

**BOARD OF ZONING APPEALS  
MINUTES  
FEBRUARY 11, 2010**

The Board of Zoning Appeals met on Thursday, February 11, 2010, at 3:00 p.m. in the Council Chambers, 45 E. Broad Street, Cookeville, Tennessee. The meeting time was moved up from 5:15 p.m. to 3:00 p.m. due to a scheduling conflict.

**MEMBERS PRESENT:** Paul Bonner, Tracy Cody, Kay Detwiler, and Jane Flatt.

**MEMBER ABSENT:** Sid Gilbreath.

**STAFF PRESENT:** James Mills, Jayne Barns, and Ken Young.

**OTHERS PRESENT:** Ellie Lenhart, Greg Stamps, Frank Hadlock, Thomas Hadlock, and Liz Engel.

**ELECTION OF CHAIRMAN AND VICE CHAIRMAN.** Kay Detwiler made the motion to elect Jane Flatt as Chairman and Sid Gilbreath as Vice Chairman by acclamation. Paul Bonner seconded the motion and the motion carried unanimously. **CHAIRMAN: JANE FLATT AND VICE CHAIRMAN: SID GILBREATH.**

**CONSIDER FOR APPROVAL THE MINUTES OF DECEMBER 10, 2009.** Paul Bonner made the motion to approve the minutes of December 10, 2009. Kay Detwiler seconded the motion and the motion carried unanimously. **APPROVED.**

**CONSIDER A REQUEST FOR A VARIANCE TO REDUCE THE REQUIRED PARKING SPACES FROM 34 TO 17 ON THE PROPERTY LOCATED AT 40 NORTH CEDAR AVENUE. REQUEST SUBMITTED BY FIRST CEDAR DEVELOPMENT ON BEHALF OF TOM GAW.** James Mills stated that Mr. Greg Stamps, of First Cedar Development, on behalf of property owner Tom Gaw, has submitted a request for a variance to reduce the minimum off-street parking requirement for a proposed redevelopment of property located at 40 North Cedar Avenue and zoned as CBD, Central Business District.

The property located at 40 North Cedar Avenue is currently used as an auto repair establishment, which is a nonconforming use in the CBD. Mr. Stamps has submitted a proposal to redevelop the site as a mixed use residential-retail/office development. The redevelopment is proposed to include 5,700 square feet of retail/office space on the first level and nine (9) one-bedroom condominiums on the second level.

Off-street parking requirements are specified in Section 205 of the Official Zoning Code. Condominiums are considered as a multi-family residential use for determining off-street parking requirements. The minimum off-street parking requirement for multi-family residential uses is 1.25 spaces per bedroom. For nine (9) one-bedroom condominiums 11 spaces are needed. A total of 23 spaces are needed for the retail/office portion based on the requirement of one (1) space per every 250 square feet. This results in a total need of 34 off-street parking spaces for the proposed reuse of the property.

Prior to the adoption of the current Zoning Code in 2001, the provision of off-street parking was not required for properties zoned as CBD. The requirement for the provision of parking for the development or redevelopment of properties zoned as CBD was included in the current code for several reasons. These include:

- A major finding of the 1999 Comprehensive Plan was the need for parking in the downtown area,
- The number of properties zoned as CBD was significantly increased, and
- The Zoning Code was amended to encourage residential use in the CBD.

A provision was also included in the Zoning Code that allows for the waiver of the off-street parking requirements for developments located within the CBD when adequate public parking is available within 500 feet of the development, (Section 205.3). To assist in making this determination, a study on the availability of parking in the downtown area was completed by the Cookeville Planning Department in 2004. The downtown area was defined as those properties in the city zoned as CBD, Central Business District. The study indicated that the demand for public parking exceeded availability in the area around the subject property.

Mr. Stamps has submitted a preliminary site plan indicating that four (4) off-street parking spaces and 13 on-street spaces are proposed in the redevelopment. The provision of 17 parking spaces is half of that specified by the Zoning Code.

The parking plan has been reviewed by the Public Works and Planning Departments. There is some concern whether there is adequate access to the four (4) proposed off-street covered spaces located perpendicular to the alley. It is likely these spaces would have to be angled to access them and this would reduce the number of spaces to no more than three (3). Additionally, since the 13 on-street spaces would be primarily located in the street right-of-way they would be considered public parking available to anyone wishing to park there.

The proposed redevelopment approximately doubles the current building square footage on the subject property. While parking spaces are not presently marked on the property, the Planning Department estimates that 11 or 12 spaces could be provided for the existing structure. However, most of the land currently available for parking is occupied by vehicles being repaired or serviced.

There are several factors which would appear to favor some reduction in the required number of parking spaces for the proposed reuse of the subject property, these include:

- An existing nonconforming use would be removed,
- Residential use in the downtown area is recommended in the Comprehensive Plan as a means of maintaining and increasing the area's vitality
- A portion of the parking demand for the proposed residential use would occur at different times than the demand for the proposed commercial use, and

- Off-site public parking is available, although limited.

Of primary concern to the Planning Department is the deficiency of off-street parking which can be specifically dedicated for the residential portion of the proposed redevelopment. A review of the proposed site plan indicates that only three (3) off-street parking spaces dedicated for residents can be provided in the development. The Planning Department has spoken with Mr. Stamps regarding the possibility of obtaining, through purchase or long term lease, adjoining property to provide private off-street parking for residential use. The provision of six (6) additional private parking spaces would supply one (1) space per dwelling unit.

Staff recommended approval of the request subject to the provision of additional private off-street parking for residential use.

Greg Stamps stated that the development is aimed toward young professionals who will be working during the day. Due to accessibility concerns by the Public Works Director, the parking will be reconfigured off the alley at an angle so that 4 off-street parking for the residents will still be provided. Mr. Stamps added that he had additional parking behind his offices located at 41 North Cedar that could be used for the residents.

Jane Flatt stated that she was concerned with setting a precedence by granting the variance for so many parking spaces. She thought that providing additional residential parking a block away would hurt the sale and resale of the residential units. She asked if it would be feasible to buy additional property from the adjacent lot south of the development.

Tracy Cody, Kat Detwiler and Paul Bonner were also very concerned about the property owners not having a reserved spot.

Greg Stamps replied that he had approached the property owner about purchasing the lot but had been turned down.

Frank Hadlock, property owner of 102 North Cedar, was concerned about the parking in an area that already has problems with not enough parking. He really like to concept and thought it would be an improvement over the existing use.

Thomas Hadlock stated that they have trouble leasing their property due to the lack of parking available. He was concern about reducing the amount of parking required by the Zoning Code.

Ellie Lenhart, property owner of 30 & 32 North Cedar, stated that she was excited about the development, but was also concern about the parking waiver. In theory, it might sound good, but who can predict what will happen to the area in the future. With the Bistro now open at night and possible more businesses opening at night, she was afraid that it would cause more problems if the required parking was not provided. She added that she was the property owner of the lot next this development and that she would be willing to talk to Mr. Stamps to see if they can work out an agreement.

Kay Detwiler made the motion to grant a variance for 12 parking spaces, subject to providing 9 deeded residential parking spaces (4 on site and 5 off premise) in the immediate area based on the current site plan. Paul Bonner seconded the motion and the motion carried unanimously. **APPROVED.**

There was discussion by the Board concerning the feasibility of moving the time of the scheduled meetings from 5:15 p.m. to 4:00 p.m.

James Mills replied that the Board should make their recommendation in the form of a motion so that there will be a permanent record of the request.

**CONSIDER FOR APPROVAL REQUESTING THAT THE PLANNING DEPARTMENT CONTACT THE CITY COUNCIL TO REQUEST CHANGING THE TIME OF THE SCHEDULED BOARD OF ZONING APPEALS MEETINGS FROM 5:15 P.M. TO 4:00 P.M. REQUEST SUBMITTED BY THE BOARD OF ZONING APPEALS.** Kay Detwiler made the motion to request that the Planning Department contact the City Council to request changing the time of the scheduled Board of Zoning Appeals meetings from 5:15 p.m. to 4:00 p.m. Paul Bonner seconded the motion and the motion carried unanimously. **APPROVED.**

**ADJOURNMENT: 4:05 P.M.**

**SUBMITTED FOR APPROVAL**

**SUBMITTED FOR RECORDING**

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**JAYNE BARNS CPS  
PLANNING ASSISTANT**

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**JANE FLATT, CHAIRMAN  
BOARD OF ZONING APPEALS**