

**COOKEVILLE PLANNING COMMISSION
MINUTES
OCTOBER 28, 2013**

The Cookeville Planning Commission met on Monday, October 28, 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, Judy Jennings, Chris Wakefield, Randy Dalton, David Webb, Jim Woodford, and Kay Starkweather.

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

STAFF MEMBERS ABSENT: Jim Shipley.

OTHERS PRESENT: Jack Lynn, Dr. Sandi Smith, Will Roberson, Aaron Bernhardt, Alma Anderson, Lauren Shibakov, and Tim Huddleston.

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

CONSIDER FOR APPROVAL THE MINUTES OF SEPTEMBER 23, 2013. Dr. Angelo Volpe made the motion to approve the minutes of September 23, 2013. Kay Starkweather seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR ACTION REZONING 218 & 233 E. 8TH STREET, 720, 734, 832, & 836 N. JEFFERSON AVENUE FROM RS15 TO RS10. REQUEST SUBMITTED BY JACK LYNN ON BEHALF OF LYNNDERS PARTNERSHIP, MATTHEW & KATHERINE HILL, JOHN MCCAWLEY, SEAN & MICHELLE O'NEAL, SOPHONPHAN SRITHANYARAT, AND CHRIS & LAURA BURGIN. James Mills stated that the owners of six (6) properties located at 218 and 233 East 8th Street, 720, 734, 832 and 836 North Jefferson Avenue have submitted requests to rezone their properties from RS-15, Single Family Residential to RS-10, Single Family Residential.

The subject properties are located on the west side of North Jefferson Avenue between East 7th and East 9th Streets. 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. The properties proposed for rezoning are contiguous with UNV, University zoning to the north and west, with RS-10 zoning to the east, and with RS-15 zoning to the south. The area is depicted in the Future Land Use Concept Plan as being best suited for lower density residential development. RS-15 and RS-10 zoning both fit within the lower density residential land use classification.

At the May 2013 meeting of the Planning Commission, a request from Mr. Thomas Lynn to rezone his property located at 218 East 8th Street from RS-15 to RS-10 was denied. Concerns expressed by the Planning Commission in May were potential spot zoning if Mr. Lynn's property was rezoned by itself and opposition from one property for the inclusion of a larger

area. Mr. Lynn had indicated that two (2) of three (3) property owners located north of his property on the west side of North Jefferson Avenue located at 832 and 836 North Jefferson Avenue were not opposed to the inclusion of their properties in the rezoning.

This request differs from the request submitted in May in that three (3) additional properties to the south of the Lynn property at 218 East 8th Street have been included and that the owners of the two (2) of the properties to the north of the Lynn property have officially requested rezoning. Ms. Nancy Pardue, the owner of the third property to the north at 824 North Jefferson Avenue and contiguous with the Lynn property, continues to be opposed to the rezoning. Ms. Pardue has submitted correspondence indicating her reasons for opposition.

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. The districts also differ in minimum lot width at setback requirements, with a width of 100 feet required in the RS-15 district and 75 feet required in the RS-10 district.

The parcels located at 734, 824, 832, and 836 North Jefferson Avenue and 233 East 8th Street each have a land area of significantly less than 20,000 square feet and could not be subdivided if rezoned to RS-10. The property at 720 North Jefferson Avenue has a land area over 20,000 square feet and could potentially be subdivided; however, subdivision would require the approval of a variance for a flag lot. The parcel located at 218 East 8th Street, which is owned by Lynn, consists of approximately 30,000 square feet and could potentially be subdivided into three (3) lots if rezoned to RS-10.

In studying the requests for rezoning the Planning Department evaluated the possible inclusion of an eighth property located at 706 North Jefferson Avenue. The inclusion of this property would provide a more a homogenous area by placing the zoning line between the RS-10 and RS-15 districts at East 7th Street. According to Mr. Lynn, he contacted the owner of the property located at 706 North Jefferson Avenue about inclusion in the rezoning; however, the property owner did not submit a request. This property consists of over 20,000 square feet and could potentially be subdivided into two (2) parcels if rezoned. If all eight (8) parcels on the west side of North Jefferson Avenue from East 7th Street north to the University District zoning at East 9th Street were rezoned to RS-10, then potentially three (3) additional parcels for single family residences could be created through subdivision of existing parcels.

Staff recommended approval of rezoning from RS-15 to RS-10 properties located at 706, 720, 734, 824, 832 and 836 North Jefferson Avenue and 218 and 233 East 8th Street.

Jim Woodford stated that the plans will improve the appearance of the neighborhood, but he was still concerned that the developer knew what the zoning was when he purchased the property. Mr. Woodford was also concerned about the developer coming back to the Board so soon after they denied his first rezoning request.

Randy Dalton thought that the new house plans would enhance the neighborhood.

Dr. Roy Loutzenheiser stated that the Planning Commission can't base their decision on plans that are being shown, because the developer's plans could change. Dr. Loutzenheiser added that he has trouble supporting rezoning property when the property owner directly affected is opposed.

Sandy Smith, property owner at 829 North Jefferson Avenue, was opposed to the rezoning which would allow three lots. She felt that the zoning should stay RS15, so there will only be 2 lots for consistency in their neighborhood.

Jack Lynn stated that they bought the property on the corner of E. 8th Street and North Jefferson Avenue because his sister owns the lot across the street.

Chris Wakefield stated that the Board has been burned by rezonings in the past by Developers showing pictures of what they are proposing, then plans change and something else is built.

Dr. Angelo Volpe was concerned that the resident most affected being opposed to the rezoning request.

Randy Dalton made the motion to approve the rezoning request with the addition of 706 and 824 North Jefferson Avenue. Chris Wakefield seconded the motion. Votes: Jim Stafne - aye, Dr. Angelo Volpe - aye, Dr. Roy Loutzenheiser - nay, Judy Jennings - nay, Chris Wakefield - aye, Randy Dalton - aye, David Webb - aye, Jim Woodford - nay, and Kay Starkweather - aye. Motion Carried. **APPROVED REZONING FROM RS15 TO RS10 218 & 233 E. 8TH STREET, 706, 720, 734, 824, 832 & 836 N. JEFFERSON AVENUE.**

CONSIDER FOR ACTION PRELIMINARY PLAT OF LIBERTY PLACE, PHASE I, 24 LOTS LOCATED ON EAST SPRING STREET. REQUEST SUBMITTED BY JERRY GAW. James Mills stated that Jerry Gaw and Aaron Bernhardt have submitted for approval a Preliminary Plat of Liberty Place Phase I, a proposed 24 lot single family attached residential development of their property located on East Spring Street.

The property proposed for development is identified on Tax Map 53M Group B as Parcel 2.00 and consists of approximately 9.18 total acres. The parcel is zoned CG, General Commercial and is adjacent to properties zoned CG as well as CR, Regional Commercial to the east and RS-10, Single Family Residential to the southwest. Section 222.3 of the Zoning Code stipulates that single family attached dwellings (townhouses) are allowed in the CG district as a use permitted on review, subject to the submission of a plat in accordance with the Cookeville Subdivision Regulations. The property is proposed to be fully developed in five phases with approximately 80 total lots. Phase I consists of 24 building lots and the construction of all the new streets and utilities for the entire project.

A looped street network is proposed to serve the new development with two access points to provide ingress and egress to East Spring Street. No names have been proposed for the new streets. The streets are proposed with extruded curbing and a four foot wide sidewalk along one side. The developers have submitted drainage and street construction plans to the Public Works Department. Water is available to connect to the existing 14 inch water line located in the right-of-way of East Spring Street and the lots will be served by a master meter. There is

an 18 inch sewer line traversing east-west in the southern portion of the parcel within a 30 foot wide sewer easement. The developers are working with the Department of Water Quality Control on the water and sewer plans as well as the location of new fire hydrants that will meet the spacing requirements of the Subdivision Regulations. All common areas, streets and other infrastructure improvements are private and will be maintained via a Homeowner Association Agreement that will be required upon final plat recording. No portion of the subject property is located in a Special Flood Hazard Area according to the Flood Insurance Rate Maps for the area, nor are there indications of sinkhole retention areas according to the available GIS data.

Staff recommended conditional approval of the preliminary plat subject to the following:

- Developer must schedule and attend a pre-construction meeting with all the appropriate city departments,
- Developer understands and agrees that all right-of-ways must be cleared prior to any installation of utilities,
- Developer will work with Public Works to establish appropriate radius at street intersections,
- Developer must provide utility easements along road frontages on the new streets and along existing streets as requested by the utility departments, and
- Completion of corrections or additions to the plat as determined necessary by the Planning Department and/or other appropriate city departments.

Dr. Roy Loutzenheiser stated that he was concerned with the safety of the residents coming out of this development and the speed limit on East Spring Street. He suggested that the speed limit be reduced from 45 to 35 miles per hour.

Judy Jennings stated that it was dangerous to pull out onto East Spring Street now by Stroud's BBQ due to the traffic and the current speed limit.

Randy Dalton made the motion to grant conditional Preliminary Plat approval, subject to Staff's recommendation. Dr. Angelo Volpe seconded the motion and the motion carried unanimously. **CONDITIONAL PRELIMINARY PLAT APPROVAL.**

CONSIDER FOR ACTION FINAL PLAT OF ST. JAMES NORTH, 5 LOTS LOCATED OFF SOUTH WALNUT AVENUE. REQUEST SUBMITTED BY JERRY GAW. James Mills stated that Mr. Jerry Gaw has submitted for approval a Final Plat of St. James North, a five (5) lot single family attached residential development of his property located off South Walnut and adjacent to his St. James Place development. The Planning Commission granted variances requested by Mr. Gaw to waive the requirement that a cul-de-sac be constructed and to waive the requirement to construct a new sidewalk along the private ingress/egress fronting the new lots when the plat received preliminary approval in 2012.

The development property is identified on Tax Map 53O Group C as Parcel 10.00 and consists of approximately .456 acres. The subject parcel as well as parcels to the north and east are zoned CG, General Commercial. Single family attached dwellings (townhouses) are

a use permitted on review in the CG district subject to the provisions of Section 222.3A of the Zoning Code. The St. James Place subdivision to the south is zoned RM8, Multi-Family Residential. All of the infrastructure on the site will be private, including the ingress/egress easement with the proposed name of St. James North. There is an existing sidewalk along the property frontage on South Walnut Avenue. Repair and maintenance of all common elements, including the private permanent vehicular access easement will be covered under a homeowner's association agreement that must be submitted in tandem with recording of the Final Plat. The developer is constructing a turnaround area for sanitation trucks near the entrance to the site. This is shown on the Tract 1 common area of the plat. The Director of Public Works, Greg Brown, submitted written approval to allow the turnaround in lieu of a cul-de-sac. The new private street, St. James North, is still under construction. Mr. Brown has determined that a letter of credit in the amount of \$12,000 is acceptable to guarantee completion. This amount includes base stone, asphalt, the concrete entrance and 10% for contingencies. Due to the private nature of the infrastructure, no warranty of improvements is required.

The site is served by the existing 8 inch sewer line and 6 inch water line located in the right-of-way of South Walnut Avenue. The Water Quality Control Department has agreed to allow the developer to use a master meter. An existing fire hydrant located at the northern intersection of South Walnut Avenue and St. James Place is within the required proximity to provide fire protection to the new lots. No portion of the subject property is located in a Special Flood Hazard Area according to the Flood Insurance Rate Maps for the area. Due to the nature of the adjacent property uses, no additional screening or buffering is required on the site.

Staff recommended conditional approval of the Final Plat subject to the following:

- Submission of Financial Guarantee in the amount of \$12,000 for the completion of the private street/permanent vehicular access easement,
- Submission of the Homeowner Association Agreement upon recording of the plat, and
- 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 Final Plat approval, subject to Staff's recommendation. Chris Wakefield seconded the motion and the motion carried unanimously.

CONDITIONAL PLAT APPROVAL.

CONSIDER FOR ACTION PRELIMINARY PLAT OF THE COTTAGES, 49 LOTS LOCATED OFF MCCULLEY ROAD AND SPRINGBORO ROAD. REQUEST SUBMITTED BY TIM HUDDLESTON. James Mills stated that Mr. Tim Huddleston has resubmitted for approval a Preliminary Plat of The Cottages, a proposed 51 lot single family residential development of his property situated north of Springboro Road and south of McCulley Road. This development was originally granted preliminary approval in July 2010. Six month extensions of the approval were granted in July of 2011 and in January of 2012. The Subdivision Regulations allow no more than two extensions of preliminary plat approval.

Mr. Huddleston then resubmitted the plat and was granted conditional approval for twelve months by the Planning Commission on July 23, 2012 which expired on July 23, 2013.

The property proposed for development is identified on Tax Map 52 as Parcel 49.00 and consists of approximately 15.50 acres. This parcel was rezoned from RS-20 to RS-10 (both single family residential) in 2010. All of the adjacent properties are zoned RS-20. One new road with the proposed name of "Cottage Way" will connect at Springboro Road in the south and at McCulley Road in the north in order to provide two points of ingress and egress. In addition, the plat depicts a new cul-de-sac with a proposed name of "Bishop Lane" that will serve the lots in the western portion of the property. The new streets are proposed with integral extruded mountable curbing and gutter on both sides.

At the time of the original preliminary approval in July 2010 the developer was granted a variance to reduce the required right-of-way of the new streets from 45 feet to 40 feet. At the same meeting the developer also was granted a variance to reduce the diameter of new cul-de-sac right-of-way from 100 to 90 feet with the pavement diameter remaining at the required 80 feet. A new four foot wide sidewalk is proposed for construction along the front of all the interior lots. A new six inch waterline is proposed for the development which is currently planned to connect to the existing six inch waterlines located in the right-of-ways of Springboro and McCulley. New hydrants are proposed for the development that will meet the spacing requirements of the regulations.

In 2010 the developer reached an agreement with the City regarding the provision of public sewer in the general area. This project has been completed and the plat shows the property will be served by the newly installed eight-inch sewer line. The Water Quality Control Department reports that the plans for the proposed sewer infrastructure previously approved by the State of Tennessee are still in effect. As shown on the plat, existing structures located on Lot 39 are to be removed as well as a house located partially in the area of Lot 1.

No portion of the subject property is located in a Special Flood Hazard Area according to the Flood Insurance Rate Maps for the area. However, a portion of Lot 39 and the area of the intersection of Springboro Road and the proposed new street "Cottage Way" are indicated as being in a sinkhole retention area according to the Sinkhole Floodplain Report prepared by TTU and adopted by the City. The elevation of this area is shown on the plat as 1,122 feet and is labeled as an unbuildable area. The plat also shows preliminary storm water retention and detention areas along the western and eastern boundaries of the subject property. The areas along the western property boundary are within a 75 feet wide TVA easement. The developer will be required to submit written approval from TVA to locate any drainage features within this area. Finally, as shown on the plat, the developer is dedicating right-of-way along both existing roads measuring 25 feet from the centerlines to the property boundary as required by the regulations.

Staff recommended conditional approval of the preliminary plat subject to the following:

- Developer must schedule and attend a pre-construction meeting with all the appropriate city departments,

- Developer understands and agrees that all right-of-ways must be cleared prior to any installation of utilities,
- Developer must submit written TVA approval for location of drainage features to be located within the TVA easement,
- Developer must submit a roadway construction plan and profile with storm sewer and sidewalk details to the Department of Public Works. Plan shall include typical road section, subgrade, base width, asphalt width and 3:1 slopes,
- Developer will work with Public Works to establish appropriate radius at street intersections,
- Developer must provide utility easements along road frontages on the new streets and along existing streets as requested by the utility departments, and
- Completion of corrections or additions to the plat as determined necessary by the Planning Department and/or other appropriate city department.

Jim Woodford made the motion to grant conditional Preliminary Plat approval, subject to Staff's recommendation. Kay Starkweather seconded the motion and the motion carried unanimously. **CONDITIONAL FINAL PLAT APPROVAL.**

Dr. Angelo Volpe made the motion to take the following item for study. Randy Dalton seconded the motion and the motion carried unanimously. **STUDY ITEM.**

(1) CONSIDER FOR STUDY REZONING 440 EAST BROAD STREET LOCATED IN A HISTORIC OVERLY DISTRICT FROM RS10 (SINGLE-FAMILY) TO CL (LOCAL COMMERCIAL). REQUEST SUBMITTED BY LAUREN SHIBAKOV ON BEHALF OF ROBERSON PROPERTIES.

STAFF REPORTS:

(1) MINOR PLAT APPROVALS:

- COMBINATION PLAT OF STOVER - GAW DIVISION – 1 LOT LOCATED ON WEST BROAD STREET – AARON BERNHARDT.

ADJOURNMENT: 6:14 P.M.

SUBMITTED FOR APPROVAL

SUBMITTED FOR RECORDING

**JAYNE BARNS CPS
PLANNING ASSISTANT**

**JIM STAFNE, CHAIRMAN
COOKEVILLE PLANNING
COMMISSION**