

**MURRAY BOARD OF ZONING ADJUSTMENTS MINUTES
SPECIAL MEETING
WEDNESDAY, SEPTEMBER 28, 2005**

The Murray Board of Zoning Adjustments met in special session on Wednesday, September 28, 2005 at 4:30 p.m. in the council chambers of city hall at 104 North 5th Street.

Board Members Present: Andy Dunn, Darren Jones, Scott Seiber, Helen Spann, George Stockton and Bill Whitaker

Board Members Absent: Ed Davis

Also Present: Candace Dowdy, David Roberts, Sam Perry, Mike Pitman, Jeff Sparks, Kristen Taylor and public audience

Chairman Whitaker called the meeting to order at 4:30 p.m. and welcomed the guests. Chairman Whitaker stated that this was a special-called meeting with one agenda item.

Dimensional Variance Request For Wall Signage—Six Retail Suites—1410 North 12th Street—Jeff Sparks: Scott Seiber made a motion to remove this item from the table. Darren Jones seconded the motion and the motion carried with a 6-0 voice vote.

Sam Perry stated that this item was previously tabled due to the lack of current plans for the finished front façade of the building. They have been presented. The front will be made to look the same all across the front, with the architectural block. Doors will be added for each storefront. Mr. Perry pointed out the location of the potential signage on the elevation drawing, explaining that one drawing shows signs using 5% of store frontage and the other drawing shows signs using 10% of store frontage. Mr. Perry stated that two of the storefronts in the middle section would be permitted 33 square feet of wall signage and the four outside storefronts would be permitted 23 square feet of signage. Mr. Sparks is requesting the additional 5% that would be allowed if the building was 100' or more from the property line. The requested sign sizes are 66 and 46 square feet. The building is about 60' from the property line. Channel letters are Mr. Sparks' preference, but not a requirement. Mr. Perry presented recent photographs of the building.

Chairman Whitaker asked what the issue was with the freestanding sign. Mr. Perry stated that it was nonconforming for two reasons: one was that it was not monument-style. Mr. Perry stated that a monument style sign of 80 square feet and 14 feet in height would be permitted for this site. Andy Dunn asked if the sign would display the name of the shopping center. Mr. Perry showed a picture of a possible freestanding sign, "ADM Plaza," in which the 20 square foot reader board had been removed. Scott Seiber asked if the tree that is blocking the sign could be removed. Mr. Perry stated that it is on the right-of-way, but should be negotiated with Riviera Courts managers. Chairman Whitaker asked if the existing freestanding sign met the setback requirements. Mr. Perry stated that it did not. It was only 3' from the front property line, instead of 10', and there was no record of a requested variance. Scott Seiber stated that there is no other place for

the sign on the lot. Mr. Perry stated that there is enough room for a monument-style sign, and drivers would still be able to see to pull out of the lot. Mr. Perry stated that there is also a post office box mounted right in front of the sign, which blocks some visibility. Ms. Dowdy stated that mail deliveries in this area are not made directly to the individual businesses, similar to the new development, North Point Professional Office Park. Scott Seiber asked if Jeff Sparks would need a variance if the building setback was measured from the center of U.S. 641. Mr. Perry stated no. Chairman Whitaker asked how the recommendations from the sign committee influence this site. Mr. Perry stated that the sign committee has brought a recommendation to the Planning Commission recommending a 10-year phase-out of non-conforming freestanding signs along 12th Street. Mr. Perry stated that the committee also recommended to staff to use the existing zoning ordinance text, enforcing the removal of nonconforming signs, when a business is discontinued. Mr. Perry stated that would now be staff's policy, as well as educating the business owners, before they are surprised with a denial of sign permit. Mike Pitman stated that he is researching the history of other local governments using a certain phase-out time period, but that regardless, planning commissions do have the authority to revamp sign regulations and not be stuck with pre-existing nonconforming signs. Mr. Pitman stated that hopefully businesses would come into compliance voluntarily, without going to court. Chairman Whitaker stated that if staff enforces what is already in the ordinance, there will be less issues presented to BZA regarding variances on existing freestanding signs.

Chairman Whitaker swore in Jeff Sparks. Jeff Sparks stated that he would like to use the existing freestanding sign, and remove the 20 square foot reader board. He would possibly put the name "ADM Plaza" on the upper portion, which is 80 square feet. Scott Seiber asked Jeff if the tree blocking the sign was a problem. Mr. Sparks stated it was a problem, and he has not talked to Riviera Courts about it, but would like to see it removed. Scott Seiber would like to see the tree stay, and the fact that it is a Bradford Pear, it probably will not last anyway. Jeff Sparks stated that this first tree is the biggest one in the row. Mr. Sparks stated that he needs the freestanding sign because of the distance from U.S. 641 and the 55 mph speed limit. Mr. Sparks stated that people will not see the sign until they are almost past it. Scott Seiber stated that the speed limit will eventually be reduced.

Scott Seiber stated that he would like to see all of the existing freestanding signs along the 12th Street corridor removed and this was one example of an opportunity to remove one. Mr. Seiber stated that this part of 12th Street will eventually be similar to portions south, near Chestnut, for example, citing speed limits. Helen Spann stated that as drivers become accustomed to monument-style signs, their line of sight will lower. Mr. Sparks stated that may be true for Murray drivers, but not necessarily for out-of-town visitors. Scott Seiber stated that he does not have a problem with the requested variance on the wall signs. Chairman Whitaker asked for a motion. Mike Pitman reminded the board to state findings of fact. Helen Spann asked Mr. Sparks if the wall signs would be uniform in size. Mr. Sparks stated that what was presented were simply examples and that his preference was channel lettering, with no specific ratio of height to width. Ms. Spann was concerned about the façade not being divided up any other way other than using the wall signage; there are no architectural divisions. Sam Perry stated that Shoppes of Murray was over 90% channel lettering. Andy Dunn asked if the recommended time

constraint influence Mr. Sparks to want to go ahead and correct the sign now, instead of 10 years from now. Mr. Sparks stated that he would rather not change it and the ordinance could change in that time period. George Stockton stated that he had a problem with the height of the freestanding sign. Mr. Stockton would like to see the sign lowered to save some expense. Mr. Perry reminded the board of the front setback issue with the existing sign. Chairman Whitaker stated that moving or lowering the sign, would also affect the parking space nearby. Mr. Seiber agreed. **Scott Seiber made a motion to approve the wall sign square footage variances as presented, based on the fact that the businesses are located a substantial distance from U.S. 641 and if U.S. 641 was used as the setback measurement, the sizes would be in compliance, contingent upon the removal of the existing freestanding sign based on facts that it will not adversely affect the public health, alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public and will not allow an unreasonable circumvention of the requirements of the zoning regulations. George Stockton seconded the motion.** Mr. Perry asked the board if they wanted to include a front setback variance for a future monument-style sign. Chairman Whitaker and Scott Seiber stated that they would rather wait until Mr. Sparks has decided what he wants to do. Scott Seiber stated that he would be inclined to grant whatever was reasonable, if it was monument-style. His preference was in the middle, but there may not be room. Chairman Whitaker asked for the roll to be read if there were no further questions. George Stockton asked what the time period would be in removing the freestanding sign. Mr. Perry and Ms. Dowdy stated that it would have to be prior to the issuance of any of the wall sign permits. Mr. Sparks stated that he was hoping to have the storefronts ready to rent around the beginning of 2006. **The motion carried 5-1. Helen Spann voted no.**

Sam Perry passed out notices of recent legislation requiring all appointed board and committee members be notified of open records and open meetings, courtesy of the City Clerk.

Chairman Whitaker asked if there were any further questions or comments.

Being none, Scott Seiber made a motion to adjourn. George Stockton seconded the motion and the motion carried with a 6-0 vote. The meeting adjourned at 5:30 p.m.

Chairman, Bill Whitaker

Recording Secretary, Sam Perry