

**COOKEVILLE PLANNING COMMISSION
MINUTES
MAY 21, 2012**

The Cookeville Planning Commission met on Monday, May 21, 2012 at 5:30 p.m., in the Council Chambers, 45 E. Broad Street, Cookeville, Tennessee.

MEMBERS PRESENT: Jim Stafne, Dr. Angelo Volpe, Dr. Roy Loutzenheiser, Judy Jennings, Chris Wakefield, Aaron Bernhardt, Randy Dalton, David Webb, and Jim Woodford.

STAFF MEMBERS PRESENT: James Mills, Jayne Barns, Ken Young, and Jim Shipley.

OTHERS PRESENT: Jerry Parris, John Zimmerman, Mel Maxwell, William & Betty Sherrill, Glen Murphy, Bert & Ingrid Bertmeyer, Amy Dyer, Danny Dyer, Jackie Dyer, Janice Tennant, Lester & Peggy Sparks, Chris Vick, Mr. & Mrs. Danny Newton, Skip Bartlett, Pat Grimes, Mark Grimes, Jim Grimes, Linda Owens, Jim & Mickie Loyd, Ric & Janie Finch, Michael Rodgers, Eric & Karen Wegerbauer, Brian Paddock, Fred Noll, Lester Tilly, Peyton Rodgers, Lila Ongaro, and Krista Brown.

CONSIDER FOR APPROVAL THE AGENDA AS SUBMITTED. Dr. Angelo Volpe made the motion to approve the agenda as submitted. Dr. Roy Loutzenheiser seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR APPROVAL THE MINUTES OF APRIL 23, 2012. Jim Woodford made the motion to approve the minutes of April 23, 2012. Dr. Angelo Volpe seconded the motion and the motion carried unanimously. **APPROVED.**

Chairman Jim Stafne announced that Aaron Bernhardt will be abstaining from any discussion or voting on Action Items #8 and #9 due to a conflict of interest.

HOLD A PUBLIC HEARING AND CONSIDER FOR ACTION AMENDMENTS TO MAJOR STREET PLAN RELATING TO BENNETT ROAD EXTENSION PROJECT. REQUEST SUBMITTED BY STAFF. Chairman Jim Stafne opened the Public Hearing.

James Mills stated that amendments to the Major Street Plan are necessary to depict the location of access points and proposed connecting streets on the planned northern extension of Bennett Road, which will travel from a new Interstate 40 interchange north to U.S. Highway 70N (State Route 24). The Interstate 40 interchange is identified as project 1 in the current Major Street Plan and the Bennett Road extension is identified as a portion of project 2.

The Tennessee Department of Transportation (TDOT) indicates that the Interstate 40 interchange is currently scheduled for completion by the fall of 2015. The new interchange will provide direct interstate access to the Highlands Industrial-Business Park which is to be completed later this year. TDOT has also indicated that as a condition for the completion of the interchange the city must construct connector streets from the interchange to the north and south to the nearest major street (state highway). The southern connector street, consisting of the construction of Highlands Park Boulevard and the widening and realignment of Lee Seminary Road to South Willow Avenue (State Road 135), will be completed later this year. The Bennett Road extension to Highway 70N will serve as the northern connector.

Originally TDOT indicated that the mandatory northern connector street would be required to be a four lane divided highway, with 250 feet of right-of-way, and accessible only at intersections with existing streets. Over the past several months the city has negotiated with TDOT to minimize the impact of the northern connector on affected property owners and maximize the development potential along the street. TDOT has now agreed to a reduction in the right-of-way width to 160 feet and to the initial construction of only two (2) lanes. TDOT has also agreed to the provision of additional access points or intersections along the extension of Bennett Road provided these access points with proposed locations of connecting streets to existing public streets are depicted in the city's Major Street Plan and Future Land Use Plan.

The Planning Department, in conjunction with the Public Works Department and TDOT, has identified the location of four proposed access points or intersections on the Bennett Road extension. General locations of connecting streets from the intersections on the extension of Bennett Road to existing public streets have also been identified. The intersections and connecting street are positioned to provide maximum access to parcels located along the extension. Numerous property owners along the route were consulted regarding the access points and proposed connecting streets. The connecting streets would be classified as local streets consisting of rights-of-way of between 50 and 60 feet. The actual location of the connecting streets would be determined by the owners of abutting properties when and if their properties are developed. The four intersections would be constructed as a part of the extension of Bennett Road. The timing of the construction of the proposed connecting streets would be dependent on the development of the adjoining properties.

The four access points and connecting streets are labeled as projects 35-38 in the proposed amendments to the Major Street Plan.

- Project 35 consists of an intersection approximately 700 feet south of the Nashville and Eastern Railroad right-of-way with local streets connecting to Ridgedale Drive and Locust Grove Road
- Project 36 consists of an intersection approximately 1,400 feet south of Buffalo Valley Road with local streets connecting to Reeser Lane and Buffalo Valley Road
- Project 37 consists of an intersection approximately 1,500 feet south of Project 36 with local streets connecting to Reeser Lane and Hawkins Crawford Road
- Project 38 consists of an intersection approximately 1,500 feet north of Interstate 40 with local street connecting to Mine Lick Creek Road and Hawkins Crawford Road

Staff recommended approval of amendments to Major Street Plan to include proposed Projects 35 through 38.

Glen Murphy, resident of Park West Subdivision, was concerned if there was a noise ordinance that addressed air brakes and he also asked about the realignment of Mine Lick Creek Road and Hawkins Crawford Road

Jim Shipley responded that the Noise Ordinance does not address air brakes, but that he would look into the issue.

James Mills responded to Mr. Murphy's question about the realignment of Mine Lick Creed Road and Hawkins Crawford Road by stating that the Tennessee Department of Transportation will be looking at the realignment issues and stacking distances with traffic and the possibility of making Park West a dead end street. All of these issues will be reviewed during the engineering phase of the project.

Fred Noll, resident at 2557 Park West Drive, would like for a noise abatement wall to be constructed to help with the noise that will be coming from the 5th Interchange.

Mr. Mills stated that there will be numerous Public Hearings during the design phase that the residents will be able to attend and talk to the Engineering firm about their concerns.

Linda Owens stated that she lives next to Interstate 40 and she was concerned about her property being land locked.

Mr. Mills stated that the Tennessee Department of Transportation cannot land lock a piece of property.

Ingrid Bertmeyer, resident of the Cane Creek Estates, stated that they lived in a quiet neighborhood and if the access road at project #35 was constructed, then it will ruin their subdivision.

Mel Maxwell, Jerry Parris, & Eric Wegerbauer all had questions about the design and locations of the access points.

James Mills reiterated that the access roads are general locations and can be adjusted as the property owners develop their land. The Engineering of the road will be completed in the next 6 – 9 months.

Mark Grimes stated that they have farmed their land for 5 generations and he wanted to know if Bennett Road could be shifted closer to the junk yard and if they could have an access to Bennett Road since the road is cutting their farm in half.

Mr. Shipley stated that they would look at it, but they already have a lot of environmental issues with the junk yard.

James Mills stated that they could talk with TDOT about the possibility of an access road.

Danny Newton, Ric Finch and Brian Paddock, were not property owners in the Bennett Road Extension Area, but they were opposed to the Road Project.

Chairman Jim Stafne closed the Public Hearing.

Dr. Roy Loutzenheiser made the motion to approve the amendments to the Major Street Plan to include proposed Projects #35-38. Chris Wakefield seconded the motion and the motion carried unanimously. **APPROVED AMENDMENTS TO THE MAJOR STREET PLAN TO INCLUDE PROPOSED PROJECTS #35-38.**

HOLD A PUBLIC HEARING AND CONSIDER FOR ACTION AMENDMENTS TO FUTURE LAND USE PLAN ELEMENT OF COOKEVILLE 2030 PLAN RELATING TO BENNETT ROAD EXTENSION PROJECT. REQUEST SUBMITTED BY STAFF. Chairman Jim Stafne opened the Public Hearing.

James Mills stated that amendments to the Future Land Use Concept Plan element of the Cookeville 2030 Plan need to be considered relative to land use development along the proposed Bennett Road extension.

As discussed in the proposed amendments to the Major Street Plan, the City of Cookeville is required to construct the extension of Bennett Road from Interstate 40 north to U.S. Highway 70N (State Route 24). The extension is entirely within the city's Urban Growth Boundary, however, only a small portion is currently located within the corporate limits. The city intends to annex territory so that the entire street will be located within the corporate limits. When the property is annexed appropriate zoning will have to be established. The establishment of zoning must be done in compliance with the city's plans for future land use.

With the exception of an area along U.S. Highway 70N, where local commercial development is depicted, all of the territory along the extension of Bennett Road outside the current corporate limits of Cookeville is depicted in the Future Land Use Concept Plan as being best suited for lower density residential development. An analysis of factors affecting development including existing and planned transportation facilities, existing land use, natural and physical land characteristics, and existing and planned utilities indicates that a majority of the area in the vicinity of the Bennett Road extension would be best suited to remain in the lower density residential development classification. However, upon completion of the Bennett Road extension, land uses other than lower density residential may be more appropriate for some of the adjoining properties, especially properties near Interstate 40, Highway 70N, and along the railroad right-of-way.

The Planning Department proposes the follow amendments to the Future Land Use Concept Plan:

- Expansion of area depicted as being best suited for mixed use commercial/industrial development along the Bennett Road extension north of the proposed interchange on I40,
- Expansion of areas depicted as local commercial south of Highway 70N south to railroad right-of-way, and
- Expansion of area depicted as commercial/industrial mixed use along railroad right-of-way.

A larger expansion of the area depicted as commercial/industrial mixed use south of the railroad right-of-way from the current corporate limits to Locust Grove Road was considered by the Planning Department. However, a subdivision plat dividing a large portion of the area into residential lots was recently submitted to the Putnam County Planning Commission. If the intent of the property owner is to develop the property residentially, then the commercial/industrial mixed use classification would not be appropriate. The Planning Department recently discussed the development of the property with a representative of the landowner and he indicated that the landowner would prefer the commercial/industrial mixed use designation in the Future Land Use Plan. Should the landowner withdraw his plans for residential development the Planning Department would recommend commercial/industrial mixed use classification.

Staff recommended approval of the amendments to Future Land Use Concept Plan with two (2) proposed alternatives.

Mark Grimes stated that they would prefer to have the land use for their property to be commercial. He felt that this would be the best for his family.

Jim Grimes stated that if the City takes 160' for the Road and right-of-way, then their property will fall below the requirement for being taxed as green belt, and then they will have to pay more County taxes.

Mr. Shipley stated that he checked with the County and found out that they could still be classified as green belt.

Lila Ongara, resident at 2563 Park West Drive, was concerned if a truck stop would be allowed in the classification for Commercial Industrial Mixed Use.

Jim Shipley stated that the City does not want a truck stop.

James Mills added that a truck stop is not allowed in the Commercial Industrial Mixed Use zoning classification.

Linda Owens requested if it would be possible for of an access road to her property.

James Mills stated that the access roads will have to be decided by T.D.O.T.

Chairman Jim Stafne closed the Public Hearing.

Dr. Angelo Volpe made the motion to approve the amendments to Future Land Use Concept Plan with two (2) proposed plans. Dr. Roy Loutzenheiser seconded the motion and the motion carried unanimously. **APPROVED AMENDMENTS TO FUTURE LAND USE CONCEPT PLAN WITH TWO (2) PROPOSED PLANS.**

CONSIDER FOR ACTION AMENDMENTS TO THE ZONING CODE RELATING TO AUTOMOBILE MANUFACTURING IN THE CI (COMMERCIAL-INDUSTRIAL MIXED USE DISTRICT). REQUEST SUBMITTED BY STAFF. James Mills stated that the Planning Department has prepared proposed amendments to the Official Zoning Code for the purpose of inserting provisions to allow as permitted uses in the CI, Commercial-Industrial Mixed Use District, automobile and automobile component, parts, and supplies manufacturers.

Automobile manufacturing and related manufacturing uses are currently not permitted within the CI District. Such uses are currently permitted only within the LM, Light Manufacturing and HM, Heavy Manufacturing Districts. The Highlands Industrial-Commercial Business Park is zoned as CI and the prohibition of the automobile related manufacturing could significantly restrict potential prospects for the park.

The proposed amendment is to insert in Section 227, CI, Commercial-Industrial Mixed Use District, Section 227.2, Permitted Uses and Structures, a new Section 227.2S to read as follows:

227.2S Establishments for the manufacture and assembly of goods and materials, that by their nature do not create serious problems of compatibility with other land uses, and shall include automobile manufacturers, and automobile component, parts and supplies manufacturers.

Additionally, Section 234, Chart of Permitted Uses by Zoning District is proposed for amendment to depict automobile related manufacturing as a permitted use in the CI District.

Staff recommended approval of the amendments.

Aaron Bernhardt made the motion to approve the amendments to the zoning code relating to automobile manufacturing in the CI (Commercial-Industrial Mixed Use) District. Judy Jennings seconded the motion and the motion carried unanimously. **APPROVED AMENDMENTS TO THE ZONING CODE RELATING TO AUTOMOBILE MANUFACTURING IN THE CI (COMMERCIAL-INDISTRIAL MIXED USE) DISTRICT.**

CONSIDER FOR ACTION AMENDMENTS TO THE ZONING CODE SECTION 220, CN (NEIGHBORHOOD COMMERCIAL DISTRICT) TO ADD USES PERMITTED ON REVIEW SINGLE FAMILY ATTACHED DWELLINGS (TOWNHOUSES) AND CONDOMINIUMS SUBJECT TO SPECIAL CONDITIONS. REQUEST SUBMITTED BY STAFF. James Mills stated that the Planning Department has prepared for consideration amendments to Official Zoning Code Section 220, CN, Neighborhood Commercial District, to allow as uses permitted on review single-family attached dwellings (townhouses) and condominiums subject to specific conditions.

The CN District is intended for single and two-family dwellings, small and moderate sized offices, personal and business services, and limited general retail businesses. The maximum square footage of individual developments is restricted to 15,000 square feet of total floor space. The maximum number of attached dwelling units allowed in the CN District is two (2) and the maximum density is 5,000 square feet per dwelling unit. Over the past several years the Planning Department has received inquiries about the location of townhouses and condominiums in the CN District. In studying the potential for allowing townhouses in the CN District and in analyzing the current location of properties zoned as such, the Planning Department is of the opinion that single-family attached dwellings and condominiums would be appropriate uses in CN provided certain conditions are provided to protect the integrity of the district. These protections should at a minimum include maintaining the overall density requirement, approval of a site plan, and compliance with architectural standards.

The amendment as proposed would insert in Section 220 a new Section 220.3 to read as follows:

SECTION 220.3 USES PERMITTED ON REVIEW

The following uses are permitted upon approval by the Planning Commission of a subdivision plat submitted in accordance with the Cookeville Subdivision Regulations:

220.3A Single-family attached dwellings (townhouses) and condominiums subject to the following:

1. Submittal to and approval of the Planning Commission of a site plan depicting the location of all proposed structures and improvements.
2. Standards for access, spacing of structures and site improvements shall be as for the PRD, Planned Residential Development District as specified in Section 218 of this Zoning Code.
3. Minimum lot area requirements for single-family attached dwellings of three (3) or more units may be calculated on the overall land area of a particular site provided a restriction is placed on the final subdivision plat prohibiting resubdivision that would reduce the overall site density.
4. Minimum lot width requirements for single-family attached dwellings of three (3) or more units may be reduced upon the approval of the Planning Commission
5. Minimum front setback requirements for single-family attached dwellings of three (3) or more units may be reduced upon the approval of the Planning Commission for internal streets constructed to serve a particular development.
6. The Architectural Design Requirements of Section 208A of this Zoning Code shall apply to single-family attached dwellings (townhouses) and condominiums.

Additionally, the approval of the proposed amendment would also require amending Section 234, Chart of Permitted Uses by Zoning District to depict as uses permitted on review in the CN District single-family attached and condominium dwellings.

Staff recommended approval of the amendment.

Dr. Angelo Volpe made the motion to approve the amendment to the Zoning Code Section 220, CN (Neighborhood Commercial) District and Section 234, Chart of Permitted Uses by Zoning District to add uses permitted on review single family attached dwellings (townhouses) and condominiums. Chris Wakefield seconded the motion and the motion carried unanimously. **APPROVED AMENDMENTS TO THE ZONING CODE SECTION 220, CN (NEIGHBORHOOD COMMERCIAL) DISTRICT AND SECTION 234, CHART OF PERMITTED USES BY ZONING DISTRICT TO ADD USES ON REVIEW SINGLE FAMILY ATTACHED DWELLINGS (TOWNHOUSES) AND CONDOMINIUMS.**

CONSIDER FOR ACTION AMENDMENTS TO THE ZONING CODE TO PROVIDE INCENTIVES FOR DEVELOPMENT IN AREAS IDENTIFIED IN THE COOKEVILLE 2030 PLAN FOR REDEVELOPMENT/REVITALIZATION. REQUEST SUBMITTED BY STAFF. James Mills stated that in the Cookeville 2030 Plan three (3) areas in the city were identified as areas in need of special emphasis for redevelopment or revitalization. These areas are located along North Willow Avenue north of West 12th Street, west of North Willow Avenue between West 9th and Broad Streets, and along West Broad Street west of North Willow Avenue. In addition to the specific areas identified in the Cookeville 2030 Plan, there are individual parcels or groups of parcels scattered throughout the city that could be considered to be in need of renewal. The creation of a process to encourage or provide inducements for the redevelopment of these areas would be appropriate.

Zoning incentives or development bonuses are common methods utilized by cities to achieve development goals. The City of Cookeville already offers density bonus incentives for the conversion of nonconforming uses to conforming uses in the RS, RD and RM-8 zoning districts. Several other forms of incentives are utilized by cities to accomplish planning objectives. These can include reduction of setback and parking requirements, waiver or reduction of building permit or other inspection fees, infrastructure improvements provided by the city, and waiver or reduction of required improvements.

Most of the cities with zoning incentive programs reviewed by the Planning Department have developed the strategies to address planning goals for green development, affordable housing, historic area protection, or for the provision of public improvements or amenities such as parks and greenways. These programs generally require that the developer provide something in return for a bonus. Additionally, the goal of removing or improving blighted areas is sometimes addressed through zoning incentives, especially in larger, older cities.

In reviewing ordinances from other cities, it appears the most utilized method of establishing zoning incentives to achieve planning goals is through the use of overlay zoning. With overlay zoning all properties located in the identified area are eligible for the incentives. The use of overlay districts would appear to be appropriate for the large areas identified in the 2030 Plan but would be difficult to implement for individual parcels or small groups of parcels in need of redevelopment. Another recurrent method is the creation of universal provisions that are applicable to all areas. With this method it is essential that detailed criteria be established to determine which properties would qualify for the bonuses.

The process for approving incentives or bonuses also varies from city to city. Planning Commission review and approval is required in most all examples reviewed. Generally when incentives other than setback reductions or density bonuses are offered legislative or council review and approval is also required.

The Planning Department needs additional time to prepare provisions that are appropriate for Cookeville. It is anticipated that at least one special work session would be needed. The inclusion of the City Council in the work session is recommended.

Staff recommended tabling action on this item.

Randy Dalton made the motion to table action on this item. Dr. Angelo Volpe seconded the motion and the motion carried unanimously. **ITEM TABLED.**

CONSIDER FOR ACTION REVISED FINAL PLAT OF SUGARLEAF TOWNHOMES (SUGARTREE COURTYARD PHASE III), 8 LOTS LOCATED OFF SUGARHILL PLACE, AND REVISED FINAL PRD PLAN FOR SUGARTREE COURTYARD. REQUEST SUBMITTED BY AARON BERNHARDT. Ken Young stated that Mr. Aaron Bernhardt has submitted for approval a Final Plat and Final PRD Plan of Sugarleaf Townhomes (Sugartree Courtyard Phase III) subdivision, which is a single family attached (townhouse) development of his property located on Sugarhill Place. The Preliminary Plat was originally submitted as a 10 lot development, which was granted conditional approval by the Planning Commission at the July 25, 2011 meeting. A revised plat which reduced the number of lots to eight in order to minimize the encroachment into the Sinkhole Retention Area on the property was approved by the Planning Commission at the October 24, 2011 meeting.

The units will be accessed by a one way looped driveway that will provide rear access to the basement garages for parking. The developer has installed a sidewalk along the street frontage as required. The remaining infrastructure improvements, driveway and common areas all are private. Repair and maintenance of the private elements will be covered under a homeowner's association agreement that is to be submitted prior to final plat signatures. No Warranty of Improvements is required for the private infrastructure improvements. Public Works Director Greg Brown has agreed to waive the requirement of a financial guarantee for the new sidewalk.

Staff recommended conditional approval of the Revised Final Plat and Final PRD plan subject to completion of additions or corrections to the plat as determined necessary by the Planning Department and/or other appropriate city departments and the submission of the homeowner's association agreement.

Dr. Angelo Volpe made the motion to grant conditional Revised Final Plat and Final PRD Plan according to Staff's recommendation. Chris Wakefield seconded the motion. Votes: Jim Stafne - aye, Dr. Angelo Volpe, - aye Dr. Roy Loutzenheiser - aye, Judy Jennings - aye, Chris Wakefield - aye, Aaron Bernhardt - abstain, Randy Dalton - aye, David Webb - aye, and Jim Woodford - aye. Motion carried. **CONDITIONAL APPROVAL.**

CONSIDER FOR ACTION FINAL PLAT OF ST. JAMES WEST PHASE IV, REDIVISION OF LOT #4, 10 LOTS LOCATED ON SOUTH WALNUT AVENUE. REQUEST SUBMITTED BY JERRY GAW. Ken Young stated that Mr. Jerry Gaw has submitted for approval a Final Plat of St. James West - Phase IV Re-division of Lot 4, a 10 lot single family zero lot line development, located on South Walnut Avenue adjacent to Phase III of the subdivision. A preliminary plat was approved for the entire site on August 25, 2008 for no more than 30 total units. Phase IV will complete the entire development with a total of 28 units.

The property proposed for this phase of the subdivision is identified on Tax Map 530 Group B as Parcel 7.00 and consists of approximately .59 acres. The property is zoned RM-8, Multi-Family Residential, as are all adjacent properties. Lots 4.1 through 4.10 all contain newly constructed zero

lot line single family dwellings. All the lots in Phase IV have frontage on St. James West which is a private permanent vehicular easement and public utility easement. The property is served by the eight-inch sewer line and six-inch waterline located in the right-of-way of South Walnut Avenue. An existing fire hydrant on the east side of South Walnut Avenue is within the required distance for fire protection. All of the property including the street, common areas and infrastructure components were developed in Phase I and are private. Repair and maintenance of the common elements are covered under a homeowner's association agreement that was submitted with Phase I in August 2009. No Warranty of Improvements is required due to the private nature of the infrastructure.

Staff recommended conditional final plat approval is recommended subject to the completion of corrections or additions to the plat as determined necessary by the Planning Department and/or other appropriate city departments.

Dr. Roy Loutzenheiser made the motion to grant conditional final plat approval subject to staff's recommendation. Dr. Angelo Volpe seconded the motion. Votes: Jim Stafne - aye, Dr. Angelo Volpe, - aye Dr. Roy Loutzenheiser - aye, Judy Jennings - aye, Chris Wakefield - aye, Aaron Bernhardt - abstain, Randy Dalton - aye, David Webb - aye, and Jim Woodford - aye. Motion carried. **CONDITIONAL APPROVAL.**

CONSIDER FOR ACTION VARIANCE FOR A FLAG LOT AND FINAL PLAT OF SONGBIRD LANE DIVISION, 4 LOTS LOCATED ON SONGBIRD LANE AND STATE STREET. REQUEST SUBMITTED BY DALLAS MAXWELL AND PATRICIA RAYMER.

Ken Young stated that property owner Melvin Maxwell has submitted a request for a variance to allow the creation of one flag lot and final plat approval of the Songbird Lane Division, a proposed four lot single family residential development of his property fronting State Street and Songbird Lane. As stated on the plat, Mr. Maxwell is purchasing a five (5) foot strip of land along the eastern boundary of the adjacent parcel owned by Patricia Raymer to add to Lot 3 of the subdivision, so the lot will have 25 feet of road frontage on State Street as required by the Subdivision Regulations for a flag lot.

The properties proposed for this development are identified as Parcels 13.00 and 15.00 on Tax Map 53P Group A and consists of approximately 2.459 acres. The site is zoned RS-10 as are all adjacent properties. Both parcels contain existing single family residential structures and accessory buildings.

As previously stated, Mr. Maxwell has requested that the Planning Commission consider granting a variance to allow one flag lot. A flag lot is defined in the Subdivision Regulations as "a lot which is accessed by a strip of land of a width less than the required street frontage and which is located behind another lot which meets the required street frontage." Article X Section G of the Subdivision Regulations specifies that flag lots shall be permitted only for existing lots of record and upon the approval of a variance by the Planning Commission subject to the following conditions:

- a. The parcel of land proposed for subdivision to include a flag lot shall have depth to width ratio exceeding 2:1.
- b. No access strip shall be less than 25 feet in width for its entire length.
- c. The access strip shall provide access for only one lot and shall be deeded and platted as a part of the building site. No building or structure shall be located in the access strip.

- d. The point where the access strip abuts the public street shall be safe for vehicular ingress and egress as far as visibility and grade are concerned since, unlike conventional lots, flag lots have no other alternatives for driveway locations.
- e. All required building setbacks shall apply and be measured from the boundaries of the portion of the lot excluding the access strip.
- f. The developer shall restrict the flag lot from further subdivision unless a street meeting all requirements, including right-of-way, is constructed. Said restriction shall be placed on the Final Plat.

In no case shall a flag lot be used to avoid constructing a street to the required standards.

The lots will be served either by the existing six inch waterline located in the right-of-way of State Street or the one inch line located in the right-of-way of Songbird Lane. There are two fire hydrants located within the required proximity of the lots. Access to the public sewer is available to the site from eight inch lines in the right-of-ways of each frontage street. No portion of the subject property is located in a Special Flood Hazard Area as stated on the plat certificate. No area of the property is indicated as being in a sinkhole retention area according to the Sinkhole Floodplain Report prepared by TTU and adopted by the City. Finally, as shown on the plat, the property boundary adjacent to State Street is 25 feet from the road centerline and Songbird Lane is a dead end street, therefore no additional property dedication is required.

It is the opinion of the Planning Staff that the petitioner has met the criteria for a flag lot and therefore Staff recommended that the variance as requested be granted. In addition, Planning Staff recommended conditional approval of the final plat subject to the completion of corrections or additions to the plat as determined necessary by the Planning Department and/or other appropriate city departments.

Randy Dalton made the motion to approve the variance for a flag lot and to grant conditional Final Plat approval, subject to staff's recommendation. Aaron Bernhardt seconded the motion and the motion carried unanimously. **APPROVED VARIANCE FOR FLAG LOT AND CONDITIONAL FINAL PLAT APPROVAL.**

CONSIDER FOR ACTION SIX (6) MONTH EXTENSION OF PRELIMINARY PLAT APPROVAL OF LAUREL HILL SUBDIVISION PHASE II, LOCATED OFF CORA ROAD. REQUEST SUBMITTED BY DAVID MAXWELL. Ken Young stated that Developer David Maxwell has submitted a request for an additional six (6) month extension of the Preliminary Plat approval of the Laurel Hill Subdivision Phase II, a single family residential development of his property located on Cora Road.

The development property is identified on Tax Map 039 as Parcel 63.00. The 40 lot Preliminary Plat was originally granted approval for a twelve month period by the Planning Commission on November 22, 2010. Phase I of the development consisting of ten (10) lots fronting Cora Road was granted final approval by the Planning Commission on September 26, 2011. On November 28, 2011 the Planning Commission granted a six (6) month extension of the Preliminary Plat which expires on May 28, 2012. No other changes to the plat as previously approved have been submitted. The developer has been advised that a pre-construction meeting must be held with all appropriate city departments prior to the construction and installation of any utilities.

Staff recommended approval of the request for a second six (6) month extension of the Preliminary Plat as requested which would expire on November 21, 2012.

Aaron Bernhardt made the motion to approve the request for a second six (6) month extension of the Preliminary Plat of Laurel Hill Subdivision, Phase II. Jim Woodford seconded the motion and the motion carried unanimously. **APPROVED SIX (6) MONTH EXTENSION.**

James Mills stated that Aaron Bernhardt will need to abstain from voting on the Study Item.

Dr. Angelo Volpe made the motion to take the following item for study. Judy Jennings seconded the motion. Votes: Jim Stafne - aye, Dr. Angelo Volpe, - aye Dr. Roy Loutzenheiser - aye, Judy Jennings - aye, Chris Wakefield - aye, Aaron Bernhardt - abstain, Randy Dalton - aye, David Webb - aye, and Jim Woodford - aye. Motion carried. **STUDY ITEM.**

1. CONSIDER FOR STUDY PRELIMINARY PLAT OF OLD KENTUCKY COURTYARDS, 16 LOTS LOCATED ON OLD KENTUCKY ROAD AND EAST HUDGENS STREET. REQUEST SUBMITTED BY AARON BERNHARDT.

STAFF REPORTS:

(1) MINOR PLAT APPROVALS:

- MAHLER DIVISION – 2 LOTS LOCATED ON NORTH FRANKLIN AVENUE – WILLIAM MAHLER JR.

Chairman Jim Stafne thanked the Planning Staff for all of their hard work.

ADJOURNMENT: 7:23 P.M.

SUBMITTED FOR APPROVAL

SUBMITTED FOR RECORDING

**JAYNE BARNS CPS
PLANNING ASSISTANT**

**JIM STAFNE, CHAIRMAN
COOKEVILLE PLANNING
COMMISSION**