

**MINUTES OF THE
WILLIAMSON COUNTY REGIONAL PLANNING COMMISSION
MEETING OF JANUARY 14, 2010**

MEMBERS PRESENT

Robin Baldree
John Cain
Don Crohan
Susan Fisher
Holli Givens
John Lackey
Pete Mosley
Tom Murdic
Paul Pratt, Jr.
Brian Sanders
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, January 14, 2010, at 7:00 p.m., in the Auditorium of the Williamson County Administrative Complex. Commissioner Lane was unable to attend.

Chairman Lackey called the meeting to order.

Mr. Horne made the following announcements:

1. Staff has received Module 3 of the Williamson County Zoning Ordinance Update from the consultant and will begin Staff review of the Module next week.
2. Items 18 and Item 19 have been withdrawn.
3. A joint meeting was held in December between the City of Franklin's Planning Staff and Williamson County's Planning Staff to discuss ways to better communicate. Both parties agreed that there are things that can be done to improve communication and these items will be explored and implemented.

CONSIDERATION OF MINUTES:

Chairman Lackey asked for a motion to consider the minutes of the December 10, 2009 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 vote.

CONSENT AGENDA:

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 2** – Maintenance Bond for Roads, Drainage and Erosion Control - \$150,000.
Recommendation: Extend in the current amount for a period of three (3) months, with a review at the February 2010 meeting.
3. **Abington Ridge, Section 3A** – Maintenance Bond for Roads, Drainage and Erosion Control - \$80,000.
Recommendation: Extend in the current amount for a period of six (6) months.

4. **Addition to Brienz Valley, Section 1** – Performance Bond for Water (HB & TS) - \$100,000.
Recommendation: HB & TS Utility District indicated this Letter of Credit was reduced in July 2009 to the amount of \$81,000 until August 15, 2010, and thus would require the necessity to be reviewed again at the August, 2010 meeting.
5. **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.
6. **Black Hawk, Section 3** – Maintenance Bond for Roads, Drainage and Erosion Control - \$50,000.
Recommendation: Extend in the current amount for a period of six (6) months.
7. **Black Hawk, Section 4** – Maintenance Bond for Roads, Drainage and Erosion Control - \$15,000.
Recommendation: Extend in the current amount for a period of six (6) months.
8. **Hopewell Ridge, Section 1** – Maintenance Bond for Roads, Drainage and Erosion Control - \$60,000.
Recommendation: Extend in the current amount for a period of six (6) months.
9. **Kings Chapel, Section 2A** – Maintenance Bond for Roads, Drainage and Erosion Control - \$130,000.
Recommendation: Extend in the current amount for a period of six (6) months.
10. **Not on Consent.**
11. **Laurelbrooke, Section 12-B** – Maintenance Bond for Roads, Drainage and Erosion Control - \$250,000.
Recommendation: Extend in the current amount for a period of six (6) months.
12. **Old Hope Church of Christ** – Performance Bond for Landscaping - \$2,500.
Recommendation: Convert to Maintenance in the amount of \$1,750 for a period of six (6) months.
13. **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.
14. **Two Rivers Estates** – Maintenance Bond for Roads, Drainage and Erosion Control - \$150,000.
Recommendation: Extend in the current amount for a period of six (6) months, with a review in three (3) months.

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

ITEM 10

LAURELBROOKE, SECTION 11-A, MAINTENANCE BOND FOR ROADS, DRAINAGE AND EROSION CONTROL

Mr. Andrews reviewed the background (see Staff report) recommending this bond be extended in the current amount of \$65,000 for a period of six (6) months.

Mr. Andrews stated Staff has been trying to get a plat revision since 2005 on this project and has had no success in this effort; therefore this item was pulled from the Consent Agenda in order to make the Planning Commission aware of this fact. He also noted the applicant was advised to attend this meeting but did not appear to be present.

Chairman Lackey asked what the options were to encourage the applicant to get this plat finalized.

Mr. Joey Wilson stated that he did not represent this item but had some knowledge of it and he understood the applicant has the plat ready but is waiting on the signature of an owner who is currently out of the country.

Chairman Lackey asked if Staff has had any communication with the applicant concerning this item.

Mr. Andrews stated that a few months ago he spoke with Mr. Ray Mize who handles the bonds for this development who said he had the plat ready and was going to get it signed and should have the signature the next day.

Chairman Lackey stated he would prefer to give the applicant sixty (60) days to complete the project or we will call the bond and finish the project ourselves.

Commissioner Pratt asked if a bond could be called for a signature on a plat.

Ms. Earwood stated a bond can be called if it is in violation of the Performance Bond Agreement; because this item involves a drainage conveyance the replatting of the affected lots should fall under those terms. She also stated an option in obtaining the signature of the person who is out of the country would be for the owner to file a Limited Power of Attorney regarding this specific item for someone local to execute the plat, so long as the power of attorney is attached to the plat upon recording.

Mr. Andrews stated he would like to remind the Planning Commission about the minor drainage deficiency. Staff has asked the applicant to correct this problem, and this has not yet been done.

There being no other comments, Commissioner Crohan made a motion that the project must be completed in sixty (60) days or the bond will be called. Commissioner Cain seconded the motion, which passed by unanimous vote.

PUBLIC HEARINGS:

ITEM 15

SITE PLAN AND CONDITIONAL USE REVIEW FOR CREEKSIDE RIDING ACADEMY AND STABLE (COMMERCIAL STABLE), ON 14.41 ACRES LOCATED AT 2359 LEWISBURG PIKE IN THE 3RD VOTING DISTRICT (5-2009-053)

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

1. Completion of an Affidavit of Compliance to ensure continued adherence to Division 4400 (V) of the Williamson County Zoning Ordinance, the applicant's Letter of Intent (Attachment 15-3), and the approved Site Plan (Attachment 15-1);

2. Obtaining any necessary driveway permits from the Tennessee Department of Transportation (TDOT) for the proposed use;
3. Provide a permanent restroom facility that meets the requirements of the Department of Sewage Disposal Management;
4. Remove any fencing located within the Waterway Natural Area; and
5. Provide a revised Site Plan that reflects the provision of a permanent restroom facility, the relocation of fencing, and the addition of two (2) parking spaces.

Chairman Lackey opened the public hearing.

There being no comments Chairman Lackey closed the public hearing.

Mr. Joey Wilson, Wilson and Associates, representing the applicant, stated the issue he would like to address is the restroom facility. The applicant would like to inquire if the facility in her house would suffice.

Chairman Lackey asked for clarification about the statement in the report stating "the Department of Sewage Disposal Management has approved this request".

Mr. Hayes stated the approval was for the home not the business.

Mr. Matteson added that the Department of Sewage Disposal Management approved the location of a the new structure being built and ensured that it would not encroach on the current septic areas for the existing home.

Ms. Earwood stated if the Planning Commission requires a permanent restroom facility, the Department of Sewage Disposal Management would have to visit the site and approve this request. Also, if the applicant wishes to use her home restroom facility for the business, this would have to be approved by the Department of Sewage Disposal Management.

Chairman Lackey stated the number of conditions for this item concerned him.

Commissioner Givens stated she was curious about the number of employees.

Ms. Kristine Moore, the applicant, stated she had three (3) riding instructors who do not work at the same time. She stated she contracts an outside grounds keeper during the spring and summer months but they are not at the site when clients are there. She also stated she contracts with a maintenance person to do odd jobs around the property, but they are also not on site when clients are there.

Commissioner Givens asked how many students the applicant had.

Ms. Moore stated she averages approximately six (6) per day, although during inclement weather she may have six (6) in the morning and another six (6) in the afternoon.

Commissioner Mosley asked if the portable toilets were placed in such a manner that they are not visible to the neighbors.

Ms. Moore stated they were.

Commissioner Murdic asked for clarification about the comment in the Staff report that Staff would recommend a permanent restroom facility and that Building Codes will require a permanent restroom facility.

Mr. Hayes stated that according to 4400 (V) Division and other parts of the Williamson County Zoning Ordinance there is nothing specific that would require a permanent restroom facility. However, after discussion with the Building Codes Department, when the applicant submits to build the commercial stable, Building Codes will require a permanent restroom facility.

Commissioner Givens inquired if the applicant would be required to build a men's room and a ladies room or if a unisex would be acceptable.

Mr. Hayes stated according to the Building Codes Director a unisex facility would be sufficient.

Mr. Wilson stated that during meetings with Staff a permanent bathroom facility requirement was not discussed.

Chairman Lackey stated this is a Building Codes requirement.

Commissioner Cain stated that with less than twenty-five (25) people a unisex facility is acceptable.

Ms. Moore stated this facility is for horses and the people who come to the site do not stay that long. She also stated in the Letter of Intent that no utilities would be involved in the building of this structure. There will be no electricity or plumbing.

Mr. Wilson asked if an acceptable alternative would be for the applicant to use her home facilities if approved by the Department of Sewage Disposal Management.

Mr. Matteson stated if the Department of Sewage Disposal Management approves the use of the applicant's home facilities it would be acceptable.

Mr. Wilson asked if he should defer this Item until next months agenda to try to work out the issues.

Chairman Lackey stated it was up to the applicant if she would like to defer this item. He stated he believed it would be a good idea with all of the different issues that need to be addressed.

Mr. Wilson then asked for a deferral until the February 2010 meeting.

There being no further comments, Commissioner Cain made a motion to defer this item until the February 11, 2010 meeting. Commissioner Murdic seconded the motion, which passed by unanimous vote.

ITEM 16

SITE PLAN AND CONDITIONAL USE REVIEW FOR JANI'S AUCTION GALLERY (MIXED USE), ON 7.37 ACRES LOCATED AT 8401 COVINGTON ROAD IN THE 5TH VOTING DISTRICT (5-2009-051)

Mr. Holmes 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 (W) of the Williamson County Zoning Ordinance, the applicant's Letter of Intent (Attachment 16-3), the approved Site Plan (Attachment 16-1), and the approved floor plan (Attachment 16-4); and

2. Any new signage or alteration of the existing signage must be approved per Ordinance requirements; and

Chairman Lackey opened the public hearing.

Ms. Erlene Cammack, 8400 Covington Road, stated she is concerned about the amount of traffic this use could generate and about parking issues. She also inquired as to how often the auctions will be held.

Ms. Jani Howard, the applicant, stated the auctions will be held approximately once a month between the hours of eleven (11) and three (3) on a Saturday. The only time she or her employees will be at the facility is when they are bringing in commissions or assignments and to take pictures of the items. There will not be full time staff. She also stated the parking is adequate for what she is proposing.

Chairman Lackey asked if there would be a retail component at this facility.

Ms. Howard stated there would not. She takes consignments and helps people to liquidate estates.

Chairman Lackey asked the applicant if she understood that her Letter of Intent states that the auctions will be held once a month and that this would limit her to once a month.

Ms. Howard stated she understood.

Mr. Murray Wilhoite, 1128 Deer Lake Road, and property owner, asked what would need to be done if the applicant wanted to have more than one auction per month.

Chairman Lackey stated she would have to start the process of approval again.

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

Chairman Lackey asked for any comments by Commissioners.

Commissioner Walton asked for clarification concerning the restroom facilities. If permanent restroom facilities are available then why are portable facilities necessary?

Ms. Earwood stated this goes back to the Building Code. The bathroom facility in this building is adequate for the number of employees on site and is easily accessible. This can be supplemented with portable facilities when the auctions are being held and more people are on site.

Commissioner Mosley stated he believed this would be a good use for this location, but he added a condition that the perimeter of the parking areas on the West and South sides be identified with standard reflective traffic poles.

There being no other comments, Commissioner Givens made a motion to accept Staff's recommendation. Commissioner Pratt seconded the motion.

Commissioner Murdic amended the motion to include the perimeters of the parking areas on the West and South sides be identified with standard reflective traffic poles. Commissioner Mosley seconded the amended motion.

The motion, as amended, passed by unanimous vote.

ITEM 17

**AMENDMENT TO THE WILLIAMSON COUNTY ZONING ORDINANCE
REGARDING FARM DISTILLERIES (6-2009-006)**

Mr. Matteson reviewed the background (see Staff report) recommending that this Amendment be forwarded to the County Commission for adoption.

Chairman Lackey opened the public hearing.

Mr. Kerry Inman, 5725 Davis Hollow Road, stated his concerns are the traffic impact this type of operation would bring, the smell of the stillage and the environmental impact this would have.

Mr. James Cameron, 5766 S. Lick Creek Road, stated he believes this type of use is inconsistent with rural Williamson County. He is also concerned about the environmental impact this use would have.

Ms. Robin Lockwood, 5847 Bending Chestnut Road, stated her husband is a water toxicologist and has done work with several distilleries in Kentucky. Due to the high salination of the water in her area, the proposed distillery would have to have a desalination plant constructed prior to the factory being built. She also stated every distillery has to have some type of filtration system. She believes the long term affects need to be considered.

Ms. Emily Townes, 5762 Davis Hollow Road, stated she believes that if a distillery is built in the rural area where she lives, it will have a huge impact on the area and it will no longer be a rural area.

Ms. Tanya Thrasher, 5728 Davis Hollow Road, stated she is concerned about raising her children around a distillery. She is concerned about the environment, the smell, the traffic, the parties, the lights, etc.

Mr. Robert Longo, 5781 Davis Hollow Road, stated he has spoken with the people who would like to build a distillery in Williamson County and they assured him it would be a small operation. After doing some research on the operation he learned that in five (5) years, the applicant would like to be producing over three million gallons of vodka a year. He is also concerned about the environmental impact this distillery would have.

Ms. Joanne Gunnell, 5722 Davis Hollow Road, stated she is concerned about the impact this proposal will have on property values and the traffic impact.

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

Chairman Lackey asked for any comments by Commissioners.

Commissioner Walton asked if the draft of the Amendment was written by Staff or is it state regulations.

Mr. Matteson stated the Staff did write this draft based on research that was conducted on distillery operations and how other jurisdictions across the country regulate these uses.

Commissioner Walton asked if a certain amount of the crop would be grown on the property.

Mr. Matteson stated that fifty (50) percent of the property would have to be devoted to the growing of a crop that is used as an ingredient in the manufacturing process.

Commissioner Walton asked for clarification that this was a draft to address the entire county and not just one particular distillery.

Mr. Matteson stated that was correct.

Commissioner Walton stated he is concerned about putting an industrial application in a rural setting. He stated he did not feel educated enough on this type of use and would like more time to study it.

Commissioner Baldree stated she does not think having a distillery in Williamson County is a good idea.

Commissioner Fisher thanked staff for putting this proposal together. She believes this is a heavy industrial use which is currently allowed in the suburban area and does not feel allowing this use in the Rural and Estate zoning districts areas is a good idea.

Commissioner Givens stated this proposal concerns her. She does not believe that vodka is an agricultural business. She stated she needs to be more informed about this.

Commissioner Murdic stated one issue he has with the Amendment is the setback requirements. He does not believe they are adequate. This is a heavy industrial operation, and we need to protect and maintain the rural character of the area.

Commissioner Pratt stated Staff needs to educate the Planning Commission on this type of use, for example, what is the difference between a winery and a distillery.

Commissioner Cain stated there should be a limit on the amount of crops that the distillery can import. The distillery should be able to grow all the wheat they need on site.

Commissioner Crohan stated he concurs with Commissioner Cain; the majority of the crops should be grown on site. The size of the business is what he believes needs to be considered.

Commissioner Pratt stated the Planning Commission needs to be educated on this process.

Chairman Lackey stated what first needs to be decided is if this is an appropriate use in the Rural and Estate zoning districts. If the answer is "yes", then Staff can go back and look at regulations.

Commissioner Givens stated she needs to know more about this process before she can make an educated decision.

Commissioner Walton stated he does not believe a rural area is the place for this type of operation.

Chairman Lackey stated this is why he would like to decide if a rural area is a place where this type of operation should be located so Staff will not waste any more time on this Amendment.

Commissioner Walton stated he could not vote for this proposal in a rural area.

Commissioner Pratt stated a distillery that can be built that is aesthetically pleasing and with proper regulations, could be a viable asset to the County.

Commissioner Murdic stated this is a heavy industrial use, and he believes this is not a good idea for the rural area.

Commissioner Crohan stated he also believes this should not be located in the rural area.

Commissioner Mosley made a motion to not recommend this amendment to the County Commission. Commissioner Cain seconded the motion.

Commissioner Givens stated that perhaps she is being overly cautious, but she does not feel comfortable voting either way.

Commissioner Murdic stated he concurs with Commissioner Givens.

Commissioner Baldree stated she also believes this type of use should not be allowed in the Rural and Estates districts.

Commissioner Murdic asked what zoning districts this use is currently allowed in and are there an adequate regulations in place for this

Mr. Matteson stated it would have to be in the Suburban district.

Mr. Horne stated it would also be allowed in the Urban district, but these have already been annexed by the cities. He also stated this would revert back to heavy industrial standards such as setbacks, buffering, lighting, environmental, impacts and so on.

Commissioner Givens stated there may be a place in the County that has enough acreage, and access to the Interstate that could handle this type of facility that is zoned Rural or Estate, and this is why she feels this needs to be studied further.

Commissioner Walton asked if the Planning Commission votes "yes", then this will not go forward to the County Commission.

Chairman Lackey stated that was correct.

Ms. Earwood stated a County Commissioner can take up this Amendment and move forward with it if they so choose, but it would be without the recommendation of the Planning Commission.

Commissioner Walton stated he agrees with Commissioner Givens that this needs to be studied further.

Chairman Lackey stated this motion states we are not moving forward with this Amendment but the County Commission can take this item up if they so choose.

Commissioner Crohan asked if we have regulations in place if someone wanted to do this in the Suburban district.

Chairman Lackey stated that we do.

There being no further comments, Commissioner Mosley's motion was to not recommend this amendment to the County Commission. Commissioner Gain seconded the motion which passed eight (8) to three (3) with Commissioners Pratt, Givens and Walton voting "No".

NON-RESIDENTIAL SITE PLANS:

ITEM 18

SITE PLAN REVIEW FOR CAMP HOLLOWDAY (RURAL RETREAT, EXTENSIVE), ON 184.02 ACRES LOCATED AT 5375 BIG EAST FORK ROAD IN THE 1ST VOTING DISTRICT (5-2009-049)

This item was withdrawn.

ITEM 19

SITE PLAN REVIEW FOR DELVIN FARMS (AGRICULTURAL SUPPORT, FARM PRODUCT SALES) ON 13.99 ACRES LOCATED AT 6290 MCDANIELS ROAD IN THE 5TH VOTING DISTRICT (5-2009-052)

This item was withdrawn.

FINAL PLATS:

ITEM 20

FINAL PLAT REVIEW FOR JUNES GROVE FARM, LARGE LOT EASEMENT SUBDIVISION, CONTAINING 3 LOTS ON 70.72 ACRES OFF ARNO-COLLEGE GROVE ROAD IN THE 3RD VOTING DISTRICT (1-2009-408)

Mr. Sweet 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 change the reference to the remaining property to the west of Lots 1 and 3 to reflect Parcel 70.00 instead of Parcel 70.04;
3. That a note be added to the plat indicating that parcels 2.07, 2.11 and 2.12 shall not take access from the ingress/egress easement (Junes Grove Lane); and
4. The issuance of a Land Disturbance Permit.

Mr. Sweet noted that stipulations one (1) and three (3) have been met.

Chairman Lackey asked for any comments by Commissioners.

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

OTHER:

ITEM 21

DISCUSSION OF FUTURE SMALL AREA PLAN REGARDING LOCATION OF NEXT STUDY

Mr. Matteson stated that the College Grove Special Area Plan was previously adopted and endorsed by the County Commission. It is now time to decide which special area plan the Planning Commission would like Staff to work on next. The choices are Triune, Leipers Fork or Grassland. Staff recommends that Leipers Fork be the next area due to development pressure and geographic equity.

Chairman Lackey asked where the most growth potential and / or change would be located.

Mr. Matteson stated it would be Leipers Fork because Triune still has water capacity issues and Grassland has sewer capacity issues.

There being no other comments, Commissioner Walton made a motion to work on the Leipers Fork Special Area Plan next. Commissioner Murdic seconded the motion, which passed by unanimous vote.

ITEM 22

UPDATE REGARDING ZONING ORDINANCE AMENDMENT ADDRESSING PERMANENT RESTROOM FACILITIES

Ms. Earwood stated she has completed a draft regarding the use of temporary restroom facilities. She stated she would like any comments that the commissioners may have before the final draft is complete. The amendment will be on the February agenda for Public Hearing consideration.

Ms. Earwood also stated the amendment basically defines what a restroom is, and if the Building Code requires a restroom and if the use is permanent according to the Zoning Ordinance, then it will require a permanent restroom.

Chairman Lackey stated he felt Counsel had done a good job on this draft.

No action was required.

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There being no further business, the meeting was adjourned at approximately 8:45 p.m.

APPROVED BY A MAJORITY VOTE BY THE WILLIAMSON COUNTY REGIONAL PLANNING COMMISSION ON FEBRUARY 11, 2010

_____ CHAIRMAN JOHN LACKEY