

MINUTES
HENDERSONVILLE REGIONAL PLANNING COMMISSION
TUESDAY, AUGUST 7, 2012
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, Mark Bristol, Tommy Elsten, David Jenkins, Bryant Millsaps and Darlene Stringfellow. Absent: Bob Freudenthal, Ann Massey and Frank Pinson. (1 Vacancy) Also present: Fred D. Rogers, Jr., Planning Director; Lisa D. Milligan, Senior Planner; Timothy D. Whitten, Landscape Architect/Planner; Jerry Horton, Public Works Director; and Georgie Mathis, Administrative Clerk.

PUBLIC HEARING:

Public Hearing to hear comments on a request by Frances S. Oliver to rezone property located at 216 Shivel Drive, Hendersonville, Sumner County, TN from Town Center-Residential (TC-R) to Office Professional Services (OPS); said property being identified on Sumner County Property Tax Map 163D, Group G, Parcel 4.00.

REQUEST FOR INFORMATION AND ASSISTANCE: None

ADDITIONS TO AGENDA:

MOTION by Millsaps, seconded by Elsten, to move Site Plan, Indian Lake Village, Lot 48, 281 Indian Lake Blvd. from Site Plans to Consent Agenda Items. Ames, Bristol, Elsten, Jenkins, Millsaps and Stringfellow voted aye. Nay: None. Absent: Freudenthal, Massey and Pinson. Motion carried.

MINUTES:

MOTION by Millsaps, seconded by Elsten, to approve the Hendersonville Regional Planning Commission Public Hearing Minutes for July 9, 2012 regarding a request by Tom and Tammy Jones and Shular Company to annex, adopt a Plan of Services and establish the zoning of the property as R-20 Low Density Residential Planned Unit Development; said property being identified on Sumner County Property Tax Map 138 as part of Parcel 38.01 located adjacent and north of Falcon Ridge on the east side of New Shackle Island Road and to approve a Revised Preliminary Master Development Plan for Falcon Ridge (formerly known as Drakes Manor) to include the above mentioned Jones Property, change the entrance location and subdivision layout, reduce lot size, increase the density, and make other changes. This property is identified on Sumner County Property Tax Map 138 as Parcels 41.00 and 42.01. Ames, Bristol, Elsten, Jenkins, Millsaps and Stringfellow voted aye. Nay: None. Absent: Freudenthal, Massey and Pinson. Motion carried.

MOTION by Millsaps, seconded by Stringfellow, to approve the Hendersonville Regional Planning Commission Minutes of July 9, 2012. Ames, Bristol, Elsten, Jenkins, Millsaps and Stringfellow voted aye. Nay: None. Absent: Freudenthal, Massey and Pinson. Motion carried.

MOTION by Ames, seconded by Bristol, to approve the Hendersonville Regional Planning Commission Minutes of July 17, 2012. Ames, Bristol, Elsten, Jenkins and Stringfellow voted aye. Nay: None. Abstain: Millsaps. Absent: Freudenthal, Massey and Pinson. Motion carried.

CONSENT AGENDA ITEMS:

12-040-001: FINAL PLAT, BERRY HILL, PHASE 2A, SEC. 2, RESUB. OF LOTS 128-133: MOTION by Stringfellow, seconded by Bristol, to approve Final Plat, Berry Hill, Phase 2A, Resub. of Lots 128-133, with all staff comments as listed below. Ames, Bristol, Elsten, Jenkins, Millsaps and Stringfellow voted aye. Nay: None. Absent: Freudenthal, Massey and Pinson. Motion carried.

Planning Department

STAFF COMMENTS

1. Notes 15, 16 and 17 are not applicable to the lots on this plat. Please remove.

Submitted by Lisa Milligan, AICP, Senior Planner (August 3, 2012)

Public Works Department

1. No policy issues.

Submitted by Duane Allen, Assistant to City Engineer (August 3, 2012)

Fire Department

1. Please show the distance to the next closest fire hydrant from lot 128
2. Hydrants must be no more than 500 feet apart according to the Hendersonville Subdivision Regulations.

Submitted by Darrel Fleming, Fire Marshall (August 3, 2012)

Utility District

1. Water, sewer tap fees due & capacity fees/lot

Submitted by Ronnie Perdue, HUD (August 3, 2012)

12-041-001: SITE PLAN, MEDICAL/OFFICE COMPLEX, PHASE 1: MOTION by Stringfellow, seconded by Bristol, to approve the Site Plan, Medical/Office Complex, Phase 1, with all staff comments as listed below. Ames, Bristol, Elsten, Jenkins, Millsaps and Stringfellow voted aye. Nay: None. Absent: Freudenthal, Massey and Pinson. Motion carried.

Planning Department

STAFF REPORT

This property is located on the east side of New Shackle Island Road and on the south side of Wessington. It is zoned GCS-PUD. The Planning Commission approved the Final Master Development Plan last month. The site plan is in compliance with that plan.

STAFF COMMENTS

1. CMU block is not an acceptable material for retaining wall. Wall should be brick to match building, or a decorative segmental block. Revise. Submit sample for review and approval.
2. Relocate buffer plantings on Wessington outside required sight distance.
3. No more than half of the site trees may be ornamental/understory type trees. Revise.
4. Add note to landscape plan: "All disturbed areas to be sodded."
5. Plat must be approved and recorded prior to issuance of a building permit.

6. Provide an NES-approved electrical service plan.
7. A water line is shown running through a 30" saved tree. Revise.

Submitted by Timothy Whitten, Planner/Landscape Architect (August 3, 2012)

Public Works Department

1. Make the right in from Wessington Place more pronounced so as not to allow left turns in to the site.

Submitted by Duane Allen, Assistant to City Engineer (August 3, 2012)

Fire Department

1. The west corner of phase one shall show a minimum 8 inch water main coming off of the 16 inch water main in the middle of New Shackle Island Road with a hydrant installed in the landscape island where the "DO NOT ENTER" sign is proposed.

Submitted by Darrel Fleming, Fire Marshall (August 3, 2012)

Utility District

1. Water main on Wessington is a 6" line not a 12" as shown on plans. Each building will have to have their own water and sewer taps.

Submitted by Ronnie Perdue, HUD (August 3, 2012)

12-043-001: SITE PLAN, INDIAN LAKE VILLAGE, LOT 48, 281 INDIAN LAKE BLVD: MOTION by Stringfellow, seconded by Bristol, to approve Site Plan, Indian Lake Village, Lot 48, 281 Indian Lake Blvd., with all staff comments as listed below. Ames, Bristol, Elsten, Jenkins, Millsaps and Stringfellow voted aye. Nay: None. Absent: Freudenthal, Massey and Pinson. Motion carried.

Planning Department

STAFF REPORT

This lot is located in front of Sam's Club, adjacent to American Family Care, which was approved at the last Planning Commission meeting. It is zoned GCS-PUD. The proposed use is a multi-tenant shopping center.

STAFF COMMENTS

1. Provide sample of retaining wall block for review and approval.
2. Show electrical service tie-in to building.
3. Leyland cypress is too large for space at north side of building. Revise.
4. Street trees are to be 40' o.c. Revise.
5. Change street trees species to Quercus phellos 'Hightower', and add note that they should match the existing street trees in form and quality.
6. Address all comments from the ILV ARC.
7. Provide a final letter from ILV ARC approving revised drawings.
8. Provide an NES-approved electrical service plan.

Submitted by Timothy Whitten, Planner/Landscape Architect (August 3, 2012)

Public Works Department

1. No policy issues.

Submitted by Duane Allen, Assistant to City Engineer (August 3, 2012)

Fire Department

1. Hendersonville Fire Department recommends approval.

Submitted by Darrel Fleming, Fire Marshall (August 3, 2012)

Utility District

1. Water main on Indian Lake Blvd. is a 16" line not 8" as shown on plans. May consider extending 8" water line from existing fire hydrant to Lot 48.

Submitted by Ronnie Perdue, HUD (August 3, 2012)

FINAL PLATS:

12-038-001: FINAL PLAT, ED & NANCY DUKE PROPERTY: MOTION by Ames, seconded by Millsaps, to approve Final Plat, Ed & Nancy Duke Property, without the requested deviation/waiver to make payment in lieu of improvements to meet requirements of the Subdivision Regulations and the Major Thoroughfare Plan and with all staff comments as listed below. Ames, Bristol, Elsten, Jenkins and Millsaps voted aye. Nay: Stringfellow. Absent: Freudenthal, Massey and Pinson. Motion carried.

Planning Department

STAFF REPORT

With the initial comments it was indicated that both sidewalks and curb and gutter would be required along entire frontage and that a payment in lieu would be required. Improvements are required along frontage; however, they differ from those originally specified. The Major Thoroughfare Plan was updated earlier this year. The plan specifies Forest Retreat Road will be a rural section in a 64' ROW. The owner is dedicating the required ROW. The road is planned to have two 12' travel lanes; a 12' turn lane; a 4 foot paved shoulder (each side) and a 10 foot ditch (each side). The owner is responsible for making a payment in lieu for the required improvements on their side of the road only. They will be responsible for 6 feet for turn lane; 4 foot paved shoulder; 10 foot ditch; and any pavement required for the 12' travel lane. The amount of the payment in lieu is to be calculated by Public Works. The owner may request a deviation from this requirement.

STAFF COMMENTS

1. Owner is responsible for payment in lieu for required improvements to bring street up to requirements of Major Thoroughfare Plan. If the owner chooses to request a deviation, please make that request in writing to Planning Staff prior to the meeting.

Lisa D. Milligan, AICP, Senior Planner (August 3, 2012)

Public Works Department

1. Payment in lieu of constructing public infrastructure is required.

Submitted by Duane Allen, Assistant to City Engineer (August 3, 2012)

Fire Department

1. 36 inch water main, 6 inch water main and fire hydrants are adequate.
2. Hendersonville Fire Department recommends approval

Submitted by Darrel Fleming, Fire Marshall (August 3, 2012)

Utility District

1. White House – no comment.

Submitted by Ronnie Perdue, HUD (August 3, 2012)

PRELIMINARY AND FINAL MASTER DEVELOPMENT PLANS:

12-044-001: FMDP, HUNT CLUB, SECTION 6, 7, 8, 9, 10 & 11: MOTION by Millsaps, seconded by Ames, to approve FMDP, Hunt Club, Section 6, 7, 8, 9, 10 & 11, with complying to front-loaded garages on Village homes being recessed 20 feet and with all staff comments as listed below. Ames, Bristol, Elsten, Jenkins, Millsaps and Stringfellow voted aye. Nay: None. Absent: Freudenthal, Massey and Pinson. Motion carried.

Planning Department

STAFF REPORT

There is an existing overall Preliminary Master Development Plan for The Hunt Club Development. A Final Master has been approved for Sections 3, 4 & 5. The proposed Final Master is for the remainder of the development, Sections 6 through 12. There have been some changes to the plan in regards to location of open space as well as layout and number of units. Even with the increase in the number of units, the proposed Final Master is in substantial compliance with the approved Preliminary Master.

As originally approved, The Hunt Club was proposed to have 243 dwelling units on 139.64 acres for a density of 1.74 dwelling units per acre. The proposed plan has 252 dwelling units for a density of 1.8 dwelling units per acre. An R-20 PUD would allow a maximum density of 2.2 dwelling units per acre. The open space has increased from 30 acres to 32.05 acres.

There are 3 types of lots in The Hunt Club: Village Lots, Meadow Lots & Estate Lots. Village lots are the smallest and Estate lots are the largest. Per the approved Final Master for Lots 3, 4, & 5, the Typical Lot Width for each type is as follows: Village – 80-90; Meadow – 90-100; Estate – 100-120. The plan as proposed includes Village lots with a width of 75 feet. The Minimum Lot Sizes are: Village – 10,400; Meadow – 11,700; Estate – 15,000. The Village lots are the only type that allows front loaded garages although to date none have been constructed.

With the approval of the Master Plan, the Planning Commission required that a secondary means of access must be built prior to the completion of 100 homes. The secondary access was to go through the adjacent property to the west of the development. With this submittal, the applicant is proposing to provide the secondary access to the south and connect with Shute Lane. The applicant is proposing that this access initially be used as a construction entrance only and then become the secondary access with a future phase. The timing of the secondary access has not been specified at this time.

The Preliminary Master included a significant amount of open space adjacent to Shute Lane. With the proposal of the secondary access to Shute Lane, lots have been added and the open space has been decreased. On the approved Preliminary Master, the lots were separated from Shute Lane by at a minimum 230 feet. On the proposed plan, lots are separated from Shute Lane by at a minimum, just under 150 feet. The area adjacent to Shute Lane has many trees and the trees are proposed to be preserved (only underbrush cleared).

STAFF COMMENTS

1. Gray out the areas of the development that have been previously recorded.
2. Update the 1st column in the Density and Bulk Table to indicate the updated totals per the revised Sections.
3. Update the Typical Lot Diagrams to comply with the approval of the Final Master for Sections 3, 4, & 5. (no front loaded in Meadows; typical lot width of Village)
4. Do all lots meet the Minimum Square Footage as given on the typical lots? (Village – 10,400 sq ft; Meadow – 11,700 sq ft; Estate – 15,000 sq ft)
5. There is a conflict within the covenants in regards to the required recess for allowed front-loaded garages on Village homes. Article VII 1(C) indicates they can be flush. Article VII 1(K) indicates they must be recessed 20 feet. Please advise as to intentions.
6. The approval of the Preliminary Master indicated that a secondary access must be built prior to the completion of 100 homes. The secondary access was to go through the adjacent property to the west of the development. An additional access is now shown to the south the Shute Lane. What is the timing of making this connection to the south?
7. There are several locations where there are existing stone walls and tree lines in the development. The walls/tree lines that are to be preserved are indicated on the Preliminary Master. Please note that at the time of platting these walls/tree lines will need to be indicated on the plat and a conservation easement will be required. We will check at the time of plat recording to make sure that those indicated on the Preliminary Master are being preserved.
8. Remove the mulch trail detail as this is not an acceptable trail material per the City of Hendersonville Construction Manual.
9. Please note where open space areas are proposed to be undisturbed areas (clearing of underbrush allowed).
10. The Planning Commission must determine if the amount of green space adjacent to Shute Lane in the revised plan is adequate.

Lisa D. Milligan, AICP, Senior Planner (August 3, 2012)

Fire Department

1. Hendersonville Fire Department recommends approval; including Sec. 12.

Submitted by Darrel Fleming, Fire Marshall (August 3, 2012)

Public Works Department

1. When deemed needed by the Public Works Director, the developer is required to provide a traffic warrant study to address the need of a traffic signal at the entrance from Gallatin Road.

Submitted by: Duane Allen, Assistant to City Engineer (August 3, 2012)

Utility District

1. White House – no comment.

Submitted by Ronnie Perdue, HUD (August 3, 2012)

SITE PLANS:

12-042-001: SITE PLAN, GOODWILL – HENDERSONVILLE: MOTION by Millsaps, seconded by Stringfellow, to approve the Site Plan, Goodwill – Hendersonville, with a waiver to allow 100% stained split face block on the rear building elevation, followed by more discussion.

MOTION by Elsten, seconded by Ames, to amend the motion to include the loading dock area to comply with the requirements as stated to be brick to match the sides. Ames, Bristol, Elsten, Jenkins, Millsaps and Stringfellow voted aye. Nay: None. Absent: Freudenthal, Massey and Pinson. Motion carried.

MOTION as amended was approved. Ames, Bristol, Elsten, Jenkins, Millsaps and Stringfellow voted aye. Nay: None. Absent: Freudenthal, Massey and Pinson. Motion carried.

Planning Department

STAFF REPORT

This lot is located adjacent to and north of Union University, behind the Creekside Shops shopping center (Fulin's, Mattress King, etc.). It is zoned GCS-PUD.

Goodwill proposes to locate a retail store on this property. The building architecture meets the requirements of the Indian Lake Center Design Guide and the City's Design Review Manual, except on the rear elevation. On this side is proposed 100% split face block, which is an upgrade from the plain cmu block initially proposed by Goodwill. The City's Design Review Manual restricts split face block to 35% or less of each wall, with the remaining area being brick or stone. The Indian Lake Center Design Guide allows split face block only in service areas not visible to the public. The rear of the building will have some visibility to users of the Union University rear parking area. Union University traffic exiting the rear access aisle will be directly facing the Goodwill loading dock, which will have 100% split face block. The remainder of the Goodwill rear elevation will not be as visible, facing the creek and Drakes Creek Park and the existing trees that lie between them. The Planning Commission should determine if a waiver for the split face block is called for in this situation. One alternate solution may be to require the loading dock area to comply with the requirements, but allow the remainder of the rear wall to be split face block.

STAFF COMMENTS

Planning Department

1. Provide five foot wide foundation planting bed at south side of building.
2. Provide tree survey.
3. Show outlines of roof top units on each building elevation. Units shall be fully screened from view by building parapet walls.
4. Irrigation plan must be stamped by an RLA or a Certified Irrigation Designer.
5. Align frontage road sidewalk with Union University frontage sidewalk.
6. Address all comments from ILC Design Review Committee.

Submitted by Timothy Whitten, Planner/Landscape Architect (August 3, 2012)

Public Works Department

1. No policy issues.

Submitted by Duane Allen, Assistant to City Engineer (August 3, 2012)

Fire Department

1. Fire Department Connection shall be within 100 feet of proposed hydrant.
2. Proposed hydrant shall have one steamer out and (2) 2 1/2" hose outlets and be factory paint yellow at installation.

Submitted by Darrel Fleming, Fire Marshall (August 3, 2012)

Utility District

1. Can not have a grinder pump on commercial properties. No reduced pressure backflow preventer on fire line, must be double check valve assembly.

Submitted by Ronnie Perdue, HUD (August 3, 2012)

SKETCH PLATS: None

PRELIMINARY PLATS: None

REZONING REQUEST:

12-039-001: 216 SHIVEL DRIVE, FRANCES S. OLIVER: MOTION by Elsten, seconded by Millsaps, to recommend approval to the Board of Mayor and Alderman, to rezone property located at 216 Shivel Drive from Town Center-Residential (TC-R) to Office Professional Services (OPS) and with all staff comments. Ames, Bristol, Elsten, Jenkins, Millsaps and Stringfellow voted aye. Nay: None. Absent: Freudenthal, Massey and Stringfellow. Motion carried.

Planning Department

STAFF REPORT

The applicant is requesting a rezoning for property located at 216 Shivel from TC-R (Town Center-Residential) to OPS (Office Professional Services). The property is the second lot south of Imperial Drive on Shivel. See attached aerial photograph.

In 2002 at the request of the property owner, the property was rezoned from RM-1 (High Density Residential) to OPS. This was done to accommodate a CPA office. The CPA office operated in the location for several years. Prior to the 2002 rezoning and through 2006, the City was involved in the creation and adoption of a Town Center Redevelopment Plan which included this property. The Plan was adopted in 2006 and property in the Town Center was subsequently rezoned to TC-R (Town Center-Residential) and TC-C (Town Center-Commercial). The property in question was zoned from OPS to TC-R. At the time of the rezoning, the property was, according to the owner at that time, in use as a real estate office and the office of a non-profit organization. As a result of the rezoning, these uses became legally grandfathered uses. The property was allowed to continue to be used for these 2 very specific non-residential uses. This property and maybe a couple of other properties were the only properties in the Town Center area that were left as non-conforming uses following the rezoning of this area to TC-R.

The City of Hendersonville Zoning Ordinance has regulations in regards to non-conforming uses. The Ordinance states that “any non-conforming use which existed lawfully at the time of enactment of this ordinance and which remains non-conforming under the provisions contained herein or any use which shall become non-conforming upon enactment of this ordinance, or any subsequent amendments thereto, may be allowed to continue in operation and be permitted provided that no change in use is undertaken”. A change in use is defined as a “change to another use either under the same activity type or any other activity type or major class of activity”. Therefore, the only current legal non-residential use of the property is either a Real Estate Office, office of a non-profit organization, or both. The property may also be used legally for a residential purpose as this is allowed under the TC-R zoning by right.

The owners have attempted to find a legal user of the property and have been unable to do so based on this limited range of uses. They are requesting the rezoning so that a wider range of office uses would be allowed at the location. The currently adopted Land Use Plan for the City of Hendersonville shows this property as Old Town and refers to the Town Center Redevelopment Plan which indicates this property as residential.

The applicant is requesting OPS zoning which primarily allows a variety of office uses and does not allow retail uses or restaurants.

Submitted by Lisa Milligan, AICP Senior Planner (August 3, 2012)

Public Works Department

1. No policy issues.

Submitted by Duane Allen, Assistant to City Engineer (July 12, 2012)

Fire Department

1. No comment

Submitted by Darrel Fleming, Fire Marshall (July 12, 2012)

Utility District

1. No comment.

Submitted by Ronnie Perdue, HUD (July 12, 2012)

STAFF APPROVED PROJECTS: None

OTHER: None

ADJOURNMENT:

MOTION by Millsaps, seconded by Bristol, to adjourn the Hendersonville Regional Planning Commission Meeting at 7:27 p.m. Ames, Bristol, Elsten, Jenkins, Millsaps and Stringfellow voted aye. Nay: None. Absent: Freudenthal, Massey and Pinson. Motion carried.

DON AMES, Assistant Secretary

DAVID JENKINS, Vice-Chairman

FRED D. ROGERS, JR., Planning Director