

**SUMNER COUNTY PLANNING COMMISSION  
MINUTES  
SEPTEMBER 25, 2018  
5:00 P.M.**

**SUMNER COUNTY ADMINISTRATION BUILDING  
ROOM 112  
355 N. BELVEDERE DRIVE  
GALLATIN, TN. 37066**

**MEMBERS PRESENT:**

**LUTHER BRATTON, CHAIRMAN  
BILLY GEMINDEN, VICE-CHAIRMAN  
STEVE GRAVES  
JIM WILLIAMS  
TOM TUCKER**

**MEMBERS ABSENT:**

**MIKE HONEYCUTT  
JERRY KIRBY**

**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**

**MOTION FOR APPROVAL OF THE AUGUST MINUTES BY MR. GEMINDEN,  
SECONDED BY MR. STEVE GRAVES. MOTION PASSED UNANIMOUSLY.**

**MOTION FOR APPROVAL OF THE SEPTEMBER AGENDA BY MR. GEMINDEN,  
SECONDED BY MR. TUCKER. MOTION PASSED UNANIMOUSLY.**

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

- 1. LESTER RAY BULLARD ESTATES PHASE 2 – FINAL PLAT –  
REPRESENTED BY RICHARD GRAVES – 3<sup>RD</sup> COMMISSION VOTING  
DISTRICT – (Alan Driver and Steve Graves) – Applicant is requesting Final Plat  
approval for a 10-lot subdivision located on Greenfield Lane. Subject property is located  
on Tax Map 107, Parcel 001.02, contains 12.31 acres, and is zoned Agricultural.**

Mr. Suddath stated that proper paperwork was submitted for Lester Ray Bullard Estates,  
Phase 2 to be renamed to Sunset Springs, Phase 2.

Mr. Suddath stated that Sketch Plat approval was approved at the January Planning Commission meeting and Preliminary Plat approval at the July meeting. Mr. Suddath stated that approval of this phase will complete the subdivision.

Mr. Suddath stated that some outstanding issues on this final plat include:

- **Drainage**
  - **Construction plans submitted. Retention pond, drainage ditch, and structures are included, as are erosion control and grading plans (initial, interim and final Plans included)**
  - **Applicant has agreed to provide a signed stormwater maintenance and inspection agreement.**
- **Streets**
  - **Cross sections and detail sheets provided with Construction Drawings ; proposed streets meet requirements contained in the Subdivision Regs.**
  - **Road will cross over dry pond; will need to be filled and compacted under supervision of a Professional Engineer and County Staff**
  - **Plat not yet signed by Road Superintendent: Important before approval due to construction of a new County Road**
- **Utilities/Fire Protection:**
  - **Construction drawings depict 6” water line to be installed, as well as three hydrants to serve subdivision**
- **Performance Agreement**
  - **Agreement is the contract between the developer and the County that the developer will construct all required improvements to County specs.**
  - **Applicant has provided a signed performance agreement and irrevocable letter of credit in an amount of \$250,000 for roads and drainage.**
  - **Also requires that after completion of infrastructure, 25% of construction amount must be bonded for 1 year warranty period.**
- **Septic**
  - **Not yet signed off on by County Environmentalist**

Mr. Suddath stated that the County Environmentalist had not signed off on the plat. The County Environmentalist cannot start work on the project until payment is received, and payment had not been received for the subdivision until September 14<sup>th</sup>.

Mr. Steve Graves asked Mr. Suddath if the State was going to hire additional staff for the Environmental Department.

Mr. Suddath stated that he talked with TDEC last week and understood that they will be, or have already hired three additional people to rotate between Wilson, Rutherford, and Sumner Counties.

Mr. Geminden stated that a new TDEC employee has worked in Sumner County for the past two days.

Mr. Suddath stated that the backlog for the Environmental Department should start to shrink but that Department needs to be paid before any work can be done. Mr. Suddath stated that going forward, he will advise the Board members if the Environmental fee has been paid for each plat. Mr. Suddath stated that this current plat had Preliminary Plat approval in July but the Environmental fee was paid a few days ago. Mr. Suddath stated that he did not want the Environmental Department to take the blame for holding up the process, and would make sure to keep the Planning Commission informed.

**Motion to approve a Final Plat for Sunset Springs, Phase 2 contingent upon:**

- **Applicant obtaining all signatures required by County Subdivision Regulations**
- **Applicant obtain a stamped certification from a professional engineer that the road segment crossing the dry farm pond is properly filled and compacted and will accommodate the construction of a county road without failure.**
- **Applicant shall submit “as built” drawings as per 3-102.201 of the Sumner County Subdivision Regulations**

**by Mr. Steve Graves, seconded by Mr. Tucker. Motion passed unanimously.**

Mr. Geminden asked Mr. Suddath how many other signatures are needed for the plat.

Mr. Suddath stated to Mr. Geminden all the necessary signatures that will be required.

Mr. Geminden asked Mr. Suddath what would happen if the soil areas have not been approved.

Mr. Suddath stated that he would have to refer back to the surveyor but the areas on this plat that are not marked means the whole area perked for septic.

Mr. Geminden stated that he would like to see the plats have all the signatures before it is presented to the Planning Commission.

Mr. Bratton stated that Mr. Suddath is working toward getting the surveyors and developers in the routine of having signatures on the final plat at the time of the meeting. Mr. Bratton stated that this will take time to get everyone on board and that everyone should have patience.

Mr. Suddath stated that this process is dependent on the surveyors and developers to get these signatures. Mr. Suddath stated that when the Preliminary Plat is approved by the Planning Commission, the surveyor or developer needs to pay the fee to the Environmental office to get the process started. By starting the process at that time, it

allows the Environmental Department to have time to map out the soils and get their signature along with the other signatures. Mr. Suddath stated that he would inquire with the Environmental Department if the fee has been paid by meeting time.

2. **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 Preliminary Plat was approved at the July Planning Commission meeting and approval of the Final Plat will complete this subdivision.

Mr. Suddath stated that some outstanding issues on this final plat include:

- **Streets**
  - **State Route, ROW dedicated, presumed that no improvements will be required by TDOT**
- **Fire Protection & Water Service**
  - **Meets requirements, existing fire hydrant already on site along frontage of proposed subdivision**
  - **Water line of undetermined size in place along SR-25**
- **Septic**
  - **Not yet approved by County Environmentalist**

Mr. Suddath stated that the County Environmentalist had not signed off on the plat. The County Environmentalist cannot start work on the project until payment is received, and payment had not been received for this subdivision until September 6<sup>th</sup>.

- **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**
  - **No grading or drainage plans were submitted to the Planning and Stormwater Department with the Preliminary or Final Plat**
  - **This is contrary to State Regulations, the County's Subdivision Regulations, and the practices of our peer counties.**
  - **Sumner County's Stormwater Resolution requires these documents, and not requiring them prior to granting plat approval increases the County's TDEC audit risk.**

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. Therefore, at this time, this development does not meet the requirements of the County Stormwater Resolution or the State Regulatory Standards.

**Motion to defer approval of a Final Plat for Triplet Acres until such time as it is properly submitted and meets the requirements of:**

- **The County’s Stormwater Resolution related to submission of Erosion Prevention and Sedimentation Plans and Permanent Stormwater Management Plans**

**by Mr. Geminden, seconded by Mr. Tucker. Motion passed unanimously.**

Mr. Suddath stated that in deferring action on this plat, the applicant is being required to resubmit the Final Plat to where it meets the requirements of the County Stormwater Resolution and the State Regulatory Standards. Preliminary approval has already been given on this Plat, so at this time the Planning Commission is simply requesting that the Final Plat be properly submitted.

3. **BEAR CARR ESTATES – PRELIMINARY PLAT – REPRESENTED BY RICHARD GRAVES – 1<sup>ST</sup> COMMISSION VOTING DISTRICT – (Moe Taylor and Terry Wright)** - Applicant is requesting a Preliminary 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

Mr. Suddath stated that Sketch Plat for this development was approved at the August Planning Commission meeting.

Mr. Suddath stated that the streets meet all requirements and water and fire protection meets standards as proposed. Mr. Suddath stated that the water lines will be upsized to 6” and proposed fire hydrants will be constructed along Clyde Wix Road and Bear Carr Road.

Mr. Suddath stated that some outstanding issues on this preliminary plat include:

- **Drainage calculations have been submitted with the final plat**
- **Calculations show an increase in post development flows off site to properties to the North and Northwest (drains toward Po Farms Development, currently under construction)**
  
- **No grading or drainage plans were submitted to the Planning and Stormwater Department with the Preliminary or Final Plat**
- **This is contrary to State Regulations, the County's Subdivision Regulations, and the practices of our peer counties.**
- **Sumner County's Stormwater Resolution requires these documents, and not requiring them prior to granting plat approval increases the County's TDEC audit risk.**

Mr. Suddath presented a drainage calculation from GreenLid Designs, LLC showing that post-development the stormwater runoff increases. 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 plans to be presented showing how offsite impacts will be mitigated. Therefore, at this time, this development does not meet the requirements of the County Stormwater Resolution or the State Regulatory Standards.

Mr. Suddath stated that the County Environmentalist had not yet received payment for the application.

Mr. Steve Graves asked Mr. Richard Graves if this property was on the Westmoreland side.

Mr. Richard Graves stated that the property was on the Macon County side of Westmoreland. Mr. Graves went on to state that the County Engineer is in attendance and would like for him to explain to the drainage calculations.

Mr. Richard Jones was called forward to speak.

Mr. Suddath clarified that Mr. Jones is not the County Engineer, Mr. Jones is a consultant for the County.

Mr. Richard Jones stated that there is an increase and this issues should be addressed to make sure the drainage does not affect the neighbor. Mr. Jones stated that there will be an increase in peak volume if there is no detention pond.

Mr. Richard Graves stated that Mr. Leath could not be in attendance due to a death in his family but that he and Mr. Leath had conversation via email concerning this and would like to ask if this could approved so the applicant can move forward in getting this issues solved.

**Motion to approve a Preliminary Plat for Bear Carr Estates with the following conditions:**

- **Prior to submittal of a Final Plat for this development, the applicant shall submit Erosion Prevention and Sediment Control Plans and Permanent Stormwater Management Plans to the Planning and Stormwater Department meeting the requirements of the County's Stormwater Resolution**
- **The applicant obtain all signatures in accordance with County's subdivision regulations prior to submittal of a final plat**

**by Mr. Geminden, seconded by Mr. Williams. Motion passed unanimously.**

- 4. BRANHAM MILL RESERVE – SKETCH PLAT – REPRESENTED BY JIM CARMAN – 3<sup>RD</sup> COMMISSION DISTRICT (Alan Driver and Steve Graves) –** Applicant is requesting Sketch Plat approval for 27 lots located on Branham Mill Road. Subject property is located on Tax Map 106, Parcel 018.00 P/O. Property contains 33.54 acres and is zoned Agricultural and Residential 1A.

Mr. Suddath stated that a Preliminary Plat was ok but was withdrawn related to this development at the February 2017 Planning Commission meeting.

Mr. Suddath stated that some outstanding issues on this sketch plat include:

- **Drainage:**
  - **No stormwater infrastructure shown upon the Sketch Plat. Likely that lot configuration will change with Preliminary Plat, and some lots may be lost**
  - **Staff requests that Professionally Engineered drainage plans for all lots in this development be submitted with the first preliminary plat for this project.**
- **Water and Fire Protection:**
  - **Fire Hydrants shown upon sketch plat along Branham Mill Rd.**
  - **Will need to be shown along proposed Branham Mill Court on Preliminary Plat and Construction Drawings.**
- **Streets:**
  - **New County Road will need to be bonded or physically constructed following preliminary plat approval (this is up to the Planning Commission)**
  - **Current submission includes two points of access to Branham Mill Road.**

- **Another item that was discussed between the applicant and County Staff in 2016 was the possibility of stubbing out a future connection to the Horner Day property, located east of the proposed Branham Mill Estates subdivision.**
- **Requiring this connection would help to ensure interconnectivity between this development and the adjacent property in the future, and is considered a best practice in the field of Transportation Planning.**
- **The Planning Commission is fully empowered to request such connections during their review of Sketch Plats.**

Mr. Suddath stated that there have been some questions and comments made by the neighbors about the deed restrictions on the existing lots in front of this proposed subdivision. Mr. Suddath stated that the Planning Commission can not enforce home sizes or design standards but might be a question they can ask the developer if they are going to have similar restrictions with the new homes as they do with the existing homes along the road.

Mr. Steve Graves asked if the strip of land beside lot #1 was an easement.

Mr. Suddath stated that he was not sure.

Mr. Jim Carman stated that it was not an easement but just another access to the property. Mr. Carman stated that strip would stay with lot #1.

Mr. Geminden asked if there would be any deed restrictions.

Mr. Steve Brooks, property owner, came forward and stated that the restrictions for this subdivision would be the same as McArthur Estates.

Mr. Steve Graves asked Mr. Brooks if there would be an HOA.

Mr. Brooks stated that there will not be an HOA.

Mr. Suddath stated that with a subdivision with straight zoning the Planning Commission can not require an HOA like they can in a PUD.

Mr. Bratton stated that he would like to know if Staff could research if the developer spends the money to stub out a connection to the Horner Day property, is there any assurance that would keep a future Planning Commission from denying access.

Mr. Suddath referred this to the Leah Dennen, County Attorney.

Ms. Dennen stated that the current Planning Commission could ask for it but there is no guarantee that a future Commission would do.

There was some discussion on this issue.

**Motion to approve a Sketch Plat for Branham Mill Reserve subject to the following conditions:**

- **Applicant provide a full set of professionally engineered construction and drainage plans for all lots in the development with the submission of first preliminary plat.**
- **Applicant analyze the feasibility of stubbing out a roadway connection to the adjacent property to the east**

**by Mr. Steve Graves, seconded by Mr. Geminden. Motion passed unanimously.**

5. **LUTHER SUMMERS PROPERTY - FLAG LOT APPEAL – REPRESENTED BY COLE LAND SURVEYING – 12<sup>TH</sup> COMMISSION VOTING DISTRICT – (Michael Guthrie and Justin Nipper)** – Applicant is requesting a hearing related to Flag Lots in minor subdivisions per Chapter IV, Section 4-102.9 of the Sumner County Subdivision Regulations. This is a 2-lot Minor subdivision located on Clearview Road. Subject property is located on Tax Map 037, Parcel 064.00, contains 3 acres, and is zoned Agricultural.

Mr. Suddath stated that per Chapter IV, Section 4-102.9 of the Sumner County Subdivision Regulations and since this plat had a proposed flag lot, the plat must be approved by the Planning Commission.

**Motion to approve a Final Plat for the Luther Summers Property containing one flag lot, subject to the following condition:**

- **The applicant address all remaining staff comments**
- **The applicant add a note to the plat stating the date that this appeal was approved**

**by Mr. Tucker, seconded by Mr. Geminden. Motion passed unanimously.**

6. **REESE FLEMING SUBDIVISION – FLAG LOT APPEAL & SEPTIC APPEAL – REPRESENTED BY WILLIAM CRENSHAW – 3<sup>RD</sup> COMMISSION VOTING DISTRICT – (Alan Driver and Steve Graves)** - Applicant is requesting a hearing related to Flag Lots in minor subdivisions per Chapter IV, Section 4-102.9 and Individual Disposal System Requirements per Chapter IV, Article 4-107.3 of the Sumner County Subdivision Regulations. This minor plat is located on Alexander Lane. Subject property is located on Tax Map 084, Parcel 053.00, contains 1.34 acres, and is zoned Agricultural.

Mr. Suddath stated that per Chapter IV, Section 4-102.9 and Chapter IV, Article 4-107.3 of the Sumner County Subdivision Regulations This plat must be approved by the Planning Commission since this plat has a proposed flag lot and the septic encroaches onto a separate parcel.

**Motion to approve a waiver to the County Subdivision Regulations related to individual septic systems on multiple tracts, and to approve the creation of a flag lot for the Reese Fleming Subdivision Final Plat subject to the following conditions:**

- **The applicant address all outstanding staff comments**
- **The applicant add a note to the plat stating the date these waivers were approved by Mr. Steve Graves, seconded by Mr. Geminden. Motion passed unanimously.**

7. **ROWLAND ACRES – FIRE HYDRANT VARIANCE – REPRESENTED BY TODD BOLLINGER – 2<sup>ND</sup> COMMISSION DISTRICT – (Larry Hinton and Billy Geminden)** – Applicant is requesting a variance to Sumner County Subdivision Regulations related to fire hydrant spacing. Subject property is located on Butler Bridge Road, is on Tax Map 039, P/O Parcel 0081.00, contains 5.08 acres, and is zoned Agricultural.

Mr. Suddath stated that the Final Plat was approved at the June 2018 Planning Commission meeting conditioned that the applicant would need to escrow a fire hydrant with White House Utility District. Since plat approval, WHUD no longer escrows fire hydrants. WHUD has offered to allow installation at developer's expense of a hydrant about 1,400 feet from proposed lots on a 6" water line.

**Motion to approve a variance from the County Subdivision Regulations related to fire hydrant spacing for the Rowland Acres Subdivision, allowing the applicant, at his sole expense, to install a fire hydrant approximately 1,400 feet from the subdivision in accordance with a map submitted by the White House Utility District.**

- **This approval is granted with the understanding that any current or future owners will be required to extend a 6 inch water line along the frontage of the parent tract with any future subdivisions of the parent tract, to include minor subdivisions. by Mr. Williams, seconded by Mr. Geminden. Motion passed unanimously.**

Mr. Suddath stated to the Planning Commission that he would be attending the Tennessee Chapter of the American Planning Association Fall Conference in Kingsport on September 26-28. Mr. Suddath stated that this conference would satisfy his Continuing Education requirements per State Statute. Mr. Suddath also stated that he will be attending a work session of the Portland Board of Mayor and Aldermen on October 15 to discuss fire hydrant installation by Portland Utilities and outside city limits.

**Motion to adjourn by Mr. Steve Graves, seconded by Mr. Williams. Motion passed unanimously.**

Meeting Adjourned @ 5:57 p.m.