

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, MARCH 19, 2008
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, March 19, 2008 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5th Street.

Board Members Present: Darren Jones, Kim Griffo, Greg Mayes, Tom Auer, Ed Davis, and Scott Seiber

Board Members Absent: Bill Whitaker

Also Present: Candace Dowdy, Peyton Mastera, Mike Pitman, David Roberts, Reta Gray, Dennis Thompson, Matt Mattingly, Mayor Rushing, Chong Kim, Bobby Deitz and public audience

Chairman Scott Seiber called the meeting to order at 4:30 p.m., and welcomed all guests and applicants.

Approval of the minutes from the February 20, 2008 regular Meeting: Greg Mayes made a motion to approve the minutes as they were presented. Darren Jones seconded the motion and it carried with a 6-0 voice vote.

Review of Conditional Use Permit – 1502 Sycamore Street – Chong Kim:

Darren Jones made a motion to remove the Review of Conditional Use Permit – 1502 Sycamore Street – Chong Kim from the table. Ed Davis seconded the motion and it carried with unanimously.

Peyton Mastera reviewed the situation of Ms. Kim's Conditional Use Permit. He stated that at the December 20, 2006 BZA meeting, Ms. Chong Kim was granted a conditional use permit for a home occupation license at 1502 Sycamore Street. This permit was reviewed in June '07 with amended conditions, in particular the condition that Ms. Kim may erect a two (2) square foot sign. It was requested by the BZA this conditional use permit be reviewed in six months. Ms. Kim was notified of the meeting to review her conditional use permit for the past two months and each time she stated that she could not be in attendance. An issued subpoena was delivered to Ms. Kim following last month's BZA meeting requesting her presence at the Board of Zoning Adjustment meeting on March 19, 2008. Peyton continued by saying that one letter had been received from Mary Ann Russell stating that she continued to disagree with Ms. Kim's being granted a Conditional Use Permit to operate her home business in a residential zoned area. This was the only opposition that was received concerning the matter. *The letter was submitted as Exhibit A.*

Ms. Chong Kim, 1502 Sycamore Street, was sworn in. The Board had no questions for her. Candace Dowdy stated that she had spoken to Ms. Kim previously and asked her if she wished to

continue the Conditional Use Permit and operate the business in her home. Ms. Kim stated that she did.

Ed Davis made a motion to continue the Conditional Use Permit to Ms. Chong Kim at 1502 Sycamore Street to operate a home seamstress business and to review it in one year (March 2009) as long as there are no complaints. Darren Jones seconded the motion and it carried with a 5-1 vote. Kim Griffo voted no.

Chairman Seiber stated that the next item on the agenda (Public hearing to review the dimensional variance request for a 2' height variance on a proposed fence – 59 Saratoga Drive – Tom Perkins) had been removed because the applicant withdrew their application. *Mayor Rushing left the meeting at 4:40 p.m.*

Compatibility Hearing – Proposed Multi-Family Development – 1300 North 16th Street – Haverkamp Properties: Candace Dowdy pointed out the proposed area on a Power Point presentation. She clarified that a compatibility hearing was to decide if this project would be compatible to the surrounding area. Haverkamp Properties out of Ames, Iowa is proposing to construct a 1018 bed student housing development on North 16th Street. If approved, this development will be a Planned Development Process and will be constructed in two phases with Phase I having 580 beds and Phase II having 438 beds. In addition, the developers are proposing to construct two buildings along the North 16th Street entrance for retail sales with a total of 16 units for student housing above the buildings. (The location of these two buildings would be where the old Moose Lodge building is currently located.) Since the proposed site is currently zoned R-4 (where multi-family is acceptable) and B-2 (where residential planned development has to go through the PDP), rezoning will not be necessary. (Candace briefly defined the Planned Development Process for the newer members of the Board.) This development will be situated on approximately 32.5 acres east of North 16th Street and will also have access off WalMart Drive. The developers would be required to extend WalMart Drive north along their property line. This will provide two means of ingress/egress to the development. The Planning Department has also discussed (with the land owner) the possibility of getting a right of way dedicated to the City for the extension of WalMart Drive north. Planning Staff has indicated the concerns of adding additional traffic to this area and has requested a traffic study be done for this location. The access road through the development will be a private road. Availability and location of utilities are still being reviewed by staff. Chief Skinner and Chief Claud have been given copies of the site plan for review. Candace stated that storm water detention, parking, green space, sidewalks, and bike paths have been addressed with the developer.

There has been previous discussion of a future road possibly extending from WalMart Drive north to Diuguid Drive and then on to Highway 80, and possibly a road extending from North 12th to North 16th (running east and west). Each of these new roads could help alleviate traffic situations on the north side of town. Chairman Seiber commented that future developments should be looked at not only as an opportunity for growth for the community, but for issues that they could possibly present to the City of Murray. Tom Auer voiced a concern over the amount of traffic that is now using North 16th Street verses the amount of traffic that would be generated

if another new student housing facility is allowed to go into this area such as the proposed one. He asked about future plans for expanding this street. David Roberts said that North 16th Street is a city owned street and that the state has been approached on numerous occasions with concerns on 16th Street. He stated that the state has been sympathetic; however, the state does not have adequate funds to address this issue along with the state routes. He added that the City Council had approved an application for a grant for street funding to put landscaping and sidewalks in from Hwy 121 to Diuguid in the amount of \$350,000. Along with this money, there is to be a study about what needs to be done with the road geometrically. David concluded by saying that the City is aware of the situation and they are trying to find the funding while continuing to work on a plan for the future. *Matt Mattingly left the meeting at 5:00 p.m.*

Bobby Deitz, Geo Tech Engineering and representative of Haverkamp Properties, was sworn in. Mr. Deitz stated that he had spoken to Mr. Ludwig from Haverkamp Properties and that they are more than willing to give up some right of way property on the North 16th Street side and in addition that Mr. Ludwig was agreeable to both the sidewalks and bike paths that were a concern from the Planning Commission Meeting on the previous night. Mr. Deitz continued by saying that this development will be upscale housing and that Haverkamp Properties feels that the density of this particular project is needed in order for the owners to make money. He added that the traffic study would be conducted on March 24th by the same company that did the traffic study on Hwy 121 and the results would be available at the April meeting. Mr. Deitz pointed out several areas of green space throughout the project and stated that some of the parking lots also had landscape islands in them. There are no elevation plans available at this time. Tom Auer asked about the possibility of busing for the students that would live in this development. Mr. Deitz stated that there was a plan for bus stops, but the Transit Authority had not been contacted yet. Mr. Deitz concluded by pointing out the area where the proposed detention area system would be and explained that it would be designed so that the area would dry up quickly after a rain.

Ed Davis made a motion that the project be allowed to proceed forward to the next step as it was found to be compatible to the area. Kim Griffo seconded the motion and it carried with a 6-0 vote.

Questions and Comments: There were none.

Ed Davis made a motion to adjourn. Darren Jones seconded the motion and it carried with a 6-0 voice vote. The meeting adjourned at 5:50 p.m.