

**SUMNER COUNTY PLANNING COMMISSION  
MINUTES  
OCTOBER 23, 2018  
5:00 P.M.**

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

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

**BILLY GEMINDEN, VICE-CHAIRMAN**

**STAFF PRESENT:**

**JOSH SUDDATH, DIRECTOR OF PLANNING & STORMWATER  
LINDA MCCULLOUGH, ASSISTANT TO THE DIRECTOR OF PLANNING &  
STORMWATER  
LEAH MAY DENNEN, COUNTY ATTORNEY  
BEN ALLEN, STAFF ATTORNEY  
TRACEY BARROW, COUNTY MS4 MANAGER**

Mr. Suddath introduced the new members of the Planning Commission and Mr. Rhodes and Mr. Taylor gave a brief summary about themselves.

**MOTION FOR APPROVAL OF THE SEPTEMBER MINUTES BY MR. WILLIAMS,  
SECONDED BY MR. TAYLOR. MOTION PASSED UNANIMOUSLY.**

**MOTION FOR APPROVAL OF THE OCTOBER AGENDA BY MR. HONEYCUTT,  
SECONDED BY MR. TAYLOR MOTION PASSED UNANIMOUSLY.**

**PUBLIC COMMENT: Mr. Bratton opened the meeting for Public Comment. There being none, he introduced the first agenda item.**

- 1. BLEDSON CROSSING – PRELIMINARY PLAT – REPRESENTED BY MIKE HOLLAND – 3<sup>RD</sup> COMMISSION VOTING DISTRICT – (Alan Driver and Steve Graves) - Applicant is requesting a Preliminary Plat approval for a 48-lot subdivision located on Highway 25. Subject property is located on Tax Map 110, Parcel 012.00, contains 59.22 acres, and is zoned Residential (RA) and Residential 1A (R1A).**

Mr. Suddath stated that the sketch plat was approved at the August Planning Commission meeting with the condition that the applicant provide an updated traffic study. Mr. Suddath stated that the applicant has submitted a comprehensive set of construction drawings showing all drainage and road improvements. Mr. Suddath stated that the applicant plans to construct all infrastructure prior to returning for final plat approval. However, if the applicant returns for final plat approval and the infrastructure is not completed, the applicant will have to provide a bond in an amount to pay for all that remains. Mr. Suddath stated that the road layout and entrance configuration reflects the recommendation of a completed traffic study. Water lines and fire hydrant spacing all meet County specifications.

Mr. Suddath stated that the outstanding issues for Bledsoe Crossing include:

- **Significant Concerns Regarding Ownership of Subdivision Common Elements:**

- **Landscaped buffer along East side of property**

1<sup>st</sup> submittal of the preliminary plat and current construction drawings stated that a landscape buffer of evergreens would be planted as a 20' buffer and all damaged or dead trees would be replaced by the HOA. The revised 2<sup>nd</sup> submittal of the preliminary plat stated that the damaged or dead trees would be replaced by the homeowner. Since this property borders a sensitive historic area, and plans call for a buffer, it is unclear if this expense would fall under the homeowner or the HOA.

- **Entryway feature**

There will be an entryway on both sides of the subdivision entrance. The submitted subdivision restrictions indicate that lots 1 and 33 would be responsible for maintaining any and all landscaping around the entrance and signs that may need to be replaced. There is no wording as far as private enforcement, so the County would take on the responsibility to take on and enforce the upkeep of this entrance way.

- **Retention area located on West side of property**

The retention area will be between lots 4 & 5 and according to the subdivision regulations, those lots will be responsible for maintaining the retention pond. Failure to maintain the retention area of this development could realistically result in the loss of life and property. Two property owners would bear the sole responsibility for maintaining the drainage structure of the entire subdivision resulting in significant cost and liability. There is also concerns with those lots not being sold and setting empty and lot 5 not being a buildable lot.

- **Plat and Construction Drawings are contradictory as far as who will own and maintain these Elements**

- **Response to comments say no HOA, Plat and Construction Drawings say HOA is responsible**

Mr. Suddath stated that there was some confusion on whether or not a HOA would be created and maintained by that HOA for the buffers and drainage areas.

Due to the seriousness of long term life safety and maintenance, Mr. Suddath stated that he would recommend that the applicant provide a detailed plan to the Planning Commission regarding how these issues will be addressed prior to Preliminary Plat approval.

Mr. Suddath stated that the next proposed steps include:

- **Applicant has stated that their plan is to develop entire subdivision without phasing**
- **Applicant's stated plan is to construct all infrastructure for entire subdivision following preliminary approval and bring back to Commission for final plat when it is substantially complete**
- **At that time they will need to provide a bond adequate to cover all remaining improvements as well as 10% of construction costs for one year warranty period**

Mr. Andy Leath with GreenLid Designs, LLC came forward and stated that the Developer, Marcus Smith, is willing to establish an HOA. Mr. Leath also stated that by delaying this approval 30 days, it will interfere with some of the permits that are ready and construction deadlines are closing in. Mr. Leath stated that if they could pull the Land Disturbance and start pushing dirt and come back next month with the HOA Documents.

Mr. Taylor asked Mr. Suddath if he was ok with not deferring the request.

Mr. Suddath stated that he does not have a problem with them doing some grading at this stage, but that if the item does not come back next month, a Stop Work Order will be placed on the development.

Mr. Bratton asked if the developer would come forward to confirm the deferral of this item.

Mr. Marcus Smith came forward and stated that he was ok with deferring this item for 30 days and also stated that there will be no problem setting up an HOA for this development if this is what the Board and Staff wants.

Mr. Taylor asked Mr. Leath if the new traffic study showed a turning lane.

Mr. Leath stated that the constructions plans show a turning lane in the driveway entrance to the subdivision and that the setbacks will be determined by TDOT approval.

Mr. Suddath asked Tracey Barrow, Stormwater Manager, to come forward to speak about his comfort level with the developer starting to grade the property before Preliminary Plat approval.

Mr. Barrow stated that they could start grading and doing some infrastructure on the property, however, at the end of November, if this item has not met the approval of the Planning Commission, a Stop Work Order will be placed on the property until approval.

Mt. Tucker asked if granting a 30 day temporary land disturbance will set a precedent to let other developers do the same.

Mr. Suddath stated that normally the developer does not get a land disturbance without the approval of the development by the Planning Commission, however, it does not mean that the permit cannot be issued.

There was discussion on this issue.

Mr. Leath stated that they have done their due diligence on this project and are not going to go out there and move dirt. We have erosion plans that have been looked at and approved by TDEC and by an engineer.

There was discussion.

Mr. Honeycutt asked Ms. Leah Dennen if there was any legal issues by doing this.

Ms. Dennen stated that she does not think it's a good idea to allow this to happen. It sets a bad precedent to allow others to ask for the same request.

**Motion to defer a decision on the Preliminary Plat for Bledsoe Crossing until the November 2018 Planning Commission meeting**

- **In order to give the applicant time to provide a written plan related to responsibility for maintenance of common elements in the subdivision.**
- **Provide an updated traffic study.**

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

- 2. MATTHEW CARMAN & WIFE BETSY CARMAN PHASE 2 – FINAL PLAT – REPRESENTED BY JIM CARMAN – 1<sup>ST</sup> COMMISSION DISTRICT – (Moe Taylor and Terry Wright) – Applicant is requesting Final Plat approval for a 5-lot subdivision located on Rock Bridge Road. Subject property is located on Tax Map 050, P/O Parcel 009.00, contains 4.86 acres, and is zoned Agricultural.**

Mr. Suddath stated that this subdivision is to be submitted for the second property. Preliminary plat for Phase 2 was approved by the Planning Commission in July and the conditions issued for final plat approval have been met. Mr. Suddath stated that drainage calculations do show that there will be an increase in flow after Phase 2 is built out. The applicant did provide a statement from their engineering firm stating that there will not be a significant drainage impact once all homes are built.

Mr. Suddath stated that septic areas for this subdivision have been approved and the applicant has obtained the Environmentalist's signature. Mr. Suddath also stated that all signatures have been obtained for this plat in accordance to the County Subdivision Regulations.

**Motion to approve a Final Plat for Matthew Carman and Wife Betsy Carman Phase 2 subject to the following conditions:**

- **The applicant shall submit a sketch plat for the remainder of the tract prior to the submission of any future phases or sections, to include minor subdivisions.**
- **The applicant shall record the Engineer's Finding of No Significant Impact with the Sumner County Register of Deeds prior to recording the final plat.**
- **A note shall be added to the Final Plat stating that the Project Engineer provided a Finding of No Significant Drainage Impact for the project and specifically referencing where the instrument is recorded.**

**by Mr. Rhodes, seconded by Mr. Taylor. Motion passed unanimously.**

3. **TRIPLET ACRES – FINAL PLAT – REPRESENTED BY RICHARD GRAVES – 12<sup>th</sup> COMMISSION VOTING DISTRICT – (Michael Guthrie and Justin Nipper)** – Applicant is requesting a Final Plat approval for a 5-lot subdivision located on Highway 25W. Subject property is located on Tax Map 074, Parcel 137.00, contains 9.92 acres, and is zoned Agricultural.

Mr. Suddath stated that this item came before the Planning Commission in September and was deferred until drainage engineering was complete. Mr. Suddath stated that drainage calculations do show that there will be an increase in flow after this subdivision is built out. The applicant did present a statement from their engineering firm stating that there will not be a significant drainage impact once all homes are built.

Mr. Suddath stated that significant right of way on the state route is already dedicated presuming that no improvements will be required by TDOT. Mr. Suddath stated that the septic has been approved and signed by the County Environmentalist and also stated that the fire protection and water service meets the requirements of the County Subdivision Regulations. Mr. Suddath stated that the size of the water line is undetermined at this time.

Mr. Richard Graves stated that the water lines will be 8”.

- **Drainage**
  - **Drainage calculations have been submitted with the final plat**
  - **Calculations show an increase in post development flows off site to properties to the East**

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

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

Mr. Suddath stated that the Stormwater Resolution requires that plans must be presented showing how offsite impacts will be mitigated. Van Oldham with GreedLid Designs, LLC submitted a Finding of No Significant Drainage Impact Certificate. Therefore this subdivision meets the requirements of the County Stormwater Resolution or the State Regulatory Standards if the Planning Commission is willing to accept this engineer’s finding.

**Motion to approve a Final Plat for Triplet Acres subject to the following conditions:**

- **The applicant shall record the Engineer’s Finding of No Significant Impact with the Sumner County Register of Deeds prior to recording the final plat.**
- **A note shall be added to the plat stating that the project Engineer provided a Finding of No Significant Drainage Impact for the project and specifically referencing where the instrument is recorded.**

**by Mr. Taylor, seconded by Mr. Kirby. Mr. Honeycutt abstained from voting. Motion passed unanimously.**

4. **BEAR CARR ESTATES – FINAL PLAT – REPRESENTED BY RICHARD GRAVES – 1<sup>ST</sup> COMMISSION VOTING DISTRICT – (Moe Taylor and Terry Wright) -** Applicant is requesting a Final Plat approval for a 11-lot subdivision located on Clyde Wix Road and Bear Carr Road. Subject property is located on Tax Map 045, Parcel 077.00, contains 12.61 acres, and is zoned Agricultural  
**THIS ITEM HAS BEEN DEFERRED AT THE APPLICANTS REQUEST.**
5. **SOMERSET DOWNS, PHASE 7 – PUD AMENDMENT – REPRESENTED BY JAY EASTER, RAGAN-SMITH – (7<sup>TH</sup> COMMISSION DISTRICT – Loren Echols and Gene Rhodes) –** Applicant is requesting a PUD Amendment related to property located on Luxborough Drive. Amendment would allow future division of a proposed 3.63 acre home site into 5 total home sites with a minimum lot size of 12,000 feet. Subject property is on Tax Map 123, Parcel 035.01, contains 3.63 acres and is currently zoned Low Density Residential PUD.  
**The agenda item was advertised in The Gallatin News on Thursday, October 11, 2018. This is a public hearing.**

Mr. Suddath stated that Somerset Downs, Phase 7 was originally rezoned in October 2017 to a Low Density Residential Planned Unit Development (LDRPUD) and passed by the County Commission in December 2017. Mr. Suddath stated that approval of this amendment would allow for four (4) additional home sites. Mr. Suddath stated that if this proposed amendment is passed, it would supersede the PUD amendment that was passed in 2017.

Mr. Suddath stated that the next steps for this PUD Amendment includes:

- **Request to amend the PUD will go to the Legislative Committee for 2 readings**
- **Note: May be sent back to Planning Commission for study at any time**
- **Request will then go to Full County Commission for a vote**
- **Note: May be sent back to Planning Commission for study at any time**
- **Final Plan Amendment for Phase 7 goes back to Planning Commission**
- **Final Amendment may be accompanied by a Preliminary Plat for Phase 7, which must include:**
  - **Full set of construction drawings depicting all drainage and road improvements. (Note: All requirements contained in Stormwater Resolution will be enforced).**
- **Stormwater Maintenance Agreement**
- **Applicant Constructs Infrastructure**
- **After Substantial Completion, Final Plat may be recorded, lots may be sold**

Mr. Rhodes asked if any houses have been built in Phase 7 yet.

Mr. Suddath stated that this is just an amendment and that no houses have been built. Mr. Suddath stated that once the PUD Amendment is approved, then the process begins for plat approvals, and the actual lots can be created and sold.

**Motion to forward a positive recommendation to the Sumner County Commission related to Amendment #1 of the Somerset Downs Planned Unit Development, Phase 7. by Mr. Honeycutt, seconded by Mr. Williams. Motion passed unanimously.**

**Motion to adjourn by Mr. Honeycutt, seconded by Mr. Bratton. Motion passed unanimously.**

Meeting Adjourned @ 5:48 p.m.

