



The Town of Coopertown  
2525 Burgess Gower Road  
Springfield, TN 37172  
615 382-4470 FAX 615 382-4439

## MINUTES

### COOPERTOWN PLANNING COMMISSION August 20, 2012 at 6:00 PM

#### **I. Call to Order**

The meeting was called to order at 6:00 p.m. by Chairman Mike Werner.

#### **II. Pledge of Allegiance**

**III. Roll Call** – conducted by Secretary Wall.

Present:

Chairman Werner  
Martha Wall  
Barbara Anderson  
Ralph White  
Mayor Childs  
Glen Guyor

Absent:

Peggy Ruth

Also Present:

Building Commissioner, Vicky Bumgardner  
City Planner, Bryan Collins  
City Engineer, Mike Delvizio

#### **IV. Approve Meeting Minutes from 7-16-2012.**

Chairman Werner asked for one item to be added. Toward the end of the July 16 meeting he requested each member come up with three items they want the Commission to accomplish before the end of the year, both short term and long term, and be prepared to discuss at the August meeting.

Chairman Werner asked for a motion to approve the July 16, 2012 meeting minutes with that one modification.

Mayor Childs motioned to approve the July 16, 2012 meeting minutes as presented with Chairman Werner's modification.

Martha Wall seconded the motion.

All in favor signified by saying 'Aye'.

The motion passed unanimously.

## V. New Business

1. Dana N. Moore – Re-Subdivide Application – 2019 Hickory Dr., Combining 2 Lots. Chairman Werner asked what the hashed area reflects. The surveyor, Jeff Chandler, with Chandler Surveying, identified those as the septic as approved by the Environmental Office. Glen Guyor asked if both lots have closed or if they are going to closing. Mr. Chandler indicated the owner, Dana Moore, did close on the property. The Commission found no information lacking on the application or plat as presented by Dana Moore's surveyor, Jeff Chandler, of Chandler Surveying.

Chairman Werner asked for a motion to approve Dana Moore's re-subdivide request at 2019 Hickory Dr., in Autumn Hills Subdivision, involving Lot #24 and Lot #25. Barbara Anderson motioned to approve Dana Moore's application to re-subdivide two lots into one. Glen Guyor seconded the motion.

All in favor signified by saying 'Aye'.

The motion passed unanimously.

2. Bill James – Requests Coopertown take over Hickory Drive and Autumn Drive in Autumn Hills Subdivision.

Chairman Werner asked if this hadn't already come before the Commission for approval. Glen Guyor indicated there wasn't 75% completion of build out. Mayor Childs indicated Bill James is in very poor health, as is his wife Kay, therefore they have no plans to complete the subdivision. They've sold one lot in the last seven (7) years. This topic is back on the table because the James's have now submitted a letter to the Town asking they accept the roads. Discussion included that in spite of health problems of the developer the question remains whether or not the roads meet subdivision regulations and whether or not it is in the Town's best interest to adopt the roads in Autumn Hills Subdivision. It was noted that these roads were scheduled for acceptance in 1999 and at that time they met Coopertown Subdivision Regulations. Due to a change in administration in 2004 the acceptance process ceased and was never brought back to the table for discussion. The developer has been maintaining the roads all these years. Chairman Werner noted this subdivision is not being developed by Bill James; the developer is selling lots and various people are doing the building, unlike Oak Pointe where the developer was also constructing the houses in that subdivision. Chairman Werner asked the Commission if we should change our regs to differentiate between developers who are building on the lots vs. developers who simply sell the lots for others to build on. Chairman Werner addressed City Planner for direction. City Planner, Bryan Collins, said the consequence to accepting a road is that maintenance becomes the Town's responsibility, whether built to spec or not.

Bill James's letter indicates 21 of 30 lots have sold. The Commission took into account tonight's approval of the Dana Moore re-subdivide approval which increases the percentage of build out to 72.4%.

Bryan Collins went on to remind the Commission that in regard to Subdivision Regulations, if existing extenuating circumstances exist, the Commission does have the authority to grant a one-time variance.

It was also noted by City Engineer, Mike Delvzizis, the roads in Autumn Hills Subdivision have stood the test of time, which in itself, is proof of quality construction. Mayor Childs indicated that road was tested and ready for acceptance.

Chairman Werner asked for a motion to approve a one-time variance and recommend to the Board adoption of the roads in Autumn Hills Subdivision (Autumn Drive and Hickory Drive) based on the following:

- with the Dana Moore re-subdivide (combining two lots) the subdivision has 29 lots vs. 30 which creates a 72.4% build-out number;
- the roads already have top-coat;
- the roads have withstood the test of time

Ralph White made the motion to approve a one-time variance and recommend to the Board adoption of the roads in Autumn Hills Subdivision.

Barbara Anderson seconded the motion.

All in favor signified by saying 'Aye'.

The motion passed unanimously.

*At this point in the meeting Chairman Werner asked for a motion to dedicate 30 minutes of the meeting to continuing education credit because a discussion of "procedures" had and was occurring.*

*Mayor Childs made the motion to count the procedures discussion toward 30 minutes of continuing education credit.*

*Barbara Anderson seconded the motion.*

*All in favor signified by saying 'Aye'.*

*The motion passed unanimously.*

*City Planner, Bryan Collins explained to the Commission the procedure for reviewing a road acceptance request, and how to handle a variance request from the subdivision regulations.*

3. Danny & Harsha Lachmandas w/Country Cupboard, Application to Rezone from AG to General Commercial (CA) at 2222 Tom Austin Hwy.

Discussion included that the Lachmandas have submitted all the required paperwork and that this rezone meets Coopertown's Land Use and Transportation Policy Plan (i.e. 20 year development plan). Bryan Collins noted the Lachmandas' rezone is in preparation for a future Subway sandwich shop at this location.

Chairman Werner asked for a motion to recommend to the Board a rezone of 2222 Tom Austin Highway (Country Cupboard), from agricultural use (AG) to General Commercial (CA).

Barbara Anderson motioned to recommend the rezone of Country Cupboard from AG to CA. Martha Wall seconded the motion.

All in favor signified by saying 'Aye'.

The motion passed unanimously.

4. Jessie Buchanan Sign Application for Old Fashion BBQ at 1784 Tom Austin Hwy.

Building Commissioner Bumgardner this request is after-the-fact, the sign is already erected and measures 32 sq. ft., the maximum size allowable and it replaced a smaller sign. Glen Guyor presented a photo of the previous sign which shows the size as having been comparable to a real

estate sign. City Planner Collins' commented that he requested Ms. Bumgardner check the distance from the sign to the State's R.O.W. and it was discovered that the sign was well outside the R.O.W.

Chairman Werner asked for a motion to approve the sign application for Old Fashion BBQ at 1784 Tom Austin Hwy.

Martha Wall made the motion to accept the sign application for Old Fashion BBQ.

Ralph White seconded the motion.

All in favor signified by saying 'Aye'.

The motion passed unanimously.

5. Amend Zoning Ordinance Article VII, Section 7.021 (9) – change “one year” to read “30 months”.

Chairman Werner asked for a motion to table this agenda item until Bryan Collins can bring more detailed documentation regarding this state law.

Martha Wall motioned to table the agenda item.

Mayor Childs seconded the motion.

All in favor signified by saying 'Aye'.

The motion passed unanimously.

6. Planning Work Program for New Fiscal Year – Bryan Collins

City Planner, Bryan Collins, spoke to the Commission regarding items currently on the Planning Work Program and the need to revisit that list for the new fiscal year. What items need to be removed? What new items need to be added? After some discussion Chairman Werner indicated work on old business would occur in September and October, and in November and December the Commission will schedule continuing education.

Chairman Werner asked for a motion to close discussion on this agenda item.

Ralph White motioned to close discussion.

Barbara Anderson seconded the motion.

All in favor signified by saying 'Aye'.

The motion passed unanimously.

## **VI. Old Business**

1. Driveway Regulations – Revised version presented by Mike Delviziis - Ordinance #SR2012-012 and Ordinance #2012-017

Mr. Delviziis explained final changes that had been made to the document, as reflected in red. Graphics have been added to clarify the wording of the requirements. Mayor Childs explained again the reason behind these regulations, including the fact that approximately 60% or more of

Coopertown's driveways are not accessible by emergency vehicles. These regulations will help address that situation.

Chairman Werner asked for a motion to approve draft Ordinance #SR2012-012 - Driveway Regulations - for inclusion in Coopertown's Subdivision Regulations, with modifications, and hold a public hearing at the October meeting.

Martha Wall made a motion to accept the draft document for the Subdivision Regulations and hold a public hearing on Ordinance SR2012-012 - Driveway Regulations - at the October Planning Commission meeting.

Barbara Anderson seconded the motion.

All in favor signified by saying 'Aye'.

The motion passed unanimously.

## 2. Adopt Revisions to **Article III of Coopertown's Subdivision Regulations – PUBLIC HEARING**

Chairman Werner announced the start of the Public Hearing and noted the absence of any public attendees. There were no comments received from the public. Mike Delviziis stated the Town's attorney has only reviewed Article III. He must still review the performance and maintenance agreements and recommend a particular letter of credit form. Bryan Collins indicated that this document can be approved, however, if the attorney makes significant changes could result in bringing this topic back to the table.

Chairman Werner asked for a motion to approve changes to Article III as presented, pending any minor revisions to the contract as identified by the Town's attorney and if any changes are made they shall be incorporated herein.

Ralph White made a motion to approve Article III, as presented, with any changes made by the Town's Attorney being incorporated into the document.

Martha Wall seconded the motion.

All in favor signified by saying 'Aye'.

The motion passed unanimously.

At this point in the meeting Chairman Werner returned to Old Business agenda item #1, Driveway Regulations.

City Engineer, Mike Delviziis advised the Commission they still need to vote on recommending the Driveway Regulations to the Board of Mayor and Aldermen for the amendment to the Zoning Ordinance, to be Ordinance #2012-017.

Martha Wall made a motion to recommend to the Board of Mayor and Aldermen to make changes to the Zoning Ordinance by adding the new Driveway Regulations, via Ordinance #2012-017.

Ralph White seconded the motion.

All in favor signified by saying 'Aye'.

The motion passed unanimously.

Discussion included waiting until after the Public Hearing to make changes to the Zoning Ordinance.

## VII. Comments from Members and Citizens

### 1. Bryan Collins, City Planner

- State's Ethics Policy - Inclusion of Planning Commissioners requirement to disclose certain information to the State.

Bryan Collins, City Planner, addressed the Commission regarding a change that passed on May 15, 2012 to the Tennessee code which now requires all appointed members to the Planning Commission file disclosure statements beginning January 1, 2013. Filing of annual disclosure statements is already a requirement for elected officials. The Secretary of State is mailing information to each member that will better explain this new requirement. The intent is to prevent members from voting on issues that they have a personal interest in or may benefit from (i.e. conflict of interest) in some way.

Chairman Werner asked if there was any further discussion. There was none.

The members discussed the remaining meeting dates in 2012 and determined that the September and October meetings would be used to focus on any old business, and November and December meetings would incorporate continuing education hours.

## VIII. Adjournment

Chairman Werner asked for a motion to adjourn the meeting.

Ralph White motioned to adjourn.

Mayor Childs seconded the motion.

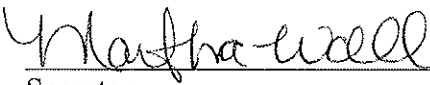
All in favor signified by saying 'Aye'.

The motion passed unanimously.

The meeting adjourned at 7:35 p.m.

**Original notes generated by Sharon Allen, City Clerk.**

These minutes are respectfully submitted by:

  
Secretary

9/17/12  
Date