

**MINUTES OF THE
WILLIAMSON COUNTY REGIONAL PLANNING COMMISSION
MEETING OF FEBRUARY 12, 2009**

MEMBERS PRESENT

Robin Baldree
John Cain
Don Crohan
Susan Fisher
Holli Givens
John Lackey
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 County Engineer
Robbie Hayes, Planner
Aaron Holmes, Planner
Lincoln Sweet, Planner
Kristi Earwood, Attorney
Sheila Myers, Planning Assistant
Lori John, Secretary

The Williamson County Regional Planning Commission met in regular session Thursday, February 12, 2009, 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 Item 16 has been withdrawn;
2. On Tuesday, February 17, 2009 @ 5:30 a Zoning Ordinance Update Steering Committee meeting will be held in the Economic Development Conference Room; and
3. On Tuesday, February 24, 2009 @ 6:30 p.m. a public meeting for the "Small Area Plan" for the College Grove Community will be held at the College Grove Parks & Recreation Center.

CONSIDERATION OF MINUTES:

Chairman Lackey asked for a motion to consider the minutes of the January 15, 2009 Planning Commission meeting.

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

CONSENT AGENDA:

BONDS:

1. **Abington Ridge, Section 2** – Maintenance Bond for Sewer Collection System - \$28,900.
Recommendation: Release the Bond.
2. **Breizn Valley, Section 1** – Maintenance Bond for Roads, Drainage and Erosion Control - \$40,000.
Recommendation: Extend in the current amount for a period of six (6) months.
3. **Durham Manor** – Maintenance Bond for Roads, Drainage and Erosion Control - \$210,000.
Recommendation: Extend in the current amount for a period of six (6) months.
4. **Grove Park, Addition 1** – Performance Bond for Roads, Drainage and Erosion Control - \$193,000.

- Recommendation:** Extend in the current amount for a period of six (6) months.
5. **Saddle Springs, Section 1** – Maintenance Bond for Roads, Drainage and Erosion Control - \$75,000.
Recommendation: Extend in the current amount for a period of six (6) months.
 6. **Saddle Springs, Phase 2A, Section 1** – Maintenance Bond for Roads, Drainage and Erosion Control - \$54,000.
Recommendation: Extend in the current amount for a period of six (6) months.
 7. **Saddle Springs, Phase 2A, Section 2** – Maintenance Bond for Roads, Drainage and Erosion Control - \$60,000.
Recommendation: Extend in the current amount for a period of six (6) months.
 8. **Saddle Springs, Phase 2A, Section 3** – Maintenance Bond for Roads, Drainage and Erosion Control - \$31,000.
Recommendation: Extend in the current amount for a period of six (6) months.
 9. **Saddle Springs, Phase 2A, Section 5** – Performance Bond for Roads, Drainage and Erosion Control - \$140,000.
Recommendation: Extend in the current amount for a period of six (6) months.
 10. **Silver Stream Farms, Section 1A** – Maintenance Bond for Roads, Drainage and Erosion Control - \$35,000.
Recommendation: Release the Bond.
 11. **Silver Stream Farms, Section 3** – Performance Bond for Sewer Service and Improvements - \$38,500.
Recommendation: Convert to Maintenance in the amount of \$19,000 and extend out until March 24, 2010.
 12. **Silver Stream Farms, Section 3** – Performance Bond for Landscaping - \$58,400.
Recommendation: Extend in the current amount for a period of one (1) year.
 13. **Silver Stream Farms, Section 3** – Performance Bond for Water (N/CG) - \$70,000.
Recommendation: Release the Bond.
 14. **Silver Stream Farms, Section 3** – Performance Bond for Roads, Drainage and Erosion Control - \$321,000.
Recommendation: Convert to Maintenance in the amount of \$150,000 and extend for a period of one (1) year.

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

PUBLIC HEARINGS:

ITEM 15

AMENDMENT TO THE ZONING ORDINANCE REGARDING NON-TRADITIONAL WASTEWATER TREATMENT AND DISPOSAL SYSTEMS 6-2008-007)

Mr. Matteson reviewed the background (see Staff report) recommending these amendments be forwarded to the County Commission for adoption.

Chairman Lackey opened the Public Hearing.

Ginger Shirling, 2227 Osburn Road, stated an alternative wastewater system was built next to her neighborhood and it has been a trying time. The neighbors are located on a high incline and the alternative system is below their property and has dramatically changed their view. Instead of having a view of fields and streams, now they have a view of fencing, dirt and detention ponds. She would like Staff to consider adding more setback and buffer requirements, especially if the neighbors that surround these systems are on a higher level.

There being no one else wishing to speak Chairman Lackey closed the public hearing.

Chairman Lackey asked for any comments.

Commissioner Mosley asked if this use would be prohibited in the Urban Growth boundaries.

Chairman Lackey stated that was correct.

Commissioner Walton asked if this amendment can be changed if needed following adoption.

Chairman Lackey stated that it could.

Commissioner Fisher asked for clarification regarding the zoning districts in which these types of systems would be allowed.

Ms. Earwood stated the amendment, as written now, would only allow the use in the Suburban Estate or Interchange Districts, but it may be extended further as the Zoning Ordinance is updated into other districts when a Conservation Subdivision is proposed, for example.

Commissioner Pratt asked if the purpose of this amendment was to regionalize systems.

Ms. Earwood stated that was one of the purposes.

Commissioner Pratt asked who controls who gets to utilize a system and if a developer is five (5) miles away, would it be up to that developer to find a way to acquire the easements to get to the system.

Ms. Earwood stated the initial developer would grant the land to the utility provider and the utility provider, through their policies and the TRA, would make the decision as to who gets to utilize the system. Also, it would be between the developer and utility provider to find a route to get to the system, but most likely it would be up to the developer to acquire the easements.

Commissioner Pratt stated his concern about the obstacles in acquiring easements to get to the regional systems.

Chairman Lackey stated the County would likely be amenable to using the County Right-of-Way, but the County would not be agreeable to utilizing eminent domain powers to provide for private developers.

Commissioner Murdic stated the developers still have the option to utilize traditional septic systems if easements can not be acquired.

Commissioner Walton stated if you have a large subdivision using traditional septic systems there could eventually be a problem with the systems.

Chairman Lackey stated there are provisions in the Ordinance to encourage developers to utilize a regional system.

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

ITEM 16

PROPOSED AMENDMENT TO ARTICLE IV OF THE ZONING ORDINANCE REGARDING HOME OCCUPATIONS AND RESIDENTIAL BUSINESSES RELATED TO RECORDING STUDIO USES (6-2009-001).

This item was withdrawn.

ITEM 17

SITE PLAN & CONDITIONAL USE REVIEW FOR CNC LAWN CARE, (LIGHT INDUSTRIAL), ON 1.44 ACRES LOCATED AT 5133 MURFREESBORO ROAD IN THE 5TH VOTING DISTRICT (5-2009-003).

Mr. Holmes reviewed the background (see Staff report) recommending approval with the following stipulations:

1. There shall be no hauling or disposal of any form of debris from job sites onto the property in question;
2. All signage be approved per Ordinance requirements; and
3. Posting of a Landscaping Bond in the amount of \$7,300.

Chairman Lackey opened the Public Hearing.

Mr. Pete Green, 5126 Murfreesboro Road, stated he lives across the street from this location. He stated that the layout of this property is such that water runoff collects on this property and he is concerned that if chemicals are stored at this location or debris is burned it will pollute the water table. He is afraid traffic coming out of this location could potentially cause an accident.

Ms. Mary Green, 5126 Murfreesboro Road, stated her concern about this request is the potential for chemical storage and how it would be stored.

Ms. Ginger Shirling, 2227 Osburn Road, stated that she and several other Triune citizens, who could not attend this meeting, are concerned about this business and the potential for chemicals and debris polluting the water table.

Mr. Chris Richey, the applicant, clarified that the business is now Mid TN Sediment & Erosion Control. He stated the only chemical that may be located at this location would be one (1) pallet of fertilizer and this would be stored inside the existing storage building, which is built on a concrete floor. This facility will only house erosion control products, such as silt fencing, erosion blankets, etc. There will be no large equipment. Employees will come and pick up materials and leave for the job site. He also stated he is currently working with the State to correct the drainage issues on his property.

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

Chairman Lackey asked for any comments.

Commissioner Mosley asked Mr. Richey what he was cited for by Codes Compliance.

Mr. Richey stated he was burning debris from job sites that needed to be disposed of because you can not burn inside the city limits. He also stated he has a large dumpster on site to dispose of debris that can not be burned.

Commissioner Walton asked why the site plan dated September 4, 2009 was for CNC Lawncare if the business is now Mid TN Sediment & Erosion Control.

Mr. Holmes stated the site plan turned in by the surveyor called the business CNC Lawncare.

Mr. Richey stated he sold CNC Lawncare over a year ago and the surveyor must have followed an old site plan.

Commissioner Mosley stated he does not like the idea that debris is being stored on this property for extended periods of time. He believes the landscaping should be such that the neighbors do not have to look at what is there. Also he stated he doesn't like debris being burned on a regular basis.

Commissioner Crohan stated he was also concerned about debris being hauled to this site and being burned as it could possibly have chemicals in it.

Commissioner Pratt asked if it was legal to burn in the County.

Chairman Lackey stated it was legal as long as you give proper notification.

Chairman Lackey asked if the debris hauling was a part on CNC Lawncare and if this has ceased since this is now Mid TN Sediment & Erosion Control.

Mr. Richey stated he would only burn maybe one (1) time a year.

Chairman Lackey stated that one of the conditions of approval is that there shall be no hauling or disposal of any form of debris from job sites onto the property in question.

Mr. Richey stated that he understood and agreed.

Ms. Earwood asked the applicant to verify, for the record, that the Letter of Intent dated January 20, 2009 is for Mid TN Sediment & Erosion Control and not CNC Lawncare, and to confirm that Mid TN Erosion & Sediment Control is the request, and therefore, that is the request upon which the Planning Commission is voting on.

Mr. Richey stated that was correct.

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

ITEM 18

SITE PLAN & CONDITIONAL USE REVIEW FOR FURNITURE DOCTOR, (RESIDENTIAL BUSINESS), ON 3.57 ACRES LOCATED AT 7257 TALLEY HOLLOW ROAD IN THE 1ST VOTING DISTRICT (5-2008-046).

Mr. Hayes reviewed the background (see Staff report) recommending approval with the following stipulations:

1. All materials used in the business shall be stored inside the permitted area of the accessory structure in which the business takes place; and

2. Completion of an Affidavit of Compliance to ensure continued adherence to Division 4520 (M) of the Williamson County Zoning Ordinance, the applicant's Letter of Intent (Attachment 18-3), the approved Site Plan (Attachment 18-1), and the use of only 2,437.5 square feet of the accessory structure as illustrated on the Site Plan (Attachment 18-1).

Chairman Lackey opened the Public Hearing.

Ms. Edith Couser, 7265 Talley Hollow Road, stated the applicant did not have a septic system for approximately three (3) years and it would drain onto her property. She also stated the applicant works all hours of the day and night. Ms. Couser stated the applicant was not disposing of his chemicals and debris properly, that she has caught him disposing of them on her property and he continues to do so. She also stated he has employees that work for him at this location.

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

Chairman Lackey asked the applicant how many employees he has.

Mr. Eric Magness, the applicant, stated he had no employees.

Commissioner Givens asked the applicant how he disposes of the chemicals he uses in his business and how they are contained until disposal.

Mr. Magness stated he uses very little chemicals, but what chemicals he does use are stored in a bucket until he disposes of them at the Williamson County Landfill in the hazardous waste section.

Commissioner Pratt asked if anyone from the Health Department has gone to the site to inspect the claims of waste on the ground.

Mr. Magness stated Mr. David King, with the Department of Sewage Disposal Management (DSDM), has been to the site and stated there has not been any waste spillage.

Chairman Lackey asked if the applicant has an operational septic system.

Mr. Magness stated that he did.

Commissioner Mosley asked when the applicant septic system was operable.

Mr. Magness stated the septic system was "in" in November or December of 2008.

Commissioner Mosley then asked when the applicant built this building.

Mr. Magness stated it was built in 2004 and that he put in his own septic system in 2006.

Mr. Horne stated that an individual cannot install their own septic system. This has to be done by a licensed installer.

Commissioner Pratt stated if the applicant installed his own septic system for this building then there could be a possibility of waste leaking on the ground during that time frame.

Commissioner Crohan asked why the applicant did not have the system installed correctly.

Commissioner Murdic made a motion that this item be deferred until the March 12, 2009 meeting so the records of disposal from the Williamson County Landfill and inspection records and permits from DSDM can be reviewed. Commissioner Givens seconded the motion, which passed by unanimous vote.

ITEM 19

SITE PLAN & CONDITIONAL USE REVIEW FOR SCHULTZ HEATING & AIR, (RESIDENTIAL BUSINESS), ON 7.60 ACRES LOCATED AT 6442 PEYTONSVILLE-ARNO ROAD IN THE 3RD VOTING DISTRICT (5-2007-042).

Mr. Holmes reviewed the background (see Staff report) recommending approval with the following stipulations:

1. Completion of an Affidavit of Compliance to ensure continued adherence to Division 4520 (M) of the Williamson County Zoning Ordinance, the approved site plan, the applicant's Letter of Intent (Attachment 19-2), and the use of only 576 square feet of the attached garage as illustrated on Attachment 19-4; and
2. Obtaining a building permit for the proposed addition.

Chairman Lackey opened the Public Hearing

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

Cynthia Schultz, representing the applicant, was in attendance for any questions.

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.

FINAL PLATS:

ITEM 20

FINAL PLAT REVIEW FOR POTTER'S CLAY ESTATES, SECTION 2, 3RD & 4TH LOT ON AN EASEMENT, CONTAINING 2 LOTS ON 25.69 ACRES LOCATED OFF BLACK PINE ROAD IN THE 1ST VOTING DISTRICT (2-2009-001)

Mr. Holmes reviewed the background (see Staff report) recommending approval with the following stipulations:

1. Moving the notation for the Lowest Floor Elevation of 681.5 from Lot 3 to Lot 4.

Chairman Lackey asked for any comments.

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

OTHER:

ITEM 21

**RESOLUTION TO SET IN PLACE MUTUAL NOTIFICATION PROCEDURES
BETWEEN WILLIAMSON AND RUTHERFORD COUNTY FOR ZONING
ACTIONS ON ABUTTING PROPERTIES (6-2009-002)**

Mr. Horne reviewed the background (see Staff report) recommending this Resolution be forwarded to the County Commission for adoption.

Chairman Lackey asked for any comments.

Commissioner Walton asked if this amendment applies to subdivisions that have lots located in both Williamson County and Rutherford County.

Mr. Horne stated this was for zoning map amendments and Board of Zoning Appeals (BZA) items.

Commissioner Crohan asked if the BZA would start getting some type of correspondence from Rutherford County about its zoning map amendments and BZA items.

Mr. Horne stated that we would inform the Rutherford County Planning Department of any zoning map amendments and BZA items that were related to properties that adjoin Rutherford County and vice versa.

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.

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There being no further business, the meeting was adjourned at approximately 8:15 p.m.

**APPROVED BY A MAJORITY VOTE BY THE WILLIAMSON COUNTY
REGIONAL PLANNING COMMISSION ON MARCH 12, 2009**

_____ CHAIRMAN JOHN LACKEY