

**COOKEVILLE PLANNING COMMISSION
MINUTES
NOVEMBER 23, 2015**

The Cookeville Planning Commission met on Monday, November 23, 2015 at 5:30 p.m., in the Council Chambers, 45 E. Broad Street, Cookeville, Tennessee.

MEMBERS PRESENT: Jim Stafne, Judy Jennings, Chris Wakefield, David Webb, Jim Woodford, Kay Starkweather, Leslie Sullins, Tracy Cody and Jim Cobb.

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

OTHERS PRESENT: Ronnie Kelly, Burl Rodgers, Alfred Weaver, Russell Long, Larry Burgess, Vicky Farmer, Kelly Clarkson, Lisa Rand, Richard Rand, Andrew Anderson, Aaron Bernhardt, Bob Himell, Nancy Himell, Susan Duncan, Bill Grogan, Willard Vaughn, Austin Kissane, Jeanne Flatt, Michael Flatt, William Qualls, Dale Gunter, Doug Francis, Jerry Gaw, Jeff Adcock, Linda Cowan, Frank Tittle, David Burnett, Matt Davidson, Dean Worley, Jannie Worley, Reed Norwood, Tony Powell, and Laura Militana.

WELCOME NEW MEMBER – JIM COBB.

Jim Stafne announced that due to a vacancy on the Planning Commission, the Board will need to elect a new vice-chairman.

ELECTION OF VICE-CHAIRMAN. Jim Woodford made the motion to elect Judy Jennings as Vice-Chairman. Leslie Sullins seconded the motion and the motion carried unanimously. **JUDY JENNINGS ELECTED AS VICE-CHAIRMAN.**

Jim Stafne stated that the Planning staff has requested that Action Item #5 be moved to Action Item #3.

CONSIDER FOR APPROVAL AMENDING THE AGENDA BY MOVING ACTION ITEM #5 TO ACTION ITEM #3. Leslie Sullins made the motion to approve moving Action Item #5 to Action Item #3. Jim Woodford seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR APPROVAL THE MINUTES OF OCTOBER 26, 2015. Jim Woodford made the motion to approve the minutes of October 26, 2015. Chris Wakefield seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR ACTION REZONING APPROXIMATELY 2.87 ACRES LOCATED ON THE NORTHEAST CORNER OF BREEDING AVENUE AND FLATT HOLLOW ROAD FROM RS15 (SINGLE FAMILY RESIDENTIAL) TO CL (LOCAL COMMERCIAL). REQUEST SUBMITTED BY AARON BERNHARDT ON BEHALF OF BETTY BERRY, DAVE WHITSON, AND RUTH SPEER. AARON BERNHARDT HAS REQUESTED THAT THIS REZONING REQUEST BE WITHDRAWN FROM THE AGENDA. James Mills stated that Mr. Aaron Bernhardt and Mr. Jerry Gaw, on behalf of property owners Betty Berry, Dave Whitson and Ruth Speer, have submitted a request to

withdraw their application to rezone from RS-15, Single Family Residential to CL, Local Commercial a portion of property located on Breeding Avenue and Flatt Hollow Road.

Staff recommended approval of withdrawal of rezoning request.

Jim Woodford made the motion to withdraw the rezoning request on the northeast corner of Breeding Avenue and Flatt Hollow Road as requested by the petitioner. Chris Wakefield seconded the motion and the motion carried unanimously. **REZONING REQUEST WITHDRAWN.**

CONSIDER FOR ACTION REZONING 398 & 410 LONE OAK DRIVE (TAX MAP NUMBERS 66A-A-12.00, 12.01, AND 13.00) FROM RS-10 (SINGLE FAMILY RESIDENTIAL) TO CG (GENERAL COMMERCIAL). REQUEST SUBMITTED BY LARRY BURGESS OF DEALMAKERS. James Mills stated that Mr. Larry Burgess, on behalf of Dealmakers Partnership, has submitted a request to rezone from RS-10, Single Family Residential to CG, General Commercial three (3) properties located at 398 and 410 Lone Oak Drive.

The subject properties are identified as Parcels 12.00, 12.01 and 13.00 on Tax Map 66A, Group A. Combined the parcels consists of approximately 70,336 square feet or 1.61 acres. Dealmakers Partnership owns Parcels 12.00 and 12.01 and has entered into an agreement to purchase Parcel 13.00. The three (3) parcels are surrounded by Parcel 9.00 on Tax Map 66A, Group A which is also owned by Dealmakers Partnership. Parcel 9.00 has frontage on Lone Oak Drive, County Services Drive and South Willow Avenue.

The properties are contiguous with properties zoned as RS-10 to the north, as CG to the south and east and as RS-10 and CG to the west. The CG zoning to the west begins 150 feet south of the right-of-way of Lone Oak Drive. The current zoning configuration was established in 2007 as a part of the development of the Putnam County EMS and Health Department facilities located off County Services Drive. The Future Land Use Concept Plan element of the Cookeville 2030 Plan indicates a split best use of the properties, with the northern portions being best suited for lower density single family residential purposes and the southern portions being best suited for regional commercial purposes.

The Planning Department has received several calls in opposition to the proposed rezoning. Primary concerns include increased traffic and impact on property values.

In the 2007 rezoning of a portion of Parcel 9.00 to CG an area of the parcel extending 150 feet south of Lone Oak Drive was kept as RS-10. This 150 foot corridor was intended to provide a buffer for the adjacent established single family residential area from the nonresidential development of Parcel 9.00. In the opinion of the Planning Department this same approach would be appropriate for the subject properties provided the parcels are combined with Parcel 9.00. Additionally, this zoning configuration would correspond with the recommended land use identified in the Cookeville 2030 Plan.

The properties proposed for rezoning extend approximately 350 feet from the southern right-of-way of Lone Oak Drive and combined they have approximately 200 feet of frontage along

the street. Preserving a 150 foot deep corridor along the frontage of the three (3) subject parcels as RS-10 would leave 30,378 square feet or .69 acre available for single family development. The portion of the properties that would be rezoned to CG would, in combination, consist of approximately 39,958 square feet or .92 acres.

Staff recommended conditional approval of rezoning of said properties beginning at 150 feet south of the right-of-way of Lone Oak Drive subject to the combination of at least the portions of Parcel 12.00, 12.01 and 13.00 on Tax Map 66A, Group A rezoned to CG with Parcel 9.00 on said map and group.

David Burnett, partner in Dealmakers, agreed with staff's recommendation to keep 150' of single family zoning along Lone Oak Drive.

Jeff Adcock, property owner at 555 Wade Lane, stated that he was opposed to changing the single family zoning to commercial. Mr. Adcock was concerned about commercial businesses accessing Lone Oak and adding more traffic in their neighborhood.

Ronnie Kelly, property owner at 529 Wade Lane, stated that he wanted to keep residential zoning on Lone Oak. In 2000, the buffer of single family residential was 355' on Lone Oak. Mr. Kelly added that he would prefer to keep the existing zoning, but the 150' of single-family would be a good compromise.

Tony Powell, property owner at 836 Spring Valley Road, stated that he was opposed to the rezoning request. Mr. Powell suggested that the City move the single family zoning line to the east to prevent business from pulling out on Lone Oak Drive and to only allow access from County Services Road.

Linda Cowan, property owner at 565 Wade Lane, wanted to keep the zoning like it was now, especially since the State will not put a light at Lone Oak.

Doug Francis, property owner at 891 Spring Valley Road, was concerned about additional access into their neighborhood and did not want apartments on Lone Oak.

Frank Tittle, 831 Forest Hills Drive, stated that they have a lot of traffic in the neighborhood trying to come out on South Willow and it is a hazard pulling out at that intersection. Mr. Tittle was opposed to new businesses being constructed and accessing Lone Oak Drive.

Dr. Richard Ran, property owner at 741 West Oak Drive, was opposed to zoning to commercial to give them more access to Lone Oak Drive. Dr. Ran did not want more encroachment into their residential neighborhood and asked that any future developments be required to only access County Services Drive.

William Qualls, property owner at 790 West Oak Drive, also would like to see the single family residential zoning be extended to the east and to only allow access for commercial businesses to be thru County Services Drive. Mr. Qualls added that it is impossible to get out on South Willow safely now.

Lisa Ran, property owner at 741 West Oak Drive, stated that she was opposed to rezoning for commercial and she did not want to see apartments or duplexes built there either. Mrs. Ran requested that Mr. Burnett volunteer to give up access on Lone Oak Drive on this property and their adjacent property,

David Burnett stated that he agreed that the intersection at Lone Oak and South Willow is dangerous and Mr. Burnett added that no one has approached them about building apartments.

Jim Woodford made the motion to approve rezoning from RS10 (Single Family Residential) to CG a portion of the properties located on Lone Oak Drive and identified as Parcel 12.00, 12.01 and 13.00 on Tax Map 66A, Group A, according to staff's recommendation beginning at 150 feet south of the right-of-way of Lone Oak Drive subject to the combination of at least the portions of Parcel 12.00, 12.01 and 13.00 on Tax Map 66A, Group A rezoned to CG with Parcel 9.00 on said map and group. Chris Wakefield seconded the motion and the motion carried unanimously. **CONDITIONAL APPROVAL WITH MODIFICATIONS TO THE ZONING REQUEST.**

CONSIDER FOR ACTION REZONING 669 WEST BROAD STREET (TAX MAP #53A-A-24.00) FROM RM8 (MULTI-FAMILY RESIDENTIAL) AND CL (LOCAL COMMERCIAL) TO CG (GENERAL COMMERCIAL). REQUEST SUBMITTED BY VICKY FARMER OF APEX TOWERS, LLC ON BEHALF OF ROBERT HILL.

James Mills stated that Ms. Vicki Farmer of Apex Towers, LLC, on behalf of property owner Robert Hill, has submitted a request to rezone property located at 669 West Broad Street from RM-8, Multi-Family Residential and CL, Local Commercial to CG, General Commercial.

The subject property is identified as Parcel 24.00 on Tax Map 53A, Group A and consists of approximately 4.3 acres. Approximately 2.2 acres are zoned as RM-8 and approximately 2.1 acres are zoned as CL. The parcel is contiguous with properties zoned as CL and RM-8 to the east and west and with properties zoned as RS-10, Single Family Residential to the north and south. Located on the property is Bob's Auto Salvage which is considered a legal nonconforming use. A legal nonconforming use is a use that legally existed prior to the adoption or amendment of a zoning code to which the use does not conform.

The purpose for the rezoning is to allow the location of a wireless communication/cellular tower on the subject property. The desired location for the tower on Mr. Hill's property, according to Ms. Farmer, is along the northern boundary in the portion zoned as RM-8. Cellular towers are not permitted uses in either the CL or RM-8 zoning districts. Communication towers are permitted in the requested CG zoning and within the CR, CI, LM, and HM zoning districts. All cellular towers must comply with additional standards in Section 206.17 of the Zoning Code.

Determining appropriate locations for cellular towers is frequently contentious in many communities. Residential property owners, in particular, often have concerns regarding the siting of towers. However, the growing demand for phones and other cellular devices has increased the need for tower locations across the country.

In the opinion of the Planning Department locating a cellular tower in an existing auto salvage yard would minimize the impact of a tower. As previously noted the auto salvage yard on the subject property is a legal nonconforming use. Should the property be rezoned as requested the salvage yard would remain a legal nonconforming use. The property was zoned as it currently is with the goal of redevelopment. Auto salvage yards are only permitted in the HM zoning district and only as special exceptions. Communication towers are permitted in the HM district.

If it is determined that the proposed site is an appropriate site for a cellular tower location an option in lieu of rezoning could be an amendment to the Zoning Code to allow communication towers in the RM-8 and CL zoning districts provided they are located within a legal nonconforming auto salvage yard. The additional standards found in Section 206.17 would also be applicable.

Staff recommended denial of rezoning request and approval of amending the provisions of Section 221, CL, Local Commercial District, by inserting in Section 221.2, Permitted Uses and Structures, a new Section 221.2P to read as follows: "Wireless communication tower structures and antenna arrays when located within the property boundaries of a legal nonconforming auto salvage yard and subject to compliance with the provisions of Section 206.17 of this Zoning Code" and amend the provisions of Section 215, RM-8, Multi-Family Residential District, by inserting in Section 215.2, Permitted Uses and Structures, a new Section 215.2K to read as follows: "Wireless communication tower structures and antenna arrays when located within the property boundaries of a legal nonconforming auto salvage yard and subject to compliance with the provisions of Section 206.17 of this Zoning Code".

Susan Duncan, property owner at 114 Hunter Avenue, stated that she did not want to look at a big cell tower and she wanted to know how big the tower would be.

Vicky Farmer of Apex Towers LLC stated that the cell tower was going to be 150' and that it would be a mono pole instead of a tower and that the pole would be low enough that they will not have to add lighting for air traffic.

Andrew Anderson, property owner at 640 West Broad Street, stated his concerns about having a tall tower to look at and he was also concerned about the traffic on Broad Street.

James Mills stated that the City has identified in the 2030 Plan the need for widening Highway 70 to 5 lanes, but he did not know when the project would be started since the State does not have any money for road widening projects..

Mr. Anderson asked if Apex Towers had looked at other locations.

Vicky Farmer stated that they had looked at several locations, but that this was the best location for enhanced cell phone coverage. Ms. Farmer added that they have to meet strict guidelines which include environmental and historic studies and other issues, and that if they did not meet all of the requirements then they will not be allowed to build on this site.

Mr. Anderson asked if the African American Cemetery was located in the area where the cell tower was being located.

Mr. Mills replied that the cemetery in question was located north of this property.

Jim Woodford made the motion to deny the rezoning request but approve amending the Zoning Code as recommended by the Planning staff to allow provisions for locating wireless communication tower structures and antenna arrays when located within the property boundaries of a legal nonconforming auto salvage yard in the CL (Local Commercial) District. Kay Starkweather seconded the motion and the motion carried unanimously. **DENIED REZONING REQUEST AND APPROVED AMENDMENT THE ZONING CODE.**

CONSIDER FOR ACTION VARIANCES TO REDUCE THE RIGHT-OF-WAY WIDTH AND THE CENTER LINE RADIUS AND REVISED PRELIMINARY PLAT OF CROSS POINTE SUBDIVISION, 41 LOTS LOCATED ON THE NORTHEAST CORNER OF OLD SPARTA ROAD AND BOB BULLOCK ROAD. REQUEST SUBMITTED BY BERNHARDT LLC. James Mills stated that Mr. Aaron Bernhardt has submitted for approval a request to reduce the right-of-way of the new streets in his Cross Pointe Subdivision in conjunction with a Revised Preliminary Plat for the 41 lot single family detached subdivision of his property located at the intersection of Old Sparta Road and Bob Bullock Road.

The subject property is identified on Tax Map 96 as Parcel 24.02 and contains approximately 10.48 total acres. The Preliminary Plat for the proposed development was granted conditional approval by the Planning Commission at the October 26, 2015 meeting. Subsequently, Mr. Bernhardt has submitted a request to reduce the right-of-way widths to 40 feet pursuant to Article V Section C of the regulations which states “when curb and gutter and storm sewer is installed on both sides of local streets the Planning Commission may allow a reduced right-of-way width of no less than 40 feet, provided there is adequate width for the location of sidewalks and utilities”. The Departments of Public Works, Electric and Water Quality Control have assented to the request to reduce the right-of-way width of the new streets subject to the provision of adequate utility easements. Mr. Bernhardt has also submitted a revised Preliminary Subdivision Plat depicting the new streets with 40 feet right-of-ways. There are no other significant changes to the previous plat that was conditionally approved by the Planning Commission in October.

Staff recommended approval of the variance request to reduce the right-of-ways of new streets to 40 feet as requested and to grant conditional approval of the revised preliminary plat subject to the same stipulations as were established at the October 26, 2015 meeting.

Jim Woodford made the motion to approve the variance request to reduce the right-of-ways of the new streets to 40 feet as requested and to grant conditional approval of the revised preliminary plat subject to the same stipulations as were established at the October 26, 2015 meeting. Chris Wakefield seconded the motion and the motion carried unanimously. **APPROVED VARIANCE FOR REDUCTION IN THE RIGHT-OF-WAY FOR NEW**

**STREET CONSTRUCTION AND GRANTED CONDITIONAL REVISED
PRELIMINARY PLAT APPROVAL.**

**CONSIDER FOR ACTION CANCELLING THE DECEMBER PLANNING
COMMISSION MEETING. REQUEST SUBMITTED BY STAFF.** James Mills
recommended that the December Planning Commission Meeting be cancelled.

Kay Starkweather made the motion to cancel the December Planning Commission meeting.
Jim Woodford seconded the motion and the motion carried unanimously. **CANCELLED
THE DECEMBER MEETING.**

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

**(1) CONSIDER FOR STUDY REZONING A PORTION OF 771 & 781 BLACKWELL PARK
FROM CI (COMMERCIAL/INDUSTRIAL MIXED USE) TO LM (LIGHT
MANUFACTURING). REQUEST SUBMITTED BY J. D. PARKS. PUBLIC HEARING
SCHEDULED FOR JANUARY 25, 2016.**

STAFF REPORTS:

(1) MINOR PLAT APPROVALS:

- GLENN H. RAMSEY PROPERTY – 2 LOTS LOCATED AT 1031 & 1033 ROBIN LANE – GLENN H. RAMSEY.
- REVISED PLAT OF CHESTER RAY SUBDIVISION – 2 LOTS LOCATED AT 1508 & 1516 SHAG RAG ROAD – KENNETH MAYBERRY.
- RESUBDIVISION OF LOTS 53-68, BLOCK A OF THE J. T. FARRIS SUBDIVISION – 2 LOTS LOCATED AT 1038 & 1048 BROWN AVENUE – JERRY LITTLE.
- THE REDIVISION OF LOTS 10, 11 & 13 OF BLACKWELL PARK, 3 LOTS LOCATED AT 1601 BLACKWELL ROAD AND 771 & 781 BLACKWELL PARK – J. D. PARKS.

ADJOURNMENT: 6:28 P.M.

SUBMITTED FOR APPROVAL

SUBMITTED FOR RECORDING

**JAYNE BARNS CPS
PLANNING ASSISTANT**

**JIM STAFNE, CHAIRMAN
COOKEVILLE PLANNING
COMMISSION**