

**SUMNER COUNTY PLANNING COMMISSION
MINUTES
FEBRUARY 26, 2019
5:00 P.M.**

**SUMNER COUNTY ADMINISTRATION BUILDING
BETHEL BROWN COUNTY CHAMBERS
355 N. BELVEDERE DRIVE
GALLATIN, TN. 37066**

MEMBERS PRESENT:

**LUTHER BRATTON, CHAIRMAN
BILLY GEMINDEN, VICE-CHAIRMAN
MIKE HONEYCUTT
JERRY KIRBY
GENE RHODES
CHRIS TAYLOR
TOM TUCKER
JIM WILLIAMS**

MEMBERS ABSENT:

STAFF PRESENT:

**JOSH SUDDATH, DIRECTOR OF PLANNING & STORMWATER
LINDA MCCULLOUGH, ASSISTANT TO THE DIRECTOR
TRACEY BARROW, STORMWATER MANAGER
LEAH MAY DENNEN, COUNTY ATTORNEY
BEN ALLEN, STAFF ATTORNEY**

**MOTION FOR APPROVAL OF THE JANUARY MINUTES BY MR. HONEYCUTT,
SECONDED BY MR. GEMINDEN. MOTION PASSED UNANIMOUSLY.**

**MOTION FOR APPROVAL OF THE FEBRUARY AGENDA BY MR. HONEYCUTT,
SECONDED BY MR. WILLIAMS. MOTION PASSED UNANIMOUSLY.**

**ELECTION OF OFFICERS: MOTION TO ELECT LUTHER BRATTON AS
CHAIRMAN BY MR. TAYLOR, SECONDED BY MR. HONEYCUTT. MOTION
PASSED UNANIMOUSLY. MOTION TO ELECT BILLY GEMINDEN AS VICE-
CHAIRMAN BY MR. HONEYCUTT, SECONDED BY MR. TUCKER. MOTION
PASSED UNANIMOUSLY.**

**PUBLIC COMMENT: Mr. Bratton stated that anyone who would like to speak on item #1
to sign in and also asked that Board if the rules could be suspended to allow the public to
speak regarding item #5.**

Motion to suspend the rules to allow the public to speak for three (3) minutes regarding item #5 by Mr. Rhodes, seconded by Mr. Taylor. Motion passed unanimously.

Mr. Suddath stated that if it would be acceptable, he would volunteer his services to give the speakers a heads up when they are approaching the time limit.

**1. 2019-01: SUBDIVISION REGULATIONS - PLANNING COMMISSION
RESOLUTION 2019-01: A RESOLUTION RELATED TO THE ADOPTION OF A
REVISED SET OF SUBDIVISION REGULATIONS BY THE SUMNER COUNTY
REGIONAL PLANNING COMMISSION**

Mr. Suddath presented an overview of this item including the background of the powers of a regional planning commission. Mr. Suddath stated that Tennessee Code Annotated Title 13 Chapter 3, states that, "In exercising the power granted to it...the regional planning commission shall adopt regulations governing the subdivision of land within its jurisdiction." Mr. Suddath stated that the County Subdivision Regulations were first adopted on March 28, 1958 and have been amended several times since. Mr. Suddath stated that if adopted, he will present the regulations to the Planning Commission on an annual basis with minor changes as necessary. Mr. Suddath concluded his presentation.

Mr. Bratton opened the floor for the public hearing.

Mr. Eric Rion, 223 The Hollows Court, came forward to encourage the Board to adopt the new Subdivision Regulations especially with the new infrastructure plan.

Mr. David Shumaker, 204 The Hollows Court, came forward to state that he liked what the County was doing with the new Subdivision Regulations to help clarify to the citizens, engineers, and the new developers coming into the County. Mr. Shumaker stated that he liked that engineers are being involved in the design to help certify that the infrastructure is being completed. Mr. Shumaker stated that he strongly supports the County to budget for a County Engineer and additional inspectors for the County.

Mr. Ray Baker, 199 The Hollows Court, came forward with concerns with Somerset Downs PUD Amendment, Phase 7. Mr. Baker stated that he was not against it, but if approved, would there be a full set of plans in place to show that the Stormwater Resolution is mitigated better than it was in the past. Mr. Baker stated that no one can do anything about the rain fall, but there is a lot that can be done with stopping a retention pond that will flood their area easier.

Mr. Richard Graves, 1768 New Highway 52E, came forward and stated that the surveyors did a good job working with staff on the new regulations. Mr. Graves stated that there is one area the he and Mr. Suddath disagree on and that is the engineer stamping the final plat. Mr. Graves stated that the engineers sign and stamp the

construction plans and that the final plat is just used to transfer property, ownership, easements, etc. An engineer cannot sign and stamp a plat for a surveyor nor can a surveyor sign and stamp construction plans. Mr. Graves stated that he feels that this would be an overlap by doing this process. Mr. Graves stated that an engineer certificate can be with the preliminary plat or sign an official certificate with the construction drawings.

Ms. Susie Pemerton, 1237 Willis Branch Road, came forward and agreed with the others that an engineer is good for the county. Ms. Pemerton stated that her road is having problem because the engineer for the city did not follow through with what the subdivision regulations called for. Ms. Pemerton added that she liked the steps that the Planning Commission is taking to stop property from being damaged by future developments.

After confirming that no one else in the audience wished to speak on item #1, Mr. Bratton closed the public hearing.

Mr. Bratton asked Mr. Suddath if he would like to respond to Mr. Graves's disagreement with the proposed Subdivision Regulations.

Mr. Suddath stated that he respectfully disagrees with Mr. Graves. Mr. Suddath stated that the final plat operates by reference all the work that has went into the plat. The final plat does not stand alone, it references the construction plans, the preliminary plat, and all the other documents turned to support the final plat. So when the Planning Commission has to approve that final plat and create those lots, they are looking at all the other documents that went with it and feel confident that the final plat can get approved. By having everyone involved certifying, it tells the Planning Commission that all the requirements have been met and all engineering standards, just like the signing of the Planning Secretary, it states that it meets all the requirements. It assures that everyone is standing behind the work they have done throughout the process.

Mr. Bratton asked Mr. Suddath that he recommends to the Planning Commission to keep the signature of the engineer to stay in the Subdivision Regulations.

Mr. Suddath stated yes he does.

Motion to approve Resolution 2019-01, a Resolution related to the adoption of a revised set of Subdivision Regulations by Mr. Geminden, seconded by Mr. Taylor. Motion passed unanimously.

Mr. Geminden stated that Mr. Suddath did a great job on the new Subdivision Regulations and that these new regulations might not help the citizens that spoke tonight but that it is a step forward in helping future developments.

2. 2019-02: DISCLAIMERS - PLANNING COMMISSION RESOLUTION 2019-02: A RESOLUTION RELATED TO PLANNING AND STORMWATER DEPARTMENT POLICY FOR COLLECTION OF LAND DISTURBANCE PERMIT FEES

Mr. Suddath presented an overview of the Land Disturbance Permit process. Mr. Suddath stated that currently a fee of \$300.00 is collected for properties under 5 acres and properties over 5 acres (disclaimers) are at no charge. Mr. Suddath stated that in the calendar year 2018, \$82,800.00 was collected on permits. Mr. Suddath stated that if the department had charged for the disclaimers, the department would have collected an additional \$61,000.00 in revenue. Mr. Suddath stated that by implementing the \$300.00 fee for all non-agricultural, regardless of the acreage, would recoup inspection cost since all properties have to be inspected. Mr. Suddath stated that there will be no fee for agricultural properties if the property owner meets the following requirements:

- Must be in the Greenbelt
- 15 acre minimum for Greenbelt properties
- Activity must be related to agriculture (constructing barns, covered stock pens, etc.)
- Building a single family home on the property with a driveway probably would not be exempt (Stormwater Resolution only exempts "Agricultural Land Management Activities")
- A determination will be made on a case by case basis taking specifics into account

Mr. Suddath stated that if the Planning Commission approves this resolution, Staff will put item into place to go to the full County Commission. If approved, this fee would be implemented on July 1, 2019.

Mr. Bratton asked Mr. Suddath that if a property owner has enough property to qualify for Greenbelt but chooses not to sign up for it, does this disqualify him for the exemption.

Mr. Suddath stated that in order to qualify as agricultural exemption it would have to be defined as agricultural property. Mr. Suddath stated that it is rare for a 40-50 acre property not to be in Greenbelt, they are usually in some variation of the Greenbelt. Mr. Suddath stated that if the property owner is calling it a farm, the State calls it a farm, and the County calls it a farm, we will all agree it's a farm.

Motion to approve Resolution 2019-02, a Resolution related to Planning and Stormwater Department Policy for collection of land disturbance fees by Mr. Taylor, seconded by Mr. Honeycutt. Motion passed unanimously

**3. 2019-03: BUDGET RECOMMENDATIONS - PLANNING COMMISSION
RESOLUTION 2019-03: A RESOLUTION RECOMMENDING ADOPTION OF
THE OPERATING BUDGET REQUEST FOR THE SUMNER COUNTY
PLANNING AND STORMWATER DEPARTMENT FOR FISCAL YEAR 2020**

Mr. Suddath presented an overview of the Planning and Stormwater department's operation. Mr. Suddath stated that the department's core mission is to process development applications and presenting items for consideration to the Planning Commission and the Board of Zoning Appeals in accordance with State Law and complying with the County's MS-4 (Permit) per the State. Mr. Suddath stated that the County does not have an in-house Engineer. Mr. Suddath stated that this department budget request would include a department Engineer, a Development Technician, and a Construction Inspector. Mr. Suddath presented a description of each new position's job duties. Mr. Suddath presented an overview of the budget to be submitted to the Budget Committee.

Motion to approve Resolution 2019-03, a Resolution recommending adoption of the annual budget request for the Sumner County Planning and Stormwater Department for fiscal year 2019-2020 by Mr. Honeycutt, seconded by Mr. Taylor. Motion passed unanimously

**4. BAKER PERDUE ESTATES, PHASE 4 – PRELIMINARY PLAT –
REPRESENTED BY RICHARD GRAVES – 1ST COMMISSION VOTING
DISTRICT (Moe Taylor and Terry Wright) – Applicant is requesting Preliminary Plat
approval for a 23-lot subdivision located on Breanna Blvd and Ashley Dawn Court.
Subject property is located on Tax Map 030, P/O Parcel 029.00, contains 30.81 acres, and
is zoned Agricultural.**

Mr. Suddath gave an overview of the history of Baker Perdue Estates, Phase 4 to the Board. Mr. Suddath stated that the applicant has submitted a comprehensive set of construction drawings showing all drainage and road improvements. Mr. Suddath stated that the applicant indicated that all infrastructure will be constructed to a point of substantial completion prior to returning for final plat approval, to include roads and drainage. Mr. Suddath stated that at the time of the final plat stage, a bond will need to be provided in an amount totaling 110 % of any remaining items.

Mr. Suddath stated that there are some outstanding issues to include:

- **Streets:**
 - Two new County Roads proposed: Ashley Dawn Court and Breanna Blvd. TDOT permit required.
 - Applicant plans to install all infrastructure to a point of substantial completion after approval of Preliminary Plat, but before seeking approval of the Final Plat.
 - Road Superintendent Comment: Breanna Blvd. cul-de-sac not depicted on plat, but is shown on the construction drawings; all proposed infrastructure must be depicted on plat.
- **Fire Protection:**
 - Hydrants will be escrowed with Portland Utilities. Receipt or other documentation must be submitted with the Final Plat.
- **Drainage:**
 - Drainage infrastructure is not depicted on the Preliminary Plat.
 - Must be shown on the plat and must be shown in a drainage easement. Construction plans do depict the drainage infrastructure. These two plans must match.
 - The applicant has not provided any information regarding how drainage infrastructure will be maintained.
 - Planning Commission has expressed concern in the past at allowing detention ponds to become the responsibility of the homeowner.
 - Applicant does not plan to create a homeowner's association (recent parallel: Bledsoe Crossings)

Mr. Suddath stated that the proposed plat states, individual lot owners will bear sole responsibility for maintaining drainage infrastructure that will serve the entire subdivision. Mr. Suddath stated that the concerns for that type of drainage infrastructure includes:

- Truly significant maintenance costs on a recurring basis.
- In the event of a catastrophic event, individual homeowners will be personally responsible for purchasing hardware (culvert, headwalls, emergency overflow, etc.), as well as any design and engineering work that would be necessary. Also would have to pay crews to conduct repairs.
- Potential Questions: What happens if lots containing drainage infrastructure don't sell? If they sell but no home is built? If a home is built but it is foreclosed on at some point?
- How is maintenance to be enforced?

Mr. Suddath showed pictures to the Board of detention pond failures that have occurred in Sumner County.

Mr. Suddath stated that since there is no type of maintenance plan was submitted, and due to the serious long term life safety/property maintenance issues, he would recommend that the applicant provide a detailed plan to the Planning Commission regarding how these issues will be addressed prior to any Preliminary Plat approval being granted by the Planning Commission.

Mr. Suddath stated that the proposed next steps include:

- Applicant has stated that their plan is to develop the entire phase without sub-phasing.
- Applicant's stated plan is to construct all infrastructure for the phase following preliminary plat approval and bring back to the Planning Commission for final plat when it is substantially complete.
- At that time they need to provide a bond adequate to cover 110% of construction lots for all remaining improvements for one year warranty period.

Mr. Richard Graves stated that the engineering plans and the preliminary plat will be corrected and that the developers will turn in an HOA to be recorded with the final plat to address the drainage issues.

Mr. Bratton asked the Board how they would like for the issues to be addressed.

Mr. Tucker stated that the Board has heard concerns from citizens concerning drainage issues and that the Board does not have too many other options but to defer to get the drainage issue addressed.

Motion to defer a decision on the Preliminary Plat for Baker Perdue Estates, Phase 4 until the March, 2019 Planning Commission meeting in order to give the applicant time to provide the Commission with a written plan related to responsibility for maintenance of drainage infrastructure in the subdivision by Mr. Taylor, seconded by Mr. Geminden. Motion passed unanimously

- 5. SOMERSET DOWNS, PHASE 7 – PUD AMENDMENT – REPRESENTED BY RAGAN-SMITH – (7TH COMMISSION DISTRICT – Loren Echols and Gene Rhodes)** – Applicant is requesting a PUD Amendment related to property located on Luxborough Drive. Amendment would allow future division of a proposed 3.63 acre home site into 5 total home sites with a minimum lot size of 12,000 feet. Subject property is on Tax Map 123, Parcel 035.01, contains 3.63 acres and is currently zoned Low Density Residential PUD.

This item was approved by the Planning Commission to move forward to the County Commission at the October 23, 2018 meeting. Item was deferred back to the Planning Commission by the County Commission on January 28, 2019.

Mr. Suddath gave an overview of the background for this item including:

- Somerset Downs Planned Unit Development originally approved October 2006
- Phases 5 and 6 approved March, 2014
- A rezoning and Preliminary PUD amendment was approved for Phase 7 by the Planning Commission in November, 2017 and the County Commission in December, 2017.
- This action would essentially supersede that PUD amendment.
- This item appeared before the County Commission at their January, 2019 meeting, and was referred back to the Planning Commission for additional review for the following issues:
 - The timing of installation of a proposed pond for Phase 6
 - The timing of improvements to an existing detention basin in Phase 5
 - County Commission expressed concern with approving a plan to add more lots to the development with these two issues unaddressed, and with significant drainage issues ongoing in an adjoining neighborhood.
 - It is anticipated that getting these pond issues addressed will help alleviate some issues downstream.
 - Requested that the applicant provide information to the Planning Commission, and that the Planning Commission determine whether to refer it to the County Commission

Mr. Suddath showed the Board pictures of the phases for Somerset Downs and the existing drainage of the detention ponds. Mr. Suddath also showed there the new detention pond will be added with phase 6 and a pond from phase 5 that has not been completed and is not functioning at this time.

Mr. Suddath stated that the next steps for Somerset Downs PUD Amendment include:

- This is a proposed plan amendment, and not a subdivision plat, which actually creates lots.
- 60 day requirement in State Statute for subdivision plats
- Planning Commission is under no obligation in terms of State Law to refer this item back to the County Commission until it is satisfied that all concerns have been addressed
- If positive recommendation from Planning Commission is given, request to amend the PUD will go to the Legislative Committee for 2 readings
- Note: May be sent back to Planning Commission for study at any time
- Request will then go to Full County Commission for a vote
- Note: May be sent back to Planning Commission for study at any time
- If approved, Final Plan Amendment for Phase 7 goes back to Planning Commission

- Final Amendment may be accompanied by a Preliminary Plat for Phase 7, which must include:
 - Full set of construction drawings depicting all drainage and road improvements (Note: All requirements contained in Stormwater Resolution will be enforced).
 - Stormwater Maintenance Agreement
- Applicant Constructs Infrastructure
- After Substantial Completion, Final Plat may be recorded, lots may be sold

Mr. George Welch with Ragan Smith came forward to explain this request. Mr. Welch stated that after meeting with some of the neighbors and an inspection of the pond from phase 5, it was concluded that the detention pond was not installed correctly. Mr. Welch stated that the developer is committed to making sure that pond if fixed properly but that they have not had a chance to work in the pond with all the rain. Mr. Welch stated that once the pond is fixed, this should relieve the water issues downstream that the neighbors are having. Mr. Welch stated that the item being represented tonight is phase 7 and that runoff goes toward Long Hollow Pike, not The Hollows, and they would like approval to move forward with the construction documents. Mr. Welch stated that with the approval of phase 7, it does not mean that the developer can go out and start working, they have to create detailed plan designs. Mr. Welch stated that in the meantime, the developer will work with the contractor to get the drainage problem fixed.

Mr. Bratton asked Mr. Welch what was he seeking approval of from the Board.

Mr. Welch stated that he is seeking approval to move forward with the PUD Amendment for Phase 7.

Mr. Taylor made a motion to defer the item until drawings and plans have been submitted and work has been done on the detention pond in Phase 5.

Mr. Bratton asked if everyone understood the motion that was on the floor.

Mr. Taylor asked if the applicant could show proof that the work has been done correctly.

Ms. Dennen stated that the Board could ask them to show proof.

Mr. Taylor added to his motion that the Board receives proof that the drainage is flowing correctly.

This motion was seconded by Mr. Honeycutt.

Mr. Bratton asked Mr. Welch if he understood the motion.

Mr. Welch stated that he did however since the plans have already been approved, could the developer post a bond as assurance that the work on the pond be done. Mr. Welch stated that by completely shut the developer down from moving forward with Phase 7 will cause unnecessary delay.

Mr. Taylor asked Mr. Welch who was the current developer, and has it been the same one since the beginning of the subdivision.

Mr. Welch stated that it has been the same developer from the beginning.

Ms. Dennen stated that she has a problem with posting a bond for private property. Ms. Dennen stated that road, curbs, and sidewalks can be fixed, but if the developer does not do the work he said he would, the County will have a great deal of difficulty going onto private property to address the issue.

Mr. Bratton asked Mr. Welch if he understood the concern from Ms. Dennen about operating on private property.

Mr. Welch stated that he did.

Mr. Welch stated that there is approval on Phase 7, and since the amendment would be for the additional 3.63 acres, would they be allowed to move forward with the approved lots. Mr. Welch asked the Board what his options were since it was deferred back to the County Commission.

Mr. Suddath stated that the motion was not to defer back to the County Commission, it was to defer until additional plans are submitted. Mr. Suddath stated that he could not speak to what options Mr. Welch needs to take.

Ms. Dennen stated that her recommendation would be to get the work done and get the amendment back to the Board. Ms. Dennen stated that Mr. Suddath could put the item back on the agenda for March and that hopefully the work will be done or at least a portion.

Mr. Bratton asked Mr. Taylor if he expects the project to be complete before bringing this back to the Board.

Mr. Taylor stated that he does.

Mr. Suddath stated that Phase 5 plans that include the detention pond was approved by the Planning Commission at some point so what we will be requesting is that the pond be built according to the approved plans.

Mr. Taylor stated that Mr. Welch has new plans of how to fix the pond since the original plans did not work and stated that he wants this to be fixed.

Mr. Suddath asked Mr. Welch if there were new plan to fix the detention pond, other than the small one.

Mr. Welch stated that the plans for the diversion was approved with Phase 5 but contractors were changed during this phase and the pond was not a piece that was completed. Mr. Welch stated that after doing some site inspections, they realized that the pond had not been completed.

Mr. Bratton stated that the plans were there, it just was not installed per the plans at that time.

Mr. Taylor stated that it does not matter to him which plans are used as long as the job is completed. Mr. Taylor stated that he would like Mr. Suddath office to oversee the project to make sure it is completed correctly.

Mr. Bratton stated that he would assume that a consultant would be used since the original plans were older.

Mr. Suddath stated that the project will be a challenge and will require several field inspections.

Mr. Welch asked the Board if they would allow any flexibility due to the recent weather conditions.

Mr. Taylor stated that if the weather is too bad to fix the detention pond then it would be too bad to do any construction.

Mr. Welch stated that he is not asking to start construction, he's asking to get the Phase 7 amendment approved so they can start the design schedule since it takes several weeks. Mr. Welch stated that the developer will not spend money on the design plans if he's not sure the County Commission will not approve the amendment. Mr. Welch stated that he would like to get the amendment moving.

Mr. Taylor stated that he is standing by his motion.

Mr. Suddath stated that he has spoken to Ragan Smith and that getting the pond fixed is essential and that it has very serious MS-4 compliances issues. Mr. Suddath stated that the pond is a sediment trap for construction runoff and that's one of its uses during construction. Now you have the water bypassing the detention basin, it's a pretty big

deal and it's important that this is fixed quickly. Mr. Suddath stated that the County has remedies at its disposal to assure compliance if needed. Mr. Suddath stated that he feels like everyone is working in good faith and that since October, the weather has not been great. Mr. Suddath stated that if the County feels that the developer is having unnecessary delays, the County does have enforcement mechanism that can be used if the Planning Commission desires. Mr. Suddath stated that this is a pretty significant issue with the construction runoff bypassing the detention basin.

Mr. Taylor asked Mr. Suddath if the motion should be changed to allow the item be placed on the March agenda with the understanding that the item will be for discussion only.

Mr. Suddath stated that he felt that would be a good motion but with the understanding to the developer and the representative that if there is not any improvements being done that the County is within their rights to enforce that it is done according to the County's Stormwater Resolution.

Mr. Taylor stated that he would amend his motion to include that the item be placed on the March agenda to allow the developer to show improvements and that the item would be discussed at the March meeting.

Mr. Bratton stated that this item would not be for approval, just discussion.

Ms. Dennen stated that there are citizens that signed up to speak concerning this item, it may not be necessary for them to speak since it will be deferred until next month and would like the citizens input on what is being done with this item.

Mr. Honeycutt stated that it would be better to wait until next month for the citizens to speak since no approval will be made at the current time.

There was some objections from the audience concerning the last comment.

Mr. Tucker stated that the citizens came out to speak and be heard and that he feels they need to be heard.

Mr. Bratton stated that the rules had already been suspended to allow them to speak so what was the will of the body.

The Board decided to open the floor for public comment.

Mr. Eric Rion, 223 The Hollows Court, came forward to state that the pond that is not finished is behind his house. Mr. Rion stated that his property has flooded 6 times in 2018 with water being 20-30 feet wide and 6-8 inches deep. Mr. Rion stated that he has

lived at his property for 22 years and it's only flooded once and that was in 2010 before Phases 4 and 5 of Somerset Downs. Mr. Rion stated that he asked Mr. Welch if the pond that's going in will have the capacity to hold enough water in to keep from flooding and he was referred to a chart.

Mr. Joshua Cline, came forward to state that he would like to see the developers and engineers held accountable for not completing the projects in subdivisions.

Mr. David Shumaker, 204 The Hollows Court, came forward to state that he acknowledges that there are drainage issues in this area because there were no plans done in the beginning but stated that the only time there was severe flooding was in 2010. Mr. Shumaker stated that since 2014 with Phases 4 and 5 construction of Somerset Downs, the flooding is happening 2-3 times a year or more. Mr. Shumaker stated that he would like to see the problem to be fixed instead of approving more homes.

Mr. Ray Baker, 199 The Hollows Court, came forward to state that since 1995 he has seen a lot of rain events but with the recent additions to Somerset Downs, the flooding has become worse and that does not include the amendment for Phase 7. Mr. Baker stated that with more rooftop, more asphalt, and more sidewalks, the increase of water will cause more flooding if not fixed correctly. Mr. Baker stated that the developer admitted that the detention pond in Phase 5 was not put in correctly and stated that he has no faith that what is being proposed will be done correctly either. Mr. Baker stated that he hopes that before any more houses are developed the mitigation of the water is fixed.

There was some discussion about the motion and that the item coming back to the March meeting.

Mr. Taylor and Mr. Honeycutt withdrew their motion to defer the item until drawings and plans have been submitted and work has been done on the detention pond in Phase 5.

Motion to defer item to the March meeting to allow the developer to start work on the detention pond in Phase 5. Developer will need to show an aggressive improvement and the item will be for discussion only at the March meeting by Mr. Taylor, seconded by Mr. Honeycutt. Motion passed unanimously.

- 6. NOLEN ESTATES – SKETCH PLAT – REPRESENTED BY GREENLID DESIGN – 12TH COMMISSION VOTING DISTRICT (Michael Guthrie and Justin Nipper)** – Applicant is requesting Sketch Plat approval for a 6-lot subdivision located on Dusty Lane. Subject property is located on Tax Map 074, Parcel 111.00, contains 9.25 acres, and is zoned Residential (RA).

Mr. Suddath gave an overview of the sketch plat for Nolen Estates. Mr. Suddath stated that no road improvements are anticipated and the existing home on lot 4 will remain.

Mr. Suddath stated that there is an existing ditch to the rear of lots 1 and 2 and since the subdivision will disturb more than one acre, all requirements must be met according to the County's Stormwater Management Resolution.

Mr. Suddath stated that the next steps to proceed with Nolen Estates include:

- Will need to submit Drainage Calculations and Erosion Prevention & Sediment Control Plan and meet other requirements related to Stormwater Management
- Will need to receive Preliminary and then Final Plat approval from the Planning Commission

Van Oldham with GreenLid Designs came forward to answer any questions.

Mr. Bratton asked Mr. Suddath if this sketch plat met all the criteria.

Mr. Suddath stated that it did.

Motion to approve the Sketch Plat for Nolen Estates by Mr. Geminden, seconded by Mr. Honeycutt. Motion passed unanimously

- 7. DONALD ANDERSON PROPERTY – MINOR PLAT – REPRESENTED BY BRUCE RAINEY – 6TH COMMISSION VOTING DISTRICT (DeAnne Dewitt and Luke Tinsley)** – Applicant is requesting permission to create a non-buildable lot to be conveyed to adjoining property owner. Subject property is located on Tax Map 138E, Group B, Parcel 021.00 and 022.00, contains 3.37 acres, and is zoned Residential A.

Mr. Suddath stated that applicant is requesting final plat approval for a 2-lot subdivision dividing a 3.06 acre lot and would create a non-buildable lot. Mr. Suddath stated that the property runs north/south lot layout. The project would carve off .31 acres making it a non-buildable lot. Mr. Suddath explained that the smaller parcel of property that is to be combined is in the City of Hendersonville, which caused administrative problems with the approval. Mr. Suddath stated that the City of Hendersonville would not annex the property and since the properties are in two jurisdictions the properties could not be combined, lot 7A would become a non-buildable lot.

Mr. Bruce Rainey came forward to explain his request.

Mr. Suddath stated that this lot does not meet requirements contained in the County Zoning Code and would be considered an illegal lot. Mr. Suddath stated that it would be feasible for the property owners to work out an easement agreement rather than creating a non-buildable lot so that the property could be enjoyed as intended.

There was discussion.

Motion to approve the Minor Plat for Donald Anderson Property by Mr. Tucker, seconded by Mr. Geminden. Motion passed unanimously

- 8. BUMBALOUGH PROPERTY – SKETCH PLAT – REPRESENTED BY RICHARD GRAVES – 4TH COMMISSION VOTING DISTRICT (Jerry Foster and Leslie Schell)** – Applicant is requesting a hearing related to Flag Lots in minor subdivisions per Chapter IV, Section 4-102.9 of the Sumner County Subdivision Regulations. This minor plat is located on Highway 25W. Subject property is located on Tax Map 079, Parcel 002.05, contains 5.01 acres, and is zoned Agricultural.

Mr. Suddath gave an overview of the Bumbalough Property stating that the 1-lot minor subdivision contains a proposed flag lot therefore the plat must be heard by the Planning Commission. Mr. Suddath stated that approval of this request would allow Staff to sign the minor plat.

Motion to approve the Sketch Plat for Bumbalough Property containing one flag lot by Mr. Taylor, seconded by Mr. Honeycutt. Motion passed unanimously

- 9. VERIZON WIRELESS (Harold & Carol Akins, property owner) - SITE PLAN – REPRESENTED BY JOEY HARGIS, BAKER DONELSON – 1ST COMMISSION VOTING DISTRICT (Moe Taylor and Terry Wright)** is requesting Site Plan approval to construct a 255' wireless telecommunications tower with a 100' X 100' lease area. This tower will be lighted per FAA Regulations. Subject property is located at 3811 Highway 52E, Bethpage, TN 37022, is on Tax Map 029, Parcel 061.01, Contains P/O 71.50 acres, is zoned Agricultural, and is in the 1st Commission Voting District (Moe Taylor & Terry Wright).

This item was approved by the Board of Zoning Appeals on September 13, 2018.

Mr. Suddath gave an overview of the site plan request by the applicant. Mr. Suddath stated that Verizon's legal representative Baker Donelson have submitted detailed response addressing relevant portions of the County's regulations related to cell towers. Mr. Suddath stated that a complete set of construction plans have been submitted including Erosion Prevention and Sediment Control Plan, and the fall radius, on the 10,000 square feet of property to be leased for the tower. Mr. Suddath stated that an 80'x80' chain link fence will be installed around the perimeter of the leased area.

Mr. Suddath stated that if approved, the next steps include:

- If approved by the Planning Commission, the project may move forward, and a Building Permit may be obtained
- After obtaining a Building Permit, construction may begin.

Motion to approve a Site Plan for Verizon Communications, authorizing the construction and operation of a cell tower at Tax Map 029 Parcel 061.01, contingent upon:

- A. Submission of a letter from a licensed engineer certifying that the tower meets most recent design requirements and standards of the Electronics Industries Association with application for a building permit**
- B. Submission of a “Determination of No Hazard” letter from the Federal Aviation Administration concurrent with application for a building permit**

by Mr. Taylor, seconded by Mr. Williams. Motion passed unanimously

Motion to adjourn by Mr. Geminden, seconded by Mr. Rhodes. Motion passed unanimously.

Meeting Adjourned @ 7:17 p.m.

