

SUMNER COUNTY PLANNING COMMISSION MINUTES

FEBRUARY 25, 2020

5:00 P.M

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

MEMBERS PRESENT:

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

STAFF PRESENT:

JOSH SUDDATH, DIRECTOR OF DEVELOPMENT SERVICES
KATHY YOUNG, ASSISTANT TO THE DIRECTOR
RICHARD JONES, COUNTY ENGINEER
LEAH MAY DENNEN, COUNTY ATTORNEY
BEN ALLEN, STAFF ATTORNEY

Mr. Bratton called the meeting to order.

APPROVAL OF JANUARY 2020 MEETING MINUTES

Mr. Williams made a motion to approve the January 2020 Minutes, seconded by Mr. Honeycutt. Motion passed unanimously.

APPROVAL OF FEBRUARY 2020 AGENDA

Mr. Honeycutt made a motion to approve the February 2020 Agenda, seconded by Mr. Geminden. Motion passed unanimously.

At this point, Mr. Bratton announced that anyone wishing to speak during the Public Comment portion of the meeting, should sign up.

Mr. Bratton turned the meeting over to Mr. Suddath for staff presentation.

- 1. SPRING HOUSE FARMS – PRELIMINARY MASTER DEVELOPMENT PLAN & REZONING** – Represented by Meritage Homes and CSDG – 11th Commission Voting District (Scott Langford and Jeremy Mansfield) –Applicant was requesting approval of a Preliminary Master Development Plan as well as a Rezoning from Residential A (RA) to Residential Planned Unit Development (RPUD) for the purpose of creating a Medium Density Residential Development containing 155 lots. Subject property is located at **New Shackle Island**

SUMNER COUNTY PLANNING COMMISSION MINUTES

FEBRUARY 25, 2020

5:00 P.M

Road, Hendersonville, TN, 37075, is on Tax Map 138, Parcel 047.00, contains 70.6 acres and is zoned Residential A (RA).

Adjoining property owners were notified by certified mail and the agenda item was advertised in The Gallatin News and the Hendersonville Standard on February 13, 2020. THIS IS A PUBLIC HEARING.

Mr. Suddath provided an overview of the property, displaying the Public Notice that was published in The Gallatin News and The Hendersonville Standard on February, 13, 2020. Mr. Suddath stated that there was a neighborhood meeting held by the applicant on February 18, 2020.

Next, Mr. Suddath displayed an aerial photo of the subject property and the Proposed Planned Unit Development, which is an overall site development plan provided by CSDG. Mr. Suddath also displayed an aerial showing the proposed site in context to the surrounding property and developments.

Mr. Suddath then displayed wording from Article V of the County Zoning Code that explains the assignment of a Zoning Classification which is based upon density and land use purposes. Mr. Suddath provided the following comparisons between the Zoning Resolution requirements and the Proposed Development which were used to help determine the Zoning Classification for Spring House Farms PUD:

Requirements from the County Zoning Resolution related to density for Low Density Residential Planned Unit Developments:

- 2.2 dwelling units/acre maximum
- 2.2 dwelling units/acre proposed
- 1.1 dwelling units/acre with existing RA Zoning

Requirements from the County Zoning Resolution related to density for Medium Density Residential Planned Unit Developments:

- 3.5 dwelling units/acre maximum
- 2.2 dwelling units/acre proposed

Requirements from the County Zoning Code related to Open Space requirements for Low Density Planned Unit Developments:

- 5% minimum of development is required to be set aside as open space
- Applicant states that 50% of the site actually proposed as Open Space

Requirements from the County Zoning Code related to Open Space requirements for Medium Density Planned Unit Developments:

- 5% minimum of development is required to be set aside as open space
- Applicant states that 50% of the site actually proposed as Open Space.

Mr. Suddath explained that the minimum lot size is the factor that places this development into the Medium Density classification. Mr. Suddath elaborated that the Requirements from the County Zoning Resolution related to minimum lot sizes for Low Density Residential Planned Unit Developments are 9,000 sq/ft minimum, while 6,500 sq/ft minimum is proposed for Spring House Farms. Mr. Suddath also stated that, requirements from the County Zoning Resolution related to minimum lot sizes for Medium Density Residential Planned Unit Developments is 5,000 sq/ft minimum, while 6,500 sq/ft minimum is proposed. Mr. Suddath added that the

SUMNER COUNTY PLANNING COMMISSION MINUTES

FEBRUARY 25, 2020

5:00 P.M

minimum lot size depicted for this development is 6,840 sq/ft and the maximum lot size is 13,260 sq/ft.

Providing information about comparable lots within the area, Mr. Suddath displayed a map from the Sumner County Comprehensive Plan which contains The Island Brooke Development, approved in 2001, which is made up of 128 lots on 63 acres, with 9.5% open space and has a 10' perimeter buffer. Mr. Suddath also provided information of West Brook Crossing, approved in 2017, located on 45 acres, containing 99 lots, with 25% open space and a variable width buffer. Mr. Suddath stated that Victoria Place Subdivision, which is made up of 20,000 sq/ft lots, contains a varying 10' - 35' buffer. Mr. Suddath also described The Retreat at Norman Farms, which was approved in 2019, containing 234 lots on 156.6 acres, with 57% open space and 9,000 sq/ft minimum lot size.

Mr. Suddath provided maps of the Sumner County Comprehensive Plan, showing that the area where this development is proposed is in the Mixed Use Neighborhood and stated that this development is in compliance with the Comprehensive Plan guidelines.

Next, Mr. Suddath displayed the proposed typical lot layout for this development, showing a 22' front yard setback, and 8' rear and side yard setbacks. Mr. Suddath stated that the available parking is described as 620 spaces for the homes with 45 additional spaces, totaling 665 spaces. Also, Mr. Suddath displayed the three architectural designs and images of the proposed homes, which include: carriage house, standard side load and front load designs.

Mr. Suddath stated that the internal roads proposed either meet or exceed the standards of the Sumner County Regulations, by proposing 24 foot pavement width. Mr. Suddath stated that the development will directly access New Shackle Island Road and is proposed to have two road stubs to adjacent properties to the west and to the south. Mr. Suddath added that overflow parking, provided by the applicant throughout the development, totals 45 additional spaces. Mr. Suddath displayed the internal road cross-street sections, pointing out that there will be sidewalks on both sides of the streets.

Mr. Suddath explained the required traffic study findings that noted the following:

- Left turn lane must be installed along New Shackle Island Road accessing the Development
- Right turn de-acceleration lane must be installed along New Shackle Island Road
- Minimum of 100 feet of vehicle storage must be installed for each of these lanes.

Mr. Suddath stated that these required improvements are depicted on the Preliminary Master Development Plan. Mr. Suddath added that all improvements to New Shackle Island Road are to be complete prior to any lots being sold or the issuance of any building permits for any homes and must be complete prior to recording of a Subdivision Plat for the first phase of the development.

Next, Mr. Suddath provided a pictorial depiction of the Road Improvements Plan, and explained the 100 feet of "car storage" in the left turn lane, determined by the applicant's engineer. Mr. Suddath stated that the technical complexity of the traffic flow may need to be deferred to the project engineer.

SUMNER COUNTY PLANNING COMMISSION MINUTES

FEBRUARY 25, 2020

5:00 P.M

Addressing the offsite improvements contribution, Mr. Suddath stated that the county has a project with the Nashville Metropolitan Planning Organization to improve the traffic signal at New Shackle Island and Drakes Creek Road. Additionally, Mr. Suddath stated, the developer has offered a voluntary dedication of \$1,150 per lot to the County to assist in paying for these offsite improvements. The total amount (155 lots X \$1,150 = \$178,250 total) would be used for the traffic signal, above and beyond required road improvements for this development discussed earlier. Mr. Suddath stated that these funds are to be paid by the developer to the County upon issuance of a Land Disturbance Permit for Phase 1, adding that the actual amount would be determined based upon how many lots are in the Development within an approved Final Master Development Plan.

Next, Mr. Suddath displayed an aerial and street level photo of the intersection of New Shackle Island Road and Drakes Creek Road.

Mr. Suddath went on to explain the Drainage for Spring House Farms, stating that numerous water quality/detention basins are depicted throughout the planned development, in addition to TDEC required stream buffers and wetlands that are to be preserved and enhanced. Also, Mr. Suddath stated that fully engineered construction plans must be submitted at the Preliminary Plat stage for overall drainage network, adding that care must be taken to ensure that offsite drainage impacts are not imposed on adjacent properties, particularly to the south. Mr. Suddath also stated that post-development stormwater flows must not exceed predevelopment stormwater flows and the County/State water quality requirements must be met.

Next, Mr. Suddath displayed an image of the Preliminary Grading and Drainage Plan depicting the drainage ponds, pointing out one pond, labeled as an “enhanced wetland”, which must be monitored as development proceeds.

Next, Mr. Suddath addressed the proposed amenities, stating that the Development proposes to be governed by a Homeowner's Association, (Spring House Farms Homeowner's Association) which will be responsible for maintenance of all common elements, including all recreation areas, drainage network, and entryway signage. Mr. Suddath stated that draft HOA restrictions and by-laws have been submitted and will need to be finalized with the submittal of the Final Master Plan.

Mr. Suddath stated that developers have provided a pattern book depicting the development's proposed amenities, including hiking/biking trails, usable open space, smaller “pocket parks”, as well as a community swimming pool. Mr. Suddath added that, as presented, the amenities meet Zoning Resolution's requirements related to required “Recreation Plans”.

Mr. Suddath stated that all lots will be fronted by sidewalks to be installed by homebuilders.

At this point, Mr. Suddath displayed the Open Space Preservation Plan, an artist's rendering of the entryway, signage and community amenities. Mr. Suddath stressed the importance of amenities being installed with each phase, before proceeding to the next phase.

At this point, Mr. Suddath explained the next general steps which include:

- Rezoning and Preliminary Master Development Plan approval request will go to the Legislative Committee for 2 readings

SUMNER COUNTY PLANNING COMMISSION MINUTES

FEBRUARY 25, 2020

5:00 P.M

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, rezoning will become effective at that time
- Final Master Development Plan goes back to Planning Commission
- Final Master Development Plan may be accompanied by a Preliminary Plat, which must include:

Full set of construction drawings depicting all drainage and road improvements

- Applicant Constructs Infrastructure
- After Substantial Completion, Final Plat may be recorded, lots may be sold.

Mr. Suddath completed his presentation with example motions.

Mr. Bratton called the developer's representative forward.

Mr. Hal Clark, a Planner and Landscape Architect with CSDG, stated that the presentation by Mr. Suddath was a good summary of the project. Mr. Clark added that he would like to highlight a few topics, stating that during the planning phase, a lot of attention is given to the neighborhood, physical and topographical context of the site. Mr. Clark also emphasized the regulatory framework and zoning requirements which guided the creation of the project, stating the goal of using the Low-density PUD model found in the Sumner County Zoning Codes. Mr. Clark reemphasized the proposed density of 2.2 homes per acre.

Mr. Clark also stated that the focus on the natural amenities is seen in the way the 70-acre land is divided into 35 acres for development area and 35 acres for open space and amenities.

Mr. Clark stated that the 155 lots back up to the open space and stressed the emphasis place on pedestrian zones.

Mr. Clark discussed the parking spaces for each home including 45 additional parking spaces throughout the development, as well as the desire to enhance the natural elements with regards to the entry of the development.

At this point, Mr. Bratton opened the Public Hearing, inviting those who wish to speak, to sign up. Mr. Bratton added a request that all speakers please limit their comments to three minutes.

Referring to the sign-up sheet, Mr. Suddath called the first speaker forward.

Dr. Bill Taylor, 200 Oak Hill court, Hendersonville, TN, expressed opposition to this development, stating concerns with the density, size of lots, front-loading garage homes and inadequacy of parking areas Dr. Taylor stated that although the developers say they are preserving 50% of the property as green space, they are not telling that it is because 50% of the area is unbuildable, due to topographical constraints. Elaborating on the parking issues, Dr. Taylor stated that half of the development cannot access the 45 extra parking spaces, therefore, if residents have guests, they will be parking in the streets, creating a dangerous public safety issue. Also, Dr. Taylor stated that there should be two entrances to the subdivision, emphasizing the concern for public safety. Dr. Taylor stated that the developers need to fund the Traffic light

SUMNER COUNTY PLANNING COMMISSION MINUTES

FEBRUARY 25, 2020

5:00 P.M

completely, not just donate money toward it. Dr. Taylor also added the need for a Bond to establish any recourse for runoff problems that may affect the surrounding neighbors. Dr. Taylor concluded by asking for a denial or deferral of the request.

Mr. Suddath called the next speaker, Sharon Skaggs.

Ms. Sharon Skaggs, 797 New Shackle Island Road, Hendersonville, TN, stated that her property touches the proposed development. Ms. Skaggs stated opposition to this development, citing traffic concerns, stating that 150 new homes will mean 300 more cars in an area that is already congested. Ms. Skaggs also expressed concern with overflow parking in the street.

Mr. Suddath introduced the next speaker, Mr. Elizer.

Mr. John Elizer, 785 New Shackle Island Road, Hendersonville, TN, stated that he is concerned with the developer's intent to develop the wetland, stating that the live springs and wells on the surrounding properties could be contaminated by the runoff water from all the soil areas being populated with buildings, concrete, and driveways. Mr. Elizer asked for a denial of the request.

Mr. Suddath introduced then next speaker, Sarah Elizer Ezell.

Mr. Sarah Elizer Ezell, 787 New Shackle Island Road, Hendersonville, TN, stated that she and two family members own the property that runs the full length of the side of the proposed development. Ms. Ezell stated that she opposes this request, citing concerns with water issues, detention ponds, mosquitoes, runoff water, health hazards, blasting, density, increased traffic, and school enrollment. Ms. Ezell asked for a denial of the request.

Mr. Suddath introduced then next speaker, Jackie Jones.

Mr. Jackie Jones, 726 New Shackle Island Road, Hendersonville, TN, stated that as Durham Farms has been developed, traffic on the road has increased. Mr. Jones stated concern that the area has not yet seen the full impact from that development and therefore any traffic study is not correct. Also citing concern of runoff water, Mr. Jones emphasized his opposition to this request.

Mr. Suddath introduced then next speaker, Mark Carver.

Mr. Mark Carver, expressed appreciation to the Board and Staff, then stated opposition to this request, raising concern that the application does not match the Zoning for this area, especially with regards to the density. Mr. Carver stated that this type of housing is not in demand and then also raised concerns of the traffic, mentioning the current infra-structure problem within this county.

Mr. Suddath introduced the next speaker, Rick Hackett.

Mr. Rick Hackett, 795 New Shackle Island Road, Hendersonville, TN, stated that because of topography, the houses in this development have been pushed next to the Elizer property. Mr.

SUMNER COUNTY PLANNING COMMISSION MINUTES

FEBRUARY 25, 2020

5:00 P.M

Hackett stated that there is already stormwater runoff issues there, which will be significantly increased if this is developed. Adding concerns over tax increases, water lines and fire protection, Mr. Hackett asked for a deferral on this item.

Mr. Suddath stated that no one else had signed up to speak.

At this time, Mr. Bratton called the developer forward to address these aforementioned concerns.

Mr. Ryan Lovelace, with CSDG, the civil engineer for the Spring House Farms Development, came forward. Addressing concerns of drainage and traffic, Mr. Lovelace stated that there had been a neighborhood meeting a few weeks prior, during which neighbors brought these issues to the attention of the developers. Mr. Lovelace explained that the wetland is an existing one, which they are working to enhance, adding that the development meets state and county subdivision requirements regarding Stormwater, in which the drainage flow will not exceed the current flow. Regarding traffic issues, Mr. Lovelace stated that the New Shackle Island Road traffic study was conducted on a school day, finding that 100 feet of car storage, which is the equivalent of four cars stacked in the turning lane, would be required to handle the traffic. Understanding the public concern of the adequacy of the 100 feet, Mr. Lovelace stated that they would be open to the possibility of extending the length of the turning lane.

Mr. Lovelace concluded his comments by stating that the development meets the requirements in traffic and water detentions and he feels this would be a be a successful project.

At this point, Mr. Bratton closed the Public Hearing.

Mr. Tom Tucker commented that he has done a lot of research in the past several days and citing the TN Code Annotated, Title XIII, Chapter IV, Subsection 303 states that “in exercising its power, the Planning Commission shall adopt regular regulations and policies that may provide for the harmonious development of the locale and its environs which must tend to create conditions favorable to the health, safety, convenience and prosperity of the public for the people that we serve”

Mr. Tucker stated that upon listening to the neighbor’s concerns, he too has a concern regarding Stormwater. Mr. Tucker stated that in doing his research, he asked for feedback on Facebook, regarding this development, adding that the phone calls and emails he received echoed the concerns of water runoff, traffic problems and the impact on schools.

Additionally, Mr. Tucker stated that he received complaints about this developer, Meritage Homes, with regards to the rushed building jobs and warranty issues. Mr. Tucker added that the overall satisfaction rating for Meritage Homes on Consumer Affairs was not good.

Mr. Tucker voiced his concern for young families borrowing money to buy their dream home and wants them to have a good experience, which may not be the case, given that nationwide reports of this developer are bad. Mr. Tucker stated that, serving on this Board, he feels it is his job to have the best interest of Sumner County residents in hand.

Mr. Taylor expressed concern about the greenspace layout for this development, stating that compared to other developments that have come before the Commission, this layout seems disproportionately placed in such a way that only the back third section of lots has access to the

SUMNER COUNTY PLANNING COMMISSION MINUTES

FEBRUARY 25, 2020

5:00 P.M

greenspace. Also, Mr. Taylor stated that when 155 homes are placed on 35 acres, the density comes out to 4.42 homes per acre, not the 2.2 that is presented by the developer. Understanding that the greenspace is factored into the density calculations, Mr. Taylor added that the developer is claiming low-density, but to be considered low density, the minimum lot size must be 9,000 square feet, and several of these lots are 6,000 square feet.

Mr. Taylor also expressed concern of the style of the carriage-style houses, parking concerns of the streets becoming jammed with people parking on the roads and buffer inadequacies. Mr. Taylor also added that the developer should not only put up the money for the traffic signal, but should also be responsible for the design of the light.

Mr. Suddath explained the buffers of similar developments, then went into explanation of the buffers for this development, stating that they range from a minimum of 25' at the south side of the property to a minimum of 80' on the north side of the property.

Mr. Geminden expressed concern over there being only one entrance to the development that will be shared by 155 homes. Mr. Geminden also asked about the road improvement cost to Sumner County and the absence of a contribution to fire protection.

Mr. Rhodes stated that he cannot support this request as it is presented now. Mr. Rhodes left the meeting at this time.

Mr. Honeycutt stated that he had also done some research on this builder, stating that they have built in a development called Copper Creek.

At this point, Mr. Bratton asked Ms. Dennen if it is appropriate for this Board to discuss a particular builder, suggesting that this group may not build the homes, they may just develop them.

Ms. Dennen stated that the conversation needs to be related to zoning.

At this point, Mr. Bratton apologized for interrupting, restating that the individual developing this property may not go on to be the builder.

Mr. Honeycutt asked for clarification that Meritage *Builders* is proposing this development. Mr. Bratton stated that Meritage Builders is proposing rezoning and developing the property, but they would have a given right to sell the property. So therefore, Mr. Bratton added, we don't know who the builder is at this point.

Mr. Bratton called the representative from Meritage Homes forward. Mr. Bratton stated that it is obvious that all the issues brought forward this evening cannot be addressed in this moment, therefore, he suggests that the applicant withdraw this proposal.

Mr. Chris Cowan, Meritage Homes, asked about the withdrawal process.

SUMNER COUNTY PLANNING COMMISSION MINUTES

FEBRUARY 25, 2020

5:00 P.M

Mr. Suddath explained that the withdrawal is a viable option, as is the option to request a 30-day deferral to come back next month with changes. Mr. Suddath stated that if the request is withdrawn, a new application and applicable fees will have to be submitted, beginning the process again.

Mr. Cowan stated his desire to request a 30-day deferral.

Mr. Bratton confirmed that the applicant is requesting a 30-day deferral.

Mr. Suddath clarified that upon the deferral, the application is still active and pending, and will be publically noticed to be on the March, 2020 agenda.

At this point, 6:40 pm, Mr. Bratton requested a 5 minute recess.

Calling the meeting back, Mr. Bratton announced that Josh has Cliff Notes.

Mr. Bratton called the meeting back to order and turned the meeting over to Mr. Suddath for staff presentation.

- 2. HOWARD CLARK PROPERTY – FINAL PLAT (MAJOR) – Represented by Richard Graves – 1st Commission Voting District (Moe Taylor and Terry Wright) - Applicant is requesting Final Plat approval for a 3-lot subdivision located at Rogues Fork Road, Bethpage, TN, 37022. Subject property is located on Tax Map 063, Parcel 020.00 P/O, contains 5.43 acres, and is zoned Agricultural (A).**

Mr. Suddath provided an overview of the property, displaying an aerial photo and the final plat. Mr. Suddath stated that:

- Roads: 25 feet Right of Way from center line to be dedicated on Plat.
- Lot Size and Orientation: Lots meet all width requirements. Rogues Fork Road is a Local Road. County wide minimum lot widths apply (50 feet; 100 feet wide at building line). This requirement has been met.
- Utilities and Fire Protection: 3 inch water line shown along with a proposed hydrant.

Mr. Suddath stated that the applicant has provided a receipt showing that the hydrant has been escrowed with the Castalian Springs/Bethpage Utility District.

- Drainage: Construction Plans submitted and undergoing final review at this time.
 - *Required EPSC Plan and Drainage Calculations submitted per County Subdivision Regulations/Stormwater Management Resolution.
 - *Onsite Drainage Improvements likely not required for this development.
 - *Offsite, a culvert in Rogues Fork Road is not adequate and must be upsized by the developer from 18 inch to 24 inch RCP.
- Applicant is proposing to utilize “sheet flow” method to satisfy County water quality requirements rather than installing treatment ponds
- Will involve keeping the rear of yards in grass designated as green space not to be disturbed.

SUMNER COUNTY PLANNING COMMISSION MINUTES

FEBRUARY 25, 2020

5:00 P.M

Mr. Suddath then provided a diagram showing the undersized culvert, concluding his presentation with example motions.

Mr. Taylor made a motion to approve a Final Plat for Howard Clark Property, containing one flag lot with the following conditions:

- a) Applicant shall obtain stamped approval from County Consultant Engineer for Construction Plans prior to issuance of a Land Disturbance Permit.**
- b) Applicant shall coordinate with the County Road Superintendent to upsized the existing 18 inch culvert to 24 inch reinforced concrete pipe in accordance with submitted construction plans, and shall provide a bond to that office and install the culvert as required.**
- c) Applicant shall obtain any remaining signatures upon the Final Plat, seconded by Mr. Tucker. Motion passed unanimously.**

Mr. Bratton turned the meeting over to Mr. Suddath for staff presentation.

- 3. CULBREATH-BIGGS ACRES – FINAL (Major) – Represented by Richard Graves – 12th Commission Voting District (Michael Guthrie and Justin Nipper) - Applicant is requesting Final Plat approval for a 3-lot subdivision located at State Highway 76, Cottontown, TN 37048. Subject property is located on Tax Map 057, Parcel 049.01 P/O, contains 3.61 acres, and is zoned Agricultural (A).**

Mr. Suddath provided an overview of the property, providing the Final Plat and an aerial photo. Mr. Suddath pointed out the following:

- Roads: Adequate ROW shown dedicated on Plat. State Route 76 is classified as an Rural Major Collector along this segment per the County Major Thoroughfare Plan and Proposed lot widths meet requirements.
- Utilities and Fire Protection: 8 inch water line in place along road frontage; no fire hydrant depicted.
- If fire hydrant cannot be installed, then new subdivision regulations require that some equivalent dedication be made to further the goal of fire protection in the County.
- Drainage: Construction Plans submitted at this time.
- Required EPSC Plan and Drainage Calculations have been submitted per County Subdivision Regulations.
- Onside Drainage Improvements not required for this development. Area generally drains to existing pond to the rear of lots.
- Applicant is proposing to utilize “sheet flow” method to satisfy County water quality requirements rather than installing treatment ponds
- Will involve keeping the rear of yards in grass designated as green space not to be disturbed.

Mr. Suddath stated that the applicant has provided a receipt showing proof of payment of hydrant escrow funds or other equivalent dedication to the County.

Mr. Suddath concluded his presentation with example motions.

SUMNER COUNTY PLANNING COMMISSION MINUTES

FEBRUARY 25, 2020

5:00 P.M

Mr. Williams made a motion to approve a Final Plat for Culbreath-Biggs Acres, with the following conditions:

a) Applicant shall obtain stamped approval from County Consultant Engineer for Construction Plans prior to issuance of a Land Disturbance Permit.

b) Applicant shall obtain any remaining signatures upon the final plat prior to recording, seconded by Mr. Geminden. Motion passed unanimously.

Mr. Bratton turned the meeting over to Mr. Suddath for staff presentation.

- 4. AWESOME ACRES – SKETCH (Major) – Represented by Richard Graves – 4th Commission Voting District (Jerry W. Foster and Leslie Schell) - Applicant is requesting Sketch Plat approval for a 5-lot subdivision located at **State Highway 25W, Cottontown, TN 37048**. Subject property is located on Tax Map 079, Parcel 029.00 P/O, contains 9.48 acres, and is zoned Agricultural (A).**

Mr. Suddath provided an overview of the property, displaying an aerial and the Sketch Plat, then explained the following:

Regarding utilities and fire protection, no hydrants are depicted upon the Sketch Plat.

- WHUD is utility provider. They state that a 4 inch line is present along Awesome Avenue and an 8 inch line is present along Hwy 25.
- A fire hydrant will be necessary for this development. If one cannot be installed, then the applicant will need to make equivalent dedication to further the goal of fire protection in the County.

Mr. Suddath stated that next steps include:

- Will need to receive Preliminary and then Final Plat approval from the Planning Commission
- Will need to submit Drainage Calculations and Erosion Prevention & Sediment Control Plan and meet other requirements related to Stormwater Management
- Roads: Adequate ROW is shown along Awesome Ave.
Inadequate ROW shown dedicated along State Route 25.
State Route 25 at this location is a Rural Minor Arterial.
- The County's Comprehensive Plan requires that between 80 and 100 of right of way is required along Rural Minor Arterials
- 40 feet from the center line is required; 30 feet is shown
- Comprehensive Plan does allow for some flexibility, however
- Proposed lot widths meet all requirements.

Mr. Suddath concluded his presentation with example motions.

Mr. Taylor made a motion to approve a Sketch Plat for Awesome Acres, with the following condition:

SUMNER COUNTY PLANNING COMMISSION MINUTES

FEBRUARY 25, 2020

5:00 P.M

- a) **Applicant shall submit Construction Plans depicting all drainage improvements, as well as drainage calculations and Erosion Prevention and Sediment Control plans concurrent with submittal of a Preliminary Plat for this development, in accordance with the County's Subdivision Regulations, Seconded by Mr. Kirby. Motion passed unanimously.**

Mr. Bratton turned the meeting over to Mr. Suddath for staff presentation.

5. FERN VALLEY SPRINGS (formerly Light Property) – PRELIMINARY PLAT (Major) – Represented by Richard Graves – 12th Commission Voting District (Michael Guthrie and Justin Nipper) - Applicant is requesting Preliminary Plat approval for a 4-lot subdivision located at Fern Valley Road and Shun Pike, Cottontown, TN, 37047. Subject property is located on Tax Map 078, Parcel 031.08, contains 4.96 acres, and is zoned Residential A (RA).

Mr. Suddath provided an overview of the property, and displayed an aerial photo, Sketch Plat and Preliminary Plat. Mr. Suddath stated that there is a small wetland depicted on the edge of the plat that TDEC has determined will not be an issue.

Regarding drainage, Mr. Suddath explained the Construction Plans submitted at this time:

- Required EPSC Plan and Drainage Calculations have been submitted per County Subdivision Regulations.
- Onsite Drainage Improvements not required for this development. Area generally drains to existing pond to the rear of lots.
- Applicant is proposing to utilize “sheet flow” method to satisfy County water quality requirements rather than installing treatment ponds
- Will involve keeping the front of yards in grass designated as green space not to be disturbed.

Adding the following information, Mr. Suddath stated:

- Utilities and Fire Protection: Existing fire hydrant in place along Fern Valley Road. Will serve all proposed lots.
- Roads: Adequate ROW shown dedicated on Plat. Shun Pike is classified as an Urban Minor Collector along this segment per the County Major Thoroughfare Plan.
 - Lot widths meet requirements.
- Property is within the “Suburban” Place-Type within the County’s Comprehensive Plan.
- Sidewalks, or a Payment In-Lieu-Of sidewalks along Shun Pike required per the County’s Comprehensive Plan and per the County’s Subdivision Regulations.
 - Applicant has agreed to do so, payment due upon application for Final Plat approval at rate of \$10 per linear foot.
 - 350 feet of frontage along Shun Pike X \$10 = \$3,500 due

Mr. Suddath concluded his presentation with example motions.

Mr. Tucker made a motion to approve a Preliminary Plat for Fern Valley Springs, with the following conditions:

- a) **Applicant shall obtain stamped approval from County Consultant Engineer for Construction Plans prior to issuance of a Land Disturbance Permit.**

SUMNER COUNTY PLANNING COMMISSION MINUTES

FEBRUARY 25, 2020

5:00 P.M

b) Applicant shall pay applicable Construction Inspection fees in the amount of \$100 per lot to the County upon application for Final Plat approval.

c) Applicant shall make in-lieu-of payment for sidewalks upon application for Final Plat approval in the amount of \$3,500, seconded by Mr. Taylor.

Motion passed unanimously.

Mr. Bratton turned the meeting over to Mr. Suddath for staff presentation.

6. BLACKBERRY TRACE – PHASE TWO – PRELIMINARY PLAT (MAJOR) and REQUEST FOR A LOT WIDTH VARIANCE — Represented by Steve Bridges – 6th Commission Voting District (Deanne Dewitt and Luke Tinsley) - Applicant is requesting Preliminary Plat approval for a 3-lot subdivision located at **Douglas Bend Road. Applicant is also requesting a Variance from Lot Width requirements along a Collector Street Subject property is located on Tax Map 157, Parcel 018.00 P/O, contains 2.76 acres, and is zoned Residential A (RA).**

Mr. Suddath provided an overview of the property, displaying the Sketch Plat, an aerial of the parent tract and the Preliminary Plat, adding that the applicant will need to provide additional information to the County Engineer related to water quality measures before EPSC plan can be approved.

Mr. Suddath provided further information, including:

- Utilities and Fire Protection: Existing fire hydrant in place along Douglas Bend Road. Will serve all proposed lots.
- Roads: Adequate ROW shown dedicated on Plat. Douglas Bend is classified as an Urban Minor Collector along this segment per the County Major Thoroughfare Plan.
- Lot widths do not meet requirements, which are for 150 foot lot widths along Urban Minor Collectors.
 - Proposed lots are approximately 130 feet wide
 - Applicant has proposed to depict a proposed future right of way upon the plat that will align with Beacon Ct to the East.

Additionally, Mr. Suddath provided a map of the County Major Thoroughfare Plan and wording from the County Subdivision Regulation regarding access from arterial or collector streets.

Mr. Suddath concluded his presentation with example motions.

Mr. Taylor asked if approving these variances permanently locks in this road stub.

Mr. Suddath stated that cannot change without Planning Commission approval.

Mr. Tucker and Mr. Kirby expressed concern of setting a precedent if approved.

Mr. Geminden and Mr. Taylor raised concern of future development behind this property, with Mr. Taylor raising the possibility of creating two lots with adequate road frontage, instead of the three lots proposed.

Mr. Suddath noted that the applicant's representative is not present.

SUMNER COUNTY PLANNING COMMISSION MINUTES

FEBRUARY 25, 2020

5:00 P.M

Mr. Taylor made a motion to defer this request for 30 days, requesting that the applicant abide by the 150' lot width requirement and provide information regarding plans for the back of the property, seconded by Mr. Geminden. Motion passed unanimously.

Mr. Bratton turned the meeting over to Mr. Suddath for staff presentation.

- 7. 595 SHUN PIKE –LOT WIDTH VARIANCE – Represented Richard Graves –4th Commission Voting District (Jerry W. Foster and Leslie Schell)** – Applicant is requesting a variance from County Requirement related to Minimum Lot Width requirements along a Collector Street related to approval for a 2-lot subdivision located at **595 Shun Pike, Cottontown, TN, 37048**. Subject property is located on Tax Map 078, Parcel 031.01, contains 2.14 acres, and is zoned Agricultural (A).

Mr. Suddath provided an overview of this property, providing the plat, an aerial photo of the property and the following information regarding access to Shun Pike:

- At this location, Shun Pike is classified as a Rural Minor Collector per the County Major Thoroughfare Plan
- County Subdivision Regulations encourage developers to avoid direct cuts onto arterial and collector streets if other means of access is available.
- Proposed lot widths are approximately 172.5 feet for Lot 1 and 124.7 feet for Lot 2.
- A shared access driveway appears to be proposed on the Variance Exhibit
- Per Subdivision Regs, minimum lot width is 150 feet if sole access is derived from a Collector Street

Mr. Suddath concluded his presentation with example motions.

Mr. Bratton called the representative forward.

Ms. Chelsea Simmons, from Richard Graves Surveying, stated that the developer is not in attendance, and they would therefore like to defer this request for 30 days.

Mr. Taylor made a motion to defer for 30 days, seconded by Mr. Geminden. Motion passed unanimously.

Mr. Bratton turned the floor over to Mr. Suddath for staff presentation.

- 8. CLEARVIEW FARMS – FLAG LOT APPEAL AND LOT WIDTH VARIANCE – Represented Keith and Associates Land Surveying –3rd Commission Voting District (Alan Driver and Steve Graves)** – Applicant is requesting variances from County Requirements related to Flag Lots and Minimum Lot Width requirements along a Collector Street related to approval for a 2-lot subdivision located at **1940 Hwy. 231, Bethpage, TN, 37022**. Subject property is located on Tax Map 088, Parcel 018.02 P/O, contains 3.63 acres, and is zoned Agricultural (A).

Mr. Bratton turned the floor over to Mr. Suddath for staff presentation.

SUMNER COUNTY PLANNING COMMISSION MINUTES

FEBRUARY 25, 2020

5:00 P.M

Mr. Suddath provided an overview of the property stating that both lots contain area in both Sumner County and Trousdale County. Mr. Suddath provided a display of the Plat, an aerial of the property and wording from the County Regulations regarding flag lots and access from arterial or collector streets.

Explaining the property's access to US Hwy 231, Mr. Suddath stated the following:

- At this location, State Route 231 is classified as a Rural Principal Arterial per the County Major Thoroughfare Plan
- The roadway is shown as a future 4 lane divided highway
- County Subdivision Regulations encourage developers to avoid direct cuts onto arterial and collector streets if other means of access is available.
- Proposed lot widths at the roadway are approximately 50 feet for Lot 1 and 50 feet for Lot 2.
- Per Subdivision Regs, minimum lot width is 200 feet if sole access is derived from an Arterial Street.

Mr. Suddath stated that Planning, Environmental and Codes departments from both Sumner County and Trousdale County will have to work together on this request.

Mr. Suddath completed his presentation with example motions.

Mr. Bratton called the petitioner forward.

Mr. James Burrow, the property owner, stated his desire to liquidate this acreage out of need for funds to pay medical expenses.

Mr. Tucker stated that this request presents a different situation in which this could possibly be passed using language referring to a hardship.

Mr. Bratton asked how this would be viewed under the proposed Zoning Resolution.

Mr. Suddath stated that the Zoning Regulations regarding Flag Lots will not change.

Mr. Taylor stated the desire to defer this for 30 days, pending communication with Trousdale County.

Ms. Dennen added that we cannot act on or enforce Trousdale County to do anything, therefore we need Trousdale County's blessings to move forward with this request.

Mr. Burrow stated that he has previously dealt with this issue of land containing area in two counties, and those documents received signatures from both Counties.

Ms. Dennen inquired if that was the tax assessor signature.

Mr. Burrow stated that was one of the signatures, along with the environmental department and county planner signatures from both counties.

SUMNER COUNTY PLANNING COMMISSION MINUTES

FEBRUARY 25, 2020

5:00 P.M

At this point, Mr. Suddath clarified that what was presented by Mr. Burrow was a statement from the tax assessor stating they ceded jurisdiction of tax revenue to Sumner County for those properties.

Ms. Dennen and Mr. Suddath both stated that that cannot be done.

Mr. Suddath added that there was no signature block on those Plats, for the signatures of those departments.

Mr. Taylor made a motion to defer indefinitely until Trousdale County approves this request and/or signs the appropriate documents, seconded by Mr. Tucker. Motion passed unanimously.

Mr. Bratton turned the floor over to Mr. Suddath for staff presentation.

9. 217 FERN VALLEY ROAD - SKETCH (Minor) FLAG LOT APPEAL – Represented by Richard Graves – 12th Commission Voting District (Michael Guthrie and Justin Nipper) –

Applicant is requesting a Variance from County requirements related to Flag Lots related to approval for a 1-lot subdivision located at **217 Fern Valley Road, Whitehouse, TN, 37188**. Subject property is located on Tax Map 077, Parcel 055.02, contains 3.08 acres, and is zoned Residential A (RA).

Mr. Suddath provided an overview of the property displaying the Sketch Plat, depicting the 1000' flag stem and an aerial photo of the property.

Mr. Suddath concluded his presentation with example motions.

Mr. Bratton asked if there is a dwelling on the property.

Mr. Suddath stated that yes, there is a structure that is a barn, converted to a dwelling on the property. Mr. Suddath added that the applicant is seeking to place another house on the property, hence the request to subdivide.

Mr. Bratton called the petitioner forward.

Kimberly Blackford, 217 Fern Valley Road, Whitehouse, TN, stated that her intent is to create a lot to build a house on, not to sell the lot.

Mr. Honeycutt asked Mr. Suddath if the existing apartment could be retro-fitted to a non-dwelling structure.

Mr. Suddath stated that it could.

Ms. Blackford stated that they already spent \$80,000 to convert the barn and because her 80 year old mother will one day need a place to live, they plan to let her live in the apartment, at some

SUMNER COUNTY PLANNING COMMISSION MINUTES

FEBRUARY 25, 2020

5:00 P.M

time in the future.

Mr. Suddath stated that the option of applying for a Hardship Variance has been discussed regarding this property.

Mr. Honeycutt stated that he prefers the Hardship Variance avenue.

Ms. Blackford stated that the problem with that is that her mother is still in good health.

Mr. Bratton clarified that the Hardship would apply to the dwelling that is currently there, and, if approved, the house could be built.

Ms. Blackford stated that her mother is currently in Alabama.

Mr. Honeycutt asked what the intended use for the apartment is if her mother doesn't move here.

Mr. Blackford stated they will just keep it for family.

Discussion regarding options and possible outcomes ensued. Concerns regarding emergencies, shared drives, flag lot stem lengths, easements over flag lot stems.

Mr. Taylor stated that given the fact that this property has been an ongoing issue with unusual circumstances for over a year, he would make a motion to approve a Flag Lot for 217 Fern Valley Road Property containing one flag lot.

Mr. Honeycutt stated that these flag lots are "nightmares".

Mr. Taylor asked that in the next Study Group, the flag lot verbiage be created in the zoning Regulations.

seconded by Mr. Geminden. Motion passed unanimously.

Mr. Bratton asked that Mr. Suddath make notification of future flag lot rules to the public and then turned the floor over to Mr. Suddath for staff presentation.

10. CARTER CREEK PHASE 1- RESUB OF LOT 6 – SKETCH (Minor) FLAG LOT APPEAL – Represented by Bruce Rainey – 11th Commission Voting District (Scott

Langford and Jeremy Mansfield) – Applicant is requesting a Variance from County requirements related to Flag Lots related to approval for a 2-lot subdivision located at **1039 Parsons Private Way, Hendersonville, TN, 37075**. Subject property is located on Tax Map 138, Parcel 092.00, contains 6.28 acres, and is zoned Residential A (RA).

Mr. Suddath provided an overview of the property, providing an aerial photo, the Sketch Plat and wording from Subdivision Regulations regarding flag lots.

SUMNER COUNTY PLANNING COMMISSION MINUTES

FEBRUARY 25, 2020

5:00 P.M

Mr. Suddath concluded his presentation with example motions.

Mr. Honeycutt made a motion to approve a Flag Lot Appeal for Lot 6 of Carter Creek, Phase 1 containing one flag lot, seconded by Mr. Kirby. Motion passed unanimously.

Mr. Bratton turned the floor over to Mr. Suddath for staff presentation.

11. J&A DISPOSAL SERVICES – SITE PLAN – Represented by **RJ Consulting Engineering, LLC – 12TH Commission Voting District (Michael Guthrie and Justin Nipper)** – Applicant is requesting Site Plan approval for construction of a Scale House and Shop Addition located at **3262C Hwy 76, Cottontown, TN, 37048**. Subject property is located on Tax Map 057, Parcel 032.01, contains 6.31 acres, and is zoned Industrial.

Mr. Suddath provided an overview of the property, displaying an aerial photo of the property, the Site Plan, the Demolition Plan, the Grading and Drainage Plan Sheet and the Details Sheet. Mr. Suddath stated that there is nothing unusual about this request, but that this was a project of Richard Jones' before he was hired as the County Engineer.

Mr. Suddath provided the following information regarding the property:

- Roads: No required improvements
- Drainage: Total area to be disturbed: .8 acres
- Due to small land disturbance, comprehensive drainage plans were not required, but were provided by the applicant due to the possibility of additional construction in the future, as well as due to the nature of the activities on site (waste disposal).
- Additional Parking to be provided in accordance with requirements
 - *Parking area to be treated with a spray application in order to make it “dust free”
 - *8 parking spots proposed, 8 required

Mr. Suddath stated that the next steps, following site plan approval, are that the applicant will need to obtain land disturbance and building permits from the County.

Mr. Suddath concluded his presentation with example motions.

Mr. Bratton stated that the property road is a county-maintained gravel road, but because other facilities utilize the road, he asked if anyone had spoken with the Road Superintendent about this road.

Mr. Jones stated that he understands that the Road Superintendent would like to give that road to someone, but no one wants it.

Mr. Bratton stated that if there is any future expansion of J&A Disposal, he feels that road adoption /improvements may need to be required.

SUMNER COUNTY PLANNING COMMISSION MINUTES

FEBRUARY 25, 2020

5:00 P.M

Mr. Taylor made a Motion to approve an Industrial Site Plan for a J&A Disposal, with the following conditions:

- a) Applicant shall obtain approval from the County's Consultant Environmental Engineer for Construction Plans submitted as part of this application.**
 - b) Applicant shall obtain a land disturbance permit from Sumner County, and shall maintain all temporary stormwater control measures during construction.**
 - c) Applicant shall obtain required building and zoning permits from the County Building Codes office following submittal and approval of building and floor plans.**
 - d) Applicant shall obtain any required permits from the State Department of Environment and Conservation to include the Tennessee Stormwater MultiSector General Permit.**
 - e) Applicant shall record an approved Stormwater Inspection and Maintenance Agreement for this project with the Sumner County Register of Deeds Office.**
 - f) Applicant shall add note to the Site Plan stating that if any further development of this property occurs, the adoption of roads must be discussed, seconded by Mr. Geminden.**
- Motion passed unanimously.**

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:54 pm.