

**CORRECTED MINUTES OF THE
WILLIAMSON COUNTY REGIONAL PLANNING COMMISSION
MEETING OF APRIL 14, 2011**

MEMBERS PRESENT

Robin Baldree
Don Crohan
Susan Fisher
Holli Givens
John Lackey
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 Ransom, Attorney
Sheila Myers, Administrative Assistant
Lania Escobar, Secretary

The Williamson County Regional Planning Commission met in regular session Thursday, April 14, 2011, at 7:00 p.m. in the Auditorium of the Williamson County Administrative Complex. Commissioners Cain, Lane, Mosley and Sanders were unable to attend.

Chairman Lackey called the meeting to order.

Mr. Horne made the following announcements:

1. A Zoning Ordinance Update Steering Committee meeting has been scheduled for April 26, 2011.
2. Staff will be presenting the College Grove Village District Standards to the College Gove Community on May 17, 2011 at the College Grove Artsitorium.
3. Staff is in the process of completing the draft of the Leiper's Fork Small Area Plan and a meeting will be held in approximately five (5) or six (6) weeks to present the draft to the Leiper's Fork Community.

CONSIDERATION OF MINUTES:

Chairman Lackey asked for a motion to consider the minutes of the March 10, 2011 Planning Commission meeting.

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

OLD BUSINESS:

BELLE VISTA, SECTION 1, ROADS, DRAINAGE AND EROSION CONTROL LOCATED OFF TOM ROBINSON ROAD

Chairman Lackey stated the applicant has requested that the Planning Commission reconsider the action taken on this item at the March 10, 2011 meeting. He then asked for comments or a motion.

Chairman Lackey asked Staff to read the Staff report.

Mr. Andrews reviewed the background (see Staff report) stating that the bond be could be re-established in the amount of \$135,000 with the stipulations that the construction entrance is established, road and drainage repairs made and paving complete. In addition, it was recommended that no "called" funds be returned until such time that a new maintenance agreement is executed by the applicant, and new surety provided and approved by the County Attorney for Planning and Environment. Mr. Andrews also stated that if the Commission voted to re-establish the bond, ninety (90) days would be the suggested time frame.

Mr. Joe Melz of Deer Creek Construction, the applicant, stated he is trying to build a construction entrance for Phase 3 in order to eliminate the heavy construction traffic on Phase 1 so the road can then be paved. He also indicated the bank has stated they will reissue the bond and give them three (3) to six (6) months time to get the top coat completed.

Chairman Lackey asked for a motion to reconsider this action.

Commissioner Pratt made a motion to reconsider the March 10, 2011 action. Commissioner Crohan seconded the motion, which passed by unanimous vote.

Chairman Lackey asked for any comments from Commission members.

Commissioner Crohan asked how long it will be before the construction entrance will be completed for Phase 3.

Mr. Melz stated three (3) to six (6) months.

Commissioner Pratt stated he has spoken to a couple of the homeowners in Phase 1 and they would like the construction entrance built before the top coat is placed because this will be a private road and any damage to the road from the construction equipment would be up to the homeowners to fix.

Chairman Lackey asked why the construction entrance for Phase 3 and the paving of Phase 1 could not be done consecutively.

Mr. Melz stated he was not sure.

Chairman Lackey stated the Commission needed a schedule.

Commissioner Pratt asked if it is possible for the applicant to come back in ninety (90) days with an update on the project.

Chairman Lackey stated it was possible, but reporting back doesn't do any good without a schedule.

Commissioner Givens asked if there are currently construction trucks going through Phase 1.

Mr. Melz stated there is daily construction traffic going through Phase 1.

Commissioner Givens stated she has an issue with the length of time it is taking the applicant to get Phase 1 completed, but at the same time she would not want to burden the homeowners with any repairs that would have to be made due to construction equipment going through Phase 1.

Ms. Ransom stated if the Commission does reinstate the Maintenance Bond, in addition to the ninety (90) day time period and the construction Mr. Andrews has suggested, it is also recommended that no "called" funds be returned until a new maintenance agreement is executed by the applicant.

Mr. Melz stated he is trying to correct the issues. He stated he has fixed curbs, but the topcoat of asphalt is the issue.

Commissioner Pratt asked for clarification on Mr. Andrews' suggestions that the bond be re-established for ninety (90) days and if the applicant doesn't have a plan and hasn't made any progress then the bond will be called again.

Mr. Andrews stated Staff would expect the reconsideration would be such as to re-establish this bond for ninety (90) days or whatever timeframe the Commission sees fit, and in that amount of time all of the work should be completed per the construction plans.

Commissioner Pratt asked if the main issue is the top surface paving.

Mr. Andrews stated the surface mix is the major item but that there are drainage issues associated with this that would also have to be completed, plus some curb repairs, etc. He stated he sent a list of items that will have to be corrected to the applicant so they know what the deficiencies are.

Commissioner Walton asked if the construction entrance has to be completed and the road paved within the ninety (90) day timeframe.

Mr. Andrews stated the construction entrance is certainly a good idea because the more construction traffic that can be kept off the road the better, but it would be up to the developer as to when he puts the construction entrance in. Staff wants all improvements made whether there is a construction entrance installed or not.

Commissioner Walton asked how many open permits there are.

Mr. Andrews stated that Section One has one-hundred percent build-out; Section Two has twenty-nine (29) lots with nine (9) open permits. If you in add these two sections together, build-out is approximately sixty-four percent (64%).

Commissioner Walton asked if the construction entrance would just service Section Three.

Mr. Andrews stated it should be able to service Section Two and Section Three.

Commissioner Walton asked if it was typical for there to be some type of warranty when a developer constructs a road.

Mr. Andrews stated that contractors typically give warranties but he doesn't know exactly what they are.

Chairman Lackey asked if this is the maintenance bond.

Mr. Andrews stated it is.

Mr. Horne stated we are at a binder section right now. He stated you keep the binder on until roughly eighty percent build-out for ease of repairing the roads, but once you get past eighty percent build-out the construction traffic is minimal and it is time to place the topping. What exacerbates this issue is there is that only one way into the subdivision at this point. If the applicant can get the construction entrance completed it will essentially free up this project to complete the improvements for Section One.

Mr. Andrews stated that at eighty percent (80%) build-out developers are allowed to place the surface mix and generally, we are at a maintenance bond before eighty percent build-out is reached. Therefore, a bond could be released at eighty percent build-out if all improvements are complete.

Chairman Lackey clarified that we are dealing with Section One so the Commission should focus on that.

Commissioner Crohan asked if the Commission has the authority to insist that a construction entrance be in place for Section Three if they are dealing with Section One.

Mr. Horne stated Staff is not insisting that a construction entrance be built for Section Three, only that by building the construction entrance it will free up Section One for completion and alleviate the problem of damage to the roads. The applicant wants to finish this project and based on the applicant's side of the equation it is predicated on the construction entrance being built. In essence the

applicant is giving his word that he will build the construction entrance as soon as he can. Mr. Horne then asked the applicant if that was correct.

Mr. Melz stated that was correct.

Commissioner Pratt stated his concern is if Mr. Melz says he will go ahead and pave Section One and then does not construct the construction entrance and six (6) months later it still isn't complete and the roads get damaged by construction traffic, then it would be up to the homeowners to fix the road.

Commissioner Givens asked what happens after ninety (90) days if the applicant has made progress but is still not done.

Chairman Lackey stated he would assume the motion would be for completion in ninety (90) days and a report back. It would then be up to the Commission if they wanted to extend it or call it. He stated that a timeframe is critical to get this project completed.

Commissioner Murdic stated his concern is that the developer has not been proactive in correcting these issues and moving forward with a construction entrance, paving Section One, etc. He stated the Commission needs a timeframe as to when this project will be completed.

Mr. Melz stated the environment of the economy is what has gotten this project stalled.

Commissioner Murdic then asked the applicant if he had the money to pave the road.

Mr. Melz stated he did but he couldn't do it in good conscience with the construction traffic going through this section.

Commissioner Murdic then asked if the applicant knew this was a problem, why he had not constructed the construction entrance already.

Mr. Melz stated there are letters between Mr. Andrews and himself dating back to 2009 explaining that when Phase Two started major building, then the construction entrance would be built for Phase Three.

There being no other comments, Commissioner Pratt made a motion to accept Staff's recommendation. Commissioner Walton seconded the motion, which passed seven (7) to one (1), with Commissioner Murdic voting "No".

CONSENT AGENDA:

BONDS:

- 1. Addition to Legends Ridge, Section 2** – Maintenance Bond for Roads, Drainage and Erosion Control - \$38,000.
Recommendation: Extend in the current amount for a period of six (6) months.
- 2. Addition to Legends Ridge, Section 3** – Maintenance Bond for Roads, Drainage and Erosion Control - \$8,000.
Recommendation: Extend in the current amount for a period of six (6) months.
- 3. Cascade Estates** – Performance Bond for Roads, Drainage and Erosion Control - \$215,000.
Recommendation: Convert to Maintenance in the amount of \$75,000 and extend for a period of one (1) year.

4. **Cayce Springs Estates** – Maintenance Bond for Roads, Drainage and Erosion Control - \$45,000.
Recommendation: Extend in the current amount for a period of six (6) months.
5. **Cherry Valley** – Maintenance Bond for Roads, Drainage and Erosion Control - \$12,000.
Recommendation: Extend in the current amount for a period of six (6) months.
6. **Deer Run Retreat** – Maintenance Bond for Wastewater Collection System - \$42,300.
Recommendation: Release the bond.
7. **Deer Run Retreat** – Maintenance Bond for Wastewater Treatment and Disposal System - \$83,500.
Recommendation: Release the bond.
8. **King's Chapel, Section 2B** – Performance Bond for Roads, Drainage and Erosion Control - \$75,000.
Recommendation: Extend in the current amount for a period of six (6) months.
9. **Saddle Springs Equestrian Center** – Maintenance Bond for Landscaping - \$2,300.
Recommendation: Release the bond.
10. **Southside Animal Hospital (Clovercroft)** – Performance Bond for Landscaping - \$27,710.
Recommendation: Convert to Maintenance in the amount of \$8,300 and extend for a period of six (6) months.
11. **Stag's Leap, Section 1** – Maintenance Bond for Roads, Drainage and Erosion Control - \$185,000.
Recommendation: Extend in the current amount for a period of six (6) months.

Chairman Lackey asked for any comments or a motion from Commission members.

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

PUBLIC HEARINGS:

ITEM 12

SITE PLAN AND CONDITIONAL USE REVIEW FOR MID AMERICA DISTRIBUTORS FOR A TEMPORARY FIREWORKS STAND ON 16.10 ACRES LOCATED AT 2177 HILLSBORO ROAD IN THE 9TH VOTING DISTRICT

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

1. The time period for this conditional use shall be limited to twenty-three (23) days annually; specifically from June 20th to July 5th and December 26th to January 1st;
2. All lighting shall meet the requirements of the Williamson County Zoning Ordinance;

3. This approval shall be valid for two (2) years unless the Site Plan is amended, per the criteria set forth in Section 4200 (D) (2) of the W.C.Z.O.; and
4. Provide proof of insurance for the 2012 sales and display periods in the amount of \$1,000,000 for bodily injury liability and property damage liability, indicating Williamson County as an additional insured, on or before June 8, 2012.

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 from Commission members.

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

ITEM 13

SITE PLAN AND CONDITIONAL USE REVIEW FOR MID AMERICA DISTRIBUTORS FOR A TEMPORARY FIREWORKS STAND ON 2.60 ACRES LOCATED AT 7960 NOLENSVILLE ROAD IN THE 5TH VOTING DISTRICT

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

1. That the time periods for this approval be limited to eleven (11) days annually; specifically from June 25th to July 5th;
2. All lighting shall meet the requirements of the Williamson County Zoning Ordinance;
3. This approval shall be valid for two (2) years unless the Site Plan is amended per the criteria set forth in Section 4200 (D) (2) of the Zoning Ordinance;
4. Provide proof of insurance for the 2012 sales and display period in the amount of \$1,000,000 for bodily injury liability and property damage liability, indicating Williamson County as an additional insured, on or before June 8, 2012; and
5. The applicant shall hire a law enforcement officer for traffic control purposes on July 2nd and 3rd in 2011 and on June 30th and July 1st in 2012.

Chairman Lackey opened the public hearing.

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

Mr. Jake Loyd, the applicant was in attendance for any questions.

Chairman Lackey asked for any comments from Commission members. Commissioner Crohan asked if there had been any prior complaints from the public about this location.

Mr. Sweet stated that he did not know of any.

Commissioner Baldree stated this is a very busy location every weekend with the Flea Market in operation.

After some discussion between the Commission and the applicant about the dates of operation and the need for a police officer, it was decided the police officer would be needed on of July 4th in addition to the dates recommended by Staff.

There being no other comments, Commissioner Pratt made a motion to accept Staff's recommendation with the dates to hire a law enforcement officer for traffic control purposes to be on July 2nd, 3rd and 4th in 2011 and on June 30th, July 1st and July 4th in 2012. Commissioner Walton seconded the motion, which passed by unanimous voice vote.

NON-RESIDENTIAL SITE PLANS:

ITEM 14

SITE PLAN REVIEW FOR GATEWAY CHURCH, ON 10.68 ACRES LOCATED AT 1288 LEWISBURG PIKE IN THE 2ND VOTING DISTRICT (5-2011-005)

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

1. All signage be approved per Ordinance requirements;
2. Evidence of approval (for the proposed driveway permit) from the Tennessee Department of Transportation; and
3. Posting of a Landscaping Bond in the amount of \$36,250.

Tim Turner, T Square Engineering, representing the applicant, and Daniel Peterson were in attendance for any questions.

Chairman Lackey asked for any comments from Commission members.

Commissioner Murdic asked if the applicant is planning on having church services at this location or continue having services at their present location.

Mr. Hayes stated the church wants to move their offices and the group worship meetings to this location. At a future date, they would like to construct a new building at this site and move their Sunday church services to this location. Until this building is constructed the Sunday church services will remain at Oakview Elementary School.

Commissioner Crohan asked if the six (6) parking spaces listed are just for the currently proposed use.

Mr. Hayes stated that was correct.

Commissioner Crohan then asked if the applicant would have to come back for re-approval when the new building is built and upgrade the parking.

Mr. Hayes stated that was correct, and the applicant was aware of this.

Commissioner Pratt stated his concern is as the church grows, the traffic will increase and he believes a traffic study should be required when the applicant comes back before the Commission.

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

SKETCH PLANS:

ITEM 15

**SKETCH PLAN REVIEW FOR ESTATES OF GALLANT RIDGE (REVISED),
CONTAINING 11 LOTS ON 35.63 ACRES LOCATED IN THE 4TH VOTING
DISTRICT**

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

A number of items must be addressed with future submittals.

The Preliminary Plat must address the following:

1. Prior to submission of the Preliminary Plat, a geotechnical assessment must be conducted to determine the existence and location of any sinkholes on the property;
2. Identification of critical lots demonstrating protection of the requisite percentage of natural resources;
3. Submission of roads, drainage and erosion control plans, including hydraulic, hydrologic, and stormwater quality evaluations, for review and approval by the County Engineer; and
4. Submission of water plans for review and approval by Milcrofton Utility District.

The Final Plat must address the following:

1. Prior to Final Plat consideration, 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;
2. Establishment of a performance bond for roads, drainage and erosion control;
3. Establishment of a performance bond for water improvements in favor of Milcrofton Utility District;
4. Submission of landscaping plans and establishment of appropriate performance bonds for landscaping;
5. Execution of a Stormwater Maintenance Agreement and submission of an Operation and Maintenance Plan for stormwater improvements;
6. Final approval of septic systems for each lot from the Williamson County Department of Sewage Disposal Management;
7. Dedication of right-of-way thirty (30) feet off the centerline of South Carothers Road; and
8. 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 from Commission members.

Commissioner Baldree asked how the critical lots were going to be identified on the plat.

Mr. Matteson stated there are a few lots that have slopes in excess of fifteen percent and those will be designated on the Preliminary Plat and

highlighted with an asterisk. There will be a note that refers to the need for geotechnical work and engineered footings.

Commissioner Baldree then asked if those would be identified for perspective buyers of these lots.

Mr. Matteson stated that they would be identified on the Final Plat that is recorded.

Commissioner Walton asked if the applicant is going to have two buildable lots on Lot 111.

Mr. Matteson stated the applicant is showing two (2) building envelopes on Lot 111 to accommodate two (2) principal dwellings on that lot.

There were no other comments.

No action was required.

PRELIMINARY PLATS:

ITEM 16

PRELIMINARY PLAT REVIEW FOR CHARDONNAY, PHASE 1 (REVISED), CONTAINING 78 LOTS ON 99.29 ACRES LOCATED OFF CLOVERCROFT ROAD IN THE 4TH VOTING DISTRICT

Mr. Matteson reviewed the background (see Staff report) recommending approval of this revised Preliminary Plat, including the requested variances, with the same stipulations of approval that were established in conjunction with the September 2007 approval.

Chairman Lackey asked for any comments from Commission members.

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

ITEM 17

PRELIMINARY PLAT REVIEW FOR KING'S CHAPEL, PHASE 4, CONTAINING 43 LOTS ON 27.25 ACRES LOCATED OFF MURFREESBORO ROAD IN THE 5TH VOTING DISTRICT

Mr. Holmes reviewed the background (see Staff report) recommending approval of the preliminary plat.

The following must be addressed in conjunction with Final Plat consideration:

1. Payment of traffic mitigation funds as outlined in the September 2008 letter from the County's traffic engineering consultant (See Attachment 17-3);
2. Prior to Final Plat submittal, approval by TDOT of the recently constructed left turn lane or release of the bond by TDOT;
3. Establishment of performance bonds for roads, drainage and erosion control;
4. Establishment of a performance bond for water improvements in favor of Milcrofton Utility District;

5. Establishment of appropriate performance bonds for the sewer collection system as it relates to this Phase;
6. Execution of a Stormwater Maintenance Agreement and submission of an Operation and Maintenance Plan for stormwater improvements; and
7. 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 from Commission members.

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

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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 AUGUST 11, 2011**

CHAIRMAN JOHN LACKEY