

**BOARD OF ZONING APPEALS  
MINUTES  
APRIL 14, 2016**

The Board of Zoning Appeals met on Thursday, April 14, 2016, at 5:15 p.m. in the Council Chambers, 45 E. Broad Street, Cookeville, Tennessee.

**MEMBERS PRESENT:** James Dial, Elwood Ervin, Jane Flatt, and Jon Ward.

**MEMBER ABSENT:** Sid Gilbreath.

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

**STAFF ABSENT:** Ken Young.

**OTHERS PRESENT:** Matthew Pierce, William Upshaw, Shawn Wilson, James Cates, Denise Szmyolt, and Laura Militana.

**CONSIDER FOR APPROVAL THE MINUTES OF MARCH 10, 2016.** James Dial made the motion to approve the minutes of March 10, 2016. Jon Ward seconded the motion and the motion carried unanimously. **APPROVED.**

**CONSIDER A REQUEST FOR A VARIANCE TO REDUCE THE OFF-STREET PARKING REQUIREMENTS FROM 187 PARKING SPACES TO 171 PARKING SPACES FOR A TOTAL PARKING VARIANCE OF 16 PARKING SPACES ON THE PROPERTY LOCATED AT 1228 BUNKER HILL ROAD. REQUEST SUBMITTED BY PLATINUM PROPERTIES LC ON BEHALF OF MITCH PATEL.** James Mills stated Mr. Mitch Patel, 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, an 82 room TRU Hotel.

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 the information provided by the petitioner, the existing Holiday Inn Express Hotel requires a total of 104 parking spaces and the proposed TRU hotel would require an additional 83 spaces for a combined total of 187 required off-street parking spaces. According to the petitioner only 171 spaces can be provided on the property with the construction of the second hotel. This is 16 spaces, or approximately 8.5 percent, less than required when both hotels are considered together. Applying the entire 16 space shortage to the proposed TRU Hotel would indicate a parking shortage of approximately 19 percent.

In 2011, the Board of Zoning Appeals denied a request from Mr. Patel to grant an 18 percent reduction in the required parking to allow the construction of a second hotel on the subject property. The previous request was for the addition of a 72 room Hampton Inn requiring 78 parking spaces. According to information submitted by the petitioner, only 149 of the required 182 parking spaces could be provided, or approximately 18 percent less than required when both hotels are considered together. Applying the 33 space shortage entirely to the proposed Hampton Inn parking indicated a shortage of approximately 42 percent. For reference purposes, the minutes from the 2011 meeting are included in your packets.

The submitted site plan indicates that 90 spaces will be provided on the portion of the property where the Holiday Inn Express is located and that 81 spaces will be provided on the portion when the TRU Hotel is to be located. As noted, the Holiday Inn Express requires 104 spaces so the 90 spaces would be approximately 14 percent less than required. The 81 spaces for the proposed TRU Hotel would be approximately three (3) percent less than required.

No particular hardship is indicated in the application for the variance, however, in 2011 the petitioner made the following assertions:

1. 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.
2. 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. No meeting space is indicated for the proposed TRU Hotel; however, 10 parking spaces are required for meeting space in the Holiday Inn Express. A variance to remove the meeting space parking requirement would reduce the required spaces from 187 to 177, which reduces the shortage to six (6) spaces or approximately three (3) percent less than required.
3. Information was also submitted in 2011 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 result in a shortage of nine (9) spaces or approximately five (5) percent. (175 rooms X 0.95 = 166 spaces + 12 spaces for meeting and office = 178 spaces).

In 2011 a number of adjoining property owners were opposed in the approval of the variance to reduce the parking requirement.

The Planning Department received a letter from Shawn Wilson, Attorney-at-law for La Quinta Inn, detailing their opposition to the variance request. A copy of the letter was distributed to the Board members.

The current request is for a substantially less variance than the request denied by the Board in 2011, however, it should be noted that while 22 more parking spaces are projected in the current request the number of rooms in the proposed second hotel has increased by 10. Reducing the number of rooms in the proposed second hotel would decrease the number of required parking spaces and substantially minimize the extent of the variance. In the opinion of the Planning Department requiring that the number of parking spaces match the number of rooms would minimize any detrimental impact to other developments in the area. In the request before the Board, if 171 spaces are all that can be provided, the maximum number of rooms that the second hotel could offer would be 78 (171 spaces – 93 existing rooms = 78 rooms).

Staff recommended approval of variance to reduce the combined off-street parking requirement so that the number of spaces provided is no less than the total number of rooms provided.

Matthew Pierce of Platinum Properties stated that they are requesting a variance of 16 parking spaces to accommodate a new Tru Hotel and the first one to be built in this area. The request differs from the staff's recommendation by only 4 parking spots. If they have to reduce the size of the hotel by 4 rooms, then they would actually lose 8 rooms, which would not be financially feasible to continue with this project.

Bill Upshaw, partner in Platinum Properties, stated the following:

- That their company has helped develop the entire area where the hotel sits.
- Platinum's original founders developed the first hotel along this exit and sold the land for the other hotels which developed after.
- Platinum owns the Holiday Inn Express and continues to invest in the community.
- That granting a variance will not only help out a long time investor in the community, but it will also add to a growing tax base, and provide extra income for local businesses.

Shawn Wilson, Attorney-at-law for La Quinta Inn management at 1131 South Jefferson Avenue, stated that he is representing them in their opposition to the parking variance. Reasons for their opposition include the following: (1) Not a hardship, hotel has been intentionally been designed too large for the area, (2) Financial returns alone shall not be considered as a basis for granting a variance, (3) Hotel designed to exceed parking capacity, (4) Variance was denied for this lot in 2011 for a smaller hotel, (5) Granting a variance would be detrimental to other properties in the area, (6) This area is already crowded, (7) Holiday Inn customers already park in other business's parking lots, (8) More congestion on the public streets, (9) The total off-street parking spaces collectively provided shall not be less than the sum of the requirements for each, (10) Application

doesn't state the accurate amount of meeting space or offices to determine the exact number of spaces needed, and (11) Variance would require number of parking spaces to be reduced below the mandatory number.

In summary, Shawn Wilson stated that since the construction has not been started that the design could be modified and a smaller hotel would mean less required parking spots, fewer guests, and less intrusions onto other properties.

James Mills added that he didn't know if the current site plan will work, because it has not been reviewed or approved.

Dr. James Cates of Satellite Med, located at 1300 Bunker Hill Road, stated that he is opposed to the parking variance because they currently have problems with people using their parking lot instead of the Holiday Inn Express parking lot.

Patrick Daly has worked at La Quinta Inn for 11 years and has noticed that a lot of their customers have uhauls with trailers and/or cars & trucks with trailers and he was concerned about where those types of vehicles will park if they are granted a variance.

Jane Flatt stated that Platinum Properties need to reduce the size of the hotel.

Elwood Ervin stated that they are trying to build too large of a building on a smaller piece of property.

James Mills stated that most of our hotels provide extra parking than what is required.

Jon Ward made the motion to deny the variance request for 16 parking spaces, but approve a reduction of the combined off-street parking requirement so that the number of spaces provided is no less than the total number of rooms provided as recommended by staff. Elwood Ervin seconded the motion and the motion carried unanimously. **DENIED VARIANCE FOR 16 PARKING SPACES, BUT APPROVED A REDUCTION OF THE COMBINED OFF-STREET PARKING REQUIREMENTS SO THAT THE NUMBER OF SPACES PROVIDED IS NO LESS THAN THE TOTAL NUMBER OF ROOMS PROVIDED.**

**ADJOURNMENT: 6.00 P.M.**

**SUBMITTED FOR APPROVAL**

**SUBMITTED FOR RECORDING**

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**JAYNE BARNS CPS  
PLANNING ASSISTANT**

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