

SUMNER COUNTY PLANNING COMMISSION
MINUTES
JUNE 23, 2020 5:00 P.M.
WORK STUDY 4:00 P.M

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

MEMBERS PRESENT:

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

MEMBERS ABSENT:

JERRY KIRBY

STAFF PRESENT:

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

Mr. Bratton called the meeting to order. Mr. Bratton stated that with seven members present, there is a quorum.

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

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

Mr. Bratton announced that if anyone wishes to speak on any agenda item, they must sign up to speak, adding that this time, there was no one signed up to speak.

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

- 1. SHOLAR VENUE– SITE PLAN – Represented by GreenLID Design – 12th Commission Voting District (Michael Guthrie and Justin Nipper) - Applicant is requesting Site Plan approval for an event venue located at 150 Tyree Hollow Lane, Hendersonville, TN, 37075. Subject property is Tax Map 100, Parcel 014.00, contains 61.06 acres, and is zoned Residential A (RA).**

Mr. Suddath provided an overview of the property, stating that per the current zoning resolution, the Planning Commission must hear requests of this type to evaluate them for adequacy of

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ingress and egress, before going to the Board of Zoning Appeals to request a Conditional Use Permit.

Mr. Suddath provided an aerial of the property, explaining that the property utilizes Tyree Hollow Lane, which is a private road, to access State Route 258, aka Tyree Springs Road. Mr. Suddath explained that the applicant has submitted a shared driveway access agreement and noted that they have acquired 50 feet of road frontage, adding that that the shared drive will be the entrance to the property.

Next, Mr. Suddath provided the Site Plan and photos of the property, and stated that the driveway is dust-free, having a bituminous coating. Mr. Suddath pointed out the photo of an overhang, located on the property that is made of reinforced steel, and added that a letter from the project engineer, stating that the overhang is up to codes for safety, may need to be required.

Mr. Suddath then explained the following regarding the submitted Site Plan:

- Roads: All traffic from this site will access State Route 258 (Tyree Springs Road)
- Drainage: Applicant states that since this project involves utilization of existing buildings, no stormwater improvements should be required.
- Existing tree cover is to be preserved.
- Parking: Applicant states that 25 spaces are provided; maximum attendance is to be 75 guests
- Applicant states that a Traffic Study should not be required
- Adequacy of Means of Ingress and Egress to be determined by the Planning Commission

Mr. Suddath explained that the next steps, following site plan approval, include that the County Zoning Resolution requires this item to obtain a Conditional Use Permit from the County Board of Zoning Appeals. Mr. Suddath stated that if the CUP permit is granted, they will then need to obtain any applicable land disturbance and building permits from the County, adding that any Building Plans will need to be submitted to County Building Codes office for review and approval.

Mr. Suddath reemphasized the need to ensure the safety of the steel platform overhang, as it does extend over a deep hollow.

Mr. Suddath completed his presentation with example motions.

Mr. Bratton asked if the County Engineer had any additional comments.

Mr. Jones stated that he had no comments to add.

Mr. Honeycutt made a motion to approve a Site Plan for Sholar Event Venue, with the following conditions:

- a) Applicant shall obtain a Conditional Use Permit from the County Board of Zoning Appeals prior to obtaining any additional permits from the County**
- b) Application shall obtain required building and zoning permits from the County Building Codes office following submittal and approval of building and floor plans.**
- c) Applicant shall provide an engineer's letter for event area steel platform structure,**

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Seconded by Mr. Geminden.

Mr. Taylor asked if anything needed to be added to the motion regarding the maintenance of the use of the private road.

Mr. Suddath stated the driveway has been there for decades, and utilized by the properties, and if it is desired that it be a condition to the motion, the driveway agreement draft would need to be finalized between all the parties.

Mr. Rhodes asked for clarification of the location of the property.

There being no further discussion, the vote was taken and the motion passed unanimously.

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

- 2. BLEDSON CROSSING – FINAL PLAT (Major) – Represented by Mike Holland and GreenLid Design– 3rd Commission Voting District (Alan Driver and Steve Graves) -**
Applicant is requesting a Final Plat approval for a 48-lot subdivision located on Highway 25, Castalian Springs, TN, 37031. Subject property is Tax Map 110, Parcel 012.00, contains 59.22 acres, and is zoned Agricultural (A) and Residential 1A (R1A).

Mr. Suddath provided an overview of the property and stated that the Preliminary Plat was approved in November, 2018. Mr. Suddath explained that the applicant commenced installation of all road and drainage infrastructure in 2019 and added that the infrastructure is now substantially complete. Mr. Suddath stated that the detention pond has been installed and all the roads and ditches have been bonded with the county highway department.

Mr. Suddath displayed an aerial photo of the property and the Final Plat, explaining the following:

- Utilities and Fire Protection:
 - 8 inch water line has been installed, hydrant spacing meets County specifications.
 - Lots will utilize individual septic systems
 - Soils work has been finalized
- Buildability of Lots 4 and 5 is not certain:
 - These have been designated as Critical Lots. An individual building plan must be submitted and approved by the County Engineer prior to issuance of building permits for these lots.
- Ownership/Maintenance of Subdivision Common Elements:
 - HOA By-Laws have been revised to ensure that entryway signage, stormwater facilities, and buffer area along east side of the development are the responsibility of the HOA.

Mr. Suddath highlighted the Landscape Buffers, Entry Features and Detention Areas of the Plat, stating that lots 4 and 5 have been designated on the Plat as Critical Lots, and therefore may be deemed “unbuildable” due to their proximity to the utility and drainage easement.

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Further explaining the Plat, Mr. Suddath stated the following:

- Applicant has constructed all roads, detention basin, water and other infrastructure to a point of “substantial completion”.
- Maintenance surety has been provided for all stormwater infrastructure (50% of overall cost, two year expiration)
- A surety for all remaining road improvements has been provided to the Highway Department to include ditching work and final surface coat of asphalt
- A punch list to be provided by staff for minor remaining items to be addressed prior to plat signature
- Stormwater Inspection and Maintenance Agreement has been provided and has been recorded; HOA restrictions must be recorded as well.
- All signatures have been obtained upon the final plat.

Mr. Suddath completed his presentation with example motions.

Mr. Bratton entertained a motion for discussion.

Mr. Geminden made a motion to approve a Final Plat for Bledsoe Crossing with the following conditions:

- a) All remaining punch list items shall be completed to the County’s satisfaction prior to the Planning Commission Secretary’s signature upon the Final Plat.**
- b) As-Built drawings depicting all road and drainage improvements shall be provided and approved by the County Engineer prior to the Planning Commission Secretary’s signature upon the Final Plat**
- c) HOA restrictions shall be recorded simultaneously with the Final Plat**
- d) An approved Stormwater Maintenance and Inspection Agreement shall be recorded simultaneously with the Final Plat.**
- e) Lots 4 & 5 shall submit individual building plans in accordance with established Critical Lot plan guidelines established by the County,**

Seconded by Mr. Rhodes.

Mr. Geminden asked about the road at the top of the plat.

Mr. Suddath stated that the road is stubbed out to the northern property line for future potential development. Mr. Suddath added that this submittal came in under the old subdivision regulations of “rural cross-section” with ditches required, adding that had this been submitted under the new regulations, “suburban cross-section” with sidewalks, adding that even curb-and-gutter might have been required.

The motion was approved unanimously.

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

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3. **KIRKHAM ESTATES – FINAL PLAT (Major)** – Represented by **Richard Graves 1st Commission Voting District (Moe Taylor and Terry Wright)** - Applicant is requesting Final Plat approval for an 8-lot subdivision located at Fowler Ford Road and Dobbins Pike, Portland, TN 37148. Subject property is Map 050, Parcel 036.01, contains 20.97 acres, and is zoned Agricultural.
This item was deferred at the May, 2020 Planning Commission meeting at the request of the applicant.

Mr. Suddath began by stating that the Preliminary Plat was approved on October 22, 2019. Mr. Suddath then provided an overview of the property, including an aerial photo of the property, Final Plat and the Construction Plans.

Mr. Suddath went on to explain the following, regarding the property:

- Drainage: Two detention ponds are depicted on the Final Plat and in approved construction plans. Work is complete, and both have been inspected and approved by County Staff
 - A punch list will be provided for minor remaining items to be addressed prior to plat signature (if any)
 - A maintenance surety in an amount of 50% of the overall cost of the facilities must also be provided to the County (two year expiration).
 - An HOA is to be established by the developer to ensure maintenance for these ponds; a draft of these restrictions has been received, but additional revisions are necessary to add wording about stormwater maintenance responsibility.
 - Stormwater Inspection and Maintenance Agreement has been provided and must be recorded with the final plat, as must HOA restrictions.
- Roads: No improvements appear to be required, adequate ROW shown dedicated on Plat.
- Utilities and Fire Protection: Applicant indicates that a fire hydrant is to be installed with this development, and that funds have been provided to the relevant utility to ensure installation, with a receipt to be provided.
 - Planning Commission may require that the Planning Commission Secretary hold signature until the hydrants are installed.
 - Since funds have been provided to White House Utilities to guarantee installation, staff recommends allowing plat to be recorded.
- All signatures have been obtained upon the Final Plat at this time.

Mr. Suddath completed his presentation with example motions.

Mr. Bratton confirmed that Mr. Graves was in attendance.

Mr. Taylor made a motion to approve a Final Plat for Kirkham Estates with the following conditions:

- a) **Any remaining punch list items shall be completed to the County's satisfaction prior to the Planning Commission Secretary's signature upon the Final Plat;**

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- b) A surety in an amount of not less than 50% of the cost of drainage improvements shall be provided prior to Planning Commission Secretary's signature upon the Final Plat;**
- c) As-Built drawings depicting all drainage improvements shall be provided and approved by the County Engineer prior to the Planning Commission Secretary's signature upon the Final Plat;**
- d) HOA restrictions shall be amended in accordance with staff requirements and shall be recorded simultaneously with the Final Plat;**
- e) An approved Stormwater Maintenance and Inspection Agreement shall be recorded simultaneously with the Final Plat;**
- f) Applicant shall provide a receipt or other documentation that hydrant installation fees have been paid with the relevant utility,**
Seconded by Mr. Tucker. Motion passed unanimously.

Mr. Geminden commented that the detention pond looks great.

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

- 4. COOK 76 ACRES – FINAL (Major) – Represented by Richard Graves - 12th Commission Voting District (Michael Guthrie and Justin Nipper) -** Applicant is requesting Final Plat approval for a 5-lot subdivision located on TN Hwy. 76, Portland, TN, 37148. Subject property is P/O Tax Map 053, Parcel 073.00, contains 5.09 acres, and is zoned Agricultural (A).

Mr. Suddath provided an overview of the property, stating that the Preliminary Plat for this item was approved on May 28, 2020. Mr. Suddath displayed the Final Plat, an aerial photo of the property, and a map depicting the flood zones. Mr. Suddath provided the following information regarding this submittal:

- Utilities and Fire Protection: No hydrants depicted upon the Plat.
 - WHUD is utility provider. They state that a 6 inch line is present along the north side of State Route 76.
 - 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.
- Roads: Adequate ROW is shown along State Route 76.
- Drainage: Construction plans have been approved. Due to proximity to nearby creeks, onsite detention not required, but County water quality requirements must be met via greenspace dedications, downspouts, swales etc.
- Proposed lot widths meet all requirements for Highway 76, which is a Rural Major Collector.
- Critical Lots: Due to their proximity to approximate flood zones, where actual flood elevations are not known, staff has requested that all lots be shown as “Critical Lots” on the upcoming Preliminary Plat

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- This will require submittal of an individual building plan with application for a building permit
- Due to possible floodability, finished floor elevation needs to be 3 feet above highest adjacent grade, and no basements will be allowed.
- A surveyor or engineer must prepare a specific plan for each lot
- Critical Lot designation was added to the County Subdivision Regulations in February 2019 in order to ensure that lots with site specific challenges are properly designed in order to protect future homeowners.

Mr. Suddath added that there is a note on the plat restricting basement houses.

Additionally, Mr. Suddath stated that the septic has been approved by TDEC. Mr. Suddath stated that Whitehouse Utilities emailed a receipt today, stating that water service is available. Mr. Suddath confirmed that all signatures have been obtained, except the water utility company, who has sent a letter stating that everything is OK.

Mr. Suddath stated that the fire department receipt is the only thing left that needs to be provided.

Providing example motions, Mr. Suddath completed his presentation.

Mr. Bratton stated that Mr. Graves was in attendance.

Mr. Honeycutt asked how high the houses must be built.

Mr. Richard Graves stated that, according to FEMA regulations, houses must be constructed at least 3 feet above the highest adjacent grade. Mr. Graves added that most of the lots have the septic located on the back of the lots.

Mr. Geminden made a motion to approve a Final Plat for Cook 76 Acres, with the following condition:

- a) Applicant shall obtain signed approval from County Engineer for required Construction Plans prior to issuance of a Land Disturbance Permit. (COMPLETE, PLANS SIGNED 6/24/2020)**
- b) Applicant shall either install a fire hydrant to service these lots, provide proof of payment of hydrant escrow funds to the County, or make a comparable dedication per Article III, Section N of the County Subdivision Regulations prior to signature of the Final Plat by the Planning Commission Secretary. (COMPLETE)**
- c) Applicant shall provide a receipt or other documentation that hydrant installation fees have been paid with the relevant utility. (COMPLETE, RECEIPT PROVIDED)**
- d) Applicant shall obtain all required signatures prior to recording of the Final Plat. Seconded by Mr. Rhodes. Motion passed unanimously.**

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

**5. BLACKBERRY TRACE – PHASE TWO – PRELIMINARY PLAT (MAJOR) –
Represented by Steve Bridges – 6th Commission Voting District (Deanne Dewitt and**

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Luke Tinsley) - Applicant is requesting Preliminary Plat approval for a 3-lot subdivision located at Douglas Bend Road. Subject property is Tax Map 157, Parcel 018.00 P/O, contains 3.1 acres, and is zoned Residential A (RA).

Mr. Suddath began his presentation by providing a brief history, stating that this is the second subdivision from this parent tract since August 2017, and added that the applicant has stated that no additional subdivisions of the parent tract are forthcoming. Mr. Suddath also stated that this item appeared before the Planning Commission at the April 2020 meeting and was denied due to not meeting lot width requirements.

Mr. Suddath continued providing an overview of the property, displaying the Preliminary Plat depicting the required 150' lot widths, the 2015 Sketch Plat (never submitted for approval), and aerial photo of the parent tract.

Next, Mr. Suddath displayed the EPSC and explained the following:

- Drainage: Applicant has provided an Erosion Prevention and Sediment Control Plan
- Drainage Calculations have not been provided
 - Required per the County's Stormwater Management Resolution
- No water quality calculations have been provided
- Applicant will need to provide additional information to the County Engineer related to water quantity/quality measures before EPSC plan can be approved
- 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 meet requirements, which are for 150 foot lot widths along Urban Minor Collectors.

Mr. Suddath stated that this property is in the "Suburban" Place-Type per the County's Comprehensive Plan, therefore, sidewalks, or a Payment In-Lieu-Of sidewalks along Douglas Bend Road will be required per the County's Comprehensive Plan and the County's Subdivision Regulations. Mr. Suddath stated that the applicant understands that the payment is due upon Final Plat approval at a rate of \$10 per linear foot.

Mr. Suddath completed his presentation with example motions, and stated that the exact amount or payment "in-lieu-of" will need to be calculated, based upon accurate linear foot measurement.

Mr. Bridges stated that they are in agreement with paying the fees.

Mr. Tucker made a motion to approve a Preliminary Plat for Blackberry Trace, Phase 2, with the following conditions:

- a) **Applicant shall provide supporting calculations for water quantity and quality to County Engineer and shall obtain stamped approval from County Consultant**

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Engineer for calculations and Construction Plans prior to issuance of a Land Disturbance Permit.

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 \$3,700,

Seconded by Mr. Honeycutt. Motion passed unanimously.

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

- 6. PERDUE FARMS – PRELIMINARY PLAT (Major) – Represented by Richard Graves – 2nd Commission Voting District (Billy Geminden and Larry Hinton) – Applicant is requesting Preliminary Plat approval for a 5-lot subdivision located at 199 Perdue Cemetery Road, Portland, TN, 37148, on Tax Map 003, Parcel 014.00, contains 5.58 acres and is zoned Agricultural (A).**

Mr. Suddath provided an overview of the property, the Sketch Plat (approved May, 2020), Preliminary Plat and Construction Plans.

Mr. Suddath explained the following regarding the property:

- Utilities and Fire Protection: No hydrants depicted upon the Preliminary Plat.
 - A 4 inch water line is present along the north side of White Road.
 - A fire hydrant will be necessary for this development. If one cannot be installed, then the applicant will need to escrow one or make equivalent dedication to further the goal of fire protection in the County.
- Roads: Adequate ROW is shown along White Road and Perdue Cemetery Road
 - Applicant is also offering to deed entire right of way along Perdue Cemetery Road to the County along length of subject property
- Proposed lot widths meet all requirements.
- Drainage: Construction Plans and Drainage Calculations have been submitted and are under review by the County Engineer at this time. A Notice of Coverage from TDEC is likely to be required.
 - Lots 2 through 4 are bisected by a drainage easement added to accommodate the natural flow of water eastward to Perdue Cemetery Road.
 - Calculations show a decrease in offsite runoff for this subdivision post-development
- 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.
- \$10 per linear foot along White Road (approx 523 ft) and Purdue Cemetery Road (approx 476 ft)
- 999 feet total x \$10 linear ft = \$9,990

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Mr. Suddath clarified that the sidewalk measurement is approximate and will be determined and confirmed upon Final Plat submittal.

In addition, Mr. Suddath stated that Mr. Graves may wish to address the ROW dedication to the County.

Mr. Graves stated that this farm owns the road bed. Mr. Graves added that Ms. Judy Hardin, the County Road Superintendent, expressed a desire to obtain the ROW all the way to the end of the pavement, described as everything from the east side of the road and 25' feet from the center of the left side of the road, if you were driving north, totaling 1.05 acres. Mr. Graves stated that Mr. Suddath and Ms. Hardin have asked that that land be dedicated, however, the applicant has asked that the ROW be dedicated in exchange for a variance from the In-Lieu-Of Sidewalks Payment requirement.

Mr. Bratton asked if the county was involved in setting the boundaries for the County's Comprehensive Plan.

Explaining the history of the Comprehensive Growth Plan, Mr. Suddath stated that urban growth boundaries were determined and voted on in the late 1990s.

Mr. Taylor asked, if the proposed new zoning regulations are approved by the County Commission next month, would this property still be subject to the Sidewalk requirement.

Mr. Suddath confirmed that this requirement will remain in the new zoning regulations.

Mr. Bratton stated that this development is located between 7-10 miles from the Portland city limits and, therefore could not be annexed.

Mr. Suddath stated that there is a bill before the state legislature to do away with the Urban Growth Boundaries because the annexation laws have been changed.

At this point, Mr. Bratton asked legal counsel if this Board has the authority to dismiss the In-Lieu-Of Payment.

Mr. Geminden commented that other submittals have been required to pay this fee.

Mr. Taylor asked if this is being requested as a trade-off: the ROW dedication, in exchange for the In-Lieu-Of Payment.

Ms. Dennen stated that the Fee cannot be waived, adding that, instead, the Deed would need to be worded such that the applicants are being compensated x amount of dollars for the land.

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Mr. Bratton asked for clarification that if the Road Superintendent request the ROW, then the Highway Department will actually purchase the land and put it in escrow for the developer.

Ms. Dennen stated that would have to be worked out. Ms. Dennen asked for the value of the Sidewalk In-Lieu-Of Payment.

Mr. Suddath stated that the approximate amount is \$9990.00.

Mr. Graves asked if the applicant could be allowed to ask for a variance from the sidewalks requirement.

Mr. Taylor stated that other applicants have been obligated to abide by this requirement.

Mr. Graves stated that if this property were not in the Urban-Growth Boundary, the Sidewalks would not be an issue. Mr. Graves then asked why this development is tied to the Portland Urban Growth Boundaries, instead of the County's.

Ms. Dennen stated that this is an issue of the state.

Mr. Suddath added that since 2010, the County's Comprehensive Plan has stated that Sidewalks are required in all Suburban Place-Types, which are identical to municipal urban growth boundaries.

Ms. Dennen stated that the Planning Commission cannot do away with the sidewalk requirement.

At this time, Mr. Graves stated his desire to withdraw the request for a variance from the Sidewalk Requirement and stated that the ROW will be dedicated to the County Road Department.

Ms. Dennen thanked Mr. Graves.

Mr. Honeycutt made a motion to approve a Preliminary Plat for Perdue Farms, with the following condition:

- a) Applicant shall obtain stamped approval from County Consultant Engineer for Construction Plans prior to issuance of a Land Disturbance Permit.**
- b) Applicant shall either install a fire hydrant to service these lots, provide proof of payment of hydrant escrow funds to the County, or make a comparable dedication per Article III, Section N of the County Subdivision Regulations prior to signature of any Final Plat by the Planning Commission Secretary.**
- c) Applicant shall pay applicable Construction Inspection fees in the amount of \$100 per lot to the County upon application for Final Plat approval.**

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- d) Applicant shall make in-lieu-of payment for sidewalks upon application for Final Plat approval in the amount of \$9,990 (or other amount, to be determined upon final plat submittal),***

Seconded by Mr. Williams. Motion passed unanimously.

Mr. Suddath emphasized that the exact amount due, based upon the exact road frontage, will be determined.

Mr. Bratton suggested that in the future, there may need to be some compensation by the County Road Department for Right-Of Ways.

Mr. Bratton then turned the meeting over to Mr. Suddath for staff comment.

- 7. SMILEY TROUTT ACRES – PRELIMINARY PLAT (Major) – Represented by Richard Graves – 1st Commission Voting District (Moe Taylor and Terry Wright) -** Applicant is requesting Preliminary Plat approval for a 3-lot subdivision located at 1267 Smiley Troutt Road, Bethpage, TN, 37022, on Tax Map 043, Parcel 029.00, contains 4.97 acres and is zoned Agricultural (A).

Mr. Suddath provided an overview of the property, stating that this 3-lot subdivision will absorb all of the parent tract, leaving no land to be further developed. Mr. Suddath presented an aerial photo, the Sketch Plat (approved in May 2020) and the Preliminary Plat.

Mr. Suddath went on to explain the following regarding the Plat:

- Utilities and Fire Protection:
 - No hydrants depicted upon the Preliminary Plat
 - A 6 inch water line is present along the north side of Smiley Troutt Road.
 - 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.
- Drainage:
 - This development will consist of two new building lots, with an existing house on Lot 1.
 - It will not disturb more than one acre, and is therefore exempt from some requirements of the County Stormwater Management Resolution (Erosion Prevention and Sediment Control Plans and Drainage Calculations)
 - Each lot will still need to obtain a land disturbance permit from the County prior to construction
- Roads: Adequate ROW is shown along Smiley Troutt Road.
- Proposed lot widths meet all requirements

Mr. Suddath completed the presentation with example motions.

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Mr. Rhodes made a motion to approve a Preliminary Plat for Smiley Troutt Acres, with the following conditions:

- a) Applicant shall either install a fire hydrant to service these lots, provide proof of payment of hydrant escrow funds to the County, or make a comparable dedication per Article III, Section N of the County Subdivision Regulations prior to signature of any Final Plat by the Planning Commission Secretary.**
- b) Applicant shall pay applicable Construction Inspection fees in the amount of \$100 per lot to the County upon application for Final Plat approval, seconded by Mr. Taylor. Motion passed unanimously.**

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

- 8. SIDEVIEW ESTATES – SKETCH PLAT (Major) – Represented by Jim Carman – 3rd Commission Voting District (Alan Driver and Steve Graves) – Applicant is requesting Sketch Plat approval for a 7-lot subdivision located on Sideview Rd, Gallatin, TN, 37066. Subject property is Tax Map 090, Parcels 022.00, 022.02, contains 9.35 acres and is zoned Agricultural (A).**

Mr. Suddath provided an overview of the property, beginning with a brief history of this development, stating that this was originally a 9-lot subdivision request. However, Mr. Suddath explained, the store and the lots it sits on have been excluded from the proposed subdivision following of a denial of a Conditional Use Permit request by the Sumner County Board of Zoning Appeals on June 11, 2020.

Next, Mr. Suddath provided an aerial photo of the property and the Sketch Plat, pointing out the presence of two mobile homes. Mr. Suddath added that the applicant’s representative states that both existing mobile homes shall be removed.

Mr. Suddath then explained the following

- Utilities and Fire Protection: No hydrants depicted upon the Sketch Plat.
 - No water lines depicted on Sketch Plat.
 - One or more fire hydrants will be necessary for this development. If they cannot be installed, then the applicant will need to make equivalent dedication to further the goal of fire protection in the County.
- Roads: Adequate ROW is shown along Sideview Road
- Proposed lot widths meet requirements.
- Next Steps:
 - Will need to receive Preliminary and then Final Plat approval from the Planning Commission
 - Since the development will disturb significantly more than one acre, Notice of Coverage and SWPPP must be obtained from TDEC
 - Drainage Calculations and Erosion Prevention & Sediment Control Plans must be submitted and other requirements related to Stormwater Management must be met, to include onsite detention if necessary

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Mr. Suddath explained that the applicant plans to auction these lots and mobile homes, therefore, requesting to keep the mobile homes on-site, until sold at the auction. Mr. Suddath added that no building permits shall be issued for these lots, until the mobile homes are removed.

Mr. Suddath completed his presentation with example motions.

Mr. Jim Carman, representative, confirmed that the mobile homes will be removed before any closings on the property take place, adding that they would like to obtain signatures and record the plat before the auction and would be willing to add notes to the plat, to that effect.

Mr. Carman stated that there is an existing fire hydrant, across the street that will cover half of this subdivision adding that they are working with Castalian Springs toward getting a fire hydrant for the remainder of the subdivision.

Mr. Geminden asked if there would be any restrictions on the houses that will be built there, in order to conform to the adjoining development.

Mr. Carman stated that he could not answer that, adding that there are no restrictions as of now.

Mr. Taylor raised concern of the creation of seven curb cuts.

Mr. Carman stated that this is a frontage road that sets off the highway, and will not impact traffic on the highway.

Mr. Bratton asked if, though not required, the owner would be willing to provide restrictions for these lots.

Mr. Carman stated that he would try to get an answer to this request before submitting the Final Plat.

Mr. Suddath pointed out that a meeting attendee arrived late to the meeting, after Public Comment, wishing to speak to this request.

Mr. Geminden made a motion to suspend the rulings, to allow the attendee to speak, seconded by Mr. Honeycutt. Motion approved unanimously.

Ms. Ruth Franczyk, 1010 Doubletree Lane, stated that her property abuts the commercially used property between this development and her land. Ms. Franczyk stated that she wishes to see the current Plat abandoned and replaced with the original plat, which removes the commercial use. She stated that if that commercially used property is removed and absorbed into the subdivision plat, it will provide a nice, fluid residential street. Ms. Franczyk further stated concern that the commercial area will become a wasteland.

Mr. Bratton asked for clarification.

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Mr. Suddath explained that the BZA, in its capacity to grant special exceptions, took a look at the current use and felt it could not be brought into compliance with the Zoning Code, and therefore rejected the request for a Conditional Use Permit, retaining it as a legally-non-conforming use or “grandfathered” use.

Mr. Suddath added that the Planning Commission is charged with looking at the request before it, and deciding if it meets the requirements.

At this point, Ms. Dennen explained that this Commission must only rule on what is requested.

Mr. Suddath explained that the original Sketch Plat, submitted to the BZA, was subdivided in a way that would have still retained the commercial use, however the BZA denied the Conditional Use Permit, allowing the legal-nonconforming use of the property.

Mr. Geminden asked what the back strip of land could be used for.

Mr. Suddath explained that the back strip, originally, was to be absorbed into the back of the other lots, however, it is now a legal lot of record, until if, hypothetically, the store and gas tanks are removed and the land could be subdivided and added to these lots.

Mr. Suddath stated that one lot contains the store, gas tanks and a house, while the other lot contains a barn. Mr. Suddath clarified that this Commission is only charged with ruling on the request for the 7-lot subdivision.

Mr. Taylor asked if the neighborhood was just stuck with the store.

Mr. Suddath stated that there is nothing the County can do, unless the business is vacant for 30 months, then they can refuse a permit to operate.

Mr. Taylor asked if the lot lines could be changed, to add the strip to these seven lots.

Mr. Suddath explained that because these are non-conforming lot uses, these lot lines cannot be changed per the Zoning Code, until the non-conforming commercial use is abandoned.

Mr. Geminden made a motion to approve a Sketch Plat for Sideview Estates, 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 add a note to all submitted plats stating that all nonconforming structures must be removed prior to the issuance of any building or land disturbance permits by the County, seconded by Mr. Taylor.**

Ms. Dennen emphasized the need for a notation on the Plat stating that the mobile homes must be removed prior to any building permits being obtained for these lots.

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Mr. Carman stated agreement to add this to the plat.

Mr. Suddath explained the potential future of the store, stating that the business has been closed since October 1, 2019, and added that if the business is not operated for 30 months, it will lose its “grandfathered” status and will not be allowed to operate as a business and could potentially be condemned.

Motion passed unanimously.

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

9. **NUBIA ACRES – SKETCH PLAT (Major)** – Represented by Richard Graves – 1st Commission Voting District (Terry Wright and Moe Taylor) – Applicant is requesting Sketch Plat approval for a 7-lot subdivision located on Nubia Road, Westmoreland, TN, 37186. Subject property is Tax Map 012, p/o Parcel 031.00, contains 8.27 acres and is zoned Agricultural (A).

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

- Utilities and Fire Protection: No hydrants depicted upon the Sketch Plat.
 - No water line depicted along the road frontage of the property.
 - 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.
- Roads: Adequate ROW is shown along Nubia Road
- Proposed lot widths meet all requirements.
- 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 is likely to be required.

Then, Mr. Suddath explained the next steps for this development which 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 all other requirements related to Stormwater Management.

Mr. Suddath completed his presentation with example motions.

Mr. Geminden asked about the availability of city water.

Mr. Suddath confirmed that a water line appears to be available for this development, adding that such information is required at the Preliminary Plat submittal.

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Mr. Geminden made a motion to approve a Sketch Plat for Nubia Acres, 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,**

Seconded by Mr. Williams. Motion passed unanimously.

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

- 10. CODY JOE HAYNES - SKETCH PLAT AND FLAG LOT HEARING (Minor) – Represented by Jim Carman – 3rd Commission Voting District (Alan Driver and Steve Graves) -** Applicant is requesting Sketch Plat approval for a 2-lot subdivision containing flag lots located at 556 Governor Hall Road, Castalian Springs, TN, 37031. Subject property is Tax Map 110, Parcel 006.04, contains 5.01 acres, and is zoned Agricultural (A).

Mr. Suddath provided an overview of the property, displaying an aerial photo of the property, the Sketch Plat and wording from the new subdivision regulations regarding Flag Lots.

Mr. Suddath completed his presentation with example motions.

Mr. Honeycutt made a motion to approve a Sketch Plat for the Cody Joe Haynes Subdivision containing one flag lot, 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,**
- seconded by Mr. Williams. Motion passed unanimously.**

Mr. Geminden asked for guidance of how to remember to look for all the required elements when someone applies for a permit, using the Perdue Farms drainage area as an example.

Mr. Suddath stated that the solution is to have the surveyor turn in a Plot Plan showing all elements of a lot.

Mr. Graves stated that Plot Plans are required by the cities for building permits.

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

Meeting adjourned at 6:16 pm.

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