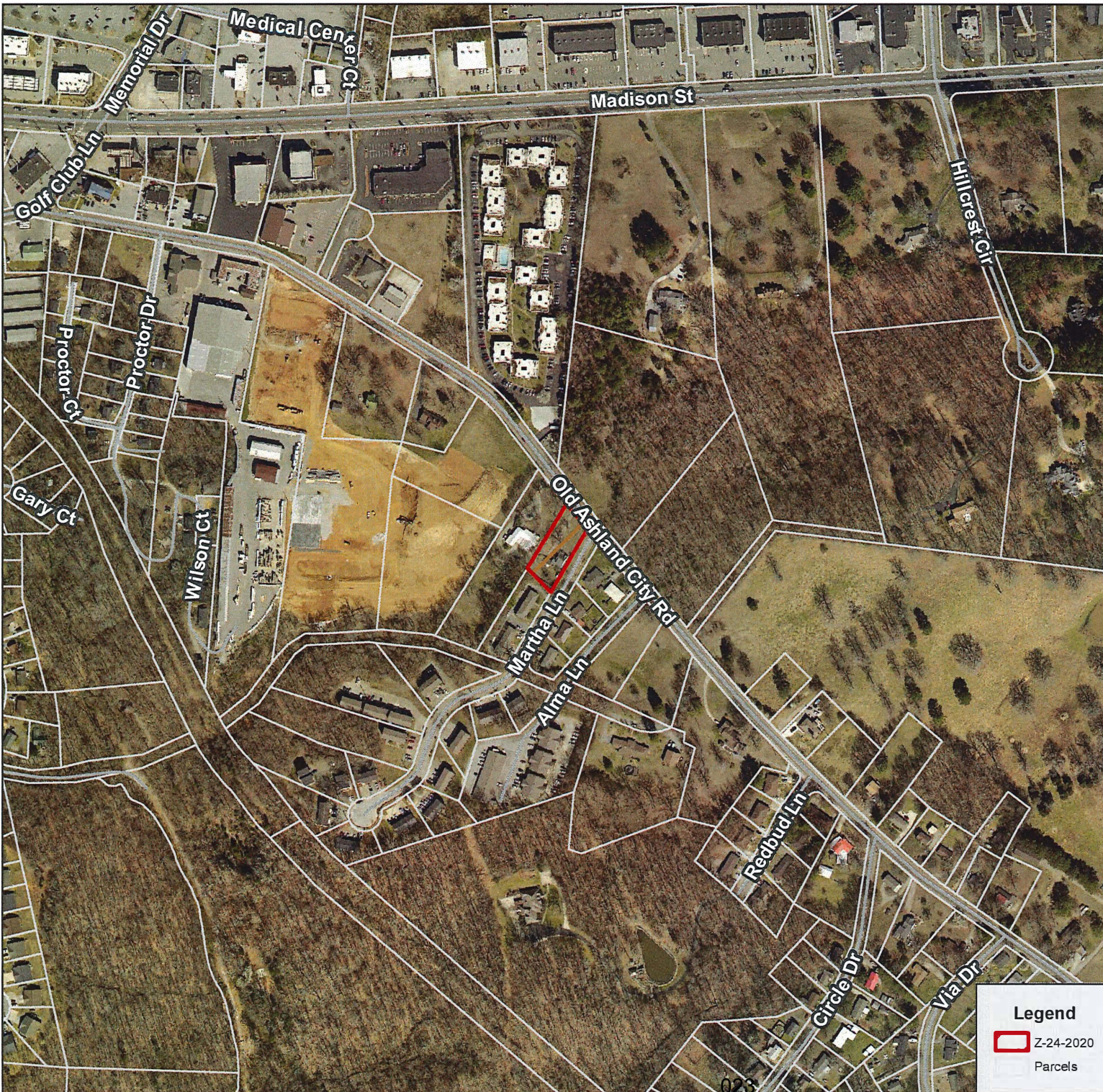
Hilldale Planning Area: One of the most stable single family residential areas of the city. Its central location gives its convenient proximity to most areas of the city & Sango Planning Area: Growth rate for this area is well above the overall county average.

**STAFF RECOMMENDATION:**      **DISAPPROVAL**

1. The proposed zoning request is inconsistent with the adopted Land Use Plan.
2. The adopted Land Use Plan indicates that the present R-3 zoning is assumed to be correct unless the proposed zone is more consistent with the land use plan, the parcel was incorrectly zoned in the first place or major changes of an economic, physical or social nature were not considered in the present plan which have substantially altered the character
3. The existing R-3 Three Family Res. district provides residential units that are primarily rental in nature. The R-6 Single Family Residential district provides residential single family homes that are in many cases for single family ownership.
4. Based on the proximity of the M-1 Light Industrial District it is more appropriate to have residential units that are Multifamily rental units than Detached Single Family Homes.

5.





**Z-24-2020**

**APPLICANT:**

**JOE ROBERTS**

**REQUEST:**

**R-3**

**TO**

**R-6**

**MAP AND PARCEL**

**080F A 00700**

**+/- ACRES**


**0.49**

1:5,000



7/29/2020

**Legend**

 **Z-24-2020**  
Parcels





**Z-24-2020**

**APPLICANT:**

**JOE ROBERTS**

**REQUEST:**

**R-3**

**TO**

**R-6**

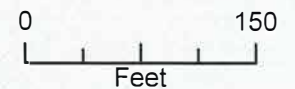
**MAP AND PARCEL**

**080F A 00700**

**+/- ACRES**


**0.49**

1:1,500

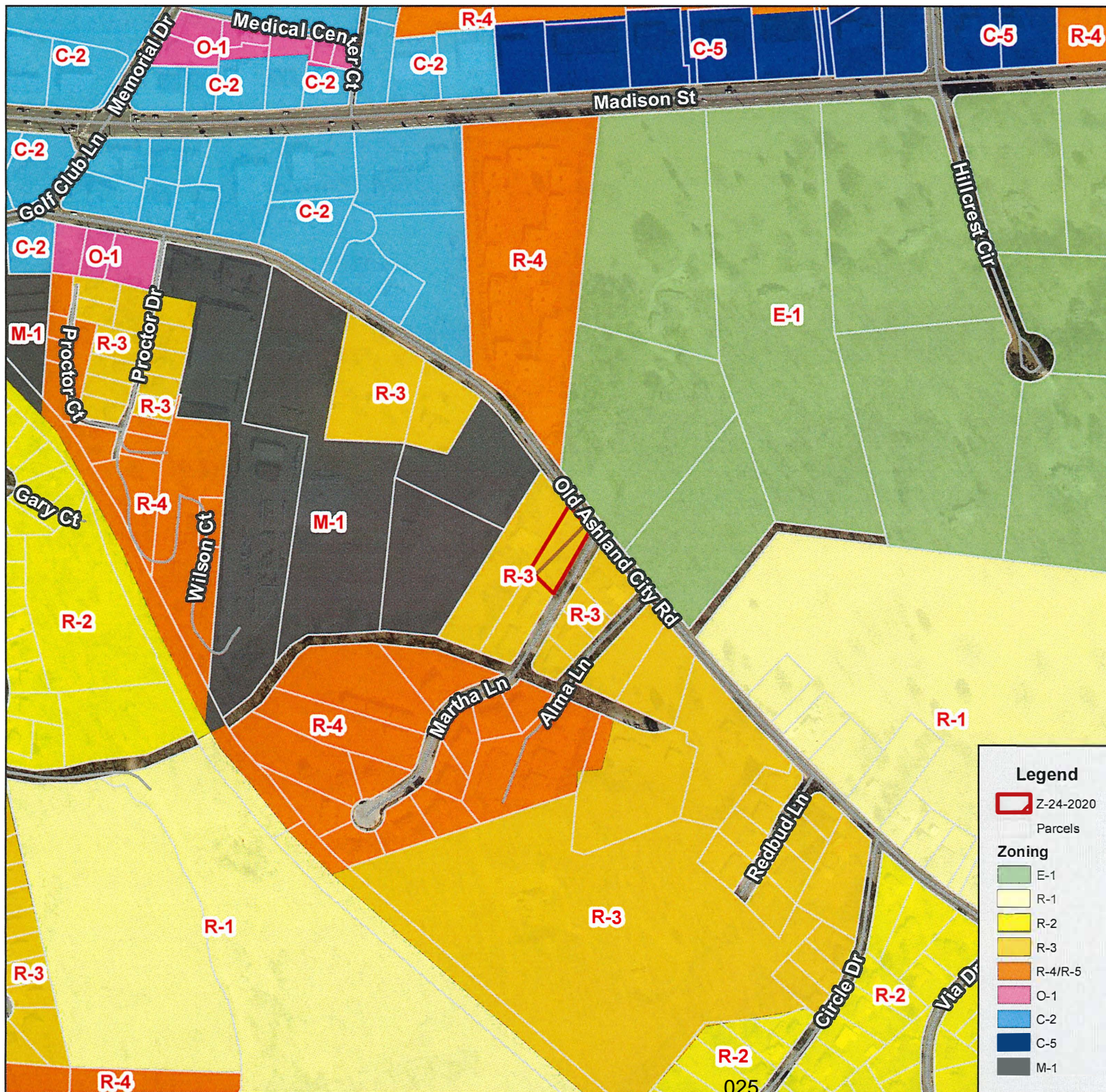


7/29/2020

**Legend**

 Z-24-2020  
Parcels





**Z-24-2020**

**APPLICANT:**

**JOE ROBERTS**

**REQUEST:**

**R-3**

**TO**

**R-6**

**MAP AND PARCEL**

**080F A 00700**

**+/- ACRES**

**0.49**

1:5,000



7/29/2020



**CASE NUMBER:** Z 24 2020 **MEETING DATE** 7/29/2020

**APPLICANT:** Joe Roberts

**PRESENT ZONING** R-3 **PROPOSED ZONING** R-6

**TAX PLAT #** 080-F-A **PARCEL** 007.00

**GEN. LOCATION** Property located at the southwest corner of the Old Ashland City Rd. & Martha Ln.  
intersection.

\*\*\*\*\*

**PUBLIC COMMENTS**

None received as of 10:30 A.M. on 7/29/2020 (A.L.)



**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**

**STAFF REVIEW - ZONING**

**RPC MEETING DATE:** 7/29/2020

**CASE NUMBER:** Z - 25 - 2020

**NAME OF APPLICANT:**Syd

Hedrick

**AGENT:** Syd

Hedrick

---

**GENERAL INFORMATION**

**TAX PLAT:** 079-C-C

**PARCEL(S):** 027.00

**ACREAGE TO BE REZONED:** 0.52 (0.23 R-6) (0.29 R-4)

**PRESENT ZONING:** R-3

**PROPOSED ZONING:** R-6 R-4

**EXTENSION OF ZONING**

**CLASSIFICATION:** NO

**PROPERTY LOCATION:** Property fronting on the north frontage of Woodmont Blvd. 525 +/- feet west of the Greenwood Ave. & Woodmont Blvd. intersection.

**CITY COUNCIL WARD:** 6

**COUNTY COMMISSION DISTRICT:** 5

**CIVIL DISTRICT:** 12

**DESCRIPTION OF PROPERTY:** Vacant cleared lot.

**APPLICANT'S STATEMENT** Highest and best use indicates that an R-6 zoning along Woodmont Blvd will support the  
**FOR PROPOSED USE:** single family feel along the frontage while the rear is adjacent to multi-family and offers  
alternate access and ample area to best utilize the excess portion of the property.

**GROWTH PLAN AREA:** CITY

**PLANNING AREA:** South Clarksville

**PREVIOUS ZONING HISTORY:**

# CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

## STAFF REVIEW - ZONING

### DEPARTMENT COMMENTS

- ☒ GAS AND WATER ENG. SUPPORT MGR.
- ☒ GAS AND WATER ENG. SUPPORT COOR.
- ☐ UTILITY DISTRICT
- ☒ CITY STREET DEPT.
- ☒ TRAFFIC ENG. - ST. DEPT.
- ☐ COUNTY HIGHWAY DEPT.
- ☐ CEMC
- ☒ DEPT. OF ELECTRICITY (CDE)

- ☐ ATT
- ☒ FIRE DEPARTMENT
- ☐ EMERGENCY MANAGEMENT
- ☒ POLICE DEPARTMENT
- ☐ SHERIFF'S DEPARTMENT
- ☒ CITY BUILDING DEPT.
- ☐ COUNTY BUILDING DEPT.
- ☒ SCHOOL SYSTEM OPERATIONS
- ☐ FT. CAMPBELL

- ☐ DIV. OF GROUND WATER
- ☐ HOUSING AUTHORITY
- ☐ INDUSTRIAL DEV BOARD
- ☐ CHARTER COMM.
- ☐ Other...

#### **1. CITY ENGINEER/UTILITY DISTRICT:**

Comments received from department and they had no concerns.

#### **2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT:**

Comments received from department and they had no concerns.

#### **3. DRAINAGE COMMENTS:**

Comments received from department and they had no concerns.

#### **4. CDE/CEMC:**

No Comment(s) Received

#### **5. FIRE DEPT/EMERGENCY MGT.:**

Comments received from department and they had no concerns.

#### **6. POLICE DEPT/SHERIFF'S OFFICE:**

Comments received from department and they had no concerns.

#### **7. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:**

Comments received from department and they had no concerns.

#### **8. SCHOOL SYSTEM:**

ELEMENTARY: NORMAN SMITH  
MIDDLE SCHOOL: MONTGOMERY  
HIGH SCHOOL: MONTGOMERY

Norman Smith Elem. is at 88% capacity and currently has 5 portable classrooms. Montgomery Central Middle is at 102% capacity and currently has 4 portable classrooms. Montgomery Central High School is currently at 79 % capacity. CMCSS has added an average of 10 portable classrooms each year for the last 4 years. CMCSS has not constructed a school since 2015 & is at it's highest growth rate in 30 years. This continued student growth necessitates additional action to address building capacity growth & school transportation needs. This development will contribute additional students & neither infrastructure, funding, nor processes are in place at this time to address housing development in this region!

#### **9. FT. CAMPBELL:**

#### **10. OTHER COMMENTS:**

**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**  
**STAFF REVIEW - ZONING**

**PLANNING STAFF'S STUDY AND RECOMMENDATION**

**IMPACT OF PROPOSED USE ON SURROUNDING DEVELOPMENT:** Increased single family & multi-family residential density.

**INFRASTRUCTURE:**

**WATER SOURCE:** CITY

**SEWER SOURCE:** CITY

**STREET/ROAD ACCESSIBILITY:** Woodmont Blvd.

**DRAINAGE COMMENTS:** South

**RESIDENTIAL DEVELOPMENT**

**APPLICANT'S ESTIMATES    HISTORICAL ESTIMATES**

**LOTS/UNITS:** 7

**POPULATION:** 18

**APPLICABLE LAND USE PLAN**

South Clarksville Planning Area - South Clarksville is dominated by residential development but is ringed by commercial and light industrial uses. It is near the core of the city and has a well developed transportation network for destinations within its boundaries and other areas of the city. Sufficient infrastructure to support high density development.

**STAFF RECOMMENDATION:**      **APPROVAL**

1. The proposed zoning request is consistent with the adopted Land Use Plan.
2. The proposed R-6 & R-4 zoning classifications are not out of character with the surrounding area or established uses.
3. The adopted land use plan states that it is encouraged to maintain a desirable mixture of housing types throughout the community.
4. Adequate infrastructure serves the site, including other residential-supportive uses such as, mass transit and retail services. Sidewalks will be required as part of the development as required per R-6 Single Family Zoning.
- 5.





**Z-25-2020**

**APPLICANT:**

**SYD HEDRICK**

**REQUEST:**

**R-3**

**TO**

**R-4/R-6**

**MAP AND PARCEL**

**079C C 02700**

**+/- ACRES**

**0.52**



1:1,500

0 0.02  
Miles

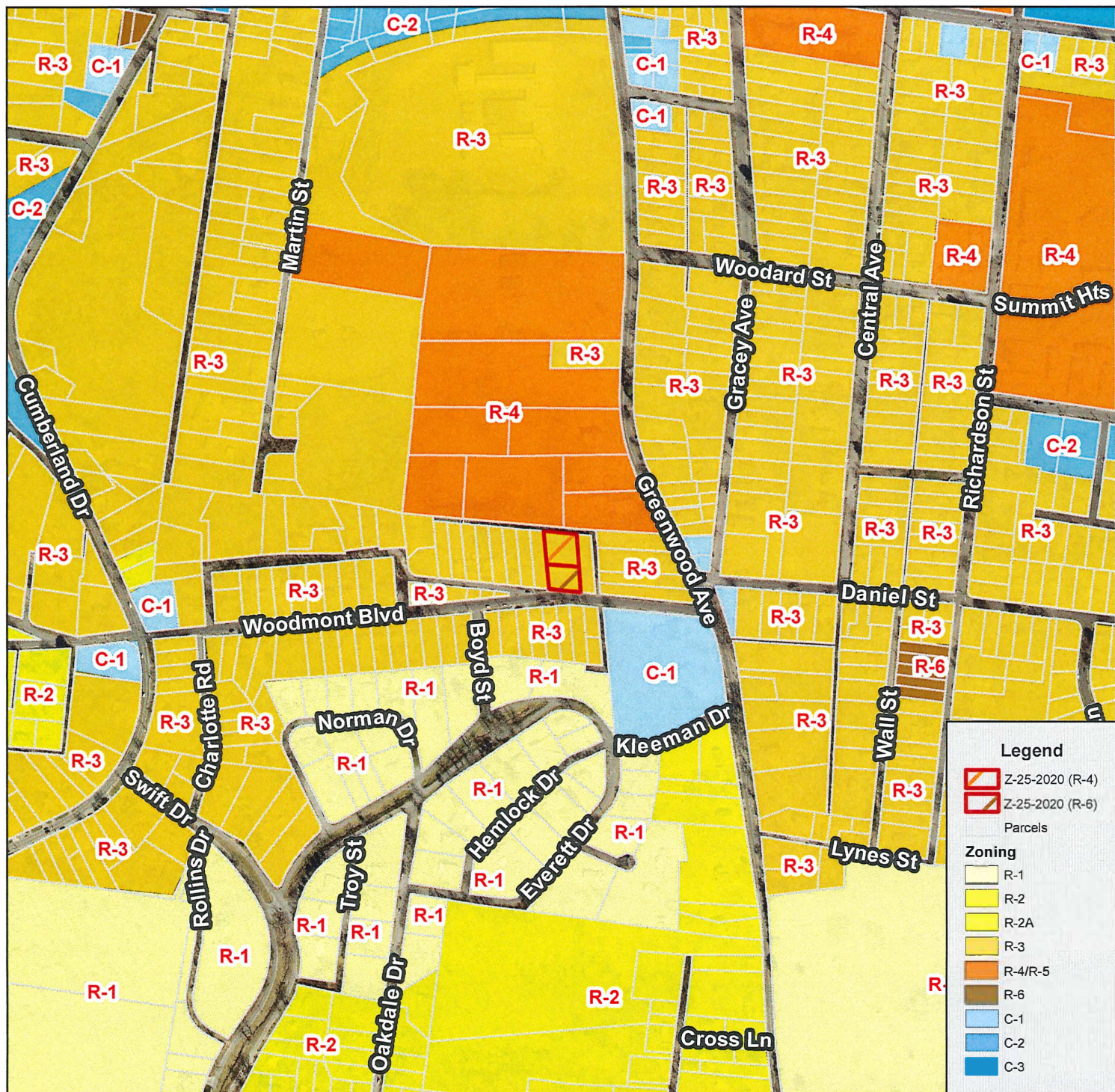


7/29/2020

**Legend**

 Z-25-2020 (R-4)  
 Z-25-2020 (R-6)  
Parcels





**Z-25-2020**

**APPLICANT:**

SYD HEDRICK

**REQUEST:**

**R-3**

**TO**

**R-4/R-6**

**MAP AND PARCEL**

079C C 02700

**+/- ACRES**

**0.52**

**Legend**

- Z-25-2020 (R-4)
- Z-25-2020 (R-6)
- Parcels

**Zoning**

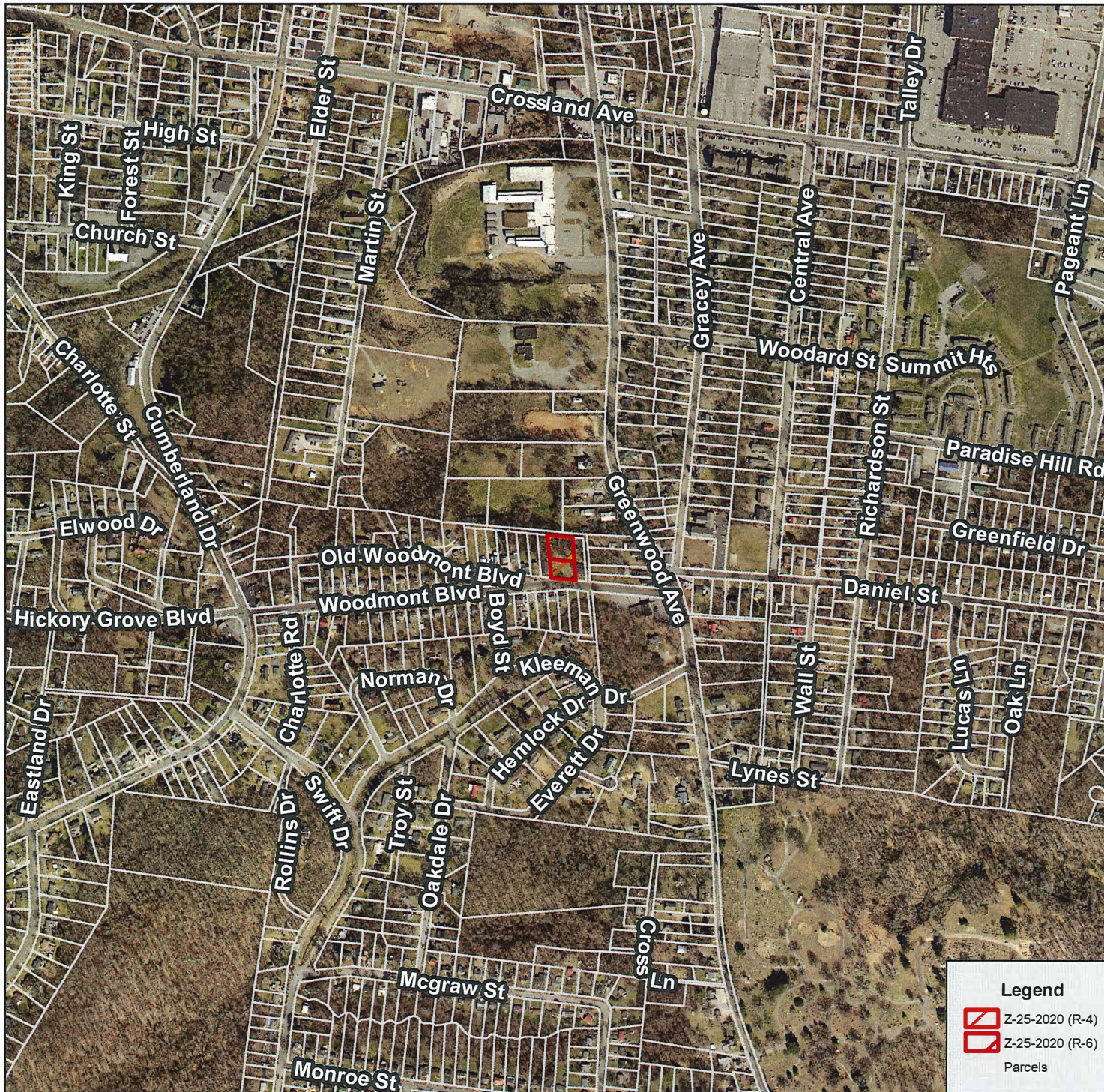
- R-1
- R-2
- R-2A
- R-3
- R-4/R-5
- R-6
- C-1
- C-2
- C-3

1:6,000



7/29/2020





**Z-25-2020**

**APPLICANT:**

**SYD HEDRICK**

**REQUEST:**

**R-3**

**TO**

**R-4/R-6**


**MAP AND PARCEL**

**079C C 02700**

**+/- ACRES**

**0.52**

**Legend**

-  Z-25-2020 (R-4)
-  Z-25-2020 (R-6)
-  Parcels

1:8,000



7/29/2020



**CASE NUMBER:** Z 25 2020 **MEETING DATE** 7/29/2020

**APPLICANT:** Syd Hedrick

**PRESENT ZONING** R-3 **PROPOSED ZONING** R-6

**TAX PLAT #** 079-C-C **PARCEL** 027.00

**GEN. LOCATION** Property fronting on the north frontage of Woodmont Blvd. 525 +/- feet west of the Greenwood Ave. & Woodmont Blvd. intersection.

\*\*\*\*\*

**PUBLIC COMMENTS**

None received as of 10:30 A.M. on 7/29/2020 (A.L.)

**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**

**STAFF REVIEW - ZONING**

**RPC MEETING DATE:** 7/29/2020

**CASE NUMBER:** Z - 26 - 2020

**NAME OF APPLICANT:**Mary Davis

Holt

**AGENT:** Bobby Powers

Greenspace Partners

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**GENERAL INFORMATION**

**TAX PLAT:** 079

**PARCEL(S):** 025.06

**ACREAGE TO BE REZONED:** 30.77 (R-6 24.72) (R-2 1.67)

**PRESENT ZONING:** C-5

**PROPOSED ZONING:** R-6      R-2

**EXTENSION OF ZONING**

**CLASSIFICATION:** YES/NO

**PROPERTY LOCATION:** Property located at the southwest corner of the Ashland City Road and Avondale Drive intersection

**CITY COUNCIL WARD:** 7

**COUNTY COMMISSION DISTRICT:** 5

**CIVIL DISTRICT:** 12

**DESCRIPTION OF PROPERTY:** Wooded tract with varying topography.

**APPLICANT'S STATEMENT** Requesting the down zone from commercial to single family residential to be more in  
**FOR PROPOSED USE:** character with existing surrounding uses

**GROWTH PLAN AREA:**      CITY

**PLANNING AREA:**      Southern Hills

**PREVIOUS ZONING HISTORY:**



# CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

## STAFF REVIEW - ZONING

### DEPARTMENT COMMENTS

- ☒ GAS AND WATER ENG. SUPPORT MGR.
- ☒ GAS AND WATER ENG. SUPPORT COOR.
- ☐ UTILITY DISTRICT
- ☒ CITY STREET DEPT.
- ☒ TRAFFIC ENG. - ST. DEPT.
- ☐ COUNTY HIGHWAY DEPT.
- ☐ CEMC
- ☒ DEPT. OF ELECTRICITY (CDE)

- ☐ ATT
- ☒ FIRE DEPARTMENT
- ☐ EMERGENCY MANAGEMENT
- ☒ POLICE DEPARTMENT
- ☐ SHERIFF'S DEPARTMENT
- ☒ CITY BUILDING DEPT.
- ☐ COUNTY BUILDING DEPT.
- ☒ SCHOOL SYSTEM OPERATIONS
- ☐ FT. CAMPBELL

- ☐ DIV. OF GROUND WATER
- ☐ HOUSING AUTHORITY
- ☐ INDUSTRIAL DEV BOARD
- ☐ CHARTER COMM.
- ☒ Other...

#### 1. CITY ENGINEER/UTILITY DISTRICT:

My require off site sewer.

#### 2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT:

Access restricted by the access ordinance. (Arterial)

#### 3. DRAINAGE COMMENTS:

Comments received from department and they had no concerns.

#### 4. CDE/CEMC:

No Comment(s) Received

#### 5. FIRE DEPT/EMERGENCY MGT.:

Comments received from department and they had no concerns.

#### 6. POLICE DEPT/SHERIFF'S OFFICE:

Comments received from department and they had no concerns.

#### 7. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

Comments received from department and they had no concerns.

#### 8. SCHOOL SYSTEM:

ELEMENTARY: NORMAN SMITH  
MIDDLE SCHOOL: MONTGOMERY  
HIGH SCHOOL: MONTGOMERY

Norman Smith Elem. is at 88% capacity and currently has 5 portable classrooms. Montgomery Central Middle is at 102% capacity and currently has 4 portable classrooms. Montgomery Central High School is currently at 79 % capacity. CMCSS has added an average of 10 portable classrooms each year for the last 4 years. CMCSS has not constructed a school since 2015 & is at it's highest growth rate in 30 years. This continued student growth necessitates additional action to address building capacity growth & school transportation needs. This development will contribute additional students & neither infrastructure, funding, nor processes are in place at this time to address housing development in this region!

#### 9. FT. CAMPBELL:

#### 10. OTHER COMMENTS:

**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**  
**STAFF REVIEW - ZONING**

**PLANNING STAFF'S STUDY AND RECOMMENDATION**

**IMPACT OF PROPOSED USE ON SURROUNDING DEVELOPMENT:** Current zoning is C-5 Commercial. Reduction in traffic potential & reduction in use intensity from Commercial to single-family residential.

**INFRASTRUCTURE:**

**WATER SOURCE:** CITY

**SEWER SOURCE:** CITY

**STREET/ROAD ACCESSIBILITY:** Avondale Drive, Frontage of 41-A Bypass/Ashland Scity Rd. must meet access ordinance.

**DRAINAGE COMMENTS:** Varies

**RESIDENTIAL DEVELOPMENT**

**APPLICANT'S ESTIMATES    HISTORICAL ESTIMATES**

**LOTS/UNITS:**

**70 +/-**

**276 +/-**

**POPULATION:**

**189**

**745**

**Varying topo.**

**APPLICABLE LAND USE PLAN**

Southern Hills- Large portions or area are in the Cumberland River flood plain along the western & southern boundaries. Relatively young subdivisions & other developments exist within the planning area. Most infrastructure is in good condition and readily extendable.

**STAFF RECOMMENDATION:      APPROVAL**

- 1.** The proposed zoning request is consistent with the adopted Land Use Plan.
- 2.** The proposed R-2 & R-6 single family zoning classifications are not out of character with the surrounding area or established uses. In addition, residential-supportive uses such as, mass transit and retail services are available in the area. Sidewalks will be required as part of the development as required per R-6 Single Family Zoning.
- 3.** The existing depth of the C-5 Arterial Highway Commercial district and topography does not lend itself to be developed as commercial.
- 4.** The proposed zone change from C-5 Commercial to R-2 & R-6 Single Family Residential will reduce the overall traffic volume generation potential from this tract.
- 5.**





**Z-26-2020**

**APPLICANT:**  
**MARY DAVIS HOLT**

**REQUEST:**  
**C-5**  
**TO**  
**R-2/R-6**

**MAP AND PARCEL**  
**079 02506 (P)**

**+/- ACRES**

**26.39**

1:8,000



7/29/2020





**Z-26-2020**

**APPLICANT:**

**MARY DAVIS HOLT**

**REQUEST:**

**C-5**

**TO**

**R-2/R-6**

**MAP AND PARCEL**

**079 02506 (P)**

**+/- ACRES**

**26.39**

1:4,000

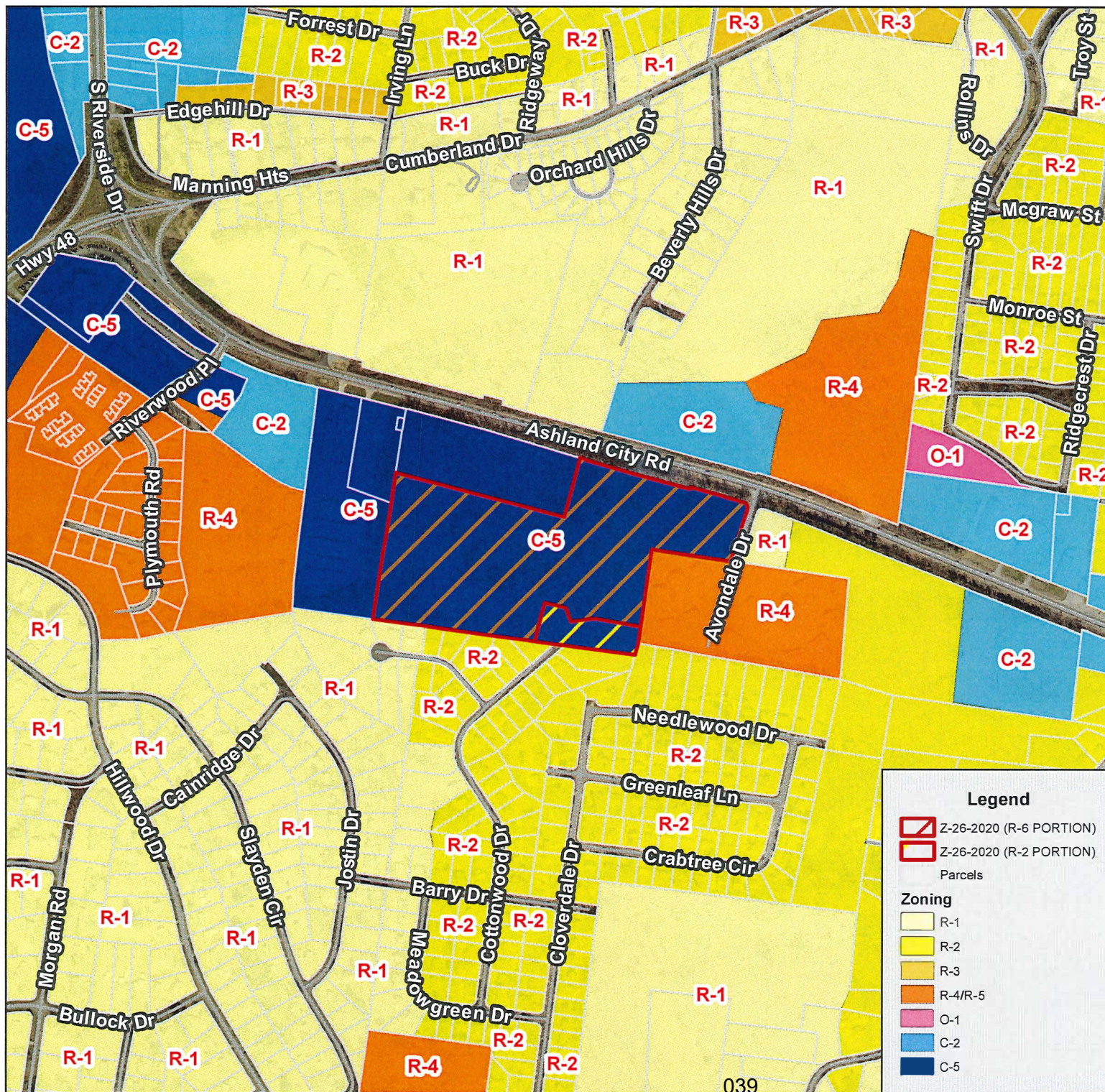


7/29/2020

**Legend**

- Z-26-2020 (R-6 PORTION)
- Z-26-2020 (R-2 PORTION)
- Parcels





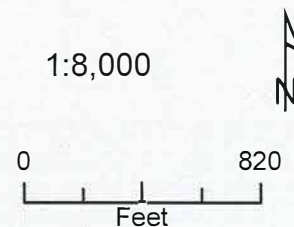
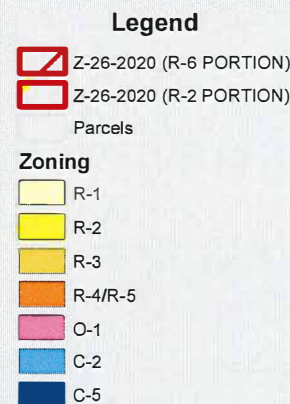
**Z-26-2020**

**APPLICANT:**  
MARY DAVIS HOLT

**REQUEST:**  
**C-5**  
**TO**  
**R-2/R-6**

**MAP AND PARCEL**  
079 02506 (P)

**+/- ACRES**  
**26.39**





**CASE NUMBER:** Z 26 2020 **MEETING DATE** 7/29/2020

**APPLICANT:** Mary Davis Holt

**PRESENT ZONING** C-5 **PROPOSED ZONING** R-6

**TAX PLAT #** 079 **PARCEL** 025.06

**GEN. LOCATION** Property located at the southwest corner of the Ashland City Road and Avondale Drive intersection

\*\*\*\*\*

**PUBLIC COMMENTS**

A copy of e-mail is in the file.





**City  
of  
Clarksville**

**John Spainhoward** <john.spainhoward@cityofclarksville.com>

## Case Number Z-26-2020 Rezoning Concerns

1 message

**kjboyd117@gmail.com** <kjboyd117@gmail.com>

Tue, Jul 28, 2020 at 11:40 AM

To: "john.spainhoward@cityofclarksville.com" <john.spainhoward@cityofclarksville.com>

Cc: "joe.pitts@cityofclarksville.com" <joe.pitts@cityofclarksville.com>, "ward8@cityofclarksville.com"

<ward8@cityofclarksville.com>, "ward12@cityofclarksville.com" <ward12@cityofclarksville.com>,

"ward9@cityofclarksville.com" <ward9@cityofclarksville.com>, "ward10@cityofclarksville.com"

<ward10@cityofclarksville.com>, "ward11@cityofclarksville.com" <ward11@cityofclarksville.com>,

"ward7@cityofclarksville.com" <ward7@cityofclarksville.com>, "ward6@cityofclarksville.com" <ward6@cityofclarksville.com>,

"ward5@cityofclarksville.com" <ward5@cityofclarksville.com>, "ward4@cityofclarksville.com" <ward4@cityofclarksville.com>,

"ward3@cityofclarksville.com" <ward3@cityofclarksville.com>, "ward2@cityofclarksville.com" <ward2@cityofclarksville.com>,

"ward1@cityofclarksville.com" <ward1@cityofclarksville.com>, "district5@mcgtn.net" <district5@mcgtn.net>,

"district14@mcgtn.net" <district14@mcgtn.net>, "rpc@cityofclarksville.com" <rpc@cityofclarksville.com>

To Whom It May Concern,

Hello, my name is Kyla Boyd and I have lived at [1232 Cottonwood Drive](#) here in Clarksville for just over four years now. This is the first, and hopefully last, home that my husband and I have purchased. One thing that drew us to this area in general, and this home specifically, was the proximity to the essentials yet still in a nice quiet area with no backyard neighbors and a cul-de-sac just up the street. We saw this home as being the perfect place to raise our two children. The cul-de-sac afforded a quiet street with minimal traffic and a sense of safety as any strange car passing by was noticed quickly not only by us, but by our neighbors, and watched more closely. Anyone who came down this way was either supposed to be here or lost. Two weeks ago, however, I and my neighbors received a letter that has worried us all greatly. I am sending this email now to address these concerns. The top concern would definitely be that opening up Cottonwood Drive would negatively impact this area with the increased noise associated with the increased traffic levels that we would expect to come with connecting the road. This would undoubtedly drive down our home values as a home on a cul-de-sac has more value to potential homebuyers than a connected road that may lead out to a busy main road like Ashland City Road. And with the backup during rush hour attributed to the traffic light at the intersection of Ashland City Road and Edmondson Ferry Road, a new cut through road would be heavily utilized if it were available. As a resident of Cottonwood Drive, I would ask that this new development be its own separate entity along with Avondale Road Apartments. Please continue reading (apologies for the length in advance!) for a more detailed reasoning for my concerns and those of my neighbors!

I have many concerns about the zoning change, but I will first say that I am not at all opposed to necessary progress. I am aware of just how quickly Clarksville is growing and with that growth comes more housing needs and infrastructure. We all benefit from this infrastructure in many, many ways, but not all progress is beneficial. My neighbors and I have been told that our beloved cul-de-sac was not actually ever intended to be a cul-de-sac at all but was, in fact, always meant to be expanded on and continued. This was news not only to us residents, but to many of our realtors as well. We were informed that what we resided on was known as a "stub". I was not familiar with this term, so I have done a lot of reading and research. This "stub" is rounded out just as a cul-de-sac would be, but the land maps have it ending as just a dead end. I suppose this is where we assumed what we lived on was a cul-de-sac. We were also informed that a street that is named a Drive is not meant to end in a cul-de-sac. After looking at maps of this area I found several Drives that indeed ended in a cul-de-sac. Buttermere Drive, Needlewood Drive, Coniston Drive, Borrowdale Drive, and David Drive just to name a few in this immediate area. I find that in this area there are several roadways that are named for something they are not. East Johnson Circle would be another example of this as it dead ends into an empty, undeveloped lot.

I have concerns about the possibility of Cottonwood Drive being connected to the Avondale Apartments. A few of my top concerns after driving through the apartment complex are that this complex has a gated entrance with private property signage posted. After gaining entrance, the dead end directly ahead has a basketball goal installed that appears to be permanent. I feel as though these residents would be dismayed at not being able to safely use this basketball goal if it were to have the increased traffic in that area. Also, I have a hard time seeing where Cottonwood could reasonably connect to Avondale Road outside of their gated entrance as there is a beautiful row of white fencing along both sides of the road leading up to the gate.

Another concern I would have with connecting Cottonwood Drive to another road would be if it were to connect directly to Ashland City Road itself. The traffic light at the Edmondson Ferry Road and Ashland City Road intersection

gets backed up on occasion, especially during rush hour. Now imagine you are sitting in this traffic at rush hour trying to get home and you see a new connecting street that you can use to cut through. This increases the traffic through this otherwise quiet area exponentially. We were also told that any road that would connect to Cottonwood Drive would be designed in such a way as to make it uncomfortable to go above the posted 20 mph speed limit. I can say with certainty that if it would be anything like the design of Kingsbury Road very few people would take that speed limit seriously to avoid sitting in traffic on Ashland City Road. We were also told that this new development of residential housing would be a continuation for the new development being built on Ashland City Road. If this is the case, why would it need to connect to this neighborhood at all? What would a through street do to our property values? Did you know (according to Realtor.com here: <https://www.realtor.com/advice/buy/why-do-we-have-cul-de-sacs/>) that homebuyers are willing to pay, on average, 20% more for a house located on a cul-de-sac? And if we no longer have what has every appearance of a cul-de-sac, it will lower our property value.

And finally, another major concern are our children. We have several children with special needs living in this quiet "stub". These children thrive in quiet, calm environments where excessive traffic and the extra noise has not been an issue. The increased traffic brings increased noise that can be overwhelming for kids who are on the Autism Spectrum. The benefits of living in this cul-de-sac have been having the quiet and calm environment. To continue on Cottonwood Drive would add unnecessary traffic and noises. Many of us in the cul-de-sac have also been enjoying the increased wildlife, especially deer, that frequent this area. To lose all of this would be unbearable for the residents here.

Again, I completely understand that progress is absolutely necessary and that with growth in population comes a need for growth in infrastructure and housing to accommodate it. I would never dream of arguing that point. My only request is to allow us residents of Cottonwood Drive to keep our "stub" as the cul-de-sac we always thought it was. Allow the Avondale Drive Apartments and this new incoming development to be separate entities entirely. Thank you for your time in reading this email and for your consideration of the Cottonwood Drive residents.

Sincerely,

Kyla Boyd, Resident and Home Owner at 1232 Cottonwood Dr.

Sent from [Mail](#) for Windows 10



Virus-free. [www.avast.com](http://www.avast.com)



**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**

**STAFF REVIEW - ZONING**

**RPC MEETING DATE:** 7/29/2020

**CASE NUMBER:** Z - 27 - 2020

**NAME OF APPLICANT:**Mary Davis

Holt

**AGENT:** Bobby Powers

Greenspace Partners

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**GENERAL INFORMATION**

**TAX PLAT:** 079, 079-F-

**PARCEL(S):** 024.00, 012.01

**ACREAGE TO BE REZONED:** 2.73

**PRESENT ZONING:** R-1

**PROPOSED ZONING:** C-2

**EXTENSION OF ZONING**

**CLASSIFICATION:** YES

**PROPERTY LOCATION:** Property fronting on the north frontage of Ashland City Road 874 +/- feet west of the Ashland City Road and Avondale Drive intersection

**CITY COUNCIL WARD:** 7

**COUNTY COMMISSION DISTRICT:** 5

**CIVIL DISTRICT:** 12

**DESCRIPTION OF PROPERTY:** A portion of tract that has been cleared with varying steep topography. The tract is currently being graded & filled in various areas to add roadway infrastructure improvements.

**APPLICANT'S STATEMENT FOR PROPOSED USE:** To extend existing C-2 zone district to the east while maintaining R-1 buffer area to the existing single family neighborhood to the north

**GROWTH PLAN AREA:** CITY

**PLANNING AREA:** South Clarksville

**PREVIOUS ZONING HISTORY:**

# CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

## STAFF REVIEW - ZONING

### DEPARTMENT COMMENTS

- ☒ GAS AND WATER ENG. SUPPORT MGR.
- ☒ GAS AND WATER ENG. SUPPORT COOR.
- ☐ UTILITY DISTRICT
- ☒ CITY STREET DEPT.
- ☒ TRAFFIC ENG. - ST. DEPT.
- ☐ COUNTY HIGHWAY DEPT.
- ☐ CEMC
- ☒ DEPT. OF ELECTRICITY (CDE)

- ☐ ATT
- ☒ FIRE DEPARTMENT
- ☐ EMERGENCY MANAGEMENT
- ☒ POLICE DEPARTMENT
- ☐ SHERIFF'S DEPARTMENT
- ☒ CITY BUILDING DEPT.
- ☐ COUNTY BUILDING DEPT.
- ☒ SCHOOL SYSTEM OPERATIONS
- ☐ FT. CAMPBELL

- ☐ DIV. OF GROUND WATER
- ☐ HOUSING AUTHORITY
- ☐ INDUSTRIAL DEV BOARD
- ☐ CHARTER COMM.
- ☒ Other...

#### 1. CITY ENGINEER/UTILITY DISTRICT:

Comments received from department and they had no concerns.

#### 2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT:

A traffic assessment is required. The traffic assessment as been submitted & reviewed by the Clks. Street Dept. The LOS on the Bypass is good. Left turns do not have a favorable LOS when calculated at Peak Hour. Traffic flow appears to be better due to proximity traffic signal.

#### 3. DRAINAGE COMMENTS:

Comments received from department and they had no concerns.

#### 4. CDE/CEMC:

No Comment(s) Received

#### 5. FIRE DEPT/EMERGENCY MGT.:

Comments received from department and they had no concerns.

#### 6. POLICE DEPT/SHERIFF'S OFFICE:

Comments received from department and they had no concerns.

#### 7. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

Comments received from department and they had no concerns.

#### 8. SCHOOL SYSTEM:

No Comment(s) Received

ELEMENTARY:

MIDDLE SCHOOL:

HIGH SCHOOL:

#### 9. FT. CAMPBELL:

#### 10. OTHER COMMENTS:



**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**  
**STAFF REVIEW - ZONING**

**PLANNING STAFF'S STUDY AND RECOMMENDATION**

**IMPACT OF PROPOSED USE ON SURROUNDING DEVELOPMENT:** Increased traffic, light & noise. C-2 permits mixed use residential to include Multi-family use.

**INFRASTRUCTURE:**

**WATER SOURCE:** CITY

**SEWER SOURCE:** CITY

**STREET/ROAD ACCESSIBILITY:** 41-A Bypass

**DRAINAGE COMMENTS:** Varies

**RESIDENTIAL DEVELOPMENT**

**APPLICANT'S ESTIMATES    HISTORICAL ESTIMATES**

**LOTS/UNITS:**

**POPULATION:**

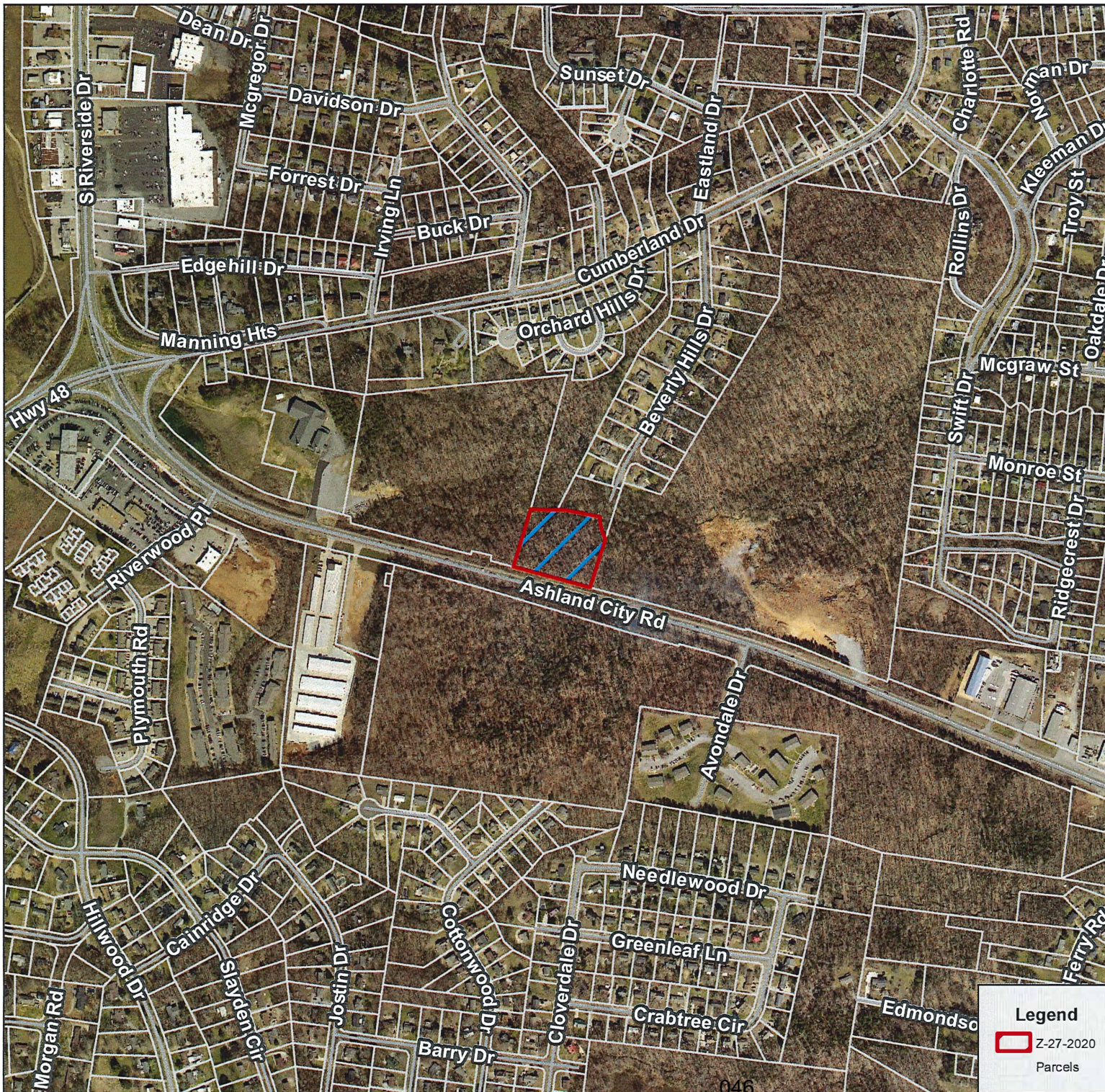
**APPLICABLE LAND USE PLAN**

South Clarksville Planning Area - South Clarksville is dominated by residential development but is ringed by commercial and light industrial uses. It is near the core of the city and has a well developed transportation network for destinations within its boundaries and other areas of the city. Sufficient infrastructure to support high density development.

**STAFF RECOMMENDATION:**      **APPROVAL**

1. The proposed zoning request is consistent with the adopted Land Use Plan.
2. The proposed C-2 General Commercial district is an extension C-2 zoning district to the east.
3. Existing/proposed topography provides a natural buffer form the established residential uses to the north.
- 4.
- 5.





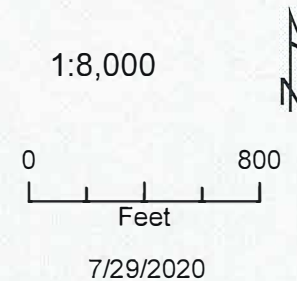
**Z-27-2020**

**APPLICANT:**  
**MARY HOLT DAVIS**

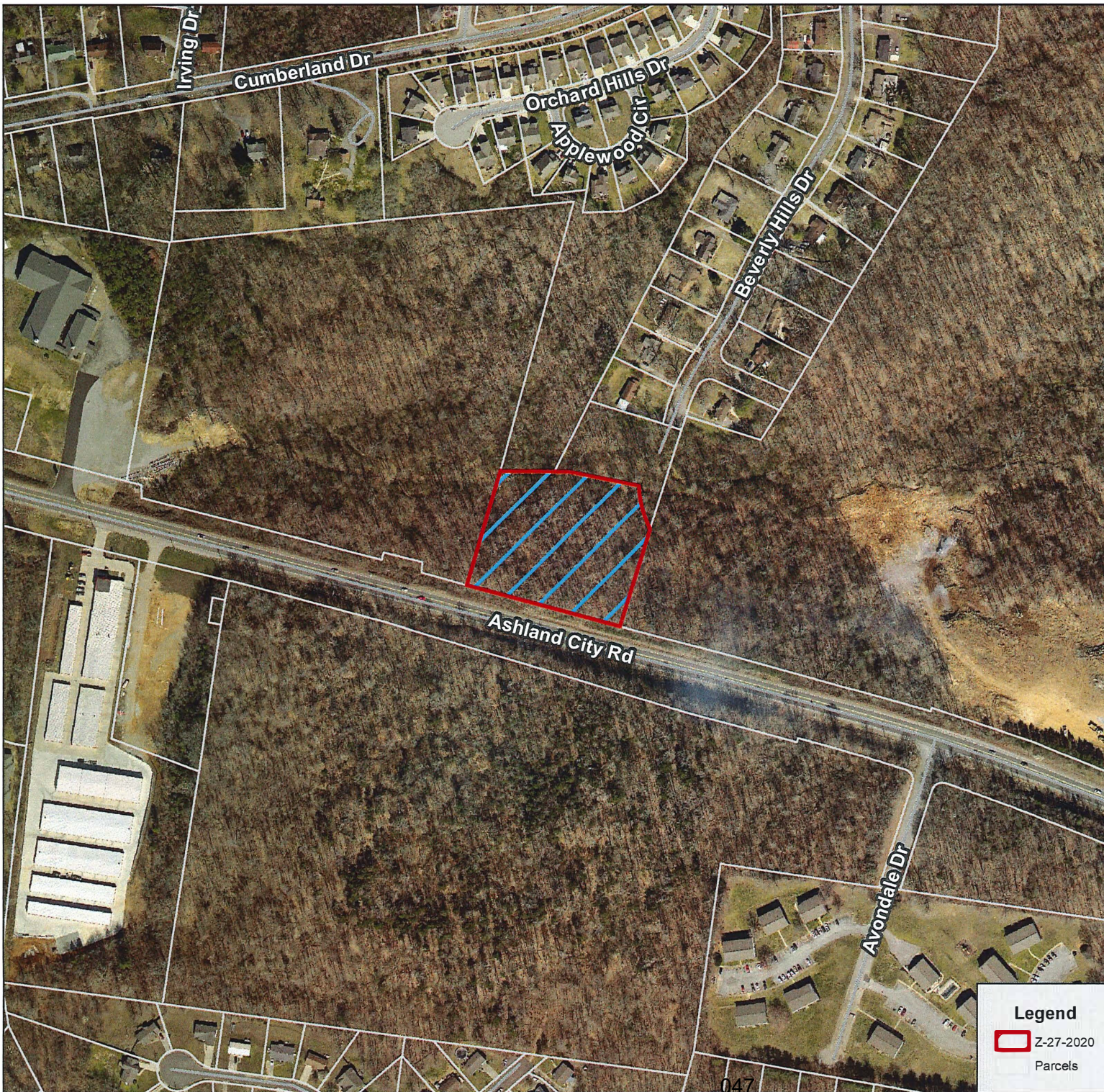
**REQUEST:**  
**R-1**  
**TO**  
**C-2**

**MAP AND PARCEL**  
**079 02400**

**+/- ACRES**  
**2.73**







**Z-27-2020**

**APPLICANT:**  
**MARY HOLT DAVIS**

**REQUEST:**  
**R-1**  
**TO**  
**C-2**

**MAP AND PARCEL**  
**079 02400**


**+/- ACRES**  
**2.73**

1:4,000



7/29/2020

**Legend**

 Z-27-2020  
Parcels



Z-27-2020

**APPLICANT:**  
**MARY HOLT DAVIS**

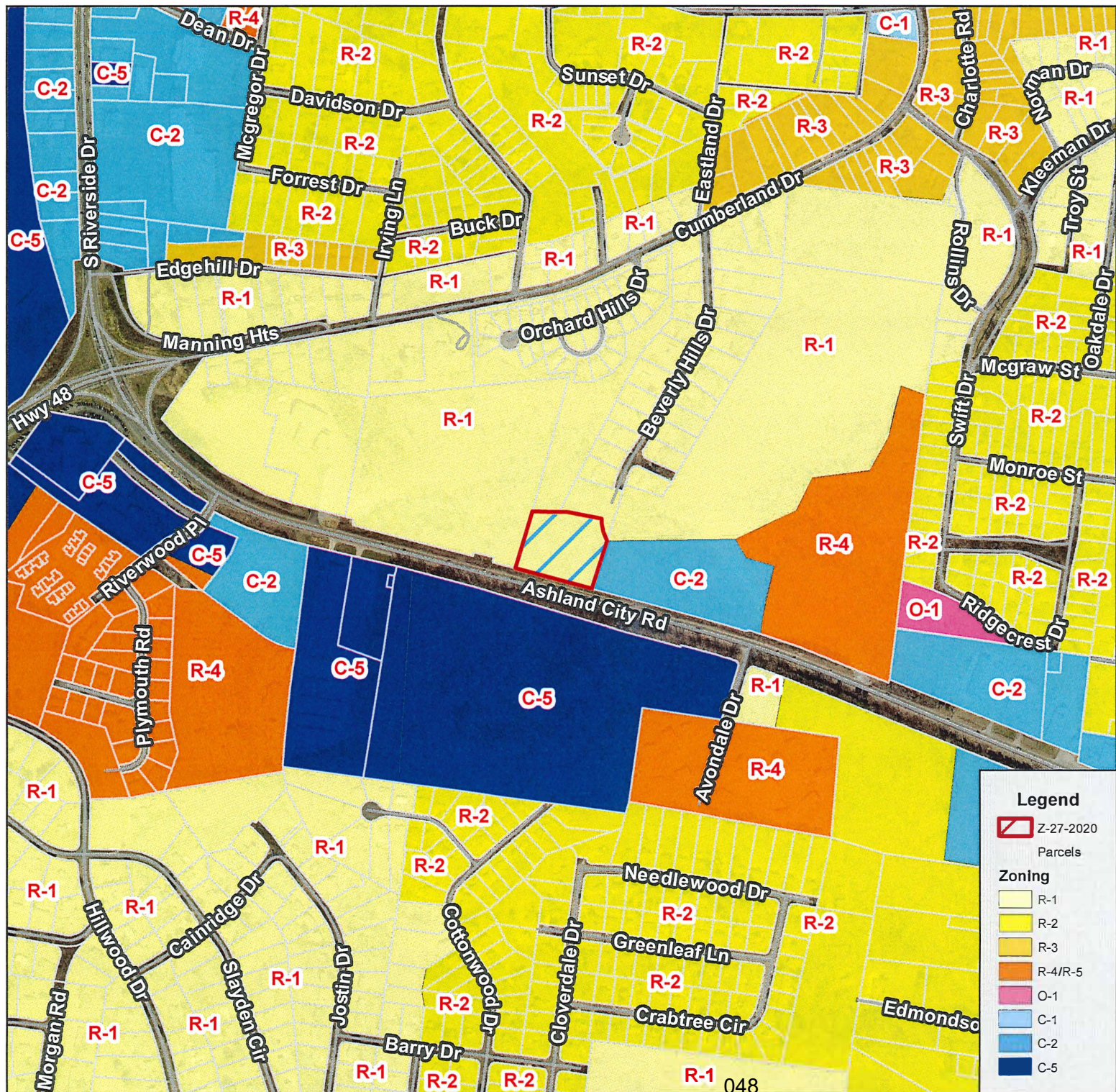
**REQUEST:**

**R-1**  
TO  
**C-2**


**MAP AND PARCEL**  
**079 02400**

**+/- ACRES**









2.73




**Legend**

 Z-27-2020  
Parcels

**Zoning**

 R-1  
 R-2  
 R-3  
 R-4/R-5  
 O-1  
 C-1  
 C-2  
 C-5

 Z-27-2020

Parcels

## Zoning

R-1

R-2

R-3

RG  
P. 4/P. 5

R-4/R-5  
Q 1

0-1

C-1

C-2

C-5

[illegible]



**CASE NUMBER:** Z 27 2020 **MEETING DATE** 7/29/2020

**APPLICANT:** Mary Davis Holt

**PRESENT ZONING** R-1 **PROPOSED ZONING** C-2

**TAX PLAT #** 079, 079-F-A **PARCEL** 024.00, 012.01

**GEN. LOCATION** Property fronting on the north frontage of Ashland City Road 874 +/- feet west of the Ashland City Road and Avondale Drive intersection

\*\*\*\*\*

**PUBLIC COMMENTS**

None received as of 10:30 A.M. on 7/29/2020 (A.L.)

**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**  
**STAFF REVIEW - ZONING**

**RPC MEETING DATE:** 7/29/2020

**CASE NUMBER:** Z - 28 - 2020

**NAME OF APPLICANT:**Luke

Baggett

**AGENT:** Syd Hedrick

---

**GENERAL INFORMATION**

**TAX PLAT:** 079-L-A

**PARCEL(S):** 010.01, 011.00

**ACREAGE TO BE REZONED:** 0.51

**PRESENT ZONING:** C-2      R-1

**PROPOSED ZONING:** R-6

**EXTENSION OF ZONING**

**CLASSIFICATION:** NO

**PROPERTY LOCATION:** Property located on the southeast corner of the Seven Mile Ferry Road and Edmonson Ferry Road intersection

**CITY COUNCIL WARD:** 7

**COUNTY COMMISSION DISTRICT:** 5

**CIVIL DISTRICT:** 12

**DESCRIPTION OF PROPERTY:** Site with existing residential & commercial structure that is noncompliant with current setbacks and appears to be vacant.

**APPLICANT'S STATEMENT** We are going to develop 6 single family lots  
**FOR PROPOSED USE:**

**GROWTH PLAN AREA:**      CITY

**PLANNING AREA:**      South Clarksville

**PREVIOUS ZONING HISTORY:**



# CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

## STAFF REVIEW - ZONING

### DEPARTMENT COMMENTS

- ☒ GAS AND WATER ENG. SUPPORT MGR.
- ☒ GAS AND WATER ENG. SUPPORT COOR.
- ☐ UTILITY DISTRICT
- ☒ CITY STREET DEPT.
- ☒ TRAFFIC ENG. - ST. DEPT.
- ☐ COUNTY HIGHWAY DEPT.
- ☐ CEMC
- ☒ DEPT. OF ELECTRICITY (CDE)

- ☐ ATT
- ☒ FIRE DEPARTMENT
- ☐ EMERGENCY MANAGEMENT
- ☒ POLICE DEPARTMENT
- ☐ SHERIFF'S DEPARTMENT
- ☒ CITY BUILDING DEPT.
- ☐ COUNTY BUILDING DEPT.
- ☒ SCHOOL SYSTEM OPERATIONS
- ☐ FT. CAMPBELL

- ☐ DIV. OF GROUND WATER
- ☐ HOUSING AUTHORITY
- ☐ INDUSTRIAL DEV BOARD
- ☐ CHARTER COMM.
- ☐ Other...

#### 1. CITY ENGINEER/UTILITY DISTRICT:

Comments received from department and they had no concerns.

#### 2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT:

Comments received from department and they had no concerns.

#### 3. DRAINAGE COMMENTS:

Comments received from department and they had no concerns.

#### 4. CDE/CEMC:

No Comment(s) Received

#### 5. FIRE DEPT/EMERGENCY MGT.:

Comments received from department and they had no concerns.

#### 6. POLICE DEPT/SHERIFF'S OFFICE:

Comments received from department and they had no concerns.

#### 7. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

Comments received from department and they had no concerns.

#### 8. SCHOOL SYSTEM:

ELEMENTARY: NORMAN SMITH  
MIDDLE SCHOOL: MONTGOMERY  
HIGH SCHOOL: MONTGOMERY

Norman Smith Elem. is at 88% capacity and currently has 5 portable classrooms. Montgomery Central Middle is at 102% capacity and currently has 4 portable classrooms. Montgomery Central High School is currently at 79 % capacity. CMCSS has added an average of 10 portable classrooms each year for the last 4 years. CMCSS has not constructed a school since 2015 & is at it's highest growth rate in 30 years. This continued student growth necessitates additional action to address building capacity growth & school transportation needs. This development will contribute additional students & neither infrastructure, funding, nor processes are in place at this time to address housing development in this region!

#### 9. FT. CAMPBELL:

#### 10. OTHER COMMENTS:

**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**  
**STAFF REVIEW - ZONING**

**PLANNING STAFF'S STUDY AND RECOMMENDATION**

**IMPACT OF PROPOSED USE ON** Minimal  
**SURROUNDING DEVELOPMENT:**

**INFRASTRUCTURE:**

**WATER SOURCE:** CITY

**SEWER SOURCE:** CITY

**STREET/ROAD ACCESSIBILITY:** Greenwood Ave. & Edmondson Ferry Rd.

**DRAINAGE COMMENTS:** varies

**RESIDENTIAL DEVELOPMENT**

**APPLICANT'S ESTIMATES    HISTORICAL ESTIMATES**

**LOTS/UNITS:**

**6**

**5 +/-**

**POPULATION:**

**72**

**13**

**APPLICABLE LAND USE PLAN**

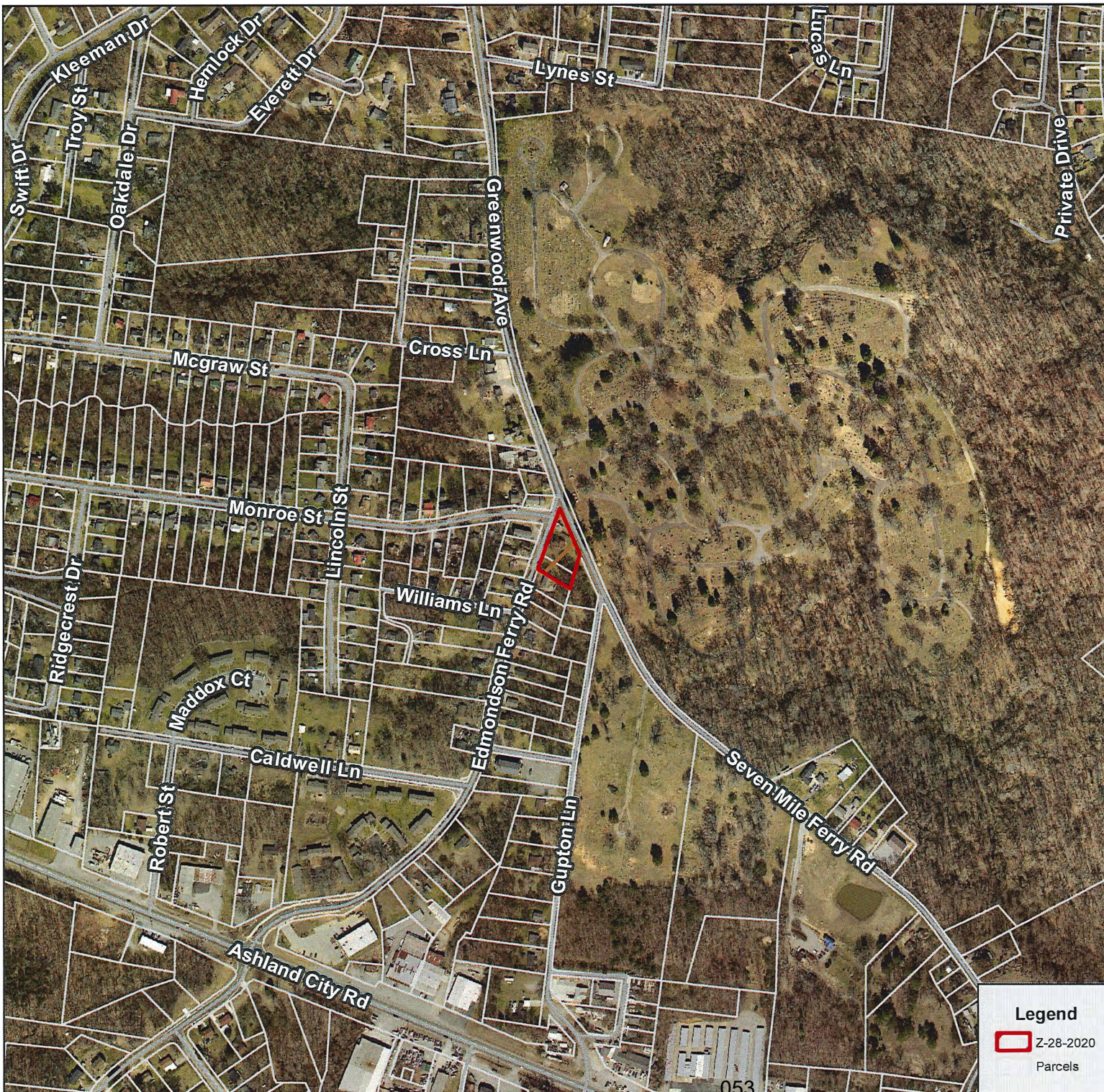
South Clarksville Planning Area - South Clarksville is dominated by residential development but is ringed by commercial and light industrial uses. It is near the core of the city and has a well developed transportation network for destinations within its boundaries and other areas of the city. Sufficient infrastructure to support high density development.

**STAFF RECOMMENDATION:**      **APPROVAL**

- 1.** The proposed zoning request is consistent with the adopted Land Use Plan.
- 2.** The R-6 single family zoning classifications are not out of character with the surrounding area or established uses.
- 3.** Adequate infrastructure serves the site, including other residential-supportive uses such as, mass transit and retail services. Sidewalks will be required as part of the development as required per R-6 Single Family Zoning.
- 4.** No adverse environmental issues have been identified as part of this request.

**5.**





**Z-28-2020**

**APPLICANT:**

**LUKE BAGGETT**

**REQUEST:**

**C-2/R-1**

**TO**

**R-6**

**MAP AND PARCEL**

**079L A 01001**

**079L A 01100**

**+/- ACRES**

**0.51**

1:6,000



7/29/2020





**Z-28-2020**

**APPLICANT:**

**LUKE BAGGETT**

**REQUEST:**

**C-2/R-1**

**TO**

**R-6**

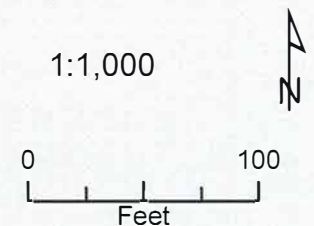
**MAP AND PARCEL**

**079L A 01001**

**079L A 01100**

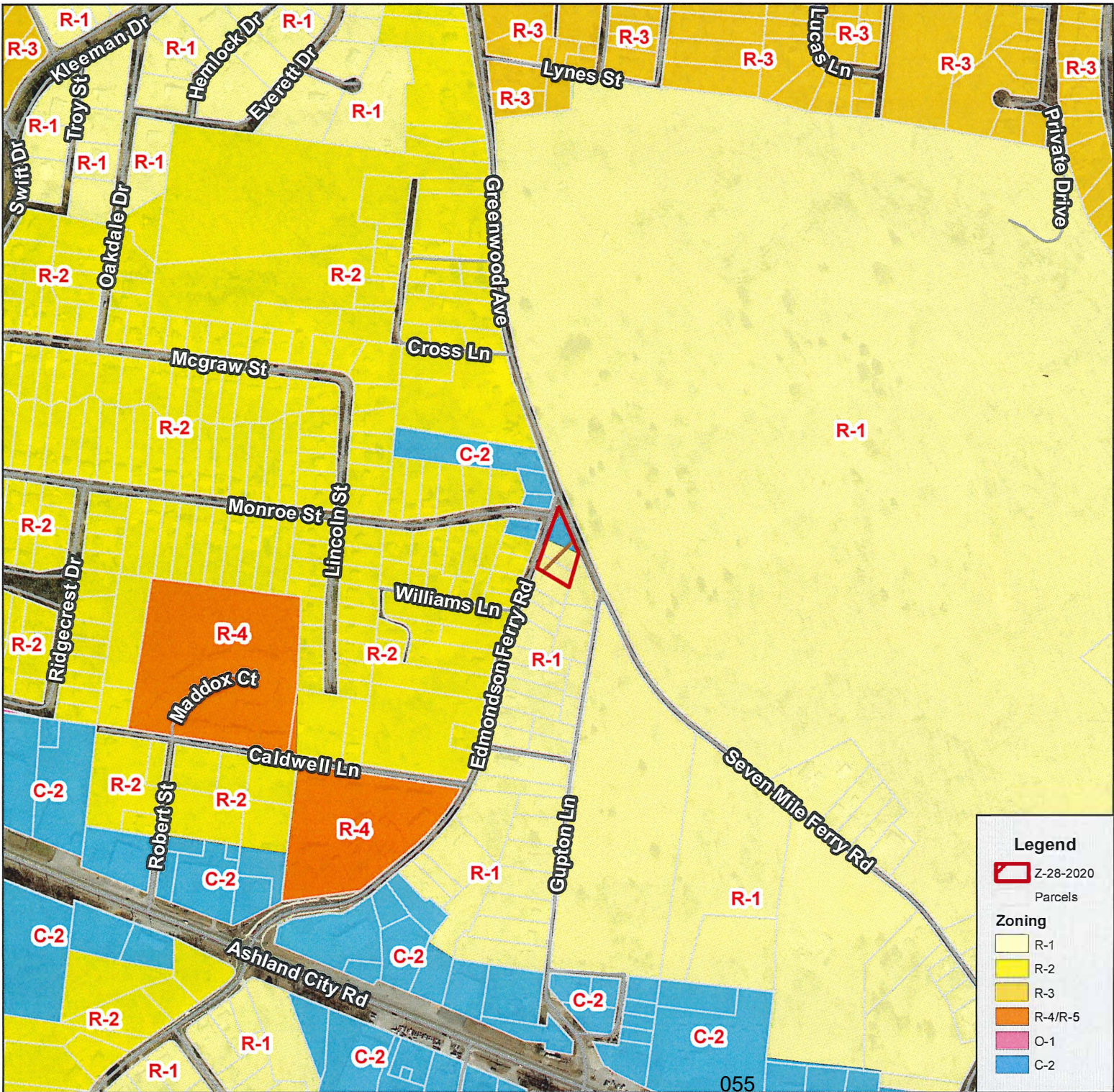
**+/- ACRES**

**0.51**



7/29/2020





**Z-28-2020**

**APPLICANT:**

**LUKE BAGGETT**

**REQUEST:**

**C-2/R-1**

**TO**

**R-6**

**MAP AND PARCEL**


**079L A 01001**

**079L A 01100**







**+/- ACRES**

**0.51**

**Legend**

 Z-28-2020  
Parcels

**Zoning**

 R-1  
 R-2  
 R-3  
 R-4/R-5  
 O-1  
 C-2

1:6,000

0 600  
Feet

7/29/2020



**CASE NUMBER:** Z 28 2020 **MEETING DATE** 7/29/2020

**APPLICANT:** Luke Baggett

**PRESENT ZONING** C-2 **PROPOSED ZONING** R-6

**TAX PLAT #** 079-L-A **PARCEL** 010.01, 011.00

**GEN. LOCATION** Property located on the southeast corner of the Seven Mile Ferry Road and Edmonson Ferry Road intersection

\*\*\*\*\*

**PUBLIC COMMENTS**

None received as of 10:30 A.M. on 7/29/2020 (A.L.)



**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**

**STAFF REVIEW - ZONING**

**RPC MEETING DATE:** 7/29/2020

**CASE NUMBER:** Z - 29 - 2020

**NAME OF APPLICANT:**River Chase Marine      Terminal, Llc

**AGENT:**

---

**GENERAL INFORMATION**

**TAX PLAT:** 080

**PARCEL(S):** 007.00 p/o

**ACREAGE TO BE REZONED:** 40.18

**PRESENT ZONING:** R-4

**PROPOSED ZONING:** R-2A

**EXTENSION OF ZONING**

**CLASSIFICATION:** NO

**PROPERTY LOCATION:** Property fronting on the south frontage of Ashland City Road, 837 +/- feet west of the Ashland City Road and Beacon Drive intersection.

**CITY COUNCIL WARD:** 7      **COUNTY COMMISSION DISTRICT:** 20      **CIVIL DISTRICT:** 11

**DESCRIPTION OF PROPERTY:** Semi wooded tract with varying topography & bordered by flood plain.

**APPLICANT'S STATEMENT** to allow for single family subdivision  
**FOR PROPOSED USE:**

**GROWTH PLAN AREA:**      CITY      **PLANNING AREA:**

**PREVIOUS ZONING HISTORY:**

# CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

## STAFF REVIEW - ZONING

### DEPARTMENT COMMENTS

- ☒ GAS AND WATER ENG. SUPPORT MGR.
- ☒ GAS AND WATER ENG. SUPPORT COOR.
- ☐ UTILITY DISTRICT
- ☒ CITY STREET DEPT.
- ☒ TRAFFIC ENG. - ST. DEPT.
- ☐ COUNTY HIGHWAY DEPT.
- ☒ CEMC
- ☐ DEPT. OF ELECTRICITY (CDE)

- ☐ ATT
- ☒ FIRE DEPARTMENT
- ☐ EMERGENCY MANAGEMENT
- ☒ POLICE DEPARTMENT
- ☐ SHERIFF'S DEPARTMENT
- ☒ CITY BUILDING DEPT.
- ☐ COUNTY BUILDING DEPT.
- ☒ SCHOOL SYSTEM OPERATIONS
- ☐ FT. CAMPBELL

- ☐ DIV. OF GROUND WATER
- ☐ HOUSING AUTHORITY
- ☐ INDUSTRIAL DEV BOARD
- ☐ CHARTER COMM.
- ☒ Other...

#### 1. CITY ENGINEER/UTILITY DISTRICT:

Water & sewer system upgrades.

#### 2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT:

Comments received from department and they had no concerns.

#### 3. DRAINAGE COMMENTS:

Comments received from department and they had no concerns.

#### 4. CDE/CEMC:

No Comment(s) Received

#### 5. FIRE DEPT/EMERGENCY MGT.:

Comments received from department and they had no concerns.

#### 6. POLICE DEPT/SHERIFF'S OFFICE:

Comments received from department and they had no concerns.

#### 7. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

Comments received from department and they had no concerns.

#### 8. SCHOOL SYSTEM:

ELEMENTARY: BARKSDALE  
MIDDLE SCHOOL: RICHVIEW  
HIGH SCHOOL: CLARKSVILLE

Barksdale Elem., Richview Middle & Clarksville High are in the 3rd fastest growing region in Montgomery County. Barksdale Elem. is at 97% capacity and currently has 1 portable classroom, Richview Middle is at 100% capacity and currently has 2 portable classroom, Clarksville High is at 93% capacity. CMCSS has added an average of 10 portable classrooms each year for the last 4 years. CMCSS has not constructed a school since 2015 & is at it's highest growth rate in 30 years. This continued student growth necessitates additional action to address building capacity growth & school bus transportation needs in Montgomery County. This development will contribute additional students & neither infrastructure, funding, nor processes are in place at this time to address housing development in this region!

#### 9. FT. CAMPBELL:

#### 10. OTHER COMMENTS:



**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**  
**STAFF REVIEW - ZONING**

**PLANNING STAFF'S STUDY AND RECOMMENDATION**

**IMPACT OF PROPOSED USE ON SURROUNDING DEVELOPMENT:** Minimal with a reduction of residential density.

**INFRASTRUCTURE:**

**WATER SOURCE:** CITY

**SEWER SOURCE:** CITY

**STREET/ROAD ACCESSIBILITY:** 41-A Bypass / Ashland City Rd.

**DRAINAGE COMMENTS:** South

**RESIDENTIAL DEVELOPMENT**

**APPLICANT'S ESTIMATES    HISTORICAL ESTIMATES**

**LOTS/UNITS:**

**128 +/-**

**POPULATION:**

**345**

**APPLICABLE LAND USE PLAN**

Hilldale Planning Area: One of the most stable single family residential areas of the city. Its central location gives its convenient proximity to most areas of the city & Sango Planning Area: Growth rate for this area is well above the overall county average.

**STAFF RECOMMENDATION:**      **APPROVAL**

- 1.** The proposed zoning request is consistent with the adopted Land Use Plan.
- 2.** The R-2A single family zoning classifications are not out of character with the surrounding area or established uses.
- 3.** The proposed zone change from R-4 Multi-family to R-2A Single Family Residential will reduce the overall traffic volume generation potential from this tract.
- 4.** No adverse environmental issues have been identified as part of this request.

**5.**





**Z-29-2020**

**APPLICANT:**

**RIVER CHASE MARINE  
TERMINAL, LLC**

**REQUEST:**

**R-4**

**TO**

**R-2A**

**MAP AND PARCEL**

**080 00700 (P)**

**+/- ACRES**


**40.18**

1:15,000

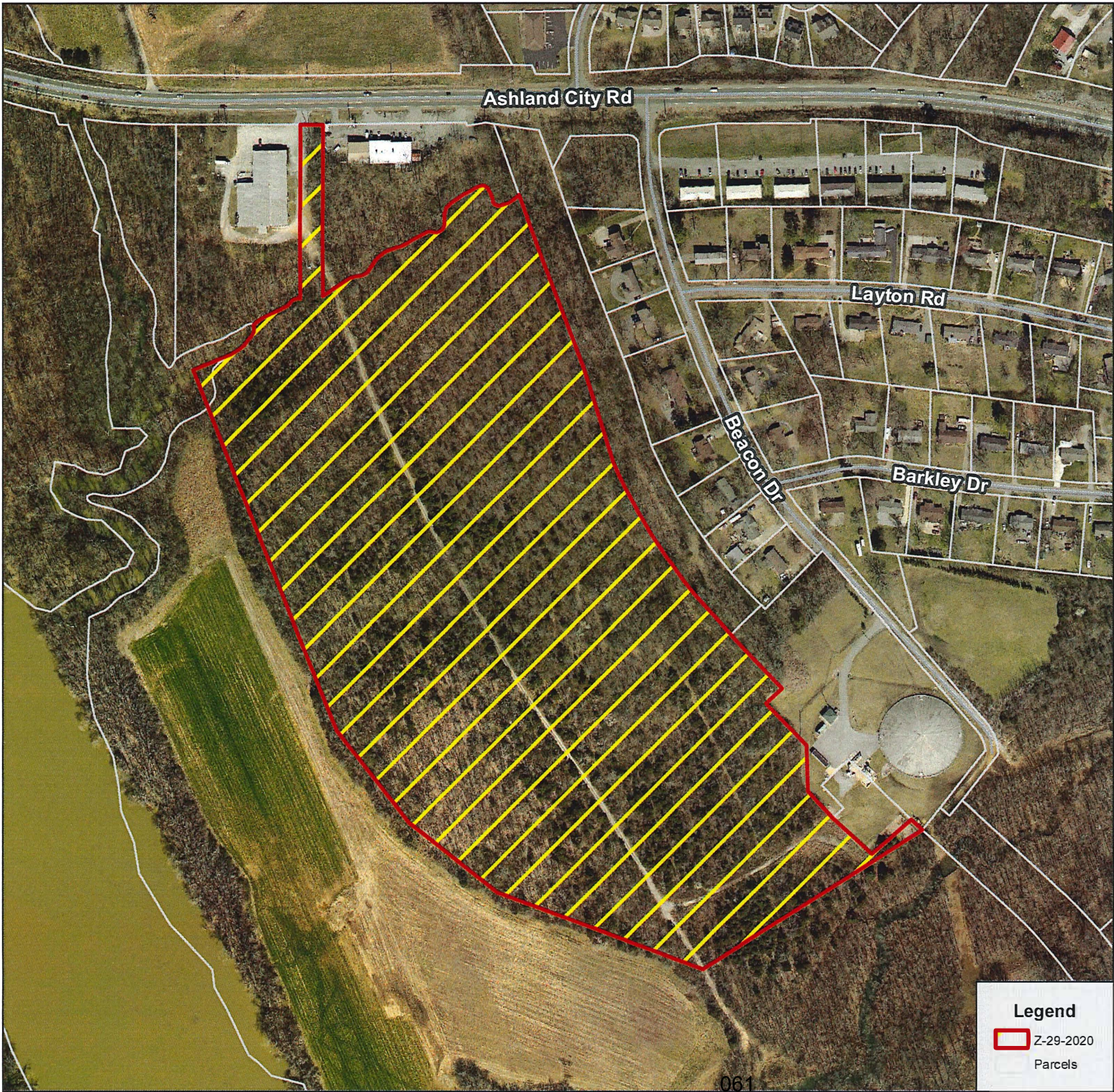


7/29/2020

**Legend**

 Z-29-2020  
Parcels





**Z-29-2020**

**APPLICANT:**

**RIVER CHASE MARINE  
TERMINAL, LLC**

**REQUEST:**

**R-4**

**TO**

**R-2A**

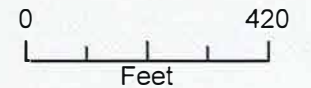
**MAP AND PARCEL**

**080 00700 (P)**

**+/- ACRES**



**40.18**

1:4,000

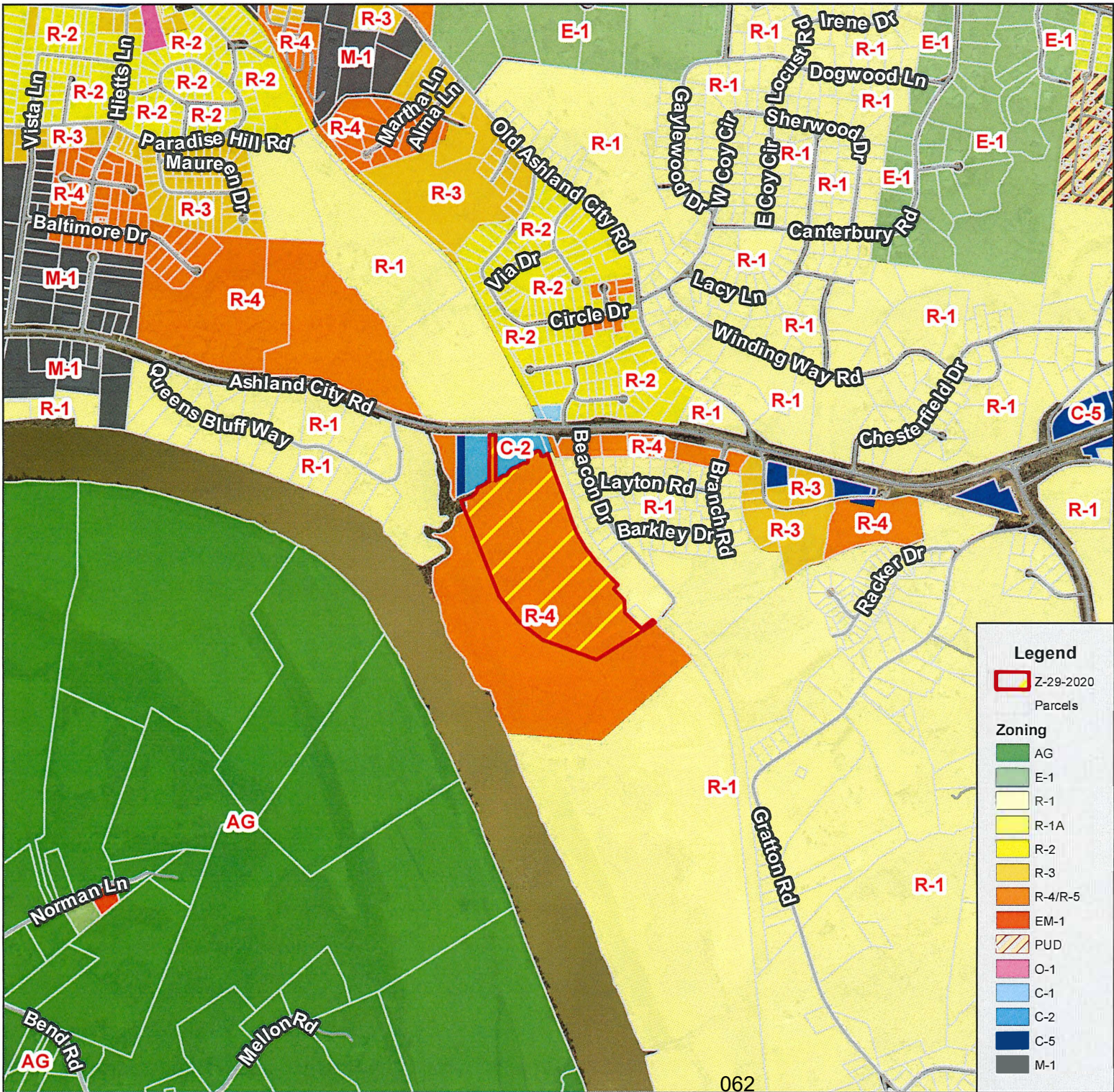


7/29/2020

**Legend**

 **Z-29-2020**  
 **Parcels**





**Z-29-2020**

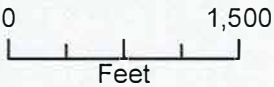
**APPLICANT:**  
**RIVER CHASE MARINE  
TERMINAL, LLC**

**REQUEST:**  
**R-4**  
**TO**  
**R-2A**

**MAP AND PARCEL**  
**080 00700 (P)**

**+/- ACRES**  
**40.18**

1:15,000



7/29/2020



**CASE NUMBER:** Z 29 2020

**MEETING DATE** 7/29/2020

**APPLICANT:** River Chase Marine

Terminal, Llc

**PRESENT ZONING** R-4

**PROPOSED ZONING** R-2A

**TAX PLAT #** 080

**PARCEL** 007.00 p/o

**GEN. LOCATION** Property fronting on the south frontage of Ashland City Road, 837 +/- feet west of the Ashland City Road and Beacon Drive intersection.

\*\*\*\*\*

**PUBLIC COMMENTS**

None received as of 10:30 A.M. on 7/29/2020 (A.L.)

**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**

**STAFF REVIEW - ZONING**

**RPC MEETING DATE:** 7/29/2020

**CASE NUMBER:** Z - 30 - 2020

**NAME OF APPLICANT:**RE4E

Holdings, Llc

**AGENT:**

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**GENERAL INFORMATION**

**TAX PLAT:** 043-O-D

**PARCEL(S):** 001.00

**ACREAGE TO BE REZONED:** 1.45

**PRESENT ZONING:** R-1

**PROPOSED ZONING:** R-6

**EXTENSION OF ZONING  
CLASSIFICATION:**

**PROPERTY LOCATION:** Property fronting on the south frontage of Lafayette Road, 135 +/- feet east of the Lafayette Road and Lillie Belle Lane intersection.

**CITY COUNCIL WARD:** 4

**COUNTY COMMISSION DISTRICT:** 16

**CIVIL DISTRICT:** 7

**DESCRIPTION OF PROPERTY:** A portion of the frontage of a large single family residential tract.

**APPLICANT'S STATEMENT  
FOR PROPOSED USE:** To develop a single family in fill development

**GROWTH PLAN AREA:** CITY

**PLANNING AREA:**

**PREVIOUS ZONING HISTORY:**



# CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING

## STAFF REVIEW - ZONING

### DEPARTMENT COMMENTS

- ☒ GAS AND WATER ENG. SUPPORT MGR.
- ☒ GAS AND WATER ENG. SUPPORT COOR.
- ☐ UTILITY DISTRICT
- ☒ CITY STREET DEPT.
- ☒ TRAFFIC ENG. - ST. DEPT.
- ☐ COUNTY HIGHWAY DEPT.
- ☐ CEMC
- ☒ DEPT. OF ELECTRICITY (CDE)

- ☐ ATT
- ☒ FIRE DEPARTMENT
- ☐ EMERGENCY MANAGEMENT
- ☒ POLICE DEPARTMENT
- ☐ SHERIFF'S DEPARTMENT
- ☒ CITY BUILDING DEPT.
- ☐ COUNTY BUILDING DEPT.
- ☒ SCHOOL SYSTEM OPERATIONS
- ☐ FT. CAMPBELL

- ☐ DIV. OF GROUND WATER
- ☐ HOUSING AUTHORITY
- ☐ INDUSTRIAL DEV BOARD
- ☐ CHARTER COMM.
- ☐ Other...

#### 1. CITY ENGINEER/UTILITY DISTRICT:

Comments received from department and they had no concerns.

#### 2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT:

Access Ordinance Collector Roadway. Access Appeal variance granted.

#### 3. DRAINAGE COMMENTS:

Comments received from department and they had no concerns.

#### 4. CDE/CEMC:

No Comment(s) Received

#### 5. FIRE DEPT/EMERGENCY MGT.:

Comments received from department and they had no concerns.

#### 6. POLICE DEPT/SHERIFF'S OFFICE:

Comments received from department and they had no concerns.

#### 7. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

Comments received from department and they had no concerns.

#### 8. SCHOOL SYSTEM:

ELEMENTARY: LIBERTY  
MIDDLE SCHOOL: NEW PROVIDENCE  
HIGH SCHOOL: NORTHWEST

Libert Elem., New Providence & Northwest High are in the fourth fastest growing region in Montgomery County. Liberty Elem. is at 1045 capacity & currently has 4 portables. New Providence Middle School is at 96% capacity & currently has 1 portable classroom. Northwest high is at 84% capacity. CMCSS has added an average of 10 portable classrooms each year for the last 4 years. CMCSS has not constructed a school since 2015 & is at it's highest growth rate in 30 years. This continued student growth necessitates additional action to address building capacity growth & school bus transportation needs in Montgomery County. This development will contribute additional students & neither infrastructure, funding, nor processes are in place at this time to address housing development in this region!

#### 9. FT. CAMPBELL:

#### 10. OTHER COMMENTS:

**CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING**  
**STAFF REVIEW - ZONING**

**PLANNING STAFF'S STUDY AND RECOMMENDATION**

**IMPACT OF PROPOSED USE ON SURROUNDING DEVELOPMENT:** Minimal with increased single family residential density.

**INFRASTRUCTURE:**

**WATER SOURCE:** CITY

**SEWER SOURCE:** CITY

**STREET/ROAD ACCESSIBILITY:** Lafayette Rd.

**DRAINAGE COMMENTS:** west

**RESIDENTIAL DEVELOPMENT**

**APPLICANT'S ESTIMATES HISTORICAL ESTIMATES**

**LOTS/UNITS:**

**POPULATION:**

**APPLICABLE LAND USE PLAN**

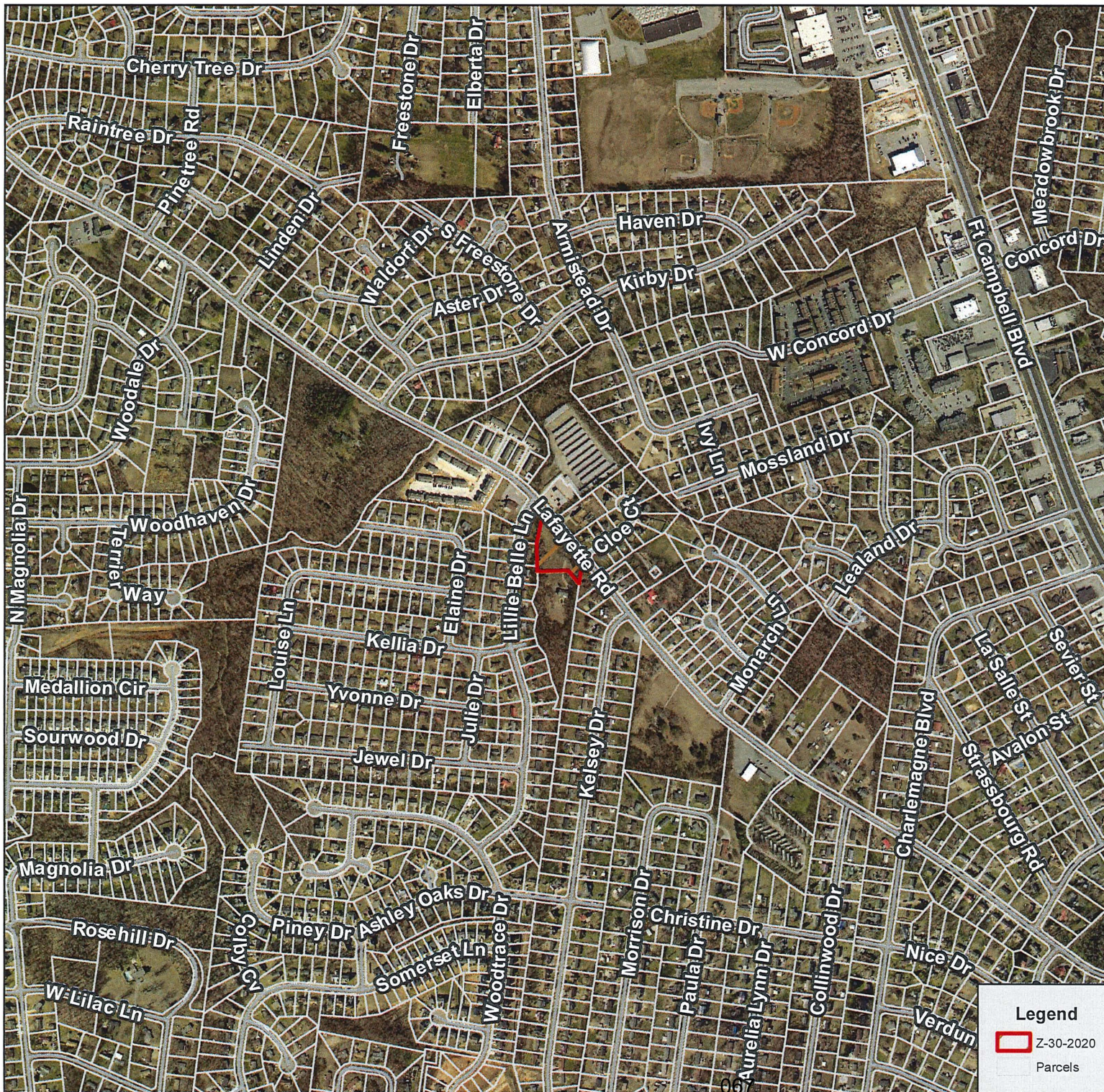
Lafayette Planning Area- This area experienced considerable residential growth in the decade of the 90's. There is room for expansion along the SR 374 corridor.

**STAFF RECOMMENDATION:**      **APPROVAL**

1. The proposed zoning request is consistent with the adopted Land Use Plan.
2. The R-6 single family zoning classifications are not out of character with the surrounding area or established uses.
3. Adequate infrastructure serves the site, including other residential-supportive uses such as, mass transit and retail services. Sidewalks will be required as part of the development as required per R-6 Single Family Zoning.
4. No adverse environmental issues have been identified as part of this request.

5.





**Z-30-2020**

**APPLICANT:**

**RE4E HOLDINGS, LLC**

**REQUEST:**

**R-1**

**TO**

**R-6**

**MAP AND PARCEL**

**0430 D 00100 (P)**

**+/- ACRES**

**1.45**

1:10,000



7/29/2020





**Z-30-2020**

**APPLICANT:**

RE4E HOLDINGS, LLC

**REQUEST:**

**R-1**

**TO**

**R-6**

**MAP AND PARCEL**

0430 D 00100 (P)

**+/- ACRES**

**1.45**

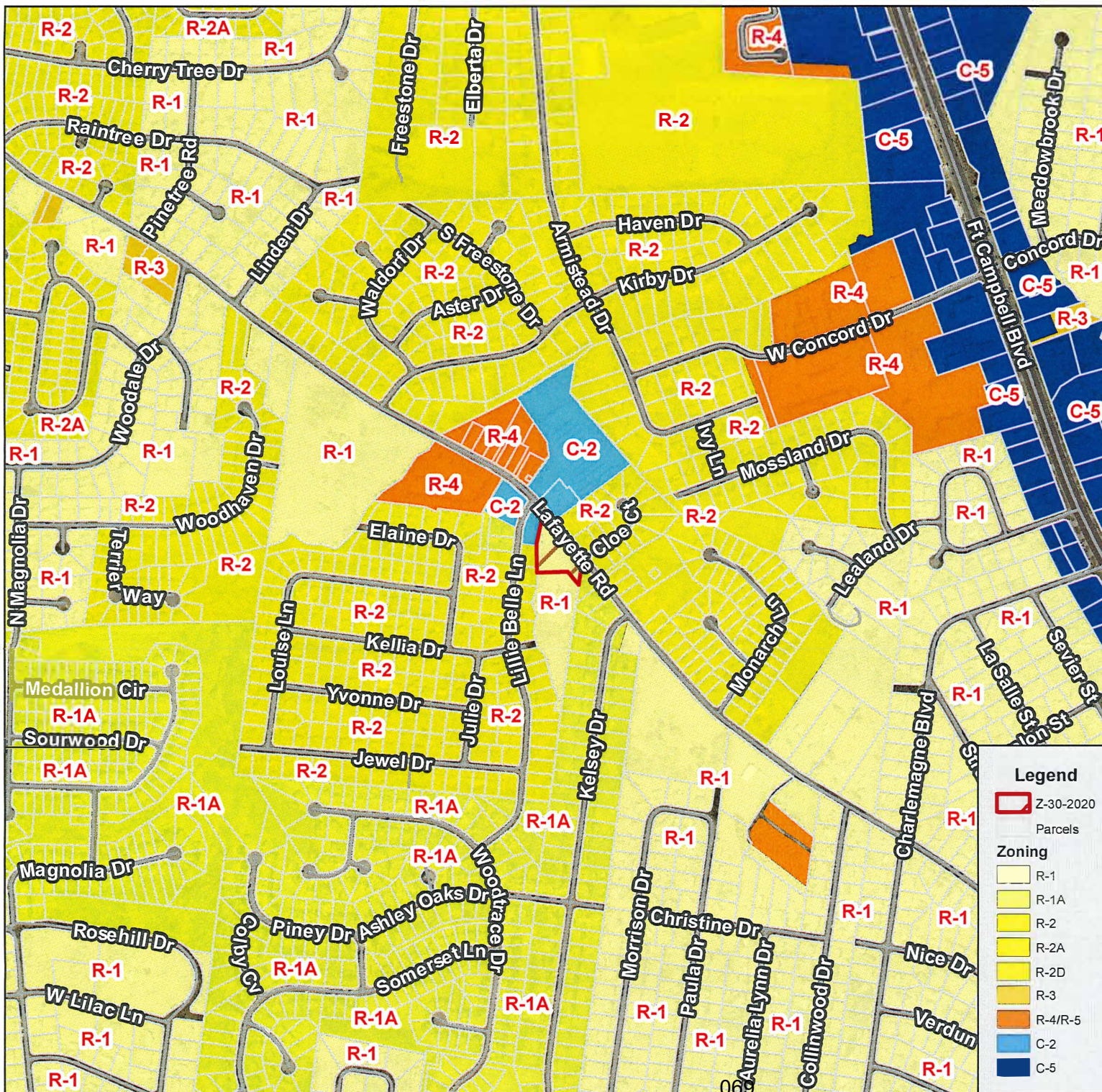
1:2,000



7/29/2020







**Z-30-2020**

**APPLICANT:**

RE4E HOLDINGS, LLC

**REQUEST:**

**R-1**

**TO**

**R-6**

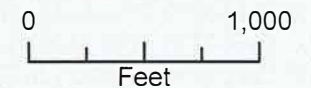
**MAP AND PARCEL**

**0430 D 00100 (P)**

**+/- ACRES**

**1.45**

1:10,000



7/29/2020



**CASE NUMBER:** Z 30 2020 **MEETING DATE** 7/29/2020

**APPLICANT:** RE4E Holdings, Llc

**PRESENT ZONING** R-1 **PROPOSED ZONING** R-6

**TAX PLAT #** 043-O-D **PARCEL** 001.00

**GEN. LOCATION** Property fronting on the south frontage of Lafayette Road, 135 +/- feet east of the Lafayette Road and Lillie Belle Lane intersection.

\*\*\*\*\*

**PUBLIC COMMENTS**

None received as of 10:30 A.M. on 7/29/2020 (A.L.)



ORDINANCE 5-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF WM. HOOSIER, TODD MORRIS-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE TERMINUS OF PREWITT LANE

*BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned AG Agricultural District, as R-1 Single Family Residential District.

*PUBLIC HEARING:* July 2, 2020  
*MAP AMENDED:* July 2, 2020  
*POSTPONED:* July 2, 2020 to August 6, 2020  
*FIRST READING:* Scheduled for August 6, 2020  
*SECOND READING:*  
*EFFECTIVE DATE:*

EXHIBIT A

Beginning at a point in the north right of way of said Prewitt Lane also lying in the south property line of the Louis Rittenberry property as recorded in ORV 317, Page 1176 ROMCT, said point of beginning lying North 77 degrees 30 minutes 31 seconds West for 668.54 feet from the intersection of the centerlines of Prewitt Lane and Whitfield Road, being the northeast corner of herein described parcel; Thence crossing Prewitt Lane along Hoosier east property line and the west property line of the Universal Export Limited, LLC property as recorded in ORV 1781, Page 1879 ROMCT, South 02 degrees 06 minutes 02 seconds West for 1,315.08 feet to a point lying in the State of TN Board of Education property as recorded in ORV 113, Page 592 ROMCT, said point also being the southeast corner of herein described tract; Thence along Board of Ed. north property line, North 83 degrees 46 minutes 39 seconds West for 1,811.30 feet to a point, said point being the southwest corner of herein described parcel; Thence along the west line of Board of Ed. property, North 00 degrees 04 minutes 42 seconds East for 891.16 feet to a point, lying in the east line of the Wall Buford Farms. LLC property as recorded in ORV 868, Page 597 ROMCT; Thence along Buford Farms east line for the next 5 calls: North 55 degrees 48 minutes 29 seconds East for 326.69 feet to a point; North 63 degrees 57 minutes 18 seconds East for 130.23 feet to a point; North 36 degrees 42 minutes 05 seconds East for 49.45 feet to a point; North 02 degrees 12 minutes 05 seconds East for 87.45 feet to a point; North 17 degrees 31 minutes 38 seconds East for 91.40 feet to a point, lying in the south property line of the Rittenberry property; Thence along Rittenberry south line, South 82 degrees 30 minutes 46 seconds East for 805.06 feet to a point; Thence continuing along the Rittenberry south line, South 78 degrees 24 minutes 58 seconds East for 614.26 feet to the point of beginning. Said tract-containing 54.32 acres more or less.

ORDINANCE 9 -2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF CAROL STEVENS, DERRICK STEVENS-AGENT FOR ZONE CHANGE ON PROPERTY LOCATED AT THE SOUTHERN TERMINUS OF WEST THOMPkins LANE

*BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-1 Single Family Residential District, as R-3 Three Family Residential District.

*PUBLIC HEARING:*

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

EXHIBIT A

BEGINNING AT A 1/2" IRON PIN FOUND IN THE EAST RIGHT OF WAY LINE WEST THOMPkins LANE, SAID IRON PIN LOCATED AT THE END OF SAID WEST THOMPkins ROAD AND AT A COMMON CORNER WITH THE MILLER PROPERTY, RECORDED IN VOLUME 1707, PAGE 1936; THENCE WITH SAID RIGHT OF WAY LINE N 10°05'01" E A DISTANCE OF 165.25 FEET TO A 5/8" IRON PIN FOUND; THENCE LEAVING SAID RIGHT OF WAY LINE WITH THE SOUTH LINE OF LOT 2, AS SHOWN IN PLAT BOOK E, PAGE 1064 S 85°08'46" E A DISTANCE OF 247.67 FEET TO A 5/8" IRON PIN FOUND; THENCE WITH THE MILLER PROPERTY, RECORDED IN VOLUME 1707, PAGE 1934 S 08°45'02" W A DISTANCE OF 173.48 FEET TO A 1/2" IRON PIN SET; THENCE WITH THE MILLER PROPERTY, RECORDED IN VOLUME 1707, PAGE 1936 N 83°12'06" W A DISTANCE OF 251.08 FEET TO THE POINT OF BEGINNING, HAVING AN AREA OF 0.967 ACRES, MORE OR LESS.



ORDINANCE 10-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF FAITH INVESTMENTS, C/O CHRIS BLACKWELL, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF NORTH WHITFIELD ROAD AND NEEDMORE ROAD

*BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned AG Agricultural District, as R-4 Multiple Family Residential District.

*PUBLIC HEARING:*

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

EXHIBIT A

Beginning at a point said point being 375 +/- feet north of the centerline of the Needmore Rd. & N. Whitfield intersection, said point also being the northwest corner of the Orlando Rudolph Reed property, and also in the eastern ROW margin of N. Whitfield Rd. thence in a northerly direction 270 feet with the eastern margin of N. Whitfield Rd. to a point, said point being the southwest corner of the Patricia Ann Jackson Smith property, thence in an easterly direction 381 +/- feet with the southern boundary of the Patricia Ann Jackson Smith property to a point, said point being in the western boundary of the Donald W. Green property, thence in a southerly direction 311 +/- feet with the western boundary of the Donald W. Green property & others to a point, said point being the northeast corner of the Sonja Mae McGlown property, thence in a westerly direction 383 +/- feet with the northern boundary of the Sonja Mae McGlown property & other to the point of beginning, said herein described tract containing 2.5 +/- acres, further identified as current Tax Map 31, parcel 17.00

ORDINANCE 11-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF JOE ROBERTS, CAL MCKAY/BURCHETT & COMPANY-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF OLD ASHLAND CITY ROAD AND MARTHA LANE

*BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-3 Three Family Residential District, as R-6 Single Family Residential District.

*PUBLIC HEARING:*

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

EXHIBIT A

Land situated in Montgomery County, TN, beginning at a point at the intersection of the south right-of-way margin of Old Ashland City Road and the westerly right-of-way margin of Martha Lane, thence with the westerly margin of Martha Lane south 25 degrees 29 minutes 57 seconds west 230.08 feet to a P.K. nail in pavement in said right-of-way margin; thence north 48 degrees 44 minutes 10 seconds west 102.23 feet to an existing pipe; thence north 26 degrees 31 minutes 56 seconds east 37.58 feet to an existing pipe; thence north 26 degrees 30 minutes 00 seconds east 199.19 feet to an existing iron pipe in the south right-of-way margin of Old Ashland City Road; thence with said right-of-way margin of Old Ashland City Road south 44 degrees 25 minutes 49 seconds east 100.32 feet to the point of beginning, said herein described tract containing 0.49 +/- acres, further identified as current Tax Map 080F, parcel 17.00



ORDINANCE 12-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF SYD HEDRICK, SYD HEDRICK-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF GREENWOOD AVENUE AND WOODMONT BOULEVARD

*BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-3 Three Family Residential District, as R-6 Single Family Residential District and R-4 Multiple Family Residential District.

*PUBLIC HEARING:*

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

EXHIBIT A

R-6 SINGLE FAMILY: Beginning at a 1" pipe, said pin having the coordinates of Northing 796354.69 and Easting of 1572494.93, said pin being the southwestern corner of the Frieda Coleman Minga Property as recorded in Vol. 1724, page 1606 ROMCT, said pipe being N 81° 55' W for a distance of 474.00 from the centerline intersection of Woodmont Boulevard and Greenwood Avenue, said pin also being the northern right of way of Woodmont Boulevard, said pipe also being the southeastern corner of the herein described parcel; Thence, along said Woodmont Boulevard right of way, N 83° 37' 26" W for a distance of 109.90 feet to an iron rod, said rod being the southeastern corner of the Terry Patterson property as described in ORV 1780, page 1220, said rod having the coordinates of Northing 796366.89 and Easting 1572385.72, said rod being the southwestern corner of the herein described parcel; Thence, leaving said Woodmont Boulevard right of way and along said Terry Patterson property, N 04° 48' 58" W for a distance of 92.51 feet to a point, said point being the north west corner of the herein described area; Thence, leaving said Terry Patterson property and along a new zone line, S 83° 14' 40" E for a distance of 110.18 feet to a point along said Frieda Coleman Minga property, said point being the north east corner of the herein described area; Thence, leaving said zone line and along said Frieda Coleman Minga property, S 04° 44' 05" E a distance of 91.74 feet to the point of beginning, said zoning area containing 9,939 Square Feet or 0.23 Acres, more or less.

R-4 MULTIPLE FAMILY: Beginning at an iron pin, said pin having the coordinates of Northing 796563.69 and Easting of 1572477.62, said pin being the northwestern corner of the Frieda Coleman Minga Property as recorded in Vol. 1724, page 1606 ROMCT, said pin being N 60° 28' W for a distance of 559.00 from the centerline intersection of Woodmont Boulevard and Greenwood Avenue, said pin also being the northeastern corner of the herein described parcel; Thence, along said Frieda Coleman Minga property, S 04° 44' 05" E for a distance of 117.98 feet to a point on a line, said point being the south east corner of the herein described area; Thence, leaving said Frieda Coleman Minga property and along a new zone line, N 83° 14' 40" W for a distance of 110.18 feet to a point on a line, said point being the eastern property line of the Terry Patterson property as described in ORV 1780, page 1220, said point being the south west corner of the herein described area; Thence, leaving new zone line and along said Terry Patterson property line, N 04° 48' 58" W for a distance of 115.70 feet to an iron rod, said rod having the coordinates of Northing 796574.36 and Easting 1572368.23, said rod also being the southern right of way of an Alley in the Pettus, Tharpe & Shelton Subdivision as described in Plat Book 1, page 22, said point being the north west corner of the herein described parcel; Thence, with said Alley, S 84° 25' 33" E a distance of 109.91 to the point of beginning, said zoning area containing 12,623 Square Feet or 0.29 Acres, more or less.



ORDINANCE 13-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF MARY DAVIS HOLT, BOBBY POWERS/GREENSPACE PARTNERS-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF ASHLAND CITY ROAD AND AVONDALE DRIVE

*BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned C-5 Highway & Arterial Commercial District, as R-6 Single Family Residential District and R-2 Single Family Residential District.

*PUBLIC HEARING:*

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

EXHIBIT A

R-6 SINGLE FAMILY: A tract of land being located in the Twelfth Civil District of Montgomery County, Tennessee, said tract being generally located south of and adjacent to Highway 41-A By-pass, west of and adjacent to Avondale Drive, and north of Cumberland River. Said tract is a portion of the Mary Davis Holt property and is more fully described as follows: Commencing at a point being the northeast corner of the herein described tract, said point being located at the intersection of right-of-way of US 41-A By-pass and Avondale Drive; Thence S 17° 41' 52" W for a distance of 278.64 feet to a point. Thence N 82° 15' 48" W for a distance of 376.62 feet to a point. Thence S 10° 08' 12" W for a distance of 367.06 feet to a point. Thence N 79° 51' 48" W for a distance of 220.81 feet to a point. Thence S 82° 29' 39" W for a distance of 115.00 feet to a point. Thence N 20° 29' 54" W for a distance of 69.70 feet to a point. Thence N 75° 35' 40" W for a distance of 106.12 feet to a point. Thence S 14° 24' 20" W for a distance of 193.16 feet to a point. Thence N 82° 12' 18" W for a distance of 533.79 feet to a point. Thence N 82° 04' 18" W for a distance of 258.85 feet to a point. Thence N 09° 08' 52" E for a distance of 559.03 feet to a point. Thence N 09° 08' 42" E for a distance of 65.62 feet to a point. Thence N 08° 24' 42" E for a distance of 88.06 feet to a point. Thence S 75° 08' 53" E for a distance of 840.33 feet to a point. Thence N 14° 44' 42" E for a distance of 300.84 feet to a point. Thence S 75° 15' 18" E for a distance of 75.02 feet to a point.

Thence S 75° 02' 08" E for a distance of 500.12 feet to a point. Thence N 15° 56' 12" E for a distance of 9.48 feet to a point. Thence S 73° 46' 48" E for a distance of 248.48 feet to a point. Thence on a curve to the right having a radius of 1969.90 feet, arc length of 39.24 feet and whose long chord bears S 27° 42' 51" E for a chord distance of 35.34 feet to the point of beginning. Said property contains 24.72 acres, more or less.

R-2 SINGLE FAMILY: A tract of land being located in the Twelfth Civil District of Montgomery County, Tennessee, said tract being generally located south of and adjacent to Highway 41-A By-pass, west of and adjacent to Avondale Drive, and north of Cumberland River. Said tract is a portion of the Mary Davis Holt property and is more fully described as follows: Commencing at a point being the northeast corner of the herein described tract, said point being located S42° 12' 28" W for a distance of 777.74 feet from the intersection of right-of-way of US 41-A By-pass and Avondale Drive; Thence S 10° 08' 12" W for a distance of 89.34 feet to a point. Thence S 08° 49' 02" W for a distance of 50.36 feet to a point. Thence N 82° 12' 18" W for a distance of 487.68 feet to a point. Thence N 14° 24' 20" E for a distance of 193.16 feet to a point. Thence S 75° 35' 40" E for a distance of 106.12 feet to a point. Thence S 20° 29' 54" E for a distance of 69.70 feet to a point. Thence N 82° 29' 39" E for a distance of 115.00 feet to a point. Thence S 79° 51' 48" E for a distance of 220.81 feet to the point of beginning. Said property contains 1.67 acres, more or less.



ORDINANCE 14-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF MARY DAVIS HOLT, BOBBY POWERS/GREENSPACE PARTNERS-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF ASHLAND CITY ROAD AND AVONDALE DRIVE

*BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-1 Single Family Residential District, as C-2 General Commercial District.

*PUBLIC HEARING:*

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

EXHIBIT A

A tract of land being located in the Twelfth Civil District of Montgomery County, Tennessee, said tract being generally located NORTH of and adjacent to Highway 41-A By-pass, west of Avondale Drive, and east of Cumberland Drive. Said tract is a portion of the Mary Davis Holt property and is more fully described as follows: Commencing at a point being the southeast corner of the herein described tract, said point being located N 61° 55' 30" W for a distance of 793.06 feet from the intersection of right-of-way of US 41-A By-pass and Avondale Drive; Thence N 75° 01' 12" W for a distance of 377.05 feet to a point. Thence N 14° 58' 48" E for a distance of 275.78 feet to a point. Thence N 84° 31' 35" E for a distance of 122.01 feet to a point. Thence S 77° 48' 04" E for a distance of 233.56 feet to a point. Thence on a curve to the left having a radius of 170.01 feet, arc length of 85.76 feet and whose long chord bears S 11° 22' 42" E for a chord distance of 84.85 feet to a point. Thence S 16° 50' 14" W for a distance of 253.85 feet to the point of beginning. Said property contains 2.73 acres, more or less.

ORDINANCE 15-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF LUKE BAGGETT, SYD HEDRICK-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF SEVEN MILE FERRY ROAD AND EDMONDSON FERRY ROAD

*BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned C-2 General Commercial District and R-1 Single Family Residential District, as R-6 Single Family Residential District.

*PUBLIC HEARING:*

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

EXHIBIT A

Beginning at a point, said point being 58 +/- feet south of the centerline of the Greenwood Ave, & Edmondson Ferry Rd. & Seven Mile Ferry Rd. N., said point being the northern point of the herein described tract, thence in a southeasterly direction 182 +/- feet with the western ROW margin of Seven Mile Ferry Rd. N. to a point, said point being the northwest corner of the Rufus Taylor property, thence in a southerly direction 129 +/- feet with the western boundary of the Rufus Taylor property to a point, said point being the northeast corner of the James Edward Trotter property, thence in a northwesterly direction 137 +/- feet with the northern boundary of the James Edward Trotter property to a point, said point being in the eastern ROW margin of Edmondson Ferry Rd., thence in a northerly direction 235 +/- feet with the eastern ROW margin of Edmondson Ferry Rd. to the point of beginning, said herein described tract containing 0.51 +/- acre



ORDINANCE 16-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF RIVER CHASE MARINE TERMINAL, LLC, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF ASHLAND CITY ROAD AND BEACON DRIVE

*BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-4 Multiple Family Residential District, as R-2A Single Family Residential District.

*PUBLIC HEARING:*

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

EXHIBIT A

Commencing at a point being the northeast corner of the herein described tract, said point being located South 84 degrees 49 minutes 12 seconds West for a distance of 770.51 feet, more or less, from the centerline intersection of US Highway 41-A By-pass and Beacon Drive; Thence S 01° 18' 19" W for a distance of 150.00 feet to a point. Thence S 01° 05' 11" E for a distance of 251.00 feet to a point. Thence N 60° 28' 21" E for a distance of 94.12 feet to a point. Thence N 47° 16' 14" E for a distance of 44.77 feet to a point. Thence N 63° 20' 14" E for a distance of 183.30 feet to a point. Thence N 06° 45' 14" E for a distance of 48.47 feet to a point. Thence N 64° 36' 14" E for a distance of 103.05 feet to a point. Thence S 66° 44' 47" E for a distance of 61.27 feet to a point. Thence S 41° 49' 28" E for a distance of 36.48 feet to a point. Thence S 19° 51' 27" E for a distance of 150.00 feet to a point. Thence S 19° 51' 28" E for a distance of 418.71 feet to a point. Thence on a curve to the left through an angle of 23° 21' 45", having a radius of 1475.00 feet, and whose long chord bears S 31° 24' 45" E for a chord distance of 588.38 feet to a point. Thence S 42° 52' 02" E for a distance of 159.07 feet to a point. Thence S 42° 49' 42" E for a distance of 140.95 feet to a point. Thence S 00° 57' 50" E for a distance of 111.86 feet to a point. Thence S 42° 30' 19" E for a distance of 215.50 feet to a point. Thence N 47° 50' 17" E for a distance of 125.55 feet to a point. Thence S 42° 49' 42" E for a distance of 62.31 feet to a point. Thence S 57° 32' 17" W for a distance of 626.81 feet to a point. Thence N 69° 27' 43" W for a distance of 528.19 feet to a point. Thence N 51° 44' 19" W for a distance of 270.95 feet to a point. Thence N 38° 07' 30" W for a distance of 283.10 feet to a point. Thence N 21° 39' 13" W for a distance of 939.20 feet to a point. Thence N 73° 54' 21" E for a distance of 103.22 feet to a point. Thence N 26° 11' 21" E for a distance of 54.81 feet to a point. Thence N 41° 19' 14" E for a distance of 75.46 feet to a point. Thence N 57° 05' 14" E for a distance of 104.99 feet to a point. Thence S 89° 35' 23" E for a distance of 34.11 feet to a point. Thence N 01° 05' 11" W for a distance of 419.60 feet to a point. Thence N 88° 54' 49" E for a distance of 61.00 feet to the point of beginning. Said property contains 40.18 acres, more or less

ORDINANCE 17-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF RE4E HOLDINGS, LLC, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF LAFAYETTE ROAD AND LILLIE BELLE LANE

*BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-1 Single Family Residential District to R-6 Single Family Residential District.

*PUBLIC HEARING:*

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

EXHIBIT A

Beginning an iron pin (old), said pin being the eastern property line of the Louise Heights Subdivision as recorded in Plat Book 11, page 93 ROMCT, said point also being the southern right of way of Lafayette Road, said pin being S 28° 22' W for a distance of 117 feet from the centerline intersection of Lillie Belle Lane and Lafayette Road, said point also being the northwestern corner of the herein described parcel; Thence, with said Lafayette Road right of way, S 38° 52' 24" E for a distance of 374.89 feet to a point, said point being the western property line of the Northwest Estates subdivision as described in Plat Book 12, page 151, said point also being the north east corner of the herein described parcel; Thence, leaving said Lafayette road and along said Northwest Estates Subdivision, S 08° 35' 06" W for a distance of 137.45 feet to a point, said point being the southeastern corner of the herein described parcel; Thence, leaving said Northwest Estates subdivision and along a new zone line, N 50° 57' 13" W for a distance of 106.89 feet to a point; Thence, continuing along said zone line, N 88° 27' 18" W for a distance of 168.21 feet to a point; said point being the eastern property line of the said Louise Heights subdivision, said point also being the southwestern corner of the herein described parcel; Thence, leaving said zone line and along said Louise Heights subdivision, N 00° 49' 32" W for a distance of 175.08 feet to a point; Thence, continuing along Louise Heights Subdivision, N 12° 11' 21" E for a distance of 184.89 feet to the point of beginning, said parcel containing 63,138 Square Feet or 1.45 Acres, more or less.



RESOLUTION 12-2020-21

A RESOLUTION REPEALING RESOLUTION 60-1992-93 (RESIDENTIAL DEVELOPMENT COMMISSION) AND APPROVING THE FORMATION OF THE LAND REGULATION ADVISORY COMMITTEE FOR THE CITY OF CLARKSVILLE AND MONTGOMERY COUNTY, TENNESSEE

*WHEREAS,* from time to time the subdivision regulations or zoning codes of the city or county text are updated by the City Council, County Commission, or Regional Planning Commission; and

*WHEREAS,* there is interest in establishing a working relationship with the City Council, County Commission, Regional Planning Commission, and the developers and home builders of the community to allow for an open exchange of ideas and concerns in order to implement orderly growth and address the future population expectations of the city and county; and

*WHEREAS,* the previously created Residential Development Commission has been obsolete but there is merit in updating its purpose.

*NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That RESOLUTION 60-1992-93 is hereby repealed and replaced by this resolution.

*BE IT FURTHER RESOLVED* that a Land Regulation Advisory Committee be formed to act as follows:

**Committee Composition:** Beginning in September 2020, the Land Regulation Advisory Committee, hereafter known as the “Committee,” shall be comprised of 7 total members, 2 members of the Clarksville City Council, 2 members of the Montgomery County Commission, and 3 citizens of Montgomery County involved in land development, home building, or real estate and doing business in Montgomery County.

The City Council and County Commissioner representatives shall be selected to 2 year terms without succession, appointed by their respective mayors.

The citizen members shall be jointly appointed by the Clarksville City Mayor and the Montgomery County Mayor. These appointments shall be for 2 year terms without succession.

A chairman and vice-chairman shall be chosen by vote of the Committee. A term of chairman or vice-chairman shall last 1 year without succession.

Ex-officio membership on the Committee shall be comprised of the City Mayor, County Mayor, Director of the Regional Planning Commission, and Chairman of the Regional Planning Commission.

**Purpose and Authority of the Committee:** The Committee shall have no legal authority or policy-making authority with the City Council, County Commission, or Regional Planning Commission. The committee will be called to meet when significant changes to the text of the City Zoning Ordinance, County Zoning Resolution, or Montgomery County Subdivision Regulations are proposed. This meeting shall take place prior to the Regional Planning Commission meeting where the Public Hearing is scheduled. The committee shall act as a sounding board to solicit input from the elected officials and the development community regarding the proposed legislation.

The City Mayor or County Mayor may request the Committee to convene on a specific topic involving land development to solicit input prior to development or policy or legislation following the proper meeting notification contained herein.

**Meetings of the Committee:** The committee shall meet as required; at a minimum twice annually. The time and place of the meeting shall be posted at least 48 hours in advance on the City, County, and Regional Planning Commission calendars with a copy of the agenda and proposed legislation available for public review at the Regional Planning Commission office during normal business hours.

**Governance:** The Regional Planning Commission Director shall act as the secretary of the committee and be responsible for the agenda, notification, and minutes for each committee meeting. The order of business and conduct shall be governed by “Roberts Rules of Order”.

**Compensation:** No financial compensation will be provided by the Regional Planning Commission. City Councilmembers and County Commissioners may be compensated according to their individual rules of meeting procedures.

*ADOPTED:*



ORDINANCE 2-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF TUPENO PARTNERSHIP FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF MARTIN LUTHER KING, JR. PARKWAY, OLD FARMERS ROAD, AND WESSON DRIVE

*BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-1 Single Family Residential District, as R-2 Single Family Residential District.

*PUBLIC HEARING:* July 2, 2020  
*FIRST READING:* July 2, 2020  
*SECOND READING:* Scheduled for August 6, 2020  
*EFFECTIVE DATE:*

EXHIBIT A

Beginning at an existing iron pin lying in the southern margin of Highway 76, said iron pin lies 1,780 feet from Bellshire Drive; thence continuing along said margin of Highway 76 for the following calls: North 77 degrees. 44 minutes 20 seconds east 223.61 feet to an existing concrete ROW monument; thence north 80 degrees 27 minutes 27 seconds east 157.93 feet to an existing iron pin; thence leaving said margin of 76 south 03 degrees 52 minutes 13 seconds west 17.82 feet to an existing iron pin; thence south 84 degrees 43 minutes 24 seconds east 416.85 feet to an existing iron pin lying in the western boundary of the Hilldale Baptist Church, Inc. thence continuing along said boundary of Hilldale Baptist Church, Inc. south 04 degrees 35 minutes 17 seconds west 953.78 feet to a 1/2 inch iron pin set, said iron pin lines in the western boundary of the Hilldale Baptist Church Inc. property in the northeast corner of the M. Goad property; thence continuing along the northern boundary of the M. Goad property north 83 degrees 13 minutes 00 seconds west 731.39 feet to an existing iron pin lying in the northern margin of the M. Goad property in the eastern margin of the Hilldale Church of Christ, Inc. property; thence continuing with the eastern boundary of the Hilldale Church of Christ, Inc. property north 00 degrees 58 minutes 36 seconds east crossing a 50' ingress and egress easement at 795.54 feet for a total of 846.91 feet to an existing iron pin, said iron pin being the point of beginning and containing 16.18 +/- acres.

ORDINANCE 3-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF HAYES PROPERTY OF CLARKSVILLE, LP, DANIEL CHAMBERS (QUIKTRIP CORPORATION)-AGENT, FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF INTERSTATE 24 AND ROSSVIEW ROAD

*BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned AG Agricultural District and R-1 Single Family Residential District, as C-4 Highway Interchange District.

*PUBLIC HEARING:* July 2, 2020  
*FIRST READING:* July 2, 2020  
*SECOND READING:* Scheduled for August 6, 2020  
*EFFECTIVE DATE:*

EXHIBIT A

BEGINNING AT AN IRON PIN ON THE MITER FORMING THE INTERSECTION OF THE NORTHERLY MARGIN OF THE RIGHT-OF-WAY OF ROSSVIEW ROAD (VARIABLE WIDTH PUBLIC RIGHT-OF-WAY) AND THE WESTERLY MARGIN OF THE RIGHT-OF-WAY OF INTERSTATE 24 (VARIABLE WIDTH PUBLIC RIGHT-OF-WAY) HAVING TN GRID COORDINATES OF N 811,310.34, E 1,600,771.96; THENCE ALONG THE NORTHERLY MARGIN OF THE RIGHT-OF-WAY OF ROSSVIEW ROAD (FOR THE FOLLOWING FOUR CALLS) (1) S68°32'51"W A DISTANCE OF 680.94 FEET TO A MONUMENT, (2) THENCE S85°33'29"W A DISTANCE OF 130.08 FEET TO AN IRON PIN, (3) THENCE ALONG A CLOCKWISE CURVE FOR 31.35 FEET HAVING A RADIUS OF 715.44 FEET A CHORD BEARING OF N81°35'14"W AND A CHORD DISTANCE OF 31.35 FEET TO AN IRON PIN, (4) THENCE N80°19'56"W A DISTANCE OF 230.60 FEET TO AN IRON PIN, THENCE ALONG THE COMMON LINE OF TANNER PROPERTIES, GP. N10°25'23"E A DISTANCE OF 762.64 FEET TO AN IRON PIN, THENCE ALONG THE COMMON LINE OF CLARKSVILLE MONTGOMERY COUNTY SCHOOL SYSTEM (FOR THE FOLLOWING FOUR CALLS) (1) S81°52'56"E A DISTANCE OF 236.12 FEET TO AN IRON PIN, (2) THENCE N09°26'11"E A DISTANCE OF 780.68 FEET TO A STONE, (3) THENCE N08°21'32"E A DISTANCE OF 811.95 FEET TO AN IRON PIN, (4) THENCE N09°49'16"E A DISTANCE OF 98.25 FEET TO AN IRON PIN, THENCE ALONG THE WESTERLY MARGIN OF THE RIGHT-OF-WAY OF INTERSTATE 24 (FOR THE FOLLOWING FIVE CALLS) (1) S21°15'35"E A DISTANCE OF 586.76 FEET TO A MONUMENT, (2) THENCE S16°25'44"E A DISTANCE OF 468.89 FEET TO A MONUMENT, (3) THENCE S09°52'49"E A DISTANCE OF 403.61 FEET TO A MONUMENT, (4) THENCE S02°32'17"E A DISTANCE OF 643.78 FEET TO AN IRON PIN, (5) THENCE S27°32'14"W A DISTANCE OF 104.44 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,287,713 S.F. OR 29.562 ACRES MORE OR LESS.



ORDINANCE 4-2020-21

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF CHRIS BLACKWELL FOR ZONE CHANGE ON PROPERTY LOCATED AT THE INTERSECTION OF EDMONDSON FERRY ROAD AND EDMONDSON FERRY COURT

*BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-2 Single Family Residential District, as R-6 Single Family District.

*PUBLIC HEARING:* July 2, 2020  
*FIRST READING:* July 2, 2020  
*SECOND READING:* Scheduled for August 6, 2020  
*EFFECTIVE DATE:*

EXHIBIT A

Beginning an iron pin (old), said pin being the southwestern corner of the Anthony Vasi Properties as recorded in Vol. 1246, page 2298 ROMCT, said pin being on the western right of way of Edmondson Ferry Road, said pin being S 44° 07' W for a distance of 272 feet from the centerline intersection of Edmondson Ferry Road and Edmondson Ferry Court, said pin also being the northeastern corner of the herein described parcel; Thence, with said Edmondson Ferry Road right of way, S 51° 18' 03" W for a distance of 219.80 feet to a point, said point being the northeastern corner of the Margaret Scott property as described in ORV 18, page 244, said point being the southeastern corner of the herein described parcel; Thence, leaving said Edmondson Ferry Road right of way and along said Margaret Scott Property for the next 3 calls, N 87° 38' 14" W for a distance of 520.79 feet to a point, said point being the southwestern corner of the herein described parcel; Thence, N 07° 16' 36" E for a distance of 368.95 feet to a point; Thence, N 06° 37' 08" E for a distance of 108.71 feet to a point, said point being the southwestern corner of the said Anthony Vasi Property; Thence leaving said Margaret Scott Property and along said Anthony Vasi Property S 60° 29' 39" E for a distance of 726.90 feet to the point of beginning, said parcel containing 197,895 Square Feet or 4.54 Acres, more or less.

RESOLUTION 14-2020-21

A RESOLUTION APPROVING A RETAIL LIQUOR STORE CERTIFICATE OF COMPLIANCE FOR OPERATION OF BILL'S PACKAGE STORE

*WHEREAS*, Billy G. Brown has applied for a Certificate of Compliance from the City of Clarksville according to regulations of the Tennessee Alcoholic Beverage Commission, for operation of Bill's Package Store, 1651 Fort Campbell Boulevard; and

*WHEREAS*, according to a local criminal history check, the applicant who are to be in actual charge of said business has not been convicted of a felony within a ten year period immediately preceding the date of the application and, if a corporation, that the executive officers, or those in control, have not been convicted of a felony within a ten year period immediately preceding the date of the application; and further that it is the undersigned's opinion that the applicant will not violate any provisions of *Tennessee Code Annotated, Title 57, Chapter 3*; and

*WHEREAS*, the applicant has secured a location which complies with all restrictions of the laws, ordinances, or resolutions; and

*WHEREAS*, the issuance of this license will not exceed the numerical limit established in City Code Sec. 2-205.

*BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That the Clarksville City Council hereby approves a Certificate of Compliance for Billy G. Brown for operation of Bill's Package Store, 1651 Fort Campbell Boulevard, Clarksville, Tennessee.

*ADOPTED:*



RESOLUTION 15-2020-21

A RESOLUTION APPROVING BOARD APPOINTMENTS FOR HUMAN RELATIONS COMMISSION, LAND REGULATION ADVISORY COMMITTEE, AND PARKING COMMISSION

*BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That the Clarksville City Council hereby approves the follow board appointments:

Human Relations Commission: Jose Ramon Vazquez - August 2020 through June 2023

Land Regulation Advisory Committee: Richard Garrett, Wanda Smith - September 2020 through August 2022

Parking Commission: Ryan Bowie - September 2020 through august 2022

*ADOPTED:*



**CLARKSVILLE CITY COUNCIL  
REGULAR SESSION  
JULY 2, 2020**

**MINUTES**

**PUBLIC COMMENTS**

Prior to the meeting, Juanita Charles said the proposed short term rental ordinance was cumbersome and felt members of the real estate community should be involved in developing these regulations.

**CALL TO ORDER**

The regular session of the Clarksville City Council was called to order by Mayor Joe Pitts on Thursday, July 2, 2020, at 7:00 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

In an effort to facilitate the continued response to the Coronavirus Disease (COVID-19), this meeting was conducted in person, via Google Meets, and live streamed on [cityofclarksville.com](http://cityofclarksville.com)

A prayer was offered by Mayor Pro Tem David Allen; the Pledge of Allegiance was led by Council Lady Valerie Guzman.

**ATTENDANCE**

IN PERSON: Richard Garrett (Ward 1), Valerie Guzman (Ward 5), David Allen, Mayor Pro Tem (Ward 8), Stacey Streetman (Ward 10), Gary Norris (Ward 11), Jeff Burkhart (Ward 12)

VIA GOOGLE MEETS: Vondell Richmond (Ward 2), Tim Chandler (Ward 4), Wanda Smith (Ward 6), Travis Holleman (Ward 7), Jeff Henley (Ward 9)

ABSENT: Ron Erb (Ward 3)

**SIGN LANGUAGE TRANSLATION**

Mayor Pitts announced this meeting was the first to be translated through sign language to members of the public who are deaf and hard of hearing.



## APPROVAL OF ELECTRONIC MEETING

*“In order to comply with the technical aspects of the Governor’s Executive Order regarding holding open meetings in a forum other than in the open and in public, this governing body determines that meeting electronically is necessary to protect the health, safety, and welfare of its citizens due to the COVID-19 outbreak.”*

Councillady Guzman made a motion to authorize the electronic meeting. The motion was seconded by Councilman Garrett. The following vote was recorded:

AYE: Allen, Burkhardt, Chandler, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

The motion to authorize the electronic meeting passed.

## ZONING PUBLIC HEARING

Councilman Garrett made a motion to conduct a public hearing to receive comments related to requests for zone change. The motion was seconded by Councilman Norris. There was no objection.

**ORDINANCE 2-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Tupeno Partnership for zone change on property located at the intersection of Martin Luther King, Jr. Parkway, Old Farmers Road, and Wesson Drive, from R-1 Single Family Residential District to R-2 Single Family Residential District

In accordance with the Alternative Comments Procedure (RESOLUTION 55-2019-20), there were no requests to speak in support of or in opposition to this ordinance.

**ORDINANCE 3-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Hayes Property of Clarksville, LP, Daniel Chambers (Quiktrip Corporation)-Agent, for zone change on property located at the intersection of Interstate 24 and Rossvie Road (SR237) from AG Agricultural District and R-1 Single Family Residential District to C-4 Highway Interchange District

In accordance with the Alternative Comments Procedure (RESOLUTION 55-2019-20), there were no requests to speak in support of or in opposition to this ordinance.

**ORDINANCE 4-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Chris Blackwell for zone change on property at the intersection of Edmondson Ferry Road and Edmondson Ferry Court from R-2 Single Family Residential District to R-6 Single Family District

In accordance with the Alternative Comments Procedure (RESOLUTION 55-2019-20), Chris Blackwell said the current zoning would allow construction of 18 homes, but he was requesting R-6 zoning to increase the number by 10 to help

cover his cost of the necessary water system upgrade. He said some homes would be available for sale and some would be rent-to-own. No one requested to speak in opposition.

**ORDINANCE 5-2020-21** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Wm. Hoosier, Todd Morris-Agent, for zone change on property located at the terminus of Prewitt Lane from AG Agricultural District to R-1 Single Family Residential District

In accordance with the Alternative Comments Procedure (RESOLUTION 55-2019-20), there were no requests to speak in support of or in opposition to this ordinance.

Councilman Garrett made a motion to revert to regular session. The motion was seconded by Councilwoman Guzman. There was no objection.

#### ADOPTION OF ZONING

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 2-2020-21**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Burkhardt. Councilwoman Streetman said the developer changed this request from multi-family to single-family to be able to connect the development to Hwy. 76 instead of the existing neighborhood. The following vote was recorded:

AYE: Allen, Burkhardt, Chandler, Garrett, Guzman, Henley, Norris, Pitts, Richmond, Smith, Streetman

NO RESPONSE: Holleman

The motion to adopt this ordinance on first reading passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 3-2020-21**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Burkhardt. Councilwoman Streetman expressed concern about traffic exiting Powell Road onto Rossview Road with a signal. Councilman Chandler made a motion to postpone action on this ordinance to the August regular session to allow time to gather additional information from the developer. The motion was seconded by Councilwoman Smith. Mayor Pitts said the Street Department would require installation of a signal along with lane improvements. Councilman Burkhardt said the property could currently be developed without a signal. The following vote was recorded:

NAY: Allen, Burkhardt, Chandler, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

The motion to postpone action to the August regular session failed. The following vote on the main motion was recorded:



AYE: Allen, Burkhart, Chandler, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

The motion to adopt this ordinance on first reading passed.

The recommendation of the Regional Planning Staff was for disapproval of **ORDINANCE 4-2020-21**; the recommendation of the Regional Planning Commission was for approval. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Norris. Councilman Holleman expressed support for this development and said it would compliment existing developments along Edmondson Ferry Road. The following vote was recorded:

AYE: Allen, Burkhart, Chandler, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

The motion to adopt this ordinance on first reading passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 5-2020-21**. Councilman Garrett made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Norris. Councilman Garrett made a motion to amend the map for this property by deleting a separate pending zoning case also shown on the map presented during the June 25th Executive Session. The motion was seconded by Councilman Allen. The following vote was recorded:

AYE: Allen, Burkhart, Chandler, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

The motion to amend the map passed. Councilman Chandler, Councilman Henley, and Councilman Allen opposed this change because of potential traffic problems. Although there was no previous opposition to this change, Councilman Garrett made a motion to postpone action on this ordinance to the August 6 regular session to give the developer an opportunity to offer additional information including a traffic study. The motion was seconded by Councilman Burkhart. The following vote was recorded:

AYE: Allen, Burkhart, Chandler, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

The motion to postpone action on this ordinance to the August regular session passed.

## CONSENT AGENDA

*All items in this portion of the agenda are considered to be routine and non-controversial by the Council and may be approved by one motion; however, a member of the Council may request that an item be removed for separate consideration under the appropriate committee report:*

1. **ORDINANCE 78-2019-20** (Second Reading) Authorizing a quit claim deed to transfer property on Blackman Street to Sydney Hedrick

2. **ORDINANCE 79-2019-20** (Second Reading) Authorizing extension of utility services to property located at Sango Road and Durham Road; request of Houston Smith/TTL Engineering

3. **ORDINANCE 80-2019-20** (Second Reading) Authorizing extension of utility services to 3431 Buck Road; request of Christine Oliver

4. **ORDINANCE 81-2019-20** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of William and Raynetta Drinnon, Robert Chaney-Agent, for zone change on property located at the intersection of Oak Street and E Street from R-2 Three Family Residential District to R-2A Single Family Residential District

5. **ORDINANCE 82-2019-20** (Second Reading) Amending the Zoning Ordinance of the City of Clarksville, application of the Regional Planning Commission relative to defining recreational vehicles and campers and their allowance in mobile home parks

6. **RESOLUTION 7-2020-21** Approving appointments to Arts & Heritage Development Council, Ethics Commission, Human Relations Commission, Museum Board, Public Art Commission, and Rail Service Authority

- *Arts & Heritage Development Council: Dr. Phil Kemmerly, Mandy Smith - July 2020 through June 2023*
- *Ethics Commission: Bridgett Childs - July 2020 through June 2023*
- *Human Relations Commission: Katobwa Stallworth, Harold Wallace, III - July 2020 through June 2023*
- *Museum Board: Stacey Streetman - January 2020 through December 2020*
- *Public Art Commission: Bob Privett, Jennifer Snyder - June 2020 through May 2024; Wanda Smith - June 2020 through May 2022*
- *Rail Service Authority: Richard Swift - July 2019 through June 2023*

7. Adoption of Minutes: June 4, June 15, June 18, June 23

Councilman Garrett made a motion to adopt the Consent Agenda as presented. The motion was seconded by Councillady Streetman. The following vote was recorded:

AYE: Allen, Burkhart, Chandler, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

The motion to adopt the Consent Agenda as presented passed.



**ORDINANCE 1-2020-21** (First Reading) Amending the Official Code to establish regulations pertaining to short term rentals

The recommendation of the Finance Committee was for approval; the Public Safety Committee postponed action on this ordinance. Councilman Burkhart made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Norris.

Councilman Garrett made a motion to postpone action on this ordinance indefinitely. The motion was not seconded.

Councilwoman Streetman said the purpose of this ordinance was to address concerns from property owners adjacent to short term rental properties and allow a recourse for those who are affected by unwanted activities. She said the proposed \$150 permit fee would cover the cost of inspections and verification of payment of appropriate taxes and sufficient insurance coverage.

Councilman Norris made a motion to amend this ordinance by deleting “homeowner’s, fire, hazard, and” from Section 5-304, Paragraph 8, Proof of Insurance. The motion was seconded by Councilwoman Streetman. Following discussion, Councilman Burkhart made a motion to amend Councilman Norris’ amendment by deleting Paragraph 8 in its entirety. The motion was seconded by Councilman Garrett. Councilman Burkhart and Councilman Garrett felt it was not the government’s responsibility to require insurance for this type of business. The following vote was recorded:

AYE: Allen, Burkhart, Chandler, Garrett, Guzman, Henley, Holleman, Norris, Richmond, Smith

NAY: Pitts, Streetman

Councilman Burkhart’s amendment to delete Paragraph 8 passed. The following vote on Councilman Norris’ amendment as amended was recorded:

AYE: Allen, Burkhart, Chandler, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

The amendment to delete Section 5-304(8) passed.

Councilman Allen objected to limiting the number of persons allowed in a short term rental to 20. Councilman Garrett made a motion to delete Section 5-311, Subsection (d) “maximum occupancy.” The motion was seconded by Councilwoman Smith. After Mr. Baker’s clarification that the limit of 20 persons was specified in Subsection (h) “large gatherings prohibited,” Councilman Garrett offered to amend his amendment by deleting Subsection (h) instead of Subsection (d). The motion was seconded by Councilwoman Smith. Councilman Chandler called for the question on this amendment. The question was seconded by Councilman Holleman. The following vote was recorded:

AYE: Allen, Chandler, Garrett, Henley, Holleman, Richmond

NAY: Burkhart, Guzman, Norris, Pitts, Smith, Streetman

The motion to cease discussion on this amendment failed. In response to Councilman Burkhart's question, Mr. Baker said the number of occupants allowed in a structure would be determined by the Fire Marshal.

The Council recessed at 9:15 p.m. and reconvened at 9:25 p.m.

Councilman Allen called for the question on Councilman Garrett's amendment to his amendment. The question was seconded by Councilman Henley. The following vote was recorded:

AYE: Allen, Burkhart, Chandler, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith

NAY: Streetman

The motion to cease discussion on Councilman Garrett's amendment passed. The following vote on Councilman Garrett's amendment to his amendment was recorded:

AYE: Allen, Garrett, Henley, Holleman, Richmond, Smith

NAY: Burkhart, Chandler, Guzman, Norris, Pitts, Streetman

Councilman Garrett's amendment to his amendment (delete Sec. 5-311 (h) "large gatherings prohibited") failed.

Councilman Garrett said his intent was for Sec. 5-311(d) to remain as proposed. The following vote was recorded:

NAY: Allen, Burkhart, Chandler, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Smith, Streetman

ABSTAIN: Richmond

The motion to delete Section 5-311, Subsection (d) "maximum occupancy" failed.

Councilman Allen made a motion to postpone first reading of this ordinance as amended indefinitely. The motion was seconded by Councilman Garrett. Councilman Burkhart made a motion to amend Councilman Allen's motion to postpone first reading to the next regular session. The motion was seconded by Councilwoman Guzman. The following vote was recorded:

AYE: Allen, Burkhart, Chandler, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman



Councilman Burkhart's amendment passed. The following vote on Councilman Allen's motion as amended was recorded:

AYE: Allen, Burkhart, Chandler, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

The motion to postpone first reading on this ordinance to the next regular session passed.

**RESOLUTION 1-2020-21** Authorizing an interlocal agreement with the E911 Emergency Communications District

The recommendations of the Finance Committee and Public Safety Committee were for approval. Councilman Burkhart made a motion to adopt this resolution. The motion was seconded by Councilwoman Guzman. There was no discussion. The following vote was recorded:

AYE: Allen, Burkhart, Chandler, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

The motion to adopt this resolution passed.

**RESOLUTION 2-2020-21** Authorizing an interlocal agreement with Montgomery County regarding shared expenses for autopsies

The recommendations of the Finance Committee and Public Safety Committee were for approval. Councilman Burkhart made a motion to adopt this resolution. The motion was seconded by Councilwoman Guzman. There was no discussion. The following vote was recorded:

AYE: Allen, Burkhart, Chandler, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

The motion to adopt this resolution passed.

**RESOLUTION 3-2020-21** Authorizing a Memorandum of Understanding with the Clarksville-Montgomery County Arts & Heritage Development Council pertaining to Clarksville's Original Suffragist Monument on Public Square

The recommendation of the Finance Committee was for approval. Councilman Burkhart made a motion to adopt this resolution. The motion was seconded by Councilman Norris. There was no discussion. The following vote was recorded:

AYE: Allen, Burkhart, Chandler, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

The motion to adopt this resolution passed.

**RESOLUTION 4-2020-21** Authorizing the Grant Application and Adopting the 2020-2024 Consolidated Plan and the 2020-2021 Annual Action Plan and the 2020-2021 Budget for Community Development Block Grant and HOME Programs

The recommendations of the Finance Committee and Housing & Community Development Committee were for approval. Councilman Burkhart made a motion to adopt this resolution. The motion was seconded by Councilwoman Streetman. There was no discussion. The following vote was recorded:

AYE: Allen, Burkhart, Chandler, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

The motion to adopt this resolution passed.

**RESOLUTION 5-2020-21** Adopting Personnel Policy #20-1 pertaining to Confined Spaces in the Workplace

The recommendation of the Finance Committee was for approval. Councilman Burkhart made a motion to adopt this resolution. The motion was seconded by Councilman Garrett. There was no discussion. The following vote was recorded:

AYE: Allen, Burkhart, Chandler, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

The motion to adopt this resolution passed.

**RESOLUTION 6-2020-21** Adopting Personnel Policy #20-2 pertaining to Control of Hazardous Energy Sources in the Workplace

The recommendation of the Finance Committee was for approval. Councilman Burkhart made a motion to adopt this resolution. The motion was seconded by Councilwoman Streetman. There was no discussion. The following vote was recorded:

AYE: Allen, Burkhart, Chandler, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

The motion to adopt this resolution passed.

**REPORTS ON DEBT OBLIGATION (\$4,430,000, \$42,619,000)**

Councilman Burkhart said these debt obligations were refunded and reissued which saved a considerable amount of fees. No action was required.

**GAS & WATER COMMITTEE** *Chairwoman Valerie Guzman*

Councilwoman Guzman shared the following monthly department statistics: 416 million gallons treated sewer, 7,000 call center inquiries.



## HOUSING & COMMUNITY DEVELOPMENT COMMITTEE *Chairman David Allen*

Councilman Allen said a reconstruction project in the south area of the city was ready for bid. He said the HCD staff was updating the 2019-20 Annual Action Plan which would include the CARES Act Funding.

## PARKS & RECREATION COMMITTEE *Chairlady Valerie Guzman*

Councillady Guzman said Swan Lake and Bel Aire pools were open with modifications and the City's Independence Day celebration would include virtual activities. She noted upcoming events including Movies in the Park and Fall sports registration.

## PUBLIC SAFETY COMMITTEE *Chairman Jeff Henley*

Councilman Henley shared the following monthly department statistics: Building & Codes - 2,915 inspections, 260 code enforcement cases, 72 single-family permits, 23 commercial permits, zero multi-family permits, 61 abatement work orders; Fire Rescue - 1,173 runs; Police - 12,000+ calls for service.

## STREETS & GARAGE COMMITTEE *Chairman Tim Chandler*

Councilman Chandler said Garage gas and diesel fuel expenses were \$59,000 less than the previous month and overall expenses were \$37,000 less than budgeted. He said the Street Department closed 215 work orders with paving projects continuing and noted the traffic signal at 4th Street & College Street was in operation.

## TRANSPORTATION COMMITTEE *Chairlady Wanda Smith*

Councillady Smith shared the following monthly department statistics: 50,198 passengers including 2,928 senior citizens, and 2,229 demand responses. She said a contract had been awarded to ETA Transit for the service tracking and scheduling software which should be available in the Fall.

## EXTENDING ALTERNATIVE COMMENTS PROCEDURE

**RESOLUTION 8-2020-21** Extending the time period for alternative public comments and public hearing procedures due to continued State of Emergency declared by Governor Bill Lee due to COVID-19

Because this resolution was not presented during the June 25 Executive Session, Councilman Allen made a motion to consider this resolution. The motion was seconded by Councilman Chandler. The following vote was recorded:

AYE: Allen, Burkhardt, Chandler, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

The motion to consider this resolution passed by the required 3/4 majority approval. Councilman Allen made a motion to adopt this resolution. The motion was seconded by Councillady Smith. There was no discussion. The following vote was recorded:

AYE: Allen, Burkhart, Chandler, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

The motion to adopt this resolution passed.

#### JEFF ROBINSON V. CITY

Councilman Allen made a motion to postpone action on the settlement of the Robinson, et al, v. City case to the next regular session. The motion was seconded by Councillady Smith. There was no discussion. The following vote was recorded:

AYE: Allen, Burkhart, Chandler, Garrett, Guzman, Henley, Holleman, Norris, Pitts, Richmond, Smith, Streetman

The motion to postpone action on this settlement passed.

#### MAYOR AND COUNCIL MEMBER COMMENTS

Mayor Pitts expressed appreciation to the technicians providing sign language services. He announced City Offices would be closed on July 3 in observance of Independence Day.

#### ADJOURNMENT

The meeting adjourned at 9:59 p.m.





**CLARKSVILLE CITY COUNCIL  
SPECIAL SESSION  
JULY 7, 2020**

**MINUTES**

**CALL TO ORDER**

A special session of the Clarksville City Council was called to order by Mayor Joe Pitts on Tuesday, July 7, 2020 at 6:00 p.m.

In an effort to facilitate the continued response to the Coronavirus Disease (COVID-19), this meeting was conducted via Google Meets.

A prayer was offered by Councilman Jeff Burkhardt.

**ATTENDANCE**

VIA GOOGLE MEETS: Richard Garrett (Ward 1), Vondell Richmond (Ward 2), Ron Erb (Ward 3), Tim Chandler (Ward 4), Valerie Guzman (Ward 5), Wanda Smith (Ward 6), David Allen, Mayor Pro Tem (Ward 8), Stacey Streetman (Ward 10), Gary Norris (Ward 11), Jeff Burkhardt (Ward 12)

ABSENT: Travis Holleman (Ward 7), Jeff Henley (Ward 9)

**APPROVAL OF ELECTRONIC MEETING**

*"In order to comply with the technical aspects of the Governor's Executive Order regarding holding open meetings in a forum other than in the open and in public, this governing body determines that meeting electronically is necessary to protect the health, safety, and welfare of its citizens due to the COVID-19 outbreak."*

Councillady Smith made a motion to authorize the electronic meeting. The motion was seconded By Councilman Richmond. The following vote was recorded:

AYE: Allen, Burkhart, Chandler, Erb, Garrett, Guzman, Norris, Pitts, Richmond, Smith, Streetman

The motion to authorize this meeting by electronic means passed.

#### MONTGOMERY COUNTY MAYOR'S EXECUTIVE ORDER

**RESOLUTION 9-2020-21** Expressing the sense of the City Council supporting Montgomery County Mayor's Executive Order No. 9

Councillady Guzman made a motion to adopt this resolution. The motion was seconded by Councillady Smith. In response to Councillady Smith's question, Mayor Pitts said the resolution orders owners and employees of businesses to wear a mask and encourages the general public to do the same. There was no discussion. The following vote was recorded:

AYE: Allen, Burkhart, Chandler, Erb, Garrett, Guzman, Norris, Pitts, Richmond, Smith, Streetman

The motion to adopt this resolution passed.

#### ADJOURNMENT

The meeting was adjourned at 6:08 p.m.



**ORDINANCE 1-2020-21**

**As Amended July 2, 2020**

**AN ORDINANCE AMENDING TITLE 5 OF THE OFFICIAL CITY CODE TO ADD A NEW CHAPTER ENTITLED "SHORT-TERM RENTALS" TO ESTABLISH REGULATIONS PERTAINING TO SHORT-TERM RENTAL UNITS.**

**WHEREAS**, with the rise of the sharing economy, the City of Clarksville and cities across the country have seen growth in the popularity of short-term rentals, which are rentals of residential units or dwellings for up to thirty consecutive days; and

**WHEREAS**, in the absence of a regulatory framework, the City of Clarksville cannot monitor these short-term rental listings and cannot ensure public safety; and

**WHEREAS**, the City Council finds the best approach to the regulation of short-term rentals is a permit scheme that balances the protection of neighborhoods with the interests of individuals who want to rent their property on a short-term basis; and

**WHEREAS**, the City Council finds that any short-term rental permitting regulatory scheme should impose minimum safety requirements to protect renters and neighboring properties, and should provide for the collection of applicable taxes; and

**WHEREAS**, the City Council finds it to be in the best interest of the City and its residents, to include public health and safety, to regulate the operation of short-term rentals within the City of Clarksville.

***NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLARKSVILLE:***

The Clarksville City Code, Title 5 (Business, Professions, and Occupations) is hereby amended by adding a new Chapter 3 (Short-Term Rentals) as set forth below:

**Section 5-301. Purpose.** The City Council finds that the following regulations of Short-Term Rental Units are necessary to protect the health, safety, and welfare of the public.

**Section 5-302. Definitions.** The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Chapter. The word "shall" is always mandatory and not merely advisory.

(a) *Code Official.* A City Code Enforcement Officer or the Building Official.

(b) *Consideration.* The charge, whether or not received, for occupancy in a ShortTerm Rental Unit valued in money, whether to be received in money, goods, labor, or otherwise, including all receipts, cash, credits, property and services of any kind or nature. Nothing in this definition shall be construed to mean that consideration is charged when the Short-Term Rental Unit provided to the Transient Guest(s) is complimentary from the Owner and no consideration of any type is charged to, or received from, any person.

- (c) *Contiguous Property.* Any property that is directly adjacent to the property on which a Short-Term Rental Unit is located, or which is across any street, road, highway, or alley from any property on which a Short-Term Rental Unit is located, and which is within one-hundred (100) feet of the nearest property boundary line of any property on which a Short-Term Rental Unit is located.
- (d) *Dwelling Unit.* A cabin, house, house trailer or mobile home, or structure used or designed to be used as an abode or home of a person, family, or household, and includes a single-family dwelling, a portion of a single-family dwelling, or an individual residential dwelling in a multi-dwelling building, such as a duplex, triplex, an apartment building, condominium, cooperative, or timeshare.
- (e) *Hosting Platform.* A person or entity that facilitates the booking of a Short-Term Rental Unit.

"Facilitate" includes, but is not limited to, the act of allowing an Owner to offer to list or advertise, typically for a charge or fee, the Short-Term Rental Unit on an Internet website, in a print publication, or through another forum provided or maintained by the Hosting Platform.
- (f) *Non-Residential District.* Any zoning district designated in the City of Clarksville that allows residential uses but is not a Residential District.
- (g) *Occupancy.* The use or possession, or the right to the use or possession, of any room(s), lodgings, or accommodations in any Short-Term Rental Unit.
- (h) *Operating Permit.* The city-issued document authorizing an Owner to operate a Short-Term Rental Unit within the City of Clarksville.
- (i) *Owner.* The person who owns property held out as a Short-Term Rental Unit.
- (j) *Residential District.* Any zoning district designated in the City of Clarksville where the principal permitted uses in the district include residential uses, including houses, duplexes, and multi-dwelling structures.
- (k) *Short-Term Rental Unit.* A dwelling unit, a portion of a dwelling unit, or any other structure or space that is occupied or intended or designed or advertised for occupancy by Transient Guests for dwelling, lodging, or sleeping, and which is offered to Transient Guests for Consideration for a period of up to 30 consecutive calendar days. Short-Term Rental Units shall not include dwelling units owned by the federal government, the state, or any of their agencies or political subdivisions; facilities licensed by the state as healthcare facilities, including temporary family healthcare structures; hotels; inns; motels; boarding houses; Bed and Breakfast establishments approved by the City of Clarksville pursuant to the Clarksville Zoning Ordinance; campgrounds; recreational vehicles or campers, or dwelling units rented to the same occupant(s) for more than thirty continuous days.



- (l) *Transient Guest.* A person who occupies a dwelling unit or portion thereof, other than his or her usual place of residence, in exchange for consideration.

**Section 5-303. Permit Required for Operation of a Short-Term Rental Unit.**

- (a) *Operating Permit Required.* It shall be unlawful to operate or advertise any Short-Term Rental Unit within the City of Clarksville without a Short-Term Rental Unit Operating Permit issued under this Chapter, except as otherwise provided herein.
- (b) *Continued use for properties already being used as short-term rental.* In accordance with T.C.A. § 13-7-603, as may be amended from time to time, this Short-Term Rental Ordinance shall not apply to any property that was being used as a Short-Term Rental Unit by the owner of the property prior to the Clarksville City Council's enactment of this Chapter. The definition of "Used as a short-term rental unit" contained in T.C.A. § 13-7-602, as may be amended from time to time, shall be used in determining whether a property was being used as a Short-Term Rental Unit by the Owner of the property prior to enactment of this Chapter. In accordance with T.C.A. § 13-7-604(b)(3), as may be amended from time to time, any property being used as a Short-Term Rental Unit by the Owner of the property prior to enactment of this Chapter may continue operating said property as a Short-Term Rental Unit, without securing a permit, until the property is sold, transferred, ceases being used as a Short-Term Rental Unit for a period of thirty (30) continuous months, or has been in violation of a generally applicable local law three (3) or more separate times with no appeal rights remaining for any of the three (3) violations.

**Section 5-304. Short-Term Rental Unit Operating Permit Application; Permit Availability; Application Form and Fee; Right of Entry.**

- (a) *Application.* Except as otherwise provided herein, every Owner desiring to operate a Short-Term Rental Unit shall submit an application for an Operating Permit to the Clarksville Department of Finance and Revenue. Each application shall contain all of the following information, along with a sworn statement that the information being provided is true and accurate, upon penalty of perjury. The permit application shall not be considered complete until all information specified by the application form and required by this chapter, as determined by the Department of Finance and Revenue, has been completed by the applicant.
- (1) *Acknowledgement of Regulations and Obligation to Pay Hotel / Motel Tax; Submission of Proof of Business License.* The applicant shall include with his or her application a written acknowledgement by the Owner that he/she has read all regulations of this Chapter pertaining to the operation of a Short-Term Rental Unit, that the applicant will comply with and pay as required by law any hotel/motel tax requirements as levied or assessed by the City, Montgomery County, and / or the State of Tennessee, and shall submit a statement that the applicant has obtained a City of Clarksville business license and attach a copy of same thereto.

- (2) *Affidavit of Life Safety Compliance.* An application for an Operating Permit shall be accompanied by an affidavit from the applicant verifying the number and room location(s) of all required life safety equipment, and that all such equipment is currently fully operational at the time of the application for the Short-Term Rental Unit. All such life safety equipment will be subject to verification or inspection.
- (3) *Local Contact Person.* A person designated by the Owner who shall be available twenty-four (24) hours per day, seven (7) days per week for the purpose of: (i) being able to physically respond, as necessary, within forty-five (45) minutes of notification of a complaint regarding the condition, operation, or conduct of occupants of the Short-Term Rental Unit, and (ii) taking remedial action necessary to resolve any such complaints. The Local Contact Person may be the Owner or an Owner's agent. If not the Owner, the full legal name, residential street and mailing addresses, the e-mail address, and the telephone number of the Local Contact Person shall be provided.
- (4) *Owner Information.* The full legal name, street and mailing addresses, the e-mail address, and the telephone number of the Owner of the property sought to be used as a Short-Term Rental Unit and, in cases where a business entity or trust is the owner of the property that is sought to be used as a Short-Term Rental Unit, the individual who has the responsibility to oversee the ownership of the property sought to be used as a Short-Term Rental Unit on behalf of the business entity or trust, including the mailing address, the e-mail address, and the telephone number of the individual having such responsibility. If the Owner of a Short-Term Rental Unit is a business entity, information and documentation is required demonstrating the Owner's valid status with the Tennessee Secretary of State.
- (5) *Site Plan.* A site plan and floor plan accurately and clearly depicting the size and location of the existing dwelling and the approximate square footage in the dwelling, the number and location of designated off-street parking spaces and the maximum number of vehicles allowed for overnight occupants. The floor plan shall describe the use of each room in the dwelling, the number, location and approximate square footage of all bedrooms, and any accessory buildings, including but not limited to garages and accessory dwelling structures or units.
- (6) *Confirmation regarding private agreements.* Written acknowledgement by the Owner that he/she/it is solely responsible for confirming and that he/she/it has confirmed that operating the Short-Term Rental Unit would not violate any Home Owners Association agreement or bylaws, Condominium Agreement, Covenants, and / or Restrictions, mortgage agreement, insurance contract, or any other contract or agreement governing and limiting the use of



the proposed Short-Term Rental Unit.

- (7) *Notice to surrounding property owners.* The Owner of the Short-Term Rental Unit shall provide written notification of the operation of the Short-Term Rental Unit to each Contiguous Property owner. The Owner of the Short-Term Rental Unit shall provide proof to the City of such written notification at the time of submitting the Operating Permit application. Proof of written notification shall be: (a) the dated signature of each Contiguous Property owner on a written notice; (b) a signed receipt of U.S. registered or certified mail addressed to each Contiguous Property owner along with a copy of the written notice sent; or (c) notice from the U.S. Postal Service that registered or certified mail to a Contiguous Property owner was refused or not timely accepted along with a copy of the written notice sent.

~~(8) *Proof of Insurance.* The Owner shall provide proof of insurance evidencing homeowner's, fire, hazard, and liability insurance on the property sought to be used as a Short-Term Rental Unit. Liability coverage shall have limits of not less than one million dollars per occurrence. Deleted July 2, 2020~~

*(b) Short-Term Rental Unit Operating Permit Availability.*

- (1) *Generally.* A Short-Term Rental Unit Operating Permit is available in any Residential or Non-Residential Districts upon meeting the criteria in this Chapter. A Short-Term Rental Unit Operating Permit may be issued only to the Owner of the Short-Term Rental Unit.
- (2) *Proof of Ownership.* Ownership shall be established by the deed for the property as recorded in the office of the Montgomery County, Tennessee, Register of Deeds.

*(c) Operating Permit Application Form.* The Department of Finance and Revenue shall develop and supply Short-Term Rental Unit Operating Permit application forms for use by applicants, which shall contain such questions and acknowledgements as are specified herein, to be answered and acknowledged by the applicant under oath and notarized.

*(d) Fees.* An administrative processing and inspection permit fee in the amount of one-hundred fifty dollars (\$150.00) shall be paid to the Clarksville Department of Finance and Revenue at the time an application for a Short-Term Rental Unit Operating Permit is submitted. There shall be no proration of fees. Application fees shall be non-refundable.

*(e) Right of Entry of Fire Department and Building and Codes Department.* The submission of an application for a Short-Term Rental Unit Operating Permit shall constitute consent of the applicant to permit the Clarksville Fire Rescue Department and the Clarksville Department of Building and Codes to conduct inspections of the Short-Term Rental Unit, from time to time, between the hours of 8 a.m. and 5 p.m. or during the hours such Short-Term Rental Unit is being

rented, to ensure the Short-Term Rental Unit is complying with the requirements of this Chapter, other city ordinances, and state/federal laws and regulations.

**Section 5-305. Administrative Processing and Inspections; Issuance.**

- (a) Once the Short-Term Rental Unit Operating Permit application is considered complete by the Department of Finance and Revenue, to include the payment of any required fee(s), the original application shall be date-stamped and retained by the Department of Finance and Revenue. The Department of Finance and Revenue shall then forward a copy of the completed application to the Fire and Rescue Department and to the Building and Codes Department for further review and inspections.
- (b) The Fire and Rescue Department shall conduct a fire and life safety inspection of the Short-Term Rental Unit within fifteen (15) calendar days of the date the application is accepted by the Department of Finance and Revenue to ensure that all required fire and life safety equipment is currently operable, and that the Short-Term Rental Unit is in compliance with all applicable fire codes, laws, and regulations. As part of the inspection, the Fire and Rescue Department shall determine the maximum occupancy of Transient Guests for the Short-Term Rental Unit. Upon completion of the fire and life safety inspection, the Fire and Rescue Department shall annotate on a form developed in coordination with the Building and Codes Department whether the Short-Term Rental Unit passed or failed the fire and life safety inspection, and if it failed, shall provide a short and plain summary of the reasons why the Short-Term Rental Unit failed the inspection, and shall cite to the applicable provision(s) of the fire codes, laws, or regulations at issue. In the event of failure of the fire and life safety inspection, an applicant may request a re-inspection, whereupon the applicant shall have ten (10) days from the date of the failed fire and life safety inspection to correct any deficiencies and pass a re-inspection. An applicant shall only be permitted one opportunity for a fire and life safety re-inspection.
- (c) The Department of Building and Codes shall conduct a building safety inspection of the Short-Term Rental Unit within fifteen (15) calendar days of the date the application is accepted by the Department of Finance and Revenue to ensure compliance with all applicable building, gas, electrical, and plumbing codes, laws, and regulations. Upon completion of the building safety inspection, the Department of Building and Codes shall annotate on the form developed in coordination with the Fire and Rescue Department, whether the Short-Term Rental Unit passed or failed the building safety inspection, and if it failed, shall provide a short and plain summary of the reasons why the Short-Term Rental Unit failed the building safety inspection and shall cite to the applicable provision(s) of the building safety codes, laws, or regulations at issue. In the event of failure of the building safety inspection, an applicant may request a re-inspection, whereupon the applicant shall have ten (10) days from the date of the failed building safety inspection to correct any deficiencies and pass a re-inspection. An applicant shall only be permitted one opportunity for a building safety re-inspection.
- (d) Within fifteen (15) days of the date of successful completion of the fire and life safety inspection and the building safety inspection (whichever comes later), the Department of



Building and Codes shall make a final determination whether the application should be approved or denied.

- (e) If the Department of Building and Codes determines that the application or the Short-Term Rental Unit does not conform to the requirements of this Chapter, or to other applicable laws or regulations, the application for a Short-Term Rental Unit Operating Permit shall be denied. Within five (5) days of any decision denying an application for an Operating Permit, the Department of Finance and Revenue shall inform the applicant of the denial in writing and shall explain the reason(s) for the denial in writing.
- (f) Upon successful completion of all required inspections and payment of the necessary fee(s), if the Department of Building and Codes is satisfied that the application and the Short-Term Rental Unit conform to the requirements of this Chapter and to all other applicable laws and regulations, within five (5) days of approval of the Short-Term Rental Unit Operating Permit application by the Department of Building and Codes, the Department of Finance and Revenue shall inform the applicant of the approval in writing and shall issue a Short-Term Rental Unit Operating Permit to the applicant using a permit form developed by the Department of Finance and Revenue in coordination with the Fire and Rescue Department and the Department of Building and Codes. The Operating Permit shall specify the maximum occupancy of Transient Guests permitted within the Short-Term Rental Unit.
- (g) All permits, whether an original permit or a renewal permit, shall pertain only to one single Short-Term Rental Unit as defined herein, and shall be separately numbered, and the Department of Finance and Revenue shall keep a duplicate of each original permit issued.
- (h) Once issued, the Short-Term Rental Operating Permit shall be valid for one (1) calendar year from the date of issuance, unless the Short-Term Rental Unit Operating Permit is suspended or revoked pursuant to this Chapter, or otherwise terminated by operation of, or in accordance with, law.

#### **Section 5-306. Short-Term Rental Unit Operating Permit Renewals.**

Unless suspended or revoked for a violation of any provision of this Chapter or other applicable law or regulation, a Short-Term Rental Unit Operating Permit may be renewed annually, provided that an applicant submits a renewal application and processing fee of one-hundred twenty dollars (\$120.00) no later than thirty (30) calendar days before the Short-Term Rental Unit Operating Permit's expiration. An application for renewal of a Short-Term Rental Unit Operating Permit, which shall include an updated acknowledgement of rules signed by the Owner; an updated affidavit of life safety compliance signed by the Owner; any updated information regarding the Local Contact Person; any updated Owner information; an updated confirmation regarding private agreements signed by the Owner; an updated proof of insurance; and proof of payment of all taxes due, shall be made through the Department of Finance and Revenue. Upon receipt of an application for renewal, together with the renewal application fee, an inspection of the Short-Term Rental Unit, in accordance with the provisions

of **Section 5-305** above, shall be made to ensure compliance with all fire safety and building safety requirements. After the Short-Term Rental Unit Operating Permit's expiration, the holder of the Short-Term Rental Unit Operating Permit forfeits the right to renew, and the Owner must reapply for a new Short-Term Rental Unit Operating Permit. A renewed Short-Term Rental Unit Operating Renewal Permit shall be valid for one (1) calendar year from the date of issuance.

#### **Section 5-307. Prohibition Against Transfer.**

- (a) *Generally.* No person holding a Short-Term Rental Unit Operating Permit shall sell, lend, lease, or in any manner transfer the permit for value.
- (b) *Permission.* The permission to operate a Short-Term Rental Unit under a Short-Term Rental Unit Operating Permit shall be personal and limited to the Owner to whom the City issued the permit. A Short-Term Rental Unit Operating Permit shall terminate immediately upon the transfer of the property covered by the permit, whether such transfer is by deed, by law, or otherwise.
- (c) *Transfers Invalid.* Any unauthorized transfer or attempt to transfer a Short-Term Rental Unit Operating Permit shall automatically void such permit. Persons violating this provision, including both the transferor and transferee, may be subject to a citation and fine. Each unauthorized transfer or attempt to transfer of a Short-Term Rental Unit Operating Permit shall constitute a separate violation, and the penalty for such violation shall be fifty dollars (\$50.00) per day.

#### **Section 5-308. No Vested Rights.**

The provisions of this Chapter concerning Short-Term Rental Units are not a grant of vested rights to continue to operate any Short-Term Rental Unit indefinitely. Any Short-Term Rental Unit use, operation, and / or permits for Short-Term Rental Units are subject to the provisions of ordinances, resolutions, or other City measures, to include declarations of states of emergency, concerning Short-Term Rental Units that may be enacted or adopted at a later date, even though such ordinances, resolutions, or other city measures may change the terms, conditions, allowance, or duration for Short-Term Rental Unit use or operation, including but not limited to those that may terminate some or all Short-Term Rental Unit uses or operations, with or without some period of amortization. While this recitation concerning vested rights is implicit in any uses permitted by the City, this explicit recitation is set forth to avoid any uncertainty or confusion. This Chapter is expressly declared to be enacted pursuant to general police powers, to include those pertaining to general health and welfare, building and fire safety, and is not to be construed as a zoning law.

#### **Section 5-309. Compliance with Laws; Complaints; Remedies; and Permit Revocation.**

- (a) *Compliance with city, state, and federal Laws.* It shall be unlawful to operate a Short-Term Rental Unit that does not comply with all applicable city, state, and federal laws and regulations.



- (b) *Operation without permit deemed public safety hazard.* Except as otherwise provided herein, any Short-Term Rental Unit operating or advertising for operation without a valid Short-Term Rental Unit Operating Permit shall be deemed a public safety hazard. The City may issue, and the Owner or the Local Contact Person may receive, a civil citation for operating or advertising for operation without a Short-Term Rental Unit Operating Permit. Such civil citations will be adjudicated in the Clarksville City Court.
- (c) *Public nuisance.* It is unlawful and a violation of this Chapter and is hereby declared a public nuisance for any person to commit, cause, or maintain a violation of any provision or fail to comply with any of the requirements of this Chapter. The City may issue and the Owner, the occupants, or the Local Contact Person may receive a civil citation for any violation of this Chapter or any other City ordinance by the Owner, the Local Contact Person, or the occupants of the Short-Term Rental Unit. Such civil citations will be adjudicated in the Clarksville City Court.
- (d) *Complaints.* If a complaint is filed with the City of Clarksville alleging that the Owner has violated the provisions of this Chapter or any other applicable City ordinance or State law, a Code Official shall provide written notification of the complaint by registered mail to the Owner at the Owner's address listed on the application, and the Code Official shall investigate the complaint and inspect the property being used as a Short-Term Rental. Within twenty (20) days of the date that the notification was sent to the Owner, the Owner may respond to the complaint, present evidence, and respond to evidence produced by the investigation. If the Code Official finds the complaint to be supported by a preponderance of the evidence, the Code Official may suspend or revoke the Short-Term Rental Unit Operating Permit or take or cause to be taken other enforcement action as provided herein or elsewhere in the City Code. Any false complaint made against a Short-Term Rental Owner may be punishable as perjury under T.C.A. § 39-16-702, as may be amended from time to time.
- (e) *Revocation or Suspension of Permit.* The Code Official may suspend or revoke a Short-Term Rental Unit Operating Permit if the Code Official discovers that (i) an applicant obtained the Short-Term Rental Unit Operating Permit by knowingly providing false information on the application; (ii) the continuation of the Short-Term Rental Unit presents a threat to public health or safety; or (iii) the Owner or Short-Term Rental Unit has violated any of the provisions of this Chapter or has violated any other City ordinance, State law, or Federal law related to the operation of the Short-Term Rental Unit.
- (f) *Effect of Revocation.* Should the Short-Term Rental Unit Operating Permit be revoked, in addition to any other penalty, there shall be a one-year waiting period from the date of revocation for the property to become eligible again for a Short-Term Rental Unit Operating Permit. Upon reapplication, the Owner must pay the full permit fee.
- (g) *Appeal of Suspension or Revocation.* If a Short-Term Rental Unit Operating Permit is suspended or revoked, the Code Official shall state the specific reason(s) for the suspension

or revocation. Any Owner whose Short-Term Rental Unit Operating Permit has been suspended or revoked may appeal such suspension or revocation by submitting a written request to the Department of Building and Codes for a hearing before the Board of Adjustments and Appeals within twenty (20) calendar days of receiving the notice of suspension or revocation. A hearing date will be set within twenty (20) calendar days of the filing of an appeal. All hearings before the Board of Adjustments and Appeals shall be open to the public. The appellant, the appellant's representative, the Code Official or his/her designee, and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than a majority of full membership of the Board of Adjustments and Appeals. The Board of Adjustments and Appeals may reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made. The decision of the Board of Adjustments and Appeals shall be the final administrative decision and shall be subject only to judicial review in the Circuit or Chancery Court pursuant to state law of general application. In addition to any other penalty imposed, if the decision of the Board of Adjustments and Appeals to revoke a Short-Term Rental Unit Operating Permit is upheld, the Owner shall not be eligible to reapply for a new Short-Term Rental Unit Operating Permit for the premises for a period of one (1) year. Upon reapplication, the Owner shall be required to pay the full Short-Term Rental Unit Operating Permit application fee. During the pendency of any appeal to the Board of Adjustments and Appeals or to any Court as provided herein, the revocation or suspension decision of the Code Official or of the Board, respectively, shall remain in effect.

- (h) *Emergency Suspension.* Notwithstanding any other provision of this Chapter, the chief of police, the fire chief, or the Code Official, or their designee(s), may temporarily suspend a Short-Term Rental Unit Operating Permit and order a temporary cessation of Short-Term Rental operations in a situation involving an immediate danger to public health, safety, or welfare, or to investigate criminal activity that has allegedly occurred on the premises. The chief of police, the fire chief, or the Code Official, or their designee(s), shall give immediate written notice of the temporary suspension/cessation order to the Owner if present at the premises, or to the Local Contact Person or to any occupant, who shall be required to immediately comply with the order. Thereafter, within a reasonable time, using the most efficacious means possible, the chief of police, the fire chief, or the Code Official, or their designee(s), shall give written notice of the temporary suspension/cessation order to the permit holder, if not previously served, along with a brief statement of the facts and reasons for the decision to suspend the Short-Term Rental Unit Operating Permit and to terminate the operation of the Short-Term Rental Unit. Such notice shall state that the matter of the temporary suspension/cessation will be heard by the Board of Adjustments and Appeals at the first regularly scheduled board meeting thereafter, or at a special called board meeting, either of which to be held not later than five (5) calendar days from the date of issuance of the temporary suspension/cessation order, unless the Owner shall request in writing additional time, not to exceed ten (10) days, said request to be filed with the board, during which time the temporary suspension/cessation shall continue. The temporary suspension and order of cessation shall be effective when issued by the chief of police, the fire chief, or the Code Official, or their designee(s), and shall remain in effect until the Board of Adjustments



and Appeals reviews the facts, circumstances, and reasons for the temporary suspension and makes a determination whether there is just cause for the suspension to continue, but in no event shall the temporary suspension and cessation order continue beyond ten (10) calendar days without a hearing thereon by the Board of Adjustments and Appeals. At the public hearing, the board may, after a finding of just cause as provided herein, suspend the Operating Permit for a definite time period or may revoke the Operating Permit. If no finding of just cause is established, the board may immediately rescind the temporary suspension, lift the cessation order, and reinstate the Operating Permit.

**Section 5-310. City Shall Have No Obligation to Enforce Private Rights or Agreements; No Third Party Beneficiaries.**

The City of Clarksville shall not have any duty or obligation or be responsible for making a determination regarding whether the issuance of a Short-Term Rental Unit Operating Permit or the use of a dwelling as a Short-Term Rental Unit is permitted under any private agreement(s) or any covenants, conditions, and restrictions, or private codes, or under any of the regulations or rules of a homeowners' association or maintenance organization, condominium agreement, mortgage agreement, insurance contract, or any other contract or agreement that may be applicable governing and limiting the use of the Short-Term Rental Unit, and the City shall have no enforcement obligations in connection with such private agreements or covenants, conditions and restrictions or such regulations or rules. The provisions of this chapter, nor the approval of or issuance of any Short-Term Rental Unit Operating Permit shall not be construed to confer any third-party beneficiary status upon any person, business entity, organization or association as against the City of Clarksville.

**Section 5-311. Operational Requirements.**

- (a) *Safety Standards.* Notwithstanding any code provision to the contrary, during each Short-term Rental Unit Occupancy, each Short-term Rental Unit shall have, at minimum, the following life safety equipment on the premises and installed to manufacturer specifications: (i) a smoke alarm meeting Underwriters Laboratory (UL) 217 standards inside each sleeping room, outside of and within fifteen (15) feet of sleeping rooms, and on each story of the dwelling unit, including basements; (ii) a carbon monoxide detector within fifteen (15) feet of all bedrooms; and (iii) and a fire extinguisher. Every smoke and carbon monoxide alarm must function properly with the alarm sounding after pushing the test button and the fire extinguisher must be operational. It shall be unlawful to operate a Short-term Rental Unit without a smoke alarm, carbon monoxide detector, or fire extinguisher as required by this Chapter.
- (b) *Taxes.* All Short-Term Rental Unit Owners shall be responsible to pay all applicable taxes, including, but not limited to, real and personal property taxes, the hotel/motel tax, sales taxes, gross receipts taxes, and any employment and income taxes, as may be levied or assessed by the City, Montgomery County, the State of Tennessee, or the United States of America.
- (c) *Advertising.* It shall be unlawful to advertise any Short-Term Rental Unit without the Operating Permit number clearly displayed on the advertisement. For the purposes of this

Chapter, the terms "advertise," "advertising" or "advertisement" mean the act of drawing the public's attention to a Short-Term Rental Unit in any forum, whether electronic or non-electronic, in any media or medium, in order to promote the availability of the Short-Term Rental Unit.

- (d) *Maximum Occupancy.* The maximum occupancy of any Short-Term Rental Unit by Transient Guests shall not exceed the maximum occupancy limits as prescribed by the Operating Permit. Simultaneous rental to more than one party under separate contracts shall be prohibited.
- (e) *Age Requirement.* The principal renter (Transient Guest) of a Short-Term Rental Unit shall be at least eighteen (18) years of age.
- (f) *Use of Short-Term Rental Unit.* No Transient Guest may use a Short-Term Rental Unit for on-site business or commercial purposes during any rental period.
- (g) *Parking.* Each Short-Term Rental Unit shall provide at least one parking space per bedroom offered for rent.
- (h) *Large Gatherings Prohibited.* Gatherings of twenty (20) or more people at a Short-Term Rental Unit during any rental period are prohibited.
- (i) *Signage.* Signs or other displays on the property indicating that the Dwelling Unit is being utilized, in whole or in part, as a Short-Term Rental Unit, are prohibited and shall be unlawful.
- (j) *Food Service.* No food shall be prepared for, or served to, the Transient Guest(s) by the Owner for any consideration.
- (k) *Contact Information Shall Be Posted.* Notwithstanding the provisions of subsection (i) of this Section, the name and telephone number of the Owner and Local Contact Person shall be conspicuously posted both within the Short-Term Rental Unit and on the exterior of the Short-Term Rental Unit near the primary entranceway.
- (l) *Compliance with Clarksville City Code.* The Owner shall ensure that the use of the Short-Term Rental Unit complies with all applicable noise, nuisance, parking, trash, and property maintenance code, ordinances, regulations, and all other provisions of the City Code. A prohibition against making loud noise in such a manner as to disturb the quiet, comfort or repose of neighboring property owners shall be included in the Short-Term Rental Unit rules and contained in the Short-Term Rental Unit lease agreement.

#### **Section 5-312. Effect of Chapter During Declared State of Emergency.**

The provisions of this Chapter, in whole or in part, may be suspended during the pendency of any lawfully declared state of emergency issued by the President of the United States of



America, the Governor of the State of Tennessee, or by the Mayor of the City of Clarksville, which may include, but is not limited to, a temporary prohibition on the rental of a Short-Term Rental Unit by an Owner who possesses an otherwise legally valid Short-Term Rental Unit Operating Permit, or on the use or occupation of same by any Transient Guest as defined herein, to the extent permitted or not otherwise prohibited by federal or state law of general application.

**Section 5-313. Severability.**

If any section, paragraph, sentence, phrase, term, or word of this Chapter for any reason be declared unlawful, invalid, unenforceable, or void, by a court or other administrative tribunal of competent jurisdiction, then the remainder of this chapter shall remain in full force and effect.

<i>AMENDED:</i>	July 2, 2020
<i>POSTPONED:</i>	July 2, 2020 to August 6, 2020
<i>FIRST READING:</i>	<i>Scheduled for August 6, 2020</i>
<i>SECOND READING:</i>	
<i>EFFECTIVE DATE:</i>	

## **COUNCILMAN GARRETT’S PROPOSED AMENDMENTS TO ORDINANCE 1-2020-21 SHORT TERM RENTALS**

### **Garrett Amendment 1 – Delete Section 5-304. Subsection 3**

This requires a local contact person to be available 24 hours per day, 7 days per week and physically responding within 45 minutes of notification of a complaint

### **Garrett Amendment 2 - Delete Section 5-304. Subsection 7**

This requires the owner of the short term rental to be responsible for providing written notification to each contiguous property owner and provide proof of such notice.

### **Garrett Amendment 3 – Delete Section 5-311 Subsection F**

This restricts a guest from using the short term rental unit for on-site business or commercial purposes during any rental period

### **Garrett Amendment 4 – Delete Section 5-311 Subsection H**

This restricts gatherings of 20 or more people at a short term rental unit during any rental period



**Garrett Amendment 5- Delete Section 5-311 Subsection J**

Restricting owners from preparing food for guests

**Garrett Amendment 6 – Delete Section 5-311 Subsection I**

Restricting Short Term Rental owners from posting signage advertising

**Garrett Amendment 7 – Delete Section 5-311 Subsection K**

This violates an owner's right to confidentiality. They may have someone else running their Airbnb and wish to remain anonymous and not be contacted directly.

ORDINANCE 7-2020-21

AN ORDINANCE REPEALING ORDINANCE 152-2006-07 ESTABLISHING A CAPITAL PROJECTS REVENUE DISTRICT (CPRD) AND CAPITAL IMPROVEMENT FUND

*WHEREAS,* the City Council created the CPRD in an effort to capture property tax growth in a specific area where the new hospital was developed off of Ted Crozier Sr. Boulevard and Dunlop Lane; and

*WHEREAS,* the City's formation of this district was intended to be similar to tax increment financing (TIF) district; and

*WHEREAS,* the CPRD has served as an accounting entry to move property tax revenue from the general fund into the CPRD fund where those funds are then transferred to the Debt Service Fund to pay General Obligation (GO) Bonds for various capital projects; and

*WHEREAS,* the City Council finds the best interest of the City is served by the repeal of the ordinance that created the CPRD and to account for said revenue/funds in the ordinary way in accordance with governmental accounting practices; and any associated debt shall continue to be the obligation of the City and will continue to be paid through the Debt Service Fund.

*NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

Ordinance 152-2006-07 is hereby repealed and that the Capital Projects Revenue District (CPRD) and the Capital Improvement Fund (CIF) special revenue fund is dissolved.

CPRD Fund

Decrease Revenue	4141000-31120	\$2,434,942
Decrease Expenditures	41410003-4911	\$2,434,942

General Fund

Increase 2020 Property Tax Revenue	100310-31120	\$2,434,942
Increase transfer to debt service fund	10470003-4911	\$2,434,942

Transfer unassigned fund balance from CPRD Fund to General Fund      \$77,910\*

\*Balance may differ depending on the actual ending fund balance for FY20.



*BE IT FURTHER ORDAINED* The financial impact to the general fund is an increase in property tax revenue and an increase in transfer out to the debt service fund. These increases are offset by the decreases in the CPRD special revenue fund.

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

ORDINANCE 152-2006-07

AN ORDINANCE CREATING A SPECIAL REVENUE FUND OR SEPARATE ACCOUNTING FOR DESIGNATED PROPERTY TAX REVENUES RESULTING FROM THE GROWTH IN THE CAPITAL PROJECT REVENUE DISTRICT

*WHEREAS,* the Capital Project Revenue District ("CPRD") is described in Exhibits A, B, and C (the "Exhibits"). The area described in the Exhibits is expected to experience significant growth due to the development properties; and

*WHEREAS,* the development of the properties in the CPRD as described in the Exhibits will result in an increase in the assessed values of the properties in the CPRD; and

*WHEREAS,* the increase in assessed property values will result in increased property tax collections from the properties within the CPRD; and

*WHEREAS,* it is the desire of the Clarksville City Council to establish a Capital Improvements Fund (CIF) to provide a funding mechanism for which city-wide capital improvements can be facilitated, funded from the growth in CPRD's tax base.

*NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That the property tax revenues attributed to the increase in the City of Clarksville's assessed property values for real property in the CPRD shall be credited to a special revenue fund for the purpose of funding capital improvements as determined and approved by the Clarksville City Council or the funding of debt service for general obligation debt issued on or after July 1, 2007 for capital improvements that would qualify for funding under the provisions of this Ordinance. For the purpose this section, real property shall be defined as all land and improvements to the land, excluding personal property.

*BE IT FURTHER ORDAINED* that the special revenue fund created by the provisions of this Ordinance shall be known as the Capital Improvements Fund (CIF).

*BE IT FURTHER ORDAINED* that the area described and identified in Exhibits A, Exhibit B, and Exhibit C describe the Capital Project Revenue District (CPRD).

*BE IT FURTHER ORDAINED* that capital improvements funded from the Capital Improvements Fund (CIF) must

- (1) Have an economic life of ten (10) years or more or



- (2) Result in the increase in or the extension of the economic life of an existing asset by ten (10) or more years; and
- (3) The cost of acquiring the asset must be \$500,000 or more.

Expenditures which neither materially add to the value of property or the capital assets (cost less than \$500,000) nor appreciably prolong an assets economic life or extend life ten (10) or more years (estimated life of expenditure is less than ten (10) years), but merely keeps the asset in an ordinary efficient operating condition are considered maintenance costs and shall not be capitalized nor shall such expenditures be funded from this fund. All new construction, additions, and betterments or increases in infrastructure not qualifying for capitalization as provided for within the provisions of this Ordinance shall be charged to maintenance or other non-capital account within an appropriate department of the general fund's operating budget.

*BE IT FURTHER ORDAINED* that capital improvements meeting the ten (10) years economic or useful life criteria and costing \$500,000 or more to acquire shall include but shall not be limited to:

- (1) The construction of, the rehabilitation of, or the improvements to the city's streets, bridges, street lighting, sidewalks, rights-of-way acquisitions, property acquisitions, easement acquisitions, and all other infrastructure improvements or acquisitions which will result in the acquisition of capital assets or in the extension of the useful life of existing capital assets.
- (2) The acquisition of capital assets with physical properties of a permanent nature, such as buildings, structural attachments, facility improvements, and parking areas are included in this category. Structures and improvements are capitalized when the total cost, including all expenditures necessary for the asset's acquisition is \$500,000 or more and the asset acquired has an economic life is ten (10) years or more.
- (3) The construction of, rehabilitation of, or improvements to the city's parks and recreation facilities, parks and playgrounds that meets the useful life criteria and minimum cost threshold as found within this Ordinance.
- (4) The construction of, rehabilitation of, or improvements to the city's general government's municipal buildings that meets the useful life criteria and minimum cost threshold as found within this Ordinance.
- (5) The eligible cost described in this section shall include the following costs which are necessary to complete the capital improvement shall include but shall not be limited to:

- a. Engineering fees
- b. Surveyor fees
- c. Architect fees
- d. Permits and licenses
- e. Appurtenances (i. e. , traffic signs, signals, street signs, and grade separations)
- f. Legal fees related to eminent domain proceedings
- g. Closing costs for all property acquisitions required for the capital improvement.
- h. Preparation costs
- i. Freight or other transportation charges
- j. Sales, use and transportation taxes
- k. Installation costs (professional fees)
- l. Feasibility studies
- m. Other miscellaneous costs which are necessary to put the capital asset acquired into operation or service.

(6) Other capital expenditures meeting the useful life and minimum cost criteria of this section as may be voted on and approved by the Clarksville City Council may be funded from the CIF.

(7) The CIF will reimburse to the appropriate governmental fund the cost of non-qualifying but necessary expenditures of a CIF funded project upon the project's approval by the Clarksville City Council.

*BE IT FURTHER ORDAINED* that the revenues of the Capital Improvements Fund (CIF) shall be used to pay debt service on debt issued on or after July 1, 2007 which was issued to acquire capital improvements that qualified for funding under the provisions of this Ordinance.

*BE IT FURTHER ORDAINED* that the funds credited to the Capital Improvement Fund shall be from those property tax revenues received during the fiscal year in which they became due and that are attributed to or that are the result of the increase in the total assessed value of all real property in the CPRD. For the purpose this section real property shall be defined as all land and improvements to the land, excluding personal property.

The calculation of the increase in the property tax revenues due to or that is a result of the increase in the total assessed properties in the CPRD will be as follows:

- (1) The assessed values of the real properties in the City of Clarksville in the CPRD shall be determined on or about July 1, 2007. The measurement date for the assessed values of real property will be for the 2007 Tax Year. The total assessed values of real property determined for the 2007 Tax Year shall become the total base year assessed value for which increases or decreases in assessed



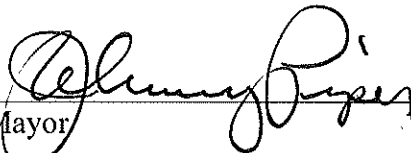
values in the CPRD will be measured and the corresponding property taxes due to changes in the assessed values in the CPRD will be calculated. The 2007 Tax Year will become the base tax year, the 2007 total of assessed values for real property in the CPRD will be the total base year assessed value, and the tax rate applicable to the 2007 Tax Year will be the base year tax rate.

- (2) On or about July 1 of tax years after the 2007 Tax Year, the total assessed value of all real properties in the CPRD shall be determined. The change (increase or decrease) in the total assessed value shall be calculated by subtracting the total base year assessed value determined in (1) from the most recent June 1 total assessed value for real property in the CPRD. The change in the total assessed value of real property will be divided by \$100, the resulting quotient that will then be multiplied by the base year tax rate (tax rate applicable to the tax year 2007) to determine the increase or decrease in taxes due to growth in the area described in the CPRD.
- (3) The level of funding to the CIF each year shall be based solely on the increase in the assessed values in the CPRD. Tax rate increase shall be factored out of any calculation to be received by CPRD. Funding of CPRD shall be based on growth and the tax rate applicable to the tax year 2007.
- (4) In the year of the tax levy, the city will not collect 100% of the original tax levy due to adjustments in the assessed values and taxpayers choosing to not pay in the year of the tax levy. The Commissioner of Finance and Revenue shall draft rules and methodology to be approved by the Mayor and the Finance and Administration Committee for calculating an amount of the property taxes due to the CIF each year that will recognize to the greatest extent possible the impact of changes in assessed values and taxes not collected in the fiscal year in which the property tax is levied and becomes due.
- (5) Steps 1 through 4 as stated in this section shall apply in the fiscal year in which the property taxes are levied and become due. After the close of the fiscal year at June 30 under existing generally accepted accounting principles and consistent with any rules and policies as may have been drafted by the Commissioner of Finance and Revenue and approved by the Mayor and the Finance and Administration Committee, the amount of the transfer will be calculated and will be made to the CIF based on calculations detailed in paragraphs 1 through 4 of this section, effective for and applicable to the fiscal year ending on June 30 in which the taxes became due on October 1. Transfer of equal to the property taxes due to growth in the CPRD, as calculated paragraphs (1) through (4) will be made at the close of the fiscal year in which the taxes became due or no later than the December 31 following the June 30 fiscal year ending date. Taxes not collected by the close of the fiscal year in which the taxes became due, if later collected will be deposited and credited to the general fund.

*BE IT FURTHER ORDAINED* that for the fiscal year ending on June 30, 2008 and for the tax year 2007, the prepayment of the property taxes paid by Gateway Hospital or its successor shall be credited to the Capital Improvement Fund. Upon receipt by the CIF of the prepayment, the funds shall be available to the CIF to fund capital improvement expenditures and/or debt service as may be provided for within this Ordinance. Prepayment of any property tax by Gateway Hospital or its successor, received prior to the tax year for which the property tax is due, shall be recognized as deferred revenue and recognition of revenue by the CIF shall in accordance with generally accepted accounting principles.

*BE IT FURTHER ORDAINED* that funds received pursuant to any inter-local agreement with Montgomery County, that results from the prepayment of Gateway Hospital or their successors to Montgomery County, when paid over to the City of Clarksville by Montgomery County, will be credited to the Capital Improvement Fund. The funds paid over to the City of Clarksville by Montgomery County will be revenues of the CIF when received.

*BE IT FURTHER ORDAINED* that Commissioner of Finance and Revenue, subject to the review and approval of the Mayor and Finance and Administration Committee, shall be authorized rule making authority to implement the provisions of this Ordinance and to resolve issues that may occur during the implementation and application of the provisions of this Ordinance.

  
Mayor

*ATTEST:*

  
City Clerk

<i>FIRST READING:</i>	June 14, 2007
<i>SECOND READING:</i>	July 12, 2007
<i>EFFECTIVE DATE:</i>	July 15, 2007

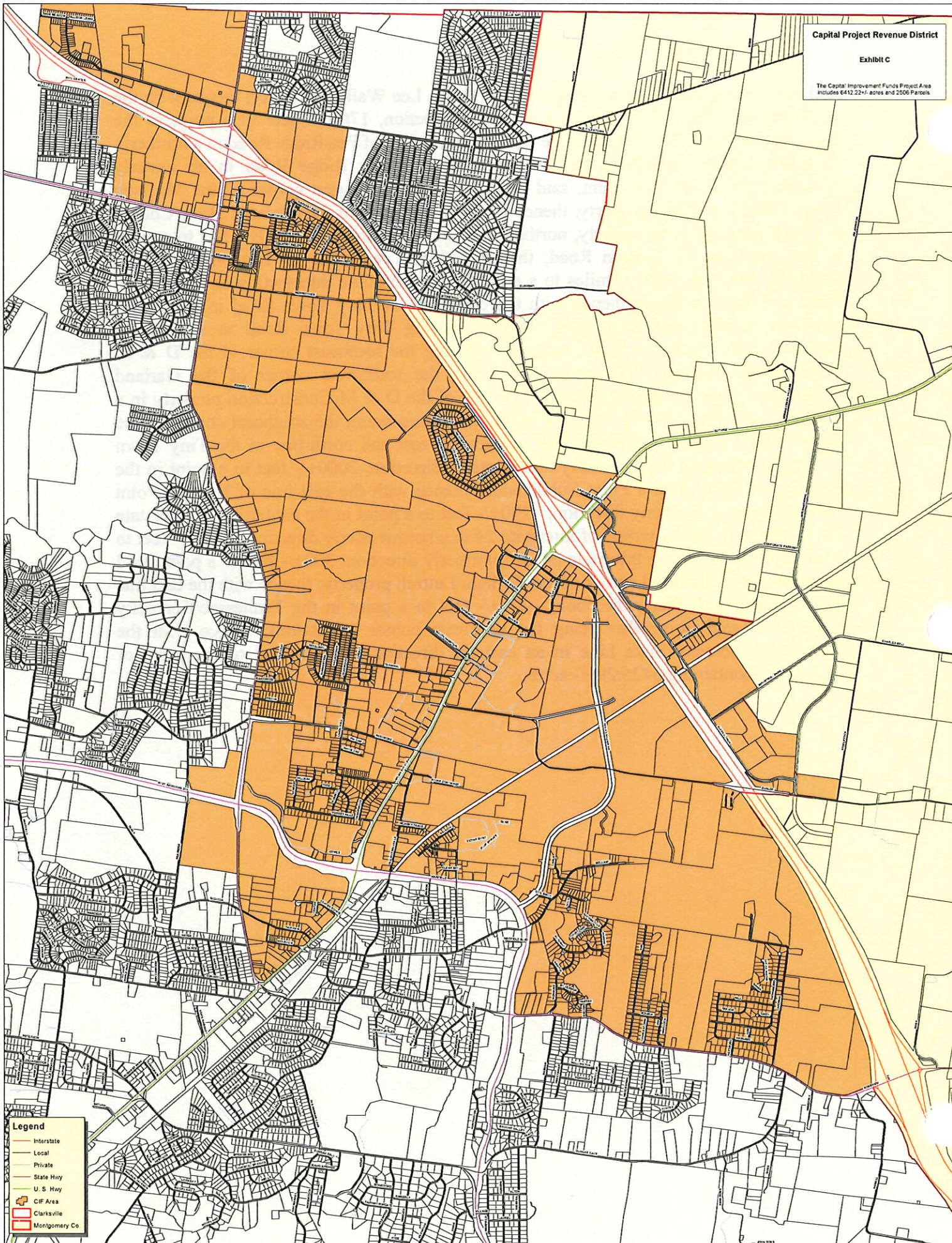
Beginning at a point in the Tennessee/Kentucky State Line and the centerline of Trenton Road; thence with the centerline of Trenton Road in a southerly direction, 1830+/- feet to a point; thence crossing Trenton Road in an easterly direction, 25+/- feet to a point in the eastern right-of-way of Trenton Road, said point being the southwest corner of lot 198 of Avalon Subdivision; thence with the south, west, south and west boundary of Avalon Subdivision in an easterly, southerly, easterly and southerly direction, 2000+/- feet to a point in the north right-of-way of Tylertown Road; thence crossing Tylertown Road in a southerly direction, 25+/- feet to a point in the centerline of Tylertown Road; thence with the centerline of Tylertown Road in an easterly direction, 2380+/- feet to a point; thence crossing Tylertown Road in a southerly direction, 25+/- feet to a point being in the southern right-of-way of Tylertown Road, said point also being the northeast corner of the Gary Cox property; thence with the east line of Cox in a southerly direction, 2346+/- feet to a point in the centerline of Interstate 24; thence with the centerline of Interstate 24 in a southeasterly direction, 9500+/- feet to a point; thence crossing Interstate 24 in an easterly direction, 217+/- feet to a point, said point being the existing City limits of Clarksville, said point also being the northwest corner of the Thomas Bateman property; thence with the existing City limits of Clarksville in a generally southeasterly direction, 2.36+/- miles to a point in the south right-of-way of R. J. Corman Railroad, said point also being in the north property line of the Precision Printing property; thence leaving the existing City limits of Clarksville with the north and east line of the Precision Printing property in a northeasterly and southeasterly direction, 2200+/- feet to a point in the centerline of Industrial Park Drive; thence with the centerline of Industrial Park Drive in a southwesterly direction, 500+/- feet to a point in the existing City limits of Clarksville; thence with the existing City limits of Clarksville in a southeasterly direction, 1160+/- feet to a point, said point being in the north property line of the Industrial Development Board property; thence leaving the existing City limits of Clarksville with the north property line of the Industrial Development Board property in an easterly direction, 950+/- feet to a point in the centerline of International Boulevard; thence with the centerline of International Boulevard in a southerly direction, 1140+/- feet to a point; thence crossing International Boulevard in an easterly direction, 45+/- feet to a point being the northwest corner of the Wilderness Investors property; thence with the north, east and south line of the Wilderness Investors property in an easterly, southerly, and westerly direction, 2550+/- feet to a point in the existing City limits of Clarksville, said point also being in the north right-of-way of Dunlop Lane; thence with the existing City limits of Clarksville in a generally westerly direction, 1900+/- feet to a point in the centerline of Interstate 24; thence leaving the existing City limits of Clarksville with the centerline of Interstate 24 in a southeasterly direction, 9400+/- feet to a point in the centerline intersection of Interstate 24 and Rossvie Road; thence with the centerline of Rossvie Road in a generally westerly direction, 2.28+/- miles to a point in the centerline intersection of Rossvie Road and Warfield Boulevard; thence with the centerline of Warfield Boulevard in a northerly and westerly direction, 1.56+/- miles to a point in the centerline intersection of Wilma Rudolph Boulevard and Warfield Boulevard; thence with the centerline of Wilma Rudolph Boulevard in a generally southwesterly direction, 4500+/- feet to a point in the centerline intersection of Trenton Road and Wilma Rudolph Boulevard; thence with the centerline of Trenton Road in a northerly direction, 3400+/- feet to a point; thence crossing Trenton Road in a westerly direction, 30+/- feet to a point,



said point being the southeast corner of the James Lee Walker property; thence with the south property line of Walker in a westerly direction, 1700+/- feet to a point in the centerline of Pea Ridge Road; thence with the centerline of Pea Ridge Road in a northerly direction, 2900+/- feet to a point; thence crossing Pea Ridge Road in an easterly direction, 25+/- feet to a point, said point being the northwest corner of the Madison Street Church of Christ property; thence with the north line of the Madison Street Church of Christ property in an easterly, northerly and easterly direction, 2000+/- feet to a point in the centerline of Trenton Road; thence with the centerline of Trenton Road in a northerly direction, 3.09+/- miles to a point in the centerline intersection of Tiny Town Road and Trenton Road; thence with the centerline of Tiny Town Road in a westerly direction, 3120+/- feet to a point; thence crossing Tiny Town Road in a northerly direction, 60+/- feet to a point, said point being the southeast corner of the D & M Construction property, said point also being the southwest corner of the Garland Quaintance property; thence with the east line of the D & M Construction property in a northerly direction, 330+/- feet to a point, said point being the southeast corner of the Tiny Town Village Subdivision; thence with the east and north line of the Tiny Town Village Subdivision in a northerly and westerly direction, 2000+/- feet to a point in the east line of the Hunter's Point Subdivision; thence with the east line of Hunters Point Subdivision in a northerly direction, 1700+/- feet to a point in the centerline of Interstate 24; thence with the centerline of Interstate 24 in a northwesterly direction, 2300+/- feet to a point; thence crossing Interstate 24 in a northerly direction, 300+/- feet to a point, said point being the southeast corner of the William Luttrell property; thence with the east line of Luttrell in a northerly direction, 1000+/- feet to a point in the Tennessee/Kentucky State Line, said point also being the northeast corner of Luttrell; thence with the Tennessee/Kentucky State Line in an easterly direction, 6100+/- feet to the point of beginning; containing 6425.29+/- acres.



The Capital Improvement Funds Project Area  
includes 6412.22+/- acres and 2506 Parcels.



- Legend**
- Interstate
  - Local
  - Private
  - State Hwy
  - U. S. Hwy
  - CIF Area
  - Clarksville
  - Montgomery Co.



RESOLUTION 16-2020-21

A RESOLUTION APPROVING THE WAIVER OF THE CITY'S SUBROGATION CLAIM RELATED TO THE OJI DEATH OF JEFFREY PROSECKY

*WHEREAS*, Jeffrey A. Prosecky was a valued and loved City of Clarksville employee who worked for the Street Department; and

*WHEREAS*, Mr. Prsoecky tragically died on duty while working for the City preparing for the City's Riverfest event on September 3, 2019; and

*WHEREAS*, pursuant to the City's On the Job Injury (OJI) program Mr. Prosecky's widow, Ericka Prosecky received her beloved husband's death payment of \$70,000.00; and

*WHEREAS*, the City pursuant to law has a right of subrogation due from the tortfeasor(s), and has asserted its routine subrogation claim to recover the OJI sum from the at fault party DC Trucking (the at fault Defendant has now been more accurately identified as DC Trucking, not DC Transportation, as set out in the police report); and

*WHEREAS*, widow Mrs. Ericka Prosecky will have any settlement recovery amount paid by the at fault defendant reduced by the \$70,000.00 OJI amount, which under all the circumstances the City Council finds is not equitable; and

*WHEREAS*, the tortfeasor trucking company, through negotiations with Mrs. Prosecky's legal counsel, has taken the legal position that it will withhold \$70,000.00 from any agree to settlement amount in order to protect itself from any subrogation claim by the City; and

*WHEREAS*, the City Council finds this would cause an inequitable result, and the legal doctrine of "Made Whole" makes a waiver of the City's subrogation claim a desirable and more just result under the circumstances, otherwise the widow will lose \$70,000.00 from any settlement amount she is able to negotiate with the tortfeasor trucking company; and

*WHEREAS*, it is acknowledged by Mrs. Ericka Prosecky that The City of Clarksville did everything reasonable to prevent the death of her husband, and she waives all claims, known or unknown against the City; and

*WHEREAS*, under all the circumstances, the City Council finds in this case that it would be inequitable for the City to prosecute its subrogation claim, and finds that any such claim should be waived by the City.

*NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

that the City Council hereby approves the waiver of its subrogation claim related to the OJI Death Claim paid out to widow Mrs. Prosecky, so that she does not have that sum withheld from any recovery from the at fault defendant / tortfesor trucking company, DC Trucking (DC Transportation), who otherwise will withhold this sum from any recovery by settlement negotiations between the trucking company defendant and by Mrs. Prosecky.

*ADOPTED:*



# ALDRED LAW FIRM

## ATTORNEYS AT LAW

221 South Second Street  
Clarksville, Tennessee 37040

\* William L. Aldred  
\*\* Adrienne Welchance

\* Licensed in TN & KY  
\*\* Licensed in TN

RECEIVED

Telephone (931) 648-9621

Fax (931) 648-9627

[aldredlaw@aldredlawfirm.com](mailto:aldredlaw@aldredlawfirm.com)

[adriennew@aldredlawfirm.com](mailto:adriennew@aldredlawfirm.com)

July 8, 2020

JUL 14 2020

Mayor Joe Pitts  
Attention: Lance Baker, City Attorney  
1 Public Square  
Clarksville, TN 37040

RE: Jeffrey Prosecky - Date of Death September 3, 2019  
Subrogation Claim by City of Clarksville for \$70,000 - Request to Waive  
Release of Liability City of Clarksville, Tennessee

Dear Mayor Pitts,

It is hereby requested by Mrs. Ericka Prosecky that the City of Clarksville waive their subrogation claim of \$70,000 Death Benefit previously paid by the City to Mrs. Prosecky. I understand that City Attorney Lance Baker will prepare some type of short memo to bring this before the City Counsel's vote and we humbly ask your endorsement.

Ericka Prosecky is the sole survivor (no children) and pursuant to TCA 20-5-110 is the only person who may bring a wrongful death action for the death of her spouse. Mrs. Prosecky waives any and all claims she has or may have, known or unknown, against the City of Clarksville involving the death of her husband on September 3, 2019. She has personally signed this letter to memorialize this agreement.

It is requested that this matter be brought before the City Counsel at the earliest possible moment, hopefully the first week of August 2020.

Respectfully,



William L. Aldred, Jr.



Ericka Prosecky

ORDINANCE 6-2020-21

AN ORDINANCE AUTHORIZING EXTENSION OF CITY OF CLARKSVILLE UTILITY SERVICES OUTSIDE THE CLARKSVILLE CITY LIMITS; REQUEST OF PATRICIA MURPHY FOR PROPERTY LOCATED AT 1551 WOODLAWN ROAD

*WHEREAS,* proper application has been made by McKay-Burchett Engineering, Cal McKay, P.E. for extensions of City utility service to property located at Cmap 053, Parcel 3.00 with the property address of 1551 Woodlawn Road outside the corporate boundary of the City, said property and the extension of service thereto, which is more particularly described in Exhibit A attached hereto and incorporated herein; and

*WHEREAS,* the City of Clarksville Gas and Water Department has recommended approval of said application; and

*WHEREAS,* the Gas, Water and Sewer Committee of the Clarksville City Council has recommended approval of said application; and

*WHEREAS,* the Clarksville City Council finds that all of the requirements of City Code Section 13-405 have been or are satisfied and the extension of water and sewer service to property as described in Exhibit A will be in the best interest of the City.

*NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That the City of Clarksville Gas, Water and Sewer Department is hereby authorized to extend utility service to property located at Cmap 053, Parcel 3.00 with the property address of 1551 Woodlawn Road outside the City corporate limits as described in Exhibit A attached hereto and incorporated herein and subject to and in accordance with the provisions of the City Code and Ordinance 37-2009-10.

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE*

EXHIBIT A





RESOLUTION 13-2020-21

A RESOLUTION EXPRESSING THE SENSE OF THE CITY COUNCIL PERTAINING TO A PROHIBITION THROUGH TRAFFIC REGULATION, LIGHTING AND / OR SIGNAGE TO PREVENT TRACTOR TRAILER TRUCKS FROM TURNING RIGHT FROM RIVERSIDE DRIVE ONTO COLLEGE STREET

*WHEREAS,* the City Council finds that within the past two years, there have been 207 crashes at the intersection of Riverside Drive and College Street; and

*WHEREAS,* the City Council finds that numerous crashes have involved commercial tractor trailer type vehicles and at least two of these crashes have resulted in fatalities to pedestrians, to include a City Street Department Employee who was run over on the sidewalk while working on City duty; and

*WHEREAS,* the Clarksville City Council finds that public safety at this dangerous intersection involving two State highways would best be served by the State enacting or authorizing a prohibition on commercial tractor trailer trucks from turning right from Riverside Drive onto College Street.

*NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CLARKSVILLE, TENNESSEE:*

That it is the sense of the City Council, and that it is in the best interests of the City, its residents and visitors alike, and in furtherance of public safety and welfare, to request that the State of Tennessee, through the Tennessee Department of Transportation, enact or authorize a prohibition on commercial tractor trailer type vehicles from turning right from Riverside Drive onto College Street.

*ADOPTED:*

## RESOLUTION 17-2020-21

### A RESOLUTION APPROVING THE HONORARY DESIGNATION OF WALKER STREET AS "SHARRONEISE L. HORTON MEMORIAL DRIVE"

- WHEREAS,* Sharroniese L. Horton was born in Clarksville, Tennessee on August 23, 1960 to Ernest and Minnie Horton; and
- WHEREAS,* At an early age, Ms. Horton displayed a love for music and began playing the piano at the age of 6 under the tutelage of the late Mrs. Mildred A. Jones; and
- WHEREAS,* Ms. Horton had an exceptional gift for music and after her formal education in the Montgomery County School System and graduation from Northwest High School, she enrolled at Austin Peay State University and became a member of the Delta Sigma Theta Sorority, studied classical piano performance, and later attended Murray State University and studied music therapy; and
- WHEREAS,* Ms. Horton attended Greenhill Church where she served as Minister of Music for 21 years, then later attended Christ the Healer Church where she served of Pastor of Worship for 20 years; and
- WHEREAS,* In her personal life outside the church, Ms. Horton worked as Customer Service Supervisor for Comcast at Fort Campbell, Kentucky and was the owner of Sharjazz Soothing Sounds Studio; and
- WHEREAS,* Ms. Horton is well-known for having been the Chief Executive Officer of the Voices of Faith Community Choir and for being appointed Minister of Music for the State of Tennessee Full Gospel Fellowship International and State Director for Gospel Workshop of America; and
- WHEREAS,* Ms. Horton's music career allowed her to work with Dr. Bobby Jones, Daryl Coley, Richard Smallwood, Vickie Winans, The Williams Brothers, Shirley Caesar, John P. Kee, Kirk Franklin, Donald Lawrence, and Bishop Hezekiah Walker, and through her versatility, she assisted in vocal productions for country artists Loretta Lynn, Barry Manilow, and James Payne; and
- WHEREAS,* Ms. Horton traveled across the United States and throughout the world conducting soul stirring, spirit-filled musical workshops and concerts, and received many awards and recognitions which celebrated the impact of her work in her community and in the music world including the 100th Area Support Group Community of Excellence from the U.S. Army for workshops in Germany; and

*WHEREAS,* The City of Clarksville Designations Committee recommended approval of this honorary designation during their meeting on July 30, 2020.

*NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That the Clarksville City Council hereby approves the honorary designation of Walker Street as “Sharroniese L. Horton Memorial Drive.”

*BE IT FURTHER RESOLVED* that the official name of Walker Street will be retained.

*BE IT FURTHER RESOLVED* that, in accordance with City Code Section 12-1218, the Clarksville Street Department shall make and install the appropriate designation signage.

*ADOPTED:*



ORDINANCE 8-2020-21

AN ORDINANCE AMENDING PART II (CODE OF ORDINANCES); TITLE 10 (OFFENSES - MISCELLANEOUS), CHAPTER 2 (ENUMERATED), SECTION 10-218 OF THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE

*WHEREAS*, the City Council finds the firing of fireworks can be dangerous and destructive to life, limb and property when not used properly and carefully and requires regulation to ensure public safety.

*NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

(1) That **Section 10-218** is amended by adding the following new subsection (6):

**Section 10-218.** Fireworks – Unlawful to explode.

(6) No person shall ignite or discharge any fireworks within any motor vehicle, or ignite, discharge, or throw any fireworks from any motor vehicle while within a motor vehicle, nor shall any person place, discharge, or throw any fireworks into or at a motor vehicle, or at or near any person, or group of people, or at any building, home, or facility, whether occupied or not.

*FIRST READING:*

*SECOND READING:*

*EFFECTIVE DATE:*

# ORDINANCE 8-2020-21 Smith Amendment

A Petition of Citizens in favor of the Amendment on Fireworks by Smith

Print Name	Address	Phone	Sign
1. Delores Collins	710 Ford St.	278-3814	Delores Collins
2. Robbie Collins	11	11	Robbie Collins
3. Chris Killebrew	881 Powell Rd	-906-5196	
4. Charles Merritt	3325 Cothurn Rd	931-302-0620	
5. Steven Burney	1001 Main St		Steven Burney
6. Myrle Burney	906 Roman St		Myrle Burney
7. Gisele Rutherford	2074 Phillip Long Rd.	931-378-3781	
8. Delores L. L. L.	507 Ford St	(931) 302-5781	
9. Ray Lawrence	982 Marion St	615-487-3323	
10. Samanco Ellis	928 Carpenter St	931- <del>651</del> 651 59	
11. Sandra Jones	325 Poston St		
12. Mark D. Rife	115 Hickory Tr. Rd.	931-263-2588	
13. Jody Hatch	1321 Cedar Street	931-614-8064	
14. Carolyn Scott	122 St John St	615-456-5921	

15. William <sup>Pete</sup> ~~Dr. William~~ <sup>1235</sup> ~~Dr. William~~ <sup>Dr. William</sup> ~~Marrett~~ <sup>Se.</sup>
16. Eyvonne Skelton <sup>1142</sup> S. College St. Eyvonne Skelton
17. Michael House Michael House
18. Quiter Vance 1044 Franklin St Clarksville
19. Stephanie Powers 522 ~~9th~~ St. Clarksville
20. Robert Vance 1044 Franklin St - 931-494-822
21. Ricky Hall 346 CAKE DR
22. MARY ROGERS 931/3021475 740 Washington
23. Raymond Ogden 608 Ford St
24. Alphonso Ogden 314 Glenn St Alphonso Ogden
25. Patricia Vance 578 Danielle Dr. ~~P. Vance~~
26. Kalia Patterson 461 Kelly Lane Kalia Patterson
27. Tony Collier 103 Strickland Dr. Tony Collier
28. Bowen Colyn Merriweather 212 Hillbrook Dr Bowen Merriweather
29. Marketa Smith 130 Whitcomb Rd 37042 ~~Marketa~~
30. Tamesha Buck 805 Sumas Dr Clarksville TN 37040 Tamesha Buck
31. Lolita Woolfork 230 Needmore Rd Clarksville, TN 37040



A Petition of Citizens in favor of the Amendment on Fireworks by Smith

Print Name	Address	Phone	Sign
1. Jennie E. Dun		931-378-0240	
2. Robert Radford	1137 Red River St.	16472691	
Mr & Mrs Michael Allen	1129 Hym ST	6244288	
4. Jamie Caden	Salem RD		Jamie Caden
5. GREG SIMMS	111 ARCTIC ST.	270-604-0527	Greg Simms
6. Howard River	515 POSTON ST.	931-266-2824	
7.			
8.			
9.			
10.			
11.			
12.			
13.			

RESOLUTION 18-2020-21

A RESOLUTION APPROVING A SETTLEMENT OF THE ROBINSONS AND / OR FRANKLIN STREET CORPORATION (FSC) v. CITY STATE COURT AND FEDERAL COURT LAWSUITS

*WHEREAS*, the City has been sued by Jeff and Sherri Robinson and / or the Franklin Street Corporation owned by them in two separate lawsuits, styled as follows:

Jeffrey Robinson, Sherri Robinson and Franklin Street Corporation, Plaintiffs, v. City of Clarksville, Defendant. Circuit Court for Montgomery County, Tennessee, Docket No. CC-16-CV-1410; and

Franklin Street Corporation, Plaintiff v. City of Clarksville, Defendant. United States District Court for the Middle District of Tennessee, at Nashville, Docket No. 3:20-CV-00523.; and

*WHEREAS*, Plaintiffs, through their counsel, Mark Olson, have made an offer of settlement as set forth in Exhibit A attached hereto and incorporated herein, which includes, inter alia, the payment of ONE MILLION TWO HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$1,200,000.00) from the City to the Plaintiffs, dismissal of both lawsuits, and other terms pertaining to a land swap and an engineering project to be completed at City expense; and

*WHEREAS*, the City Council finds that the settlement offer should be approved.

*NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

That the Clarksville City Council hereby approves a settlement proposal, the essential terms of which are attached hereto as Exhibit A.

*ADOPTED:*

**OLSON & OLSON, PLC**  
**LAWYERS**

MARK R. OLSON  
JANE SHARPE OLSON

WRITER'S EMAIL  
molson@olsonplc.com

112 South Second Street  
Suite 200  
Clarksville, Tennessee 37040  
Telephone (931) 648-1517  
Fax (931) 648-9186

DR. KENNETH E. OLSON  
(1929-1996)

July 2, 2020

**VIA EMAIL AND REGULAR MAIL**

Lance Baker, Esq.  
City of Clarksville  
1 Public Square  
Clarksville, Tennessee 37040

Re: Jeffrey Robinson, et. al. v. City of Clarksville

Dear Mr. Baker:

Mr. and Mrs. Robinson, individually, and as officers of Franklin Street Corporation, and my firm Olson & Olson, PLC, and Taylor R. Dahl, Attorney (jointly "Releasers") submit the following offer of settlement. This would include the matters which Mr. Robinson and Mr. Mark Riggins have discussed since January, 2020. Plaintiffs want to settle every claim and lawsuit and claim for attorney's fees and dismiss all of the lawsuits. Really we want peace.

The City will pay the sum of \$1,200,000.00 to the Releasers. The agreements discussed by Mr. Riggins and Mr. Robinson would be consummated. This includes the City doing utility work on the Plaintiff's real property. I think Cal McKay Engineer is working on that matter. The City wanted additional land for utilities or servicing utilities. The Plaintiffs agree to give the City additional land by permanent easement. The Plaintiffs agree to give the City a permanent easement for an additional three (3) feet next to the sewer pipe, creating a permanent "alley" fifteen (15) feet wide. The City wants to install a better drainage system on the property and a manhole. The Plaintiffs will give the City a temporary use agreement on the real property to construct the drainage so as not to block traffic. The City can dig up the alley in the future to install more utilities, or to allow other providers to install underground utilities if they put the alley back in good condition within a reasonable amount of time.

The City will donate the "alley" property to Jeff and Sherri. Plaintiffs will grant the City a permanent easement for utilities over the entire fifteen (15) foot alley, which cures the current problems including inadequate room for utilities. The Plaintiffs will not



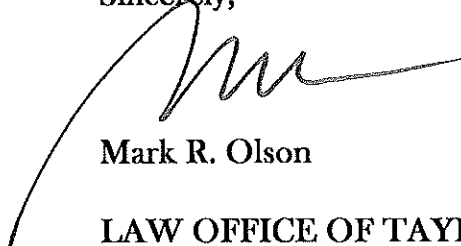
Lance Baker, Esq.  
July 2, 2020  
Page 2

build on the additional three feet next to the sewer pipe. Consistent with the Mark Riggins discussions, the Plaintiffs will, by Quitclaim, donate to the City their property near the Upland Trail discussed with Mr. Riggins, which is Parcel ID 066JF00500000, found at Book 1415, Page 2667, Registers Office for Montgomery County, Tennessee. This is about .23 acres, +/-.

The State action, the Federal Action, and the Court of Appeals action will all be dismissed with prejudice (meaning legally these claims and related claims cannot be brought again.) An Order of Dismissal for each attached.

This is a serious offer. To show we are serious Ms. Dahl and I have signed each Order of Dismissal. The Plaintiffs will pay any unpaid court costs. The money paid by the City to the Releasors is all the money which will be paid by the City. We will pay the ordinary Court costs but not any discretionary costs or attorney's fees. Mr. Baker, if you sign the Orders, the entire case is resolved on the terms discussed. I expect all cases could be dismissed and completely resolved by next Friday. It would end for all.

Sincerely,



Mark R. Olson

LAW OFFICE OF TAYLOR R. DAHL



Taylor R. Dahl

MRO/ckm  
Enclosures

1. Order Dismissing State action
2. Order Dismissing Court of Appeals action
3. Order Dismissing Federal action

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY  
19<sup>TH</sup> JUDICIAL DISTRICT, CLARKSVILLE, TENNESSEE

JEFFREY ROBINSON, SHERRI	)	
ROBINSON and FRANKLIN	)	
STREET CORPORATION	)	
Plaintiffs,	)	
v.	)	
	)	Docket No.: CC-16-CV-1410
CITY OF CLARKSVILLE,	)	JURY DEMAND
Defendant.	)	Hon. Joseph P. Binkley

ORDER OF DISMISSAL WITH PREJUDICE

It appearing to the Court from the signatures of Counsel that all matters of controversy have been resolved on terms acceptable to the litigants, it is therefore:

ORDERED, ADJUDGED, AND DECREED as follows:

1. The City will donate the disputed "alley property" to the Plaintiffs. The Plaintiff will grant to the City an additional three (3) foot easement for utilities, making the alley fifteen (15) feet wide. The City can use the alley, and the additional land granted, now and in the future for utilities, to service utilities and to service the drain at the rear of the real property which is located on a third party's land. The Plaintiffs will construct an alley which can be used by the Plaintiffs and the City. Adjoining property owners will have an ingress and egress right.

2. The easement description and the description for the alley property being transferred shall be prepared by McKay-Burchett & Company Engineers. The existing land held by the City, which has been referred to as the alley in this civil action, shall be donated to the Plaintiffs by Deed. The Defendant shall maintain a permanent easement in perpetuity for any utilities, in the alley and the right to use the alley. The Plaintiffs shall construct an alley on that 15 foot alley property at Plaintiff's expense. Any party who disturbs the alley for construction of utilities on the alley shall return the property back to a useable alley.

3. The City shall pay the Plaintiffs and their Counsel the sum of \$1,200,000.00.

4. Each party shall pay their own attorney's fees and discretionary costs, making no claim against the other for those attorney's fees or discretionary costs.

5. This civil action, including any and all claims asserted by the Plaintiffs, or which could have been asserted by the Plaintiffs against the Defendant, including claims known and unknown to the Plaintiffs related to the land dispute, promissory estoppel, contract basis, any action based on 42 U.S.C. § 1983 or any other claim asserted in the civil action, are dismissed with prejudice barring any lawsuit regarding those claims in the future.

6. Any and all claims asserted by the Defendant, or which could have been asserted by the Defendant against the Plaintiffs, including claims known and unknown to the Defendant, are dismissed with prejudice barring any lawsuit regarding those claims in the future.

7. The unpaid ordinary court costs of this civil action shall be paid by the Plaintiffs.

8. This is the Final Order in this matter. No appeal shall be taken. The existing Court of Appeals matter shall be dismissed with prejudice by the Plaintiffs.

Entered this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
HON. JOSEPH P. BINKLEY, JR.  
Circuit Court Judge

APPROVED FOR ENTRY:

\_\_\_\_\_  
MARK R. OLSON, BPR No.: 11630  
OLSON & OLSON, PLC  
112 South Second Street, Suite 200  
Clarksville, Tennessee 37040  
Telephone (931) 648-1517  
Facsimile (931) 648-9186  
Email: molson@olsonplc.com

\_\_\_\_\_  
TAYLOR R. DAHL, BPR No.: 36200  
THE LAW OFFICE OF KIMBERLY TURNER & ASSOCIATES  
130 Franklin Street  
Clarksville, Tennessee 37040  
Attorney for the Plaintiffs

\_\_\_\_\_  
LANCE A. BAKER, BPR No.: 15152  
JEFF T. GOODSON, BPR No.: 23648  
OFFICE OF THE CITY ATTORNEY  
1 Public Square  
Clarksville, Tennessee 37040  
Attorneys for the Defendants

CERTIFICATE OF SERVICE

I CERTIFY that a true and correct copy of this document was mailed First Class United States Postage prepaid to Lance Baker, Esq., Jeff Goodson, Esq., 1 Public Square, Clarksville, Tennessee 37040 and to James Murphy, Esq., Joel Eckert, Esq., and Mike Stephens, Esq., 1600 Division Street, Suite 700, Nashville, Tennessee 37203 on the date set forth below:

7/2/2020  
DATE

\_\_\_\_\_  
MARK R. OLSON

10985.ORDER OF DISMISSAL WITH PREJUDICE STATE.7.2.2020



JREFFREY ROBINSON, et. al. )  
                     Plaintiffs/Appellants, )  
 v. )  
 CITY OF CLARKSVILLE, ) Montgomery County Docket No.: CC-16-CV-1410  
                     Defendant/Appellees. ) COA No.: M2019-02053-COA-R3-CV

LANCE A. BAKER, BPR No.: 15152  
JEFF T. GOODSON, BPR No.: 23648  
OFFICE OF THE CITY ATTORNEY  
1 Public Square  
Clarksville, Tennessee 37040  
Attorneys for the Defendants

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7/2/2020  
DATE

  
MARK R. OLSON

10985.ORDER OF DISMISSAL WITH PREJUDICE COA.7.2.2020

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

FRANKLIN STREET CORPORATION,	)	
Plaintiff,	)	
v.	)	
	)	
CITY OF CLARKSVILLE,	)	
Defendant.	)	Civil Action No.: 3:20-CV-00523

ORDER OF DISMISSAL WITH PREJUDICE

It appearing to the Court from the signatures of Counsel that all matters of controversy have been resolved on terms acceptable to the litigants, it is therefore:

ORDERED, ADJUDGED, AND DECREED as follows:

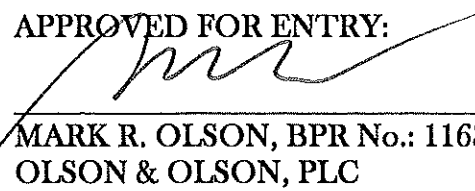
1. A civil action involving similar claims was litigated in State Court. That action was resolved by agreement. As a part of that resolution, this civil action is to be dismissed with prejudice.
2. Each party shall pay their own attorney's fees and discretionary costs, making no claim against the other for those attorney's fees or discretionary costs.
3. This Federal civil action, including any and all claims asserted by the Plaintiff, or which could have been asserted by the Plaintiff against the Defendant, including claims known and unknown to the Plaintiff, is dismissed with prejudice barring any lawsuit regarding those claims in the future.
4. Any and all claims asserted by the Defendant, or which could have been asserted by the Defendant against the Plaintiff, including claims known and unknown to the Defendant, are dismissed with prejudice barring any lawsuit regarding those claims in the future.
5. The unpaid ordinary court costs of this civil action shall be paid by the Plaintiffs.
6. This is the Final Order in this matter. No appeal shall be taken.

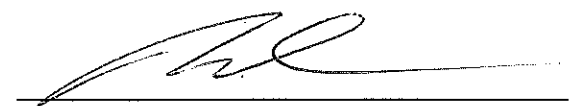
Entered this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
HON. ALETA A. TRAUGER  
United States District Judge



APPROVED FOR ENTRY:

  
\_\_\_\_\_  
MARK R. OLSON, BPR No.: 11630  
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Clarksville, Tennessee 37040  
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Email: [molson@olsonplc.com](mailto:molson@olsonplc.com)

  
\_\_\_\_\_  
TAYLOR R. DAHL, BPR No.: 36200  
THE LAW OFFICE OF KIMBERLY TURNER & ASSOCIATES  
130 Franklin Street  
Clarksville, Tennessee 37040  
Attorney for the Plaintiffs

\_\_\_\_\_  
LANCE A. BAKER, BPR No.: 15152  
JEFF T. GOODSON, BPR No.: 23648  
OFFICE OF THE CITY ATTORNEY  
1 Public Square  
Clarksville, Tennessee 37040  
Attorneys for the Defendants

CERTIFICATE OF SERVICE

I CERTIFY that a true and correct copy of this document was mailed First Class United States Postage prepaid to Lance Baker, Esq., Jeff Goodson, Esq., 1 Public Square, Clarksville, Tennessee 37040 on the date set forth below:

7/2/2020  
DATE

  
\_\_\_\_\_  
MARK R. OLSON

10985.ORDER OF DISMISSAL WITH PREJUDICE FEDERAL.7.2.2020



City  
of  
Clarksville

Lance Baker <lance.baker@cityofclarksville.com>

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## Robinson Settlement Proposal

1 message

---

Mark Olson <molson@olsonplc.com>

Tue, Jul 28, 2020 at 5:03 PM

To: Lance Baker <lance.baker@cityofclarksville.com>

Cc: Claire Martin <claire@olsonplc.com>, Adrienne Dority <adrienne@olsonplc.com>

Mr. Baker:

I understand that Councilman Allen is proposing a settlement to the Robinson dispute. I am hopeful it is successful so a new building will be built downtown. As you know, Jeff Robinson has constructed about 100 structures in the downtown area. He is committed to downtown. My Clients want this civil action over so they can use the land for it intended purpose.

Jeff Robinson met with Mr. Mark Riggins today. They went over the plan which was prepared by Cal McKay. The Robinsons, as a part of the all-encompassing settlement agreement that I sent to you on July 2, 2020, will agree to the terms discussed with Mark Riggins. The City gets more of the Robinson's land without having to litigate that matter.

All cases, State, Federal, Court of Appeals would be dismissed with prejudice, meaning they cannot be filed again. Aside from the stated consideration paid by the City no additional money would be paid. Plaintiff's attorney's fees would be paid from the settlement funds, in other words, the parties pay their own fees. The City would seek nothing further from the Robinsons. We would pay any unpaid ordinary court costs.

I forwarded documents to you on July 2, 2020 which would resolve every pending case. That letter and the pleadings outline the terms and conditions which would resolve every pending dispute between the City and FSC and the Robinsons.

Mark R. Olson

OLSON & OLSON, PLC

112 S. Second Street, Suite 200

Clarksville, Tennessee 37040

Telephone 931-648-1517

Facsimile 931-648-9186

Cell Phone 931-302-2637

Home Phone 931-648-2007

Email molson@olsonplc.com

CONTACT INFORMATION: I am frequently out of the office. Please feel free to text me on my cell phone if I am out of the office as that is the best way to reach me, even when I am in Court. For hearing dates or appointments please feel free to also contact Ms. Claire Martin at claire@olsonplc.com or Ms. Adrienne Dority at adrienne@olsonplc.com or Ms. Diane Mersch at diane@olsonplc.com at the office telephone listed above.

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1264K





City  
of  
Clarksville

Lance Baker <lance.baker@cityofclarksville.com>

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## Potential Settlement

1 message

---

Mark Olson <molson@olsonplc.com>

Wed, Jul 29, 2020 at 2:56 PM

To: Lance Baker <lance.baker@cityofclarksville.com>

Cc: "tdahl@kturnerlaw.com" <tdahl@kturnerlaw.com>, Claire Martin <claire@olsonplc.com>, Adrienne Dority <adrienne@olsonplc.com>

Mr. Baker:

I understand the City may question what the Robinsons are willing to do with regards to the Riggins – Robinson discussions in the event the Council approves a settlement with the Robinson family.

Mr. Riggins and Mr. Robinson met yesterday. Mr. Robinson agreed to the matters which were outlined by Mr. Riggins. This includes taking an additional portion of the Robinson's lot, 3 feet upon the full length of the lot from the street to the end of the lot, for City use. It is my understanding the City wants to stage off of the lot to resolve the drainage issues. Mr. Robinson agreed to this use. The City wants to put a manhole at the back of the lot. Mr. Robinson agreed to this use. I am informed that Mr. Cal McKay has a drawing outlining the work which is desired by the City which Mr. Robinson will sign upon receipt, accepting the plans suggested. This would resolve many of the matters addressed by the Federal Action.

I want to communicate the willingness of the Robinsons to let the City do what the City needs to have done on the lot, so they can move on with construction of their new building.

Mark R. Olson

OLSON & OLSON, PLC

112 S. Second Street, Suite 200

Clarksville, Tennessee 37040

Telephone 931-648-1517

Facsimile 931-648-9186

Cell Phone 931-302-2637

Home Phone 931-648-2007

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