

**Board of Zoning Appeals
Minutes
February 9th, 2023**

The Board of Zoning Appeals met on Thursday, February 9th, 2023, at 5:15 p.m. in the Council Chambers located at 45 E. Broad Street, Cookeville, Tennessee.

Members Present: Nancy Bohannon, James Dial, Michael Detwiler & Connie McCormick.

Members Absent: Elwood Ervin.

Staff Present: Haley Dickson, Jon Ward & Christopher Phillips.

Staff Absent: Ken Young & James Mills.

Others Present: Larry Dunn, Amber Greenwood, Ken Knuckles, Jason Blattenburg, Cecil Essex, Millie Tyznik, David Burnett, Debbie Dunn Winningham, Chris Winningham, Lindsay Pride & Betsy Scarisbrick.

Consider for Approval the Agenda as Submitted. Michael Detwiler made the motion to approve the agenda as submitted. Nancy Bohannon seconded the motion and the motion carried unanimously. **Approved.**

Consider for Approval the Minutes of January 12th, 2023. Connie McCormick made the motion to approve the minutes of January 12th, 2023 as submitted. Michael Detwiler seconded the motion and the motion carried unanimously. **Approved.**

Consider a request for a variance to maximum sign height requirement from 100 feet to 120 feet for a total variance of 20 feet for a sign within 750 feet of Interstate 40 right-of-way, and a variance to the maximum sign height of 35 feet to 50 feet for a variance of 15 feet, and the maximum signage area from 500 square feet to 725 square feet for a total variance of 225 square feet for property located at 1100 South Willow Avenue (Tax Map 065, Parcel 098.00). Request submitted by Ken Knuckles of Development Management Group, LLC. Mr. Jon Ward stated that Mr. Ken Knuckles of Development Management Group, LLC has submitted for approval a variance request to the maximum sign height requirement from 100 feet to 120 feet for a total variance of 20 feet for a sign within 750 feet of Interstate 40 Right-of-Way, a variance request to the maximum sign height of 35 feet to 50 feet for a total variance of 15 feet for a sign located with the CR, “Regional Commercial” District, and a variance request to the maximum signage area from 500 square feet to 725 square feet for a total variance of 225 square feet for property located at 1100 South Willow Avenue. The variances were submitted for signage for a new commercial development.

Analysis: The subject property is identified as Parcel 001.01 on Tax Map 053C, Group A, and contains approximately 39.72 acres. The property is zoned CR, “Regional Commercial” with a portion of the property along the eastern boundary zoned as CG, “General Commercial”. The site is bordered by CG, “General Commercial” on the east, north, and west. The property is bordered by RM-14, “Multi-Family Residential” to the south. The property is currently vacant.

The subject property was rezoned from CG, “General Commercial” to CR, “Regional Commercial” by Ordinance #O220406 in May 2022. The rezoning was requested due to the size of the development proposed for the property. The CG District restricts individual development to 120,000 square feet.

Mr. Knuckles has submitted drawings depicting three proposed signs for a proposed new commercial development. The first sign is a hi-rise sign that will provide visibility from Interstate 40. The Zoning Code restricts hi-rise signage to 100 feet in height. The CR District

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restricts all signs to a maximum height of 35 feet. The proposed sign is 120 feet tall. Section 207.6D.12 notes that the maximum height for on-premise freestanding signs for any parcel located within 750 feet of the closest right-of-way of Interstate 40 within the CG, CI, LM, or HM Districts shall be 100 feet from street level at a point nearest the sign.

The Planning Division acknowledges that signs over 35 feet in height are not permitted within the CR District, but hi-rise signs have been erected within the CR District in areas such as Sam's Club. The subject property was rezoned due to the size of the development proposed. The proposed development would have been permitted within the CG District if the total square footage had been under 120,000 square feet. The rezoning action also changed signage height requirements. Current GIS Data shows the elevation of the Interstate 40 right-of-way as 1,060 feet. The proposed hi-rise sign is shown at an elevation of 1,057 feet. This would reduce the requested variance to 17 feet. A variance of 17 feet would constitute a 17 percent (17%) variance in the maximum 100 feet allowance.

The second proposed sign for the development is a monument sign that will be located near the proposed entrance to the development from South Willow Avenue. The monument sign will provide sign area for all proposed tenants within the development. The sign is proposed as 50 feet in height. The CR District restricts signs to a maximum of 35 feet from street level. The CG District permits a freestanding sign height of 50 feet. The submitted Grading Plan shows the proposed sign at an elevation of approximately 1068 feet, and the grade for South Willow Avenue is shown as approximately 1074 feet. This would allow for a sign to be constructed at 41 feet in height. The requested variance would then be for a total of nine (9) feet. A variance of nine (9) feet would constitute a 26 percent (26%) variance in the maximum 35 feet height allowance.

The third sign proposed is a fifteen-foot-tall monument sign located by the proposed entrance on Green Gate Lane. This sign is compliant with height requirements of the Zoning Code. An additional variance request pertains to the combined total square footage of all signs being proposed for the development. Section 207.6C of the Zoning Code includes "Each commercial and industrial premise with greater than 400 feet of frontage on any one (1) public street, regardless of the number of commercial or industrial establishments on such premise, shall be allowed two (2) on-premise freestanding business sign structures per public street frontage, but in no case shall more than three (3) freestanding sign structures be permitted on any premise regardless of the number of street frontages." The proposed development has over 4,000 linear feet of street frontage on three (3) public streets (South Willow Avenue, Green Gate Lane, and Interstate 40), which permits three (3) freestanding signs.

Section 207.6D.4 states that in cases where a commercial or industrial premise is allowed three (3) freestanding signs, "the aggregate sign face area of all signs shall not exceed 500 square feet." The total square footage proposed for all three signs totals 725 square feet. The proposed hi-rise sign will only include the anchor tenant for the development. The proposed monument signage for the development is for multiple tenants. One is located on South Willow Avenue, and one on Green Gate Lane. A variance of 225 square feet would constitute a 45 percent (45%) variance in the maximum 500 square feet allowance.

The sign height of the monument sign is consistent with the allowed height in the CG, General Commercial District. The request to increase the height of the hi-rise sign is due to topography

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and to improve visibility from Interstate 40. Vegetation in the median of I-40 does obstruct visibility from the west-bound lane of I-40. The development has a considerable amount of street frontage (over 4,000 linear feet), with the proposed sign depicting up to eight (8) retail establishments to be sited within the development. While the hi-rise sign does count toward total square footage, this only includes the anchor tenant. The signage on Green Gate Lane will be less visible as this street is not a through street. The street primarily provides access to the Miracle Road and the River Church and will provide secondary access to the proposed commercial development. The Planning Department is researching potential changes to the sign code that would address some variations in hi-rise signs and freestanding sign heights of sign code requirements in the CG and CR Zoning Districts.

In the opinion of the Planning Division, the requested variances proposed to the sign height and total square footage of sign face area would not be detrimental to the public welfare or injurious to other property in the area.

Recommendation: Approval of the request

Chairman James Dial asked how far the proposed sign on Willow Avenue sit off of the street.

Mr. Jon Ward stated that the signage will follow the required setbacks at the right-of-way.

Mr. Michael Detwiler reiterated that the proposed hi-rise sign will be to the left of the current billboard on the property so when someone is approaching Willow Avenue from the Interstate-40, the proposed sign will be to the right of the current billboard.

Mr. Ken Knuckles, petitioner, stated that they are proposing a very large retail and restaurant space with a number of smaller tenants around the large retailer. He stated that it is important to the anchor tenant to have a presence visible from I-40. Mr. Knuckles stated that the requested additional 20 feet will help with visibility. He stated that the second sign monument is the first opportunity to present signage to the main property on South Willow Avenue to maximize the area and offerings to tenants and that the third sign will be used as a marker for entrances.

Mr. Cecil Essex, of 755 Green Gate Lane, stated that his property is right behind the development and is the only house on Green Gate Lane. He stated that he is not opposed to the property being developed nor has any issues with the signage. Mr. Essex stated his only concern with the development is with the run-off water from Hudgens Creek, which is already overworked. He asked what the plan is for water retention.

Mr. Ward stated that the request is of signage. He stated that the city hasn't received a site plan and those issues would be addressed on the plan. He stated that the city has stringent rules for stormwater retention and Green Gate Lane would be improved for commercial development.

Mr. Knuckles stated that the development plan is to accommodate Green Gate Lane to handle the traffic. The area behind the retailer will be the location of two large retention bases. He stated that they have looked at the impacts on the visibility of the cross and doesn't believe there would be any.

Mr. Jason Blattenburg, of 110 Breen Lane, stated that Hudgens Creek goes through his property and that water retention has gotten worse over the last few years.

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Mr. Knuckles stated that the property was developed a long time ago and water is not currently being retained. It is proposed to have stormwater go to one area on site according to city standards.

Mrs. Nancy Bohannon added an addendum to the motion to not have the sign impede on the cross.

Mr. Knuckles stated that they will do more diligence work.

Michael Detwiler made the motion to approve the request as recommended by staff. Nancy Bohannon seconded the motion and the motion carried unanimously. **Approved.**

Consider a request for a variance to the Parking Area landscape design requirements to allow for an adjustment to the interior parking islands for property located at 1100 South Willow Avenue (Tax Map 065, Parcel 098.00). Request submitted by Ken Knuckles of Development Management Group, LLC. Mr. Jon Ward stated that Mr. Ken Knuckles of Development Management Group, LLC has submitted for approval a variance request to the parking area landscaping design requirements to allow for an adjustment to the interior parking islands for property located at 1100 South Willow Avenue. The variance was submitted to address the parking area of a new commercial development.

Analysis: The subject property is identified as Parcel 001.01 on Tax Map 053C, Group A, and contains approximately 39.72 acres. The property is zoned CR, “Regional Commercial” with a portion of the property along the eastern boundary zoned as CG, “General Commercial”. The parcel is bordered by CG, “General Commercial” on the east, north, and west. The property is bordered by RM-14, “Multi-Family Residential” to the south. The property is currently vacant.

Mr. Knuckles has submitted a site plan depicting three (3) proposed landscape central islands located within the parking lot area of the development. Each landscape island is approximately 1,290 square feet. The proposed islands are also being used as bioretention areas for the development.

Section 205.7E of the Cookeville Zoning Code states, “Off-street parking areas containing 24 or more parking spaces shall be subdivided into sub-lots containing not more than 24 parking spaces separated by landscape strips meeting the requirements of Section 208.5B of this Zoning Code.” The proposed parking lot would require a total of 13 parking spaces be used for landscape strips. Landscape strips are required to be a minimum of eight (8) feet in width. According to the petitioner, this would allow for 2,173 square feet of landscaped area to be included within the parking area. The current landscape islands proposed for the development cover approximately 24 total parking spaces and, as indicated by the petitioner, total approximately 3,869 square feet of landscaped area. These islands also serve the development as bioretention areas. The overall area dedicated to landscape in the parking lot as proposed would exceed our requirements.

In the opinion of the Planning Division, the proposed variance to the parking lot landscape islands will not be detrimental to the public welfare or injurious to other property in the area.

Recommendation: Approval of the request

Chairman Dial asked about the landscaping on the perimeter of the property.

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Mr. Knuckles stated that the developer fully intends to meet exterior landscaping of the property. No reduction in landscaping requirements.

Mr. Detwiler asked if the landscaping request is at the retailer's request.

Mr. Knuckles stated that the request was not necessarily done by the retailer but is just how the property had to be engineered.

Connie McCormick made the motion to approve the request as recommended by staff. Nancy Bohannon seconded the motion and the motion carried unanimously. **Approved.**

Consider a request for a variance to the maximum wall height requirement of eight (8) feet and the maximum wall height requirement for corner lots of six (6) feet for walls more than 25% opaque to allow a privacy wall to be constructed up to eight (8) feet in height on an existing retaining wall that measures up to six (6) feet in height for a total maximum variance of up to six (6) feet for property located at 531 North Dixie Avenue (Tax Map 053C, Group A, Parcel 001.01). Request submitted by Dr. Brent Staton. This item was postponed at the January 12, 2023 meeting. The petitioner has requested this item be postponed, to be rescheduled. Mr. Jon Ward stated that this item was postponed at the January 12, 2023 meeting. The petitioner has requested this item by postponed, to be rescheduled.

Connie McCormick made the motion to postpone the request. Michael Detwiler seconded the motion and the motion carried unanimously. **Approved.**

Adjournment: 5:31 P.M.

Submitted for Approval

Submitted for Recording

Haley Dickson
Planning Assistant

James Dial, Chairman
Board of Zoning Appeals