

**Minutes of the Special Called Meeting  
Of the Board of Zoning Appeals  
Of the Town of Thompson's Station, Tennessee  
October 9, 2007**

Board Member Present

Archie Buttrey  
Mary Herring  
Martha Irwin  
Roger Nixon  
Dale Stevens

Staff Members Present

Greg Langeliers, Town Administrator  
Doug Goetsch, Town Recorder  
Todd Moore, Town Attorney  
Lisa Stewart, Town Clerk

Chairman Archie Buttrey called the meeting of the Board of Zoning Appeals of the Town of Thompson's Station to order at 6:00 p.m. on the 9<sup>th</sup> day of October, 2007, at the Thompson's Station Community Center with the required quorum.

**Election of Officers:**

Mr. Stevens nominated Mr. Buttrey for Chairman. Ms. Irwin seconded the nomination, which passed unanimously.

Mr. Nixon nominated Mr. Stevens for Vice-Chairman; seconded by Ms. Irwin, and passed unanimously.

Ms. Irwin nominated Ms. Herring for Secretary; seconded by Mr. Stevens, and passed unanimously.

**Minutes:**

The minutes of the November 20, 2006 meeting were previously submitted and approved upon a motion by Mr. Stevens, seconded by Ms. Irwin; and passed unanimously.

**Announcements by Staff:**

Mr. Langeliers stated that it would be more appropriate to hear agenda item # 7 prior to agenda item # 6 if this Board has no objections to reversing the order.

**Old Business:**

There was none at this time.

**Variance Request from Stream Buffer Requirements by The Club at Pleasant Creek**  
located on Lewisburg Pike.

Mr. Langeliers referenced the Staff analysis relating to both agenda items, noting that the applicant has also been copied on same.

Mr. Langeliers stated that the Zoning Ordinance dictates a stream buffer of 100 feet along the bank of anything identified as a perennial stream (which the subject stream is); the requirements for an intermittent stream is 50 feet; and 25 feet on a drainageway - all measured from the top of the bank. This is a request to vary the 100 foot requirement to 50 feet from top of bank. Mr. Langeliers did point out that the Town's regulations are more restrictive than most in the area and it is part of this Board's purview to ask that Staff re-visit the buffer requirement if they so choose.

Mr. Stevens asked if agenda item # 6 is contingent on this agenda item # 7; and Mr. Langeliers replied that it is. He also asked if the advantage of this variance is to create more building space, to which Mr. Langeliers replied yes.

The applicant, Jay Franks, distributed paperwork to the Board showing the overall project concept and the approved master plan. He indicated the proposed entrances and the location of the floodplain. Mr. Franks explained the various services proposed (restaurant, spa, sales center, etc.) in this floodplain area. He noted that the request for the reduced buffer is consistent with other projects they are involved in (ie: in City of Franklin) with a river-walk and structures overlooking the stream. Mr. Franks noted the consideration of building these structures elsewhere on the property; however, their planner suggested clustering the amenities together for better access. He also noted that they will not have a convenience store with gas pumps in this part of the development; therefore, will not be competing with the neighboring A & D Market.

Jeff Heinz, with Littlejohn Engineering Associates, showed renderings to the Board indicating the FEMA 500 year and 100 year floodplain areas, and the structures proposed there. He stated that they will not be disturbing the existing tree coverage along the creek. Mr. Heinz noted that the Town has one of the more restrictive ordinances - more than TDEC (with a 60 foot average from top of bank) and neighboring City of Franklin - which gives this Board purview to look at an appropriate average. He explained the proposal of filling in the floodplain and how others up- and / or down-stream will not be affected.

Ms. Herring noted if the floodplain is changed and filled in, it's hard to imagine no change up-stream. Mr. Heinz pointed out the proposed changes in the channel and how no one else will be affected.

Discussion continued regarding the possibility of the fill washing out, number of times this property has flooded in the past, and proposed yards of fill to be put on-site.

Mr. Nixon pointed out the number of buildings indicated in this proposal and the amount of square footage that will be limited based on the amount of fill. Mr. Franks noted that the footprints of the structures indicated are conceptual at this point, and that they want minimal impact buildings.

Reference was made to current bridge structures and their impact currently on the area flooding; and the impact of the proposed widening of Interstate 65.

**Public Hearing:**

Chairman Buttrey opened the public hearing at this time. The public hearing was advertised on the Town website, postings around Town, and in the September 23<sup>rd</sup>, 2007 edition of the *Williamson AM* newspaper.

Mark Hosbach, 1810 Savannah Springs Drive in Savannah Springs Subdivision, stated that the problem with the flooding is that it is out of the creek banks before reaching the site proposed tonight. In the seven (7) years he has lived here, water has completely covered this area up to the center line of Lewisburg Pike three (3) different times. He noted being frustrated during the past year with the renderings or conceptions of changes being proposed at every meeting. Mr. Hosbach stated that this proposed amenity area is to offset the costs to the developer to provide sewer to this development; noting that they have acres of property approved for those uses and would not have to use this green area up front.

Ann Bartel, 1820 Savannah Springs Drive in Savannah Springs Subdivision, stated that her sister-in-law rented one of the homes (shown on a previous slide) for a year and during that year, it flooded approximately three (3) times so bad that she could not get in the front yard, within about three (3) inches of the deck on the back of the home. She noted that when the flooding does occur, it floods from there all the way down to Critz Lane. Ms. Bartel asked that the buffer requirement not be varied to avoid any further issues that the changing of this topography could create.

Michele Donegan, 1805 Savannah Springs Drive in Savannah Springs Subdivision, lives in the first house facing Lewisburg Pike with a pond that drains into the referenced creek; therefore, has a personal concern of the effects on her property. She referenced the notation in the Town's regulations that modifications of drainageways should be discouraged except for necessary utility and roadway crossings; adding that the request for more building room does not meet the exception to change the floodplain. Ms. Donegan also pointed out the requirement of a plan to be submitted and reviewed by the Town Engineer, asking if that has taken place. She stated that she has asked the developer and associates to contact her to be kept up to date, and has yet to be contacted by anyone.

Dennis Umerlik, 1840 Savannah Springs Drive in Savannah Springs Subdivision, stated this to be a high risk factor when there is approximately 240 acres for the proposed structures to be placed elsewhere.

George Ross, 2808 Critz Lane, stated that he is an impacted, concerned property owner, as well as a Planning Commissioner and member of the Public Works Committee for the Town, so must consider his personal impact and the impact to the Town as a whole. He brought up the following concerns:

- existing bridge designs;
- proof / study from TDEC / Army Corp of Engineers to insure it will not impact others;
- no conflict / issues with existing A & D Market;
- need tax base dollars to provide infrastructure to community.

Mr. Ross stated he is not against this variance request if there are guarantees that other property owners will not be affected.

There being no others wishing to speak, the public hearing was closed.

Mr. Nixon pointed out that this variance request is not only below the Town's requirement, but also below TDEC's average.

After further discussion, Ms. Irwin made a motion to approve the variance of the stream buffer requirement from 100 feet to a 50 foot minimum with a 60 foot average. Mr. Stevens seconded the motion.

Mr. Moore, Town Attorney, suggested the criteria be addressed as outlined in the statute / zoning ordinance, modifying the motion to include that the criteria set out in Section 6700 regarding Variances has been met. Ms. Irwin amended her motion to include said modification.

The motion passed by unanimous vote.

**Request for a Special Use Exception to Install Fill in the 100 Year Flood Plain by The Club at Pleasant Creek** located on Lewisburg Pike.

Mr. Nixon stated that he has a problem with building in the floodplain based on a study stating obstructions up-stream are causing flooding and are proposed to be removed. He understands this Board is to consider items that will not be a detriment to the public, up-stream or down-stream; and to consider requests based on a hardship that can not be overcome.

Mr. Nixon made a motion that the request for a Special Use Exception to install fill in the floodplain not be allowed. Ms. Herring seconded the motion.

Chairman Buttrey opened the public hearing regarding this special use exception request.

Jeff Heinz, Littlejohn Engineering Associates, clarified for Mr. Nixon that they will be cutting material within the floodplain, that will be a compensatory cut and fill and not an equivalent cut and fill. Mr. Nixon stated that, since it is not a balanced cut and fill, they are putting in more than they are taking out; and he is not comfortable with adding more material to a floodplain area.

Michele Donegan, 1805 Savannah Springs Drive in Savannah Springs Subdivision, referenced the Town regulations again, asking which licensed engineer reviewed the plan prior to submittal. Mr. Langeliers stated that the applicant's engineer prepared the hydraulic analysis and Staff received an analysis today from a consulting engineer after verbal discussions with the Town's Engineer, and that any consideration for approval should be contingent on issues / questions prompted by the consulting engineer.

George Ross, 2808 Critz Lane, referenced the approval of Savannah Springs and calculations presented at that time. Mr. Langeliers stated that he reviewed this project for Williamson County Planning and there were no drainage calculations submitted at that time.

There being no others wishing to speak, the public hearing was closed.

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After further discussion, Mr. Nixon withdrew his previous motion based on the lack of a recommendation from the Town Engineer as stated in our regulations.

Mr. Franks, the applicant, withdrew his request and will re-submit at a later date.

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There being no further business, the meeting was adjourned at approximately 7:30 p.m.

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Archie Buttrey, Chairman

Attest:

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Mary Herring, Secretary

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