

**COOKEVILLE PLANNING COMMISSION
MINUTES
September 28th, 2020**

The Cookeville Planning Commission met on Monday, September 28th, 2020 at 5:30 p.m., in the Council Chambers, 45 E. Broad Street, Cookeville, Tennessee.

MEMBERS PRESENT: Jim Cobb, Tracy Cody, Judy Jennings, Jim Stafne, Kay Starkweather, Chris Wakefield & Eric Walker.

MEMBERS ABSENT: Daniel Odom & Leslie Sullins.

STAFF MEMBERS PRESENT: Jon Ward, Ken Young & Haley Dickson.

STAFF MEMBERS ABSENT: James Mills.

OTHERS PRESENT: Taylor Dillehay, Ben Wheeler, Christina Nett-Avilez, Dianna Collins, Dustin Marcelino, Josh & Stacey Wells, Danny & Tish Hall, Jerry Gaw & David Turnage.

ESTABLISHMENT OF QUORUM: Chairman Stafne announced that a quorum was present for the meeting.

CONSIDER FOR APPROVAL THE AGENDA AS SUBMITTED. Jon Ward recommended removing Action Item 3 due to no electronic meeting being held. Kay Starkweather made the motion to approve the agenda as submitted. Chris Wakefield seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR APPROVAL THE MINUTES OF AUGUST 24TH, 2020. Kay Starkweather made the motion to approve the minutes of August 24th, 2020. Jim Cobb seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER A RESOLUTION DETERMINING THAT, DUE TO THE COVID-19 PANDEMIC, THE SEPTEMBER 28TH, 2020 MEETING OF THE COOKEVILLE MUNICIPAL PLANNING COMMISSION SHALL BE BY ELECTRONIC MEANS AS PERMITTED BY EXECUTIVE ORDER NO. 16, EXECUTIVE ORDER NO. 34, EXECUTIVE ORDER 51 AND EXECUTIVE ORDER 60. Item removed from agenda.

CONSIDER FOR ACTION SIX (6) MONTH EXTENSION OF THE PRELIMINARY PLAT OF WEST TOWNE VILLAGE, 50 SINGLE FAMILY DETACHED LOTS LOCATED OFF BROADWAY AVENUE. REQUEST SUBMITTED BY AARON BERNHARDT. Jon Ward stated that Mr. Aaron Bernhardt has submitted a request for a six (6) month extension of his West Towne Village Preliminary Plat, which is a 50 lot single family detached subdivision located off of Broadway Avenue. The Preliminary Plat was approved by the Planning Commission on September 23, 2019 for a period of one (1) year.

Analysis: As provided in Article II, Section D, Subsection 9 of the Subdivision Regulations, a six (6) month extension can be applied for by the developer and granted by the Planning Commission provided a \$50.00 fee is submitted with the request. The developer has submitted the fee along with a written request for an extension. A limited amount of work has occurred on the site and there have been no changes made to the plat since the preliminary plat was approved one (1) year ago.

Recommendation: Approval of the request for a six (6) month extension of the Preliminary Plat subject to all conditions as established by the Planning Commission on September 23, 2019.

Jim Cobb made the motion to approve the request recommended by staff. Tracy Cody seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR ACTION SIX (6) MONTH EXTENSION OF THE PRELIMINARY PLAT OF SCENIC BLUFFS, EIGHT (8) LOTS LOCATED OFF SOUTH JEFFERSON AVENUE AND INTERSTATE DRIVE. REQUEST SUBMITTED BY BARRY REESE.

Jon Ward stated that Mr. Barry Reese has submitted a request for a six (6) month extension of his Scenic Bluff Preliminary Plat, which is an eight (8) lot commercial subdivision located off of Scenic Drive. The Preliminary Plat was approved by the Planning Commission on September 23, 2019 for a period of one (1) year.

Analysis: As provided in Article II, Section D, Subsection 9 of the Subdivision Regulations, a six (6) month extension can be applied for by the developer and granted by the Planning Commission provided a \$50.00 fee is submitted with the request. The developer has submitted the fee along with a written request for an extension. A limited amount of work has occurred on the site and there have been no changes made to the plat since the preliminary plat was approved one (1) year ago.

Recommendation: Approval of the request for a six (6) month extension of the Preliminary Plat subject to all conditions as established by the Planning Commission on September 23, 2019.

Kay Starkweather made the motion to approve the request recommended by staff. Jim Cobb seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR ACTION THE PRELIMINARY PLAT OF WINDSOR HILL WEST, 18 LOTS LOCATED AT STATE ROUTE 111 AND OXFORD PLACE. REQUEST SUBMITTED BY JERRY GAW.

Jon Ward stated that the plat is for 17 lots and the additional lot will be used as right-of-way. Developers Jerry Gaw and Paul Gaw have submitted for approval a Preliminary Plat of Windsor Hill West, an 18 lot development of their property located on State Route 111 with access off of Oxford Place.

Analysis: The subject property is identified on Tax Map 67A Group F as Parcel 040.00. The property contains approximately 16.45 acres total and only 15.45 acres is proposed for development. As noted on the plat the remainder of the property is restricted from development at the 1094' contour line which is shown in red. There is also a 75' wide east- west TVA power line easement in the northern portion of the property the portion. The area of the property adjacent to State Route 111 is zoned CR (regional commercial) and Lots 1-5 in this section will be for commercial use only. The remainder of the property is zoned RD (single and two-family residential) and Lots 6-17 will be limited to that use only. Lot 18 is the remaining acreage to be developed as a new public street proposed as Windsor Hill West that will connect from Oxford Place to State Route 111. The plat depicts the new street segment in the CR zoning area as a 50' wide right-of-way and a 40' wide right-of-way in the RD section. Article 4 Section 4 of the Subdivision Regulations allows for the Planning Commission to approve a reduction to a 40' wide right-of-way provided that curb and gutter is on both sides of the street and there is adequate width for the location of sidewalks and utilities. Typical road cross sections on the plat demonstrate that curb and gutter are to be constructed on both sides of the street and five (5) foot wide sidewalks will be constructed on one (1) side. Public Works requires that street plans and storm water/drainage plans must be submitted and a storm water permit must be obtained.

The Electric Department requires that all utilities are to be underground per their specifications and utility easements are to be provided along all roadways. Proposed public sewer lines, water lines and two (2) new fire hydrants are shown on the plat. Clinton Engineering advised that some of the lots along State Route 111 may require pumping to the gravity sewer main. State approved engineered water and sewer plans must be submitted to the Water Quality Control Department.

Recommendation: The Planning Department recommends approval of the reduction in the right-of-way to 40' and conditional approval of the preliminary plat subject to the following:

- Developer must schedule and attend a pre-construction meeting with all the appropriate city departments
- Developer must submit a grading plan and obtain a grading permit before beginning construction
- Developer must submit a roadway construction 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
- Developer must submit state approved 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
- Developer to provide all conduit for underground communications facilities, CAD files and electrical layout plan to Frontier Communications
- Developer shall provide all utility easements as required by the Electric and Water Quality Control Departments
- Completion of corrections or additions to the plat as determined necessary by the Planning Department and/or other appropriate city departments

Eric Walker made the motion to approve the request recommended by staff. Chris Wakefield seconded the motion and the motion carried unanimously. **CONDITIONAL APPROVAL.**

CONSIDER FOR ACTION THE FINAL PLAT OF UNIVERSITY CENTER TOWNHOMES, PHASE II, 14 LOTS LOCATED AT AUTUMN AVENUE AND WEST 12TH STREET. REQUEST SUBMITTED BY JERRY GAW.

Jon Ward stated that Mr. Jerry Gaw has submitted for approval a Final Plat of the University Center Townhomes Phase II Subdivision, a 14 lot single family attached residential development located off West 12th Street, Autumn Avenue and Brandon Drive (a public access alley) across from Phase I which was developed in 2010. The development consists of 13 dwelling units and Lot 14 is the remaining common area and is not a buildable lot.

Analysis: The property proposed for development is identified on Tax Map 040J, Group A as Parcel 018.00 and contains approximately 1.13 acres. The parcel is zoned as CL (local commercial) which allows townhouses as a use permitted on review and approval by the Planning Commission of a subdivision plat submitted in accordance with the Cookeville Subdivision Regulations as per Section 221.3 of the Cookeville Zoning Code. The eastern side of the tract borders property that is also zoned as CL as is the property across Autumn Avenue to the west. The property to the north across Brandon Drive is zoned RM-8 (multi-family residential) and the TTU property across from the site on West 12th Street is zoned UNV (university).

All of the units have three (3) bedrooms which require a minimum of 49 total parking spaces. However, 52 spaces have been created. The lots are served by a new private ingress/egress access and parking easement named University Center Drive. The development has been connected to the existing six-inch water line in the right-of-way of Autumn Avenue and water is public. Water Quality Control requests that the location of the gate valves serving the gang meter boxes be shown on the plat as well as the number of meters in each box. Otherwise, the developer can provide "as-built" drawings. There is an existing 1000-1499 GPM hydrant located diagonally across from the property in the right-of-way of West 12th Street that is within the required coverage proximity for fire protection. In addition, all of the dwelling units have been outfitted with sprinkler systems that

meet the National Fire Protection Association design standard 13D. Private sewer has been connected to the manhole on Autumn Avenue south of the intersection with Brandon Avenue. The Electric Department reports all work has been completed and approved for power.

A new ADA compliant five (5) foot wide sidewalk along Autumn Avenue has been constructed. New four (4) foot wide sidewalks have also been constructed along the new private street in front of the units. Final paving has not been completed. Public Works requires that the developer ensures the handicap ramps are flush with the asphalt and the entrance height is correct. The developer also must pay Public Works for street and stop signs.

The plat also depicts a new retention pond in the common area adjacent to West 12th Street for storm water management. Solid waste shall be managed with the use of a dumpster which is also shown on the plat. A USPS Centralized Box Unit has been installed as depicted on the plat. All proposed infrastructure improvements will be privately owned and maintained as stated in the Homeowner Association Agreement (HOA). The developer will be required to submit a storm water maintenance agreement at the time of final plat consideration.

Recommendation: Conditional approval of the Final Plat subject to the following:

- Developer to complete paving and site stabilization
- Developer to address handicap ramps and entrance height concerns
- Developer to pay Public Works for signage
- Developer to submit a Storm Water Maintenance Agreement to Public Works
- Developer to submit recorded HOA in a timely manner after the Final Plat is recorded
- Completion of corrections or additions to the plat as determined necessary by the Planning Department and/or other appropriate city departments

Kay Starkweather made the motion to approve the request recommended by staff. Chris Wakefield seconded the motion and the motion carried unanimously. **CONDITIONAL APPROVAL.**

CONSIDER FOR ACTION THE FINAL PLAT OF THE DELOY & LINDA WINNINGHAM DIVISION, THREE (3) LOTS LOCATED AT 405 WEST SPRING STREET. REQUEST SUBMITTED BY TAYS REALTY & AUCTION. Jon Ward stated that Property owners Deloy and Linda Winningham have submitted for approval a Final Plat of the Deloy and Linda Winningham Division, a three (3) lot subdivision of their property located at 405 West Spring Street.

Analysis: The property proposed for development is identified on Tax Map 053H Group B as Parcel 00 which is a vacant parcel containing approximately 3.19 acres. The property is zoned CG (general commercial), as are adjacent properties to the east and northeast. Properties to the north and west are zoned HM (heavy manufacturing). As per the Subdivision Regulations, the proposal does not require prior preliminary plat approval due to the fact it contains less than 10 lots and all infrastructure is existing. The Electric Department requires that 20' wide utility easements along West Spring Street and Mill Avenue be provided. There is a six (6) inch waterline located in the right-of-way as well as two (2) fire hydrants located on the south side of the right-of-way directly across from the street. Sewer is available at the southeast corner of the property and Water Quality Control requires that a sewer extension plan must be submitted to serve the proposed lots. There are no natural geographic constraints on the property, such as sinkholes, wetlands or special flood hazard areas.

Recommendation: Conditional approval of the Final Plat as submitted, subject to the submission of a sewer extension plan to WQC, the addition of required utility easements and additions and corrections as requested by the Planning Department and/or other appropriate city departments.

Chris Wakefield made the motion to approve the request recommended by staff. Kay Starkweather seconded the motion and the motion carried unanimously. **CONDITIONAL APPROVAL.**

CONSIDER FOR ACTION THE REZONING OF 70 COUNTY FARM ROAD FROM RS-20 (SINGLE FAMILY RESIDENTIAL) TO RM-8 MULTI-FAMILY RESIDENTIAL). REQUEST SUBMITTED BY TAYLOR DILLEHAY ON BEHALF OF PHOEBE WADE.

Jon Ward stated that Mr. Taylor Dillehay, on behalf of property owner Phoebe Wade submitted a request to rezone from RS-20, Single Family Residential to RM8, Multi-family Residential property located on County Farm Road.

Analysis: The subject property is identified as Parcel 123.00 on Tax Map 039 and consists of approximately 8.42 acres. It is contiguous to properties zoned as RS-20, Single Family Residential to the south, east and north, and CL, Local Commercial to the west. The northwestern boundary of the property is the City Limits boundary. An existing single-family residence and accessory structures are currently located on the property.

The RS-20 District is intended to provide a low density residential environment in areas where public wastewater services are or are not available. A minimum land area of 20,000 square feet per dwelling unit is required in this district. The RM8 District is intended to provide a moderate-density multi-family, two-family and single-family residential environment in areas where public sewer is available, with a minimum land area requirement of 5,000 square feet per dwelling unit. Public sewer service has been extended to serve the subject property.

The Planning Department consulted the Water Quality Control Department for capacity with the submitted zoning change request that increases housing density. The Water Quality Control Department provided sewer capacity guidance for the requested rezoning. When pressurized sewer was installed to serve the property, the WQC Department consulted with the property owners, who indicated they may submit to subdivide single-family lots at some point. WQC did plan on some increase in density at this location at a 10,000 square foot lot size minimum, which is twice the current zoning density. They did not plan for a Zoning Density that would allow multi-family development or higher density single family development, including townhomes and cluster homes. The two (2) inch force main would have to be evaluated and possibly replaced to accommodate an RM8 density. While the WQC Department does have existing capacity to support an increase in density, this could impact available capacity to serve the remaining area at its current Zoning Designation. The WQC Department has recommended the property remain at the RS-10 Zoning Classification at this time. As Cookeville experiences continued growth, sewer capacity will be an ongoing issue to manage when determining increases in development density.

The Cookeville 2030 Plan primarily depicts the property as being suitable for lower density residential development. At the time the plan was prepared public wastewater service was not available to the subject parcel. The property is located in an area annexed by the city in 1983.

This property borders an area along West Broad Street that is also zoned RS20, that was devastated by the March 2020 tornado. The Planning Commission denied a rezoning request to rezone this area from RS20 to CL, Local Commercial on February 25, 2019 due to non-compliance with the Future Land Use Concept Plan. It is noted in the 2030 Plan that to accommodate anticipated growth, significant portions of the land area will have to be rezoned when the appropriate infrastructure is provided. While sewer infrastructure has been extended to this area, the Planning Department recommends that the area be evaluated for increased housing density with the comprehensive plan update.

Recommendation: Denial of the rezoning request

Chairman Jim Stafne explained the 2030 plan to those in attendance and encourages those interested to review the plans.

Christina Nett-Aviles, of 85 County Farm Road, stated that she lives across the street from the proposed rezoning site and has lived there for 23 years. She understands that it is a large piece of land but discourages the development of apartments or townhomes. She is opposed to the rezoning.

Tracy Cody made the motion to deny the rezoning request. Kay Starkweather seconded the motion and the motion carried unanimously. **DENIED.**

CONSIDER FOR ACTION THE REZONING OF ONE PARCEL LOCATED ON BUFFALO VALLEY ROAD (TAX MAP 054 093.03) FROM RS-10 (SINGLE FAMILY RESIDENTIAL) TO RM-8 (MULTIFAMILY RESIDENTIAL). REQUEST SUBMITTED BY DIANNA COLLINS. Jon Ward stated that Ms. Dianna G. Collins has submitted a request to rezone from RS-10, Single Family Residential to RM8, Multi-Family Residential property located on Buffalo Valley Road.

Analysis: The subject property is identified as Parcel 93.03 on Tax Map 54 and consists of approximately 10.2 acres. It is contiguous on all sides with properties zoned as RS-20, Single Family Residential. The property is currently undeveloped. The Planning Commission recommended rezoning the property from RS-20 to RS-10 on April 23, 2018. The rezoning was approved by the City Council in June 2018 and became effective on July 6, 2018.

The RS-10 District is intended to provide a moderate density single-family residential environment where public wastewater services are available. A minimum land area of 10,000 square feet per dwelling unit is required. The RM8 District is intended to provide a moderate-density multi-family, two-family and single-family residential environment in areas where public sewer is available, with a minimum land area requirement of 5,000 square feet per dwelling unit. Public sewer service is available to the subject property.

The Water Quality Control Department has provided sewer capacity guidance for the rezoning. While the WQC Department does have existing capacity to support an increase in density, this would greatly impact available capacity to serve the remaining area at its current Zoning Designation. The WQC Department has recommended the property remain at the RS-10 Zoning Classification at this time. As Cookeville experiences continued growth, sewer capacity will be an ongoing issue to manage when determining increases in development density. The recent sewer project at the Highlands Business Park and planned sewer project to serve the future Putnam County Fairgrounds property and other properties along Tennessee Avenue will provide additional capacity to the area for future higher density considerations.

The Cookeville 2030 Plan primarily depicts the property as being suitable for lower density residential development. At the time the plan was prepared public wastewater service was not available to the subject parcel. The property is located in an area annexed by the city in 1983. It is noted in the 2030 Plan that to accommodate anticipated growth, significant portions of the land area will have to be rezoned when the appropriate infrastructure is provided, which justified the previous action to rezone from RS-20 to RS-10. A zoning change to RM8 would not be compliant with the Future Land Use classification of lower density residential. The RM8 District allows for multi-family apartments, and higher density single-family development including townhomes and cluster homes. The area is predominately rural in nature and consists of single-family detached homes.

The Planning Department recommended that the petitioner consider Planned Residential Development (PRD) Zoning for a higher density zoning classification, however, the rezoning request is speculative as Ms. Collins has the property listed for sale and has submitted the rezoning

request to market the property. The PRD Zone requires detailed plans depicting the exact nature of development.

Buffalo Valley Road is classified as a Major Collector street that has no shoulders or pedestrian infrastructure. City officials have identified Buffalo Valley Road as a street improvement project from West Jackson Street to just east of Holladay Road. There is no timetable for this improvement at this time. The petitioner contends that higher density development exist in the area. The nearest higher density area is the location of Highlands Residential Services new development on proposed Acorn Street, and that is located approximately 2,500 feet east from this site on Buffalo Valley Road, nearer to commercial development and other higher density residential areas.

Recommendation: Denial of rezoning request.

Dustin Marcelino stated that he believes there is a higher demand for people wanting to move into rural areas due to the pandemic. The Oak Tree Towers is a quarter mile from the site in question and asked how this differs from the Oak Tree Towers development.

Jon Ward stated that Oak Tree Towers is contiguous with other multi-family residential zoning and the proposed rezoning area is surrounded by single-family residential zoning.

Mr. Marcelino stated that he assumed that there are no objections to the rezoning request.

Several audience members spoke in opposition to the request.

Patricia Hall, of 930 Buffalo Valley Road, stated that she strongly disagrees with the rezoning. She believes that the rezoning could destroy the peace and safety of the neighborhood.

Josh Wells, of 940 Buffalo Valley Road, stated his opposition to the request and said that there are 23 residences around the proposed rezoning area. He said that the difference between this request and the Oak Tree Towers is that Oak Tree Towers is adjacent to commercial and multi-family residential lots. He doesn't want the rezoning to disrupt the neighborhood.

David Turnage, of 920 Buffalo Valley Road, stated that he lives in the perfect neighborhood and doesn't want to live beside apartments. He wants to keep the area rural and is opposed to the rezoning.

Jeffery Erickson spoke on behalf of his grandmother who lives at 895 Buffalo Valley Road. He believes that the rezoning request is too aggressive. He stated that he has reviewed the 2030 plan and the request doesn't fit in with the plan. He, like others, had mentioned that the Oak Tree Towers are surrounded by multi-family and commercial zoning and is opposed to the rezoning.

Jim Cobb made the motion to deny the request rezoning request. Kay Starkweather seconded the motion and the motion carried unanimously. **DENIED.**

Jim Stafne told the petitioners that they are able to appeal the Planning Commission decision to the City Council.

Mr. Marcelino disagreed with the Planning Commission's decision and asked if what he had said about the property would have any weight in the decision making.

Jon Ward stated that the recommendation was based on the 2030 Plan.

STUDY ITEMS:

1. Consider for study the rezoning of 7.68 acres of a parcel located on Tennessee Avenue (Tax Map 064 074.00) from Commercial Industrial Mixed Use (CI) to Heavy Manufacturing (HM). Request submitted by the City of Cookeville.
2. Consider for study the rezoning of 1525, 1551& 1571 Bunker Hill Road from RS-15 (Single Family Residential) to RS-10 (Single Family Residential). Request submitted by Taylor Dillehay on behalf of Kevin Sergent.
3. Consider for study the preliminary plat of Westfield Court, six (6) lots located at 461 West Stevens Street. Request submitted by Andy Milton.
4. Consider for study the rezoning of a portion of a parcel located on Neal Street & East Veterans and Neal Street, South Maple Avenue & Old Walton Road (Tax Map 066 Parcel 032.00) from CR (Regional Commercial) & RS-15 (Single Family Residential) to CG (General Commercial). Request submitted by Aaron Bernhardt.

Jim Cobb made the motion to accept the items for study. Kay Starkweather seconded the motion and the motion carried unanimously. **APPROVED.**

Staff Reports:

Minor Plats Approved & Recorded:

- (1) Clough & Dillon Lot Line Adjustment, two (2) lots located at 307 N. Ferguson Ave & 747 Langford Ln – Nicholas Clough & Howard Dillon
- (2) Commonwealth Co. Redivision of Tract 3 of Redivision of Tract 2, one (1) lot located at South Willow Avenue - Autozone

ADJOURNMENT: 6:21 P.M.

SUBMITTED FOR APPROVAL

SUBMITTED FOR RECORDING

**HALEY DICKSON
PLANNING ASSISTANT**

**JIM STAFNE, CHAIRMAN
COOKEVILLE PLANNING
COMMISSION**