

MINUTES
HENDERSONVILLE REGIONAL PLANNING COMMISSION
TUESDAY, APRIL 2, 2013
6:30 P.M. – CITY HALL MEETING ROOM

Chairman Bob Freudenthal called the meeting to order at 6:30 p.m. in the City Hall Meeting Room, 101 Maple Drive North, Hendersonville, TN.

ROLL CALL:

Present: Don Ames, Lori Atchley, Kee Bryant-McCormick, Bob Freudenthal, David Jenkins, Ann Massey, Bryant Millsaps, Frank Pinson and Darlene Stringfellow. Absent: Mark Bristol. Also present: Fred D. Rogers, Jr., Planning Director; Lisa D. Milligan, Senior Planner; Jerry Horton, Public Works Director; and Georgie Mathis, Administrative Clerk.

PUBLIC HEARING:

Public Hearing to hear comments on a request by Jeff Preston, Asset Manager, Publix Super Markets, Inc., to add auto oil change as a permitted use in Indian Lake Center, Phase I, Planned Unit Development (Publix Shopping Center). Sumner County Property Tax Map 159J, Group A, Parcel 021.03.

REQUEST FOR INFORMATION AND ASSISTANCE: None

ADDITIONS TO AGENDA:

A request was received to add three resolutions for street acceptances for Southeastern Building to the agenda. Without objection of the Hendersonville Regional Planning Commission, Resolution 2013-02, 2013-03 and 2013-04 will be added to the Agenda under Other.

MINUTES:

MOTION by Jenkins, seconded by Bryant-McCormick, to approve the Minutes of Public Hearing for March 5, 2013 to hear comments on a request by Raymond Sanders to rezone 8 Industrial Park Drive, Hendersonville, TN, from Industrial Restrictive (IR) to Mixed Commercial Service District (MCD), Sumner County Property Tax Map 160N, Group C, Parcel 40.00. Ames, Atchley, Bryant-McCormick, Jenkins, Massey, Millsaps and Stringfellow voted aye. Nay: None. Abstain: Freudenthal and Pinson. Absent: Bristol. Motion carried.

MOTION by Ames, seconded by Massey, to approve the Minutes of Public Hearing for March 5, 2013 to hear comments on a request by Larry Gribbins to rezone 160 Commerce Drive, Hendersonville, TN, from Industrial Restrictive (IR) to Industrial General (IG), Sumner County Property Tax Map 160N, Group C, Parcel 60.00. Ames, Atchley, Bryant-McCormick, Jenkins, Massey, Millsaps and Stringfellow voted aye. Nay: None. Abstain: Freudenthal and Pinson. Absent: Bristol. Motion carried.

MOTION by Atchley, seconded by Jenkins, to approve the Hendersonville Regional Planning Commission Minutes of March 5, 2013. Ames, Atchley, Bryant-McCormick, Jenkins, Massey, Millsaps and Stringfellow voted aye. Nay: None. Abstain: Freudenthal and Pinson. Absent: Bristol. Motion carried.

MOTION by Bryant-McCormick, seconded by Pinson, to approve the Hendersonville Regional Planning Commission Minutes of March 19, 2013. Ames, Atchley, Bryant-McCormick, Freudenthal, Massey, Millsaps and Pinson voted aye. Nay: None. Abstain: Jenkins and Stringfellow. Absent: Bristol. Motion carried.

CONSENT AGENDA ITEMS:

13-011-001: FINAL PLAT, WYNBROOKE, PHASE 1, RESUB. LOTS 1-5 AND LOTS 97-100: MOTION by Atchley, seconded by Ames, to approve Final Plat, Wynbrooke, Phase 1, Resub. Lots 1-5 and Lots 97-100, with all staff comments as listed below. Ames, Atchley, Bryant-McCormick, Freudenthal, Jenkins, Massey, Millsaps, Pinson and Stringfellow voted aye. Nay: None. Absent: Bristol.

STAFF COMMENTS

Planning Department

1. No comments.

Submitted by Lisa Milligan, AICP, Senior Planner (March 28, 2013)

Public Works Department

No policy issues.

Submitted by Duane Allen, Assistant to City Engineer (March 28, 2013)

Fire Department

1. Hendersonville Fire Department recommends approval.

Submitted by Darrel Fleming, Fire Marshall (March 28, 2013)

Utility District

1. Approval for Planning.
2. Sewer tap fees due.

Submitted by Ronnie Perdue, HUD (March 28, 2013)

13-012-001: FINAL PLAT, WINDSTAR BAY, SECTON 5A: MOTION by Atchley, seconded by Ames, to approve Final Plat, Windstar Bay, Section 5A, with all staff comments as listed below. Ames, Atchley, Bryant-McCormick, Freudenthal, Jenkins, Massey, Millsaps, Pinson and Stringfellow voted aye. Nay: None. Absent: Bristol. Motion carried.

Planning Department

Staff Comments

1. No comments.

Submitted by Lisa Milligan, AICP, Senior Planner (March 28, 2013)

Public Works Department

1. Show street lights.
2. Provide addresses.

Submitted by Duane Allen, Assistant to City Engineer (March 28, 2013)

Fire Department

1. 6" waterline on Sandpiper Circle to be extended and tied into waterline on Shorecrest Circle.
2. Hendersonville Fire Department recommends approval. Build as shown.

Submitted by Darrel Fleming, Fire Marshall (March 28, 2013)

Utility District

1. Approval for Planning.
2. Sewer has been installed, not accepted.
3. Water to be installed.

Submitted by Ronnie Perdue, HUD (March 28, 2013)

13-015-001: SITE PLAN, MCC INVESTMENTS, LLC, ONE YEAR RENEWAL: MOTION by Atchley, seconded by Ames, to approve Site Plan, MCC Investments, LLC, (Rockland Road) one year renewal. Ames, Atchley, Bryant-McCormick, Freudenthal, Jenkins, Massey, Millsaps, Pinson and Stringfellow voted aye. Nay: None. Absent: Bristol. Motion carried.

FINAL PLATS:

13-010-001: FINAL PLAT, JOHNSTON ESTATES, SECTION 1, RESUB. OF LOT 6: MOTION by Ames, seconded by Jenkins, to approve Final Plat, Johnston Estates, Section 1, Resub. of Lot 6, with deviation from the compatibility requirements for lot area and with all staff comments as listed below. Ames, Atchley, Bryant-McCormick, Freudenthal, Jenkins, Massey, Millsaps, Pinson and Stringfellow voted aye. Nay: None. Absent: Bristol. Motion carried.

Planning Department

STAFF REPORT

When it was originally platted, Johnston Estates, Section 1 included 8 lots fronting on Sanders Ferry Road. The subdivision was platted in 1960. The lots were large lots ranging in size from just over an acre to over 2 acres. In 1995, Lot 5 was resubdivided into 3 lots (15,315 sq ft; 16,044 sq ft; 53,024 sq ft). The plat was originally proposed to be divided into 5 lots but was revised. There was opposition to the resubdivision from surrounding neighbors. Subsequently, in 1996 the City of Hendersonville amended the Subdivision Regulations to add a section dealing with the resubdivision of lots within existing subdivisions.

The City of Hendersonville Subdivision Regulations require that any lot that is in an existing subdivision can only be subdivided if the resulting lots are compatible with the lots in the existing subdivision. Section 3-102.4 (Lot Subdivision Compatibility) states that to determine compatibility we must look at surrounding lots which are specifically defined as lots located within the **same section** of the original subdivision plat and:

- Are located on the same and opposing block face that are within 300 feet of the boundary of the property proposed for resubdivision;
 - Abut each quadrant of a street intersection, when the proposal involves a corner lot;
- and

Abut or are directly across a public way from the proposed resubdivision

The regulations require that both the frontage of the lot and the size of the lot be compatible with the original subdivision. The frontage must be at least 90% of the average of the previously platted lots. The size must be at least 75% of the average of the previously platted lots. Any lot varying by more than 50% from the median is not included in the calculations. Based on the calculation of the surrounding lots as defined by the Subdivision Regulations, the minimum lots size required is 63,068 square feet. The minimum lot frontage is 127 feet. The proposed lot is 22,700 square feet in size and has 127 feet of street frontage.

The owner has requested a deviation from the requirements in regards to the lot size.

Staff Comments

1. Lot 6A does not meet the requirements of the Subdivision Regulations in regard to the compatibility requirements for both lot area and lot frontage. The owner has requested a deviation based on Section 1-112 of the Subdivision Regulations. See attached. The Planning Commission must make a determination on the granting of the deviation from the requirements.
2. Provide addresses for both lots.
3. Add the easement as shown on the NES approved plan.

Public Works Department

1. Tie down existing structures with bearings and distances.

Submitted by Duane Allen, Assistant to City Engineer (March 28, 2013)

Fire Department

1. No comment.

Submitted by Darrel Fleming, Fire Marshall (March 28, 2013)

Utility District

1. Approval for Planning.
2. Tap and Capacity Fees Due.

Submitted by Ronnie Perdue, HUD (March 28, 2013)

PRELIMINARY AND FINAL MASTER DEVELOPMENT PLANS:

13-013-001: AMEND FMDP FOR PUBLIX TO ADD AUTO OIL CHANGE AS A PERMITTED USE:

MOTION by Atchley, seconded by Massey, that the Indian Lake Center FMDP for Publix to add Auto Oil Change as a Permitted Use be declared a Major Amendment to be recommended for approval or denial to the Board of Mayor and Aldermen. Ames, Atchley, Bryant-McCormick, Freudenthal, Jenkins, Massey, Millsaps, Pinson and Stringfellow voted aye. Nay: None. Absent: Bristol. Motion carried.

MOTION by Millsaps, seconded by Massey, to recommend denial to Amend FMDP for Publix to Add Auto Oil Change as a Permitted Use to the Board of Mayor and Aldermen. Ames, Atchley, Freudenthal, Jenkins, Massey, Millsaps, Pinson and Stringfellow voted aye. Nay: None. Abstain: Bryant-McCormick. Absent: Bristol. Motion carried.

SITE PLANS: None

SKETCH PLATS: None

PRELIMINARY PLATS: None

REZONING REQUEST: None

STAFF APPROVED PROJECTS:

05-039-001: SITE PLAN, O'CHARLEY'S RESTAURANT PLUS BAR – EXTERIOR AND INTERIOR REMODEL: The Hendersonville Regional Planning Commission acknowledged staff approval of Site Plan, O'Charley's Restaurant Plus Bar – Exterior and Interior Remodel.

OTHER:

MOTION by Ames, seconded by Jenkins, to group all three Resolutions for street acceptances into one vote for approval or denial. Ames, Atchley, Bristol, Bryant-McCormick, Freudenthal, Jenkins, Massey, Millsaps, Pinson and Stringfellow voted aye. Nay: None. Absent: Bristol. Motion carried.

RESOLUTION 2013-02: A resolution recommending acceptance of the dedication of the completed streets in Saundersville Station Subdivision, Phase 3; Phase 4, Section 1; and Phase 5, Section 1, 3 and 5, Hendersonville, Sumner County, Tennessee.

MOTION by Atchley, seconded by Jenkins, to recommend approval, subject to Planning Staff confirming that all amenities and common open spaces is as per the approved plan, to the Board of Mayor and Aldermen Resolution 2013-02 recommending acceptance of the dedication of the completed streets in Saundersville Station Subdivision, Phase 3; Phase 4, Section 1; and Phase 5, Section 1, 3 and 5, Hendersonville, Sumner County, Tennessee. Ames, Atchley, Bryant-McCormick, Freudenthal, Jenkins, Massey, Millsaps, Pinson and Stringfellow voted aye. Nay: None. Absent: Bristol. Motion carried.

RESOLUTION 2013-03: A Resolution recommending acceptance of the dedication of the completed streets in Stonecrest Subdivision, Phase 1; Phase 2, Section 1, 2 and 3; and Phase 4, Section 1 and 2, Hendersonville, Sumner County, Tennessee.

MOTION by Atchley, seconded by Jenkins, to recommend approval, subject to Planning Staff confirming that all amenities and common open spaces is as per the approved plans, to the Board of Mayor and Aldermen Resolution 2013-03 recommending acceptance of the dedication of the completed streets in Stonecrest Subdivision, Phase 1; Phase 2, Section 1, 2 and 3; and Phase 4, Section 1 and 2, Hendersonville, Sumner County, Tennessee. Ames, Atchley, Bryant-McCormick, Freudenthal, Jenkins, Massey, Millsaps, Pinson and Stringfellow voted aye. Nay: None. Absent: Bristol. Motion carried.

RESOLUTION 2013-04: A Resolution recommending acceptance of the dedication of the completed streets in Wynbrooke Subdivision, Phase 5 and Phase 7, Hendersonville, Sumner County, Tennessee.

MOTION by Atchley, seconded by Jenkins, to recommend approval, subject to Planning Staff confirming that all amenities and common open spaces is as per the approved plans, to the Board of Mayor and Aldermen Resolution 2013-04 recommending acceptance of the dedication of the completed streets in Wynbrooke Subdivision, Phase 5 and Phase 7, Hendersonville, Sumner County, Tennessee. Ames, Atchley, Bryant-McCormick, Freudenthal, Jenkins, Massey, Millsaps, Pinson and Stringfellow voted aye. Nay: None. Absent: Bristol. Motion carried.

ADJOURNMENT:

MOTION by Millsaps, seconded by Pinson, to adjourn the Hendersonville Regional Planning Commission Meeting at 6:53 p.m. Ames, Atchley, Bryant-McCormick, Freudenthal, Jenkins, Massey, Millsaps, Pinson and Stringfellow voted aye. Nay: None. Absent: Bristol. Motion carried.

ANN MASSEY, Secretary

BOB FREUDENTHAL, Chairman

FRED D. ROGERS, JR., Planning Director