

**BOARD OF ZONING APPEALS
MINUTES
AUGUST 8, 2013**

The Board of Zoning Appeals met on Thursday, August 8, 2013, at 5:15 p.m. in the Council Chambers, 45 E. Broad Street, Cookeville, Tennessee.

MEMBERS PRESENT: Paul Bonner, Tracy Cody, and Sid Gilbreath.

MEMBER ABSENT: Kay Detwiler and Jane Flatt.

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

OTHERS PRESENT: Marjorie Bonner, Kristea Cancel, Alan Maynard, and Laura Militana.

CONSIDER FOR APPROVAL THE MINUTES OF JULY 11, 2013. Paul Bonner made the motion to approve the minutes of July 11, 2013. Tracy Cody seconded the motion and the motion carried unanimously. **APPROVED.**

CONSIDER A REQUEST FOR A SPECIAL EXCEPTION TO ALLOW A DAYCARE ON THE PROPERTY LOCATED AT 377 WEST JACKSON STREET SUITE #13 & #14. REQUEST SUBMITTED BY KRISTEA CANCEL ON BEHALF OF STONEMAR PROPERTIES, LLC. James Mills stated that Ms. Kristea Cancel, on behalf of property owner Stonemar Properties, LLC, has submitted a request for a special exception to allow a childcare facility at property located at 377 West Jackson Street, Suites 13 and 14.

The subject property is located in the Jackson Plaza shopping center which is zoned as PCD, Planned Commercial Development. According to the submitted application, Ms. Cancel would like to open a child drop-in facility where parents could drop their children while they shop or run errands. Parents would pay an hourly rate and the children would be offered numerous activities. Childcare centers are a use permitted on appeal (special exception) in the PCD zoning district subject to compliance with requirements of Section 206.7 of the Zoning Code.

The proposed location is on the northern end of the western outparcel. Ms. Cancel has submitted a preliminary floor and site plan depicting several indoor activity stations and an outdoor play area. In the opinion of the Planning Department it appears that all requirements of Section 206.7 will be met.

Staff recommended approval of the request subject to compliance with all applicable state and city codes and regulations.

Mr. Mills added that a letter had been received from S. A. Patil, property owner at 540 West Stevens Street. Mr. Patil felt that the daycare was too close to his apartments and that it would affect the value of his property.

Mr. Mills stated that the property on West Stevens Street was zoned multi-family and that there were no codes concerning protection for that use. Mr. Mills added that the daycare does comply with all the requirements of the Zoning Code and that the State would inspect the daycare to make sure that it meets all their requirements.

A citizen asked if they were moving the handicapped spaces in front of her business, since they were on the only two located on that section of Jackson Plaza.

Mrs. Kristea Cancel stated that she has talked to the property manager about using the 3-4 spaces on the end of the parking lot as a designated drop off during certain times for the daycare.

Mr. Mills replied that the number of handicapped spaces meet the code requirements, but if necessary, can be relocated, but not removed.

Tracy Cody made the motion to approve the Special Exception to allow a daycare at 377 West Jackson Street Suite #13 & #14, subject to compliance with all applicable state and city codes and regulations. Paul Bonner seconded the motion and the motion carried unanimously. **APPROVED SPECIAL EXCEPTION FOR A DAYCARE.**

ADJOURNMENT: 5:35 P.M.

SUBMITTED FOR APPROVAL

SUBMITTED FOR RECORDING

**JAYNE BARNS CPS
PLANNING ASSISTANT**

**SID GILBREATH
ACTING CHAIRMAN
BOARD OF ZONING APPEALS**