

**SUMNER COUNTY REGIONAL PLANNING COMMISSION
MINUTES
JUNE 25, 2019
5:00 P.M.**

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

MEMBERS PRESENT:

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

MEMBERS ABSENT:

STAFF PRESENT:

**JOSH SUDDATH, DIRECTOR OF PLANNING & STORMWATER
SUZIE BLANKENSHIP, ADMINISTRATIVE ASSISTANT
TRACEY BARROW, STORMWATER MANAGER
LEAH MAY DENNEN, COUNTY ATTORNEY
BEN ALLEN, STAFF ATTORNEY**

**APPROVAL OF MAY 2019 REGULAR MEETING MINUTES BY MR. TAYLOR,
SECONDED BY MR. RHODES. MOTION PASSED UNANIMOUSLY.**

**APPROVAL OF JUNE AGENDA BY MR. GEMINDEN, SECONDED BY MR. TAYLOR.
MOTION PASSED UNANIMOUSLY.**

PUBLIC COMMENT - Mr. Bratton asked if there was anyone that would like to speak on an agenda item.

Commissioner Larry Hinton asked to address the body. Mr. Hinton wanted to explain his comments from an earlier meeting back in April 2018. Mr. Hinton wanted to explain that the comments he made were not meant to be attacking his friends' character. He has been friends with this surveyor for many years. The comments were made more about the procedures in place at the time, not the surveyor. With the procedures, you need all the signatures from different people. Mr. Hinton stated that his comments were with the issues of having to deal with situations where the plats or documents needed to be here and in front of this body, and they

SUMNER COUNTY REGIONAL PLANNING COMMISSION MINUTES, JUNE 25, 2019

were not being properly submitted with the appropriate signatures. Mr. Hinton stated that he felt the Planning Commission should not take anyone's word that the documents have been signed, and that they must be in front of the body. Mr. Hinton is also aware that this situation has been rectified, and that the rules are being followed more closely at this time. Mr. Hinton appreciated everyone's time in listening.

After confirming that no one else wished to speak on other agenda items, Mr. Bratton proceeded to agenda item 1.

- 1. NOLEN ESTATES – FINAL PLAT – REPRESENTED BY RICHARD GRAVES – 12TH COMMISSION VOTING DISTRICT (Michael Guthrie and Justin Nipper) –** Applicant is requesting Final Plat approval for a 6-lot subdivision located on Dusty Lane. Subject property is located on Tax Map 074, Parcel 111.00, contains 9.25 acres and is zoned Residential A (RA).

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

Mr. Suddath stated that the project surveyor, Mr. Richard Graves had just requested to defer this plat for 1 month. Mr. Graves confirmed from the audience that he would like to have the item return to the Planning Commission at a future date.

- 2. BALMORE ESTATES – SKETCH PLAT – REPRESENTED BY RICHARD GRAVES – 3RD COMMISSION VOTING DISTRICT (Alan Driver and Steve Graves) –** Applicant is requesting Sketch Plat approval for a 7-lot subdivision located Dobbins Pike and Northup Road. Subject property is located on Tax Map 061, Parcels 054.00 and 056.00, contains 15.40 acres, and is zoned Agricultural.

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

Mr. Suddath gave an overview of the sketch plat that came before the Planning Commission in April of this year. The development was originally proposed as a 9-lot subdivision, and has now been revised as a proposed 7-lot subdivision.

Mr. Suddath presented an aerial overview of the subject property. Mr. Suddath stated that the applicant had revised the development to meet county requirements related to minimum lot widths on an arterial or collector street. Mr. Suddath stated that County Subdivision Regulations require that lots may not be less than 150 feet wide on collector roadways. Mr. Suddath stated that Dobbins Pike at the proposed location is classified as a Rural Collector roadway, and that the original submittal in April 2019 had lot widths of approximately 100 feet, which did not meet requirements. The applicant has revised the proposed subdivision, and all lot width requirements are met at this time.

Mr. Suddath stated that there is currently a guardrail in place that might need to be removed by TDOT. Mr. Suddath stated that the subdivision could contain one or two "critical lots", that could require the submittal of a detailed plan in order for a building permit to be issued. Mr. Suddath also stated that the proposed subdivision has noted

SUMNER COUNTY REGIONAL PLANNING COMMISSION MINUTES, JUNE 25, 2019

wetlands located in the northwest quadrant of the property, and that these might get scrutiny from TDEC. Mr. Suddath stated that no fire hydrant would be installed due to inadequate water pressure on the existing 8-inch line, and that the applicant would be required to make an equivalent contribution to further fire protection efforts in the County per the County Subdivision Regulations.

- Next Steps:
 - Item will need to receive Preliminary and then Final Plat approval from the Planning Commission
 - Item will need to submit Drainage Calculations and Erosion Prevention & Sediment Control Plan and meet other requirements related to Stormwater Management

At this time, Mr. Suddath concluded his presentation, presenting the Commission with some example motions and then turned the meeting back over to Mr. Bratton.

At this time Mr. Bratton asked the applicant's representative, Mr. Richard Graves if he had anything to add. Mr. Graves indicated that he did not.

Motion to approve a Sketch Plat for Balmore Estates by Mr. Taylor, seconded by Mr. Williams. Motion passed unanimously.

- 3. BRUCE A HURST – ROAD EXTENSION SKETCH PLAT – REPRESENTED BY JIM CARMAN – 3RD COMMISSION VOTING DISTRICT (Alan Driver and Steve Graves)** – Applicant is requesting Planning Commission input related to a proposed extension of East Robertson Road. Subject property is located on Tax Map 154, Parcel 011.00, contains 54.87 acres, and is zoned Agricultural.

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

Mr. Suddath stated that this request would seek to extend East Robertson Road approximately 235 feet, and to add a cul-de-sac. Mr. Suddath stated that this item is being presented to the Planning Commission in order to gain feedback regarding the best way for staff to proceed, since it is not being submitted as a typical development application.

Mr. Suddath indicated that the existing roadway shown on the County Property Assessor's website is not correct, and that East Robertson Road actually terminates near the northern property line. The road terminates in a dead end, and tapers off as a private drive way deeper into the property. Mr. Suddath stated that from the County's perspective, getting these road stubs and a cul-de-sac extended can be a good thing since they provide emergency vehicle and school bus access and turnaround.

Mr. Suddath noted that there were wetlands present on the subject property, but they would not appear to impact this proposed road extension.

SUMNER COUNTY REGIONAL PLANNING COMMISSION MINUTES, JUNE 25, 2019

Mr. Suddath stated that State Law is clear that the Planning Commission has the right to review any and all proposed roads, and that no road may become public property until the Planning Commission has had a chance to review it. No other public officer or body has this authority in the County.

Mr. Suddath stated that there are at least two options available for the Planning Commission as far as how to proceed. The first would be to accept the Sketch Plat as presented and to allow applicant to proceed with issuing a bond to the Highway Department to cover the costs associated with the property owner constructing this road extension to County specifications.

Mr. Suddath stated that a second option would be to have the applicant return to the Planning Commission for Preliminary and Final Plat approval, depicting any proposed accesses off of the road extension.

Mr. Suddath stated that the Planning Commission was entitled to approve any lots coming off of this new road as a subdivision, regardless of whether they are over 5 acres.

At this time, Mr. Suddath concluded his presentation, presenting the Commission with some example motions and then turned the meeting back over to Mr. Bratton. Mr. Bratton asked if there were any questions for staff.

Mr. Tom Tucker stated that he noticed that the road extension would encroach near a gas transmission line. He noted that care must be taken in getting close to such a gas line. Mr. Tucker asked if this had been discussed with the applicant. Mr. Suddath indicated that this had been discussed with the applicant, and that they were aware that coordination with the gas company would be required.

Mr. Taylor asked at what point would the County become responsible for the road extension? Mr. Suddath stated that the applicant would need to bond any improvements with the County, and after they are complete, a warranty period would ensue for at least a year. At that time the applicant could request that the County take responsibility for the road.

Ms. Dennen stated that it is beneficial to the County when these subdivisions develop quickly, and the road does not sit and deteriorate for a long period of time before the final surface asphalt is put down.

Mr. Geminden asked if houses can be built within a gas line easement? Mr. Suddath stated that a house could not be put into the gas line easement.

The applicant's representative, Mr. Jim Carman stated that they will have to get approval from the gas company if any encroachment occurs. Mr. Carman stated that the road will be accessed via road frontage and road easements for 5 plus acre lots, and all of these accesses will have to be permitted.

SUMNER COUNTY REGIONAL PLANNING COMMISSION MINUTES, JUNE 25, 2019

Mr. Tucker asked if the plusses outweigh the minuses in this instance? Mr. Suddath stated that he thought it did, but these types of applications must be looked at in context, since sometimes cul-de-sacs are not always beneficial to the County, and should be discouraged. Given the context of this item, and its location on a peninsula, it would appear that getting turnaround access would be a positive.

At this time Mr. Bratton asked the Commission if there was a motion.

Motion to approve a Sketch Plat for an extension of East Robertson Road for the Bruce A. Hurst Property by Mr. Honeycutt seconded by Mr. Taylor. Motion passed unanimously.

- 4. TIM & KATIE HERTEL – ROAD EXTENSION SKETCH PLAT – REPRESENTED BY GREENLID DESIGN – 3RD COMMISSION VOTING DISTRICT (Alan Driver and Steve Graves) – Applicant is requesting Planning Commission input related to a proposed extension of Pond Drive. Subject property is located on Tax Map 106, Parcel P/O 002.00, contains 129.70 acres, and is zoned Agricultural.**

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

Mr. Suddath stated that this request would seek to extend Pond Drive and to add a cul-de-sac to provide access to a 60-acre tract. The applicant originally approached the County with the intent of constructing several homes on the subject property, but due to inadequate road frontage being available, in order to obtain building permits, the applicant is seeking to extend Pond Drive into the subject property. Mr. Suddath stated that similar to the last item, this item is being presented to the Planning Commission in order to gain feedback regarding the best way for staff to proceed, since it is not being submitted as a typical development application.

Mr. Suddath showed an aerial photo depicting how Pond Drive terminated in a “road stub”. Mr. Suddath stated that the applicant initially approached the County about accessing Mr. Zion Road, but it is not a public road.

Mr. Suddath stated that the Assessor’s website was not correct in showing Pond Drive going to the property line, since it actually terminates in a dead end a couple hundred feet short of the property line.

Mr. Suddath noted that wetlands are present, but should not affect this item.

Mr. Suddath showed the Planning Commission the plat for the adjacent development approved in 1980 where road stubs were dedicated. Mr. Suddath stated that the County is wary of allowing road stubs to be given away as public driveways.

SUMNER COUNTY REGIONAL PLANNING COMMISSION MINUTES, JUNE 25, 2019

Mr. Suddath stated that the applicant is proposing a two phase schedule in order to gain multiple building permits, with the road being extended to the property line to obtain access and one or two building permits. In the event that additional permits are necessary, the road will need to be extended further and a cul-de-sac added.

Mr. Suddath concluded his presentation, presenting the Commission with some example motions and then turned the meeting back over to Mr. Bratton.

At this time the applicant's representative, Mr. Van Oldham came to the podium to answer any questions the Planning Commission might have. Mr. Oldham stated that this is not going to be a development, but rather a situation where family members will build multiple houses on the subject property.

Mr. Taylor asked if we might want to keep a road stub extending beyond the cul-de-sac. Mr. Suddath stated that it could be a good idea, in order to prevent a house from being placed at the end of the cul-de-sac that would prohibit the road from being extended. However, he stated that it would be hard to compel them to not place homes at the end of the road. Mr. Bratton clarified that the intent would be to extend the right of way across the property beyond the cul-de-sac.

Motion to approve a Sketch Plat for an extension of Pond Drive, for the Tim and Katie Hertel Property with the addition that 50 feet of right of way should be shown extending beyond the cul-de-sac by Mr. Taylor, seconded by Mr. Honeycutt. Motion passed unanimously.

- 5. LARRY HALEY & WIFE LISA HALEY – FINAL PLAT (Minor) - REPRESENTED BY JIM CARMAN– 7TH COMMISSION VOTING DISTRICT – (Loren Echols and Gene Rhodes) –** Applicant is requesting approval related to septic on multiple tracts per Article III, Part H of the Sumner County Subdivision Regulations. This minor plat is located on Donnawood Court. Subject property is located on Tax Map 123, Parcels 055.01 and 060.00, contains 5.87 acres, and is zoned Residential A (RA).

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

Mr. Suddath stated that a proposed soils easement for Lot #1 is located across Lot #2, which staff is not allowed to approve, since County regulations at Article III, Part H do not allow for septic areas to cross lot lines without a specific authorization being granted by the Planning Commission. Mr. Suddath stated that the applicant has submitted an appeal per the subdivision regulations to allow an easement for the septic system to be placed on multiple tracts.

Mr. Suddath stated that Lot 2 is almost totally bisected by the soils easement, and that combining the lots could be a viable alternative.

SUMNER COUNTY REGIONAL PLANNING COMMISSION MINUTES, JUNE 25, 2019

At this time, Mr. Suddath concluded his presentation, presenting the Commission with some example motions and then turned the meeting back over to Mr. Bratton.

At this time Mr. Carman approached the podium to clarify that the house on Lot 1 has recently burned down, and that it is currently an illegal lot, with an unapproved septic system, and that this action would make it a saleable lot. Mr. Suddath stated that this action would be a good thing in terms of converting an illegal lot to a legal one.

Motion by Mr. Taylor, seconded by Mr. Honeycutt to approve a waiver to the County Subdivision Regulations related to septic systems on multiple tracts for the Larry Haley and Wife Lisa Haley Final Plat subject to the following condition:

- a) The applicant adding a note to the plat stating the date this waiver was approved.

- 6. JONIE JANE JOHNSON PROPERTY – FINAL PLAT (Minor) – REPRESENTED BY RICHARD GRAVES – 1ST COMMISSION VOTING DISTRICT (Moe Taylor and Terry Wright) - Applicant is requesting approval related to Flag Lots in minor subdivisions per Article III, Part M of the Sumner County Subdivision Regulations. This sketch plat is located on North Corinth Road & East Carter Road. Subject property is located on Tax Map 022, Parcels 025.01 and 031.00, contains 6.41 acres, and is zoned Agricultural (A).**

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

Mr. Suddath gave an overview of this item stating that Staff cannot approve flag lots administratively and they must be reviewed by the Planning Commission. Mr. Suddath stated that upon approval of the Planning Commission, the subdivision will follow the procedure described within the Subdivision Regulations for approval of Minor Subdivisions.

Mr. Suddath concluded his presentation presenting the Commission with some example motions and then turned the meeting back over to Mr. Bratton.

Motion to approve a Sketch Plat for the Jonie Jane Johnson Property containing two flag lots by Mr. Geminden seconded by Mr. Taylor. Motion passed unanimously.

There being no further business to come before the board, the meeting was adjourned at approximately 5:42pm.