

**SUMNER COUNTY PLANNING COMMISSION
MINUTES
APRIL 22, 2008
5:00 P.M.**

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

MEMBERS PRESENT:

**ANTHONY HOLT, CHAIRMAN
LUTHER BRATTON, VICE-CHAIRMAN
CHARLES HAYNES
CORDELL BORDERS
CECIL RAY
CYNTHIA HALL TEMPLETON
JIM WILLIAMS
SHAWN FENNELL
BOB HENDRICKS
SAUNDRA BOYD
BILL THOMPSON
MIKE HONEYCUTT
DAN DOWNS
NORMAN TRIPP**

MEMBERS ABSENT:

CHARLES LEA

OTHERS PRESENT:

**MIKE MOULTON, PLANNING DIRECTOR
RON COOPER, STATE PLANNER
MICHAEL BRIGGS, PLANNER
LEAH MAY DENNEN, COUNTY ATTORNEY
LISA WILLIAMS, ADMINISTRATIVE ASSISTANT**

**MOTION TO APPROVE THE AGENDA BY MR. FENNELL, SECONDED BY MR. HENDRICKS.
MOTION PASSED UNANIMOUSLY.**

**MOTION TO APPROVE THE MARCH MINUTES BY MR. FENNELL, SECONDED BY MR.
HONEYCUTT. MOTION PASSED UNANIMOUSLY.**

1. PUBLIC HEARING- THIS PUBLIC HEARING WAS TO DISCUSS AND VOTE ON A RESOLUTION TO AMEND THE PROVISIONS OF THE SUMNER COUNTY SUBDIVISION REGULATIONS BEING ARTICLE VI, SECTION 6-102 (WORDS AND TERMS DEFINED), AND ARTICLE IV, SECTION 4-102.9 (**FLAG LOTS**).

THIS WAS ADVERTISED IN THE GALLATIN NEWS EXAMINER ON MARCH 7, 2008.

MR. MOULTON READ THE PUBLIC NOTICE AS IT APPEARED IN THE NEWS EXAMINER.

CHAIRMAN HOLT OPENED THE FLOOR FOR THE PUBLIC HEARING.

SINCE THERE WAS NO ONE PRESENT TO SPEAK, CHAIRMAN HOLT CLOSED THE PUBLIC HEARING.

MR. MOULTON READ THE PROPOSED RESOLUTION WHICH DEFINED **FLAG LOT**-THE TERM FLAG LOT MEANS A LOT SO SHAPED AND DESIGNED THAT THE MAIN BUILDING SITE AREA IS SET BACK FROM THE STREET ON WHICH IT FRONTS AND INCLUDES AN ACCESS STRIP AT LEAST FIFTY (50) FEET IN WIDTH CONNECTING THE MAIN BUILDING SITE WITH THE FRONTAGE STREET.

CHAIRMAN HOLT STATED THAT THIS LANGUAGE DOES NOT APPLY TO MORE THAN FIVE (5) ACRE TRACTS.

MR. MOULTON CONCURRED WITH MR. HOLT.

MR. MOULTON EXPRESSED SOME OF THE COMMENTS HE HAD RECEIVED FROM SOME OF THE SURVEYORS CONCERNING FLAG LOTS. THE QUESTION THAT CAME UP MOST OFTEN WAS "WHAT TAKES ME OUTSIDE OF A FLAG LOT DEFINITION"? THE LANGUAGE IN THE ZONING RESOLUTION OF EACH ZONING CLASSIFICATION STATES "MINIMUM LOT WIDTH AT BUILDING LINE SHOULD BE AT LEAST 100 FEET". YOU WOULD NEED TO MAINTAIN 100 FEET DOWN THE ROAD, AND THIS WILL TAKE YOU OUT OF THE FLAG LOT CLASSIFICATION.

THERE WAS DISCUSSION.

MOTION FOR APPROVAL CONTINGENT UPON AMENDING THE RESOLUTION AS PRESENTED WITH A REFERENCE TO THE ZONING RESOLUTION WHICH REQUIRES ALL LOTS TO BE A MINIMUM OF 100 FEET AT BUILDING WIDTH (WHICH WOULD REQUIRE 100 FEET OF ROAD FRONTAGE) BY MR. HAYNES, SECONDED BY MR. BRATTON. MOTION PASSED UNANIMOUSLY.

2. GRACE HAVEN-FINAL PLAT-(1ST COUNTY COMMISSION DISTRICT)-REPRESENTED BY CARROLL CARMAN:-OWNER, IGWT, LP-THEY WERE REQUESTING FINAL PLAT APPROVAL OF 18 LOTS ON SMILEY TROUTT ROAD AND ROGUES FORK ROAD. SUBJECT PROPERTY CONTAINS 17.27 ACRES, IS ON TAX MAP 43, PARCEL 39 P/O, AND IS ZONED AGRICULTURAL. (SCHOOL DISTRICT: WESTMORELAND ES, MS AND HS)

JIM CARMAN CAME FORWARD TO REPRESENT THIS REQUEST. HE HANDED OUT TO EACH MEMBER A COPY OF THE REVISED RESTRICTIONS FOR THIS DEVELOPMENT. MR. CARMAN STATED THAT THEY HAD MET ALL THE STAFF'S REQUIREMENTS.

MR. MOULTON CONCURRED THAT THEY HAD MET ALL OF THE STAFF'S REQUIREMENTS. MR. MOULTON EXPLAINED THAT IF ALL OF THE OTHER SIGNATURES ARE NOT IN PLACE, HE WOULD NOT SIGN THE PLAT. MR. MOULTON STATED THAT THIS PLAT WOULD NOT BE RECORDED UNLESS HE HAD SIGNED IT.

THERE WAS DISCUSSION.

MR. FENNELL CONVEYED, FOR THE RECORD, THAT HE WOULD ABSTAIN FROM VOTING, AND THAT HE DID NOT LIKE THIS DEVELOPMENT. MR. FENNELL REPORTED THAT HE HAS WALKED THIS PROPERTY AND IS VERY WORRIED ABOUT THE HEALTH AND SAFETY ISSUES OF THE WATER.

MOTION TO SUSPEND THE RULES TO ALLOW COMMISSIONER MIKE AKINS TO SPEAK BY MR. FENNELL, SECONDED BY MR. DOWNS. MOTION PASSED UNANIMOUSLY.

COMMISSIONER MIKE AKINS CAME FORWARD TO SPEAK AGAINST THIS DEVELOPMENT. MR. AKINS STATED THAT HE LIVES ON SMILEY TROUTT ROAD, AND EXPERIENCES SEPTIC RUN OFF ON HIS PROPERTY IN WET WEATHER. THERE IS NO WAY THAT THIS DEVELOPMENT SHOULD BE CONSIDERED. THERE IS A CAVE ABOUT 150 YARDS FROM THIS PROPOSED SUBDIVISION. MR. AKINS DISCUSSED HOW HE HAD TROUBLE GETTING A SEPTIC TANK PERMIT ON 65 ACRES, AND SOME PEOPLE IN THIS AREA COULD NOT GET A SEPTIC TANK ON 5 ACRES, SO HOW CAN YOU GET 18 SEPTIC TANKS ON 17+ ACRES? EVERYONE IN THIS AREA IS HAVING THEIR WATER TESTED; YOU KEEP HEARING ABOUT A LAW SUIT, THESE PEOPLE ARE GOING TO SEE ONE.

MOTION BY MR. BRATTON FOR APPROVAL SUBJECT TO OBTAINING ALL SIGNATURES, SECONDED BY MR. TRIPP. MOTION PASSED

**7 AYES: BRATTON, HAYNES, WILLIAMS, BOYD, THOMPSON, HONEYCUTT AND TRIPP
1 NAY: RAY
5 ABSTAINED: BORDERS, FENNELL, DOWNS, TEMPLETON, AND HENDRICKS**

3. DEFERRED-REZONING-SUMNER 2000 LLC IS REQUESTING TO HAVE THEIR PROPERTY "HUNTER'S CROSSING-LOCATED ON THE CORNER OF LONG HOLLOW PIKE AND TYREE SPRINGS ROAD REZONED FROM R1A TO COMMERCIAL C-3 WITH PUD OVERLAY AND FOR PRELIMINARY MASTER DEVELOPMENT PLAN APPROVAL.- REPRESENTED BY RAGAN-SMITH: OWNERS-SUMNER 2000 LLC -(7TH COUNTY COMMISSION DISTRICT) SUBJECT PROPERTY IS LOCATED ON LONG HOLLOW PIKE AND NEW HOPE ROAD, CONTAINS 44.9 ACRES, IS ON TAX MAP 123, PARCEL 45, AND IS ZONED R1A. (SCHOOL DISTRICT-BEECH ES, T W HUNTER MS, BEECH HS)

THIS PROJECT HAS BEEN DEFERRED INDEFINITELY, THEREFORE NO ACTION WAS TAKEN.

4. REZONING- CUMBERLAND LAND HOLDING, LLC, OWNER, REPRESENTED BY GEORGE JOHNSON WAS REQUESTING TO HAVE THEIR PROPERTY "LOCKETT" LOCATED AT 1429 HARSH LANE, CASTALIAN SPRINGS, TN. REZONED FROM AGRICULTURAL TO A MIXED USE RESIDENTIAL/COMMERCIAL PLANNED UNIT DEVELOPMENT AND FOR PRELIMINARY MASTER DEVELOPMENT PLAN APPROVAL.(3RD COUNTY COMMISSION DISTRICT) SUBJECT PROPERTY CONTAINS 527.63 ACRES, CONTAINS APPROXIMATELY 750 LOTS, IS ON TAX MAP 151, PARCELS 21.01 AND 22.00, AND IS ZONED AGRICULTURAL.(SCHOOL DISTRICT: BENNY BILLS ES, OLD SHAFER MS, AND GALLATIN HS)

GEORGE JOHNSON CAME FORWARD TO EXPLAIN THIS REQUEST. MR. JOHNSON DISCUSSED THE MAIN ENTRY ROAD COMING ONTO THE PROJECT THAT WAS PROPOSED (BY US) IS A COUNTY ROAD. MR. JOHNSON SAID THAT MR. NICK STRONG, COUNTY ENGINEER, WAS OPEN TO DISCUSS THE RIGHT- OF-WAY AND ROAD WIDTH, WHICH WOULD BE AN IDEA HE COULD LIVE WITH. THE PRIMARY REASON THE ROAD IS PROPOSED THE WAY IT IS WAS BECAUSE THE CORP OF ENGINEERS IS GOING TO WANT TO SEE THIS ROAD AS A COUNTY ROAD.

MR. HAYNES ASKED GEORGE JOHNSON WHAT THE ROAD WIDTH WAS PROPOSED ON THE MARINA ROAD.

GEORGE JOHNSON REPLIED TO MR. HAYNES THAT THE PROPOSED ROAD WIDTH WAS 40 FEET. WE ARE TRYING TO MAINTAIN THE NATURAL CHARACTER OF THE LAND AND MAINTAIN UTILITIES WHICH MAKES IT VERY TIGHT NOW. GEORGE JOHNSON STATED THAT HE WOULD QUESTION THE COUNTIES NEED FOR A 50 FOOT WIDE ROAD.

MR. HAYNES STATED THAT THIS BODY CAN NOT APPROVE A ROAD THAT DOES NOT MEET COUNTY STANDARDS.

MR. RON COOPER CLARIFIED FOR THE RECORD THAT THE REASON FOR THE FIFTY FOOT RIGHT OF WAY HAS NOTHING TO DO WITH THE COUNTY, IT HAS TO DO WITH IF THE RIGHT-OF-WAY IS NOT 50 FEET THEN THE COUNTY PLACES ITSELF IN A POSITION TO MAINTAIN THAT ROAD WITHOUT HAVING THE USE OF ANY FEDERAL FUNDS.

THERE WAS EXTENSIVE DISCUSSION ABOUT ROAD WIDTHS.

CHAIRMAN HOLT EXPLAINED TO GEORGE JOHNSON THAT HE HAD NEVER SEEN A ROAD SO FAR THAT HAS BEEN ACCEPTED BY THE HIGHWAY COMMISSION AND THE ROAD SUPERINTENDENT THAT DOES NOT MEET COUNTY STANDARDS. THIS BODY DOES NOT HAVE THE AUTHORITY TO APPROVE THE ROAD, BUT WE DO HAVE THE AUTHORITY TO GIVE YOU THE EXEMPTION.

MR. COOPER STATED FOR THE RECORD, THAT THE FIFTY FOOT ROAD WIDTH REQUIREMENT REALLY HAS NOTHING TO DO WITH THE COUNTY, BUT HAS TO DO WITH THE FACT IF IT IS NOT FIFTY FEET WIDE THE COUNTY PLACES ITSELF IN A POSITION OF HAVING TO PAVE THAT ROAD WITH OUT THE USE OF ANY FEDERAL FUNDS. THIS IS A STATE REQUIREMENT NOT A COUNTY REQUIREMENT.

MR. MOULTON EXPLAINED THAT THE ROAD SPECIFICATIONS ARE A PART OF THE SUBDIVISION REGULATIONS. IF WE APPLY THE FLEXIBILITY STATEMENT AS DEFINED IN THE ZONING RESOLUTION IN THAT PROCESS WE WOULD BE MAKING A VARIANCE TO THE SUBDIVISION REGULATIONS. THE FIFTY FOOT REQUIREMENT IS A PART OF THE SUBDIVISION REGULATIONS. IF THE DEVELOPER WANTS TO BRING IT (THE ROAD) THROUGH WITH A FORTY FOOT RIGHT OF WAY, IT MAY NOT BE ACCEPTED BY THE HIGHWAY COMMITTEE. THE PAVEMENT WIDTH THAT THEY HAVE CURRENTLY WILL NOT CHANGE.

CHAIRMAN HOLT STATED THAT THEY HAVE TWO CHOICES EITHER THEY CAN MEET THE COUNTY STANDARDS AND BE ACCEPTED AS A COUNTY ROAD OR MAINTAIN THIS AS A PRIVATE ROAD.

FOR THE RECORD MS. TEMPLETON AND MR. RAY LEFT THE MEETING.

MR. HAYNES STATED HE WOULD LIKE FOR US TO CHANGE OUR STANDARDS WHICH WOULD ALLOW FOR A PRIVATE ROAD NOT BE BUILT TO THE COUNTY STANDARDS, BUT THAT THEY WOULD BE BONDED AS LOCKETT HAS PROPOSED. THEY GO IN AND BUILD THESE ROADS ON THEIR INTERIOR TO THEIR STANDARDS. THIS WOULD CLEAN UP THE DOCKET AS FAR AS US HAVING TO GIVE VARIANCES.

MOTION BY MR. HAYNES TO CHANGE THE SUBDIVISION REGULATIONS TO WHERE IT WOULD ALLOW PRIVATE ROADS IN A PLANNED UNIT DEVELOPMENT TO HAVE LESSER STANDARDS WITH ADEQUATE BONDING, PROPER CONSTRUCTION AND MAINTENANCE FOR PERPETUITY, SECONDED BY MR. BORDERS. MOTION PASSED.

10 AYES: BRATTON, WILLIAMS, HAYNES, BORDERS, WILLIAMS, FENNELL, HENDRICKS, BOYD, DOWNS, AND TRIPP

2 NAYS: THOMPSON AND HONEYCUTT

(TEMPLETON AND RAY NOT VOTING; THEY HAD LEFT THE MEETING)

MR. MOULTON STATED IF WE ADD THE FLEXIBILITY STATEMENT AS DEFINED IN THE SUMNER COUNTY ZONING RESOLUTION IN OUR MOTION AT SOME POINT IN TIME IT COVERS THE ROADS EXCEPT FOR THE MAIN ROAD LEADING TO THE PROPOSED MARINA BECAUSE IT IS A PUBLIC ROAD, UNLESS IT IS CONVERTED TO A PRIVATE ROAD.

MR. MOULTON EXPLAINED THAT PRIVATE ROADS ARE ALLOWED CURRENTLY IN A PLANNED UNIT DEVELOPMENT BECAUSE THEY REQUIRE A HOME OWNERS ASSOCIATION. THE HOME OWNERS ASSOCIATION MAINTAINS THE PRIVATE ROADS. WHAT WE ARE DOING WOULD NOT AFFECT STRAIGHT ZONED SUBDIVISIONS.

CHAIRMAN HOLT STATED THAT ALL PRIVATE ROADS HAVE BEEN BUILT TO COUNTY STANDARDS AS OF TODAY.

MR. MOULTON CONCURRED.

MR. HAYNES STATED THAT WE HAVE BEEN REQUIRING PRIVATE ROADS TO HAVE A 50 FOOT RIGHT-OF-WAY ASPHALT AND PAVEMENT.

GEORGE JOHNSON ASKED IF THIS BODY COULD PUT A CONDITION ON THIS MAIN ROAD TO SAY IF POSSIBLE THAT THIS BODY WOULD CONSIDER IT AND IT WOULD BE APPROVED PROVIDED THAT THE DEVELOPER MAKES IT PRIVATE OR IT IS BUILT TO COUNTY STANDARDS. I WILL TAKE THIS ROAD BEFORE THE HIGHWAY COMMISSION IN MAY AND IF THEY ACCEPT THIS ROAD WITH THOSE STANDARDS, I CAN MOVE FORWARD. IF NOT, I WILL DO THE ROAD TO COUNTY STANDARDS.

CHAIRMAN HOLT TOLD GEORGE JOHNSON THAT HE EITHER NEEDS TO GO WITH A COUNTY ROAD WITH COUNTY STANDARDS OR MAKE THAT ROAD PRIVATE. YOU WOULD BE WASTING YOUR TIME AT THE COUNTY HIGHWAY COMMISSION MEETING, BUT YOU ARE WELCOME TO TRY.

MR. BRATTON STATED THAT MS. DENNEN, COUNTY ATTORNEY, COULD RESEARCH THIS ROAD ISSUE THAT WE ARE DISCUSSING TONIGHT, AND THEN MAKE A LEGAL RECOMMENDATION TO THE HIGHWAY COMMISSION MEETING.

GEORGE JOHNSON STATED THAT SCOTTY PARKER TOLD HIM THAT HE WOULD BE WILLING TO WORK WITH HIM ON THE BRIDGE ISSUE AND THAT HE HAD A BRIDGE ENGINEER THAT COULD WORK WITH HIM AND FIGURE OUT A WAY TO MANAGE THIS. GEORGE JOHNSON ASKED IF WE COULD MOVE TOWARD A VOTE TONIGHT ON THIS PROJECT AND MAKE THE BRIDGE A CONDITION THAT WOULD BE WORKED OUT SATISFACTORILY.

MR. HAYNES ASKED MS. DENNEN HOW DOES THE COUNTY BOND FOR AN INDIVIDUAL (GEORGE JOHNSON) TO COME IN AND COUNTY BUILD THIS BRIDGE AND THE COUNTY PAY FOR IT?

MS. DENNEN STATED THAT THERE ARE NUMEROUS WAYS THAT THIS CAN BE DONE.

MOTION BY MR. HAYNES TO APPROVE THE BRIDGE CONTINGENT UPON THE ROAD SUPERINTENDENT, HIGHWAY COMMISSION, AND THE DEVELOPER AGREEING UPON WIDENING THE SUBJECT BRIDGE AND THE DEVELOPER PROVIDING THE FUNDING FOR THE CONSTRUCTION OF THE BRIDGE, SECONDED BY MR. DOWNS. MOTION PASSED UNANIMOUSLY.

MR. MOULTON EXPLAINED TO THIS BODY BRIEFLY WHAT THE LOCKETT DEVELOPMENT WOULD CONTAIN, i.e. MIXED RETAIL, MARINA, CHURCH, FIRE HALL, CIVIC BUILDING AND SCHOOL RESOURCE CENTER. MR. MOULTON EXPLAINED THE FLEXIBILITY STATEMENT AS DEFINED IN ARTICLE VI; PARAGRAPHS 9 AND 9.1 (3). IF THIS PROJECT IS MOVED FORWARD TONIGHT, IT WILL THEN GO TO THE LEGISLATIVE COMMITTEE, THEN TO THE FULL COUNTY COMMISSION FOR PRELIMINARY MASTER DEVELOPMENT AND REZONING VOTE WHICH WOULD CONSTITUTE ANOTHER PUBLIC HEARING. ONCE THIS HAPPENS (IF APPROVED), IT COMES BACK TO THIS BODY TO RECEIVE A FINAL MASTER DEVELOPMENT PLAN APPROVAL. TWEAKING OF THIS PROJECT CAN TAKE PLACE DURING ANY OF THESE STEPS ALONG THE WAY.

MOTION TO RECOMMEND APPROVAL TO THE COUNTY COMMISSION BY MR. DOWNS, WITH THE FOLLOWING LANGUAGE "AS SET FORTH IN THE SUMNER COUNTY ZONING RESOLUTION, THE SUMNER COUNTY PLANNING COMMISSION ALLOWS THE FLEXIBILITY STATEMENT AS DEFINED IN ARTICLE VI, PARAGRAPHS 9 AND 9.1 (3) AS IT PERTAINS TO PUBLIC WAYS, PUBLIC UTILITIES, CURBS AND OTHER STANDARDS TO BE APPLIED TO THE APPROVAL OF THE PRELIMINARY MASTER DEVELOPMENT PLAN AND REQUEST FOR REZONING. THIS FLEXIBILITY STATEMENT RECOGNIZES THE NEED TO GRANT A VARIANCE IN REGARDS TO THE STANDARDS AS SET FORTH IN "LOCKETT" STANDARDS FOR DEVELOPMENT, SECONDED BY MR. FENNEL. MOTION PASSED UNANIMOUSLY.

(ABSENT WHEN VOTE WAS TAKEN: TEMPLETON AND RAY)

OTHER BUSINESS:

MR. HAYNES STATED THAT SINCE IT IS BUDGET TIME IT WOULD BE NICE FOR THIS BODY TO VOTE FOR MR. MOULTON A RAISE. MR. HAYNES ALSO STATED THAT HE FELT THAT OUR COUNTY ENGINEER, NICK STRONG, NEEDS A GO TO PERSON AND THAT PERSON NEEDS TO BE MIKE MOULTON. MR. HAYNES STATED THAT SINCE HANK THOMPSON IS OUT, NICK STRONG DOES NOT HAVE ANY GUIDANCE.

MOTION BY MR. HAYNES FOR MR. MOULTON TO TAKE TO THE COUNTY COMMISSION THAT THIS BODY WOULD LIKE TO SEE HIM (MIKE MOULTON) GET A 10% RAISE, SECONDED BY MR. BORDERS. MOTION PASSED.

10 AYES: HAYNES, BORDERS, WILLIAMS, FENNELL, HENDRICKS, BOYD, THOMPSON, HONEYCUTT, DOWNS AND TRIPP

1 ABSTENTION: BRATTON

(ABSENT WHEN VOTE WAS TAKEN: TEMPLETON AND RAY)

MR. HAYNES ALSO STATED THAT MR. MOULTON SHOULD ALSO TRY TO GET RAISES FOR HIS STAFF. WHEN YOU WORK WITH SOME OF THE OTHER COUNTY OFFICES, AS COMPARED TO THE PLANNING OFFICE "YOU GET A LOT MORE BANG FOR YOUR BUCK" WHEN DEALING WITH THE PLANNING OFFICE.

MR. HAYNES STATED THAT NICK STRONG NEEDS ASSISTANCE ON THE GROUND WATER CONTROL AND NEEDS SOMEBODY TO GO TO AND DISCUSS THINGS AND THAT GREY HAIR (MEANING MIKE MOULTON) WOULD BE A GOOD ONE TO DISCUSS MATTERS WITH.

MOTION BY MR. HAYNES FOR MIKE MOULTON TO TALK TO HANK THOMPSON AND REQUEST THAT THE PLANNING COMMISSION THOUGHT IT WOULD BE GOOD TO HAVE THE ENGINEERING OFFICE UNDER THE DIRECTION OF THE PLANNING DEPARTMENT UNTIL WHICH TIME THAT HANK THOMPSON RETURNS, SECONDED BY MR. DOWNS. MOTION PASSED UNANIMOUSLY.

MR. MOULTON THANKED EVERYONE FOR THEIR VOTE OF CONFIDENCE AND STATED THAT THIS WAS TOTALLY UNSOLICITED.

OTHER BUSINESS:

MEETING ADJOURNED AT 7:45 P.M.

