

**COOKEVILLE PLANNING COMMISSION  
MINUTES  
APRIL 25, 2016**

The Cookeville Planning Commission met on Monday, April 25, 2016 at 5:30 p.m., in the Council Chambers, 45 E. Broad Street, Cookeville, Tennessee.

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

**MEMBERS ABSENT:** Jim Stafne.

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

**OTHERS PRESENT:** Debbie George, Carrie Limbacher, Dave Williams, Abel Machin, Jenny Reeden, William George, Danny Patel, Nikki Freeman, Kristy McCloud, Jacqueline Summs, Robert B. Reeves, Donny Meadows, Aaron Bernhardt, Reed Norwood, Nick Patel, Alpesh Patel, Richard Benjamin, Fred Breeding, Betty Breeding, Chris Shah, Raj Patel, D. W. Benjamin, Carlen Vickers, Vivian Vickers, Wayne Russell, Levena E. Kline, Boyd Kline, Libby Cummings, Jean Davis, Matt Davidson, Chad Gilbert, Brenda Gaw, Jerry C. Gaw, Lee Crowder, Randall Norris, Dale Gunter, Leigh Waggoner, Leslie Treece, and Laura Militana.

**CONSIDER FOR APPROVAL THE AGENDA AS SUBMITTED.** Kay Starkweather 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 MARCH 28, 2016.** Leslie Sullins Draper made the motion to approve the minutes of March 28, 2016. Jim Woodford seconded the motion and the motion carried unanimously. **APPROVED.**

**CONSIDER FOR ACTION REZONING PROPERTY LOCATED ON WEST BROAD STREET (TAX MAP #53B-P-5.04) FROM MS (MEDICAL SERVICES) TO CL (LOCAL COMMERCIAL). REQUEST SUBMITTED BY BERNHARDT, LLC.** James Mills stated that Mr. Aaron Bernhardt of Bernhardt, LLC has submitted a request to rezone from MS, Medical Services to CL, Local Commercial property identified as Parcel 5.04 on Tax Map 53B, Group P and located on West Broad Street and Chestnut Avenue.

The subject property is contiguous with CL and MS zoning to the east, with CL and RD, Single Family and Duplex Residential to the west, with CL zoning to the south, and with MS zoning to the north. The parcel is depicted as Tract 4 on the City of Cookeville/CRMC W. Broad, Chestnut & W. 3<sup>rd</sup> Property Division Subdivision Plat. According to the plat the subject property consists of approximately 1.767 acres or 76,972 square feet. Tracts 1, 2 and 4 of the aforementioned plat were declared as surplus by the City of Cookeville and CRMC and offered for sale. Tracts 1 and 2 are zoned as RD. A bid from Bernhardt, LLC to purchase Tracts 1, 2 and 4 was approved by the City of Cookeville and CRMC earlier this year and the properties were purchased on April 7, 2016.

Mr. Bernhardt has indicated that he purchased the properties with the goal of developing a single family attached (townhouse) development, similar to what he developed on the west side of Chestnut Avenue (West Broad Cottages). The 2030 Future Land Use Concept Plan indicates that the property is located partially in an area best suited for mixed density residential development and partially within an area best suited for local commercial use. The Plan also indicates that the property is within an area identified as being in need of redevelopment/revitalization. Mr. Bernhardt's proposal for a townhouse development complies with the mixed density residential development land use classification. Single family attached dwellings are a use permitted on review by the Planning Commission in the CL zoning district.

Staff recommended approval of the request.

Boyd Kline challenged the bidding process for this property by the City and implied that it was not done properly.

James Mills stated that Cathy McClain has already furnished copies of all the paperwork to Mr. Kline showing that the property was properly bid on three (3) separate dates and that he has also received copies of the minutes from the City Council when they rejected the bids and when they accepted the last bid from Mr. Bernhardt.

Jim Woodford made the motion to approve rezoning the property located on West Broad Street (Tax Map #53B-P-5.04) from MS (Medical Services) to CL (Local Commercial). Chris Wakefield seconded the motion and the motion carried unanimously. **APPROVED.**

**CONSIDER FOR ACTION REZONING A PORTION OF 1976 NORTH DIXIE AVENUE FROM RD (SINGLE-FAMILY AND DUPLEX RESIDENTIAL) TO CL (LOCAL COMMERCIAL). REQUEST SUBMITTED BY MATT DAVIDSON OF HD HOMES LLC ON BEHALF OF MACK & BETTY MASTERS TRUSTEE.** James Mills stated that Mr. Matt Davidson of HD Homes LLC, on behalf of property owner Mack C. and Betty H Masters Trustee, has submitted a request to rezone from RD, Single Family and Duplex Residential to CL, Local Commercial property identified as a portion of Parcel 40.00 on Tax Map 40B, Group A and located at 1976 North Dixie Avenue.

The zoning of the subject property is split with the northwestern portion zoned as CL and the southeastern portion zoned as RD. At the time the current zoning was established the property was in two (2) parcels with the zoning break line running with the shared property line. The subject property is contiguous with CL and RD zoning to the east, with CL zoning to the west, with RD zoning to the south, and with MS zoning to the north. The property consists of approximately 1.96 acres or 85,400 square feet in total and the portion requested for rezoning consists of approximately 1.1 acres or 47,900 square feet.

The 2030 Future Land Use Concept Plan indicates that the property would be best suited for local commercial use. The Plan also indicates that the property is on the northern fringe of an area identified as being in need of redevelopment/revitalization.

Staff recommended approval of the request.

Kay Starkweather made the motion to approve rezoning a portion of 1975 North Dixie Avenue from RD (Single-Family and Duplex Residential) to CL (Local Commercial). Leslie Sullins Draper seconded the motion and the motion carried unanimously. **APPROVED.**

**CONSIDER FOR ACTION REZONING THE NORTHEAST CORNER OF BREEDING AVENUE AND FLATT HOLLOW ROAD FROM RS15 (SINGLE-FAMILY RESIDENTIAL) TO RS10 (SINGLE-FAMILY RESIDENTIAL). REQUEST SUBMITTED BY AARON BERNHARDT.** James Mills stated that Mr. Aaron Bernhardt has submitted a request to rezone from RS-15, Single Family Residential to RS-10, Single Family Residential his property identified as a portion of Parcel 8.00 on Tax Map 40M, Group B and located on Breeding Avenue and Flatt Hollow Road.

The zoning of the subject property is split with the northern one-third zoned as CL, Local Commercial and the southern two-thirds zoned as RS-15. A plan for single family attached (townhouse) development of the portion of the property zoned as CL has been approved by the Planning Commission. The subject property is contiguous with RS-10 zoning to the east, with RS-15 zoning to the south and west, with CL zoning to the north. Adjacent to the east is the Manning Place Subdivision which is zoned as RS-10. The portion of the subject property requested for rezoning consists of approximately 2.87 acres or 125,020 square feet.

The 2030 Future Land Use Concept Plan indicates that the portion of the property requested for rezoning is best suited for lower density residential development. Both the RS-15 and RS-10 zoning districts are appropriate within this land use classification.

The RS-15 and RS-10 zoning districts are each primarily limited to single family detached residential development. The most significant differences between the two zoning districts are minimum lot size, minimum lot width at setback line and minimum setback requirements. In the RS-15 zoning district the minimum lot size requirement is 15,000 square feet, the minimum lot width at setback line requirement is 100 feet, and the minimum setback requirements are 30 feet for the front yard, 10 feet for the side yard and 25 feet for the rear yard. In the RS-10 zoning district the minimum lot size requirement is 10,000 square feet, the minimum lot width at setback line requirement is 75 feet, and the minimum setback requirements are 25 feet for the front yard, 10 feet for the side yard and 20 feet for the rear yard.

Approval of the requested rezoning would increase the number of lots that could be potentially created if the property were subdivided. Based on the dimensions of the subject property the Planning Department estimates that a maximum of six (6) lots could be created through subdivision under the current RS-15 zoning. Under the proposed RS-10 zoning, the Planning Department estimates that a maximum of eight (8) lots could be created through subdivision.

Staff recommended approval of the request.

Dale Gunter, property owner at 707 Breeding Avenue, stated that he was opposed to the rezoning request, because most of the lots on Breeding Avenue have 1 acre or larger lots, and he was concerned about additional traffic in this area.

Leslie Treece, property owner at 922 Flatt Hollow Road, was opposed to the rezoning request because they already have problems with traffic and drainage runoff

Fred Breeding, property owner at 912 Flatt Hollow Road, was opposed to the rezoning request and asked that the zoning remain the same. Mr. Breeding stated that it is easy to get a zoning change in the City and he was concerned about it devaluing his property.

Doug Crawford, property owner at 615 Clark Avenue, stated that he was also concerned about the traffic and the drainage in this area.

Robert Reeves, property owner of 920 Oaklawn Drive, was concerned about the setbacks on the new lots.

Jacqueline Summs, was representing her father who lives at 955 Oaklawn Drive, and was concerned about additional driveways on Flatt Hollow Road, because you can't pass on the Flatt Hollow Road now.

Libby Cunnings, property owner at 746 Breeding Avenue, stated that she was opposed to the rezoning and she couldn't see a reason to rezone this property..

Lee Wagner, property owner at 808 Manning Place, stated that they have a large backyard and he was concerned about water runoff from this development.

James Mills stated that the amount of water post development cannot exceed the amount prior to development, and that the stormwater drainage plans have to be engineered and approved.

Abel Machin, property owner at 910 Oaklawn Drive, stated that he would like to see how the property is going to be developed before it is voted on.

Leslie Sullins Draper made the motion to rezoning the northeast corner of Breeding Avenue and Flatt Hollow Road from RS15 (Single-Family Residential) to RS10 (Single-Family Residential). Chris Wakefield seconded the motion. Votes: Judy Jennings - aye, Chris Wakefield - aye, David Webb - aye, Jim Woodford - aye, Kay Starkweather - nay, Leslie Sullins Draper - aye, Tracy Cody - nay, and Jim Cobb - aye. Motion carried.. **APPROVED.**

Jerry Gaw gave his phone number to the residents and asked them to call him if they had any questions.

**CONSIDER FOR ACTION AMENDMENT TO THE ZONING CODE BY REVISING THE PROVISIONS OF THE CL, CG, CR & PCD ZONING DISTRICTS TO ALLOW RETAIL PACKAGE STORES FOR THE SALE OF ALCOHOLIC BEVERAGES TO BE LOCATED ON PARCELS HAVING STREET FRONTAGE AND ACCESS ON SPRING STREET BETWEEN STATE HIGHWAY 111 EAST TO THE NORTHERN RIGHT-OF-WAY OF INTERSTATE 40. REQUEST SUBMITTED BY DONNY MEADOWS.** James Mills stated that Mr. Donnie Meadows has submitted a request to amend the Zoning Code for the purpose of expanding the areas in which retail package stores for the sales of alcoholic beverages may be located. The request is specifically to include the

parcels zoned CL, CG, CR and PCD having frontage and access to East Spring Street between State Highway 111 east to the northern right-of-way of Interstate 40.

The Zoning Code requirements for the location of retail package stores were originally established in 2011 through the adoption of Ordinance No. O11-02-02. This Ordinance limited the location of retail package stores to the CBD, CL, CG, CR and PCD zoning districts on parcels having street frontage and access on major arterial streets in the following locations:

- a. South Jefferson Avenue from Spring Street south to the northern right-of-way of Interstate 40
- b. South Willow Avenue from Broad Street south to the northern right-of-way of Interstate 40
- c. Spring Street from State Highway 111 west to terminus at West Broad Street
- d. West Jackson Street from South Willow Avenue west to Buffalo Valley Road
- e. East 10<sup>th</sup> Street from North Washington Avenue east to City Limits
- f. Interstate Drive
- g. Neal Street
- h. North Washington Avenue from East Broad Street north to East 12<sup>th</sup> Street

Retail package stores must also comply with the requirements of Title 8, Chapter 3 of the Cookeville Municipal Code. Title 8, Chapter 3 requires that retail liquor stores be a minimum distance from churches and schools (200 feet and 400 feet). They are also required to contain a minimum floor space of 1,000 square feet and are not permitted to have drive-through windows.

Since the adoption of the Ordinance allowing retail package stores within the corporate limits a total of nine (9) such establishments have been opened. All nine (9) stores remain in operation (one has relocated across the street). These retail package stores generated \$414,235.40 in revenue in Fiscal Year 2015.

East Spring Street (U.S. Highway 70N) between State Highway 111 and Interstate 40 is classified as a major arterial street in the Cookeville 2030 Plan. The majority of properties with frontage on this segment of the street are zoned as either CL or CG.

The owner of one of the existing retail package stores has contacted the Planning Department with concerns about expanding the areas in which such establishments may be located. The primary concern was oversaturation.

Staff recommended approval of the request.

Nick Patel, of Happy Hour Wine & Liquor located at 601 S Jefferson Avenue, stated that he was opposed to the amendment because originally the package stores were only going to be located in Cookeville and Baxter and now they are opening stores in Sparta and Algood. He was concerned that having so many would hurt the existing businesses.

Chris Shah, of Happy Hour Wine & Liquor located at 601 S. Jefferson Avenue, stated that since the State of Tennessee changed the wine law beginning in July of this year, stores like Krogers and Dollar General will be selling wine. Due to these changes, it will be harder for the package stores to survive and he was opposed to adding more locations.

Danny Patel, of Discount Wine & Spirits located at 837 West Jackson Street, was opposed to adding more locations because it will affect the existing customer base.

Richard Benjamin, of Delbert Wine & Spirits located at 921 South Willow Avenue, was opposed to adding more locations.

Levenia Kline, property owner at 736 Breeding Avenue, stated that additional stores will lead to more crime and that the City already has enough crime and that the City does not need another liquor store.

Carrie Limbacher, of Interstate Wine & Spirits Warehouse located at 1427 Interstate Drive, stated that if the City limits the number of stores then less people will lose jobs if the existing stores go out of business.

D. W. Benjamin, of Delbert Wine & Spirits located at 931 South Willow Avenue, stated that there is no purpose to adding more stores and that there should be a cap on the number of stores allowed. When the City Council first adopted the ordinance a criteria was locating in a pre-existing building and the City Council did not want liquor stores in more neighborhoods, and you had to have a vested interest by living in the county for two (2) years.

Donnie Meadows stated that he was a developer and that he requested the amendments to the code. Mr. Meadows continued by stating that adding more stores is free enterprise and that it should be up to the City to decide where the locations should go.

Jim Woodford stated that he was surprised that the City has nine (9) stores and added that the location and number of stores will be decided by the public. The Council tried to stay away from having neighborhood stores when setting the boundaries. The Cookeville Rescue Mission requested that there be no stores south of Interstate 40 and the City Council honored that request.

William George, of Interstate Wine & Spirits located at 1427 Interstate Drive, stated that he remembered the City limiting the package stores to existing buildings and that they had to have 1,000 sq. ft. of floor space. Mr. George added that Mount Juliet limited their liquor stores to three (3).

Jim Woodford made the motion to approve the amendment to the Zoning Code by revising the provisions of the CL, CG, CR & PCD Zoning Districts to allow retail package stores for the sale of alcoholic beverages to be located on parcels having street frontage and access on Spring Street between State Highway 111 east to the northern right-of-way of Interstate 40. Jim Cobb seconded the motion and the motion carried unanimously. **APPROVED.**

Kay Starkweather made the motion to take the following items for study. Im Woodford seconded the motion and the motion carried unanimously. **STUDY ITEMS.**

- (1) CONSIDER FOR STUDY CLOSURE AND ABANDONMENT OF AN ALLEY THAT EXTENDS FROM WEST 4<sup>TH</sup> STREET 200 FEET SOUTH TOWARD WEST 3<sup>RD</sup> STREET BETWEEN NORTH HICKORY AVENUE AND NORTH WHITNEY AVENUE AND DECLARING IT AS SURPLUS. REQUEST SUBMITTED BY DR. MICHAEL LENHART OF TENNESSEE HEART REALTY LLC.**
- (2) CONSIDER FOR STUDY CLOSURE AND ABANDONMENT OF HARGIS DRIVE LOCATED BETWEEN JACKSON STREET AND POLLY DRIVE AND DECLARING IT AS SURPLUS. REQUEST SUBMITTED BY C. DOW HARRIS OF HIGHLANDS RESIDENTIAL SERVICES.**

**STAFF REPORTS:**

**(1) MINOR PLAT APPROVALS:**

- FARRIS HILLS AT FALLING WATER PHASE II, RESUBDIVISION OF TRACT 23 – 1 LOTS LOCATED AT 2396 BOYD FARRIS ROAD – RUSSELL & CONNIE FOWLER AND JASON & AMY FOWLER.
- REVISED PLAT OF LOTS 1 & 2 OF CROSS POINTE SUBDIVISION PHASE II – 2 LOTS LOCATED AT 1070 & 1072 BOB BULLOCK ROAD – BERNHARDT LLC

**ADJOURNMENT: 6:28 P.M.**

**SUBMITTED FOR APPROVAL**

**SUBMITTED FOR RECORDING**

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**JAYNE BARNS CPS  
PLANNING ASSISTANT**

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**JUDY JENNINGS, ACTING CHAIRMAN  
COOKEVILLE PLANNING  
COMMISSION**