

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, SEPTEMBER 19, 2012
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, September 19, 2012 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5th Street.

Board Members Present: Bill Whitaker, Scott Seiber, Mary Anne Medlock, Justin Pounds and John Krieb

Board Members Absent: Steven Reed and Brad Darnall

Also Present: Candace Dowdy, Justin Crice, Warren Hopkins, David Roberts, Reta Gray, Glen Peters, Brad Wedel, Gerald Bell, Hawkins Teague and public audience

Chairman Whitaker called the meeting to order and welcomed all guests and applicants. Chairman Whitaker asked if there were any changes, additions or deletions to the minutes from the August 22, 2012 regular meeting. Candace Dowdy noted one correction to the Conditional Use Permit that was granted for Daniel Yong at 907 Coldwater Road.

John Krieb made a motion to accept the minutes from the August 22, 2012 Board of Zoning Adjustments regular meeting as corrected. Scott Seiber seconded the motion and the motion carried unanimously.

Compatibility Hearing: Proposed residential PDP in the 2000 block of College Farm Road – Glen Peters & Brad Wedel: Candace Dowdy used a Power Point presentation to show the property in the 2000 block and north side of College Farm Road, where Glen Peters and Brad Wedel are proposing to purchase a 2.137 acre tract of land. The property is currently owned by Terry Parker-Bell and not in the city limits. The property owner has requested the property be brought into the city limits of Murray and zoned for multi-family use. Mr. Peters and Mr. Wedel would like to develop this property as a multi-family residential planned development project. Ms. Dowdy stated that the process has started for the annexation as it was brought before the Planning Commission the previous night and at the same meeting the proposed project was reviewed in an advisory meeting. Since this property is located in the county, there is currently no zoning. The properties surrounding the site are mostly government, R-2 or R-4 zoned; however, there is still one area that is north of North 20th Street where there are several duplexes that are not within the city limits. Ms. Dowdy stated that if the property is ever brought into the city limits it could possibly be zoned as R-2 (single family) since it is mainly duplexes that could be used as single family homes. The 2009 Comprehensive Plan identifies the area as low density residential and would have to be amended if the annexation is approved and the zoning is set as R-4. Ms. Dowdy said that the plan is to leave as many trees as possible along the east and west property lines as well as the front of the development for screening. The site plan shows developing this property with 36 one-bedroom units. The units are currently shown as being 18' X 32' in dimension. Concrete walkways and patios are also shown on the site plan. College Farm Road is a state road; therefore, the developers will need to talk to the state about traffic issues. Ms. Dowdy stated that the heavy traffic situation on College Farm Road was brought up at the Planning Commission meeting. She said that there is a new development on Jones-Sparkman Road and the majority of that traffic uses College Farm Road. In addition to this, there is another proposed PDP by Mr. Tony Nolcox that is to the southeast of this property. John Krieb stated that during certain times of the day the traffic is worse and those are at the beginning and the end of the school day for Calloway County High School. He added that there is a need for single type homes for individuals or students in the community. At the Planning Commission meeting the previous night, Commissioner Tom

Kind stated that he lives on Sherry Lane, which is off College Farm Road, and he agreed that traffic is very heavy during the beginning and end of the school day. He added that at other times, there is hardly any traffic and there is no problem pulling onto College Farm Road. Mary Anne Medlock stated that she had brought up the Future Land Use at the previous night's meeting because the property is shown as low density and the request is to zone the property as R-4. She added that when they look at updating the Land Use, they look at the area and how a rezone will affect the area. The proposal is a concern for her, but at the same time if they can alleviate some traffic by targeting certain students that might be associated with the college farm that might help the situation. Scott Seiber said when they look at compatibility; they look at each proposal on an individual basis. He is concerned because College Farm Road cannot be changed or widened. Ms. Dowdy said that the six year highway plan with the state indicates possibly a turning lane being added a little west of this property to go past the schools. David Roberts added that the project design is funded and they are now looking at approximately a half mile stretch in that area to see if there is adequate room for a turning lane. He said that there is also a possible Doran Road extension project that is being discussed for a bypass to go from Main Street (Hwy 94W) to Hwy 121 North to relieve some of the traffic on Main, 12th and 16th Streets. Ms. Dowdy said that the developers also mentioned that this project would target college students that are part of the rodeo club at MSU. The developers are hoping students will rather walk than drive, since the project is in close proximity to MSU and the MSU farm. Ms. Dowdy stated that a "T" turnaround is shown on the site plan for emergency vehicles and sanitation pickup access. A dumpster pad is shown on the east side of the "T" turnaround. There is one twenty-four foot entrance off College Farm Road that continues through the development with seventy-two (9' X 18') parking spaces shown. This will provide two spaces per dwelling unit and should be adequate for the development. The site plan shows the buildings more in line with the other existing structures along College Farm Road with a deeper front setback than required. Ms. Dowdy reminded the board that they are reviewing the proposal to see if it compatible to the area. The board asked for one of the developers to come forward to answer questions.

Glen Peters, 4730 High Road, Sedalia, Kentucky came forward. Ms. Medlock asked how much the rent would be for these apartments. Mr. Peters stated around \$450.00 a month. Ms. Medlock said that there seems to be a lot of one bedroom apartments becoming available and college students can't typically afford a high rent.

Chairman Whitaker asked if anyone else would like to say anything. There was no one. Chairman Whitaker said that they were ready for a motion.

Scott Seiber moved that the project is compatible to the area. Justin Pounds seconded the motion and the motion carried with a 5-0 voice vote.

Questions and Comments: Ms. Dowdy gave the board members copies of the proposed text amendments regarding zoning regulations pertaining to the ABC Ordinance that was recently adopted by the City Council. This went before the Planning Commission for discussion purposes the previous night. They felt that the BZA should have a copy of what is being proposed. She stated that the Planning Commission moved that they will conduct a public hearing during the October meeting to review these changes. If this proposal is approved and passed, it will affect the Board of Zoning Adjustments. The changes are indicated in the underlined sections:

Chapter 156.037 BUSINESS DISTRICTS.

- (A) B-1 Neighborhood Business Districts**
 - (5) Prohibited uses.

(a) Anything not listed above is prohibited and no use shall be permitted by the Board of Zoning Adjustments as a conditional use which would be detrimental to the development of other neighborhood businesses or residents.

(d) Nightclubs, bars, taverns and similar type businesses

(B) B-2 Highway Business District and B-3 Central Business District.

(2) Permitted principal uses.

Any use permitted in the B-1 Business District with the exception that Restaurants in a B-2 zone are allowed to have

(4) Conditional use.

(h) B-3 Any restaurant or retail sales business with a drive up window.

(i.) B-3 (Within Historic Overlay District Only) Sidewalk Cafes

(j) B-2 & B-3 Nightclubs, bars, taverns and similar type businesses

(C) B-4 Medium Density Business District.

(2) Permitted principal uses.

(a) Any use permitted in the B-1 business district with the exception of restaurants.

(5) Prohibited uses.

d) Nightclubs, bars, taverns and similar type businesses

Chapter 156.039 INDUSTRIAL DISTRICT

(E) Prohibited uses.

(3) Packaged liquor stores, nightclubs, bars, taverns and similar type businesses

Chapter 156.004 - Definitions

~~“RESTAURANT.” An eating establishment whose primary use is designed to permit or facilitate the service of meals, sandwiches, ice cream, beverages, or other food served directly to, or permitted to be consumed by patrons within the building, in automobiles or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site or outside the main building.~~

“RESTAURANT” means a facility where the usual and customary business is the serving of meals to consumers, that has a bona fide kitchen facility, and that receives at least fifty percent (50%) of its food and beverage receipts from the sale of food.

Adjournment: Scott Seiber made a motion to adjourn. Justin Pounds seconded the motion and the motion carried unanimously. The meeting adjourned at 5:10 p.m.

Chairman, Bill Whitaker

Recording Secretary, Reta Gray