

**Monteagle Regional Planning Commission**  
**Regularly Scheduled Meeting Minutes**  
**Tuesday, March 1<sup>st</sup>, 2022, 6:00 P.M. CST**

Town Hall  
24 Dixie Lee Avenue  
Monteagle, TN 37356

**I. Call to Order**

Chairman, Iva Michelle Russell called the meeting to order at 6:00 pm. Ms. Russell called roll. Present: Richard Black, Vice Chairman; Janet Miller-Schmidt, Secretary; Ed Provost; Dorraine Parmley; Marilyn Rodman, Mayor. Absent: Peter Beasley.

**II. Approval of Previous Meeting Minutes**

A. February 1, 2022

Ms. Parmley made a motion to approve the minutes as distributed, seconded by Mr. Black. The commissioners voted to approve the February 1, 2022 minutes as distributed.

**III. Staff and Community Reports**

A. Planning Staff Reports

SETDD planning staff attended the 2.15.22 Town Hall meeting that was held by Monteagle Resident Volunteers for input into the upcoming Monteagle Plan.

1. Annya Shalun, SETDD, commented the Town Hall meeting was well attended and citizens responded well to the format of the meeting. The Town Hall Meeting was led by Greg Maloof and Janet Miller-Schmidt.

B. Building Inspector's Report (Earl Geary)

1. Mr. Geary reported there were not new business or building permits. He has a lot of calls about zoning in Monteagle. He reported Monteagle has not adopted a Tiny Home Code. The 2018 ICC Residential Building Code – Appendix Q will be reviewed with Mr. Geary and the commissioners.

**IV. New Business**

A. Sweeton-Laurel Lake Drive Subdivision Final Plat (Sweeton/Barry)

Mayor Rodman made a motion to approve the subdivision of the property (Plat attached) after all required signatures of Utility companies, TDEC for Septic, the Commission Secretary and filed. The motion was seconded by Ms. Parmley. The Commissioners voted to approve the motion.

B. Zoning Ordinance Amendment (SETDD Staff) Section 708 – Plant Classification (Attached)

Garrett Haynes, SETDD, Explained Section 708 – Plant Classification lists Native Species specified by the State and recommended that the Commission accept the list. Mr. Black made a motion to recommend Section 708 – Plant Classification to the Town Council for approval. The motion was seconded by Mr. Provost. The Commissioners voted to approve the motion.

C. Zoning Ordinance Amendment (Mayor Rodman) Joint IDA-IES Model Lighting Ordinance (MLO)

The Model discusses Down Lighting. Mr. Geary explained the need to identify Commercial Lighting, the old and the new, how to enforce the lighting. He suggested the need for a licensed Tennessee engineer to sign off on lighting. What about Tiny Home

lighting? Mayor Rodman suggested Town Council to take the first lead at their workshop and to table Until the next meeting.

D. New Website Information (Secretary Janet Miller-Schmidt)

Secretary Miller-Schmidt explained the information was to be helpful for citizens to determine when the Planning Commission should be approached to zoning approval. The document (attached) had been sent to all of the Commissioners, had been reviewed, spelling errors corrected and was a working document. It is ready to adopt and be posted. Mayor Rodman requested it be tabled until Mr. Geary could review the information.

E. Agricultural Zoning District Sample

This Zoning Ordinance amendment requires amendments to other sections, (see attached information and resolution). Mr. Haynes, explained this would add A-1 Zoning to the Section 402 of the Zoning Ordinances. He did not recommend the commission approve the resolution for recommendation to the Town Council at this time. Mr. Haynes said the Commissioners would be sent a survey regarding the Agriculture A-1 Land uses. Ms. Shalun will send the survey to the commissioners and Agricultural use would be further discussed before it goes public. He further explained, pulling Agriculture out of Commercial and deleting Section 503 would not affect property zoning. It would not be considered spot zoning and setbacks discussion is needed. The A-1 Agricultural Zoning Ordinance was tabled.

F. A Barn on a Farm – Site Plan (Sparacio/Barry)

Mrs. Sparacio was present to represent the “A Barn on a Farm”. SETDD has stated the proposal meets requirements for Agri-tourism (10 Acres) There is 176 acres in this property. Questions the commissioners asked: Are you planning to build a home?, Where is the parking?, Will more parking be allowed? Mrs. Sparacio responded: Yes, there will be a home, parking is on the gravel in front of the barn, if more parking is needed, there is a grassy area in front of the gravel parking. Mr. Provost made a motion, seconded by Ms. Parmley to approve the site plan as presented. The Commissioners voted to approve the motion.

G. Monteagle Development company – Final Plat (Dean Lay/Barry)

Mr. Lay explained during a special meeting of the Town Council, the street behind the Sonic property was a town street as provided by minutes from a 2008 Town Council meeting. Mr. Lay asked if the street had been named. The Commissioners did not know. The attached site plan shows a “P” on the extension of the street . Mr. Lay said the developer would put up a bond of 125% of the cost estimated for the street and would be responsible for the cost of the street continuation. The Street would be 22 feet wide. Mr. Lay tried to explain the many ways the “P” would be measured and become effective for access to other pieces of property. Then, Mr. Lay withdrew the initial version of the site plan and the commissioners made **no** decision.

V. **Hearing of Persons Having Business Before the Commission**

A. Dean Lay – regarding proposed apartments on property zoned C-2 next to Pizza Hut.

Mr. Lay wanted to remind the commissioners that his company wants to build apartments. He expressed his concern that citizens with comments regarding any of the items brought before the meetings, cannot speak to the matter until at the end of the meeting. Mr. Lay questioned the A-1 adoption and his concern regarding an Agricultural Overlay.

- B. Mr. Tim Trahan – owner of the Country Mart. He expressed his concerns regarding setbacks.  
Mr. Trahan wants “Smart Planning”. He expressed concerns about the A-1 Zoning and “A Barn on a Farm” which is adjacent to the Country Mart. Mr. Hayes explained current setbacks are 30 feet from street, 10 feet from side and 10 feet from the rear. Mr. Trahan asked how many feet the proposed “A Barn on a Farm” Was from Country Mart. It was determined to be a “Couple of Acres”. Mr. Trahan pointed out that that was not good enough. He wants a more finite determination.
- C. Further discussion ensued regarding the just approved site plan for the Sparacio Property regarding the lack of a full site plan. Mr. Black was not comfortable with “a Couple of Acres”, explanation, Mr. Geary explained the setback on the 176 acres, Councilman Nate Wilson, explained a special codes committee reviewing all of the zoning codes and ordinances is in the process of reviewing the permitting process. Mayor Rodman explained a barn can be built without a permit. Ms. Russell asked can an approval of a site plan be rescinded. Ms. Parmley made a motion to rescind the approved site plan of “A Barn on a Farm”, seconded by Mr. Black. A voice vote was taken: Mr. Black, Mr. Provost, Ms. Miller-Schmidt, Mayor Rodman and Ms. Parmley voted to rescind the site plan for “A Barn on a Farm” based on a complete and full site plan to scale be required. Ms. Russell vote not to rescind the approved site plan of “A Barn on a Farm.” The motion carried to rescind the approved site plan was 5 to 1.

**VI. Adjournment**

Ms. Parmley made a motion to adjourn the meeting, seconded by Mr. Black. The meeting was adjourned at 7:25 pm. The next regular meeting of the Monteaale Regional Planning Commission will be April 5<sup>th</sup>, 2022 at 6:00 P.M. CDT.

Submitted by,

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**Iva Michelle, Chairman**

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**Janet Miller-Schmidt, Secretary**



Monteagle Regional Planning Commission  
Special Call Meeting Minutes  
Tuesday, March 22<sup>nd</sup>, 2002, 6:00 CDT

Town Hall  
16 Dixie Lee Avenue  
Monteagle, TN 37356

**Agenda**

I. **Call to Order**

At 6:00 P.M., Iva Michelle Russell, Chairman, call roll. Those Present: Richard Black, Vice-Chairman; Janet Miller-Schmidt, Secretary; Ed Provost; Peter Beasley; Dorraine Parmley; Marilyn Rodman, Mayor

II. **New Business**

A. A Barn on a Farm – Site Plan (Sparacio/Barry)

Discussion regarding Farm-Agriculture Codes. The Mayor told the commissioners that she was unable to download the minutes from the Spring of 2019 as the town website was inoperable today. She had read the minutes from that period which indicated the Sparacio property was within the definitions at the time and the minutes indicated there was to be a Planning Commission meeting to review the Plan for the property and a Board of Zoning Appeals meeting. But minutes from the Planning commission and the Board of Zoning Appeals in the Spring of 2019 were not found which may indicate those two committees did not meet regarding the property in question.

Nate Wilson, Town Alderman, but not speaking in that capacity, told the commissioners that in a conversation with Garrett Haynes and Annya Shalun, both Planners with the Southeast Tennessee Regional District Department, determined the property has been Agricultural property since 1998. Mayor Rodman noted the property had been feral for two years before Mr. Matt Sparacio had purchased it.

Chairman Russell, read to the Commissioners from the Attorney General's opinion regarding State Statues 6-54-126, 1-3-305 and 43-1-113 dated May 5, 1998. In short, the Attorney General's opinion was that municipalities cannot regulate agricultural land.

Ms. Russell, then asked how does the property fit into the C-2 , which this property is assigned in the Monteagle Zoning Ordinances. Does Agritourism fit into C-2? Yes. Section 301 – Zoning District Descriptions, Section 501 – Schedule of Permitted Uses and Section 503 – Agricultural Uses of the Monteagle Zoning Ordinances.

*301 -Zoning District Descriptions “B. The C-2 Highway Business District is established along selected portions of major thoroughfares to provide areas for those amusements, specialized sales, and travel accommodation activities which depend on visibility from or proximity to automobiles or traffic, serve regional travelers, cater to local residents in vehicles, or provide services essential to the movement of vehicles. It is intended that such areas have properties with lot sizes, yards, and performance and development standards sufficient to ensure that activities performed on any one lot will not unduly impede the flow of traffic, will not adversely affect activities of adjoining zones, and will not infringe on the efficiency*

*of activities or customer attractiveness of adjacent lots. It is further intended to exclude those uses which are not necessary for service to traffic, which are not dependent on traffic, and which could reasonably be located elsewhere thus not contributing to congestion of the major thoroughfare.”*

503- Agricultural Uses *“This use includes agriculture, animal husbandry, gardening, tilling of soil, the raising of crops, and horticulture, but not including the keeping or raising of domestic animals or fowl, except household pets, and not including agricultural industry or business, such as fruit or vegetable-packing plants, animal hospitals, or similar uses.*

A. *Agricultural uses are allowed within the limits of Monteagle if the property exceeds 50 acres in size.”*

Commissioner Black asked the following questions:

- A. Is the 7.5 acres as described on the plat the only Agritourism planned now and in the future of the entire 176 acres? Mr. Sparacio answered – Yes.
- B. What type of fencing will be used will be used to encompass the 7.5 acres? Mr. Sparacio responded - a woven fence.
- C. Will there be lighting installed? Mr. Sparacio answered , the business will only be open during the daylight and only on Saturdays and Sundays.
- D. Is a sign going to be installed? No was Mr. Sparacio’s response. Mayor Rodman, mentioned if a sign were to be used, Mr. Sparacio would have to get a permit and meet the Monteagle Zoning Ordinances.
- E. Does the Noise Ordinance come into play?
- F. What will happen with the Pen Waste? Mr. Sparacio responded explaining the animals will only be in a pen once a month, the organic farming model is being used with all of his animals.
- G. Where is the entrance to the planned business? Mr. Sparacio, showed the commissioners on the plat where the entrance will be and explained he was working with TDOT for permission of the access off US Highway 41A.

Mr. Tim Trahan explained that from the plat plan the proposed “A Barn on a Farm” Agritourism appeared to be on the flattest part of the property. Mr. Trahan and Mr. Sparacio mentioned the February, 2019, Council Meeting in which discussion regarding the C-2 zoning of the property next to the farm allowing for certified cattle. They both thought issues regarding the property use were going to the Planning Commission and the Board of Zoning Appeals in 2019.

Commissioner Parmley, recalled Mr. Spacario coming to the November Council Meeting and apologizing for the Pole Barn, but there was no paper presented at that time. Mr. Sparacio explained he had no contact from anyone for two months (Mr. Earl Greary, Town Building Inspector or the Southeastern Tennessee Regional Development District). In February, 2022, Mr. Sparacio was asked to provide a site plan. In March was the first time the Monteagle Regional Planning Commission laid eyes on a site plan.

Commissioner Black asked how far the planned animal pens are from the Country Mart. Again, Mr. Sparacio showed the commissioner on the site plan it is 939.05 feet from the Country Mart. Mr. Trahan agreed the distance was fine. Ms. Russell asked Mr. Trahan, “Do you agree with the premise of a gateway community for Monteagle?” He responded, Yes.



**III. Hearing of Person Having Business Before the Commission**

Mr. Trahan, owner of the Country Mart which is next to Mr. Sparacio's property explained he and Mrs. Trahan have no problem with the planned Agritourism on the property, but is disturbed that he got no communication from Mr. Sparacio or the Town of Monteagle regarding the planned use of the property. He would have liked A "Good Neighbor Policy" to have been followed. Commissioner Russell explained the Commissioners are looking into a better process and better communication. Mayor Rodman, apologized to both Mr. Trahan and Mr. Sparacio for the lack of communication regarding "A Barn on a Farm". Commissioner Provost noted the both State and Local zoning allows for the Agritourism of "A Barn on a Farm"

Commissioner Provost made a motion for the Planning Commission to approve and recommend to the Town Council the "A Barn on a Farm" site plan, seconded by Commissioner Miller-Schmidt. Chairman Russell took a voice vote. All Commissioner and Mayor Rodman voted in favor of the motion.

**IV. Adjournment**

Mr. Black made a motion to adjourn the meeting, seconded by Mr. Provost. The meeting was adjourned at 6:37 p.m.

**The next regularly, scheduled meeting: April 5<sup>th</sup>, 2022, 6:00 P.M. CDT**

# Town of Monteagle

## ➤ Regional Planning Commission

### ➤ Members of Monteagle Regional Planning Commission

Appointed 2021 - Iva Michelle Russell, Chairman; Richard Black, Vice Chair; Janet Miller-Schmidt, Secretary; Ed Provost, Dorraine Parmley, Peter Beasley and Mayor Marilyn Rodman

Contact Information: Monteagle Town Hall, 24 Dixie Lee Avenue, Monteagle, TN 37356 Phone: (931) 924-2265

### ➤ Monteagle Regional Planning Commission Meetings

Meetings are scheduled to convene on the first Tuesday of every month at 6:00 pm CST in the Monteagle Town Hall, 24 Dixie Lee Avenue, Monteagle, Tn 37356.

## ➤ Chart I

### Powers of Regional Planning Commission

- Promote the mutual cooperation of municipal planning commissions within the region, coordinate the plans of the municipalities with the regional plan, and confer with and advise municipal and county legislative bodies and officials to promote the coordinated and adjusted development of the region. (TCA 13-3-104).
- Advise county and municipal legislative bodies in the formulation of public improvement programs and the financing thereof. (TCA 13-3-104).
- Prepare and adopt a general regional plan for physical development of the region. (TCA 13-3-301).
- Regulate the development of land through subdivision regulations and site plan review. (TCA 13-3-403)
- Review and approve the design, opening, grading, paving, or lighting of any road or any utilities to be authorized or placed in any such road prior to any public officials or agency's action. (TCA 13-3-406).
- Prepare and certify to the chief legislative body a zoning ordinance and map. (TCA 13-7-102).
- Review and make recommendations for any amendment to the zoning ordinance and map. (TCA 13-7-105).

Contact Information: Annya Shalun, Regional Planner - Southeast Tennessee Development District Office: (423) 424-4261 Cell: (423) 315-6199

## Tennessee Public Meetings Act

Known as the "Sunshine Law", the Tennessee Public Meetings Act, Tennessee Code Annotated § 8-44-101 through 111, requires that all meetings of any governing body are public meetings and open to the public at all times. By definition in Section 102, planning commissions are covered by the law and must comply with the public meetings act. This means that all meetings of a planning commission are open to the general public, that adequate notice of such meetings must be given, and that minutes of the meetings must be taken and made available for public review.<sup>1</sup>

## Ex Parte Contact

Black's Law Dictionary defines ex parte as meaning "on one side only", by or for one party; done for, in behalf of, or on the application of one party only. Simply stated, a contact is ex parte if all parties involved are not properly notified of the contact.

When faced with dealing with an ex parte contact, members of a planning commission should:

- Refuse to be obligated to a particular side of any issue prior to a formal meeting of the commission
- Insist that any and all information offered to an individual planning commissioner be withdrawn or presented to the whole commission.
- On-site reviews of a proposed project should be taken by the full commission or by a committee of commissioners; not by individuals
- Written information concerning an upcoming action of the commission should be made available to all commission members.<sup>2</sup>

## Due Process

Due process protections are based in the U.S. Constitution in the 5<sup>th</sup> and 14<sup>th</sup> amendments.

"...nor be deprived of life, liberty, or property, without due process of law..." *The Constitution of the United States of America Amendment V*

"...nor shall any state deprive any person of life, liberty, or property, without due process of law..." *The Constitution of the United States of America Amendment IV*

Due process in each particular situation means an exercise of the powers of government with adequate safeguards of the rights of individuals. The essential elements of due process are notice and the opportunity to be heard. The courts have noted time and again that fairness, not wisdom, is the key element in decision-making by local governments.

To ensure due process, planning commissions must take the following steps:

- Provide adequate notice of any public hearing. The notice should be easy to read and understand and should be placed so that any interested party will see them. Adequate space and a convenient time for any public hearing should be provided. All interested parties must have the opportunity to be heard.
- Provide staff reports and other information gathered by the planning commission to the public well in advance of the meeting. Persons interested in a subject being considered by the commission should have an opportunity to see, hear, and examine all of the statements and evidence to be presented at the meeting. This includes any staff reports, plans, studies, pictures, drawings and surveys
- Provide findings of fact to support the commission's decision. Minutes and other written material should be sent to the legislative body explaining the reasoning behind the planning commission's actions on issues going before that body.
- Avoid the appearance of impropriety. The commission's decisions must be fair, impartial, and objective, unbiased by even the appearance of having been privately influenced.<sup>3</sup>

<sup>1</sup> Tennessee Department of Economic and Community Development, Local Planning Assistance Office, Tennessee Planning Commissioner Handbook, 2003, page 55.

<sup>2</sup> Ibid, page 57.

<sup>3</sup> Ibid, page 58

### ➤ Vesting Rights and Periods

Vested property rights are established for any preliminary development plan, development plan (where no preliminary development plan is required), or building permit issued to allow construction of a building to commence where there is no local requirement for prior approval of a preliminary development plan.

Contact Information: Municipal technical Advisory Service (MTAS), 1610 University Avenue, Knoxville, TN 37921-6741

Phone: (865) 974-0411 [www.mtas.tennessee.edu](http://www.mtas.tennessee.edu)

### ➤ Vesting Property Rights Act of 2014

Type of Project	Effective Date	Vesting Period	Total Vesting Period to Maintain Vested Rights	Required Actions
Building Permit (No development plan required)	Date of Issuance of Building Permit	Period authorized by the building permit	Period authorized by the building permit	Complete construction within period of authorization by the building permit
<b>Development Plan</b>				
Preliminary Development Plan	Date of Issuance	3 years	3 years	Obtain Final Development Plan approval; secure permits; and commence site preparation
Final Development Plan	➤ 3 years from date of preliminary Plan approval -----	➤ 2 years -----	➤ 5 years -----	➤ Commence construction; maintain permits
	➤ 5 years from date of preliminary Plan approval	➤ 5 years	➤ 10 years	➤ Complete construction; maintain permits
Multi-phase or sections	Date of Issue of Preliminary Development Plan	Separate vesting period for each phase or section	15 years	Complete construction for each phase; maintain permits

### ➤ Common Questions:

- If a property is sold after it has been vested, does the vestment stay with the property or does it belong to the previous owner? The vestment stays with the property.
- Can the Regional Planning Commission make conditional or contractual zoning? No. The State General Assembly passed a ruling to make it unlawful. (when effective and section ???)
- Once a property has been approved for a non-conforming use by the Regional Planning Commission, does that non-conforming zoning stay with the property in perpetuity? Rezoning can be changed if condition shave changed.
- Can a building permit be issued for a land locked lot? No, the lot must have an access road.



## ➤ Boards of Zoning Appeals

What are the legal powers of the Board of Zoning Appeals? The state enabling statutes as cited in Section 13-7-207 of the Tennessee Code Annotated delimit the responsibilities of Boards of Zoning Appeals.

### List of responsibilities of BZA:

1. The first enumerated power is to hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the municipal building commissioner or other municipal official in the carrying out or enforcement of any provision of the zoning ordinance.
2. The second specified power within the Tennessee Code Annotated is to hear and decide, in accordance with the provisions of the zoning ordinance, requests for special exceptions (conditional uses) or for interpretation of the zoning map.
3. The third power delegated to Boards of Zoning Appeals by way of Tennessee's enabling laws is as follows: Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the zoning regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulations would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship; provided such relief may be granted without substantially impairing the intent and purpose of the zoning plan and zoning ordinance.