

**COOKEVILLE PLANNING COMMISSION
MINUTES
NOVEMBER 26, 2012**

The Cookeville Planning Commission met on Monday, November 26, 2012 at 5:30 p.m., in the Council Chambers, 45 E. Broad Street, Cookeville, Tennessee.

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

MEMBERS ABSENT: Dr. Angelo Volpe.

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

STAFF MEMBER ABSENT: Jim Shipley.

OTHERS PRESENT: Bryant Presley, Chris Vick, Jerry Gaw, Brian Paddock, and Amye Wright.

CONSIDER FOR APPROVAL THE AGENDA AS SUBMITTED. Randy Dalton 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 OCTOBER 22, 2012. Dr. Roy Loutzenheiser made the motion to approve the minutes of October 22, 2012. Jim Woodford seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR ACTION REQUEST FOR DECLARATION AS SURPLUS PROPERTY AND FOR SALE OR LEASE CITY OWNED PROPERTY IDENTIFIED AS PARCEL 10.00 ON TAX MAP 53I, GROUP F, CONTROL MAP 53H LOCATED AT THE NORTHWEST INTERSECTION OF BUFFALO VALLEY ROAD AND WEST JACKSON STREET. REQUEST SUBMITTED BY BRYANT K. PRESLEY. James Mills stated that Mr. Bryant K. Presley has submitted a request that city owned property identified as Parcel 10.00 on Tax Map 53I, Group F, Control Map 53H and located at the northwest intersection of Buffalo Valley Road and West Jackson Street be declared as surplus property and made available for sale or lease.

The property proposed for surplus declaration is a remnant of property acquired by the city for the construction of West Jackson Street. The parcel consists of approximately 0.75 acre and is zoned as CL, Local Commercial.

The applicable city departments have reviewed the request and the Water Quality Control Department has requested that a utility easement be retained along West Jackson Street.

Staff recommended approval of surplus property declaration and for the sale or lease of the property to the highest bidder subject to the establishment of a minimum bid amount and with the retention of a utility easement 10 feet in width along the entire length of the property along West Jackson Street.

Bryant Presley stated that he and his son were going to buy the Cookeville Funeral Home and they needed the adjacent lot for parking.

Randy Dalton asked who determines the minimum bid amount.

James Mills replied that the City Manager & Planning Director recommend the bid amount to the City Council.

Chris Wakefield made the motion to approve city owned property as surplus. Randy Dalton seconded the motion and the motion carried unanimously. **APPROVED
DECLARING CITY OWNED PROPERTY AS SURPLUS.**

CONSIDER FOR ACTION AMENDMENTS TO ZONING CODE RELATIVE TO ASSISTED LIVING/RESIDENTIAL CARE FACILITIES AS PERMITTED USES IN THE PRD & CL DISTRICTS. REQUEST SUBMITTED BY STAFF. James Mills stated that the Planning Department submits for consideration amendments to the Zoning Code to increase the number of zoning districts in which assisted living/residential care facilities may be located.

The Zoning Code defines an assisted living/residential care facility as “the use of a building or structure, or portion thereof, to house persons on a 24 hour basis, who because of age, mental disability, or other reasons require a supervised residential environment in which personal care and supportive services are provided. The occupants are mostly capable of responding to an emergency situation without assistance from the staff.” As noted in the Cookeville 2030 Plan, the population of Cookeville, and of many communities across the nation, is becoming older. To address the housing needs for this increasing segment of our population, broadening the areas in which assisted living/residential care facilities can locate would seem to be appropriate.

Assisted living/residential care facilities are currently permitted as special exceptions in the RD, Single Family and Duplex Residential and RM-8, Multi-Family Residential Districts and as permitted uses in the RM-14, Multi-Family Residential, CG, General Commercial, CR, Regional Commercial and MS, Medical Services Districts. The department has received inquiries regarding the possibility of allowing such uses in the CL, Local Commercial District. As the CL District allows multi-family residential as permitted uses, in the opinion of the Planning Department it is reasonable that assisted living/residential care facilities also be allowed as permitted uses. This same logic would also appear to apply to the PRD, Planned Residential Development District.

Staff recommended approval of amendments to the Zoning Code to insert assisted living/residential care facilities as permitted uses in the CL, Local Commercial, and PRD, Planned Residential Development, Districts.

Jim Woodford made the motion to approve amendments to the Zoning Code to allow assisted living/residential care facilities as permitted uses in the CL, Local Commercial, and PRD, Planned Residential Development, Districts. Aaron Bernhardt seconded the

motion and the motion carried unanimously. **APPROVED AMENDMENTS TO THE ZONING CODE.**

CONSIDER FOR ACTION AMENDMENTS TO ZONING CODE SECTION 205, PARKING REQUIREMENTS, RELATIVE TO MODIFYING THE MINIMUM PARKING REQUIREMENTS FOR CERTAIN USES AND INSERTING PROVISIONS FOR DEFERRED PARKING. REQUEST SUBMITTED BY STAFF. James Mills stated that the Planning Department has prepared for consideration amendments to Zoning Code Section 205, Parking Requirements for purpose of inserting provisions intended to reduce the creation of excessive or unnecessary off-street parking.

The minimum off-street parking requirements for manufacturing, industrial and warehousing uses is currently one (1) space per 250 feet of office area, plus one (1) space per 500 square feet of other areas. Over the past several years the nature of many manufacturing and industrial uses has changed primarily in the number of employees necessary to operate the facility. Applying the current parking standard frequently results in excessive parking. A review of more up-to-date requirements from other municipalities indicates that a standard of one (1) space per 1,500 square feet may be more appropriate. The Planning Department recommends that the off-street parking requirement be decreased to one (1) space per 1,500 square feet of areas other than office areas for industrial, manufacturing, warehousing and wholesaling uses.

The establishment of provisions for deferred parking would also help to reduce the potential for the provision of excessive parking. Basically such provisions would allow an industrial or manufacturing use to only provide the parking they believe necessary provided the site contains enough area to provide additional parking if demand warrants. The Planning Department recommends the creation of new Section in Section 205 to read as follows:

205.8E DEFERRED PARKING

In order to reduce the provision of more off-street parking spaces than may be necessary to serve a particular development, the Director of the Planning Department and/or the Planning Commission, if determined necessary by the Planning Director, may allow some portion of the off-street parking required by this Zoning Code to be deferred if the conditions of this Section are satisfied.

1. Request Required
The developer or property owner shall submit a written request to the Director of the Planning Department for a deferral of a portion of the required off-street parking.
2. Justification Required
The developer or property owners shall demonstrate that there is not a present need for the number of required parking spaces deferred.
3. Deferred Parking Plan Required
A deferred parking site plan shall be prepared meeting the following requirements:

- a. The site shall contain sufficient space to meet the full parking requirements of this Zoning Code. The site plan shall illustrate the layout for the full number of off-street parking spaces, and shall designate which parking spaces are to be deferred.
 - b. Deferred parking spaces shall not be assigned to areas required for landscaping or buffer yards, or any areas that would otherwise be unsuitable for parking spaces because of physical limitations of the property or other requirements of this Zoning Code.
4. Written Commitment Agreement Required
- a. The site plan shall be accompanied by a written commitment agreement specifying that any time after the date of issuance of the Certificate of Compliance, the deferred parking spaces shall be converted to parking spaces that conform to the provisions of this Zoning Code at the developer and/or property owner's expense should the Director of Planning determine that the additional spaces are needed.
 - b. The Planning Director shall establish a reasonable time for the developer and/or property owners to bring the development into full compliance with the parking requirements.
 - c. The written agreement shall be noted on the site plan and shall be depicted on a recorded plat and specified in any restrictive covenants.
 - d. Alternately the developer and/or property owner may at any time request that the Planning Director approve a permit allowing the conversion of the deferred parking to operable parking spaces.
5. Change in Use
- Any expansion of the development or change in use shall conform to all parking requirements of this Zoning Code.

Staff recommended approval of the amendments.

Dr. Roy Loutzenheiser made the motion to approve the amendments to the parking requirements. Chris Wakefield seconded the motion and the motion carried unanimously.

APPROVED AMENDMENTS TO THE ZONING CODE.

CONSIDER FOR ACTION VARIANCE FOR A FLAG LOT AND FINAL PLAT OF REDIVISION OF LOTS 38-41 AND 58-61 OF THE POSTON SUBDIVISION, 2 LOTS LOCATED ON NORTH DIXIE AVENUE. REQUEST SUBMITTED BY RANDALL RAMSEY. James Mills stated that Mr. Randall Ramsey on behalf of his mother, Mrs. Norman Ramsey, has submitted a request for a variance to allow the creation of one flag lot and final plat approval of the Re-division of Lots 38-41 and 58-61 of the Poston Subdivision. This is a proposed two lot duplex residential development of the Ramsey property fronting North Dixie Avenue.

The property proposed for development is identified as Parcel 38.00 on Tax Map 40B and consists of approximately .80 acres. The property contains no structures or other improvements. Lot 1 is approximately .23 acres (10,018 square feet) and Lot 2 is approximately .57 acres (24,829 square feet). The site is zoned RD, single-family and duplex residential, as are all adjacent properties. In the RD district, 5,000 square feet of land area per dwelling unit is required. As previously stated, Mr. Ramsey 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 access strip shall not exceed 500 feet in length and no more than two access strips shall be located side-by-side.
- e. 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.
- f. All required building setbacks shall apply and be measured from the boundaries of the portion of the lot excluding the access strip.
- g. 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 by the existing eight inch water line and eight inch sewer line located in the right-of-way of North Dixie Avenue. Lot 1 will connect to the sewer by gravity and Lot 2 will require the use of a pump. There are two fire hydrants located in the right-of-way of North Dixie Avenue that are both within the required proximity of the lots. No portion of the subject property is located in a Special Flood Hazard Area as stated on the plat certificate and no area of the property is indicated as being in a Sinkhole Retention Area.

It was the opinion of the Planning Staff that the petitioner has met the criteria for a flag lot and therefore recommends that the variance as requested be granted. In addition, Planning Staff recommends conditional approval of the final plat 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

Randy Dalton made the motion to approve the Variance for a flag lot and to grant conditional Final Plat approval of the Poston Subdivision. Chris Wakefield seconded the motion and the motion carried unanimously. **APPROVED VARIANCE FOR FLAG LOT AND GRANTED CONDITIONAL FINAL PLAT APPROVAL.**

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 FINAL PLAT OF RESUBDIVISION OF LOTS 9 & 10 OF THE VILLAS AT MAPLE POINT, 5 LOTS LOCATED ON MAPLE POINT DRIVE. REQUEST SUBMITTED BY JERRY GAW. James Mills stated that Developer Jerry Gaw has submitted a Final Plat for the Re-subdivision of Lots 9 and 10 of The Villas at Maple Point, a five (5) lot single family attached residential development of his property located on Maple Point Drive.

The development property is identified on Tax Map 66D Group C as Parcels 9.00 and 10.00. The 12 lot The Villas at Maple Point subdivision was developed by Burgess Cope-lands LLC. The Final PRD Plan, approved in November 2004, authorized the construction of 28 condominium units, to be developed in groups of two and three units. In addition, the proposed 12 lots depicted on the Final Plat as recorded in November 2005 were to be re-subdivided as the condominiums were developed. This was deemed necessary to determine the exact location of property lines involving shared walls. All infrastructure improvements in the development are pre-existing. The five (5) lots as shown on the plat under consideration will bring the total of the condominiums constructed to date in the development to 23 units.

Staff recommended conditional approval of the Final Plat as submitted subject to the completion of additions or corrections to the plat as requested by the Planning Department and/or other appropriate city departments.

Jim Woodford made the motion to grant conditional Final Plat approval submitted subject to the completion of additions or corrections to the plat as requested by the Planning Department and/or other appropriate city departments. Randy Dalton seconded the motion and the motion carried unanimously. **CONDITIONAL FINAL PLAT APPROVAL.**

CONSIDER FOR APPROVAL CANCELLING OR RESCHEDULING THE DECEMBER PLANNING COMMISSION MEETING. REQUEST SUBMITTED BY STAFF. James Mills recommended that the Planning Commission reschedule next month's meeting to December 17, 2012.

Judy Jennings made the motion to reschedule next month's meeting to December 17, 2012. Dr. Roy Loutzenheiser seconded the motion and the motion carried unanimously. **MEETING RESCHEDULED FOR DECEMBER 17, 2012.**

Dr. Roy Loutzenheiser made the motion to take the following items for study. Jim Woodford seconded the motion and the motion carried unanimously. **STUDY ITEMS.**

- (1) CONSIDER FOR STUDY RENAMING PORTION OF LEE SEMINARY ROAD FROM HARDING ROAD NORTH TO NEW EXTENSION OF LEE SEMINARY ROAD TO LEE SEMINARY COURT. REQUEST SUBMITTED BY STAFF.**
- (2) CONSIDER FOR STUDY AMENDMENT TO ZONING CODE ESTABLISHING A NEW ZONING DISTRICT ENTITLED RAO, REDEVELOPMENT AREA OVERLAY. REQUEST SUBMITTED BY STAFF.**

STAFF REPORTS:

(1) MINOR PLAT APPROVALS:

- BUFFALO CAMP DIVISION – 2 LOTS ON THE CORNER OF BUFFALO VALLEY ROAD AND CC CAMP ROAD – STEVE GARRETT.
- YALLAHS - 2 LOTS LOCATED ON BROWN AVENUE – MICHAEL SWALLOWS.

ADJOURNMENT: 5:58 P.M.

SUBMITTED FOR APPROVAL

SUBMITTED FOR RECORDING

**JAYNE BARNS CPS
PLANNING ASSISTANT**

**JIM STAFNE, CHAIRMAN
COOKEVILLE PLANNING
COMMISSION**