

Cookeville Planning Commission
Minutes
April 25th, 2022

The Cookeville Planning Commission met on Monday, April 25th, 2022, at 5:30 p.m., in the Council Chambers, 45 E. Broad Street, Cookeville, Tennessee.

Members Present: Jim Cobb, Chad Gilbert, Judy Jennings, Lauren Metts, Jim Stafne, Leslie Sullins, Eric Walker & Jim Woodford.

Members Absent: Kay Starkweather.

Staff Members Present: Jon Ward, Christopher Phillips Ken Young & Haley Dickson.

Staff Members Absent: James Mills.

Others Present: Marcia Shaver, Julie Thompson, Miriam Vaughn, Bill Grogan, Jessica Usrey, Danny Vaughn, Seth Hudson, Chad Combs, Matt Davidson, Betsy Scarisbrick, Richard Stone, Debbie Locke, Michelle Price, Jack Lynn & Jorge Fernandez.

Establishment Of Quorum: Chairman Woodford announced that a quorum was present for the meeting.

Consider for Approval the Agenda as Submitted. Mr. Jon Ward stated that Study Item 1, The Preliminary Plat of Timberwalk Subdivision, has been withdrawn by the developer. Jim Cobb made the motion to approve the agenda. Chad Gilbert seconded the motion and the motion carried unanimously. **Approved.**

Consider for Approval the Minutes of March 28th, 2022. Leslie Sullins made the motion to approve the minutes of March 28th, 2022. Jim Stafne seconded the motion and the motion carried unanimously. **Approved.**

Consider for action the rezoning of 115 & 125 West First Street (Tax Map 053-B, Group K, Parcels 011.00 and 012.00) from CL (Local Commercial) to CBD (Central Business District). Request submitted by Barry Reese on behalf of RBI Group. Mr. Jon Ward stated that Mr. Barry Reese, on behalf of RBI Group, has submitted a request to rezone from CL, “Local Commercial” to CBD, “Central Business District” properties located at 115 and 125 West 1st Street. The rezoning request was taken for study at the March 28, 2022, Planning Commission meeting.

Analysis: The subject properties are identified as Tax Map 053B, Group K, Parcels 011.00 and 012.00 and contain approximately 0.35 acres. The entire area proposed for rezoning, including street rights-of-way contains approximately 0.55 acres. The properties are currently zoned CL, “Local Commercial,” as are the adjacent properties to the north and west. The properties are also bordered by CBD, “Central Business District” to the east and south. The rezoning application was submitted to allow for maximized parking for a new commercial use of the existing building (restaurant).

The CL district is intended for small and moderate sized offices, personal business services, and general retail businesses serving the general population of the city. The parking requirements for the CL district require landscaping strips as defined in Section 208 of the Zoning Code. Section 208.5A states:

1. Landscape yards shall be established along all abutting streets within required front, side, and/or rear yard setback areas.
2. The minimum width of the landscape yard shall be ten (10) feet, exclusive of curbing.

The CBD district, with complementary office and related uses, forms the center for commercial, financial, professional, governmental, and cultural activities. Section 208.5A exempts the CBD from landscape yards required in the CL district.

The existing structure at 115 West 1st Street has characteristics of the Central Business District. The building is nonconforming to all setback requirements of the current CL Zoning Designation as the structure occupies the entire lot. The property has no available parking to support a commercial use. The

petitioner has acquired the vacant lot adjacent to the existing building to the west at 125 West 1st Street. The vacant lot would be utilized for parking to support a commercial use in the existing building. Rezoning the property to CBD would eliminate the landscape yard requirement and would permit additional parking spaces to be constructed on the vacant lot.

The Future Land Use Concept element of the Cookeville 2030 Plan depicts this area as best suited for Local Commercial uses. CBD Zoning is compliant with the Future Land Use designation.

Recommendation: Approval of the request

Jim Stafne made the motion to approve the request submitted by staff. Eric Walker seconded the motion and the motion carried unanimously. **Approved.**

Consider for action the rezoning of 14 & 18 Hunter Avenue and 684 Broad Street (Tax Map 053-A, Group G, Parcels 005.00, 006.00 & 007.00) from RS-10 (Single-Family Residential) to CL (Local Commercial). Request submitted by Billy & Rhonda Grogan. This item was postponed at the March 28th meeting. Mr. Jon Ward stated that this item was postponed at the March 28th, 2022, Planning Commission meeting.

The Planning Commission postponed consideration of the Hunter Avenue, West Broad Street rezoning request due to questions about the stated intent of the rezoning request. The rezoning application was submitted to rezone the property to allow for an automobile customization shop. The lots are currently zoned RS10, Single-Family Residential. Automobile customization is not a listed use in the Chart of Permitted Uses; however, Auto Paint and Body Repair is listed as a use permitted as special exception by the Board of Zoning Appeals, subject to additional conditions. Mr. Grogan had stated that the proposed customization shop would have a paint component. but they would not be performing general automobile body repair service for damaged or wrecked vehicles. The subject property is currently utilized by Bob's Body Shop, which is an automobile salvage yard and automobile body shop repair business. The Planning Department's analysis provided that the nonconforming use of the property as Bob's Body Shop was protected by 13-7-208, which permits nonconforming commercial uses to continue and expand. The Planning Department has consulted with the City Attorney, and the City Attorney does concur with this analysis.

Mr. Grogan met with Planning Department Staff and indicated that he no longer plans to construct an automobile customization shop on the subject property. Mr. Grogan does want to move forward with the rezoning. He plans to remove the remaining remnants of the automobile salvage yard and market the property for sale.

The Planning Department provided an analysis of the commercial rezoning at the March meeting.

Recommendation: Approval of the request.

Planning Commission Meeting Recommendations, March 28, 2022

Rezoning of property located at 14 and 18 Hunter Avenue and 684 Broad Street from RS-10 "Single-Family Residential" to CL "Local Commercial"

Summary: Mrs. Rhonda Grogan has submitted a request to rezone from RS-10, "Single-Family Residential" to CL, "Local Commercial" her properties located at 14 Hunter Avenue, 18 Hunter Avenue, and 684 West Broad Street.

Analysis: The subject properties are identified as Tax Map 053A, Group G, Parcels 005.00, 006.00, and 007.00 and contains approximately 1.51 acres. The entire area proposed for rezoning, including street rights-of-way contains approximately 1.89 acres. The properties are currently zoned RS-10, "Single-Family Residential," as are the adjacent properties to the east, south, and west. The properties

are also bordered by CL, “Local Commercial” to the west and north. The rezoning application was submitted to allow for a new commercial building to be constructed on the properties.

The RS-10 district is intended to provide a low to moderate density single-family residential environment in areas where public wastewater services are available. The CL district is intended for small and moderate sized offices, personal business services, and general retail businesses serving the general population of the city. The maximum square footage of individual developments is restricted within the CL district and is determined by street classification.

The Future Land Use Concept element of the Cookeville 2030 Plan depicts this area as best suited for Local Commercial and Mixed-Density Residential uses. The subject area has frontage on West Broad Street, which is classified as a major arterial street. Properties with frontage on streets classified as major collector or higher are typically considered more appropriate for commercial development. The eastern portion of the subject area has significant topographical constraints, with approximately 22-24 feet of relief along the eastern boundary. The eastern boundary also includes approximately 75 feet of a 150 feet TVA utility easement. No structure or portion of a structure is permitted within the utility easement. The lot to the south is owned by the City of Cookeville.

The subject properties were obtained by Bob Hill from the City of Cookeville in 1979. Aerial photographs dating back to 1981 show the properties have been used continuously as automobile salvage for Bob’s Body Shop. Due to the continuous use for over 40 years, the Planning Department interprets this as a legal nonconforming use in the RS-10 Zoning District. Tennessee Code Annotated 13-7-208 would permit the nonconforming auto salvage use to continue and expand on the properties unless the use ceased for a period of thirty (30) consecutive months. The petitioner has submitted the request to rezone the property to combine the three (3) individual lots into one (1) building lot to construct a car customization shop. The Codes Department has determined this would be compliant in the proposed CL District. Any new construction would have to meet the requirements of the Zoning Code, including controlled access, surfacing requirements, landscaping, screening, and buffering requirements, and architectural design standards. The utility easement provides a significant buffer to the properties to the east. In the opinion of the Planning Department, rezoning the property for a use that would be conforming to the Zoning Code would have less impacts on the surrounding properties than if automobile salvage continued or expanded at the location.

Recommendation: Approval of the request.

Leslie Sullins made the motion to approve the request submitted by staff. Kay Starkweather seconded the motion and the motion carried unanimously. **Approved.**

Study Items:

- (1) Consider for study the preliminary plat of Timberwalk Subdivision, 316 lots located on Lovelady Road (Tax Map 096 Parcel 069.00). Request submitted by Titan Development. **Mr. Justin Cumby on behalf of Titan Development has requested that this item be withdrawn from the agenda.**
- (2) Consider for study the rezoning of 510 & 520 Ruby Lane (Tax Map 053, Group B, Parcels 021.00 & 021.01) from CR (Regional Commercial) to CG (General Commercial). Request submitted by Donnie Suits on behalf of Capital Communities.
- (3) Consider for study the rezoning of 1331 South Maple Avenue (Tax Map 066 Parcel 104.00) from RS-10 (Single-Family Residential) to RS-5 (Single-Family Residential). Request submitted by Donnie Suits on behalf of Capital Communities.

Eric Walker made the motion to accept the above items for study. Kay Starkweather seconded the motion and the motion carried unanimously. **Approved.**

Staff Reports:

- (1) Kenneth & Chasity Bryant Division Flag Lot (approved by the Planning Commission on February 28th, 2022) has been withdrawn

Adjournment: 5:41 P.M.

Submitted for Approval

Submitted for Recording

Haley Dickson
Planning Assistant

Jim Woodford, *Chairman*
Cookeville Planning Commission