

SUMNER COUNTY PLANNING COMMISSION MINUTES

SEPTEMBER 24, 2019

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  
JERRY KIRBY  
GENE RHODES  
CHRIS TAYLOR  
TOM TUCKER  
JIM WILLIAMS**

**MEMBERS ABSENT:**

**MIKE HONEYCUTT**

**STAFF PRESENT:**

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

To open the meeting, Mr. Bratton announced that with seven members present, there is a quorum.

**APPROVAL OF AUGUST 2019 MEETING MINUTES BY MR. WILLIAMS,  
SECONDED BY MR. TAYLOR. MOTION PASSED UNANIMOUSLY.**

**APPROVAL OF SEPTEMBER 2019 AGENDA BY MR. TUCKER, SECONDED BY MR.  
KIRBY. MOTION PASSED UNANIMOUSLY.**

Mr. Bratton began with the information that a long-time employee of Sumner County had announced his retirement. At this point, Mr. Bratton turned the meeting over to Mr. Suddath.

Mr. Suddath called Mr. Tracey Barrow forward to present him with a plaque, in appreciation of nineteen years of service to the citizens of Sumner County as the Stormwater Manager. Mr. Suddath thanked Mr. Barrow for his knowledge and people skills, wishing him well in his future endeavors.

**PUBLIC COMMENT**

Mr. Bratton deferred Public Comment to be addressed after each item's presentation. Mr. Bratton turned the meeting over to Mr. Suddath for staff presentation.

1. **BRIAR ROSE HILL – REZONING** – Represented by GreenLid Design – 3<sup>RD</sup> Commission Voting District (Alan Driver and Steve Graves) was requesting a

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Rezoning from Agricultural (A) to Commercial 2 Planned Unit Development (C2PUD) for the purpose of operating an event venue. Subject property is located at **2990 Highway 31E, Bethpage, TN 37022** is on Tax Map 084, Parcel 050.00, contains 1.8 acres and is zoned Agricultural (A). Adjoining property owners were notified by certified mail and the agenda item was advertised in The Gallatin News on Thursday, August 5, 2019.

Mr. Suddath introduced the item by giving an overview, stating that event venues may be allowed upon appeal to the Board of Zoning Appeals. Mr. Suddath provided photos of the subject property, a copy of the public notice, aerial photos of the property and an as-is site plan, including the uses that are proposed. Mr. Suddath stated that the structure on the property is a historic structure, built in the 19<sup>th</sup> century.

Mr. Suddath then reviewed the Zoning Code intent of the C2PUD zone, stating that the applicant must specifically state the uses intended for the property.

Mr. Suddath then explained general requirements per the Zoning Code, including setbacks, lot size, maximum lot coverage, landscape screening and parking requirements, stating that the applicant requested to maintain existing natural screening and gravel parking to preserve the historic nature of the property. Mr. Suddath pointed out that the site has 26 proposed parking spaces.

Regarding the Comprehensive Land Use Plan, Mr. Suddath displayed the geographic area as being near the Bethpage Historic Village Center Place-Type. Mr. Suddath further stated that approving the rezoning and allowing this use to continue, would meet with several of the objectives within the Historical Center Place Type related to historic preservation, economic enrichment and sense of community.

Explaining the steps for rezoning, Mr. Suddath stated that the Board is charged with the decision to make either a positive recommendation or a negative recommendation for Rezoning. Mr. Suddath went on explain that if the Planning Commission makes a positive recommendation, the Rezoning request will go before the Legislative Committee for two readings and then to the full County Commission. If approved, the Master Development Plan will then go back to the Planning Commission for final approval, pending any changes required.

Mr. Suddath concluded his presentation with example motions.

Mr. Bratton opened the floor for a PUBLIC HEARING. After confirming that no one wished to speak, Mr. Bratton closed the public hearing and asked for comments from property owners or representatives.

Mr. Andy Leath, representative from GreenLid Design, came forward to state that Mr. Suddath provided an accurate and concise presentation of the Rezoning Request. Mr. Leath added that he would answer any questions at this time.

There being no questions, Mr. Bratton entertained a motion.

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Motion to provide a positive recommendation to the Sumner County Commission related to a Request for Rezoning and Preliminary Master Development Plan Approval for the Briar Rose Hill Commercial PUD by Mr. Kirby. Seconded by Mr. Geminden. Motion passed unanimously.

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

- 2. CREASY AUTO REPAIR - REZONING – Represented by Klober Engineering Services – 2<sup>ND</sup> COMMISSION VOTING DISTRICT (Larry Hinton and Billy Geminden)** was requesting a Rezoning from Agricultural (A) to Commercial 2 Planned Unit Development (C2PUD) for the purpose of constructing and operating an auto repair shop. Subject property is located at **131 W. Roberts Road**, is P/O Tax Map 72, Parcel 035.00, contains 5.05 acres and is zoned Agricultural (A) **Adjoining property owners were notified by certified mail and the agenda item was advertised in The Gallatin News on Thursday, September 12, 2019.**

Mr. Suddath presented an overview of this item, describing this property as being a 5 acre tract which is part of a larger 46 acre area that has been divided into multiple 5+ acre tracts. Mr. Suddath displayed the published Public Notice, an elevation submittal and a conceptual Site Plan, depicting access off of Roberts Road. Mr. Suddath provided a map of the area, showing the location as approximately half-way between Portland and Gallatin.

At this time, Mr. Suddath described the uses that are allowed in a C2PUD zoned area, stating that auto repair shops are allowed. Mr. Suddath went on to state that the Creasy Site Plan submitted meets all requirements for a C2PUD, including setbacks, parking, maximum lot coverage, screening and landscaping.

Mr. Suddath presented a Google Map picture of the property as well as pictures of the site from various angles. Mr. Suddath stated that the plans state that no vehicle storage would be allowed behind the structure.

Regarding the Comprehensive Plan, Mr. Suddath stated that the proposed site is in a Rural Place-Type, approximately half-way between Portland and Gallatin, which doesn't appear to make any provisions for this type of development, stating that the area is not a major activity or service area. Mr. Suddath further explained that according to the Comprehensive Plan, a Rural Place-Type is a low-density area that has significant value for continued agricultural purposes or a rural way of life in the future, with an emphasis on maintaining rural atmosphere

Mr. Suddath went on to state that while the close proximity to Highway 109 makes sense from a marketing standpoint, for such a rezoning, a commercial use in this location could set the stage for future unplanned development. Mr. Suddath further stated that a more applicable place-type for this location, in the Comprehensive Plan would be a Highway Services Place-Type which is defined as areas that provide essential, commercial services to motorists.

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Mr. Suddath explained the next general steps, stating that the Board should provide either a positive recommendation or a negative recommendation for Rezoning. Mr. Suddath went on explain that if the Planning Commission makes a positive recommendation, the Rezoning request will go before the Legislative Committee for two readings and then to the full County Commission. If approved, the Master Development Plan along with a complete, engineered Site Plan submittal will then go back to the Planning Commission for final approval, pending any changes required.

Mr. Suddath concluded his presentation with example motions.

At this time, Mr. Bratton opened the floor for PUBLIC HEARING.

Eileen James, 186 West Roberts Road, Portland, TN, 37148, came forward, to speak as a representative of the neighborhood. Ms. James expressed concern that an auto repair shop could adversely affect the neighborhood's property value, noise level, traffic and safety. Ms. James further stated opposition to five acres of non-working, damaged vehicles visible at the entrance to their neighborhood. Ms. James further stated that Creasy Automotive is on the Sumner County list of businesses to call for towing and impound services, which will warrant concern of future plans to develop an impound lot. In conclusion, Ms. James stated that it is Sumner County's job to keep residential neighborhoods from being negatively impacted by businesses.

At this time, Stacy Smallings, 191 W. Roberts Rd, Portland, TN 37148, came forward to state that he agrees with Ms. James statement, against the Re-zoning. He went on to add that a major concern to him is the Stormwater effect on the water safety and quality to the properties downstream that rely on spring and well water.

Ernestine Civils, 3062 Academy Road, Portland, TN 37148, was represented by her daughter, Jada Curtis, 1661 Browns Lane, Portland, TN, 37148, who stated that she is against the Rezoning. Ms. Curtis also asked if surrounding property taxes would increase if rezoned.

Mr. Bratton stated that the Board has no way of knowing what effect the rezoning would have on taxes.

Mr. Suddath introduced Mr. Kyle Schneider, the engineer for Klober Design, and Mr. Victor Creasy, land owner.

Mr. Schneider stated that the Stormwater design for this project used the Metro Nashville LID, going on to state that the project is engineered so that, when constructed, less water will leave the site than currently does. Mr. Schneider stated that the Stormwater will be treated before it leaves the site and also stated that there will be solid waste disposal for the property. Mr. Schneider stated that there are proposed to be seven employees.

Mr. Victor Creasy came forward to state that he is half owner of Creasy Auto Repair. Mr. Creasy explained that his company does not tow nor have a storage lot for vehicles. Mr.

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Creasy stated that the business hours would be 8-5 Monday through Friday, offering services to help the community, speaking of the desire to construct a nice facility that will help, not hinder the community.

After confirming that no one else wished to speak, Mr. Bratton closed the public hearing.

Mr. Taylor made a motion to approve, stating that the County Commissioners representing the area should be involved in the Rezoning decision.

Mr. Bratton stated that as a commission, we should be aware that there will be future requests to Rezoning in this location. Mr. Bratton went on to state that this Commission should have a concept of what this area should be developed into, prior to going forward with any development of this area. Mr. Bratton pointed out that there is only one existing curb cut off of Highway 109 in this location.

Mr. Tucker stated that inevitably, more developments will come before the Board, causing a concern of the creation of a mish-mash of different zonings. Mr. Tucker went on to state concern for the residents of the area, saying that there is no longer the question of **if** there will be a development, but **when** there will be a development.

Asking for clarification, Mr. Taylor, asked if the Legislative Committee would address issues of a standard for specific area developments.

Mr. Suddath answered that there is a Comprehensive Plan in place for the County, approved in 2010, which is a broad outline of generally what is desired by the County, as a vision for future development. Mr. Suddath stated that the County's Zoning Code describes what is allowed for each lot. Mr. Suddath explained that the County's Comprehensive Plan does not show the intersection of 109 and W. Roberts Road to be a Highway Services district, which would include auto repair shops and other commercial Highway type uses.

Mr. Suddath stated that this property along 109 was divided into 5-acre tracts with no concern for design and planning.

Mr. Tucker questioned if the development of this section of the Roberts Road area of the County was put on the radar 9-10 years ago as a possible developments area.

Mr. Suddath answered that no, the area is listed as an Agricultural area, which is low-density residential and rural. Mr. Suddath stated that a better classification for the type of business of an auto repair shop would be a Highway Services classification.

At this time, Mr. Geminden clarified that Highway 109 was not even completed at the time the County's Comprehensive Plan was created. Mr. Geminden stated that there is no infrastructure in that area, other than electricity, that services W. Roberts Road.

Mr. Geminden requested that more information is needed, for the Planning Commission, regarding the future development of the other 5 acre tracts.

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Mr. Taylor reemphasized the question, asking which Committee decides where the future development proceeds from here.

Ms. Dennen interjected that the Planning Commission is educated and entrusted to decide the direction of development.

Mr. Taylor withdrew the motion.

At this point, Mr. Bratton asked to revisit the example motions.

Mr. Taylor asked Mr. Suddath how the Commission should go about creating a “blueprint” of the further development of the County, based upon the Zoning Codes.

Mr. Suddath stated that the County’s Comprehensive Plan is the “blueprint” for development. Mr. Suddath explained that this Commission has the power to amend the Plan if deemed necessary.

Furthermore, Mr. Suddath stated that it is not the Planning Commission’s job to dictate what comes before the Board, rather it is up to the developer to bring quality applications to the Commission that meet the Zoning Requirements and the intent of the Comprehensive Plan.

Mr. Tucker stated a need for further study into various issues of this request, therefore stating a desire to defer a decision on this item, in a well-informed manner.

Mr. Taylor added the need for a requirement to request an engineer’s plan for protecting the water sources for residents.

Mr. Suddath stated that the water quality plans can be requested, and will be required by the County. Mr. Suddath went on to further state that the Zoning Code does not give the Planner the ability to require a Traffic Impact Study, but that is an important document. Explaining that when you see unplanned growth around major roadways, Mr. Suddath stated that development occasionally gets ahead of infrastructure, creating traffic accidents. Mr. Suddath went on to suggest that Traffic Impact Analysis would be a beneficial item to request.

Mr. Suddath stated that if denied, the request cannot come back before the Board for six months.

At this point, Mr. Schneider stated that the applicant wished to withdraw their request for Rezoning.

Mr. Bratton asked the applicant for confirmation of the Withdrawal.

Mr. Creasy confirmed the Withdrawal.

Mr. Bratton stated the intent to discuss, with Mr. Suddath, the possibility of possibly

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creating an Overlay for this area that would help to guide development.

Mr. Bratton notified the assembly that if this request is re-submitted in the future, the adjoining land owners and the public will be notified.

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

- 3. NAPIER ACRES – Variance Request – Represented by Richard Graves – 1<sup>ST</sup> Commission Voting District (Moe Taylor and Terry Wright)** – Applicant was requesting a variance from County requirements located at Article III, Section H of the Sumner County Subdivision Regulations related to septic system easements. This property is located on **Corinth Road, Portland, TN 37148**. Subject property is P/O Tax Map 041, Parcel 006.00, contains 2.43 acres, and is zoned Agricultural (A).

Mr. Suddath provided an overview of this item showing the shared easement, wetland and location of the septic system which is depicted overlapping the property line. Mr. Suddath displayed a surveyor's note on the plat, stating that if the existing septic system ever fails, the landowner will have to find another location for the new septic system.

Mr. Suddath concluded his presentation with example motions.

Motion to approve a waiver to the County Subdivision Regulations related to septic systems on multiple tracts for Napier Acres Final Plat subject to the following condition:  
a) The applicant adding a note to the plat stating the date this waiver was approved by Mr. Geminden, seconded by Mr. Taylor. Motion passed unanimously.

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

- 4. ST. MICHAEL'S ANGLICAN CHURCH – Represented by The Trinity Group – 3<sup>rd</sup> Commission Voting District (Alan Driver and Steve Graves)** - Applicant was requesting Site Plan Approval of a proposed church expansion. Property is located at **105 Shiloh Road, Bethpage, TN 37022**. Subject property is located on Tax Map 090, Parcel 021.00, contains 1.03 acres, and is zoned Agricultural (A).

Mr. Suddath gave an overview of this item, providing a site plan, floor plan and elevations of the addition. Mr. Suddath stated that the applicant has been requested to apply for a Land Disturbance Permit to assure the placement of silt fences and erosion control.

Mr. Suddath concluded his presentation with sample motions.

At this time, Mr. Tom Austin, representative of St. Michael's Anglican Church, stated a desire to replace the existing modular structure with a permanent structure, relocating the said modular structure to a new location on the property.

Mr. Taylor made a motion to approve a Site Plan for a proposed expansion of St. Michael's Anglican Church, with the following conditions:

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- a) Applicant shall obtain a land disturbance permit, and shall maintain all temporary stormwater control measures during construction.
- b) Applicant shall obtain required building and zoning permits from the County Building Codes office following submittal and approval of building and floor plans. Seconded by Mr. Williams. Motion passed unanimously.

Mr. Bratton asked Mr. Suddath for staff comments regarding the next item.

**5. JAKE LINK FARMS – PRELIMINARY PLAT (Major) — Represented by Richard Graves - 12<sup>th</sup> Commission Voting District (Michael Guthrie and Justin Nipper) - Applicant was requesting Preliminary Plat approval for a 7-lot subdivision located on Jake Link Road, Cottontown, TN 37048. Subject property is P/O Tax Map 054, Parcel 054.00, contains 9.19 acres, and is zoned Agricultural (A).**

Mr. Suddath presented an overview of the item, providing an aerial view, Sketch Plat, Preliminary Plat and construction plans. Mr. Suddath stated that the drainage plans are still under review. Further, Mr. Suddath explained the construction plans, pointing out detention basins, roads, water utilities, hydrant requirements and drainage calculations.

Mr. Suddath pointed out a discrepancy regarding the detention pond, stating that the detention pond is on the Construction Plans but is not depicted on the Preliminary Plat. Mr. Suddath further stated that there has been no information provided for maintenance of the detention pond.

Mr. Suddath concluded his presentation with example motions.

At this time, Mr. Bratton called forward the representative, Mr. Graves.

Mr. Richard Graves, the representative for Jake Link Farms, asked if there were any questions for him.

Mr. Bratton asked if this request were approved, would all the requirements be addressed.

Mr. Graves assured the requirements would be completed prior to final submittal.

**Motion to approve a Preliminary Plat for Jake Link Farms subject to the following conditions:**

- a. Applicant shall revise the Preliminary Plat to show the proposed drainage facilities being located within a Public Utility and Drainage Easement prior to any endorsement of the Preliminary Plat by County Staff.
- b. Applicant shall obtain approval from County Consultant Engineer for Construction Plans prior to issuance of a Land Disturbance Permit.
- c. Applicant shall construct all drainage infrastructure as shown upon approved construction plans to a point of substantial completion as determined by the Planning Department prior to submission of any Final Plat for the development.

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- d. Applicant shall submit “as built” drawings as per the Sumner County Subdivision Regulations and County Stormwater Management Resolution concurrent with submission of any Final Plat for the development.
- e. Applicant shall submit a signed Stormwater Inspection and Maintenance Agreement and maintenance plan for this development to the Planning and Stormwater Department for recording concurrent with the submission of first Final Plat for this phase.
- f. By-Laws for any proposed Home Owners Association must be approved by County staff prior to application for Final Plat approval.
- g. Applicant shall add a note related to any neighborhood restrictions submitted for the development upon the Final Plat, and shall make note of their Record Book and Page number upon the Final Plat  
by Mr. Tucker. Seconded by Mr. Tucker. Motion passed unanimously.

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

- 6. KIRKHAM ESTATES – SKETCH PLAT (Major)-Represented by Richard Graves - 1st County Commission District (Moe Taylor and Terry Wright)-** Applicant was requesting Sketch Plat approval for a 8 lot subdivision on **Fowler Ford Road**. Subject property is located on Tax Map 050, Parcels 036.01, contains 20.97 acres and is zoned Agricultural (A).

Mr. Suddath provided an overview of the item, providing the Plat, showing access from Fowler Ford Road as well as utilities and fire protection provisions required. Mr. Suddath concluded his presentation with the next steps that would be required, if approved.

Confirming there were no questions for Mr. Graves, Mr. Bratton entertained a motion.

Motion to approve a Sketch Plat for Kirkham 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 by Mr. Taylor.  
Seconded by Mr. Geminden. Motion passed unanimously.

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

- 7. BRANDON AND SAMANTHA SMART AND TERESA PUCKETT - PRELIMINARY PLAT (Major) – Represented By Jim Carman – 4th Commission Voting District (Jerry Foster and Leslie Schell) -** Applicant is requesting Preliminary Plat approval for 3 lots located on **Weeping Willow Road, Hendersonville, TN 37075**. Subject property is P/O Tax Map 101, Parcel 038.00, contains 3.03 acres, and is zoned Residential 1A (R1A).

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Mr. Suddath provided an overview of the item, displaying the Plat showing access, roads, utilities and fire protection. Mr. Suddath stated that there are no drainage calculations submitted with this Plat, as of yet.

Mr. Suddath presented example motions outlining next steps and issues that must be resolved, if approved.

Mr. Bratton addressed Mr. Jim Carman, regarding drainage issues brought up by Mr. Suddath

Mr. Jim Carman, representative for Smart, Smart and Puckett, stated that Mr. Andy Leath is working on drainage issues. Mr. Carman stated that the fire hydrant will be removed from the Plat, stating that White House Utilities will not allow the fire hydrant to be placed on that line.

Mr. Taylor asked for information regarding the potential future development of the remaining property, expressing concern of the road entry and multiple curb cuts that could result.

Mr. Carman stated that the location of the soil areas of that property prevents those lots from being conducive to development.

**Motion to approve a Preliminary Plat for Smart, Smart, and Puckett Subdivision, with the following conditions:**

- a) **Drainage plans meeting the requirements of the County Stormwater Management Resolution shall be submitted and approved by the County Consultant Engineer prior to the submittal of a final plat for this development.**
- b) **Any future subdivisions of the parent tract shall be accompanied by a Sketch Plat for the entire tract.**
- c) **Plat signature blocks on the Final Plat must match those required by the County Subdivision Regulations by Mr. Geminden.**

**Seconded by Mr. Taylor. Motion passed unanimously.**

Mr. Kirby excused himself.

Mr. Bratton asked Mr. Suddath to present staff comments for the next item.

- 8. HUFF ESTATES - SKETCH PLAT (Major)-Represented by Richard Graves - 1st County Commission District (Moe Taylor and Terry Wright)-Applicant was requesting Sketch Plat approval for a 10 lot subdivision on Mount Vernon Road and James Whitefield Road, Bethpage, TN 37022. Subject property is located on Tax Map 049, Parcels 043.00, contains 10.39 acres and is zoned Agricultural (A).**

Mr. Suddath provided an overview of the item, providing the Sketch Plat, depicting the roads, lot size and orientation. Mr. Suddath presented an aerial view showing the intersection where the proposed plat is located.

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Mr. Suddath concluded his presentation.

Mr. Bratton called on Mr. Graves, representative for Huff Estates.

Mr. Richard Graves asked where the money should be placed for the fire hydrant installation.

Mr. Suddath replied that the requirement is contained in the Subdivision Regulations. Mr. Suddath stated that this dedication must be toward a purpose that furthers fire protection in the county.

Mr. Graves asked if this had ever been done before.

Mr. Suddath replied that this will be the first instance since the new regulation has been adopted by the county.

Asking for guidance, Mr. Graves stated that there are two fire hydrants required on this subdivision, potentially resulting in \$12,000 in fire hydrant fees.

Mr. Bratton stated that an acceptable resolution would be for the applicant to commit to make a donation to the local volunteer fire department.

Mr. Suddath referred to examples of subdivisions which are required to state, in the subdivision regulations, that the HOA dues are to be arranged so that the HOA can make an annual donation to the fire department.

Given this information, Mr. Graves stated that he will direct the landowners to make a donation to the volunteer fire department.

**Motion to approve a Sketch Plat for Huff Estates, with the following condition:**

- a) Applicant shall submit Construction Plans depicting all roadway and 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 by Mr. Taylor. Seconded by Mr. Williams. Motion passed unanimously.

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

- 9. BALMORE ESTATES - SECTION 2 - PRELIMINARY PLAT (Major) – Represented by Richard Graves – 3rd Commission Voting District (Alan Driver and Steve Graves) - Applicant is requesting Preliminary Plat approval for a 5-lot subdivision located on Dobbins Pike, Portland, TN 37148. Subject property is P/O Tax Map 061, Parcel 056.00, contains 5.83 acres, and is zoned Agricultural (A).**

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Mr. Suddath provided an overview, providing the Sketch Plat that was approved in June, 2019. Mr. Suddath provided the Preliminary Plat, depicting a wetland, drainage calculations, utilities, fire hydrants and erosion control plan. Mr. Suddath stated that no road improvements are required.

Concluding his presentation with sample motions, Mr. Suddath stated that approving this item would be waiving the county water quality requirements.

Mr. Richard Graves came forward to state that there is no visible wetland on this property. Mr. Graves explained the reason for resubmittal of this plat. Mr. Graves also stated that White House Utility is refusing to give a fire hydrant to this property, which will require a donation to the volunteer fire department.

In addition, Mr. Graves assured the Board that, if the Preliminary Plat is approved, he will not resubmit the Final Plat until there has been adequate time to review the construction plans from Andy Leath.

For clarification, Mr. Taylor asked Mr. Suddath if the Board has ever made an approval on a Plat prior to all requirements being met.

Mr. Suddath stated that with the knowledge that a TDEC audit is imminent, and the MS4 Annual Report is due, the Commission may want to add a Condition of Approval, stating that the County's Water Quality Requirements need to be met.

**Motion to approve a Preliminary Plat for Balmore Estates, Section 2, subject to the following conditions:**

- a) Applicant shall obtain stamped approval from County Consultant Engineer for Construction Plans prior to issuance of a Land Disturbance Permit.
- b) The development must adhere to all water quality requirements contained in the Sumner County Stormwater Management Resolution by Mr. Taylor. Seconded by Mr. Tucker. Motion passed unanimously.

Mr. Bratton turned the meeting over to Mr. Suddath for comment on the MS4 Annual Report.

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

Mr. Suddath stated that TDEC MS4 Annual Report, which is required by TDEC, is now on the County's Website for viewing.

Mr. Suddath explained that the Annual Report documents all enforcement actions and the number of applications received this year. Mr. Suddath also stated that the Report includes the regulations the Stormwater Office has in place, as well as verification of adherence to said regulations.

Mr. Suddath thanked the Stormwater staff for the hard work put forth in compiling the

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Report.

Mr. Suddath asked if there were any questions. Mr. Bratton opened the floor for public comment.

Mr. Tucker stated that he feels that Sumner County's MS4 is in good shape due to Tracy Barrow and his team.

Next, Mr. Bratton stated that he would like to discuss and brainstorm with Mr. Suddath, the intersection, as it relates to the new Highway 109, and what would be an appropriate overlay or Land Use Plan.

Mr. Suddath brought up different ways to look at a Land Use Plan, stating that it can be considered either a hindrance, an advisory document or the law.

In regards to State Route 109, Mr. Suddath stated that it is crucially important that the development of that area be well thought out. Mr. Suddath further explained that, ideally, that 40-acre piece of property would have to come before the Planning Commission as a Planned Development.

Mr. Bratton stated that once an overlay is created, Mr. Suddath may present it to the Planning Commission as a Planned Development.

Mr. Geminden concurred the need for caution in developing that area on Highway 109, stating that it would be a beautiful area for a school campus.

Mr. Bratton stated that there is another large tract on the radar that must be mindfully planned.

Mr. Tucker asked if developers could be required to show presence of well-planned roads, greenways, etc?

Ms. Dennen interjected that the question for developers may be "How are you going to enhance the County and not be a hindrance?"

Mr. Suddath concurred with input from the Commission, stating that the Board member's desire for an overlay in adherence to a Land Use Plan is "True Planning".

In addition, Mr. Bratton stated that "Zoning is a privilege, not a right".

Further, Mr. Suddath stated that, generally speaking, the County is never under obligation to rezone property. Mr. Suddath elaborated that if the Board can state that a Rezoning Application doesn't comply with the Land Use Plan, that is a rock-solid reason to deny a rezoning request.

Mr. Tucker asked Ms. Dennen if this requirement should be taken to Legislation.

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Ms. Dennen stated that this requirement can be made by this Planning Commission.

Mr. Suddath reiterated that this Planning Commission is charged with making the recommendation of a Land Use Plan requirement.

There being no further business, Mr. Taylor made a motion to adjourn. Seconded by Mr. Geminden. Meeting adjourned at 6:45 pm.