

**MINUTES**  
**HENDERSONVILLE REGIONAL PLANNING COMMISSION**  
**TUESDAY, FEBRUARY 4, 2014**  
**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; Timothy D. Whitten, Landscape Architect/Planner; Nate Renzella, Fire Inspector; and Georgie Mathis, Administrative Secretary.

**PUBLIC HEARINGS:**

Public Hearing to hear comments on a rezoning request by Gallatin Land, LLC to rezone their property (6.40 acres) from Medium Density Residential (R-10) Planned Unit Development to Low Density Residential District (R-15), said property being identified as Parcel 25.00 on Sumner County Property Tax Map 164-I, Group C, located on west side of Sanders Ferry Road North of Nottingham Apartments.

**REQUEST FOR INFORMATION AND ASSISTANCE:** None

**ADDITIONS TO AGENDA:** None

**MINUTES:**

MOTION by Bryant-McCormick, seconded by Millsaps, to approve Public Hearing Minutes of January 7, 2014 for the purpose of receiving public comment on the proposed New Zoning Ordinance and Zoning Map for the City of Hendersonville and Planning Region. Ames,

Atchley, Bristol, Bryant-McCormick, Freudenthal, Jenkins, Massey, Millsaps, Pinson and Stringfellow voted aye. Nay: None. Absent: None. Motion carried.

MOTION by Massey, seconded by Millsaps, to approve the Hendersonville Regional Planning Commission Minutes of January 7, 2014. Ames, Atchley, Bristol, Bryant-McCormick, Freudenthal, Jenkins, Massey, Millsaps, Pinson and Stringfellow voted aye. Nay: None. Absent: None. Motion carried.

## **CONSENT AGENDA ITEMS:**

**14-002-001: FINAL PLAT, SAUNDERSVILLE STATION, PHASE 6:** MOTION by Pinson, seconded by Jenkins, to approve Final Plat, Saundersville Station, Phase 6, 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

#### Planning Department

1. Provide street names and street name approval form.
2. Provide addresses.

Submitted by Lisa Milligan, AICP, Senior Planner (January 31, 2014)

#### Public Works Department

1. No policy issues.

Submitted by Duane Allen, Assistant to City Engineer (January 31, 2014)

#### Fire Department

1. Hydrant locations are noted.
2. Requirements for the turnarounds at dead end per IFC Appendix D, figure D103.1.

Submitted by Chuck Swann, Interim Fire Marshall (January 31, 2014)

Utility District

1. Ok for Planning.

Submitted by Ronnie Perdue, HUD (January 31, 2014)

**13-001-001: SITE PLAN, TWICE DAILY'S – 343 EAST MAIN STREET SITE PLAN APPROVAL EXTENSION REQUEST – ONE YEAR:** MOTION by Pinson, seconded by Jenkins, to approve Site Plan, Twice Daily's – 343 East Main Street Site Plan Approval Extension Request – One Year. Ames, Atchley, Bristol, Bryant-McCormick, Freudenthal, Jenkins, Massey, Millsaps, Pinson and Stringfellow voted aye. Nay: None. Absent: None. Motion carried.

**14-001-001: PRELIMINARY PLAT, STONE CREST, PHASE 3:** MOTION by Pinson, seconded by Jenkins, to approve Preliminary Plat, Stone Crest, Phase 3, 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

Planning Department

1. Prior to the construction or sale of homes, please install a sign at the temporary terminus of Burntash that states as follows: TEMPORARY DEAD END – Subject to extension at a future date.
2. What restrictions are placed on the NES easement for those lots that the easement crosses? Will the owners of these lots be able to utilize this land?

Submitted by Lisa Milligan, AICP, Senior Planner (January 31, 2014)

Public Works Department

1. No policy issues.

Submitted by Duane Allen, Assistant to City Engineer (January 31, 2014)

Fire Department

1. Hydrant locations are noted.
2. Requirements for the hammerhead and turnarounds at dead ends per IFC Appendix D, Figure D103.1.

Submitted by Chuck Swann, Interim Fire Marshall (January 31, 2014)

Utility District

1. Ok for Planning.

Submitted by Ronnie Perdue, HUD (January 31, 2014)

**FINAL PLATS:** None

**PRELIMINARY AND FINAL MASTER DEVELOPMENT PLANS:**

**14-003-001: FMDP, DURHAM, PHASE 1:**

Fred Rogers reviewed the department staff comments for FMDP, Durham, Phase 1, along with the developer's response to the comments, to resolve Staff Comments 1, 2, 3, 6, 9 and 10 and to add Staff Comments 15 and 16.

Comment 1: The Planning Commission must determine if requiring a minimum lot size as opposed to minimum width and depth meets the intent of the approval of the Preliminary Master Development Plan. (The new Zoning Ordinance requires a minimum lot size and width, but not depth).

To address this staff comment the developer agreed to the minimum lot size as was approved with the Preliminary Master and the minimum lot width as approved in the Preliminary Master Development Plan. All that would be dropped is the depth. This is consistent with the new Zoning Ordinance.

Comment 2: Minimum lots size or width and size should be determined for townhomes or agreed that this will be resolved with plat and/or site plan approval.

To address this comment the developer proposes that townhome lots be a minimum of 22" wide and 2,200 sq. ft. lot area.

Comment 3: The Planning Commission must determine if the street section for the linear park area in the Cottage and Carriage area is appropriate and meets the intent of the Preliminary Master.

The developer proposes that the “park” streets be reduced from 20’ one way to 13’ one way. The sidewalk will be adjacent to a roll curb. This provides the 20 ft. of width required by the Fire Department.

Comment 4: Minimum dwelling size by type should be included in the covenants.

The developer agrees.

Comment 5: Discussion had been held in regards to placing the HVAC unit in the rear rather than “on the side toward the rear”. Note: Per the Zoning Ordinance, HVAC units are only allowed to encroach into 50% of the required side yard.

The developer agrees.

Comment 6: The Planning Commission must approve the elimination of the 2<sup>nd</sup> section of greenway along Drakes Creek Road.

The developer proposes to eliminate the 2<sup>nd</sup> section of trail in lieu of extra sidewalks and other amenities in the Amenity Center.

MOTION by Atchley, seconded by Bristol, to approve the developer’s proposal. Ames, Atchley, Bristol, Bryant-McCormick, Freudenthal, Jenkins, Massey, Pinson and Stringfellow voted aye. Nay: None. Motion carried.

Comment 7: Covenants and the Architectural Design Guidelines are a work in progress and staff will continue to work with the developer on finalizing. Both documents must be finalized prior to the recording of any final plats.

The developer agrees.

Comment 8: Submit final landscaping and irrigation plans for review and approval in conjunction with the construction plans.

The developer agrees.

Comment 9: Single bay garage doors should be provided as illustrated in the Guidelines.

The developer proposes that up to 15% of all garages which face the street, including courtyard garages and garages which face the side street of a corner lot, may have a double bay door. Such door shall have carriage style hardware and an ornamental light

over the door or at each end. The remaining doors facing the street shall have single bay doors.

MOTION by Bryant-McCormick, seconded by Stringfellow, to accept the developer's proposal. Ames, Atchley, Bristol, Bryant-McCormick, Freudenthal, Jenkins, Massey, Millsaps, Pinson and Stringfellow voted aye. Nay: None. Absent: None. Motion carried.

Comment 10: The Planning Commission must determine if it is acceptable that the Architectural Review Committee should have the right to waive Architectural Guidelines.

To address this comment, the developer proposes that the ARC may waive Scale and Massing guidelines on Page 10 and Façade Design guidelines on Page 11 of the Architectural Design Guidelines. Waiver of the other guidelines requires approval of ARC and staff.

MOTION by Jenkins, seconded by Bryant-McCormick, to approve this proposal. Ames, Atchley, Bristol, Bryant-McCormick, Freudenthal, Jenkins, Massey, Pinson and Stringfellow voted aye. Nay: Millsaps. Absent: None. Motion carried.

Comment 11: Indicate all tree save areas. Tree save areas shall correspond to the Green Space plan provided in the Pattern Book. Tree protection fencing shall be installed prior to ground disturbing activity.

The developer agrees.

Comment 12: Indicate phase line on roundabout site plan. Show landscaping for areas within Phase 1.

The developer agrees.

Comment 13: Lawn hatches are too light to read. Revise.

The developer agrees.

Comment 14: Provide buffer screening for parcel 34.

The developer agrees.

Staff Comment 15 Added: Estate Homes – the developer requested a third garage door be allowed to face the street. The issue is that Planning Staff is agreeable to allowing 10% but the developer would like to have it 100%.

MOTION by Millsaps, seconded by Jenkins, to approve 50% of the Estate lots to have a third garage facing the street. This would be a single bay garage with 20' setback and with the proviso that the developer will have an option of amending this to a higher percentage later. Ames, Atchley, Bryant-McCormick, Freudenthal, Jenkins, Massey, Millsaps, Pinson and Stringfellow voted aye. Nay: None. Abstain: Bristol. Absent: None. Motion carried.

Staff Comment 16 Added: Allow the staff and developer to determine minimum quality standards (performance spec) of the fiber cement siding product to be used on the homes.

MOTION by Jenkins, seconded by Massey, to approve Final Master Development Plan, Durham, Phase 1 with all staff comments as amended and listed above. Ames, Atchley, Bristol, Bryant-McCormick, Freudenthal, Jenkins, Massey, Millsaps, Pinson and Stringfellow voted aye. Nay: None. Absent: None. Motion carried.

## STAFF REPORT

The proposed plan is a Final Master Development Plan for Phase 1 of Durham. Phase 1 includes 435 dwelling units on 215.3 acres. Phase 1 also includes 110.8 acres of open space, including the large park area on the southern end of the development. A dwelling unit mix is as follows for Phase 1: 21 Estate; 62 Manor; 85 Carriage; 166 Cottage; 42 Villa; and 59 Townhomes. The central amenity center is also included. No commercial is included.

With the Preliminary Master Development Plan, the developer proposed minimum width and depths for each type of lot. They are proposing a minimum lot size for each type as an alternative to the minimum width and depth. The minimum sizes as proposed are in line with the width and depth that was proposed with the Preliminary Master. For example, the Estate lots were specified to be a minimum of 90 feet in width and 150 feet in depth. This would equal a minimum size of 13,500 square feet. The developer is proposing that all Estate lots will be a minimum of 13,500 square feet but allow for some flexibility in the width and depth. Minimum width for the townhome lots was not decided with the approval of the Preliminary Master. This was to be decided with the Final Master. Minimum width is not indicated. The new Zoning Ordinance specifies 24 feet minimum width and 2,400 square feet minimum lot size.

The developer is proposing a revised street section for the one-way roadway sections that are adjacent to the linear park spaces in the Cottage Home and Carriage Home area east and west of the main drive. With the approval of the Preliminary Master, it was agreed that there would be 5 foot grass strips and sidewalks on both sides of the travel lane (18 feet for each one way section with park space in between). The developer would like to reduce the travel lane to 13 feet of pavement. They have indicated that the decrease in width would discourage possible 2-way

traffic and would also discourage on-street parking. The Fire Department requires a minimum drive surface that won't be met with this 13 feet. The developer has worked with the fire department and is proposing a 13 foot drive aisle with a 4 foot grass strip and 5 foot sidewalk on the house side (side yards) and a 2 foot rollover curb and 5 foot sidewalk on the park side without the required grass strip between curb and sidewalk. This would allow them 20 feet of

drive surface. The developer has added ever green shrub screening inside of the park to screen parts of the sidewalks where there is no grass strip. See Sheet L1.02. The section shown on the plan provided to you is incorrect. Please see corrected section attached.

The developer has provided draft covenants and a set of Architectural Design Guidelines. Staff is continuing review and working with the developer on finalizing all aspects of both. Page 3 of the Architectural Design Guidelines gives the Architectural Review Committee the right to waive most all standards.

Page 17 of the Architectural Design Guidelines states that double bay garage doors are allowed if they are designed to appear as if they are 2 single doors. Yet no photo illustration of such a door is provided. As a matter of fact, all “appropriate” photos have single bay doors. Millstone was required to have single doors.

With the approval of the Preliminary Master the developer showed 2 sections of greenway: 1 section along the entire length of the main street and a 2<sup>nd</sup> section along Drakes Creek Road. The section along the main street is required by the Bicycle and Pedestrian Master Plan. The developer is proposing to eliminate the 2<sup>nd</sup> section along Drakes Creek Road. Sidewalks will be provided for pedestrian access. A connection from the main greenway into the park area near the southern entrance is also being provided as well as sidewalks throughout the amenity area.

A traffic study has been done for the 5 way intersection at the southern entry. The study has been presented to Public Works for review.

## STAFF COMMENTS

### Planning Department

1. The Planning Commission must determine if requiring a minimum lot size as opposed to minimum width and depth meets the intent of the approval of the Preliminary Master Development Plan. (The new Zoning Ordinance requires a minimum lot size and width, but not depth).
2. Minimum lots size or width and size should be determined for townhomes or agreed that this will be resolved with plat and/or site plan approval.
3. The Planning Commission must determine if the street section for the linear park area in the Cottage and Carriage area is appropriate and meets the intent of the Preliminary Master.
4. Minimum dwelling size by type should be included in the covenants.
5. Discussion had been held in regards to placing the HVAC unit in the rear rather than “on the side toward the rear”. Note: Per the Zoning Ordinance, HVAC units are only allowed to encroach into 50% of the required side yard.
6. The Planning Commission must approve the elimination of the 2<sup>nd</sup> section of greenway along Drakes Creek Road.
7. Covenants and the Architectural Design Guidelines are a work in progress and staff will continue to work with the developer on finalizing. Both documents must be finalized prior to the recording of any final plats.

8. Submit final landscaping and irrigation plans for review and approval in conjunction with the construction plans.
9. Single bay garage doors should be provided as illustrated in the Guidelines.
10. The Planning Commission must determine if it is acceptable that the Architectural Review Committee should have the right to waive Architectural Guidelines.
11. Indicate all tree save areas. Tree save areas shall correspond to the Green Space plan provided in the Pattern Book. Tree protection fencing shall be installed prior to ground disturbing activity.
12. Indicate phase line on roundabout site plan. Show landscaping for areas within Phase 1.
13. Lawn hatches are too light to read. Revise.
14. Provide buffer screening for parcel 34.

Submitted by Lisa Milligan, AICP, Senior Planner and Timothy Whitten, Licensed Landscape Architect (January 31, 2014)

Public Works Department

1. No policy issues.

Submitted by Duane Allen, Assistant to City Engineer (January 31, 2014)

Fire Department

1. Details of road widths have been discussed and agreed to.

Submitted by Chuck Swann, Interim Fire Marshall (January 31, 2014)

Utility District

1. No comment.

Submitted by Ronnie Perdue, HUD (January 31, 2014)

**SITE PLANS:**

**13-080-001: SITE PLAN, KRISPY KREME:** MOTION by Millsaps, seconded by Bryant-McCormick, to approve Site Plan, Krispy Kreme, 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 REPORT

Krispy Kreme will be located on an outparcel in front of Publix on East Main Street. It is zoned GCS-PUD. The Indian Lake Center ARC has reviewed and approved this development.

## STAFF COMMENTS

### Planning Department

1. Show locations of proposed patio planters; provide detail.
2. Coordinate tree and light pole locations.
3. Sidewalk step railing shall be painted black.
4. Approval of site plan is subject to approval and recording of subdivision plat.
5. Retaining wall shall be faced with brick to match building.
6. Provide landscape bed and screen plants to south side of dumpster.
7. 'Brody' juniper does not count towards tree replacement. Use canopy tree.
8. 7 Street trees are required, four have been provided. Find other locations for them or add to the tree bank at 3" cal. Each. (Only 3 inches were added to tree bank total to account for the 3 missing trees. Add 6 more inches if threes are not added to site.)
9. Site trees are to be a minimum of 3" cal.
10. Light poles and fixture colors shall match Publix poles.
11. Provide detail of light pole base.
12. IB shrubs shall be maximum of 3.5' on-center. PL shrubs shall be maximum of 4' on-center.

Submitted by Timothy Whitten, Landscape Architect/Planner (January 31, 2014)

### Public Works Department

1. No policy issues.

Submitted by Duane Allen, Assistant to City Engineer (January 31, 2014)

### Fire Department

1. Show all existing fire hydrants that may affect the property.
2. If alarm system is required a key box will be as well. Contact our office for information - 822-1119.

Submitted by Chuck Swann, Interim Fire Marshall (January 31, 2014)

Utility District

1. Only a 1” domestic water tap to feed a 1½”.

Submitted by Ronnie Perdue, HUD (January 31, 2014)

**SKETCH PLATS:** None

**PRELIMINARY PLATS:** None

**REZONING REQUEST:**

**14-005-001: REZONING REQUEST TO HEAR COMMENTS ON A REQUEST BY GALLATIN LAND, LLC** to rezone their property (6.40 acres) from Medium Density Residential (R-10) Planned Unit Development to Low Density Residential District (R-15), said property being identified as Parcel 25.00 on Sumner County Property Tax Map 164-I, Group C, located on west side of Sanders Ferry Road North of Nottingham Apartments.

MOTION by Ames, seconded by Bristol, to recommend approval to the Board of Mayor and Aldermen Rezoning Request by Gallatin Land, LLC to rezone their property (6.40 acres) from Medium Density Residential (R-10) Planned Unit Development to Low Density Residential District (R-15), said property being identified as Parcel 25.00 on Sumner County Property Tax Map 164-I, Group C, located on west side of Sanders Ferry Road North of Nottingham Apartments. Ames, Atchley, Bristol, Bryant-McCormick, Freudenthal, Jenkins, Massey, Millsaps, Pinson and Stringfellow voted aye. Nay: None. Absent: None. Motion carried.

**STAFF REPORT**

You may recall approving an R-10 PUD Preliminary Master Development Plan for the former Tommy McKnight property on Sanders Ferry Road and known as Freeman Harbor. The approved plan includes 24 lots. The property was rezoned from R-15 to R-10 PUD to accommodate this Plan.

This plan never materialized. Gallatin Land, LLC now owns these 6.4 acres. They have a buyer who wants to build an assisted living facility.

We advised the owner to request that the Master Plan/PUD overlay and R-10 rezoning be rescinded and revert the property back to the prior R-15 zoning. R-15 allows the granting of a conditional use permit for an assisted living facility.

Gallatin Land has applied to the Board of Zoning Appeals for such a Conditional Use Permit. The Board of Zoning Appeals meets Monday, February 3<sup>rd</sup>.

If the Board of Zoning Appeals approves the Conditional Use Monday night and if the Planning Commission and Board of Mayor and Aldermen approve the rezoning to R-15, the next step would be to submit a site plan to the Planning Commission. A preliminary site plan along with building elevations will be shown Tuesday night. This plan shows a 1-story Memory Care building with 20 rooms near the rear of the property and a 3-story Assisted Living building with 63 rooms in the center of the property. Two 2-unit cottage homes are shown near Sanders Ferry Road. The total is 87 units.

I expect the neighbors will be ok with assisted living. We will find out during the public hearing portion of the agenda.

Submitted by Fred Rogers, Planning Director (January 31, 2014)

#### STAFF COMMENTS

##### Planning Department

1. No comments.

##### Public Works Department

1. No policy issues.

Submitted by Duane Allen, Assistant to City Engineer (January 31, 2014)

##### Utility District

1. No comment.

Submitted by Ronnie Perdue, HUD (January 31, 2014)

**STAFF APPROVED PROJECTS:**

**13-069-001: FINAL PLAT, INDIAN LAKE VILLAGE, PHASE 8, SECTION B, RESUB. OF LOT 45:** The Hendersonville Regional Planning Commission acknowledged staff approval of Final Plat, Indian Lake Village, Phase 8, Section B, Resub. of Lot 45.

**13-084-001: FINAL PLAT, INDIAN LAKE VILLAGE, PHASE 8, SECTION C, LOT 49, AND PHASE 8, SECTION B, RESUB. OF LOT 45:** The Hendersonville Regional Planning Commission acknowledged staff approval of Final Plat, Indian Lake Village, Phase 8, Section C, Lot 49, and Phase 8, Section B, Resub. of Lot 45.

**13-025-001: FINAL PLAT, HENDERSONVILLE FIRST ASSEMBLY OF GOD, INC., LAND SWAP FOR PORTIONS OF MAP 145, PARCELS 44, 45 AND 48:** The Hendersonville Regional Planning Commission acknowledged staff approval of Final Plat, Hendersonville First Assembly of God, Inc., Land Swap for Portions of Map 145, Parcels 44, 45 and 48.

**OTHER:**

**March 18 Meeting** to Consider Transportation Plan Regarding Lakeside Park

On the 3<sup>rd</sup> Tuesday in March, the Planning Commission will have a meeting, an agenda and a public hearing component regarding a proposed amendment to the Major Route Plan having to do with Lakeside Park Drive regarding the issue with the Corps and if the City can go through the Corps. There are some updates with this and the Planning Commission may have to consider an amendment to the Major Route Plan.

Fred Rogers noted that this issue will also be on the regular March 4<sup>th</sup> agenda for discussion but the Planning Commission couldn't act on the request until a 30-day advertisement for the Public Hearing and that will put the issue to the March 18<sup>th</sup> meeting.

**BOMA Work Session on Zoning Ordinance**

There will be a workshop with the Board of Mayor and Aldermen on the new Zoning Ordinance at 7:30 p.m., following the Hendersonville Regional Planning Commission adjournment.

**ADJOURNMENT:**

MOTION by Millsaps, seconded by Pinson, to adjourn the Hendersonville Regional Planning Commission Meeting at 8:13 p.m. Ames, Atchley, Bristol, Bryant-McCormick, Freudenthal, Jenkins, Massey, Millsaps, Pinson and Stringfellow voted aye. Nay: None. Absent: None. Motion carried.

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ANN MASSEY, Secretary

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BOB FREUDENTHAL, Chairman

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FRED D. ROGERS, JR., Planning Director