

**COOKEVILLE PLANNING COMMISSION
MINUTES
DECEMBER 18, 2006**

The Cookeville Planning Commission met on Monday, December 18, 2006 at 5:30 p.m., in the Community Meeting Room of the Municipal Building, 45 E. Broad Street, Cookeville, Tennessee.

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

MEMBERS ABSENT: Chris Wakefield and Ryan Williams.

STAFF MEMBERS PRESENT: Jim Shipley, James Mills, and Jayne Barns.

OTHERS PRESENT: See attached Record of Attendance.

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 27, 2006. Don Prince made the motion to approve the minutes of November 27, 2006. Dr. Angelo Volpe seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR ACTION REZONING 761 BUFFALO VALLEY ROAD FROM RS20 (SINGLE FAMILY RESIDENTIAL) TO RM8 (MULTI-FAMILY RESIDENTIAL). REQUEST SUBMITTED BY BILL SHRECKENGOST ON BEHALF OF LOUIS SCANTLAND. (THIS ITEM WAS POSTPONED AT LAST MONTH'S MEETING.) James Mills stated that Mr. Bill Shreckengost, on behalf of property owner Louis Scantland, has submitted for approval rezoning from RS-20, Single Family Residential to RM-8, Multi-Family Residential property located at 761 Buffalo Valley Road and identified as Parcel 27.00 on Tax Map 54.

The property proposed for rezoning consists of approximately 56.2 acres. The parcel has frontage on both Buffalo Valley Road and West Jackson Street. It is contiguous with RM-14 and CL zoning to the east, with RS-20 zoning to the west, with RS-10 zoning to the south, and with RS-20 and CL zoning to the north. Cane Creek Park is adjacent to the west and Cane Creek Elementary School is adjacent to the north.

The Comprehensive Future Land Use Plan indicates that the subject property would be best suited primarily for low density and some moderate density residential development. West Jackson Street is classified as a Major Arterial Street and Buffalo Valley Road is classified as a Major Collector Street. However, Buffalo Valley Road currently consists of only two traffic lanes. The Water Quality Control Department indicates that public sewer is available to the property should it be developed. The latest FEMA flood hazard maps indicate that a small portion of the property located off West Jackson Street is located within a floodplain.

The RM-8 district allows single family, duplex, condominium, and multi-family residential developments at a density of 5,000 square feet per dwelling unit. Mr. Shreckengost has prepared a preliminary site plan indicating that the property would be developed as a new urban type residential development with a mixture of single-family homes, townhouses and condominium units. He also indicates that the developer does not intend to include any rental or multi-family dwelling units on the site. The RD, Single Family and Duplex Residential, and RS-5, Single Family Residential also allow residential development at a density of 5,000 square feet per dwelling unit but do not allow condominium developments.

While there is no guarantee that the property will be developed as indicated, the proposed development of the property would appear to be an appropriate transitional use between Cane Creek Park and the primarily single family development to the west and the higher density development to the east.

Staff recommended approval of the rezoning request.

Bill Shreckengost and Mary Johnson explained the site plan for the development.

The Board liked the concept that was presented, but they were concerned that the developer could sell the land to someone that will build only apartments. Some of the Board thought that RD (Single-Family and Duplex Residential) would be more appropriate for this area.

Tod Williams made the motion to approve the rezoning request. Judy Jennings seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR ACTION REZONING A PORTION OF 777 SOUTH WILLOW AVENUE FROM R-10 (SINGLE FAMILY RESIDENTIAL) TO RS5 (SINGLE FAMILY RESIDENTIAL). REQUEST SUBMITTED BY JOHNNY STITES OF J & S CONSTRUCTION ON BEHALF OF THE HEAVENLY HOST LUTHERAN CHURCH. James Mills stated that Mr. Johnny Stites of J & S Construction, on behalf of the Heavenly Host Lutheran Church, has submitted for approval a request to rezone from RS-10, Single Family Residential to RS-5, Single Family Residential a portion of the church's property located at 777 South Willow Avenue and identified as Parcel 7.00 on Tax Map 66A, Group A.

The zoning of the subject property is split with the majority currently zoned as CL and the western portion zoned as RS-10. The portion proposed for rezoning consists of approximately 1.9 acres and is contiguous with CG zoning to the south and east, with RS-15 zoning to the west, and with RS-10 zoning to the north. Both the RS-10 and the proposed RS-5 zones allow only single family residential developments. The primary differences are the minimum lot size and setback requirements.

The portion of the property proposed for rezoning and part of the property zoned as CL, located to the rear of the church, are presently undeveloped. The petitioner has submitted a proposed development plan. The plan indicates the development of a residential subdivision with the portion zoned as CL developed for multi-family purposes and the portion proposed for rezoning developed for single family purposes. The petitioner indicates that the density allowed with the current zoning, in terms of total number of dwelling units, would not be increased under the proposed rezoning. He also indicates that the rezoning would allow for the development of more single-family units instead of multi-family units. Any subdivision of the property would require the submittal of a plat and the approval of the Planning Commission.

Staff recommended approval of the request.

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

CONSIDER FOR ACTION REZONING A PORTION OF 1011 EAST 10TH STREET FROM RS10 (SINGLE FAMILY RESIDENTIAL) TO CL (LOCAL COMMERCIAL). REQUEST SUBMITTED BY JERRY GAW. James Mills stated that Mr. Jerry Gaw has submitted a request to rezone from RS-10, Single Family Residential to CL, Local Commercial a portion of his property located at 1011 East 10th Street and identified as Parcel 4.00 on Tax Map 40M, Group B.

The zoning of the subject property is split with a portion along East 10th Street zoned CL and the rear portion zoned as RS-10. The portion of the property proposed for rezoning, consisting of approximately 1.2 acres of the approximately 2.5 acre tract, is contiguous with RS-10 zoning to the east, west and south and with CL zoning to the north. Mr. Gaw has indicated that if the property is rezoned he would develop the entire tract as a condominium subdivision. He also indicates in the petition that he would be willing to place a deed restriction on the entire parcel limiting its use to residential purposes. Condominiums are permitted in the CL district subject to the submittal of a plan and subdivision plat to the Planning Commission but are not permitted in the RS-10 district.

Under the current zoning 18 multi-family units could be constructed on the portion of the property zoned as CL and an additional 5 single family units could be constructed on the portion zoned as RS-10. Mr. Gaw has indicated that no more than 22 condominium units would be built on the property if it is rezoned.

A letter in opposition to the rezoning from a property owner in the Manning Place Subdivision has been submitted. The Planning Department is of the opinion that a condominium development would be an appropriate use of the subject property.

Staff recommended approval of the request.

Jerry Gaw stated that he would place a deed restriction on the entire parcel limiting its use to residential purposes.

Barry Reece, property owner in Manning Place, asked Mr. Gaw if he was going to leave up the current trees and shrubs that back up to his property.

Mr. Gaw replied that he would leave up the trees and current landscaping because he would be required to have a buffer area between the commercial and residential areas.

Dr. Angelo Volpe made the motion to approve the rezoning request. Judy Jennings seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER FOR ACTION DECLARING AS SURPLUS PROPERTY A PORTION OF SOUTH WASHINGTON AVENUE RIGHT-OF-WAY LOCATED AT THE INTERSECTION OF SOUTH WASHINGTON AVENUE AND REAGAN STREET. REQUEST SUBMITTED BY J. D. PARKS ON BEHALF OF THE MADDUX HARDWARE BUILDING. James Mills stated that Mr. J. D. Parks has submitted a request that a portion of the right-of-way of South Washington Avenue, contiguous to the east with his property identified as Parcel 9.00 on Tax Map 53K, Group F, be declared as surplus property.

The subject portion of South Washington Avenue right-of-way located south of Reagan Street and is currently used as public parking. Mr. Parks is a partial owner of the former Maddux Hardware property, including the associated private parking area located adjacent to the west of the property requested for surplus declaration. He has indicated that if he can acquire the property proposed for surplus it would be used as private parking for future tenants of the Maddux building.

There is some possibility that the city may need a portion of the subject right-of-way for widening South Washington Avenue in the future. A utility easement with a minimum width of 10 feet along both sides of any existing utilities should be retained if the property is declared as surplus. Due to these factors the value of the property proposed for surplus declaration may be significantly reduced.

Dr. Steve Johns, the owner of the property immediately south of the subject property, has contacted the Planning Department about the possibility of additional portions of the South Washington Avenue right-of-way, contiguous with his property, also being declared as surplus. This portion of the South Washington Avenue right-of-way is also currently being used for public parking. Dr. Johns was also concerned about access to the basement of his building being cut off if the portion of the right-of-way requested for surplus is purchased by Mr. Parks.

Staff recommended that this item be postponed so that the request and concerns of Dr. Johns can be studied and possibly included in the consideration.

Don Prince made the motion to postpone this request until the next meeting. Tod Williams seconded the motion and the motion carried unanimously. **POSTPONED.**

CONSIDER FOR ACTION FINAL PLAT TONY DEASON DIVISION, 6 LOTS LOCATED OFF SHAG RAG ROAD. REQUEST SUBMITTED BY TONY DEASON. James Mills stated that Mr. Tony Deason has submitted for approval a Final

Plat of the Tony Deason Division a 6-lot commercial-industrial subdivision located off Shag Rag Road.

The subdivided property consists of approximately 6.9 acres and is zoned as CI, Commercial-Industrial Mixed Use. Preliminary Plat approval was conditionally granted in July of 2006. The subdivision development involved the installation of water, sewer, electric, and gas lines all which have been completed. Street construction has been completed and curbs and drainage facilities have been installed. A portion of the sidewalks have been installed and Mr. Deason has submitted a Letter of Credit in the amount of \$4,400 to financially guarantee the completion of the remainder. A Warranty of Improvements in the amount of \$10,000 has been submitted.

Staff recommended conditional approval subject to the submittal and approval of as-built plans for utilities.

Don Prince made the motion to grant conditional approval subject to the submittal and approval of as-built plans for utilities. Nina Lunn seconded the motion and the motion carried unanimously. **CONDITIONAL APPROVAL.**

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

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

STAFF REPORTS:

(1) MINOR PLAT APPROVALS:

- VILLAGE GREEN RESUBDIVISION LOTS 55-59 – 2 LOTS LOCATED ON JAMESTOWN ROAD – BARBARA JACKSON.
- STANLEY DYER DIVISION – 2 LOTS LOCATED ON BRIARCREST DRIVE – STANLEY DYER. (*PLANNING REGION*)

Jim Stafne wanted to commend the Planning Department Staff on a job well done.

ADJOURNMENT: 6:21 P.M.

SUBMITTED FOR APPROVAL

SUBMITTED FOR RECORDING

**JAYNE BARNS CPS
PLANNING ASSISTANT**

**JIM STAFNE, CHAIRMAN
COOKEVILLE PLANNING
COMMISSION**