

MINUTES
HENDERSONVILLE REGIONAL PLANNING COMMISSION
TUESDAY, JULY 5, 2011
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, Tommy Elsten, Bob Freudenthal, David Jenkins, Ann Massey, Bryant Millsaps and Frank Pinson. Absent: Darlene Stringfellow. Also present: Fred D. Rogers, Jr., Planning Director; Lisa D. Milligan, Senior Planner; Timothy Whitten, Planner/Landscape Architect; Jerry Horton, Public works Director; Nate Renzella, Fire Inspector; and Barbara Story, Planning Assistant.

PUBLIC HEARING: None

REQUEST FOR INFORMATION AND ASSISTANCE: None

ADDITIONS TO AGENDA: None

MINUTES:

MOTION BY Atchley, SECONDED BY Millsaps to approve the Hendersonville Regional Planning Commission Minutes of June 21, 2011. Ames, Atchley, Elsten, Jenkins, Massey and Millsaps voted aye. Absent: Stringfellow. Abstained: Bristol, Freudenthal and Pinson.

CONSENT AGENDA ITEMS: None

FINAL PLATS:**11-046-001: THE TRIANGLE FINAL PLAT:**

MOTION BY Millsaps, SECONDED BY Pinson to approve the Final Plat, The Triangle, with all staff comments as listed below. Ames, Bristol, Elsten, Freudenthal, Jenkins, Massey, Millsaps and Pinson voted aye. Nay: None. Absent: Stringfellow. Abstain: Atchley. Motion carried.

STAFF REPORT

The Planning Commission approved the Preliminary Plat for The Triangle at the June 21, 2011 meeting. The Planning Commission granted two deviations with the approval of the Plat. First, a deviation was granted in regards to the right-of-way width for Goshentown Road. Second, a deviation was granted allowing the developer to make street improvements and post surety with the development of each lot as opposed to prior to the recording of the plat as required. The applicant has added 2 notes to the plat (Notes 8 & 9) which make reference to the posting of surety and the timing of street improvements. These notes were approved by Public Works.

STAFF COMMENTS**Planning Department**

1. Provide street addresses.
2. Per the approval of the Preliminary Master Development Plan and Final Master Development Plan, the Planning Commission required that all buildings were to have pitched roofs, with shingles or standing seam. This condition has been changed by the applicant on the submitted Plat to state "All buildings to have pitched roofs, with shingles or metal with option of a flat roof with parapet walls to screen roof mounted machinery". Please revise this note to comply with the conditions of approval of the Master Plan. If the applicant wishes to make this change, an application would be required to revise the Final Master Development Plan.
3. At the time that the Final Master Development Plan was revised to move the convenience market lot to its current location, the Planning Commission required that a 6' earthen berm with evergreen shrubs and trees be installed along the northern property line on the convenience store lot. With the submission of the Plat, the applicant has removed this note and stated "Adequate screening to be provided north of Lot 3 and adjacent to Goshentown Road. Screening to be submitted for review and approval with site plan". Please revise this note to comply with the conditions of approval of the Master Plan. If the applicant wishes to make this change, an application would be required to revise the Final Master Development Plan.
4. Provide covenants and restrictions for staff review. They must be provided and reviewed prior to any plat recording. Covenants and restrictions should reflect all architectural and

signage requirements as established by the approval of the Preliminary Master Development Plan and Final Master Development Plan

5. Provide 2 corrected copies of the Preliminary Plat which comply with staff comments and all conditions of approval.

Submitted by Lisa Milligan, AICP, Senior Planner (June 30, 2011)

Public Works Department

1. No policy issues.

Submitted by Duane Allen, Assistant to City Engineer (June 30, 2011)

Fire Department

1. In agreement with Hendersonville Fire Department comments at the recent June 21, 2011 H.R.P.C. meeting the proposed 8" waterline and hydrants shall extend in a westerly direction from the 12" main on New Shackle Island to the east side of Old Shackle Island and a hydrant installed in this general area as shown on the plans and then continue with the 8" main in a northerly direction parallel to Old Shackle Island Road to a proposed 8" main and hydrant in this area as shown on the plans and continue back in an easterly direction and tie back in to the 12" main on New Shackle Island Road forming a continuous loop as requested.
2. Larry Davis of HUD concurred.

Submitted by Nate Renzella, Fire Inspector (June 30, 2011)

Utility District

1. Approval for Planning
2. Tap and Capacity fees due

Submitted by Larry Davis, HUD (June 30, 2011)

PRELIMINARY AND FINAL MASTER DEVELOPMENT PLANS:

11-036-001: INDIAN LAKE VILLAGE PHASE VII PRELIMINARY MASTER DEVELOPMENT PLAN:

Mr. Rogers stated it needs to be understood that it is an automatic requirement, as for as their frontage, that they would have to improve as per the Transportation Plan even if it may be more than what is required by the Traffic Study.

John Haas with Edge Planning Landscape Architecture Graphic Design representing HALO Properties stated that it is our understanding as well and we are in agreement with that condition.

Ames stated as I understood from the last meeting that one owner can own no more than two condos, right?

Haas stated no owner can own more than two units

MOTION BY Millsaps, SECONDED BY Atchley to recommend to BOMA the approval of the Preliminary Master Development Plan, Indian Lake Village Phase VII as amended and with all staff comments based on the fact that this request is consistent with our most recently adopted Land Use Plan, and the public had ample opportunity to voice their support or their objections to it, and given the comments that have been made about the traffic study and transportation plan, and the no rental community arrangement, both of which the requestant has affirmed that they concur. Atchley, Freudenthal, Jenkins, Massey, Millsaps and Pinson voted aye. Nay: Ames, Bristol and Elsten. Absent: Stringfellow. Motion carried.

STAFF REPORT

HALO is applying for rezoning and master plan approval for an additional phase of Indian Lake Village--Phase VII. This phase contains 46 acres (including 2 acres owned by Joe and Ed Saunders) and is located on the north side of Vietnam Veterans and on the east side of Stop 30.

This is the same property which was approved by the Planning Commission in 2009. The Plan at that time included warehousing. This Plan met with substantial opposition from residents of Jones Lane and Stop 30 Road and was ultimately denied by BOMA.

The new Plan does not include warehousing. The drawings on the Plan show office buildings. The list of permitted uses includes various types of office uses. The complete list of permitted uses for Area 11 is shown on page 5.0. In addition to office uses the list of permitted uses includes retail and restaurants. As per Notes 1 and 10, however, such retail and restaurant uses may not exceed 25,000 sq. ft. or 15% of the constructed office space in the Area, whichever is less. Furthermore, these uses may not be "free standing".

As per the maximum building height table on page 4.0, buildings within Phase VII may be 4 stories high. The building(s) located north of the creek closest to the existing residences would be limited to 2 stories.

Even though not depicted in the drawings, the list of permitted uses also includes residential, including multi-family. Note 11, however, states "No rental communities are allowed in Area 11." The applicant's response to the initial staff comments states that residential buildings will be limited to 5 units per building and each unit must have its own ground floor entrance.

Community Facilities Activities are also permitted including Community Assembly, Cultural and Recreational Services, Special Personal and Group Care Facilities and Churches.

The northern part of this property is excluded from the Plan and thus left Agricultural Residential. This will provide a buffer for the residences on Jones Lane.

The requested zoning is Multiple Residential/Office – MRO with the limitation on uses as described above. For the most part, this conforms to the new Land Use Plan. The Land Use Plan designates a certain area north of Vietnam Veterans Boulevard as Regional Activity Center. See attached page from the Plan. However, part of the north side of the proposed Phase VII extends 250 feet beyond the area designated as Regional Activity Center and into the area designated as Suburban Living. Another difference relates to permitted uses. The Land Use Plan, under Primary Land Uses, states “Office only north of 386, east of Drakes Creek Road.” Staff does not believe this is intended to prohibit residential and community facilities – just commercial uses i.e. retail and restaurants. While office use is the primary proposed use, the proposed list of permitted uses does include retail and restaurants. As per Note 1 on page 5.0, this is limited to 25,000 square feet or 15% of the constructed office space in the Area, whichever is less. And, as per Note 10, no free standing retail and restaurants are allowed. Even with these restrictions, however, and after a large office building is constructed, there could be one or more retail strip centers, i.e., buildings with 2 restaurants, 3 retail shops and 1 office. This scenario would conflict with Land Use Plan’s “Office Only” restriction.

In regard to conformance with the Transportation Plan, the development of Phase VII as proposed will block the future connection of Wyncrest Way to the extension of Myrtlewood as shown on the Transportation Plan (copy attached). It is not necessary, however, for Wyncrest Way to go through Phase VII in order to connect to Myrtlewood. Rather, it could extend northward through the Galloway property to connect with Myrtlewood. This is the more logical route.

STAFF COMMENTS

Planning Department

1. Resolve or compensate for the conflicts with the Land Use Plan (250-foot encroachment into the Suburban Living Area and the Office Use Only restriction). As a minimum prohibit all retail and restaurant uses north of the creek (the area nearest the residences on Stop 30 Road). Or, prohibit all but residential and community facilities (less clinics) north of the creek.

HALO has agreed to prohibit retail and restaurant uses north of the creek.

2. As per your response, expand Note 11 on page 5.0 to specify that housing in this Area is limited to no more than 5 housing units per building with separate ground floor entrances to each unit, and, to avoid confusion in the future, remove Two-Family and Multi-Family from the list of Residential Activities and modify One Family as follows: Dwelling, One-Family, Detached, Semi-Detached or Attached (3) (11).

HALO has agreed.

3. Submit a traffic study with the submittal of the FMDDP. Provide infrastructure improvements as specified by the traffic study and as required by the Transportation Plan. Stop 30 is to be constructed as a 2-lane divided roadway with right-of-way for future 4 lanes. It is understood that the City may need to provide legal and technical assistance to the developer for the acquisition of additional right-of-way for Stop 30 Road, if needed.

HALO has agreed to provide the required traffic study with the submittal of the Final Master Development Plan. HALO states they have “no authority or ability to obtain additional right-of-way”. As stated above, it will be necessary for the City to assist in this regard; however, such assistance will be limited to legal and technical assistance. Any and all cost must be born by the developer.

HALO also stated that “traffic improvements shall be limited to items as deemed necessary by the traffic study only”. To clarify, this statement is accurate in terms of any OFF-SITE improvements, i.e., improvements to Stop 30 from Phase VII to Drakes Creek Road. However, in regard to the portion of Stop 30 which borders Phase VII, HALO is required to dedicate and improve in accordance with the Transportation Plan. Furthermore, should the Traffic Study require greater improvements than the Transportation Plan, HALO must provide the greater improvements.

4. Area 11/Phase VII is subject to the Indian Lake Village Development Guide and shall be added to the Office/Residential Development Area.

HALO has agreed.

5. Approval of this Plan is contingent upon annexation.

HALO has agreed.

6. Correctly show adjacent parcels and ownership.

HALO has agreed.

7. Update General Note 1 on page 2.0 to add the Saunders property (part of Parcel 48).

HALO has agreed.

Submitted by Fred Rogers, Planning Director (June 3, 2011)

Public Works Department

1. Provide a traffic impact study that addressed Stop 30 Road from Drakes Creek Road to Saundersville Road.
2. Add a note stating the developer will provide improvements that are recommended by the Traffic Study.

Submitted by Duane Allen, Assistant to City Engineer (June 3, 2011)

Fire Department

1. H.F.D. recommends approval provided that fire flow requirements can be met.

Submitted by Nate Renzella, Fire Inspector (June 3, 2011)

Utility District

1. Approval for Planning
2. Tap and Capacity fees due

Submitted by Larry Davis, HUD (June 3, 2011)

SITE PLANS:

11-047-001: MCDONALD'S RESTAURANT RE-BUILD SITE PLAN:

MOTION BY Elsten, SECONDED BY Bristol to approve the Site Plan, McDonald's Restaurant Re-Build with granting of deviations requested from Town Center Design Guidelines and Design Review Manual and with all other staff comments as listed below. Ames, Atchley, Bristol, Elsten, Freudenthal, Jenkins, Massey, Millsaps and Pinson voted aye. Nay: None. Absent: Stringfellow. Motion carried.

STAFF REPORT

The existing McDonald's at 393 West Main Street is to be torn down and rebuilt. It is located in the Town Center district.

Two waivers are being requested, one from the Design Review Manual, the second from the Town Center Design Guidelines:

The Design Review Manual requires a ten foot landscape strip to be provided along all public road frontages. The new plan complies with this requirement along West Main Street (the original layout did not provide this), but along Executive Park Drive the green strip is as little as 2.5 feet along the south parking bay and seven feet along the north parking bay. The extent of the non-compliance has been reduced from the original layout. See the applicant's attached waiver request letter.

The Town Center Design Guidelines state "Parking should be located along the side and/or rear of buildings." The applicant has indicated that site constraints prevent them from complying with this requirement. The same number of parking spaces are provided in front of the building as the original layout. See the applicant's attached letter.

STAFF COMMENTS

Planning Department

1. A sign permit is required for all proposed exterior signage.

Submitted by Timothy Whitten, Planner/Landscape Architect (July 1, 2011)

Public Works Department

1. No policy issues.

Submitted by Duane Allen, Assistant to City Engineer (July 1, 2011)

Fire Department

1. Water mains and fire hydrants existing.

Submitted by Nate Renzella, Fire Inspector (July 1, 2011)

Utility District

1. Approval for Planning
2. Tap and Capacity fees due.

Submitted by Larry Davis, HUD (July 1, 2011)

SKETCH PLATS: None

PRELIMINARY PLATS: None

REZONING REQUEST: None

STAFF APPROVED PROJECTS:

11-045-001: KIRKLAND'S AT GLENBROOK CENTRE SITE PLAN: The Planning Commission acknowledged staff approval of Kirkland's at Glenbrook Centre.

11-048-001: POPE JOHN PAUL II HIGH SCHOOL ATHLETIC IMPROVEMENTS SITE PLAN: The Planning Commission acknowledged staff approval of Pope John Paul II High School Athletic Improvements.

OTHER:

RESOLUTION 2011-04: A Resolution serving as a report to the Hendersonville Board of Mayor and Aldermen of the proposed Plan of Services for the proposed annexation of Indian Lake Village Phase VII and other property located on Stop 30 Road and on the north side of Vietnam Veterans Boulevard, Sumner County, TN.

MOTION BY Atchley and was SECONDED BY Millsaps to approve Resolution 2011-04 serving as a report to the Hendersonville Board of Mayor and Aldermen of the proposed Plan of Services for the proposed annexation of Indian Lake Village Phase VII and other property located on Stop 30 Road and on the north side of Vietnam Veterans Boulevard, Sumner County, TN. Ames, Atchley, Bristol, Freudenthal, Jenkins, Massey, Millsaps and Pinson voted aye. Nay: None. Absent: Stringfellow. Abstained: Elsten. Motion carried.

RESOLUTION 2011-05: A Resolution serving as a report to the Hendersonville Board of Mayor and Aldermen of the proposed Plan of Services for the proposed annexation of property located on Stop 30 Road near Jones Lane, Sumner County, TN.

MOTION BY Atchley and was SECONDED BY Millsaps to approve Resolution 2011-05 serving as a report to the Hendersonville Board of Mayor and Aldermen of the proposed Plan of Services for the proposed annexation of property located on Stop 30 Road near Jones Lane, Sumner County, TN. Ames, Atchley, Bristol, Freudenthal, Jenkins, Massey, Millsaps and Pinson voted aye. Nay: None. Absent: Stringfellow. Abstained: Elsten. Motion carried.

ADJOURNMENT:

MOTION BY Pinson and was SECONDED BY Ames to adjourn the Hendersonville Regional Planning Commission Meeting at 6:45 p.m. Ames, Atchley, Bristol, Elsten, Freudenthal, Jenkins, Massey, Millsaps and Pinson voted aye. Nay: None. Absent: Stringfellow. Motion carried.

LORI ATCHLEY, Secretary

BOB FREUDENTHAL, Chairman

FRED D. ROGERS, JR.
Planning Director