

**COOKEVILLE PLANNING COMMISSION
MINUTES
AUGUST 27, 2012**

The Cookeville Planning Commission met on Monday, August 27, 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, and Ken Young.

STAFF ABSENT: Jim Shipley.

OTHERS PRESENT: Amye Wright, Matt Allen, Jerry Gaw, and Sam Tays.

CONSIDER FOR APPROVAL THE AGENDA AS SUBMITTED. Jim Woodford made the motion to approve the agenda as submitted. Aaron Bernhardt seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR APPROVAL THE MINUTES OF JULY 23, 2012. Dr. Angelo Volpe made the motion to approve the minutes of July 23, 2012. Dr. Roy Loutzenheiser 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 the following action item due to a conflict of interest.

CONSIDER FOR ACTION VARIANCE TO WAIVE THE CUL-DE-SAC AND INSTALLATION OF SIDEWALK REQUIREMENTS AND PRELIMINARY PLAT APPROVAL OF ST. JAMES NORTH, 5 LOT TOWNHOUSE DEVELOPMENT LOCATED OFF SOUTH WALNUT AVENUE. REQUEST SUBMITTED BY JERRY GAW, INC. Ken Young stated that Mr. Jerry Gaw has submitted for approval a Preliminary Plat of St. James North, a proposed five (5) lot single family attached residential development of his property located off S. Walnut and adjacent to his St. James Place development. In addition, Mr. Gaw is requesting a variance to waive the requirement that a cul-de-sac be constructed and a variance to waive the requirement to construct a new sidewalk along the private ingress/egress fronting the new lots.

The property proposed for development is identified on Tax Map 0530 Group C as Parcel 010.00 and consists of approximately .456 acres. The subject parcel as well as parcels to the north and east are zoned CG, general commercial. Single family attached dwellings (townhouses) are a use permitted on review subject to the provisions of Section 222.3A of the Zoning Code. The St. James Place subdivision to the south is zoned RM8, multi-family residential. All of the infrastructure on the site will be private, including the ingress/egress easement with the proposed name of St. James North. Mr. Gaw has submitted a written request to waive the requirement to construct a four (4) foot sidewalk across the southern

boundary of the private permanent vehicular access easement. There is an existing sidewalk along the property frontage on S. Walnut Avenue. Repair and maintenance of all common elements, including the private permanent vehicular access easement will be covered under a homeowner's association agreement that must be submitted in tandem with recording of the Final Plat. The developer has also submitted a written request to waive the requirement for the creation of a cul-de-sac due to site constraints. It should be noted that up to eight (8) multi-family residential units could be constructed on the site with no requirement for a cul-de-sac. The developer has proposed a turnaround area for sanitation trucks near the entrance to the site. This is shown on the Tract 1 common area of the plat. The Director of Public Works, Greg Brown, has reviewed the proposal and has submitted written approval to allow the turnaround in lieu of a cul-de-sac. The site will be served by the existing 8" sewer line and 6" water line located in the right-of-way of S. Walnut Avenue. The Water Quality Control Department has agreed to allow the developer to use a master meter. An existing fire hydrant located at the northern intersection of S. Walnut Avenue and St. James Place is within the required proximity to provide fire protection to the new lots. No portion of the subject property is located in a Special Flood Hazard Area according to the Flood Insurance Rate Maps for the area. Due to the nature of the adjacent property uses, no additional screening or buffering is required on the site.

Staff recommended approval of the variances as requested to waive the requirement to construct a cul-de-sac and a new sidewalk and conditional approval of the preliminary plat subject to the following:

- Developer must schedule and attend a pre-construction meeting with all the appropriate city departments,
- Developer understands and agrees that all right-of-ways must be cleared prior to any installation of utilities,
- Developer must submit a roadway construction plan and profile with storm sewer and sidewalk details to the Department of Public Works. Plan shall include typical road section, subgrade, base width, asphalt width and 3:1 slopes,
- Developer must provide utility easements as requested by the utility departments, and
- 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 approve the variances and grant conditional Preliminary Plat approval. Dr. Angelo Volpe seconded the motion and the motion carried unanimously. **APPROVED VARIANCES AND GRANTED CONDITONAL PRELIMINARY PLAT APPROVAL.**

CONSIDER FOR ACTION EXTENSION OF FINANCIAL GUARANTEES FOR SIDEWALKS, RAIN GARDENS, AND WATER & SEWER FOR THE RESERVE AT THE COUNTRY CLUB PHASE I, LOCATED ON SHAG RAG ROAD. REQUEST SUBMITTED BY TOM SERGIO. Ken Young stated that Mr. Tom Sergio, on behalf of Design Development LLC, has submitted a request for a one (1) year extension of the three (3) Letters of Credit submitted initially in September 2008 to financially guarantee the infrastructure improvements at The Reserve at the Country Club Phase I. The development

was first financially guaranteed in September 2008 and in September 2009, the Planning Commission granted a two (2) year extension of the guarantees. In August 2011 the Planning Commission approved the extension of the guarantees in the reduced amounts as approved by the appropriate departments for a period of twelve months.

The Letters of Credit submitted on September 8, 2011 are all drawn on Citizens Bank. A \$69K Letter of credit was submitted for the remaining sidewalk construction and a \$60K Letter of Credit was submitted for the remaining drainage facilities, including the rain gardens. Lastly, a Letter of Credit in the amount of \$10K was submitted for the maintenance of water and sewer improvements. Planning staff has been advised by the Water Quality Control Department and the Public Works Director, Greg Brown, that the amounts of the guarantees can remain the same for the period of one year.

Staff recommendation conditional approval of the request for a one (1) year extension of the financial guarantees, subject to the following:

- 1) Submission of appropriate financial guarantees in the amounts of \$69K for sidewalks, \$60K for drainage facilities and \$10K for water and sewer infrastructure.
- 2) All extended financial guarantees shall be submitted to Planning Staff no later than Noon on Friday September 7, 2012.

Chris Wakefield made the motion to approve the one (1) year extension of the financial guarantees, subject to staff's recommendation. Randy Dalton seconded the motion and the motion carried unanimously. **APPROVED ONE (1) YEAR EXTENSION OF THE FINANCIAL GUARANTEES, SUBJECT TO STAFF'S RECOMMENDATIONS.**

CONSIDER FOR ACTION FINAL PLAT OF CHARLES MCCORMICK DIVISION, 2 LOTS LOCATED AT THE CORNER OF GRANDVIEW DRIVE AND SPRINGBORO ROAD. REQUEST SUBMITTED BY SAM TAYS ON BEHALF OF CHARLES MCCORMICK HEIRS. Ken Young stated that Developer Sam Tays on behalf of the estate of the late Charles McCormick has submitted a two (2) lot subdivision of the McCormick property located at the northern intersection of Grandview Drive and Springboro Road.

The subject property is identified as Parcel 1.01 on Tax Map 52P, Group B and consists of approximately 34,621 square feet. A single family dwelling is located on the western side of the parcel. The owners wish to divide the parcel into two (2) tracts with Lot No. 1 containing 18,006 square feet and Lot No. 2 containing 16,615 square feet. The existing structure would be located on the proposed Lot No. 1. Article 1 Section F.1 of the Subdivision Regulations states "No final plat of land within the force and effect of the Cookeville Zoning Code shall be approved unless it conforms to such code". The Zoning Code states that the minimum lot size in the RS-20 district is 20,000 square feet. The Board of Zoning Appeals (BZA) is required to consider any request for variances from the standards set forth in the Zoning Code. On August 9, 2012 the BZA approved the developer's request for the reduction of the lot sizes as shown on the plat.

The lots will be served by the existing six (6) inch water lines located in the right-of-ways of Grandview Drive and Springboro Road. The existing single family structure on Lot No. 1 is now connected to the eight (8) inch sewer line on Springboro Road through a utility easement crossing Lot No. 2 as depicted on the plat. Lot No. 2 can also be connected to the same sewer line. There is a fire hydrant located at the southeast intersection of Grandview Drive and Springboro Road that is within the required proximity of the lots for fire protection. 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 Grandview Drive and Springboro Road are both 25' from the centerline of the road frontage. Therefore, no additional property dedication is required for future right-of-ways.

It is the opinion of the Planning Staff that considering the petitioner has been granted approval for the minimum lot reduction by the BZA, the plat is therefore in compliance with the terms of the Subdivision Regulations and conditional approval of the final plat is recommended subject to the following:

- Completion of corrections or additions to the plat as determined necessary by the Planning Department and/or other appropriate city departments

Jim Woodford made the motion to grant conditional Final Plat approval subject to staff's recommendation. Dr. Angelo Volpe seconded the motion and the motion carried unanimously. **GRANTED CONDITIONAL FINAL PLAT APPROVAL.**

CONSIDER FOR ACTION VARIANCE TO REDUCE THE STREET AND CUL-DE-SAC RIGHT-OF-WAY, AND PRELIMINARY PLAT APPROVAL OF THE LEE WELCH DIVISION, 3 LOTS LOCATED OFF CAMPBELL DRIVE. REQUEST SUBMITTED BY MATT ALLEN. MOVING THIS ITEM FROM STUDY TO ACTION REQUIRES THE APPROVAL OF THE PLANNING COMMISSION.

Dr. Roy Loutzenheiser made the motion to move this item from study to action. Jim Woodford seconded the motion and the motion carried unanimously. **APPROVED MOVING THIS ITEM FROM STUDY TO ACTION.**

Ken Young stated that Developer Matt Allen has submitted for approval a Preliminary Plat of The Lee Welch Division, a proposed three (3) lot single family detached residential development of property located at the north end of Campbell Drive. The proposal entails the extension of the existing street and the creation of a cul-de-sac. In addition, Mr. Allen has submitted requests to allow the reduction of the new right-of-way from 50 feet to 40 feet, the reduction of the surface width from 20 feet to 18 feet and the reduction of the diameter of the right-of-way of the new cul-de-sac from 100 feet to 80 feet.

The property proposed for development is identified on Tax Map 052 C as Parcels 042.06, 042.09, 042.12, 042.14 and 042.15. Parcels 042.06 and 042.12 are owned by Lee Welch. Parcel 041.14 is owned by Reed and Rachel Welch. Parcels 042.09 and 042.15 are owned by

Jerald Welch. All parcels are vacant except parcels 042.09 which contains a detached garage and parcel 042.15 which contains a single family dwelling. All of the parcels combined consist of approximately 2.75 acres. The subject parcels are zoned RS-10 single family residential as are properties to the south. Three parcels adjacent to the western boundary are also zoned RS-10 and the remainder of the adjacent parcels are zoned RS-15 which is also single family residential. In order to extend Campbell Drive north of its current location, Mr. Allen has submitted a signed agreement to purchase an area of property from Mr. Jerry Gaw through which the new street extension must cross. It should also be noted that Mr. Allen has been advised that since he has not yet purchased any of the property depicted on the plat, any development work done in the meantime is at his own risk.

As previously mentioned, Mr. Allen has requested to be allowed to reduce the right-of-way of the proposed extension of Campbell Drive from 50' as required by the Subdivision Regulations, to 40' which would match the right-of-way of the existing Campbell Drive. Mr. Allen has also requested approval to reduce the diameter of the right-of-way of the proposed cul-de-sac from 100 feet as required by the Subdivision Regulations to 80 feet, provided that the cul-de-sac is paved to the edge of the right-of-way. Public Works Director, Greg Brown, has advised that he is agreeable to the right-of-way reductions as requested and also agreed to allow Mr. Allen to reduce the surface width of the Campbell Drive extension from 20 feet to 18 feet in order to match the existing roadway surface. Water and sewer connections are proposed to connect to the existing lines in the right-of-way of Campbell Drive south of the subject property. In addition, a new fire hydrant is proposed to be installed immediately outside the northwest perimeter of the new cul-de-sac. The Water Quality Control Department has advised that the developer will be required to submit water and sewer plans that have been approved by the State of Tennessee. No portion of the subject property is located in a Special Flood Hazard Area according to the Flood Insurance Rate Maps for the area. There are also no sinkholes identified on the subject property according to available GIS data.

Staff recommended approval of the requests to reduce the right-of-way of the new section of Campbell Drive from 50 feet to 40 feet, to reduce the diameter of the new cul-de-sac from 100 feet to 80 feet subject to the pavement extending to the edge of the right-of-way, the reduction of the surface width of the Campbell Drive extension from 20 feet to 18 feet and conditional approval of the preliminary plat subject to the following:

- Developer must schedule and attend a pre-construction meeting with all the appropriate city departments
- Developer understands and agrees that all right-of-ways must be cleared prior to any installation of utilities
- Developer must submit a roadway construction plan and profile with storm sewer and sidewalk details to the Department of Public Works. Plan shall include typical road section, subgrade, base width, asphalt width and 3:1 slopes
- Developer shall submit water and sewer plans approved by the State of Tennessee to the Water Quality Control Department
- Developer must provide utility easements as requested by the utility departments
- Completion of corrections or additions to the plat as determined necessary by the Planning Department and/or other appropriate city departments

Matt Allen requested at the meeting that he would also like to waive the sidewalk requirement.

James Mills stated that he was okay with waiving the sidewalk requirement.

Dr. Roy Loutzenheiser made the motion to grant the variances along with the request to waive the sidewalk requirement and grant conditional Final Plat approval subject to staff's recommendations. Randy Dalton seconded the motion and the motion carried unanimously. **APPROVED VARIANCES AND GRANTED CONDITIONAL FINAL PLAT APPROVAL.**

Dr. Roy Loutzenheiser made the motion to take the following item for study. Chris Wakefield seconded the motion and the motion carried unanimously. **STUDY ITEM.**

(1) CONSIDER FOR STUDY ANNEXATION AND PLAN OF SERVICES FOR BENNETT ROAD ANNEXATION AREA. REQUEST SUBMITTED BY STAFF.

STAFF REPORTS:

(1) MINOR PLAT APPROVALS:

- JANE BUSH PROPERTY – 1 LOT LOCATED ON THE CORNER OF SOUTH JEFFERSON AVENUE AND WEST CEMETERY ROAD – TURNER & ASSOCIATES ON BEHALF OF JANE BUSH.
- THOMAS RANDOLPH DIVISION – 2 LOTS LOCATED ON MINE LICK CREEK ROAD – THOMAS RANDOLPH.
- TYSON DIVISION PHASE I – 2 LOTS LOCATED ON EAST FIRST STREET AND NORTH JEFFERSON AVENUE – RYAN WILLIAMS OF PARAGON DEVELOPMENT.
- TYSON DIVISION PHASE II – 2 LOTS LOCATED ON EAST FIRST STREET – RYAN WILLIAMS OF PARAGON DEVELOPMENT.
- CITY OF COOKEVILLE – GAW & BERNHARDT EXCHANGE – 2 LOTS LOCATED ON EAST SPRING STREET – CITY OF COOKEVILLE, JERRY GAW, AND AARON BERNHARDT.

ADJOURNMENT: 5:50 P.M.

SUBMITTED FOR APPROVAL

SUBMITTED FOR RECORDING

**JAYNE BARNES CPS
PLANNING ASSISTANT**

**JIM STAFNE, CHAIRMAN
COOKEVILLE PLANNING
COMMISSION**