

MINUTES
HENDERSONVILLE REGIONAL PLANNING COMMISSION
TUESDAY, MARCH 5, 2013
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, Kee Bryant-McCormick, David Jenkins, Ann Massey, Bryant Millsaps and Darlene Stringfellow. Absent: Bob Freudenthal and Frank Pinson. Also present: Fred D. Rogers, Jr., Planning Director; Lisa D. Milligan, Senior Planner; Jerry Horton, Public Works Director; Nate Renzella, Fire Inspector; and Georgie Mathis, Administrative Clerk.

PUBLIC HEARING:

Public Hearing 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.

Public Hearing 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.

REQUEST FOR INFORMATION AND ASSISTANCE: None

ADDITIONS TO AGENDA: None

MINUTES:

MOTION by Atchley, seconded by Millsaps, to approve the Minutes of Public Hearing for February 5, 2013 on a request by Todd Jordan/Harpoon of Hendersonville, TN, LLC to rezone property located west of Indian Lake Blvd. south of the CSX Railroad (behind Cracker Barrel) from General Commercial Service District Planned Unit Development (GCS PUD) to Multiple Residential/Office District Planned Unit Development (MRO PUD) to accommodate a 312 unit Multi-Family residential development. (18.32 acres) Sumner County Property Tax Map 159B, Group C, Parcel 6.00. Ames, Atchley, Bristol, Bryant-McCormick, Jenkins, Massey, Millsaps and Stringfellow voted aye. Nay: None. Absent: Freudenthal and Pinson. Motion carried.

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

CONSENT AGENDA ITEMS: None

FINAL PLATS: None

PRELIMINARY AND FINAL MASTER DEVELOPMENT PLANS:

13-006-001: INDIAN LAKE VILLAGE OVERALL FMDP PHASE V-A (1)-AMENDED FMDP: MOTION by Millsaps, seconded by Atchley, to approve the Indian Lake Village Overall FMDP Phase V-A (1)-Amended FMDP, with all staff comments as listed below. Ames, Atchley, Bristol, Bryant-McCormick, Jenkins, Massey, Millsaps and Stringfellow voted aye. Nay: None. Absent: Freudenthal and Pinson. Motion carried.

Planning Department

STAFF REPORT

The Planning Commission previously approved a Final Master Development Plan for Indian Lake Village Phase V-A (1). The applicant is requesting a revision to the approved Final Master to allow for 4 additional units, an increase from 104 to 108. In the previous plan the majority of the buildings had 6 units while a few only had 5. In the revised plan all buildings have 6 units.

The density of Indian Lake Village is established with the overall Preliminary Master Development Plan (1,200 units).

STAFF COMMENTS

1. Provide covenants and restrictions for review. No building permit will be issued until review and approved by staff.
2. Per the approved final plat, the owner is responsible for the installation of street lights along the portion of Saundersville Road adjacent to the subject property. The lights must be installed or a surety provided prior to final site plan approval.
3. Per the approved final plat, the owner is responsible for the installation of landscaping and irrigation in the medians along the portion of Saundersville Road adjacent to the subject property. The landscaping and irrigation must be installed or a surety provided prior to final site plan approval.

Submitted by Lisa Milligan, AICP, Senior Planner (March 1, 2013)

Fire Department

1. Hendersonville Fire Department recommends approval.

Submitted by Darrel Fleming, Fire Marshall (March 1, 2013)

Public Works Department

1. No policy issues.

Submitted by: Duane Allen, Assistant to City Engineer (March 1, 2013)

Utility District

1. Ok for planning.

Submitted by Ronnie Perdue, Hendersonville Utility District (March 1, 2013)

SITE PLANS:

13-007-001: SITE PLAN, INDIAN LAKE TOWNHOMES: MOTION by Atchley, seconded by Millsaps, to approve Site Plan, Indian Lake Townhomes, with all staff comments as listed below. Ames, Atchley, Bristol, Bryant-McCormick, Jenkins, Massey, Millsaps and Stringfellow voted aye. Nay: None. Absent: Freudenthal and Pinson. Motion carried.

Planning Department

STAFF COMMENTS

1. Provide covenants and restrictions for review and approval. No building permits will be issued until covenants have been approved by staff.
2. A permit will be required for the temporary trailer (prior to installation).
3. Provide detention pond wall details and material specifications. Staff must approve materials. If staff and applicant cannot agree, the materials will have to go back to the Planning Commission for review.
4. The screen fence must be as per the Final Master Development Plan. The detail has not been updated.
5. The elevations are labeled as A, C, D, E, F, and G. How do these correspond to the color photos? The elevations that I received do not have corresponding labels. There are 6 elevations on the line drawings but only 4 photo elevations. These need to match.
6. Show the location of existing and proposed electric lines. These must be shown on the corrected set. We will not stamp the corrected set or issue any building permits until the locations are provided.
7. Per the approved final plat, the owner is responsible for the installation of street lights along the portion of Saundersville Road adjacent to the subject property. The lights must be installed or a surety provided prior to final site plan approval.
8. Per the approved final plat, the owner is responsible for the installation of landscaping and irrigation in the medians along the portion of Saundersville Road adjacent to the subject property. The landscaping and irrigation must be installed or a surety provided prior to final site plan approval.
9. Once you have addressed the comments of the Indian Lake Village ARC, provide an approval letter.
10. Disturbed areas not otherwise landscaped shall receive sod.
11. Provide percentage breakdown of landscaped area vs turf areas.
12. Reduce slope behind units 69-72 to maintain useable common open space.
13. Extend greenway to meet east property line.
14. Nellie Stevens hollies shall be 10-12' ht.
15. Provide foundation plantings per previous redlines.
16. Fastigate form needed in place of D.D. Blanchard along greenway.
17. Provide separate plant schedule for replacement trees. Replacement trees shall be indicated with "R".
18. Provide City's standard tree selection notes.
19. Provide construction details for pavers and bench anchors.

Submitted by Lisa Milligan, AICP, Senior Planner and Timothy Whitten, ASLA, Landscape Architect/Planner (March 1, 2013)

Public Works Department

1. Add a note stating the owner/developer is responsible for providing street lights on Saundersville Station Road along with all associated cost.

2. Show the proposed street lights on Saundersville Road.
3. Add a note stating the owner/developer is responsible providing landscaping and irrigation for the medians located on Saundersville Station Road adjacent to the property.

Submitted by Duane Allen, Assistant to City Engineer (March 1, 2013)

Fire Department

1. Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.7.

Submitted by Darrel Fleming, Fire Marshall (March 1, 2013)

Utility District

1. All sanitary sewers 12 ft. deep or greater must be Ductile Iron Pipe Class 52 or C 900 PVC pipe. Each Townhome must have individual 6" service connection with a 6" clean out and box.

Submitted by Ronnie Perdue, HUD (March 1, 2013)

SKETCH PLATS: None

PRELIMINARY PLATS: None

REZONING REQUEST:

13-009-001: REZONING 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.

MOTION by Stringfellow, seconded by Atchley, to recommend approval to the Board of Mayor and Aldermen Rezoning Request by Raymond Sanders to rezone 8 Industrial Park Drive, Hendersonville, TN, from Industrial Restrictive (IR) to Mixed Commercial Service District (MCD), Summer County Property Tax Map 160N, Group C, Parcel 40.00. Ames, Atchley, Bristol, Bryant-McCormick, Jenkins, Massey, Millsaps and Stringfellow voted aye. Nay: None. Absent: Freudenthal and Pinson. Motion carried.

Planning Department

STAFF REPORT

Raymond Sanders, owner, and Terry Frazier, buyer, have submitted an application to rezone 8 Industrial Park Drive, from I-R Industrial-Restrictive to MCD Mixed Commercial. This property is in Hendersonville Industrial Park which is located west of New Shackle Island Road, north of West Main Street. See attached map.

Mr. Frazier has a renter for the property. The renter is World Acceptance Corporation. According to their web site, this company makes small loans like a title loan or “Quick Cash” business. The 10,000-sq. ft. building located on this property will be used as a training center for the employees of their loan offices located within this region. See attached letter from the applicants.

Since a loan office and employee training are not industrial activities, these activities are not permitted uses within this zone. The loan office is classified as Financial Services. The training center is classified as General Business Services. These uses are permitted in zones which allow offices, i.e. OPS, and in commercial zones, i.e. GCS and MCD.

Hendersonville Industrial Park is zoned I-R. The property to the east of this industrial park along New Shackle Island Road is zoned MCD, including Dos Margaritas Restaurant which is located on the east side of the Sanders property. So, the request is to extend the MCD zoning into the industrial district. If rezoned to MCD, the Sanders lot would be surrounded on 3 sides by I-R.

I-R allows Limited Manufacturing, Warehousing and Wholesale as well as several heavy commercial activities such as veterinarian clinic, auto repair, building materials, contractors, equipment repair, commercial cleaning services, exterminating services and vehicle sales.

MCD allows all of the above plus other commercial activities such as retail sales and services, entertainment services, general personal services, restaurants and office uses such as Financial Services, General Business Services and Professional Services.

The new Land Use Plan combines office and industrial areas into one Character Area called “Employment Center”. The areas on the Land Use Plan map which are designated as Employment Centers include the City’s 3 industrial parks, other industrial areas, Medical Center and Rogers Group quarry. The map does not distinguish which areas should be zoned office versus industrial. I expect the Medical Center and physicians office buildings will be zoned office and the industrial parks will be zoned some form of industrial. Small industries and heavy commercial are the predominant activities within Hendersonville Industrial Park. Therefore, this area is shown on the draft zoning map to be zoned accordingly – for light, small industry and heavy commercial. Financial and Business Services and other office uses are not included in the draft table of uses. The intent is to save these areas for industrial uses and other select uses which are complimentary to, and compatible with, industrial uses.

The purpose for saving the 3 industrial parks for industrial uses is because Hendersonville has very few areas which are zoned for industry. Hendersonville Industrial Park is full. Saundersville Industrial Park is almost full as is Freehill Industrial Park. There are a few lots off

of Volunteer Drive and on South Center Point Road, and that is it. There are no other areas suitable to rezone to industrial.

Conversely, there appears to be a good supply of property zoned for office and other commercial uses. World Acceptance could locate in these areas.

Furthermore, offices do not mix well with industrial operations. They are not compatible.

As stated above, the new Zoning Ordinance and map are just in draft form. Staff has not completed the draft and it has not been seen by the Planning Commission. It is subject to change. Ideally, there would be no changes to the current Zoning Map during this time. A decision made now on this parcel might not be the same as the decision which will be made in a few months when the ordinance and map are reviewed as a whole.

But the owner states he has not been able to sell or rent the property for I-R uses, which include a few heavy commercial uses. He states the ceilings are too low for industrial uses. He also points out that, although it would be surrounded on 3 sides by industrial property, it is an extension of an existing MCD district.

The Zoning Ordinance, in Section 11-605, states the Grounds for an Amendment. These are as follows:

Grounds for an Amendment

The Planning Commission in its review and recommendation shall make specific findings with regard to the following grounds for an amendment and shall note the same in the official record as follows:

1. The amendment is in agreement with the general plan for the area.
2. It has been determined that the legal purposes for which zoning exists are not contravened.
3. It has been determined that there will be no adverse effect upon joining property owners, unless such effect can be justified by the overwhelming public good or welfare.
4. It has been determined that no property owner or small group of property owners will benefit materially from the change to the detriment of the general public.
5. It has been determined that conditions affecting the area have changed to a sufficient extent to warrant an amendment to the area's general plan, and consequently, the zoning map.

Submitted by: Fred D. Rogers, Planning Director (March 1, 2013)

13-008-001: REZONING REQUEST BY LARRY GRIBBINS to rezone 160 Commerce Drive, Hendersonville, TN, from Industrial-Restrictive (I-R) to Industrial-General (I-G). Sumner County Property Tax Map 160N, Group C, Parcel 60.00.

Fred Rogers said Staff pulled the currently approved Site Plan which shows there are 18 parking spaces on the property and about 6 more parking spaces could be added for a total of 24 spaces.

The Ordinance specifies for this particular type of use the Planning Commission is to determine how many parking spaces would be needed for these types of uses, in this particular case cheerleading school, which comes under Entertainment and Amusement Services. The Staff checked the American Planning Association Parking Standards Guide and it does not have a provision for cheerleading schools. The nearest use would be a dance and/or gymnastics schools. The Guide gives about 7 other cities requirements and the average for this 7,000 square foot building would be required to have 38 spaces. This would be potentially an issue unless the Planning Commission sees fit to approve some lesser amount. The request is to rezone from I-R Industrial to I-G Industrial. I-G Industrial allows Cheerleading Schools as a conditional use which means this would still have to go to the Board of Zoning Appeals.

MOTION by Atchley, seconded by Millsaps, to recommend approval to the Board of Mayor and Aldermen Rezoning Request by Larry Gribbins to rezone 160 Commerce Drive, Hendersonville, TN, from Industrial-Restrictive (I-R) to Industrial-General (I-G), Sumner County Property Tax Map 160N, Group C, Parcel 60.00. Ames, Atchley, Bristol, Bryant-McCormick, Jenkins, Massey, Millsaps and Stringfellow voted aye. Nay: None. Absent: Freudenthal and Pinson. Motion carried.

Fred Rogers said if it's approved by the Board of Mayor and Aldermen on two readings and another public hearing, then it has to go to the Board of Zoning Appeals and questioned if the Planning Commission is agreeing to 24 parking spaces as opposed to 38 since it wasn't addressed in the rezoning motion.

Vice-Chairman Jenkins asked the Commission to reconsider the motion and discuss the parking issue before making or amending the motion.

Fred Rogers said in this particular case, unlike the Sanders property, there is no more land to add additional parking on this lot, the building and the parking covers the entire site. The main goal is to make sure it is safe and that there will not be any parking on the street.

Lori Atchley noted there are 2 other cheerleading schools in town and maybe 3, so if this traffic/parking situation becomes unbearable, then the parents and the younger people would have other choices so the market will bear what it will bear.

MOTION by Atchley, seconded by Millsaps, to reconsider the action of the original motion. Ames, Atchley, Bristol, Bryant-McCormick, Jenkins, Massey, Millsaps and Stringfellow voted aye. Nay: None. Absent: Freudenthal and Pinson. Motion carried.

MOTION by Atchley, seconded by Millsaps, to recommend approval to the Board of Mayor and Aldermen the Rezoning Request by Larry Gribbins to rezone 160 Commerce Drive, Hendersonville, TN, from Industrial-Restrictive (I-R) to Industrial-General (I-G), Sumner County Property Tax Map 160N, Group C, Parcel 60.00 with the existing 18 spaces and an additional 6 for a total of 24 parking spaces. Ames, Atchley, Bristol, Bryant-McCormick, Jenkins, Massey, Millsaps and Stringfellow voted aye. Nay: None. Absent: Freudenthal and Pinson. Motion carried.

Planning Department

STAFF REPORT

Larry Gribbins has submitted an application to rezone 160 Commerce Drive from I-R Industrial-Restrictive to I-G Industrial-General. This property is in Hendersonville Industrial Park which is located west of New Shackle Island, north of West Main. See map attached to the Sanders' application.

As is the case with Mr. Sanders, Mr. Gribbins has not been able to rent this building for 1½ years. He says it is because of the ceiling heights. Yet this building has high ceilings. As a matter of fact, it is because of the high ceilings that Mr. Gribbins now has a renter. This renter would use the building for a cheerleading school.

You may recall a few years ago the ordinance was amended to allow cheerleading schools as a conditional use in I-G zones (but not I-R). This was done at the request of David Luckey and involved a building he owns in the Freehill Industrial Park which is zoned I-G. The rationale was that cheerleading schools require high ceilings like is normally found in industrial buildings.

The Gribbins I-R lot, if rezoned to I-G, would be surrounded on 3 sides by I-R property. The 4th side is residential. It touches 5 residential lots.

I-G, in addition to allowing cheerleading schools, allows more intense, heavier, industrial uses than allowed in I-R. Even though the current proposed user (cheerleading) will have less impact on the 5 adjacent homes, there is the possibility that the property could be used in the future for more intense industrial uses than allowed by the current Industrial-Restrictive classification. If so, there would be a greater impact on the adjacent homes.

The Land Use Plan for Hendersonville Industrial Park was explained in the Sanders report. That report also explained the draft zoning ordinance and map in relation to this industrial park. The draft proposes that this industrial park would be zoned to accommodate the predominant existing uses within the park which is a combination of small, light industry and heavy commercial, but not offices and not commercial uses.

As stated in the Sanders' report, Hendersonville has a very limited supply of industrial property. Conversely, there is a good supply of commercial property. And, industrial activities do not mix well with the general public, especially the customers of a cheerleading school.

A decision made now, during the middle of the drafting of a new zoning ordinance and map, might not be the same decision which would be made when the ordinance and map are being reviewed as a whole.

Grounds for an Amendment

The Planning Commission in its review and recommendation shall make specific findings with regard to the following grounds for an amendment and shall note the same in the official record as follows:

1. The amendment is in agreement with the general plan for the area.
2. It has been determined that the legal purposes for which zoning exists are not contravened.
3. It has been determined that there will be no adverse effect upon joining property owners, unless such effect can be justified by the overwhelming public good or welfare.
4. It has been determined that no property owner or small group of property owners will benefit materially from the change to the detriment of the general public.
5. It has been determined that conditions affecting the area have changed to a sufficient extent to warrant an amendment to the area's general plan, and consequently, the zoning map.

Submitted by: Fred D. Rogers, Planning Director (March 1, 2013)

STAFF APPROVED PROJECTS:

13-005-001: SITE PLAN, PIRANHA BAR & GRILL – STOREFRONT CONVERSION:

The Hendersonville Regional Planning Commission acknowledged staff approval of Site Plan, Piranha Bar & Grill – Storefront Conversion.

OTHER: None

ADJOURNMENT:

MOTION by Millsaps, seconded by Bryant-McCormick, to adjourn the Hendersonville Regional Planning Commission Meeting at 7:35 p.m. Ames, Atchley, Bristol, Bryant-McCormick, Jenkins, Massey, Millsaps and Stringfellow voted aye. Nay: None. Absent: Freudenthal and Pinson. Motion carried.

ANN MASSEY, Secretary

DAVID JENKINS, Vice-Chairman

FRED D. ROGERS, JR., Planning Director