

**MINUTES OF THE
WILLIAMSON COUNTY REGIONAL PLANNING COMMISSION
MEETING OF MAY 10, 2018**

MEMBERS PRESENT

Pete Mosley
Don Crohan
Sharon Hatcher
John Lackey
Eddie Sanders
Robin Baldree
Bryan Richter

STAFF PRESENT

Joe Horne, Community Development Director
Michael Matteson, Planning Director
Floyd Heflin, County Engineer
Kristi Ransom, Attorney
Aaron Holmes, Planning Coordinator
Lincoln Sweet, Planner
Lania Escobar, Planning Assistant
Holly Scott, Planning Secretary

The Williamson County Regional Planning Commission met in regular session Thursday, May 10, 2018 at 5:30 p.m. in the Auditorium of the Williamson County Administrative Complex. Commissioners Walton, Pratt, McCoy, Givens and Lane were unable to attend.

Chairman Lackey called the meeting to order.

Mr. Horne announced the following:

1. Items 18 and 23 have revised reports; and
2. There has been a request for a non-agenda item (The Heirs of Hazel Moss).

Commissioner Lackey asked for a motion to add the non-agenda item to the end of the agenda as Item 26, Commissioner Crohan made a motion to allow the addition of the Non-Agenda Item. Commissioner Richter seconded the motion, which passed by unanimous vote.

CONSIDERATION OF MINUTES:

Chairman Lackey asked for a motion to consider the minutes of the April 12, 2018 Planning Commission meeting.

A motion was made by Commissioner Sanders to approve the minutes as submitted, and was seconded by Commissioner Richter. The motion passed by unanimous vote.

CONSENT AGENDA:

Chairman Lackey asked if any of the Commissioners would like to consider an item for separate discussion from the Consent Agenda. There being no response, Mr. Horne read the following into the record:

3. **Currey Ingram Academy** – Performance Bond for Wastewater Treatment System - \$90,000
Recommendation: - Extend in the current amount for a period of one (1) year.
4. **Clovercroft Preserve, Section 1** – Performance Bond for Wastewater Collection System-\$150,000
Recommendation: Convert to maintenance in the amount of \$45,000 for a period of two (2) years.
5. **Farms at Clovercroft Wastewater Area** – Performance Bond for Landscaping - \$64,350
Recommendation: Convert to maintenance in the amount of \$19,300 for a period of six (6) months.

6. **Farms at Clovercroft, Section 2**– Maintenance Bond for Water (N/CG) - \$12,750
Recommendation: Release the bond.
7. **Farms at Clovercroft, Section 2** – Performance Bond for Roads, Drainage and Erosion Control - \$300,000
Recommendation: Convert to maintenance in the current amount for a period of one (1) year.
8. **Foxen Canyon, Section 1** – Performance Bond for Roads, Drainage and Erosion Control - \$767,000
Recommendation: Reduce to the amount of \$383,000 and extend for a period of one (1) year.
9. **Hart’s Landmark** – Maintenance Bond for Roads, Drainage and Erosion Control - \$300,000
Recommendation: Extend in the current amount for a period of one (1) year.
10. **Hart’s Landmark** – Performance Bond for Sewer Improvements (Harpeth WW Cooperative) -\$85,970
Recommendation: Extend in the current amount for a period of one (1) year.
11. **King’s Chapel, Section 4B** – Maintenance Bond for Roads, Drainage and Erosion -\$120,000.
Recommendation: Extend in the current amount for a period of one (1) year.
12. **King’s Chapel, Section 6** – Maintenance Bond for Roads, Drainage and Erosion Control -\$135,000
Recommendation: Extend in the current amount for a period of one (1) year.
13. **Silver Stream Farm, Section 4G** – Maintenance Bond for Landscaping - \$19,800
Recommendation: Release the bond.
14. **Stephens Valley, Section 1** – Performance Bond for Roads, Drainage and Erosion Control -\$2,208,000
Recommendation: Reduce to an amount of \$750,000 and extend for a period of one (1) year.
15. **The Grove, Section 9** – Performance Bond for Water (Milcrofton) - \$34,000
Recommendation: Release the bond.
16. **Vale Creek** – Maintenance Bond for Roads, Drainage and Erosion Control -\$200,000
Recommendation: Extend in the current amount for a period of one (1) year.
17. **Yzadian Property** – Maintenance Bond for Landscaping - \$2,325
Recommendation: Release the bond.

There being no comments, Commissioner Crohan made a motion to accept Staff’s recommendation on the Consent Agenda Items. Commissioner Hatcher seconded the motion, which passed by unanimous vote.

NON-RESIDENTIAL SITE PLANS:

ITEM 18

NON-RESIDENTIAL SITE PLAN REVIEW FOR STARNES CREEK WASTEWATER TREATMENT & DISPOSAL SYSTEM ON 169.28 ACRES LOCATED OFF MEEKS ROAD IN THE 5TH VOTING DISTRICT

Mr. Holmes reviewed the background (see Staff Report) recommending deferral until the June 2018 meeting in order to allow the applicant sufficient time to acquire all the necessary off-site easements.

Chairman Lackey asked for comments from the Commission.

There being no comments, Commissioner Crohan made a motion to accept Staff's recommendation. Commissioner Richter seconded the motion, which passed by unanimous vote.

ITEM 19

REVISED NON-RESIDENTIAL SITE PLAN REVIEW FOR TERRAVISTA WASTEWATER TREATMENT AND DISPOSAL SYSTEM ON 130 ACRES (7.92 ACRES FOR SYSTEM) LOCATED OFF LONG LANE IN THE 12TH VOTING DISTRICT. (5-2018-007)

Commissioner Hatcher recused herself from this item.

Mr. Holmes reviewed the background (see Staff Report) and stated to the Commission that additional material had been received and was provided to them for their review. Staff recommends approval with the following conditions:

1. Prior to Final Plat submittal for the first Section of the proposed subdivision, a Zoning Certificate must be obtained for the completed treatment and disposal system. Prior to issuance of the Zoning Certificate, the applicant shall provide the following:
 - a) A monitoring plan, approved by TDEC, showing the location of monitoring wells and surface water sampling locations to assess the impact of the wastewater disposal system on ground and surface water in the area surrounding the disposal fields.
 - b) Proof that any required Class V injection well permits have been issued by TDEC;
 - c) A letter from TDEC indicating that the Nontraditional Wastewater Treatment and Disposal System was installed and is functioning;
 - d) As-built drawings showing the location of all system components, as well as the monitoring wells as shown on the monitoring plan approved by TDEC, and a sealed certification letter from the design engineer indicating that said system and monitoring components were constructed in accordance with the approved construction plans and specifications;
 - e) A letter from the owner/utility provider indicating that it has accepted said system and is currently operating same; and
 - f) The posting of a Performance Bond in the amount of \$120,000 for said system as specified by the County's wastewater consultant; and
2. Data from the monitoring wells and surface water sampling locations must be submitted to TDEC along with monthly operating reports.

Chairman Lackey asked for comments from the Commission.

Alan Fister, attorney for neighboring property owners, addressed the Commission. Mr. Fister requested a point of order and made a motion to combine Items 19 and 23 stating that they should no longer be considered as separate items. He stated that they should be combined because the wastewater system site plan and concept plan are an integral system and requested that these items be combined and addressed as one (1) item.

Mrs. Ransom stated that since Mr. Fister is not a member of the Commission, he has no authority to make a motion on these items. She noted that if a member of the Planning Commission would like to make a motion, it could be addressed. However, the Williamson County Zoning Ordinance addresses these items as separate uses; and therefore these items are required to be separated on the agenda.

Mr. Fister requested that his motion for these items to be combined be noted as part of the record.

Mr. Fister also moved to strike any material received after the May 8th, 2018 noon deadline and that information be removed from consideration. Mrs. Ransom noted again that Mr. Fister cannot make a motion, but stated that his request would be placed in the minutes and noted on record by virtue of the recording of this Meeting.

Chairman Lackey asked Mr. Fister to be seated as he is out of order and should not be addressing the Commission.

Commissioner Mosley stated he has received phone calls from the Vaden's, Mr. Fister and Mr. Matteson. Commissioner Mosley stated he feels that he may be prejudiced on this Item and that this Item should be settled in court and not before this Board because he feels this Body is not qualified due to the amount of detailed information submitted by the Lawyers, Engineering and Consultants.

Mrs. Ransom asked Commissioner Mosley if he felt he was biased toward either side on this Item or if he could act upon these items objectively based upon the information provided.

Commissioner Mosley stated he was not biased to the point of recusing himself, but he was confused with all the information provided.

Mrs. Ransom asked Mr. Mosley to state for the record, if he was biased or confused.

Commissioner Mosley stated he was a long-time friend to the Vaden family, but he also had the ability to make a fair and honest decision given the opportunity to understand all the information provided.

Commissioner Crohan asked for clarification on the monitoring procedure on the Wastewater System. Is it monitoring done before the system is put into use and what happens if the report has a negative result?

Richard Chappell, Smith, Seckman and Reid, stated that typically the monitoring wells are installed prior to the system being brought online so that you have a baseline of the water quality. Once the system is online, the monitoring would continue to check the water quality and adjustments could be made accordingly.

Commissioner Crohan asked what would happen if the reports showed a negative impact on the drinking water wells in the area. Could the wells be repaired or could they be condemned and if that were to happen, where would the residents receive water to replace the well.

Mr. Chappell stated that during conversations between himself and TDEC, they do not foresee any negative impacts on the nearby wells.

Commissioner Lackey asked about the loading rate and soil absorption rate.

Mr. Chappell stated the soils in the area have the ability to absorb a little over one inch of water per hour and the application rate from the treatment system is around 0.013 inches of water per hour and therefore has approximately 75 times more loading capability than is being applied.

Commissioner Sanders restated Commissioners Crohan's concerns regarding the contamination of the wells.

Commissioner Richter asked for clarification on the 100 foot setback, noting that it was his understanding from what Mr. Fister said that the applicant was requesting a variance of the setback, but that was not Commissioner Richter's understanding from the Staff Report, which noted that the setback had been increased to 100 feet in many places.

Mr. Fister interjected that he wanted the County Attorney to clarify the 100-foot setback. Chairman Lackey instructed Mr. Fister to sit down as being out of order. Mrs. Ransom indicated that she would address the 100-foot setback if the Commission wished. Chairman Lackey declined, noting that it was unnecessary to do so.

Commissioner Crohan asked about water runoff issues noted in the materials provided.

Mr. Heflin responded that the information to which Mr. Crohan referred related to karst features and surface runoff and not subsurface loading.

Commissioner Sanders asked about the affect of combined subsurface and surface water on the absorption rates of the disposal fields.

Mr. Chappell discussed the TDEC regulations related to surface water and subsurface absorption.

Bryan Echols, attorney for the applicant, noted that the applicant provided comments in response to all of the supplemental information submitted, but also felt that the information provided in the memoranda from Staff and from Smith Seckman Reid adequately and completely addressed the issues. He stated that the confusion resulted from the information in the materials submitted by the neighbors' consultants that conflate storm water and wastewater and the conflation of what the County reviews and what TDEC reviews. He noted that the applicant asks for approval and that the applicant agrees with all of the conditions of approval.

Commissioner Betsy Hester, representing District 2, speaking on behalf of the taxpayers, stated she has visited the adjacent property two times, during both dry and wet times, and expressed great concern regarding the karst features on the property. She has concerns about the drainage from the wastewater system. She also noted concerns about the lagoon on slopes and feels that there is not enough land for the wastewater system. Commissioner Hester stated she would like to see a topographical map of the property and would like to know what the slopes are in the area of the treatment facility. She added that she would like see the 100 foot buffer applied to the entire development and the wastewater area.

Mr. Fister again interjected from the audience that the 100-foot buffer is not applied to the entire property.

Chairman Lackey noted that while he may not like the development, that it is in compliance with the Regulations.

With no further comments or motion, Chairman Lackey stated that the item would fail for lack of a motion.

Mrs. Ransom advised the Commission that the item must be voted up or down. No action taken would result in the Item being automatically approved according to state statute.

Commissioner Richter made a motion to accept Staff's recommendation. Mr. Mosley asked for clarification on the motion, to which Chairman Lackey advised that the motion was for approval.

With no second on the motion, Mrs. Ransom advised that with no second, the motion would fail and further advised that the Commission must deliberate until they can arrive at an action one way or another.

Commissioner Sanders seconded the motion by Commissioner Richter.

Due to the electronic voting system, Commissioner Hatcher, who was recused from discussion and action on the Item, was entered as an abstention, but Mrs. Ransom noted for the record that the vote would not reflect Commissioner Hatcher as abstaining, but as a recusal.

With a vote of three (3) yes and three (3) no, Mrs. Ransom noted that the vote failed and advised that the Commission must still take action with a vote of at least four (4) in favor of any motion.

Commissioner Baldree stated that she agreed that the Commission received a lot of conflicting information but explained that she voted yes because she relied upon the Staff and engineers to provide the recommendation.

There was discussion regarding the materials provided at the meeting and when that material was received. Mrs. Ransom advised that all of the material that the Commission was provided at the meeting they had previously received via email, except for three items provided by the applicant that Staff received today.

Commissioner Baldree noted that she did review all that she received via email, and while she does not like the development either, it meets all of the requirements and it seems the developer has gone above and beyond to try to address the things that the Vadens and Kellys were concerned about.

Commissioner Crohan asked about soil and open space. He also asked about the monitoring wells and what would happen if the drinking water wells were contaminated.

Mr. Horne addressed the monitoring wells.

Commissioner Crohan asked if the Staff is comfortable that the treatment and disposal system will function properly and that the drinking water wells are protected.

Mr. Matteson discussed the wastewater regulations, monitoring wells and reporting requirements to TDEC. He also advised that the County Consultants, Smith Seckman Reid, are satisfied from a technical side that the system will protect the adjoining property owners.

Chairman Lackey then called for a motion, noting that the vote must be by voice vote.

Commissioner Richter made a motion to accept Staff's recommendation. Commissioner Crohan seconded the motion.

Commissioner Betsy Hester requested a stipulation that would protect the Vaden's wells from the wastewater. She asked that there be a proposal that the expense of connecting the Vadens to public water be put into an escrow account in the event that their drinking water wells fail.

Chairman Lackey advised that he did not believe the Commission had the authority to do that and inquired of their authority from Mrs. Ransom. Mrs. Ransom asked if she could have time to research that issue.

There being no additional discussion, the Commission voted by a show of hands, and passed the motion with a vote of four (4) to two (2), with Commissioners Mosley and Sanders and voting No.

FINAL PLATS:

ITEM 20

FINAL PLAT REVIEW FOR HAWTHORNE TRACE, LARGE LOT EASEMENT SUBDIVISION, CONTAINING 5 LOTS ON 28.7 ACRES LOCATED OFF PEYTONSVILLE-TRINITY ROAD IN THE 12TH VOTING DISTRICT. (1-2018-405)

Mr. Sweet reviewed the background (see Staff Report) recommending this Item be deferred until the June 14, 2018 meeting.

There being no comments, Commissioner Crohan made a motion to accept Staff's recommendation. Commissioner Richter seconded the motion, which passed by unanimous vote.

ITEM 21

FINAL PLAT REVIEW FOR THE KEVIN T. VERNON AND MARY P. VERNON PROPERTY, LARGE LOT EASEMENT SUBDIVISION, CONTAINING 2 LOTS ON 36.62 ACRES LOCATED OFF VERNON ROAD IN THE 5TH VOTING DISTRICT. (1-2018-406)

Mr. Sweet reviewed the background (see Staff Report) recommending approval of this item.

Commissioner Lackey asked for comments from the Commission.

There being no comments, Commissioner Crohan made a motion to accept Staff's recommendation. Commissioner Mosley seconded the motion, which passed by unanimous vote.

ITEM 22

FINAL PLAT REVIEW FOR LEWISBURG PIKE SUBDIVISION, LARGE LOT EASEMENT SUBDIVISION, CONTAINING 5 LOTS ON 37.8 ACRES LOCATED OFF LEWISBURG PIKE IN THE 2ND VOTING DISTRICT (1-2018-407).

Mr. Sweet reviewed the background (see Staff Report) recommending this Item be deferred until the June 14, 2018 meeting.

There being no comments, Commissioner Crohan made a motion to accept Staff's recommendation. Commissioner Richter seconded the motion, which passed by unanimous vote.

ITEM 23

CONCEPT PLAN REVIEW FOR TERRAVISTA SUBDIVISION, CONTAINING 115 LOTS ON 122 ACRES LOCATED OFF LONG LANE IN THE 12TH VOTING DISTRICT. (1-2017-205)

Commissioner Hatcher recused herself from this item.

Mr. Holmes reviewed the background (see Revised Staff Report) and stated to the Commission that additional material had been received and was provided to them for their review. So long as Item 19 of this Agenda is approved, Staff recommends approval of this Concept Plan with the following conditions:

The Preliminary Plat must address the following:

1. Submission of roads, drainage and erosion control plans for review and approval by the County Engineer;
2. Submission of water plans for review and approval by Milcrofton Utility District; and
3. Submission of applicable construction plans for required wastewater treatment and disposal facilities to TDEC, the County's consultant, and staff.

The Final Plat must address the following:

1. Prior to Final Plat submittal for the first Section of the proposed subdivision, a Zoning Certificate must be obtained for the completed treatment and disposal system. Prior to issuance of the Zoning Certificate, the applicant shall provide the following:
 - a) A monitoring plan, approved by TDEC, showing the location of monitoring wells and surface water sampling locations to assess the impact of the wastewater disposal system on ground and surface water in the area surrounding the disposal fields;
 - b) Proof that any required Class V injection well permits have been issued by TDEC;
 - c) A letter from TDEC indicating that said system to serve this development was installed and is functioning;
 - d) As-built drawings showing the location of all system components, as well as the monitoring wells as shown on the monitoring plan approved by TDEC, and a sealed certification letter from the design engineer indicating that said system and monitoring components were constructed in accordance with the approved construction plans and specifications;
 - e) A letter from the owner/utility provider indicating that it has accepted said system to serve this development and is currently operating same; and
 - f) The posting of a Performance Bond in the amount of \$120,000 for said system as specified by the County's wastewater consultant.
2. Proof that any required Class V injection well permits have been issued by TDEC;
3. Prior to submittal of the first Preliminary Plat for this subdivision, the well located on-site shall be abandoned and capped, and evidence from the appropriate state regulatory authority shall be provided;

4. The HOA documents must be submitted with the Final Plat, and the approved HOA documents must be recorded concurrently with the recording of the Final Plat;
5. Establishment of a performance bond for roads, drainage and erosion control;
6. Establishment of a performance bond for water improvements in favor of Milcrofton Utility District;
7. Establishment of a performance bond for the wastewater collection system;
8. Submission of landscaping plans and establishment of a performance bond for landscaping;
9. Execution of a Stormwater Maintenance Agreement and submission of an Operation and Maintenance Plan for stormwater improvements; and
10. Submission of the approved Final Plat in .dwg format on recordable media based on the Tennessee State Plane Coordinate System prior to signature and recording of the plat.

Alan Fister, attorney for the neighboring property owners, again noted for the record that Items 19 and 23 should be combined. Mr. Fister also requested that any material received after the May 8th, 2018 noon deadline be removed from consideration.

Mr. Echols, attorney for the applicant, stated that the applicant's position that all comments and issues raised have been adequately addressed by the Staff's memo and correspondence from Smith Seckman Reid. As the Staff recommendation reflects, the applicant has met all of the standards and has gone above and beyond standards in some cases, agrees with all conditions including the capping of the existing well and asks the Commission for approval.

There being no additional comments, Commissioner Richter made a motion to accept Staff's recommendation.

Chairman Lackey asked Mrs. Ransom to again explain the voting procedure. Mrs. Ransom stated that if no action were taken, then the Item would be automatically approved. A vote on any motion must have four (4) votes to pass. A motion without a second, the motion dies for lack of second and the Commission must still take action.

Commissioner Crohan seconded Commissioner Richter's motion.

Due to the electronic voting system, Commissioner Hatcher, who was recused from discussion and action on the Item, was entered as an abstention, but it is noted for the record that the vote will not reflect Commissioner Hatcher as abstaining, but as a recusal.

The motion passed four (4) to two (2), with Commissioners Mosley and Sanders and voting No.

ITEM 24

FINAL PLAT REVIEW FOR KING'S CHAPEL, SECTION 8 CONTAINING 53 LOTS ON 38 ACRES LOCATED OFF OF MURFREESBORO ROAD IN THE 5TH VOTING DISTRICT. (1-2017-311)

Mr. Holmes indicated the applicant has requested and Staff recommends deferral of this Item until the June 14, 2018 meeting.

There being no comments, Commissioner Crohan made a motion to accept Staff's recommendation. Commissioner Richter seconded the motion, which passed by unanimous vote.

ITEM 25

RESOLUTION APPROPRIATING AND AMENDING THE 2017-2018 PLANNING DEPARTMENT BUDGET BY \$150,000 FOR CONSULTING FEES TO UPDATE THE WILLIAMSON COUNTY COMPREHENSIVE LAND USE PLAN.

Mr. Matteson reviewed the background (See Staff Report) recommending this Item be sent to the County Commission for approval.

There being no comments, Commissioner Crohan made a motion to accept Staff's recommendation. Commissioner Hatcher seconded the motion, which passed by unanimous vote.

NON-AGENDA ITEM

RE-APPROVAL OF THE FINAL PLAT REVIEW FOR HEIRS OF HAZEL MOSS, LARGE LOT EASEMENT SUBDIVISION, CONTAINING 5 LOTS ON 75.07 ACRES LOCATED OFF GREEN CHAPEL ROAD IN THE 1ST VOTING DISTRICT.

Mr. Sweet indicated the applicant obtained approval of the Final Plat at the March 8, 2018 meeting. However, the applicant was not able to obtain the Notice of Coverage from TDEC, therefore, signatures could not be obtained prior to the expiration of the approval. Since that time the NOC has been obtained and Staff is recommending re-approval of this item.

There being no comments, Commissioner Crohan made a motion to accept Staff's recommendation. Commissioner Hatcher seconded the motion, which passed by unanimous vote.

OTHER BUSINESS

Mrs. Ransom indicated the time of year has come again for the Continuing Education requirements to be met and since there have been so many discussions regarding Conversation Subdivisions, Staff would like to conduct a training session at 4:15 on June 14th, 2018, which is also the date of the next Planning Commission meeting.

Commissioner Lackey asked that Staff give adequate notice to Commissioners and reminders prior to the training.

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There being no further business, the meeting was adjourned at approximately 6:41 p.m.

**APPROVED BY A MAJORITY VOTE BY THE WILLIAMSON COUNTY
REGIONAL PLANNING COMMISSION ON JUNE 14, 2018**

_____ CHAIRMAN JOHN LACKEY