

MINUTES
HENDERSONVILLE REGIONAL PLANNING COMMISSION
TUESDAY, OCTOBER 4
6:30 P.M. – CITY HALL MEETING ROOM

Vice-Chairman David Jenkins 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, Mark Bristol, David Jenkins, Ann Massey, Bryant Millsaps, Frank Pinson and Darlene Stringfellow. Absent: Tommy Elsten and Bob Freudenthal. Also present: Fred D. Rogers, Jr., Planning Director; Jerry Horton, Public Works Director; Nate Renzella, Fire Inspector; and Georgie Mathis, Administrative Clerk.

PUBLIC HEARING: None

REQUEST FOR INFORMATION AND ASSISTANCE: None

ADDITIONS TO AGENDA: None

MINUTES:

MOTION by Atchley, seconded by Millsaps, to approve the Hendersonville Regional Planning Commission Public Hearing Minutes of September 6, 2011 to hear comments on a request by Sumner 2000 LLC, to amend the Preliminary Master Development Plan for Glenbrook North, Phase III. Ames, Atchley, Jenkins, Massey, Millsaps and Stringfellow voted aye. Nay: None. Abstain: Bristol and Pinson. Absent: Elsten and Freudenthal. Motion carried.

MOTION by Atchley, seconded by Millsaps, to approve the Hendersonville Regional Planning Commission Minutes of September 6, 2011. Ames, Atchley, Jenkins, Massey, Millsaps and Stringfellow voted aye. Nay: None. Abstain: Bristol and Pinson. Absent: Elsten and Freudenthal. Motion carried.

CONSENT AGENDA ITEMS: None

FINAL PLATS:

11-056-001: FINAL PLAT, THE FRANKLIN SUBDIVISION:

Fred Rogers said this item was on the agenda last month and was pulled by the applicants and requested to be placed back on the agenda. The property is located on the west side of Cages Bend Road surrounded by Savannah and is just under 10 acres in size and the old home house is on it. They desire to sell the property and feel like it will be easier to sell if it is split into three lots approximately 3.2 acres each. The issue is the improvements that are required by the subdivision regulations. They are required to make a payment in-lieu-of for two-thirds of the costs of the sidewalks, which they have agreed to do, but they are also required to make a payment in-lieu-of for 100% of the costs of curb and gutter and the slight widening of the road that's required by the Transportation Plan. The applicant is requesting to not be required to make that payment for southern most lot which is the lot where the old house is located.

Robert Franklin said the law that has been made was for more of a full development such as Savannah and feels as if in an unfair position to have this law that was created for a whole farm that's going to be developed into a whole neighborhood such as Savannah and we are just trying to market our property.

Fred Rogers said the regulations require payment. There is a precedent in that the regulations require it and that we haven't had this situation before. The way it would work is if the payments are required, it goes into an escrow account or it goes into a separate account that is accounted for separately. The money stays in the bank until the City is ready to make some improvements. The first few phases of Savannah, or the phases that have been approved and platted thus far, were all approved before this requirement went into affect so we can't be retroactive with those but there are still some other phases that's not yet approved and recorded such as the property south of these three lots so Dan Downs will be required to make the same payment when platted and recorded. There is a big farm further to the south which we anticipate would develop at some point in time with a lot of frontage on Cages Bend Road and whenever that is developed, likewise would be required to make this same payment. That would put quite a bit of money into the fund and would probably put the City into the position to make some improvements to the road perhaps at intersections, perhaps improvement of the shoulders, things of that nature but as far as the process, it just goes into the bank and it's held and is accounted for separately.

Mr. Franklin said Duane Allen, Engineer, has already given him a figure of what it will cost if all three lots are included. The figure was \$19,000 something dollars and my appeal tonight is could the home lot, because it is a residence, be an exception just like everyone else is up and down the neighborhood if selling their home.

Fred Rogers said the question for the Planning Commission is whether to grant the deviation to discount the cost of the curb and gutter and widening for lot three and it would be up to Jerry and Duane to calculate that exact amount which would be something less than one-third of \$19,000.

Jerry Horton said most of the \$19,000 is payment for the sidewalk so a significant portion of this has been reduced by a third based on the current policy so a significant amount of money has already been reduced and it was for the entire road frontage not just one lot.

Lori Atchley pointed out that it is not equal distribution between sidewalks and curb and gutter. The curb and gutter is more expensive. If the Planning Commission is so inclined to give a discount, I would recommend somewhere between \$3,000 and \$4,000 for the homestead site based on personal knowledge of sidewalks and curb and gutter.

MOTION by Atchley, seconded by Stringfellow, to approve the Final Plat, The Franklin Subdivision, with a waiver of \$3,500 on the homestead place and with all other staff comments as listed below. Ames, Atchley, Bristol, Jenkins, Massey, Millsaps, Pinson and Stringfellow voted aye. Nay: None. Absent: Elsten and Freudenthal. Motion carried.

Planning Department

STAFF REPORT

The proposed plat is a subdivision of an existing 9.58 acre tract into 3 lots, each in excess of 3 acres. The subdivision is located on the west side of Cages Bend Road, adjacent to Savannah. There is an existing house located on lot 3.

The current Major Thoroughfare Plan calls for Cages Bend Road to be 3 lanes. This will require 60 feet of right-of-way (30 feet from centerline). Adequate right-of-way on the west side is shown on the plat. The Major Thoroughfare Plan does not call for any bike improvements along Cages Bend Road. However, the Bicycle Plan included in the current Comprehensive Plan indicates that Cages Bend Road is to have striped bike lanes. This is a conflict between the 2 plans that will need to be resolved by the Planning Commission.

Payment in lieu is required for sidewalks (2/3rds of the cost per Planning Commission Sidewalk Policy). Payment in lieu is required for widening, curb and gutter. The applicant is requesting that they not be required to make payment in lieu for any improvements for the lot with the current home. See attached letter from the applicant.

STAFF COMMENTS

1. Payment in lieu will be required for sidewalks. Per the Planning Commission Sidewalk Policy, the developer is allowed to pay 2/3rds of the cost to install the sidewalks. Payment will be required prior to recording the plat. Applicant is requesting that they not be required to make the payment for the lot with the existing home.

2. Payment in lieu will be required for widening, curb and gutter. Please contact Public Works in regards to amount. Payment will be required prior to recording of the plat. Applicant is requesting that they not be required to make payment for the lot with the existing home.

Submitted by Lisa Milligan, AICP, Senior Planner (September 27, 2011)

Codes Department

1. Recommend note be placed on plat regarding accessory (barn) structure.

Submitted by Steve Mills, Codes Director (September 27, 2011)

Public Works Department

1. Provide payment in-lieu-of constructing public improvements to Cages Bend Road as required by the Major Thoroughfare Plan. Improvements include are public sidewalk, curb & gutter, and lane improvements.

Submitted by Duane Allen, Assistant to City Engineer (September 27, 2011)

Fire Department

1. An 8 inch water main and fire hydrant are existing.

Submitted by Nate Renzella, Fire Inspector (September 27, 2011)

Utility District

1. WHUD

Submitted by Larry Davis, HUD (September 27, 2011)

07-107-001: RENEWAL OF EXPIRED FINAL PLAT, PLUMLEE TOWN HOMES, PHASE 1:

Steve Bridges, Bridges Land Surveying, spoke on behalf of the developer in requesting the extension. The State of Tennessee Condo Act is forcing a developer to finance the entire building which makes the building look like rental units. The developer is putting restrictions on rentals which will be written into the by-laws of Plumlee Town Homes in that no one person can

own no more than 4 units and must obtain approval to continue renting beyond 1 year so that if not maintaining the unit(s), the right to continue renting will be, or can be, revoked.

MOTION by Atchley, seconded by Millsaps, to approve the Renewal of Expired Final Plat, Plumlee Town Homes, Phase 1, until December 4, 2011. Atchley, Bristol, Jenkins, Massey, Millsaps, Pinson and Stringfellow voted aye. Nay: None. Abstain: Ames. Absent: Elsten and Freudenthal. Motion carried.

08-077-002: RENEWAL OF EXPIRED FINAL PLAT, PLUMLEE TOWN HOMES, PHASE 2:

Steve Bridges, Bridges Land Surveying, said Phase 2 is the same as Phase 1.

MOTION by Atchley, seconded by Millsaps, to approve the Renewal of Expired Final Plat, Plumlee Town Homes, Phase 2, until November 3, 2012. Atchley, Bristol, Jenkins, Massey, Millsaps, Pinson and Stringfellow voted aye. Nay: None. Abstain: Ames. Absent: Elsten and Freudenthal. Motion carried.

PRELIMINARY AND FINAL MASTER DEVELOPMENT PLANS: None

SITE PLANS: None

SKETCH PLATS: None

PRELIMINARY PLATS: None

REZONING REQUEST: None

STAFF APPROVED PROJECTS: None

OTHER: None

ADJOURNMENT:

MOTION by Millsaps, seconded by Massey, to adjourn the Hendersonville Regional Planning Commission Meeting at 6:55 p.m. Ames, Atchley, Bristol, Jenkins, Massey, Millsaps, Pinson and Stringfellow voted aye. Nay: None. Absent: Elsten and Freudenthal. Motion carried.

LORI ATCHLEY, Secretary

DAVID JENKINS, Vice-Chairman

FRED D. ROGERS, JR., Planning Director