

SUMNER COUNTY PLANNING COMMISSION
MINUTES
FEBRUARY 23, 2021 5:00 P.M.

MEMBERS PRESENT:

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

STAFF PRESENT:

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

Mr. Bratton called the meeting to order and stated that there is a quorum.

Mr. Taylor made a motion to approve the January 2021 Minutes, seconded by Mr. Williams. Motion passed unanimously.

Mr. Bratton asked if there were any changes to the Agenda.

Mr. Suddath stated that there are two requested changes:

- Item #1, Goat Farm PUD: Applicant has requested a one month deferral in order to complete a traffic impact analysis and to provide recommendations related to potential improvements to Shute Lane
- Item #4. Larry Hinton Variance Request: Project surveyor has identified a solution to the requested variance, which makes it unnecessary. Variance request is no longer needed and is withdrawn by the applicant.

Mr. Honeycutt made a motion to accept the Agenda with the first Item being deferred and the 4th Item withdrawn, seconded by Mr. Geminden. Motion passed unanimously.

1. **THE GOAT FARM PUD –REZONING & CONCEPT PLAN** – Stratos Development/MC2 Group, represented by Lose Design – 6th Commission Voting District (Deanne DeWitt and Luke Tinsley) –Applicant is requesting a Rezoning from Rural Residential (RR) to Planned Unit Development (PUD) in order to construct and operate an indoor sports facility and associated recreation services and uses as depicted upon the submitted Concept Plan. Subject property is located on **Shute Lane, Hendersonville, TN, 37075** is Tax Map 146, Parcel 069.01, contains 28.65 acres and is zoned Rural Residential (RR).

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Adjoining property owners were notified by certified mail and the agenda item was advertised in The Gallatin News on Thursday, February 11, 2021. THIS IS A PUBLIC HEARING.

Deferred by applicant.

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

- 2. THE GRAVEL COMPANY PUD – REZONING AND CONCEPT PLAN– Jason Canon, represented by GreenLID Design- 4th Commission Voting District (Jerry Foster and Leslie Schell)** – Applicant is seeking a rezoning from Rural Residential (RR) to Planned Unit Development (PUD) for the purpose of constructing and operating a landscaping material sales business as depicted upon the submitted Concept Plan. Subject property is located at 1415 Old Highway 109N, Gallatin, TN, 37066, is Tax Map 104, Parcel 083.00, contains 11.5 acres and is zoned Rural Residential (RR).

Adjoining property owners were notified by certified mail and the agenda item was advertised in The Gallatin News on Thursday, February 11, 2021. THIS IS A PUBLIC HEARING.

Mr. Suddath provided an overview of the property. Mr. Suddath explained the various Public Notice that was provided for this request, including; a neighborhood meeting, held in accordance with County Zoning Resolution on January 28, 2021 with notice sent to property owners within 500 feet of subject property, signage placed along road frontage on Shute Lane, and certified letters mailed to adjoining property owners. Mr. Suddath displayed photos from the neighborhood meeting, and the Public Notice that was advertised in The Gallatin News on February 11, 2021.

Mr. Suddath displayed maps depicting the flood zones, context and location of the property in the County's Comprehensive Plan. Next, Mr. Suddath displayed and explained the supplied Concept/Landscape Plan, stating that a portion appears to extend into the flood plain. Mr. Suddath stressed that there will be measures in place to make sure that any impervious surface runoff is captured, on-site.

Mr. Suddath then addressed the roads, stating that no access to SR-109 is proposed, as the project would access Old Highway 109. Mr. Suddath stated that Old Highway 109 currently has adequate Right of Way dedicated from the centerline at this location, adding that additional road improvements are not anticipated.

Next, Mr. Suddath addressed Drainage, explaining the following:

- On site detention area is depicted on Concept Plan
- This item will need to meet all County and State Water Quantity and Quality measures
 - Detailed drainage plans must be submitted to and approved by County Engineer with submittal of Site Plan prior to any construction
 - Parking lot must be paved with an impervious surface (asphalt, concrete, tar and chip), which will generate additional Stormwater runoff.

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- Special review and approvals will be required from staff for any construction that is to occur within a flood zone
- Must mitigate the amount of water leaving the site, and must treat it to remove any pollutants
- Water quantity/quality basin(s) and other measures must be installed on site
- Stormwater Maintenance and Inspection Agreement must be entered into with County.

Mr. Suddath went on to explain Landscaping and Parking:

- The new County Zoning resolution contains extensive requirements for landscaping and buffering for Commercial PUDs.
 - A 25 foot minimum “Type 2” Landscape Buffer around the perimeter of the site has been shown on the plans.
 - The Site contains extensive tree cover around the perimeter that is to be preserved
- A detailed parking plan sheet must be provided with submittal of a site plan for this item; parking depicted in PUD is illustrative.

Mr. Suddath displayed the proposed parking area.

Next, Mr. Suddath provided information regarding signage:

- Signage must meet County requirements, and must obtain a sign permit
- Offsite signage is not allowed as part of this development, and this is indicated on the plan documents
- Any changes to any depicted signage must be approved via a major PUD amendment

Mr. Suddath displayed the proposed sign design and placement.

At this time, Mr. Suddath explained the next general steps, stating that the Rezoning and Master Plan approval request will go to the Legislative Committee for two readings. Mr. Suddath continued, explaining that the request will then go to Full County Commission for a vote.

Mr. Suddath noted that the request may be sent back to Planning Commission for study at any time. If approved by the County Commission, the rezoning will become effective at that time, stated Mr. Suddath, adding that a complete engineered site plan submittal must then be submitted to the Planning Commission, which must comply with the following:

- Must meet all requirements of Chapter 14 of the Sumner County Zoning Resolution and must contain drainage plans, erosion prevention and sediment control sheets, landscaping plan sheets, driveway access details, signage and others as applicable.
- All water quality/quantity requirements must be met
- Zoning Resolution requires that surety will need to be provided at the site plan stage for landscaping.

Mr. Suddath completed his presentation with example motions.

Mr. Bratton opened the Public Hearing.

Ms. Sheila Clark, 1400 Old Highway 109N, stated that her property is across the street from the subject property. Ms. Clark stated that while she is not opposed to change, she does have questions regarding odors, visibility, height of buffering trees, noise and dust blown onto her property. Ms. Clark raised concern of the safety of the gravel dust.

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Mr. Bratton asked to see a map showing Ms. Clark's property, in proximity to the subject property.

Mr. Suddath displayed the map, locating Ms. Clark's property.

Mr. Andy Leath, GreenLID Design, stated that the land owner, Josh Canon, is in attendance. Mr. Leath stated that the evergreen buffer would be 6'-8' tall. Mr. Leath stated that only security lighting will be used.

Mr. Suddath stated that for commercial and industrial developments, there are performance standards regarding sound at property boundaries. Mr. Suddath stated the parking surfaces must be either tar and chip, asphalt or concrete. Mr. Suddath added that during the summer, they should have a sprinkler system to help control the dust.

There was discussion regarding the evergreen buffering location at 100 feet off the road.

Mr. Bratton closed the Public Hearing,

Mr. Taylor made a motion go provide a positive recommendation to the Sumner County Commission related to a Request for Rezoning and Concept Plan Approval for The Gravel Company PUD, contingent upon the following:

- a) A note shall be added to the Concept Plan stating that any changes to depicted signage shall require a Major PUD amendment;
- b) The existing mobile home shall be removed upon issuance of a Land Disturbance Permit;
- c) Following approval of the rezoning, the applicant shall submit a commercial site plan package for Planning Commission approval; such site plan shall meet any and all applicable requirements of Chapter 14 of the County Zoning Resolution, seconded by Mr. Honeycutt.

Mr. Rhodes asked to see the landscaping diagram.

Mr. Bratton asked about provisions during construction.

Mr. Suddath stated that the applicant has agreed to abide by all performance standards set forth by the county.

Mr. Rhodes asked if all the gray areas in the Plot Plan are paved.

Mr. Suddath stated that this is the time for the Planning Commission to impose any requirements regarding buffering, surface materials, etc. Mr. Suddath then stated that the parking areas need to be impervious.

There was discussion regarding the flood zone area at the back of the property and how the runoff from an impervious surface would impact the property.

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Mr. Rhodes asked for consideration to use a pervious concrete base as an option to reduce stormwater runoff.

Mr. Suddath stated that the Zoning Code states that the parking area must be “dust-free”, adding that a pervious surface would be a great idea.

There was discussion of the use of a pervious surface.

Mr. Leath stated that a pervious surface could be used for parking stalls, but would not hold up under heavy equipment use. Mr. Leath stated that product would be stored on palletized storage containers, suggesting that they may create a stormwater, bio retention basin instead of a pervious surface for the storage area of the property. Mr. Leath stated that they would have water quality as well as bio retention methods in place.

There was discussion regarding the type of buffer that should be required.

Mr. Bratton asked Mr. Leath if the landowner would agree to a berm with evergreen trees.

Mr. Josh Canon stated that he would agree to a berm with evergreen trees.

Mr. Leath clarified that they would install a 2’x8’ berm (2’ tall by 8’ wide) with evergreen trees planted.

Mr. Geminden asked if there was a determination on the surface material.

Mr. Suddath stated that the applicant must make a specific proposal.

Mr. Taylor made a motion to amend the motion to include contingencies d) and e), restating the motion as follows:

To provide a positive recommendation to the Sumner County Commission related to a Request for Rezoning and Concept Plan Approval for The Gravel Company PUD, contingent upon the following:

- a) A note shall be added to the Concept Plan stating that any changes to depicted signage shall require a Major PUD amendment;**
 - b) The existing mobile home shall be removed upon issuance of a Land Disturbance Permit;**
 - c) Following approval of the rezoning, the applicant shall submit a commercial site plan package for Planning Commission approval; such site plan shall meet any and all applicable requirements of Chapter 14 of the County Zoning Resolution;**
 - d) A berm 8 feet wide and two feet tall shall be installed along the frontage of Old Highway 109; and the berm shall be topped with staggered evergreen trees no less than 6 feet tall at the time of planting;**
 - e) All parking and storage areas shall be dust free, and shall be constructed of pervious materials to the extent possible,**
- seconded by Mr. Honeycutt. Motion passed unanimously.**

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

3. **WEISS ROAD DEVELOPMENT – SKETCH PLAT (Major) – Thomas and Nancy Bates, Represented by GreenLID Design – 12th Commission Voting District (Michael Guthrie and Justin Nipper)** – Applicant is requesting Sketch Plat approval for a 60-lot residential subdivision located at **Weiss Road, Cottontown, TN, 37048**. Subject property is Tax Map 037, Parcel 030.00, contains 87.85 acres, and is zoned Rural Residential (RR).

Mr. Suddath provided an overview of the property, providing an aerial photo. Mr. Suddath stated that there are currently 13-14 houses utilizing Weiss Road as their ingress/egress. Mr. Suddath displayed the Sketch Plat and explained the following regarding the Plat:

Roads: Development would derive sole access along Weiss Road

- Secondary entrance at the bend of Clearview Road has been discussed with staff, but was not included as part of the submittal; instead that portion of the property (approx. 15 acres) has been excluded from the development
- Approximately 77 lots will utilize Weiss Road as their sole means of ingress and egress upon project completion
- The dead end road proposed by this development exceed length requirements of the County Subdivision Regulations
- Connectivity to adjacent properties is not proposed
- This portion of the County is required to construct sidewalks or to make a payment in-lieu-of sidewalks to the County
- Ditch cross section is proposed, without curb.

Mr. Suddath displayed a cross-section of the road, stating that no curb and guttering is proposed, adding that the road section will be a 4-foot wide shoulder with ditches.

Next, Mr. Suddath explained the following regarding the Plat:

- Proposed lot widths meet all requirements.
- Required open space appears to be depicted upon the plat.
 - Preliminary Plat will need to provide percentage calculations, with 10% of the overall area being the minimum
 - An HOA will be required for this development in order to maintain all Stormwater infrastructure

Drainage: This development will need to submit an Erosion Prevention and Sediment Control Plan along with Drainage Calculations with submittal of a Preliminary Plat.

- A Notice of Coverage from TDEC will be required
- Onsite Detention will be required

Utilities and Fire Protection:

- No water line depicted along the road frontage of the property.
- Multiple fire hydrants will be necessary for this development.
- A water and fire pressure availability letter must be submitted with the Preliminary Plat

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- Lots to be served by Septic Tanks.

Mr. Suddath displayed the Subdivision Regulations explaining the purpose of a Sketch Plat. Mr. Suddath stated that the Sketch Plat phase is intended to be a time for feedback, adding that with this in mind, there are several ways that this Sketch Plat could be improved to make it more consistent with the County's Subdivision Regulations. Mr. Suddath elaborated, stating that some aspects of this Plat that should be looked at and discussed, include connectivity and roadway design.

Mr. Suddath stated that one aspect to consider regarding connectivity is to provide a second connection onto Clearview Road, which will address concerns related to one point of ingress and egress and will allow more of the property to be used. Mr. Suddath added that this will also improve safety at this hairpin turn, via a potential 3-way stop. Mr. Suddath added that another aspect of connectivity to discuss would be to connect proposed roads to adjacent properties, which will resolve regulatory issues related to dead end road length.

Mr. Suddath then displayed the wording from the Subdivision Regulations, Appendix C, describing the regulatory authority of the planning commission regarding connectivity, stating, "*Developments shall achieve internal road connectivity by providing multiple connections to the existing County road network*". Mr. Suddath displayed and explained the wording related to location and layout of new roads, conformity of street design and alignment and dead end streets, per the Subdivision Regulations.

Next, Mr. Suddath, explained some items that the Planning Commission may address include Roadway Design

- Add roll over curb to the design of the project rather than a regular ditch section
 - Curb improves aesthetics of residential projects, and makes it easier to direct Stormwater flows to intended locations
- Add sidewalks and or other amenities to the project
 - This adds cost, but is beneficial to future residents and to the maintenance of property values of homes

Mr. Suddath also explained the regulatory authority of the Planning Commission per Subdivision Regulations, regarding Street Design Principles:

Article III, Section 4: Street design will support the types of development and redevelopment appropriate for the character area in which they occur; and

Article III, Section 5: Streets will accommodate pedestrian access, movement, and protection for the physically able, physically challenged, children or seniors within appropriate areas of the County".

Appendix C,

3.3.9: Shoulders

All subdivision roads constructed in the County should be constructed with mountable curb or other approved curb section, Subdivision roads with a ditch section and shoulders are discouraged, but may be allowed in certain contexts.

Roadside Ditches

- a) Location: Ditches are strongly discouraged in the County for new development or subdivision roads.*

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Mr. Suddath summarized by stating that the following items are supported by the County's regulations and some, all, or none may be required at the Planning Commission's discretion:

- 1) Provide a second connection onto Clearview Road
- 2) Connect proposed roads to adjacent properties
- 3) Add roll over curb (with or without gutter) to the design of the project rather than a regular ditch section
- 4) Add sidewalks and/or other pedestrian amenities to the project.

Mr. Suddath then explained the next steps:

- If approved, 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 all other requirements related to Stormwater Management with Preliminary Plat.

Mr. Suddath completed his presentation with example motions and stated that Mr. Andy Leath is present.

Mr. Honeycutt asked to see the four options that could be required regarding connectivity.

Mr. Taylor made a motion to approve a Sketch Plat for Weiss Road Development, with the following condition:

- 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.

Mr. Taylor then stated that the Planning Commission has sought to create better developments by ensuring that Greenspace is usable, and adds value to the community. Mr. Taylor stated that the four suggested requirements appear to be the minimum. Mr. Taylor asked why there are 15 acres of Greenspace being unused. Mr. Taylor asked for a plan of how the Greenspace will be used, and then stated that this is the type of development submittal that the Commission has been saying no to, in the past couple of years.

Mr. Geminden stated agreement with Mr. Taylor and raised concern of access through an existing residential area. Mr. Geminden added that this is located in the northern end of the County and expressed a desire that this be a nice development.

Mr. Bratton reminded the Commission that this request is not a rezoning, but a "straight zone".

Mr. Suddath stated that the four previously mentioned regulatory items could be required. Mr. Suddath added that if Rezoning, the Greenspace could be addressed, however, it does not really apply here. Mr. Suddath added that with a straight zone, a pattern book and Recreation Plans cannot be required, as in a PUD.

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Mr. Rhodes asked to see the Plat, referencing Clearview Road.

Mr. Suddath displayed the Plat and stated that, as presented, Weiss Road would be the access for around 77 lots.

Mr. Rhodes asked where connectivity to Weiss Road would be proposed.

Mr. Suddath displayed and explained a possible connectivity.

Mr. Bratton stated that legally, the Commission should limit the recommendations to the four presented items.

Mr. Honeycutt stated that these four requirements should be added to the motion.

Mr. Leath then spoke to the four mentioned requirements. First, addressing connectivity and referencing the Sketch Plat, Mr. Leath stated that connectivity could be achieved, by three possible connection points; a) the property to the west, b) extend the cul-de-sac to the north or 3) extend the other cul-de-sac to the east.

Regarding sidewalks, Mr. Leath stated that developer is seeking a more traditional subdivision, similar to the existing houses on Weiss Road, creating an extension of that existing subdivision, with ditch and shoulder. Mr. Leath stated that the developer is willing to make the Payment In-Lieu-Of sidewalks, as they feel sidewalks are not wanted in this area. Mr. Leath stated that some people want privacy created, without shared amenities and sidewalks.

With regards to a second connection to Clearview Road, Mr. Leath stated that, upon looking at surrounding communities, a dead-end length is sometimes specified, or turnarounds are created. Mr. Leath stated that two separate financial entities are involved in this project.

Mr. Leath summarized that they would prefer not to install the curb and gutter, in an attempt to maintain the look and feel of the existing area; they are willing to pay the In-Lieu-Of Payment for sidewalks; and they believe that the connectivity would be sufficient instead of connecting to Clearview Road.

Mr. Leath added that the Traffic Study would be turned in tomorrow. Mr. Leath stated that the study revealed that the single point of access was adequate for traffic flow, and that there are no additional recommended improvements to the road network.

Mr. Honeycutt asked to see the example motions.

Mr. Suddath displayed the example motions.

Mr. Taylor stated that although he understands why the developer doesn't want to do the curb and sidewalks, he stated a reminder of drainage and flooding problems that tend to develop over time, in developments with ditches, as homeowners try to reroute or fill in drainage.

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Mr. Suddath stated that curb and gutter would be best, in that it minimizes problems for the County Road Department or Stormwater, in the future.

At this time, Mr. Leath introduced the developer, Mr. Danny Hale.

Danny Hale, 761 Plantation Boulevard, developer, stated that they would close on the property in March. Mr. Hale stated that they have no problem complying with the four items. However, Mr. Hale stated, to create a connection at the curve in Weiss Road, a house and barn would have to be removed. Mr. Hale stated that they would like to make the Payment In-Lieu-Of Sidewalks. Mr. Hale added that they are willing to put the stubs in, but added that many surrounding cities allow 75-100 houses per entrance. Mr. Hale added that the houses would be in the \$400,000 range. Mr. Hale also stated that they would like to develop the subdivision with ditches.

Mr. Honeycutt stated that the Planning Commission is charged with the safety and improvement of the community with the creation of developments, and therefore, believes that all four items should be required.

Mr. Taylor made a motion to approve a Sketch Plat for Weiss Road Development, with the following conditions:

- 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;**
 - b) Applicant shall provide a second connection onto Clearview Road;**
 - c) Applicant shall connect proposed roads to adjacent property lines;**
 - d) Applicant shall add roll over curb and gutter to the design of the project rather than a regular ditch section;**
 - e) Applicant shall add sidewalks and/or other pedestrian amenities to the project,**
- seconded by Mr. Williams. Motion passed unanimously.**

Mr. Tucker stated that the Sketch Plat is the time to discuss options and requirements, adding that the Commission has worked for two years to better the developments for the county.

4. **LARRY HINTON PROPERTY – VARIANCE/WAIVER REQUEST – Represented by Bruce Rainey – 2nd Commission Voting District (Billy Geminden and Larry Hinton)** – Applicant is requesting a Variance/Waiver related to a required Right of Way dedication along Ebenezer Road as depicted upon a submitted Minor Subdivision Plat. Property is located at **863 Highway 259, Portland, TN, 37148**, is Tax Map 015, Parcel 005.00, contains 3.81 acres, and is zoned Rural Residential (RR).

Withdrawn by applicant.

At this time, Mr. Bratton announced that the Planning Commission and the County Planner had been awarded the *GNRC Excellence* in Land Use Initiatives for the Sumner County Zoning

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Resolution Update and Zoning Map.

Mr. Suddath thanked the Planning Commission for their hard work and support.

**Mr. Honeycutt made a motion to adjourn, seconded by Mr. Geminden.
Meeting adjourned at 6:24 pm.**