

**COOKEVILLE PLANNING COMMISSION  
MINUTES  
MAY 18, 2015**

The Cookeville Planning Commission met on Monday, May 18, 2015 at 5:30 p.m., in the Council Chambers, 45 E. Broad Street, Cookeville, Tennessee.

(Note: Cookeville PD provided two officers for security screening)

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

**MEMBERS ABSENT:** Tracy Cody and David Webb.

**STAFF MEMBERS PRESENT:** James Mills, Ken Young, Travis Smith & Mike Davidson.

**STAFF MEMBERS ABSENT:** Jayne Barns

**OTHERS PRESENT:** 78 people signed in, but there was at least a dozen more attended that did not sign in. See attached record of attendance.

Jim Stafne announced there was a quorum present.

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

**CONSIDER FOR APPROVAL THE MINUTES OF APRIL 27, 2015.** Kay Starkweather made the motion to approve the minutes of April 27, 2015. Leslie Sullins seconded the motion and the motion carried unanimously. **APPROVED.**

**CONSIDER FOR ACTION REZONING 750 WHITSON AVENUE FROM RS15 (SINGLE FAMILY RESIDENTIAL) TO PRD (PLANNED RESIDENTIAL DEVELOPMENT). REQUEST SUBMITTED BY SETH HUDSON ON BEHALF OF BARRY REESE.** James Mills stated that Mr. Seth Hudson, on behalf of property owner Mr. Barry Reese, has submitted a request to rezone from RS-15, Single Family Residential to PRD, Planned Residential Development property located at 750 Whitson Avenue. In March of this year a request to rezone this property to RM-8, Multi-Family Residential was withdrawn.

The subject property is identified as Parcel 33.00 on Tax Map 66C, Group A and consists of approximately 14.22 acres. It is contiguous with properties zoned as RS-15, Single Family Residential to the east and north, zoned as CR, Regional Commercial and PCD, Planned Commercial Development to the south, and zoned as CI, Commercial-Industrial Mixed Use and CG, General Commercial to the west. Located to the east and north are single family dwellings, to the southwest is the Walmart shopping center, and to the west is the Cookeville Police Department's vehicles impound lot. The parcel is encumbered by a number of small streams and a significant sinkhole floodplain area is located in the southern portion of the property.

The Cookeville 2030 Plan primarily depicts the property as being suitable for local commercial development. It also depicts the extension of a street (Commerce Avenue) from Whitson Avenue through the property to Veterans Drive. The Public Works Department examined the feasibility of the street extension a few years ago and determined that, due to the physical constraints on the subject property, construction of the street was not financially feasible.

The PRD district is intended to encourage flexibility and innovation in land use in residential developments. Through careful planning, such districts can provide for the best use of a site consistent with the goals of protecting and embracing the natural environment. Establishing a PRD district requires that special procedures and provisions be followed unique from most other zoning districts. To establish a district a site must contain a minimum of five (5) acres. A density of up to 21 units per acre may be permitted in the district; however, one quarter of the site must be maintained and preserved as common open space. Significant perimeter setback and screening requirements are mandatory while interior yard setbacks can be greatly reduced.

The process for the approval of PRD zoning involves several steps. First the developer is required to meet with the Planning Director to determine whether the PRD zoning is appropriate for the proposed property. If it is determined that the property is appropriate for PRD zoning, then the developer must submit a Preliminary PRD Plan which must include a Schematic Map Plan and a Written Statement. The Planning Commission, after reviewing the 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 district.

Once the overlay is enacted, a Final PRD Plan and a Preliminary Subdivision Plat must be submitted to and approved by the Planning Commission. The Final PRD Plan must be submitted and approved within 18 months after the effective date of the enactment of the PRD district by the City Council or the rezoning action shall be repealed. Approval of the Final PRD Plan and Preliminary Plat is required before construction can begin. The Final PRD Plan must substantially conform to the Preliminary PRD Plan. It must contain detailed information on the proposed development including circulation diagrams for vehicles and pedestrians, areas to be preserved as open space, each building site including height and bulk of all buildings, floor plans of all structures to be built, all utilities including storm water facilities, and final drafts of all covenants. Additionally, a development schedule must be submitted indicating when each phase of the development is to begin and be completed.

Mr. Hudson has submitted the materials required to consider the subject property for PRD zoning. He indicates that the proposed development would consist of the construction of single-family townhomes, ranging from 1,400 to 2,000 square feet in floor space, with units containing from two (2) to four (4) bedrooms. The submitted schematic plan depicts the development of 64 lots on the 14.22 acres of property. This represents an overall density of slightly less than 10,000 square feet per dwelling which compares to the requirements of the RS-10, Single Family Residential zoning district. The current RS-15, Single Family Residential zoning of the property, which specifies a density of 15,000 square feet per dwelling unit, would allow for the development of approximately 41 lots on 14.22 acres. Mr. Hudson indicates in his submittals that approximately seven (7) acres of the site, or nearly half, will be permanently preserved as open space.

The site plan indicates that the proposed development will have two (2) points of access from Whitson Avenue. The proposed streets are partially located on Parcel 35.10, Map 66C, Group A and Mr. Hudson has indicated that the owner of this property has agreed to sell the land necessary for their construction. Approximately 1,800 feet of new streets, including three (3) cul-de-sacs, are to be constructed to access the 64 lots. A street right-of-way width of 30 feet is depicted on the site plan, which is 15-20 feet less than required by the Subdivision Regulations. Section 218.16A of the Zoning Code does allow the Planning Commission to modify the right-of-way width specifications in PRD developments.

Sidewalks would be constructed along the new streets and walking trails are to be provided through the substantial commons area. The walking trails also provide access to a community pool. Perimeter side and rear yards are required to be fifty (50) feet unless a Type 3 Screen is provided, in which case the yards may be reduced to minimum of (30) feet. The plan depicts a buffer yard of 30 feet along the perimeter of the property, which will require a Type 3 Screen. Such a screen is intended to exclude visual contact between uses and must be completely opaque from the ground to a height of eight (8) feet. Walls or fencing are acceptable screens; however, they must be installed at the 30 foot buffer line, not at the property line.

Several nearby and/or adjacent property owners, identifying themselves as Citizens of South Maple, have submitted specific concerns regarding the proposed development of the subject property. The first identified concern is “compromising the surrounding beautiful green space”. The subject property is privately owned and the owner has the right to develop it if he so chooses. In the opinion of the Planning Department, the development of the property under the requirements of PRD zoning would help to preserve the green space. The submitted PRD plan indicates that nearly half the site would be preserved as open space and that buffer areas of 30 feet in width would be provided along the perimeter boundaries.

Another worry is perceived negative impact on property values. As noted in correspondence received from Citizens of South Maple, a development very similar to the proposed development already exists on South Maple Avenue. The Maple Point townhome development is located immediately adjacent to the Stonebridge Subdivision, which contains some of the highest appraised homes in the city. No evidence is offered indicating that Maple Point has had a negative impact on surrounding property values.

Impact on Capshaw School is mentioned as a concern. It is to be expected that developers will want to locate residential areas near quality schools. While the installation of sidewalks along Whitson Avenue would be ideal, there are numerous streets in the vicinity of Capshaw School without sidewalks. The Cookeville Street Inventory indicates that Whitson Avenue, between Stevens Street and Commerce Avenue, has a right-of-way width varying between 30 and 50 feet, which would allow for the installation of sidewalks should it be determined appropriate.

The Citizen of South Maple identified traffic impact on Whitson Avenue as an issue. Whitson Avenue is of adequate width to serve as a local street. The suggested increase of 90 vehicles per day would have minimal impact on the Level of Service (LOS) of Whitson Avenue. Widening of Whitson Avenue would likely increase vehicle speeds of those using the street.

One other apprehension identified by the Citizens of South Maple is the impact on “The Canal”, the stream which bisects the subject property east to west. It would appear that the proposed PRD plan would provide significant permanent protection for “The Canal” by preserving it as open space. No development is depicted within the sinkhole floodplain. Facilities for the retention/detention of stormwater must be provided if the property is developed and would be evaluated as a part of the approval process for the Final PRD Plan and the Preliminary Subdivision Plat.

In addition to a list of concerns, the Citizens of South Maple submitted a potential development plan where the perimeter of the subject property adjacent to the existing single family parcels would be developed as single family detached residential. This alternative plan, while allowing for a mixture of single family attached and detached, reduces the total number of dwelling units by nearly 2/3s. Although such a drastic reduction in density is unrealistic, an alteration in density to minimize the impact on the adjacent single family area would seem reasonable.

In the opinion of the Planning Department, the utilization of the subject property for moderate density single family residential purposes would be an appropriate transition from the intense commercial/industrial land use to the west and the concentrated lower density single family residential use to the east. PRD zoning offers significant flexibility in development. An important advantage of PRD zoning of the subject property is that it allows for the clustering of dwelling units on the portion of the property most suitable for development while preserving and protecting the portions of the property with environmental issues. Modifications to the submitted PRD development proposal should be considered to minimize the impact on the adjacent single family detached residential properties.

Staff recommended conditional approval of the rezoning request subject to the following:

- A reduction of the total density to closer approximate the total number of dwelling units to that which could be developed under RS-15 zoning
- Restricting the dwellings along the perimeter of the development adjacent to existing single family homes to single story dwellings
- Limiting the number of attached dwellings along the perimeter of the development adjacent to existing single family homes to clusters of no more than two (2) or three (3) units

List of Planning Commission attendees that spoke at the meeting regarding proposed PRD rezoning on South Whitson property.

Seth Hudson                      Project Developer

Robert Watson                  435 S. Maple Ave        *Opposed due to increased density, traffic and narrowness of Whitson Ave.*

Jim White                        705 S. Whitson Ave (parents property)        *Agreed with Mr. Watson about narrowness and lack of sight distance on Whitson Ave. Opposed to any development unless all traffic only routed through Commerce Avenue*

Bruce Jones                    495 S. Maple Ave     *Stated he is speaking for many S. Maple residents. Opposed due to loss of green space, privacy, property devaluation, increased traffic, school impact, watershed, sinkhole, gray bay, flooding etc.*

Tracy Bartik                    620 Maple Trace     *Asked for survey of property and geotechnical evaluation due to concerns about area abutting her property.*

James responded that Ms. Bartik's property adjoins a large parcel owned by Doc Smith which is between her property and the subject property.

Blue M. Hensley                379 Whitson Ave     *Stated that although proposal is called single family, the attached structures would appear to be multi-family units which would negatively impact the adjoining single family detached properties. Opposed to density increase and mentioned negative impact on Capshaw School and added traffic on Whitson Ave*

James Harrison                472 E. Hudgens St   *Opposed due to increased traffic and negative impact on property values.*

Sharon Martin                 490 S. Maple Ave     *Stated she is a retired biologist with USFW. Opposed to higher density development and mentioned negative impact on watershed, riparian areas, sinkholes, caves, flooding concerns, destruction of land cover, loss of wildlife habitat, impact on native species including gray bat, etc.*

Chuck Sutherland             211 Norene St Sparta TN   *Stated he was asked to speak by area property owners regarding cave and karst situation on the subject property area. Stated that area should be evaluated by a geotechnical engineer due to existing site geology.*

Sayota Knight                 500 E. Stevens St     *Opposed due to loss of scenery and damage caused by construction.*

David Pelren                    Fish & Wildlife Service   *Stated he is a fish & wildlife biologist with USFW Ecological Services Division and is not in opposition but has concerns regarding impact on the gray bat and is available for consultation on this project.*

Sydney Lunn                    1230 Country Club Court   *Stated she has general concerns regarding development impact on karst topography throughout the city.*

Bob Vick                         Project engineer         *Stated that he is very familiar with this area as he has lived in the neighborhood and participated in the earlier development of the Capshaw area. He noted that as an engineer on the project they will look closely at the hydrologic, geotech and other issues that must be evaluated prior to development.*

Helen Akenson                 535 S. Maple Ave     *Opposed to PRD because of density increase and said that existing zoning was 1 acre plus lots.*

James stated that density quoted was incorrect and the existing zoning was RS-15 which is 15,000 square foot lots and is approximately three (3) lots per acre.

William Bluege        334 Hermitage Ave    *Asked for copy of remarks read by James Mills on behalf of the City during the opening presentation of this agenda item.*

Note: Mr. Mills gave a written copy to Mr. Bluege on the spot.

Note: Several others spoke out as the meeting progressed without identifying their name or address.

Tony Hudson        475 S. Maple Ave    *Stated that he and his family have lived in area for many years and he is Seth's father. He also clarified that the property was purchased from the Swift's. He also stated that he has always believed the property would be eventually developed and he trusts that Seth will do it most responsibly.*

J. D. Parks        *Asked for clarification of density recommendation.*

James stated that the recommendation is that the density of the PRD development mimic the density allowed under the current RS-15 zoning.

Jim Viar        485 S. Maple Ave    *Stated that he would like the buffer to go all around the perimeter of the site.*

Chairman Stafne requested that James Mills repeat the Planning Department's recommendation which Mr. Mills complied.

Roy Loutzenheiser made the motion to approve the rezoning as recommend by James Mills. Kay Starkweather seconded the motion and the motion carried unanimously. **APPROVED.**

*7:04 PM Meeting interrupted for crowd to disperse. Resumed at 7:09.*

**CONSIDER FOR ACTION AMENDMENT TO ZONING CODE SECTION 208A.4, ARCHITECTURAL DESIGN STANDARDS, TO INSERT PROVISIONS IN SECTION 208A.4B (3) RELATING TO SCREENING FOR ADDITIONS UTILIZING PROHIBITED MATERIALS. REQUEST SUBMITTED BY THE ARCHITECTURAL REVIEW BOARD.** James Mills stated that the Planning Department, at the request of the Architectural Design Review Board, has prepared for consideration an amendment to the Architectural Design Requirements provided in Section 208A of the Zoning Code.

The proposed amendment concerns the ability of the Board to require the provision of screening when it considers requests for the use of prohibited materials for additions to existing structures as provided in Section 208A.4A (3). Per the Board's request the Planning Department recommends an amendment to Zoning Code Section 208A.4B (3) to insert the following wording:

"In determining whether the use of prohibited materials should be approved, the Board may require that vegetative or other screening be provided as a condition for the use of a prohibited material."

Staff recommended approval of the amendment.

Roy Loutzenheiser made the motion to approve. Kay Starkweather seconded the motion and the motion carried unanimously. **APPROVED.**

Leslie Sullins made the motion to take the following items for study. Chris Wakefield seconded the motion and the motion carried unanimously. **STUDY ITEMS.**

- (1) CONSIDER FOR STUDY REZONING FROM RS20 (SINGLE FAMILY RESIDENTIAL) TO RS5 (SINGLE FAMILY RESIDENTIAL) PROPERTY CONSISTING OF 10.48 ACRES LOCATED ON THE CORNER OF OLD SPARTA ROAD AND BOB BULLOCK ROAD IDENTIED AS PARCEL 24.02 ON TAX MAP 96. REQUEST SUBMITTED BY BERNHARDT, LLC.**
- (2) CONSIDER FOR STUDY AMENDMENT TO THE ZONING CODE RELATING TO INCREASING THE DENSITY FOR TOWNHOUSES, CONDOMINIUMS, AND MULTI-FAMILY RESIDENTIAL USES IN CBD (CENTRAL BUSINESS DEVELOPEMENT). REQUEST SUBMITTED BY JERRY C. GAW.**

**STAFF REPORTS:**

**(1) MINOR PLAT APPROVALS:**

- MCCOY & LOVELL DIVISION, 2 LOTS LOCATED AT 770 & 880 BROWN AVENUE – RENEE MCCOY AND RICHARD LOVELL.

**ADJOURNMENT: 7:13 P.M.**

**SUBMITTED FOR APPROVAL**

**SUBMITTED FOR RECORDING**

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**KEN YOUNG  
SENIOR PLANNER**

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**JIM STAFNE, CHAIRMAN  
COOKEVILLE PLANNING  
COMMISSION**