

**SUMNER COUNTY PLANNING COMMISSION
MINUTES
JANUARY 22, 2019
5:00 P.M.**

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

MEMBERS PRESENT:

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

MEMBERS ABSENT:

**LUTHER BRATTON, CHAIRMAN
GENE RHODES**

STAFF PRESENT:

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

**MOTION FOR APPROVAL OF THE DECEMBER MINUTES BY MR. HONEYCUTT,
SECONDED BY MR. WILLIAMS. MOTION PASSED UNANIMOUSLY.**

**MOTION FOR APPROVAL OF THE JANUARY AGENDA WITH ITEM #3
WITHDRAWN BY MR. TAYLOR, SECONDED BY MR. HONEYCUTT. MOTION
PASSED UNANIMOUSLY.**

**PUBLIC COMMENT: Mr. Geminden stated that there is a sign-up sheet and the Board
will only entertain comments for items on the agenda. Mr. Geminden stated that if you are
a surveyor or developer, you can waive your right to speak until your item is called.**

**Diane Kizer stated that she was not on the agenda and would like to speak about Carriage
Hill Drive. Mr. Suddath stated that she could call the Planning office and could be placed
on the February agenda.**

Joe Hozan also wanted to speak about Carriage Hill Drive.

Geoff Hurdle was present to speak on an item on the agenda.

Mark and Tommy Hutson were present to speak on an item on the agenda.

After confirming that all names on the sign-in sheet had been acknowledged, Mr. Geminden closed the Public Comment and moved to item 1 on the agenda.

1. **CHAMBERS CORNER – PRELIMINARY/FINAL PLAT – REPRESENTED BY RICHARD GRAVES – 12TH COMMISSION VOTING DISTRICT – (Michael Guthrie and Justin Nipper)** – Applicant is requesting a Final Plat approval for a 3-lot subdivision located on West Hester Road. Subject property is located on Tax Map 078, P/O Parcel 016.00, contains 2.94 acres, and is zoned Agricultural.

Mr. Suddath stated that this item was coming before the Board for approval as a Preliminary/Final Plat. Mr. Suddath stated that the County Subdivision Regulations allow for this type subdivision to be requested with less than 5 lots and does not contain public infrastructure or steep topography. Mr. Suddath stated that in order to obtain Preliminary/Final Plat approval at the same time, the plat would also have to meet the requirements of the County Stormwater Management Resolution. Mr. Suddath stated that this plat seems to meet these requirements.

Mr. Suddath stated that the following conditions have been met for this item:

Streets

- 25 feet of ROW dedicated on plat. No additional improvements required

Fire Protection & Water Service

- Meets requirements, existing fire hydrant already on site along frontage of proposed subdivision
- 6 inch water line in place

Septic

- Approved by County Environmentalist

Signatures

- Applicant states that all signatures will be obtained prior to the Planning Commission meeting, and septic inspections and approvals have been obtained from TDEC

Drainage

- Erosion Prevention and Sediment Control Plans submitted; drainage calculations submitted; runoff mitigation improvements planned

Mr. Suddath presented a drainage calculation from GreenLid Designs, LLC showing that post-development the stormwater runoff increases. He clarified that Section 104 (7) (i) of the Sumner County Stormwater Resolution states:

“Where an increase in the permanent runoff rate is realized, a detailed downstream analysis will be required, and the increase in stormwater runoff must be mitigated...Mitigation of increased flows can consist of onsite detention, longer onsite flow lengths, and/or infiltration.”

Mr. Suddath stated that since this subdivision contains more than two (2) lots, the subdivision is not exempt from the Stormwater regulations. Mr. Suddath stated that there are standard methods of how engineers calculate the run off after the house has been built based on the impervious surface on each lot. Mr. Suddath stated that if the assumptions are reasonable from the Project Engineer, the County will allow their discretion. Mr. Suddath stated that according to the drainage calculations turned in from GreenLid Designs, there is some post-development run off so GreenLid proposed the installation of an 1170 foot raingarden at the rear of lot 3 to mitigate the run off.

Motion to approve a Preliminary/Final Plat for Chambers Corner Subdivision, with the following conditions:

- A. Applicant shall enter into a Stormwater Maintenance and Inspection Agreement with Sumner County prior to the Planning Commission Secretary’s signature of the Final Plat**
- B. Plans for construction of proposed rain garden must receive final approval from County Consultant Engineer prior to issuance of a Land Disturbance Permit**
- C. Any future subdivisions of the parent tract shall be accompanied by a Sketch Plat for the entire property.**
- D. Applicant must obtain the signature of the Road Superintendent before plat is recorded.**

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

Mr. Geminden asked if the person that buys lot 3 be responsible for the upkeep if the raingarden.

Mr. Richard Graves stated that it will be placed on the plat.

Mr. Suddath stated that he has had conversation with Tracey Barrow and that the Stormwater Department will have to evolve around this and send out annual reminders to let the property owners know that the department will be stopping by and make sure the raingarden is being maintained.

2. **CORINTH PLACE – PRELIMINARY/FINAL PLAT – REPRESENTED BY WILLIAM CRENSHAW – 1ST COMMISSION VOTING DISTRICT – (Moe Taylor and Terry Wright)** – Applicant is requesting Preliminary Plat approval for a 5-lot subdivision located at East Carter Road and North Corinth Road. Subject property is located on Tax Map 022, Parcel 024.00, contains 8.14 acres, and is zoned Agricultural.

Mr. Suddath stated that this plat was originally submitted in July 2018 but was deferred due to excessive flag lots and was resubmitted in August 2018, in which Preliminary Plat approval was granted. Final Plat approval was requested in November 2018, at which time Staff requested applicant’s representative provide drainage calculations and EPSC Plans.

Mr. Suddath stated that the following issues have been addressed:

Streets:

- The plat appears to dedicate 10 feet of additional of right of way, which would result in a total of 25 feet of right of way from the center line of East Carter Road, meeting County Right of Way Requirements.

Fire Protection:

- The final plat indicates that the development will be served by a 6-inch water line, and notes that the nearest fire hydrant is located .51 miles to the east on East Carter Road. The applicant has stated that funds for escrowing this hydrant have been accepted by Portland Utilities.
 - The County has not yet received a receipt confirming this transaction

Mr. Suddath went on to say that the following issues are still outstanding:

Plat Signatures:

- No plat signatures obtained at this time

Drainage:

- The applicant is requesting a variance from all requirements of the County Stormwater Management Resolution related to “Permanent Stormwater Management Plan Requirements” as set forth at 104(7).
 - The request would include exemption from submitting drainage calculations, post development analysis, and any required on site mitigation

Mr. Suddath stated that Section 104 (7) of the Sumner County Stormwater Resolution states:

Approximate flows of existing (pre-developed) and permanent (post-developed) stormwater leaving any portion of the site. Existing and permanent hydrologic and hydraulic stormwater runoff calculations must be provided which compare existing runoff rates to permanent runoff rates the 2-year through 100-year storm events (2, 5, 10, 25, and 50,100).

“Where an increase in the permanent runoff rate is realized, a detailed downstream analysis will be required, and the increase in stormwater runoff must be mitigated...Mitigation of increased flows can consist of onsite detention, longer onsite flow lengths, and/or infiltration.”

Mr. Suddath stated that since this subdivision contains more than two (2) lots, the subdivision is not exempt from the Stormwater regulations. Mr. Suddath stated that there are standard methods of how engineers calculate the run off after the house has been built based on the impervious surface on each lot.

Mr. Taylor asked why the applicant was wanting the Planning Commission to waive the requirements.

Mr. Geoff Hurdle, property owner, came forward to state that he understood that there was a variance that could be granted if the runoff impact was minimal.

Mr. Taylor asked Mr. Hurdle if someone has already come out to the property to check and verify that the runoff is minimal.

Mr. Hurdle stated that the impact was with zero construction and the builder would probably put in gravel driveways.

Mr. Suddath stated that Mr. Hurdle’s point is that there is no construction so there is no way to know what the runoff is going to be, but what’s required is that an engineer look at it and get the drainage calculations to the Staff for the Planning Commission. The Planning Commission needs to know what the offsite impacts are going to be so they can make sure the stormwater is not going to impact other property. In addition, Mr. Suddath stated that it is a requirement to make sure the sediment does not go offsite and get the County in trouble with TDEC, so those plans need to be submitted on the front end of a development.

Mr. Hurdle asked if the builder takes responsibility for erosion control when he starts moving dirt.

Mr. Suddath stated that he does. Mr. Suddath stated that there is a two prong approach, the development itself has to take responsibility to make sure the boundaries of the development have erosion control in place and when each lot will have to get a land disturbance permit.

Mr. Hurdle stated that that was the reason he applied for the variance because there is no disturbance of the soil.

Mr. Tucker asked if there would be drainage calculations done when the lots are ready to be disturbed.

Mr. Suddath stated that process needed to be done at the development stage. The individual homebuilder does not submit drainage calculations.

Mr. Trucker stated that by giving this variance, this could set a precedence for other developments down the line.

Mr. Taylor asked Mr. Suddath if the developer was selling the lots “as is” and it’s up to the builder or the homeowner to figure out the drainage.

Mr. Suddath stated that this type of an issue was done on another subdivision where the drainage was not done on the front end of the development and the responsibility was put off on the homeowners and the drainage has become a real issue. Mr. Suddath stated that Staff has used hundreds of hours trying to get this issue corrected, where if the drainage work had been done on the front end of the subdivision, these issues might have been avoided.

Mr. Tucker asked Mr. Suddath if the Board denies this item, what would be next for the applicant.

Mr. Suddath stated that this was not like a re-zoning, where the applicant would have to wait a year in order to be heard again. If the applicant does his due diligence on this item and does what the Board request, he could come back anytime in the future.

**Motion to deny Final Plat for Corinth Place by Mr. Taylor, seconded by Mr. Honeycutt.
Motion passed unanimously.**

Mr. Hurdle suggested that the possibility of the Variance be removed because it leads you to believe that it’s an option. Mr. Hurdle stated that he put as little as possible in this project thinking he would receive the variance.

Mr. Suddath stated that the variance is a request a deviation from regulations, it’s never a guarantee that the variance will be granted. Mr. Suddath stated that if the applicant does not want to do the drainage calculations, then the variance is another avenue to ask the Planning Commission to bypass this requirement.

- PAUL PROPERTY – PRELIMINARY/FINAL PLAT – REPRESENTED BY STEVE BRIDGES – 4TH COMMISSION VOTING DISTRICT (Jerry Foster and Leslie Schell)** – Applicant is requesting Preliminary/Final Plat approval for a 3-lot subdivision located on Vantrease Road. Subject property is located on Tax Map 102, Parcel 040.05, contains 2.81 acres, and is zoned Agricultural.

Mr. Suddath stated that this is the third subdivision plat submitted to the Planning Commission related to this property since December 2017. Mr. Suddath showed an aerial of how the property has been cut up over the time. Mr. Suddath stated that the applicant is requesting Preliminary/Final Plat approval for a 3-lot subdivision. Mr. Suddath stated that the County Subdivision Regulations allow for this type of approval as long as it meets the requirements of the regulations, there is no public infrastructure, and no steep topography. Mr. Suddath stated that all County Stormwater requirements must also be met in order for approval. Mr. Suddath stated that Vantrease Road has had drainage issues in the past and pointed out that the new school complex on Upper Station Camp Road could cause this area to become heavily developed in the future.

Mr. Suddath stated that the following issues have been addressed:

Streets:

- 25 feet of ROW dedicated on plat. No additional improvements required.

Septic:

- Application submitted, ready for County Environmentalist signature.

Mr. Suddath went on to say that the following issues are still outstanding:

Fire Protection & Water Service:

- 2 inch water line in place: not adequate to provide fire protection.
- Variance Request Submitted, White House Utility District will not accept escrow funds.

Drainage:

- Erosion Prevention and Sediment Control Plan submitted.
 - However, no drainage calculations submitted; offsite impacts unknown. No drainage work has ever been submitted for previous subdivisions on the subject property.
 - No Engineer's letter submitted verifying insignificant drainage impact; template provided to applicant.

Mr. Suddath stated that Section 104 (7) of the Sumner County Stormwater Resolution states:

Approximate flows of existing (pre-developed) and permanent (post-developed) stormwater leaving any portion of the site. Existing and permanent hydrologic and hydraulic stormwater runoff calculations must be provided which compare existing runoff rates to permanent runoff rates the 2-year through 100-year storm events (2, 5, 10, 25, and 50,100).

“Where an increase in the permanent runoff rate is realized, a detailed downstream analysis will be required, and the increase in stormwater runoff must be mitigated...Mitigation of increased flows can consist of onsite detention, longer onsite flow lengths, and/or infiltration.”

Mr. Suddath stated that plan must be provided showing how offsite impacts will be mitigated. An Engineer's Finding of No Significant Drainage Impact has not been received for this development.

Mr. Suddath stated that since this subdivision contains a total of 3-lots, the subdivision is not exempt from the Stormwater regulations. Mr. Suddath stated that there are standard methods of how engineers calculate the run off after the house has been built based on the impervious surface on each lot.

Motion to approve a Preliminary Plat for the Paul Property Subdivision, waiving County Regulations related to Fire Hydrants, with the following conditions:

- A. Applicant shall return for Final Plat approval at a future Planning Commission Meeting**
- B. Applicant shall meet the requirements of the County Stormwater Management Resolution related to Permanent Stormwater Management, submitting drainage calculations, plans to mitigate offsite impacts or shall submit a "Finding of No Significant Drainage Impact" form signed by a professional engineer by Mr. Tucker, seconded by Mr. Taylor. Motion passed unanimously.**

Mr. Taylor left the meeting.

4. **TIMOTHY A ROYER PROPERTY - FLAG LOT APPEAL – REPRESENTED BY RICHARD GRAVES -4TH COMMISSION VOTING DISTRICT (Jerry Foster and Leslie Schell)** - Applicant is requesting a hearing related to Flag Lots in minor subdivisions per Chapter IV, Section 4-102.9 of the Sumner County Subdivision Regulations. This minor plat is located on Weeping Willow Road. Subject property is located on Tax Map 101, Parcel **P/O** 046.02, contains 2.88 acres, and is zoned Residential 1A (R1A).

Mr. Suddath stated that this plat was submitted as a one lot Minor Subdivision containing a proposed flag lot. Under Chapter IV, Section 4-102.9 of the Sumner County Subdivision Regulations, Staff can not approve this plat due to the flag lot, therefore, the Planning Commission must approve this plat. Mr. Suddath stated that there is a pond area with a buffer area depicted upon the plat that construction may not disturb this area. Mr. Suddath also stated that the "flag pole" area is 90.37 feet wide. Mr. Suddath stated that Staff does not see any concerns with this plat.

Mr. Honeycutt asked Mr. Graves why a flag lot was needed since there is plenty of road frontage.

Mr. Graves stated that the property owner wants to keep his house and keep it as far back on the property as he can get it. Mr. Graves stated that the property owner has full intentions of coming back and splitting up more of the property. Mr. Graves stated that

he will be changing the 90 feet to 70 feet so the next lot will have the 100 feet needed. Mr. Graves stated that the house will be in line with the other house and not behind another one.

Mr. Honeycutt asked Mr. Graves if the pond would be split in half and by decreasing the footage it would not change the buffer. Mr. Honeycutt also asked Mr. Graves how many feet would be between the pond and the property line.

Mr. Graves stated that he was trying to get 100 feet between the fence line and a piece of the corner. Mr. Graves stated that by moving the property line over, the plat that will be coming in sometime next year will have the 100 feet.

There was discussion about the property surrounding this plat and the type of houses to be built.

Motion to approve a Final Plat for the Timothy A. Royer Et Ux Subdivision containing one flag lot by Mr. Tucker, seconded by Mr. Kirby. Motion passed unanimously.

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

Meeting Adjourned @ 5:46 p.m.

