

**COOKEVILLE PLANNING COMMISSION  
MINUTES  
SEPTEMBER 28, 2015**

The Cookeville Planning Commission met on Monday, September 28, 2015 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, and Leslie Sullins.

**MEMBERS ABSENT:** Tracy Cody.

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

**OTHERS PRESENT:** Skip Bartlett, Diane Barker, Michelle Davis, Larry Harp, Jon Innis, Ashonda Deason, Brandy Parker, Gus House, Rebecca Leimer, Wayne Leimer, Heather Hayes, Becki Holbrook, Ray Holbrook, Andy Hammock, Jerry & Brenda Gaw, Rusty Norrod, Aaron Bernhardt, Angela Linde, Bob McCawley, Michael & Deborah Allen, Ben Ingersoll, and Laura Militana.

**CONSIDER FOR APPROVAL THE AGENDA AS SUBMITTED.** Kay Starkweather 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 AUGUST 24, 2015.** Jim Woodford made the motion to approve the minutes of August 24, 2015. Leslie Sullins seconded the motion and the motion carried unanimously. **APPROVED.**

**CONSIDER FOR ACTION CLOSURE AND ABANDONMENT OF AN UNDEVELOPED ALLEY RIGHT-OF-WAY LOCATED SOUTH OF WEST 6<sup>TH</sup> STREET AND BETWEEN NORTH DIXIE AVENUE AND NORTH JEFFERSON AVENUE. REQUEST SUBMITTED BY L & J CONTRACTORS ON BEHALF OF DR. BRENT D. STATON AND ADJOINING PROPERTY OWNERS SARAH HOLLOWAY, BRANDY PARKER, GUS HOUSE, RAY ABEL, BETTY LOWE, AND WILLIAM HABERCAMP.** James Mills stated that property owners along an undeveloped alley located south of East 6<sup>th</sup> Street between North Dixie and North Jefferson Avenues have submitted a request for the closure and abandonment of a portion of the alley and for its declaration as surplus property.

The undeveloped alley requested for closure and abandonment extends approximately 425 feet to the south of East 6<sup>th</sup> Street. According to a submitted survey the alley has a right-of-width of approximately 12.5 feet. Based on these dimensions the alley right-of-way consists of approximately 5,313 square feet.

There are seven (7) parcels contiguous with the right-of-way. Parcels 1.00, 2.00, 3.00 and 4.00 on Tax Map 53C, Group A, which front on North Dixie Avenue, are adjacent on the western side of the right-of-way and Parcels 10.00 and 11.00 on the same map and group, which front North Jefferson Avenue, are adjacent on the east side. The right-of-way ends

at Parcel 5.00 of the said tax map and group. Parcel 5.00 is a through lot with frontage on both North Dixie and North Jefferson Avenues.

The owners of the seven parcels have each signed a petition requesting that the right-of-way be closed. Parcel 1.00 is addressed as 531 North Dixie Avenue and is owned by Brent Staton. Parcel 2.00 is addressed as 521 North Dixie Avenue and is owned by Brandy Parker. Parcel 3.00 is addressed as 511 North Dixie Avenue and is owned by William Haberkamp. Parcel 4.00 is addressed as 501 North Dixie Avenue and is owned by Bettye Lowe. Parcel 5.00 is addressed as 415 North Dixie Avenue and is owned by Ray Able. Parcel 10 is addressed as 502 North Jefferson Avenue and is owned by Gus House. Parcel 11 is addressed as 239 East 6<sup>th</sup> Street and is owned by Frank and Sarah Holloway.

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 proposed closure has been submitted to and approved by all applicable city departments. The electric department indicates that they have lines and facilities in the southern portion of the right-of-way and has requested that a utility easement the entire width of the right-of-way be retained where these lines and facilities are present. No water, sewer or natural gas lines or facilities are located in the alley right-of-way.

Staff recommended approval of the closure and abandonment and declaration as surplus property for sale to the adjoining property owners subject to the retention of a utility easement the entire width of the right-of-way where existing electric lines and facilities are located.

Dr. Roy Loutzenheiser made the motion to approve the closure and abandonment of the undeveloped alley right-of-way and declaration as surplus property for sale to the adjoining property owners, subject to the retention of a utility easement the entire width of the right-of-way where existing electric lines and facilities are located. Kay Starkweather seconded the motion and the motion carried unanimously. **CONDITIONAL APPROVAL.**

**CONSIDER FOR ACTION AMENDMENT TO THE ZONING CODE TO REDUCE THE MINIMUM OFF-STREET PARKING REQUIREMENTS FOR HIGH DENSITY RESIDENTIAL DEVELOPMENT IN THE CBD (CENTRAL BUSINESS DISTRICT). REQUEST SUBMITTED BY THE CITY COUNCIL.** James Mills stated that the Cookeville City Council has requested that the Planning Department prepare for the Planning Commission's review an amendment to the Zoning Code to reduce the minimum off-street parking requirements for townhouses, condominiums, efficiency apartments, and multi-family dwellings located in the CBD zoning district.

The City Council, at its September 17, 2015 meeting, unanimously approved Ordinance Number O15-08-21 which established provisions for higher density residential development within the CBD, Central Business District. At this same meeting the Council unanimously requested that the Planning Commission revisit a reduction in the off-street parking requirement in the CBD for higher density residential development. The Planning Commission, at its July 2015 meeting, did not approve the Planning Department's recommendation to reduce the off-street parking requirement for higher density residential development in the CBD in conjunction with increasing the density allowed for such developments.

The current off-street parking requirement for townhouses, condominiums, efficiency apartments, and multi-family dwellings in all zoning districts where such uses are permitted is 1.25 spaces per bedroom per dwelling unit for the first 50 dwelling units and 2 spaces per dwelling unit for every dwelling unit exceeding 50 dwelling units. As was reported by the Planning Department at the July Planning Commission meeting, an analysis of the parking standards from several other cities indicated that the City of Cookeville's exceeded those of the examined cities. The average requirement from the cities examined was two (2) per dwelling unit.

The Planning Department has subsequently reviewed numerous national reports and studies on parking requirements for multi-family dwellings. The Urban Land Institute and National Parking Association in a 2000 report proposed a peak space factor of 0.2 - 2.0 spaces per residential dwelling unit. The Victoria Transport Policy Institute indicated in a 2005 study that sufficient parking for one (1) to two (2) bedroom apartments is 1.5 spaces per unit and for a three (3) bedroom apartment 2.0 spaces per unit. The American Planning Association in a 2003 report provided nationwide samples of off-street parking requirements for various types of dwelling units and none exceeded those of the City of Cookeville.

At the July 2015 meeting of the Planning Commission the Planning Department recommended that the parking requirement for higher density residential development be reduced in the CBD to 1.1 spaces per bedroom with any fraction of a space rounded up to the next highest number. The primary reason for reducing the requirement is to provide an incentive for the development of housing in the CBD. Reducing the off-street parking requirement would lower the land cost per unit for the developer and potentially allow the provision of more green space. For dwelling units with two (2) more bedrooms, a parking requirement in the CBD of 1.1 spaces per bedroom would still be higher than the average of 2.0 spaces per dwelling unit found in the study of other cities in Tennessee.

In the opinion of the Planning Department a reduction in the off-street parking requirement would have a minimal impact on the downtown area. The area zoned as CBD consists of approximately 62.2 acres, excluding street and railroad right-of-way. An estimated 5.9 acres, or 9.5 percent, of this area is vacant/undeveloped. Assuming all of the vacant land in the CBD was developed for high density residential purposes, an estimated total of only 171 dwelling units could be developed under the recently adopted density requirements (1,500 square feet per dwelling unit).

Staff recommended approval of amendment to Zoning Code to reduce the minimum off-street parking requirement for townhouses, condominiums, efficiency apartments, and multi-family dwellings located in the CBD zoning district to 1.1 space per bedroom with any fraction of a space rounded up to the next highest number.

Jim Stafne stated that he would have preferred to hold this issue until the parking study was completed.

Jim Woodford stated that he wanted to keep the parking at 1.25 per dwelling unit and he felt that the Board needed to be cautious of the parking situation in the downtown area by not reducing the requirement.

Dr. Roy Loutzenheiser stated that certain locations have problems with parking and that there were not a lot of potential areas for development and he would be in favor of dropping the parking from 1.25 to 1.1.

Jim Woodford made the motion to deny the Zoning Code amendment to reduce the minimum off-street parking requirements for high density residential developments in the CBD (Central Business District). Leslie Sullins seconded the motion. Votes: Jim Stafne - aye, Dr. Roy Loutzenheiser - nay, Judy Jennings - aye, Chris Wakefield - aye, David Webb - aye, Jim Woodford - aye, Kay Starkweather - aye, and Leslie Sullins - aye. Motion carried. **DENIED.**

James Mills stated that the amendment would be forwarded to the City Council with the Planning Commission recommendation for denial.

**CONSIDER FOR ACTION PRELIMINARY PLAT OF STEVEN'S POINT, 11 LOTS LOCATED ON THE SOUTHEAST CORNER OF BUFFALO VALLEY ROAD AND WEST STEVENS STREET. REQUEST SUBMITTED BY JERRY GAW.** James Mills stated that Jerry Gaw has submitted for approval a Preliminary Plat of Steven's Point, an 11 lot single family attached development of his property located off Buffalo Valley Road and West Stevens Street.

The subject property is identified on Tax Map 53I Group A as Parcel 9.00. The property is zoned RM-14, "Multi-family Residential" and consists of approximately 0.75 acres. The proposed development consists of 10 building lots and Lot 11 will encompass the remaining common areas. All of these lots will front a new private interior parking and ingress/egress that will connect to both Buffalo Valley Road to the north and West Stevens Street to the south. All of the dwelling units are being outfitted with sprinkler systems that meet the National Fire Protection Association design standard 13D. In addition, two (2)

existing fire hydrants are within the required proximity for fire protection. The Water Quality Control Department has requested that a 10 foot wide utility easement along the right-of-way of Buffalo Valley Road be added to the plat. All of the property including the driveway, parking areas and other common areas and infrastructure components are private. Repair and maintenance of the common elements will be covered under a homeowner's association agreement that is to be submitted in a timely manner after the final plat is recorded.

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

- Developer must schedule and attend a pre-construction meeting with all the appropriate city departments
- Developer must submit a roadway construction plan and profile with storm sewer and sidewalk details to the Department of Public Works. Plan shall include typical road section, subgrade, base width, asphalt width and 3:1 slopes
- Developer will work with Public Works to establish appropriate radius at street intersections
- Developer must provide ten (10) foot utility easements along road frontages on the existing streets as requested by the utility departments
- Completion of corrections or additions to the plat as determined necessary by the Planning Department and/or other appropriate city departments

Jim Stafne asked Mr. Mills to show on the screen where the proposed Stevens Street alignment will be and how it would affect this subdivision plat.

James Mills showed approximately where the Stevens Street realignment will be and he added that the developer was aware of this when the plat was submitted.

Kay Starkweather made the motion to grant conditional preliminary plat approval of Steven's Point, subject to staff's recommendation. Jim Woodford seconded the motion and the motion carried unanimously. **CONDITIONAL PRELIMINARY PLAT APPROVAL.**

**CONSIDER FOR ACTION VARIANCE FOR A FLAG LOT ON THE PROPERTY LOCATED AT 1067 MITCHELL AVENUE AND FINAL PLAT OF REDIVISION OF LOT 2 OF AMENT DIVISION, 2 LOTS LOCATED ON MITCHELL AVENUE. REQUEST SUBMITTED BY BOBBY PHILLIPS AND STEPHEN M. PHILLIPS.** James Mills stated that property owners Stephen and Bobby Phillips have submitted a request for a variance to allow the creation of one flag lot and final plat approval of the Ament Division Re-division of Lot 2, a proposed two (2) lot single family residential development of their property located at 1067 Mitchell Avenue.

The property proposed for development is identified as Parcel 12.01 on Tax Map 40L Group A and consists of approximately 0.60 acres. The site is zoned RS-10, "Single Family Residential", as are all adjacent properties. The parcel is currently vacant after the removal of a previously existing single family detached structure. As previously stated, the

owners have 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 lot is currently served by the existing six (6) inch waterline located in the road right-of-way and there is an existing hydrant in the right-of-way approximately 125 feet to the north of the parcel that is within the required coverage area for fire protection. The Water Quality Control Department has advised that the existing water meter tap is on the proposed Lot 1 so no additional water or sewer tap is required for this lot. The developers will have to pay full price for the new water and sewer taps for the proposed Lot 2. The plat certificate states that no portion of the subject property is located in a Special Flood Hazard Area. No area of the property is indicated as being in a sinkhole retention area according to the Sinkhole Floodplain Report prepared by TTU and adopted by the City. Finally, as shown on the plat, the property boundary adjacent to Mitchell Avenue is 25 feet from the road centerline and therefore no additional property dedication is required.

Article I Section E of the Subdivision Regulations pertains to variances in general and states in part the following:

“Where the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Planning

Commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

- a. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property;
- b. The conditions upon which the request for a variance is based are unique to the *property for which the variance is sought and are not applicable generally to other property*;
- c. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.

The Planning Department has received many phone calls, emails and office visits from area residents voicing their opposition to this request for a variance to allow a flag lot. In addition, a petition opposing the request has been submitted and endorsed by 60 neighborhood residents. The opposition stated in the petition includes concerns regarding maintaining the quality of life, protecting the degree of privacy currently enjoyed due to the depth of the backyards in the area and an irrevocable alteration of the general character of the neighborhood. The petitioners also submit that the approval of this variance would set a precedent “for the possible subdivision of other lots, leading to potential overcrowding in the neighborhood and altering in a real and permanent way the openness, flow, privacy and sense of community that are hallmark characteristics of the area.”

Staff stated that while it appears that the criteria for the development of a flag lot can be met in this situation, it is the opinion of the Planning Department that approval of the variance would be detrimental to other properties and would initiate a fundamental shift thereby altering the existing character and integrity of the neighborhood by setting a precedent. Furthermore, it does not appear from the submitted plat or staff site evaluation that denial of this request for a variance would impose a hardship to the owners because of any site specific physical surroundings, shape or topographical conditions of the property. Additionally, the variance is not the minimum needed to allow the reasonable use of the land as intended by the single family residential zoning of the area which would remain suitable as a building lot for one (1) single family detached residential structure. For these reasons, Planning staff recommended denial of the variance request to allow a flag lot and subsequently recommended denial of the final plat as submitted.

Michelle Davis, property owner at 1057 Mitchell Avenue, stated that they turned in a petition with 60 signatures from residents from Mitchell Avenue, Woodmont Circle, Crestwood Drive, North Crestwood Drive, Early Lane and Cinderella Drive in opposition of a flag lot at 1067 Mitchell Avenue. The petition stated that 1067 Mitchell Avenue was currently zoned RS-10 (Single Family Residential). The residents were concerned about maintaining the quality of life and degree of privacy that single family residential zoning creates and they were worried about the precedent that allowing the division of 1067 into two lots would set for other lots on these same street.

The residents currently enjoy a high degree of privacy, made possible by the depth of not only each residents’ backyard, but also by the depth of their immediate neighbor’

backyards, as well. Should the lot at 1067 be subdivided, the privacy of the adjacent backyards will be irrevocable compromised. Subdividing the lot at 1067 would set a precedent for the possible subdivision of other lots, leading to potential overcrowding in the neighborhood and altering in a real and permanent way the openness, flow, privacy and sense of community that the hallmark characteristics of this area.

Moreover, overriding the current single family residential status of the lot at 1067 and setting the precedent for allowing other such lots to be so divided sets in motion the general devaluation of all property values in the neighborhood. Many of us have renovated, updated, and enhanced our single-family homes, and our investment of time and money would depreciate steadily if the Planning Commission allows flag lots in our neighborhood.

The residents strongly opposed the division of 1067 Mitchell Avenue into two flag lots, and urged the Planning Commission to vote against it.

Jim Stafne stated that he was in favor of protection of single family neighborhoods.

Jim Woodford agreed and he stated that a flag lot would not be beneficial to the neighborhood.

Kay Starkweather made the motion to deny the variance for a flag lot at 1067 Mitchell Avenue and to deny the final plat of the redivision of Lot 2 of the Ament Division. Dr. Roy Loutzenheiser seconded the motion and the motion carried unanimously. **DENIED VARIANCE FOR FLAG LOT AND FINAL PLAT.**

**CONSIDER FOR ACTION FINAL PLAT OF ABBIE COURT SUBDIVISION, 5 LOTS LOCATED ON THE SOUTHEAST CORNER OF BUFFALO VALLEY ROAD AND SOUTH FRANKLIN AVENUE. REQUEST SUBMITTED BY DSA INVESTMENT GROUP.** James Mills stated that Mr. Trevor Dyer of DSA Investment Group has submitted for approval a final plat of Abbie Court Subdivision, a five (5) lot single family attached residential development of their property located off Buffalo Valley Road and South Franklin Avenue.

The development property is identified on Tax Map 53I, Group B, as Parcel 22.00 and consists of approximately 0.278 acres total prior to right-of-way dedication. The plat initially received conditional preliminary approval by the Planning Commission on March 24, 2014. A request for a six (6) month extension was approved on March 25, 2015. 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 0.268 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 was removed prior to site 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 shown that now connects 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 53I, Group B, Parcel 22.01).

All of the infrastructure on the property is private and is to be 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. A total of 12 parking spaces are shown on the plat as per the requirement of 1.25 spaces per bedroom. A new four (4) foot wide sidewalk has been installed along the frontage of Buffalo Valley Road. The Public Works Department has advised that the sidewalk and parking ingress/egress infrastructure has been installed and approved. Water has been installed by connecting to the existing six (6) inch water line located in the right-of-way of Buffalo Valley Road. Sewer also has been installed by connecting to the existing eight-inch sewer line also in the right-of-way of Buffalo Valley Road. The Water Quality Control Department advised that the plat needs to reflect that the master meter is a two (2) inch and the sanitary sewer is a six (6) inch. In addition, they further advised that the concrete driveway also has the sewer line for the adjacent property so an easement needs to be depicted on the plat. 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. The only site improvement that has not been yet completed is the required planting of four (4) ornamental trees as per the specifications of the Zoning Code. Due to the private nature of the development no Warranty of Improvements is required.

Staff recommended conditional approval of the final plat subject to the plat changes requested by the Water Quality Control Department, the installation by the developer and approval by the Codes Department of the street trees and finally the completion of any additions or corrections to the plat by the Planning Department and/or other city departments. It is further stipulated that the Homeowner's Association Agreement will be completed, recorded and submitted to the Planning Department in a timely manner as determined by Planning Staff.

Heather Hayes, property owner at 397 Short Street, stated that she had copies distributed to the Planning Commission that showed photographs from this development and how it has made the flooding issues in the area worst.

James Mills stated that he and the City Manager Mike Davidson, and Director of Public Works Greg Brown have met with Ms. Hayes concerning the flooding in her area. This subdivision plat meets our current regulations for storm water retention.

Mr. Mills added that the City is going to look at revising our codes to strengthen the regulations for developments that have less than 10,000 sq. ft. of impervious surface and possibly require some type of retention for such developments.

Dr. Roy Loutzenheiser made the motion to grant conditional final plat approval of Abbie Court Subdivision, subject to staff's recommendation. Jim Woodford seconded the motion and the motion carried unanimously. **CONDITIONAL FINAL PLAT APPROVAL.**

**CONSIDER FOR ACTION FINAL PLAT OF RAY & BARBARA LOFTIS SUBDIVISION, 4 LOTS LOCATED ON BUNKER HILL ROAD. REQUEST SUBMITTED BY ANDY HAMMOCK.** James Mills stated that Developer Andy Hammock on behalf of property owners Ray and Barbara Loftis have submitted a final plat of the Ray & Barbara Loftis Subdivision, a four (4) lot single family detached residential development located on their property on Bunker Hill Road. No preliminary plat was required because fewer than ten (10) lots are proposed and they will all have frontage on an existing road with access to existing utilities.

The subdivision development property is identified on Tax Map 83 as Parcel 103.00 and consists of approximately 4.38 acres. The property is zoned RS-20, "Single Family Residential", as are all adjacent properties. It currently contains a 2,176 square foot duplex which existed prior to the property being annexed in 2007. As previously mentioned, all of the lots will have frontage on Bunker Hill Road and the plat shows the existing right-of-way is 50 feet, therefore no additional property dedication for right-of-way is required. The lots will be served by the existing 12 inch waterline located in the street right-of-way. There is an existing fire hydrant located in the right-of-way in front of the proposed Lot 4 that will provide coverage for fire protection. 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 (TDEC). The Department of Water Quality Control requests that a 15 foot wide utility easement be shown along Bunker Hill Road. The Department also stated that sewer is to be provided to this area by the end of 2026. No areas of the parcel are shown on FIRM # 47141C0285D as being within a FEMA designated Special Flood Hazard Area. In addition, there are no sinkhole retention areas indicated by the currently available data.

Staff recommended conditional final plat approval subject to TDEC approval for subsurface waste disposal systems and completion of corrections or additions to the plat as determined necessary by the Planning Department and/or other appropriate city departments.

Chris Wakefield made the motion to grant conditional final plat approval of the Ray & Barbara Loftis Subdivision, subject to staff's recommendation. Judy Jennings seconded the motion and the motion carried unanimously. **CONDITIONAL FINAL PLAT APPROVAL.**

**CONSIDER FOR ACTION PRELIMINARY PLAT OF THE COTTAGES, 49 LOTS LOCATED OFF MCCULLEY ROAD AND SPRINGBORO ROAD. REQUEST SUBMITTED BY TIM HUDDLESTON. 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.**

Kay Starkweather made the motion to approve moving this item from study to action. Jim Woodford seconded the motion and the motion carried unanimously. **APPROVED MOVING FROM STUDY TO ACTION.**

James Mills stated that Mr. Tim Huddleston has resubmitted for approval a Preliminary Plat of The Cottages, a proposed 49 lot single family residential development of his property situated north of Springboro Road and south of McCulley Road. This development was originally granted preliminary approval in July 2010 and has been subsequently extended and renewed multiple times. There have been no changes to the Subdivision Regulations during the entire period this development has been brought

The property proposed for development is identified on Tax Map 52 as Parcel 49.00 and consists of approximately 15.50 acres. This parcel was rezoned from RS-20 to RS-10 (both single family residential) in 2010. All of the adjacent properties are zoned RS-20. One new road with the proposed name of "Cottage Way" will connect at Springboro Road in the south and at McCulley Road in the north in order to provide two points of ingress and egress. In addition, the plat depicts a new cul-de-sac with a proposed name of "Cottage Lane" that will serve the lots in the western portion of the property. The new streets are proposed with integral extruded mountable curbing and gutter on both sides. At the time of the original preliminary approval in July 2010 the developer was granted a variance to reduce the required right-of-way of the new streets from 45 feet to 40 feet. At the same meeting the developer also was granted a variance to reduce the diameter of new cul-de-sac from 100 feet to 90 feet with a pavement diameter of 80 feet. A new four (4) foot wide sidewalk is proposed for construction along the front of all the interior lots.

A new six (6) inch waterline is proposed for the development which is currently planned to connect to the existing six (6) inch waterlines located in the right-of-ways of Springboro and McCulley. New hydrants are proposed for the development that will meet the spacing requirements of the regulations. In 2010 the developer reached an agreement with the City regarding the provision of public sewer in the general area. This project has been completed and the plat shows the property will be served by the newly installed eight (8) inch sewer line. The plans for the proposed on-site sewer infrastructure have been submitted to the Water Quality Control Department and have been approved by the State of Tennessee. As shown on the plat, existing structures located on Lot 39 are to be removed as well as a house located partially in the area of Lot 1. No portion of the subject property is located in a Special Flood Hazard Area according to the Flood Insurance Rate Maps for the area. However, a portion of Lot 39 and the area of the intersection of Springboro Road and the proposed new street "Cottage Way" are indicated as being in a sinkhole retention area according to the Sinkhole Floodplain Report prepared by TTU and adopted by the City. The elevation of this area is shown on the plat as 1,122 feet and is labeled as an unbuildable area. The plat also shows preliminary storm water retention and

detention areas along the western and eastern boundaries of the subject property. The areas along the western property boundary are within a 75 feet wide TVA easement. The developer will be required to submit written approval from TVA to locate any drainage features within this area. Finally, as shown on the plat, the developer is dedicating right-of-way along both existing roads measuring 25 feet from the centerlines to the property boundary as required by the regulations.

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

- Developer must schedule and attend a pre-construction meeting with all the appropriate city departments
- Developer understands and agrees that all right-of-ways must be cleared prior to any installation of utilities
- Developer must submit written TVA approval for location of drainage features to be located within the TVA easement
- Developer must submit a roadway construction plan and profile with storm sewer and sidewalk details to the Department of Public Works. Plan shall include typical road section, subgrade, base width, asphalt width and 3:1 slopes
- Developer will work with Public Works to establish appropriate radius at street intersections
- Developer must provide utility easements along road frontages on the new streets and along existing streets as requested by the utility departments
- Completion of corrections or additions to the plat as determined necessary by the Planning Department and/or other appropriate city departments

Ben Ingersoll, property owner at 1619 McCulley Road, was concerned that this development would affect the quality of life for his property that he purchased recently.

James Mills stated that since this development was first presented that sewer has been extended to the property at a cost of \$75,000 for the developer, road improvements have been made and streets have been paved.

Jim Woodford made the motion to grant conditional preliminary plat approval, subject to staff's recommendation. Chris Wakefield seconded the motion and the motion carried unanimously. **CONDITIONAL PRELIMINARY PLAT APPROVAL.**

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

- (1) CONSIDER FOR STUDY REZONING THREE (3) SEPARATE PARCELS LOCATED ON MINE LICK CREEK ROAD, BENNETT ROAD, AND LEE SEMINARY ROAD (TAX MAP NUMBERS 64-31.02, 31.03, 31.04) FROM RS-20 (SINGLE FAMILY RESIDENTIAL) TO CI (COMMERCIAL INDUSTRIAL MIXED USE). REQUEST SUBMITTED BY LINDA OWENS ON BEHALF OF NORMA FAYE PYLES LYNCH FAMILY PURPOSE LLC.

- (2) CONSIDER FOR STUDY PRELIMINARY PLAT OF CROSS POINTE SUBDIVISION, 41 LOTS LOCATED ON THE NORTHEAST CORNER OF OLD SPARTA ROAD AND BOB BULLOCK ROAD. REQUEST SUBMITTED BY BERNHARDT LLC.
- (3) CONSIDER FOR STUDY PRELIMINARY PLAT OF LOT #2 OF BURGESS, BURNETT & ELKINS SUBDIVISION, PHASE I AND LOTS 8 & 9 OF PETITE SUBDIVISION, 3 LOTS LOCATED BETWEEN 1393 AND 1491 WEST BROAD STREET. REQUEST SUBMITTED BY HUFF CONSTRUCTION LLC ON BEHALF OF LARRY BURGESS AND DAVID BURNETT.
- (4) CONSIDER FOR STUDY AMENDMENT TO THE ZONING CODE SECTION 207.6P (5) (S) (i) OF THE GENERAL SIGN REGULATIONS TO DECREASE THE AMOUNT OF TIME EACH IMAGE IS DISPLAYED ON AN ELECTRONIC DISPLAY SCREEN FROM A MINIMUM OF TEN (10) SECONDS TO A MINIMUM OF EIGHT (8) SECONDS. REQUEST SUBMITTED BY ROLAND DIGITAL MEDIA.

**STAFF REPORTS:**

**(1) MINOR PLAT APPROVALS:**

- PILE DIVISION – 2 LOTS LOCATED ON LAKE VILLA CIRCLE – TODD & TANYA PILE.
- DEBERRY HEIGHTS REDIVISION OF LOT #49 – 2 LOTS LOCATED ON KENWAY STREET AND WOODLAND HEIGHTS – MICHAEL & MELISSA SMITH.
- TOLLETT & COBBLE LOT LINE ADJUSTMENT PLAT – 2 LOTS LOCATED ON THE CORNER OF EAST HUDGENS STREET AND ELIZABETH AVENUE – JIMMY TOLLETT & DEANN COBBLE.
- COOPER & MISHOE LOT LINE ADJUSTMENT – 2 LOTS LOCATED ON THE NORTHWEST CORNER OF FOREST HILLS DRIVE AND BRADFORD TRACE – BORROWED MULE CONSTRUCTION.
- DIETZDORF SUBDIVISION REVISED LOT #14 – 2 LOTS LOCATED AT 766 RUSSELL STRAUSS AND 743 OLD WALTON ROAD – JEFFREY T. & KERRI S. APPLE.
- HICKS & WHEELER LOT LINE ADJUSTMENT – 2 LOTS LOCATED ON OAK HILL LANE OFF BUFFALO VALLEY ROAD – MARTY HICKS AND JAMES WHEELER.
- EAGLE SUMMIT PHASE I – 2 LOTS LOCATED AT 345 WEST 8TH STREET AND 350 WEST 9<sup>TH</sup> STREET – JERRY C. GAW INC., BERNHARDT LLC, AND JEANETTE GAW FAMILY PARTNERSHIP.
- COMBINATION PLAT OF LOT 3 & 7 OF SADDLEBROOK SUBDIVISION, 1 LOT LOCATED AT 535 SADDLE LANE - HEATHER KEITH BUTLER.

- FINAL PLAT OF RESUBDIVISION OF THE WRIGHT HEIRS PROPERTY TRACT 1-A- 1 LOT LOCATED ON EAST BROAD STREET – CATHERINE TERRY WRIGHT.
- NORMAN & MARY KREBS WHITEAKER ESTATE PROPERTY – 2 LOTS LOCATED AT 1376 & 1380 SOUTH MAPLE AVNENUE – NORMAN WHITEAKER ESTATE.

**(2) GRANT MONEY AVAILABLE:**

James Mills stated that this item was not on the agenda but he wanted to let the Planning Commission know that he meet with Mike Davidson, City Manager, and Greg Brown, the Director of Public Works on Friday, September 25, 2015, to discuss the possibility of the City applying for a Community Transportation Planning Grant of up to \$250,000.

Mr. Mills added that he wanted to get input from the Planning Commission on what type of projects that the Planning Commission would like to see the City apply for.

A couple of suggestions that were discussed: were (1) Traffic and Corridor Study on Bennett Road and (2) Transportation flow and timing of signals.

James Mills stated that he was going to be attending the Tennessee APA Fall Conference in Chattanooga, TN this week and he was going to find out which would be the best projects to apply for. Mr. Mills added that there was a possibility that there could additional grant money available for sidewalk construction.

**ADJOURNMENT: 6:30 P.M.**

**SUBMITTED FOR APPROVAL**

**SUBMITTED FOR RECORDING**

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**JAYNE BARNS CPS  
PLANNING ASSISTANT**

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**JIM STAFNE, CHAIRMAN  
COOKEVILLE PLANNING  
COMMISSION**