

**BOARD OF ZONING APPEALS
MINUTES
MAY 12, 2011**

The Board of Zoning Appeals met on Thursday, May 12, 2011, 2011, at 5:15 p.m. in the Council Chambers, 45 E. Broad Street, Cookeville, Tennessee.

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

MEMBER ABSENT: Sid Gilbreath.

STAFF PRESENT: James Mills and Ken Young.

STAFF ABSENT: Jayne Barns.

OTHERS PRESENT: Gil Gibbs, Todd Tressler, Kal Patel, Karla Clarke, Derek Lisle, Mitch Patel, Bob Faulhaber, and Patrick Daly.

CONSIDER FOR APPROVAL THE MINUTES OF APRIL 14, 2011. Tracy Cody made the motion to approve the minutes of April 14, 2011. Paul Bonner seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER A REQUEST FOR A 33 PARKING SPACE VARIANCE ON THE PROPERTY LOCATED AT 1228 BUNKER HILL ROAD. REQUEST SUBMITTED BY BOB FAULHABER ON BEHALF OF MITCH PATEL OF COOKEVILLE PLATINUM LLC. James Mills stated that Mr. Bob Faulhaber, on behalf of property owners Cookeville Platinum, LLC, has submitted a request for a variance to reduce the minimum off-street parking requirement at 1228 Bunker Hill Road. The purpose of the request is to allow for the construction of a second hotel on the subject property.

The property is identified as Parcel 84.05 on Tax Map 66, and is zoned as CG, General Commercial. The property consists of approximately 2.57 acres. A 93 room Holiday Inn Express is currently located on the parcel. Cookeville Platinum, LLC indicates that they wish to construct an additional hotel on the property, a 72 room Hampton Inn.

Section 205.8D of the Cookeville Zoning Code specifies that the minimum off-street parking requirement for hotels is one (1) space per rented room, plus one (1) space per 250 square feet of office space and one (1) space per every four (4) persons to capacity of meeting and/or banquet rooms. Based on these requirements, a total of 182 parking spaces are required for the two (2) hotels. According to information submitted by the petitioner a total of 149 parking spaces can be provided for the two (2) hotels. This is 33 spaces, or approximately 18 percent, less than required when both hotels are considered together.

The Zoning Code prohibits the reduction of parking provided for existing uses to below the minimum number required for the use. The existing Holiday Inn Express is required to have a minimum of 104 spaces. A total of 128 parking spaces, or 24 more than

required, are currently provided for the Holiday Inn Express. As indicated by the petitioner the proposed Hampton Inn will require 78 parking spaces. Applying the 33 space shortage entirely to the proposed Hampton Inn parking indicates a shortage of approximately 42 percent.

In an attachment to the rezoning request, the petitioner asserts that the city's parking requirements place an unnecessary parking obligation on hotels in the city. Based upon a review of the requirements of several other municipalities and of industry standards the Planning Department is of the opinion that Cookeville's parking requirement of one (1) space per room is not excessive. According to research, parking requirements for hotels in which the guests primarily use automobiles to travel range from one (1) to one and one-half (1.5) spaces per room.

The petitioner also states that the additional parking requirements for meeting spaces are burdensome and that the parking necessary for meeting spaces occurs at different times than parking for hotel guests. A review by the Planning Department of pertinent studies indicates that this may be accurate. These studies indicate that hotel guest parking is at its highest demand between 9:00 p.m. and 8:00 a.m., which are not typical times for the use of meeting space. In the matter before the board, a variance to remove the required off-street parking for meeting space for both hotels would reduce the required number of parking spaces from 182 to 167. A variance to remove the meeting space parking requirement for the proposed Hampton Inn would reduce the required spaces from 78 to 73, which reduces the shortage to 28 spaces or approximately 38 percent less than required.

Information has also been submitted indicating that the existing hotel is rarely 100 % occupied and has only reach 95 % occupancy approximately 16 % of the time since the hotel was opened in late 2006. A reduction of the parking requirement to meet a 95 % occupancy rate would still require a significant variance to reduce the parking requirement.

The owners of contiguous properties have contacted the Planning Department to indicate that they are opposed to the approval of the variance. The concerns expressed by these property owners were the excessiveness of the variance and the inadequate size of the property proposed for the second hotel. Additionally representatives of two adjacent competitor hotels, the County Inns & Suites and Fairfield Inn, have expressed concerns about the impact of the variance on parking at their hotels and on traffic flow on Bunker Hill Road.

An analysis of the parking provided for the existing hotels in the immediate area was completed by the Planning Department and is depicted in the following table:

HOTEL	Number of Rooms	Estimated Required Meeting Space	Estimated Required Office Space	Existing Parking Provided	Parking Required	Net
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		Parking	Parking			
Baymont Inn	98	10	1	106	109	-3
Country Inn	66	5	1	74	72	+2
Country Hearth	64	NA	1	56	65	-9
Fairfield	81	5	1	84	87	-3
Holiday Inn	93	10	1	128	104	+24

The Planning Department is of the opinion that the request to reduce the minimum parking requirement by approximately 42 percent is excessive. However, as previously stated a waiver of the parking requirement for the meeting space may be justifiable. If the parking requirement for meeting space is waived, (5 spaces), an additional 28 spaces would still need to be provided for the proposed Hampton Inn.

The petitioner indicates that they are in negotiations with an adjoining property for a mutually beneficial shared parking agreement that would help them partially satisfy the parking requirement. Section 205.4 of the Zoning Code provides that the Board of Zoning Appeals may approve as a special exception the use of off-site parking to meet the minimum parking requirements for non-residential uses (enclosed). Section 205.4 specifies that the off-site parking must be within 400 feet, must be allowed in the district in which it is located, shall not exceed 50 % of the total parking required, and that a duly executed and acknowledged written agreement must be recorded. Any such agreement cannot reduce the number of parking spaces for any use on which the off-site parking is located below the minimum requirement for that use.

Staff recommended denial of variance as submitted on the basis that the request does not meet the general standards for variances as specified in Section 233.9D (3) of the Zoning Code. However, as previously noted, the Planning Department is of the opinion that there is some justification for reduction in the parking required for meeting space. Additionally the Planning Department would recommend for the approval of a special exception to allow the use of off-site parking to meet the parking requirements, provided all conditions specified in Section 205.4 of the Zoning Code are met.

Bob Faulhaber spoke on behalf of the petitioner.

Petitioner, Mitch Patel also spoke about his request.

Kay Detwiler read Section 233-10D (general standards for variances).

After further discussion by the members and the applicant, Chairman Jane Flatt called for a motion.

Paul Bonner made the motion to deny the request as recommended by the Planning Department. Kay Detwiler seconded the motion and the motion carried unanimously.

DENIED.

James Mills advised the petitioner that the request could not come back to the Board for 12 months without significant facts or changes to support the request. Mr. Mills also advised the applicant that they could apply to the Board of Zoning Appeals to allow a Special Exception to allow off-site parking within 400' of the property per the Zoning Code stipulations.

ADJOURNMENT: 5:58 P.M.

SUBMITTED FOR APPROVAL

SUBMITTED FOR RECORDING

**KEN YOUNG
PLANNER**

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