



**CLARKSVILLE CITY COUNCIL
REGULAR SESSION
DECEMBER 4, 2014, 7:00 P.M.**

**COUNCIL CHAMBERS
106 PUBLIC SQUARE
CLARKSVILLE, TENNESSEE**

AGENDA

PUBLIC COMMENTS:

6:55 p.m. Wayne Ridenhour

- 1) CALL TO ORDER
- 2) PRAYER AND PLEDGE OF ALLEGIANCE
- 3) ATTENDANCE
- 4) PLANNING COMMISSION
 1. **ORDINANCE 31-2014-15** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Un Chu Jenkins and David Merrill for zone change on property at Tiny Town Road and Tobacco Road from R-2 Single Family Residential District and R-1A Single Family Residential to C-1 Neighborhood Commercial District [originally C-2] (*RPC: Approval/Approval*)
 2. **ORDINANCE 32-2014-15** (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Todd Morris Construction, Inc., for zone change on property Ringgold Road and Timberline Way from R-4 Multiple Family Residential District to R-2 Single Family Residential District (*RPC: Approval/Approval*)
 3. **ORDINANCE 33-2014-15** (First Reading) Amending the Official Code and the Zoning Ordinance relative to various amendments (*RPC: Approval/Approval*)

ZONING POSTPONED

1. **ORDINANCE 27-2014-15** (First Reading; Public Hearing November 6th; Postponed November 6th) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Claudell B. Wootton Revocable Living Trust, Wayne P. Wilkinson-Agent, for zone change on property at Warfield Boulevard and Bellamy Lane from O-1 Office District to C-2 General Commercial District

5) CONSENT AGENDA

All items in this portion of the agenda are considered to be routine and non-controversial by the Council and may be approved by one motion; however, a member of the Council may request that an item be removed for separate consideration under the appropriate committee report:

1. **ORDINANCE 24-2014-15** (Second Reading) Amending the Official Code relative to internal auditing
2. **ORDINANCE 26-2014-15** (Second Reading) Rescheduling the January 2015 regular meeting of the City Council
3. **ORDINANCE 28-2014-15** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Huneycutt Properties, L.P., for zone change on property at Evans Road and Timber Ridge Drive from RM-1 Single Family Mobile Home Residential District to R-2D Two Family Residential District
4. **ORDINANCE 29-2014-15** (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of the Regional Planning Commission for zone change on property at Riverside Drive/Highway 48-13/ College Street from M-1 Light Industrial District to C-2 General Commercial District
5. Approval of Board Appointment:

Ethics Commission: Jimmy Terry – December 2014 through June 2015
6. Adoption of Minutes: November 6, November 17, November 19, November 20

6) COMMUNITY DEVELOPMENT COMMITTEE

David Allen, Chair

7) FINANCE COMMITTEE

Joel Wallace, Chair

8) GAS & WATER COMMITTEE

Jeff Burkhart, Chair

9) PARKS, RECREATION, GENERAL SERVICES

Wallace Redd, Chair

10) PUBLIC SAFETY COMMITTEE

(Building & Codes, Fire, Police)

Geno Grubbs, Chair

11) STREET COMMITTEE

James Lewis, Chair

12) TRANSPORTATION COMMITTEE

Marc Harris, Chair

13) MAYOR AND STAFF REPORTS

14) ADJOURNMENT

ORDINANCE 31-2014-15

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF UN CHU JENKINS AND DAVID MERRILL FOR ZONE CHANGE ON PROPERTY AT TINY TOWN ROAD AND TOBACCO ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-2 Single Family Residential District and R-1A Single Family Residential District, as C-1 Neighborhood Commercial District.

PUBLIC HEARING:

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a point in the southern ROW of Iris Lane said point being 29 +/- feet southeast of the Tobacco Rd & Iris Lane intersection further identified as the northwest corner of the Merrill Property thence in a southerly 217 +/- feet direction with the Tobacco Rd. ROW to a point said point being in the northern ROW of Tiny Town Rd. further identified as the southwest corner of the Merrill property, thence in an easterly direction 480 +/- feet with the northern ROW of Tiny Town Rd. to a point said point being the southwest corner of the Gavin Alan Alton property, thence in a northerly direction 157 +/- feet with the west boundary of the Alton property to a point said point being the southeast corner of the Sarah Maguire property thence in a westerly direction 231 +/- with the southern boundary of the Maguire property to a point said point being the southwest corner of the Donald W. Warren property thence in a northerly direction 153 +/- feet with the western boundary of the Warren property to a point, said point being in the southern ROW of Iris Lane, thence in a westerly direction 203 +/- feet with the southern ROW of Iris Lane to the point of beginning, containing 1.92 +/- acres further identified as (Tax Map 6-J, Group B, Parcel 17.00 & 21.00)

ORDINANCE 32-2014-15

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF TODD MORRIS CONSTRUCTION, INC., FOR ZONE CHANGE ON PROPERTY AT RINGGOLD ROAD AND TIMBERLINE WAY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned R-4 Multiple Family Residential District, as R-2 Single Family Residential District.

PUBLIC HEARING:
FIRST READING:
SECOND READING:
EFFECTIVE DATE:

EXHIBIT A

Beginning at a point in the east property line of lot 175 of Northpark Section 7, as recorded in Plat Book 14, Page 136 ROMCT, lying North 87 degrees 55 minutes 33 seconds East for 139.78 feet from the intersection of the centerline of said Grassmire Drive and Northwind Drive; Thence along east boundary of Section 7, North 44 degrees 12 minutes 24 seconds West for 164.24 feet to the north corner of lot 174 of Section 7, also being the southeast corner of Reserved Parcel "C" of Northpark Section 1 Replat as recorded in Plat Book 12, page 52 ROMCT; Thence along the east boundary of Section 1, North 17 degrees 50 minutes 16 seconds West for a distance of 191.94 feet to a point, being the northwest corner of herein described parcel; Thence leaving Section 1 on a new severance line, North 88 degrees 42 minutes 29 seconds East for 475.74 feet to a point, lying in the west property line of the Greater Missionary Baptist Church property as recorded in ORV 802, Page 2156 ROMCT; Thence along Church west property line, South 00 degrees 53 minutes 23 seconds East for 104.81 feet to a point; Thence continuing along Church property, South 37 degrees 11 minutes 23 seconds East for 23.98 feet to the north corner of Lot 183 of Northpark Section 7; Thence leaving church property along the boundary of Section 7 for the next 4 calls: South 20 degrees 51 minutes 33 seconds West for 280.65 feet; South 20 degrees 56 minutes 11 seconds West for 76.62 feet; South 20 degrees 48 minutes 21 seconds West for 72.01 feet; South 20 degrees 43 minutes 46 seconds West for 23.84 feet, being the south corner of herein described parcel; North 89 degrees 54 minutes 19 seconds West for 29.65 feet; North 28 degrees 23 minutes 42 seconds West for 47.57 feet; North 28 degrees 21 minutes 09 seconds West for 220.73 feet to the point of beginning. Said tract containing 3.57 acres, more or less. (Tax Map 30 parcel 35.02 p/o)

ORDINANCE 33-2014-15

AN ORDINANCE AMENDING THE OFFICIAL CODE AND THE ZONING ORDINANCE OF THE CITY OF CLARKSVILLE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE THAT THE FOLLOWING AMENDMENTS ARE HEREBY MADE TO THE CLARKSVILLE CITY ZONING ORDINANCE:

1. Under Chapter 3 “Zone Districts, Use Tables”, Section 4 “Land Use Tables”, Subsection 4 “Agricultural Uses”, within Table 3.1, Row “Agricultural Uses (Customary)”, is hereby amended by adding “A” for Accessory within the following zoning classification:

“R-6”

2. Under Chapter 3 “Zone Districts, Use Tables”, Section 4 “Land Use Tables”, Subsection 8 “Institutional Uses”, within Table 3.12, Row “Religious Institutions”, is hereby amended by removing Permitted on Review “PR” in its entirety, within the following zoning classifications:

“MHP and M2”

3. Under Chapter 3 “Zone Districts, Use Tables”, Section 4 “Land Use Tables”, Subsection 11 “Recreation and Entertainment Uses”, within Table 3.14, Row “Greenway”, is hereby amended by adding “P” for Permitted within the following zoning classification:

“R-6”

4. Under Chapter 3 “Zone Districts, Use Tables”, Section 4 “Land Use Tables”, Subsection 14 “Utility Uses”, within Table 3.18, Row “Solar Panels”, is hereby amended by adding “A” for Accessory within the following zoning classification:

“R-6”

5. Under Chapter 3 “Zone Districts, Use Tables”, Section 4 “Land Use Tables”, Subsection 14 “Utility Uses”, within Table 3.18, Row “Water/Sewer Pump Station”, is hereby amended by adding “P” for Permitted within the following zoning classification:

“R-6”

6. Under Chapter 3 “Zone Districts, Use Tables”, Section 4 “Land Use Tables”, Subsection 14 “Utility Uses”, within Table 3.18, Row “Windmills”, is hereby amended by adding “A” for Accessory within the following zoning classification:

“R-6”

7. Under Chapter 4 “District Bulk Regulations and Explanation”, within Table 4.3 “Single, Two, Three and Multi-Family Residential”, Column “R-3”, Row “Dwelling and Accessories Thereto”, is hereby amended by deleting the number “15,000” and substituting instead “12,000”.
8. Under Chapter 4 “District Bulk Regulations and Explanation”, within Table 4.4 “Mobile Homes”, Column “RM-1”, Row “Site Plan Required”, is hereby amended by deleting the word “yes” and substituting instead “no”.
9. Under Chapter 5 “Land Use Development Standards and Procedures”, Section 1 “Standards for Uses Permitted with Conditions (PC)”, Subsection 4 “Medical Uses Permitted with Conditions (PC)”, Paragraph 1 “Medical Lab” is hereby amended by deleting in its entirety and substituting instead the following:
 - “1. Only diagnostic and medical laboratories or research facilities that perform studies and/or research on non-toxic or non-combustible materials are permitted.”
10. Under Chapter 5 “Land Use Development Standards and Procedures”, Section 2, “Procedure and Standards for Uses Permitted on Review (PR)”, Subsection 5 “Standards for Institutional Uses Permitted on Review (PR)”, is hereby amended by adding the following language to “Religious Institution:” following “1.”
 - “2. Hours of operation shall be determined and approved by the Board of Zoning Appeals.
 3. All activities and/or accessory uses shall be specified by the applicant and approved by Board of Zoning Appeals.

4. Adequate parking shall be provided on-site and the parking shall be designed and be of such size that no vehicle is required to back into a public street to obtain egress/ingress.”
11. Under Chapter 5 “Land Use Development Standards and Procedures”, Section 3 “Standards for Accessory Uses (A)”, Subsection 3 “Educational Accessory Uses (A)”, is hereby amended by adding “Fraternity/Sorority Houses” following “Fraternal Organizations” as follows:

“Fraternity/Sorority Houses:

1. This use shall be accessory to a college or university.”
12. Under Chapter 5 “Land Use Development Standards and Procedures”, Section 10 “Site Plan Requirements”, Subsection 3 “Content”, is hereby amended by adding a new Paragraph “KK” as follows:

“KK. Each lot, utilizing a Development Directory Sign, shall be allowed one (1) additional “on-premise low profile sign” per street frontage to identify the business and must be oriented to said street. No other off building signs shall be allowed.”

13. Under Chapter 5 “Land Use Development Standards and Procedures”, Section 10 “Site Plan Requirements”, Subsection 3 “Content”, is hereby amended by adding a new Paragraph “LL” as follows:

“LL. For developments utilizing travel easements, as approved through the Clarksville/Montgomery County Subdivision Regulations, shall not receive a certificate of occupancy from the City Building and Codes Department until Exhibit A-1 (road and sidewalks) and/or Exhibit A-2 (drainage), of the Subdivision Regulations, have been received and accepted by the Regional Planning Commission.”

14. Under Chapter 6 “Parking, Loading and Access”, Subsection 1 “Off-Street Parking Requirements”, within “Table of Parking Spaces Required”, under column “Parking Spaces Required”, Row “Self Service Storage Facilities” is hereby amended by deleting in its entirety and substituting the following:

“One (1) space per employee on the maximum shift, plus one (1) space per forty (40) storage units.”

15. Under Chapter 6 “Parking, Loading and Access”, Subsection 1 “Off-Street Parking Requirements”, within “Table of Parking Spaces Required”, under “Uses” and “Parking Spaces Required”, Row “Banks, business, travel agencies, or professional office” is hereby amended by deleting in its entirety and substituting the following in alphabetical order:

USES	PARKING SPACES REQUIRED
Banks and Financial Institutions	Four (4) spaces per one-thousand (1,000) of gross floor area

16. Under Chapter 6 “Parking, Loading and Access”, Subsection 1 “Off-Street Parking Requirements”, within “Table of Parking Spaces Required”, under “Uses” and “Parking Spaces Required”, Row “Medical, dental, veterinary clinics/offices, health spas and similar uses, exclusive of outpatient clinics attached or on the same site as a hospital” is hereby amended by deleting in its entirety and substituting the following in alphabetical order:

USES	PARKING SPACES REQUIRED
Medical and Dental Offices	Five (5) spaces per one-thousand (1,000) of gross floor area

17. Under Chapter 6, “Parking, Loading and Access”, Subsection 1 “Off-Street Parking Requirements”, within “Table of Parking Spaces Required”, is hereby amended by adding the following under “Uses” and “Parking Spaces Required” in alphabetical order:

USES	PARKING SPACES REQUIRED
General & Professional Office (except medical)	Three (3) spaces per one-thousand (1,000) of gross floor area

18. Under Chapter 6, “Parking, Loading and Access”, Subsection 1 “Off-Street Parking Requirements”, within “Table of Parking Spaces Required” is hereby amended by adding the following under “Uses” and “Parking Spaces Required” in alphabetical order:

USES	PARKING SPACES REQUIRED
Health Club	Six (6) spaces per one-thousand (1,000) of gross floor area

19. Under Chapter 6, “Parking, Loading and Access”, Subsection 1 “Off-Street Parking Requirements”, within “Table of Parking Spaces Required” is hereby amended by adding the following under “Uses” and “Parking Spaces Required” in alphabetical order:

USES	PARKING SPACES REQUIRED
Supermarkets	Four (4) spaces per one-thousand (1,000) of gross floor area

20. Under Chapter 6, “Parking, Loading and Access”, Section 3 “Off-Street Loading and Unloading Requirements”, Subsection 1.A., is hereby amended by deleting in its entirety and substituting instead the following:

“A. A building whose dominant use is handling and selling goods at retail shall provide off-street loading and unloading space for buildings as follows:

TABLE FOR OFF-STREET LOADING AND UNLOADING PARKING SPACES

SQUARE FOOTAGE	PARKING SPACE FOR LOADING AND UNLOADING
3,000 – 25,000 square feet	One (1) space
25,001 – 90,000 square feet	Two (2) spaces
90,001 – 155,000 square feet	Three (3) spaces
155,001 – 240,000 square feet	Four (4) spaces
240,001 – 325,000 square feet	Five (5) spaces
325,001 – 410,000 square feet	Six (6) spaces
410,001 – 500,000 square feet	Seven (7) spaces
Each 100,000 over 500,000	Seven (7) spaces plus one (1) space per 100,000 square feet over 500,000

21. Under Chapter 6, “Parking, Loading and Access”, Section 1 “Off-Street Parking Requirements”, Subsection 2 “Application of standards”, is hereby amended by adding the following new item, following item “K”:

“L. Drive-through facilities. One (1) by-pass lane shall be provided for circulation around the drive-through lane (including the drive-through window) or an approved alternative.

M. Queuing requirements for drive-through facilities. The minimum number of queue spaces, including the vehicle being serviced, shall be provided according to the following table. Each queue space shall be a minimum of twenty (20) feet in length. Unless otherwise indicated in the table below, queuing shall be measured from the point of ultimate service to the end of the queuing lane. Each queue lane shall be clearly defined and designed so as not to conflict or interfere with other traffic using the site. Queuing vehicles shall not stand within a public street or alley rights-of-way.

QUEUING REQUIREMENTS FOR DRIVE-THROUGH FACILITIES

LAND USE	MINIMUM NUMBER OF QUEUE (DRIVE-TROUGH) SPACES
Bank Teller Lane	Five (5) spaces
ATM	Three (3) spaces
Restaurant, drive-through	Five (5) spaces
Car Wash (full service)	Five (5) spaces
Car Wash (self service)	Three (3) spaces
Car Wash (automobile convenience)	Three (3) spaces
Automotive service oil change station	Three (3) spaces
Retail	Four (4) spaces
Automotive service, gasoline pump island	Thirty (30) feet away from any driveway ramp

22. Under Chapter 7 “Landscape, Buffering and Screening Requirements”, Section 12 “Landscape Buffer Yard Requirements”, “Table 7.3” is hereby amended by deleting Table 7.3 in its entirety and substituting instead the following:

BUFFER YARD MATRIX									
ABUTTING ZONING DISTRICTS		ZONING DISTRICT PROVIDING BUFFER YARD							
		AG, E-1, R-1, R-1A, R-2, R-2A, R-6 & RM-1	R-2D, R-3, R-4 & R-5	PUD, MLUD, & MHP	IC, O-1, & OP	C-1	AGC, C-2, C-3, C-4 & C-5	CBD	M-1 & M-2
	AG, E-1, R-1, R-1A, R-2, R-2A, R-6 & RM-1	N/A	B	A	B	C	C	B	D
	R-2D, R-3, R-4 & R-5	N/A	N/A	A	B	B	C	B	D
	PUD, MLUD, & MHP	N/A	A	N/A	B	B	C	B	D
	IC, O-1, & OP	N/A	A	A	N/A	A	B	N/A	C
	C-1	N/A	A	A	N/A	N/A	N/A	N/A	B
	AGC, C-2, C-3, C-4, & C-5	N/A	B	C	N/A	N/A	N/A	N/A	B
	CBD	N/A	A	A	N/A	B*	B*	N/A	B
	M-1 & M-2	N/A	D	A	A	N/A	N/A	N/A	N/A
*EXCEPT FOR RESIDENTIAL USES									

Table 7.3

23. Under Chapter 8 “Sign Regulations”, Section 2 “Regulations Applying to All Districts”, Subsection 15.B “Off Premise Advertising Structures”, is hereby amended by deleting from the first sentence the number “16.A.” of the subsection and substituting in its place the following number “15.A.”.

24. Under Chapter 9 “Overlay District”, Section 2 “Floodway Overlay District”, Subsection 2 “Application”, Paragraph B, is hereby amended by deleting in its entirety and substituting instead the following:

“B. The Areas of Special Flood Hazard identified on the City of Clarksville, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47125CO063D & including panels: 88D,

201D, 202D, 204D 206D, 207D, 208D, 209D 215D, 216D, 217D, 220D, 226D, 227D,228D,229D, 235D, 236D, 237D, 238D, 239D, 241D, 242D, 243D, 244D, 261D, 262D, 263D,264D, 335D, 351D, 352D, 356D, 357D & 380D, dated March 18, 2008, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.”

25. Under Chapter 9 “Overlay Districts”, Section 4 “Madison Street Corridor Urban Design Overlay District, Subsection 2 “Design Standards and Guidelines”, Table 9.1 “Building Standards By Subdistricts”, “NOTES:” is hereby amended by adding the following language after “(c)”:

“(d) Variance request from this table shall be by the authority of the Madison Street Design Review Committee.”

26. Under Chapter 9 “Overlay Districts”, Section 4 “Madison Street Corridor Urban Design Overlay District”, Subsection 2 “Design Standards and Guidelines”, Paragraph E “Sign Design Standards and Guidelines”, Subparagraph 2.1 “Flags and Flagpoles”, is hereby amended by deleting 2.1.1 in its entirety and substituting instead the following:

FLAG AND FLAG POLE DESIGN GUIDELINES

FLAG POLE HEIGHT	FACE SIZE OF FLAG
20 – 30 feet in height	4’ x 6’ Flag
30 – 40 feet in height	5’ x 8’ Flag
40 – 50 feet in height	6’ x 10’ Flag

27. Under Chapter 9 “Overlay Districts”, Section 4 “Madison Street Corridor Urban Design Overlay District”, Subsection 2 “Design Standards and Guidelines”, Paragraph E “Sign Design Standards and Guidelines”, Subparagraph 2.1 “Flags and Flagpoles”, is hereby amended by deleting 2.1.4 in its entirety.

28. Under Chapter 11 “Administration and Enforcement”, Section 11 “Amendments Affecting The Same Parcel Of Land”, is hereby amended by deleting in its entirety and substituting the following:

“Unless a previously allowed zoning amendment by the City Council, no action shall be initiated for a zoning amendment affecting the same parcel of land more often than once every twelve (12) months; provided, however, by resolution approved by a $\frac{3}{4}$ majority of members present of the City Council, that the action may be initiated at any time.”

29. Under Chapter 5 “Land Use Development Standards and Procedures”, Section 4 “Standards and Procedures for Mixed Land Use Districts (MLUD)”, Subsection 7 “Failure to Begin MLUD” is hereby amended by deleting from the first sentence the number “two (2)” of the subsection and substituting in its place the following number “three (3)”.
30. Under Chapter 5 “Land Use Development Standards and Procedures”, Section 5 “Standards and Procedures for Planned Unit Development (PUD)”, Subsection J “Failure to begin planning development”, Paragraph I, is hereby amended by deleting from the first sentence “one year” of the paragraph and substituting in its place the following “three (3) years”.

PUBLIC HEARING:

FIRST READING

SECOND READING:

EFFECTIVE DATE

ORDINANCE 27-2014-15

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF CLAUDELLE B. WOOTTON REVOCABLE LIVING TRUST, WAYNE P. WILKINSON-AGENT, FOR ZONE CHANGE ON PROPERTY AT WARFIELD BOULEVARD AND BELLAMY LANE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned O-1 Office District, as C-2 General Commercial District.

PUBLIC HEARING: November 6, 2014

POSTPONED: November 6, 2014

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a point, said point being 476 +/- feet southeast of the Bellamy Lane & Warfield Blvd. intersection, said point further identified at the southwest corner of the Jesse G. Burney Family Partnership and the northwest corner of the subject tract. thence in an easterly direction with the Jesse G. Burney Family Partnership southern boundary 427 +/- feet to a point, said point being in the western boundary of the Jennifer D. Schaus property and the western boundary of the Virginia Hills subdivision, thence in a southerly direction with the western boundary of the Virginia Hills Subdivision 1,290 +/- feet to a point, said point being the northeast corner of the Claudell B. Wootton property, thence in a westerly direction with the Wootton northern boundary 400 +/- feet to a point, thence in a southerly direction 192 +/- feet with the eastern boundary of the Claudell B. Wootton property to a point, said point being the northeast corner of the Claudell B. Wootton property, thence in a westerly direction 604 +/- feet with the northern boundary of the Claudell B. Wootton property to a point said point being in the eastern boundary of Warfield Blvd. thence in a northerly direction 1,550 +/- feet with the eastern ROW of Warfield Blvd. to the point of beginning, containing 23.59 +/- acres, further identified as (Tax Map 40, Parcel 32.04)

CITY ZONING ACTIONS

The following case(s) will be considered for action at the formal session of the Clarksville City Council on: December 4, 2014. The public hearing will be held on: December 4, 2014.

CITY ORD. #: 31-2014-15 RPC CASE NUMBER: Z-33-2014

Applicant: UN CHU JENKINS / DAVID L MERRILL

Location: at the northeast corner of the Tiny Town Rd. & Tobacco Rd. intersection & fronting on the north frontage of Tiny Town Rd. 375 +/- feet east of the centerline of the Tiny Town Rd. & Tobacco Rd. intersection.

Ward #: 8/1

Request: R-2 Single-Family Residential District / R-1A Single-Family Residential District
to
C-1 Neighborhood Commercial District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CITY ORD. #: 32-2014-15 RPC CASE NUMBER: Z-37-2014

Applicant: TODD MORRIS CONSTRUCTION INC

Location: fronting on the south ROW of Ringgold Rd. 280 +/- east of the Timberline Way & Ringgold Rd intersection. Property also fronts on the northern east terminus of Grassmire Dr.

Ward #: 5

Request: R-4 Multiple-Family Residential District
to
R-2 Single-Family Residential District

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CITY ORD. #: 33-2014-15 RPC CASE NUMBER: ZO-3-2014

Applicant: CITY OF CLARKSVILLE

Request: Various Amendments to City Zoning Ordinance

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

RPC MEETING DATE: 11/25/2014

CASE NUMBER: Z - 33 - 2014

NAME OF APPLICANT: Un Chu
David L

Jenkins /
Merrill

AGENT:

GENERAL INFORMATION

PRESENT ZONING: R-2 R-1A

PROPOSED ZONING: C-1

EXTENSION OF ZONE
CLASSIFICATION: NO

APPLICANT'S STATEMENT Highest and best use of property is commercial - small neighborhood retail sales.
FOR PROPOSED USE:

PROPERTY LOCATION: at the northeast corner of the Tiny Town Rd. & Tobacco Rd. intersection & fronting on the north frontage of Tiny Town Rd. 375 +/- feet east of the centerline of the Tiny Town Rd. & Tobacco Rd. intersection.

ACREAGE TO BE REZONED: 1.92 +/-

DESCRIPTION OF PROPERTY Cleared rectangular tract with recent fill dirt placed on the property & adjoining lot
AND SURROUNDING USES: with single family residence.

GROWTH PLAN AREA:

CITY **TAX PLAT:** 6-J-B

PARCEL(S): 17.00 & 21.00

CIVIL DISTRICT: 3rd

CITY COUNCIL WARD: 8/1

COUNTY COMMISSION DISTRICT: 18

PREVIOUS ZONING HISTORY: Z-21-2013 R-1A to C-2 Staff Rec.-Disapproval RPC-Approval City Council-
(to include zoning, acreage and Disapproval
action by legislative body)

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

DEPARTMENT COMMENTS

- ☒ GAS AND WATER ENG. SUPPORT MGR.
- ☒ GAS AND WATER ENG. SUPPORT COOR.
- ☐ UTILITY DISTRICT
- ☒ JACK FRAZIER
- ☒ CITY STREET DEPT.
- ☒ TRAFFIC ENG. - ST. DEPT.
- ☐ COUNTY HIGHWAY DEPT.
- ☐ CEMC
- ☒ DEPT. OF ELECTRICITY (CDE)

- ☐ ATT
- ☒ FIRE DEPARTMENT
- ☐ EMERGENCY MANAGEMENT
- ☒ POLICE DEPARTMENT
- ☐ SHERIFF'S DEPARTMENT
- ☒ CITY BUILDING DEPT.
- 1. ☐ COUNTY BUILDING DEPT.
- ☐ SCHOOL SYSTEM OPERATIONS
- ☒ FT. CAMPBELL

- ☐ DIV. OF GROUND WATER
- ☐ HOUSING AUTHORITY
- ☐ INDUSTRIAL DEV BOARD
- ☐ CHARTER COMM.
- ☐ Other...

1. CITY ENGINEER/UTILITY DISTRICT:

No Sewer Available.

2.

1a. COST TO ENGINEER/UTILITY DISTRICT:

Traffic Assessment Submitted And Reviewed By The Clarksville Street Dept.

2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT:

3.

2a. COST TO STREET/HIGHWAY DEPT.:

Possible Drainage Issue. Fill Dirt Placed Adjacent To Injection Well/sink Hole.

3. DRAINAGE COMMENTS:

4.

3a. DRAINAGE COST:

5.

4. CDE/CEMC:

4a. COST TO CDE/CEMC:

6.

5. CHARTER COMM./BELL SOUTH:

5a. COST TO CHARTER AND/OR BELLSOUTH:

7.

Comments Received From Department And They Had No Concerns.

6. FIRE DEPT/EMERGENCY MGT.:

6a. COST FIRE DEPT/EMERGENCY MGT.:

8.

Comments Received From Department And They Had No Concerns.

7. POLICE DEPT/SHERIFF'S OFFICE:

7a. COST TO POLICE DEPT./SHERIFF'S DEPT:

9.

Comments Received From Department And They Had No Concerns.

8. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

8a. COST TO CITY/COUNTY BLDG. & CODES:

9. SCHOOL SYSTEM:

ELEMENTARY: BARKERS MILL

MIDDLE SCHOOL: WEST CREEK

HIGH SCHOOL: WEST CREEK

10.

9a. COST TO SCHOOL SYSTEM:

10. FT. CAMPBELL:

10a. COST TO FT. CAMPBELL:

11.

11. OTHER COMMENTS:

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

IMPACT OF PROPOSED USE ON SURROUNDING DEVELOPMENT: Increased Traffic, Light & Noise

INFRASTRUCTURE:

WATER SOURCE: CITY

PIPE SIZE:

SEWER SOURCE: CITY

ACCESSIBILITY: TINY TOWN RD. (SR 236), TOBACCO RD. & IRIS LANE

DRAINAGE:
VARIES

DEVELOPMENT ESTIMATES:

APPLICANT'S ESTIMATES

HISTORICAL ESTIMATES

LOTS/UNITS:

ROAD MILES:

POPULATION:

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

HIGH SCHOOL STUDENTS:

APPLICABLE COMPREHENSIVE PLAN ELEMENTS:

Airport Planning Area: This Planning area is centered around John H. Outlaw Field. The major north-south axis roads are Ft. Campbell Blvd., Tobacco Rd. and Peachers Mill Rd.. Tiny Town Rd. serves as the major east-west connector here. The planning area has vast amounts of open space that has a long history of agricultural and woodland uses.

STAFF RECOMMENDATION: APPROVAL

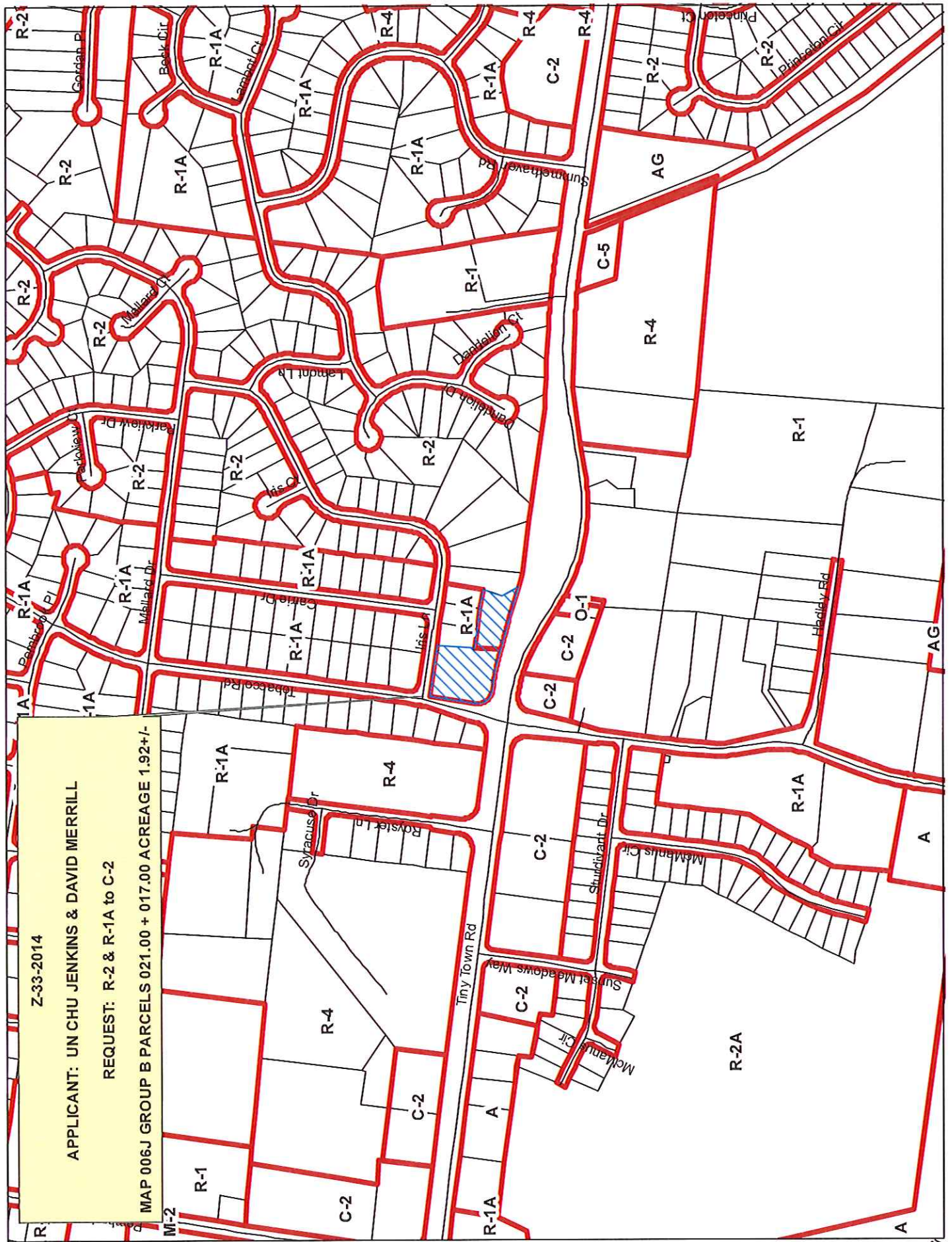
1. The proposed zoning request is consistent with the Growth Plan (as in the City) and adopted Land Use Plan by providing the opportunity for neighborhood commercial establishments to provide convenience and reduce trips for neighboring residences.
2. Property fronts on corner lot on an arterial highway at a signalized intersection. Signalized intersections are conducive to commercial development.
3. The rezoning application combines the adjacent parcels into the same request. Doing so provides the opportunity to mitigate the intrusion of traffic within the single family subdivision by providing the potential for shared access to Tiny Town Rd.
4. The west parcel included in the request has triple road frontage. The parcel will be subjected to 3 front yard setback requirements and a 25 feet side yard setback where adjacent to residential. These setback requirements will provide a distance separation from surrounding residences in addition to required landscaping buffering.
5. Proposed C-1 Neighborhood Commercial District provides opportunity for small groups of establishments intended to serve the frequent trade or service needs of residents within a convenient traveling distance.

Z-33-2014

APPLICANT: UN CHU JENKINS & DAVID MERRILL

REQUEST: R-2 & R-1A to C-2

MAP 006J GROUP B PARCELS 021.00 + 017.00 ACREAGE 1.92 +/-



CASE NUMBER: Z 33 2014 MEETING DATE 11/25/2014

APPLICANT: Un Chu Jenkins /

PRESENT ZONING R-2 PROPOSED ZONING C-1

TAX PLAT # 6-J-B PARCEL 17.00 & 21.00

GEN. LOCATION at the northeast corner of the Tiny Town Rd. & Tobacco Rd. intersection & fronting
on the north frontage of Tiny Town Rd. 375 +/- feet east of the centerline of the Tiny

PUBLIC COMMENTS

See attached email.

Ripple, David

From: Nelson, Mary
Sent: Monday, November 24, 2014 3:56 PM
To: 'hgorum2397@aol.com'
Cc: Ripple, David; Spainhoward, John T
Subject: RE: Website Contact Form

Thank you for your comments, I will direct them to the appropriate staff member.

-----Original Message-----

From: hgorum2397@aol.com [<mailto:hgorum2397@aol.com>]
Sent: Monday, November 24, 2014 3:54 PM
To: Nelson, Mary
Subject: Website Contact Form

Web Form Contact details below.

First Name: Herman
Last Name: Gorum
Email: hgorum2397@aol.com
Telephone: 9344314773
Case: Z-33-2014

Comments: I know that in the real estate arena, the highest and best use of a specific parcel of land is not determined through subjective analysis by a property owner, developer, real estate agent, or appraiser; but rather, it is a use shaped by the competitive forces within the market where the property is located. In order to be considered as the highest and best use of a property, any potential use must pass a series of tests. The exact definition of highest and best use varies, but generally the use must be the following tests:

- legally allowable at least 50% prospect
- physically possible size of area restriction
- financially feasible ...Use of property to generate revenue??
- maximally productive...the use must generate the highest net return (profit) to the developer

These three hypothetical development scenarios follow to illustrate the test of maximally productive use.

- Price of Site: \$100,000 (remains unchanged in all three examples)

Cost to construct 10,000 sq ft (930 m2) industrial warehouse: \$750,000 Market Value of 10,000 sq ft (930 m2) industrial warehouse: \$910,000 Profit for industrial development: 7%

Cost to construct 10,000 sq ft (930 m2) retail strip center: \$1,500,000 Market Value of 10,000 sq ft (930 m2) retail strip center: \$1,840,000 Profit for retail development: 15%

Cost to construct 10,000 sq ft (930 m2) of residential condominiums: \$1,200,000 Market Value of 10,000 sq ft (930 m2) of residential condominiums: \$1,534,000 Profit for residential development: 18% As the examples illustrate, even though the retail development results in the overall highest market value for the development, the residential development scenario results in the highest net return to the developer and this makes it the maximally productive use. The current owner s are looking at this as if Legally permissible use was through "The present zoning classification of Highway Business encourages the use of the subject property for retail —clearly a definition consonant with the present use of the subject property and surrounding properties. Environmental conditions and urban infrastructure are adequate to support the present use and its current use appears to legally conform to the current zoning ordinance"

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

RPC MEETING DATE: 11/25/2014

CASE NUMBER: Z - 37 - 2014

NAME OF APPLICANT: Todd

Morris Construction Inc

AGENT:

GENERAL INFORMATION

PRESENT ZONING: R-4

PROPOSED ZONING: R-2

**EXTENSION OF ZONE
CLASSIFICATION:** NO

**APPLICANT'S STATEMENT
FOR PROPOSED USE:** 8 or 9 lot single family development.

PROPERTY LOCATION: fronting on the south ROW of Ringgold Rd. 280 +/- east of the Timberline Way &
Ringgold Rd intersection. Property also fronts on the northern east terminus of
Grassmire Dr.

ACREAGE TO BE REZONED: 3.57+/-

**DESCRIPTION OF PROPERTY
AND SURROUNDING USES:** Tract with varying topography and vegetation.

GROWTH PLAN AREA:

CITY **TAX PLAT:** 30

PARCEL(S): 35.02

CIVIL DISTRICT: 3rd

CITY COUNCIL WARD: 5

COUNTY COMMISSION DISTRICT: 12

PREVIOUS ZONING HISTORY: Z-40-1995 PUD2 to R-4

(to include zoning, acreage and Z-21-1984 PUD Amendment

action by legislative body) Z-16-1984 PUD Amendment

Z-29-1983 M-1/R-1 to PUD 2

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

STAFF REVIEW - ZONING

DEPARTMENT COMMENTS

- ☒ GAS AND WATER ENG. SUPPORT MGR.
- ☒ GAS AND WATER ENG. SUPPORT COOR.
- ☐ UTILITY DISTRICT
- ☒ JACK FRAZIER
- ☒ CITY STREET DEPT.
- ☒ TRAFFIC ENG. - ST. DEPT.
- ☐ COUNTY HIGHWAY DEPT.
- ☐ CEMC
- ☒ DEPT. OF ELECTRICITY (CDE)

- ☒ ATT
- ☒ FIRE DEPARTMENT
- ☐ EMERGENCY MANAGEMENT
- ☒ POLICE DEPARTMENT
- ☐ SHERIFF'S DEPARTMENT
- ☒ CITY BUILDING DEPT.
- ☐ COUNTY BUILDING DEPT.
- ☒ SCHOOL SYSTEM OPERATIONS
- ☐ FT. CAMPBELL

- ☐ DIV. OF GROUND WATER
- ☐ HOUSING AUTHORITY
- ☐ INDUSTRIAL DEV BOARD
- ☒ CHARTER COMM.
- ☐ Other...

1. CITY ENGINEER/UTILITY DISTRICT:

Comments Received From Department And They Had No Concerns.

2.

1a. COST TO ENGINEER/UTILITY DISTRICT:

Comments Received From Department And They Had No Concerns.

2. STREET DEPARTMENT/ COUNTY HIGHWAY DEPARTMENT:

3.

2a. COST TO STREET/HIGHWAY DEPT.:

Comments Received From Department And They Had No Concerns.

3. DRAINAGE COMMENTS:

4.

3a. DRAINAGE COST:

5.

4. CDE/CEMC:

4a. COST TO CDE/CEMC:

6.

5. CHARTER COMM./BELL SOUTH:

5a. COST TO CHARTER AND/OR BELLSOUTH:

7.

Comments Received From Department And They Had No Concerns.

6. FIRE DEPT/EMERGENCY MGT.:

6a. COST FIRE DEPT/EMERGENCY MGT.:

8.

Comments Received From Department And They Had No Concerns.

7. POLICE DEPT/SHERIFF'S OFFICE:

7a. COST TO POLICE DEPT./SHERIFF'S DEPT:

9.

Comments Received From Department And They Had No Concerns.

8. CITY BUILDING DEPARTMENT/ COUNTY BUILDING DEPARTMENT:

8a. COST TO CITY/COUNTY BLDG. & CODES:

Development Is Within Two Tenths Of A Mile From School; Therefore, Cmcss Is Not Required To Provide Bus Service. Ringgold Elementary Has Been On This Road For 51 Years With No Sidewalks. The Need For Sidewalks Must Be Addressed To Accommodate Development Growth And Increased Safety Concerns For Our Students.

9a. COST TO SCHOOL SYSTEM:

9. SCHOOL SYSTEM:

ELEMENTARY: RINGGOLD

MIDDLE SCHOOL: KENWOOD

HIGH SCHOOL: KENWOOD

10. FT. CAMPBELL:

11. OTHER COMMENTS:

10a. COST TO FT. CAMPBELL:

11.

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION
STAFF REVIEW - ZONING

PLANNING STAFF'S STUDY AND RECOMMENDATION

IMPACT OF PROPOSED USE ON Minimal
SURROUNDING DEVELOPMENT:

INFRASTRUCTURE:

WATER SOURCE: CITY

PIPE SIZE:

SEWER SOURCE: CITY

ACCESSIBILITY: GRASSMIRE DR. & RINGGOLD RD

DRAINAGE:
VARIES

DEVELOPMENT ESTIMATES:

APPLICANT'S ESTIMATES

HISTORICAL ESTIMATES

LOTS/UNITS:

9

10

ROAD MILES:

POPULATION:

27

ELEMENTARY SCHOOL STUDENTS:

MIDDLE SCHOOL STUDENTS:

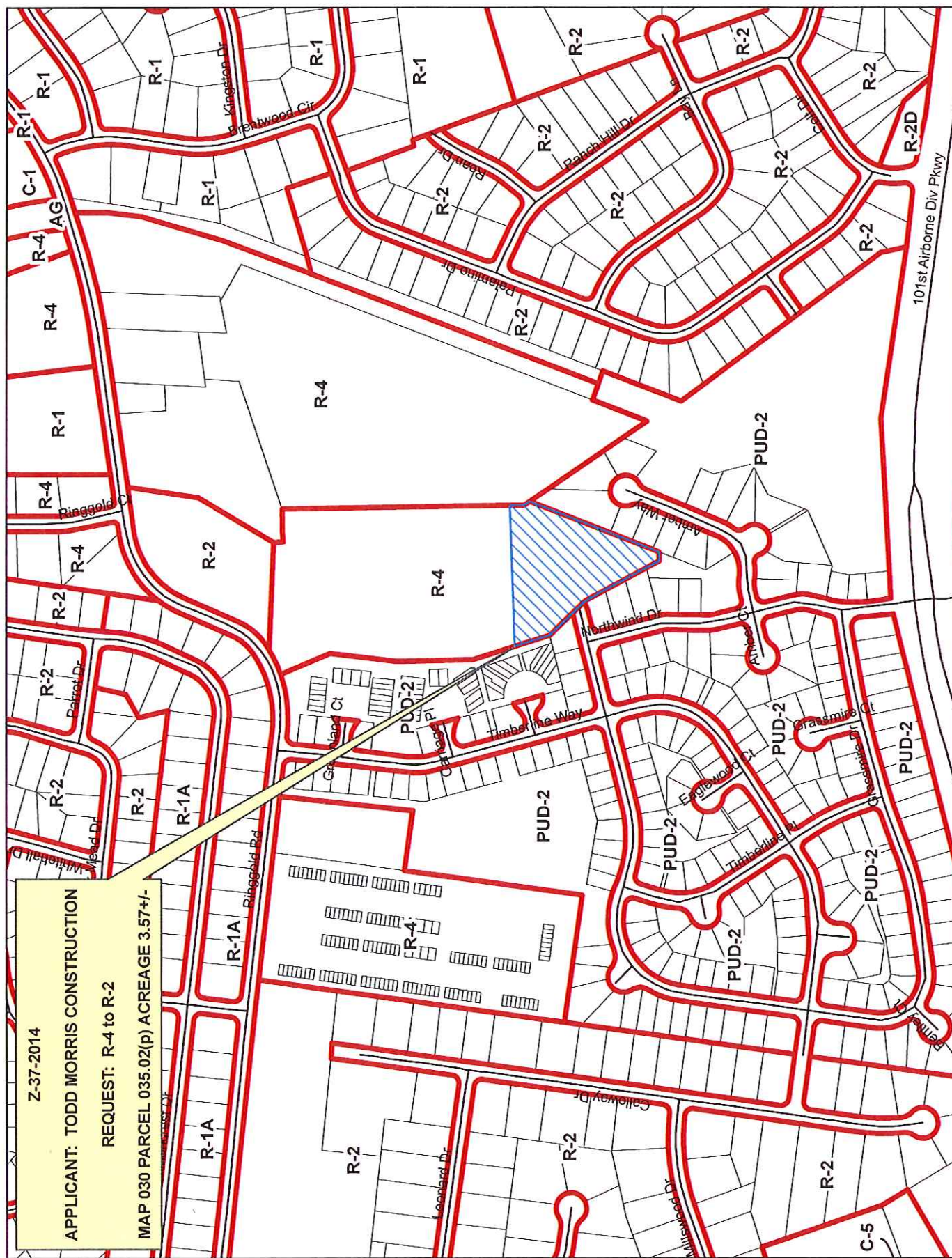
HIGH SCHOOL STUDENTS:

APPLICABLE COMPREHENSIVE PLAN ELEMENTS:

Peachers Mill Planning Area - This area is a combination of mature and newly platted subdivisions, primarily single family in nature. The construction of the 101st Parkway has had an impact here as it vastly improved the linkage between US 41 A and US 79. Even though the Parkway has limited access, it is creating pressure for commercial nodes at its intersections with local roads.

STAFF RECOMMENDATION: APPROVAL

1. The proposed zoning request is consistent with Growth Plan (as in the County) and adopted Land Use Plan.
2. Adequate infrastructure serves the site.
3. No adverse environmental issues were identified relative to this request.
4. R-2 request will permit extension of Grassmire Dr. for single family use.
- 5.



CASE NUMBER: Z 37 2014

MEETING DATE 11/25/2014

APPLICANT: Todd

Morris Construction Inc

PRESENT ZONING R-4

PROPOSED ZONING R-2

TAX PLAT # 30

PARCEL 35.02

GEN. LOCATION fronting on the south ROW of Ringgold Rd. 280 +/- east of the Timberline Way &
Ringgold Rd intersection. Property also fronts on the northern east terminus of

PUBLIC COMMENTS

None received as of 10:30 a.m. on 11/25/2014 (jhb).

20-3-14

House Keeping

ORDINANCE

**AN ORDINANCE AMENDING THE CITY ZONING ORDINANCE OF
THE CITY OF CLARKSVILLE, TENNESSEE,**

*BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE,
TENNESSEE THAT THE FOLLOWING AMENDMENTS ARE HEREBY MADE
TO THE CLARKSVILLE CITY ZONING ORDINANCE:*

1. Under Chapter 3 "Zone Districts, Use Tables", Section 4 "Land Use Tables", Subsection 4 "Agricultural Uses", within Table 3.1, Row "Agricultural Uses (Customary)", is hereby amended by adding "A" for Accessory within the following zoning classification:

"R-6"

2. Under Chapter 3 "Zone Districts, Use Tables", Section 4 "Land Use Tables", Subsection 8 "Institutional Uses", within Table 3.12, Row "Religious Institutions", is hereby amended by removing Permitted on Review "PR" in its entirety, within the following zoning classifications:

"MHP and M2"

3. Under Chapter 3 "Zone Districts, Use Tables", Section 4 "Land Use Tables", Subsection 11 "Recreation and Entertainment Uses", within Table 3.14, Row "Greenway", is hereby amended by adding "P" for Permitted within the following zoning classification:

"R-6"

4. Under Chapter 3 "Zone Districts, Use Tables", Section 4 "Land Use Tables", Subsection 14 "Utility Uses", within Table 3.18, Row "Solar Panels", is hereby amended by adding "A" for Accessory within the following zoning classification:

"R-6"

5. Under Chapter 3 "Zone Districts, Use Tables", Section 4 "Land Use Tables", Subsection 14 "Utility Uses", within Table 3.18, Row "Water/Sewer Pump

Station", is hereby amended by adding "P" for Permitted within the following zoning classification:

"R-6"

6. Under Chapter 3 "Zone Districts, Use Tables", Section 4 "Land Use Tables", Subsection 14 "Utility Uses", within Table 3.18, Row "Windmills", is hereby amended by adding "A" for Accessory within the following zoning classification:

"R-6"

7. Under Chapter 4 "District Bulk Regulations and Explanation", within Table 4.3 "Single, Two, Three and Multi-Family Residential", Column "R-3", Row "Dwelling and Accessories Thereto", is hereby amended by deleting the number "15,000" and substituting instead "12,000".
8. Under Chapter 4 "District Bulk Regulations and Explanation", within Table 4.4 "Mobile Homes", Column "RM-1", Row "Site Plan Required", is hereby amended by deleting the word "yes" and substituting instead "no".
9. Under Chapter 5 "Land Use Development Standards and Procedures", Section 1 "Standards for Uses Permitted with Conditions (PC)", Subsection 4 "Medical Uses Permitted with Conditions (PC)", Paragraph 1 "Medical Lab" is hereby amended by deleting in its entirety and substituting instead the following:

 "1. Only diagnostic and medical laboratories or research facilities that perform studies and/or research on non-toxic or non-combustible materials are permitted."
10. Under Chapter 5 "Land Use Development Standards and Procedures", Section 2, "Procedure and Standards for Uses Permitted on Review (PR)",

Subsection 5 "Standards for Institutional Uses Permitted on Review (PR)", is hereby amended by adding the following language to "Religious Institution:" following "1."

"2. Hours of operation shall be determined and approved by the Board of Zoning Appeals.

3. All activities and/or accessory uses shall be specified by the applicant and approved by Board of Zoning Appeals.

4. Adequate parking shall be provided on-site and the parking shall be designed and be of such size that no vehicle is required to back into a public street to obtain egress/ingress."

11. Under Chapter 5 "Land Use Development Standards and Procedures", Section 3 "Standards for Accessory Uses (A)", Subsection 3 "Educational Accessory Uses (A)", is hereby amended by adding "Fraternity/Sorority Houses" following "Fraternal Organizations" as follows:

"Fraternity/Sorority Houses:

1. This use shall be accessory to a college or university."

12. Under Chapter 5 "Land Use Development Standards and Procedures", Section 10 "Site Plan Requirements", Subsection 3 "Content", is hereby amended by adding a new Paragraph "KK" as follows:

"KK. Each lot, utilizing a Development Directory Sign, shall be allowed one (1) additional "on-premise low profile sign" per street frontage to identify the business and must be oriented to said street. No other off building signs shall be allowed."

13. Under Chapter 5 "Land Use Development Standards and Procedures", Section 10 "Site Plan Requirements", Subsection 3 "Content", is hereby amended by adding a new Paragraph "LL" as follows:

"LL. For developments utilizing travel easements, as approved through the Clarksville/Montgomery County Subdivision Regulations, shall not receive a certificate of occupancy from the City Building and Codes Department until Exhibit A-1 (road and sidewalks) and/or Exhibit A-2 (drainage), of the Subdivision Regulations, have been received and accepted by the Regional Planning Commission."

14. Under Chapter 6 "Parking, Loading and Access", Subsection 1 "Off-Street Parking Requirements", within "Table of Parking Spaces Required", under column "Parking Spaces Required", Row "Self Service Storage Facilities" is hereby amended by deleting in its entirety and substituting the following:

"One (1) space per employee on the maximum shift, plus one (1) space per forty (40) storage units."

15. Under Chapter 6 "Parking, Loading and Access", Subsection 1 "Off-Street Parking Requirements", within "Table of Parking Spaces Required", under "Uses" and "Parking Spaces Required", Row "Banks, business, travel agencies, or professional office" is hereby amended by deleting in its entirety and substituting the following in alphabetical order:

USES	PARKING SPACES REQUIRED
Banks and Financial Institutions	Four (4) spaces per one-thousand (1,000) of gross floor area

16. Under Chapter 6 "Parking, Loading and Access", Subsection 1 "Off-Street Parking Requirements", within "Table of Parking Spaces Required", under "Uses" and "Parking Spaces Required", Row "Medical, dental, veterinary clinics/offices, health spas and similar uses, exclusive of outpatient clinics attached or on the same site as a hospital" is hereby amended by deleting in its entirety and substituting the following in alphabetical order:

USES	PARKING SPACES REQUIRED
Medical and Dental Offices	Five (5) spaces per one-thousand (1,000) of gross floor area

17. Under Chapter 6, "Parking, Loading and Access", Subsection 1 "Off-Street Parking Requirements", within "Table of Parking Spaces Required", is hereby amended by adding the following under "Uses" and "Parking Spaces Required" in alphabetical order:

USES	PARKING SPACES REQUIRED
General & Professional Office (except medical)	Three (3) spaces per one-thousand (1,000) of gross floor area

18. Under Chapter 6, "Parking, Loading and Access", Subsection 1 "Off-Street Parking Requirements", within "Table of Parking Spaces Required" is hereby amended by adding the following under "Uses" and "Parking Spaces Required" in alphabetical order:

USES	PARKING SPACES REQUIRED
Health Club	Six (6) spaces per one-thousand (1,000) of gross floor area

19. Under Chapter 6, "Parking, Loading and Access", Subsection 1 "Off-Street Parking Requirements", within "Table of Parking Spaces Required" is hereby amended by adding the following under "Uses" and "Parking Spaces Required" in alphabetical order:

USES	PARKING SPACES REQUIRED
Supermarkets	Four (4) spaces per one-thousand (1,000) of gross floor area

20. Under Chapter 6, "Parking, Loading and Access", Section 3 "Off-Street Loading and Unloading Requirements", Subsection 1.A., is hereby amended by deleting in its entirety and substituting instead the following:

"A. A building whose dominant use is handling and selling goods at retail shall provide off-street loading and unloading space for buildings as follows:

TABLE FOR OFF-STREET LOADING AND UNLOADING PARKING SPACES

SQUARE FOOTAGE	PARKING SPACE FOR LOADING AND UNLOADING
3,000 – 25,000 square feet	One (1) space
25,001 – 90,000 square feet	Two (2) spaces
90,001 – 155,000 square feet	Three (3) spaces
155,001 – 240,000 square feet	Four (4) spaces
240,001 – 325,000 square feet	Five (5) spaces
325,001 – 410,000 square feet	Six (6) spaces
410,001 – 500,000 square feet	Seven (7) spaces
Each 100,000 over 500,000	Seven (7) spaces plus one (1) space per 100,000 square feet over 500,000

21. Under Chapter 6, "Parking, Loading and Access", Section 1 "Off-Street Parking Requirements", Subsection 2 "Application of standards", is hereby amended by adding the following new item, following item "K":

"L. Drive-through facilities. One (1) by-pass lane shall be provided for circulation around the drive-through lane (including the drive-through window) or an approved alternative.

M. Queuing requirements for drive-through facilities. The minimum number of queue spaces, including the vehicle being serviced, shall be provided according to the following table. Each queue space shall be a minimum of twenty (20) feet in length. Unless otherwise indicated in the table below, queuing shall be measured from the point of ultimate service to the end of the queuing lane. Each queue lane shall be clearly defined and designed so as not to conflict or interfere with other traffic using the site. Queuing vehicles shall not stand within a public street or alley rights-of-way.

QUEUING REQUIREMENTS FOR DRIVE-THROUGH FACILITIES

LAND USE	MINIMUM NUMBER OF QUEUE (DRIVE-TROUGH) SPACES
Bank Teller Lane	Five (5) spaces
ATM	Three (3) spaces
Restaurant, drive-through	Five (5) spaces
Car Wash (full service)	Five (5) spaces
Car Wash (self service)	Three (3) spaces
Car Wash (automobile convenience)	Three (3) spaces
Automotive service oil change station	Three (3) spaces
Retail	Four (4) spaces
Automotive service, gasoline pump island	Thirty (30) feet away from any driveway ramp

22. Under Chapter 7 "Landscape, Buffering and Screening Requirements", Section 12 "Landscape Buffer Yard Requirements", "Table 7.3" is hereby amended by deleting Table 7.3 in its entirety and substituting instead the following:

BUFFER YARD MATRIX									
ABUTTING ZONING DISTRICTS		ZONING DISTRICT PROVIDING BUFFER YARD							
		AG, E-1, R-1, R-1A, R-2, R- 2A, R-6 & RM-1	R-2D, R-3, R-4 & R-5	PUD, MLUD, & MHP	IC, O- 1, & OP	C-1	AGC, C- 2, C- 3, C-4 & C-5	CBD	M-1 & M- 2
	AG, E-1, R-1, R-1A, R-2, R- 2A, R-6 & RM-1	N/A	B	A	B	C	C	B	D
	R-2D, R-3, R- 4 & R-5	N/A	N/A	A	B	B	C	B	D
	PUD, MLUD, & MHP	N/A	A	N/A	B	B	C	B	D
	IC, O-1, & OP	N/A	A	A	N/A	A	B	N/A	C
	C-1	N/A	A	A	N/A	N/A	N/A	N/A	B
	AGC, C-2, C- 3, C-4, & C-5	N/A	B	C	N/A	N/A	N/A	N/A	B
	CBD	N/A	A	A	N/A	B*	B*	N/A	B
	M-1 & M-2	N/A	D	A	A	N/A	N/A	N/A	N/A
*EXCEPT FOR RESIDENTIAL USES									

Table 7.3

23. Under Chapter 8 "Sign Regulations", Section 2 "Regulations Applying to All Districts", Subsection 15.B "Off Premise Advertising Structures", is hereby amended by deleting from the first sentence the number "16.A." of the subsection and substituting in its place the following number "15.A."

24. Under Chapter 9 "Overlay District", Section 2 "Floodway Overlay District", Subsection 2 "Application", Paragraph B, is hereby amended by deleting in its entirety and substituting instead the following:

"B. The Areas of Special Flood Hazard identified on the City of Clarksville, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47125CO063D & including panels: 88D, 201D, 202D, 204D, 206D, 207D, 208D, 209D, 215D, 216D, 217D, 220D, 226D, 227D, 228D, 229D, 235D, 236D, 237D, 238D, 239D, 241D, 242D, 243D, 244D, 261D, 262D, 263D, 264D, 335D, 351D, 352D, 356D, 357D & 380D, dated March 18, 2008, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance."

25. Under Chapter 9 "Overlay Districts", Section 4 "Madison Street Corridor Urban Design Overlay District, Subsection 2 "Design Standards and Guidelines", Table 9.1 "Building Standards By Subdistricts", "NOTES:" is hereby amended by adding the following language after "(c)":

"(d) Variance request from this table shall be by the authority of the Madison Street Design Review Committee."

26. Under Chapter 9 "Overlay Districts", Section 4 "Madison Street Corridor Urban Design Overlay District", Subsection 2 "Design Standards and Guidelines", Paragraph E "Sign Design Standards and Guidelines", Subparagraph 2.1 "Flags and Flagpoles", is hereby amended by deleting 2.1.1 in its entirety and substituting instead the following:

FLAG AND FLAG POLE DESIGN GUIDELINES

FLAG POLE HEIGHT	FACE SIZE OF FLAG
20 – 30 feet in height	4' x 6' Flag
30 – 40 feet in height	5' x 8' Flag
40 – 50 feet in height	6' x 10' Flag

27. Under Chapter 9 "Overlay Districts", Section 4 "Madison Street Corridor Urban Design Overlay District", Subsection 2 "Design Standards and Guidelines", Paragraph E "Sign Design Standards and Guidelines", Subparagraph 2.1 "Flags and Flagpoles", is hereby amended by deleting 2.1.4 in its entirety.

28. Under Chapter 11 "Administration and Enforcement", Section 11 "Amendments Affecting The Same Parcel Of Land", is hereby amended by deleting in its entirety and substituting the following:

"Unless a previously allowed zoning amendment by the City Council, no action shall be initiated for a zoning amendment affecting the same parcel of land more often than once every twelve (12) months; provided, however, by resolution approved by a $\frac{3}{4}$ majority of members present of the City Council, that the action may be initiated at any time."

29. Under Chapter 5 "Land Use Development Standards and Procedures", Section 4 "Standards and Procedures for Mixed Land Use Districts (MLUD)", Subsection 7 "Failure to Begin MLUD" is hereby amended by deleting from

the first sentence the number "two (2)" of the subsection and substituting in its place the following number "three (3)".

30. Under Chapter 5 "Land Use Development Standards and Procedures", Section 5 "Standards and Procedures for Planned Unit Development (PUD)", Subsection J "Failure to begin planning development", Paragraph I, is hereby amended by deleting from the first sentence "one year" of the paragraph and substituting in its place the following "three (3) years".

AN ORDINANCE AMENDING TITLE 6 (FINANCE AND TAXATION), CHAPTER 6 (INTERNAL AUDITING) OF THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE, TENNESSEE RELATING TO INTERNAL AUDITING AND THE AUDIT COMMITTEE

WHEREAS, The City Council has determined that it is appropriate to amend the Official Code of Ordinances of the City of Clarksville to be in compliance with Tennessee Code Annotated § 9-3-405, and in compliance with other recommendations made by the Tennessee State Comptroller of the Treasury, Division of Local Government Audit.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

1. That Title 6, “Finance and Taxation,” Chapter 6, “Internal Auditing,” is hereby amended by deleting the current language of said section and substituting therefore the following:

Section 6-601. Department of Internal Audit.

There shall be a department of internal audit as a department of the city. The department of internal audit is established as an independent appraisal function.

Section 6-602. Purpose.

The objectives of internal audit are to assist all levels of management of the city and its component units in the effective discharge of their responsibilities by furnishing them with analyses, appraisals, recommendations, counsel, and information concerning the activities reviewed by internal audit and promoting effective control at reasonable cost.

Section 6-603. Audit Committee Established.

A board, to be designated the “Clarksville Audit Committee,” is hereby created to provide independent review and oversight of the city’s financial reporting processes and the city’s internal controls. The board is to review external auditors’ reports and follow up on management’s corrective action and compliance with laws, regulations, and ethics. The board is to provide oversight of the department of internal audit’s independent appraisal function.

Section 6-604. Clarksville Audit Committee composition; eligibility; appointment; qualifications; term; vacancy during unexpired term.

a. *Composition.* The Clarksville Audit Committee shall be composed of five (5) members. One (1) member of the Clarksville Audit Committee shall be a current member of the city council. No more than one (1) member of the Clarksville Audit Committee may be a current member of the city council.

b. *Eligibility for appointment.* No one shall be eligible for appointment to the Clarksville Audit Committee unless he or she has been a resident of the City of Clarksville for at least one (1) year preceding the date of his or her appointment. No former elected mayor or city council member, or current regularly compensated officer or employee of the city, shall be eligible for appointment to the board until at least one (1) year after the

expiration of the term of such person's public office or employment with the city, except as otherwise provided herein above.

c. *Qualifications for appointment.* Other than the member of the city council who shall be appointed by the mayor, members of the committee shall have experience in one or more of the following areas: finance, accounting, business management, public administration, or law. No former Clarksville Audit Committee member who has served two (2) consecutive, full terms shall be eligible for reappointment to the Committee until two (2) years have passed since the expiration of his or her previous term.

d. *Appointment of board members.* The mayor shall appoint the current member of the city council to the Clarksville Audit Committee, subject to the approval of the city council. If the city council nominee is not approved by majority vote of the city council, then the mayor shall appoint a subsequent member of the city council until a member has been approved by a majority vote of the city council. The four (4) remaining members shall be nominated separately by the Clarksville Audit Committee and shall be subject to city council approval. If one or more of the nominees are not approved by the city council, then the Clarksville Audit Committee shall submit a subsequent nominee until a nominee has been approved by the city council for each vacancy.

e. *Term.* Members of the committee shall serve a two (2) year term on a calendar year basis. Members of the Clarksville Audit Committee may serve up to two (2) full, consecutive terms. Terms of service for council members appointed to the audit committee shall be coterminous with their term as a city council member.

f. *Residency.* Members of the Clarksville Audit Committee must maintain their residency within the limits of the City of Clarksville during their term(s) of service. If a member of the Clarksville Audit Committee moves out of the limits of the City of Clarksville during his or her term of service on the committee, he or she will be removed from the committee.

g. *Vacancy before expiration of term.* If any member of the Clarksville Audit Committee, other than the current city council member, resigns from, is removed from, or ceases to be a member of the committee before the expiration of his or her term, the Clarksville Audit Committee shall nominate a new member to the board, subject to the approval of city council, to serve the remainder of the unexpired term. If the current member of the city council resigns from, is removed from, or ceases to be a member of the Clarksville Audit Committee before the expiration of his or her term, the mayor shall appoint a new current member of the city council to serve the remainder of the unexpired term, subject to city council approval. For purposes of computing a term, the filling of an unexpired term shall not count toward the two (2) full, consecutive term limit. The newly appointed city council member shall serve on the Clarksville Audit Committee coterminous with his or her term on the council.

Section 6-605. Clarksville Audit Committee organization; meetings; procedure; compensation.

a. *Quorum.* A majority of the Clarksville Audit Committee shall constitute a quorum and the committee shall act by vote of a majority present at any meeting attended by a quorum. Vacancies in the board shall not affect its power and authority so long as a quorum remains.

b. *Election of a chair and a vice chair.* The Clarksville Audit Committee shall hold a meeting in January of each year to elect a chairperson and a vice chairperson. The director of internal audit shall convene the committee in January of each year and shall chair the first meeting until the audit committee members elect a chairperson and a vice chairperson from its membership.

c. *Public Meetings.* The Clarksville Audit Committee shall hold public meetings, and give notice to the public thereof, at such regular time and place as the committee may determine. Changes in such time and place of meeting shall be made known to the public as required by law. All meetings of the Clarksville Audit Committee shall be subject to state law of general application concerning open meetings, except, upon a majority vote of those members in attendance for the public portion of a meeting, the Clarksville Audit Committee may hold confidential, nonpublic executive sessions to discuss the following items as authorized in Tennessee Code Annotated § 9-3-405;

- i. Items deemed not subject to public inspection under Tennessee Code Annotated § 10-7-503 and Tennessee Code Annotated § 10-7-504, and all other matters designated as confidential or privileged;
- ii. Current or pending litigation and pending legal controversies;
- iii. Pending or ongoing audits or audit related investigations;
- iv. Information protected by federal law; and
- v. Matters involving the reporting of illegal, improper, wasteful, or fraudulent activity under Tennessee Code Annotated § 9-3-406, where the informant has requested anonymity.
- vi.

d. *Rules of Procedure.* The meetings of the Clarksville Audit Committee shall be conducted in accordance with the most current edition of *Robert's Rules of Order*.

Section 6-606. Compensation.

Members of the Clarksville Audit Committee shall not receive, or be entitled to receive, any monetary compensation for their service on the committee.

Section 6-607. Removal of Members.

a. *Grounds.* Any member of the Clarksville Audit Committee may be removed from office for cause, to include permanent disability, knowing or willful misconduct in office, knowing or willful failure to perform any duty required by law, or the committing of any act constituting a violation of any penal statute involving moral turpitude, or malfeasance, misfeasance, or nonfeasance as a board member, upon a vote of three-fourths (3/4) of the city council, but only after preferment of formal charges by resolution of the city council at a public hearing.

b. *Charges, investigation, notice.* All charges shall be in writing and the city council shall make or direct such investigation in relation to the matter as it may consider necessary. Prior to any hearing, a copy of the charges to be considered at the hearing shall be delivered to or mailed to the committee member against whom they have been filed, together with notice of the time and place for the hearing, which shall not be less than five (5) days from the delivery or mailing of the charges to the accused member.

c. Hearing, right to counsel and process, vote by roll call. The hearing shall be public. The accused shall have the right to appear and defend in person or by counsel, and shall have process of the city council to compel the attendance of witnesses on his or her behalf. Vote of the city council on the issue of removal shall be by roll call.

d. Expiration of term upon removal. Immediately upon a vote approving removal, the term of the accused shall expire, and his or her office status, power, and authority shall cease without further action.

Section 6-608. Records and reports of the Clarksville Audit Committee.

The Clarksville Audit Committee shall keep a complete and accurate record of all meetings and actions taken and a copy of the same shall be filed with the city clerk.

Section 6-609. External Auditors.

The Clarksville Audit Committee shall review and select, pursuant to state law of general application, the external auditors required by the city, to include all city departments and activities, and blended component units, for financial, performance, internal, or other special audits. The awarding of all external audit contracts shall be at the discretion of the audit committee, except that discreetly presented component units may select their own external auditor. No member of the audit committee shall be a member of any audit firm that is awarded an audit engagement.

Section 6-610. Professional Standards.

The internal audit staff shall govern themselves by adherence to the Institute of Internal Auditor's "International Professional Practices Framework" or such other standards as may be approved by the State Comptroller of the Treasury. All audit reports shall include a statement that the audit was conducted pursuant to these standards. In addition, internal audit will adhere to the policies and procedures contained in the Internal Audit Department's Policies and Procedures Manual and approved by the Clarksville Audit Committee.

Section 6-611. Authority.

Authority is granted for full, free, and unrestricted access to any and all of the city's records, physical properties, and personnel relevant to any function under review. Internal audit's authority shall extend to all city departments, component units, and any other organization or individual that receives city funds. All employees shall assist internal audit in fulfilling their staff function. Internal audit shall also have free and unrestricted access to the mayor and the city council. Documents and information given to internal audit during a periodic review will be handled in the same prudent manner as by those employees normally accountable for them. Any request for documentation or other information by internal audit must be processed and receipted to internal audit within thirty (30) days unless otherwise approved by the director of internal audit.

Section 6-612. Independence.

All audit activities shall remain free of influence by any element in the organization, including matters of audit scope, procedures, frequency, timing, or report content to permit maintenance of an independent mental attitude necessary in rendering objective reports. Internal auditors shall have no direct operational responsibility or authority over any of the activities they review. Additionally, they shall not develop nor install systems or procedures, prepare records, or engage in any other activity that would normally be audited.

Section 6-613. Audit Scope.

The scope of internal audit encompasses the examination and evaluation of the adequacy and effectiveness of the city's system of internal control structure and the quality of performance in carrying out assigned responsibilities to achieve the city's stated goals and objectives. It includes:

- a. Reviewing the reliability and integrity of financial and operating information and the means used to identify, measure, classify, and report such information.
- b. Reviewing the systems established to ensure compliance with those policies, plans, procedures, laws, and regulations, which could have a significant impact on operations and reports, and whether the organization is in compliance.
- c. Reviewing the means of safeguarding assets and, as appropriate, verifying the existence of such assets.
- d. Reviewing and appraising the economy and efficiency with which resources are employed.
- e. Reviewing operations or programs to ascertain whether results are consistent with established objectives and goals and whether the operations or programs are being carried out as planned.
- f. Reviewing specific operations at the request of the audit committee, mayor, or director of finance and revenue as appropriate.
- g. Reviewing the quality of performance of the external auditors and the degree of coordination with internal audit.

Section 6-614. Director of Internal Audit.

- a. *Director.* The department of internal audit shall be headed by a director of internal audit, who shall be appointed by the mayor upon nomination by the audit committee, and subject to confirmation by a majority vote of the city council.
- b. *Certification.* The director of internal audit shall be a certified public accountant, and shall possess education and experience as an accountant, auditor, chief financial officer, controller, or principal accounting officer of a governmental entity or private business sufficient to demonstrate an understanding of Generally Accepted Accounting Principles, applicable auditing standards, financial statements, internal controls, procedures for financial reporting, and the audit functions of a governmental entity.
- c. *Pay.* The director of internal audit's pay shall not be reduced absent a general pay reduction for all city employees, notwithstanding any other provision in the city code. The director of internal audit shall be eligible to receive an upwards equity adjustment upon approval by the Clarksville Audit Committee. Any such equity adjustment shall not

exceed the maximum of the range for the job classification and shall not exceed the amount appropriated for the internal audit department.

d. *Reporting.* The director of internal audit shall report to the audit committee, and shall conduct, or cause to be conducted, such financial, performance, and other audit functions and services as may be determined by the audit committee and as otherwise may be provided for by ordinance approved by the city council.

e. *Authority.* The director of internal audit shall have the power and authority to hire and to discipline, and to fix the compensation, within the funds appropriated by the city council therefore, in accordance with the human resource provisions of the City Code, of such other employees as the director may deem necessary for the work of the department of internal audit. The audit committee shall oversee the general activities of the director of internal audit and shall review and evaluate the performance of the director of internal audit as required for any other city employees under this Code or other personnel policies.

f. *Discipline.* The director of internal audit shall be subject to discipline by the audit committee, to include discharge, and shall have the right to appeal same, in the same manner as provided by city ordinance for other department heads.

Section 6-615. Audit Planning & End of Year Reporting.

a. *Audit Planning.* The Clarksville Audit Committee shall approve a general audit plan for the ensuing fiscal year. The audit plan shall provide time for self-directed activities and special investigations. The director of internal audit shall be self-directed in his or her work and shall be authorized to investigate all instances of fraud, abuse, waste and mismanagement without the approval of the audit committee. The audit work schedule is to be developed based on a prioritization of the audit universe using relevant risk factors. The director of internal audit shall submit to the director of finance and revenue, the mayor, the city council, and the Clarksville Audit Committee a summary of the audit work schedule, staffing plan, and budget for the following fiscal year. Any significant deviation from the formally approved work schedule shall be communicated to the director of finance and revenue, the mayor, the city council, and the Clarksville Audit Committee through periodic activity reports.

b. *End of Year Reporting.* An annual report shall be filed with the city council at the end of each fiscal year disclosing all completed audits and investigations.

Section 6-616. Audit Reporting and Response.

a. *Report.* A written report will be prepared and issued by the director of internal audit or designee following the conclusion of each audit and will be distributed as appropriate. A copy of each audit report or a summarization will be forwarded to the mayor, the city council, the director of finance and revenue, the Clarksville Audit Committee, and the entity or individual audited.

b. *Timely Response.* The director of internal audit or designee will include in the audit report the auditee's timely response and corrective action taken or to be taken in regard to the specific findings and recommendations. Timely response is defined as fifteen (15) calendar days with extension to twenty-two (22) calendar days possible if approved by

the director of internal audit for good cause. Management's response should include a timetable for anticipated completion of action to be taken and an explanation for any recommendations not addressed. In cases where a timely response is not included within the audit report, management of the audited area shall respond, in writing, within thirty (30) days of publication to internal audit and those on the distribution list. Internal audit shall be responsible for appropriate follow-up on audit findings and recommendations.

Section 6-617. Fraud and Abuse Hotline.

The director of internal audit shall establish a process by which employees, taxpayers, or other citizens may confidentially report suspected illegal, improper, wasteful, or fraudulent activity under the provisions of Tennessee Code Annotated § 9-3-406.

FIRST READING: November 6, 2014
SECOND READING:
EFFECTIVE DATE:

ORDINANCE 26-2014-15

AN ORDINANCE RESCHEDULING THE JANUARY 2015 REGULAR MEETING
OF THE CITY COUNCIL

WHEREAS, the regular meeting of the Clarksville City Council is scheduled, per City Code Section 1-201, for January 1, 2015; and

WHEREAS, the City Council has determined that it is appropriate to reschedule said regular meeting of the City Council because city offices will be closed on the first Thursday of January 2015, New Year's Day.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

(1) Notwithstanding any provision of Section 1-201 of the Official City Code to the contrary, the regular meeting of the City Council scheduled to occur on January 1, 2015, per said City Code provision, is hereby canceled and a new regular meeting date of Tuesday, January 6, 2015, at 7:00 p.m. at the City Council Chambers in City Hall is scheduled instead.

(2) That this ordinance shall be effective upon passage.

FIRST READING: November 6, 2014

SECOND READING:

EFFECTIVE DATE:

PUBLICATION DATE:

ORDINANCE 28-2014-15

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF HUNEYCUTT PROPERTIES, L.P., FOR ZONE CHANGE ON PROPERTY AT EVANS ROAD AND TIMBER RIDGE DRIVE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned RM-1 Single Family Mobile Home Residential District, as R-2D Two Family Residential District.

PUBLIC HEARING: November 6, 2014

FIRST READING: November 6, 2014

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Beginning at a point, said point being 151 +/- feet southeast of the Timber Ridge Dr. and Evans Rd. intersection, further identified as the southwest corner of the Nick Dattilo property, thence in an easterly direction 150 +/- feet with the southern boundary of the Dattilo property to a point, said point being in the western boundary of the Nick W. Dattilo property, thence in a southerly direction 155 +/- feet with the western boundary of the Nick W. Dattilo property to a point, said point being in the northern boundary of the Amos R. Caskey, thence in a westerly direction 155 +/- feet with the northern boundary of the Amos R. Caskey to a point, said point being in the eastern ROW of Evans Rd. thence in a northerly direction 107 +/- feet with the eastern ROW of Evans Rd. to the point of beginning, containing 0.45 +/- feet further identified as (Tax Map 29-M-B, Parcel 11.00)

ORDINANCE 29-2014-15

AMENDING THE ZONING ORDINANCE AND MAP OF THE CITY OF CLARKSVILLE, APPLICATION OF THE REGIONAL PLANNING COMMISSION FOR ZONE CHANGE ON PROPERTY AT RIVERSIDE DRIVE/HIGHWAY 48-13/COLLEGE STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the Zoning Ordinance and Map of the City of Clarksville, Tennessee are hereby amended by designating the zone classification of the property described in Exhibit A, currently zoned M-1 Light Industrial District, as C-2 General Commercial District.

PUBLIC HEARING: November 6, 2014

FIRST READING: November 6, 2014

SECOND READING:

EFFECTIVE DATE:

EXHIBIT A

Properties located west of Riverside Drive and east of the Red River, generally located north of Highway 48/13 and south of College Street, 17.13 +/- acres, further identified as Montgomery County Tax Map and Parcels:

Tax Map 066B-A, parcels 030.00, 031.00, 033.00,
034.00, 036.00, 037.00, 039.00 and 040.00

Tax Map 079, parcels 009.00 – 016.00

Tax Map 079B-B, parcel 032.00



CLARKSVILLE CITY COUNCIL REGULAR SESSION NOVEMBER 6, 2014

MINUTES

CALL TO ORDER

The regular session of the Clarksville City Council was called to order by Mayor Kim McMillan on Thursday, November 6, 2014, at 7:00 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Councilman Wallace Redd; the Pledge of allegiance was led by Councilman Geno Grubbs.

ATTENDANCE

PRESENT: Kip McNeill (1), Deanna McLaughlin (2), James Lewis, Mayor Pro Tem (3), Wallace Redd (4), Valerie Guzman (5), Marc Harris (6), Geno Grubbs (7), David Allen (8), Joel Wallace (9), Bill Summers (10), Kaye Jones (11), Jeff Burkhart (12)

SPECIAL RECOGNITIONS

Mayor McMillan presented a Certificate of Appreciation to the Clarksville National Girls Softball team for winning the 2014 Tennessee State Championship and placing third in the southeast regional tournament.

Mayor McMillan presented a Certificate of Appreciation to the Clarksville High School Lady Wildcats for an undefeated season and winning the first triple soccer championship.

Mayor McMillan proclaimed November 8th as "Combat Hunger Day" and presented a Certificate of Appreciation to Kenny York of Manna Café for his community support.

Mayor McMillan proclaimed November as "National Home Care Month."

Mayor McMillan congratulated individuals who were recently elected to the 2015-16 City Council and thanked those who were unsuccessful for their service.

PUBLIC HEARING

Councilman Grubbs made a motion to conduct a public hearing to receive comments regarding requests for zone change. The motion was seconded by Councilwoman McLaughlin. There was no objection.

ORDINANCE 27-2014-15 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Claudell B. Wootton Revocable Living Trust, Wayne P. Wilkinson-Agent, for zone change on property at Warfield Boulevard and Bellamy Lane from O-1 Office District to C-2 General Commercial District

Wayne Wilkinson said the severe topography of this property would allow development of only 16 acres. A traffic assessment said the existing roads would accommodate any additional traffic and the current level of service would not change. In response to Councilman Burkhart's question, Mr. Wilkinson said the applicant would be willing to meet with area residents regarding the proposed change.

Fred Mathews said residents near the property felt the new zoning would create additional traffic problems, increased water runoff, and decreased property values. Mike Alexander also said C-2 zoning would increase traffic problems and felt O-1 would be an appropriate zoning for this property.

Mr. Wilkinson said there was little demand for office developments in this area and O-1 zoning would not be practical for this property. Bob Sturkey said with this change the roads would remain at an unsatisfactory Level E.

ORDINANCE 28-2014-15 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Huneycutt Properties, L.P., for zone change on property at Evans Road and Timber Ridge Drive from RM-1 Single Family Mobile Home Residential District to R-2D Two Family Residential District

No one expressed support for or opposition to this request.

ORDINANCE 29-2014-15 (First Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of the Regional Planning Commission for zone change on property at Riverside Drive/Highway 48-13/ College Street from M-1 Light Industrial District to C-2 General Commercial District

No one expressed support for or opposition to this request.

Councilman Grubbs made a motion to revert to regular session. The motion was seconded by Councilman Summers. There was no objection.

ZONING

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 27-2014-15**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Redd. Councilman Burkhart made a motion to postpone first reading to the next regular session to allow the applicant to meet with area residents regarding the change. The motion was seconded by Councilman Redd. The following vote was recorded:

AYE: Burkhart, Grubbs, Guzman, Lewis, McMillan, Redd, Wallace

NAY: Allen, Harris, Jones, McLaughlin, McNeill, Summers

The motion to postpone passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 28-2014-15**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Redd. The following vote was recorded:

AYE: Allen, Burkhart, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, McNeill, Redd, Summers, Wallace

The motion to adopt this ordinance on first reading passed.

The recommendations of the Regional Planning Staff and Commission were for approval of **ORDINANCE 29-2014-15**. Councilman Grubbs made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Redd. The following vote was recorded:

AYE: Allen, Burkhart, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, McNeill, Redd, Summers, Wallace

The motion to adopt this ordinance on first reading passed.

ORDINANCE 18-2014-15 (Second Reading) Amending the Zoning Ordinance and Map of the City of Clarksville, application of Wilson and Norma Kirby, Carlson Consulting Engineers, Inc.-Agent, for zone change on property at 101st Parkway & Whitfield Road from R-1 Single Family Residential District to C-5 Highway & Arterial Commercial District

Second reading on this ordinance was postponed on October 2, 2014. Councilman Grubbs made a motion to adopt this ordinance on second reading. The motion was seconded by Councilman Redd. Councilman Wallace made a motion to refer this ordinance back to the Regional Planning Commission to add conditions to this change, specifically the road improvements that were promised by the developer. The motion was seconded by Councilwoman Guzman. Regional Planning Commission Director Dr. David Ripple said conditions must apply to a zone classification, and said the RPC did not have authority to apply conditions to a specific property. Councilman Wallace and Councilwoman Guzman withdrew the motion and second to refer. The following vote on the original motion was recorded:

AYE: Allen, Burkhart, Grubbs, Harris, Lewis, McMillan, Redd

NAY: Guzman, Jones, McLaughlin, McNeill, Summers, Wallace

The motion to adopt this ordinance on second reading passed.

CONSENT AGENDA

All items in this portion of the agenda are considered to be routine and non-controversial by the Council and may be approved by one motion; however, a member of the Council may request that an item be removed for separate consideration under the appropriate committee report:

1. **ORDINANCE 21-2014-15** (Second Reading) Amending the FY15 General Fund Budget for Congestion Mitigation and Air Quality Improvement grant matching funds
2. Adoption of Minutes: Regular Session October 2nd

Councilman Burkhart made a motion to adopt the Consent Agenda as presented. The motion was seconded by Councilman Harris. The following vote was recorded:

AYE: Allen, Burkhart, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, McNeill, Redd, Summers, Wallace

The motion to adopt the Consent Agenda passed.

COMMUNITY DEVELOPMENT COMMITTEE

David Allen, Chair

Councilman Allen reported 98% of Community Development Block Grant funds had been expended to low and moderate income persons. The department's rehabilitation program recently assisted nine households, six emergency repairs, and nine first-time home buyers. One house was purchased to be used as a transitional shelter for the homeless.

FINANCE COMMITTEE

Joel Wallace, Chair

ORDINANCE 24-2014-15 (First Reading) Amending the Official Code relative to internal auditing

The recommendation of the Finance Committee was for approval of this ordinance. Councilman Wallace made a motion to adopt this ordinance on first reading. The motion was seconded by Councilwoman McLaughlin. The following vote was recorded:

AYE: Allen, Burkhart, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, McNeill, Redd, Summers, Wallace

The motion to adopt this ordinance on first reading passed.

ORDINANCE 25-2014-15 (First Reading) Amending the Official Code relative to the number of retail liquor stores inside the city limits

There was no recommendation from the Finance Committee. Councilman Wallace made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Redd. Councilwoman McLaughlin, who introduced this ordinance to the Finance Committee, said she would like to study the issue more and requested it be postponed. Councilman Wallace made a motion to postpone action indefinitely. The motion was seconded by Councilwoman Guzman. The following vote was recorded:

AYE: Allen, Burkhart, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, McNeill, Redd, Summers, Wallace

The motion to postpone indefinitely passed.

RESOLUTION 13-2014-15 Authorizing incurrence of \$30 million debt for water and wastewater system construction and repair

RESOLUTION 14-2014-15 Authorizing \$30 million loan agreement for water and wastewater system construction and repair

The recommendations of the Finance Committee were for approval. Councilman Wallace made a motion to adopt both resolutions. The motion was seconded by Councilman Lewis. The following vote was recorded:

AYE: Allen, Burkhart, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, McNeill, Redd, Summers, Wallace

The motion to adopt both resolutions passed.

GAS & WATER COMMITTEE

Jeff Burkhart, Chair

No report.

PARKS, RECREATION, GENERAL SERVICES

Wallace Redd, Chair

RESOLUTION 15-2014-15 Expressing support of U.S. Army donation of a combat helicopter for static display

The recommendation of the Parks & Recreation Committee was for approval. Councilman Redd made a motion to adopt this resolution. The motion was seconded by Councilman Lewis. The following vote was recorded:

AYE: Allen, Burkhart, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, McNeill, Redd, Summers, Wallace

The motion to adopt this resolution passed.

PUBLIC SAFETY COMMITTEE

Geno Grubbs, Chair

RESOLUTION 12-2014-15 Authorizing an agreement with the TBI for use of office space

The recommendation of the Public Safety Committee was for approval. Councilman Grubbs made a motion to adopt this resolution. The motion was seconded by Councilwoman Guzman. The following vote was recorded:

AYE: Allen, Burkhart, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, McNeill, Redd, Summers

NOTE: Councilman Wallace left the meeting and was not present for this vote.

The motion to adopt this resolution passed.

Councilman Grubbs reported the following department statistics for the month of October: Clarksville Fire & Rescue – 1,034 emergency responses; Clarksville Police – 12,480 calls; Building & Codes Construction Division – 1,738 inspections; Building & Codes Enforcement Division – 50 cases; Building & Codes Abatement Program – 97 work orders.

STREET COMMITTEE

James Lewis, Chair

Councilman Lewis said the Street Department completed 200 work orders during the month of October.

TRANSPORTATION COMMITTEE

Marc Harris, Chair

Councilman Harris reported 66,044 passengers transported by Clarksville Transit System and 5,778 passengers transported by Clarksville-Nashville Express during the month of October. The City Garage completed 284 work orders during October with unleaded fuel at a cost of \$2.62 per gallon and diesel fuel at a cost of \$2.67 per gallon.

RESCHEDULE JANUARY 2015 MEETING

ORDINANCE 26-2014-15 (First Reading) Rescheduling the January 2015 regular meeting of the City Council

Mayor McMillan made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Redd. The following vote was recorded:

AYE: Allen, Burkhart, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, McNeill, Redd, Summers

NOTE: Councilman Wallace left the meeting and was not present for this vote.

The motion to adopt this ordinance on first reading passed.

LIBERTY PARK LEGAL ACTION

RESOLUTION 16-2014-15 Authorizing legal action pertaining to Liberty Park

Councilwoman McLaughlin made a motion to consider **RESOLUTION 16-2014-15**. The motion was seconded by Councilman Lewis (3/4 majority approval required). The following vote was recorded:

AYE: Allen, Burkhart, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, McNeill, Redd, Summers

NOTE: Councilman Wallace left the meeting and was not present for this vote.

The motion to consider this resolution passed. Councilwoman McLaughlin made a motion to adopt this resolution. The motion was seconded by Councilman Lewis. The following vote was recorded:

AYE: Allen, Burkhart, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, McNeill, Redd, Summers

NOTE: Councilman Wallace left the meeting and was not present for this vote.

The motion to adopt this resolution passed.

MAYOR AND STAFF REPORTS

There were no mayor or staff reports.

ADJOURNMENT

The meeting was adjourned at 7:59 p.m.



**CLARKSVILLE CITY COUNCIL
SPECIAL SESSION
NOVEMBER 17, 2014, 4:30 P.M.**

MINUTES

CALL TO ORDER

A special session of the Clarksville City Council was called to order by Mayor Kim McMillan on Monday, November 17, 2014, at 4:30 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Councilman Wallace Redd; the Pledge of Allegiance was led by Councilman Bill Summers.

ATTENDANCE

PRESENT: Kip McNeill (1), Deanna McLaughlin (2), James Lewis, Mayor Pro Tem (3), Wallace Redd (4), Valerie Guzman (5), Marc Harris (6), Geno Grubbs (7), David Allen (8), Joel Wallace (9), Bill Summers (10), Jeff Burkhart (12)

ABSENT: Kaye Jones (11)

CDE LIGHTBAND CABLE FRANCHISE

ORDINANCE 30-2014-15 (First Reading) Renewing the CDE Lightband cable franchise

Councilman Harris made a motion to adopt this ordinance on first reading. The motion was seconded by Councilman Lewis.

Councilman Wallace made a motion to delete all references to telephone and internet in the franchise agreement. The motion was seconded by Councilman Redd. A voice vote was taken; the motion passed without objection.

Councilwoman McLaughlin made a motion to approve the franchise agreement for 3-1/2 years instead of five years. The motion was seconded by Councilman Summers. There was no objection to hearing comments from CDE General Manager Brian Taylor who said some programming contracts associated with the

cable service were effective for a period of five years. The following vote was recorded:

AYE: Guzman, McLaughlin, McNeill, Summers

NAY: Allen, Burkhart, Grubbs, Harris, Lewis, Redd, Wallace

Councilwoman McLaughlin's motion failed. In response to Councilman Summers' question, Mr. Taylor said the broadband division should be net income positive by 2016. In response to Councilman Burkhart's question, Mr. Taylor said state law prohibits the utility from providing services outside the city limits. The following vote on the original motion as amended was recorded:

AYE: Allen, Burkhart, Grubbs, Guzman, Harris, Lewis, McLaughlin, McMillan, McNeill, Redd, Summers, Wallace

The motion to adopt this ordinance as amended on first reading passed.

BOND ISSUE

RESOLUTION 17-2014-15 Authorizing issuance of \$8,150,000 General Obligation Public Improvement Bonds for various public projects

Councilman Lewis made a motion to adopt this resolution. The motion was seconded by Councilman Grubbs. There was no objection to hearing comments from Finance Director Laurie Matta. In response to Councilman Summers' question, Ms. Matta said the bond issue could be drawn in one lump sum or in several draws. The following vote was recorded:

AYE: Allen, Burkhart, Grubbs, Guzman, Harris, Lewis, McLaughlin, McMillan, McNeill, Redd, Summers, Wallace

The motion to adopt this resolution passed.

ADJOURNMENT

The meeting adjourned at 4:55 p.m.

WELLNESS PLAN

Following adjournment, Human Resources Director Will Wyatt informed the City Council of changes in the employee wellness plan.



**CLARKSVILLE CITY COUNCIL
SPECIAL SESSION
NOVEMBER 19, 2014
MINUTES**

CALL TO ORDER

A special session of the Clarksville City Council was called to order by Mayor Kim McMillan on Wednesday, November 19, 2014, at 4:30 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Councilwoman Kaye Jones; the Pledge of Allegiance was led by Councilman Marc Harris.

ATTENDANCE

PRESENT: Kip McNeill (1), Deanna McLaughlin (2), James Lewis, Mayor Pro Tem (3), Wallace Redd (4), Valerie Guzman (5), Marc Harris (6), Geno Grubbs (7), Joel Wallace (9), Bill Summers (10), Kaye Jones (11), Jeff Burkhardt (12)

ABSENT: David Allen (8)

CDE LIGHTBAND CABLE FRANCHISE

ORDINANCE 30-2014-15 (Second Reading) Renewing the CDE Lightband cable franchise

Councilman Lewis made a motion to adopt this ordinance on second reading. The motion was seconded by Councilman Harris. The following vote was recorded:

AYE: Burkhardt, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, McMillan, McNeill, Redd, Summers, Wallace

ADJOURNMENT

The meeting was adjourned at 4:35 p.m.



**CLARKSVILLE CITY COUNCIL
SPECIAL SESSION
NOVEMBER 20, 2014**

MINUTES

CALL TO ORDER

A special session of the Clarksville City Council was called to order by Mayor Kim McMillan on Thursday, November 20, 2014, at 4:30 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Councilman Jeff Burkhardt; the Pledge of Allegiance was led by Councilwoman Deanna McLaughlin.

ATTENDANCE

PRESENT: Kip McNeill (1), Deanna McLaughlin (2), James Lewis, Mayor Pro Tem (3), Wallace Redd (4), Valerie Guzman (5), Marc Harris (6), Geno Grubbs (7), David Allen (8), Joel Wallace (9), Bill Summers (10), Kaye Jones (11), Jeff Burkhardt (12)

CDE LIGHTBAND CABLE FRANCHISE

ORDINANCE 30-2014-15 (Third Reading) Renewing the CDE Lightband cable franchise

Councilman Lewis made a motion to adopt this ordinance on third reading. The motion was seconded by Councilman Harris. The following vote was recorded:

AYE: Allen, Burkhardt, Grubbs, Guzman, Harris, Jones, Lewis, McLaughlin, McMillan, Redd, Summers, Wallace

The motion to adopt this ordinance on third reading passed.

ADJOURNMENT

The meeting adjourned at 4:34 p.m.