

**SUMNER COUNTY PLANNING COMMISSION  
MINUTES  
FEBRUARY 22, 2005  
5:00 P.M.**

**SUMNER COUNTY ADMINISTRATION BUILDING  
355 N. BELVEDERE DRIVE  
GALLATIN, TN. 37066**

**MEMBERS PRESENT:**

*CHARLES HAYNES, CHAIRMAN  
ANTHONY HOLT, VICE CHAIRMAN  
TOM GROVE  
NANCY CORLEY  
RALPH COLLIER  
CORDELL BORDERS  
CECIL RAY  
DAVID SATTERFIELD  
ROY HIXSON  
CYNTHIA HALL TEMPLETON  
JIM WILLIAMS  
RAGAN HALL*

**MEMBERS ABSENT:**

*BOBBY LEON THOMPSON  
LEON STRONG  
LUTHER BRATTON*

**OTHERS PRESENT:**

*MIKE MOULTON, PLANNING DIRECTOR  
ROB GARRISON, STATE PLANNER  
LISA WILLIAMS, ADMINISTRATIVE ASSISTANT*

**A) MOTION FOR APPROVAL OF JANUARY MINUTES BY MR. SATTERFIELD,  
SECONDED BY MR. HOLT.**

**10 AYES: HOLT, GROVE, COLLIER, BORDERS, RAY, SATTERFIELD, HIXSON,  
TEMPLETON, WILLIAMS, AND HALL**

**1 ABSTENTION- CORLEY**

- 1. SOMERSET DOWNS-PHASE 3-FINAL PLAT-(7<sup>TH</sup> COUNTY COMMISSION DISTRICT)-  
REPRESENTED BY BARGE, WAGGONER, SUMNER & CANNON, INC.-OWNER MICHAEL L.  
SHULER-THEY WERE REQUESTING FINAL PLAT APPROVAL OF 47 LOTS OFF LONG HOLLOW  
PIKE. SUBJECT PROPERTY CONTAINS 27.05 ACRES, IS ON MAP 123, PARCEL 34, AND IS ZONED  
LOW DENSITY RESIDENTIAL PLANNED UNIT DEVELOPMENT.**

JAY CAMELI CAME FORWARD TO REPRESENT THIS REQUEST AND TO ANSWER ANY  
QUESTIONS.

MR. MOULTON STATED THAT THEY HAVE MET ALL OF THE STAFF REQUIREMENTS.

THERE WAS DISCUSSION.

**MOTION FOR APPROVAL BY MR. SATTERFIELD, SECONDED BY MR. HOLT. MOTION PASSED  
UNANIMOUSLY.**

- 2. WOMACK'S CREEKVIEW ESTATES-SECTION THREE-PRELIMINARY PLAT-(3<sup>RD</sup> COUNTY  
COMMISSION DISTRICT)-REPRESENTED BY BRUCE RAINEY-OWNER/DEVELOPER;  
MARION & ROGER WOMACK-THEY WERE REQUESTING PRELIMINARY PLAT APPROVAL OF  
15 LOTS OFF PRUITT LANE. SUBJECT PROPERTY IS ON TAX MAP 105, PARCEL 7.00, IS ZONED  
RESIDENTIAL A, AND CONTAINS 25.51 ACRES,**

MR. RAINEY CAME FORWARD TO REPRESENT THIS REQUEST AND ANSWER ANY QUESTIONS.

MR. MOULTON STATED THAT THEY HAVE MEET ALL OF OUR STAFF NOTES WITH ONE EXCEPTION. MR. MOULTON STATED THAT WE NEED A PLAT NOTE THAT STATES THE SIDEWALKS WILL BE BONDED WITH THE ROAD.

MR. RAINEY STATED THAT WHAT HE WOULD PREFER IS TO EVALUATE THIS SIDEWALK BONDING AT THE LAST SECTION WE DO WITH A FULL AGREEMENT BY MY CLIENT THAT ANY SIDEWALKS THAT ARE NOT BUILT THEY WILL COME IN AND FILL IN THE GAPS. OBVIOUSLY ANY AREAS WITHIN OPEN SPACE IS THE DEVELOPERS OBLIGATION AND WILL BUILD THOSE AS DIRECTED WHEN THEY NEED TO. MR. RAINEY STATED THAT THEY WOULD PUT UP A BOND FOR THE SIDEWALKS AT THE VERY LAST PHASE OF THE DEVELOPMENT.

CHAIRMAN HAYNES ASKED MR. RAINEY IF HE WOULD CONSIDER A SEPARATE BOND THAT RAN FOR SIXTY MONTHS FOR THE SIDEWALKS, DON'T TIE THIS TO THE ROADS.

MR. MOULTON EXPLAINED THAT A CLUSTER DEVELOPMENT, WHICH IS ALLOWED ON APPEAL, DOES NEED TO APPEAR BEFORE THE ZONING BOARD OF APPEALS, THEREFORE THIS SHOULD BE A CONTINGENCY IN THE MOTION.

THERE WAS EXTENSIVE DISCUSSION.

**MOTION BY MS. CORLEY FOR APPROVAL WITH A FLOATING BOND (TWO SEPARATE BONDS) AND CONTINGENT UPON APPROVAL FROM THE ZONING BOARD OF APPEALS, SECONDED BY MR. WILLIAMS. MOTION PASSED UNANIMOUSLY.**

- 3. THE CATHERINE CARTER PROPERTY-PRELIMINARY CONDOMINIUM/CLUSTER PLAN-(11<sup>TH</sup> COUNTY COMMISSION DISTRICT)-REPRESENTED BY BRUCE RAINEY-OWNER; CATHERINE CARTER-THEY WERE REQUESTING PRELIMINARY CONDOMINIUM/CLUSTER PLAN APPROVAL OF FIVE (5) TRACTS ON NEW SHACKLE ISLAND ROAD. SUBJECT PROPERTY CONTAINS 51.01 ACRES, IS ZONED RESIDENTIAL A, AND IS ON TAX MAP 138, PARCELS 3.00, 6.00, 7.00, & 8.00.**

MR. RAINEY CAME FORWARD TO REPRESENT THIS REQUEST AND ANSWER ANY QUESTIONS.

THERE WAS EXTENSIVE DISCUSSION.

FOR THE RECORD MR. COLLIER DID NOT PARTICIPATE IN THIS DISCUSSION, NOR DID HE VOTE.

FOR THE RECORD MR. SATTERFIELD, MR. HOLT AS WELL AS, MR. HIXSON LEFT THE MEETING TO ATTEND ANOTHER MEETING.

MR. MOULTON STATED THAT THIS DEVELOPMENT FALLS INTO THE HENDERSONVILLE URBAN GROWTH BOUNDARY AND ASKED THAT HE READ ALOUD A LETTER THAT WAS FAXED TO HIM AN HOUR AGO. MR. MOULTON READ THE LETTER FROM FRED ROGERS, HENDERSONVILLE PLANNING DIRECTOR.

MR. RAINEY EXPLAINED IN DETAIL THE PROPOSALS FOR THIS DEVELOPMENT. THE FAMILY WANTS TWENTY ONE HOMES SCATTERED THROUGH OUT THE PROPERTY. THE ROAD WILL BE A PRIVATE ROAD AND WHICH WILL BE GATED AND IT IS DESIGNED TO COUNTY STANDARDS. EVERY HOME WILL HAVE THEIR OWN GENERATOR AND THE HOMES WILL BE COMPLETELY HANDICAP ACCESSIBLE.

MR. RAINEY STATED THAT A FEW YEARS AGO WE (PLANNING COMMISSION) TOOK OUT A PROVISION FOR ANY PRIVATE ROADWAYS IN THE COUNTY.

MR. RAINEY STATED THAT THEY HAVE ALREADY DRAWN UP A HOMEOWNERS ASSOCIATION.

MR. RAINEY STATED THAT THEY WOULD HAVE TO RECORD A MASTER PLAN FOR THIS DEVELOPMENT AT SOME POINT WHERE YOU WILL BE APPROVING TWENTY- ONE (21) HOUSES.

MR. MOULTON HANDED OUT A COPY OF WHAT HAD BEEN CHANGED IN THE SUBDIVISION REGULATIONS BOOK ON SECTION 1-113.109 ACCESS TO LOTS BY ROAD OR PRIVATE EASEMENTS “ THIS SECTION SHALL NOT BE CONSTRUED TO PROHIBIT THE DEVELOPMENT OF BUILDINGS ON LOTS OR TRACTS WITH PERMANENT ACCESS PROVIDED BY PRIVATE STREETS PROVIDED SUCH DEVELOPMENT IS IN THE FORM OF CONDOMINIUM OWNERSHIP OF SUCH PRIVATE IMPROVEMENTS WHICH HAS BEEN APPROVED BY THE PLANNING COMMISSION AND WILL BE IN PRIVATE OWNERSHIP AND CONTROL IN PERPETUITY. ANY VIOLATION OF THIS SECTION SHALL BE DEEMED AN UNLAWFUL BUILDING OR STRUCTURE”.

MR. MOULTON STATED THAT WHAT THIS IS SAYING IS THAT BEFORE WE CHANGED THE LANGUAGE AND THEN HE READ THE AMENDED SECTION “THIS SECTION SHALL NOT APPLY TO A LOT OF RECORD (PREVIOUSLY EXISTING) WITH AN EASEMENT OF AT LEAST FIFTY (50) FEET IN WIDTH TO A PUBLIC STREET OR TO ANY LOT OR PARCEL OR TRACT OF LAND THAT CONTAINS FIVE (5) ACRES OR MORE”.

THIS DEVELOPMENT WOULD HAVE TO RECEIVE APPROVAL FROM THE ZONING BOARD OF APPEALS DUE TO THE FACT THAT THIS IS A CONDO/CLUSTER PLAN.

MR. MOULTON STATED WE WOULD ALSO HAVE TO ASK FOR A VARIANCE FROM THE ZONING BOARD DUE TO THE FACT THAT A CLUSTER CAN NOT BE APPLIED TO ANYTHING LESS THAN FIFTY (50) UNITS.

MR. MOULTON STATED THAT HE AND ROB HAVE NOT HAD TIME TO STUDY THE CONDOMINIUM LANGUAGE WHICH MAY RELIEVE US FROM SOME OF THE BEFORE MENTIONED ITEMS.

MR. RAINEY STATED RATHER THAN ASK FOR A VARIANCE, HE MAY DROP THE CLUSTER WORD FROM IT BECAUSE I HAVE DONE OTHER CONDO PROJECTS AND I THINK WHAT I AM ASKING FOR WILL MEET ALL THE CONDO CRITERIA.

THERE WAS EXTENSIVE DISCUSSION.

MR. MOULTON STATED THAT THE ISSUE WITH THE PRIVATE ROAD DOES NOT MEET OUR LANGUAGE IN THE ZONING RESOLUTION. MR. MOULTON STATED THAT HE DID NOT FEEL THAT THE ROAD SUPERINTENDENT WOULD WANT TO SIGN THIS PLAT WITH A PRIVATE ROAD, UNLESS WE HAVE SOME LANGUAGE IN THE ZONING RESOLUTION TO BACK HIM UP. MR. MOULTON EXPLAINED THAT WE MAY NEED TO AMEND THE LANGUAGE IN OUR ZONING RESOLUTION PERTAINING TO PRIVATE ROADS PRIOR TO BEING ABLE TO SIGN THIS PLAT.

**MOTION FOR APPROVAL BY MR. GROVE, SECONDED BY MS. CORLEY, WITH THE UNDERSTANDING THAT IT IS GOING TO BE A PRIVATE ROAD OWNED BY THE HOMEOWNERS ASSOCIATION IN PERPETUITY AND BUILT TO COUNTY SPECIFICATIONS (THIS WOULD BE A PLAT NOTE), SUBJECT TO A CHANGE IN OUR SUBDIVISION REGULATIONS ALLOWING PRIVATE ROADS UNDER THESE CONDITIONS, AND YOU HAVE TO GET A ZONING BOARD VARIANCE, UNLESS THEY DECIDE TO MAKE THIS CONDO. MOTION PASSED.**

**7 AYES: WILLIAMS, RAY, CORLEY, HALL, BORDERS, TEMPLETON & GROVE  
2 ABSTENTION: COLLIER AND HAYNES**

FOR THE RECORD, MR. RAINEY STATED THAT HE WOULD LIKE A COPY OF THE LETTER FROM THE CITY OF HENDERSONVILLE REGARDING THIS DEVELOPMENT.

4. **LONG HOLLOW POINTE-SECTION 6-PRELIMINARY & FINAL PLAT-RESUBDIVISION OF LOTS 134-136-(7 TH COUNTY COMMISSION DISTRICT)-REPRESENTED BY C&K SURVEYORS-PROPERTY OWNER; TOM ELMORE**-THEY WERE REQUESTING PRELIMINARY & FINAL PLAT APPROVAL OF 4 LOTS ON STIRLINGSHIRE DRIVE AND WEST STIRLING COURT. SUBJECT PROPERTY CONTAINS 4.21 ACRES±, IS ON TAX MAP 138B, GROUP E, PARCELS 8.00, 9.00 & 10.00, AND IS ZONED RA.

**THIS WAS DEFERRED DUE TO THE FACT THERE WAS NO ONE TO REPRESENT THIS REQUEST.**

5. **THE STEWART FARM-PRELIMINARY PLAT-(3<sup>RD</sup> COUNTY COMMISSION DISTRICT)-REPRESENTED BY CARROLL CARMAN: OWNER; DAVID STEWART**-THEY WERE REQUESTING PRELIMINARY PLAT APPROVAL OF 13 LOTS ON DESHEA CREEK ROAD. SUBJECT PROPERTY CONTAINS 15.80± ACRES, IS ZONED R1A, AND IS ON TAX MAP 105, PARCEL 9.00.

MR. CARMAN CAME FORWARD TO REPRESENT THIS REQUEST.

MR. MOULTON STATED THAT THEY HAVE SATISFIED ALL OF THE STAFF COMMENTS.

FOR THE RECORD, MR. HOLT CAME BACK TO THE MEETING.

MR. CARMAN STATED HE WAS NOT SURE WHAT SQUARE FOOTAGE WOULD BE REQUIRED FOR THE HOMES IN THIS SUBDIVISION.

MS. CORLEY ASKED THAT WE SUSPEND THE RULES AND LET THE CONCERNED NEIGHBORS SPEAK.

SELMA ELMORE, 306 DESHEA CREEK ROAD, GALLATIN, TN. CAME FORWARD TO ASK QUESTIONS AND EXPRESS HER CONCERN FOR THIS SUBDIVISION. SHE STATED THAT THE SUBDIVISION SHE LIVES IN IS JUST ONE LOT REMOVED FROM WHERE THEY ARE BUILDING AND WOMACK SUBDIVISION CONTAINS ANYWHERE FROM 2 ½ TO 5 ACRE LOTS AND NOW WE ARE LOOKING AT THESE BEING JUST OVER ONE ACRE LOTS. THERE IS AN AREA OF THE FARM THAT RUNS BEHIND HER HOME AND SHE WAS CONCERNED WHETHER HE WAS GOING TO BRING IN A ROAD AND PUT IN A LOT OF HOMES WHICH WOULD INTRUDE ON HER PRIVACY. SHE WAS CONCERNED ABOUT THIS DEVELOPMENT AFFECTING OUR PROPERTY VALUES.

MR. HOLT STATED THAT IF HE WAS AN ADJOINING PROPERTY OWNER HE WOULD LIKE TO SEE SOME RESTRICTIVE COVENANTS.

THERE WAS DISCUSSION.

**MOTION FOR APPROVAL BY MR. HALL, SECONDED BY MR. GROVE. MOTION PASSED.  
8 AYES: HALL, GROVE, CORLEY, RAY, COLLIER, HOLT, WILLIAMS & TEMPLETON  
1 NAY: BORDERS**

6. PINNACLE FARMS-PHASE THREE (3) –PRELIMINARY PLAT- (3<sup>RD</sup> COUNTY COMMISSION DISTRICT)-REPRESENTED BY CARROLL CARMAN: OWNER; DALE HIX-THEY WERE REQUESTING PRELIMINARY PLAT APPROVAL OF 64 LOTS OFF PINNACLE WAY. SUBJECT PROPERTY CONTAINS 75.72 ACRES, IS ON TAX MAP 89, PARCEL 28.02 AND IS ZONED AGRICULTURAL.

MR. CARMAN CAME FORWARD TO REPRESENT THIS REQUEST AND ANSWER ANY QUESTIONS.

MR. MOULTON STATED THAT ALL OF THE STAFF COMMENTS HAVE BEEN ADDRESSED.

THERE WAS DISCUSSION.

**MOTION FOR APPROVAL BY MR. HOLT, SECONDED BY MR. HALL. MOTION PASSED UNANIMOUSLY.**

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CHAIRMAN HAYNES STATED THAT THERE WILL BE A PUBLIC HEARING AMENDING THE SUBDIVISION REGULATIONS REGARDING PRIVATE ROADS AT OUR NEXT MEETING IN MARCH 2005.

**ADDITIONAL NOTE:** UPON REVIEW OF REGULATIONS IT WAS DETERMINED THAT IT WOULD REQUIRE 30 DAYS TO ADVERTISE A PUBLIC HEARING AND WE WOULD NOT HAVE ENOUGH TIME TO ADVERTISE FOR MARCH. PUBLIC HEARING WILL BE IN APRIL 2005

**MEETING ADJOURNED AT 6: 35 P.M.**