

**COOKEVILLE PLANNING COMMISSION
MINUTES
OCTOBER 27, 2014**

The Cookeville Planning Commission met on Monday, October 27, 2014 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, David Webb, Jim Woodford, Kay Starkweather, Leslie Sullins, and Tracy Cody.

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

STAFF MEMBERS ABSENT: Jim Shipley.

OTHERS PRESENT: Ted Williams, Trina Allison, Peter Metts, Ellen Leonard, Tony Kennedy, Chad Gilbert, Gina Hooper, Tammy Knipp, Tim Huddleston, and Laura Militana.

CONSIDER FOR APPROVAL MOVING FROM STUDY TO ACTION THE FOLLOWING AGENDA ITEM: CONSIDER FOR ACTION PRELIMINARY PLAT OF WASHINGTON COMMONS, 5 LOTS LOCATED ON THE CORNER OF NORTH WASHINGTON AVENUE AND EAST JERE WHITSON. REQUEST SUBMITTED BY CHAD GILBERT ON BEHALF OF M & S PROPERTIES FROM STUDY TO ACTION. Dr. Roy Loutzenheiser made the motion to approve moving the Preliminary Plat of Washington Commons from study to action. Jim Woodford seconded the motion and the motion carried unanimously. **APPROVED.**

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

CONSIDER FOR APPROVAL THE MINUTES OF SEPTEMBER 22, 2014. Kay Starkweather made the motion to approve the minutes of September 22, 2014. Chris Wakefield seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR ACTION REZONING 670 & 740 EAST 22ND STREET FROM CI (COMMERCIAL/INDUSTRIAL MIXED USE) TO CL (LOCAL COMMERCIAL) AND 411, 435 & 438 VICKERS LANE FROM LM (LIGHT MANUFACTURING) TO CL (LOCAL COMMERCIAL). REQUEST SUBMITTED BY AEI ON BEHALF OF LIFE CHURCH. James Mills stated that Mr. Peter Metts of AEI, on behalf of property owner Life Church, has submitted a request to rezone from CI, Commercial-Industrial Mixed Use and LM, Light Manufacturing to CL, Local Commercial properties located at 670 and 740 East 22nd Street and 411, 435 and 438 Vickers Lane. The primary purpose for the rezoning request is to place all properties owned and utilized by Life Church under the same zoning classification which would allow the operation of a day care facility in a portion of the church currently zoned as LM.

The subject properties are identified as Parcels 4.00, 5.00, 5.02, 9.01 and a portion of 12.00 on Tax Map 40C, Group E, Parcels 4.00, 5.00 and 5.02 are currently zoned as LM and consist of approximately one (1) acre. Parcel 9.01 is currently zoned as CI and consists of approximately 0.51 acre. The current zoning of Parcel 12.00 is split with approximately 10.42 acres zoned as CI, 0.6 acre zoned as LM and 4.32 acres zoned as CL. The entire Life Church "campus" consists of approximately 16.34 acres with 10.93 acres zoned as CI, 1.6 acres zoned as LM, and 3.6 zoned as CL.

The Life Church properties are contiguous with properties zoned as CI and LM to the north, as CI to the east, as RM-8 and LM to the south, and as LM and CL to the west. The Cookeville High School is located on property adjacent to the north and east.

The church was originally located on Parcel 12.00 off North Washington Avenue in the portion of the parcel currently zoned as CL. Over the past several years the church has expanded significantly and has acquired other parcels under different zoning classifications. Last month the Planning Department approved a subdivision plat combining the five (5) parcels owned by the church into one (1) parcel. The proposed rezoning will place the parcel within one (1) zoning classification.

Staff recommended approval of the request.

Tony Kennedy, of Soard Properties, complained that they had asked for rezoning from RM8 to CL on three different occasions and were denied because of too much traffic and too much noise.

Leslie Sullins made the motion to approve rezoning 670 & 740 East 22nd Street from CI (Commercial/Industrial Mixed Use) to CL (Local Commercial) and 411, 435, & 438 Vickers Lane from LM (Light Manufacturing) to CL (Local Commercial). Jim Woodford seconded the motion and the motion carried unanimously. **APPROVED REZONING.**

CONSIDER FOR ACTION REZONING 601, 611 & 621 BUFFALO VALLEY ROAD FROM RD (SINGLE FAMILY & DUPLEX RESIDENTIAL) TO CL (LOCAL COMMERCIAL). REQUEST SUBMITTED BY REGINA SHANKS HOOPER ON BEHALF OF REGGIE & ANDELENE SHANKS, AMBER HENRY, SUSAN MILLER & MARY ELIZABETH STEVENS. James Mills stated that Ms. Regina Hooper, on behalf of Reggie Shanks, Amber Henry and Susan Miller, and Mary Elizabeth Stevens have submitted requests to rezone from RD, Single Family and Duplex Residential to CL, Local Commercial their properties located at 601, 611 and 621 Buffalo Valley Road.

The subject properties are identified as Parcels 14.00, 15.00 and 16.00 on Tax Map 53H, Group E and combined consist of approximately one (1) acre. They are contiguous with property zoned as CL to the west, as RD to the north and east, and as RM-14 to the south. Single family dwellings are located on Parcels 14.00 and 15.00 and located on Parcel 16.00 is a block building converted to single family residential use.

The proposed rezoning was originated by Ms. Hooper, who is the daughter of the owner of Parcel 16.00 located at 601 Buffalo Valley Road. The block building located on this parcel was originally utilized for commercial purposes until being converted to residential use several years ago. Ms. Hooper desires to revert the structure back to commercial use, specifically as a photography studio for her daughter. Since Parcel 16.00 is not contiguous with commercially zoned properties, rezoning only it to CL would be considered a spot zone. Ms. Hooper contacted the owners of Parcels 14.00 and 15.00 regarding including their properties so that CL zoning could potentially be extended from Bryant Avenue. The owners subsequently requested that their properties be included in the rezoning.

Staff recommended approval of the request.

Regina Hooper stated that the property located 601 Buffalo Valley Road was the location of Stout Grocery for over 45 years, which belonged to her grandparents. Ms. Hooper added that she was going to give the property to her daughter, Trina Allison, so that she could open a Photography Studio at that location.

Dr. Roy Loutzenheiser made the motion to approve rezoning 601, 611, & 621 Buffalo Valley Road from RD (Single Family & Duplex Residential) to CL (Local Commercial). Kay Starkweather seconded the motion and the motion carried unanimously.
APPROVED REZONING.

CONSIDER FOR ACTION AMENDMENTS TO THE ZONING CODE PERTAINING TO ARCHITECTURAL DESIGN REQUIREMENTS. REQUEST SUBMITTED BY STAFF. James Mills stated that concerns have been raised regarding the potential impact of the Zoning Code's architectural design requirements on the development of properties within the Highlands Business/Industrial Park. The architectural design requirements are found in Section 208A of the Zoning Code. Material standards found in Section 208A.4B prohibit the use of certain materials in most zoning districts. The business/industrial park is zoned as CI, Commercial-Industrial Mixed Use which is one of the zoning districts where exposed or painted corrugated metal, standard concrete block, fiberglass, and vinyl siding are prohibited building materials. The primary concern is that the prohibition of certain building materials within the business/industrial park, particularly corrugated metal, places the city at a competitive disadvantage with other communities when vying for industrial prospects.

Several alternatives to remove or minimize the effect of the architectural standards on development within the business/industrial park are possible including the following:

- Rezone the business/industrial park, or specific parcels within it, to HM, Heavy Manufacturing. Section 208A.2B of the Architectural Design Requirements exempts developments located within the HM, Heavy Manufacturing District and the QM, Quarry and Mining District from the materials standards.

The HM district allows numerous uses that may not be desirable within the business/industrial park. The city and county currently own the park and can control what originally locates within it. Additionally, the covenants for the park can restrict

what uses are located within the park. Future park prospects may have some trepidation locating within or adjacent to property zoned as HM.

- Amend the Zoning Code to insert in Section 208A.2B the CI, Commercial-Industrial Mixed Use District as one of the exempt zoning districts.

This would affect not only the Highlands Business/Industrial Park but all other properties within the city zoned as CI. (Approximately 2,132 acres in the city are zoned as CI). The LM, Light Manufacturing District would also need to be included in the exemptions since in the hierarchy of permitted uses it would be classified above the CI district. (Approximately 808 acres are zoned as LM)

- Amend the Zoning Code to insert in Section 208A.2, (which specifies exemptions), a subsection 208A.2I to read as follows:

208A.2I Structures consisting of a minimum of 100,000 square feet and used for industrial purposes, as determined by the Directors of the Codes and Planning Departments, and located within the CI, Commercial-Industrial Mixed Use District.

A larger or smaller minimum square footage requirement could be considered. There are currently 17 industrial structures (including the under construction Academy Sports facility) over 100,000 square feet in the city and four (4) such structures over 200,000 square feet (including Academy Sports). Including the LM district in this exemption, with the same conditions, should be considered.

- Amend the Zoning Code to insert in Section 208A.2C the CI, Commercial-Industrial Mixed Use District to exempt, as is done for the LM, Light Manufacturing District, facades or sides of structures not facing a contiguous public street.

Some of the properties within the Business Park have multiple street frontages and those sides of structures would still be required to meet the material standards.

- Amend the Zoning Code to insert in Section 208A.4B a subsection 4 to read as follows:

4. Within the CI, Commercial-Industrial Mixed Use District, the Board may approve the use of prohibited materials when it can be demonstrated that appropriate screening (wall, solid fence, planted vegetation or existing vegetation) can be provided to adequately block visibility of the prohibited material.

This would affect not only the Highlands Business/Industrial Park but all other properties within the city zoned as CI. There would still be some level of uncertainty for industrial prospects wanting to use a prohibited material since approval would be dependent upon the Architectural Design Review Board (ADRB). Some prospects may desire street visibility, especially visibility from I-40, and be opposed to screening visibility of the structure.

This alternative could be done in conjunction with the previous alternative which would then require that only the street frontage sides be approved by the ADRB when appropriate screening can be provided to block visibility of the prohibited material.

- Amend the Zoning Code to insert in Section 208A.4B a subsection 5 to read as follows:
 5. Within the CI, Commercial-Industrial Mixed Use District, the Board may approve the partial use of prohibited materials when it can be demonstrated that acceptable materials will be used for a wainscot to a height equal to 25 percent of the total height of the structure.

A greater or lesser height could be considered. This would affect not only the Highlands Business/Industrial Park but all other properties within the city zoned as CI. There would still be some level of uncertainty for industrial prospects wanting to use a prohibited material since approval would be dependent upon the Architectural Design Review Board (ADRB).

This alternative could be done in conjunction with the one or more of the previous alternatives.

In addition to concerns regarding the impact of the architectural standards placing the city at a competitive disadvantage with other communities when vying for industrial prospects, the Director of the Codes Department has requested that the Architectural Standards be amended to allow the Directors of the Codes and Planning Departments to approve the use of prohibited building materials on additions to existing structures. Currently any expansion of existing structures involving the use of prohibited materials must be approved by the Architectural Design Review Board. The first sentence in Section 208A.4B (3) currently reads as follows: “The Board may approve the use of prohibited building materials when being placed on additions to existing structures to maintain continuity.”

Staff recommended amending Section 208A of the Zoning Code as follows:

1. Insert in Section 208A.2 a subsection 208A.2I to read as follows:

208A.2I Structures consisting of a minimum of 200,000 square feet and used for industrial purposes, as determined by the Directors of the Codes and Planning Departments, and located within the CI, Commercial-Industrial Mixed Use and LM, Light Manufacturing Districts.

2. Delete the first sentence in Section 208A.4B (3) and insert the following:

The Directors may approve the use of prohibited building materials when being placed on additions to existing structures to maintain continuity when such additions are located entirely to the rear of the principal structure or do not exceed 25 percent of the square footage of the existing structure. The Board may approve the use of prohibited

building materials when being placed on additions to existing structures to maintain continuity when such additions exceed 25 percent of the square footage of the existing structure.

Jim Stafne stated that amending the code pertaining to structures consisting of a minimum 200,000 sq. ft. was a good place to start. Dr. Roy Loutzenheiser agreed.

Dr. Roy Loutzenheiser made the motion to approve amending the Zoning Code pertaining to Architectural Design requirements by adding 208A.2I and amending 208A.4B(3), subject to staff's recommendation. Chris Wakefield seconded the motion and the motion carried unanimously. **APPROVED AMENDMENTS.**

CONSIDER FOR ACTION ENDORSEMENT OF 2014 MULTIMODAL ACCESS GRANT APPLICATION TO TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) FOR THE PURPOSE OF INSTALLING SIDEWALKS ON STATE ROUTE 24 (EAST SPRING STREET). REQUEST SUBMITTED BY STAFF. James Mills stated that the Tennessee Department of Transportation has announced the availability of funds through the 2014 Multimodal Access Grant program for pedestrian and bicycle infrastructure improvements that address existing gaps on state routes. Total project costs cannot exceed \$1 million dollars and successful applications may receive up to 95 % in State grant funds. The applications must be submitted by Rural Planning Organizations and each RPO is limited to two projects.

The Planning Department has analyzed potential areas in need of pedestrian or bicycle improvements and recommends the submittal of application for the construction of sidewalks along the north side of State Route 24 (East Spring Street) from East Broad Street east to Old Kentucky Road/Neal Street and to include portions of Carlen and Raider Drives. The need for sidewalks along East Spring Street is identified in both the Cookeville Pedestrian and Bicycle Circulation Plan and the Cookeville 2030 Plan. The proposed project would close a gap between existing sidewalks along East Broad Street and along Old Kentucky Road and Neal Street. Connectivity between large residential areas, educational, shopping, employment and recreational areas would be provided for pedestrians. The total estimated project cost is approximately \$1 million dollars of which the City of Cookeville would be responsible for \$50,000.

Staff recommended endorsement of 2014 Multimodal Access Grant application for the purpose of installing sidewalks along State Route 24 (East Spring Street) and Carlen and Raider Drives.

Leslie Sullins made the motion to approve the endorsement of the 2014 Multimodal Access Grant application. Kay Starkweather seconded the motion and the motion carried unanimously. **APPROVED ENDORSEMENT.**

CONSIDER FOR ACTION SIX (6) MONTH EXTENSION OF THE COTTAGES OF COOKEVILLE, 49 LOTS LOCATED OFF MCCULLEY ROAD AND SPRINGBORO ROAD. REQUEST SUBMITTED BY TIM HUDDLESTON. James Mills stated that Mr. Tim Huddleston has submitted a request for a 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 current Preliminary Plat was approved by the Planning Commission on October 28, 2013 for a period of one year. The initial preliminary plat of the development was approved on July 26, 2010.

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 the most recent preliminary plat was approved.

Staff recommended approval of the request for a six (6) month extension of the Preliminary Plat as requested.

Dr. Roy Loutzenheiser made the motion to approve the six (6) month extension of the Preliminary Plat of The Cottages of Cookeville. Jim Woodford seconded the motion and the motion carried unanimously. **APPROVED SIX (6) MONTH EXTENSION.**

CONSIDER FOR ACTION PRELIMINARY PLAT OF WASHINGTON COMMONS, 5 LOTS LOCATED ON THE CORNER OF NORTH WASHINGTON AVENUE AND EAST JERE WHITSON. REQUEST SUBMITTED BY CHAD GILBERT ON BEHALF OF M & S PROPERTIES. STAFF REQUESTED THAT THIS ITEM BE MOVED FROM STUDY TO ACTION. MOVING THIS ITEM FROM STUDY TO ACTION REQUIRES THE APPROVAL OF THE PLANNING COMMISSION. James Mills stated that Mr. Chad Gilbert on behalf of M & S Properties has submitted for approval a Preliminary Plat of Washington Commons Subdivision, a five (5) lot single family attached residential development of their property located at the southwest corner of East Jere Whitson Road and North Washington Avenue.

The property proposed for development is identified on Tax Map 040F, Group H, as Parcel 33.00 and consists of approximately .29 acres. The parcel is zoned as CL, Local Commercial as are properties to the north, east and south. The property adjacent to the western boundary of the parcel is zoned RS-10, Single Family Residential. Section 221.31 of the Zoning Code states in part that single family attached dwellings (townhouses) are a use permitted on review in a CL zone subject to conditions which include submittal and approval by the Planning Commission of a site plan depicting the location of all proposed structures and improvements.

On September 11, 2014 the Board of Zoning Appeals conditionally approved a reduction of the rear yard setback from 10 feet to 9 feet and the requested reduction of the landscape yard as per the submitted site plan. Both were subject to the condition that a wood privacy fence be constructed along the southern and western boundaries of the property corresponding to the footprint of the proposed structures.

An existing structure on the site addressed as 1836 North Washington Avenue will be removed prior to development. The plat depicts Lots 1-4 as attached building lots. Lot 5 is the total area of the parcel excluding Lots 1-4 and is not a building lot. A private permanent vehicular access easement is proposed that will provide a one-way traffic connection to both streets in order to serve the new building lots. Both access points exceed the 50 feet minimum separation from an intersection as required by the Zoning Code. All of the infrastructure on the property will be private and maintained under a Homeowner Association Agreement that will be submitted and recorded in tandem with the final plat. Two (2) of the units will have two (2) bedrooms each and two (2) will contain three (3) bedrooms per unit. Subsequently, the 12 parking spaces shown on the plat meet the required 1.25 parking spaces per bedroom.

A new five (5) foot wide sidewalk is proposed to be constructed along the frontage of East Jere Whitson Road. Water will be installed by connecting to the existing eight (8) inch water line located in the right-of-way of North Washington Avenue. Sewer will be installed by connecting to the existing eight-inch sewer line located in both street frontages. A fire hydrant located at the northwest corner of the intersection is within the required proximity for fire protection. Sanitation carts will be utilized for solid waste collection. There are no Special Flood Hazard Areas or sinkholes identified in the available GIS data for the property.

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

- Developer must coordinate a site plan review meeting with the Codes Department Plans Examiner.
- Developer must submit a driveway 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 2:1 slopes.
- Developer shall submit any required TDEC approved Storm Water Pollution Prevention Plan (SWPPP) to the Department of Public Work.
- Developer must submit water and sewer plans to the Water Quality Control Department.
- Developer shall submit plans for the installation of underground electric per the Electric Department design requirements.
- Completion of corrections or additions to the plat as determined necessary by the Planning Department and/or other appropriate city departments.

Dr. Roy Loutzenheiser made the motion to grant conditional Preliminary Plat approval, subject to staff's recommendation. Chris Wakefield seconded the motion and the motion carried unanimously. **GRANTED CONDITONAL PRELIMINARY PLAT APPROVAL.**

CONSIDER FOR ACTION FINAL PLAT OF CARRINGTON ESTATES, 13 LOTS LOCATED ON BAYVIEW DRIVE. REQUEST SUBMITTED BY SAM TAYS OF TAYS REALTY ON BEHALF OF SARA CARRINGTON BASS AND FRED EUGENE CARRINGTON. James Mills stated that Sam Tays with Tays Realty & Auction has submitted on behalf of property owners Sara Carrington Bass and Fred

Eugene Carrington a final plat of Carrington Estates, a 13 lot single family residential detached development located on Bay View Drive. The subdivision preliminary plat was conditionally approval by the Planning Commission on August 25, 2014.

The subdivision development property is identified on Tax Map 096 as a portion of Parcel 34.00 and consists of approximately 7.74 total acres. The remainder of the property is significantly greater than five (5) acres. The property is zoned RS-20, 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. All lots front Bay View Drive and will be served by the existing six-inch waterlines located in the street right-of-way. The Water Quality Control Department is in the process of extending sewer to the area and reports that it will be available to this site no later than April of 2015. There are three (3) 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.

Staff recommended conditional final plat approval, subject to completion of corrections or additions to the plat as determined necessary by the Planning Department and/or other appropriate city departments.

Chris Wakefield made the motion to grant conditional final plat approval of Carrington Estates, subject to completion of corrections or additions to the plat as determined necessary by the Planning Department and/or other appropriate city departments. Jim Woodford seconded the motion and the motion carried unanimously. **CONDITIONAL FINAL PLAT APPROVAL.**

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

- (1) CONSIDER FOR STUDY REZONING 385 EAST 13TH STREET (PARCEL 4.00, MAP 40K, GROUP H) FROM RS 10 (SINGLE FAMILY RESIDENTIAL) TO RM8 (MULTI-FAMILY RESIDENTIAL). REQUEST SUBMITTED BY BOBBY GREENWOOD.**

STAFF REPORTS:

(1) MINOR PLAT APPROVALS:

- WILLOW PROPERTIES SUBDIVISION PHASE I - 2 LOTS LOCATED ON SOUTH WILLOW AVENUE - J & S CONSTRUCTION.
- OLD BRIDGE ROAD DIVISION – 2 LOTS LOCATED ON OLD BRIDGE ROAD – DAVID FANNIN.
- COOKEVILLE FIRST ASSEMBLY OF GOD CHURCH COMBINATION PLAT – 1 LOT – COOKEVILLE FIRST ASSEMBLY OF GOD.

(2) HABITAT FOR HUMANITY CONCEPTUAL MASTER PLAN.

- (3) **RETAIL STRATEGIES FIRM.** James Mills stated that the City has hired a Retail Strategies Firm and they will report their findings for future retail development on Wednesday, November 5, 2014 at 3:00 p.m. in the Council Chambers of City Hall. The Planning Commission is invited to attend this meeting and the meeting can be counted toward your 4 hours of training.

ADJOURNMENT: 6:08 P.M.

SUBMITTED FOR APPROVAL

SUBMITTED FOR RECORDING

**JAYNE BARNS CPS
PLANNING ASSISTANT**

**JIM STAFNE, CHAIRMAN
COOKEVILLE PLANNING
COMMISSION**