

**BOARD OF ZONING APPEALS
MINUTES
MAY 10, 2007**

The Board of Zoning Appeals met on Thursday, May 10, 2007, at 5:15 p.m. in the Community Meeting Room, 45 E. Broad Street, Cookeville, Tennessee.

MEMBERS PRESENT: Larry Burgess, Tracy Cody, Kay Detwiler, and Jane Flatt.

MEMBER ABSENT: Sid Gilbreath.

STAFF PRESENT: James Mills and Jayne Barns.

OTHERS PRESENT: Bob Faulhaber, Rebecca Langley, and Dr. Steven Flatt.

CONSIDER FOR APPROVAL THE MINUTES OF MARCH 8, 2007. Kay Detwiler made the motion to approve the minutes of March 8, 2007. Larry Burgess seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER A REQUEST FOR A VARIANCE TO REDUCE THE SETBACK OFF A NEW PROPOSED ROAD FROM 50' TO 30' ON THE PROPERTY LOCATED ON THE CORNER OF NEAL STREET AND OLD WALTON ROAD. REQUEST SUBMITTED BY AEI ON BEHALF OF STONEHENGE DEVELOPERS. James Mills stated that Mr. Bob Faulhaber of AEI, on behalf of property owners Stonehenge Developers, has submitted for approval a request for a variance from the required setbacks off a portion of the new interior streets planned in the proposed Maple Leaf Center Subdivision.

The Maple Leaf Center is a proposed commercial-retail subdivision development located off Neal Street, Walton Road and Salem Church Road. The subdivision has been granted preliminary approval by the Planning Commission on June 26, 2006. The property is zoned as CR, Regional Commercial in which the minimum setback requirement off a public street is fifty (50) feet.

The request is to reduce the required street setback to thirty (30) feet along the north of the proposed east-west interior road and on both sides of the proposed north-south interior road. The requested reduction is depicted on the submitted site plan. The required fifty (50) feet setback would be maintained on all existing streets.

The CR district is intended for medium to large scale commercial developments and properties within this zoning classification are required to be located on streets of at least Major Collector classification. Neal Street meets this requirement. The interior streets proposed in this development are intended primarily as access streets and are not expected to carry the amount of traffic that a street of major collector status would carry. Due to the projected division of the subject property several of the new tracts would be encumbered with setbacks of 100 feet in total and three (3) would be encumbered with setbacks of 150 feet. The variance would not have a significant impact on any adjacent

properties and it appears to be the minimum necessary to allow a reasonable development of the property.

Staff recommended approval of the variance request as depicted on the submitted site plan, subject to the resubmittal of a revised Preliminary Plat and to the reduced setbacks being depicted and the approval of the variance being noted on the Final Subdivision Plat.

Mr. Mills added that the Final Subdivision plat has to be submitted by June 24th or the developer has to start all over.

Bob Faulhaber, AEI, submitted a letter from Maple Leaf Development stating that they are now the developers of this project.

Rebecca Langley, 1010 Old Walton Road, had questions about the type of buffer yard, widening on Old Walton Road and concerns about the drainage due the culvert being placed on the line between the development and her property.

James Mills replied that the Zoning Code lists several options for screening depending on the type of development and adjoining zone. The Building Official determines the type of screening and buffering for each development. For example: A Type 2 screening is intended to partially block visual contact between uses and to create an impression of the separation of spaces. The buffer shall be a minimum of twenty (20) feet in width. The screening shall be completely opaque from the ground to a height of three (3) feet, with intermittent visual obstruction above the opaque portion to a height of at least ten (10) feet. Screening may be composed of a wall, solid fence (wood, brick, or masonry), landscaped earth berm, planted vegetation, or existing vegetation. A Type 3 screening is intended to exclude all visual contact between uses. The buffer yard shall be a minimum of thirty (30) feet in width. The screening shall be completely opaque from the ground to a height of at least eight (8) feet. Screening may be composed of a wall, solid fence (wood, brick, or masonry), landscaped earth berm, planted vegetation, or existing vegetation. The Planning Commission will be voting at their next meeting changes to Section 208, Landscaping, Screening, and Buffer Yard Requirements of the Zoning Code. These changes will allow the Building Official the right to require a greater height due to topographic reasons. The developer has dedicated right-of-way the length of their property on the subdivision plat for the widening of Old Walton Road to add a turning lane. The drainage is addressed through site plan review. The property has to retain the same amount of water from predevelopment to the completion of the development.

Dr. Steven Flat, 1101 Neal Street, was concerned about the access to and from the development.

James Mills replied that the main access will be at the light at Old Walton Road. The new access road between lots 3 and 4 will have a right turn only onto Neal Street and there will be no median cuts on Neal Street at this location. The development will also have access to Salem Church Road.

Larry Burgess made the motion to approve reducing the setbacks off proposed streets from 50' to 30' for Lots 1, 2, 3, 4, 5, 6 & 7 as depicted on the submitted revised site plan, with the exception of Lot 3, which has to meet the setbacks for the TVA power line easement, and subject to the reduced setbacks being depicted and the approval of the variance being noted on the Final Subdivision Plat. Kay Detwiler seconded the motion and the motion carried unanimously. **APPROVED, SUBJECT TO CONDITIONS.**

ADJOURNMENT: 5:50 P.M.

SUBMITTED FOR APPROVAL

SUBMITTED FOR RECORDING

**JAYNE BARNS CPS
PLANNING ASSISTANT**

**JANE FLATT, CHAIRMAN
BOARD OF ZONING APPEALS**