

Cookeville Planning Commission
Minutes
June 26th, 2023

The Cookeville Planning Commission met on Monday, June 26th, 2023, at 5:30 p.m., in the Council Chambers, 45 E. Broad Street, Cookeville, Tennessee.

Members Present: Jim Cobb, Bob Faulhaber, Lauren Metts, Judy Jennings, Jim Stafne, Kay Starkweather & Jim Woodford.

Members Absent: Councilman Ali Bagci.

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

Staff Members Absent: James Mills.

Others Present: Lindsay Pride, Bill Cameron, Michelle & Sean O’Neil, Greg & Susan Vandergriff, Robert & Madison Lynn, Sherri Lytal, Jeanette Zimmerman, Connie DeBoef, Sandra Allen, Michael Lee, Mary Webb, Jack Gill, Dennis Chaffin, Tom Sergio, John McCawley, Nelson & Nancy Forrester, Hatty Gill, Tony McBroom, Aaron Bernhardt, Debbie Fletcher, Mattie Dalton, Bill & Paula Habercamp, Donnie Suits, David Dickerson, Melinda Mutchmore, Josh Stites, Amy Callahan, and Laura Young.

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

Consider for Approval the Agenda as Submitted. Jim Stafne made the motion to approve the agenda as submitted. Judy Jennings seconded the motion and the motion carried unanimously. **Approved.**

Consider for Approval the Minutes of May 22nd, 2023. Kay Starkweather made the motion to approve the minutes of May 22nd, 2023. Jim Cobb seconded the motion and the motion carried unanimously. **Approved.**

Consent Agenda:

All matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Planning Commission member so requests, in which case the item will be removed from the Consent Agenda and considered separately. Additionally, any citizen or agenda applicant may request that consideration be given by the Planning Commission to remove any item from the Consent Agenda so that discussion may be held on the item.

- a. Consider the Final Plat of Pearl Street and Arnold’s Addition Lot Line Adjustment, three (3) lots located on North Jefferson Avenue and East 7th Street (Tax Map 053C, Group B, Parcels 001.00, 013.01, and 014.00). Request submitted by Byron Phillips and Patrick Shea Callahan. **This item was postponed at the May 22nd Planning Commission meeting. Developer requests this item be postponed until the July 24th, 2023.**

Recommendation: Postponement until the July 24th, 2023 Planning Commission meeting.

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

Consider for action the preliminary plat of Ashbury Farms Subdivision Phase I, 49 lots located on West Broad Street (Tax Map 039, a portion of Parcel 157.00). Request submitted by Aaron Bernhardt. Mr. Jon Ward stated that Mr. Aaron Bernhardt has submitted for approval a preliminary plat of Ashbury Farms Subdivision Phase I, a 49-lot single-family attached development located on West Broad Street (US HWY 70N) consisting of 48 single-family attached building lots with Lot 49 as the remaining common area. In addition, there are a total of fourteen (14) 11’ X 20” storage units shown on the plat in the northeast area of the site.

Analysis: The subject property is identified as a portion of Parcel 157.00 on Tax Map 039 and contains approximately 5.14 acres. The property is split-zoned RS-5, “Single-Family Residential” and CL, “Local Commercial” as are the adjacent properties to the east, south and west. The property is bordered by RS-20, “Single-Family Residential” to the west and RS-15, “Single-Family Residential” to the north. The proposed development area is located entirely within the CL, “Local Commercial” zoning district. The plat depicts the construction of two (2) new private streets proposed as Foxwood Landing and Waylon Way. As shown on the plat, water for the development is to be public and sewer is to be private. The Fire Department states the existing hydrant and proposed hydrant will be acceptable for fire protection coverage. A sewer Capacity Availability

Program (CAP) form has been approved by Water Quality Control. The proposed storage units are for use by the townhome owners.

A plat review meeting was held on June 13, 2023. All relevant city departments were present and provided comments and for conditional approval reviewed the submitted plat.

Recommendation: Staff recommends conditional preliminary plat approval subject to the following conditions as stipulated by all reviewing departments:

- Proposed water courses (drainage swales, culverts, detention ponds, etc.) shall be shown on the plat
- Provide storm drainage system plan showing existing and proposed features, culverts, drainpipes, structures, filtration, detention ponds, etc.
- Show and hatch Permanent Storm Water Areas on the plat (i.e., ponds, underground detention, etc.)
- Show and hatch Waters of the State (streams, wetlands, ponds, etc.) and provide permanent buffers with an average of 30 feet wide
- Provide existing and proposed easements for all water, sewer, drainage, access, etc.
- Provide centerline profiles for all streets when civil plans are submitted to Public Works; dimensions of curves, cul-de-sac, etc. shall be per City of Cookeville requirements
- Sidewalk and curb details are to be provided with five (5) foot bump outs every 200 feet per ADA requirements if four (4) foot wide sidewalks are proposed; 2% cross slope is required and must be shown on sidewalk detail
- Curb ramps with truncated domes are required at street crossings
- Public Works notes that an active Grading Permit is open for the site
- Public Works also states that prior to start of work, developer shall submit a NOI with SWPP for approval to Public Works
- Warranty required is \$3000 per acre of disturbance in the form of a Cashier's Check or Letter of Credit from a local bank to be submitted to Public Works (for 5.14 acres, \$18,000 required)
- Developer to consult with Public Works regarding location of proposed detention/treatment areas and discharge of storm water from the site; developer to submit calculations and design to Public Works for approval
- West Broad Street stormwater to be addressed with construction
- TDOT submittal and approval is required and turning lane determination made
- Developer shall submit a Landscape Plan per City of Cookeville requirements to Public Works
- Developer shall submit a roadway construction plan and profile with storm sewer and sidewalk details to Public Works, which shall include typical cross section, subgrade, base width and asphalt width
- Developer shall submit state approved water and sewer plans to Water Quality Control
- Developer to install both water and sewer extensions
- Water installation where crossing Hwy 70W (West Broad Street) will require a TDOT permit for utility work; engineer to contact WQC for water installation
- Water installation will need to be a directional bore
- Waterline design to be in one (1) travel lane, not crossing lanes, under sidewalks and/or parking spaces
- Developer shall submit plans for the installation of underground utilities per the Electric Department design requirements
- After submission of all required plans, developers shall request that the Planning Department schedule a pre-construction meeting with all the appropriate city departments and other related agencies. Developer and contractor(s) are required to attend the meeting

- Completion of corrections and/or additions to the plat as determined necessary by the Planning Department and/or other departments or agencies

Jim Stafne 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 Creek Side, nine (9) lots located on Holder Avenue (Tax Map 054-D, Group A, Parcels 023.00 & 007.01). Request submitted by Josh Stites. Mr. Jon Ward stated that Mr. Josh Stites has submitted for approval the preliminary plat of Creek Side, a nine (9) lot single-family attached development located on Holder Avenue and West Broad Street (US HWY 70N) consisting of eight (8) single-family attached building lots and Lot 1 as the remaining common area.

Analysis: The subject property is identified as Parcels 007.01 and 023.00 on Tax Map 054D, Group A, and contains approximately 0.60 acres. The property is zoned CL, “Local Commercial” as are the adjacent properties to the east, north, and west. The property is bordered by RS-10, “Single-Family Residential” to the south. The plat depicts the building lots fronting Holder Avenue so the units will be accessed and addressed from the existing street. The access to the units will involve backing into Holder Avenue, which is required due to the particular topographic constraints of this specific site. Relative to the proposed access, Section 221.3A.2. of the Zoning Code states “Access to individual parcels shall be provided from internal streets or parking areas constructed to serve a particular development unless otherwise approved by the Planning Commission”. There is no proposed ingress/egress access to West Broad Street. Holder Avenue has a 40-foot right-of-way, and the subject property is shown as 20 feet from the street center line. As shown on the plat, both water and sewer for the development is to be private. A sewer Capacity Availability Program (CAP) form has been approved by Water Quality Control. The Fire Department states the existing hydrants are acceptable for fire protection coverage. All common areas shown on the plat are also utility and maintenance easements.

A plat review meeting was held on June 13, 2023, and all relevant city departments were present and reviewed the submitted plat and provided comments and conditions for approval.

Recommendation: Staff recommends conditional preliminary plat approval subject to the following conditions as stipulated by all reviewing departments:

- Proposed water courses (drainage swales, culverts, detention ponds, etc.) shall be shown on the plat
- Provide Hydrologic Determination with TDEC Concurrence on existing streams and wetlands present on property; required permanent buffers along streams and wetlands are to be shown on the plat
- Provide storm drainage system plan showing existing and proposed features, culverts, drainpipes, structures, filtration, detention ponds, etc. (developer to consult with Public Works regarding location of proposed detention pond which is currently shown as uphill from proposed impervious development and how runoff generated is to be piped to and treated in the pond)
- Developer to consult with Public Works concerning storm water discharge from the site; Public Works further states that if connection is to be made to City infrastructure, details are to be shown and calculations and design are to be submitted to Public Works for approval
- Public Works states that a Grading Permit is required for work less than one (1) acre and the fee is \$50; The warranty required is \$3,000 per acre of disturbance
- Sidewalk and curb details are to be provided with five (5) foot bump outs every 200 feet per ADA requirements if four (4) foot wide sidewalks are proposed; 2% cross slope is required and must be shown on sidewalk detail
- As no proposed sidewalk is shown on the West Broad Street site frontage, the developer shall consult with Public Works and Planning to discuss options of construction, asking for a waiver or payment of an in-lieu of construction fee
- Public Works has advised that the existing drainage along Holder Avenue and the ditches must be maintained; they further state that if these ditches are to be piped, Public Works must approve

- Public Works also has expressed concerns regarding site distance and stormwater ponding issues and states close attention needs to be paid to the design of the grading and drainage plans for the project. Specifically, it was noted that they need to make sure that the proposed grading does not go any lower than the existing road grades, driveways should not be graded to cause a puddling issue in the low spot in Holder Avenue and the drainage plan needs to accept this drainage off the street and pass it through the onsite system
- Public Works further stipulated that they need to make sure the proposed drainage system meets the city ordinances for detention and treatment requirements without encroaching on the stream buffer
- In addition, Public Works stated the exact stream location needs to be verified with a Hydrologic Determination that TDEC has reviewed and sent a concurrence letter
- Developer shall submit a roadway construction plan and profile with storm sewer and sidewalk details to Public Works, which shall include typical cross section, subgrade, base width and asphalt width
- Developer shall submit a Landscape Plan per City of Cookeville requirements to Public Works
- Developer to consult with Public Works regarding solid waste management
- Water Quality Control requests that the proposed water meter locations be shown on the plat
- After submission of all required plans, developers shall request that the Planning Department schedule a pre-construction meeting with all the appropriate city departments and other related agencies. Developer and contractor(s) are required to attend the meeting
- Completion of corrections and/or additions to the plat as determined necessary by the Planning Department and/or other departments or agencies

Kay Starkweather made the motion to approve the request recommended by staff. Mallie Rogers seconded the motion and the motion carried unanimously. **Approved.**

Consider for action the final plat of Ellington Subdivision, Phase I, five (5) lots located on Inglewood Drive (Tax Map 041P, Group B, portion of parcel 007.00). Request submitted by Capital Communities, LLC. Mr. Jon Ward stated that Mr. Donnie Suits with Capital Communities, LLC., has submitted for approval a final plat for Ellington Subdivision Phase I, a five (5) lot single-family detached development located on Inglewood Drive and Wall Avenue.

Analysis: The subject property is identified as a portion of Parcel 007.00 on Tax Map 041P, Group B, and contains approximately 1.23 acres. The property is zoned RS-10, "Single-Family Residential" as are the adjacent properties to the east, south, and west. The property is bordered by RS-15, "Single-Family Residential" to the north. Connections to water and sewer are available in the right-of-way of both streets and a previously approved sewer Capacity Availability Form is on file for the proposed lots. As shown on the plat, the owner has dedicated sufficient additional right-of-way to create 25 feet to each adjacent street center line. The proposed lots are held harmless to setback and lot area requirements based on the property boundaries prior to dedication. Public Works notes that roadside ditches/stormwater flow along Inglewood Drive and Wall Avenue need to be maintained or piped in properly sized pipe per the drainage areas going to each. In addition, Public Works notes that cleanout structures will be required if piped, subject to departmental approval.

A 15' wide utility easement is shown along the frontages of the lots and 20' wide utility easements are shown between Lots 2 & 3 and 4 & 5 as requested by the utility departments. Existing hydrants are within proximity and are acceptable to serve the lots per the Fire Department. New sidewalks are required for this proposed first phase. The developer requests Planning Commission consideration of an optional fee in lieu of construction or a waiver of installation in accordance with applicable sections of the Zoning Code.

The plat was reviewed on June 13th by all applicable city departments who provided comments and conditions for approval.

Recommendation: 90-day conditional approval of the final plat subject to the following:

- Developer to submit permit application(s) to Public Works for grading as required

- Developer to coordinate stormwater management along Wall Avenue and Inglewood Drive with Public Works
- Determination to be made regarding sidewalks (construction, in lieu of fee payment, or waiver)
- Developer to coordinate mail delivery with USPS
- Completion of corrections and/or additions to the plat as determined necessary by Planning and/or other appropriate city departments.

Mr. Jim Cobb asked what was done with the sidewalks on a previous development on Wall Avenue.

Mr. Jon Ward stated that when the subdivision plat on Wall Avenue was submitted the Subdivision Regulations exempted single-family homes from the sidewalk requirements. The Planning Commission has since amended the Subdivision Regulations to require the installation of sidewalks or allow the optional fee in lieu of construction.

Mr. Cobb made a motion to approve the final plat with the stipulation that sidewalks be installed. Lauren Metts seconded the motion and the motion carried unanimously. **Approved.**

Consider for action the final plat for Kensington Subdivision, 41 lots located on Buffalo Valley Road (Tax Map 054, Parcel 093.03). Request submitted by Aaron Bernhardt. Mr. Jon Ward stated that Mr. Aaron Bernhardt has submitted for approval the final plat of Kensington Subdivision, a 41-lot single-family detached development located on Buffalo Valley Road. This proposal was taken for study at the June 28, 2022, Planning Commission meeting and was granted preliminary plat approval at the July 26, 2022 meeting.

Analysis: The subject property is identified as Parcel 093.03 on Tax Map 054 and contains approximately 10.11 acres. The property is zoned RS-5, "Single-Family Residential". The developer has discussed potential delays with curb installation and has asked for consideration to post a financial guarantee in lieu of completion of infrastructure components if delays are considerable.

The plat was reviewed on June 13th by all applicable city departments who provided comments and conditions for approval.

Recommendation: 90-day conditional approval of the final plat subject to the following:

- The roadway subgrade, base stone and asphalt must be completed through the binder stage, with the option to post a financial guarantee as determined by the Public Works Department
- Curbs must be completed; roll curb is to be protected during individual lot construction
- The storm drains, ponds and drainage features must be cleared of construction silt and erosion control provided to protect structures, ponds and sand filters during lot construction
- Stormwater Maintenance Agreement must be submitted to Public Works and approved and signed before agreement is recorded
- Developer shall contact Public Works regarding total fee to be submitted for signage; fee is \$200 per sign and is to be paid to Public Works
- Remaining water line installation to be completed and pressure tested
- Water and sewer as-builts to be submitted to Water Quality Control
- Developer shall submit payment to Planning for final street surfacing in the amount as determined by Public Works
- Developer shall submit a financial guarantee for the completion of sidewalks to Planning in an amount to be determined by Public Works; guarantee shall be for a term of one (1) year minimum and a maximum term of five (5) years
- Developer shall submit a \$10,000 two (2) year financial guarantee as a Warranty of Improvements to Planning
- Completion of corrections and/or additions to the plat as determined necessary by Planning and/or other appropriate city departments

- The HOA to provide for future maintenance of all common elements is to be recorded at the Register of Deeds and a copy submitted to Planning as soon as possible after the plat is recorded; (Public Works requires that the HOA must include Stormwater Maintenance Agreement language applicable to each building lot)

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

Consider for action the final plat of Timberwalk Subdivision Phase II, 33 lots located on Timberwalk Lane, Crossgrains Road & Joining Avenue (Tax Map 096, Parcel 069.10 and a portion of parcel 069.08). Request submitted by Titan Development. Mr. Jon Ward stated that Mr. Justin Cumby, on behalf of Titan Development, has submitted for approval the final plat of Timberwalk Subdivision Phase II, a 33-lot single-family detached development located on Timberwalk Lane, Crossgrains Road, and Joining Avenue.

Analysis: The subject property is identified as a portion of Parcels 069.08 and 069.10 on Tax Map 096 and contains approximately 6.08 acres. The property is zoned RS-5, “Single-Family Residential” and RS-10, “Single-Family Residential.”

The plat was reviewed on June 13th by all applicable city departments who provided comments and conditions for approval.

Recommendation: 90-day conditional approval of the final plat subject to the following:

- The roadway subgrade, base stone and asphalt must be completed through the binder stage
- The storm drains, ponds and drainage features must be cleared of construction silt and the sand filters must be installed in the ponds and then inspected and approved by Public Works; developer to make certain that all ponds are draining through the sand filter in the 24–72-hour time frame per design
- Stormwater Maintenance Agreement must be submitted to Public Works and approved and signed before agreement is recorded
- Developer shall contact Public Works regarding total fee to be submitted for signage; fee is \$200 per sign and is to be paid to Public Works
- Water and sewer are to be pressure tested and as-built plans are to be submitted to Water Quality Control
- Developer shall submit payment to Planning for final street surfacing in the amount as determined by Public Works
- Developer shall submit a financial guarantee for the completion of sidewalks and curbs to Planning in an amount to be determined by Public Works; guarantee shall be for a term of one (1) year minimum and a maximum term of five (5) years
- Developer shall submit a \$10,000 two (2) year financial guarantee as a Warranty of Improvements to Planning
- Completion of corrections and/or additions to the plat as determined necessary by Planning and/or other appropriate city departments
- An HOA to provide for future maintenance of all common elements is to be recorded at the Register of Deeds and a copy submitted to Planning as soon as possible after the plat is recorded; (Public Works requires that the HOA must include Stormwater Maintenance Agreement language applicable to each building lot)

Bob Faulhaber recused himself from the vote. Kay Starkweather made the motion to approve the request recommended by staff. Jim Stafne seconded the motion, and the vote is as follows: Jim Cobb – aye, Bob Faulhaber – recused, Lauren Metts – aye, Judy Jennings – aye, Jim Stafne – aye, and Kay Starkweather – aye. **Approved.**

Consider for action the final plat of the Reserve at the Country Club, Phase V, 54 lots located on Reserve Drive (Tax Map 041, portion of parcel 027.00). Request submitted by Tom Sergio with Design

Development of TN, LLC. Mr. Jon Ward stated that Mr. Tom Sergio, on behalf of Design Development of TN, LLC., has submitted for approval the final plat of the Reserve at the Country Club Phase V, a 54-lot single-family detached development located on Reserve Drive. This proposal was taken for study at the September 27, 2021, Planning Commission meeting and was granted preliminary plat approval at the October 25, 2021 meeting. A six (6) month extension was granted at the October 24, 2022 meeting.

Analysis: The subject property is identified as a portion of Parcel 027.00 on Tax Map 041 and contains approximately 11.18 acres. The property is zoned RS-5, "Single-Family Residential" as are the adjacent properties to the west and south. The property is also bordered by CI, "Commercial-Industrial Mixed Use" to the south, RS-10, "Single-Family Residential" to the east, and the corporate city limits to the north.

The Fire Department stated that the fire hydrant locations are acceptable, and the Gas Department advised that installation of the gas lines will be completed soon. Utility easements as depicted have also been reviewed and approved by Water Quality Control and the Cookeville Electric Department.

The plat was reviewed on June 13th by all applicable city departments who provided comments and conditions for approval.

Recommendation: 90-day conditional approval of the final plat subject to the following:

- The roadway subgrade, base stone and asphalt must be completed through the binder stage
- The storm drains and drainage features must be cleared of construction silt
- Stormwater Maintenance Agreement must be submitted to Public Works and approved and signed before agreement is recorded
- Developer shall contact Public Works regarding total fee to be submitted for signage; fee is \$200 per sign and is to be paid to Public Works
- Water and sewer as-builts to be submitted to Water Quality Control
- Developer shall submit payment to Planning for final street surfacing in the amount as determined by Public Works
- Developer shall submit a financial guarantee for the completion of sidewalks and curbs to Planning in an amount to be determined by Public Works; guarantee shall be for a term of one (1) year minimum and a maximum term of five (5) years
- Developer shall submit a \$10,000 two (2) year financial guarantee as a Warranty of Improvements to Planning
- Completion of corrections and/or additions to the plat as determined necessary by Planning and/or other appropriate city departments
- The HOA or other mechanism to provide for future maintenance of all common elements is to be recorded at the Register of Deeds and a copy submitted to Planning as soon as possible after the plat is recorded; (Public Works requires that the HOA or other mechanism must include Stormwater Maintenance Agreement language applicable to each building lot)

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

Consider for action rezoning property located at 706 North Jefferson Avenue (Tax Map 040N, Group H, Parcel 013.00) from RS-15 (Single-Family Residential) to UNV (University). Request submitted by Debbie Fletcher. Mr. Jon Ward stated that Ms. Debbie Fletcher has submitted a request to rezone from RS-15, "Single-Family Residential" to UNV, "University" property located at 706 North Jefferson Avenue.

Analysis: The subject property is identified as Parcel 013.00 on Tax Map 040M, Group H, and contains approximately 0.53 acres. The total area requested for rezoning, including right-of-way, contains approximately 0.61 acres. The property is currently zoned RS-15, as are the adjacent properties to the north and south. The property is bordered by RS-10, "Single-Family Residential" to the east and UNV to the west. The request was submitted to allow a for the relocation of a full-service salon company.

The RS-15 District is intended to provide a low density single-family residential environment in areas where public wastewater services are available. The UNV District is intended to provide an area for the location of colleges and universities and uses usually associated with them. Segregation of such facilities is appropriate given the unique characteristics of college and university areas, the variety of uses needed to serve the college and university community, and the intensity of land uses in such a district.

Barber and beauty shops are not permitted within residential districts. The full-service salon company is currently located at 848 North Jefferson Avenue within the UNV District. The UNV District does allow barber and beauty shops as a permitted use.

The Future Land Use Plan designates this area as best suited for Lower Density Residential development. The UNV District would not comply with this designation. Many higher intensity commercial and higher density residential uses are permitted within the UNV District, while single-family development is not permitted by right. The requested rezoning would be an encroachment of a higher intensity use into a residential area.

Recommendation: Denial of the rezoning request

David Dickerson, of 715 North Jefferson Avenue, stated that his property is family owned and plans on passing it down to his family and hopes it stays in family for generations. He stated that the rezoning of this property isn't appropriate and requests that the rezoning is denied.

Mrs. Susan Vandergriff, of 298 E 8th Street, stated that she is in opposition to the rezoning. She stated that North Jefferson Avenue used to be called Arnold Avenue and is sandwiched between two historic districts. She stated that this rezoning could be considered spot zoning and results in commercialization in the city. She requests that commercialization be kept out of their neighborhood and vote no on the rezoning.

Debbie Fletcher, of 848 N Jefferson and petitioner, stated that the reason she requested the rezoning is because she wants to double the square footage of her business. She stated that she knew from day one that her request would most likely not be rezoned but it was her right as a citizen to apply. Ms. Fletcher stated that she is only wanting to move her business down seven (7) spots in order to grow her facility. She doesn't want to change the home feeling of the area but instead wants to enhance it. Her business is already in the neighborhood but if her request doesn't pass then her business will still look for a new building in the same general vicinity.

Mr. David Dickerson, of 715 North Jefferson Avenue, stated that no one is against small businesses but doesn't want the zoning changed in their neighborhood.

Ms. Lori Young, of 628 North Jefferson Avenue, stated that she is not against the business but is against moving the business to this location. She wants to keep this area residential.

Mr. Bill Habercamp, of 511 North Dixie Avenue, stated that he is here in support of his neighbors nearby. He stated that there was a lot of developments on the agenda tonight and thinks it is hard to believe that the business wants to keep it residential. He doesn't want to see the area change from residential to commercial.

Judy Jennings made the motion to approve the request recommended by staff. Kay Starkweather seconded the motion and the motion carried unanimously. **Denied.**

Consider for action rezoning a portion of the properties located on West Broad (Tax Map 039, Parcel 150.02 & Tax Map 039, a portion of Parcel 157.00) from RS-20 (Single-Family Residential) & RS-5 (Single-Family Residential) to CL (Local Commercial). Request submitted by Aaron Bernhardt. Mr. Jon Ward stated that Mr. Aaron Bernhardt has submitted a request to rezone from RS-20, "Single-Family Residential" and RS-5, "Single-Family Residential" to CL, "Local Commercial" a portion of properties located on West Broad Street.

Analysis: The subject properties are designated as Parcel 150.02 and a portion of Parcel 157.00 on Tax Map 039 and contains approximately 13 acres. The properties are currently zoned RS-20, "Single-Family Residential," RS-5, "Single-Family Residential," and CL, "Local Commercial." The properties are bordered by RS-20 to the north and west, CL to the west, south, and east, and RS-5 to the north. The request was submitted to allow for mixed-use commercial development transitioned to the RS-5 Zoning located at the back of the property.

The adjacent property owners, Mr. Eric Bianco and Mrs. Saronda Bianco, located at 45 Pippin Road, Tax Map 039, Parcel 150.01, have also indicated they would like to be included with this rezoning. Including this property will create a contiguous CL Zoning District along Pippin Road and remove any breaks on continuity in the zoning district and would increase the total rezoning area including street right-of-ways to approximately 13.47 acres.

The RS-20 District is intended to provide a low density single-family residential environment in areas where public wastewater services are or are not available. The RS-5 District is intended to provide a 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 and business services, and general retail businesses serving the general population of the city.

The Future Land Use Plan designates the properties as best suited for Local Commercial and Lower Density Residential development. A portion of the RS20 area proposed for rezoning along Pippin Road was the previous location of a legal non-conforming commercial business. The stated reason for the request to rezone was to accommodate mixed-use commercial and higher density residential development to transition to the remaining RS5 areas to the north. The CL District allows single-family attached dwellings, single-family detached cluster development, and condominiums as a use permitted on review by the Planning Commission with a permitted density of 3,000 square feet per dwelling unit. The CL District also permits many commercial uses.

The Planning Division has consulted with the Water Quality Control Department regarding the request. The rezoning action would increase the permitted development density of the area, particularly the areas zoned as RS20 single-family residential. The Water Quality Control Department has stated that they do not currently have sewer capacity to serve this area. WQC does not object to moving forward with rezoning, with the stated caveat that the property cannot be developed until sewer improvements for the area are completed.

Recommendation: Approval of the rezoning request.

Mr. Cobb stated that this request conflicts with the Future Land Use Plan.

Mr. Ward stated that the reason for the request is to allow higher density residential.

Mr. Cobb asked why the petitioner wants to rezone the property if there is no sewer capacity.

Ms. Judy Jennings asked what the timeframe for sewer capacity in the area is.

Mr. Ward stated that all new developments in the city pay sewer fees to aid in sewer capacity. The Water Quality Control Department takes the fees from the developments and puts them towards the design of the improved sewer system in the area.

Mr. Cobb asked if the new residential area where the Villages are could have a commercial development behind them if this rezoning request is approved.

Ms. Jeanette Zimmerman, of 1407 Village Loop, stated that the water pressure is not great. She stated that putting higher density in the area would not be good for current and future neighborhoods. She is concerned about the potential of commercial properties near her home.

Mr. Aaron Bernhardt, petitioner, stated that he plans on keeping the back of the subdivision near the Villages development as RS-5. The topographic issues on the property make it difficult to develop and he is wanting to expand the building area to avoid the wetland area.

Ms. Kay Starkweather asked about the water pressure issue.

Mr. Bernhardt stated that he can talk to the Water Quality Control Department to increase or decrease the water pressure on Highway 70.

Mr. Cobb stated that the property can't be developed until the sewer problem is fixed. He asked if Mr. Bernhardt is relying on the city to fix the sewer capacity.

Mr. Bernhardt stated that the first 45 units in Ashbury Farms, located south of the property in question will contribute \$45,000 to the sewer system upgrades. He stated that the 30 houses planned for the back of the property will contribute \$75,000 in sewer fees to upgrade the system.

Mr. Ward stated that the Planning Commission has asked a lot of questions that can't be answered until there is engineering done on the property. This request is only for rezoning the property and no development will be approved until the sewer capacity is fixed.

Ms. Zimmerman asked if there has been any consideration of traffic patterns and road widening on Highway 70.

Mr. Bernhard stated that Ashbury Farms will not be connected to the Villages and doesn't want to create cut-through subdivisions. He stated that the different phases of development will work with traffic issues and flows.

Mr. Ward stated that the development will have to be reviewed by city departments and this request is just for rezoning. Any development will have to come back to the Planning Commission.

Ms. Sandra Allen, who owns property on Pippin Road across from the proposed rezoning, stated that her main concern is the traffic that this development could contribute to. She is unsure of what will be built and where the access would be.

Mr. David Dickerson stated that \$75,000 from the developer for sewer system upgrades isn't enough and just wants to line the pockets of the developer.

Mr. Cobb stated that this is super nice property but feels like the rezoning comes before the city knows what to do with the sewer capacity.

Mr. Bob Faulhaber asked if the Planning Commission wants to defer the request.

Mr. Ward stated that the Planning Commission could modify the request that goes to the City Council.

Ms. Lauren Metts stated that the property was recently rezoned RS-5 and the new rezoning request does a disservice to the current neighborhood. She stated that if the property is rezoned to commercial, then it could be developed into anything. She believes it makes sense to rezone the Pippin Road to allow commercial frontage.

Mr. Cobb stated that if the commission approved the request and there is no sewer capacity, once sewer capacity is allocated, will it come back to the commission.

Mr. Ward stated that if it is a townhome development, then yes it will.

Mr. Jim Cobb made a motion to postpone the request to the July 24th Planning Commission meeting. Kay Starkweather seconded the motion and the motion carried unanimously. **Postponed.**

Study Items:

- (1) Consider for study the preliminary plat of Ellington Subdivision, Phase II, five (5) lots located on Wall Avenue and Inglewood Drive (Tax Map 041P, Group B, portion of parcel 007.00). Request submitted by Capital Communities, LLC.
- (2) Consider for study the preliminary plat of Mahler – Walnut Townhomes, five (5) lots located on Mahler Avenue and North Walnut Avenue (Tax Map 053-B, Group H, Parcel 009.00). Request submitted by Kay Lynn.
- (3) Consider for study the preliminary plat of Glenview Phase II, 32 lots located on Glenview Drive (Tax Map 066-A, Group A, Parcel 009.00). Request submitted by Aaron Bernhardt.
- (4) Consider for study the preliminary plat of 1100 Willow Avenue South, nine (9) lots located at 1100 South Willow Avenue (Tax Map 065, Parcel 098.00). Request submitted by GSE Engineering.
- (5) Consider for study an amendment to the Zoning Code relative to Recreational Vehicles (RV's) in the Residential Mobile Home Park (RMHP) Zoning District and nonconforming mobile home parks. Request submitted by Staff.

Jim Stafne 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

- Holladay Heights Block E Lots 1-4 & 13-16 Re-division, two (2) lots located on Holder Avenue & Gaw Street (Tax Map 054-D, Group A, Parcel 020.00) – Judd Bullington / Bullington Land Company, LLC
- Darwin Park Block C Lots 5 & 6 Replat Combination Plat, one (1) lot located on Barnes Drive & Doris Drive (Tax Map 041-I, Group B, Parcels 006.00 & 007.00) – Oliver Hill
- Bradley, Robert Lots 1 & 2 Re-subdivision Lot Line Adjustment, two (2) lots located on Denton Avenue & East 15th Street (Tax Map 040-E, Group A, Parcels 010.00 & 011.00) – LTL Properties & David Boender

Adjournment: 6:35 P.M.

Submitted for Approval

Submitted for Recording

Haley Dickson
Planning Assistant

Jim Woodford, *Chairman*
Cookeville Planning Commission