

**COOKEVILLE PLANNING COMMISSION
MINUTES
MAY 18, 2020**

The Cookeville Planning Commission met on Monday, May 18, 2020 at 5:30 p.m., in the Council Chambers, 45 E. Broad Street, Cookeville, Tennessee and through electronic means via Zoom.

MEMBERS PRESENT: Judy Jennings, Daniel Odom, Kay Starkweather, and Eric Walker.

MEMBERS PRESENT VIA ZOOM: Jim Cobb, Tracy Cody, James Stafne, Leslie Sullins Draper, and Chris Wakefield.

MEMBERS ABSENT: None.

STAFF MEMBERS PRESENT: Jon Ward, Ken Young, James Mills and Haley Dickson.

STAFF MEMBERS ABSENT: None.

OTHERS PRESENT: Chad Gilbert, Jerry Gaw, Ben Wheeler, Larry Stone, Aaron Bernhardt, and Angela & Ralph Drensek

ESTABLISHMENT OF QUORUM: Chairman Stafne announced that a quorum was present for the meeting.

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

CONSIDER FOR APPROVAL THE MINUTES OF APRIL 27, 2020. Jim Cobb made the motion to approve the minutes of April 27, 2020. Kay Starkweather seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER A RESOLUTION, DETERMINING THAT, DUE TO THE COVID-19 PANDEMIC, MEETINGS OF THE COOKEVILLE MUNICIPAL PLANNING COMMISSION SHALL BE BY ELECTRONIC MEANS AS PERMITTED BY EXECUTIVE ORDER NO. 16 & NO. 34. REQUEST SUBMITTED BY STAFF. Jon Ward stated that Executive Order 16 and Executive Order 34 issued by Governor Bill Lee are orders to ensure that government continues to function openly and transparently during the COVID-19 emergency, while taking appropriate measures to protect the health and safety of citizens and government officials. The Resolution recognizes that the Cookeville Municipal Planning Commission will conduct the May meeting electronically as authorized by the Orders.

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

CONSIDER FOR ACTION CLOSURE OF AN UNDEVELOPED ALLEY LOCATED BETWEEN EAST 10TH STREET AND TIMBER LANE. REQUEST SUBMITTED BY CHRIS VICK ON BEHALF OF DONNIE SUITS, CAPITAL COMMUNITIES, LLC. DEVELOPER HAS REQUESTED THAT THIS ITEM BE WITHDRAWN. Tracy Cody made the motion to approve the request to withdraw this item. Daniel Odom seconded the motion and the motion carried unanimously. **APPROVED.**

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CONSIDER FOR ACTION THE PRELIMINARY PLAT OF W.P. BROWN SUBDIVISION, 16 LOTS LOCATED AT 1501 BUNKER HILL ROAD. REQUEST SUBMITTED BY WILLOW PARK PARTNERS. DEVELOPER HAS REQUESTED THAT THIS ITEM BE POSTPONED UNTIL THE JUNE 22ND PLANNING COMMISSION MEETING. Kay Starkweather made the motion to approve the request to postpone this item until the June 22nd meeting. Jim Cobb seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR ACTION THE REZONING OF 2.15 ACRES LOCATED ON BUCK MOUNTAIN ROAD, TAX MAP 52, PARCEL 07.00 FROM RS-10 (SINGLE FAMILY RESIDENTIAL) TO PRD (PLANNED RESIDENTIAL DEVELOPMENT). REQUEST SUBMITTED BY DONNIE SUITS, CAPITAL COMMUNITIES. DEVELOPER HAS REQUESTED THAT THIS ITEM BE POSTPONED UNTIL THE JUNE 22ND PLANNING COMMISSION MEETING. Eric Walker made the motion to approve the request to postpone this item until the June 22nd meeting. Daniel Odom seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR ACTION THE REZONING OF APPROXIMATELY 4.86 ACRE PORTION OF TAX MAP 067A, GROUP F, PARCEL 040.00 FROM CR (REGIONAL COMMERCIAL) TO RD (SINGLE FAMILY AND DUPLEX RESIDENTIAL). REQUEST SUBMITTED BY JERRY C. GAW. Jon Ward stated that Mr. Jerry Gaw has submitted a request to rezone a portion of property located off Oxford Place from CR Regional Commercial to RD, Single Family and Duplex Residential.

Analysis: The subject property consists of approximately 4.86 acres further identified as a portion of Tax Map 067A, Group F, Parcel 040.00. The property is bordered by RD, Single Family and Duplex Residential to the south, which is the location of Cedar Hills Senior Living Facility and to the east, adjacent to single family residences within Windsor Hills Subdivision. Vacant property to the west and north is zoned CR, Regional Commercial.

The Future Land Use Concept Plan Element of the Cookeville 2030 Plan depicts this area as best suited for mixed density residential development. The RD District is compliant with the Future Land Use Plan. Mr. Gaw has submitted the rezoning request for a future residential development. Mr. Gaw was the original developer of Windsor Hills, and when the subdivision was platted, a 50 foot access strip from Oxford Place was reserved to provide access to the vacant property to the west. The number of units located within Windsor Hills exceeds zoning requirements based on the single point of ingress/egress at Nottingham Drive and East Spring Street. A secondary means of ingress/egress would be required for any additional residential development and would also help lessen the existing limitation of one (1) access point.

The request is to downzone the area from CR to RD. This request is compliant with the Future Land Use Plan, and would provide a buffer for the single family residences from any future commercial development on the remaining commercially zoned property.

Recommendation: Approval of the request.

Chairman Jim Stafne asked if the Planning Department had received any negative comments from the people impacted by the request.

Jon Ward responded that the department has had inquiries regarding the request but none have expressed negative comments.

Kay Starkweather made the motion to approve the request recommended by staff. Eric Walker seconded the motion and the motion carried unanimously. **APPROVED.**

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HOLD A PUBLIC HEARING AND CONSIDER FOR ACTION A REQUEST TO CLOSE, ABANDON, AND DECLARE AS SURPLUS PROPERTY A PORTION OF UNDEVELOPED POPLAR AVENUE RIGHT-OF-WAY. REQUEST SUBMITTED BY BURTON NELSON.

Jon Ward stated that Mr. Burton Nelson submitted a request to close and abandon and declare as surplus property for acquisition an undeveloped portion of Popular Avenue located south of East 4th Street.

Analysis: The portion of Popular Avenue subject to the request consists of approximately 0.33 acres (14,375 sq. ft.). The ROW is adjacent to Mr. Nelson's residence located at 342 Cherry Avenue and Market Square Apartments, an existing nonconforming multifamily apartment complex located at 41 East 4th Street, also owned by Mr. Nelson. The undeveloped right-of-way is bordered by the Nashville and Eastern Railroad right-of-way to the west. The subject right-of-way extends from East 4th Street south to a previously closed portion of Popular Avenue and Craighead Drive, abandoned and surplused through Ordinance Number O08-08-14 and Ordinance Number O16-02-03. The property is zoned RS15, single-family residential.

Mr. Nelson acquired the Market Square Apartments located at 41 East 4th Street on February 26, 2020 and is currently renovating the apartment complex. Through this renovation, Mr. Nelson submitted a variance request to the Board of Zoning Appeals to reduce the front setback requirement to construct an additional egress staircase and to reduce the rear and side yard setback requirements to construct a laundry room in the southwest corner of property. Traditionally, the Planning Department recommends approval of variances where expansions of nonconforming structures do not increase the nonconformity. The existing apartment complex is conforming to the side yard setback, and a variance to reduce the side yard setback requirement would have increased the nonconformity. During the analysis of the variance request, the Planning Department recognized that the side yard variance request could be avoided if the remaining portion of Popular Avenue was acquired by the property owner. The BZA subsequently approved the setback variance request to the front yard setback and the rear yard setback, and directed Mr. Nelson to acquire the undeveloped right-of-way to address the variance to the side yard setback.

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)

All applicable city departments have reviewed the closure and abandonment request. No comments or concerns were offered by any city department regarding the request.

An analysis of the surrounding property values provides a value of \$1.64 per square foot. This value is determined by the land market value as included in the real estate assessment data. The petitioner does have the option to provide a market appraisal of the property to establish the value.

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Recommendation: Approval of the request for closure and abandonment and declaration as surplus property the remaining undeveloped portion of Popular Avenue right-of-way identified on the provided survey.

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

CONSIDER FOR ACTION THE PRELIMINARY PLAT OF CONCORD SUBDIVISION, 18 LOTS LOCATED ON EAST JERE WHITSON ROAD. REQUEST SUBMITTED BY DEALMAKERS.

Jon Ward stated that Owner/developers Larry Burgess and David Burnett with Dealmakers have submitted for approval a Preliminary Plat of Concord, a 29 lot residential development of their property located at the eastern intersection of North Washington Avenue and East Jere Whitson Road. The plat was submitted and taken for study at the April 2020 Planning Commission meeting.

Analysis: The subject property is currently identified on Tax Map 045F Group C as Parcels 006.01, 007.00, 008.00, 008.01, 009.00, 010.00, 011.00 and 12.00. A plat is in process to combine all the parcels into a single tract. The property was recently rezoned to RM-14, "Multi-Family Residential" and consists of approximately 4.28 acres. Adjacent properties to the east and northeast are zoned RS-10 "Single-Family Residential" and property to the north is zoned CL. "Local Commercial. A ten foot wide Type 1 Screen/Buffer is shown on the plat as required along the common boundary with the development property and the RS-10 property to the east and northeast. There are no evident topographic constraints indicated on the site using GIS, but topographic contours must be added to the plat. A dumpster pad is shown on the plat in a required setback which is not allowed and will require a location acceptable to Public Works.

The proposed development consists of 20 building lots and Lot 21 will encompass the remaining common areas. All of these lots will front a new private interior parking and ingress/egress proposed as Concord Circle that will allow circular traffic movements. Public Works requires that a typical street section be shown on the plat as well as proposed drainage structures and storm water detention. Lots 1-13 and 17-20 are 17 single-family attached townhouse lots with two (2) bedrooms per unit for a subtotal of 34 bedrooms. Lots 14-16 are platted as multi-family residential with four (4) buildings on Lots 14 and 15 and three (3) buildings on Lot 16. Each multi-family building will have four (4) units per building with two (2) bedrooms per unit for a subtotal of 88 bedrooms. The parking shown on the plat is compliant with the parking space requirements of the Zoning Code.

The plat depicts the existing (5) foot wide sidewalk along both street frontages and proposed four (4) foot sidewalks will be constructed internally on the site.

Each dwelling unit is to be outfitted with sprinkler systems that meet the National Fire Protection Association design standard 13D. In addition, an existing fire hydrant is located at the southeast corner of the site. Existing and proposed water and sewer lines and additional hydrants are not shown on the plat. Water Quality Control requires that these be shown on the plat and the water meters should be set along East Jere Whitson with the meters for the back units set in gang boxes. State approved water plans must be submitted to Water Quality Control. The sewer will be private. The Electric Department requires that all electric is to be installed underground per CED specifications.

All of the property including the driveway, parking areas and other common areas and infrastructure components are to be private with the exception of water which will be public. 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.

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Recommendation: The Planning Department recommends 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 grading plan and obtain a grading permit before beginning construction
- Developer must submit a street 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
- Typical street section must be shown on plat
- Proposed drainage structures and storm water detention must be added to the plat
- Existing and proposed utilities must be shown on the plat
- Developer must submit state approved water 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 provide all conduit for underground communications facilities, CAD files and electrical layout plan to Frontier Communications
- Developer shall provide all utility easements as required by the Electric, Gas and Water Quality Control Departments
- Completion of corrections or additions to the plat as determined necessary by the Planning Department and/or other appropriate city departments

Tracy Cody made the motion to approve the request recommended by staff. Kay Starkweather seconded the motion and the motion carried unanimously. **CONDITIONAL APPROVAL.**

CONSIDER FOR ACTION ZONING CODE AMENDMENT RELATIVE TO EXTENDING DEADLINES DURING A NATURAL DISASTER OR EMERGENCY DECLARATION. REQUEST SUBMITTED BY STAFF. Jon Ward stated that the Planning Department has prepared for consideration an amendment to the Zoning Code relative to development approval expirations.

Analysis: Due to the recent COVID-19 pandemic the Planning Department recognizes a need relative to development approval deadlines due to emergency or disaster declarations. The rapidly evolving situation with the pandemic resulted in a last minute cancellation of the March 2020 Planning Commission meeting. If a development approval had been set to expire for the March meeting, the Zoning Code includes no provisions to address extensions due to extenuating circumstances. Also, during the recent safer at home order, many professional businesses have operated at limited capacities. The Planning Department would recommend the Planning Commission consider an amendment to the Zoning Code, Section 233, Administration and Enforcement to add a new section that would allow any pending approval expiration required by the Zoning Code to be extended by administrative approval by the Planning Department for six (6) additional months. The Planning Department would recommend adding the following Section 233.16 to the Zoning Code:

233.16 EXTENSION OF APPROVAL EXPIRATION DUE TO DISASTER OR EMERGENCY DECLARATION

In the event of a Disaster Declaration or an Emergency Declaration, extension of development approval may be granted by the Planning Department for an additional six (6) months beyond any expiration date required by the Zoning Code. Requests for extensions due to Natural Disasters or Emergency Declarations must be submitted to the Planning Department prior to the expiration date. The request must include justification that the disaster or emergency declaration has impacted progress on the project and an extension would be a reasonable accommodation.

Recommendation: Approval of the proposed amendment.

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Eric Walker asked if it has to be an automatic six month extension or if the extension varies.

Jon Ward stated that to avoid being arbitrary, that it will be an automatic six month extension. If there is an emergency or disaster declaration and someone submitted a letter requesting an extension stating that they were impacted by the declaration, and it is a reasonable explanation, that it would be an automatic six month extension. Mr. Ward stated that if there was an instance that the Planning Commission didn't meet and a plat was set to expire within that time, the plat would have to restart the approval phase.

Tracy Cody asked if they are required to justify that they are impacted by the event.

Jon Ward stated that the Planning Department requests that the information be provided.

Eric Walker stated that it could be unfair if one plat was extended 30 days while another was extended for six months.

Jon Ward responded that in order to avoid being arbitrary, the six month extension would apply to each plat affected by the declaration.

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

CONSIDER FOR ACTION THE FINAL PLAT OF 700 BROAD, PHASE II, 27 LOTS LOCATED AT 731 EAST BROAD STREET. REQUEST SUBMITTED BY PUTNAM PROPERTIES. Jon Ward stated that Chad Gilbert, on behalf of Putnam Properties, has submitted for approval a Final Plat of 700 Broad Phase II (Lots 1-13 and 50-62), a 27 lot single family detached residential development on East Broad Street with secondary access to East Spring Street. This phase consists of 26 cluster type dwelling units and the remainder is shown as common area (portion of Lot 63) outside of the building lots.

Analysis: The development property is identified on Tax Map 053L Group C as Parcel 016.00. A plat titled the Burgess Family Partnership Lot Line Revision was recorded in March that provides an ingress/egress access easement to East Spring Street. Lots 14-22 are zoned RM-14 (Multi-family Residential) as is the remainder of the property to the west. The adjacent Wright parcel to the east is zoned RS-15 (Single-family Residential). Lots 23 and 24 are zoned CL (Local Commercial) as are adjacent properties to the east and west. Phase II contains approximately 2.44 acres of the approximately 5.45 acre development site which is planned to contain 62 dwelling units in its entirety.

Sections 216.3 and 221.3 of the Zoning Code stipulate that single family attached dwellings (townhouses) and detached single-family cluster developments are allowed in the RM-14 and in the CL zone as a use permitted on review, subject to the submission of a plat in accordance with the Cookeville Subdivision Regulations.

The lots in Phase II front a new private street named Allison Way that is completed up to final surfacing. Public Works stipulates that the final surface must be installed after repair of a soft spot and stop signs and street name signs must be purchased and installed. Public Works further stipulates that a slope on the south side adjacent to the Hatcher property must be constructed to 2:1 or flatter. A new five (5) foot wide sidewalk has been constructed along the right-of-way of East Broad Street adjacent to Phase II. The plat also depicts newly constructed four (4) foot wide sidewalks along portions of the interior perimeter in front of the dwelling units. Public Works has confirmed the storm water detention has been constructed and approved.

Public water service connects to the existing six (6) inch water line located in the right-of-way of East Broad and the lots will be served by individual meters. 20' wide water line easements are shown on

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the plat as required by Water Quality Control. Private sewer connects to the existing eight (8) inch gravity sewer line also located within the East Broad right-of-way. There is one (1) existing hydrant located at the northeast corner of East Broad and Terry Avenue, one (1) was installed in Phase I and a new hydrant has been installed between Lots 6 and 7 in Phase II. These hydrants provide adequate fire protection coverage as required by the Subdivision Regulations. In addition, all the dwelling units have 13D residential sprinkler systems installed.

All common areas, streets and infrastructure improvements with the exception of water are private and will be maintained via a Homeowner Association Agreement that will be required upon final plat recording. Developer shall incorporate specific language on the plat as well as the HOA agreement pertaining to the water system as directed by Water Quality Control. In addition, the developer is required to submit a two (2) year Warranty of Improvements letter of credit payable to the City of Cookeville in the amount of \$10,000 as a condition of final plat recording. This warranty must be extended as subsequent phases of the development are considered for final approval as directed by the Planning Department.

Recommendation: Conditional approval of the Phase II Final Plat subject to the following:

- Developer shall repair soft spot in street and install final surfacing
- Developer must complete the detention pond as directed by Public Works
- Developer to pay Public Works for stop signs and street name signs
- Developer shall construct slope as required by Public Works adjacent to the Hatcher property
- Developer shall submit “as-built” water plans to the Water Quality Control Department
- Developer shall incorporate specific language as shown on the plat in the HOA agreement pertaining to the water system
- Developer shall submit a two (2) year \$10,000 Warranty of Improvements letter of credit payable to the City of Cookeville, with submission timing and subsequent renewal to be coordinated with Planning Department staff
- Developer shall provide all utility easements as required by the Electric and Water Quality Control Departments
- Developer shall submit a copy of the recorded Homeowner’s Association agreement to the Planning Department as soon as possible after the plat is recorded
- Completion of corrections or additions to the plat as determined necessary by the Planning Department and/or other appropriate city departments

Tracy Cody made the motion to approve the request recommended by staff. Jim Cobb seconded the motion and the motion carried unanimously. **CONDITIONAL APPROVAL.**

STUDY ITEMS:

(1) Consider for study the preliminary plat of Kacie Avenue Division, six (6) lots located at 621 West Stevens Street. Request submitted by Bobby & Joy Cunningham.

Kay Starkweather made the motion to accept the items for study. Daniel Odom seconded the motion and the motion carried unanimously. **APPROVED.**

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STAFF REPORTS:

(1) Minor plats approved & recorded:

- Windsor Hill Subdivision Lot #2 Final Plat, two (2) lots located at 908 & 910 Nottingham Drive – Ingrid Bertmeyer & Richard Thomen
- Sycamore Church of Christ Combination Plat, one (1) lot located at 1144 Crescent Drive and 451 Ellis Avenue – Sycamore Church of Christ
- Commonwealth Company Resubdivision of Redivision of Tract 2 – two (2) lots located at South Willow Avenue & West Jackson Street – V3 Ventures, Jonathan McNabb

ADJOURNMENT: 6:10 P.M.

SUBMITTED FOR APPROVAL

SUBMITTED FOR RECORDING

**HALEY DICKSON
PLANNING ASSISTANT**

**JIM STAFNE, CHAIRMAN
COOKEVILLE PLANNING
COMMISSION**