

**BOARD OF ZONING APPEALS
MINUTES
DECEMBER 13, 2007**

The Board of Zoning Appeals met on Thursday, December 13, 2007, at 5:15 p.m. in the Council Chambers, 45 E. Broad Street, Cookeville, Tennessee.

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

STAFF PRESENT: James Mills and Jayne Barns.

OTHERS PRESENT: Ben York, Ralph & Ingrid Bertmeyer, and Gary Keckley

CONSIDER FOR APPROVAL THE MINUTES OF SEPTEMBER 13, 2007. Sid Gilbreath made the motion to approve the minutes of September 13, 2007. Tracy Cody seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER A REQUEST FOR A SPECIAL EXCEPTION TO ALLOW ASSISTED LIVING/RESIDENTIAL CARE FACILITIES IN A RD ZONE ON THE PROPERTY LOCATED AT 1250 CEDAR HILLS DRIVE. REQUEST SUBMITTED BY KLOBER ENGINEERING SERVICES ON BEHALF OF GOODWORKS UNLIMITED. James Mills stated that Mr. Gary Keckley of Goodworks Unlimited, LLC has submitted for approval a request for a special exception to allow the expansion of an assisted living facility on property zoned as RD, Single Family and Duplex Residential and located at 1250 Cedar Hills Drive. Cedar Hills Drive is located at the end of Nottingham Drive in the Windsor Hills Subdivision.

Goodworks Unlimited is the owner of the Cedar Hills Retirement Center located on the subject property. The facility currently contains 44 dwelling units. They have acquired additional property for the purpose of locating 16 townhouse type assisted living residential units. Assisted living/residential care facilities are permitted in the RD District as special exceptions when meeting the conditions of Section 214.4C of the Zoning Code. The conditions specified in Section 214.4C are as follows:

- Minimum site area of 5 acres required
- Minimum lot area of 3,000 square feet per dwelling unit or boarding room required
- Type 2 Screen/Buffer Yard required along property lines shared with single or two-family residential developments
- Site shall have adequate public street access to accommodate anticipated average daily traffic flow and for the provision of emergency services

The existing Cedar Hills facility is a legal nonconforming use; however, since the proposed expansion requires the acquisition of additional property the special exception standards must be met. A site plan has been submitted depicting the location of the

proposed townhouses. It indicates that the total site consists approximately 4.764 acres, which is less than required by the Zoning Code. However, Goodworks has acquired a contiguous parcel that, when combined with the existing property, will increase the total site area to more than five (5) acres. This contiguous parcel consists of 0.456 acres, is identified as Parcel 22.00, Map 67A, Group F, and is Lot No. 22 of the Windsor Hill Subdivision.

The site plan indicates that a buffer yard of down to ten (10) feet with a Type 3 screen would be provided along portions of the property lines adjacent to properties zoned and used for single and two-family residential developments. A Type 2 Screen and Buffer Yard is specified, which requires a buffer yard width of 20 feet. However, the Zoning Code does allow the reduction of the buffer yard width to ten (10) feet if a Type 3 screen is installed. A Type 3 screen must be completely opaque from the ground to a height of at least eight (8) feet.

The proposed expansion would increase the total number of dwelling units to 60 units. At 3,000 square feet per dwelling unit, a total land area of 180,000 square feet or approximately 4.1 acres is required.

The entire Windsor Hills development including the Cedar Hills facility has only one point of access to East Spring Street. The Windsor Hills Subdivision currently contains 87 dwelling units. When including the proposed 60 dwelling units in Cedar Hills a total 147 dwelling units would be located on a dead end street. It is the opinion of the Planning Department that the current street access to the Cedar Hills facility is not adequate and is in fact unsafe especially when considering the needs of the expected residents of the facility. To address this concern Goodworks has purchased property (Parcel 15.00, Map 67A, Group F, Lot No. 15 Windsor Hill Subdivision) and has submitted plans for the construction of an emergency access road connecting Nottingham Drive to Watagua Road for the purpose of complying with the public street access requirement. These plans depict the construction of a 15 feet wide gravel emergency access road. The Public Works Department recommends that the access road be constructed to city street standards with a pavement width of at least 18 feet. Public Works also recommends that the access street be located further south to provide separation from the pump station.

Staff recommended approval of special exception request subject to compliance with all applicable requirements of the Zoning Code and subject to the following:

- Submittal and approval of subdivision plat combining Parcel 22.00, Map 67A, Group F with the principal parcel
- Submittal and approval of street construction plans for the connector street from Nottingham Drive to Watagua Road, and construction of street to the standards approved by the Public Works Department and
- Locating the access street further south to provide separation from the pump station.

Gary Keckley stated that due to the 20% slope of the land that they would like to get permission to build a one lane road designed with roll over bollard bars for emergency access only.

James Mills stated that due to the number of dwelling units in the area that the City would want both lanes built to city standards in case of an emergency. The Public Works Department has recommended that the access road be constructed to city street standards.

Ralph Bertmeyer, 2142 Jean Court, wanted to know what type of units would be built.

Gary Keckley stated that they will have 1 & 2 bedroom townhouse units with 1 & 2 car garages. The townhouses will be age restricted for people 62 and over. Cedar Hills Senior Living Community will use golf carts to check on their residents living in the townhouses.

There was some concern by the Board that the townhouses be limited to assisted living residents only and not townhouses for sale.

Sid Gilbreath made the motion to approve the special exception to allow assisted living/residential care facilities in a RD zone, subject to staff's recommendation and subject to the townhouses being limited to assisted living residents. Larry Burgess seconded the motion and the motion carried unanimously. **CONDITIONAL APPROVAL.**

CONSIDER A REQUEST TO REDUCE THE REQUIRED BUFFER YARD WIDTH FROM 30' DOWN TO 10' WITH A TYPE 3 SCREEN ON THE PROPERTY LOCATED AT 900 AND 990 NORTH WASHINGTON AVENUE. REQUEST SUBMITTED BY AEI ON BEHALF OF MARTIN MEDLEY. James Mills stated that Chris Dawson has requested that this item be pulled from the agenda.

Sid Gilbreath made the motion to remove this item from the agenda. Kay Detwiler seconded the motion and the motion carried unanimously. **REMOVED FROM AGENDA.**

ADJOURNMENT: 5:50 P.M.

SUBMITTED FOR APPROVAL

SUBMITTED FOR RECORDING

**JAYNE BARNES CPS
PLANNING ASSISTANT**

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