

**COOKEVILLE PLANNING COMMISSION
MINUTES
MAY 23, 2016**

The Cookeville Planning Commission met on Monday, May 23, 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.

MEMBERS ABSENT: None

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

STAFF MEMBERS ABSENT: Jayne Barns.

OTHERS PRESENT: See attached Record of Attendance.

CONSIDER FOR APPROVAL MOVING ACTION ITEM #7 FROM STUDY TO ACTION. Jim Woodford made the motion to approve moving Item #7 from study to action. Jim Cobb seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR APPROVAL THE AGENDA AS AMENDED. Leslie Sullins Draper 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 APRIL 25, 2016. Judy Jennings made the motion to approve the minutes of April 25, 2016. Leslie Sullins Draper seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR ACTION CLOSURE AND ABANDONMENT OF AN ALLEY THAT EXTENDS FROM WEST 4TH STREET 200 FEET SOUTH TOWARD WEST 3RD STREET BETWEEN NORTH HICKORY AVENUE AND NORTH WHITNEY AVENUE AND DECLARING IT AS SURPLUS. REQUEST SUBMITTED BY DR. MICHAEL LENHART OF TENNESSEE HEART REALTY LLC. James Mills stated that the owners of properties located along an undeveloped alley located south of East 4th Street between North Hickory and North Whitney Avenues have submitted a request for the closure and abandonment of a portion of the alley and for its declaration as surplus property available for purchase.

The undeveloped alley requested for closure and abandonment extends approximately 200 feet to the south of East 4th Street. According to a submitted survey the alley has a right-of-way width of approximately 20 feet. Based on these dimensions the alley right-of-way consists of approximately 4,000 square feet.

There are three (3) parcels contiguous with the right-of-way. Parcel 1.00 on Tax Map 53B, Group M is contiguous with the alley right-of-way along the western boundary and Parcels 22.00 and 23.00 on Tax Map 53B, Group M are contiguous along the eastern boundary. Each of the three (3) parcels are owned by Tennessee Heart LLC.

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 Water Quality Control Department indicates that it has a sewer line located within the northern portion of the alley which serves only the properties owned by Tennessee Heart LLC. The department has requested that a utility easement the entire width of the right-of-way be retained where the line is located or that the line be dedicated to the property owner. No water, electric or natural gas lines or facilities are located within the portion of the alley right-of-way proposed for closure.

Staff recommended approval of the closure and abandonment and declaration as surplus property for sale to the adjoining property owners at a price approved by the City Council subject to the retention of a utility easement the entire width of the right-of-way where the existing sewer line is located or to the acceptance of the line by the adjoining property owner.

Leslie Sullins Draper made the motion to approve as recommended by staff. Kay Starkweather seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR ACTION CLOSURE AND ABANDONMENT OF HARGIS DRIVE LOCATED BETWEEN JACKSON STREET AND POLLY DRIVE AND DECLARING IT AS SURPLUS. REQUEST SUBMITTED BY C. DOW HARRIS OF HIGHLANDS RESIDENTIAL SERVICES. James Mills stated that Highlands Residential Services (Cookeville Housing Authority) has submitted a request for the closure and abandonment of an official city street (Hargis Drive) and for its declaration as surplus property available for purchase.

Hargis Drive extends from Polly Drive to West Jackson Street. It has an approximate length of 1,089 feet and according to a submitted survey it has a right-of-way width of 40 feet. Based on the submitted survey the street right-of-way consists of approximately 43,561 square feet.

The entire length of Hargis Drive bisects one parcel (Parcel 1.00 on Tax Map J, Group) which is owned by the Cookeville Housing Authority (Highlands Residential Services). Highlands Residential Services has ceased operation of its housing complex at this location and has approved the sale of their property.

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 Water Quality Control Department indicates that a water line located within the street right-of-way is to be capped at Polly Drive. No electric, sewer or natural gas lines or facilities are located in the alley right-of-way.

Attorney Jeff Jones spoke on behalf of Highland Residential Services and stated the money derived from the sale of the property would be going back into the fund for public housing.

Staff recommended approval of the closure and abandonment and declaration as surplus property for sale to the adjoining property owners at a price to be approved by the City Council.

Tracy Cody made the motion to approve as recommended by staff. Jim Cobb seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR ACTION REVISED PRELIMINARY PLAT OF DOWNTON PHASE IV, 13 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 Revised Preliminary Plat of Downton Square Phase IV, a 13 lot single family attached development off East Spring James Mills stated that was initially granted conditional Preliminary Plat approval by the Planning Commission on October 26, 2015.

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 the entire development site consists of approximately 9.18 total acres. Phase IV initially comprised 1.02 acres with 12 building lots and Lot 13 encompassing the remaining common area of this phase. A swimming

pool and pool house have been constructed in the .36 acre northern portion of the common area. The developer has submitted the revised preliminary plat to detach this northern portion from Phase IV in order to designate this area of the development as Phase V. This will reduce the total area of Phase IV to .92 acres. There are no other changes made to the plat approved conditionally in October 2015. The remainder of Phase IV is currently under construction.

Staff recommended approval of the revised preliminary plat as submitted.

Kay Starkweather made the motion to approve as recommended by staff. Jim Woodford seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR ACTION FINAL PLAT OF DOWNTON SQUARE, PHASE V, 1 LOT LOCATED AT THE CORNER OF DOWNTON AVENUE AND BOWERWOOD CIRCLE. REQUEST JERRY C. GAW. James Mills stated that Jerry Gaw and Aaron Bernhardt have submitted for approval a Final Plat of Downton Square Phase V, a one (1) lot division of their development off of East Spring Street.

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 the entire development site consists of approximately 9.18 total acres. As previously mentioned, a swimming pool and pool house have been constructed in the .36 acre northern portion that was formerly shown within common area depicted in Phase IV. Phase V consists solely of this area and no new building lots for additional dwelling units have been created. The developers have requested approval of the final plat as submitted so they may incorporate the pool and pool house into the Homeowner Agreement in order to facilitate opening the area for the use of the residents by Memorial Day.

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 approve as recommended by staff. Tracy Cody seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR ACTION PRELIMINARY PLAT FOR DOWNTON SQUARE, PHASE VI, 19 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. James Mills stated that Jerry Gaw and Aaron Bernhardt have submitted for approval a Preliminary Plat of Downton Square Phase VI, a 19 lot division of their development off of East Spring Street.

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 the entire development site consists of approximately 9.18 total acres. Phase VI comprises 3.03 acres with 18 building lots and

Lot 19 encompassing the remaining common area of this phase. All of these lots will front a new street, Bowerwood Circle. All of the dwelling units are being outfitted with sprinkler systems that meet the National Fire Protection Association design standard 13D. One (1) additional rain garden is to be installed in the southwest corner of the property as shown on the plat which will work with the existing rain garden in the southeast corner to provide storm water detention for the entire site. 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 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 as submitted, subject to any additions or corrections to the plat as requested by the Planning Department and/or other appropriate city departments.

Jim Woodford made the motion to approve as recommended by staff. Leslie Sullins Draper seconded the motion and the motion carried unanimously. **APPROVED.**

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

- (1) CONSIDER FOR STUDY REQUEST FOR RAO (REDEVELOPMENT AREA OVERLAY DISTRICT) ZONING FOR 127 & 135 NORTH FRANKLIN AVENUE. REQUEST SUBMITTED BY CHAD GILBERT OF PUTNAM CONTRACTING SERVICES, LLC ON BEHALF OF TONY GAMMON.
- (2) CONSIDER FOR STUDY PRELIMINARY PLAT OF WASHINGTON STATION, 10 LOTS LOCATED ON NORTH WASHINGTON AVENUE. REQUEST SUBMITTED BY CHAD GILBERT OF PUTNAM CONTRACTING SERVICES LLC.
- (3) CONSIDER FOR STUDY PRELIMINARY PLAT OF STEVENS SQUARE, 10 LOTS LOCATED ON WEST STEVENS STREET. REQUEST SUBMITTED BY CHAD GILBERT OF PUTNAM CONTRACTING SERVICES LLC AND TONY GAMMON ON BEHALF OF WILLIAM A. MCDONALD.

STAFF REPORTS:

- (1) MINOR PLAT APPROVALS:
 - LOT LINE ADJUSTMENT FOR LOTS 10 & 11 OF THE REDIVISION OF LOTS 10, 11 & 13 OF BLACKWELL PARK – 2 LOTS LOCATED AT 771 & 781 BLACKWELL PARK. J. CUMBY CONSTRUCTION.
 - FISCOSA SUBDIVISION – 1 LOT LOCATED AT 2991 HIGHLANDS PARK BLVD. – THE HOLLINGSWORTH COMPANY.
 - VAUGHN MONUMENT PROPERTY – 2 LOTS LOCATED AT 567 & 569 EAST SPRING STREET – ERIC VAUGHN.
- (2) RELEASED LETTER OF CREDIT FOR \$60,000 FOR THE COMPLETION OF THE SEWER TO SERVE LOT #2 OF THE COPPER SPRINGS, PHASE I SUBDIVISION.

(3) RECEIVED AMENDED HOME OWNERS AGREEMENT FOR DOWNTON SQUARE TO INCLUDE PHASE III.

(4) PRESENTATION OF 2016 DOWNTOWN PARKING STUDY.

ADJOURNMENT: 6:17 P.M.

SUBMITTED FOR APPROVAL

SUBMITTED FOR RECORDING

**KEN YOUNG
SENIOR PLANNER**

**JIM STAFNE, CHAIRMAN
COOKEVILLE PLANNING
COMMISSION**