

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, NOVEMBER 15, 2006
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, November 15, 2006 at 4:30 p.m. in the council chambers of City Hall at 104 North 5th Street.

Board Members Present: Andy Dunn, Darren Jones, Michael Jordan, and Scott Seiber

Board Members Absent: Ed Davis, Helen Spann, and Bill Whitaker

Also Present: Candace Dowdy, Peyton Mastera, David Roberts, Mike Pitman, Matt Mattingly, Tom Lang, Eric Mitchuson, Barbara Campbell, Dale Campbell, Jim Tate, Howard Brandon, Kristen Taylor, and Public Audience

In absence of Chairman Bill Whitaker, acting-chairman, Scott Seiber called the meeting to order at 4:30 p.m., and welcomed the guests and applicants.

Chairman Seiber welcomed the newest BZA member, Mr. Michael Jordan, and asked him to come forward and be sworn in. Ms. Candace Dowdy swore in Michael Jordan as a new member of the BZA.

Approval of minutes from the October 18, 2006 regular meeting: Darren Jones made a motion to approve the minutes with the noted corrections. Andy Dunn seconded the motion and it carried with a 4-0 voice vote.

Chairman Seiber explained to the BZA members and the public audience due to a conflict of interest with one of the board members item number 4 on the agenda, *Review of Conditional Use Permit for Orscheln Farm and Home Store* would need to be tabled until next month because there would not be a quorum for this item.

Public Hearing to review conditional use application for a proposed residential planned development project on N. 16th Street – Campus Suites – Tom Lang: Ms. Candace Dowdy explained that the proposed Campus Suites residential PDP will be located on N. 16th on an approximately 42 acre tract of land. The tract of land is located in a B-2 zone which allows a PDP as a conditional use. The development will consist of 140 units each having 3 or 4 bedrooms for a total of 490 beds. Campus Suites will have a club house and maintenance facility on-site and other amenities. The preliminary plat shows 603 parking spaces even though it is only required they have 560 parking spaces to comply with Murray's Zoning Ordinance. All building setbacks will be met. Ms. Dowdy stated that landscaping plans would be required for review and approval. Campus Suites will have one main entrance near the top of the hill on N. 16th Street and a service entrance further to the north, for emergency service vehicles only. The Fire and Police departments have each looked at the preliminary plat and were both satisfied with the layout.

Chairman Seiber opened the public hearing and asked for anyone wishing to speak in favor of the conditional use permit to come forward and speak. Chairman Seiber swore in Mr. Tom Lang, developer of Campus Suites. Mr. Lang stated that they are looking to build approximately 28 apartments per building, equaling to 490 possible tenants. Campus Suites' amenity package will include a clubhouse that has an exercise room, common room, computer lab, business center, and offices. There will also be a swimming pool and sand volleyball court behind the clubhouse. The apartments will be approximately 1700 sq. ft. for the four bedroom apartments, and approximately 1400 sq. ft. for the three bedroom apartments. Each apartment will be furnished with a washer and dryer and internet access. Mr. Lang explained that Campus Suites is also located in Bowling Green, Kentucky; Murfreesboro, Tennessee; and Oxford, Ohio. Campus Suites previously had similar operations in Tallahassee, Florida and Columbia, South Carolina, but have both been sold.

Mr. Andy Dunn asked if the problem had been addressed with traffic concerns. Mr. Lang stated that Campus Suites has been working with the Planning Staff in addressing the issue and that engineers have moved the entrance to help the line-of-sight. Mr. Lang stated that he believes Campus Suites will participate in a traffic study and that Campus Suites would be more than willing to discuss dedicating land so that the road can be widened at this location. Mr. Lang also explained that they are willing to deal with the sidewalk issue so that there would be sidewalks in front of Campus Suites down to Hwy. 121 North. Mr. Darren Jones asked if bus transportation is still going to be provided for students. Mr. Lang stated they are still considering running their own shuttle and/or talking with public transportation to see if there is a third party to provide the service which will alleviate traffic.

Ms. Dowdy asked for Mr. Lang to describe the exterior of the building. Mr. Lang explained that the buildings will be of brick or simulated-rock material for stability, and hardy-plank on the remaining for balance, depending upon cost and using acceptable colors.

Chairman Seiber stated that his continuing concern is the traffic along N. 16th Street and would like to know if there is a plan in place to address this issue. Mr. David Roberts explained there is no definitive course of action, but the city continues to work with the state in dealing with N. 16th Street. Mr. Roberts commented that the developers of Campus Suites see the need to address the traffic situation and to secure the safety of pedestrians and will continue working with the city. Mr. Roberts stated that in the widening of Hwy. 121 sidewalks will be constructed along both sides of the road. In conjunction with the Hwy. 121 project, the city would like to have sidewalks and bike-paths extended along 16th Street to Campus Suites. Mr. Roberts stated that the city would like to have a traffic study and recommendations for all of 16th Street on what steps need to be taken to improve the traffic situation. Chairman Seiber explained that property along 16th Street is being developed at a rapid rate and that there needs to be work done on the front end of these developments to ensure proper safety. Mr. Lang stated that philosophically speaking, Campus Suites realizes the traffic concerns and the last thing they want is to create more of a traffic problem; however, Mr. Lang commented that without knowing the cost, Campus Suites cannot say they are "committed" to anything, but they are willing to work with the city in

addressing the issue. Ms. Dowdy stated that if the board approves the conditional use permit, the permit is not valid until a final plat is approved by the Planning Commission.

Darren Jones asked if the location of the newly proposed entrance is different from that of the one presented in September. Mr. Roberts explained that the entrance has been moved approximately 70 feet to the south, which is on the top of the hill.

Chairman Seiber asked if anyone would like to speak in opposition to the conditional use permit to come forward and speak. Nobody chose to speak in opposition so Chairman Seiber closed the public hearing.

Chairman Seiber commented that this kind of project appears to be a good one and that the land will be used properly, but still feels the traffic situation is a point of concern. Ms. Dowdy restated her previous comment that this project will still go before the Planning Commission before final approval. Mr. Pitman stated that the Board has the prerogative to place any conditions they feel are necessary to the conditional use permit. Mr. Roberts commented that at the Planning Commission meeting they discussed the following to take into consideration when the BZA makes a motion: sidewalks and bike-paths to be constructed in conjunction with this project, the granting of additional right-of-way, the public transportation service Campus Suites will provide for tenants that could alleviate traffic, and the willingness to look at a traffic study for not only this location but for all of N. 16th Street out to Poor Farm Road. Mr. Michael Jordan asked if a traffic light would help address the traffic situation. Mr. Roberts explained that a caution light might not be a bad idea and that would be something to take into consideration further down the road. Chairman Seiber asked if the state would incur any costs for improvements to this location. Mr. Roberts stated that there is not a lot of state money to be allocated for a project of this nature and that the state is focusing their attention on smaller projects, or those in which will have an immediate impact. Chairman Seiber asked if the Planning Staff feels like these issues can be resolved. Mr. Roberts commented that he believes so, but it will be a limited time period to get these issues resolved because the developers are looking to receive final plat approval in the near future. Mr. Roberts stated that a limited traffic study will take from seven to ten days and hopefully it will present evidence of what needs to be done. The traffic study would take in traffic projections in conjunction with the proposed Hwy. 80 and other proposed projects in the surrounding area.

Andy Dunn made a motion to approve the conditional use permit application for Campus Suites, located on N. 16th Street with the following conditions to improve the street and traffic situation which include, but are not limited to: adding turn lanes, widening the existing road, adding sidewalks, adding a caution light, requiring Campus Suites to participate in a traffic study, participate in the findings of a traffic study, dedication of additional right-of-way, and the providing of busing or public transportation. Darren Jones seconded the motion and it carried with a 4-0 vote.

**Review of Conditional Use Permit – Orscheln Farm and Home Store – Eric Mitchuson:
Darren Jones made a motion to table this item until the December BZA meeting due to a**

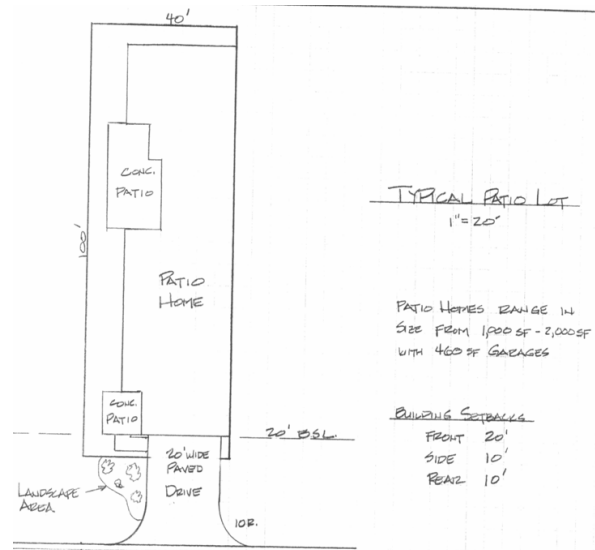
conflict of interest and by recusing any member, the BZA would not have a quorum. Andy Dunn seconded the motion and it carried with a 4-0 voice vote.

Compatibility Hearing – The Gates at Murray Residential Planned Development Project – Robertson Road South – Barbara Campbell: Ms. Dowdy explained that one year earlier, the developer of The Gates at Murray, Ms. Barbara Campbell, brought before the Planning Commission and BZA a proposal for a similar Planned Development Project called The Vintage Club. The developers are scaling down the development to 107 units instead of the original site-plan for The Vintage Club which had over 200 units. The proposed location is a gated community with patio homes on Robertson Road South adjacent to Traci Drive and Fairfield Subdivision, Unit II, comprising approximately 28.9 acres. There will be two entrances into the subdivision. The main entrance is on Robertson Road South and the other is at the eastern end of Traci Drive. The Gates at Murray will also have a closed off, gated entrance for emergency vehicles to utilize at the north end of Tanglewood Drive. The developers are looking to complete the project in three phases and will be used for single-family residential purposes only. Each unit would range from 1000-2000 square feet in size and the area each dwelling unit would occupy will be approximately 40' x 100'. The homeowners will be a part of a Home Owner's Association that will maintain the exterior of the homes and property surrounding the home, but the interior of the homes (interior wall to interior wall) are all privately owned and maintained. The development will also entail a small clubhouse for the use of the property owners. The streets will be privately maintained. There will also be provided some additional off-street parking for visitors. Ms. Dowdy commented that the Board needs to keep in mind that this property is located in an R-2 zone and under the current zoning regulations, Planned Development Projects are not allowed in R-1 or R-2 zones. Planned Development Projects are addressed in the comprehensive plan in regards to low-density residential neighborhoods, but the zoning ordinance is not in line with the comprehensive plan. Ms. Dowdy commented that in the comprehensive plan, under low density residential, single-family detached dwellings are the predominate use, but patio homes with smaller lot sizes are addressed within single-family residential zones. Ms. Dowdy explained that this is a topic that will be discussed in more detail with the Planning Commissioners, and possible text amendments could be made. Ms. Dowdy showed a PowerPoint presentation that showed the previous request for The Vintage Club and its layout, as well as the site-plan for The Gates at Murray. Ms. Dowdy noted that the entrance into The Vintage Club will be different for The Gates at Murray. The developers have discussed with Planning Staff the width of the road; the streets are going to be 24' wide with accompanying 4' sidewalks on one side of the street. This property is located within the city and zoned R-2. The property to the south is Woodgate Subdivision, which is in the county but is single-family residential by nature; to the north is The Crossings Subdivision, which is in the county and has zero lot line developments (or condominium) type developments and the property located at the southeast intersection of Hwy. 94 West and Robertson Road South is also in the city and zoned B-4; this area is comprised of mixed use purposes and in line with the comprehensive plan.

Darren Jones asked what is immediately to the south of this proposed development. Ms. Dowdy stated it is Fairfield Subdivision, Unit II, developed by Mr. Dale Campbell. Mr. Jones asked if Fairfield Subdivision is single-family residential. Ms. Dowdy stated that it is and was zoned R-2 when it was annexed into the city. Mr. Jones asked if the project will be done in phases. Ms.

Dowdy stated that it would be done in three phases as indicated on the plat. Each unit would range from 1000-2000 square feet in size and the area each dwelling unit would occupy will be approximately 40' x 100'; one side would have a zero foot setback and the other would have a 10' (side setback) separation strip between dwelling units. Mr. Jordan asked if there would be any covenants. Ms. Dowdy stated that there would be covenants and a Home Owner's Association that would most likely resemble that of the ones presented for The Vintage Club. Ms. Dowdy explained that the residents within this development would fall under the same guidelines as anyone else within an R-2 zone, meaning a home could not be rented out to anyone of non-blood relation without receiving a conditional use permit.

Chairman Seiber swore in Ms. Barbara Campbell. Darren Jones asked if these units would have garages. Ms. Campbell stated every unit would have double car garages. Ms. Campbell then referred to a PowerPoint slide that displayed a floor plan of an individual unit and described it to the BZA members. Within each unit, there will be a concreted patio area with a two foot wide separation of dirt between the edge of the concrete and neighboring fence, which can be used for landscaping purposes.



Ms. Campbell explained that another big difference between this project and the previous one was the deletion of many amenities like a club house and swimming pool. Michael Jordan asked if the new project will be as popular without the same amenities. Ms. Campbell explained that on a daily basis Campbell Realty receives requests for these types of developments and that the uniqueness of the development itself will attract residents. Ms. Campbell stated that this project will bring in many people and has a waiting list of 58 individuals. Mr. Jordan asked why the developers decided to use a concrete material for the patios. Ms. Campbell explained concrete's versatility in that it can be used to place a creative concrete material on top, tile, brick, or other materials at the residents request. Mr. Jordan asked if there have been any studies for water run-off. Ms. Campbell stated that her father could answer that question better. Ms. Dowdy commented that the plat shows a detention basin area to the eastern portion of the property and to the north of it. Mr. Jordan commented that he is concerned because the concrete will create an enormous amount of run-off and wants to know why another surface was not used and would

like to know if the two foot wide portion of dirt will be enough to accommodate the access water. Mr. Dale Campbell came forward to address the question.

Chairman Seiber swore in Mr. Dale Campbell. Mr. Campbell explained that engineers will go by normal standards and make recommendations on installing an overflow pipe that holds the water in the retention basin; Mr. Campbell explained that from the overflow pipe, water is released in smaller amounts so it does not create a problem downstream. Mr. Roberts explained that this problem will be addressed and will have to meet the city's requirements. Mr. Jordan asked if there will be filtration of the storm-water. Mr. Roberts stated that he was not aware of any filtration but the developers would meet the city's detention requirements.

Ms. Dowdy stated this item would have to come back before the BZA to grant a conditional use permit. Ms. Dowdy commented that under the comprehensive plan, it identifies the density requirements for low density residential districts' as 4.3 dwelling units per acre. The number of units proposed for The Gates at Murray will fall within the density requirements. Ms. Dowdy stated that according to KRS Statutes, the Board is not allowed to vary density requirements. Mr. Jones asked how the residents, that were pre-sold a house for The Vintage Club, were reacting to the delay of not having a development in place. Ms Campbell said they were upset but still intend on moving into The Gates at Murray. Chairman Seiber stated that he believes this development is a good idea, but he shares the same concerns as Mr. Jordan in pertinence to flooding issues; Mr. Seiber noted that the city will have to make sure that retention capacity matches the development. Mr. Campbell stated that they will comply with the advice of their engineers and Planning Staff when constructing this development.

Darren Jones made a motion to approve The Gates at Murray residential planned development project as being compatible with the overall area, based on the single-family residential use surrounding the area. Andy Dunn seconded the motion and it carried with a 4-0 vote.

Questions and comments: The BZA members welcomed Michael Jordan to the Board.

Being of no further business, **Darren Jones made a motion to adjourn. Andy Dunn seconded the motion and it carried with a 4-0 voice vote.** The meeting adjourned at 5:30 p.m.

Chairman, Scott Seiber

Recording Secretary, L. Peyton Mastera