

Cookeville Planning Commission
Minutes
March 28th, 2022

The Cookeville Planning Commission met on Monday, March 28th, 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, Kay Starkweather, Leslie Sullins, Eric Walker & Jim Woodford.

MEMBERS ABSENT: None.

STAFF MEMBERS PRESENT: Jon Ward, Christopher Phillips, James Mills, Ken Young & Haley Dickson.

STAFF MEMBERS ABSENT: None.

OTHERS PRESENT: Miriam Vaughn, Betsy Scarisbrick, John MacDonald, Freddie McClennon, Dorothy McClennon, Lisa Lane, Dawn Huddleston, Marcia Shaver, Danny Lee, Bill Grogan, Laura McClellan, Valerie Benton, Andrew & Deatrice Anderson, Lloyd Harris, Gail Harris, Trent Strode, David Burnett, Sue Smith, Michelle Price & Aaron Bernhardt.

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

CONSIDER FOR APPROVAL THE AGENDA AS SUBMITTED. Kay Starkweather made the motion to approve the agenda as submitted. Eric Walker seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR APPROVAL THE MINUTES OF FEBRUARY 28TH, 2022. Jim Stafne made the motion to approve the minutes of February 28th, 2022. Kay Starkweather 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. 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 foot 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.

Mr. Bill Grogan stated that if this rezoning request is approved, he plans to build a custom automotive paint shop to allow the restoration of high end and salvage cars. He stated that this development would clean up both sides of the street. He stated that the lot will be vacant once they sell the truck beds that are currently sitting on the property. Mr. Grogan stated that he and his family are no longer in the salvage business, and he wants to clean up both sides of the street.

Mr. Andrew Anderson gave a speech regarding rezoning stating that the neighborhood needs to know what is involved with this type of business and asked what environmental impact would be. He stated that there are alternative sites within the city for this kind of development such as the CI, or CG zoning districts rather than CL. Mr. Anderson stated that restoration businesses use highly toxic chemicals that are known carcinogens and emit pollutants. He is afraid that these chemicals may affect shop employees, customers, and the surrounding community. Mr. Anderson stated that on behalf of the neighborhood, he urges the Planning Commissioners to vote no on the rezoning and allow the property to remain RS-10.

Mr. Grogan stated that he understands the concerns of the neighborhood, but any work does have to be done under EPA and stormwater regulations in order for them to be in compliance.

Ms. Valerie Benton, of 117 McClellan Court, stated that she has lived in the neighborhood for 11 years with 4 children and has previously stated in past meetings that junk yards are not warranted in that area. She stated that her property backs up to the proposed rezoned area and there is a ravine in her backyard that has collected many auto parts throughout the years. Ms. Benton stated that her children along with other children in the neighborhood play in the back yards that back up to the property in question. She stated that she understands that the city needs commercial property but feels this rezoning would take away from residential area.

Chairman Woodford asked how many cars will be on the property if an auto restoration business is built.

Mr. Grogan stated that the cars will be stored inside the building and will have an average of 10 to 15 cars that will be worked on at a time. He wants everyone to understand that there will be no salvage occurring on the property and this development will help with the looks of the area. He stated that they have gotten rid of approximately 2,700 cars from the junk yard and are still removing more. Mr. Grogan stated that he will clean up the property completely, but the auto yard was in operation for over 60 years, and this takes time. He looks to build an 1,800 square foot building.

Mrs. Kay Starkweather asked if there will be landscaping around the perimeter of the property.

Mr. Grogan stated that he does not plan on getting rid of any trees.

Mr. Chad Gilbert stated that the Zoning Code requires the property to have a landscape buffer yard.

Mr. Ward stated that the property is currently a protected use, and someone can come in and continue an auto salvage yard if the property is not rezoned. He stated that the property has been in operation for years and nothing is up to code at the moment.

Mr. Anderson stated that he has a problem with the rezoning request due to the type of business proposed being highly pollutant. He stated that the neighborhood hosts a variety of people, such as the elderly, people who have underlying health issues, children & pets. He believes that everything that happens inside the building will make its way outside to the neighborhood. He stated that he supports businesses, but he thinks it is time for the community to regain some sort of stability as far as environmental issues to rebuild their community back.

Mr. Grogan stated that he has to maintain and meet EPA standards. He stated that their water has to be analyzed every so often by EPA to stay in compliance with their regulations and the paint has certain types of filters to catch any contaminates.

Mr. Jim Stafne asked if they plan on doing any muffler work.

Mr. Grogan stated that they do not plan on doing any muffler work

Mr. Anderson asked if the proposed shop would be considered an accessory building.

Mr. Ward stated that the building would be the primary structure.

Mr. Trenton Strode, the grandson of an owner on McClellan Court, stated that he has seen car parts parked all along Highway 70 coming into the back of his grandmother's property for 30 years. He stated that he does not want the auto restoration shop and that Bob's Auto Salvage is a huge eye sore. Mr. Strode stated that the property is located within the historically African American part of town and that this area tends to be walked over and taken advantage of. He stated that the intersection of Hunter Avenue and Highway 70 is dangerous and numerous crashes happen. He has noticed an improvement of the property with the removal of the cars but feels as if the property isn't where it needs to be aesthetically.

Ms. Metts stated that she agrees with almost everything Mr. Strode had stated. She stated that the property needs to be rezoned in order for the city to have any say in what can happen since the use has been grandfathered in.

Mr. Walker asked if the property isn't rezoned, can Mr. Grogan still build on property with fewer restrictions.

Mr. Anderson asked if Mr. Grogan can go ahead and lay down foundation today, why are we looking to rezone it.

Mr. Ward responded that the rezoning is in order to require the property to meet any zoning and code requirements.

Jim Stafne made the motion to postpone the request for 30 days. Leslie Sullins seconded the motion and the motion carried unanimously. **POSTPONED**

CONSIDER FOR ACTION THE REZONING OF PROPERTIES LOCATED ON WEST SPRING STREET, SOUTH OAK AVENUE, SCOTT AVENUE & DEPOT STREET (TAX MAP 053-G, GROUP F, PARCELS 007.05, 011.00, 011.01, 013.00 & 014.00, TAX MAP 053-G, GROUP G, PARCEL 006.00 AND A PORTION OF TAX MAP 053-G, GROUP G, PARCEL 007.00) FROM CL (LOCAL COMMERCIAL) TO CBD (CENTRAL BUSINESS DISTRICT). REQUEST SUBMITTED BY AARON BERNHARDT ON BEHALF OF ELIZABETH FOURNET.

Mr. Jon Ward stated that Mr. Aaron Bernhardt, on behalf of property owner Ms. Elizabeth Fournet, has submitted a request to rezone from CL, "Local Commercial" to CBD, "Central Business District" her properties located on East Spring Street, Scott Avenue, South Oak Drive, and Depot Street.

Analysis: The subject properties are identified as Tax Map 053G, Group F, Parcels 007.05, 011.00, 011.01, 013.00, 014.00, Tax Map 053G, Group G, Parcel 006.00, and a portion of Tax Map 053G, Group G, Parcel 007.00. The area contains approximately 4.31 acres. The total area proposed for rezoning including street rights-of-way includes 5.24 acres. The properties are currently zoned CL, "Local Commercial," as are the adjacent properties to the north and west. The properties are bordered by CBD, "Central Business District" to the east and CN, "Neighborhood Commercial" to the south. The rezoning application was submitted to allow new single-family development.

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 district and is determined by street classification. The CBD district, with complementary office and related uses, forms the center for commercial, financial, professional, governmental, and cultural activities.

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

An important distinction between the CL and CBD zoning districts is the minimum building setback requirements. The CL district requires a minimum setback along all street frontages of thirty (30) feet. The CBD district generally does not require a minimum setback provided visibility at intersections is not obstructed. The allowed maximum lot coverage requirements are also different between the two (2) districts. The CL district allows a maximum of 60 percent coverage, while the CBD district does not have a maximum lot coverage. The permitted uses between both districts are similar with the CL district allowing several automobile related uses that are not permitted within the CBD district. Upon review by the Planning Commission, the CBD district does allow for multi-family and townhouse residential developments at double the density of the CL district (1,500 square feet per dwelling unit in the CBD and 3,000 square feet per dwelling unit in the CL).

The properties are the current location of Builders Supply Company. Garrott Brothers Concrete has also been operating from this location. Garrot Brothers now has their new location in operation on Tennessee Avenue. A portion of the property off West Spring Street and South Cedar Avenue is currently zoned CBD, Central Business District. This area includes various storage structures utilized by Builders Supply Company that would also be redeveloped. The area also includes the El Milagro Restaurant and Market. The existing development in the subject area is non-conforming to many aspects of the Zoning Code. The application has been submitted to redevelop this area for single-family development. Upon further discussion with Mr. Bernhardt, residential development of the area would include single-family and multi-family components. The Planning Department recognizes that redevelopment of this area conforming with the Zoning Code as desirable. The proposal would bring a residential component to the downtown area.

The Water Quality Control Department has provided a sewer service capacity request for the proposed rezoning. The western section was approved for 91 residential units. An application for the eastern section for 84 residential units was not approved. The WQC Department indicates that approximately 325 feet of eight (8) inch sewer line would need to be replaced with ten (10) inch sewer line to accommodate the number of proposed units in the eastern section. The Water Quality Control Department has indicated they have no objections to moving forward with the rezoning as the developer works through the necessary improvements. No building permits could be issued for the eastern section until the sewer improvements were approved by the Water Quality Control Department.

Recommendation: Approval of the request.

Mr. Lloyd Harris, owner of Harris Monument, asked if there are any plans to close Scott Avenue.

Mr. Aaron Bernhardt stated that they do not plan on closing any city streets with the new development.

Ms. Lauren Metts asked if the design plan had changed any from the CL (Local Commercial) Zoning District to the CBD (Central Business District) Zoning District.

Mr. Bernhardt stated that the development was designed from the standpoint that the property is zoned CBD.

Ms. Metts asked if the development will have a downtown look.

Mr. Bernhardt stated that the design will be made to look older but new, all brick residences will be constructed to fit within the westside area. He stated that he may apply to have the development be an RAO once the rezoning is approved.

Mr. Jim Woodford asked if there will there be any greenspace.

Mr. Bernhardt stated that the development will be more of an urban living space.

Ms. Metts asked if apartments could be built under the current zoning.

Mr. Bernhardt responded yes, but he is requesting the property be rezoned to spread out the design and make it cost efficient.

Mr. Woodford stated that he would like to see an urban look as long as we improve our pedestrian infrastructure.

Ms. Metts asked if the residences built long Spring Street will face West Spring Street.

Mr. Ward stated that major roads require a setback of 50 feet.

Mr. Bernhardt stated that he is unsure of the layout of the design and is waiting to engineer the layout once the rezoning is approved.

Mr. Cobb asked if commercial uses will be mixed in.

Mr. Bernhardt stated that if the development is mixed use, the construction cost would be high, and parking would allow for less units to be built. He stated that they have around the idea of the first floor being commercial uses and the top floors used for residential areas.

Ms. Sue Smith, of 201 West Broad Street, stated that an additional 140 cars is really scary. She wants to use this opportunity to reiterate something she's believed for years – making Spring Street and Broad Street one-way around the square and that the intersection of Cedar Avenue and Broad Street is a mess.

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

CONSIDER FOR ACTION THE REZONING OF 1100 SOUTH WILLOW AVENUE (TAX MAP 065 PARCEL 098.00) FROM CG (GENERAL COMMERCIAL) TO CR (REGIONAL COMMERCIAL). REQUEST SUBMITTED BY BROAD STREET PROPERTIES. Mr. Jon Ward stated that Broad Street Properties has submitted a request to rezone from CG, “General Commercial” to CR, “Regional Commercial” property located at 1100 South Willow Avenue.

Analysis: The subject property is identified as a portion of Tax Map 065, Parcel 098.00. The rezoning area of the parcel consists of 34.88 acres, the total rezoning area including Green Gate Lane, South Willow Avenue and Interstate 40 rights-of-way consists of 48.08 acres. The property is currently zoned CG, “General Commercial.” The property is bordered to the south by RM-14, “Multi-Family Residential,” to the east by an area of the current parcel to remain as CG, “General Commercial”, and to the east and west by CG, “General Commercial.” The rezoning application was submitted to allow for commercial development compliant with the CR, “Regional Commercial” zone.

The CG district is intended for moderate and larger sized offices, personal and business services, and general retail business. The maximum square footage of individual developments is restricted to 120,000 square feet within the CG District. The CR District is intended for medium to large-scale commercial operations of a predominantly regional nature. CR Districts must be located on Major Collector Streets or a higher classification.

The Future Land Use Concept element of the Cookeville 2030 Plan depicts this area as best suited for Mixed-Use Commercial/Industrial and Regional Commercial development. The Future Land Use designation is compliant with the CR Zoning District. The property is located on South Willow Avenue which is classified as a Major Arterial Street. The application was submitted to allow development to exceed 120,000 square feet, as limited by the current CG, General Commercial designation.

Recommendation: Approval of the request.

Mr. Richard Wood, who attends Willow Avenue Church of Christ on the adjoining property, asked if the rezoning would allow manufacturing uses or retail uses.

Mr. Jon Ward stated that the Regional Commercial zoning use is predominately commercial in nature and doesn't have a restriction on building size.

Mr. Wood stated that he doesn't want an industrial plant to be built on the property. He asked if Green Gate Lane would be widened once any development is built.

Mr. Ward stated that road widening would depend on what is proposed once plans are submitted.

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

CONSIDER FOR ACTION DISCUSSING WATER QUALITY CONTROL DEPARTMENT SEWER CAPACITY FEES. REQUEST SUBMITTED BY THE WATER QUALITY CONTROL DEPARTMENT. Mr. Jon Ward stated that the Department of Water Quality Control has requested that this item be withdrawn from the agenda.

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

Study Items:

- (1) Consider for study 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.

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

Staff Reports:

- (1) Minor Plats Approved & Recorded:

- Storm, David & Kay Property Final Plat, two (2) lots located at Freeze Street and North Maple Avenue – David & Kay Storm
- WNR1 Holdings LLC Lot #3, one (1) lot located on South Willow Avenue – Jack Stites/Willow Properties
- Womack Addition Block C Re-Division of Lots 1 & 3, two (2) lots located on Womack Avenue and East First Street – Linda Dunsmore & Julian Dowell
- Stonecom Holdings LLC Property & Shelby Property Final Plat, two (2) lots located on Shag Rag Road – Kristie Stone (Stonecom Holdings LLC and Charles & Tiffany Shelby)
- Midway Heights Re-Division of Lot 8 Amended Plat, six (6) lots located on East 10th Street, Wall Avenue & Inglewood Drive – Wade Verble & Capital Communities, LLC (addresses corrections only)

ADJOURNMENT: 6:54 P.M.

SUBMITTED FOR APPROVAL

SUBMITTED FOR RECORDING

Haley Dickson
Planning Assistant

Jim Woodford, Chairman
Cookeville Planning Commission