

**MINUTES**  
**HENDERSONVILLE REGIONAL PLANNING COMMISSION**  
**TUESDAY, DECEMBER 3, 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, Mark Bristol, Kee Bryant-McCormick, Bob Freudenthal, David Jenkins, Ann Massey, Bryant Millsaps, Frank Pinson and Darlene Stringfellow. Also present: Fred D. Rogers, Jr., Planning Director; Lisa D. Milligan, Senior Planner; Timothy D. Whitten, Landscape Architect/Planner; Jerry Horton, Public Works Director; Nate Renzella, Fire Inspector; and Georgie Mathis, Administrative Secretary.

**PUBLIC HEARINGS:**

Public Hearing to hear comments on a request by Donovan Ames to rezone his property located at 108 Nokes Drive, Hendersonville, TN from Town Center Residential (TC-R) to Office Professional Service (OPS). Sumner County Property Tax Map 163E, Group A, Parcel 014.00.

Public Hearing to hear comments on a request by BT & T Investments, LLC to amend the Indian Lake Village Overall Final Master Development Plan, Phases IIIA2, IIIA3, IIIB, IIIE, IIIF, III Outparcels IV, V, & VI to add Special Personal and Group Care Facilities to Phase VI. Phase VI is located on Saundersville Road, east of Stop 30 and is identified as parcels 44.02 and 44.06 on Sumner County Property Tax Map 145.

**REQUEST FOR INFORMATION AND ASSISTANCE:** None

**ADDITIONS TO AGENDA:** None

## **MINUTES:**

MOTION by Ames, seconded by Millsaps, to approve Public Hearing Minutes of November 5, 2013 on request by WFC Durham Holdings VII, GP, to approve a new Preliminary Master Development Plan for Durham located on Drakes Creek Road, identified as Parcel 84.01 on Sumner County Property Tax Map 123 and Parcels 12.03, 14.00, 17.01, 17.02, 33.00, 34.01 and 35 on Sumner County Property Tax Map 138, and zoned Low Density Residential District (R-20) (448.4 acres) and Multiple Residential/Office District (MRO) (23.6 acres) with a Planned Unit Development (PUD) Overlay. Ames, Atchley, Bristol, Bryant-McCormick, Freudenthal, Jenkins, Millsaps, Pinson and Stringfellow voted aye. Nay: None. Abstain: Massey. Absent: None. Motion carried.

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

## **CONSENT AGENDA ITEMS:**

**13-071-001: FMDP, THE RETREAT:** MOTION by Jenkins, seconded by Millsaps, to approve FMDP, The Retreat, with all staff comments as listed below. Ames, Atchley, Bristol, Bryant-McCormick, Freudenthal, Jenkins, Massey, Millsaps, Pinson and Stringfellow voted aye. Nay: None. Absent: None. Motion carried.

Planning Department

### **STAFF COMMENTS**

1. Provide updated covenants and restrictions addressing comments from the approval of the Preliminary Master Development Plan.
2. A site plan will be required for the pool house and pool prior to construction. This will also include the parking area. Changes to the layout may be required to meet city requirements.
3. Consider extending the street trees throughout the development.
4. Revise Note 13 to indicate that the payment is required prior to the recording of any final plats for the project. This is our standard procedure. Use and occupancy permits are not issued for single-family dwellings.

Submitted by Lisa Milligan, AICP, Senior Planner (November 27, 2013)

Public Works Department

1. Payment in lieu of public infrastructure improvements is required and must be provided with the recording of the final plat.

Submitted by Duane Allen, Assistant to City Engineer (November 27, 2013)

Fire Department

1. Fire flow requirements shall be a minimum of 1500 gpm @ 20 psi per the 2012 International Fire Code. Fire Hydrants shall be installed every 500' along the roadway. Hydrants will be installed on a water main of 6" or greater. No hydrants may be installed on water mains of 6" if it dead ends and exceeds 300' in length, per the Hendersonville Subdivision Regulations 3-107.201. Hydrants will then need to be installed on a minimum of an 8" water main if these criteria are met. No hydrants shown at the intersection of Sanders Ferry Road. Water main size has not been changed. I noted a total of 4 fire hydrants to be installed, is this correct?
2. Every building shall be accessible to the fire department apparatus including but not limited to ladder trucks and vehicles of similar size. An access roadway shall be an all-weather driving surface of not less than 26' of unobstructed width, with adequate roadway turning radius capable of supporting the imposed load of fire apparatus. There shall be no "dead end" roadways.
3. The roadway, water mains, and fire hydrants shall be installed and operational prior to any combustibles being placed on the construction site, including but not limited to trailers and construction offices. These will be maintained in working order throughout the construction project. The AHJ shall approve.
4. This project is subject to the regulation set forth in the City of Hendersonville Subdivision Regulation, the International Fire and Building Code, 2012 edition, and the National Fire Protection Agency Life Safety Code 101. While maintaining compliance with the above mentioned codes, it may be necessary to comply with other sections of the National Fire Protection Agency (NFPA) standards and guidelines.
5. The AHJ reserves the right within code to require additional compliance and/or upon further review of plans submitted including site inspections for additional compliance to meet the code standard, although it may not be initially indicated during staff review.
6. Security gates to be installed per IFC 2012, 503.6 and D103.5. The security gate(s) shall have an approved means of emergency operation.

Submitted by Chuck Swann, Interim Fire Marshall (November 27, 2013)

Utility District

1. Need water and sewer plans.

Submitted by Ronnie Perdue, HUD (November 27, 2013)

**13-072-001: PRELIMINARY PLAT, THE RETREAT:** MOTION by Jenkins, seconded by Millsaps, to approve Preliminary Plat, The Retreat, with all staff comments as listed below. Ames, Atchley, Bristol, Bryant-McCormick, Freudenthal, Jenkins, Massey, Millsaps, Pinson and Stringfellow voted aye. Nay: None. Absent: None. Motion carried.

Staff Comments

STAFF COMMENTS

1. Payment in lieu of curb and gutter and sidewalks is required along Sanders Ferry Road. This payment must be made prior to the recording of any final plat.
2. Payment in lieu of the required bike lane along Sanders Ferry road is required. This payment must be made prior to the recording of any final plat.

Submitted by Lisa Milligan, AICP Senior Planner (November 27, 2013)

Public Works Department

1. Payment in-lieu-of public infrastructure improvements must be provided with the recording of the final plat.

Submitted by Duane Allen, Assistant to City Engineer (November 27, 2013)

Fire Department

1. Fire flow requirements shall be a minimum of 1500 gpm @ 20 psi per the 2012 International Fire Code. Fire Hydrants shall be installed every 500' along the roadway. Hydrants will be installed on a water main of 6" or greater. No hydrants may be installed on water mains of 6" if it dead ends and exceeds 300' in length, per the Hendersonville Subdivision Regulations 3-107.201. Hydrants will then need to be installed on a minimum of an 8" water main if these criteria are met. No existing details on hydrants and water mains. (Location and sizes). The water main (dead end) exceeds a 1000'. Will this system be looped? No hydrants shown at the intersection of Sanders Ferry Road.
2. Every building shall be accessible to the fire department apparatus including but not limited to ladder trucks and vehicles of similar size. An access roadway shall be an all-weather driving surface of not less than 26' of unobstructed width, with adequate roadway turning radius capable of supporting the imposed load of fire apparatus. There shall be do "dead end" roadways.
3. The roadway, water mains, and fire hydrants shall be installed and operational prior to any combustibles being placed on the construction site, including but not limited to trailers and construction offices. These will be maintained in working order throughout the construction project. The AHJ shall approve.

4. This project is subject to the regulation set forth in the City of Hendersonville Subdivision Regulation, the International Fire and Building Code, 2012 edition, and the National Fire Protection Agency Life Safety Code 101. While maintaining compliance with the above mentioned codes it may be necessary to comply with other sections of the National Fire Protection Agency (NFPA) standards and guidelines.
5. The AHJ reserves the right within code to require additional compliance and/or upon further review of plans submitted including site inspections for additional compliance to meet the code standard, although it may not be initially indicated during staff review.

Submitted by Chuck Swann, Interim Fire Marshall (November 27, 2013)

Utility District

1. Ok for planning.

Submitted by Ronnie Perdue, HUD (November 27, 2013)

**13-068-001: PRELIMINARY PLAT, SAUNDERSVILLE STATION, PHASE 6: MOTION** by Jenkins, seconded by Millsaps, to approve Preliminary Plat, Saundersville Station, Phase 6, with no comments from staff. Ames, Atchley, Bristol, Bryant-McCormick, Freudenthal, Jenkins, Massey, Millsaps, Pinson and Stringfellow voted aye. Nay: None. Absent: None. Motion carried.

**FINAL PLATS:** None

**PRELIMINARY AND FINAL MASTER DEVELOPMENT PLANS:**

**13-070-001: AMENDMENT TO FMDP, INDIAN LAKE VILLAGE, PHASE VI, TO ADD SPECIAL PERSONAL AND GROUP CARE FACILITIES TO THE LIST OF PERMITTED USES.** MOTION by Millsaps, seconded by Jenkins, to deny the request for an Amendment to FMDP, Indian Lake Village, Phase VI, to add Special Personal and Group Care Facilities to the list of permitted uses. Ames, Atchley, Bristol, Bryant-McCormick, Freudenthal, Jenkins, Massey, Millsaps, Pinson and Stringfellow voted aye. Nay: None. Absent: None. Motion carried.

## **SITE PLANS:**

**13-073-001: SITE PLAN, MID-TENN OFFICE BUILDING:** MOTION by Atchley, seconded by Millsaps, to approve Site Plan, Mid-Tenn Office Building, with all staff comments as listed below. Ames, Atchley, Bristol, Bryant-McCormick, Freudenthal, Jenkins, Massey, Millsaps, Pinson and Stringfellow voted aye. Nay: None. Absent: None. Motion carried.

### Planning Department

#### STAFF COMMENTS

1. Provide retaining wall details and sample block. Block should be decorative, compatible with surrounding buildings, and must be approved by Planning staff prior to installation.
2. Show tree protection fencing for tree save areas. Provide detail.
3. Any irrigation within right-of-way damaged during construction shall be repaired by owner/contractor.
4. Revise site data on sheet L1.00 to indicate pervious area requirement is 25%.
5. Sod to be installed in all disturbed areas not otherwise landscaped.

Submitted by Timothy Whitten, Landscape Architect/Planner (November 27, 2013)

### Public Works Department

1. Provide turning lane on Saundersville Road.
2. Provide street lights on Saundersville Road.

Submitted by Duane Allen, Assistant to City Engineer (November 27, 2013)

### Fire Department

1. Fire flow requirements shall be a minimum of 1500 gpm @ 20 psi per the 2012 International Fire Code. Fire Hydrants shall be installed every 500' along the roadway. Hydrants will be installed on a water main of 6" or greater. No hydrants may be installed on water mains of 6" if it dead ends and exceeds 300' in length, per the Hendersonville Subdivision Regulations 3-107.201. Hydrants will then need to be installed on a minimum of an 8" water main if these criteria are met. Additional hydrants needed on the north side of the building.
2. 107.201. Hydrants will then need to be installed on a minimum of an 8" water main if these criteria are met. Additional hydrants needed on the north side of the building.
3. Every building shall be accessible to the fire department apparatus including but not limited to ladder trucks and vehicles of similar size. An access roadway shall be an all-weather driving surface of not less than 26' of unobstructed width, with adequate roadway turning

radius capable to supporting the imposed load of fire apparatus. There shall be no “dead end” roadways.

4. The roadway, water mains, and fire hydrants shall be installed and operational prior to any combustibles being placed on the construction site, including but not limited to trailers and construction offices. These will be maintained in working order throughout the construction project. The AHJ shall approve.
5. This project is subject to the regulation set forth in the City of Hendersonville Subdivision Regulation, the International Fire and Building Code, 2012 edition, and the National Fire Protection Agency Life Safety Code 101. While maintaining compliance with the above mentioned codes it may be necessary to comply with other sections of the National Fire Protection Agency (NFPA) standards and guidelines.
6. The AHJ reserves the right within code to required additional compliance and/or upon further review of plans submitted including site inspections for additional compliance to meet the code standard, although it may not be initially indicated during staff review.
7. Key box required. Contact fire marshal’s office for application.
8. All comments noted and agreed to.

Submitted by Chuck Swann, Interim Fire Marshall (November 27, 2013)

Utility District

1. 2” domestic line to be copper. 6” water line to be D.I.P. with State approved plans, no irrigation meter shown on the plans.

Submitted by Ronnie Perdue, HUD (November 27, 2013)

**13-075-001: SITE PLAN, OPTIMECH OFFICE:** MOTION by Atchley, seconded by Pinson, to approve Site Plan, Optimech Office, with all staff comments as listed below. Ames, Atchley, Bristol, Bryant-McCormick, Freudenthal, Jenkins, Massey, Millsaps, Pinson and Stringfellow voted aye. Nay: None. Absent: None. Motion carried.

Planning Department

STAFF REPORT

This site is located on Saundersville Road, adjacent to Hendersonville Academy and across the street from Windham Professional. It is in the Indian Lake Village PUD. The proposed use is office.

## STAFF COMMENTS

1. Provide access easement from ILB to southeast corner of parcel 48.01.
2. Sod to be installed in all disturbed areas not otherwise landscaped.
3. Shade trees are to be 3.5" caliper. Parking lot trees are to be 4" caliper.
4. Needlepoint hollies shall be maximum of 3.5' on-center.
5. Ground sign should be located in the center of the lot.
6. Show locations of mechanical/electrical units. Provide appropriate screening.
7. The critical root zone of the tree save area along north property line is within limits of disturbance. Trees must be remediated. As an alternative, provide a report from a registered Consulting Arborist indicating proposed disturbance will not negatively impact existing trees, or can be mitigated.
8. Minimum pervious area required is 25%. Revise site data table on sheet L1.00.

Submitted by Timothy Whitten, Landscape Architect/Planner (November 27, 2013)

### Public Works Department

1. Provide street lights on Saundersville Road.

Submitted by Duane Allen, Assistant to City Engineer (November 27, 2013)

### Fire Department

1. Fire flow requirements shall be a minimum of 1500 gpm @ 20 psi per the 2012 International Fire Code. Fire Hydrants shall be installed every 500' along the roadway. Hydrants will be installed on a water main of 6" or greater. No hydrants may be installed on water mains of 6" if it dead ends and exceeds 300' in length, per the Hendersonville Subdivision Regulations 3-107.201. Hydrants will then need to be installed on a minimum of an 8" water main if these criteria are met. Additional hydrant needed on the north side of building. No fire line shown.
2. Every building shall be accessible to the fire department apparatus including but not limited to ladder trucks and vehicles of similar size. An access roadway shall be an all-weather driving surface of not less than 26' of unobstructed width, with adequate roadway turning radius capable of supporting the imposed load of fire apparatus. There shall be no "dead end" roadways.
3. The roadway, water mains, and fire hydrants shall be installed and operational prior to any combustibles being placed on the construction site, including but not limited to trailers and construction offices. These will be maintained in working order throughout the construction project. The AHJ shall approve.
4. This project is subject to the regulation set forth in the City of Hendersonville Subdivision Regulation, the International Fire and Building Code, 2012 edition, and the National Fire Protection Agency Life Safety Code 101. While maintaining compliance with the above

mentioned codes it may be necessary to comply with other sections of the National Fire Protection Agency (NFPA) standards and guidelines.

5. The AHJ reserves the right within code to require additional compliance and/or upon further review of plans submitted including site inspections for additional compliance to meet the code standard, although it may not be initially indicated during staff review.
6. Key box required. Contact fire marshal's office for application
7. All comments note and agreed to.

Submitted by Chuck Swann, Interim Fire Marshall (November 27, 2013)

Utility District

1. 2" domestic line to be copper, no irrigation meter shown on plans.

Submitted by Ronnie Perdue, HUD (November 27, 2013)

**13-074-001: SITE PLAN, CULVER'S RESTAURANT – INDIAN LAKE VILLAGE, PHASE I, LOT 10:**

MOTION by Ames, seconded by Atchley, to approve Site Plan, Culver's Restaurant – Indian Lake Village, Phase I, Lot 10, without the granted request of LED sign and with all staff comments as listed below. Ames, Atchley, Bristol and Freudenthal voted aye. Nay: Bryant-McCormick, Jenkins, Massey, Millsaps, Pinson and Stringfellow. Absent: None. Motion denied.

MOTION by Millsaps, seconded by Jenkins, to approve Site Plan, Culver's Restaurant – Indian Lake Village, Phase I, Lot 10, to allow this sign to go forward with the LED technology and with all staff comments as listed below. Bryant-McCormick, Jenkins, Massey, Millsaps, Pinson and Stringfellow voted aye. Nay: Ames, Atchley, Bristol and Freudenthal. Absent: None. Motion carried.

Planning Department

**STAFF REPORT**

This site is located on the east side of Indian Lake Boulevard, between Mimi's and the Northstar shopping center (where Firehouse Subs is located). It is in the Indian Lake Village PUD.

Culver's is a quick-service restaurant, as defined by the Hendersonville Zoning Ordinance. The ILV master plan limits quick-service restaurants on Indian Lake Boulevard to four. Culver's will be the fourth to be approved. The other three are McDonald's, Pollo Tropical, and Bojangles.

## STAFF COMMENTS

1. Ground sign must conform in all respects to the single tenant ground sign detail shown in the ILV development guide. Revise.
2. Wall signage should not advertise particular products,
3. China Girl hollies should be spaced a maximum of 3' on-center.
4. Tree protection fencing shall be staked at the dripline. Provide detail.
5. Coordinate proposed irrigation with existing irrigation along Indian Lake Boulevard.
6. Provide awning over rear door.

Submitted by Timothy Whitten, Landscape Architect/Planner (November 27, 2013)

### Public Works Department

1. Delete right-out access located on the south of the property or provide traffic study to the Public Works Department addressing traffic movements.

Submitted by Duane Allen, Assistant to City Engineer (November 27, 2013)

### Fire Department

1. Fire flow requirements shall be a minimum of 1500 gpm @ 20 psi per the 2012 International Fire Code. Fire Hydrants shall be installed every 500' along the roadway. Hydrants will be installed on a water main of 6" or greater. No hydrants may be installed on water mains of 6" if it dead ends and exceeds 300' in length, per the Hendersonville Subdivision Regulations 3-107.201. Hydrants will then need to be installed on a minimum of an 8" water main if these criteria are met. Only (1) existing hydrant is shown. What is the location of other fire hydrants in relation to this property? 6" Fire lines are noted.
2. Every building shall be accessible to the fire department apparatus including but not limited to ladder trucks and vehicles of similar size. An access roadway shall be an all-weather driving surface of not less than 26' of unobstructed width, with adequate roadway turning radius capable of supporting the imposed load of fire apparatus. There shall be no "dead end" roadways.
3. The roadway, water mains, and fire hydrants shall be installed and operational prior to any combustibles being placed on the construction site, including but not limited to trailers and construction offices. These will be maintained in working order throughout the construction project. The AHJ shall approve.
4. This project is subject to the regulation set forth in the City of Hendersonville Subdivision Regulation, the International Fire and Building Code, 2012 edition, and the National Fire Protection Agency Life Safety Code 101. While maintaining compliance with the above mentioned codes it may be necessary to comply with other sections of the national Fire Protection Agency (NFPA) standards and guidelines.

5. The AHJ reserves the right within code to require additional compliance and/or upon further review of plans submitted including site inspections for additional compliance to meet the code standard, although it may not be initially indicated during staff review.

Submitted by Chuck Swann, Interim Fire Marshall (November 27, 2013)

Utility District

1. Already spoken to Engineer.

Submitted by Ronnie Perdue, HUD (November 27, 2013)

**SKETCH PLATS:** None

**PRELIMINARY PLATS:** None

**REZONING REQUEST:**

**13-076-001: REZONING REQUEST BY DONOVAN AMES** to rezone his property located at 108 Nokes Drive, Hendersonville, TN from Town Center Residential (TC-R) to Office Professional Service (OPS). Sumner County Property Map 163E, Group A, Parcel 014.00.

Don Ames recused himself from the meeting due to a conflict of interest with the rezoning request.

MOTION by Millsaps, seconded by Jenkins, to recommend approval to the Board of Mayor and Aldermen Rezoning Request by Donovan Ames to rezone his property located at 108 Nokes Drive, Hendersonville, TN from Town Center Residential (TC-R) to Office Professional Service (OPS) and with the staff report. Sumner County Property Map 163E, Group A, Parcel 014.00. Bristol, Bryant-McCormick, Freudenthal, Jenkins, Massey, Millsaps, Pinson and Stringfellow voted aye. Nay: None. Abstain: Ames and Atchley. Absent: None. Motion carried.

Planning Department

STAFF REPORT

Don and Shelley Ames own the small office building located on Nokes Drive next to Bread Box convenience store. This building has been used as an insurance office since 1982. It was originally zoned R-C, Residential-C. Such zoning allowed offices as a Conditional Use. The Conditional Use granted in 1982 was for an insurance office only.

The property was rezoned to RM-1, High Density Residential, when the current zoning ordinance was adopted in 1985. RM-1 also allows offices as a Conditional Use.

When the Town Center Plan was adopted a few years ago, this office building along with Bread Box and the office building north of Bread Box were zoned TC-R, Town Center-Residential, rather than NCS, Neighborhood Convenience Service, and OPS, Office/Professional Service.

The insurance office has moved out. Another insurance user cannot be found, thus the building is vacant. Other office users have expressed an interest but are not allowed because the approved Conditional Use Permit is for an insurance office only. Furthermore, offices are not allowed in the current TC-R zone even as a Conditional Use. And, finally, the current non-conforming use regulations only allow the continuance of an insurance office. A change to any other type of office is expressly prohibited.

As you may recall, the current draft zoning map shows Bread Box to be NC, Neighborhood Commercial, and the two adjacent offices to be O, Office.

You may also recall a similar situation with the office on Shivel Drive south of Imperial. It was rezoned to OPS several years ago. The zoning was changed to TC-R, when the Town Center Plan was approved. The owner (Louis Oliver) could not find another realtor to rent the building. So it was rezoned back to OPS about a year ago.

The Land Use Plan combines the residential and commercial parts of Town Center into one Character Area – Old Town. Primary Lands Uses in this Character Area include offices.

In summary, rezoning this small office building from TC-R to OPS would be consistent with the Lane Use Plan, the draft zoning map and the recent rezoning of the Shivel Drive office building.

Submitted by Fred Rogers, Planning Director (November 27, 2013)

STAFF COMMENTS

None

**STAFF APPROVED PROJECTS:** None

**OTHER:**

**NEW ZONING ORDINANCE PUBLIC MEETING**

The Public Meeting for the new Zoning Ordinance was held after adjournment of the regular Hendersonville Regional Planning Commission meeting.

**ADJOURNMENT:**

MOTION by Millsaps, seconded by Pinson, to adjourn the Hendersonville Regional Planning Commission Meeting at 7:37 p.m. Ames, Atchley, Bristol, Bryant-McCormick, Freudenthal, Jenkins, Massey, Millsaps, Pinson and Stringfellow voted aye. Nay: None. Absent: None. Motion carried.

---

ANN MASSEY, Secretary

---

BOB FREUDENTHAL, Chairman

---

FRED D. ROGERS, JR., Planning Director