

**MURRAY BOARD OF ZONING ADJUSTMENTS  
REGULAR MEETING  
WEDNESDAY, JUNE 22, 2011  
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, June 22, 2011 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5<sup>th</sup> Street.

**Board Members Present:** Scott Seiber, Mary Anne Medlock, Steven Reed, John Krieb, and Bill Whitaker

**Board Members Absent:** Brad Darnall and Justin Pounds

**Also Present:** Candace Dowdy, Peyton Mastera, David Roberts, Reta Gray, Hawkins Teague and Scott Morris

Chairman Whitaker called the meeting to order at 4:30 p.m. and welcomed all guests and applicants. Chairman Whitaker asked if there were any changes, additions or deletions to the minutes from the May 18, 2011 regular meeting.

**Mary Anne Medlock made a motion to accept the minutes from the May 18, 2011 Board of Zoning Adjustments regular meeting as presented. John Krieb seconded the motion and the motion carried unanimously.**

**Review of Conditional Use Permit for Dunkin' Donuts Planned Development Project at 300 North 12<sup>th</sup> Street – Four Dough Holdings, LLC:** Candace Dowdy used a Power Point presentation to show the property at 300 North 12<sup>th</sup> Street where Four Dough Holdings, LLC is proposing to construct a 3,650 square foot building with two tenant spaces of equal size. The applicant is requesting a conditional use permit for Dunkin' Donuts Planned Development Project. Ms. Dowdy stated that during the May Planning Commission meeting this item was tabled until a revised preliminary plat was submitted to Planning Staff. Another public hearing was held on Tuesday, June 21, 2011 with the revised plat showing the noted changes as requested by the Planning Commission.

- The addition of a sidewalk along the south portion of the development
- Elimination of the three parking spaces on the east side of the property which creates more green space and separation from the Solomon property
- The dumpster area has been repositioned to give better access for sanitation pick up
- The fence along the east property line is shown with accommodations for the air conditioning unit next door
- The addition of a bio-retention area on the northeast section of the development.

Ms. Dowdy stated that all the changes that had been noted were reflected on the revised plat except the elimination of the Sharpe Street entrance. The Planning Commission unanimously approved the preliminary plat on June 21, 2011 for the project and they recommended that the BZA consider this project for a conditional use permit. Ms. Dowdy added that the only variance

that will be considered at this time will be the parking variance. The property is located at the intersection of North 12<sup>th</sup> and Sharpe Streets and currently consists of three lots for a total of 0.60 acres. A minor subdivision plat consolidating all three lots will need to be submitted to the Planning Department for review and approval prior to any permits being issued. This property is located in a B-4 zoning district which states that restaurants can be approved after they have been reviewed through the PDP process to make sure they are compatible to the area.

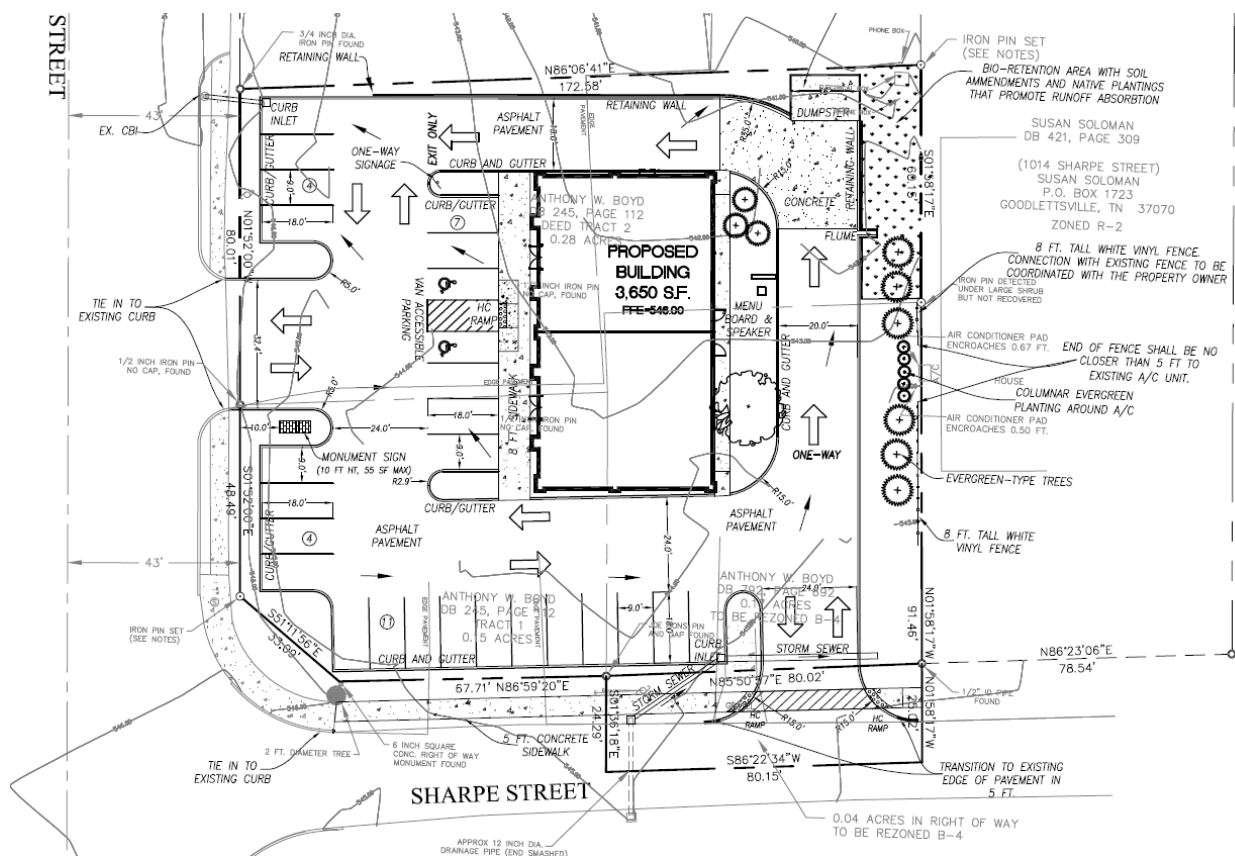
Dunkin' Donuts will occupy one side of the building and it is undecided at this time what will occupy the other side (possibly a smaller restaurant/sandwich shop). The site plan indicates each tenant space will have a maximum seating capacity of 30. The total parking requirements based on seating capacity plus six employees per business would be 28 parking spaces. The total requirements based on gross floor area would be 45 parking spaces. The site plan shows a total of 26 parking spaces; therefore, a 19 space parking variance will be required. (According to the City Ordinance, gross floor area and/or seating capacity are used to determine required parking spaces and whichever calculation is the greater number is the one they use.) Dunkin' Donuts will occupy the north side of the building and will have a drive-thru window while the south tenant will not. The site plan also indicates one access off 12<sup>th</sup> Street and one off Sharpe Street. Ms. Dowdy said that Mr. Blomquist had spoken to the Department of Transportation and their position on the entrances is to keep the entrance on 12<sup>th</sup> Street (since it is an existing curb cut). The DOT also prefers having one entrance off each street and located as far away from the intersection as possible on corner lots; therefore, the applicants are requesting to leave the entrances as they were previously shown.

Ms. Dowdy stated that Planning Staff has also discussed with the developers the extension of sidewalks from 12<sup>th</sup> Street back to the east property line. The developer has agreed to do that with the new site plan showing a proposed five foot wide sidewalk. The plan to extend the sidewalk from the end of Sharpe Street to connect to 10<sup>th</sup> Street is not in the current year's budget; however, it is certainly something that the city is looking into and hopefully will have completed in the next three to four years. The site plan has been reviewed by the Sanitation Department with the recommendation that the dumpster area be repositioned on the northeast corner of the property so that the front load truck can enter from Sharpe Street, pull right up to the dumpster for loading and unloading and then back up and exit off 12<sup>th</sup> Street.

Ms. Dowdy stated that Scott Morris, property owner, has been in contact with Susan Solomon, adjoining property owner, and is working with her to accommodate her requests. The property owners will be required to construct an eight (8) foot privacy fence along the east property line that adjoins the residential zoning district as well as a full landscaping plan. Ms. Dowdy added that Planning Staff had received e-mails from adjoining property owners and the biggest concern was the entrance off Sharpe Street. Ms. Dowdy stated that the site plan indicates that all signage will comply with the City of Murray regulations for the building as well as free-standing monument signage. One monument sign will accommodate both tenants with the overall square footage not being over 55 square feet. The property owners will be responsible for minimizing the impact of any additional runoff generated by this development whether it is through redirecting some of the flow to the 12<sup>th</sup> Street detention system or other natural retaining

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mechanism. The developers have discussed a few different possibilities with staff that will actually improve the current drainage situation at the northeast corner of the property. Ms. Dowdy showed the board members the map with the proposed green spaces.



Board member Steven Reed asked if all Ms. Solomon's concerns had been addressed to her satisfaction. Ms. Dowdy stated as far as she knew they had. She added that Ms. Solomon preferred to see the entrance on Sharpe Street removed; however, she was not absolutely against the entrance.

Chairman Whitaker opened the public hearing and asked if there was anyone that wished to speak in favor of the application.

Scott Morris, 129 Shadyside Lane, Gilbertsville, Kentucky was sworn in. Mr. Morris stated that he has been in contact with Ms. Solomon and they have addressed the majority of her concerns at this time; he believes that they have come to a suitable outcome. He said that the detention area is a little higher than the elevation of the property and will have bio-material to absorb drainage. Mr. Morris stated that the actual product will be made in the Paducah store and will be delivered to the Murray store; therefore, there will be no cooking odors coming from the site. Mr. Morris

added that 75% of the business would be done through the drive-thru and their typical busiest times would be from 6:30 – 8:30 a.m. He said that they believe that they will have adequate parking to service their customers. Mr. Morris added that the business they allow to go next door would not conflict with Dunkin' Donuts' peak morning hours. Mr. Morris concluded that they are looking forward to opening a store in Murray and can't wait to get it under construction.

Chairman Whitaker said that he thinks that Mr. Morris is looking ahead at who the other tenant will be in order to avoid future traffic jams or parking situations. Mr. Morris agreed and he added that whomever they choose will not be in competition with Dunkin' Donuts either. John Krieb asked if they had chosen that tenant yet. Mr. Morris said they had not; however, he is in discussions with some interested parties. He added that they are going to construct the entire building and finish the one side out as a spec space. Mr. Krieb asked when the donuts would be delivered. Mr. Morris said that they have planned for the delivery to be 15 minutes before they open each morning. *David Roberts and Peyton Mastera entered the meeting at 5:15 p.m.*

Scott Seiber asked if they had thought about the possibility of having a bio-area where the speaker board is located where the water run-off from the roof could go. Mr. Morris stated that according to the plans he believed that the drainage from the roof would go to one location and be piped under the parking lot to the bio- area.

Chairman Whitaker asked if there was anyone that wished to speak in opposition to the application. There was no one. Chairman Whitaker closed the public hearing and turned it over to the board for discussion.

Ms. Dowdy wanted the board members to be aware that Planning Staff typically tries to keep things out of the 50 foot clear zone and in this instance a portion of a few parking spaces will fall within that zone. She stated that they do not think that this will present a problem as traffic from Sharpe heading west already pulls up past the current STOP sign in order to see back to the south before entering onto 12<sup>th</sup> Street. *Peyton Mastera showed pictures of cars actually sitting past the STOP sign waiting to pull out.*

**John Krieb made a motion to approve the Conditional Use Permit application of Dunkin-Donuts for the proposed Planned Development Project at 300 N. 12<sup>th</sup> Street contingent upon final plat approval by the Murray Planning Commission and the development meeting all city regulations including signage and lighting requirements that will be specified. In addition: approve a 19 parking space variance with recognition that 6 parking spaces will protrude within the 50 foot clear zone with the findings that this variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. Mary Anne Medlock seconded the motion and the motion carried with a 5-0 voice vote.**

**Questions and Comments:** Steven Reed stated that Cash Express had moved to where the Red Barn was previously located. He stated that he had noticed some inflatable signage at the location and wanted to know if it was permitted. Mr. Mastera stated that it was not allowed and that Jennifer Tolley had already contacted them. Mr. Reed asked what was located in the building where Stokes Appraisal once was located. Ms. Dowdy stated that the same gentleman that bought the house at 12<sup>th</sup> and Olive for his son to operate Tangier Productions in has recently purchased that building also. She added that the BZA had previously approved a conditional use permit for the son to also reside in the house. Mr. Reed stated that he had been contacted by someone stating that the vehicles that were parked there did not have stickers. Ms. Dowdy said that they would report that to the City Clerk.

**Adjournment:** Scott Seiber made a motion to adjourn. John Krieb seconded the motion and the motion carried with a unanimous vote. *The meeting adjourned at 5:28 p.m.*

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Chairman, Bill Whitaker

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Recording Secretary, Reta Gray