

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

MEETING WAS HELD ELECTRONICALLY PURSUANT TO EXECUTIVE ORDERS ISSUED BY THE GOVERNOR OF THE STATE OF TENNESSEE

MEMBERS PRESENT:

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

MEMBERS ABSENT:

STAFF PRESENT:

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

Mr. Bratton called the meeting to order.

Mr. Suddath confirmed, by roll call, that all members were in attendance.

Announcing a quorum, Mr. Bratton called for approval of the November minutes.

Mr. Rhodes made a motion to approve the November 2020 Minutes as presented, seconded by Mr. Geminden. Motion passed unanimously.

Next, Mr. Bratton asked for approval of the Agenda.

Mr. Suddath stated that CSDG, representative for Item #2, Retreat at Norman Farm - Phase 1 – Final Plat, has requested a one-month deferral in order to be on the January 2021 agenda. There being no other changes, Mr. Suddath stated that the rest of the agenda stands as presented.

Mr. Honeycutt made a motion to approve the Agenda, with the removal of Item #2, seconded by Mr. Rhodes. Motion passed unanimously.

Mr. Bratton asked Mr. Suddath if there had been any Public Comment.

Mr. Suddath stated that the Public Notice for this meeting contained directions for the public to email comments to Kathy Young or himself by noon, today. Mr. Suddath confirmed that neither he nor Kathy had received any emails or public comments prior to the meeting. At this point, Mr. Bratton turned the meeting over to Mr. Suddath for staff presentation.

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1. **SOMERSET DOWNS – PHASE 7- FINAL PLAT (Major)** - Represented by Ragan-Smith- 7th County Commission Voting District (Brian Stewart and Gene Rhodes) - Applicant is requesting Final Plat approval for a 27-lot subdivision located on **Luxborough Drive, Hendersonville, TN, 37075**. Subject property is Tax Map 123, Parcels 035.00 and 035.01, contains 16.92 acres, and is zoned Planned Unit Development (PUD).

Mr. Suddath asked for confirmation that all meeting attendees could see his presentation on the screen.

Next, Mr. Suddath provided an overview of the property and displayed an aerial photo of the property showing the two parcels which make up the entirety of the 16.92 acres.

Providing some background information for the property, Mr. Suddath stated that the Somerset Downs Planned Unit Development Master Plan (Phases 4, 5, and 6) was originally approved in October 2006. Mr. Suddath went on to explain that a rezoning and PUD amendment was approved for Phase 7, by the Sumner County Commission, in December, 2017. Mr. Suddath added that the Preliminary Plat for Phase 7 was approved by the Planning Commission in July of 2019, and added that the infrastructure construction has been ongoing since that time.

Mr. Suddath then displayed the Phase 7 PUD Amendment that was approved in December of 2017.

Next, Mr. Suddath displayed the Final Plat being presented for approval. Mr. Suddath pointed out the requirement that infrastructure installation must be completed prior to Final Plat approval.

Mr. Suddath then highlighted the following regarding the Final Plat:

- Water and Sewer are to be provided by the White House Utility District.
- Fire hydrants are depicted along the proposed extension of Luxborough Drive at the required spacing, ensuring that no lot is more than 500 feet from a fire hydrant.
- Fire protection to be provided by the relevant Volunteer Fire Department
- Streets:
 - Luxborough Drive has been extended to the south approximately 1,350 feet, terminating in a cul-de-sac.
 - Road section will be dedicated as a public street. Has been constructed and inspected in accordance with County regulations as well as those of the Somerset Downs Planned Unit Development's Master Development Plan.
 - Right of Way to be dedicated is 50 feet, with 12-foot travel lanes. Meets County requirements
 - Per the approved Master Development Plan, sidewalks are to be constructed on one side of the street. This was approved by the County with the Somerset Downs Master Plan in 2006.
- On-Site Drainage:
 - 3 stormwater detention facilities have been constructed and are depicted upon the Final Plat.
 - Two of these facilities are to function as "Dry Detention" facilities, meaning that they will hold and slowly release Stormwater during rain events.

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- One detention facility is a Water Quality Bioretention facility that is meant to capture and filter rainwater off of Luxborough Drive through multiple layers of filter media.
- Calculations submitted indicate that these improvements will address County requirements related to the mitigation of offsite Water Quantity and Water Quantity
- Long term maintenance of all stormwater facilities on site will be the responsibility of the Somerset Downs Homeowners' Association.
- While homes are being constructed, maintenance of these facilities will be the responsibility of the entity that owns the SWPPP through TDEC
 - It is understood that this will be Creekside Homes
- The Developer will also be required to enter into a Stormwater Maintenance and Inspection Agreement with the County with the submission of this Final Plat of the Development.
 - This has been provided by the applicant's representative and reviewed by staff and will be recorded at the time of the recording of the Final Plat.

Providing the image of the Construction Plans, Mr. Suddath explained the location of the detention ponds and drainage swales. Mr. Suddath stated that there have been extensive measures to ensure that the Stormwater runoff does not negatively impact the adjoining neighborhood, The Hollows.

Next, Mr., Suddath displayed photos of the road and stated that a bond has been provided to the Highway Department, in the amount that will cover the expense of the top coat of the asphalt, which will be applied in the next few years.

Mr. Suddath then displayed a photo of the detention ponds, drainage swale and sediment catch-basin on the property.

To summarize the off-site drainage, Mr. Suddath stated the following:

- Adjacent subdivision to the west, known as The Hollows, has long experienced drainage issues, some of which apparently predate the Somerset Downs Development.
- The construction of previous phases of the Somerset Downs PUD over the years has exacerbated these issues.
- Care has been taken during construction of Phase 7 to ensure that Stormwater is conveyed to onsite detention facilities and slowly released in accordance with plans approved by the County Engineer.
 - This has involved several corrections made during construction, which have been promptly done as requested by the County.
 - During early stages of this phase, contractor coordinated with adjacent homeowners, and addressed issues as they arose
 - Overall, developer has been very responsive to staff and resident concerns.

Mr. Suddath commented on the value of the County Engineer, Stormwater staff, the developer and the contractor's collaborative efforts to ensure effective Stormwater runoff prevention into The Hollows.

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Mr. Suddath stated that staff has required off-site drainage improvements to previous phases, explaining the following:

- Phase 4/5 detention pond, which is Parallel to Luxborough Drive and upstream from this location, was not built to plan some years ago.
- As-Builts were not provided, and the pond was turned over to the HOA some years ago by the developer even though it was still being used as a sediment basin
- Both this earlier pond and a portion of Phase 7 discharge through the natural drain along the road in the Hollows Subdivision, so there is a connection between the earlier phases and this one
- **Staff has obtained a commitment from the developer to provide a Letter of Credit in an amount of \$75,000 to ensure this work is completed.**
- Will involve project engineer (Ragan Smith) conducting field survey, and submitting as-builts to the County.
- If additional work, such as reshaping or excavation of the pond needs to occur, the developer will need to do it, and the County will use the Letter of Credit to ensure that it gets done
- This is listed as Condition of Approval D.

Next, Mr. Suddath summarized the Final Plat by stating that

- All infrastructure has been installed to a point of “substantial completion” and inspected throughout installation by County Staff
- Bond provided to Highway Department to ensure that remaining road improvements, to include surface asphalt, are installed
- Letter of Credit provided for 50% of overall cost of Stormwater infrastructure in order to ensure maintenance
- As-Builts have been provided and approved
- All signatures have been obtained on the Final Plat except Planning Commission Secretary
- The applicant will need to complete any remaining “punch list” items that may be noted on site by the County (if noted).
- If approved this evening, the plat may be signed by the Planning Commission Secretary,
- Then the Final Plat may be recorded, lots may be sold, building permits may be obtained.

Mr. Suddath completed his presentation with example motions and stated that George Welch and the developer are both in attendance to answer any questions.

Mr. Bratton asked if any of the representatives would like to comment.

Mr. George Welch, Regan-Smith, commented that Mr. Suddath provided a thorough presentation, stating that he had nothing to add, but is available for questions.

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

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Mr. Williams made a motion approve a Final Plat for Somerset Downs, Phase 7, subject to the following conditions:

- a) Applicant shall finalize construction and stabilization of any items as may be noted by County staff prior to signature of the Final Plat by the Planning Commission Secretary.**
- b) A Stormwater Inspection and Maintenance Agreement for this phase shall be recorded with the Final Plat.**
- c) Applicant shall maintain any outstanding bonds and/or letters of credit until such time as the County provides authorization to release them.**
- d) Applicant shall provide a Letter of Credit (using the County's template) in an amount of \$75,000 to provide security for any required adjustments to Phase 4/5 detention basin prior to signature of the Final Plat by the Planning Commission Secretary.**
 - i. No later than October 31, 2021, construction shall be complete, with any noted deficiencies contained in As-Builts corrected and the detention facility converted to a Permanent Stormwater Management configuration with new As-Builts submitted and approved, upon which time the Letter of Credit shall be released,**

Seconded by Mr. Geminden. Motion passed unanimously.

Mr. Honeycutt took the opportunity to thank staff for all the hard work to resolve the previous issues.

Mr. Suddath stated that an adjoining property owner called to express appreciation to the staff and the Planning Commission for the work and for policies to improve and correct problems.

- 2. RETREAT AT NORMAN FARM – PHASE 1 – FINAL PLAT (Major) - Represented by CSDG – 7th Commission Voting District (Brian Stewart and Gene Rhodes) - Applicant is requesting Final Plat approval for a 55-lot subdivision located at **Anderson Road and Jones Lane, Hendersonville, TN 37075**. Subject property is Tax Map 138, Parcel 030.00 contains 79.82 acres, and is zoned Planned Unit Development (PUD).**

DEFERRED AT THE APPLICANT'S REQUEST IN ADVANCE OF THE MEETING.

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

- 3. LAUREL PARK (formerly WESTBROOK) - Phase 1 – PRELIMINARY PLAT (Major) - Represented by CSDG – 11th Commission Voting District (Scott Langford and Jeremy Mansfield) - Applicant is requesting Preliminary Plat approval for a 34-lot subdivision located at **Long Hollow Pike East, Hendersonville, TN 37075**. Subject property is Tax Map 122, Parcel 066.01, contains 13.21 acres, and is zoned Planned Unit Development (PUD).**

Mr. Suddath provided an overview of the property and provided aerial and street view photos of the property. Mr. Suddath provided a brief history of the property, stating that the Planning

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Commission approved a Final Master Development Plan for the Westbrook Development on December 19, 2017. Mr. Suddath explained that during the intervening period, various issues were encountered and resolved with State agencies, especially related to an existing ditch/stream located within the southeastern quadrant of the project location.

Following TDEC approval of the resolution of this issue, Mr. Suddath explained, these changes were incorporated into a revised Master Development Plan, which was submitted to the County on November 6, 2020.

Mr. Suddath pointed out that, as part of this Master Plan Amendment Request, the name of the development was changed from “Westbrook” to “Laurel Park”.

Mr. Suddath stated that following staff review of the proposed changes and confirmation that the changes were not “Major” as defined by the County Zoning Resolution, the changes to the Master Plan were deemed to be “Minor” in scope, and were approved administratively on November 10, 2020.

Mr. Suddath then explained the six amendment thresholds, per the County Zoning Resolution, that were used to make that determination.

Next, Mr. Suddath displayed the previous and current Master Plans for comparison, stating that the biggest change was the creation of a conservation easement, required by TDEC, which caused the need to shift several lots.

Mr. Suddath then provided a PUD status, stating that, given that the County has adopted a new set of Zoning Regulations, and the applicant has revised the plan to meet those requirements, provisions related to project phasing will apply. Mr. Suddath stated that given that the plan was revised under the new regulations, effective November 10, 2020, the applicant must:

- Have a Preliminary Plat approved no later than November 10, 2021 (Requesting approval tonight)
- Have a Final Plat approved no later than November 10, 2023.

Next, Mr. Suddath stated that a Preliminary Plat for Westbrook was approved on December 19, 2017. Mr. Suddath explained that after reviewing a revised Preliminary Plat that was submitted, staff determined that a new Planning Commission approval was required due to the fact that:

- The current County Subdivision Regulations Article II, Section E.2 require that Preliminary Plats expire after 3 years unless a Final Plat is approved and recorded or a notice to proceed to construction has been issued by the County.
- A 1 year extension is allowed if the request is submitted 60 days prior to expiration. Since no request for an extension was timely received, Staff determined that this item must go to the Planning Commission for approval.
- The County Subdivision Regulations at Article II, Section E.3 allow for Preliminary Plats to be modified administratively, but require that certain changes are major and must go back to the Planning Commission.
- Among these are changes related to “Environmental and other natural features buffers.” Lots 80-85 were required by TDEC to have a conservation easement added in order to accommodate an existing stream. This change requires that the Planning Commission review the revised Preliminary Plat.

Mr. Suddath explained that accordingly, a new Preliminary Plat and Construction Plan

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submittal was required, and added that one was provided by the property owner. Mr. Suddath added that the submittal was required to be accompanied by all fees, to the County, totaling \$7,290.

Next, Mr. Suddath displayed the Preliminary Plat for Laurel Park, Phase 1 and explained the following, regarding streets:

- The Master Plan indicates that the development will require the widening of Long Hollow Pike
 - Indicated on Preliminary Plat and Construction Plans. Must be completed prior to recording of Final Plat for Phase 1
- Internal road network will be dedicated as a public street and must be built in accordance with County regulations as well as those of the Laurel Park Master Development Plan.
- Right of Way to be dedicated is 50 feet, with 12-foot travel lanes.
- An alley section was also approved with the Master Plan for rear loaded lots
 - 20 foot ROW, with 16 feet of pavement
- Per the approved Master Development Plan, sidewalks are to be constructed on both sides of the street.

Mr. Suddath displayed the cross section of the streets and alley streets and then displayed the Long Hollow Pike recommended Improvements.

Mr. Suddath then explained the Greenway Connection, stating that the County Commission's original Master Plan approval required that the neighborhood be connected to a greenway, which is to run to the east toward Beech High School. The original approval allowed for either a payment in lieu of construction for this segment, or for the developer to install it after the County acquired the right of way, stated Mr. Suddath.

Next, Mr. Suddath explained that the developer is proposing to construct the Greenway along the entire frontage of the project site, and to provide an In-Lieu-Of payment for the 1,183-foot section headed east to the entrance of Beech High School. Mr. Suddath stated that this is allowed per the original terms of the Master Development Plan approved by the County Commission, adding that County Regulations require that 3 cost estimates be obtained, and that the amount paid be the average of the 3 plus an additional 10%. Mr. Suddath stated that the developer has provided 3 cost estimates averaging \$48,465.27, for this item including the additional 10% that is required.

Next, Mr. Suddath explained the On-Site Drainage as follows:

- Construction plans and drainage calculations have been submitted and have gone through two rounds of revisions with County Engineer.
- The applicant has depicted 3 stormwater detention facilities upon the Preliminary Plat and Construction Plans for Phase 1.
- Ponds are designed to ensure that the development does not produce an increase in Stormwater runoff post-development
- During construction, these facilities will be utilized to capture construction site runoff in order to capture sediment and keep it on site.
- Will be monitored during construction, and adjustments may be required by County staff as necessary in order to ensure that these facilities are working properly and

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sediment etc is captured on site to the extent possible

- Calculations submitted indicate that these improvements will address County requirements related to the mitigation of offsite Water Quantity
- Must also meet County requirements related to Water Quality, capturing and treating the equivalent of the first inch of rainfall on site.
- Long term maintenance of all stormwater facilities on site will be the responsibility of the Laurel Park Homeowners' Association.
- In the near term, the maintenance of these facilities will be the responsibility of the Developer. The Developer will also be required to enter into a Stormwater Maintenance and Inspection Agreement with the County with the submission of a Final Plat for this Phase of the Development.

Mr. Suddath displayed the location of the three stormwater ponds within the development.

Next, Mr. Suddath stated that the mail kiosk and internal parking must be installed with Phase 1 of the development, adding that additional amenities, including a patio and open fireplace are to be constructed with Phase II. Mr. Suddath displayed the Entryway Amenities Plan, including streetlights, signage and landscaping.

Mr. Suddath explained the Utilities and Fire Protection, stating that water and sewer are to be provided by the White House Utility District. Mr. Suddath stated that an availability letter has been provided.

Mr. Suddath stated that fire hydrants are depicted at the required spacing, ensuring that no lot is more than 500 feet from a fire hydrant. Mr. Suddath added that the Volunteer Fire Department will provide fire protection and explained that the Covenants, Conditions and Restrictions require that HOA contribute an annual amount to New Shackle Island VFD.

At this time, Mr. Suddath explained the general next steps:

- Following Preliminary Plat approval, all road, drainage, water and sewer infrastructure will need to be installed to a point of substantial completion prior to any application for Final Plat approval
 - The County will inspect road and drainage improvements during construction
- Once infrastructure is substantially complete, the applicant will need to:
 - Bond any remaining improvements at that time to include final coat of surface asphalt,
 - Provide a Letter of Credit in an amount of 50% of the cost of all Stormwater infrastructure
 - Provide As-Builts for all infrastructure to ensure everything is built to plan
- Once done, Final Plat may be recorded, then lots may be sold.

Mr. Suddath concluded his presentation with example motions. Mr. Suddath stated that the representative from CSDG and the developer are both in the meeting.

Mr. Bratton asked if the developer or representative would like to speak.

Mr. Jim Harrison, CDSG, thanked Mr. Suddath and the Planning and Engineering staff. Mr. Harrison stated that he is available for questions.

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Mr. Tucker stated that to avoid a possible conflict of interest, he would recuse himself from this vote.

Mr. Rhodes asked for clarification of the changes from the previous approval of this development, asking if the main change is a few lots being moved.

Mr. Suddath stated that the shifting of those lots and the addition of a conservation easement are the only significant changes.

Mr. Rhodes asked if the overall concept of alley parking and alley entries are the same as before.

Mr. Suddath stated yes, adding there are no substantial changes made to those components of the layout.

Mr. Geminden made a motion to approve a Preliminary Plat for Laurel Park, Phase 1, contingent upon the following conditions:

- a) Applicant shall obtain stamped approval from County Engineer for Construction Plans and a preconstruction meeting shall be held with County Staff prior to issuance of a Land Disturbance Permit.**
- b) Applicant shall construct the required greenway along the frontage of the subdivision to the east and west property boundaries as depicted on Construction Plans prior to recording of any Final Plat for this development.**
- c) Prior to issuance of a Land Disturbance permit, applicant shall provide a Construction InLieu-of payment for the remainder of the proposed Greenway to the County in an amount of \$48,465.27 in accordance with the approved Master Plan for this development.**
- d) Applicant shall construct all depicted improvements to Long Hollow Pike and open them for traffic prior to approval of any Final Plat for this development.**
- e) Applicant shall submit detailed landscaping plan sheets as an addendum to the Construction plans and shall construct and install all entryway signage and landscaping as shown in the Master Plan prior to approval of any Final Plat for this development.**
- f) Applicant shall construct all roadway, drainage, and utility infrastructure for Phase 1 as shown upon approved construction plans to a point of “Substantial Completion” as determined by the County prior to approval of any Final Plat for the development.**
- g) Applicant shall submit “As Built” drawings and a signed Stormwater Inspection and Maintenance Agreement and maintenance plan for County review and approval concurrent with submission of any Final Plat for the development.**
- h) Applicant shall submit a revised set of Covenants, Conditions and Restrictions for staff review and approval prior to approval of any Final Plat for the development, seconded by Mr. Rhodes. Motion passed unanimously, with Mr. Tucker abstaining.**

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

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**4. SUMNER COUNTY REGIONAL PLANNING COMMISSION RESOLUTION
2020-07, approval of the 2021 Plat Submittal and Meeting Calendar.**

Mr. Suddath explained that toward the end of each calendar year, the County Planning staff circulates a calendar for the upcoming year. Mr. Suddath explained that this calendar contains all proposed meeting dates and each meeting's required submittal deadlines, adding that staff distributes calendar and posts a copy on the County's website.

Mr. Suddath stated that for 2021, as in past years, Staff is requesting that the Planning Commission adopt this calendar via formal action, in the form of a resolution.

Mr. Suddath stated that this action would make the calendar an official product of the Sumner County Regional Planning Commission rather than a staff creation.

Mr. Suddath displayed the proposed 2021 Calendar and explained that the only irregularities are in December, to accommodate for the Christmas holiday.

Mr. Rhodes made a motion to approve Planning Commission Resolution 2020-07, related to the 2021 Plat Submittal and Meeting Calendar, Seconded by Mr. Geminden. Motion passed unanimously.

Ms. Dennen asked Mr. Suddath to email the calendar to her and get it on the website as soon as possible.

Mr. Suddath stated that this would be done.

Mr. Geminden stated thanks to Mr. Suddath and the staff of the Planning Department, and added that Sumner County will be receiving a local government award from GNRC for Regional Council for all the work that was done for the County's new Zoning Resolution. Mr. Geminden expressed congratulations and thanks to Mr. Suddath.

Ms. Dennen added that the County Commission wishes to honor the Planning Department office as well.

Mr. Suddath stated that his understanding is that there is usually a banquet, however, it is unknown what the plans are, due to Covid.

Mr. Bratton stated his appreciation of the guidance by Mr. Suddath to the Planning Commission and the BZA. Mr. Bratton went on to state appreciation for staff, as well, citing comments he receives from citizens.

Meeting adjourned at 5:52 pm.