

**Nolensville Planning Commission
Regular Meeting at Nolensville Elementary School
May 13, 2008, 7:00 p.m.**

Board Members Present: Jimmy Alexander, Andrew Grosson, Bob Haines, Matt Happel, Mayor Lothers, Rick Owens, Douglas Radley, Frank Wilson, and Willis Wells

Staff Present: Tom Allen, Henry Laird, Cathi Little, and Bob Notestine

Citizens Present: 31

CALL MEETING TO ORDER

Chairman Rick Owens called the meeting to order at 7:01 p.m.

PLEDGE OF ALLEGIANCE

Commissioner Willis Wells led the Pledge of Allegiance.

APPROVAL OF MINUTES

Chairman Owens noted that on page 1, 3rd paragraph, "Willis" is spelled incorrectly. Commissioner Frank Wilson noted that on page 4, 4th paragraph, the word "refer" should be "defer."

Mayor Lothers made a motion to approve the minutes of April 8, 2008, with the correction of the above referenced typographical errors, Commissioner Wilson seconded, the motion passed unanimously.

ANNOUNCEMENTS

Mayor Lothers announced that Ms. Debbie Riddle, who had served as a Planning Commissioner on our Board, has passed away.

CITIZEN COMMENTS

Brian Truman, 3232 Locust Hollow in Bent Creek, Board member of Bent Creek Home Owners Association. Mr. Truman stated that he is representing the residents of Bent Creek, and that they are opposed to the developers' decreasing the lot sizes as proposed for Phase 7, Section 1. He reported that they are opposed for the same reasons that he has spoken to the last 2 months:

- "Article 2.2.10.B.3 of the Nolensville Zoning Ordinance says, in part, '...shall be substantially consistent with the approved concept plan...' The residents feel the proposed change will be a substantial change and not consistent with the approved concept plan
- The residents feel that prior changes to each section have been improvements, but this would be a step backwards
- The Bent Creek marketing material listed Turnberry and Jones as the builders in that area, since there are going to be other builders, the residents feel that the homes proposed will be substantially different than what was originally proposed to be there
- They also feel that the different homes by different builders would bring a different aesthetic look to that part of Bent Creek
- The residents' opinion is that smaller lots and smaller homes also decrease the value of the existing homes in that area."

Mr. Truman presented a petition signed by over 140 residents (Attachment A), against the proposed smaller lot sizes.

NEW BUSINESS:

Subdivision Review:

1. Bent Creek Final PUD Plan, Phase 7, Section 1

Proposes 16 lots varying in widths of 51' to 56' wide near Bitticks Creek Dr.

Staff feels that the proposed change in lot sizes and number of lots is a substantial change proportion-wise from what was originally approved, and not consistent with the original concept plan. Chairman Owens made a motion to approve the Bent Creek Final PUD Plan, Phase 7, Section 1, Commissioner Happel seconded.

Commissioner Jimmy Alexander stated that in some places, when you have a Planned Unit Development like Bent Creek, it is always described as a "plan certain," which means whoever buys into this plan can be assured, that the plan will be developed just as it was approved by the legislative body. The people buying in to the plan can rightly expect then that the open space, amenities, and all the lots will be built as the plan indicates. "I believe that staff is correct that the scope of this proposed change to the plan is beyond what the Planning Commission should approve."

Mayor Lothers stated that she thinks that it is not substantially consistent with the original plan. "I am aware that this applicant has come before the commission to enlarge lots in another phase, and again this body has entertained any requests. But in terms of policy direction, the Town has pursued some larger lot concepts and so that request was in sense in line with the policy change for the Town but it was also not a reduction in lot sizes, but an increase."

Eric McNeely, Land Development Manager, C K Development, stated that he is here at the request of a client who has asked them to have the Town review the design change. He isn't here to waste any time, he is just here at the request of their client, Newmark Homes.

Commissioner Happel suggested that C K Development use the same philosophy on the other side, like the green signs at the bridge section that says "Welcome to the Reserve at Bent Creek".

The vote was taken, the motion failed to pass, with all members voting against the motion.

2. Burkitt Place, Phase 2F Final Plat (Edinburgh Way area)

Town Planner, Henry Laird, reported that the boundary question on the west side has been resolved, the developer has quit-claimed the section in question to the Nichols. The west side buffer area by the creek that had been disturbed has been seeded with grass. The hammerhead turnaround has been moved closer to the lots, leaving a 20 foot buffer area. They have submitted a revising landscaping plan showing the increased buffering.

Staff recommends approval with the changes that have been made and performance bonding in the amount of \$153,345 for infrastructure and \$4,078 for landscape installation. Commissioner Happel had recommended that a few more trees be added to the area at the end of the street buffer area, and the developer has agreed.

Chairman Owens made a motion to approve with bonding being provided in the amount of \$153,345 for infrastructure and \$4,078 for landscaping. Jimmy Alexander seconded. The motion passed unanimously.

3. Ballenger Farms, Phase 4, Section 1 Final Plat

The developer has responded satisfactorily and has made the revisions on the plat. Staff recommends approval with the performance bonding to be set at \$290,219 for street and drainage infrastructure and \$20,750 for landscaping.

Commissioner Wilson made a motion to approve with performance bonding set at \$290,219 for the street and drainage infrastructure and \$20,750 for landscaping, Chairman Owens seconded. Motion passed unanimously.

Site Plan Review

4. N-Town Storage – Lot 21 Haley Industrial Park

Staff recommends approval with the condition that the color of the light poles and fixtures be black. The applicant has requested that this be a low-use parking area, and not be required to pave, but to use gravel. Chairman Owens stated he is concerned about the gravel area becoming weeded.

Chairman Owens made a motion to approve the site plan with the conditions that full cut-off lighting will be installed with black fixtures, that the gravel parking area will also include as part of the construction a weed mitigation effort in the form as weed-stop fabric or something similar, to prevent it from becoming a weedy space, and with a landscaping bond set in an amount agreed upon between the applicant and Town Engineer. Commissioner Happel seconded.

Chairman Owens asked if the applicant would agree to weed mitigation efforts being made on the front-end in the form of weed-stop fabric or an equivalent prevention measure to mitigate the growth of the weeds.

Mr. David Watson, owner, stated they intend to pave the lot as soon as fiscally possible, but they do agree to make weed mitigation efforts on the front-end.

Future paving can be reviewed at staff level, if it substantially meets the required standards.

A vote was taken on the motion, with the understanding that applicant has agreed to install weed mitigation efforts. The motion passed unanimously.

ZONING AMENDMENT

5. Proposed revisions to zoning ordinance and storm water regulations to authorize storm water appeals board to determine variances regarding floodplain, storm water and erosion control regulations.

The floodplain requirements are in the zoning ordinance. Any requests for variances to the Zoning Ordinance currently go before the Board of Zoning Appeals. Appeals to the Storm Water Ordinance go before the Storm Water Appeals Board. The proposed change would have all storm water related requests for variances go before the Storm Water Appeals Board. One ordinance will amend the Storm Water Regulations, and the other will amend the Zoning Ordinance.

Commissioner Happel made a motion to recommend approval of both of the proposed ordinances, Commissioner Alexander seconded. The motion passed unanimously.

OLD BUSINESS

Joseph Tiratto's objection to building in Bent Creek Phase One, Section 2B, lot 225.

Staff responded to another letter of complaint from Mr. Tiratto regarding lot 225, next to him. The surveyor and staff have checked and the lot is within the Town's requirements. Staff believes he is measuring at the curb, not at the property line.

6. Report from last BOMA meeting

The Mayor was not at the last BOMA meeting. Henry Laird reported the BOMA had the public hearing on rezoning on Yazdian properties, and then had the second reading, which was approved.

7. Monthly Bond Report

a. Bond extensions and reductions

1) Bent Creek - Phase 2, Section 2 - LOC 6101879

Expires 05/22/2008 current bond amount - \$42,000.00

- Developer requests to move to maintenance and reduce the bond to \$30,000

Staff recommends approval. Chairman Owens made a motion to approve the Bent Creek, Phase 2, Section 2 performance bond moving to a maintenance bond and reducing it to \$30,000; Willis Wells seconded. Motion passed unanimously.

2) Bent Creek - The Reserve -LOC L067798

Expires 06/08/2008 – current bond amount - \$195,000.00

- Developer requests to extend the bond, and reduce to \$138,000

Staff recommends approval. Willis Wells made a motion to approve the reduction of the Bent Creek Reserve performance bond to \$138,000. Bob Haines seconded. Motion passed unanimously.

b. Bond Report

Chairman Owens made a motion to accept the summary bond report, Commissioner Happel seconded, the motion passed unanimously.

OTHER

Mayor Lothers noted that the Trees and Trails Committee could use a few more good people. The Committee will come to Planning Commission to get approval. The Board of Mayor and Aldermen will make determinations for funds. The Committee will meet on Friday with Bob Finestine, of Williamson County Parks and Recreation.

ADJOURNMENT

Chairman Owens adjourned the meeting at 8:01 p.m.

Approved,

Matt Happel
Planning Commission Secretary

Date