

**SUMNER COUNTY PLANNING COMMISSION
MINUTES
MAY 28, 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
GENE RHODES
CHRIS TAYLOR
TOM TUCKER
JIM WILLIAMS**

MEMBERS ABSENT:

**LUTHER BRATTON, CHAIRMAN
JERRY KIRBY**

STAFF PRESENT:

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

APPROVAL OF APRIL 2019 MEETING MINUTES BY MR. TAYLOR, SECONDED BY MR. HONEYCUTT. MOTION PASSED UNANIMOUSLY.

APPROVAL OF APRIL AGENDAWITH ITEM #5 BEING DEFERRED TO THE JUNE MEETING BY MR. HONEYCUTT, SECONDED BY MR. WILLIAMS. MOTION PASSED UNANIMOUSLY.

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

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

At this time, Mr. Geminden requested that Mr. Suddath provide a Staff presentation.

- 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. Suddath gave an overview of this item stating that the applicant is asking for Final Plat approval of a 6-lot subdivision on Dusty Lane. Mr. Suddath stated that the Sketch Plat was approved at the February meeting and the Preliminary Plat was approved at the April meeting. Mr. Suddath stated that the roads meet the 25 foot centerline dedication requirements and that no other improvements will be required. Mr. Suddath stated that the septic has been approved for this plat but asked Mr. Richard Graves to come forward and explain the situation with the septic.

Mr. Richard Graves came forward to state that prior to the final septic approval there was some repair work done. Mr. Graves stated that the soil scientist has the new locations marked but that his office did not have time to shoot it.

Mr. Honeycutt asked Mr. Graves if this was the septic system on the existing house.

Mr. Graves stated that the septic system for the existing house was repaired and somewhere between the soil scientist being there and Bo going out to do his approval, he wasn't comfortable with where it was at. Mr. Graves stated that there was some confusion with some of the parties involved.

Mr. Suddath stated that there is a 6 inch water line in place but insufficient water pressure for a fire hydrant. Mr. Suddath stated that since White House Utility District does not accept escrow funds, a variance request has been submitted.

Mr. Suddath stated that the applicant has turned in all his drainage plans and submitted water quality plans, which is not a requirement on smaller subdivisions at this time. Mr. Suddath stated that the applicant has sized all the culverts and are recommending 15 inch culverts at each location. Applicant's drainage calculations indicate an approximate 1 cubic foot per second of offsite impact. Mr. Suddath stated that the construction plans and supporting calculations have been approved for this development and that the County Consultant Engineer, Mr. Richard Jones, recommended that no additional mitigation be required. Mr. Suddath presented a copy of the EPSC Plan that was submitted showing where the culverts would be placed and stated that Staff would use these plans out in the field. Mr. Suddath stated that TDEC requires these plans to be turned in to them to have on file to show how the erosion control plans are put in place.

Mr. Suddath stated that he was not aware that the septic approvals had not been obtained, which is an important part of the lot configuration. Mr. Suddath stated that the Commission has options to approve this contingent on getting the septic approval, this

item can be deferred to come back next month with all the signatures and approvals, or to deny the plat approval.

Mr. Taylor asked if the Commission approved motion 1, would that include the septic being signed.

Mr. Suddath stated that early in his tenure, it was requested that the signatures be completed when the final plat came to the Commission. Mr. Suddath stated that there had been occasions when the Commission would approve the Final Plat and then when the Planning Office received the plat for signature, the lots would be reconfigured because the septic had not been done and the plat turned in for final signature by the Planning Department is totally different than what the Planning Commission approved.

Mr. Taylor asked if this is where this plat is at.

Mr. Suddath stated that he is not sure the status of this plat but knows additional work has been done and that Bo Fox has not signed off on the final reconfiguration.

Motion to defer Nolen Estates for 30 days by Mr. Taylor, seconded by Mr. Tucker. Motion passed unanimously.

2. **RESUBDIVISION OF LOT 2 OF THE MAX DAEE SUBDIVISION – SKETCH PLAT – REPRESENTED BY RICHARD GRAVES – 3RD COMMISSION VOTING DISTRICT (Alan Driver and Steve Graves)** – Applicant is requesting approval of a Minor Plat located on Mitchell Road and is seeking exceptions to Article III, Section D, Part 10, of the Sumner County Subdivision Regulations related to access to public roads. Subject property is located on Tax Map 072, Parcel 020.02, contains 3.93 acres, and is zoned Agricultural (A).

Mr. Suddath stated that the proposed subdivision would divide an existing parcel into two lots with the one lot being added to a larger lot to the north of the property leaving a .92 acre track to have access off of Mitchell Road via an easement. Mr. Suddath stated that the existing lot is grandfathered into the 1999 regulations but any new subdivisions must comply with the current regulations. Mr. Suddath stated that approval of this plat would allow the applicant to submit a Minor Final Plat for approval.

Mr. Suddath presented an overview of the plat approved in 1999 and the current sketch plat. Mr. Suddath stated that the previous subdivision regulations stated that no building shall be erected on a lot which does not continuously abut at least one public street for at least fifty (50) feet. Mr. Suddath stated that our new regulations basically state the same with the exception that to clarify that no new lot shall be created which does not

continuously abut at least one public street for at least fifty (50) feet, with an easement not satisfying this requirement. Mr. Suddath stated that nothing really changes for the applicant, the lot is still there with the easement, and it's just being carved off and added to a separate piece of property. Mr. Suddath stated that nothing will change in context of creating a new lot.

Mr. Honeycutt asked if the property owner behind this property is going to buy the property.

Mr. Graves stated that the applicant owns the whole piece of property. Mr. Graves stated that there is a house on the property since 1998, and that they are not really subdividing they are just adding to another piece of property. Mr. Graves stated that by subdividing this lot, it's not making it better or worse.

Mr. Steve Powers stated that he bought that lot as a buffer because it backs to his property and didn't want anyone to build on the back side of his property.

Mr. Graves stated that one of the requirements of the plat is that Mr. Powers add the portion of the property to the north with the rest of his property to make the acreage around 29 acres.

Mr. Taylor asked if the bottom part will be the new separate lot with the house on it.

Mr. Graves stated that it was. Mr. Graves stated that the lines on the lots might change since this was just a sketch plat but that the bottom lot would not get any smaller. Mr. Graves stated that by doing this separation, it would not be creating a new lot.

Mr. Taylor asked if the applicant owns the whole piece of property and that the subdividing of this would be as a buffer to his other properties, might he eventually end up selling the bottom portion of the property that has an existing house on it?

Mr. Graves stated that the existing house is not in bad shape so that could be an option for the applicant.

Mr. Tucker asked Mr. Graves how the existing house got access.

Mr. Graves stated that access is granted by the existing easement.

Mr. Geminden asked if there was a driveway on that easement.

Mr. Graves explained the history of the existing easement and there was discussion concerning the easement stating that the excess property would be made farm land.

Mr. Suddath stated that questions concerning easements and road access are received multiple times a day in the Planning office, the Law office, and the Codes office and that he is a big believer of precedent, and the Staff gets held accountable. Mr. Suddath stated that it is the Commission's to approve this and wanted to make it clear that this is a re-subdivision, it's not a new lot that is being created from a new farm with no road frontage, it is not worsening of a non-conforming lot, and it just basically is keeping the lot with the easement the same.

Mr. Graves stated that he is not trying to cause problems for the Planning Commission, but just wants to make it specific that no changes are being made with the access with the road easement and that nothing is being changed out front. Mr. Graves stated that the other property Mr. Powers may purchase will not have these issues because they have road frontage.

Mr. Tucker stated that this type of situation does set a precedent, but given the fact that this has been in existence since 1999 and does not adversely affect anyone else, he feels this should be adopted.

Motion to approve a Sketch Plat for the Re-subdivision of Lot 2 of the Max Dae Subdivision by Mr. Tucker, seconded by Mr. Rhodes. Motion passed unanimously.

Mr. Taylor stated that for the record, this decision is not to set a precedent, but that this decision is an exception.

Mr. Suddath stated that this item will be submitted by the applicant as a 2-Lot Plat.

- 3. RANDY MARINO PROPERTY– MINOR PLAT - 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 Switchboard Road. Subject property is located on Tax Map 050, Parcel 041.01, contains 6.16 acres, and is zoned Agricultural (A).

Mr. Suddath stated that this item is being presented to the Planning Commission due to having two flag lots and that approval of this item would allow Staff to approve the plat administratively. Mr. Suddath gave an overview of the property stating that it is a little hard to make out but the two properties will share the driveway to avoid accessing the creek and that there is an existing easement going onto the other property which is a recorded easement.

Mr. Suddath concluded his presentation of the Randy Marion Property presenting the Commission with some example motions and then turned the meeting back over to Mr. Geminden.

Mr. Taylor asked why the applicant wanted to do this.

Mr. Richard Graves came forward to say that Mr. Marino is getting to the age where he needs help with his day to day care and approval of this would allow his daughter to build a house close to him and to care for him. Mr. Graves stated that there was some perking problems and topographical problems and that was the reason for the configuration of the plat.

Mr. Taylor asked to confirm that the applicant owns the property and this would allow his daughter to build another house to care for him.

Mr. Graves stated that was correct. Mr. Graves stated that the applicant was going to have a smaller portion with his house and that his daughter would have the remainder of the property to take care of.

Mr. Suddath stated that the Zoning requirements will not allow a second dwelling be placed on a piece of property that is under 20 acres and is zoned Agricultural. Mr. Suddath stated that the only other option is to go before the Board of Zoning Appeals and request a Hardship Variance, but after that hardship is no longer needed that dwelling has to be removed. Mr. Suddath stated that those are the two options and that this lot is an unusual lot configuration but Mr. Graves did find a way to make it work.

Motion to approve a Sketch Plat for the Randy Marino Property containing flag lots by Mr. Taylor, seconded by Mr. Rhodes. Motion passed unanimously.

Mr. Tucker asked Mr. Suddath if this item would need to go before the Board of Zoning Appeals.

Mr. Suddath stated that it does not. Mr. Suddath stated that with the Commission's approval of the Sketch Plat, it can now be approved by Staff as a 2-lot Minor Plat.

- 4. CHARLES SHAW PROPERTY – MINOR PLAT – REPRESENTED BY RICHARD GRAVES - 1st COMMISSION VOTING DISTRICT (Moe Taylor and Terry Wright) – Applicant is requesting approval of a 2-lot subdivision containing a Critical Lot, and waiving requirements for public water availability. This minor plat is located on Old Highway 52 #6 and Rabe Coats Road. Subject property is located on Tax Map 028, Parcel 072.01, contains 5.19 acres, and is zoned Agricultural (A).**

Mr. Suddath stated that this item also an unusual plat as it is separated by Dutch Creek making it a Critical Lot being susceptible to flooding. Mr. Suddath stated that the applicant is requesting that the Planning Commission grant permission to remain on well water since a quote for extending service would be in the \$50,000.00 range. Mr. Suddath gave an overview of the plat showing where the creek is located and an existing house. Mr. Suddath showed where the proposed new house would go and the water line easement but that rock would have to be bored before the lines could be run. Mr. Suddath stated that since this is designated as a Critical Lot, this means that when the permits are pulled to build a structure, a licensed engineer or surveyor will have plans showing how the lot will be improved, the floor elevation, and addressing all the problems the lot has. These plans should include where all the sink holes are, where the stream buffers are and where the flooding issues are. Mr. Suddath stated that the City of Hendersonville and other municipalities do this and it seems to work well..

Mr. Geminden asked Mr. Graves if the property is in a designated flood plain.

Mr. Graves stated that it is not. Mr. Graves stated that a new bridge has helped this lot but it's not to say flooding won't happen. Mr. Graves stated that in the 2010 flood, water did get into the existing house's garage so that's why Mr. Suddath and he decided that it would be a critical lot.

Mr. Tucker stated that by requiring the applicant to do this, they are doing them a favor because to Mr. Graves point, flooding could happen but by crossing all the necessary particulars, he feels it's a good thing.

Mr. Graves stated that he thinks that bringing in the plats like this one is a good idea before the applicant spends a lot of money, it's good to let someone else look at it too.

Motion to approve a Final Plat for the Charles Shaw et ux Property, allowing the subject property to remain on well water, subject to:

- a) **Applicant obtaining all signatures**
- b) **All County requirements related to Critical Lots being met**

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

5. **LARRY HALEY & WIFE LISA HALEY – MINOR PLAT - REPRESENTED BY JIM CARMAN– 7TH COMMISSION 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).

THIS ITEM WAS DEFERRED BY THE APPLICANT

6. RESOLUTION 2019-04: A RESOLUTION RELATED TO ADOPTION OF CERTAIN FEES RELATED TO THE ESTABLISHMENT OF AN ENGINEERING FUNCTION FOR SUMNER COUNTY GOVERNMENT

Mr. Suddath stated that in February 2019, the Sumner County Regional Planning Commission voted to recommend adoption of an annual budget request submitted by the Sumner County Planning and Stormwater Department. Mr. Suddath stated that the new budget request included three new positions that will make up a new Engineering Function for the County. Mr. Suddath stated that those new positions would include:

- County Engineer
- Engineering Technician
- Construction Inspector

Mr. Tucker asked Mr. Geminden who has the authority to approve this item.

Mr. Geminden stated that the vote tonight would be to recommend the item to the County Commissioners.

Mr. Tucker stated that he was for this proposed item but would like to see a new department name change.

Mr. Suddath stated that if the Commission would like to see a name change for the department that could be part of the motion. Mr. Suddath stated that he could mention that to the County Executive and the County Commissioners that a name change take place.

Mr. Suddath stated that it has been a practice of the Sumner County Government that reasonable fees should be collected whenever possible to offset the cost of providing services. Mr. Suddath stated that the County Budget Committee requested that the Planning and Stormwater Department explore the establishment of such fees. Mr. Suddath stated that the goals being to offset the portions of each employee's time that is expected to be dedicated to Engineering Plan Review and Construction Inspection, which is a service provided to the development community.

Mr. Suddath presented an overview of a breakdown of how the three new positions would be utilized and how each position would be billable to the development. These percentages include:

- County Engineer – 60%
- Engineering Technician – 75%
- Construction Inspector – 100%

Mr. Suddath stated that the remainder of these employee's time is assignable to other County Departments and to the public generally.

Mr. Suddath stated that Staff sought to propose fees related to plan review and construction inspection that would offset these "billable" expenses.

Mr. Suddath stated that if these fees are established, the County would have options in terms of when to collect them which included:

- Option 1 would be to begin collecting them with the new fiscal year, and to pay any 3rd party review fees until such time as the employees are hired.
- Option 2 would be to allow 3rd party plan review and billing to continue as usual and to implement collection of the fees effective on the date the County Engineer is hired.

Mr. Suddath presented an overview to the Commission of the proposed fees to be adopted.

Mr. Suddath concluded his presentation of Resolution 2019-04, related to the adoption of certain fees related to the establishment of an Engineering Function for Sumner County Government presenting the Commission with some example motions and then turned the meeting back over to Mr. Geminden. Mr. Suddath stated that if this Resolution is approved, it will be presented to the Special Called Budget meeting being held on Wednesday, May 29, 2019, and then on to the full Commission if approved.

Motion to approve Planning Commission Resolution 2019-04, related to the adoption of certain fees related to the establishment of an Engineering Function for Sumner County Government to include:

- **Allow 3rd party plan review and billing to continue as usual and to implement collection of the fees effective on the date the County Engineer is hired.**
- **Department name change.**

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

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

Meeting Adjourned @ 5:50 p.m