

SUMNER COUNTY PLANNING COMMISSION

MINUTES

OCTOBER 27, 2020 5:00 P.M.

WORK STUDY 4:00 PM

SUMNER COUNTY PARKS AND RECREATION BOARD JOINT WORK SESSION

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

MEMBERS PRESENT:

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

MEMBER ABSENT:

STAFF PRESENT:

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

Mr. Bratton opened the meeting by thanking the Sumner County Parks and Recreation Board for participating in a joint work session prior to this meeting.

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

There being no changes to the October Agenda, Mr. Geminden made a motion to approve the Agenda, seconded by Mr. Taylor. Motion approve unanimously.

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

- 1. 395 PREACHER ROBERTSON ROAD-REZONING –Rick Isaacson, represented by Don Bullard – 3rd Commission Voting District (Alan Driver and Steve Graves) – Applicant is requesting a Rezoning from Planning Unit Development (PUD) to Agricultural Reserve (AR). Subject property is located at 395 Preacher Robertson Road, Castalian Springs, TN, 37031, is on Tax Map 151, Parcel 022.00, contains 527.63 acres and is zoned Planned Unit Development (PUD). Adjoining property owners were notified by certified mail and the agenda item was advertised in The Gallatin News and the Hendersonville Standard on Thursday, September 24, 2020. THIS IS A PUBLIC HEARING.**

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Mr. Suddath provided an overview of the property, and stated the request to rezone this property from PUD to Agricultural Reserve. Mr. Suddath explained that the rezoning would effectively eliminate the Planned Unit Development Master Plan approved for this property, as well as any previous agreements the previous owner had entered into with the County for road work etc. Mr. Suddath further explained that if approved, the minimum lot size for the entire tract would be 15 acres going forward.

Mr. Suddath then displayed the Public Notice and an aerial photo of the property.

Mr. Suddath explained that due to the large Planned Unit Development that was approved for this property in 2008, the Comprehensive Plan currently describes the property as an Emerging Village Center, a classification that no longer exists. Mr. Suddath stated that this is an example of why the County's Comprehensive Plan need to be updated.

At this point, Mr. Suddath stated that there is a nine-prong test for Rezoning, and went on to explain those, stating that amending the Official Zoning Map (Rezoning) is a legislative act solely granted to the County Commission, upon recommendation of the Planning Commission.

Mr. Suddath stated that the Planning Commission and County Commission shall consider the following nine factors in their actions:

1. Whether and the extent to which the proposed amendment is consistent with the Sumner County Comprehensive Plan and any other applicable County-adopted plans;
Action is not consistent with the Sumner County Comp Plan, which reflects this property as a large PUD.
2. Whether and the extent to which there are changed conditions that require an amendment;
There are changed economic conditions that justify this amendment. This proposed development has sat undeveloped for over a decade. A new owner has purchased the property, and wishes to utilize it for less intense purposes.
3. Whether and the extent to which the proposed amendment addresses a demonstrated community need;
The effect of this zoning amendment will be to preserve over 500 acres of property in its rural state. Rural preservation is a stated goal of the County's Comprehensive Plan.
4. Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land;
The allowed uses and large 15 acre minimum lot size will be appropriate for this rural corner of the County.
5. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern, or deviate from logical and orderly development patterns;
This item will essentially take this property out of consideration for any development. If the owner wishes to develop in the future another rezoning will be required.
6. Whether and the extent to which the proposed amendment would encourage development prior to the availability of necessary services and infrastructure;

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No, this development will limit the property to large lot rural uses only. Infrastructure needs are very limited.

7. Whether and the extent to which the proposed amendment would result in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts;
This is the first rezoning to Agricultural Reserve in the County. The uses allowed will not be intense, and will fit the character of the area generally.
8. Whether and the extent to which the proposed amendment would result in significant adverse impacts on the property values of surrounding lands; and
None are anticipated. Any uses outside of construction of single family homes (on 15 acre lots) will either be agricultural and allowed by right, or require additional approvals from the County Board of Zoning Appeals and/or Planning Commission
9. Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.
None are anticipated. The proposed zoning will ensure significantly reduced impacts on the natural environment.

Mr. Suddath explained the next general steps and completed his presentation with example motions.

Mr. Bratton opened the Public Hearing. There being no one wishing to speak, Mr. Bratton closed that Public Hearing.

Mr. Taylor made a motion to provide a positive recommendation to the Sumner County Commission related to a Request for Rezoning for 395 Preacher Robertson Road (Tax Map 151 Parcel 022.00) contingent upon the following condition which must be met prior to the forwarding of this item to the County Commission:

- a) **Applicant shall record a deed restriction for the subject property stating that no tract or other property division shall be made that is less than the established 15 acre minimum lot size established for the Agricultural Reserve District at Chapter 4 of the County Zoning Resolution, such restriction to be prepared for the applicant by County Staff,**
seconded by Mr. Geminden. Motion passed unanimously.

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

2. **SUMNER COUNTY RESOLUTION 2020-04: A RESOLUTION RECOMMENDING APPROVAL OF ADOPTION OF AMENDMENTS TO**

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CHAPTER 10 OF THE SUMNER COUNTY, TENNESSEE ZONING RESOLUTION RELATED TO FLOOD HAZARD DISTRICTS, REGULATING DEVELOPMENT WITHIN THE JURISDICTION OF SUMNER COUNTY, TENNESSEE, TO MINIMIZE DANGER TO LIFE AND PROPERTY DUE TO FLOODING, AND TO MAINTAIN ELIGIBILITY FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM.

This item was advertised in The Gallatin New and the Hendersonville Standard on Thursday October 15, 2020. THIS IS A PUBLIC HEARING.

Mr. Suddath explained that from time to time, Federal and State authorities promulgate new flood maps and standard regulatory language to local governments related to Floodplain Administration requirements. Mr. Suddath stated that local governments are required to review and adopt these revisions into their zoning regulations, in order to maintain eligibility for participation in the National Flood Insurance Program. Federal and State authorities last promulgated these required changes in 2012, stated Mr. Suddath, stating that the County duly adopted the changes effective April 16, 2012.

With the adoption of a new Zoning Resolution earlier this year, Mr. Suddath explained, new wording was incorporated that provided clarity to staff, related to various requirements, and which kept key State and Federal requirements intact. These proposed amendments, added Mr. Suddath, are part of a routine update to data maintained by the Federal and State Emergency Management Agencies, and are not related to these recently adopted updates.

Mr. Suddath went on to explain that the County received notification from Amy J. Miller, State of Tennessee's National Flood Insurance Program Coordinator on September 28, 2020, that new flood hazard data and effective dates had been established for Sumner County, adding that these requirements are established within a "Letter of Final Determination". Mr. Suddath stated that this letter initiates a six month period during which each community must adopt or amend its floodplain management regulations to reference the date and title of the new Flood Insurance Rate Maps and Flood Insurance Study report.

Mr. Suddath stated that these amendments to Chapter 10 of the County Zoning Resolution would incorporate those required changes provided by state authorities.

Per Ms. Miller, *"Each community must adopt the new map panels and study before January 11, 2021," and failure to adopt the changes before February 26, 2021 will result in Sumner County being suspended from the National Flood Insurance Program."*

In order to meet this deadline, Mr. Suddath stated that staff has worked with state and federal officials to incorporate required language into the County Zoning Resolution adding that Staff has worked to ensure that these changes are formatted properly, and do not contradict language contained elsewhere in the Zoning Resolution, especially with regard to variances and other appeals.

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Mr. Suddath affirmed that these staff revisions have been provided to State and Federal Officials, who have reviewed them and provided comment. Mr. Suddath stated that these officials have provided their approval to the County for any proposed deviations from standard language they have furnished.

Mr. Suddath added that the proposed language is generally consistent with previously adopted wording, and an effort was made to ensure that these revisions do not impose any new restrictions, over and above what has been previously enacted.

At this point, Mr. Suddath displayed the Public Notice and explained the next general steps which include:

- Text amendment will go to the Legislative Committee for 2 readings
- Request will then go to Full County Commission for a vote
- If approved, these changes will become effective February 26, 2021.

Mr. Suddath concluded his presentation with example motions.

Mr. Suddath stated that Mr. Richard Jones, the County Engineer, has taken on the role of Floodplain Administrator within the Development Services Department, adding that this was previously part of the Building and Codes Department.

Mr. Jones stated that this Resolution is mainly to update all the modifications and tweaks that have been made to the Floodplain Map within the past decade.

Mr. Bratton opened the Public Hearing. There being no one wishing to speak, Mr. Bratton closed the Public Hearing.

Mr. Honeycutt made a motion to approve Planning Commission Resolution 2020-04, related to amendments to Chapter 10 of the Sumner County Zoning Resolution and to forward a positive recommendation to the Sumner County Commission, seconded by Mr. Rhodes. Motion passed unanimously.

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

- 3. RESUB OF LOT 1 OF ANN MARIE THOMPSON – SKETCH PLAT (Major) – Represented by Richard Graves – 1st Commission Voting District (Terry Wright and Moe Taylor) – Applicant is requesting Sketch Plat approval for a 4-lot subdivision located at 4155 Hwy 31E, Bethpage, TN, 37022, on Tax Map 064, p/o Parcel 025.04, contains 3.99 acres, is zoned Rural Residential (RR).**

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Mr. Suddath began his presentation of this property by stating that, although a Preliminary Plat for this subdivision was approved in July, 2020, this property is now returning as a Sketch Plat, requesting a lot width variance, as there are Railroad issues. Mr. Suddath stated that the applicant is also requesting to stay under the old Subdivision Regulations, as this property was started prior to the new regulations.

Mr. Suddath displayed the Preliminary Plat (approved, July 2020) and the current Sketch Plat submittal. Mr. Suddath explained that the originally proposed road access off of Old Highway 31E has been revised to accessing the State Highway 31, due to the old Railroad property. Next, Mr. Suddath explained that all lots are proposed to directly access US-31E, which is a Major Arterial Roadway, and therefore, require a 200 foot lot width. Mr. Suddath then stated that the lots depicted have a width as follows:

Lot 1A: 114.5 feet

Lot 1B: 102.6 feet

Lot 1C: 105.9 feet

Lot 1D: 50.3 feet.

Mr. Suddath explained that wording from the New Subdivision Regulations at Article III, Section L, Part 2 states that *"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 also explained that the County Subdivision Regulations state that a waiver or variance may be granted by the Planning Commission:

"If the Planning Commission finds that compliance with certain subdivision regulations will increase the difficulty of development of a particular property without significant benefit (result in practical difficulties), a waiver of these regulations may be granted provided that such waiver shall not have the effect of nullifying the intent and purpose of these regulations."

Mr. Suddath then explained next steps and provided example motions.

Mr. Suddath stated that as Mr. Graves is not in attendance, he would try to answer any questions.

Mr. Geminden referenced a previous slide and suggested that if the small lot had not been removed, there may have been adequate road frontage for the lots.

Mr. Suddath stated that he could check with Mr. Graves regarding that.

Mr. Taylor made a motion to deny a Sketch Plat and Variance Request related to minimum lot widths along an Arterial Street for Resubdivision of Ann Marie Thompson, Section 2,

There was conversation regarding the absence of the engineer and surveyor for this request.

Mr. Rhodes asked for clarification of the policy regarding the number of curb cuts.

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Mr. Suddath stated that there is a minimum lot width requirement to ensure that the curb cuts are further away from each other.

Mr. Taylor restated a motion to deny a Sketch Plat and Variance Request related to minimum lot widths along an Arterial Street for Resubdivision of Ann Marie Thompson, Section 2, seconded by Mr. Honeycutt.

Mr. Bratton asked how a denial vs. a deferral effects the plat.

Mr. Tucker stated the Board should not reverse the precedent.

Mr. Suddath stated that this Plat can be reworked and resubmitted, if the applicant so desires, and explained that the Variance is being denied, not the project.

Motion passed unanimously.

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

- 4. CLAYPOOL ESTATES – PRELIMINARY PLAT (Major) – Represented by Richard Graves – 1st Commission Voting District (Terry Wright and Moe Taylor) – Applicant is requesting Preliminary Plat approval for a 4-lot subdivision located on Claypool Road, Bethpage, TN, 37022. Subject property is Tax Map 050, Parcel 024.00, contains 4.74 acres and is zoned Rural Residential (RR).**

Mr. Suddath provided an overview of the property, providing an aerial photo and the Preliminary Plat. Next, Mr. Suddath explained the following:

- 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 will need to be dedicated along Hickory Corner/Claypool Road
- Proposed lot widths meet all requirements.
- Required open space depicted upon the plat.
- 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 will be required

Mr. Suddath then explained the next steps and concluded his presentation with example motions.

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Mr. Bratton asked if anyone had questions for the project's engineer.

Mr. Taylor asked Mr. Suddath if there was any concern of creating subdivisions in a "peace-meal" fashion.

Mr. Suddath stated that when a subdivision comes off of a large tract, you kind of get one "freebie", however, if another subdivision is brought forth, there will be a request for a Sketch Plat of the entire property.

Mr. Rhodes stated that he had the same concern as Mr. Taylor.

Mr. Taylor made a motion to approve a Preliminary Plat for Claypool Estates, with the following conditions:

- a) Applicant shall obtain signed approval from County Engineer for required 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 upon submittal of any Final Plat for this phase.**
- c) Applicant shall pay applicable Construction Inspection fees in the amount of \$100 per lot to the County upon submittal of a Final Plat.**
- d) An HOA shall be chartered and established for this development in accordance with Chapter 8 of the County Zoning Resolution, and shall have ownership and maintenance responsibility for any and all Common Open Space Depicted upon the Plat,**

Seconded by Mr. Williams. Motion passed unanimously.

At this time, Mr. Bratton stated that Mr. Suddath wished to revisit the changes to the Development Services Department Fee Schedule which was previously approved.

5. SUMNER COUNTY REGIONAL PLANNING COMMISSION RESOLUTION 2020-03: A RESOLUTION TO AMEND DEVELOPMENT SERVICES DEPARTMENT FEE SCHEDULE (PREVIOUSLY APPROVED, FOR DISCUSSION ONLY)

Mr. Suddath stated that although this item had been discussed at the September Planning Commission meeting, he wished to provide a more detailed explanation. Mr. Suddath stated that this Resolution will allow for a revision of some existing fees and will allow the addition of fees for new services, per the new zoning resolution policies.

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Providing a brief history of the County's fees, Mr. Suddath stated that he looked back to 1995, which included minor plat fees of \$50, which he added, is the current fee for minor plats. Mr. Suddath stated that the new fee for minor plats will be \$150. Mr. Suddath stated that Development Services has received 80+ minor plat submittals this year alone. Mr. Suddath went on to summarize the increase to some existing fees and then explained the new fees that have been necessitated out of the creation of new policies, per the adoption of a new Zoning Resolution. Mr. Suddath stated that those policies requiring new fees include: Minor Home Based Businesses (\$100 proposed fee), Accessory Dwelling Units (\$300 proposed fee), Zoning Determination Letters (\$300 proposed fee) and Certificate of Zoning Compliance Fee (\$50 proposed fee).

Mr. Geminden stated that he is happy that the ADU process is now an option in the County, adding that he feels this is especially beneficial to older residents.

Mr. Suddath then completed his presentation by explaining the required documents, for an ADU application.

Mr. Taylor made a motion to adjourn, seconded by Mr. Geminden. There being no opposition, the meeting adjourned at 5:50 pm.