

SUMNER COUNTY REGIONAL PLANNING COMMISSION  
MINUTES  
OCTOBER 26, 2021  
**WORK STUDY 4:00 PM**  
REGULAR MEETING 5:00 PM

**MEMBERS PRESENT:**

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

**MEMBER ABSENT:**

**TOM TUCKER**

**STAFF PRESENT:**

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

Mr. Bratton called the meeting to order and stated that with seven (7) members present, there is a quorum.

Mr. Bratton asked if there were any changes to the October Agenda.

Mr. Suddath informed the Board that Item #1 has been withdrawn at the applicant's request.

Mr. Suddath also stated that Item #5 could be removed from the Agenda, due to information and discussion during the Work Study Session prior to this meeting.

Mr. Suddath also suggested moving Item #8 to the first item on the Agenda.

Mr. Suddath added that Item #11 could be removed from the Agenda, as a GNRC representative provided an overview of the County Comprehensive Growth Plan during the Work Study Session.

**Mr. Taylor made a motion to make the following changes to the Agenda:**

- **Remove Item #1**
- **Remove Item #5**
- **Move Item #8 to #1**
- **Remove Item #11**

**Mr. Honeycutt seconded the motion. The motion passed unanimously.**

Mr. Bratton called for the approval of the October 19 Special Called Meeting minutes.

1. **HEAD STEEL SERVICES PUD – REZONING – Lewis Head, represented by GreenLID Design- 12th Commission Voting District (Michael Guthrie and Justin**

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**Nipper**) – Applicant is seeking a rezoning from Rural Residential (RR) to Planned Unit Development (PUD) for the purpose of operating a commercial development containing Construction Sales and Services Office, Equipment Maintenance and Repair Shop, Parking & Dry Equipment Storage and a Light Industrial Shop. Subject property is located at **452 Thompson Lane, Portland, TN**, is Tax Map 073, p/o Parcel 013.00, contains 17.37 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 on Thursday, October 14, 2021. THIS IS A PUBLIC HEARING.**

**THIS ITEM WAS WITHDRAWN AT THE APPLICANT'S REQUEST**

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

2. **HARVE BROWN - RIPPY ACRES – FINAL PLAT (Major)** – **James Rippy- Represented by Richard Graves– 1st Commission Voting District (Terry Wright and Moe Taylor)** – Applicant is requesting Preliminary Plat approval for 3-lot residential subdivision located on **Harve Brown Road, Bethpage, TN, 37022**. Subject property is Tax Map 023, Parcel 071.00 p/o, contains 3.17 acres, and is zoned Rural Residential (RR).

Mr. Suddath provided a brief overview of the property. Mr. Suddath stated that the subdivision will replace a recently removed single wide trailer on the subject property with three cleared building lots. Mr. Suddath displayed an aerial photo of the property and the Final Plat and then explained the following regarding the Plat:

- Roads: Subdivision would access Harve Brown Road
- Proposed lot widths meet requirements.
- Open Space/HOA not required for this development.
  - Per previous Planning Commission interpretations, Open Space/HOA not required for Building lots that are being created
- Drainage: Development will not disturb more than one acre. Erosion Prevention and Sediment Control Plans are not required.
- Utilities and Fire Protection:
  - 6-inch water line depicted along the road frontage of the property.
  - One Fire Hydrant will be necessary for this subdivision
  - A water/fire pressure availability letter is needed
  - One fire hydrant will need to be installed with this subdivision; if installation not possible, dedication to volunteer fire department with receipt provided to County
  - Fire protection to be provided by relevant Volunteer Fire Department
  - Lots to be served by Septic Tanks.

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

**Mr. Honeycutt made a motion to approve a Preliminary Plat for Harve Brown-Rippy Acres, with the following conditions:**

- a) Applicant shall install a fire hydrant along the road frontage; if one cannot be obtained, a dedication shall be made to the serving Volunteer Fire Department;**
- b) All Signatures shall be obtained upon the Final Plat.**

**Mr. Rhodes seconded the motion. The motion passed unanimously.**

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

- 3. THE GOAT FARM PUD – INFRASTRUCTURE SITE PLAN – Stratos Development/MC2 Group, represented by Lose Design – 6th Commission Voting District (Deanne DeWitt and Luke Tinsley) –Applicant is requesting Site Plan approval for proposed infrastructure improvements. Subject property is located on **Shute Lane, Hendersonville, TN, 37075** is Tax Map 146, Parcel 069.01, contains 28.65 acres and is zoned Rural Residential (RR).**

Mr. Suddath provided an overview of the property, stating that the Sumner County Commission rezoned the property on May 17, 2021.

Mr. Suddath stated that this development is divided across jurisdictions, with the northern portion being in the City of Gallatin and the southern portion being unincorporated. Mr. Suddath explained that the subject property is surrounded on the west, east and south by the City of Hendersonville. Mr. Suddath then explained that the City of Gallatin has approved the Final Master Development Plan for the northern portion of the project.

Mr. Suddath stated that water and sewer service is provided by White House Utility District and electrical service is provided by NES.

Mr. Suddath stated that this request is for Site Plan approval of Site Infrastructure (Roads, Drainage, etc.) across the County’s portion of the Site. Mr. Suddath explained that future site plan submittals would be forthcoming for individual builds

Next, Mr. Suddath provided an overall project summary:

- County portion of the project would contain a 96,000 sq ft indoor ice skating facility, with a seating capacity of 1,800 people
  - This facility serves as the “anchor” for the entire development
- County portion would also contain 3 additional 16,000 sq ft buildings that would have several allowable commercial and community facility uses per the Master Plan
- The northern portion of the development would have access to Nashville Pike (US-31E) and would contain a variety of commercial uses, including restaurants, a hotel, multifamily development and an area described as an “Entertainment Plaza”
  - The northern portion of the development is subject to the regulations of the City of Gallatin and not those of Sumner County

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- Approximately 23% of the overall site, and 42% of the County portion would be set aside as greenspace in order to accommodate a stream and walkability enhancements and to provide Stormwater detention and water quality controls for the development.

Mr. Suddath stated that the Traffic Impact Analysis, Geotechnical Report, Jurisdictional Waters Report and Drainage Report have all been provided at this time. Mr. Suddath added that the Parking Plan will be provided with the Site Plan submittal for the Ice Facility.

Next, Mr. Suddath displayed the context map and an aerial photo of the property.

Mr. Suddath also displayed the Master Plan that was approved by the County Commission in May 2021.

Mr. Suddath then displayed and compared the Overall Site Layout Plan from the approved PUD Concept Plan with the Site Plan Request. Mr. Suddath noted that the changes include a proposed road connection in the City of Gallatin's jurisdiction, and a proposed roundabout at the Shute Lane southern entrance, across from Jack Anderson Elementary School.

At this time, Mr. Suddath explained the internal roads for The Goat Farm, stating:

- All internal roads proposed to be public
- Design of internal streets proposed to be consistent across the entire development, and across jurisdictional boundaries
  - 24 foot pavement width minimum
  - All streets in County portion must be constructed and inspected to County Standards related to compaction, base stone depth, binder coat and top coat thickness
- County portion of the Development will directly access Shute Lane
  - This access will be one of the secondary entrances; main entrance is proposed to access US-31E
- Development proposed to have a road stub to adjacent property within the Hunt Club Subdivision to the East via Vaughan Street.
  - Planning Commission/County Commission required a controlled access gate as part of the initial approval. This has not changed, and it is still proposed.

Next, Mr. Suddath displayed the provided cross-section of the multi-use paths and road right of way cross sections. Mr. Suddath then displayed the Vaughan Street connection emergency access gate, showing stone monuments and walls.

Addressing the Drainage for The Goat Farm PUD, Mr. Suddath stated that there are eight (8) water quality/detention basins depicted throughout the development, three (3) of which are contained in the County. Mr. Suddath explained that TDEC required a 60 foot stream buffer, also shown, which must remain in its natural state throughout construction. Mr. Suddath stated that fully engineered construction plans and drainage calculations have been submitted. This project is in close proximity to Old Hickory Lake, which would make it a candidate for a Detention waiver, stated Mr. Suddath, however, there are structures downstream that would need to be upsized if detention was waived. As such, explained Mr. Suddath, the applicant has proposed detention that will reduce offsite runoff. Mr. Suddath stated that water quality requirements are shown in the drainage report as having been met, as well.

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At this time, Mr. Suddath provided an image of the depicted detention basins in the County portion of the development. Mr. Suddath then displayed the Drainage Calculations, confirming that the post-development flows will not exceed the pre-development flows.

Addressing Signage for The Goat Farm, Mr. Suddath stated that a freestanding development sign is proposed near the southern Shute Lane Entrance. Mr. Suddath explained that all signage must obtain a Sign Permit (approval of this site plan does not constitute Sign approval), adding that all signage must meet County Sign requirements contained at Chapter 12 of the County Zoning Resolution. Mr. Suddath further explained that any variances must be approved by the County Board of Zoning Appeals. Mr. Suddath displayed a proposed rendition and location of the entry signage.

Addressing Landscaping and Buffering, Mr. Suddath explained that a modified Type 2 Buffer was approved as part of the entitlement process through the Planning Commission and County Commission. Mr. Suddath stated that the depicted buffer appears to match what was approved in terms of buffer width, proposed plantings etc. Mr. Suddath stated that supplemental plantings are proposed within the Hunt Club buffer, irrigation plan have been provided in order to ensure survivability, and a surety will be required in accordance with Chapter 11. Mr. Suddath added that as-builts showing all plantings, stamped by Landscape Architect, would be required prior to release of surety.

Mr. Suddath stated that it was confirmed in Response to Staff Comments, that The Goat Farm has worked out an agreement with the HOA of the Hunt Club, to plant the supplemental plantings within the buffer yard. Mr. Suddath added that he would defer this to the applicant to confirm this for the Planning Commission, as this was a point of controversy at the last meeting. Mr. Suddath then displayed the Landscape and Buffering Plans, including the modified Type-2 Buffer which varies in width from 20' to over 100'. Mr. Suddath added that the existing old rock wall, which is within the Hunt Club buffer, would be preserved, with the requirement of "before" and "after" construction photos of the rock wall.

Addressing Utilities and Fire Protection, Mr. Suddath stated that utilities to be provided by White House Utility District, adding that the applicant has furnished a Water/Sewer availability letter for this project, as is required by the County Zoning Resolution. Mr. Suddath explained that at this time, it is staff's understanding that Fire Protection will be provided by the City of Gallatin, though a formal agreement to this effect is not finalized at this time. Mr. Suddath then explained that the hydrant location, and interior of streets and parking will need to meet Fire Code requirements, as per the Traffic Study.

At this time, Mr. Suddath explained the General Next Steps, including:

- Following approval of the Infrastructure Site Plan, the applicant will need to obtain Stamped approval of Construction plans from the County Engineer
- A preconstruction meeting will need to be held (jointly with City of Gallatin)
- Then a Land Disturbance Permit may be issued, and infrastructure installation may begin

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- Per County Subdivision Regulations, upon substantial completion of site infrastructure, a Subdivision Plat may be recorded partitioning building lots for Hockey facility and other proposed buildings
- The applicant will then need to return with a Site Plan proposal for any building proposed to be constructed.

Mr. Suddath stated that this Site Plan approval request is not a Public Hearing; however, if the Commission wishes to open the floor for public comments, they may do so. Mr. Suddath completed his presentation with example motions and then turned the meeting over to Mr. Bratton.

Mr. Bratton stated that he would entertain a motion to allow the public to speak.

Mr. Honeycutt made a motion to allow Public Comment. Mr. Taylor seconded the motion and the motion passed unanimously.

At this time, Mr. Bratton asked the representative from Lose design to address some of the issues previously mentioned.

Mr. Josh Gulick, Lose Design, stated that the roundabout is an addition to the Site Plan, adding that this was a result of a meeting with the County Commissioner, traffic engineer, and the school superintendent to discuss the safest route for the intersection, throughout different times of the day. Mr. Gulick then addressed the access from Nashville Pike, stating that due to the close proximity of Shute Lane, they proposed a right in, right out intersection. Mr. Gulick stated that the City would not allow this; therefore they had to remove that access road. Next, Mr. Gulick discussed the planting buffer discussions with the property manager of The Hunt Club. Mr. Gulick explained that Lose Design worked with the property manager to send out letters and landscape renderings to the adjacent property owners. Mr. Gulick explained that the letters asked the landowners to respond if they would like additional plantings placed within the buffer area, adding that no response would be considered a “no” vote.

Next, Mr. Gulick addressed the Shute Lane Emergency Access gate, stating that they are proceeding with the Entrance gate, as approved by the County Commission, explaining that it will be a crash gate with a lockbox.

Mr. Bratton asked about the design of the gate.

Mr. Gulick stated that the gate would have an aesthetic that fits the surrounding, including stone pillars and stone wall continuations.

Mr. Bratton asked if any Commission members had questions for the representative.

There being no further questions, Mr. Bratton opened the floor for Public Comment.

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The following citizens expressed opposition, citing the Vaughan Street connectivity, pedestrian pathways, landscape buffering and Stormwater concerns:

Walter Kennedy, 146 Compton Street

Bruce Butler, 156 Compton Street

L. Dale Rector, 155 Houghland Street

Matt Walker, 148 Houghland Street

Robert Davis, 100 Houghland Street

Del Ghia, 113 Spearance Lane

Ryan Van Nuck, 115 Spearance Lane

Rachel Autry, 152 Vaughan Street

Alex Spradling, 107 Ascot Court

Tim Bolby, 116 Vaughan Street

Jeanne Baird, 159 Compton Street

Mr. Taylor stated, for a point of clarification that a sidewalk access cannot be blocked, as it services a public road.

Mr. Bratton asked for legal direction.

Ms. Dennen stated that public roads are public roads. Ms. Dennen stated that if there are parking issues, law enforcement may be contacted.

Mr. Suddath confirmed that there have been discussions with the developer, regarding the adequacy of the parking study. Mr. Suddath stressed that it is crucial in how this is calculated, to provide adequate parking so that people are not parking within the Hunt Club neighborhood.

There was discussion regarding the benefit of having the Hunt Club HOA representative present at future meetings, to clarify decisions regarding plantings in the Supplemental Buffer.

Mr. Geminden asked if the road stub is there for emergency vehicles.

Mr. Suddath stated that the preferred alternative is full access; no gates or speedbumps. Mr. Suddath stated that the only function of the roadway connection is for emergency access.

Mr. Bratton stated that he understands concerns regarding the sidewalks, adding that legally, this body cannot impose restrictions on those sidewalks.

Mr. Rhodes asked if the access could be completely blocked, legally.

Mr. Suddath stated that would violate what was approved at the County Commission level on the Final Master Development Plan, adding that Hendersonville can do whatever they want on their side of the road.

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There was discussion that if there was a request to change the crash gate to a full access gate, that change would constitute a Major Plan change which would go before the County Commission, for approval.

Mr. Rhodes asked why that would be considered a Major Plan Change, instead of a Minor change.

Mr. Suddath explained that the crash gate was a specific condition, based on approval of the Rezoning and Concept Plan, imposed by the Planning Commission. Therefore, it would take County Commission approval to change that condition.

**Mr. Honeycutt made a motion to approve an Infrastructure Site Plan for The Goat Farm contingent upon the following conditions:**

- a) A Minor PUD amendment shall be finalized in accordance with Chapter 9 of the County Zoning Resolution indicating the Southern Shute Lane roundabout and the connection onto Nashville Pike;**
- b) Applicant shall obtain approval of Construction plans from the County Engineer**
- c) Any request for signage, to include building mounted signage must obtain a Sign Permit meeting the requirements of Chapter 12 of the Sumner County Zoning Resolution;**
- d) A Stormwater Maintenance and Inspection Agreement shall be entered into by the applicant with the County as required by the County Stormwater Management Resolution.**
- e) Infrastructure improvements must be substantially complete prior to recording of a Subdivision Plat for this property.**
- f) As-builts for all infrastructure and landscaping must be provided prior to the recording of a subdivision plat for this property. Maintenance surety for all items must be provided in accordance with applicable regulations.**

**Mr. Geminden seconded the motion. The motion passed unanimously.**

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

Mr. Suddath stated that Dan Miller had signed up to speak to the Head Steel Rezoning Item, and asked if Mr. Miller still wished to speak, as the Item had been withdrawn. Mr. Miller was no longer in attendance.

- 4. OLD HIGHWAY 31E PIZZA –REZONING –Michael G’Francisco, represented by James Lukens – 1st Commission Voting District (Terry Wright and Moe Taylor) – Applicant is requesting a Rezoning from Rural Residential (RR) to Commercial General (CG). Subject property is located at **6460 Old Highway 31E, Bethpage, TN, 37022**, is on Tax Map 064, Parcel 066.01, contains 1.87 acres and is zoned Rural Residential (RR). **Adjoining property owners were notified by certified mail and the agenda item was****



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**advertised in The Gallatin News on Thursday, October 14, 2021. THIS IS A PUBLIC HEARING.**

Mr. Suddath provided an overview of the property. , beginning by stating that there is currently a legal, non-conforming use of the property, Long Ago Lumber, which has a Conditional Use Permit from the BZA. Mr. Suddath explained that the applicant proposes to extensively renovate an existing structure on the property in order to operate a Pizza restaurant, instead.

Next, Mr. Suddath displayed the Public Notice that was published in the newspaper, an aerial photo of the property, the flood area and the Concept Plan provided by the applicant. Mr. Suddath stated that there was initially concern of the property supporting the septic for a restaurant; however, the type of restaurant proposed will not require an extensive septic system. Mr. Suddath then explained the intent of the Commercial General (CG) Zoning, adding that it is the broadest commercial zone within the county.

Displaying photos of the property and a street view, Mr. Suddath explained the following regarding the property location in the County Comprehensive Plan:

- Subject property is located near the Bransford community in Northeast quadrant of Sumner County.
- The Comprehensive Plan supports a rezoning at this location for a number of reasons:
  - The site currently houses nonconforming commercial structures
  - The site is very near an area classified as a “Village Center” per the Comprehensive Plan
  - Property is located along a Major Arterial Roadway (US-31E), and is also located along a former state route (Old Highway 31E)
- The Planning Commission in the past has encouraged applicants to pursue a PUD zoning designation rather than a “straight zoning” as is being requested here, in order to ensure more certainty about what the site may be used for in the future.
- However, given the longstanding commercial use on site, a “straight zone” change could be appropriate.

Next, Mr. Suddath reviewed the nine grounds for rezoning. Mr. Suddath then explained the next general steps:

- Rezoning 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
- Prior to the property owner commencing site improvements, including parking improvements and Building renovations, a complete engineered site plan submittal will be required that must be approved by the Planning Commission.
  - Must contain drainage plans, erosion prevention and sediment control sheets, landscaping plan sheets, driveway access details, signage and others as applicable.

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

Mr. Taylor made a motion to provide a positive recommendation to the Sumner County Commission related to the Old 31E Pizza Rezoning request for the property located along US 31E and Old Highway 31E, contingent upon the following:

- a) Any future building construction must be accompanied by a Site Plan package meeting the requirements of Chapter 14 of the County Zoning Resolution.
- b) Any requirements of Chapter 10 of the County's Zoning Resolution related to Flood Hazard Districts shall be met.

Mr. Rhodes seconded the motion.

Mr. Bratton pointed out that although advertised as a pizza restaurant, the rezoning will allow any of the CG zoning allowable uses on that property.

Mr. Suddath stated that this was correct, and that any number of uses allowed in the CG zone would be allowable if the rezoning passes.

**Motion passed unanimously.**

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

5. **WILSON PUD – MAJOR PUD PLAN AMENDMENT** – Laddie Wilson, represented by CSDG - 3rd Commission Voting District (Alan Driver and Steve Graves) – Applicant is seeking a Major Plan Amendment of an existing PUD, for the purpose of updating the table of allowable uses and addressing current zoning requirements. Subject property is located at **140 Raineer Drive, Gallatin, TN, 37066**, is Tax Map 104, Parcel 028.01, contains 12.9 acres and is zoned Planned Unit Development (PUD).

**Adjoining property owners were notified by certified mail and the agenda item was advertised in The Gallatin News on Thursday, October 14, 2021. THIS IS A PUBLIC HEARING.**

Mr. Suddath began his presentation by providing a brief history of this property, stating that the current Preliminary Master Plan, which was approved in 2017, has expired due to the fact that:

- It never received Final Master Plan approval in the timeline required by the previous zoning resolution, and
- No progress has been made in implementing the plan since approval in 2017 (State Law vests Preliminary Master Plans for 3 years); it therefore must be updated to meet current requirements.

Mr. Suddath explained that this request is being processed as a "Major" Plan Amendment since the amendment request involves updating the table of uses, and since it involves only a portion of the previous plan, which is under separate ownership.

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Mr. Suddath further explained that the County Zoning Resolution allows “Minor” PUD amendments to be processed administratively, while “Major” PUD amendments must go to the Planning Commission and County Commission for approval. The grounds for a “Major” Plat amendment include:

- Deviating from a condition imposed by the County Commission
- Adding lots (or square footage for Commercial PUDs)
- Relocating or changing the number of primary access points
- Reducing Common Open Space
- Modification of bulk and height restrictions and any other development regulations contained in the Regulating Pattern Book.

Next, Mr. Suddath displayed the Public Notice, the Neighborhood meeting summary from September 7, 2021, an aerial photo of the property and the Zoning Context Map.

Mr. Suddath displayed the previously approved preliminary Master Development Plan, stating that the number and size of the buildings remains unchanged. Mr. Suddath then provided a list of the existing structures:

- Log Cabin Building with Garage
- Existing Building A:
  - Originally constructed and permitted in 2010 as a “Pole Barn” type accessory structure.
  - Offices, restrooms, kitchen area later added as part of unpermitted work.
  - Applicant has since worked with Building Codes to try and get Building permitted.
  - This zoning approval will be needed for the building to receive a Certificate of Occupancy.
  - Building was not constructed with internal fire suppression system (sprinklers), and so there are strict limitations on what the building can be used for without upgrades.
- Existing Building E: Pole Barn type structure.

Mr. Suddath then displayed the new Concept Plan, Site Utility Plan and the Table of Proposed Uses. Mr. Suddath then highlighted the following regarding the Wilson PUD:

Roads

- Old Highway 109 is an Urban Minor Collector Roadway per the County’s Major Thoroughfare Plan
  - Has been replaced by new Highway 109 (no access proposed onto New Highway 109)
- As the site has been zoned for a Commercial use for some time, staff has not required a Traffic Impact Analysis for this application.
  - Should the Planning Commission wish for one to be produced, it is within the discretion of the Planning Commission to require it; alternatively one may be required for future applications.
  - At this time, road improvements are not anticipated to be required.

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- Applicant has requested that installation of sidewalks not be a requirement along the small amount of road frontage this property possesses.
- At some point, the driveway and parking area for existing buildings will need to be paved. The Planning Commission may require this to be done at this time or with future submittals.

Drainage:

- On site detention areas are depicted on Master Plan
- County water quantity and quality requirements will be required for future applications. Detailed drainage plans must be submitted to and approved by County Engineer with submittal of Site Plan prior to any construction
  - Existing buildings' Stormwater runoff will need to be accounted for with future applications
  - Buildings were constructed without site plan approval, and so Stormwater impacts were never analyzed
- Must mitigate the amount of water leaving the site, and must treat it to remove any pollutants
- Water quantity/quality basin(s) and other measures must be installed on site
- Stormwater Maintenance and Inspection Agreement must be entered into with County at that time.

At this time, Mr. Suddath displayed future storm detention areas.

Landscaping/Parking:

- The new County Zoning resolution contains extensive requirements for landscaping and buffering for Commercial PUDs.
  - A 25 foot minimum "Type 2" Landscape Buffer around the perimeter of the site has been shown on the plans. Credit for existing tree cover within the buffer will be requested with future site plans.

Signage:

- No Existing signage
- A future monument type sign is depicted
- Future signage must meet all applicable County requirements and must obtain a sign permit from the County
- Offsite signage (billboards) noted as not allowed.

Next, Mr. Suddath explained the next general steps:

- Major PUD amendment 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, the Plan amendment will become effective at that time
- Any future construction must be accompanied by a complete engineered site plan submittal to the Planning Commission.

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- Must meet all requirements of Chapter 14 of the Sumner County Zoning Resolution and must contain drainage plans, erosion prevention and sediment control sheets, landscaping plan sheets, driveway access details, signage and others as applicable.
- NOTE: Any proposed user for existing buildings must obtain a Zoning Compliance Certificate from the County in order to receive a Certificate of Occupancy.
  - Due to existing buildings not being constructed with internal fire suppression systems, there are limitations on what uses and activities can be allowed within them.

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

Mr. Bratton apologized to the applicant for the Old Hwy 31E Pizza Rezoning, for not allowing him time to speak.

Mr. Bratton then asked if the representative for the Wilson PUD would like to speak.

There was discussion regarding the location of this property.

Mr. Jim Harrison, representative from CSDG, stated that he is in agreement with all stated conditions.

**There being no further discussion, Mr. Rhodes made a motion to provide a positive recommendation to the Sumner County Commission related to a Request for a Major Plan Amendment for the Wilson PUD, contingent upon the following:**

- a) Any future building construction shall be preceded by submittal of a commercial site plan package for Planning Commission approval; such site plan meet any and all applicable requirements of Chapter 14 of the County Zoning Resolution.**
- b) Any proposed user of any existing building must obtain a Zoning Compliance Certificate from the County in order to receive a required Certificate of Occupancy for any building.**
- c) Applicant shall remove “Undertakers” and “Undertaking Services” from table of allowable uses.**

**Mr. Kirby seconded the motion. The motion passed unanimously.**

- 6. CANNAN TERRACE, GUNNER’S PLACE and LUCKY TRAILS – STAFF REFERRAL (3 Minor Plats) - Riggins Construction, LLC and Gary Swindell - Represented by Richard Graves – 3<sup>rd</sup> Commission Voting District (Alan Driver and Steve Graves) – Staff is requesting Planning Commission action regarding Minor Plat approval for three, 2-lot residential subdivisions located on **Littleton Ranch Road**. Subject properties are Tax Map 109, Parcels 010.08, 010.09 and 010.04, contain 14.94 acres (4.98 each), and are zoned Rural Residential (RR).**

**ITEM REMOVED FROM THE AGENDA PER THE PLANNING COMMISSION**

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

7. **RETREAT AT NORMAN FARM –PUD AMENDMENT #3 -- STAFF REFERRAL – Jones Company of Tennessee - Represented by CSDG – 7th Commission Voting District (Gene Rhodes & Brian Stewart) –** Staff is requesting Planning Commission input regarding a proposed PUD Amendment related to construction of Subdivision Amenities 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).

Mr. Suddath provided an overview of the property, stating that this is proposed to be the 3<sup>rd</sup> amendment go the Retreat at Norman Farm PUD. Mr. Suddath explained that the first two were deemed “Minor” in nature and were approved by staff. Mr. Suddath stated that the County Zoning Resolution allows “Minor” PUD amendments to be processed administratively, while “Major” PUD amendments must go to the Planning Commission and County Commission for approval.

Mr. Suddath further explained that grounds for a Major Plat amendment include: deviating from a condition imposed by the County Commission, adding lots (or square footage for Commercial PUDs), relocating or changing the number of primary access points, reducing Common Open Space, and/or modification of bulk and height restrictions and any other development regulations contained in the Regulating Pattern Book.

Mr. Suddath stressed that he is asking for Board input on this amendment, as it would set precedent for future approvals. Staff is requesting guidance from the Planning Commission on how to treat this item, since it seeks to make significant alterations to amenities that have been shown on previous versions of the plan. Mr. Suddath stated that this is something that will come up in the future, and it is staff’s intent not to exceed the authority granted by the Planning Commission and County Commission for this and similar requests. If the Planning Commission feels that these changes are “minor” then staff can approve administratively, explained Mr. Suddath. However, if the Planning Commission feels that they are a “Major” change to the plan, the amendments will need to follow the process outlined in the Zoning Resolution for approval, explained Mr. Suddath.

At this time, Mr. Suddath displayed the Original PUD approval, Amendment #1 (eliminating flag lots and adding amenities), Amendment #2 (reconfiguring the road stub) and Amendment #3. Mr. Suddath explained that Amendment #3 proposes removing the Community Garden and parking, and also changing the proposed materials for the trail from concrete/asphalt to gravel and mulch.

Mr. Suddath again stressed that this decision will set a precedent for future requests for similar Amendments, and therefore is asking for guidance on how to handle such amendments.

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Mr. Bratton asked the representative the significance and reasons for the amendment changes.

Mr. Hal Clark, CSDG, explained that the Community Gardens have been remove and relocated to a more centralized location. Once this was moved, Mr. Clark further explained, it made sense that there was no need for the associated parking area. Mr. Clark then stated that the overall Open Space has not been reduced, but has been made more pervious, with the gravel and mulch. Mr. Clark stated the advantage of eliminating the access point on Jones Lane. Mr. Clark noted that there is an added security in not having a parking area there. Mr. Clark also mentioned the bridge crossing over the stream buffer.

Mr. Taylor asked for clarification of the request.

Mr. Suddath stated that the parking area was for the community garden and the fishing kayak (dock area); so the question is that if you remove the parking area, how do people get their kayak to the fishing area. In addition, stated Mr. Suddath, the trail is being changed from concrete to mulch and gravel.

Mr. Taylor stated that this amendment will remove amenities.

Mr. Rhodes stated no opposition to gravel and much trails, adding support for the proposed changes.

Mr. Suddath stated that a vote is not required, adding that if amenities are proposed to be removed from any PUD, he will probably still bring that back to the Planning Commission.

There was discussion regarding the changes that are proposed.

Mr. Bratton asked that it may be appropriate for a vote on the Amendment to have that in the record.

**Mr. Rhodes made a motion to find that amendments proposed are “Minor” in nature and may be approved administratively.**

**Mr. Taylor seconded the motion. Motion passed unanimously.**

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

8. **CALICO JACK PUD- SITE PLAN**– Shea Helms, represented by GreenLID Design – 3rd Commission Voting District (Alan Driver and Steve Graves) –Applicant is requesting Site Plan approval related to operation of Boat Sales and Service. Subject

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property is located at **2488 Highway 31E, Gallatin, TN, 37066**, is on Tax Map 090, Parcel 003.13, contains 2.86 acres and is zoned Planned Unit Development (PUD).

Mr. Suddath began his presentation by stating that this property was rezoned in March 2021 for the proposed/existing use of Boat Sales and Leasing. Mr. Suddath displayed an aerial photo of the property and stated that no new construction is proposed. Next, Mr. Suddath displayed the Existing Conditions and the proposed Site Plan, and explained that a sheet of asphalt will be installed for boat storage. Mr. Suddath pointed out the septic soils area and the required detention pond. Mr. Suddath then displayed the Landscape Plan, and stated that the applicant is asking for a waiver from the sidewalk requirement for PUDs.

Next, Mr. Suddath highlighted the following, regarding the Site Plan:

Roads

- US 31E is a Major Arterial Road
- Sideview Road currently has adequate Right of Way dedicated from the center line at this location
- Additional road improvements not required
- Sidewalks are required for all Planned Unit Developments in Sumner County
  - Per County Zoning Resolution, the Planning Commission has the option of allowing Nonresidential PUDs to make a payment in lieu of sidewalks.
  - Applicant is requesting not to install sidewalks for this development due to lack of sidewalks elsewhere in the area.

Drainage:

- On site detention area is depicted on the Site Plan
- Drainage Plans/Calculations etc have been provided to the County Engineer.
  - Plans must be approved by County Engineer prior to any construction
  - Parking lot proposed to be paved with asphalt
  - Detention/Water Quality pond will mitigate the amount of water leaving the site, and must treat it to remove any pollutants
- Water quantity/quality basin(s) and other measures must be installed on site
- Stormwater Maintenance and Inspection Agreement must be entered into with County, and an agreement has been provided for County review.

Landscaping/Parking:

- The new County Zoning resolution contains extensive requirements for landscaping and buffering for Commercial PUDs.
  - A 25 foot minimum “Type 2” Landscape Buffer around the perimeter of the site has been shown on the plans.
- Parking has been depicted upon the Site Plan and appears to meet requirements; dumpster detail provided as well
- Per Chapter 11 of the County Zoning Resolution, monotonous asphalt parking areas such as what is depicted are not allowed.



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- 10% of overall parking area must be landscaped.
- 23,000 square feet X 10%= 2,300 feet of plantings
- 11 shade trees or 15 ornamental trees & 46 shrubs.

Signage:

- An existing sign is located in the public right of way along US 31-E and will need to be relocated.
- If applicant can prove that County approved the sign at this location or obtain permission from TDOT, a waiver could potentially be granted.
- Applicant indicates that TDOT has opted to allow this sign to remain.

Mr. Suddath then displayed photos of the existing signage, noting that it is in the ROW.

Mr. Suddath explained the general next steps including: Construction Plans must be approved by County Engineer, a NOC from TDEC, Preconstruction meeting, Surety for landscaping and Stormwater improvements; Payment in Lieu of Sidewalks, Issuance of a Land Disturbance Permit and As-builts will be required after completion of improvements.

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

Mr. Bratton asked Andy Leath to come forward.

Mr. Leath, GreenLID Design, stated issue with locating and moving the soil area. Mr. Leath stated concern with breaking up the parking, asphalt area, due to parking large equipment. Mr. Leath added that all the septic area will be Green Space.

Mr. Bratton asked if there is a provision to allow for the applicant's request to eliminate the 10% of parking area to be landscaped.

Mr. Suddath replied that there is no provision for that.

Mr. Leath asked if the plantings could be placed on the outside of the asphalt.

Mr. Suddath stated that technically, a variance may be needed from the BZA.

There was discussion regarding the type of business parking needs and the landscape configurations, to meet the requirements of interior plantings.

Mr. Suddath stated that if Mr. Leath can come up with an acceptable solution, it could be considered. Mr. Suddath added that this would set precedent.

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Mr. Bratton asked if Mr. Leath were to create a possible solution and present it to staff, would the Planning Commission be ok with staff approving it.

**Mr. Taylor made a motion to approve a Site Plan for Calico Jacks with the following conditions:**

- a) Applicant shall obtain approval of Construction plans from the County Engineer**
- b) A Letter of Credit in an amount not less than 110% of the cost of all depicted landscaping shall be provided by the applicant prior to the issuance of a Land Disturbance Permit;**
- c) A Letter of Credit in an amount not less than 110% of the cost of all depicted Stormwater improvements shall be provided by the applicant prior to the issuance of a Land Disturbance Permit;**
- d) A payment in lieu of sidewalks shall be received in an amount required by County Regulations prior to issuance of a Land Disturbance Permit;**
- e) Any request for additional signage, to include building mounted signage must obtain a Sign Permit meeting the requirements of Chapter 12 of the Sumner County Zoning Resolution;**
- f) A Stormwater Maintenance and Inspection Agreement shall be entered into by the applicant with the County as required by the County Stormwater Management Resolution.**
- g) As-builts shall be required prior to release of surety issuance of a Zoning Compliance Certificate for this property**
- h) Applicant shall furnish staff with a revised proposal for the boat and RV parking area, which staff shall be empowered to approve administratively if the intent of the zoning resolution is deemed to be met.**

**Mr. Kirby seconded the motion. The motion passed unanimously.**

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

- 9. HALLTOWN SPRINGS - SKETCH PLAT (Major) –Represented by Greenlid Design – 12th Commission Voting District (Michael Guthrie and Justin Nipper) –** Applicant is requesting Sketch Plat approval for 5 subdivision lots, 7 tracts and 1 lot of common open space located on Dink Rut Road, Cottontown, TN. Subject property is Tax Map 058, Parcel 120.00 and contains 49.9 acres, and is zoned Rural Residential (RR).

Mr. Suddath stated appreciation for the way in which this subdivision was done, adding that it is transparent well done. Mr. Suddath provided an overview of the property, stating that although the 5-acre tracts are not required to come before the Planning Commission, they have presented it in the entirety of the development. Mr. Suddath then displayed the submitted Pattern Book.

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

- Proposed lot widths appear to meet requirements.

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- Required open space appears to be depicted upon the plat.  
An HOA will be required for this development in order to maintain proposed common open space and any Stormwater infrastructure that may be required,

Roads: Development would derive access along Dink Rut Road.

- Per Comprehensive Plan, Located in Rural Placetype, Sidewalks not required
- Applicant is proposing to add additional width along a portion of Dink Rut Road

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.
- At least two hydrants will be needed to serve the lots depicted upon the Sketch Plat.
- A water and fire pressure availability letter has been provided
  - Water is available to serve lots. However WHUD states that 4,500 feet of 8 inch line will need to be run to accommodate a Fire Hydrant
- Lots to be served by Septic Tanks; TDEC approval required.

Mr. Suddath then explained the Next Steps, stating that if approved, would need to receive Preliminary and then Final Plat approval from the Planning Commission, will need to submit Drainage Calculations and Erosion Prevention & Sediment Control Plan and meet all other requirements related to Stormwater Management with Preliminary Plat, and then construct proposed road improvements. Mr. Suddath stated that after Final Plat approval, plat may be recorded, lots sold, & Permits obtained.

Mr. Suddath completed his presentation with example motions.

Mr. Taylor commended Mr. Suddath on requirements that result in good development submittals.

**Mr. Taylor made a motion to approve a Sketch Plat for Halltown Springs, 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) A fire hydrant must be installed for this development; if one cannot be installed, the applicant may make an equivalent contribution to the relevant volunteer fire department.**

**Mr. Honeycutt seconded the motion.**

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Mr. Honeycutt and Mr. Bratton echoed Mr. Suddath, by expressing appreciation for the transparency and entirety of this development submittal.

**Motion passed unanimously.**

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

**10. BILL & SARA MINENNA – VARIANCE/WAIVER– Represented by Bruce Rainey – 12th Commission Voting District (Michael Guthrie and Justin Nipper) –** Applicant is requesting a Variance related to Lot Width as depicted upon a submitted Subdivision Plat. Property is located at **3363 Tyree Springs Road, Hendersonville, TN, 37075**, is Tax Map 100, Parcel 017.02, contains 4.99 acres, and is zoned Rural Residential (RR).

Mr. Suddath provided an overview of the property, stating that there are several illegal non-conformities on this property, including a single-family house and a duplex that was constructed illegally by the previous property owner. Mr. Suddath added that the duplex is in a flood zone. Mr. Suddath stated that the property owner is attempting to partition the property in order to obtain permits on the house site. In order to do so, the applicant is requesting variance from the county requirements related to minimum lot widths along an Arterial Road.

Mr. Suddath displayed aerial photos of the property and the submitted Plat.

Mr. Suddath explained that, at this location, Tyree Springs Road is classified as a Rural Major Arterial per the County Major Thoroughfare Plan. Mr. Suddath stated that County Subdivision Regulations encourage developers to avoid direct cuts onto arterial and collector streets if other means of access is available. As shown on the Plat, Mr. Suddath explained that the proposed lot widths are approximately 102.68 feet for Lot 2 and 148.68 feet for Lot 1, and added that a shared access driveway exists at this time. Mr. Suddath explained that, per Subdivision Regulations, the minimum lot width is 200 feet, if sole access is derived from a Collector Street.

Mr. Suddath went on to explain that the County Subdivision Regulations state that a waiver or variance may be granted by the Planning Commission: *“If the Planning Commission finds that compliance with certain subdivision regulations will increase the difficulty of development of a particular property without significant benefit (result in practical difficulties), a waiver of these regulations may be granted provided that such waiver shall not have the effect of nullifying the intent and purpose of these regulations”*.

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

Mr. Honeycutt asked if this shared driveway will always remain as a shared driveway. Mr. Bruce Rainey stated that the County Regulations would not allow another driveway.

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Mr. Suddath added that someone might illegally create another driveway, but that the County Planning Office would not permit one if it was requested.

Mr. Rhodes asked about the duplex that was illegally built in the flood plain.

Mr. Rainey stated that the client bought the property in 2006, with all the existing structures, with the exception of the garage, which was permitted last year. Mr. Rainey stated that the thing that took the longest, during the two years of trying to bring this property into compliance, was getting a soil scientist and septic approvals.

Mr. Rainey respectfully asked for a variance, as there appears to be no other solution.

Mr. Suddath stated that the duplex will not be ordered torn down, however, no other permits will be issued on the property until floodplain compliance is met.

Mr. Geminden asked if the duplex is permitted.

Mr. Rainey stated that it is not.

Mr. Geminden asked if there would be any surety that the building will be permitted and brought up to standard.

Mr. Rainey stated that he could not answer, adding that the client has spent a lot of money trying to bring everything into compliance. Mr. Rainey stated that he has brought up a life safety issue that will be part of the requirements.

Mr. Rhodes stated that he felt a loan could not be obtained for the duplex.

Mr. Suddath stated that the auction plat had the duplex labeled as “shed”, though it has always been a duplex.

**Mr. Honeycutt made a motion to approve a request for a variance/waiver from County Subdivision Requirements related to minimum lot widths along an Arterial Road per the plan submitted by Bruce Rainey and Associates contingent upon the following condition:  
a) The date of approval of this variance and a summary of its effect shall be added to the plat as a Surveyor’s Note.**

**Mr. Williams seconded the motion. Motion passed unanimously.**

There being no further business before the Commission,

**Mr. made a motion to adjourn, seconded by Mr. Rhodes. The meeting adjourned at 7:26 pm.**