

SUMNER COUNTY PLANNING COMMISSION
MINUTES
SEPTEMBER 22, 2020 5:00 P.M.

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

MEMBER ABSENT:

GENE RHODES

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
JOE PHILLIPS, COUNTY STORMWATER MANAGER

Mr. Bratton began the meeting by announcing that anyone wishing to speak to any item on the agenda should sign up.

Declaring a quorum present, Mr. Bratton opened the meeting.

Mr. Geminden made a motion to approve the July 2020 Minutes, seconded by Mr. Williams. Motion passed unanimously.

Mr. Suddath explained the consent agenda procedure for the first five items. Mr. Suddath stated that any member of the Planning Commission may request that any item be pulled off of the Consent Agenda and placed on the Regular Agenda.

Mr. Suddath then went on to read the Consent Agenda items. Mr. Suddath stated that the items are all Final Plats for which staff has confirmed that all issues have been addressed for their Final Approval.

CONSENT AGENDA:

- 1. AWESOME ACRES –FINAL PLAT (Major) – Represented by Richard Graves – 4th Commission Voting District (Jerry W. Foster and Leslie Schell) - Applicant is requesting Final Plat approval for a 5-lot subdivision located at State Highway 25W, Cottontown, TN 37048. Subject property is P/O Tax Map 079, Parcel 029.00, contains 8.28 acres, and is zoned Rural Residential (RR).**

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2. **SIDEVIEW ESTATES – FINAL PLAT (Major)** – Represented by Jim Carman – 3rd Commission Voting District (Alan Driver and Steve Graves) – Applicant is requesting Final Plat approval for a 7-lot subdivision located on Sideview Rd, Gallatin, TN, 37066. Subject property is Tax Map 090, Parcels 022.00 and 022.02, contains 9.355 acres and is zoned Rural Residential (RR).
3. **JAKE LINK FARMS – FINAL PLAT (Major)** — Represented by Richard Graves - 12th Commission Voting District (Michael Guthrie and Justin Nipper) - Applicant is requesting Final Plat approval for a 5-lot subdivision located on Jake Link Road, Cottontown, TN 37048. Subject property is Tax Map 054, p/o Parcel 054.00, contains 9.19 acres, and is zoned Rural Residential (RR).
4. **BAKER PERDUE ESTATES PHASE 5– FINAL PLAT (Major)** – Represented by Richard Graves – 1ST COMMISSION VOTING DISTRICT – (Moe. Taylor and Terry Wright) – Applicant is requesting Final Plat approval for a 3- lot subdivision located on Highway 174, Bethpage, TN, 37022. Subject property is located on Tax Map 030, P/O Parcel 029.00 and 031.00 contains 7.34 acres, and is zoned Rural Residential (RR).
5. **PEGGY L. RAGLAND – PRELIMINARY AND FINAL PLAT (Major)** – Represented by Anthony Bollinger - 12th Commission Voting District (Michael Guthrie and Justin Nipper) – Applicant is requesting Preliminary and Final Plat approval for a 3-lot subdivision located on Ben Albert Road, Cottontown, TN, 37048. Subject property is Tax Map 100, Parcel 008.10, contains 4.58 acres and is zoned Rural Residential (RR).

Seeing that no one wished to remove any item from the Consent Agenda, Mr. Honeycutt made a motion to approve the Consent Agenda, seconded by Mr. Williams. Motion passed unanimously. The following conditions apply to the listed items:

1) AWESOME ACRES, FINAL PLAT, (REPRESENTED BY RICHARD GRAVES)

- a) Any remaining punch list construction items shall be completed to the County’s satisfaction prior to the Planning Commission Secretary’s signature upon the Final Plat;
- b) Stormwater Inspection and Maintenance Agreement shall be recorded simultaneously with the Final Plat;
- c) HOA restrictions and By-Laws shall be recorded simultaneously with the Final Plat
- d) As-Built Drawings shall be provided to the County Engineer for review and approval prior to Planning Commission Secretary’s signature upon the Final Plat
- e) Maintenance surety in the amount of 50% of the overall cost of all drainage improvements shall be provided to the Planning Commission Secretary’s signature upon the Final Plat.

2) SIDEVIEW ESTATES, FINAL PLAT (REPRESENTED BY JIM CARMAN)

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- a) No Building or Land Disturbance Permits are to be issued for any lots until such time as all mobile homes are removed.
- b) No Building or Land Disturbance Permits shall be issued for Lots 2 or 3 until a ditch and any required hardware is installed in the drainage easement along the mutual lot line in accordance with approved construction plans and until such ditch is inspected and approved by the County.

3) JAKE LINK FARMS, FINAL PLAT (REPRESENTED BY RICHARD GRAVES)

- a) 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 prior to signature of the Final Plat by the Planning Commission Secretary.

4) BAKER PERDUE ESTATES, PHASE 5, FINAL PLAT (REPRESENTED BY RICHARD GRAVES)

- a) 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.
- b) All homeowners for this phase shall be members of the Baker Perdue Estates HOA, and shall also be subject to the relevant stormwater maintenance and inspection agreement, and a notes to this effect shall be added upon any Final Plat for this phase.
- c) Applicant shall prepare a separate Stormwater Maintenance and Inspection Agreement for this phase, which shall be recorded with the County Register of Deeds, and noted on the Plat d. Depicted detention basin at Lot 38 shall be subject to existing letter of credit for the Baker Perdue Estates Subdivision on file with Development Services Department.

5) PEGGY L. RAGLAND, PRELIMINARY/FINAL PLAT (REPRESENTED BY TODD BOLLINGER).

- a) A fire hydrant must be installed as depicted upon the final plat at the applicant's expense.

At this time, Mr. Bratton turned the meeting over to Mr. Suddath for staff presentation.

REGULAR AGENDA

1. **LEWIS HEAD COMMERCIAL PLAZA - REZONING** – Represented by **GreenLID Design – 4th COMMISSION VOTING DISTRICT (Jerry Foster and Leslie Shell)** Applicant is requesting a Rezoning from Rural Residential (RR) to Planned Unit Development (PUD) for the purpose of constructing and operating a commercial development containing Automotive Repair & Services, Financial, Consultative & Administrative Services, General Business & Communication Services, General personal Services and General Retail Trade. Subject property is located at **131&135 W. Roberts Road**, is Tax Map 72, Parcel 035.06 & 035.07, contains 10.10 acres and is zoned Rural Residential (RR).

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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 10, 2020. THIS IS A PUBLIC HEARING.

Mr. Suddath provided an overview of this property, including a history of this request. Mr. Suddath stated that there had been a Neighborhood meeting held on July 22, 2020 and stated that this request had been publically noticed with signage placed at the road frontage, certified letters sent to adjoining property owners and advertised in The Gallatin News on September 10, 2020.

Mr. Suddath displayed the public notice from the newspaper.

Mr. Suddath then displayed the subject property and an aerial photo. Mr. Suddath explained the subject property's place in the county's comprehensive plan.

Next, Mr. Suddath displayed the Concept Plan which shows the three proposed structures.

Mr. Suddath stated that the applicant has listened to comments from previous meetings, in which the Planning Commission Board expressed a desire for a larger portion of the structure exterior to be brick. To that request, the applicant has submitted new plans of the structures, Mr. Suddath stated. Displaying the new building plans, Mr. Suddath explained that the amount of brick on the auto repair services building has been increased from 53% to 72%, on the 7,500 sq. ft. Retail building, brick amount has been increased from 81% to 88% and on the 10,000 sq. ft. Retail Building, brick amount has been increased from 48% to 93%.

Mr. Suddath then displayed photos of the property from different angles.

Next, Mr. Suddath explained the following, regarding the property:

Roads

- Highway 109 is a limited access State Road
- Sumner County, Wilson County, Gallatin, Portland and Lebanon are parties to a Corridor Management Agreement for SR-109 with TDOT which encourages use of existing access points, as does County Zoning Resolution.
- Applicant has designed project to meet this intent
- West Roberts Road is currently substandard
- Applicant has furnished trip generation projections and a Traffic Impact Analysis to the County for review (included in packet).
- Traffic Impact Analysis recommends widening Roberts Road to a 24 foot cross section
- Recommends improving site distance by removing approximately 3 trees along Roberts Road and replacing with landscaping further back from the right of way
- Additional improvements in the form of left and right turn deceleration lanes are addressed.
- North Bound Hwy 109 left turn deceleration lane is in place at this time
- South Bound right turn deceleration lane not warranted per study

Drainage

- On site detention and water quality measures depicted on Master Plan
- This item will need to meet all County and State Water Quantity and Quality measures
- Detailed drainage plans must be submitted to and approved by County Engineer with submittal of Site Plan prior to any construction
- Must mitigate the amount of water leaving the site, and must treat it to remove any pollutants
- Water quality basins and other measures must be installed on site

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- Must be maintained in perpetuity by property association
- Stormwater Maintenance and Inspection Agreement must be entered into with County
- All water quality measures must be maintained and replaced as required by County Stormwater Staff following annual inspections.

Landscaping/Parking

- The new County Zoning resolution contains extensive requirements for landscaping and buffering for Commercial PUDs.
- A 35 foot “Type 2” Landscape Buffer is required by the County Zoning Resolution, and has been provided.
- This landscaping is significantly more extensive than what has been proposed with previous submittals.
- Landscaping requirements within parking areas have been met as well
- A frontage road is proposed along SR-109
- Property Owners Association to be established; draft of restrictions provided
- Significant on-site detention is proposed
- New parking requirements contained in the County Zoning Resolution appear to have been met
- A detailed parking plan sheet must be provided with submittal of a site plan for this item; parking depicted in PUD is illustrative
- Overflow parking for auto repair use paved and screened per previous discussions

Mr. Suddath then displayed the submitted Landscape Plan and the Photometric Lighting Plan.

Mr. Suddath explained the **Signage** requirements for the property as follows:

- Staff requested, and has received, an overall signage plan sheet depicting signage dimensions, materials, lighting
- Two 10 foot pylon signs depicted along SR-109
- Building mounted signage also proposed
- A detailed sign plan must be submitted with application for Site Plan approval
- Must then obtain a sign permit from the County for each ground mounted, building mounted or other sign.
- Wording added to the Signage plan sheet that
- No Off-Premise Signage (such as billboards) shall be allowed,
- Only signage depicted on the Master Plan shall be allowed,
- Proper County permits for all signs must be obtained.

Next, Mr. Suddath explained the general next steps for this Rezoning and Master Plan, if approved, stating that the approval request will go to the Legislative Committee for 2 readings, adding that it may be sent back to Planning Commission for study at any time. The request will then go to Full County Commission for a vote, Mr. Suddath stated, adding that again, it may be sent back to Planning Commission for study at any time. If approved by the County Commission, the rezoning will become effective at that time. Mr. Suddath explained that at that time, a complete engineered site plan submittal may then be submitted to the Planning Commission, which must meet all requirements of Chapter 14 of the Sumner County Zoning

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Resolution and must contain drainage plans, erosion prevention and sediment control sheets, landscaping plan sheets, driveway access details, signage and others as applicable. Additionally, stated Mr. Suddath, all water quality requirements must be met and road improvements must be depicted. Mr. Suddath added that the zoning Resolution requires that surety will need to be provided, at the site plan stage, for landscaping, and that plantings must be maintained in perpetuity by a Property Owner's Association.

Mr. Suddath concluded his presentation with example motions

Mr. Bratton called the applicant's representative forward.

Mr. Andy Leath, GreenLID, stated that Mr. Suddath had provided a thorough presentation. Mr. Leath added that this property use, being classified as essential service commercial, will be fitting to coexist with the surrounding residential area on this major thoroughfare. Mr. Leath stated that the uniform architecture, landscape buffering, automobile storage will ensure an attractive site. Mr. Leath added that concerns of environmental and traffic safety have been addressed, adding that they are in agreement to widen Roberts Road. Mr. Leath ended by stating that they have tried to address the concerns of the public.

Mr. Bratton opened the Public Hearing.

Mr. Suddath called the first person forward to speak to this item.

Mr. Jerry Foster, County Commissioner for the 4th Voting District, stated that he is here to represent the constituents of his district, passing along their legitimate concerns of traffic safety and potential well-water contamination with this development. Mr. Foster encouraged the Board to defer a decision on this item and request a second neighborhood meeting.

Mr. Suddath called forward the next person who had signed up to speak .

Jennifer Lanius, 181 Roberts Road, came forward, expressing concerns of traffic and well water contamination and environmental pollution. Ms. Lanius added that there is no need for more commercial development in this area, as there are five Dollar Stores within 10 minutes of this property.

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

Mr. Geminden made a motion to provide a positive recommendation to the Sumner County Commission related to a Request for Rezoning and Master Development Plan Approval for the Lewis Head Commercial Plaza PUD, contingent upon the following:

- a. Applicant shall, at their sole expense, widen West Roberts Road along the entire frontage of this development to 24 feet of pavement width in accordance with recommendations contained in submitted traffic study.**

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- b. Following approval of the rezoning, the applicant shall submit a commercial site plan package meeting the requirements of Chapter 14 of the County Zoning Resolution for Planning Commission approval.**
 - c. Following approval of rezoning, any and all requests for signage must conform to the submitted master signage plan, and must obtain a Sign Permit meeting the requirements of Chapter 12 of the Sumner County Zoning Resolution.**
 - d. Applicant shall pay applicable Traffic Impact Study Review Fees prior to forwarding of this item to the County Commission, seconded by Mr. Honeycutt.**
- Motion passed with a vote of 6-1 (Mr. Tucker against).**

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

2. **SPRING HOUSE FARMS –REZONING –Meritage Homes, Developer, represented by CSDG – 11th Commission Voting District (Scott Langford and Jeremy Mansfield)** –Applicant is requesting a Rezoning from Rural Residential (RR) to Planned Unit Development (PUD) for the purpose of creating a Low Density Residential Development. Subject property is located at **New Shackle Island Road, Hendersonville, TN, 37075**, is on Tax Map 138, Parcel 047.03, contains 70.6 acres and is zoned Rural Residential (RR).
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 10, 2020. THIS IS A PUBLIC HEARING.

Mr. Suddath provided an overview of the property, beginning with a brief history of this request, stating that the item was originally submitted by the applicant as a 155-lot development in February 2020 but was withdrawn at the applicant’s request. Mr. Suddath highlighted the following points regarding the current application:

- Current submittal reduced by 30 lots; density reduced from 2.2 units per acre to 1.78 units per acre
- Applicant is now proposing to construct subdivision as a gated community with private streets.
- 8,750 square foot minimum lot size; 9,825 square foot average lot size (.23 acre)
- Public Notice published in accordance with County Requirements
- Neighborhood meeting held in accordance with County Zoning Resolution on August 27, 2020
- Signage Placed along Road Frontage
- Adjoining Property Owners sent certified letters
- Advertised in Gallatin News and The Hendersonville Standard on 9/10/2020

Next, Mr. Suddath displayed the Public Notice and photos from the neighborhood meeting which was held on August 27, 2020. Mr. Suddath then displayed the subject property, an aerial photo, the proposed Master Development Plan, the previously plan submitted in February 2020 and the

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current plan. Mr. Suddath added that the current submittal shows all the homes as being side loaded.

Next, Mr. Suddath explained the Requirements from the County Zoning Resolution related to density for Low Density Residential Planned Unit Developments as being 2.2 dwelling units/acre maximum. Mr. Suddath stated that 1.78 dwelling units per acre are proposed. Mr. Suddath added that there would be 1.1 dwelling units per acre allowed with the existing RR Zoning.

Mr. Suddath went on to state that the County Zoning Resolution requirements, related to Common Open Space requirements in all Residential Planned Unit Developments, state that 20% minimum of development is required to be set aside as open space; 50% of this amount must be “Useable Open Space” as defined. Mr. Suddath stated that the application depicts that 48% of the site is actually proposed as Open Space, adding that “Useable Open Space” requirements appear to have been met.

Mr. Suddath displayed comparable nearby PUDs including Island Brook, Westbrook Crossing and the Retreat at Norman Farms. Mr. Suddath stated that the Comprehensive Plan for this section of the county is classified as Mixed Use Neighborhood.

At this time, Mr. Suddath displayed the typical lot layout and architectural imagery submitted by the applicant. Mr. Suddath then explained the Internal Roads as follows:

- All roads proposed to be private, with a gate at New Shackle Island Road; internal streets proposed to exceed standards of the County Subdivision Regulations.
 - 24 foot pavement width minimum (26 feet proposed)
 - Note: 26 foot width proposed for inclusion in Subdivision Regulations this PC meeting for all PUDs. Additional width will help ensure that emergency access not impeded. Applicant proposes to meet this requirement
 - Even though proposed to be private, all streets still must be constructed and inspected to full County Standards
- Development will directly access New Shackle Island Road.
- Development is proposed to have two road stubs to adjacent properties to the west and to the south.
 - Since Roads will be private, a gate will be necessary at road stubs that eventually allows emergency access

Mr. Suddath stressed that although the proposed roads will be private, they will be required to be constructed and inspected to full County standards.

Next, Mr. Suddath explained the following findings from Traffic Study conducted by Fishbach Transportation Group:

- Left turn lane must be installed along New Shackle Island Road accessing the development
- Right turn de-acceleration lane must be installed along New Shackle Island Road
- Minimum of 100 feet of vehicle storage must be installed for each of these lanes

Mr. Suddath stated that these required improvements are depicted on the Master Development Plan, adding that all improvements to New Shackle Island Road must be complete prior to

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issuance of any building permits for any homes, adding that they must be complete prior to recording of a Subdivision Plat for the first phase of the development (after that, lots can be sold) Mr. Suddath pointed out that the Traffic Study did not analyze existing conditions just to the South at Island Brook Subdivision, adding that no significant traffic improvements were made as part of that development. Mr. Suddath displayed the submitted Road Improvements Plan.

Next, Mr. Suddath explained the Offsite Improvements Contribution as follows:

- The County/City of Hendersonville has a project with the Nashville Metropolitan Planning Organization to improve the traffic signal at New Shackle Island and Drakes Creek Road
- Developer has offered a voluntary dedication of \$1,150 per lot to the County to assist in paying for these offsite improvements
 - (155 lots X \$1,150 = \$143,750 total)
- Above and beyond required internal/external road improvements for this development discussed earlier (turn lanes, etc.)
- These funds are proposed to be paid by the developer as building permits are issued, which will occur over several years.

However, Mr. Suddath explained that the preference would be to receive the funds prior to recording of a Final Plat for Phase 1.

Mr. Suddath displayed an aerial and street view photo of the intersection of New Shackle Island Road and Drakes Creek Road.

At this time, Mr. Suddath explained Drainage Requirements, stating that four (4) water quality/detention basins are depicted throughout the planned development, in addition to TDEC required stream buffers and wetlands that are to be preserved and enhanced. Mr. Suddath stated that fully engineered construction plans must be submitted at the Preliminary Plat stage, stressing that:

- care must be taken to ensure that offsite drainage impacts are not imposed on adjacent properties, particularly to the south, and
- post-development stormwater flows must not exceed predevelopment stormwater flows.

Mr. Suddath also stated that all County/State water quantity and quality requirements must be met.

Mr. Suddath then displayed the proposed detention basins.

Next, Mr. Suddath highlighted that HOA and proposed amenities as follows:

- Development proposed to be governed by a Homeowner's Association, (Spring House Farms Homeowner's Association)
 - Will be responsible for maintenance of all common elements, including all roadways, sidewalks, recreation areas, drainage network, entryway signage
 - Draft HOA restrictions and by-laws have been submitted; will need to be finalized with submittal of Final Master Development Plan
- Provided pattern book depicts development's proposed amenities, including hiking/biking trails, usable open space, smaller "pocket parks"
 - As presented, meets Zoning Resolution's requirements related to required "Useable Open Space"

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- All lots will be fronted by sidewalks to be installed by homebuilders
- Previous submittal contained a clubhouse and pool for residents; this has been removed with this submittal.

Mr. Suddath then presented the Open Space and Preservation Plan and the previous and current submittals, depicting the removal of the pool and clubhouse from the original plan. Mr. Suddath pointed out that the removal of a pool, often leads to pool permits being applied for, on the individual lots within the subdivision, which is disruptive to the drainage network.

Next, Mr. Suddath displayed the entryway depiction and stated that if future amenities are proposed, they will be required to be installed early in the development, within each phase that they are proposed.

Mr. Suddath then reviewed the general next steps as follows:

- Rezoning and Master Development Plan approval request 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
- If approved, rezoning will become effective at that time
- At that time, a Preliminary Plat may be submitted, which must include:
 - Full set of construction drawings depicting all drainage and road improvements
- Applicant Constructs Infrastructure
- After Substantial Completion of infrastructure, Final Plat may be recorded, lots may be sold.

Mr. Suddath concluded his presentation with example motions.

Mr. Bratton called the representative forward.

Mr. Chris Cowan, Meritage Homes, applicant, summarized the changes from the original submittal. Mr. Cowan stated that they had, to the best of their ability, addressed concerns from the original submittal. Mr. Cowan went on to express agreement to the payment of \$143,750.00 for offsite traffic contribution upon recording of the Phase 1 Final plat. Mr. Cowan expressed a desire for approval.

Mr. Taylor asked if the traffic study took the gated community into account, expressing concern of the impact on traffic getting through the gate, as there would be more cars stacked, possibly requiring a longer lanes to accommodate those extra cars.

Mr. Cowan stated that he could not personally answer the question, adding that he is confident that the traffic engineer was aware of the gate, adding that the issue could be fully vetted if this request moves forward.

Mr. Taylor commented on the removal of the pool and clubhouse, asking if the depicted greenspace is actually usable.

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Mr. Cowan stated that the greenspace is accessible and the trails will be a passive recreation system.

Mr. Taylor asked why the pool and clubhouse were eliminated on the current submittal.

Mr. Cowan stated that with the reduction of 30 lots, it was not feasible to keep the pool and clubhouse in the development.

Mr. Geminden asked how the HOA would handle private pools.

Mr. Cowan stated that there would be a professional property management service on site, adding that the HOA would maintain control of it. Mr. Cowan stated that the typical procedure would be for the homeowner to create a submittal requesting any improvements beyond the original construction, which would be reviewed for compliance and codes, before being allowed.

Mr. Tucker stated concern with the water flow changes, within the subdivision, if individual homeowners have pools installed on individual lots. Mr. Tucker added that the number one problem within developments in Middle Tennessee is Stormwater runoff.

Mr. Cowan stated that there is no way to predict the number of private pools that would be requested.

At this time, Mr. Bratton opened the Public Hearing.

Mr. Suddath called the first person forward that had signed up to speak.

Mark Carver, 1006 Parsons Way, expressed concern of the impact on the quality of life for existing residents within this area, Stormwater runoff and traffic problems. Mr. Carver stated that the addition of a gated entrance will create a major problem on a street that already has traffic issues. Mr. Carver stated that fifty percent of the development's land is not usable and then respectfully asked that this request be denied.

Mr. Ricky Skaggs, 797 New Shackle Island Road, echoed the previously mentioned concerns, stating that there are many wrecks on the road, and explained that there are two other developments being built in the area, which will negatively impact traffic. Mr. Skaggs stated that the previous owner wanted her neighbors to be happy and added that the neighbors are against this request. Mr. Skaggs ended by expressing opposition to this development.

Ms. Sarah Ezell, 787 New Shackle Island Road, also expressed opposition to this request by stating that within the county, the schools are overcrowded, the traffic has increased and this is not needed by the county, because this is not the best development for this land. Ms. Ezell stated that she has a personal stake in this decision, because her land is to the south of this development, which is where the stormwater will be directed. Ms. Ezell added that the proposed large detention pond and two other detention ponds are very near her home, and asked what will

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happen to her home if the detention pond fails. Stating understanding of a proposed pumping station for the detention ponds, Ms. Ezell raised questions of the potential for unwanted smell and sounds. Ms. Ezell also expressed concern of the density of the homes, as only half of the development is being utilized for houses. Additionally, Ms. Ezell stated that there may be Indian burial grounds located on this property, based upon information from a previous owner.

Mr. Jeremy Mansfield, 11th Commission representative, expressed opposition, by stating that all growth is not good, and agreed that happy residents are good for the county. Mr. Mansfield stated that although a property owner has the right to develop their property, a rezoning here, is not right. Mr. Mansfield stated that a fiduciary responsibility of the county must be considered with any development being proposed. Mr. Mansfield asked if the county's financial burden for the intersection of Old Drakes Creek Rd and New Shackle Island Road is known.

Mr. Suddath stated that the county has committed \$150,000 to that signal, adding that there are federal funds allotted, and the city of Hendersonville has committed to pay the rest of the fees.

Mr. Mansfield stated that it is not fair to ask his constituents in Millersville to pay for someone else's growth. Mr. Mansfield stated that if this property were to come through as .92 acre Rural Residential zoning lots, he would be in support of that, however, he stated that he will vote against this current request if it comes before the County Commission for consideration. Mr. Mansfield added that he is aware that a citizen wished to buy this property. Mr. Mansfield concluded by asking the Board to vote no to this request.

Mr. Bratton asked that future speakers please speak to new concerns that have not been previously mentioned.

Dr. Paul and Heather Leavitt, came forward, with Ms. Leavitt stating that they live in Island Brook. Ms. Leavitt stated understanding of the problems created within similar subdivisions, individual pools and traffic. Ms. Leavitt stated that she and her husband have made an offer on the property that does not include a rezoning.

Dr. Leavitt commented on the beauty of the property and spoke to the traffic increase within this area of the county.

Dr. Bill Taylor, 200 Oak Hill Court, stated that while this land may be developed, it is important how it is developed, stating that it must surpass the quality of the neighbors. Mr. Taylor stated that there are currently four developments within one mile of this property. Dr. Taylor expressed concern of the density, stating that the lots are effectively .3 acre each. Dr. Taylor also expressed concern of the traffic problems, the cost of the intersection, lack of on-street parking, lack of HOA guidelines and the stormwater runoff concerns. Dr. Taylor added that the Fire Department contribution should be mandatory. Dr. Taylor concluded by requesting a denial of Spring House Farms and stating that whatever development is considered for this location, it should either equal, surpass or compliment the surrounding properties.

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John Elizer, 785 New Shackle Island, stated that he lives to the south of the subject property. Mr. Elizer stated that he has lived here all his life, and has been told by three people that the Blackfoot Indians have a burial grounds located here. Mr. Elizer stated concern with the stormwater effect on his septic tank overflow and the wells that are on the property. Mr. Elizer stated that the proposed detention pond, which is located near his well, would contaminate and destroy the wells. Mr. Elizer asked the Board to consider all the damage that may be done by this development, given the knowledge that detention ponds do not always hold.

Mr. Steve Moore, Gallatin, identifying himself as one of the brokers for the property, spoke to the mention of an offer to purchase this property. Mr. Moore stated the opinion that the timing of the offer is odd, as the offer was made on Thursday and was then on social media on Friday, along with the notice of this meeting. Mr. Moore stated that the Board should not take this into consideration, as there is only one offer on this property, which is this rezoning request.

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

Mr. Taylor made a motion, stating that based on the problems with the traffic study, the money being put forth for the intersection and the actual number of lots per acre, to provide a negative recommendation to the Sumner County Commission related to a Request for Rezoning and Master Development Plan Approval for the Spring House Farms Planned Unit Development, seconded by Mr. Tucker. Motion passed unanimously.

At this point, Mr. Bratton called for a minute recess.

Mr. Kirby left at 6:34 pm.

Mr. Bratton called the meeting back to order and turned the meeting over to Mr. Suddath for staff presentation.

3. **CLAYPOOL ESTATES – 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 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, displaying an aerial photo of the property and the submitted Sketch Plat. Mr. Suddath then explained the following regarding the plat:

- 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.

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- 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 explained the next steps which include Preliminary and Final Plat approval from the Planning Commission, a submittal of the Drainage Calculation and Erosion Prevention & Sediment Control Plan, stating that they must meet all other requirements related to Stormwater Management. Mr. Suddath concluded his presentation with example motions.

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

- a) **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. Honeycutt.

Mr. Geminden asked about the width of Claypool Road.

Mr. Suddath stated that he would have to talk with the Highway Department to get that information, which will be stated on the Preliminary Plat, adding that because this is on a corner, there may be road improvements required.

Motion passed unanimously.

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

4. **HARDESTY PROPERTY – SEPTIC SOILS AREA WAIVER (Minor) - Represented by Brian Reifschneider – 4th Commission Voting District (Jerry Foster and Leslie Schell)** – Applicant is requesting a septic soil waiver for a 1-lot subdivision located on Neals Lane, Gallatin, TN, 37066. Subject property is Tax Map 115, Parcel 034.00, contains 3.38 acres and is zoned Rural Residential (RR).

Mr. Suddath began his presentation by explaining that upon applying for a building permit, this lot had not been platted, which is a requirement for this to be considered a buildable lot. Upon platting, it was found that the lot did not have adequate soil area for a septic system. Therefore, Mr. Suddath stated that they have had to go off the lot to find adequate soil, thus resulting in this septic soil waiver request. Mr. Suddath explained that the proposed soils easement for an adjacent lot is located across the proposed lot, which staff is not allowed to approve administratively, therefore the applicant has submitted a variance request per the subdivision regulations, to allow an easement for the septic system to be placed on multiple tracts.

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Mr. Suddath displayed an aerial photo of the property, the septic appeal and wording from subdivision regulations, article III, part H, regarding septic systems across lot lines.

Mr. Suddath concluded his presentation with example motions, adding that if approved, there must be a second condition added, requiring that the date of the Planning Commission's approval of the septic appeal (September 22, 2020) shall be noted on the plat.

Mr. Williams made a motion to approve a waiver to the County Subdivision Regulations related to septic systems on multiple tracts for Hardesty Property, Final Plat, subject to the following condition:

- a) A separate easement agreement shall be recorded and noted on the Final Plat.**
 - b) The date of the Planning Commission's approval of the septic appeal (September 22, 2020) shall be noted on the plat,**
- seconded by Mr. Honeycutt. Motion passed unanimously.**

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

- 5. VIRGINIA AND ROYCE B. DAW, JR. – FLAG LOT SKETCH (Minor) -**
Represented by Steven Bridges – 3rd Commission Voting District (Alan Driver and Steve Graves) - Applicant is requesting a Flag Lot Sketch approval for a 1- lot subdivision located at 1065 Barry Lane, Gallatin, TN, 37066. Subject property is Tax Map 128, p/o Parcel 049.00, contains 4.144 acres, and is zoned Rural Residential (RR).

Mr. Suddath provided an overview of the property, stating that if this Flag Lot is approved, it may be submitted as a Final Plat and approved administratively. Mr. Suddath provided the aerial photo of the property, wording from the subdivision regulations regarding flag lots and the Sketch Plat. Mr. Suddath stated that there will be a discussion at the end of this meeting which will address Flag Lot regulations. Mr. Suddath concluded his presentation with example motions.

Mr. Taylor asked if the “flag pole” of the plat will exceed the maximum length allowed if the new regulations are passed.

Mr. Suddath stated that yes, at approximately 1200', it will exceed the maximum flag stem length of 500', if the new regulations are approved. Mr. Suddath added that at this time, there is not a maximum length.

Mr. Suddath concluded his presentation with example motions.

Mr. Geminden made a motion to approve a Sketch Plat for the Virginia and Royce B. Daw, Jr Subdivision, containing one flag lot, seconded by Mr. Williams. Motion passed unanimously.

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

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6. **BRUCE PROPERTY – FLAG LOT SKETCH (Minor)** - Represented by Richard Graves– 3rd Commission Voting District (Alan Driver and Steve Graves)- Applicant is requesting a Flag Lot Sketch approval for a 1- lot subdivision located on Keytown Road, Portland, TN, 37148. Subject property is Tax Map 060, Parcel 011.00, contains 5.04 acres, and is zoned Rural Residential (RR).

Mr. Suddath provided an overview of the property, stating that there are extensive wetlands and flood zones noted on the parent tract. Mr. Suddath added that there is no new construction proposed for this subdivision, adding that his understanding is that the landowner plans to sell the lot with the existing house on it.

Mr. Suddath explained that the Sketch Plat indicates an illegal building that encroaches into the Railroad Right-of-Way. Mr. Suddath stated that due to this being a proposed flag lot, the item must go to Planning Commission as a Sketch Plat, per Article III, Section M of County Subdivision Regulations. Mr. Suddath stated that approval of this item will allow the applicant to submit it as a Minor Final Plat and it may then be approved administratively.

Next, Mr. Suddath displayed the Sketch Plat, explaining that the lot runs parallel to the Railroad Easement. Mr. Suddath explained that there is a plan to acquire land to give the tract 50 feet of road frontage, which would provide an easement to the 15-acre tract that is left behind. Mr. Suddath stated that one obstacle is that there is an illegal structure that appears to encroach into the Railroad Right-of-Way, therefore a plat may not be able to be approved unless that structure is removed.

Next, Mr. Suddath displayed an aerial photo of the property and concluded his presentation with example motions.

Mr. Bratton asked Mr. Richard Graves what is the goal of this submittal.

Mr. Graves stated that the family owned all the property and the RR had purchased the Right-Of-Way in order to move the creek, which created a landlocked piece of property. Mr. Graves stated that the building in the Right-Of-Way, was built in 1976. Mr. Graves explained the desire of the family.

There was discussion.

Mr. Honeycutt asked about the building that is located across the property line.

Mr. Billy Roberts, landowner, stated that he has a paper from the CSX Railway stating that he has legal rights to the building and that there is road frontage that may be rented from CSX for \$650 per year, plus road frontage insurance for \$220 per month to CSX.

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Mr. Suddath stated that such information would have to be noted on the plat, adding that structures crossing lot lines are not typically allowed, however, something may be worked out as this is railroad property.

Ms. Dennen stated that this is a one-time occurrence.

Mr. Bratton stated that they are not trying to change anything, only trying to make the lot usable.

Mr. Taylor made a motion to approve a Sketch Plat for the Bruce Property Subdivision containing one flag lot, seconded by Mr. Honeycutt.

Mr. Geminden asked how much property will be left.

Mr. Roberts stated that the remainder would be 13.6 acres.

There was discussion.

Mr. Bratton inquired about the value of the illegal structure.

Mr. Graves stated that it is a block garage.

Mr. Bratton stated that staff may require either a documented agreement from the railroad, recorded on the Plat or the building removed from the property.

Mr. Graves stated acceptance of that condition.

**Mr. Taylor amended the motion to approve a Sketch Plat for the Bruce Property Subdivision containing one flag lot contingent upon the following condition: a. The applicant shall procure a signed agreement with CSX Railroad indicating their acceptance of and agreement to the depicted accessory building encroachment into railroad right of way; such signed agreement shall be recorded with the Sumner County Register of Deeds and depicted upon the plat, seconded by Mr. Honeycutt.
Motion passed unanimously.**

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

7. **SUMNER COUNTY REGIONAL PLANNING COMMISSION RESOLUTION 2020-02, PROPOSED REVISIONS TO THE SUMNER COUNTY SUBDIVISION REGULATIONS** - These proposed changes include, but are not limited to, requirements for flag lots, plat amendments, infrastructure installation, incorporation of new standard detail drawings, and correction of various scrivener's errors.

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The agenda item was advertised in The Gallatin News and The Hendersonville Standard on Thursday, August 20, 2020. THIS IS A PUBLIC HEARING.

Mr. Suddath briefly explained the powers of the Regional Planning Commission to include:

- Promote the mutual cooperation of municipal planning commissions within the region, coordinate the plans of the municipalities with the regional plan, and confer with and advise municipal and county legislative bodies and officials to promote the coordinated and adjusted development of the region. (TCA 13-3-104).
- Advise county and municipal legislative bodies in the formulation of public improvement programs and the financing thereof. (TCA 13-3-104).
- Prepare and adopt a general regional plan for physical development of the region. (TCA 13-3-301).
- Review and approve the design, opening, grading, paving, or lighting of any road or any utilities to be authorized or placed in any such road prior to any public officials or agency's action. (TCA 13-3-406).
- Prepare and certify to the chief legislative body a zoning ordinance and map. (TCA 13-7-102).
- Review and make recommendations for any amendment to the zoning ordinance and map. (TCA 13-7-105).
- *Regulate the development of land through subdivision regulations and site plan review. (TCA 13-3-403)*
-

Next, Mr. Suddath explained that the County first adopted subdivision regulations on March 28, 1958. Mr. Suddath stated that the Subdivision Regulations have been amended many times since, most significantly in August 1989, with the assistance of Tennessee Department of Economic and Community Development, State Planning Office. Mr. Suddath went on to explain that Comprehensive revisions to Subdivision Regulations were adopted in February 2019, stating that these proposed revisions would be the first changes to those new regulations. Mr. Suddath explained that the Planning Commission should expect staff to return on an approximately annual basis with tweaks, clarifications and other relatively minor changes, with the intent to keep them updated and current.

Mr. Suddath explained the following proposed revisions, stating that they had been discussed during previous study sessions that were held in February 2020, May 2020 and July 2020:

- Generally proposed revisions are minor in nature, and correct name of Development Services Department, correct scrivener's errors, etc.
- Also align contents of Subdivision Regulations with new Zoning Resolution by clarifying traffic study requirements, installation of road, drainage and pedestrian improvements etc
- New language related to Flag Lots, and Plat Amendments as has been discussed in previous study sessions
- New Standard Details to replace Details located at Appendix C of Subdivision Regulations have been added
- Proposed changes included in packet along with a summary sheet

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- Numerous staff presentations have been given on these changes: staff may review each item individually or be available for any questions about specific items/changes

Mr. Suddath stated that a hard copy of the latest draft was/is available for review at the Sumner County Development Services Department Office at 355 N. Belvedere Drive, Room 202 in Gallatin. Mr. Suddath also stated that 3 Public Study Sessions were held with the Planning Commission on the proposed amendments. Mr. Suddath then explained that State Law requires that this Public Hearing must be advertised one time, at least 30 days in advance of the hearing in a newspaper of general circulation in the County. To meet that requirement, the item was advertised in the Gallatin News and Hendersonville Standard on August 20, 2020.

Additionally, Mr. Suddath stated that State Law requires that a public hearing be held when the Planning Commission formally considers the adoption of any amendments to their Subdivision Regulations, therefore, this item is brought to the Planning Commission for adoption at this meeting, and a public hearing must be held.

Next, Mr. Suddath displayed the Public Notices that were posted in The Gallatin News and The Hendersonville Standard on August 20, 2020.

Mr. Suddath concluded his presentation with example motions, and offered to pull up the Subdivision Regulations and go over the amendments individually, if the Board so wished.

Mr. Bratton opened the Public Hearing.

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

Mr. Bratton asked if we were requiring the widening of the existing roads in subdivisions within the county.

Mr. Suddath stated no, adding the explanation of the different details of road widths, required within the county. Mr. Suddath added that existing county roads can be widened with consultation of the County Road Superintendent, following a Traffic Impact Study that reflects the need.

Mr. Bratton asked, if there were an instance in which the Road Superintendent and Staff were to differ in opinion of road issues, how that would be resolved.

Mr. Suddath stated that if the County Road Superintendent felt no changes were required to existing County roads, staff would not disagree. However, Mr. Suddath added, Subdivision Regulations regarding new roads would be followed and adhered to by developers.

Mr. Honeycutt made a motion to approve Resolution 2020-02, a Resolution related to the adoption of revisions to the County Subdivision Regulations by the Sumner County Regional Planning Commission, seconded by Mr. Geminden. Motion passed unanimously.

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

8. SUMNER COUNTY REGIONAL PLANNING COMMISSION RESOLUTION 2020-03: A RESOLUTION TO AMEND DEVELOPMENT SERVICES DEPARTMENT FEE SCHEDULE

Mr. Suddath stated that it has long been the practice of Sumner County Government, that reasonable fees should be collected whenever possible to offset the costs of providing services. With the new Subdivision Regulations and implementing of new applications and processes, Mr. Suddath stated, that the goal is to offset the portion of each employee's time that is dedicated to accepting, processing and approving various application types.

At this time, Mr. Suddath explained the following regarding the fee schedule:

- In 2019, the Development Services Department put together a comprehensive Fee Schedule in order to account for and explain the purpose of all fees charged by the Department for Planning and Engineering Services.
- These proposed amendments would account for new permits and requirements contained in the new County Zoning Resolution, to include Sign Permits, Accessory Dwelling Unit permits, Zoning Determination Letters and Compliance Forms etc
- Revisions would also clean up language made obsolete by the new Zoning Resolution and would seek to amend a few fees that are currently set at levels that do not account for the time and effort that go into their review
 - Examples include Minor Plats, Site Plans, and PUD applications
 - Some of these fees have remained unchanged for over 25 years.

Next, Mr. Suddath displayed and reviewed the Development Services Department Fees Draft, with the proposed changes and additions listed in red.

Mr. Suddath concluded his presentation with example motions. Mr. Suddath explained that if approved, this would proceed to the legislative and budget committees prior to being heard by the full County Commission.

Mr. Honeycutt made a motion to approve Planning Commission Resolution 2020-03, related to proposed amendments to the Development Services Department's Fee Schedule, seconded by Mr. Taylor. Motion passed unanimously.

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

9. PUBLIC COMMENT – Sumner County MS4 Annual Report (Non-Voting Item) - Item is for public comment and discussion only.

Mr. Suddath began his presentation by acknowledging Mr. Joe Phillips, the County's Stormwater Manager, asking him to step forward. Mr. Suddath stated that Sumner County Government is

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required to submit an annual report to the Tennessee Department of Environment and Conservation each year by October 1. Mr. Suddath stated that this year's submittal is posted on the County Website, and permittees are encouraged to provide the public with an opportunity to speak on the annual report and its contents. Mr. Suddath then complimented Mr. Phillips and his staff, stating that the amount of work that goes into meeting state requirements and getting this report prepared, is quite extensive.

Mr. Bratton stated that sometimes, these reports are disapproved.

Mr. Suddath agreed to the importance of this report, stating that the mayor signs this document, with the knowledge that there is a perjury clause stating that all actions listed in the report have been executed.

Mr. Bratton thanked Mr. Phillips. There being no action required on this item, Mr. Bratton called for an adjournment.

Mr. Geminden made a motion to adjourn, seconded by Mr. Taylor. Motion passed unanimously.

Meeting adjourned at 7:10 pm.