

**COOKEVILLE PLANNING COMMISSION
MINUTES
MAY 20, 2013**

The Cookeville Planning Commission met on Monday, May 20, 2013 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, Chris Wakefield, Randy Dalton, David Webb, Jim Woodford, and Kay Starkweather.

MEMBERS ABSENT: Judy Jennings.

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

STAFF MEMBERS ABSENT: Jim Shipley.

OTHERS PRESENT: Jack Lynn, Thomas Lynn, Nancy Pardue, Sam Tays, Laura Militana, Aaron Bernhardt, Katherine Hill, Kay Lynn, and Dr. Sandra Smith.

CONSIDER FOR APPROVAL THE AGENDA AS SUBMITTED. Dr. Roy Loutzenheiser made the motion to approve the agenda as submitted. Jim Woodford seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR APPROVAL THE MINUTES OF APRIL 22, 2013. Dr. Angelo Volpe made the motion to approve the minutes of April 22, 2013. Chris Wakefield seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR ACTION REZONING 218 EAST 8TH STREET FROM RS15 (SINGLE FAMILY RESIDENTIAL) TO RS10 (SINGLE FAMILY RESIDENTIAL). REQUEST SUBMITTED BY THOMAS LYNN ON BEHALF OF LYNNERS FAMILY GENERAL PARTNERSHIP. James Mills stated that Mr. Thomas Lynn, on behalf of the Lynnders Family General Partnership, has submitted a request to rezone from RS-15, Single Family Residential to RS-10, Single Family Residential property located at 218 East 8th Street.

The property proposed for development is identified as Tax Map 40N, Group H, Parcel 1.00 and consists of approximately 30,000 square feet. It is a corner lot with frontage on both East 8th Street and North Jefferson Avenue. This parcel is zoned RS-15, Single Family Residential as are the lands immediately adjacent to the north and south. The contiguous property east of the subject property is zoned RS-10 Single Family Residential and the property to the west is zoned UNV, University.

The RS-15 and RS-10 districts are both primarily intended for single family residential use. The basic difference between the districts is the minimum lot size requirement, with the RS-15 district requiring 15,000 square feet and the RS-10 district requiring 10,000 square feet. Under the current zoning the subject property could potentially be subdivided into two (2) parcels and under the proposed zoning it could potentially be subdivided into three (3) parcels.

Generally from East 6th Street north to East 9th Street, the east side of North Jefferson Avenue is zoned as RS-10 and the west side is zoned as RS-15. This zoning configuration was based primarily on existing lot size characteristics. In the opinion of the Planning Department rezoning the subject property to RS-10 would only be appropriate if a larger area on the west side of North Jefferson Avenue was included. Mr. Lynn has indicated that the owners of two (2) of the three (3) additional parcels (832 and 836 North Jefferson Avenue) located north of East 8th Street on the west side of North Jefferson Avenue are not opposed to the inclusion of their properties in the proposed rezoning. However, the owner of the third parcel (824 North Jefferson Avenue), which is immediately adjacent to the north of the subject property, has notified the Planning Department that she is opposed to the rezoning.

Staff recommended denial of the request.

Thomas Lynn stated that two lots would face North Jefferson Avenue and the third lot would face West 8th Street. He thought the layout would have the least amount of impact on the neighborhood. The homes that they will be building will help the value of the homes in the area.

Jack Lynn stated that the houses would consist of 2,000 to 2,300 sq. ft. with 400 to 600 sq. ft. garages, which is similar to other houses in the area. The outside of the homes would consist of brick, rock and hardie board.

Nancy Pardue, property owner at 824 North Jefferson Avenue, stated that their family has lived there since 1959. She was concerned that the City has rules and codes for a reason and that they should not change because Mr. Lynn wanted to make more money by adding an additional lot. She was also concerned that if the property sold as RS10 that they would put in zero lot lines townhomes, which would take away from the neighborhood. Mrs. Pardue added that she was opposed to the rezoning to RS10 and requested that the Commission keep the property RS15.

Dr. Sandy Smith, property owner at 829 North Jefferson Avenue stated that she has renovated her home and that it has over 4,000 sq. ft. and stated that the new homes would not help her property value as stated by Mr. Lynn, but would hurt the property value.

Concerns by the Board were that they could not rezone Mr. Lynn's property by itself because it would be consider spot zoning, and since the property owner at 824 North Jefferson Avenue was opposed, the Board did not feel comfortable in including that property along with 832 & 836 North Jefferson Avenue in the rezoning request.

Thomas Lynn stated that he did not know what they requested in their application.

James Mills replied that the application for rezoning request was only for 218 East 8th Street.

Dr. Roy Loutzenheiser made the motion to deny the request due to the opposition and consistency of the RS15 being disrupted if changed. Jim Woodford seconded the motion. Votes: Jim Stafne – aye, Dr. Angelo Volpe - aye, Dr. Roy Loutzenheiser- aye, Chris

Wakefield - aye, Randy Dalton - nay, David Webb - aye, Jim Woodford - aye, and Kay Starkweather aye. Motion Carried. **REZONING DENIED.**

Thomas Lynn asked if the request could be withdrawn.

James Mills told him that since the motion had been made he could not withdraw the request.

Jim Stafne stated that Mr. Lynn had the right to appeal their decision to the City Council, but that he could not bring the request back to the Planning Commission unless there was substantial change to the request.

CONSIDER FOR ACTION FINAL RAO PLAN AND PRELIMINARY PLAT OF UNIVERSITY SQUARE (FORMERLY HAYDEN HEIGHTS, 36 LOTS LOCATED BETWEEN NORTH WILLOW AND LAUREL AVENUES AND WEST 7TH AND WEST 8TH STREETS. REQUEST SUBMITTED BY AARON BERNHARDT. James Mills stated that Mr. Aaron Bernhardt, on behalf of Bernhardt LLC, Jerry C. Gaw, Inc. and Pat Fitzpatrick, has submitted for approval a Final RAO (Redevelopment Area Overlay) Plan and Preliminary Subdivision Plat for University Square. University Square is a proposed 35 unit townhouse (single-family attached) development located west of North Willow Avenue and east of Laurel Avenue between West 7th and West 8th Streets.

The Planning Commission, at its March 2013 meeting, approved a Preliminary RAO Concept Plan for the proposed development of 35 single family attached dwellings with setback reductions and recommended that the City Council enact an RAO zone for the area depicted in the RAO Plan. Ordinance Number O13-04-08, establishing the RAO district for the subject area, was approved on second and final reading at by the City Council at its May 16, 2013 meeting and will become effective on May 31, 2013.

The property proposed for RAO development 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 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.

The approved Preliminary RAO Concept Plan depicted the development of 35 townhouses which was an increase of approximately 10 units over what could be constructed under CL zoning. Approved floor plans indicated that the dwelling units would consists 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 approved plan also included reduced setbacks along West 7th and West 8th Streets and Laurel Avenue. According to the approved development schedule all existing structures are to be removed within 60 days of approval of the RAO with new construction beginning thereafter and to be completed within one (1) year.

The Zoning Code requires that a Final RAO Plan must be submitted to the Planning Commission 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. 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. Section 232A.15G of the Zoning Code specifies that in RAO developments involving the transfer of parcels a preliminary subdivision plat is also required.

In the opinion of the Planning Department the Final RAO Plan substantially conforms to the Preliminary RAO Concept Plan. All information required by Section 232A.15G appears to be depicted on the Plan. The plan indicates that the 35 townhouses would be clustered into three (3) groups of nine (9) units and one (1) group of eight (8) units. Sidewalks along West 8th Street and Laurel 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. Elevation and floor plans are provided on the Final RAO Plan. Refuse collection will be provided with an enclosed dumpster area. A common mail area is to be provided.

The Preliminary Plat depicts the development of 36 lots consisting of the 35 townhouse lots and the 36th lot being the common area, which including all parking, drives, green space and the storm water retention area. All utilities and interior streets will be privately owned and maintained. A Homeowners Agreement (HOA) regarding the maintenance of the private streets, utilities and common areas is required. Existing fire hydrants are adequately located to serve the development. All townhouse lots will be accessed and addressed from the private interior streets. New sidewalks will be constructed along West 8th Street and Laurel Avenue. The storm water management plans have been approved by the Public Works Department.

Staff recommended conditional approval of the Final RAO Plan for University Square subject to Ordinance Number O13-04-08 becoming effective, to the submittal of the homeowners covenants and maintenance agreement, and to compliance with all applicable provisions of the Zoning Code. Conditional approval of the Preliminary Plat subject to the completion of a preconstruction meeting prior to the initiation of any improvements and to the completion of any corrections or additions to the plat as determined necessary by the applicable city departments.

Dr. Angelo Volpe made the motion to grant conditional approval of Final RAO Plan and Preliminary Plat of University Square (formerly Hayden Heights), subject to Staff's recommendations. Dr. Roy Loutzenheiser seconded the motion and the motion carried unanimously. **CONDITIONAL APPROVAL OF FINAL RAO PLAN AND PRELIMINARY PLAT OF UNIVERSITY SQUARE.**

CONSIDER FOR ACTION FINAL 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. Ken Young stated that Sam Tays with Tays Realty has submitted on behalf of the Alene Draper Heirs a final 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 N. Pickard Avenue. The preliminary plat for the development was conditionally approved by the Planning Commission at the March 25, 2013 meeting.

The subdivision development property is identified on Tax Map 052A 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 all adjacent properties. 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 platted 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. The Public Works Department, however, has recently advised that the general area shown on the plat as the location of a proposed rain garden is a probable wetland which the developer must delineate on the plat. The location and scope of any drainage improvements including the rain garden will be determined after the wetland is delineated. The Electric Department noted that all service lines will be required to be located underground through a utility easement.

Staff recommended conditional final plat approval is recommended subject to the following:

- 1) Submission of a revised plat showing developer initiated delineated wetland area,
- 2) Approval of an engineered drainage plan by the Public Works Department,
- 3) Completion and approval of drainage improvements by the Public Works Department,
- 4) Completion of corrections or additions to the plat as determined necessary by the Planning Department and/or other appropriate city departments, and
- 5) The conditional final approval is only valid for sixty (60) days from the date of Planning Commission approval.

Dr. Angelo Volpe made the motion to grant conditional Final Plat approval, subject to Staff's recommendations. Dr. Roy Loutzenheiser seconded the motion and the motion carried unanimously. **CONDITIONAL FINAL PLAT APPROVAL OF DRAPER HEIRS DIVISION.**

Kay Starkweather 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 CLOSURE AND ABANDONMENT OF A PORTION OF THE UNDEVELOPED RIGHT-OF-WAY OF FLATT HOLLOW ROAD LOCATED BETWEEN MANNING PLACE AND OAKLAWN COURT. REQUEST SUBMITTED BY VIVIAN VICKERS.**

- (2) CONSIDER FOR STUDY REZONING 5698 SOUTH JEFFERSON AVENUE FROM CL (LOCAL COMMERCIAL) TO LM (LIGHT MANUFACTURING). REQUEST SUBMITTED BY LARRY CUNNINGHAM.**

STAFF REPORTS:

(1) MINOR PLAT APPROVALS:

- FURTSCH COMBINATION PLAT – 1 LOT LOCATED ON NORTH CEDAR AVENUE – THOMAS FURTSCH.
- SAINT MICHAELS EPISCOPAL CHURCH – 2 LOTS LOCATED ON EAST 7TH STREET– DOC JONES.
- WASHINGTON SQUARE ASSOCIATION – 2 LOTS LOCATED ON NORTH WASHINGTON AVENUE – TAYS REALTY.
- PAT ALLEN DIVISION – 2 LOTS LOCATED ON LOVELADY ROAD – A NEW DAY CONTRACTING COMPANY.
- BILBREY PARK SUBDIVISION REVISED LOTS 6 & 7 – 2 LOTS LOCATED ON RANDY DRIVE – LONNIE DONALDSON & BILLIE BEATY.
- WEST TOWN CENTER COMBINATION PLAT – 2 LOTS LOCATED ON WEST BROAD STREET – JERRY GAW AND PAUL GAW.

ADJOURNMENT: 6:25 P.M.

SUBMITTED FOR APPROVAL

SUBMITTED FOR RECORDING

**JAYNE BARNS CPS
PLANNING ASSISTANT**

**JIM STAFNE, CHAIRMAN
COOKEVILLE PLANNING
COMMISSION**