

**SUMNER COUNTY PLANNING COMMISSION
MINUTES
FEBRUARY 21, 2017
5:00 P.M.**

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

MEMBERS PRESENT:

**LUTHER BRATTON, CHAIRMAN
BILLY GEMINDEN, VICE-CHAIRMAN
MIKE HONEYCUTT
JIM WILLIAMS
JERRY KIRBY
TOM TUCKER
STEVE GRAVES**

MEMBERS ABSENT:

STAFF PRESENT:

**RODNEY JOYNER, PLANNING & STORMWATER DIRECTOR
LINDA MCCULLOUGH, ASSISTANT TO THE DIRECTOR OF PLANNING &
STORMWATER
LEAH MAY DENNEN, COUNTY ATTORNEY
LAUREN WALKER, STAFF ATTORNEY**

**MOTION FOR APPROVAL OF THE JANUARY 2017 MINUTES BY MR. GRAVES,
SECONDED BY MR. KIRBY. MOTION PASSED UNANIMOUSLY.**

1. VOTE ON CHAIRMAN AND VICE-CHAIRMAN

Mr. Bratton turned this part of the meeting over to Mr. Joyner.

Mr. Joyner addressed the Board members that a Chairman and Vice-Chairman needed to be elected.

**Motion to nominate Mr. Bratton as Chairman by Mr. Taylor, seconded by Mr. Honeycutt.
Motion passed unanimously.**

**Motion to nominate Mr. Geminden as Vice-Chairman by Mr. Graves, seconded by Mr.
Taylor. Motion passed unanimously.**

Mr. Joyner turned the meeting back over to Mr. Bratton.

- 1. WILLIAM L. BRINKLEY – PRELIMINARY-FINAL – REPRESENTED BY JIM CARMAN – (3RD COMMISSION DISTRICT)** – Applicant is requesting Preliminary/Final Plat approval for 3 lots located on HWY 76. Subject property is located on Tax Map 075, Parcel 037.00. Property contains 5.45 acres and is zoned Residential A.

Mr. Joyner stated that the applicant is seeking approval of a Preliminary/Final Plat for a 3-lot Minor Subdivision located along Hwy 76, east of Lee Road. Subject property is not located within any Urban Growth Boundary or Planning Region. Applicant will address all planning comments prior to recording of the Final Plat.

Motion to approve by Mr. Geminden, seconded by Mr. Honeycutt. Motion passed unanimously.

- 2. CANAAN’S LAND SECTION I - PRELIMINARY-FINAL-REPRESENTED BY RICHARD GRAVES – (12TH COMMISSION DISTRICT)** - Applicant is requesting Preliminary/Final Plat approval for 3 lots on Tom Link Road. Subject property is located on Tax Map 054, Parcel 019.00 **P/O**. Property contains 4.89 acres and is zoned Agricultural.

Mr. Joyner stated that the applicant is seeking approval of a Preliminary/Final Plat for a 3-lot Minor Subdivision located along Tom Link Road, east of Maxwell Branch Road. Subject property is not located within any Urban Growth Boundary or Planning Region. Applicant will address all planning comments prior to recording of the Final Plat.

Motion to approve by Mr. Graves, seconded by Mr. Williams. Motion passed unanimously.

- 3. COATES ACRES – FINAL PLAT – REPRESENTED BY RICHARD GRAVES – (12TH COMMISSION DISTRICT)** – Applicant is requesting Final Plat approval for 7 lots located on New Deal Potts Road. Subject property is located on Tax Map 058, Parcel 022.02. Property contains 9.52 acres and is zoned Agricultural.
ITEM DEFERRED TO MARCH MEETING

- 4. STEVEN J COATES PROPERTY SUBDIVISION – FINAL PLAT - REPRESENTED BY RICHARD GRAVES – (1ST COMMISSION DISTRICT) –**
Applicant is requesting Final Plat approval of 6 lots on Blackey Bandy Road. Subject property is located on Tax Map 042 Parcel 006.00. Property contains 6.91 acres and is zoned Agricultural.

Mr. Joyner stated that the applicant is seeking approval of a Final Plat for a 6-lot Subdivision located along Blackey Bandy Road, north of Oak Grove/Church Road. Subject property is not located within any Urban Growth Boundary or Planning Region. All Planning and Engineering comments have been addressed.

Motion to approve by Mr. Graves, seconded by Mr. Williams. Motion passed unanimously.

- 5. BRANHAM MILL RESERVE – PRELIMINARY PLAT – REPRESENTED BY JIM CARMAN – (3RD COMMISSION DISTRICT) –** Applicant is requesting Preliminary Plat approval for 27 lots located on Branham Mill Road. Subject property is located on Tax Map 106, Parcel 018.00 P/O. Property contains 33.54 acres and is zoned Agricultural and Residential 1A.

Mr. Joyner stated that the applicant is seeking approval of a Preliminary Plat for a 27-lot Subdivision located along Branham Mill Road, east of Hwy 31E. Subject property is not located within any Urban Growth Boundary or Planning Region. Mr. Joyner stated that he has concerns regarding two points of ingress/egress. Subdivision Regulations recommend at least two points of ingress/egress. Emergency vehicles may have difficulty accessing the site with only one access.

Mr. Taylor asked Mr. Carman if the applicant would be willing to work with the County in order to find two points of ingress/egress.

Mr. Carman stated that he doesn't think they would need to construct the road all the way out but could set aside an easement down the boundary lines for ingress/egress for emergency vehicles.

Mr. Taylor asked how you would get to lot 27.

Mr. Carman stated that lot 27 had frontage on Branham Mill Road.

Mr. Taylor asked about access to lot 1.

Mr. Carman stated that lot 1 could be accessed from Branham Mill Road and proposed Branham Mill Court.

Mr. Graves stated that he also has concerns with safety. Mr. Graves stated that at certain times of the day, trying to turn left off Branham Mill Road is almost impossible and with only one-way in and one-way out, he does not feel he could support the request at this time. Mr. Graves also stated that water for a fire hydrant would be hard to get enough pressure to use in case of a fire.

Mr. Bratton asked if there were any other questions.

Mr. Honeycutt asked about the road frontage.

Mr. Joyner stated that in a Cul-de-sac the frontage was only 30 feet.

Mr. Bratton asked Mr. Carman that since this plan was a preliminary, did he anticipate this reaction?

Mr. Carman stated that his client did not anticipate this kind of reaction and that they would have to put a loop all the way around the subdivision. Mr. Carman stated that they would have to reconsider the design.

Mr. Bratton stated to Mr. Carman that he had the option to withdraw his submittal if he chooses.

Mr. Carman withdrew his submittal.

- 6. LARKSPUR CONSERVATION, INC. – SITE PLAN – REPRESENTED BY JOHN W. STONE, III – (1ST COMMISSION DISTRICT)** – Applicant is requesting Site Plan approval for a Nature Preserve and a Natural Burial Cemetery. Subject property is located on Tax Map 065, Parcel 001.00. Property contains 157.79 acres and is zoned Agricultural.

Mr. Joyner stated that the applicant is requesting approval of a Site Plan/Conceptual Plan for a Nature Preserve and Natural Burial Cemetery located off Bear Carr Road, north of Phillips Hollow Road. Subject property is not located within any Urban Growth Boundary or Planning Regions. Mr. Joyner stated that Larkspur Conservation has been before the Zoning Board of Appeals and was approved to move on to the Planning Commission. Mr. Joyner recommended forwarding the Site Plan on to the County Commission.

Mr. John Stone and John Christin Phifer came forward to discuss the Site Plan.

Mr. Tucker asked Mr. Stone about the watershed and how would they be protected from the run off into creeks.

Mr. Stone stated that they would be working with State Geologists; engage the private Geologists, and environmentalists if needed, to study the appropriate area of the land for the burial sites. Mr. Stone also stated that only one third of the land will be used as the burial site and the rest will be used as a nature conservation. Mr. Stone stated that this cemetery will not look like commercial cemeteries, very few trees will be disturbed, and the meadows that are there will stay in place, and will work hard with professionals not to contaminate the water supply.

Mr. Taylor asked how the burial would take place.

Mr. Phifer stated that since the body is not embalmed, and this is a nature conservatory, they would be required to go by the strict guidelines of the Nature Conservatory of Tennessee. There are 65+ natural cemeteries in the United States and two in Tennessee, and two that are in operation in Sumner County that allow burials without embalming. The soil at the level in which we bury a body is so active that the body absorbs into the soil so fast in this active soil, does not give the body time to absorb into the soil to run into the water supply. Mr. Phifer also stated that they would not bury any bodies close to any waterways, and that their main concern is to conserve the land and utilize the land to it full ability, and create something unique and special.

Mr. Taylor asked who would take care of the walking trails and would the county have any recourse if the site was not being kept up to standards.

Mr. Phifer stated that that they would be in charge of taking care of the land, and if they do not, they could be sued by the Nature Conservatory of Tennessee. Mr. Phifer stated that there will a fund set up for the upkeep of the property.

Mr. Tucker stated that many years ago, county institutions were set up for adults that were indigent, and children and adults that had diseases and would live there and die there and the county would be responsible for the burial. Mr. Tucker stated that, because of the lower price than a normal burial, he would hate to see this become a burial site for the indigent.

Mr. Phifer stated that they have put a lot of thought into the care for the indigent. Most places now use cremation as a low cost for burial.

Ms. Dennen stated that the County has a fund set up with certain funeral homes for people that are indigent or for those who do not have family to claim them. The funeral home will cremate them and family will pick up their remains or if no family claims them, the funeral home will hold.

Mr. Tucker stated that his concern is that people would associate this burial site with being a place for the indigent.

Mr. Phifer stated that was never, nor will be, the intention of this site.

Mr. Geminden was concerned about how many cars would be in the burial procession because Bear Carr Road is very narrow.

Mr. Phifer stated that these would not be a customary burial procession. There will be a central parking area and then the body would be carried to the site and family would follow on foot behind them. Mr. Phifer stated that in the regulations, they would limit the amount of cars per funeral so that there would not be a large amount of traffic on Bear Carr Road. Mr. Phifer stated that they would work with any funeral home and the families to grant their wants and wishes without disturbing the residents along Bear Carr Road.

Mr. Honeycutt asked what kind of period would a family look at from time of death to burial.

Mr. Phifer stated that the funeral home would hold the body in a freezer until time to take to the burial site. If a visitation was held the body would be taken out of the freezer, have the visitation/funeral, and immediately be taken to the burial site. Mr. Phifer stated that they are not acting as a funeral home, only a burial site.

Mr. Geminden motioned that this item be deferred for 30 days so the Board and the community could get more information on this item.

Mr. Bratton asked Ms. Dennen if the applicant should withdraw the application instead of having it deferred.

Ms. Dennen stated that this item is different from most applications that are heard by this Board. The creation of a cemetery has to be approved by the County Commission.

Mr. Graves asked Ms. Dennen what process they need to go through for approval.

Ms. Dennen stated that the applicant must go to the state for approval, which they have done, then go to the Zoning Board, then to Planning Commission, and then to the County Commission for approval to create a cemetery.

Mr. Bratton asked Ms. Dennen if this item can move on to the County Commission even if they turn it down

Ms. Dennen stated that it will still go before the County Commission, but looks better if the Planning Commission gave its blessing to move on.

There was discussion.

Mr. Honeycutt stated that he personally did not have a problem with the burial site but would like to see the public be involved.

Mr. Moe Taylor, 1st District Commissioner, stated that he knew Dr. Ward and a site like this would be what he would have wanted his land to be used as. Mr. Taylor stated that he has not had any complaints from his district, has had questions, but Larkspur has answered all of those questions for his people. Mr. Taylor stated that Larkspur contacted him before they started this project and asked him how his district might feel about this type of cemetery.

Mr. Joyner stated that the applicant has been approved by the Zoning Board of Appeals for usage, and tonight was an approval for the site plan. Mr. Joyner stated that at the Zoning Board of Appeals meeting, there was a public hearing, and with the exception of one Board member, the usage for the applicant was approved. Mr. Joyner told the members to keep in mind that this applicant could move on to the County Commission without their approval.

Mr. Moe Taylor stated to Mr. Bratton that he would respect any decision that the Board makes and would work with them on getting answers to any questions they may have. Mr. Moe Taylor stated that even though the Commissioners could pass this, if at any time there is complaints, the Zoning Board has the right to pull the Conditional Use.

Mr. Tucker stated that he is not totally opposed to this site, but would like to see a public hearing be held to ask questions.

Mr. Bratton asked Mr. Stone if there was a period for them to purchase this land.

Mr. Stone stated that they have been working with the owners for nine months and their contract runs out at the end of March.

Mr. Bratton stated the he would like to hear from a couple of Planning Commissioners.

Mr. Graves asked Mr. Phifer at what point would they take over from the funeral home.

Mr. Phifer stated that if the family had a funeral, once the funeral is over, they would come get the body and take to burial site.

Mr. Stone stated that the burial plot would cost approximately \$2,800 to \$3,000. This cost will keep the site from being over crowded, and the money will help maintain the burial site.

Mr. Graves asked what would happen to the water supply for those residents that still use wells and springs.

Mr. Phifer stated that the burial site would be at the center of the property and they have talked to the neighbor on northern side of the ridge and explained to them what they are doing and how it would not affect them. Mr. Phifer stated that he showed the neighbors a study of how a cow patty has more contamination to it than a human body. Mr. Phifer also explained that the part of the land that will not be used as a burial site would be used as a nature conservatory. The owners of the land wanted the land to be used in a way to conserve the land instead of a housing development.

Mr. Geminden asked if clients could be refused. Stating that if this idea catches on, then people could come from other states to be buried.

Mr. Phifer stated that they could refuse people.

Mr. Honeycutt asked if there would be headstones to mark the gravesites.

Mr. Phifer stated that they would take stones from the property to make the headstones, and will have a grid system to show where everyone is buried. In a traditional cemetery, they could maximize 1,000 graves per acre; we will only be putting 100 graves per acre. By putting 100 graves per acre, this will have low impact on the site.

Mr. Tucker asked what was the year in which this type of burial went away and the embalming took place.

Mr. Phifer stated that funeral homes started embalming bodies with the death Abraham Lincoln. When President Lincoln was shot and was being transported across country, the train would make stops for viewing so President Lincoln was embalmed in order to preserve the body for viewing. Mr. Phifer also stated that bodies would be injected with arsenic to preserve the body to get them back home.

There was discussion.

Ms. Dennen read some regulations regarding cemeteries in the state of Tennessee at the request of Mr. Bratton.

There was discussion.

Mr. Geminden withdrew his motion to defer for 30 days.

Motion to send this item to County Commission by Mr. Honeycutt, seconded by Mr. Graves. Mr. Williams opposed the motion. Motion passed unanimously.

OTHER BUSINESS:

LAURA LEE GILBERT – TO ADDRESS THE PLANNING COMMISSION REGARDING BILLBOARDS AND ENTERING DESIGN STANDARDS FOR SIGNS, ETC.

Ms. Gilbert came forward to explain the concept of her business.

Mr. Bratton advised Ms. Gilbert to put together a presentation for the Planning Commission and present it at a work-study at a later date.

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

MEETING ADJOURNED AT 6:18 P.M.