

**COOKEVILLE PLANNING COMMISSION
MINUTES
JANUARY 23, 2012**

The Cookeville Planning Commission met on Monday, January 23, 2012 at 5:30 p.m., in the Council Chambers, 45 E. Broad Street, Cookeville, Tennessee.

MEMBERS PRESENT: Jim Stafne, Dr. Angelo Volpe, Dr. Roy Loutzenheiser, Judy Jennings, Chris Wakefield, Aaron Bernhardt, Randy Dalton, David Webb, and Jim Woodford.

STAFF MEMBERS PRESENT: James Mills, Jayne Barns, and Ken Young.

STAFF MEMBERS ABSENT: Jim Shipley.

OTHERS PRESENT: Robert Armour, Leandra Armour, James R. Bean, Paul Korth, Amy Blair, Peter Grima, Carolyn Whitson, Betty Smith, Al Enochs, David Andrews, Allison Kelly, Terry Farley, Bobby Williams, Thomas Hadlock, and Amye Wright.

ELECTION OF CHAIRMAN AND VICE-CHAIRMAN. Dr. Angelo Volpe made the motion to elect Jim Stafne as Chairman and Dr. Roy Loutzenheiser as Vice-Chairman. Jim Woodford seconded the motion and the motion carried unanimously. **JIM STAFNE ELECTED CHAIRMAN AND DR. ROY LOUTZENHEISER ELECTED VICE-CHAIRMAN.**

CONSIDER FOR APPROVAL THE AGENDA AS SUBMITTED. Randy Dalton made the motion to approve the agenda as submitted. Chris Wakefield seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR APPROVAL THE MINUTES OF NOVEMBER 28, 2011. Dr. Roy Loutzenheiser made the motion to approve the minutes of November 28, 2011. Dr. Angelo Volpe seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR ACTION REZONING PROPERTY LOCATED AT 423 NORTH PEACHTREE FROM MS (MEDICAL SERVICES) TO UNV (UNIVERSITY). REQUEST SUBMITTED BY COOKEVILLE REGIONAL MEDICAL CENTER. James Mills stated that Mr. Paul Korth, on behalf of the Cookeville Regional Medical Center, has submitted a request to rezone from MS, Medical Services to UNV, University the medical center's property located at 423 North Peachtree Avenue identified as a portion of Parcel 22.00 on Tax Map 53B, Group C.

The subject property is contiguous with UNV zoning to the north, CL, Local Commercial zoning to the east, and with MS zoning to the south and west. It has street frontage on North Peachtree Avenue, West 5th Street, and North Walnut Avenue. The property consists of approximately 0.6 acres.

According to the rezoning application the purpose of the request is to facilitate an exchange of the subject property with property located at 158 West 7th Street. The SAE

Fraternity is located on the property on West 7th Street and would relocate to the Peachtree Avenue property in the exchange. As fraternities are permitted only within the UNV district, rezoning is required for the relocation. The CRMC indicates that the property on West 7th Street would be converted to parking for the medical center.

The subject property would appear to be a suitable location for a fraternity. There are four (4) fraternities currently located along North Peachtree Avenue and five (5) others within a two (2) block area. Additionally, the relocation of the SAE fraternity would allow the medical center to convert property near its main entrance to a use compatible with the CRMC Master Plan.

Staff recommended approval of the rezoning.

Dr. Roy Loutzenheiser made the motion to approve rezoning property located at 423 North Peachtree from MS (Medical Services) to UNV (University). Dr. Angelo Volpe seconded the motion and the motion carried unanimously. **APPROVED REZONING FROM MS TO UNV.**

CONSIDER FOR ACTION REZONING 113, 119, & 127 LOCUST AVENUE, AND 440, 446 A-B-C, 452, 454, 464 A-B, AND 472 EAST HUDGENS STREET FROM RS5 (SINGLE FAMILY RESIDENTIAL) TO CN (NEIGHBORHOOD COMMERCIAL). REQUEST SUBMITTED BY STAFF. James Mills stated that at the November 2011 meeting the Planning Commission denied a request from David Andrews to rezone from RS-5, Single Family Residential to CBD, Central Business District two (2) parcels located on Locust Avenue. The denial included a request that the Planning Department study a larger area, including the Andrews' property, for possible rezoning from RS-5 to CN, Commercial Neighborhood. The study was also initiated due a request from Terry Farley at the November meeting for the inclusion of his property contiguous with Mr. Andrews' in the rezoning.

The area considered for rezoning to CN consists of nine (9) parcels located along the west side of Locust Avenue and along the north side of East Hudgens Street. The properties are all currently zoned as RS-5 and are bounded by CBD zoning to north on Locust Avenue, by CN zoning to west on East Hudgens Street, and by RS-5 zoning to the east and south. Combined the parcels consists of approximately 3 acres. In the Cookeville 2030 Plan the properties are depicted as a transitional area being best suited for either local commercial or mixed density residential use.

The parcels included in the study consist of two (2) properties owned by Mr. Andrews at 113 and 119 Locust Avenue identified as Parcels 22.00 and 23.00 on Tax Map 53F, Group H; two (2) properties owned by Mr. Farley at 454 East Hudgens Street identified as Parcels 19.00 and 19.01 on Tax Map 53F, Group H; property owned by Rex Swallows at 440 East Hudgens Street identified as Parcel 17.00 on Tax Map 53F, Group H; property owned by John Bock at 446 A, B and C East Hudgens Street identified as Parcel 18.00 on Tax Map 53F, Group H; property owned by Donald Buckner at 464 A and B East Hudgens Street identified as Parcel 20.01 on Tax Map 53F, Group H; property owned by Allison Kelly at 472 East Hudgens Street identified as Parcel 20.00 on Tax Map 53F, Group H; and

property owned by Pamela Libby at 127 Locust Avenue identified as Parcel 21.00 on Tax Map 53F, Group H.

With the exception of Parcel 19.01, which is vacant, each of the parcels is used for residential purposes. A duplex and a single family dwelling are located on Parcel 18.00, a duplex is also located on Parcel 20.01, and single family dwellings are located on the remaining six (6) parcels. Duplexes are nonconforming uses in the existing RS-5 district and are permitted uses in the proposed CN district.

The CN zone is a mixed used district intended for single and two-family residential dwellings, small and moderate sized offices, personal and business services, and limited general retail businesses. All non-residential structures must be compatible with nearby residential structures in terms of scale and appearance. The maximum square footage of individual developments is restricted to 15,000 square feet.

The residential area south and east of the study area primarily consists of well-maintained, older, moderate sized single family dwellings. Capshaw School is located approximately one (1) block southeast from the parcels proposed for rezoning. The Putnam County Justice Center is located north of the area. Locust Avenue is classified as a minor street and East Hudgens Street is classified as a minor collector street.

In the original request for rezoning Mr. Andrews indicated that he wanted to convert the single family dwellings on his properties to office use. Ms. Carolyn Whitson, the owner and resident of the property at 128 Locust Avenue, indicated her opposition to the rezoning proposal at the November meeting. Her primary concerns included the impact of the commercial zoning on her property, potential negative uses allowed in the CBD, and increased traffic. Additionally, a petition signed by several nearby property owners opposed to the rezoning was submitted at the November meeting.

The owners of the nine (9) properties were notified of the rezoning study by the Planning Department and provided information regarding the RS-5 and CN districts. The owner of Parcel 21.00, Donald Buckner, was the only property owner to contact the Planning Department. He had questions regarding the impact of the rezoning on his property and did not specifically indicate whether he opposed or favored the rezoning. Ms. Allison Kelly, the owner of Parcel 20.00, indicated her opposition to the rezoning at the November meeting. Mr. Andrews and Mr. Farley, the owners of Parcels 22.00 and 23.00 and 19.00 and 19.01 respectively, indicated their approval of the rezoning at the November meeting.

In the opinion of the Planning Department, the CN district is an appropriate zone for areas transitioning from commercial to residential use. The study area is in close proximity to the established commercial areas on South Lowe Avenue and East Spring Street. As previously stated it is at least partially identified in the Future Land Use Plan as a transition area. At the western end of the area in the existing CN zone two (2) residential structures have been converted to commercial use. Additionally, there are two (2) existing nonconforming uses in the area one (1) of which would be conforming under CN zoning.

Rezoning can be appropriately used as a stimulus for development or redevelopment in areas that are considered to be in various stages of decline. It is also an important tool utilized to prevent deterioration. While information indicates that several of the properties in the study area are not owner occupied, the area is considered stable as is the surrounding residential area. All structures are in good condition, are well maintained, and are primarily occupied. In several cases there have been significant investments made by owners in the area to improve their residential properties. Additionally there has been no indication from the owners of five (5) properties in the study area that they desire rezoning.

Staff recommended denial of the rezoning.

Dr. Roy Loutzenheiser stated that the Planning Commission tries to protect single family neighborhoods.

Jim Stafne added that there are 144 uses in the CN zone but unlike the CBD zone, the Planning Commission does not review the plans and cannot control what goes in those areas. This area has not deteriorated and should not be rezoned at this time.

David Andrews, property owner of 113 and 119 Locust Avenue, stated that when he first asked for the rezoning to CBD he thought he could use the houses for lawyer offices. Mr. Andrews added that he did not ask for CN (Neighborhood Commercial), and that his daughter was living in one of the houses now. David Andrews stated that whatever the Planning Commission decided would be okay with him.

Terry Farley, property owner of 452 & 454 E. Hudgens Street, stated that he thought a Barbers shop would be an appropriate use for his property.

Carolyn Whitson, property owner of 128 Locust Avenue, stated that she was concerned with additional traffic from commercial businesses thru a residential neighborhood. Their neighborhood is older, quiet and stable. She did not want to see the City set a precedent by rezoning a block at a time.

Allison Kelly, property owner at 472 E. Hudgens Street, stated that she was opposed to the rezoning request because she lives in a quiet & peaceful family neighborhood and she would like for it to stay residential. She was concerned about smaller commercial properties like JJ Jax for example that have no parking but have a lot of customers that have no place to park except on adjoining properties.

Amy Blair, property owner at 117 South Maple Avenue, also wanted the area to remain residential.

Bob Armour, property owner at 557 Douglas Street, stated that he has recently invested in his home by remodeling and that he also would like to see the area remain residential.

Dr. Angelo Volpe made the motion to deny rezoning 113, 119, & 127 Locust Avenue and 440, 446 A-B-C, 452 454, 464 A-B, and 472 East Hudgens Street from RS5 (Single

Family Residential) to CN (Neighborhood Commercial). Dr. Roy Loutzenheiser seconded the motion and the motion carried unanimously. **REZONING DENIED.**

CONSIDER FOR ACTION FINAL PLAT OF BRIARGATE SUBDIVISION PLAT AMENDMENT – REDIVISION LOTS 9 & 10 AND UNDEVELOPED RIGHT-OF-WAY LOCATED ON BRIARGATE WAY. REQUEST SUBMITTED BY PETER GRIMA. Ken Young stated that property owner Peter Grima, on behalf of himself and property owner Christine Clifford, has submitted a request for Final Plat approval of the Re-division of Lots 9 & 10 of Briargate Subdivision. As no new building lots are proposed and all public improvements in place, no preliminary plat is required for this development.

The property is identified on Tax Map 52A, Group C, as Parcels 17.39 and 17.68 and consists of approximately .595 total acres. Parcel 17.39 owned by Ms. Clifford contains .435 acres and an existing single family structure. Parcel 17.68 owned by Mr. Grima is approximately .16 acres and contains no structures as it is too small for a suitable building lot. The subject property and all adjacent properties are zoned as RS-10, Single Family Residential.

The parcels involved in this re-division proposal are remnants from Lot 9 as shown on the original Briargate Preliminary Plat. The Final Plat of the eighty-three (83) lot Briargate Subdivision was approved in February 1986 by the Planning Commission with the elimination of Lot 9 in order to create a 50' right-of-way to the adjacent undeveloped parcel for future access. The Planning Commission required this modification due to concerns about the lack of a secondary ingress/egress access. On the current plat of re-division under consideration, a plat statement says that "the purpose of this plat is for Parcel 17.68 to be dedicated as right of way to City of Cookeville in exchange for existing city owned undeveloped right of way which is to be added to Parcel 17.39". The proposal would allow Mr. Grima to eliminate the unusable Parcel 17.68 while creating a repositioned right-of-way for the City to retain for future access.

Public Works Director, Greg Brown has advised the Planning Department that he opposes the proposed shift in the undeveloped right-of-way. He stated that this would create an offset (jog) in the intersection with Greenbriar Lane, which is in violation of Article V, Section I, Subsection 2 of the Subdivision Regulations. The specific section states in part that "Street jogs on local streets with centerline off-sets of less than 125 feet shall not be allowed". The re-division as platted does not conform to that standard.

While no official request has been submitted, Mr. Grima has previously inquired on more than one occasion about the possibility of closing and abandoning the right-of-way and making it available for purchase. The Planning Department has heretofore advise Mr. Grima that it would not be in favor of closure.

Staff recommended denial of the request for Final Plat approval due to non-conformance with the Subdivision Regulations as recommended by the Director of Public Works.

Dr. Roy Loutzenheiser stated that from a transportation standpoint two access points allow for smooth transition in a subdivision, and from a safety aspect it would be better to have two ways in & out in the event of an emergency.

James Mills added that the current Subdivision Regulations state that if you have more than 20 lots the developer has to provide two points of access to the subdivision.

Peter Grima thought there was enough right-of-way to angle the road and still make it work.

Mr. Mills reiterated that he did not feel comfortable recommending a change in the right-of-way without the approval of the Public Works Director. Mr. Mills suggested that Mr. Grima hire an Engineer to come up with a design and then take it to the Public Works Director for him to review and if the Public Works Director approved the design, then Mr. Grima could resubmit his request to the Planning Commission.

Dr. Roy Loutzenheiser made the motion to accept staff's recommendation to deny the request. Jim Woodford seconded the motion and the motion carried unanimously. **DENIED.**

CONSIDER FOR ACTION REQUEST FOR EXTENSION OF PRELIMINARY PLAT APPROVAL OF THE COTTAGES, 49 LOTS LOCATED OFF MCCULLEY ROAD AND SPRINGBORO ROAD. REQUEST SUBMITTED BY TIM HUDDLESTON. Ken Young stated that Mr. Tim Huddleston has submitted a request for a second six (6) month extension of the Preliminary Plat for The Cottages of Cookeville Subdivision, which is a fifty-one (51) lot single family residential subdivision located off of McCulley Road and Springboro Road. The Preliminary Plat was approved by the Planning Commission on July 26, 2010 for a period of one year. A six month plat extension was granted by the Planning Commission at the July 19, 2011 meeting.

As provided in Article II, Section D, Subsection 9 of the Subdivision Regulations, an extension of time can be applied for by the developer and granted by the Planning Commission provided a \$50.00 fee is submitted with the request. Mr. Huddleston submitted the fee with his request for an extension. No work has begun to install improvements on the site, nor have any changes been made to the plat since preliminary approval was granted in July 2010.

Staff recommended approval of the request for a six month extension of the Preliminary Plat as requested.

Dr. Roy Loutzenheiser made the motion to approve the request for a six month extension of Preliminary Plat approval of The Cottages. Jim Woodford seconded the motion and the motion carried unanimously. **SIX MONTH EXTENSION APPROVED.**

Ken Young added that the Subdivision Regulations allow up to two extensions and if the work is not completed at the end of the second six months, then the developer has to start over and resubmit the Preliminary Plat.

James Mills reported that the City has completed the sewer extension in this area as it relates to this Subdivision.

Chris Wakefield made the motion to take the following items for study. Dr. Roy Loutzenheiser seconded the motion and the motion carried unanimously. **STUDY ITEMS.**

- (1) CONSIDER FOR STUDY 2012 ANNUAL REPORT AND PROGRAM DESIGN. REQUEST SUBMITTED BY STAFF.**
- (2) CONSIDER FOR STUDY REZONING 610 & 626 NORTH PEACHTREE AVENUE FROM MS (MEDICAL SERVICES) TO UNV (UNIVERSITY). REQUEST SUBMITTED BY VICHIT KEERADAROME AND RUNGSIPON KEERATISAROGÉ.**

STAFF REPORTS:

(1) MINOR PLAT APPROVALS:

- BULLINGTON COMMERCIAL PARK -- 2 LOTS LOCATED ON HORACE LEWIS ROAD – JUDD BULLINGTON.
- WINDSOR HILL - DIVISION OF LOT 1 - 2 LOTS LOCATED ON NOTTINGHAM DRIVE – CLARK & JETT PROPERTIES.
- WINDSOR HILL – DIVISION OF LOT 4 – 2 LOTS LOCATED ON NOTTINGHAM DRIVE – CLARK & JETT PROPERTIES.
- ASHCROFT SUBDIVISION – BLOCK A – LOT 3 & 4 – 2 LOTS LOCATED ON CORA ROAD – TIM CLARK

ADJOURNMENT: 6:29 P.M.

SUBMITTED FOR APPROVAL

SUBMITTED FOR RECORDING

**JAYNE BARNS CPS
PLANNING ASSISTANT**

**JIM STAFNE, CHAIRMAN
COOKEVILLE PLANNING
COMMISSION**