

**MINUTES OF THE
WILLIAMSON COUNTY REGIONAL PLANNING COMMISSION
MEETING OF FEBRUARY 14, 2008**

MEMBERS PRESENT

John Cain
Don Crohan
Susan Fisher
Holli Givens
John Lackey
Robert Medaugh
Pete Mosley
Tom Murdic
Paul Pratt, Jr.
Jack Walton

STAFF PRESENT

Joe Horne, Community Development Director
Mike Matteson, Planning Director
Floyd Heflin, County Engineer
William Andrews, Assistant to the County Engineer
Aaron Holmes, Planner
Jama Olsen, Planner
Kristi Earwood, Attorney
Sheila Myers, Planning Assistant
Lori John, Secretary

The Williamson County Regional Planning Commission met in regular session Thursday, February 14, 2008, at 7:00 p.m., in the Auditorium of the Williamson County Administrative Complex. Commissioners Lane and Sanders were unable to attend.

Chairman Lackey called the meeting to order.

Mr. Horne made the following announcements:

1. Item 20 and Item 23 have been withdrawn.
2. Meetings were held this week concerning the update of the Zoning Ordinance. These meetings involved staff, various department heads, the County Administration, as well as a series of Focus Groups varying from representatives of historical groups, developers, builders and utility providers. The first official meeting of the Zoning Ordinance Update Steering Committee was held last night, February 13, 2008. Staff will keep the Planning Commission apprised of the progress of this update.
3. A joint meeting with the City of Franklin Municipal Planning Commission was held prior to this meeting at 5:30 p.m.
4. Resignation of Jama Olsen effective March 13, 2008. Mr. Horne indicated that Ms. Olsen and her husband will be moving to Australia and that she will be missed.
5. A questionnaire has been handed out from the consultant concerning the Zoning Ordinance update. Mr. Horne asked the commission to answer and return to Staff by February 29, 2008.

CONSIDERATION OF MINUTES:

Chairman Lackey asked for a motion to consider the minutes of the January 10, 2008 meeting.

A motion was made by Commissioner Murdic to approve, and seconded by Commissioner Crohan. The motion passed by unanimous vote.

CONSENT AGENDA:

BONDS:

2. **Abington Ridge, Section 2** – Performance Bond for Landscaping - \$8,250
Recommendation: Release the bond.

3. **Black Hawk, Section 2** – Maintenance Bond for Roads, Drainage and Erosion Control - \$60,000.
Recommendation: Extend the current amount for a period of six (6) months.
4. **Durham Manor** – Performance Bond for Landscaping - \$6,200.
Recommendation: Extend the current amount for a period of four (4) months and require completion.
5. **Hardwood Estates** – Maintenance Bond for Water (HB & TS) - \$8,954.
Recommendation: Extend the current amount for a period of thirty (30) days for completion.
6. **River Landing, Section 7** – Maintenance Bond for Roads, Drainage and Erosion Control - \$33,000.
Recommendation: Extend the current amount for a period of three (3) months.
7. **Rosemont** – Maintenance Bond for Roads, Drainage and Erosion Control - \$135,000.
Recommendation: Release the bond.
8. **Saddle Springs, Section 1** - Maintenance Bond for Roads, Drainage and Erosion Control - \$75,000.
Recommendation: Extend the current amount for a period of one (1) year.
9. **Saddle Springs, Phase 2A, Section 1** – Maintenance Bond for Roads, Drainage and Erosion Control - \$54,000.
Recommendation: Extend the current amount for a period of one (1) year.
10. **Saddle Springs, Phase 2A, Section 2** – Maintenance Bond for Roads, Drainage and Erosion Control - \$60,000.
Recommendation: Extend the current amount for a period of one (1) year.
11. **Saddle Springs, Phase 2A, Section 3** – Maintenance Bond for Roads, Drainage and Erosion Control - \$31,000.
Recommendation: Extend the current amount for a period of one (1) year.
12. **Saddle Springs, Phase 2A, Section 5** – Affidavit of Compliance for Landscaping - \$1,650.
Recommendation: Extend the current amount for a period of four (4) months.
13. **Saddle Springs, Phase 2A, Section 5** – Maintenance Bond for Water (Milcrofton) - \$6,250.
Recommendation: Release the bond.
14. **Saddle Springs, Phase 2A, Section 5** – Performance Bond for Roads, Drainage and Erosion Control - \$140,000.
Recommendation: Extend the current amount for a period of six (6) months.

Chairman Lackey asked for any comments.

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

OLD BUSINESS

ITEM 1

DEER RUN RETREAT, CONTAINING 75.96 ACRES LOCATED OFF PERKINS ROAD IN THE 2ND VOTING DISTRICT

Mr. Matteson reviewed the background (see Staff report).

Mr. David Gibson, the applicant, was in attendance for any questions. He stated that construction was underway and should be completed within four to six weeks, weather permitting.

Chairman Lackey asked for any comments.

Commissioner Givens asked if the previous 90 day extension that was granted is over this month.

Chairman Lackey stated "yes".

Commissioner Walton asked about the reason for the delay.

Mr. Gibson stated the permit from TDEC was not issued until the beginning of January and they began work as soon as the permit was received.

There being no other comments, Commissioner Pratt made a motion to accept Staff's recommendation and give the applicant 90 days for completion and come back to Planning Commission for the May, 2008 meeting with a Final Site Plan. The Initial stipulations that were established at the August, 2007 meeting would still apply. Commissioner Murdic seconded the motion, which passed by unanimous vote.

Commissioner Walton made an addendum to this motion to have applicant report back to staff via a letter before the March, 2008 meeting and if not complete by then also report back via a letter before the April, 2008 meeting. Commissioner Givens seconded the addendum to the motion which passed by unanimous voice vote.

PUBLIC HEARINGS:

ITEM 15

AMENDMENT TO ARTICLE 12 OF THE ZONING ORDINANCE (WASTEWATER REGULATIONS), REGARDING BONDING REQUIREMENTS FOR ALTERNATIVE WASTEWATER SYSTEMS

Mr. Horne reviewed the background (see Staff report) recommending that this amendment be forwarded to the County Board of Commissioners with a favorable recommendation for enactment.

Chairman Lackey opened the Public Hearing.

There being no one wishing to speak, Chairman Lackey closed the Public Hearing.

Chairman Lackey asked for any comments.

Commissioner Walton inquired as to whether the State also has bonds in place for the subdivisions on which the county has bonds in place.

Ms. Earwood stated the Utility providers have a bond amount required by the Tennessee Regulatory Authority (TRA) that applies statewide. Because

Williamson County also has a bond, the TRA permits the Utility provider to pass on a additional cost of carrying another bond only to the Williamson County users, whereas the statewide bond is divided among all the state users.

Chairman Lackey stated once the bonding for Williamson County is removed then the County will be in the same category as everyone else in the state.

Ms. Earwood stated it is her understanding that the Wastewater Utility Providers would not have to take additional steps to have coverage in Williamson County from the TRA.

Chairman Lackey stated that the TRA allows the utility provider to pass the cost of the additional bond onto the users and in one instance he is aware of this was an approximate \$30.00 increase in the monthly sewer bill therefore this is the reason this amendment is being considered. This has been voted on by the Wastewater Authority and approved and is now before the Planning Commission for consideration.

Commissioner Crohan asked for clarification that if one of these systems fails it be the State of Tennessee's responsibility to handle it and not the County's.

Ms. Earwood stated that when the Planning Commission approves a subdivision they are approving the additional requirements that Williamson County imposes not the system itself. As the TRA has explained it, If a failure occurs the TRA would step in and appoint another operator. If the system fails or the provider is no longer able to operate the system, the TRA would have both of these covered in their regulations. One of the benefits that Williamson County has that other areas do not is that we require a redundant land area so if for some reason there is a failure there is an alternative area already set aside.

Commissioner Crohan then asked whether the bonds that are currently being held on systems that have already been approved would be turned over to the state.

Ms. Earwood stated that if this amendment is approved by the Planning Commission and forwarded to the County Commission, she would anticipate the County Resolution would require some type of rollout procedure. Anyone that has a current bond can always request the bond be reviewed. The Planning Commission is the only body that can reduce or remove a bond so the applicant would have to request it be reviewed, show how they fit under these new regulations and show the adjustments that need to be made. The TRA would have their bond in place but our current bonds can not be turned over to the TRA.

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

ITEM 16

AMENDMENT TO SECTION 5120 OF THE ZONING ORDINANCE REGARDING NON-RESIDENTIAL PERFORMANCE STANDARDS

Mr. Matteson reviewed the background (see Staff report) recommending that this amendment be forwarded to the County Board of Commissioners for enactment.

Chairman Lackey opened the Public Hearing.

There being no one wishing to speak, Chairman Lackey closed the Public Hearing.

Chairman Lackey asked for any comments.

Commissioner Crohan asked if this would also be applied to special or commercial uses.

Mr. Matteson stated yes it would apply to all non-residential uses in the two zoning districts. However, among the permitted uses in these districts institutional uses such as churches are the predominant non-residential use that we see.

Commissioner Crohan stated he was concerned that this would make it easier for business in these areas to expand also.

Mr. Matteson stated that there are some built in size limitations for commercial businesses in the Zoning Ordinance.

Commissioner Mosley asked what effect this amendment would have on the large churches being built on little country roads.

Mr. Matteson stated it would allow those to be somewhat larger but the L.S.R. and F.A.R. requirements would still be in place and this would limit the size of these structures.

Commissioner Crohan asked whether the applicant's could ask for a variance from the BZA instead of changing the provisions.

Mr. Matteson stated the option is available but it is uncertain how the Board of Zoning Appeals (BZA) would view these requests.

Commissioner Crohan stated the BZA would look at the layout of the land to determine if a variance is needed.

Commissioner Murdic asked if this is a recurring problem.

Mr. Matteson stated this occurred recently and prompted Staff to examine if a text amendment was needed and what Staff found was there are a lot of institutional uses in this same position in that they can not expand due to size of property, but if this amendment is passed they would have some room for expansion.

Commissioner Givens asked whether any Churches have gone to the BZA for a variance and been denied.

Mr. Matteson stated he was not aware of any.

Commissioner Crohan stated since he has been on the BZA he does not recall a church requesting a variance.

Commissioner Cain stated he was aware of one that wanted to expand and could not without approval from the BZA or approval of this type of amendment.

There being no comments, Commissioner Walton made a motion to accept Staff's recommendation. Commissioner Cain seconded the motion, which passed with Commissioners Crohan and Murdic voting "No".

RESIDENTIAL SITE PLANS:

ITEM 17

RESIDENTIAL SITE PLAN REVIEW FOR STILLWATER, CONTAINING 482 LOTS ON 741.16 ACRES LOCATED OFF PATTON ROAD IN THE 5TH VOTING DISTRICT

Mr. Matteson reviewed the background (see Staff report) recommending approval of this Site Plan. The following items must be addressed with future submittals:

The Preliminary Plat submittal must address the following:

1. Submission of road (on-and off-site), drainage and erosion control plans, including hydraulic, hydrologic, and stormwater quality evaluations, for review/approval by the County Engineer. Such would include off-site improvements required in association with individual phases of development as stipulated in the traffic study review findings provided by the County's traffic engineering consultant (See Attachment 17-2). Off-site roadway improvements must be approved by the Highway Commission and/or TDOT as applicable;
2. Submission of water plans for review and approval by Milcrofton Utility District;
3. Submission of construction plans for all required sewer treatment facilities to TDEC, the County's consultant, and staff;
4. Approval by TDEC and the County's Stormwater Appeals Board of any encroachments into required Waterway Natural Areas;
5. Submission of a letter from CSX indicating their consent to allow the wastewater disposal system lines to cross the railroad;
6. Identification of floodplain boundaries associated with Nelson Creek; and
7. Identification of critical lots demonstrating protection of the requisite percentage of natural resources.

The Final Plat submittal must address the following:

1. Prior to final plat submittal, off-site roadway improvements required in association with individual sections of development as stipulated in the traffic study review findings provided by the County's traffic engineering consultant (See Attachment 17-2), including turn lane improvements at site entrances, must be completed in accordance with the approved plans;
2. Prior to the first final plat submittal, construction of the wastewater treatment and disposal system must be completed and approved by TDEC, an operating permit must be issued by TDEC, and certification of construction in accordance with approved plans must be submitted;
3. Prior to the first final plat submittal, the golf course must be completed in accordance with approved plans or a performance bond for these improvements must be established;
4. Prior to consideration of the first final plat, the applicant shall submit HOA documents for review and approval by the County Attorney for Planning and Environment. The approved HOA documents must be recorded at the same time as 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 sewer treatment, disposal, and collection system as well as the backup system;
8. Submission of landscaping plans and establishment of appropriate performance bonds for landscaping;
9. Execution of a Stormwater Maintenance Agreement and submission of an Operation and Maintenance Plan for stormwater improvements;
10. Dedication of right-of-way 30-feet off centerline of Patton Road and 42-feet off centerline of Horton Highway; and
11. Providing two (2) copies 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 Final Plat.

Chairman Lackey asked for any comments.

Mr. Matt Bryant, Atwell-Hicks, representing the applicant, was in attendance for any questions. He stated he and the developer met with Staff in July, 2006. In February, 2007 the Concept Plan was brought before the Planning Commission. After this they realized there was not a Certificate of Convenience and Necessity (CCN). The application was submitted to the TRA and the CCN was granted in November, 2007. This week they received their draft State Operating Permit from TDEC for their Wastewater System. The ARAP Permit was submitted in March, 2007 and last week, February 4, 2008, the ARAP Permit was issued. The plans have been modified to address concerns that were brought up at last month's public hearing including the following: stream relocations have been eliminated; all road-way variances have been eliminated; and a woodlands assessment has been completed for a more accurate account of what is on site. Mr. Bryant stated the development was broken up into five (5) phases.

Commissioner Mosley asked about the size of the wastewater treatment site, whether it will be a regional system, if it is expandable, and who will control it. He also asked if the applicant currently owned this property.

Mr. Bryant stated they have an option on the property and it is approximately 25 acres. The land will be owned by Cartwright Creek Utility, the sewer provider, but as to the capacity of the facilities that would be a question that the Water & Wastewater Authority and Cartwright Creek would have to work out. The two cells that are proposed are sufficient to handle the Stillwater developments needs.

Commissioner Mosley also wanted to be sure the applicant understood that setback waivers from the bank of the streams would have to be obtained.

Mr. Bryant stated he understood this and he has submitted plans to go before the Storm Water Appeals Board (SWAB) for waivers of the WNA on the golf course. No waivers are being requested for the individual lots.

Commissioner Pratt asked whether the amenities center will be bonded along with the golf course.

Mr. Bryant stated they are going to renovate and use the existing 22,000 sq. ft. home as the amenities center.

Commissioner Pratt also wanted to be sure the golf course was going to be bonded up front or completed with the first phase of development.

Chairman Lackey stated it will be required it be bonded or built with approval of the first final plat.

Commissioner Fisher stated she believed this property was not suitable for a golf course. The topography is very steep, it is heavily wooded and the applicant will have to do a lot of clearing. She would suggest that instead of a golf course, the applicant consider a conservation easement to preserve the property, for the benefit of the community as well as the property holders.

Commissioner Mosley asked if the waivers from SWAB are not approved will the applicant have to change their plans and come back to the Planning Commission for approval.

Chairman Lackey stated that if the SWAB does not approve the waivers the applicant will have to amend the plans to accommodate the regulations. If the amendments are significant it will come back to the Planning Commission for approval.

There being no other comments, Commissioner Murdic made a motion to accept Staff's recommendation. Commissioner Pratt seconded the motion, which passed with Commissioners Mosley, Fisher, Givens and Crohan voting "No".

PRELIMINARY PLATS:

ITEM 18

PRELIMINARY PLAT REVIEW FOR LAUREL COVE, PHASE 1, (PRCD), (RE-APPROVAL), CONTAINING 102 LOTS ON 558.02 ACRES LOCATED OFF ARNO ROAD IN THE 3RD VOTING DISTRICT (1-2007-300)

Mr. Matteson reviewed the background (see Staff report) recommending re-approval of this request. The following items must be addressed in conjunction with Final Plat consideration:

1. Prior to Final Plat submittal, construction of the wastewater treatment and disposal system shall be completed and approved by TDEC and certification by the design engineer of construction in accordance with approved plans must be submitted;
2. Prior to submittal of a Final Plat that includes any residential lots and prior to issuance of a Certificate of Occupancy for the clubhouse and other amenity area buildings, the Arno Road improvements, including turn lane improvements at the site entrance, must be completed in accordance with the approved plans;
3. Prior to Final Plat submittal, the golf course must be completed in accordance with approved plans or a performance bond for these improvements must be established in conjunction with Final Plat approval;
4. Prior to Final Plat consideration, the applicant shall submit HOA documents for review and approval by the County Attorney for Planning & Environment;
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 sewer treatment, disposal and collection system as well as the backup system;
8. Submission of landscaping plans and establishment of appropriate performance bonds for landscaping;
9. Execution of a Stormwater Maintenance Agreement and submission of an Operation and Maintenance Plan for stormwater improvements;
10. Dedication of right-of-way 42 feet off centerline of Arno Road; and
11. Submission of two (2) copies 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.

Chairman Lackey asked for any comments.

Mr. Phillip Jones, the applicant, was in attendance for any questions. He gave an update on the project and stated the golf course is under construction for the first nine holes and they would like to get started building the amenity buildings and with this re-approval they will be able to accomplish this.

Chairman Lackey clarified that the applicant would be building the wastewater treatment facility, the amenities building and the roads.

Mr. Jones stated that was correct and that the wastewater treatment facility is almost complete.

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

FINAL PLATS:

ITEM 19

FINAL PLAT REVIEW FOR CARTWRIGHT CLOSE, (RE-APPROVAL), CONTAINING 22 LOTS ON 136.06 ACRES LOCATED OFF HIDDEN VALLEY ROAD IN THE 8TH VOTING DISTRICT (1-2007-402)

Mr. Holmes reviewed the background (see Staff report) recommending re-approval of this request with the following conditions as outlined in the November 13, 2007 report.

1. The approved Homeowner's Association documents must be recorded at the same time as the recording of the Final Plat;
2. Posting of a performance bond in the amount of \$654,000 for roads, drainage and erosion control;
3. Final approval of water plans and posting of a performance bond in the amount of \$333,050 as specified by Mallory Valley Utility District;
4. Execution and recording of a Storm Water Maintenance Agreement and submission of an Operation and Maintenance Plan for storm water improvements; and
5. Providing two (2) copies 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 Final Plat.

Chairman Lackey asked for any comments.

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

ITEM 20

FINAL PLAT REVIEW FOR CASCADE ESTATES, CONTAINING 14 LOTS ON 34.15 ACRES LOCATED OFF LEWISBURG PIKE IN THE 3RD VOTING DISTRICT (1-2007-400)

This item was withdrawn.

ITEM 21

FINAL PLAT REVIEW FOR GROVE PARK, ADDITION ONE, CONTAINING 18 LOTS ON 149.62 ACRES LOCATED OFF ARNO-COLLEGE GROVE ROAD IN THE 3RD VOTING DISTRICT (1-2007-401)

Ms. Olsen reviewed the background (see Staff report) recommending approval of the final plat subject to the following:

1. Posting of a performance bond in the amount of \$193,000 for roads, drainage and erosion control;
2. The approved Home Owner's Association documents must be recorded at the same time as the recording of the final plat;
3. Execution and recording of a Storm Water Maintenance Agreement and submission of an Operation and Maintenance Plan for storm water improvements; and
4. Providing two (2) copies 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 Final Plat.

Chairman Lackey asked for any comments.

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

ITEM 22

FINAL PLAT REVIEW FOR LASATER PROPERTY, 5TH LOT ON EASEMENT, CONTAINING 2 LOTS ON 15.01 ACRES LOCATED OFF WARREN HOLLOW ROAD IN THE 5TH VOTING DISTRICT (2-2008-007)

Mr. Holmes reviewed the background (see Staff report) recommending approval of the final plat subject to the following:

1. The swimming pool located within the Waterway Natural Area on proposed lot #2 must be relocated or removed prior to plat signature by the Secretary of the Planning Commission;
2. Approval of individual septic systems on both lots; and
3. Add appropriate Waterway Natural Area notes to the face of the plat per paragraph #3 of Staff report.

Chairman Lackey asked for any comments.

Mr. James Lasater, the applicant, stated the swimming pool has been removed.

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

ITEM 23

FINAL PLAT REVIEW FOR ROCKY FORK ESTATES, LARGE LOT EASEMENT SUBDIVISION, CONTAINING 5 LOTS (ONLY 1 TOTALLY WITHIN WILLIAMSON COUNTY) ON 73.74 ACRES LOCATED OFF ROCKY FORK ROAD IN THE 5TH VOTING DISTRICT

This item was withdrawn.

ITEM 24

FINAL PLAT REVIEW FOR YORK ACRES, 3RD AND 4TH LOT ON EASEMENT, CONTAINING 2 LOTS ON 58.71 ACRES LOCATED OFF GOSEY HILL ROAD IN THE 3RD VOTING DISTRICT (2-2008-008)

Ms. Olsen reviewed the background (see Staff report) recommending approval of the final plat subject to the following:

1. Approval of individual septic systems on all lots;
2. Add both Waterway Natural Area notes to the face of the plat delineated in paragraph 3 of Staff report;
3. Provide a copy of the deed; and
4. Obtain the signature of the Milcrofton Utility District.

Chairman Lackey asked for any comments.

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

OTHER BUSINESS:

Ms. Earwood stated she would like to make the Commission aware that the Storm Water Appeals Board has been reviewing its regulations and one of the items being discussed is requiring any applicant who has a site plan that will require waivers to apply to the SWAB for approval before it can be brought to the Planning Commission for approval.

- - - - -

There being no further business, the meeting was adjourned at approximately 8:20 p.m.

APPROVED BY A MAJORITY VOTE BY THE WILLIAMSON COUNTY REGIONAL PLANNING COMMISSION ON MARCH 13, 2008.

CHAIRMAN JOHN LACKEY