

**MINUTES OF THE
WILLIAMSON COUNTY REGIONAL PLANNING COMMISSION
MEETING OF JANUARY 14, 2016**

MEMBERS PRESENT

Robin Baldree
Don Crohan
Susan Fisher
Holli Givens
John Lackey
Steve Lane
Sammie McCoy
Paul Pratt, Jr.
Bryan Richter
Eddie Sanders
Jack Walton

STAFF PRESENT

Joe Horne, Community Development Director
Michael Matteson, Planning Director
Floyd Heflin, County Engineer
William Andrews, Assistant County Engineer
Kristi Ransom, Attorney
Aaron Holmes, Planning Coordinator
Lincoln Sweet, Planner
Sheila Myers, Planning Assistant
Debbie Smith, Administrative Assistant

The Williamson County Regional Planning Commission met in regular session Thursday, January 14, 2016 at 7:00 p.m. in the Auditorium of the Williamson County Administrative Complex. Commissioner Mosley was unable to attend.

Chairman Lackey called the meeting to order.

Mr. Horne announced that a request has been made for a Non-Agenda item, review of Belle Vista, Section 3, Performance Bond for Landscaping. Without objection, the Planning Commission agreed to hear this as Item 17.

CONSIDERATION OF MINUTES:

Chairman Lackey asked for a motion to consider the minutes of the December 10, 2015 Planning Commission meeting.

A motion was made by Commissioner Walton to approve the minutes as submitted, and was seconded by Commissioner Givens. 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. None of the Commissioners requested separate consideration. Mr. Horne read the following into the record:

3. **Addition to Legends Ridge, Section 2A, Lot 924** – Performance Bond for Roads, Drainage and Erosion Control - \$65,000.
Recommendation: Extend in the current amount for a period of one (1) year.
4. **Arrington Retreat, Section 3** – Performance Bond for Roads, Drainage and Erosion Control - \$301,000.
Recommendation: Convert to Maintenance in the amount of \$175,000 and extend for a period of one (1) year.
5. **Arrington Retreat, Section 3** – Maintenance Bond for Wastewater Collection System - \$32,250.
Recommendation: Extend in the current amount for a period of one (1) year.
6. **Brienz Valley Addition, Section 2** – Performance Bond for Roads, Drainage and Erosion Control - \$82,000.
Recommendation: Convert to Maintenance in the amount of \$75,000 and extend for a period of one (1) year.

7. **Hopewell Ridge** – Maintenance Bond for Roads, Drainage and Erosion Control - \$60,000.
Recommendation: Release the bond.
8. **On-Track Studios** – Performance Bond for Landscaping – \$32,065.
Recommendation: Extend in the current amount for a period of six (6) months.
9. **Stag's Leap, Section 3B** – Maintenance Bond for Wastewater Collection System - \$19,890.
Recommendation: Release the bond.

FINAL PLATS:

ITEM 15

FINAL PLAT REVIEW FOR THE GROVE, SECTION 6 (REVISED), CONTAINING 95 LOTS ON 95.31 ACRES LOCATED OFF ARNO ROAD IN THE 2ND VOTING DISTRICT

The Plat is in order, and Staff recommends approval with the following stipulations:

1. The owners of all lots within this Section must sign the Plat prior to signature and recording of the Plat; and
2. 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

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

PUBLIC HEARINGS:

ITEM 10

AMENDMENT TO SECTION 4.4 OF THE WILLIAMSON COUNTY SUBDIVISION REGULATIONS REGARDING NOTICES OF DEFAULT (6-2015-020)

Ms. Ransom reviewed the background (see Staff Report), recommending approval, to become effective immediately.

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 the Commission.

Commissioner Crohan asked for clarification that if someone purchases a lot and decides to re-sell it after it is in default they would be allowed to build, but someone buying a lot from the developer would not.

Ms. Ransom stated as long as the party has no affiliation with the original developer or owners, they could get a permit after the development is declared to be in default.

Commissioner Crohan said this concerns him because when this is treated as a variance there is knowledge of the circumstances.

Ms. Ransom stated the variance standards are not drafted in such a way as to handle those request adequately. If we are going to continue this process where the Planning Commission is going to consider the variances, she would need to draft other standards that would fit the variance criteria.

Commissioner Crohan said he was just concerned about having all the facts as to the circumstances.

Chairman Lackey stated he would rather have it within the regulations as presented at this time.

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

ITEM 11

AMENDMENT TO THE WILLIAMSON COUNTY SUBDIVISION REGULATIONS REGARDING REQUIREMENTS FOR PRE-APPLICATION MEETINGS (6-2015-021)

Mr. Matteson reviewed the background (see Staff Report), recommending approval which will become effective immediately.

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 the Commission.

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

CONCEPT PLANS:

ITEM 12

CONCEPT PLAN FOR FIDDLERS GLENN, CONTAINING 164 LOTS ON 182.03 ACRES LOCATED OFF MURFREESBORO ROAD IN THE 5TH VOTING DISTRICT (1-2015-211)

This item was withdrawn.

ITEM 13

CONCEPT PLAN REVIEW FOR FOXEN CANYON, CONTAINING 49 LOTS ON 91.02 ACRES LOCATED OFF HARTLAND ROAD IN THE 8TH VOTING DISTRICT (1-2015-212)

Mr. Matteson reviewed the background (see revised Staff Report), recommending approval along with the requests for a 25 MPH design speed and a 40-foot right-of-way width. It should be noted that once detailed construction and engineering plans are prepared in conjunction with the submittal of a Preliminary Plat, changes to the layout, including the potential for a reduction of lots, may be necessary.

A number of items must be addressed with future submittals.

The Preliminary Plat must address the following:

1. Prior to Preliminary Plat submittal, a construction entrance, which provides access from Foxen Canyon to a road that is on the County Road List, must be identified and written proof from the applicable authorities that access is granted must be submitted. Such construction entrance shall be shown on the Preliminary Plat and on the construction drawings. A road protection bond may be required from the Williamson County Highway Superintendent to protect the county road(s) accessed by this construction traffic.
2. The roadway connection from Hart's Landmark to Foxen Canyon via Hart's Landmark Drive shall not be opened for vehicular traffic of any kind until the roadways in Hart's Landmark have been formally accepted by the County on the County Road List, unless the developer of Hart's Landmark provides written consent to such connection and both developers determine, in that writing, responsibility for any damages or liabilities resulting from this access.

In the alternative, no Preliminary Plats shall be submitted for Foxen Canyon until the roads within Hart's Landmark are accepted on the County Road List.

3. Submission of roads, drainage and erosion control plans for review and approval by the County Engineer;
4. Submission of water plans for review and approval by Mallory Valley Utility District;
5. Submission of sewer plans for review and approval by Harpeth Wastewater Cooperative; and
6. Identification of lots requiring engineered site plans per Article 13 of the Zoning Ordinance.

The Final Plat must address the following:

1. Prior to consideration of Final Plat approval, the applicant shall submit HOA documents for review and approval by the County Attorney's office. The approved HOA documents must be recorded prior to 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 Mallory Valley Utility District;
4. Establishment of a performance bond for sewer improvements in favor of Harpeth Wastewater Cooperative;
5. Submission of landscaping plans and establishment of a performance bond for landscaping;
6. Execution of a Stormwater Maintenance Agreement and submission of an Operation and Maintenance Plan for stormwater improvements; and
7. 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.

Commissioner Walton asked why Staff felt the Farmington lots could not be considered when counting the number of lots and why they were not considered as a part of the traffic study.

Mr. Matteson stated the Zoning Ordinance states that for Subdivisions that are less than one hundred lots you can have only one point of ingress/egress, but for Subdivisions that exceed 100 lots, there has to be two points of ingress/egress. Staff felt this could be interpreted as each subdivision could have one hundred lots and this was not the intent. Staff felt the most favorable solution was to begin when the requirement was adopted with the 2013 Zoning Ordinance and this would include Hart's Landmark but exclude Farmington.

Commissioner Walton asked how far the traffic study went.

Mr. Bob Murphy, RPM Transportation Consultants, LLC, traffic consultant for the Planning Commission, stated the traffic counts that were done consisted of existing homes and added in traffic that will be generated by Hart's Landmark and Foxen Canyon. He also stated because it will take some time for Foxen Canyon to be complete, the count was increased by four (4) percent to account for potential growth.

Commissioner Walton stated he would like a sign to be placed on Hartland Drive that states no construction traffic and that the Highway Department establishes a bond to protect Hartland Road. He also stated he requested the Rescue Squad determine whether their vehicles could pass in circumstances where vehicles were parked on both sides of the road. Due to the fact that fire apparatus could not make a right turn, he suggested a "No Parking" sign be posted.

Commissioner Givens stated that she received an email that asserted the traffic study was done at an inappropriate time.

Mr. Murphy stated traffic counts were collected at two (2) of the intersections during April when school was in session and a final count was conducted at North Berry's Chapel Road during the summer months. This figure was adjusted based on the April count and that such an approach was appropriate.

Chairman Lackey stated he is concerned about all of the subdivisions built prior to 2013 not being counted as far as access is concerned because this was not the intent.

Ms. Ransom stated the way the language in the Zoning Ordinance reads it could be interpreted that only the lots in Foxen Canyon count in determining the number of lots for access requirements.

Ms. Ransom stated in regards to Commissioner Walton's request, the "No Construction" sign and road bond protection stipulations would be more appropriate at the Preliminary Plat stage because this is when Staff will know specifically where the construction traffic is going to go.

Chairman Lackey asked where the construction entrance is located and if there is one, why can it not be made another entrance.

Ms. Ransom stated there is not one established yet; it will appear on the Preliminary Plat. She also stated a temporary construction easement can be established and the developer has the option of purchasing land to construct another permanent access but we do not have the authority to require it based on the language in the Zoning Ordinance.

Mr. Matteson stated it could be converted only if the applicant controls the whole construction easement. Staff has requested that by Preliminary Plat stage the applicant must show a construction entrance that goes from the Foxen Canyon Development back to a road already on the County's road list.

Ms. Ransom stated in regards to the "No Parking" signs; the Developer and Homeowners Association in Hart's Landmark are in control of this and can place "No Parking" signs.

Commissioner Crohan asked if a fire truck could not make the turn then how could a school bus.

Commissioner Barbara Sturgeon, 8th District, stated they took the largest fire truck and when they got to the turn at Hartland Drive, they could not make a right hand turn because of the cars parked along the roadway. She stated they proceeded ahead and turned around at the cul-de-sac. It was only then that they were able to turn left but could not go very far because of the construction vehicles blocking the way.

Commissioner Pratt asked if the cars had not be parked along the road, would the truck have been able to make the right hand turn.

Commissioner Sturgeon stated she believed they could.

Commissioner Crohan asked if Hartland Road is adequate as far as engineering is concerned.

Mr. Heflin stated the roads in Hart's Landmark are twenty-six (26) feet wide and this is standard and adequate.

Commissioner Crohan asked what the likelihood is of having a second entrance and if the developer has looked into acquiring one.

Mr. Matteson stated staff had requested that the developer look into acquiring land for a second entrance. Due to topography and ownership by others, this effort was not successful.

Mr. Nicky Wells, Turnberry Homes, representing the developer, stated they have made every effort to find a second entrance but were unsuccessful in purchasing the offsite properties. He also stated based on Staff's recommendation, they have provided a stub to the adjoining property if in the future something changes.

Chairman Lackey asked if they knew where the construction entrance would be located.

Mr. Wells stated there is an existing driveway to the property off of Hartland Road that they intend to use.

Commissioner Pratt asked if this was approved would it be contingent on the applicant having a construction entrance.

Chairman Lackey stated it would.

Mr. Wells stated that they are in agreement with the stipulations Staff has requested, but would request the agreement between Turnberry and the developer of Hart's Landmark to address the maintenance of the roads in Hart's Landmark be required at the Final Plat stage instead of Preliminary Plat due to time constraints of the January 20th being agenda deadline. He also stated the only difference between this Concept Plan and the one approved in September is the lots being shifted further away from Hart's Landmark.

Chairman Lackey stated he had no problem with the agreement happening at the Final Plat stage, but the construction entrance needs to be determined at this stage.

Mr. Heflin stated the applicant can start construction after Preliminary Plat approval and approval of the construction plans. But if they are going to be limited to a construction entrance that's not in Hart's Landmark then additional

traffic in Hart's Landmark will not be an issue until people start living in Foxen Canyon.

Commissioner Pratt asked if the construction entrance would have to be built and paved.

Mr. Heflin stated it would have to be enhanced to meet the requirements of a construction entrance. He also stated it did not have to be paved, just a certain size of rock to get the mud off the tires before trucks get on the road.

Chairman Lackey stated this item should be deferred to the February meeting in order for the applicant to get the construction entrance established.

Mr. Wells stated the easement road is already there but is just not shown on the Concept Plan.

Chairman Lackey asked the width of the easement.

Mr. Wells stated it is thirty (30) feet and the actual driveway width is approximately twelve (12) feet. He stated he would go on record that the construction entrance will utilize the existing easement and does not believe this should be deferred.

Commissioner Givens asked why this easement could not be used as an entrance.

Ms. Ransom stated it could be if the applicant chose to do so and upgrade the road to a county standard but they have not proposed this and we cannot require them to do so.

Mr. Matteson stated the easement starts on property the developer does not control. He stated this is an ingress/egress easement for multiple properties.

Chairman Lackey asked if the applicant had complete and total control to access the property from this easement.

Mr. Wells stated he does and it is a nonexclusive easement agreement whereas the other three (3) property owners can use it as well as the construction entrance.

Commissioner Richter asked if this construction entrance could be potentially a secondary entrance for the development.

Mr. Wells stated this was looked into but it still goes out onto Hartland Road and doesn't change anything. He also stated there are site constraints that would be problematic.

Commissioner Pratt asked if there is an opportunity for the public or County Commissioner to speak.

Chairman Lackey stated that County Commissioner could speak.

Commissioner Pratt asked if the citizens will be happier with a construction entrance or are they still concerned about other aspects of the project.

Commissioner Sturgeon stated the proposed construction entrance will run behind some property owner's lots and they are not happy with this. She stated she believes we need wider roads in the future for emergency vehicles.

Commissioner Crohan asked if the requirement that three (3) homes were allowed off an easement and the fourth and fifth must go before the Board of Zoning Appeals still in effect.

Mr. Horne stated that this was changed around 2004 or 2005 and that now the Large Lot Easement subdivision determined those access issues.

Commissioner Crohan asked who would maintain this easement.

Mr. Horne stated it would refer back to the recorded easement.

Commissioner Sturgeon stated she believes the regulation that does not take into account the lots platted before 2013 should be changed and would recommend this be done before approval of this development.

Chairman Lackey replied that if the regulations change, it could not be applied retroactively to this development

There being no other comments, Commissioner Walton made a motion to defer this item to the February 11, 2016 meeting so that it can be determined whether the applicant has a legal right to use the easement as a construction entrance. Commissioner Givens seconded the motion, which passed eleven (11) to one (1) with Commissioner Richter voting "No".

ITEM 14

CONCEPT PLAN REVIEW FOR DAVENTRY, CONTAINING 80 LOTS ON 131.91 ACRES LOCATED OFF TULLOSS ROAD IN THE 5TH VOTING DISTRICT (1-2015-209)

This item was withdrawn.

FINAL PLATS:

ITEM 15

FINAL PLAT REVIEW FOR THE GROVE, SECTION 6 (REVISED), CONTAINING 95 LOTS ON 95.31 ACRES LOCATED OFF ARNO ROAD IN THE 2ND VOTING DISTRICT (1-2015-419)

This item was on the Consent Agenda.

ITEM 16

FINAL PLAT REVIEW FOR WEATHERFORD ESTATES, CONTAINING 17 LOTS ON 48.67 ACRES LOCATED OFF ARNO ROAD IN THE 2ND VOTING DISTRICT (1-2015-417)

Mr. Matteson reviewed the background (see Staff Report), recommending approval with the following stipulations:

1. The approved HOA documents must be recorded prior to the recording of the Final Plat;
2. The posting of a Performance Bond in the amount of \$200,000 for roads, drainage and erosion control. This is a reduced amount based on work completed;
3. The posting of a Performance Bond in the amount of \$125,000 for water improvements as specified by Milcrofton Utility District;
4. The posting of a Performance Bond in the amount of \$99,500 for landscaping;
5. Final approval of septic systems for each lot from the Williamson County Department of Sewage Disposal Management;

6. Execution of a Stormwater Maintenance Agreement and submission of an Operation and Maintenance Plan for stormwater improvements; and
7. 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.

Chairman Lackey asked for any comments from the Commission.

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

NON-AGENDA ITEM:

ITEM 17

**BELLE VISTA, SECTION 3, PERFORMANCE BOND FOR LANDSCAPING
LOCATED OFF TOM ROBINSON ROAD**

Mr. Horne reviewed the background (see Staff Report), recommending the bond be converted to Maintenance in the amount of \$2,300 for a period of six (6) months.

Chairman Lackey asked for any comments from the Commission.

There being no comments, Commissioner Crohan made a motion to accept Staff's recommendation. Commissioner Lane 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 FEBRUARY 11, 2016**

_____ CHAIRMAN JOHN LACKEY