

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

MEMBERS PRESENT

Robin Baldree
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
Aaron Holmes, Planning Coordinator
Robbie Hayes, Planner
Lincoln Sweet, Planner
Floyd Heflin, County Engineer
William Andrews, Assistant to County Engineer
Kristi Earwood, Attorney
Sheila Myers, Administrative Assistant
Lori John, Secretary

The Williamson County Regional Planning Commission met in regular session Thursday, November 12, 2009, at 7:00 p.m., in the Auditorium of the Williamson County Administrative Complex. Commissioners Cain, Lane, and Sanders were unable to attend.

Chairman Lackey called the meeting to order.

Mr. Horne made the following announcements:

1. Item 12 has been withdrawn.
2. The applicant has asked for a deferral for Item 22, The Woodshop.
3. A Non-Agenda Item for the re-establishment of the Landscaping Bond amount for Fernvale Community Church has been requested. Chairman Lackey stated that if there is no opposition to this item being added, he will add as Item 25. No opposition was voiced.
4. The Zoning Ordinance Update Steering Committee met to review Module 2 of the Williamson County Zoning Ordinance approximately two (2) weeks ago. The revised version of Module 2 should be received next week and will be posted on the Williamson County Website for public review.
5. Staff should be receiving Module 3 of the Williamson County Zoning Ordinance Update within the next two (2) weeks for Staff review.
6. The Tennessee Department of Transportation will be holding a public meeting Tuesday, November 17, 2009 to discuss the widening of I-65 from State Route 96 to 840. The meeting will be held at City Hall in Franklin.

CONSIDERATION OF MINUTES:

Chairman Lackey asked for a motion to consider the minutes of the October 8, 2009 Planning Commission meeting.

A motion was made by Commissioner Murdic to approve the minutes as submitted and was seconded by Commissioner Crohan. The motion passed by unanimous vote.

CONSENT AGENDA:

1. **Bell Pond** – Maintenance Bond for Roads, Drainage and Erosion Control - \$50,000.
Recommendation: Extend in the current amount for a period of six (6) months.

2. **Belle Vista, Section 2** – Maintenance Bond for Water (HB & TS) - \$9,600.
Recommendation: Extend in the current amount for a period of six (6) months.
3. **Chardonnay, Section 2** – Performance Bond for Wastewater Collection System - \$119,500.
Recommendation: Convert to Maintenance in the amount of \$35,850 for a period of two (2) years.
4. **Chardonnay, Section 2** – Performance Bond for Roads, Drainage and Erosion Control - \$590,000.
Recommendation: Extend in the current amount for a period of six (6) months.
5. **Inns of the Cove, Section 1** – Maintenance Bond for On-Site Water (Milcrofton) - \$37,500.
Recommendation: Release the bond.
6. **Inns of the Cove, Section 1** – Maintenance Bond for Off-Site Water (Milcrofton) - \$67,500.
Recommendation: Release the bond.
7. **Inns of the Cove, Section 1** – Performance Bond for Landscaping - \$133,450.
Recommendation: Extend in the current amount for a period of six (6) months and require completion of this project or the bond could be called.
8. **Laurelbrooke, Section 11-F** – Maintenance Bond for Roads, Drainage and Erosion Control - \$130,000.
Recommendation: Extend in the current amount for a period of six (6) months.
9. **Silver Stream Farm, Section 5** – Performance Bond for Water (Nolensville/College Grove) - \$6,750.
Recommendation: Release the bond.
10. **Silver Stream Farm, Section 5** – Performance Bond for Sewer (Metro) - \$15,000.
Recommendation: Extend in the current amount for a period of one (1) year.
11. **Silver Stream Farm, Section 5** – Performance Bond for Landscaping - \$21,200.
Recommendation: Extend in the current amount for a period of six (6) months.
12. **Silver Stream Farm, Section 5** – Performance Bond for Roads, Drainage and Erosion Control - \$150,000.
Recommendation: Withdrawn.
13. **Stag's Leap, Section 1** – Performance Bond for Off-Site Roads, Drainage and Erosion Control - \$35,000.
Recommendation: Extend in the current amount for a period of six (6) months.
14. **Stag's Leap, Section 1** – Performance Bond for Roads, Drainage and Erosion Control - \$216,000.
Recommendation: Convert to Maintenance in the amount of \$185,000 for a period of one (1) year.
15. **Stockett Creek, Section 1** – Maintenance Bond for Road, Drainage and Erosion Control - \$180,000.

Recommendation: Extend in the current amount for a period of six (6) months.

16. **Stockett Creek, Section 2** – Maintenance Bond for Road, Drainage and Erosion Control -\$150,000.

Recommendation: Extend in the current amount for a period of six (6) months.

17. **Vale Creek** – Performance Bond for Roads, Drainage and Erosion Control - \$200,000.

Recommendation: Extend in the current amount for a period of six (6) months.

18. **Watkins Creek, Section 2** – Maintenance Bond for Roads, Drainage and Erosion Control - \$150,000.

Recommendation: Extend in the current amount for a period of six (6) months.

FINAL PLATS:

23. **Final Plat Review for Addition to Brienz Valley, Section 2 (Re-Approval), containing 13 lots on 20.55 acres located off Lewisburg Pike in the 3rd Voting District (1-2009-406).**

This plat is in order. Staff recommends approval with the following stipulations:

1. The required right turn lane into the development must be constructed prior to the issuance of the fifth (5th) building permit for this Section;
2. The applicant shall submit evidence that the turn lane improvements have been bonded with TDOT prior to the recording of this plat;
3. Establishment of a performance bond for roads, drainage, and erosion control in the amount of \$82,000;
4. Establishment of a performance bond for landscaping in the amount of \$4,800;
5. Execution of a Stormwater Maintenance Agreement and submission of an Operation and Maintenance Plan for stormwater improvements prior to recordation;
6. Final approval of septic systems for each lot from the Williamson County Department of Sewage Disposal Management; and
7. 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.

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

PUBLIC HEARINGS:

ITEM 19

SITE PLAN AND CONDITIONAL USE REVIEW FOR ROADKILL CUSTOMS (RESIDENTIAL BUSINESS), ON 5.41 ACRES LOCATED AT 2365 HENPECK LANE IN THE 2ND VOTING DISTRICT (5-2009-046)

Mr. Sweet reviewed the background (see Staff report) recommending approval with the following conditions:

1. Completion of an Affidavit of Compliance to ensure continued adherence to Section 4520 (M) of the Williamson County Zoning Ordinance, the approved site plan, the use of only the 1,296 square foot barn as illustrated on the approved Site Plan with no outdoor storage permitted (Attachment 19-1), sufficient soundproofing of the barn, the applicant's Letter of Intent (Attachment 19-4), and that the property is subject to periodic inspections to ensure compliance with the terms of approval;
2. Prior to operating the business, the applicant shall certify that appropriate measures have been taken to comply with the soundproofing requirements of Section 4520(N)(b) Table III of the Williamson County Zoning Ordinance; and
3. Any proposed signage must be approved per Ordinance requirements.

Chairman Lackey opened the public hearing.

Ms. Betsy Hester, 2nd District County Commissioner, 112 Valley Ridge Road, stated she has received several emails from the neighbors with concerns about this proposed business (see record for emails). She noted that Mr. Greg O'Brien, who lives on Tom Robinson Road bordering this property, could not be in attendance because he was out of town. However, he did submit an email (see record) stating his concerns about this business such as work going beyond 11:00 p.m. and the noise created from this business.

There being no other comments Chairman Lackey closed the public hearing.

Chairman Lackey asked for any comments by Commissioners.

Commissioner Murdic asked how many businesses such as this are located on Henpeck Lane. He stated he has concerns about a business such as this being located in a residential area.

Mr. Matteson stated he was unsure how many residential businesses were located in this area.

Commissioner Givens asked if this business is currently operating.

Mr. Michael Albert, the applicant, stated the business was not in operation. He has only been working on his own personal vehicles.

Commissioner Pratt stated it was his understanding that there were at least two (2) haircut businesses located on Henpeck Lane.

Commissioner Murdic stated that automotive work should be considered a light industrial use and he has a concern with this type of use as a Residential Business.

Commissioner Givens stated she agrees with Commissioner Murdic and that she would be concerned about the noise.

Mr. Albert stated that one of the conditions of approval is for him to have sufficient soundproofing of the barn, and he intends to comply with this requirement. He also stated he intends to have air-conditioning and heat in the barn so the doors will remain closed.

Commissioner Walton asked about the type of vehicles that would be worked on and what the applicant would be doing to them.

Mr. Albert stated he would be doing body work and things such as modifying vehicles in order to put larger wheels on them. He stated he will not be doing any painting or work.

Commissioner Walton noted that some of the correspondence from neighbors indicated that work was being conducted until approximately 11:00 p.m.

Mr. Albert stated that if the business is approved he will close at 6:00 p.m., and that any work being done now is just his hobby which involves his personal vehicles.

Commissioner Crohan asked if all vehicles and parts will be stored inside the building and not be visible.

Mr. Albert stated all vehicles and parts will be stored inside of the building.

Commissioner Baldree asked if the existing barn is large enough to work on two (2) to three (3) vehicles.

Mr. Albert stated it was large enough to hold three (3) vehicles. If his business gets larger, he will find a new location.

Commissioner Walton asked if the applicant could still do this as a hobby if the proposal is denied.

Ms. Earwood stated that the applicant would still be allowed to do this as a hobby, but if it becomes more than that, then it would become a Codes enforcement issue.

Chairman Lackey stated it may be better to have this as a regulated business than as an unregulated hobby.

Commissioner Murdic asked if the applicant is being paid for work, would it take it out of the realm of being a hobby.

Ms. Earwood stated that it would, but the problem of enforcement would be knowledge and proof of that.

There being no other comments, Commissioner Murdic made a motion to deny this request based on Section 9310 (C) of the Williamson County Zoning Ordinance. Commissioner Givens seconded the motion, which failed four (4) to five (5) with Commissioners Walton, Murdic, Givens and Baldree voting "Yes" and Commissioners Mosley, Pratt, Crohan, Fisher and Lackey voting "No"

Commissioner Pratt then made a motion to accept Staff's recommendation. Commissioner Mosley seconded the motion, which passed five (5) to four (4) by voice vote with Commissioners Mosley, Pratt, Crohan, Fisher and Lackey voting "Yes" and Commissioners Walton, Murdic, Givens and Baldree voting "No".

ITEM 20

SITE PLAN AND CONDITIONAL USE REVIEW FOR SOUTHSIDE ANIMAL HOSPITAL (RE-APPROVAL), ON 3.02 ACRES LOCATED AT 4180 CLOVERCROFT ROAD IN THE 4TH VOTING DISTRICT (5-2009-047)

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

1. All signage be approved per Ordinance requirements;
2. Recording of the revised plat prior to issuance of building permits;

3. Execution of a Storm Water Maintenance Agreement and submission of an Operation and Maintenance Plan for storm water improvements; and
4. Posting of a Landscaping Bond in the amount of \$27,710.

Chairman Lackey opened the public hearing.

Mr. Max Mosley, 9327 Clovercroft Road, stated he hopes when this property is developed, it can give access to the people coming north on Clovercroft Road so the railroad crossing could be closed at that location.

Ms. Angela Baxter, 2052 Wilson Pike, stated this is a residential and agricultural area, she believes this will be the beginning of making this area commercial and she is not in favor of that.

There being no other comments Chairman Lackey closed the public hearing.

Chairman Lackey asked for any comments by Commissioners.

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

ITEM 21

SITE PLAN AND CONDITIONAL USE REVIEW FOR TONY'S GARAGE (RESIDENTIAL BUSINESS), ON 5.42 ACRES LOCATED AT 1519 WEST HARPEATH ROAD IN THE 2ND VOTING DISTRICT (5-2009-044)

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

1. Completion of an Affidavit of Compliance to ensure continued adherence to Section 4520(M) of the Williamson County Zoning Ordinance, the approved Site Plan (Attachment 21-1), the applicant's Letter of Intent (Attachment 21-2), sufficient soundproofing, and that the property is subject to periodic inspection to ensure compliance with the terms of approval;
2. Prior to operating the business, the applicant shall certify that appropriate measures have been taken to comply with the soundproofing requirements of Section 4520(N)(b) Table III of the Williamson County Zoning Ordinance;
3. There shall be no outside storage of vehicles, parts, or equipment associated with the business; and
4. All signage be approved per Ordinance requirements.

Mr. Hayes added that the Department of Sewage Disposal Management has reviewed and approved this request.

Chairman Lackey opened the public hearing.

Ms. Elaine Murphy, 1537 West Harpeth Road, stated this area is residential and having a business at this location would be detrimental to the neighborhood.

Ms. Betsy Hester, 2nd District County Commissioner, 112 Valley Ridge Road, stated she has correspondence from neighbors who could not be in attendance, who strongly object to this proposal. She stated some of the

concerns include noise, visibility of automobiles being parked outside while waiting to be picked up by owners, etc.

There being no other comments Chairman Lackey closed the public hearing.

Chairman Lackey asked for any comments by Commissioners.

Commissioner Givens stated she does not believe this type of business should be conducted in a residential neighborhood.

Commissioner Crohan asked if the vehicles would be kept inside the building until the owners pick them up and also what type of work the applicant will be doing on the vehicles.

Mr. Tony Tucker, the applicant, stated that the cars would be kept inside. He will only have three (3) vehicles at a time and his building will hold four (4) vehicles. He will be doing automotive repair such as oil changes, tune-ups, check engine lights, etc. There will be no body work.

Commissioner Baldree stated she agrees with Commissioner Givens that this type of business should not be located in a residential neighborhood.

Chairman Lackey stated this type of business, in his opinion, would be more intrusive on the neighborhood than that considered earlier (Item 19).

Commissioner Murdic stated he believes this type of business is closely associated with a light industrial use, and is inappropriate in a residential area.

There being no other comments, Commissioner Murdic made a motion to deny this request based on Section 9310 (C) of the General Standards for Conditional Uses of the Williamson County Zoning Ordinance. Commissioner Givens seconded the motion, which passed eight (8) to one (1) with Commissioner Pratt voting "No".

ITEM 22

SITE PLAN AND CONDITIONAL USE REVIEW FOR THE WOODSHOP (RESIDENTIAL BUSINESS), ON 5.09 ACRES LOCATED AT 4899 BETHESDA-DUPLEX ROAD IN THE 3RD VOTING DISTRICT (5-2009-045)

The applicant filed a written request seeking deferral of this item.

Chairman Lackey asked for any comments by Commissioners.

There being no comments, Commissioner Walton made a motion to defer this item until the December 10, 2009 meeting. Commissioner Murdic seconded the motion, which passed by unanimous vote.

FINAL PLATS:

ITEM 23

FINAL PLAT REVIEW FOR ADDITION TO BRIENZ VALLEY, SECTION 2 (RE-APPROVAL), CONTAINING 13 LOTS ON 20.55 ACRES LOCATED OFF LEWISBURG PIKE IN THE 3RD VOTING DISTRICT (1-2009-406)

This item was on the Consent Agenda.

ITEM 24

FINAL PLAT REVIEW FOR RIDGEVIEW ESTATES, LARGE LOT EASEMENT SUBDIVISION, CONTAINING 7 LOTS ON 113.88 ACRES LOCATED OFF OLD HIGHWAY 96 IN THE 1ST VOTING DISTRICT (1-2009-405)

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

1. The approval of individual septic systems for each lot by the Department of Sewage Disposal Management;
2. That the applicant provide a note on the plat indicating that the subdivision is subject to a Notice of Coverage for Stormwater Run-off; and
3. The issuance of a Land Disturbance Permit.

Mr. Hayes added that the Department of Sewage Disposal Management has reviewed and approved this request.

Chairman Lackey asked for any comments by Commissioners.

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

NON-AGENDA ITEM:

ITEM 25

RE-ESTABLISHMENT OF LANDSCAPING BOND AMOUNT FOR FERNVALE COMMUNITY CHURCH

Mr. Holmes reviewed the background (see Staff report) recommending re-establishment of this bond in the amount of \$15,213.

Chairman Lackey asked for any comments.

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

OTHER BUSINESS:

Chairman Lackey asked for an update on Inter-Planning Commission items.

Mr. Horne noted he had spoken with Franklin's Interim Planning Director, Gary Luffman. It was also noted that the lack of progress was likely due to Staffing changes in Franklin. Discussions are underway for the Staff's (City of Franklin and Williamson County's) to meet and discuss in greater detail these concerns.

- - - - -

There being no further business, the meeting was adjourned at approximately 8:00 p.m.

APPROVED BY A MAJORITY VOTE BY THE WILLIAMSON COUNTY REGIONAL PLANNING COMMISSION ON DECEMBER 10, 2009

CHAIRMAN JOHN LACKEY