

**COOKEVILLE PLANNING COMMISSION  
MINUTES  
MARCH 25, 2013**

The Cookeville Planning Commission met on Monday, March 25, 2013 at 5:30 p.m., in the Council Chambers, 45 E. Broad Street, Cookeville, Tennessee.

**MEMBERS PRESENT:** Jim Stafne, Dr. Roy Loutzenheiser, Judy Jennings, Chris Wakefield, Randy Dalton, David Webb, Jim Woodford, and Kay Starkweather.

**MEMBERS ABSENT:** Dr. Angelo Volpe.

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

**STAFF MEMBERS ABSENT:** Jim Shipley.

**OTHERS PRESENT:** Jim Cobb, Jack Butler, Ronnie Gaw, Aaron Bernhardt, Philip Oldham, Laura Militana, Skip Bartlett, and Sam Tays.

**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 FEBRUARY 25, 2013.** Jim Woodford made the motion to approve the minutes of February 25, 2013. Kay Starkweather seconded the motion and the motion carried unanimously. **APPROVED.**

**CONSIDER FOR ACTION AMENDMENTS TO THE ZONING CODE RELATING TO BUS SHELTERS AND BUS STOPS. REQUEST SUBMITTED BY STAFF. THIS ITEM WAS POSTPONED AT LAST MONTH'S MEETING.** James Mills stated that the Planning Department has prepared an amendment to the Zoning Code relative to the location of bus shelters. Consideration of this item was postponed at the February Planning Commission meeting to allow for further study.

The location of bus shelters is regulated by Section 204.8E of the Zoning Code. Currently these uses can only locate in residential subdivisions and multi-family developments of ten (10) or more dwelling units provided they do not impair visibility or create safety hazards. These restrictions were most likely intended to address shelters for children utilizing school buses and do not address shelters for public transit.

The Upper Cumberland Human Resource Agency (UCHRA) operates the Cookeville Area Transit System (CATS) which provides public transit along designated bus routes throughout the city. The UCHRA recently contacted the Planning Department regarding the possibility of locating bus shelters at various points in the city along the CATS route. A proposed design for the shelters has been submitted by the UCHRA, indicating a footprint of approximately 70 square feet (seven (7) feet wide x ten (10) long). Under the

current provisions of the Zoning Code, shelters cannot be located along major portions of the CATS route including along Willow and Jefferson Avenues.

The enclosed amendment prepared by the Planning Department would allow shelters within building front setback areas in all zoning districts subject to the submittal and approval of a site plan by the Director of the Public Works Department, provided the following conditions are met:

1. Shall not impair visibility or create safety hazards at any street intersection or at any driveway intersection with a street,
2. Shall not be located within any street right-of-way without the written approval of the City of Cookeville,
3. Shall be located a minimum of 15 feet from the edge of the street if opaque walls are provided with the shelter,
4. Shall not contain signage or advertising of any kind except identification of the bus company and a posting of relevant schedule and service information,
5. Shall be connected to the public sidewalk system,
6. Shall be located behind the sidewalk with no portion of the shelter encroaching the sidewalk,
7. Shall be located on a concrete or other hard surface approved by the Director of the Public Works Department,
8. Shall comply with all ADA accessibility requirements,
9. Shall have the written approval of the contiguous land owner, and
10. Shall be maintained by the operator of the bus/transit system.

Staff recommended approval of the amendment.

Dr. Roy Loutzenheiser made the motion to approve the amendments to the Zoning Code relating to bus shelters and bus stops. Chris Wakefield seconded the motion and the motion carried unanimously. **APPROVED AMENDMENTS TO THE ZONING CODE.**

**CONSIDER FOR ACTION REZONING 225 KENWAY STREET FROM RS10 (SINGLE FAMILY RESIDENTIAL) TO CL (LOCAL COMMERCIAL). REQUEST SUBMITTED BY RONALD & RONDA GAW.** James Mills stated that Ms. Rhonda Gaw and Mr. Ronald Gaw have submitted a request to rezone a portion of their property located at 225 Kenway Street from RS-10, Single Family Residential to CL, Local Commercial.

The subject property is identified as a portion of Parcel 2.00 on Tax Map 270, Group A and consists of approximately 1.26 acres. It has frontage on both Kenway Street and North Dixie Avenue. It is contiguous with properties zoned as RS-10 to the east, CL to the north, and as RD, Single and Duplex Residential to the south and west. Multi-family developments are located on properties adjacent to the north and south and a nonconforming construction company is located on adjacent properties to the east.

The property was combined with Parcel 3.00 on Tax Map 270, Group A in February of this year. The zoning on the combined parcel is currently split with the portion which was previously Parcel 3.00, consisting of approximately 0.51 acres, zoned as RS-10, and the portion which was previously Parcel 2.00, consisting of approximately 0.75 acres, zoned as CL. Located on the portion which was previously Parcel 2.00 is a vacant commercial structure which previously housed a produce facility. The commercial structure also encroached slightly on a portion of the property which was previously Parcel 3.00 and the remainder is vacant.

In the petition for rezoning the Gaws indicate that they intend to remove the vacant commercial structure and construct a multi-family development. Multi-family residential is a permitted use in the CL district with a minimum density requirement of 3,000 square feet per dwelling unit. The Gaws could construct approximately ten (10) units on the portion of the property currently zoned as CL and would be able to construct approximately 18 units if the portion of the property proposed for rezoning is rezoned as CL. A Type 2 Screen and Buffer yard, 20 feet in width, would be required where the subject property is contiguous with property zoned as RS-10.

Staff recommended approval of the request.

Randy Dalton made the motion to approve rezoning 225 Kenway Street from RS10 (Single Family Residential) to CL (Local Commercial). Jim Woodford seconded the motion and the motion carried unanimously. **APPROVED REZONING 225 KENWAY STREET FROM RS10 TO CL.**

**HOLD A PUBLIC HEARING AND CONSIDER FOR ACTION REQUEST TO DECLARE CITY OWNED PROPERTY LOCATED AT 215 WEST 7TH STREET AS SURPLUS PROPERTY. REQUEST SUBMITTED BY JIM COBB ON BEHALF OF TENNESSEE TECH UNIVERSITY.** James Mills stated that Mr. Jim Cobb, Interim Director of Projects, on behalf of Tennessee Tech University, has submitted a request for the declaration as surplus property city owned property located at 215 West 7<sup>th</sup> Street.

The property proposed for surplus declaration is identified as Parcel 9.00 on Tax Map 400, Group D and consists of approximately 4,100 square feet. It was acquired by the city in 2001 in anticipation of improvements to West 7<sup>th</sup> Street.

According to the request submitted by Mr. Cobb, the city's property is located in an area identified in the University's 2010 Master Plan as Area One of the Campus Acquisition Plan. The university intends to construct a new Laboratory Science Building in the large commuter parking lot north of the Capitol Quad residence hall which will result in a loss of over 500 parking spaces. The university would like to acquire the subject city owned property and other contiguous parcels for the purpose of constructing a new parking area to offset the loss of parking resulting from the construction of the new science building.

The applicable city departments have reviewed the surplus property request and no opposition has been indicated.

Staff recommended approval of declaration as surplus property city owned property identified as Parcel 9.00 on Tax Map 400, Group D and for the acquisition of the property by TTU with the disbursement to be determined by the City Council.

Chairman Jim Stafne opened the Public Hearing and after there were no comments from the audience, he closed the Public Hearing.

Dr. Roy Loutzenheiser made the motion to approve declaring City owned property located at 215 West Seventh Street as surplus property. Chris Wakefield seconded the motion and the motion carried unanimously. **APPROVED DECLARING 215 WEST 7TH STREET AS SURPLUS PROPERTY.**

**CONSIDER FOR ACTION VARIANCE OF 250 FEET ON THE LENGTH OF THE PROPOSED REDBUD DRIVE EXTENSION AND PRELIMINARY PLAT APPROVAL OF REDBUD SUBDIVISION PHASE II, 23 LOTS LOCATED OFF BUCK MOUNTAIN ROAD. REQUEST SUBMITTED BY DONNIE SUITS ON BEHALF OF CAPITAL COMMUNITIES LLC. THE DEVELOPER HAS REQUESTED THAT THIS ITEM BE WITHDRAWN FROM THE AGENDA.** Dr. Roy Loutzenheiser made the motion to approve withdrawing this item from the Agenda. Jim Woodford seconded the motion and the motion carried unanimously. **REQUEST WITHDRAWN FROM THE AGENDA.**

**HOLD A PUBLIC HEARING AND CONSIDER FOR ACTION REQUEST FOR RAO (REDEVELOPMENT AREA OVERLAY DISTRICT) ZONING FOR 319 WEST 7<sup>TH</sup> STREET. REQUEST SUBMITTED BY AARON BERNHARDT ON BEHALF OF BERNHARDT LLC AND JERRY C. GAW INC.** James Mills stated Mr. Aaron Bernhardt, on behalf of Bernhardt LLC, Jerry C. Gaw, Inc. and Pat Fitzpatrick, has submitted a request for RAO (Redevelopment Area Overlay) zoning for their property located west of North Willow Avenue and east of Laurel Avenue between West 7<sup>th</sup> and West 8<sup>th</sup> Streets.

The RAO District was created by Ordinance Number O13-01-02 which became effective earlier this month. The overlay district was created as a mechanism for the redevelopment, revitalization, rehabilitation, and general improvement of areas within the City of Cookeville as identified within the Cookeville 2030 Plan as being in need of such action, or other areas within the city as may be determined to be in need of such action. Within RAO districts, the city may waive or modify certain development requirements to provide incentives for redevelopment, including increases in density, reduction of setbacks, and reductions of lot sizes. Specific criteria must be met for properties to qualify for RAO zoning and a detailed process for approval must be followed. Only those uses permitted in the underlying zoning may be permitted in a RAO district. To qualify for RAO zoning the site must contain a minimum of one (1) acre when located within an area identified in the Cookeville 2030 Plan as being in need of revitalization/redevelopment. The developer must submit and adhere to an approved development plan.

The process for the approval of RAO zoning involves several steps. First the developer is required to meet with the Planning Director to determine whether the RAO zoning is appropriate for the proposed property. If it is determined that the property is appropriate for RAO zoning, then the developer must submit a request for overlay zoning, a written statement describing the proposed development and how it meets the objectives of the 2030 Plan, and a Preliminary RAO Concept Plan. The Concept Plan must include site, floor and elevation plans. The Planning Commission, after reviewing the overlay zoning request and required submittals, must submit a recommendation to the City Council for approval, modification, or denial of the request. Upon receipt of the Planning Commission recommendation the City Council then considers enactment of the overlay.

Once the overlay is enacted, a Final RAO Plan must be submitted to and approved by the Planning Commission. The Final RAO Plan must be submitted within six (6) months after the effective date of the enactment of the overlay by the City Council or the overlay zoning action shall become null and void. Extension of no more than 18 months may be granted by the Planning Commission. The Final RAO Plan must substantially conform to the Preliminary RAO Concept Plan. Any substantial modifications to the approved Final RAO Plan must be resubmitted to the Planning Commission.

The property proposed for RAO zoning is identified as Parcel 24.00 on Tax Map 400, Group A and consists of approximately 1.75 acres. It previously consisted of seven (7) parcels that were combined in 2011. The site is located primarily within an area identified in the Cookeville 2030 Plan as being in need of redevelopment/revitalization. The underlying or existing zoning classification of the property is CL, Local Commercial. The primary use of the property is single family residential. Located on the property were six (6) single family dwellings and one large shed/barn. Two (2) of the dwellings and the shed/barn have already been removed. These structures were considered to be in dilapidated condition and the remaining structures are considered to be in deteriorated or dilapidated condition. The removed dwellings had been condemned as environmental hazards.

Mr. Bernhardt has submitted a Preliminary RAO Concept Plan, written statement, site plan, floor plans, elevation plans, photos and other materials required for RAO zoning consideration. The petitioners indicate that they wish to construct townhouses (single family attached dwellings) that will be all brick with fiber cement shake accents. Townhouses are a use permitted on review by the Planning Commission in the CL district. The site plan indicates that the townhouses would be clustered into three (3) groups of nine (9) units and one (1) group of eight (8) units. The floor plans depict the construction of two (2) story dwellings with kitchen, living, and dining areas on the first floor and two (2) bedrooms and two (2) baths located on the second floor. The elevation plans indicate all brick construction. According to the submitted development schedule all existing structures would be removed within 60 days of approval of the RAO with new construction beginning thereafter and to be completed within one (1) year.

Sidewalks along West 8<sup>th</sup> Street and Laura Avenue would be installed and a rain garden would be utilized for storm water detention instead of a detention pond. All of the

proposed units would be accessed from interior drives and parking areas, no direct vehicle access from public streets to any dwelling will be provided. Canopy trees are to be planted along all street frontages.

According to the submitted materials the petitioners wish to construct 35 dwellings, which is an increase of approximately 10 units over what could be constructed under CL zoning, which requires a minimum of 3,000 square feet of land area per dwelling unit. Under the provisions of the RAO district, the city may allow a density bonus of up to 20 units per acre, which is approximately 2,178 square feet per dwelling unit. For an area containing 1.75 acres the city can approve up to 35 dwelling units.

The petitioners are also requesting reductions in the front setback requirements to 15 feet along West 7<sup>th</sup> Street and to 18 feet off West 8<sup>th</sup> Street and Laurel Avenue. The minimum front setback requirement in the CL district is 30 feet. The Cookeville Codes Department has approved an averaging of setbacks of existing structures along West 8<sup>th</sup> Street and Laurel Avenue as provided in Section 204.3 of the Zoning Code to allow setbacks of 18 feet on these streets. A depth of up to seven (7) feet of property was dedicated along all street frontages with the combination plat approved in 2011. Additionally, the city acquired a portion of the property in 2011 along West 7<sup>th</sup> Street at its intersection with North Willow Avenue for the installation of a turning lane. As a result of these actions the property boundary is located a minimum of approximately eight (8) feet from the back of the sidewalk along West 7<sup>th</sup> Street. This would place the proposed structures approximately 23 feet from the back of the sidewalk with the approval of the setback reduction.

Staff recommended approval of Preliminary RAO Concept Plan for the development of 35 single family attached dwellings and approval of the requested setback reductions with recommendation to City Council for the enactment of RAO zoning.

Chairman Jim Stafne opened the Public Hearing and after there were no comments from the audience, he closed the Public Hearing.

Chris Wakefield asked about signage for the development.

James Mills replied that all the details for signs, types of trees, etc. will have to be depicted on the Final Plan.

Kay Starkweather made the motion to approve the request for RAO (Redevelopment Area Overlay District) Zoning for 319 West 7<sup>th</sup> Street, and to approve reducing the front yard setback requirements on West 7<sup>th</sup> Street from 30 feet to 15 feet for a total Variance of 15 feet. Randy Dalton seconded the motion and the motion carried unanimously.  
**APPROVED RAO OVERLAY ZONE AND VARIANCE FOR 319 WEST 7<sup>TH</sup> STREET.**

**CONSIDER FOR ACTION PRELIMINARY PLAT OF DRAPER HEIRS DIVISION, 15 LOTS LOCATED ON THE CORNER OF FISK ROAD,**

**WINTERHILL DRIVE, AND NORTH PICKARD AVENUE. REQUEST SUBMITTED BY TAYS REALTY ON BEHALF OF ALENE DRAPER HEIRS. THE DEVELOPER HAS REQUESTED THAT THIS ITEM BE MOVED FROM STUDY TO ACTION. MOVING THIS ITEM FROM STUDY TO ACTION REQUIRES THE APPROVAL OF THE PLANNING COMMISSION.** Dr. Roy Loutzenheiser made the motion to approve moving this item from Study to Action. Jim Woodford seconded the motion and the motion carried unanimously. **APPROVED MOVING THIS ITEM FROM STUDY TO ACTION.**

James Mills stated that Sam Tays with Tays Realty has submitted on behalf of the Alene Draper Heirs a preliminary plat of the Draper Heirs Division, a 15 lot single family residential detached development. The property is bounded on the west by Fisk Road, on the north by Winterhill Drive and on the east by North Pickard Avenue.

The subdivision development property is identified on Tax Map 52A, Group A as Parcels 5.00 and 6.00 and consists of approximately 9.586 total acres. The property is zoned RS-10, Single Family Residential, as are adjacent properties to the north, south and east. Properties to west are zoned as RS-10 and RS-15, Single Family Residential. The lots range in size from 15,668 square feet to 32,928 square feet, with the majority over 30,000 square feet.

The perimeter of the site is 25 feet from the adjacent street centerlines, so no additional property dedication is required. The lots will be served by existing six-inch waterlines located in each street right-of-way. The sewer service lines will be connected to one of the existing eight-inch gravity mains. There is a 20 feet wide recorded sewer easement depicted on the plat that runs north to south bisecting the property. In addition, there are mains located in the right of way of Winterhill Drive and Fisk Road. There are four (4) existing fire hydrants located within the 500 feet required distance for fire protection.

The property is not shown in a FEMA designated Special Flood Hazard Area, nor is it identified within a sinkhole floodplain. However, the Public Works Department has advised that due to site specific conditions, the submission of storm water detention plans prior to final plat approval is required. The Electric Department noted that all service lines will be required to be located underground through a utility easement.

Staff recommended conditional Preliminary Plat approval, subject to the following:

- 1) Submission of storm water detention plans as required by the Public Works Department, and
- 2) Completion of corrections or additions to the plat as determined necessary by the Planning Department and/or other appropriate city departments.

Randy Dalton made the motion to grant conditional Preliminary Plat approval of Draper Heirs Division, subject to Staff's recommendation. Jim Woodford seconded the motion and the motion carried unanimously. **GRANTED CONDITIONAL PRELIMINARY PLAT APPROVAL OF DRAPER HEIRS DIVISION, SUBJECT TO CONDITIONS.**

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

**STUDY ITEMS:**

- (1) CONSIDER FOR STUDY PRELIMINARY PLAT OF WINDSOR COMMONS, 58 LOTS LOCATED ON EAST SPRING STREET AND NOTTINGHAM DRIVE. REQUEST SUBMITTED BY JERRY GAW AND PAUL GAW.**

**ADJOURNMENT: 6:05 P.M.**

**SUBMITTED FOR APPROVAL**

**SUBMITTED FOR RECORDING**

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**JAYNE BARNS CPS  
PLANNING ASSISTANT**

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**JIM STAFNE, CHAIRMAN  
COOKEVILLE PLANNING  
COMMISSION**