

SUMNER COUNTY REGIONAL PLANNING COMMISSION

MINUTES

WORK STUDY 4:00 PM

JULY 27, 2021 5:00 P.M.

MEMBERS PRESENT:

**LUTHER BRATTON, CHAIRMAN
BILLY GEMINDEN, VICE-CHAIRMAN
MIKE HONEYCUTT
CHRIS TAYLOR
JIM WILLIAMS**

MEMBER ABSENT:

**TOM TUCKER
JERRY KIRBY
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**

Mr. Bratton called the meeting to order and stated that with five (5) members present, there is a quorum.

Mr. Bratton called for the approval of the June minutes.

Mr. Honeycutt made a motion to approve the June 2021 Planning Commission Minutes, seconded by Mr. Williams. Motion passed unanimously.

Next, Mr. Geminden made a motion to approve the July Agenda as presented, seconded by Mr. Honeycutt. Motion passed unanimously.

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

- 1. EMERALD VALLEY LAKE ESTATES – SKETCH PLAT (Major) – Jordan Fleming/Fleming Homes - Represented by Beau Agee– 3rd Commission Voting District (Alan Driver and Steve Graves) – Applicant is requesting Sketch Plat approval for 9-lot residential subdivision located at Emerald Valley Drive, Castalian Springs, TN, 37031. Subject property is Tax Map 133, Parcel 018.01, contains 14.5 acres, and is zoned Rural Residential (RR).**

Mr. Suddath began his presentation by stating that this request came before the Commission in June, and was withdrawn by the requestor. Mr. Suddath provided an overview of the property, and displayed an aerial photo of the property. Mr. Suddath then displayed the withdrawn Sketch Plat and the current Sketch Plat. Mr. Suddath explained that the first submittal did not meet the Subdivision requirements that stated that only 20% of the lots may be flag lots, as four (4) of the eight (9) proposed lots were flag lots. Mr. Suddath stated that the current Plat contains only one (1) flag lot and therefore meets the Subdivision Regulations.

Next, Mr. Suddath reviewed the following regarding the Sketch Plat:

- Roads: Development would derive access along Emerald Valley Drive.
- Per Comprehensive Plan, Located in Rural Placetype, Sidewalks/Payment In Lieu Of Sidewalks not required

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- Required open space does not appear to be depicted upon the plat.
 - Preliminary Plat will need to provide percentage calculations, with 10% of the overall area being the minimum
 - Per current regulations, an HOA will be required for this development in order to maintain common open space and any Stormwater infrastructure that may be required
- 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
 - Onsite Detention may be required
 - Stream/wetland determination may be required by TDEC
- Utilities and Fire Protection:
 - 6 inch water line depicted along the property.
 - Lots to be served by two existing fire hydrants, which are depicted upon the Sketch Plat.
 - A water and fire pressure availability letter must be provided with Preliminary Plat
 - Lots to be served by Septic Tanks; TDEC approval required.

Mr. Suddath then stated that the next steps, if approved, including that they will need to receive Preliminary and then Final Plat approval from the Planning Commission and they will need to submit Drainage Calculations and Erosion Prevention & Sediment Control Plan and meet all other requirements related to Stormwater Management with Preliminary Plat.

Mr. Suddath concluded his presentation with example motions, stated that the applicant's representative is in attendance and then turned the meeting over to Mr. Bratton.

Mr. Bratton asked if the representative wished to speak.

Mr. Jordan Fleming stated that he is available to answer any questions.

A motion to approve a Sketch Plat for Emerald Valley Lake Estates, with the following conditions:

- a) Applicant shall submit Construction Plans for the overall development, 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.**
 - b) Open Space required by the County Zoning Resolution shall be depicted upon the future Preliminary Plat.**
 - c) Any lots deemed to be "Critical" by the County shall be depicted upon the future Preliminary Plat,**
- was made by Mr. Taylor and seconded by Mr. Honeycutt. Motion passed unanimously.**

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

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2. **CLEARVIEW ESTATES, PHASE 1 - FINAL (Major) – Ascend Holdings - Represented by GreenLID Design – 12th Commission Voting District (Michael Guthrie and Justin Nipper)** – Applicant is requesting Final Plat approval for an 8-lot residential subdivision located at Weiss Road and Clearview Road, Cottontown, TN, 37048. Subject property is Tax Map 037, Parcel 030.00, contains 87.19 acres, and is zoned Rural Residential (RR).

Mr. Suddath provided an overview of the property, stating that this is the first phase of a proposed 70 plus lot Sketch Plat. Mr. Suddath stated that this Phase 1 is the road frontage portion of the property along Clearview Road.

Mr. Suddath displayed the aerial photo of the property and the Final Plat, containing eight (8) lots. Mr. Suddath pointed out the future right-of-way and common Open Space depicted on the Plat. Mr. Suddath went on to explain the following regarding this Plat:

- Roads:
 - This phase would divide the frontage of Clearview Road into 8 residential building lots.
 - Plat depicts a road stub connecting onto Clearview Road that is not proposed for construction with this phase.
 - These lots will need to have a sidewalk constructed that will tie into the sidewalk that will front this new road. These are depicted on the revised Construction Plans.
- Proposed lot widths meet all requirements.
- Required open space appears to be depicted upon the plat, 10% of the overall area shown upon the plat.
 - An HOA will be required for this development in order to maintain all Stormwater infrastructure and other open space
 - HOA documents submitted with this application
- Drainage: Erosion Prevention and Sediment Control Plans and Drainage Calculations submitted and under review at this time.
 - A Notice of Coverage from TDEC will be required
 - Onsite Detention will not be required for this phase, but will be needed for future phases.
- Utilities and Fire Protection:
 - 4 inch existing water line depicted along Clearview Road.
 - Proposed 6 inch line also shown.
 - A fire hydrant will be necessary for this phase of the development, and one is shown.
 - Unclear when the water line would be upgraded for this phase. Applicant's representative will need to clarify.
 - A water and fire pressure availability letter has been submitted for the overall development, and a more specific one has been submitted for Phase 1.
 - Lots to be served by Septic Tanks; TDEC approval required.

Mr. Suddath then explained the Next Steps, if approved, which include:

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- Will need to obtain approval of Construction Plans from the County Engineer.
- When the plat is recorded, lots may be sold and building permits obtained.
- Sidewalks will need to be installed with each lot prior to issuance of a Certificate of Occupancy.

Mr. Suddath concluded his presentation with example motions and turned the meeting over to Mr. Bratton.

Mr. Bratton asked the petitioner's representative to address the fire hydrant situation.

Mr. Zach Baker, GreenLID Design, stated that the water line will be built in this Phase. Mr. Baker added that they are proposing three hydrants with this Phase.

There being no further questions, Mr. Taylor made a motion to approve a Final Plat for Clearview Estates, Phase 1 with the following conditions:

- a) Applicant shall obtain signed approval from County Engineer for required Construction Plans prior to issuance of a Land Disturbance Permit;**
- b) Applicant shall install a fire hydrant to service these lots prior to the recording of the Final Plat;**
- c) Sidewalks shall be installed along the road frontage of the existing and proposed right of way;**
- d) A note shall be added to the plat stating that all homeowners are to be members of the Clearview Estates Homeowner's Association,**

Seconded by Mr. Williams.

At this time, Mr. Bratton asked Mr. Geminden about the preferred sidewalk installation timeline.

Mr. Geminden stated that he prefers to see the sidewalks installed with each lot.

The vote was then taken on the motion. **The motions passed unanimously.**

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

- 3. LOT 16 OF HICKORY HARBOR (Plat Amendment)– REQUEST FOR VARIANCE/EXCEPTION FROM COUNTY SUBDIVISION REGULATIONS – Represented by Steve Bridges– 6th Commission Voting District (Deanne DeWitt and Luke Tinsley) – Applicant is requesting a variance from the County Subdivision Regulations, which would allow a note to be removed from the Plat of Record, for property located at **1094 Hickory Harbor Drive, Gallatin, TN, 37066**. Subject property is Tax Map 157F, Group A, Parcel 006.00 contains 2.2 acres, and is zoned Rural Residential (RR).**

Mr. Suddath stated that the approval of this item would allow the applicant to obtain a building permit for a single-family residence on the lot in question. Mr. Suddath provided a brief history of the property and stated that upon submission of the Zoning Compliance Form for this

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property, staff noticed there was a note on the Plat, stating that this lot is not for sale, and is to be used as access to the lake.

Mr. Suddath displayed the aerial view of the property. Mr. Suddath added that while the tax assessor office allows lots to be combined for tax purposes, this is actually two separate lots. Next, Mr. Suddath explained that Plat Amendments may be approved administratively if they are to correct Scrivener's errors or to amend the septic soil area. Mr. Suddath stated that any other Plat Amendments must go before the Planning Commission for review and approval.

Mr. Suddath stated that a lot cannot be platted unless it meets current requirements, which include approval and signature by TDEC.

Mr. Suddath explained that this application is being processed as a Plat Amendment, since the lot cannot be replatted due to soils issues (letter from soil scientist provided). Mr. Suddath stated that the County allows items of this type to be done as a Plat Amendment provided that they come to the Planning Commission as a variance request.

Mr. Suddath then stated that the property owner is requesting to amend an existing plat in order to remove a note on the original plat that was recorded in 1964. Mr. Suddath stated that this note states that Lot 16 is "Not for Sale" and is "For Use By Lot Owners As Access" to Old Hickory Lake. However, Mr. Suddath stated, the lot has been sold multiple times over the years and to the County's knowledge, the lot was never used for access to the lake by the neighborhood.

Continuing with the history of the property, Mr. Suddath stated that a house was constructed upon it years ago, which burned down in the mid-2000's.

Mr. Suddath explained that the current property owner purchased the property in good faith, not realizing that the lot was restricted in this manner. Mr. Suddath stated that county staff did not believe that they could override the noted plat restriction, which was imposed by the Planning Commission over 50 years ago, thus requiring Planning Commission approval. If the approval of the Plat amendment is given, it would remove the note from Lot 16, and would allow the County to issue Permits upon it.

Mr. Suddath displayed the original Plat recorded in 1964, the Plat Amendment and the letter from Bo Fox, TDEC, citing Adam Brown (soil scientist) stating there is not enough suitable soil to re-plat this lot.

Mr. Suddath completed his presentation with example motions and turned the meeting over to Mr. Bratton.

Mr. Bratton asked Mr. Bridges if he had any comments.

Mr. Steve Bridges stated that this Plat needs to be cleaned up, so that a house can be built where one once stood.

There being no further discussion, Mr. Bratton stated that he would entertain a motion.

A motion was made to approve a Plat Amendment Variance request for Hickory Harbor, Lot 16, allowing the removal of a plat note stating "Not For Sale. For Use By Lot Owners As Access" contingent upon:

- a) The Surveyor adding a note to the proposed plat amendment indicating that the Planning Commission specifically approved this item on July 27, 2021**

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by Mr. Honeycutt, seconded by Mr. Geminden. Motion passed unanimously.

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

4. **LOT 76 OF SUNSET BAY RESORT (Plat Amendment) – REQUEST FOR VARIANCE/EXCEPTION FROM COUNTY SUBDIVISION REGULATIONS – Represented by Steve Bridges – 6th Commission Voting District (Deanne DeWitt and Luke Tinsley)** – Applicant is requesting a variance from the County Subdivision Regulations, which would allow the removal of a Public Utility Easement from a Plat of Record, for property located at **123 Rustic Lane, Gallatin TN, 37066**. Subject property is Tax Map 157J, Group A, Parcel 018.00, contains .5 acres, and is zoned Rural Residential (RR).

Mr. Suddath provided an overview of the property, explaining that this is another Plat Amendment Variance request, with this one seeking to remove a PUE for the purpose of installing a pool. Mr. Suddath stated that that Public Utility Easement has never been used, adding that Mr. Bridges may need to confirm.

Mr. Suddath explained that this application is being processed as a Plat Amendment since the lot cannot be replatted due to soils issues (letter from State provided). As stated before, Mr. Suddath stated that the County allows items of this type to be done as a Plat Amendment, provided that they come to the Planning Commission as a variance request.

Mr. Suddath stated that the property owner is requesting to amend an existing plat in order to remove a public utility easement from the original plat that was recorded in 1961. Mr. Suddath stated that a similar easement is shown on all lots in this subdivision, adding that such easements were apparently intended to function as a rear yard setback, since zoning did not exist in Sumner County at that time.

Mr. Suddath stated that approval of this Plat amendment would remove the easement from Lot 76, and would allow the County to issue Permits upon it, provided all other requirements are met. Mr. Suddath added that a Variance from the BZA may be required for the placement of the proposed pool.

Mr. Suddath displayed the Original Sunset Bay Resort Subdivision Plat, which was recorded in 1961 and the Plat Amendment, with the abandoned 10' PUE noted on the Plat. Mr. Suddath also displayed a letter from Allan Rather, a soil scientist, stating that this lot cannot be platted, as there is insufficient soil.

Mr. Suddath concluded his presentation with example motions and turned the meeting over to Mr. Bratton.

There being no questions or comments, **Mr. Honeycutt made a motion to approve a Plat Amendment Variance request for Sunset Bay Resort, Lot 76, removing a Public Utility Easement, contingent upon:**

- a) **The Surveyor adding a note to the proposed plat amendment indicating that the Planning Commission specifically approved this item on July 27, 2021, seconded by Mr. Taylor. Motion passed unanimously.**

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At this time, Mr. Bratton suggested that, as the following four items were discussed during the Study Session prior to this meeting, the following be grouped and voted on as one item.

Mr. Bratton opened the Public Hearing.

5. **SUMNER COUNTY REGIONAL PLANNING COMMISSION RESOLUTION 2021-01**: A Resolution related to various clarifications and corrections to text found at Chapters 9, 10, 11, 13 & 15 & Appendix A of the County Zoning Resolution.
6. **SUMNER COUNTY REGIONAL PLANNING COMMISSION RESOLUTION 2021-02**: A Resolution related to amendments to requirements contained in the County Zoning Resolution at Chapter 14, Section 1411 related to Cluster Residential Developments and Section 1414 related to Public Notice Requirements.
7. **SUMNER COUNTY REGIONAL PLANNING COMMISSION RESOLUTION 2021-03**: A Resolution related to amendments to requirements contained at Chapter 4, Section 404 of the County Zoning Resolution related to variable lot sizes in the Rural Residential District.
8. **SUMNER COUNTY REGIONAL PLANNING COMMISSION RESOLUTION 2021-04**: A Resolution amending and clarifying requirements contained at Chapter 8 of the County Zoning Resolution for Open Space Set Asides and Homeowner's Associations.

After a public hearing (at which no one spoke), the above Resolutions were grouped.

Mr. Geminden made a motion to approve the above Resolutions and to forward a positive recommendation to the County Commission, seconded by Mr. Honeycutt.

The motion was approved unanimously by the Planning Commission, without additional discussion, since a detailed staff presentation had been provided during the study session prior to the meeting.

There being no further business, Mr. Honeycutt made a motion to adjourn, seconded by Mr. Williams. Meeting adjourned at 5:29 pm.