

SUMNER COUNTY PLANNING COMMISSION MINUTES
NOVEMBER 26, 2019
5:00 P.M

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

MEMBERS PRESENT:

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

MEMBERS ABSENT:

LUTHER BRATTON, CHAIRMAN

STAFF PRESENT:

JOSH SUDDATH, DIRECTOR OF PLANNING & STORMWATER
KATHY YOUNG, ADMINISTRATIVE ASSISTANT
JOE PHILLIPS, STORMWATER MANAGER
LEAH MAY DENNEN, COUNTY ATTORNEY
BEN ALLEN, STAFF ATTORNEY

Mr. Geminden opened the meeting by stating that all members of the Planning Commission were present except for Mr. Bratton.

MOTION TO APPROVE THE OCTOBER 2019 MEETING MINUTES BY MR. WILLIAMS, SECONDED BY MR. TAYLOR. MOTION PASSED UNANIMOUSLY. MOTION TO APPROVE THE NOVEMBER 2019 AGENDA BY MR. TAYLOR, SECONDED BY MR. KIRBY. MOTION PASSED UNANIMOUSLY.

Mr. Geminden opened the floor for Public Comment.

There being no public comment, Mr. Geminden closed the floor and turned the meeting over to Mr. Suddath for staff comments.

1. **SANDERS LOTS – SKETCH PLAT AND VARIANCE REQUEST** – Represented by Anthony T. Bollinger – 12th Commission Voting District (Michael Guthrie and Justin Nipper) - Applicant is requesting Approval of a Sketch Plat and a request for variances from County Requirements related to Flag Lots and Minimum Lot Width requirements along a Collector Street for property located on **Highway 76E, Cottontown, TN 37048**. Subject property is on Tax Map 075, Parcel 025.04, contains 5.29 acres, and is zoned Residential A (RA).

Mr. Suddath provided an overview of the item, stating that this request was deferred at the last Planning Commission meeting, to allow the applicant and/or representative to be present to speak on the item.

Mr. Suddath confirmed that Mr. Bollinger is in attendance.

Mr. Suddath displayed the Sketch Plat, showing the irregular flag lot configuration, as well as an aerial photo.

Explaining that Highway 76 is classified, by the County, as a Rural Major Collector Road and classified by TDOT as a Minor Arterial Road, Mr. Suddath stated that the County Subdivision Regulations discourage direct cuts off of Arterial Streets by requiring 150 feet of road frontage. Mr. Suddath explained that the Sanders Lots are requesting a Variance from the lot width requirement due to the lots having only 50 feet of road frontage.

Mr. Suddath displayed a map showing the item's location on the County's Major Thoroughfare Plan.

Mr. Suddath displayed wording from the county's new Subdivision Regulations at Article III, Section L, Part 2 stating "In no case shall lots deriving sole access from an arterial or collector street have widths of less than 200 and 150 feet respectively." Mr. Suddath cited a recent request for a property located on Dobbins Pike, in which this rule was enforced, resulting in a requirement to redesign that subdivision to be in compliance.

Elaborating, Mr. Suddath displayed County Subdivision Regulations stating that a waiver or variance may be granted by the Planning Commission "provided that such waiver shall not have the effect of nullifying the intent and purpose of these regulations." Mr. Suddath added that it must be determined if there is an inherent physical hardship to the property, explaining that a variance cannot be granted just for convenience.

Mr. Suddath asked the Board to consider whether an approval would set a precedent for the future.

Mr. Suddath then presented other alternative subdivision configurations that could be considered for this property, which would not require a variance.

In conclusion, Mr. Suddath provided next steps and example motions.

Mr. Geminden asked if there were any questions for Mr. Bollinger.

Mr. Taylor stated that the Commission is against unusual flag lots, and asked why Lee Road is not being utilized as an access to the property, creating lots with straight lines.

Mr. Todd Bollinger stated that this is a family piece of property, of which Mr. Sanders wants to give his two grandchildren equal-sized land, leaving the corner section as one piece, due to uncertainty of what to do with it, regarding family issues.

Mr. Taylor made a motion to deny the request for Approval of a Sketch Plat and a request for variances from County Requirements related to Flag Lots and Minimum Lot Width requirements along a Collector Street for property located on Highway 76E, Cottontown, TN 37048, stating that while he would never want to tell someone what to do with their property, because there appear to be other road frontage that can be utilized, this request should be denied. Mr. Tucker seconded the motion to deny. Motion passed unanimously.

Mr. Geminden turned the floor over to Mr. Suddath for staff presentation.

- 2. SOMERSET DOWNS (PHASE 6) – FINAL PLAT (Major) - Represented by Ragan Smith Associates – 7th Commission Voting District (Loren S. Echols and Gene Rhodes)** - Applicant is requesting Final Plat approval for a 36-lot subdivision located at **Dorset Drive at Luxborough Drive, Hendersonville, TN 37075**. Subject property is located on Tax Map 123, Parcel 035.02 contains 17.33 acres, and is zoned Low Density Residential Planned Unit Development (LDRPUD).

Mr. Suddath provided an image of the Final Plat containing all required signatures, except his, pending approval from the Planning Commission. Then, Mr. Suddath gave a brief history of this property, including:

- * Somerset Downs Planned Unit Development Master Plan (Phases 4,5, and 6) originally approved October 2006
- * Final Plats for Phases 5 and 6 approved April 22, 2014 Phase 5 Final Plat recorded, all infrastructure complete, nearly built-out
- * Phase 6 Final Plat approval expired, infrastructure construction substantially complete at this time.
- * Drainage network for Phases 5 and 6 are totally interconnected.
- * County initiated enforcement action to gain compliance with Stormwater Resolution and to complete work on Phase 5 & 6 drainage infrastructure, beginning in April 2019, with issuance of a written Compliance Order
- * Stop Work Order was issued by the County for Phase 6 on May 7, 2019 and on Phase 5 on May 13, 2019.
- * Work formally completed for Phase 5 diversion berm on May 16, 2019 and for new Phase 6 pond on May 23, 2019 As-built surveys submitted for both structures by project engineer.

Mr. Suddath displayed the Road Overlay and images of Somerset Downs Phases 4-7, As-Built Certification for Phase 5 Diversion Berm and for a new basin constructed in Phase 6. Mr. Suddath explained that Phase 6 was never recorded and has expired, and is now seeking Final Plat Approval.

Mr. Suddath provided an update of Phase 6, following submittal of the Phase 6 Final Plat, including that County staff conducted a site inspection with the Developer, project Engineer from Ragan Smith, and Erosion Control Company on November 6, 2019. Then, on November 8, 2019, a punch list was provided to the applicant as part of review comments submitted to them by the Development Services Director. Mr. Suddath stated that the comments included stabilization with seed and straw as well as completion of the roads.

Mr. Suddath provided Preliminary Plans for the Roads, stating that the Final Plat indicates a 50 foot right of way cross section, with 24 foot pavement width, 12 foot travel lanes. Also, per the approved Master Development Plan, approved by the County with the Somerset Downs Master Plan in 2006, Mr. Suddath stated that sidewalks are to be constructed on one side of the street. Mr. Suddath stated that at this time, the roadway contained in Phase 6 is partially completed, with curb and gutter installed, and stone base installed and compacted.

Mr. Suddath commented that the County Engineer has inspected the roads roll test. Mr. Suddath added that additional rain inspections will have to be done, as well as an application of the asphalt binder coat completed, compacted and inspected by the County Engineer prior to signatures being obtained.

Mr. Suddath stated that the area has been stabilized and sown with ryegrass per the County Stormwater Management Resolution. Additionally, Mr. Suddath stated that road bond in excess of \$500,000 was posted with the County Road Superintendent in 2006. This amount will be sufficient to ensure that the final coat of surface asphalt is installed by the developer, and to cover any road failures that may occur during home construction within Phase 6.

Mr. Suddath verified that the County Road Superintendent has signed the Final Plat.

Next, Mr. Suddath provided Preliminary Plans for the Drainage, stating that regarding the on-site drainage:

- *Phase 6 pond (New Pond) and Phase 5 pond (regional basin) are complete.

- *County has required developer to correct some noted deficiencies related to Existing Phase 5 pond, such as installing a sediment filter, and regrading the area to correct some erosion issues.

- *The applicant has stated that they will provide a maintenance bond for all stormwater infrastructure to the County. Equivalent to 50% of overall construction costs of \$160,000, the Bond will be valid for a period of two years, or upon dedication of the facilities to the HOA. Mr. Suddath explained that if there are maintenance issues during those two years, the County may call on that bond to make repairs.

Mr. Suddath stated that a performance surety for the drainage has not yet been received, but the bank has stated that they will deliver it tomorrow. Mr. Suddath added that this must be in hand before the Plat is signed.

- *The bond may be called by the County if drainage areas are not satisfactorily maintained, or in the event of failure.

- *A punch list has been provided to the applicant. All items must be addressed and corrected by the applicant prior to the Planning Commission Secretary's signature upon the final plat.

Regarding the maintenance of the stormwater facilities, Mr. Suddath elaborated:

- *Long term maintenance of all stormwater facilities on site will be the responsibility of the Somerset Downs Homeowners' Association.

- *In the near term, the on-going maintenance of these facilities will be the responsibility of the Developer, Mr. Schuller and Mr. Carroll.

Upon recording of the Plat, Mr. Suddath **stressed** that the responsibility of on-going maintenance of these facilities, will fall to Creekside Homes, who is the builder for this development.

- *The Developer will also be required to enter into a Stormwater Maintenance and Inspection Agreement with the County

- *A note has been added to the final plat to this effect.

- *A draft of this agreement has been submitted to the County and has been reviewed by staff

Mr. Suddath displayed photos of the Phase 6 pond, rip-rap over the erosion, and the detention

pond containing risers, filters and silt socks.

Mr. Suddath stated that Water and Sewer are to be provided by the White House Utility District. Mr. Suddath added that all water and sewer infrastructure has been installed, White House Utilities has signed the Final Plat and fire hydrants have been installed per County Requirements at the required 500 foot spacing.

Stating a list of “next steps “which includes that the applicant will need to complete all remaining items on the “punch list” submitted by the County to the Developer on November 8, 2019, Mr. Suddath stated that once the punch list items are complete, the Planning Commission Secretary will sign the plat and it may be recorded. Lots may then be sold. Additionally, Mr. Suddath stated that per Article IV, Section C, the final coat of surface asphalt must be installed by the developer 36 months after the approved installation of the asphalt binder course, or after 75% of lots receive a Certificate of Occupancy, whichever is sooner. Therefore, the surface asphalt must be installed no later than November, 2022. Mr. Suddath reiterated that a bond is currently posted with the Highway Department to ensure completion.

Mr. Suddath concluded his presentation with example motions and turned the floor over to Mr. Geminden.

Mr. Geminden asked if there were any questions.

Mr. Honeycutt stated appreciation to Mr. Suddath and the developer of this property for addressing and resolving issues.

Mr. Honeycutt made a Motion to approve a Final Plat for Somerset Downs, Phase 6, subject to the following conditions:

- a) Applicant shall finalize construction and stabilization of all items noted within staff comments submitted to the applicant on November 8, 2019 to include all punch list items noted at Comment #2 prior to signature of the Final Plat by the Planning Commission Secretary.**
- b) Applicant shall submit “as built” drawings for the entirety of Phase 6 for review by the County Engineer. Approval of as-builts must be obtained from the County Engineer prior to the signature by the Planning Commission Secretary.**
- c) Applicant shall record a signed and executed Stormwater Inspection and Maintenance Agreement and maintenance plan for this development concurrent with the recording of the Final Plat for this phase.**
- d) Applicant shall maintain any outstanding bonds and/or letters of credit related to Phase 6 until such time as the County provides authorization to release them, seconded by Mr. Taylor. Motion passed unanimously.**

Mr. Geminden concurred with Mr. Honeycutt’s appreciation of the Planning Department, Somerset Downs developers and builders, calling this development an asset to the community.

Mr. Geminden turned the floor over to Mr. Suddath for staff comments.

3. **BRIAR ROSE HILL – FINAL MASTER DEVELOPMENT PLAN (FMDP) — Represented by GreenLID Design – 3rd Commission Voting District (Alan Driver and Steve Graves)** - Applicant is requesting a Final Master Development Plan approval for an event venue located at **2990 Highway 31E, Bethpage, TN 37022**. Subject property is located on Tax Map 084, Parcel 050.00, contains 1.8 acres, and is zoned Commercial 2 Planned Unit Development (C2PUD).

Mr. Suddath provided the overview of this property stating that it came before the Planning Commission and then to the County Commission for Rezoning from Agricultural to Commercial 2 Planned Unit Development (C2PUD) which was approved on November 18, 2019.

Mr. Suddath displayed the property from the assessor’s map, an aerial photo, the Final Master Development Plan, the County Context Map, landscaping and screening plan, and a photo showing the view from the road.

Mr. Suddath stated that other requirements include parking, which the applicant has addressed by proposing a gravel parking lot that will accommodate 26 parking spaces. Mr. Suddath added that County Zoning Regulations provide little guidance as far as the number of parking spaces that would be required for this use, but requirements generally stipulate that all parking lots for commercial uses shall be “dust-free”, generally meaning paved. Mr. Suddath stated that the applicant is requesting to be allowed to utilize a gravel parking lot in order to not detract from the historic nature of the property.

After stating the next general steps, which include the Planning Commission approval of a Final Master Development Plan, Mr. Suddath pointed out that no additional Site Plan Submittal will be required, as no additional construction is planned on site at this time.

Mr. Suddath concluded his presentation with example motions, adding that Mr. Andy Leath, from GreenLID Designs, is present.

After confirming that there were no questions, Mr. Geminden entertained a motion.

Mr. Rhodes made a motion to approve a Final Master Development Plan for the Briar Rose Hill Commercial PUD with the following conditions:

- **Any substantial change in use or in existing conditions upon the site location shall require an amendment to the Planned Unit Development’s Master Plan, and/or submittal of a site plan.**
- **Applicant shall revise the depicted zoning on the Final Master Development Plan to reflect that it is now zoned C2PUD,**
- **Seconded by Mr. Honeycutt. Motion passed unanimously.**

Mr. Geminden turned the floor over to Mr. Suddath for staff presentation.

4. **PEGGY L. RAGLAND (RESUB LOT 1 & 2) SKETCH PLAT (Major) - Represented by Todd Bollinger – 12th Commission Voting District (Michael**

Guthrie and Justin Nipper) - Applicant is requesting Sketch Plat approval for a 3-lot subdivision located on **Ben Albert Road, Cottontown, TN, 37048**. Subject property is located on Tax Map 100, Parcels 008.01, 008.02, 008.10 contains 4.597 acres, and is zoned Agricultural (A).

Mr. Suddath stated that this is technically in the White House Planning Region, which does not exist, creating debate over the zoning. Mr. Suddath stated that there are no wetlands noted on the property.

Displaying the Sketch Plat, Mr. Suddath stated that the landowner is proposing to combine two lots and create a 3-lot subdivision which will result in two of those lots being flag lots. Mr. Suddath also stated that the property is located on a Collector Road, requiring 50 feet of road frontage.

Additionally, Mr. Suddath presented wording from the County's Subdivision Regulations stating additional requirements for flag lots.

Mr. Suddath concluded his presentation with example motions.

Mr. Geminden asked if there were any question for Mr. Bollinger.

Mr. Honeycutt asked what the landowner's goal is in subdividing the property in this way.

Mr. Bollinger stated that the property to the east of these lots is owned by Mr. Ragland, the land owner, and contains his house. This Subdivision will create lots for each of his two daughters and another relative.

Mr. Taylor asked Mr. Suddath if this subdivision were against any regulations.

Mr. Suddath replied that the request is not against any regulations.

Mr. Taylor made a motion to approve a Sketch Plat for the Peggy L. Ragland Property containing two flag lots, seconded by Mr. Kirby. Motion passed unanimously.

Mr. Geminden turned the floor over to Mr. Suddath for staff presentation.

- 5. LIGHT PROPERTY – SKETCH PLAT (Major) – Represented by Richard Graves – 12th Commission Voting District (Michael Guthrie and Justin Nipper) - Applicant is requesting Sketch Plat approval for a 5-lot subdivision located at **Fern Valley Road and Shun Pike, Cottontown, TN, 37047**. Subject property is located on Tax Map 078, Parcel 031.08, contains 4.96 acres, and is zoned Residential A (RA).**

Mr. Suddath stated that Mr. Andy Leath would be representing this property.

Mr. Suddath provided an overview of the property, stating there is no wetland depicted on this property, displaying the Sketch Plat.

Explaining the utilities and Fire Protection, Mr. Suddath stated that there is an existing fire hydrant in place along Fern Valley Road which will serve all proposed lots.

Mr. Suddath further stated that the next steps required will be to receive Preliminary and then

Final Plat approval from the Planning Commission and the applicant will need to submit Drainage Calculations and Erosion Prevention & Sediment Control Plan and meet other requirements related to Stormwater Management.

In regards to roads, Mr. Suddath stated that adequate ROW is shown on the Plat. Mr. Suddath explained that Shun Pike is classified as an Urban Minor Collector along this segment per the County Major Thoroughfare Plan and lot widths meet requirements.

Mr. Suddath explained that this property is in the “Suburban” Place-Type, in which sidewalks, or a Payment In-Lieu-Of sidewalks along Shun Pike are required per the County’s Comprehensive Plan and per the County’s Subdivision Regulations. Therefore, Mr. Suddath stated that \$10 per linear foot payment is required as In-lieu-of sidewalk construction.

Mr. Suddath concluded his presentation with example motions.

Mr. Honeycutt made a motion to approve a Sketch Plat for Light Property, with the following condition:

- **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 turned the floor over to Mr. Suddath for staff presentation

6. SUMNER COUNTY REGIONAL PLANNING COMMISSION RESOLUTION 2019-04, approval of the 2020 plat submittal and meeting calendar.

Mr. Suddath stated that this has been brought before the Planning Commission with the intent of receiving approval regarding the schedule, including application cutoff dates and times as well as meeting dates.

Mr. Taylor made a motion to approve Planning Commission Resolution 2019-04, related to the 2020 Plat Submittal and Meeting Calendar, seconded by Mr. Honeycutt. Motion passed unanimously.

There being no further business, a motion to adjourn was made by Mr. Tucker, seconded by Mr. Honeycutt. Motion passed unanimously.

Meeting adjourned at 5:45pm.