

**MINUTES OF THE
WILLIAMSON COUNTY REGIONAL PLANNING COMMISSION
MEETING OF JULY 10, 2008**

MEMBERS PRESENT

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

STAFF PRESENT

Joe Horne, Community Development Director
Mike Matteson, Planning Director
Floyd Heflin, County Engineer
William Andrews, Assistant to County Engineer
Ann Haines, Planner
Robbie Hayes, Planner
Aaron Holmes, Planner
Kristi Earwood, Attorney
Sheila Myers, Planning Assistant
Lania Escobar, Secretary

The Williamson County Regional Planning Commission met in regular session Thursday, July 10, 2008, at 7:00 p.m., in the Auditorium of the Williamson County Administrative Complex.

Chairman Lackey called the meeting to order.

Mr. Horne made the following announcements:

1. Item 26, 29, 30 and 33 have been withdrawn.
2. Staff is in the process of setting a date and time for a joint meeting between the Planning Commission, County Commission and the Board of Zoning Appeals to discuss the Zoning Ordinance update.
3. Announcement of Ann Haines retirement. Her last day will be August 1, 2008, and she will be greatly missed.

CONSIDERATION OF MINUTES:

Chairman Lackey asked for a motion to consider the minutes of the June 12, 2008 meeting.

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

CONSENT AGENDA:

BONDS:

1. **2nd Addition at Legends Ridge** – Maintenance Bond for Roads, Drainage and Erosion Control - \$100,000.
Recommendation: Extend in the current amount for a period of six (6) months.
2. **Abington Ridge, Section 1** – Maintenance Bond for Landscaping - \$8,300.
Recommendation: Extend in the current amount for a period of nine (9) months.
3. **Abington Ridge, 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.
4. **Abington Ridge, Section 3A** – Performance Bond for Landscaping - \$42,050.

- Recommendation:** Extend in the current amount for a period of nine (9) months.
5. **Addition to Brienz Valley, Section 1** – Performance Bond for Roads, Drainage and Erosion Control - \$135,000.
Recommendation: Extend in the current amount for a period of thirty (30) days.
 6. **Addition to McLemore Farms, Section 1** – Maintenance Bond for Roads, Drainage and Erosion Control - \$90,000.
Recommendation: Extend in the current amount for a period of six (6) months.
 7. **Black Hawk, 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. **Breckston Park, Section 2** – Maintenance Bond for Landscaping - \$7,000.
Recommendation: Release the bond.
 9. **Breckston Park, Section 2** – Maintenance Bond for Roads, Drainage and Erosion Control - \$150,000.
Recommendation: Release the bond.
 10. **Brienz Valley, Section 1** – Maintenance Bond for Landscaping - \$1,200.
Recommendation: Release the bond.
 11. **Brienz Valley, Section 3** – Performance Bond for Roads, Drainage and Erosion Control - \$70,000.
Recommendation: Extend in the current amount for a period of thirty (30) days.
 12. **Currey Ingram Academy** – Performance Bond for Wastewater Treatment Facility - \$300,000.
Recommendation: Reduce amount to \$90,000 for a period of one (1) year.
 13. **Hopewell Ridge, Section 1** – Maintenance Bond for Roads, Drainage and Erosion Control - \$60,000.
Recommendation: Extend in the current amount for a period of one (1) year.
 14. **King's Chapel, Section 2A** – Performance Bond for Roads, Drainage and Erosion Control - \$200,000.
Recommendation: Convert to Maintenance in the amount of \$130,000 for a period of one (1) year.
 15. **Laurelbrooke, Section 11E** – Maintenance Bond for Roads, Drainage and Erosion Control - \$75,000.
Recommendation: Extend in the current amount for a period of six (6) months.
 16. **Laurelbrooke, Section 12B** – Performance Bond for Roads, Drainage and Erosion Control - \$398,000.
Recommendation: Extend in the current amount for a period of six (6) months.
 17. **St. Ignatius Orthodox Church** – Performance Bond for Landscaping - \$6,800.
Recommendation: Convert to Maintenance in the amount of \$2,000 for a period of nine (9) months.

18. **Stag's Leap** – Performance Bond for Wastewater Treatment Facility - \$323,700.
Recommendation: Convert to Maintenance in the amount of \$64,740 for a period of two (2) years.
19. **Stockett Creek, Section 3** – Maintenance Bond for Roads, Drainage and Erosion Control - \$150,000.
Recommendation: Extend in the current amount for a period of six (6) months.
20. **Two Rivers** – Maintenance Bond for Roads, Drainage and Erosion Control - \$100,000.
Recommendation: Extend in the current amount for a period of six (6) months.
21. **Watkins Creek, Section 1** – Performance Bond for Wastewater Treatment System - \$525,000.
Recommendation: Convert to Maintenance in the amount of \$105,000 for a period of one (1) year.

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

PUBLIC HEARINGS:

ITEM 22

SITE PLAN & CONDITIONAL USE REVIEW FOR CHARDONNAY, (REVISED), CONTAINING 78 LOTS ON 163.30 ACRES LOCATED OFF CLOVERCROFT ROAD IN THE 4TH VOTING DISTRICT (1-2008-203)

Mr. Matteson reviewed the background (see Staff report) recommending re-approval of this Site Plan with the stipulations established in conjunction with the original Site Plan approval (See Attachment 22-3), with the exception of stipulation #1 under Final Plat, which should read as follows:

“Prior to submittal of a Final Plat that includes more than one residential lot and prior to issuance of a Certificate of Occupancy for any structure, the required Wilson Pike improvements must be completed in accordance with the approved plans”.

Chairman Lackey opened the Public Hearing.

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

Mr. Nicky Wells, representing Turnberry Homes, the applicant, was in attendance for any questions. He stated originally the off-site improvements and on-site infrastructure would occur simultaneously. Obtaining the grading permit from TDOT has taken longer than anticipated and there are utility issues that have to be resolved before construction can continue.

Chairman Lackey asked for any comments.

Commissioner Crohan asked how the construction equipment would be handled to protect the public during construction of the amenity center.

Mr. Wells stated that if this proposal is granted they would be able to submit a final plat of one lot prior to completion of off-site improvements but the plat would not be recorded until the entire on-site infrastructure is nearing completion. The new entrance off Clovercroft Road will then be completed to serve the one lot and the amenity center.

Commissioner Lane asked if a Certificate of Occupancy would be required in order to use the model home as a sales office and whether the road work would have to be complete before a C.O. is issued.

Mr. Matteson indicated that this is correct.

There being no other comments, Commissioner Murdic made a motion to accept Staff's recommendation. Commissioner Lane seconded the motion, which passed eleven to one (11-1) with Commissioner Crohan voting "No".

ITEM 23

AMENDMENT TO ARTICLE 12 OF THE ZONING ORDINANCE (WASTEWATER REGULATIONS), REGARDING STAGING OF TREATMENT SYSTEM CONSTRUCTION (6-2008-003)

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

Chairman Lackey opened the Public Hearing.

Mr. Bruce Meyer, with Shaffer International and Cartwright Creek Utility, asked that the proposed change to Section 1.9 also allow the phasing of the irrigation (disposal) systems in terms of the installation of the drip lines.

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

Chairman Lackey asked for any comments.

Commissioner Lane stated this was a reasonable suggestion to allow the drip fields to be concurrent with each phase.

Commissioner Mosley asked if this amendment is passed will it have to be brought before the Planning Commission each time or could this be done at Staff level.

Chairman Lackey stated after much discussion fifty (50) lots was the consensus between all parties in regards to treatment phasing.

Ms. Earwood stated that the treatment system would be heard with each final plat for each phase.

Commissioner Crohan asked how this amendment would be beneficial to the County and whether a bond would be in place for the entire project.

Chairman Lackey stated, for example, if a 700 lot subdivision is started, it can take years to reach build out, so by doing the system in phases, the lines are not sitting there for years not being utilized. He also stated a bond would be in place for everything that is proposed to be built.

Commissioner Lane stated if consideration is given to the drip fields to be done in phases, the language needs to be written as such to protect the existing drip fields from traffic during installation of the new drip fields. Also in the DDR, the proposed phasing should be included and the drip fields designated for each phase so we can be sure there is adequate access to the area.

There being no other comments, Commissioner Mosley made a motion to direct Staff to rewrite this amendment and bring back for consideration. Commissioner Givens seconded the motion, which passed by unanimous vote.

NON-RESIDENTIAL SITE PLANS:

ITEM 24

SITE PLAN REVIEW FOR LOCUST RIDGE PRIMITIVE BAPTIST CHURCH ON 10.11 ACRES LOCATED AT 4991 MURFREESBORO ROAD IN THE 5TH VOTING DISTRICT (5-2008-035)

Mr. Holmes reviewed the background (see Staff report) recommending approval pending the execution of an Affidavit of Compliance by a licensed engineer certifying that construction has occurred per the approved plan.

Chairman Lackey asked for any comments.

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

ITEM 25

SITE PLAN REVIEW FOR TAP ROOT EVENT CENTER, ON 353.25 ACRES LOCATED AT 4099 CLOVERCROFT ROAD IN THE 4TH VOTING DISTRICT (5-2007-041)

Mr. Holmes reviewed the background (see Staff report) recommending approval with the stipulation this site plan be revised to reflect the widening of the entrance drive to accommodate two-way traffic be submitted and approved by Staff.

Chairman Lackey asked for any comments.

Commissioner Judy Hayes, 3rd District, 1775 Popes Chapel Road, stated this type of request helps promote agri-tourism, helps keep farms economically viable and also helps preserve open space, and she would encourage proposals such as these to be approved.

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

SITE PLANS:

ITEM 26

SITE PLAN REVIEW FOR KING'S CHAPEL, (REVISED), CONTAINING 453 LOTS ON 678.74 ACRES LOCATED OFF MURFREESBORO ROAD IN THE 5TH VOTING DISTRICT

This item was withdrawn.

ITEM 27

SITE PLAN REVIEW FOR MYSTIC RIDGE (A.K.A. STILLWATER), (REVISED), CONTAINING 482 LOTS ON 736.58 ACRES LOCATED OFF COX ROAD IN THE 5TH VOTING DISTRICT (1-2008-201)

Mr. Matteson reviewed the background (see Staff report) indicating that staff cannot recommend approval of the revised Site Plan at this time.

Chairman Lackey asked for any comments.

Mr. Matt Bryant, Atwell-Hicks, representing the applicant, stated the proposed wastewater facility will not be located in the floodplain, but rather above

the floodplain. The applicant is proposing to fill in the floodplain in order to accomplish this. A new operating permit was obtained this week from TDEC. He also stated he believes the State's environmental regulators would not have approved their permit if it posed any health or safety risk. He requested approval of this proposal.

Commissioner Givens asked how the facility could be built above the floodplain and whether this would include the whole facility.

Mr. Bryant stated a letter and exhibit showing a cross sectional view of the treatment cells indicating the top of bank of the treatment facility would be located above the five hundred (500) year floodplain was submitted to the Planning Commission.

Commissioner Lane asked why no other location was being considered to put the lagoons.

Mr. Bryant stated they felt this is the best location for the facility.

Commissioner Lane asked were there other locations where the lagoons could be placed.

Mr. Bryant stated technically yes.

Commissioner Mosley asked whether this would be a regional system or if it would just serve the lots in this subdivision.

Mr. Bryant stated it would have capacity as a regional system. The initial design capacity is for approximately 1,100 homes.

Commissioner Mosley then asked if the applicant was aware that the regulations state this can not be located in the one hundred year (100) floodplain.

Mr. Bryant stated the regulations state it must be located outside of or above the one hundred (100) year floodplain and what they are proposing would be above the one hundred (100) year floodplain.

Commissioner Murdic asked if there has been an analysis done to show how filling this in will affect the floodplain and if not, this needs to be done.

Mr. Bryant stated calculations were provided in what is defined as a compensatory cut.

Commissioner Murdic stated the Planning Commission would need to see an analysis from Staff before he would consider approving this request.

Commissioner Medaugh stated he believed the regulations state you can not fill in the floodplain.

Chairman Lackey stated that was correct.

Commissioner Crohan stated he could understand why the applicant picked this site, but asked how the Planning Commission could approve this site when it is against the County's regulations to fill in the floodplain.

Mr. Bryant stated they believe they are within the County's regulations and their interpretation of the County's code does permit filling in the floodplain.

Commissioner Lane asked if future storage ponds have been identified and whether they will be located in the floodplain.

Mr. Bryant stated the future storage ponds, as he believed it, are in regards to expanding for a regional facility and they are proposing a facility for

the 482 homes that would be located in Mystic Ridge. Any additional capacity would have to be worked out at a later time.

Chairman Lackey asked if the applicant would be back a third time to request another pond in the floodplain.

Mr. Bryant stated the site plan submitted is a request for two ponds.

Commissioner Givens stated she has received phone calls from several county residents concerned about the proposal to fill in the floodplain and asked about the impact this will have down stream.

Mr. Bryant stated that from a technical perspective there should be no net loss volume.

Ms. Earwood stated the request to fill in the floodplain would be considered a conditional use request and as such, would require conditional use consideration as well as a variance request of the Subdivision Regulations and would have to come before the Planning Commission as such. In the event this request is denied, the applicant can still submit a request for the conditional use and variance to the Subdivision Regulations to fill in the floodplain.

Commissioner Lane stated he was involved in the drafting of the Wastewater Regulations and it was not the intent for any of the treatment system to be located within the one hundred (100) year floodplain. There was discussion about allowing the drip fields to be located in the one hundred (100) year floodplain and this was clearly spelled out. It is clearly defined that only the drip fields can be located in the floodplain but not the treatment system.

Commissioner Lewis Green, 5th District, 1016 Waller Road, stated he has received a lot of phone calls from concerned citizens about placing the lagoons in the floodplain. He stated that even a small chance of affecting the floodplain is too much.

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

PRELIMINARY PLATS:

ITEM 28

PRELIMINARY PLAT REVIEW FOR MYSTIC RIDGE (A.K.A. STILLWATER), CONTAINING 203 LOTS ON 570.49 ACRES LOCATED OFF COX ROAD IN THE 5TH VOTING DISTRICT (1-2008-406).

Mr. Matteson reviewed the background (see Staff report) indicating that staff cannot recommend approval of the Preliminary Plat at this time.

Chairman Lackey asked for any comments.

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

ITEM 29

FINAL PLAT REVIEW FOR LAURELBROOKE, SECTION 11F, (REVISED), CONTAINING 22 LOTS ON 77.90 ACRES LOCATED OFF SNEED ROAD IN THE 8TH VOTING DISTRICT (1-2008-409)

This item was withdrawn.

ITEM 30

FINAL PLAT REVIEW FOR LAURELBROOKE, SECTION 12B, (REVISED), CONTAINING 2 LOTS ON 21.59 ACRES LOCATED OFF SNEED ROAD IN THE 8TH VOTING DISTRICT (1-2008-410)

This item was withdrawn.

ITEM 31

FINAL PLAT REVIEW FOR RIEDLING ACRES, LARGE LOT EASEMENT SUBDIVISION, CONTAINING 3 LOTS ON 50 ACRES LOCATED OFF SWEENEY HOLLOW ROAD IN THE 2ND VOTING DISTRICT (2-2008-016).

Ms. Haines reviewed the background (see Staff report) recommending approval pending the following stipulations:

1. Approval of individual septic systems by the Department of Sewage Disposal Management; and
2. Place asterisks next to proposed lot numbers with the following note added to the face of the plat: "Denotes lots that require geotechnical assessment due to slope and/or colluvial soil conditions. Additionally, engineered footings and inspection reports will be required for these lots."

Chairman Lackey asked for any comments.

Mark Cantrell, representing the applicant, was in attendance for any questions.

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 32

FINAL PLAT REVIEW FOR TEMPLE HILLS COUNTRY CLUB, (REVISION TO LOT 1507 & 127), CONTAINING 2 LOTS ON 1.5 ACRES LOCATED OFF TEMPLE CREST DRIVE IN THE 9TH VOTING DISTRICT (1-2008-408)

Mr. Horne reviewed the background (see Staff report) recommending approval with the stipulation that this plat be executed by Harpeth Valley Utility District (HVUD) prior to recording.

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 with Commissioner Mosley abstaining.

ITEM 33

FINAL PLAT REVIEW FOR TRACE CREEK HEIGHTS, LARGE LOT EASEMENT SUBDIVISION, CONTAINING 5 LOTS ON 27.57 ACRES LOCATED OFF TRACE CREEK DRIVE IN THE 8TH VOTING DISTRICT (2-2008-022)

This item was withdrawn.

OTHER BUSINESS:

ITEM 34

ESTABLISHMENT OF LANDSCAPING BOND AMOUNT FOR KING'S CHAPEL AMENITIES CENTER

Mr. Holmes reviewed the background (see Staff report) recommending the establishing the required performance landscaping bond in the amount of \$7,850.

Chairman Lackey asked for any comments.

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

ITEM 35

ESTABLISHMENT OF LANDSCAPING BOND AMOUNT FOR SILVER STREAM FARM AMENITIES CENTER

Mr. Holmes reviewed the background (see Staff report) recommending establishing the required performance landscaping bond in the amount of \$9,150.

Chairman Lackey asked for any comments.

There being no comments, Commissioner Walton 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 AUGUST 14, 2008.

CHAIRMAN JOHN LACKEY