

**COOKEVILLE PLANNING COMMISSION
MINUTES
MARCH 24, 2014**

The Cookeville Planning Commission met on Monday, March 24, 2014 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, David Webb, Jim Woodford, Kay Starkweather, Leslie Sullins, and Adam Ryan.

STAFF MEMBERS PRESENT: James Mills, and Jayne Barns.

STAFF MEMBERS ABSENT: Ken Young, and Jim Shipley.

OTHERS PRESENT: Laura Militana, Peter Metts, Lauren Metts, Rusty Norrod and Phillip Staton.

CONSIDER FOR APPROVAL THE AGENDA AS SUBMITTED. Dr. Roy Loutzenheiser made the motion to approve moving Action Item #6 from Study to Action. Kay Starkweather seconded the motion and the motion carried unanimously. **APPROVED.**

Judy Jennings made the motion to approve the agenda as submitted. Jim Woodford seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR APPROVAL THE MINUTES OF FEBRUARY 24, 2014. Kay Starkweather made the motion to approve the minutes of February 24, 2014. Jim Woodford seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR ACTION CLOSURE AND ABANDONMENT OF A PORTION OF HOLLY AVENUE AND DECLARING IT AS SURPLUS. REQUEST SUBMITTED BY PETER METTS. James Mills stated that Mr. Peter Metts has submitted a request for the closure and abandonment and declaration as surplus property a portion of Holly Avenue located north of Craighead Drive.

Mr. Metts is requesting that the northern end of Holly Avenue, extending approximately 120 feet south from its northern terminus, be closed. The street right-of-way width is approximately 30 feet. The right-of-way is contiguous to the north with Parcel 24.00 on Tax Map 53B, Group F, to the east with Parcel 24.00 and Parcel 26.00 of the same map and group, to the west with Parcel 2.00 of the same map and group, and to the south it is contiguous with Parcel 20.00 of the same map and group. Parcels 24.00 and 26.00 are owned by Mr. Metts, Parcel 20.00 is owned by Ms. Renata White and Parcel 2.00 is owned by William and Shirley Barnhart.

The proposed closure request is divided into three (3) sections. Area 1 consists of the last approximately 25 feet of the right-of-way and contains an estimated 763 square feet. It is contiguous with Parcels 24.00 and 2.00. Area 2 is approximately 95 feet in length and

contains an estimated 2,888 square feet. It is contiguous with Parcels 2.00 and 26.00. Area 3 is an offshoot of the right-of-way extending eastward and consists of approximately 366 square feet. It is contiguous with Parcel 26.00 and 20.00.

The procedure for the closure and abandonment of streets or right-of-ways is specified in Title 16, Chapter 4 of the Cookeville Municipal Code. The procedure includes the following:

- Submittal of written request and payment of fee
- Submittal of survey
- Confirmation that all affected property owners have been contacted and concur with the closure and abandonment (it is city policy that all adjoining property owners have the right to purchase, if closure and abandonment are approved, one-half the right-of-way along which the property is contiguous)
- Review by applicable city departments
- Review and approval of Planning Commission
- Approval of City Council
- Purchase of property based on a value established by the City Manager (any appraisal and/or recording costs to be paid for by the petitioner)

The water and sewer, electric and natural gas departments all indicate that they have utility lines located within or adjacent to the subject right-of-way. Each department has requested that utility easements, 10 feet in width on either side of existing utility lines, be retained if any portion of the right-of-way is closed and abandoned.

As noted all affected property owners must concur with the closure and abandonment. In the request before the Planning Commission, confirmation of property owner approval has only been provided for the portion of the right-of-way identified as Area 1. Correspondence has been submitted from adjacent property owner William Barnhart indicating his opposition to the closure of Areas 2 and 3.

Staff recommended approval of the closure and abandonment and declaration as surplus property the portion of the right-of-way identified as Area 1 subject to the retention of easements 10 feet in width on either side of any existing utility lines.

Jim Woodford made the motion to approve the closure and abandonment and declaration as surplus property the portion of the right-of-way identified as Area 1, subject to the retention of easements 10 feet in width on either side of any existing utility lines. Leslie Sullins seconded the motion and the motion carried unanimously. **APPROVED AREA 1.**

CONSIDER FOR ACTION AMENDMENTS TO THE ZONING CODE PERTAINING TO VARIOUS USES IN CBD, CL, CG, CR, CI, LM & HM DISTRICTS, CORRECTIONS TO MINIMUM SIDE YARD ON STREET SIDE CORNER LOTS REQUIREMENT IN THE RS-10, RS-5, AND RD DISTRICTS, AND MODIFICATIONS TO ILLUSTRATIONS, AND OTHER GENERAL REVISIONS/UPDATES. REQUEST SUBMITTED BY STAFF. James Mills stated

that the Planning Department has prepared for consideration a number of amendments to the Zoning Code.

The proposed amendments are as follows:

- Delete in Zoning Code Section 201.8, Nonconformities, Section 201.8F (3) which reads as follows:
 3. A building permit for the reconstruction of a nonconforming structure or a structure used for a nonconforming use must be obtained within six (6) months of the date of demolition or destruction of the structure. Any reconstruction must be completed within twelve (12) months of the date of the issuance of the building permit.

Reason for amendment: No longer complies with TCA 13-7-208 (nonconforming use statutes)

- Insert in Zoning Code Section 202.2, Definitions, the following new definitions:
 - Brewery, distillery, or winery. A facility in which beer, wine or other alcoholic beverages are produced and bottled for wholesale distribution.
 - Brewpub. A restaurant that prepares handcrafted beer, and/or other malt beverages, as an accessory use intended for consumption on the premises or sold for consumption off premises in hand-capped or sealed containers in quantities up to one-half barrel (15.5 gallons), up to a maximum total of 5,000 barrels (31 gallons per barrel) per year. No more than 25 percent of the total floor area shall be utilized for brewing, including bottling and kegging.
 - Micro-brewery. A facility for the production and packaging of beer, and/or other malt beverages, for distribution, retail or wholesale, on or off premises, with a maximum capacity of not more than 15,000 barrels (31 gallons per barrel) per year. A micro-brewery may include, as an accessory use, a restaurant or tasting room not to exceed 25 percent of the total floor area.
 - Micro-distillery/winery. A facility for the production and packaging of wines and liquors for distribution, retail or wholesale, on or off premises, with a maximum capacity of not more than 5,000 gallons per year. A micro-distillery may include, as an accessory use, a restaurant or tasting room not to exceed 25 percent of the total floor area.
 - Recyclable materials. Aluminum cans, steel cans, glass, cardboard, paper and plastics.

Reason for amendments: Zoning Code does not include definitions for these uses

- Revise in Section 202.2 Definitions the following definitions:
 - Recycling center. An indoor facility for the collection of domestic or household paper, glass, plastic, metal or other materials for the purpose of temporarily storing recyclable materials as defined in this Zoning Code. Any by-products resulting directly from a manufacturing or assembly process are outside the scope of this definition.

Reason for amendment: To specify that such uses must be indoor

- Outdoor storage. The keeping of any goods, junk, material or merchandise outside a fully enclosed building or structure for more than twenty-four hours.

Reason for amendment: To specify that storage is considered outdoor unless within a fully enclosed building

- Insert as permitted uses in the CBD, CL, CG, CR, and CI zoning districts the following uses:
 - Brewpub
 - Micro-brewery
 - Micro-distillery
 - Micro-winery

Reason for amendment: City has received inquiries about locating these uses in the city which are not currently addressed in the Zoning Code. The zoning districts proposed for allowing such uses are similar to those in other cities.

- Insert as permitted uses in the LM and HM the following uses:
 - Breweries, distilleries, and wineries

Reason for amendment: These uses are currently not addressed in the Zoning Code. The zoning districts proposed for allowing such uses are similar to those in other cities.

- Insert as a use permitted on appeal (special exception) in the CI and LM zoning district the following use:
 - Recycling center when meeting the following conditions:
 1. Shall not be located adjacent to any district zoned in the RS, Single Family Residential classifications
 2. All materials shall be located inside a completely enclosed structure
 3. Materials for recycling shall be limited to aluminum cans, glass, cardboard, paper and plastics.

Reason for amendment: Recycling facilities are currently allowed only within the HM, Heavy Manufacturing district. City has received inquiries about locating these uses elsewhere in the city.

- Insert as a permitted use in the CI, LM and HM zoning districts the following use:
 - Distribution center

Reason for amendment: This use is currently not specifically addressed in the Zoning Code.

- Insert as permitted uses in the LM zoning district the following uses:
 - New and used automobile and truck sales

Reason for amendment: City has received inquiries about locating these uses in the LM district

- Revise the minimum side yard on street side corner lots requirement in the RS-10, RS-5 and RD zoning districts so that they are equal to the minimum depth of front yard requirements for those districts.

Reason for amendment: Setbacks on street frontage yards should be the same

- Revise the provisions for accessory structures in Section 204.8D to specify that the separation requirement for accessory structures from the principal structure does not apply to un-walled carports.

Reason for amendment: Requested by the Codes Department, the City has had several requests to locate metal un-walled carports over existing driveways adjacent to the principal structure, the separation requirement prohibits this.

- Modify Illustration 14, Queuing Requirements, to include a notation to read as follows:
*Note: The queuing or stacking length for restaurants and banks is greater than depicted on this illustration.

Reason for amendment: Necessary for clarification purposes, Illustration depicts a queuing length for 5 vehicles, the requirement for banks is 6 and for drive-thru restaurants it is 15.

Staff recommended approval of the amendments.

Dr. Roy Loutzenheiser made the motion to approve all of the amendment to the Zoning Code. Chris Wakefield seconded the motion and the motion carried unanimously.

APPROVED AMENDMENTS TO THE ZONING CODE.

CONSIDER FOR ACTION FINAL PLAT OF WINTER HILL ESTATES (FORMERLY DRAPER HEIRS DIVISION), 15 LOTS LOCATED ON THE CORNER OF FISK ROAD, WINTERHILL DRIVE, AND NORTH PICKARD AVENUE. REQUEST SUBMITTED BY TAYS REALTY. James Mills stated that Sam Tays with Tays Realty has submitted a request on behalf of property owner Danny Martin LLC to rename the “Draper Heirs Division” subdivision plat as “Winter Hill Estates. This is the 15 lot single family residential detached development that was granted conditional final approval by the Planning Commission at the May 20, 2013 meeting. The property is bounded on the west by Fisk Road, on the north by Winterhill Drive and on the east by N. Pickard Avenue.

The submitted request is to rename the development Winter Hill Estates. The conditional approval granted by the Planning Commission included completion and approval of the drainage improvements, i.e., the rain gardens. All improvements were installed and approved and the final plat was recorded on November 14, 2013.

Staff recommended approval of the request.

Leslie Sullins made the motion to change the name of Draper Heirs Division to Winter Hill Estates. July Jennings seconded the motion and the motion carried unanimously. **APPROVED CHANGING THE NAME FROM DRAPER HEIRS DIVISION TO WINTER HILL ESTATES.**

CONSIDER FOR ACTION PRELIMINARY PLAT OF ABBIE COURT SUBDIVISION, 5 LOTS LOCATED ON BUFFALO VALLEY AND SOUTH FRANKLIN AVENUE. REQUEST SUBMITTED BY DSA INVESTMENT GROUP. STAFF HAS REQUESTED THAT THIS ITEM BE MOVED FROM STUDY TO ACTION. MOVING THIS ITEM FROM STUDY TO ACTION REQUIRES THE APPROVAL OF THE PLANNING COMMISSION. James Mills stated that Mr. Trevor Dyer of DSA Investment Group has submitted for approval a Preliminary Plat of Abbie Court Subdivision, a five lot single family attached residential development of their property located off Buffalo Valley Road and South Franklin Avenue.

The property proposed for development is identified on Tax Map 53I Group B as Parcel 22.00 and consists of approximately .278 acres total prior to right-of-way dedication. The plat depicts the dedication of approximately five feet of property along the southern right-of-way of Buffalo Valley Road to provide for future widening of the road. The size of the parcel remaining after the dedication is approximately .268 acres.

The parcel is zoned as CL, Local Commercial as are all surrounding parcels. Section 221.31 of the Zoning Code states in part that single family attached dwellings (townhouses) are a use permitted on review subject to conditions which include submittal to and approval of the Planning Commission of a site plan depicting the location of all proposed structures and improvements. An existing structure on the site addressed as 416 Buffalo Valley Road will be removed prior to development. The plat depicts Lots 1-4 as attached building lots. Lot 5 is the total area of the parcel excluding Lots 1-4 and is not a building lot. A private permanent vehicular access easement is proposed that will connect to Buffalo Valley Road in order to serve the new building lots. This access point is approximately 50 feet from the intersection of Buffalo Valley Road and South Franklin which complies with the separation requirement. There is also a platted parking easement to benefit the structure at 418 Buffalo Valley Road (Map 053I Group B Parcel 22.01).

All of the infrastructure on the property will be private and maintained under a Homeowner Association Agreement that will be submitted and recorded in tandem with the final plat. Lots 1-3 are two bedroom units and Lot 4 is a three bedroom unit. 12 parking spaces are shown on the plat as per the requirement of 1.25 spaces per bedroom. A new four foot wide sidewalk is proposed to be installed along the frontage of Buffalo Valley Road. Water will be installed by connecting to the existing six-inch water line located in

the right-of-way of Buffalo Valley Road. Sewer will be installed by connecting to the existing eight-inch sewer line also in the right-of-way of Buffalo Valley Road. A fire hydrant located in the southern right-of-way of Buffalo Valley Road west of the intersection with South Franklin Avenue is within the required proximity for fire protection. Sanitation carts will be placed along Buffalo Valley Road for trash pickup. There are no Special Flood Hazard Areas or sinkholes identified in the available GIS data for the property.

Staff recommended conditional approval of preliminary plat subject to the following:

- Developer must schedule and attend a pre-construction meeting with all the appropriate city departments
- Developer must submit a roadway 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 2:1 slopes
- Developer shall submit any required TDEC approved Storm Water Pollution Prevention Plan (SWPPP) to the Department of Public Works
- Developer must submit water and sewer plans to the Water Quality Control Department
- Developer shall submit plans for the installation of underground electric per the Electric Department design requirements
- Completion of corrections or additions to the plat as determined necessary by the Planning Department and/or other appropriate city departments

Mr. Mills added that approval should also be conditional on the stipulation that no variance from the Zoning Code will be needed.

Dr. Roy Loutzenheiser was concerned that the developer was cramming too much in a small space and he did not like the design which overlapped the existing parking spaces and new parking spaces, and he would like to see some separation between the two.

Phil Staton, of Clinton Engineering, stated that there was room to move 1 of the new parking spaces toward Buffalo Valley Road, and then they could grass and curb the area between the two parking areas to give it more separation.

Dr. Roy Loutzenheiser made the motion to grant approval of the Preliminary Plat of Abbie Court Subdivision, subject to the surveyor relocating one parking space next to Buffalo Valley Road, and to grass and curb the area between the two parking areas to prevent overlapping, and subject to staff's recommendations. Chris Wakefield seconded the motion and the motion carried unanimously. **CONDITIONAL PRELIMINARY PLAT APPROVAL.**

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

- (1) CONSIDER FOR STUDY ANNEXATION OF 1.3 ACRES LOCATED ON THE NORTHWEST CORNER OF SHAG RAG ROAD AND FISK ROAD AND ZONING SAID PROPERTY TO RM-8 (MULTI-FAMILY RESIDENTIAL). REQUEST SUBMITTED BY DONNIE MEADOWS OF MEADOWS PROPERTIES.

STAFF REPORTS:

(1) MINOR PLAT APPROVALS:

- BIG SPRING CIRCLE REDIVISION LOTS 31-33 – 2 LOTS LOCATED ON BIG SPRING CIRCLE – ALBERT & FAYE THOMPSON AND ALBERT III & MICKEY THOMPSON.

ADJOURNMENT: 6:05 P.M.

SUBMITTED FOR APPROVAL

SUBMITTED FOR RECORDING

**JAYNE BARNS CPS
PLANNING ASSISTANT**

**JIM STAFNE, CHAIRMAN
COOKEVILLE PLANNING
COMMISSION**