

**COOKEVILLE PLANNING COMMISSION
MINUTES
AUGUST 22, 2016**

The Cookeville Planning Commission met on Monday, August 22, 2016 at 5:30 p.m., in the Council Chambers, 45 E. Broad Street, Cookeville, Tennessee.

MEMBERS PRESENT: Jim Stafne, Judy Jennings, Chris Wakefield, David Webb, Jim Woodford, Kay Starkweather, Leslie Sullins Draper, Tracy Cody, and Jim Cobb.

STAFF MEMBERS PRESENT: James Mills, Jayne Barns, Ken Young, Greg Brown, and Officer Jacob Brown.

STAFF MEMBERS ABSENT: Mike Davidson.

OTHERS PRESENT: Aaron Bernhardt, Rafferty Cleary, Brenda Gaw, Jerry Gaw, Chad Gilbert, 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 JULY 25, 2016. Chris Wakefield made the motion to approve the minutes of July 25, 2016. Leslie Sullins Draper seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR ACTION REZONING A PORTION OF 803 HORACE LEWIS ROAD FROM RS-20 (SINGLE-FAMILY RESIDENTIAL) AND CI (COMMERCIAL-INDUSTRIAL MIXED USE) TO RS-5 (SINGLE-FAMILY RESIDENTIAL). REQUEST SUBMITTED BY CHAD GILBERT ON BEHALF OF JUDD BULLINGTON OF THE BULLINGTON LAND CO., LLC. James Mills stated that Mr. Chad Gilbert of Putnam Contracting Services, on behalf of the property owner Judd Bullington of the Bullington Land Co. LLC, has submitted for consideration a request to rezone from CI, Commercial-Industrial Mixed Use and RS-20, Single Family Residential to RS-5, Single Family Residential a portion of property located on Old Sparta Road and addressed as 803 Horace Lewis Road.

The subject property is identified as portion of Parcel 18.00 on Tax Map 96 and consists of approximately five (5) acres. According to the records of the Putnam County Property Assessor's Office, Parcel 18.00 consists of approximately 20.5 acres in its entirety. The zoning of the portion of Parcel 18.00 proposed for rezoning is currently split with the eastern portion consisting of approximately 3.5 acres fronting Old Sparta Road zoned as RS-20 and the remaining western portion consisting of approximately 1.5 acres zoned as CI. It is contiguous with properties zoned as RS-20, Single Family Residential to the north, south, and east and as CI, Commercial-Industrial Mixed Use on the west. Located to the north, south and east are single family dwellings and a mobile home, and to the west is a welding establishment.

The RS-20 District is intended to provide a low density residential environment in areas where public wastewater services area or are not available. A minimum land area of 20,000 square feet per dwelling unit is required in this district. The CI District is intended to accommodate a mixture of compatible commercial and light industrial developments. Residential uses are not permitted in the CI District. The RS-5 District is intended to provide a moderate density single-family residential environment where public wastewater services are available. A minimum land area of 5,000 square feet per dwelling unit is required. Public wastewater services have recently been made available to the subject property.

The Cookeville 2030 Plan primarily depicts the property as being suitable for lower density residential development. At the time the plan was prepared public wastewater service was not available to the subject parcel. The property is located in an area annexed by the city in 2000. It is noted in the 2030 Plan that to accommodate anticipated growth, significant portions of the land area annexed since 2000 will have to be rezoned when the appropriate infrastructure is provided. In 2015 the Planning Commission approved rezoning from RS-20 to RS-5 an approximately 11 parcel located on Old Sparta Road less than 500 feet south of the subject property.

Staff recommended approval of the rezoning request.

Jim Woodford made the motion to approve rezoning a portion of 803 Horace Lewis Road from RS-20 (Single-Family Residential) & CI (Commercial Industrial Mixed Use) to RS-5 (Single-Family Residential). Jim Cobb seconded the motion and the motion carried unanimously. **APPROVED REZONING FROM RS-20 & CI TO RS-5.**

CONSIDER FOR ACTION THE AMENDMENTS TO THE ZONING CODE RELATING TO MEDICAL CLINICS, AMBULANCE SERVICE, TAXI SERVICE, MULTI-FAMILY DWELLINGS AND OTHER VARIOUS AMENDMENTS. REQUEST SUBMITTED BY THE PLANNING STAFF. James Mills stated that the Planning Department has prepared for consideration several proposed amendments to the Zoning Code.

The proposed amendments are as follows:

- Insert medical clinics and ambulance service, including air ambulance service, as permitted uses within the CI, Commercial-Industrial Mixed Use district. *There have been discussions regarding these uses possibly locating within the Highlands Business Park, the amendment is necessary to allow them to do so.*
- Insert medical clinics as permitted uses within the CL, Local Commercial district. *The Director of Codes has requested this amendment.*
- Insert taxi service as a permitted use within the CL, Local Commercial district. *The City Clerk, who oversees the regulation of taxi services, has requested this amendment. Taxi services are currently only allowed within the CG, General Commercial and CI, Commercial-Industrial Mixed Use districts.*

- Insert in Section 204.14 Drainage and Storm Water Management in Section 204.14A after the words “Section 6 entitled “Control of Natural Drainage Systems” the following words: ‘and Chapter 7 entitled “Stormwater Management”’ and change Section 6 to Chapter 6. *The Director of Public Works has requested this amendment due to required changes in the city’s stormwater regulations.*

Section 204.14A currently provides as follows:

204.14A The requirements of the Cookeville Municipal Code, Title 14, Section 6 entitled “Control of Natural Drainage Systems” shall be met for all applicable developments.

Section 204.14A as amended would read as follows:

204.14A The requirements of the Cookeville Municipal Code, Title 14, Chapter 6 entitled “Control of Natural Drainage Systems” ‘and Chapter 7 entitled “Stormwater Management” shall be met for all applicable developments.

- Delete in Section 204.14, Drainage and Storm Water Management, Section 204.14B. *The Director of Public Works has requested this amendment due to required changes in the city’s stormwater regulations.* Section 204.14B currently provides as follows:

204.14B No use which consists of 10,000 or more square feet of impermeable surface (including any combination of roof, parking area, sidewalk and similar surfaces), or causes the total of impermeable surface (roof, parking area, sidewalk and similar surfaces) on a given development to equal 10,000 or more square feet, shall be permitted from which storm water runoff is discharged into the natural storm water drainage system at a rate greater than the rate at which water is being discharged from the site prior to the proposed development taking place except as approved by the Director of Public Works or his/her designee.

The current provisions of Section 204.14B are no longer applicable due to changes in the Municipal Code Sections cited in 204.14A. This amendment will also require renumbering Sections 204.14C, D and E to 204.14B, C and D.

- Insert in Section 206, Additional Standards, Section 206.11, Limitations for Multi-Family Uses a new section 206.11H to read as follows: “No more than one (1) kitchen or cooking facility shall be permitted in any one (1) multi-family dwelling unit.” *The Director of Codes has requested this amendment.*
- Insert in Section 205.8, Minimum Off-Street Parking Requirements, Section 205.8B, Residential Uses, a second sentence in (3) to read as follows: “In developments providing dwelling units with a varying numbers of bedrooms, the units with the highest number of bedrooms shall be calculated in the first 50 dwelling units.” *This clarification is necessary to avoid confusion on calculating the number of required parking spaces.*

Section 205.8B (3) currently provides as follows:

3. Single family attached (townhouses), condominiums, efficiency apartments and multi-family dwellings: 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.

Section 205.8B (3) as amended would read as follows:

3. Single family attached (townhouses), condominiums, efficiency apartments and multi-family dwellings: 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. In developments providing dwelling units with varying numbers of bedrooms, the units with the highest number of bedrooms shall be calculated in the first 50 dwelling units.

Staff recommended approval of the amendments.

Leslie Sullins Draper made the motion to approve the amendments to the Zoning Code as recommended by staff. Kay Starkweather seconded the motion and the motion carried unanimously. **APPROVED AMENDMENTS TO THE ZONING CODE.**

CONSIDER FOR ACTION FINAL PLAT OF SOMERVILLE PHASE II – 8 LOTS LOCATED ON BREEDING AVENUE. REQUEST SUBMITTED BY JERRY GAW. James Mills stated that Mr. Aaron Bernhardt has submitted for approval a Final Plat for the Somerville Phase II Subdivision located on Breeding Avenue. Preliminary approval was granted in February of this year for Phase I which is being developed as single family attached dwelling units on the portion of the property zoned CL, “Local Commercial”.

The subject property is identified on Tax Map 96 as Parcel 24.02 and Phase II contains approximately 2.65 total acres and is located within an RS-10, “Single Family Residential” zoning district. The lots are configured as “zero lot line” on one side which is a use permitted upon review and approval of the Planning Commission. All dwellings will be detached. No preliminary plat is required for this phase because there are less than 10 lots and it does not require any new street or utility construction. Lot 1 is a corner lot at the northeast intersection of Breeding Avenue and Flatt Hollow Road. The remaining lots exclusively front Breeding Avenue. The developer is dedicating five (5) feet along Breeding Avenue for future right-of-way improvements. The lots will be served by an existing six (6) inch water line and an existing eight (8) inch gravity sewer located in the Breeding Avenue right-of-way. There are two (2) existing fire hydrants within the required distance to provide adequate coverage for fire protection. No area of the property is identified as being within a sinkhole retention area nor is the property located in a Special Flood Hazard Area according to FEMA Flood Insurance Rate Map # 47141C0140D. However, Public Works has required that a note be added to the plat stating that “gutter downspouts are to discharge on to yards no more than 10 feet from the house. Discharging on to impervious surface is not permitted.”

Staff recommended conditional approval of the Final Plat subject to the following:

- Statement must be added to plat concerning downspout discharge as requested by Public Works, and
- Additions and/or corrections as required by the Planning Department or other city departments.

Greg Brown, Director of Public Works, stated that downspout discharge will disperse the water and that Mr. Gaw has agreed to build up the lots that are lower.

Jerry Gaw stated that they are going to build up the yards that are lower in the front and that the placement of the downspouts will allow the water to disperse over grassy areas to the rear of the homes and help slow down the runoff.

Kay Starkweather thanked Mr. Gaw for going the extra mile to help his neighbors.

Jim Woodford made the motion to grant conditional approval of the Final Plat of Somerville Phase II, subject to staff's recommendation. Chris Wakefield seconded the motion and the motion carried unanimously. **CONDITIONAL FINAL PLAT APPROVAL.**

CONSIDER FOR ACTION REVISED PRELIMINARY PLAT OF DOWNTON SQUARE PHASE IV, 13 LOTS LOCATED ON BOWERWOOD CIRCLE. REQUEST SUBMITTED BY JERRY C. GAW. THE PROPERTY OWNER HAS REQUESTED THAT THIS ITEM BE MOVED FROM STUDY TO ACTION. MOVING THIS ITEM FROM STUDY TO ACTION REQUIRES THE APPROVAL OF THE PLANNING COMMISSION. Jim Woodford made the motion to move this item from study to action. Jim Cobb seconded the motion and the motion carried unanimously. **APPROVED MOVING FROM STUDY TO ACTION.**

James Mills stated that Jerry Gaw and Aaron Bernhardt have submitted for approval a newly Revised Preliminary Plat of Downton Square Phase IV, a 13 lot single family attached development off East Spring Street. This phase was initially granted conditional Preliminary Plat approval by the Planning Commission on October 26, 2015. A revised preliminary plat was subsequently given conditional approval by the Planning Commission on May 23, 2016.

The subject property is identified on Tax Map 53M, Group B as a portion of Parcel 2.00. The property is zoned CG, "General Commercial" and Phase IV comprises 0.92 acres with 12 building lots and Lot 13 encompassing the remaining common areas in this phase. The sole purpose of this revision is to divide this phase into two (2) sections depicted as IV-A and IV-B. The construction on the eight (8) dwelling units in Section IV-A has progressed to the point that this portion can be considered for final plat approval. The remaining four (4) units proposed for construction in Section IV-B have been delayed due to on-site logistical issues. Public Works has requested that the rain garden planned for Phase VI be shown on this plat as well. Otherwise, there are no other changes to the plat as approved conditionally in May of this year.

Staff recommended conditional approval of the revised Preliminary Plat subject to the addition of the rain garden as requested by Public Works and any additions and/or corrections as required by the Planning Department or other city departments.

Tracy Cody made the motion to grant conditional approval of the revised Preliminary Plat of Downton Square Phase IV, subject to staff's recommendation. Jim Woodford seconded the motion and the motion carried unanimously. **CONDITIONAL REVISED PRELIMINARY PLAT APPROVAL.**

CONSIDER FOR ACTION FINAL PLAT OF DOWNTON SQUARE PHASE IV-A, 9 LOTS LOCATED ON BOWERWOOD CIRCLE. REQUEST SUBMITTED BY JERRY C. GAW. James Mills stated that Jerry Gaw and Aaron Bernhardt have submitted for approval a Final Plat of Downton Square Phase IV-A, a nine (9) lot division of their development off of East Spring Street as previously discussed.

The subject property is identified on Tax Map 53M, Group B as a portion of Parcel 2.00. The property is zoned CG, "General Commercial" and this portion of the site consists of approximately 0.59 acres containing eight (8) single family attached townhomes on individual lots. Lot 9 is the remaining common area. The units all front Branson Alley which has been completed through the binder stage. These units all have garages in the rear which face Bowerwood Circle which is still under construction. Each of the dwelling units are outfitted with sprinkler systems that meet the National Fire Protection Association design standard 13D. All of the property including the streets, common areas and infrastructure components are private. Repair and maintenance of the common elements will be covered under an amended homeowner's association agreement that is to be submitted in a timely manner after the final plat is recorded. The developer has already submitted an amended letter of credit to cover the remaining improvements for the entire development site in the amount of \$77,500.00 which is valid until April 1, 2017.

Staff recommended conditional approval of the final plat as submitted, subject to any additions and/or corrections to the plat as required by the Planning Department and other city departments and the submission of the amended Homeowner Agreement in a timely manner after the plat is recorded.

Jim Woodford made the motion to grant conditional approval of the Final Plat of Downton Square Phase IV-A. Jim Cobb seconded the motion and the motion carried unanimously. **CONDITIONAL APPROVAL OF THE FINAL PLAT.**

CONSIDER FOR ACTION EXTENSION OF FINANCIAL GUARANTEES FOR SIDEWALKS, RAIN GARDENS, AND WATER & SEWER FOR ONE (1) YEAR FOR THE RESERVE AT THE COUNTRY CLUB PHASE I. REQUEST SUBMITTED BY TOM SERGIO. 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. In August of 2014 the Planning Commission approved Mr. Sergio's request for a one (1) year renewal of the guarantees. In August of 2015 the Planning Commission approved his request for a one (1) year extension and a reduction in the amount for sidewalk construction.

The Letters of Credit submitted on August 31, 2015 are all drawn on Citizens Bank. A \$41,500.00 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 \$5,000.00 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 should remain at \$5,000.00 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 at \$60,000.00. He further advised that the amount for the sidewalks can be reduced to \$36,500.00 for one (1) year.

Staff recommended conditional approval of the request for one (1) year extension of the financial guarantees, subject to the submission of appropriate financial guarantees in the amount of \$36,500.00 for sidewalks, \$60,000.00 for drainage facilities and \$5,000.00 for water and sewer infrastructure. All extended financial guarantees shall be submitted to Planning Staff no later than Noon on Wednesday, August 31, 2016.

Jim Woodford made the motion to approve the one (1) year extension of the financial guarantees for sidewalks, rain gardens, and water& sewer for the Reserve at the Country Club Phase I. Chris Wakefield seconded the motion and the motion carried unanimously. **APPROVED ONE (1) YEAR EXTENSION OF THE FINANCIAL GUARANTEES.**

Kay Starkweather made the motion to take the following item for study. Jim Woodford seconded the motion and the motion carried unanimously. **STUDY ITEM.**

(1) CONSIDER FOR STUDY REZONING 39 DEPOT STREET AND 40 & 41 SOUTH OAK AVENUE FROM CL (LOCAL COMMERCIAL) TO CBD (CENTRAL BUSINESS DISTRICT). REQUEST SUBMITTED BY DAVID ALLEN ON BEHALF OF AUXIN WILSON PROJECT LLC.

STAFF REPORTS:

(1) MINOR PLAT APPROVALS:

- PARK WEST SUBDIVISION PHASE 1, LOTS 78 & 78 LOT LINE ADJUSTMENT – 2 LOTS LOCATED AT 3266 MINE LICK CREEK ROAD AND 2507 PARK WEST DRIVE – ROBERT WOODS AND DONALD ANDERSON.

- ANGELA LORAIN HUGHTON DIVISION – 2 LOTS LOCATED AT 1962 & 1964 NORTH DIXIE AVENUE – ANGELA LORAIN HUGHTON.
 - COMBINATION PLAT FOR HORIZONS USA LLC PROPERTY – 2 LOTS LOCATED AT 28, 28, 48, 51 AND VACANT LOT ON BORDEN STREET, AND 475 FOUTCH DRIVE – HORIZONS USA LLC – JIM WRIGHT.
 - RESUBDIVISION OF LOT 1 & TRACT 2 OF DIETZ DIVISION – 2 LOTS LOCATED AT 1308 & 1310 EAST SPRING STREET AND 476 & 480 SOUTH OLD KENTUCKY ROAD – JWC REAL ESTATE L.P.
 - COMBINATION PLAT OF HERITAGE POINTE – 1 LOT LOCATED AT 1030 SOUTH MAPLE AVENUE – BEACON COMPANY LLC.
 - DEBERRY HEIGHTS LOT LINE ADJUSTMENT 6, 7, & 8 BLOCK G – 2 LOTS LOCATED AT 346 WEDGEWOOD STREET AND 2230 SHARON AVENUE. – JOHNNY VADEN AND DOUGLAS ROBINSON.
- (2) SUBMITTAL OF EPA BROWNFIELD AREA WIDE PLANNING GRANT APPLICATION FOR THE WEST COOKEVILLE REVITALIZATION AREA.
- (3) CITIZEN SURVEY UPDATE.

ADJOURNMENT: 6:12 P.M.

SUBMITTED FOR APPROVAL

SUBMITTED FOR RECORDING

**JAYNE BARNS CPS
PLANNING ASSISTANT**

**JIM STAFNE, CHAIRMAN
COOKEVILLE PLANNING
COMMISSION**