

**COOKEVILLE PLANNING COMMISSION
MINUTES
MARCH 23, 2015**

The Cookeville Planning Commission met on Monday, March 23, 2015 at 5:30 p.m., in the Council Chambers, 45 E. Broad Street, Cookeville, Tennessee.

MEMBERS PRESENT: Jim Stafne, Dr. Roy Loutzenheiser, Chris Wakefield, David Webb, Jim Woodford, Kay Starkweather, Leslie Sullins, and Tracy Cody.

MEMBERS ABSENT: Judy Jennings.

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

OTHERS PRESENT: Lois Cross, Bruce & Debbie Jones, Abel Mackin, Wilma Diemer, Phil Wilbourn, Ginny Mathis, Steve & Nichole Norris, Robert & Elizabeth Watson, Jim & Donna Viar, Yvonne McMahan Parker, Joe Pasher, James Odle, Taylor Dillehay, Bob & Carolyn Zolg, Mickie & Helen Akenson, Sharon Martin, Howard Allison, James & Lisbeth Fortuno, Leo & Polly DePriest, Manier Hall, Meenakshi Sundaram, Robert & Tiffany Lollar, Deborah Sam, Jack Butler, Jim Cobb, Cystal Dias, William & Geraldine Bluege, Ric Finch, Bob Lollar, Jim & Becky Kennedy, Paula Lilly, David Bilbrey, Blue & Lindsay Hensley, Ryan & Laurin Mack, James Massengille, Aaron Bernhardt, Jerry Gaw, Donald Smith, Barry Clouse, Joe & Gerry Sharpe, and Laura Militana.

CONSIDER FOR APPROVAL THE AGENDA AS SUBMITTED. Kay Starkweather made the motion to approve the agenda as submitted. Leslie Sullins seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR APPROVAL THE MINUTES OF FEBRUARY 23, 2015. Leslie Sullins made the motion to approve the minutes of February 23, 2015. Jim Woodford seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR ACTION REZONING 750 WHITSON AVENUE FROM RS15 (SINGLE FAMILY RESIDENTIAL) TO RM8 (MULTI-FAMILY RESIDENTIAL). REQUEST SUBMITTED BY SETH HUDSON ON BEHALF OF BARRY REESE. THIS ITEM WAS POSTPONED AT THE FEBRUARY 23, 2015 MEETING. SETH HUDSON HAS REQUESTED THAT THIS REQUEST BE WITHDRAWN FROM THE AGENDA. James Mills stated that Mr. Seth Hudson, on behalf of property owner Mr. Barry Reese, has submitted a request to rezone from RS-15, Single Family Residential to RM-8, Multi-family Residential property located at 750 Whitson Avenue. Consideration of this request was postponed at the February 2015 meeting of the Planning Commission.

Mr. Hudson has subsequently submitted a request that the request for rezoning to RM-8 be withdrawn from consideration. He has further indicated that he will now submit an application for rezoning to PRD, Planned Residential Development.

Staff recommended approval of withdrawal of request.

Dr. Roy Loutzenheiser made the motion to approve withdrawing the rezoning request. Kay Starkweather seconded the motion and the motion carried unanimously.
WITHDRAWN.

James Mills announced to the audience that the rezoning sign will be left up on the property since the petitioner has changed his rezoning request from RM-8 to PRD. Notification and copies of the site plan for the PRD will be mailed to the surrounding property owners after a PRD Plan is submitted. If the plan is not submitted by April 6th, then the request will have to be postponed.

CONSIDER FOR ACTION AMENDMENTS TO THE ZONING CODE RELATING TO THE FOLLOWING: BANNERS AND OTHER TEMPORARY NON-PREMISE SIGNS, ACCESSORY STRUCTURES, & USES IN THE UNV, UNIVERSITY DISTRICT. REQUEST SUBMITTED BY STAFF. James Mills stated that the Planning Department has prepared for consideration certain amendments to the Zoning Code relative to banners and other temporary on-premise signs, accessory structures, and uses permitted in the UNV, University District.

The Planning Commission has requested that they vote on the amendments to the Zoning Code by category.

BANNERS & OTHER TEMPORARY NON-PREMISE SIGNS:

The Zoning Code provisions for banners and other temporary on-premise signs are found in Section 207.6M. The revisions were developed due to concerns from business owners expressed to members of the City Council regarding perceived over restrictiveness of the current requirements. The proposed amendments to Section 207.6M, which are attached, are as follows:

1. Allow up to two (2) freestanding banners per establishment subject to specific conditions. Freestanding banners are currently prohibited.
 - A. The cumulative total sign face area of the freestanding banners shall not exceed sixteen (16) square feet.
 - B. No individual freestanding banner or other temporary on-premise freestanding sign shall exceed sixteen (16) square feet in sign face area.
 - C. No individual freestanding banner or other temporary on-premise freestanding sign shall be located further than five (5) feet from the front wall of any individual establishment.
2. Increase the number of wall or similar attached banners to one per wall per street frontage. Only one banner per establishment is currently permitted.
 - A. Any such banner or other temporary on-premise sign, combined with any wall signs, shall not exceed the maximum percentage of the area of the face of the wall as specified in Section 207.6E of these regulations.

- B. No individual banner or other temporary on-premise sign attached to a wall, fascia, mansard roof, canopy or awning shall exceed 100 square feet in sign face area.
- 3. Allow banners attached to decorative light poles subject to specific conditions.
 - A. No portion of the decorative light pole or the attached banner shall be located within the public right-of-way.
 - B. No more than (1) banner per decorative light pole shall be permitted.
 - C. Upper and lower brackets attached to the side of the decorative light pole shall be utilized to display the banner.
 - D. The lower bracket utilized to display the banner shall be placed at least seven (7) feet above ground level.
 - E. No banner attached to a decorative light pole shall exceed four and one half (4.5) square feet in sign face area.
 - F. Banners shall be well maintained.

Staff recommended approval of the amendments.

Jim Woodford stated that temporary means for a limited time, for example, grand openings and that there should be a time frame of 30 or 60 or 90 days defined in the Zoning Code.

Kay Starkweather stated that the City has enough signs and why would we want to add more.

Tracy Cody thought it would be a nightmare to regulate temporary signs.

Leslie Sullins asked why the City couldn't require a building permit for temporary signs.

James Mills replied that trying to keep up with a 30, 60 or 90 day limit would be time consuming for the Codes Department.

Kay Starkweather made the motion to deny allowing two (2) freestanding banners per establishment, and to deny increasing the number of wall or similar attached banners to one per wall per street frontage, and to approve allowing banners to be attached to decorative light poles subject to specific conditions that have been set by the Planning staff. Dr. Roy Loutzenheiser seconded the motion and the motion carried unanimously. **DENIED AMENDMENTS TO ALLOW 2 FREESTANDING BANNERS & DENIED ONE BANNER PER WALL PER STREET FRONTAGE. APPROVED AMENDMENT TO SECTION 207.6M OF THE ZONING TO ONLY ALLOW BANNERS TO BE ATTACHED TO DECORATIVE LIGHT POLES SUBJECT TO SPECIFIC CONDITIONS SET BY THE PLANNING STAFF.**

ACCESSORY STRUCTURES:

The Zoning Code provisions for accessory structures are found in Section 204.8. The revisions were developed at the request of the Board of Zoning Appeals pertaining to an appeal regarding a metal sided accessory structure located in the RS-20 District. The proposed amendments to Section 204.8, which are attached, are as follows:

1. Insert provisions in 204.8A specifying that no permit may be issued for an accessory structure until the construction of the principal structure has been substantially completed.
2. Insert provisions in 204.8B prohibiting an accessory structure or use from being located on a lot separate from the principal structure or use.
3. Insert provisions in 204.8E limiting the number of accessory structures per parcel to no more than two (2) in the RS and RD districts.
4. Insert provisions in 204.8J for compatible material requirements.
 - A. In the RS-20, RS-15, RS-10, RS-5 and RD Districts accessory structures four hundred (400) square feet or larger in size shall be constructed of a material compatible with the principal structure as determined by the Building Official, unless otherwise herein specified.
 - B. Compatible material shall be defined as material utilized and visible on the exterior of the principal structure. Exposed plywood or particle board, corrugated metal, or similar materials are prohibited as exterior materials. Colors shall be similar in tone and complementary to those used on the principal structure.
 - C. Barns and other accessory agriculture structures constructed for an active agriculture use located on lots or tracts of five (5) acres or large in size shall be exempt from the compatible material requirements.
5. Insert provisions exempting barns and accessory agricultural structures constructed for an active agricultural use and located on lots of five (5) acres or larger.

Also it is proposed to amend Section 202, Construction of Language and Definitions, by inserting in Section 202.2, Definitions, a definition for agricultural use to read as follows:

AGRICULTURAL USE. A land use involving the tilling of soil, the raising of crops, horticulture, viticulture, aviculture, aquaculture, apiculture, livestock grazing, the raising of small animals and poultry, domestic livestock farming, dairying, and/or animal husbandry.

Staff recommended approval of the amendments.

Leslie Sullins made the motion to approve the amendments to Section 204.8 & 202 of the Zoning Code as recommended by the Planning staff. Jim Woodford seconded the motion and the motion carried unanimously. **APPROVED AMENDMENTS TO SECTION 204.8 AND 202.**

UNIVERSITY ZONE TO ALLOW REAL ESTATE OFFICES:

Uses permitted in the UNV, University zoning district are found in Section 226.2 of the Zoning Code. Real estate offices are currently not permitted uses in the UNV district. The Planning Department has received inquiries regarding locating such offices in the district. When considering the number of university students seeking off-premise rental housing that may be in need of the services provided by real estate offices, it would appear that allowing such uses within the UNV district as a permitted use would be appropriate.

The proposed amendment is to insert in Section 226.2, Permitted Uses and Structures, under Section 226.2B, real estate offices as a permitted use. Section 234, Chart of

Permitted Land Uses by Zoning District, would also need to be amended to depict real estate offices as a permitted use in the UNV District.

Staff recommended approval of the amendments.

Tracy Cody made the motion to approve amendments to Section 226.2, 226.2B, and 234 of the Zoning Code to allow Real Estate Offices by right in the (UNV) University District. Kay Starkweather seconded the motion and the motion carried unanimously.
APPROVED AMENDMENTS TO SECTION 226.2, 226.2B AND 234 OF THE ZONING CODE.

CONSIDER FOR ACTION REQUEST FOR RAO (REDEVELOPMENT AREA OVERLAY DISTRICT) ZONING FOR PROPERTIES LOCATED AT 319, 339 & 349 WEST 8TH STREET AND 340 & 346 WEST 9TH STREET (TAX MAP NUMBERS 400-A-8.00, 10.00, 15.00, 16.00, & 17.00). REQUEST SUBMITTED BY AARON BERNHARDT, JERRY GAW, AND PAUL GAW. James Mills stated that Mr. Aaron Bernhardt, along with Mr. Jerry Gaw and Mr. Paul Gaw, has submitted a request for RAO (Redevelopment Area Overlay) zoning of property located along Laurel Avenue between West 8th and West 9th Streets for the proposed mixed residential development designated as Eagle Crossing.

The RAO District was created in 2013 as a mechanism for the redevelopment, revitalization, rehabilitation, and general improvement of areas within the City of Cookeville as identified within the Cookeville 2030 Plan as being in need of such action, or other areas within the city as may be determined to be in need of such action. Within RAO districts, the city may waive or modify certain development requirements to provide incentives for redevelopment, including increases in density, reduction of setbacks, and reductions of lot sizes. Specific criteria must be met for properties to qualify for RAO zoning and a detailed process for approval must be followed. Only those uses permitted in the underlying zoning may be permitted in a RAO district. To qualify for RAO zoning the site must contain a minimum of one (1) acre when located within an area identified in the Cookeville 2030 Plan as being in need of revitalization/redevelopment. The developer must submit and adhere to an approved development plan.

The process for the approval of RAO zoning involves several steps. First the developer is required to meet with the Planning Director to determine whether the RAO zoning is appropriate for the proposed property. If it is determined that the property is appropriate for RAO zoning, then the developer must submit a request for overlay zoning, a written statement describing the proposed development and how it meets the objectives of the 2030 Plan, and a Preliminary RAO Concept Plan. The Concept Plan must include site, floor and elevation plans. The Planning Commission, after reviewing the overlay zoning request and required submittals, must submit a recommendation to the City Council for approval, modification, or denial of the request. Upon receipt of the Planning Commission recommendation the City Council then considers enactment of the overlay.

Once the overlay is enacted, a Final RAO Plan must be submitted to and approved by the Planning Commission. The Final RAO Plan must be submitted within six (6) months after

the effective date of the enactment of the overlay by the City Council or the overlay zoning action shall become null and void. Extension of no more than 18 months may be granted by the Planning Commission. The Final RAO Plan must substantially conform to the Preliminary RAO Concept Plan. Any substantial modifications to the approved Final RAO Plan must be resubmitted to the Planning Commission.

The property proposed for RAO zoning is identified as Parcels 8.00, 10.00, 15.00, 16.00 and 17.00 on Tax Map 400, Group A and consists of approximately 1.19 acres, or 51,836 square feet. The site is located entirely within an area identified in the Cookeville 2030 Plan as being in need of redevelopment/revitalization. The underlying or existing zoning classification of the property is RD, Single Family and Duplex Residential west of Laurel Avenue and CL, Local Commercial east of Laurel Avenue. In conjunction with the request for RAO zoning, Mr. Bernhardt has also submitted a request for the closure and abandonment of Laurel Avenue between West 8th and West 9th Streets, which bisects the proposed development. Mr. Bernhardt and his partners either own or have contracts to purchase the properties on both sides of the street. The inclusion of the right-of-way, if it is acquired, would increase the land area by approximately 0.19 acres to approximately 1.38 acres or 60,112 square feet. The total land area would be reduced to approximately 1.35 acres or 58,815 square feet after the dedication of right-of-way along West 9th Street.

The primary uses of the subject properties are single family residential and multi-family residential. Located on Parcel 10.00 are two (2) single family dwellings, on Parcels 15.00 and 8.00 are single family dwellings, on Parcel 14.00 is a single family dwelling and a detached garage, and on Parcel 17.00 is a five (5) unit apartment building. All the structures appear to be in sound condition.

Mr. Bernhardt has submitted a Preliminary RAO Concept Plan, written statement, site plan, floor plans, elevation plans, photos and other materials required for RAO zoning consideration. The application indicates that eleven (11) townhouses (single family attached dwellings) would be constructed on the portion of the property zoned as RD and ten (10) multi-family dwelling units would be built on the portion zoned as CL. Townhouses are a permitted use in the RD district upon review by the Planning Commission provided they are located in a RAO zone. Multi-family residential is a permitted use in the CL district.

The site plan, which depicts the acquisition of the right-of-way of Laurel Avenue between West 8th and West 9th Streets, indicates that the townhouses would be clustered into one (1) group of five (5) units and one (1) group of six (6) units perpendicular with West 8th and West 9th Streets. It depicts the multi-family units be located into two (2) groups of five (5) units parallel with West 8th and West 9th Street. A total of 73 parking spaces are shown, which is four (4) less than required. According to the submitted development schedule all existing structures would be removed within six (6) months of approval of the RAO with new construction beginning thereafter and to be completed within two (2) years.

The floor plans for the townhouses depict the construction of two (2) story dwellings with kitchen, living, dining areas and one (1) bedroom with a bathroom on the first floor and one (1) bedroom with a bathroom located on the second floor. The floor plans for the

multi-family units depict the construction of two (2) story units with a kitchen, laundry, sitting area and two (2) bedrooms with bathrooms, dining and living areas on the first floor and two (2) bedrooms with bathrooms, dining and living areas on the second floor. The elevation plans indicate that the structures will be all brick and Hardie Plank construction.

Sidewalks along West 8th and West 9th Streets will be installed and rain gardens would be utilized for storm water detention instead of a detention pond. Parking areas would be provided in the interior of the development and no direct vehicle access from public streets to any dwelling will be provided. Canopy trees are to be planted along all street frontages.

As noted the developer wishes to construct a mixture of housing types. Multi-family developments are not eligible for a density bonus within an RAO. The underlying zoning for the portion of the property proposed for multi-family units is CL in which multi-family units are permitted at a density of 3,000 square feet per dwelling unit. According to a submitted survey the portion of the property zoned as CL consists of approximately 0.75 acre or 32,670, excluding any portion of the Laurel Avenue right-of-way. Based on this land area the proposed ten (10) units of multi-family development would comply with density requirements of the underlying CL zoning.

The underlying zoning for the portion of the property proposed for townhouse units is RD in which a minimum of 5,000 square feet of land area is required per dwelling unit. According to a submitted survey the portion of the property zoned as RD consists of approximately 0.42 acre or 18,295 square feet, excluding any portion of the Laurel Avenue right-of-way. The inclusion of the right-of-way would increase the land area to 0.61 acre or 26,571 square feet. Based on this land area a total of five (5) townhouses could be constructed without a density bonus. Under the provisions of the RAO district, the city may allow a density bonus of up to 20 units per acre, which is approximately 2,178 square feet per dwelling unit. For an area containing 26,571 square feet, up to 12 dwelling units could be approved. Deducting the land area for the dedication of right-of-way along West 9th Street reduces the portion of the property zoned as RD by approximately 432 square feet to 26,139 square feet, which under the maximum density bonus would still allow 12 dwelling units. The requested density bonus is one (1) less than the maximum that could be permitted.

Mr. Bernhardt is requesting a reduction in the front setback requirements to 15 feet along West 8th Street. This would allow the structures to mirror the setbacks of the structures in the University Square development along the south side of West 8th Street. The minimum front setback requirement in the RD district is 20 feet or five (5) feet more than the requested reduction and in the CL district it is 30 feet or fifteen (15) feet more than requested. He is also requesting a reduction in the width of the landscape yard requirement from ten (10) feet to approximately four (4) feet for approximately 118 feet of the 213 feet of street frontage along West 9th Street. The developer indicates that the reduction is necessary due to the dedication of approximately six (6) feet of the property for right-of-way for West 9th Street.

As previously noted Mr. Bernhardt is also requesting a reduction in the off-street parking requirement from 77 spaces to 73 spaces. In addition the developer is requesting that the

city pay half the expense for the provision of decorative street lighting as was done for the University Square development.

Staff recommended approval of Preliminary RAO Concept Plan for the development of 11 townhouse and 10 multi-family residential dwelling units, subject to the closure, abandonment and acquisition of the right-of-way of Laurel Avenue between West 8th and West 9th Streets, and approval of the requested off-street parking, setback and landscape yard reductions with recommendation to City Council for the enactment of RAO zoning and for authorization of the requested assistance in street lighting.

Jim Woodford made the motion to approve the RAO (Redevelopment Area Overlay District) Zoning as recommended by the Planning Department. Dr. Roy Loutzenheiser seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR ACTION CLOSURE AND ABANDONMENT OF A PORTION OF LAUREL AVENUE LOCATED BETWEEN WEST 8TH & WEST 9TH STREETS AND DECLARING IT AS SURPLUS. REQUEST SUBMITTED BY AARON BERNHARDT. James Mills stated that the owners of the properties on both sides of Laurel Avenue between West 8th and West 9th Streets have submitted a request that it be closed, abandoned, declared as surplus property and made available for acquisition.

According to a submitted survey, the portion of Laurel Avenue requested for closure is approximately 241 feet in length and has a right-of-way width of approximately 35 feet. The total land area of the right-of-way is 0.19 acres. Laurel Avenue currently extends from West 8th Street to West 9th Street. It also runs from West 3rd Street to West 6th Street.

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)

There are four (4) parcels contiguous with the portion of the public street proposed for closure and abandonment. Parcels 8.00 and on Map 40 O, Group A, owned Aaron Bernhardt and Jerry Gaw, are contiguous with the right-of-way on the eastern boundary and Parcel 10.00 on Map 40O, Group A, owned by David Rentschler, and Parcel 15.00 on Map 40O, Group A, owned by Stevens Rental LLC are contiguous with the western

boundary. In 2013 the portion of Laurel Avenue between West 7th Street and West 8th Street was closed and acquired by adjoining property owners for the development of the University Square Phase II RAO. The owners of the four (4) contiguous properties would like to acquire the subject street right-of-way and incorporate it into the proposed Eagle Crossing RAO development.

The request has been reviewed by the applicable city departments. The Water Quality Control Department indicates that an existing two (2) inch line would need to be disconnected or an easement retained. The Gas Department indicates that a utility easement 20 feet in width would need to be retained for an existing two (2) inch gas main located on the west side of Laurel Avenue.

Staff recommended approval of closure and abandonment and declaration as surplus property with conveyance of right-of-way to adjoining property owners in compliance with the Municipal Code subject to the retention of utility easements as determined necessary.

Chris Wakefield made the motion to approve closure and abandonment of a portion of Laurel Avenue located between West 8th and West 9th Streets and declaring it as surplus with conveyance of right-of-way to adjoining property owners in compliance with the Municipal Code, subject to the retention of utility easements as determined necessary. Leslie Sullins seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR ACTION SIX (6) MONTH EXTENSION OF THE COTTAGES OF COOKEVILLE, 49 LOTS LOCATED OFF MCCULLEY ROAD AND SPRINGBORO ROAD. REQUEST SUBMITTED BY TIM HUDDLESTON. James Mills stated that Mr. Tim Huddleston has submitted a request for a second six (6) month extension of the Preliminary Plat for The Cottages of Cookeville Subdivision, which is a fifty-one (51) lot single family residential subdivision located off of McCulley Road and Springboro Road. The current Preliminary Plat was approved by the Planning Commission on October 28, 2013 for a period of one year. A six (6) month extension was granted by the Planning Commission on October 27, 2014. The initial preliminary plat of the development was approved on July 26, 2010.

As provided in Article II, Section D, Subsection 9 of the Subdivision Regulations, an extension of time can be applied for by the developer and granted by the Planning Commission provided a \$50.00 fee is submitted with the request. Mr. Huddleston submitted the fee with his request for an extension. No work has begun to install improvements on the site, nor have any changes been made to the plat since the most recent preliminary plat was approved.

Staff recommended approval of the request for a second six (6) month extension of the Preliminary Plat as requested.

Dr. Roy Loutzenheiser made the motion to approve six (6) month extension of the Preliminary Plat of the Cottages. Kay Starkweather seconded the motion and the motion carried unanimously. **APPROVED SIX (6) MONTH EXTENSION.**

CONSIDER FOR ACTION FINAL PLAT OF LANE'S HAVEN, 4 LOTS LOCATED ON THE CORNER OF WHITSON CHAPEL ROAD AND BUCK MOUNTAIN ROAD. REQUEST SUBMITTED BY TRACY GENIEWEK. James Mills stated that property owners Tracy Geniewek, Barbara Kaiser and Ivan Lane have submitted a final plat of Lane's Haven, a four (4) lot single family residential detached development located at the corner of Whitson Chapel Road and East Broad Street.

The subdivision development property is approximately 7.21 total acres and is identified on Tax Map 52 as Parcels 32.00, 33.00 and a portion of 33.07. The property is zoned RS-20, Single Family Residential, as are adjacent properties to the east, south and west. The property to the north is zoned RS-10 Single Family Residential. The perimeter of the site is 25 feet from the adjacent street centerlines therefore no additional property dedication is required for future right-of-way improvements. Lots 1-3 front East Broad Street and Lot 4 fronts Whitson Chapel Road.

Lot 1 on the plat depicts combining a portion of Parcel 33.07 with Parcel 32.00 which contains an existing single family house at 2113 East Broad Street. Lot 2 on the plat also depicts combining a portion of Parcel 33.07 with Parcel 33.00 that contains an existing single family house at 2125 East Broad Street. This lot contains a shed that currently encroaches onto Parcel 33.07. The proposed lot line adjustment as shown on the plat will eliminate the encroachment and also will become compliant with the required 30 feet rear setback. Lot 3 contains an existing barn and Lot 4 is vacant.

There is an existing eight (8) inch water line in the right-of-way of Whitson Chapel Road and a 14 inch waterline in the right-of-way of East Broad Street. The houses at 2113 and 2125 both have septic systems. Lot 3 will be served by connecting to the eight (8) inch sanitary sewer located across East Broad Street. A 20 feet sanitary sewer easement is depicted along the eastern boundary of this lot that will provide sewer access to Lot 4. There are two (2) existing fire hydrants in the right-of-way of East Broad Street that are located within the 500 feet required distance for fire protection. The property is not shown to be in a FEMA designated Special Flood Hazard Area.

Staff recommended conditional final plat approval is recommended subject to 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 of Lane's Haven, subject to completion of corrections or additions to the plat as determined necessary by the Planning Department and/or other appropriate city departments. Tracy Cody seconded the motion and the motion carried unanimously. **CONDITIONAL FINAL PLAT APPROVAL.**

CONSIDER FOR ACTION REVISED PRELIMINARY PLAT OF RIVER'S EDGE SUBDIVISION, 30 LOTS LOCATED OFF OLD SPARTA HIGHWAY. REQUEST SUBMITTED BY DAVID BILBREY OF ADVANCED INC. James Mills stated that Mr. David Bilbrey of Advanced Inc., on behalf of property owner Austin Jones, has submitted for approval a revised Preliminary Plat of River's Edge Subdivision, a single

family detached residential development of property located at the southern end of Old Sparta Road. The initial 44.70 acre preliminary plat consisting of 47 lots was approved by the Planning Commission on July 28, 2014. The revised plat was submitted due to the withdrawal from the development of Keith Simmons, the owner of the adjacent parcel (Tax Map 96 Parcel 78.06). The revised plat has been reduced to 30 lots on approximately 30.02 acres.

The property proposed for development is identified on Tax Map 096 as Parcel 78.06. This property is zoned as RS-20, single family residential as is property to the north and south. Property to the west is zoned CL (local commercial). The eastern boundary of the property coincides with the current corporate limits along the western bank of the Falling Water River.

The revised plat now depicts the creation of approximately 2,130 feet of new streets within the proposed subdivision which is a reduction from 3,295 feet as previously platted. The property proposed for development does not have direct access to Old Sparta Road, which is the closest city street. The southern end of the city maintained portion of Old Sparta Road terminates near the northwest corner of the property at a gate post. At this point continuing south is a private driveway that is located within an undeveloped right-of-way adjacent to the subject property. Within the subdivision, a new looped road is proposed as Rivers Edge Drive that will have two access points of ingress/egress to this undeveloped right-of-way. Public Works Director, Greg Brown, has advised that the developer will be required at his expense to upgrade the approximately 535 feet of this undeveloped right-of-way to city street standards in order to extend Old Sparta Road to the southern intersection with the proposed Rivers Edge Drive. In addition, due to the substandard condition of existing streets that must be utilized to connect to the proposed subdivision, the developer will also be required to improve to city standards River Bluff Road from the intersection of S. Jefferson Avenue to the intersection of Old Sparta Road a length of approximately 285 feet, continuing south approximately 302 feet along the remainder of Old Sparta Road. Article V Section F of the Subdivision Regulations is entitled "Substandard Existing Streets" and states that "the subdivision of property abutting existing streets that do not meet the minimum construction standards of these regulations shall generally be prohibited. Should improvements to the existing streets be required in order to meet the demands of the proposed subdivision, the costs of said improvements shall be borne by the developer unless determined otherwise by the City of Cookeville". One new looped street is proposed as Rivers Edge Drive. New four (4) foot wide sidewalks will be installed along one side of all new streets.

The developer has stated his intention to construct storm sewers for drainage. The developer will be required to submit engineered plans for the provision of water, fire hydrants and sewer to the Water Quality Control Department. The sewer will be a low pressure system that will coincide with the current plans of the department to expand sewer capacity in the area. The developer states that he plans to install natural gas in the development which is available according to the City of Cookeville Gas Department.

The property boundary along the Falling Water River is in a Special Flood Hazard Area (SFHA) as shown on the FEMA Flood Insurance Rate Maps. The SFHA areas are on Lots

3-14. However, there is sufficient land area remaining outside of the SFHA for a buildable site on each of the impacted lots. The final plat will show the estimated base flood elevations for each lot to facilitate completion of the required FEMA Elevation Certificates at the time of construction. In addition to the SFHA, Public Works Engineer, Tracy Meggs, has determined that a 60 feet riparian buffer measured from the top of the bank on all lots adjacent to the Falling Water River is required due to the fact that this is listed by the EPA as a 303.D impaired stream.

Staff recommended approval of revised 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 street plan and profile with storm sewer and sidewalk details to the Department of Public Works for all new streets. Plan shall include typical road section, subgrade, base width, asphalt width and 2:1 slopes
- Developer will coordinate improvements to be made to existing substandard streets with the Department of Public Works
- Developer shall submit a TDEC approved Storm Water Pollution Prevention Plan (SWPPP) to the Department of Public Works
- Developer must provide a 15 feet utility easement along all road frontage on both sides of the new streets
- Developer must submit water (including fire hydrants) and low pressure sewer plans to the Water Quality Control Department
- Developer shall submit plans for the installation of underground electric per the Electric Department design requirements
- Developer to submit plans for the installation of natural gas to the Gas Department
- Developer to provide all conduit for underground communications facilities, CAD files and electrical layout plan to Frontier Communications
- Completion of corrections or additions to the plat as determined necessary by the Planning Department and/or other appropriate city departments

Leslie Sullins made the motion to grant conditional approval of the revised Preliminary Plat of River's Edge Subdivision, subject to conditions set by the Planning Department. Kay Starkweather seconded the motion and the motion carried unanimously.
CONDITIONAL APPROVAL OF REVISED PRELIMINARY PLAT.

CONSIDER FOR ACTION SIX (6) MONTH EXTENSION OF ABBIE COURT DIVISION, 4 LOTS LOCATED ON SOUTH FRANKLIN AVENUE AND BUFFALO VALLEY ROAD. REQUEST SUBMITTED BY TREVOR DYER OF DSA INVESTMENT GROUP. James Mills stated that Mr. Trevor Dyer on behalf of DSA Investment Group has submitted a request for a six (6) month extension of the Abbie Court Division Preliminary Plat, which is a four (4) lot single family attached residential subdivision located off of Buffalo Valley Road and S. Franklin Avenue. The current

Preliminary Plat was approved by the Planning Commission on March 24, 2014 for a period of one year.

As provided in Article II, Section D, Subsection 9 of the Subdivision Regulations, an extension of time can be applied for by the developer and granted by the Planning Commission provided a \$50.00 fee is submitted with the request. Mr. Dyer submitted the fee with his request for an extension. There has been significant construction progress on the development and there are no proposed modifications to the plat as previously approved.

Staff recommended approval of the request for a six (6) month extension of the Preliminary Plat as requested.

Jim Woodford made the motion to approve the six (6) month extension of the Preliminary Plat of Abbie Court Division. Chris Wakefield seconded the motion and the motion carried unanimously. **APPROVED SIX (6) MONTH EXTENSION.**

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

- (1) CONSIDER FOR STUDY REZONING 750 WHITSON AVENUE FROM RS15 (SINGLE FAMILY RESIDENTIAL) TO PRD (PLANNED RESIDENTIAL DEVELOPMENT). REQUEST SUBMITTED BY SETH HUDSON ON BEHALF OF BARRY REESE.**

James Mills stated that if the PRD Plan is not submitted by April 6th, then the request will be postponed.

STAFF REPORTS:

(1) MINOR PLAT APPROVALS:

- PEACHTREE LEARNING CENTER, 2 LOTS LOCATED ON EAST 4TH STREET AND NORTH WALNUT AVENUE – PEACHTREE LEARNING CENTER/STEVE SMITH.
- DEL PROPERTIES SUBDIVISION, 2 LOTS LOCATED ON THE CORNER OF NORTH WILLOW AVENUE AND WEST BROAD STREET – DEL PROPERTIES/DANNY LEE.

ADJOURNMENT: 6:45 P.M.

SUBMITTED FOR APPROVAL

SUBMITTED FOR RECORDING

**JAYNE BARNS CPS
PLANNING ASSISTANT**

**JIM STAFNE, CHAIRMAN
COOKEVILLE PLANNING
COMMISSION**