

**COOKEVILLE PLANNING COMMISSION
MINUTES
AUGUST 25, 2014**

The Cookeville Planning Commission met on Monday, August 25, 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, and Tracy Cody.

MEMBERS ABSENT: Kay Starkweather and Leslie Sullins.

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

STAFF MEMBERS ABSENT: Jim Shipley.

OTHERS PRESENT: Sam Tays, Ken & Ruth Stout, Joyce Maynard, Fred & Sonja Brown, Rhonda Wagner, Greg & Gail Breene, Helen Masters Burgess, Jane Wilmoth, Teresa Hall, Joann Hall, Skip Bartlett, Al Enochs, Larry Sullivan, Lauren Shibakov, Mary Alexander, Joyce Freeland, John & Joyce Watkins, Kelly Ramsey, Randall Ramsey, Mary & Carol Lynam, Laura Militana, and Aaron Bernhardt.

WELCOME NEW MEMBER – TRACY CODY.

CONSIDER FOR APPROVAL MOVING FROM STUDY TO ACTION THE FOLLOWING AGENDA ITEM: CONSIDER FOR ACTION PRELIMINARY PLAT OF CARRINGTON ESTATES, 13 LOTS LOCATED ON BAYVIEW DRIVE. REQUEST SUBMITTED BY SARA CARRINGTON BASS AND FRED EUGENE CARRINGTON FROM STUDY TO ACTION. Chris Wakefield made the motion to approve moving the Preliminary Plat of Carrington Estates from study to action. Jim Woodford seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR APPROVAL THE AGENDA AS SUBMITTED. Dr. Roy Loutzenheiser 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 JULY 28, 2014. Jim Woodford made the motion to approve the minutes of July 28, 2014. Chris Wakefield seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR ACTION REZONING 1937 NORTH DIXIE AVENUE FROM RS10 (SINGLE-FAMILY RESIDENTIAL) TO RD (SINGLE-FAMILY AND DUPLEX RESIDENTIAL). REQUEST SUBMITTED BY RANDALL KING AND ROSEMARY O'DANIEL. James Mills stated that Mr. Randall King and Ms. Rosemary O'Daniel have submitted a request to rezone from RS-10, Single Family Residential to RD, Single Family and Duplex Residential their property located at 1937 North Dixie Avenue.

The subject property is identified as Parcel 28.00 on Tax Map 40B, Group E and consists of approximately 1.3 acres. A single family dwelling is currently located on the property. The parcel has approximately 100 feet of frontage along North Dixie Avenue with a depth of approximately 560 feet. It is contiguous with property zoned as RD to the south and with properties zoned as RS-10 to the north, east and west. While the contiguous property to the north is zoned as RS-10 there are two (2) single family dwellings located on it.

The Future Land Use Concept Plan depicts the property as being suitable for mixed density residential development. The requested RD zoning complies with this land use classification. The parcel also located within an area identified in the Cookeville 2030 Plan as being in need of redevelopment/revitalization. The Planning Department has been contacted by a property owner in the Big Springs Circle subdivision opposed to the rezoning. A primary concern was the encroachment of higher density development.

The RD district is primarily intended for single and two-family dwellings. Single family attached dwellings (townhouses) are also allowed within this district when located within an approved RAO, Redevelopment Area Overlay zoning district. The minimum lot size requirement in the RD district is 5,000 square feet per dwelling unit. The minimum lot width requirement is 50 feet for a single family dwelling and 75 feet for a duplex. While the subject property has enough land area for approximately 11 dwelling units, the dimensions of the parcel limit its potential development. The property does not appear to be wide enough for the construction of a street which would be required to subdivide the property into more than two (2) parcels. Assuming the property does have 100 feet of frontage along North Dixie Avenue, it is possible, with the approval of a variance for a flag lot, that two (2) duplexes could be constructed on the property if it is rezoned to RD.

Staff recommended approval of the request.

Randall King stated that the property in question was part of his late father's estate and that he did not have any immediate plans for the development of this property.

Rebecca Ting stated that she owns property adjacent to the request and that she would not mind if they built one (1) additional house on the property, but she was opposed to multiple duplexes being built on the property.

Jane Wilmoth, property owner at 14 Big Spring Circle, was the spokesperson for her neighborhood. Ms. Wilmoth stated that they were opposed to rezoning the property from single family houses to multiple duplexes. Their concerns were that there are too many apartments in the area and multiple Tech students living there, and they did not want their single family neighborhood to go down and their property values decrease.

David Webb stated that he used to live in the Big Spring area and the neighborhood was well kept. Mr. Webb added that he was opposed to the rezoning on North Dixie Avenue and he wanted to see it stay single family neighborhood especially since the rezoning backed up to the subdivision.

Jim Woodford made the motion to approve the rezoning request. The motion failed due to the lack of a second.

Chris Wakefield made the motion to deny rezoning 1937 North Dixie Avenue from RS 10 (Single-Family Residential) to RD (Single-Family and Duplex Residential). David Webb seconded the motion. Votes: Jim Stafne - nay, Dr. Roy Loutzenheiser - aye, Judy Jennings - aye, Chris Wakefield - aye, David Webb - aye, Jim Woodford - nay, and Tracy Cody - aye. Motion carried. **DENIED.**

CONSIDER FOR ACTION REZONING 2082 NORTH WILLOW AVENUE FROM RS15 (SINGLE FAMILY RESIDENTIAL) TO CL (LOCAL COMMERCIAL). REQUEST SUBMITTED BY HELEN MASTERS BURGESS AND DAVID MASTERS. THE PROPERTY OWNERS HAVE REQUESTED THAT THEIR REZONING REQUEST BE WITHDRAWN. James Mills stated that Mr. David Masters and Ms. Helen Masters Burgess have submitted a request to rezone from RS-15, Single Family Residential to CL, Local Commercial their property located at 2082 North Willow Avenue.

The subject property is identified as Parcel 9.00 on Tax Map 40 and consists of approximately 26.6 acres. It is contiguous with property zoned as CL to the east and with properties zoned as RS-15 to the west, north and south. Adjacent to the north is the Shepherd Hills Subdivision, to the west is the Sherwood Estates Subdivision, to the south is a large undeveloped parcel, and to the east are properties used for multi-family residential and commercial purposes.

The Cookeville 2030 Future Land Use Concept Plan depicts the property as being best suited for lower density residential development. The requested CL zoning does not comply with this land use classification. The Planning Department has been contacted by several adjacent or nearby property owners opposed to the requested rezoning. Some of the concerns expressed by these property owners include land use compatibility and the impact of the rezoning and subsequent development on surface drainage, stormwater, and traffic.

Staff recommended denial of the request.

James Mills added that the property owners have submitted a letter asking that their rezoning request be withdrawn. Mr. Mills stated that the Planning Commission can vote to withdraw the request or the Board can vote to consider or take action on the request.

Jim Stafne stated that the Board had received numerous calls from property owners in the surrounding residential areas opposed to the rezoning request.

Mr. Stafne added that the Planning Commission members have also received a detailed letter from Steve & Mary Alexander, who have lived at 430 Shepherd Hills Road for 20 years, and they listed their concerns regarding the rezoning as it pertains to surface drainage & sub-surface hydrology, traffic & storm water, land use compatibility and future redevelopment initiatives. The Alexander's were concerned that the North Willow Avenue

rezoning request was not compatible with existing land uses, and that if the property was rezoned then it would have negative impact on the safety & security of residents in the general vicinity.

Jim Woodford made the motion to deny the rezoning at 2082 North Willow Avenue from RS15 (Single-Family Residential) to CL (Local Commercial). Judy Jennings seconded the motion and the motion carried unanimously. **DENIED.**

CONSIDER FOR ACTION FINAL PLAT OF SOUTH WALNUT PLACE, 5 LOTS LOCATED ON SOUTH WALNUT AVENUE. REQUEST SUBMITTED BY SONJA BROWN ON BEHALF OF BROWN PROPERTIES. James Mills stated that Sonja Brown of Brown Properties has submitted for approval a Final Plat of South Walnut Place, a five (5) lot subdivision of their property located at the southeast corner of East Veterans Drive and South Walnut Avenue.

The subject property is identified on Tax Map 66 as Parcel 21.01 and contains approximately 6.56 acres. This property and the adjacent property to the south are both zoned as CR, Regional Commercial. The contiguous property to the east is zoned CG, General Commercial. As per the Subdivision Regulations, the proposal does not require prior preliminary plat approval due to the fact it contains less than 10 lots and all infrastructure is existing. The lots all have frontage on South Walnut Avenue. The plat demarcates a wetland area at the rear of the lots that was delineated by research specialist Ken Morgan with the TTU Center of Management, Utilization and Protection of Water Resources. A sinkhole is located within the southeast corner of the wetland on Lots 1 and 2. The plat also shows a 60 feet wetland buffer that Public Works determined is required because the area drains into Pigeon Roost Creek that is listed by the EPA as a 303.D impaired stream. No structures can be built within the wetland or the wetland buffer area. No areas of the subject property are in a Special Flood Hazard Area. Water and sewer are both available and an existing hydrant located at the southwest corner of Fairgrounds Street and South Walnut Avenue is within the required proximity to serve the lots.

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

Chris Wakefield made the motion to grant conditional approval of the final plat, subject to additions and corrections as requested by the Planning Department and/or other appropriate city departments. Judy Jennings seconded the motion and the motion carried unanimously. **CONDITIONAL FINAL PLAT APPROVAL.**

CONSIDER FOR ACTION FINAL PLAT OF EDD & SALLIE MAE ELDRIDGE HEIRS PROPERTY, 3 LOTS LOCATED ON HOLLADAY ROAD. REQUEST SUBMITTED BY DIANE GAIL GREENE ON BEHALF OF EDD & SALLIE MAE ELDRIDGE HEIRS. James Mills stated that Diana Gail Greene has submitted for approval a Final Plat of Edd and Sallie Mae Eldridge Heirs Property, a three (3) lot subdivision of their property located at the northwest corner of Lee Seminary Road and Holiday Road on behalf of the family heirs.

The property proposed for development is identified on Tax Map 65 as Parcel 119.00 and consists of approximately 6.8 acres. Lots 1 and 3 contain existing houses and Lot 2 contains an existing mobile home. The property is zoned RS-20, Single Family Residential, as are all adjacent properties. As per the Subdivision Regulations, the proposal does not require prior preliminary plat approval due to the fact it contains less than 10 lots and all infrastructure is existing. There is a 12 inch waterline located in the right-of-ways of both roads and two hydrants are located in the eastern right-of-way of Holladay Road within the required proximity to serve the lots. Sewer is not available to the property, but each structure has an existing subsurface disposal system. There is sufficient right-of-way so no further dedication is required for future road improvements. There are no known natural geographic constraints on the property, such as sinkholes, wetlands or special flood hazard areas.

Staff recommended conditional approval of the final plat as submitted, subject to additions and corrections as may be requested by the Planning Department and/or other appropriate city departments.

Ken Young stated that Chris Vick was unable to attend the meeting.

Jim Woodford made the motion to grant conditional approval of the final plat as submitted, subject to additions and corrections as may be requested by the Planning Department and/or other appropriate city departments. Chris Wakefield seconded the motion and the motion carried unanimously. **CONDITIONAL FINAL PLAT APPROVAL.**

CONSIDER FOR ACTION FINAL PLAT OF GLEN ABBEY SUBDIVISION, 21 LOTS LOCATED ON GLEN ABBEY DRIVE. REQUEST SUBMITTED BY DONNIE SUITS ON BEHALF OF GLEN ABBEY LLC. James Mills stated that Mr. Donnie Suits of Glen Abbey, LLC has submitted for approval a Final Plat of Glen Abbey Subdivision, a 21 lot single family residential development of property located at Buck Mountain Road and Glen Abbey Drive. The development was granted preliminary approval as Redbud Subdivision Phase II along with variances to allow 21 lots and to increase the length of the proposed road extension to 1430 feet on April 22, 2013. On June 24, 2013 the plat was resubmitted with requests to 1) change the name to Glen Abbey Subdivision, 2) change the name of the existing street and the proposed extension to Glen Abbey Drive, and 3) allow a five (5) feet reduction of the new right-of-way extension from 50' to 45'. All were approved as requested. On June 23, 2014 the developer was granted a six (6) month extension of the preliminary plat approval.

The property proposed for development is identified on Tax Map 52 as Parcel 10.00 and consists of approximately 15.439 acres. This parcel is zoned as RS-10, single family residential as are the lands adjacent to the east and south. The land west of the property is zoned PRD, planned residential development and the property to the north is outside the corporate limits. A new cul-de-sac has been constructed to extend the existing street to serve the new building lots. A new four foot wide sidewalk will be installed along the west side of the new road. A new six-inch waterline has been installed connecting to the existing waterline located in the right-of-way of Glen Abbey Drive. Three (3) new

hydrants have been installed in the development and two additional existing ones are in close proximity. A new eight (8) inch sewer line has been connected to the existing sewer in the Glen Abbey Drive right-of way. The property is encumbered by three intertwined environmental and topographical features. First, a USGS blue line stream transverses the property from approximately north to south on the eastern portion of the parcel. Secondly, the area encompassing the stream has been identified by Dr. Evan Hart at the Department of Earth Sciences at TTU as a section of a drainage area connecting the Burton Branch FEMA Special Flood Hazard Area to the north and draining into a 100 year sinkhole floodplain identified in the 2009 TTU Sinkhole Study as sinkhole #157 located east of Dry Valley Road. Finally, a larger area containing both the drainage area and blue line stream has been identified by TTU Research Specialist Ken Morgan with the TTU Center of Management, Utilization and Protection of Water Resources as a delineated wetland area. The plat shows a 30' wetland buffer within which no structures are to be built. Public Works Engineer Tracy Meggs has advised that this buffer width is appropriate due to the fact that the stream this drains into (Burton's Branch) is not considered impaired. Public Works Director, Greg Brown, has advised that a letter of credit in the amount of \$11,000 must be submitted to guarantee the installation of sidewalks in the development for a period of up to five (5) years. Mr. Brown also stated that a cashier's check in the amount of \$23,000 must be submitted to pay for the final surfacing of the new street. In addition, the developer is required to submit a letter of credit in the amount of \$10,000 for the warranty of improvements for a two year period.

Staff recommended conditional approval of the final plat subject to submission of an \$11,000 letter of credit to guarantee the completion of the sidewalks for a period up to five (5) years, submission of a letter of credit for \$10,000 for two years to provide a warranty of improvements, a cashier's check in the amount of \$23,000 to pay for the final street surfacing and additions and corrections as may be requested by the Planning Department and/or other appropriate city departments.

Laruen Shibakov was present on behalf of Donnie Suits.

Dr. Roy Loutzenheiser made the motion to grant conditional approval of the final plat subject to submission of an \$11,000 letter of credit to guarantee the completion of the sidewalks for a period up to five (5) years, submission of a letter of credit for \$10,000 for two years to provide a warranty of improvements, a cashier's check in the amount of \$23,000 to pay for the final street surfacing and additions and corrections as may be requested by the Planning Department and/or other appropriate city departments. Jim Woodford seconded the motion and the motion carried unanimously. **CONDITIONAL FINAL PLAT APPROVAL.**

CONSIDER FOR ACTION FINAL PLAT OF WEST BROAD COTTAGES, 37 LOTS LOCATED ON WEST BROAD STREET. REQUEST SUBMITTED BY JERRY GAW. James Mills stated that Mr. Aaron Bernhardt, on behalf of Bernhardt LLC, Jerry C. Gaw, Inc. and Tim Stover Properties, has submitted for approval a final plat of West Broad Cottages, a 37 lot single family attached development with frontage on West Broad Street and North Chestnut Avenue.

The subject property is identified as Parcel 2.00 on Tax Map 53A, Group D and consists of approximately 2.1 acres. The developer was granted reductions in the rear setback requirements from 20 feet and 15 feet to 10 feet when the site was approved for RAO overlay zoning by the Planning Commission on September 23, 2013 and subsequently by the City Council on November 21, 2013 (Ordinance #013-10-17). The underlying zoning classification of Lots 1-5 is RD, Single Family and Duplex Residential and the remainder of the lots are zoned CG, General Commercial. The development consists of 36 townhouses that are clustered into five (5) groups of six (6) units and two (2) groups of three (3) units. There are 24 single level units with two (2) bedrooms and two (2) baths and the 12 two (2) story units with two (2) bedrooms and two and one half (2.5) baths. Lot 37 includes all the common area and is not a building lot as indicated on the plat. All of the units are accessed from an interior private street, named Myleigh Avenue that has been completed through the gravel base stage. All proposed infrastructure improvements, including the new street, water lines and sewer lines will be privately owned and maintained as stated in the Homeowner Association Agreement (HOA) that must be submitted. Platted easements have been provided to allow access to the new private water lines, sewer lines and two-inch water meters. Fire protection is provided by individual sprinkler systems. Rain gardens for storm water retention on West Broad Street and Chestnut Avenue are under construction. In addition, there are several other items that remain to be completed such as paving, landscaping (including street canopy trees), sidewalks (including one on North Chestnut Avenue), dumpster pad construction, privacy fencing along the northern property line and erection of street and stop signs.

Staff recommended conditional final plat approval for 60 days subject to completion of the paving, landscaping, sidewalks, dumpster pad, privacy fence, rain gardens, signage installation, submission of the HOA agreement and additions/corrections as may be requested by the Planning Department and/or other appropriate city departments.

Aaron Bernhardt stated that they will asphalt at the end of week.

Jim Woodford made the motion to grant conditional final plat approval for 60 days subject to completion of the paving, landscaping, sidewalks, dumpster pad, privacy fence, rain gardens, signage installation, submission of the HOA agreement and additions/corrections as may be requested by the Planning Department and/or other appropriate city departments. Chris Wakefield seconded the motion and the motion carried unanimously.

CONDITIONAL FINAL PLAT APPROVAL.

CONSIDER FOR ACTION PRELIMINARY PLAT OF CARRINGTON ESTATES, 13 LOTS LOCATED ON BAYVIEW DRIVE. REQUEST SUBMITTED BY SARA CARRINGTON BASS AND FRED EUGENE CARRINGTON. STAFF 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 Sara Carrington Bass and Fred Eugene Carrington have submitted a preliminary plat of Carrington Estates, a 13 lot single family residential detached development located on Bay View Drive.

The subdivision development property is identified on Tax Map 096 as a portion of Parcel 034.00 and consists of approximately 7.74 total acres. The remainder of the property is significantly greater than five (5) acres. The property is zoned RS-20, Single Family Residential, as are all adjacent properties. The perimeter of the site is 25 feet from the adjacent street centerlines, so no additional property dedication is required. The lots all front Bay View Drive and will be served by existing six-inch waterlines located in the street right-of-way. Sewer is not currently available to the site therefore each lot must be individually evaluated for subsurface waste disposal systems and approved by the Wastewater Division of the Tennessee Department of Environment and Conservation. There are three (3) existing fire hydrants located within the 500' required distance for fire protection. The property is not shown in a FEMA designated Special Flood Hazard Area, nor is it identified within a sinkhole floodplain.

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

Sam Tays, of Tays Realty & Auction Company, stated that they have been in contact with the Water & Sewer Department, and that when the lots are sold that there will be a restriction put on each lot stating that they will be unable to get a building permit until sewer is installed or the owner gets septic tank approval.

Jim Woodford made the motion to grant conditional preliminary plat approval, subject to completion of corrections or additions to the plat as may be determined necessary by the Planning Department and/or other appropriate city departments. Chris Wakefield seconded the motion and the motion carried unanimously. **CONDITIONAL PRELIMINARY PLAT APPROVAL.**

CONSIDER FOR ACTION EXTENSION OF FINANCIAL GUARANTEES FOR ONE (1) YEAR FOR THE RESERVE AT THE COUNTY CLUB PHASE I. REQUEST SUBMITTED BY STAFF. James Mills 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 one (1) year. In August 2012 the Planning Commission approved another one (1) year extension as per the amounts approved in 2011. In August of 2013 the Planning Commission approved Mr. Sergio's requested renewal of the letters of credit and approval of granting an additional five (5) years to complete the sidewalks.

The Letters of Credit submitted on September 6, 2013 are all drawn on Citizens Bank. A \$69,000 Letter of Credit was submitted for the remaining sidewalk construction and a \$60,000 Letter of Credit was submitted for the remaining drainage facilities, including the rain gardens. Lastly, a Letter of Credit in the amount of \$10,000 was submitted for the

maintenance of water and sewer improvements. Planning staff has been advised by the Water Quality Control that the amount for the maintenance of water and sewer improvements can be reduced to \$5,000 for one (1) year. Public Works Director, Greg Brown, has advised that the amount of the guarantee for the drainage improvements will remain the same for one (1) year. He further advised that the amount for the sidewalks can be reduced to \$55, 600 for one (1) year.

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

- Submission of appropriate financial guarantees in the amount of \$55,600 for sidewalks, \$60,000 for drainage facilities and \$5,000 for water and sewer infrastructure, and
- All extended financial guarantees shall be submitted to Planning Staff no later than Noon on Thursday September 4, 2014.

Jim Woodford made the motion to grant conditional approval of the request for one (1) year extension of the financial guarantees, subject to submission of appropriate financial guarantees in the amount of \$55,600 for sidewalks, \$60,000 for drainage facilities and \$5,000 for water and sewer infrastructure, and that all extended financial guarantees shall be submitted to Planning Staff no later than Noon on Thursday September 4, 2014. Dr. Roy Loutzenheiser seconded the motion and the motion carried unanimously.

CONDITIONAL APPROVAL OF ONE (1) YEAR EXTENSION OF THE FINANCIAL GUARANTEES.

STAFF REPORTS:

(1) MINOR PLAT APPROVALS:

- CARTER HOUSE PROPERTY – 1 LOT LOCATED ON BOB GENTRY ROAD – MAX CARTER.

ADJOURNMENT: 6:12 P.M.

SUBMITTED FOR APPROVAL

SUBMITTED FOR RECORDING

**JAYNE BARNS CPS
PLANNING ASSISTANT**

**JIM STAFNE, CHAIRMAN
COOKEVILLE PLANNING
COMMISSION**