

**COOKEVILLE PLANNING COMMISSION
MINUTES
DECEMBER 19, 2005**

The Cookeville Planning Commission met on Monday, December 19, 2005 at 5:30 p.m., in the Council Chambers, 45 E. Broad Street, Cookeville, Tennessee.

MEMBERS PRESENT: Dr. Paul Bonner, Judy Jennings, Nina Lunn, Don Prince, Jim Stafne, Dr. Angelo Volpe, and Tod Williams.

MEMBERS ABSENT: Dr. Roy Loutzenheiser and Sam Sallee

STAFF MEMBERS PRESENT: James Mills, and Jayne Barns.

OTHERS PRESENT: Loren Aschbrenner, James Scarlett, Charles & Vicki Stockton, Harriett Rowland, Tony & Cathy Milton, Bobby Davis, Matthew Hahnert, Richard Grogan, Victor Jones, and Tony Kennedy.

CONSIDER FOR APPROVAL THE AGENDA AS SUBMITTED. Don Prince made the motion to approve the agenda as submitted. Dr. Angelo Volpe seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR APPROVAL THE MINUTES OF NOVEMBER 28, 2005. Dr. Paul Bonner made the motion to approve the minutes of November 28, 2005. Dr. Angelo Volpe seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR ACTION REZONING PROPERTY LOCATED AT 625, 645, & 665 E. 22ND STREET AND 2140 DENTON AVENUE (TAX MAP # 40C-F-1.00, 15.00, 24.00 & 26.00) FROM RS-10 (SINGLE-FAMILY RESIDENTIAL) TO RM14 (MULTI-FAMILY RESIDENTIAL). REQUEST SUBMITTED BY TONY KENNEDY ON BEHALF OF SOARD PROPERTIES. (THIS ITEM WAS POSTPONED AT LAST MONTH'S MEETING.) James Mills stated that a request from Mr. Tony Kennedy, on behalf of property owner Charlie Soard, to rezone from RS-10, Single Family Residential to RM-14, Multi-Family Residential property located at 665 East 22nd Street and identified as Parcel 24.00 on Map 40C, Group F was postponed at the November meeting. This request has been modified to include three additional properties that Mr. Soard has purchased or has an option to purchase, which are located at 625 and 645 East 22nd Street and 2140 Denton Avenue and identified as Parcels 1.00, 15.00 and 16.00 on Map 40C, Group E. In the original application Mr. Kennedy indicated that the purpose of the rezoning request was to allow the construction of 41 multi-family dwelling units on the approximately 3 acre parcel. With the additional properties the total parcel area requested for rezoning is approximately 4.47 acres. Including the adjacent right-of-way the total acreage is approximately 4.9 acres. In October of 2004 a request to rezone the property at 665 East 22nd Street to LM, Light Manufacturing was denied by the Planning Commission.

The properties proposed for rezoning are contiguous with RS-10 zoning to the west and south, with LM zoning to the north and with CL, Local Commercial to the east. In the opinion of the Planning Department the original rezoning request would have been a spot zone because the property consisted of a small area that was not contiguous with other properties within the proposed zoning classification. Spot zoning has been defined as: “the arbitrary and unreasonable reclassification of a small area within a zoning district to a use which is inconsistent with the surrounding district, where the rezoning does not conform to a comprehensive plan, serves no public purpose and is solely for private gain.” The inclusion of additional properties reduces the potential for the proposed rezoning to be considered as a spot zone.

Multi-family development has often been used as an acceptable transition zone between non-residential development and single-family residential development, and it would appear to be a suitable transition zone in this area. The Water Quality Control Department indicates that water and sewer capacities in the area are adequate to serve a high-density residential development on the subject properties. However, the Planning Department has some concern regarding the density of development that would be permitted with RM-14 zoning on properties accessed by streets of less than collector status. Approximately 64 dwelling units could be constructed on the subject properties under RM-14 zoning. A multi-family zoning district of less density would appear to be more appropriate for this area. Under RM-8, Multi-Family zoning the maximum number of dwelling units that could be constructed on the estimated 4.5 acres is 39.

Staff recommended approval of rezoning the property to RM-8.

The following property owners shared their concerns about the rezoning request: (1) Marty Hawkins was concerned about the drainage and traffic on Denton Avenue, (2) Harriet Rowland requested that the property owner put up a security fence along her property line for added security, and (3) Vickie Stockton was concerned about the drainage, safety of children playing in the area and she also requested that a security fence be placed along her property line.

Mr. Mills stated that the Zoning Code has screening and buffer yard requirements between the multi-family and single-family districts to reduce visual contact between uses.

There was some concern by the Commission about the increase in traffic on 22nd and Denton Avenue.

Dr. Angelo Volpe made the motion to approve rezoning the property to RM-8 (Multi-Family Residential). Dr. Paul Bonner seconded the motion. Votes: Dr. Paul Bonner--aye, Judy Jennings--aye, Nina Lunn--aye, Don Prince--nay, Jim Stafne--aye, Dr. Angelo Volpe--aye, and Tod Williams--aye. Motion carried. **APPROVED REZONING TO RM-8.**

CONSIDER FOR ACTION RENAMING HICKORY AVENUE FROM 5TH TO 7TH STREET TO MEDICAL CENTER BOULEVARD. REQUEST SUBMITTED BY COOKEVILLE REGIONAL MEDICAL CENTER. James Mills stated that a request has

been submitted from the Cookeville Regional Medical Center to rename the portion of North Hickory Avenue located between West 5th and West 7th Streets to Medical Center Boulevard.

Title 16, Chapter 2, Section 16-201 of the Municipal Code specifies that the Planning Commission shall approve the naming or renaming of streets within the City of Cookeville. Section 16-202 requires that all affected property owners shall be notified and that the Planning Commission shall hold a Public Hearing. All properties that would be affected by the proposed street name change are owned by the Medical Center. Plans submitted by the Medical Center indicate that this section of North Hickory Avenue will be improved to a 3-lane street and will serve as the main entrance to the medical campus.

While the Planning Department supports the renaming, there is some concern that it will split North Hickory Avenue with a northern section remaining between West 7th and West 8th Streets and a southern section between West 4th Street and West 1st Street with the proposed Medical Center Boulevard in the middle. The separation of street names can create problems in locating addresses. Only one property north of West 7th Street, the Armstrong Apartments, is currently addressed off North Hickory Avenue. The owner of this property, Ms. Wanda Armstrong, has been contacted by the Planning Department. It is recommended that the section of North Hickory Avenue north of West 7th Street be renamed as Armstrong Avenue.

Staff recommended approval of renaming the portion of North Hickory Avenue between West 5th and West 7th Streets as Medical Center Boulevard and the section north of West 7th Street to Armstrong Avenue.

Don Prince made the motion to approve renaming the portion of North Hickory Avenue between West 5th and West 7th Streets as Medical Center Boulevard and the section of North Hickory Avenue between West 7th and West 8th Streets to Armstrong Avenue. Dr. Paul Bonner seconded the motion. Votes: Dr. Paul Bonner--aye, Judy Jennings--aye, Nina Lunn--aye, Don Prince--aye, Jim Stafne--aye, Dr. Angelo Volpe--abstained, and Tod Williams--aye. Motion carried. **APPROVED STREET NAME CHANGES.**

CONSIDER FOR ACTION REZONING PROPERTY LOCATED AT 2223 NORTH WASHINGTON AVENUE FROM LM (LIGHT MANUFACTURING) TO CL (LOCAL COMMERCIAL). REQUEST SUBMITTED BY COOKEVILLE FIRST ASSEMBLY OF GOD ON BEHALF OF CALVIN SHORT AND RAY FUSSELL.

James Mills stated that the Cookeville First Assembly of God, on behalf of property owners Calvin Short and Ray Fussell, has submitted a request that property located at 2223 North Washington Avenue and identified as Parcel 8.00 on Map 40C, Group E be rezoned from LM, Light Manufacturing to CL, Local Commercial.

The subject property is contiguous with LM zoning to the north and east, with CL and RS-10 zoning to the south and with unincorporated and unzoned properties to the west. According to the Putnam County Property Assessor's records the property consists of approximately 3.5 acres. The church has indicated that it would like to purchase the property for the purpose of relocation. Churches are not allowed in the LM zone but are permitted in the CL zone.

Staff recommended approval of the rezoning request.

Bobby Davis, Pastor of the Cookeville First Assembly of God, stated that due to the growth of their ministry that they were going to tear down the blue warehouse and build a church on the property.

Dr. Angelo Volpe made the motion to approve the rezoning request. Don Prince seconded the motion and the motion carried unanimously. **APPROVED REZONING REQUEST.**

CONSIDER FOR ACTION REZONING PROPERTY LOCATED ON WEST JACKSON STREET (TAX MAP #54, PORTION OF PARCEL 86.00) FROM RS-10 (SINGLE-FAMILY RESIDENTIAL) TO CR (REGIONAL COMMERCIAL). REQUEST SUBMITTED BY HERB SWEETLAND. James Mills stated that Mr. Herb Sweetland has submitted a request that property located off West Jackson Street and identified as a portion of Parcel 86.00 on Map 54 be rezoned from RS-10, Single Family Residential to CR, Regional Commercial. The property is a portion of the Crestlawn Cemetery property located at 740 Buffalo Valley Road. According to a submitted survey the property proposed for rezoning consists of 0.79 acres.

The subject property is contiguous with RS-10 zoning to the north and west and with CR zoning to the east and south. Mr. Sweetland intends to purchase the portion of Parcel 86.00 and add it to contiguous property located at 780 West Jackson Street and identified as Parcel 22.06 on Map 53I, Group E. The property located at 780 West Jackson Street is zoned CR.

Staff recommended approval of request subject to the submittal and approval of a subdivision plat combining the subject property with Parcel 22.06 on Map 53I, Group E.

Dr. Paul Bonner made the motion to approve the rezoning subject to staff's recommendation. Don Prince seconded the motion and the motion carried unanimously. **APPROVED, SUBJECT TO SUBMITTAL OF SUBDIVISION PLAT.**

CONSIDER FOR ACTION APPROVAL OF ANNEXATION OF SHAG RAG ROAD AREA AND PLAN OF SERVICES FOR SAME. REQUEST SUBMITTED BY STAFF. James Mills stated that the Planning Department has completed a feasibility study on the annexation of approximately 67 acres of property location north of the current corporate limits along Shag Rag Road. The area proposed for annexation is located entirely within the City of Cookeville Urban Growth Area and is surrounded on three sides by the current corporate limits. All property owners in the proposed annexation area have been notified by the Planning Department.

A Plan of Services for the proposed annexation area has also been prepared. It should be reviewed on a point-by-point basis. A written report from the Planning Commission to the City Council regarding the Plan of Services is required.

The study area consists of 27 parcels of land. There are 17 residential housing units of which 15 are occupied. The estimated population of the area is 33 persons. There are 17

nonresidential uses in the area, which includes several small businesses. The area contains 3,350 linear feet of streets, all of which are in good condition, and 2,045 linear feet of the Nashville and Eastern Railroad line.

Water and natural gas service are available and are already provided to the area by the City of Cookeville. Shag Rag Road is currently on the city's sanitation route. The area is located within the fire service boundary of the North Washington Avenue fire station. No additional hydrants are necessary to serve the area.

Property owners in the area will receive several benefits from annexation. Immediate benefits include: improved fire protection, reduction in Fire Insurance rating from Class 9 to Class 2 which may significantly reduce property insurance premiums, 30 percent reduction in water service rate, 25 percent reduction in natural gas service rate, zoning protection, and weekly garbage pickup. In addition, electric service rates will be reduced by approximately 11 percent when the city acquires the service area from the electric coop.

The major costs to provide services to the area would be for electric and sewer service. The area is currently served by UCEMC and the service area would have to be purchased by the city. The estimated cost for electric service is \$161,500. The area is within the city's water service boundary. The estimated cost for the extension of sewer service to the area is \$444,541. The extension of sewer to the proposed annexation area could also serve other properties already in the city without sewer.

Total annual revenue to the city as a result of annexation is estimated at \$8,168. This includes an estimated \$3,345 in state shared taxes and \$4,823 in property taxes. It should be noted that there have been a number of commercial buildings constructed in the area that have not yet been assessed by the Putnam County Property Assessor's office. Revenues from utility fees and local sales tax were not estimated as a part of the feasibility report.

The area, especially many of the properties along the railroad, appears to be in some transition from residential to commercial/private services. Should the area be annexed it is recommended that several properties along the railroad be zoned as CI, Commercial-Industrial Mixed Use and the remainder zoned as RS-5, Single Family Residential. A petition has been submitted from several property owners requesting that their properties be zoned for residential purposes.

Staff recommended approval of Plan of Services and Approval of Annexation with recommendation to City Council for RS-5, Single Family Residential and CI, Commercial-Industrial Mixed Use Zoning.

Loren Aschbrenner, owner of commercial property on Shag Rag Road, stated that the only benefit for him would be access to sewer.

Victor Jones, property owner at 1402 Shag Rag Road, was in favor of the annexation and the RS-5 zoning.

Dr. Paul Bonner made the motion to approve the Annexation Area, the Plan of Services and Zoning to RS-5 (Single-Family Residential) and CI (Commercial-Industrial Mixed Use). Don Prince seconded the motion and the motion carried unanimously. **APPROVED ANNEXATION AREA, PLAN OF SERVICES AND ZONING.**

Tod Williams made the motion to take the following item for study. Don Prince seconded the motion and the motion carried unanimously. **STUDY ITEM.**

(1) CONSIDER FOR STUDY 2006 ANNUAL REPORT AND PROGRAM DESIGN. REQUEST SUBMITTED BY STAFF.

STAFF REPORTS:

(1) MINOR PLAT APPROVALS:

- MESSENGER DIVISION – DIVISION OF LOT #1 – 2 LOTS LOCATED ON MESSENGER ROAD – ROBERT MESSENGER.
- RICHARD WHITE DIVISION – 2 LOTS LOCATED ON WEST 4TH STREET – RICHARD WHITE.
- MAXWELL ADDITION – 1 LOT LOCATED ON SHERWOOD LANE – DAVID MAXWELL.

ADJOURNMENT: 6:30 P.M.

SUBMITTED FOR APPROVAL

SUBMITTED FOR RECORDING

**JAYNE BARNS CPS
PLANNING ASSISTANT**

**JIM STAFNE, CHAIRMAN
COOKEVILLE PLANNING
COMMISSION**