

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, OCTOBER 16, 2013
5:00 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, October 16, 2013 at 5:00 p.m. in the council chambers of City Hall located at 104 North 5th Street.

Board Members Present: Josh Vernon, Scott Seiber, Bobbie Weatherly, John Krieb, Brad Darnall, Mary Anne Medlock and Terry Strieter

Board Members Absent: None

Also Present: Candace Dowdy, Justin Crice, Reta Gray, Jennifer Tolley, Hawkins Teague, Tung Dinh and public audience

Chairman Krieb called the meeting to order and welcomed all guests and applicants. Candace Dowdy swore in new board member Terry Strieter. Justin Crice reviewed a few minor changes that had been brought to his attention. Chairman Krieb asked if there were any additional changes that needed to be made to the minutes from the September 18, 2013 regular meeting.

Mary Anne Medlock made a motion to approve the BZA minutes from the September 18, 2013 regular meeting as amended. Brad Darnall seconded the motion and the motion carried unanimously.

Compatibility Hearing: Proposed Residential Planned Development Project located at 807 & 809 Coldwater Road – Tung Dinh: Candace Dowdy used a Power Point presentation to show the property at 807 & 809 Coldwater Road that is owned by Tung & Giao Dinh. There are two separate tracts of land totaling approximately four acres. The front portion is zoned B-2 (Highway Commercial) and the back portion of this property was rezoned from R-2 to B-1 (Neighborhood Commercial) in 2006. At that time, the Dinh's indicated they would like to put a fitness center on the property at 809 Coldwater Road and possibly a daycare center at 807 Coldwater Road. The Quest Fitness Center was built and is located on the north tract at 809 Coldwater Road; however, the Dinh's did not move forward with the daycare. They are now proposing to add residential apartments to both lots. Ms. Dowdy explained that when Mr. Dinh had originally built the fitness center, he was only required to have a building permit since that proposal was for one business on each lot; however, this development will have to be reviewed as a planned development project because of multiple buildings being proposed on each lot and because of the residential use being located in a business zoning district. Ms. Dowdy added that the purpose of this meeting was for the BZA to decide if this project is compatible to the area. Ms. Dowdy reviewed some PDP's in the immediate area that had previously been brought before the board. The property has a 24 foot wide shared entrance (drive aisle) off Coldwater Road that goes all the way to the west property line. There are 118 existing parking spaces that were initially provided for the fitness center and the proposed daycare. Mr. Dinh is required to have 60 parking spaces available for his day-to-day operation; however, when he has special events a couple of times during the year he might use about 80 spaces. If this project moves forward, the excess parking spaces can fulfill some of the required parking requirements for the proposed development. Chairman Krieb asked how many parking spaces would be required for the additional residential area. Ms. Dowdy replied that the requirement would be 84 parking spaces; however the board has been comfortable with allowing 1.5 parking spaces per unit on recent developments versus the 3 parking spaces that is required. Additional parking for the residential units will be provided behind the three proposed buildings located to the front of the property. It was also discussed at the Planning

Commission meeting to eliminate some of the proposed parking since parking is plentiful on the two lots. Ms. Dowdy added that Mr. Dinh will still have additional spaces left for overflow parking.

The site plan indicates adding four buildings with a total of 28 units. The owners have proposed 20 two bedroom units and 8 one bedroom units totaling 48 bedrooms. Three of the proposed residential buildings will be situated in the green space nearest to Coldwater Road and are proposed as two stories. The fourth building will be located directly to the south of the fitness center and is proposed as a one story building. Ms. Dowdy then discussed the existing sidewalks on the property and noted that the Planning Commission had suggested that the existing sidewalks be connected to the new sidewalk that is to be constructed along Coldwater Road. Ms. Dowdy continued to say that there was some discussion as to the development only having one entrance. Ms. Dowdy noted that the road frontage for both of these lots is approximately 194 feet but Mr. Dinh was planning to use the existing entrance. The Planning Commission suggested a drive aisle connection be added between the proposed parking for the southeast buildings to the existing parking lot in case of a disaster. Mary Anne Medlock suggested, in the Planning Commission meeting, that the two buildings in the southeast corner be pushed apart with the drive aisle placed in between them to add more green space to the property. Ms. Dowdy stated the property does have some underground stormwater detention in place but will need to be recalculated for the additional buildings being placed on this site. Ms. Dowdy stated that Mr. Dinh explained last night that he had operated his after school program in the Fitness Center in the past but has since stopped offering that service about three years ago. Mr. Dinh also had stated that the fenced-in playground area which was used for the after school program would be removed. Fire Marshal Dickie Walls has reviewed the site plan and approved the accessibility route to the buildings.

Ms. Dowdy said if this project moves forward, sanitation pickup will need to be addressed. Chairman Krieb said that there were some comments made at the Planning Commission meeting about people exiting the fitness center and traffic not stopping before merging on to Coldwater Road. It was suggested that a speed bump and/or stop sign might eliminate that problem. Terry Strieter asked if the current height regulations for a two story buildings is 35 feet. Ms. Dowdy replied that was correct. Scott Seiber commented that it is refreshing to see the abundant amount of green space proposed with this development. Mary Anne Medlock stated that the proposed development's density would be around 9.5 units per acre (minus approximately one acre for parking) which is lower than some of the other residential projects that have been developed recently. Mr. Strieter asked if the surrounding residents had any complaints about this proposal. Ms. Dowdy replied that there were some comments during the rezoning about the western part of this property. There were concerns about the Dinh's owning adjoining property on College Farm and if they would be making a drive-thru access into the residential area; however, Mr. Dinh explained at the Planning Commission meeting that he had sold the adjoining property. Ms. Dowdy continued to say that a drive-thru from a commercial zone to a residential zone (or vice-versa) was not allowed and that things like noise and screening requirements were addressed during the rezoning process. Ms. Dowdy said that there is a privacy fence meeting screening requirements in place where the property is adjacent to residential zoning to the North, South, and West. There is also some additional natural screening along the west side of the property; however, additional landscaping and buffers will need to be discussed if the project moves forward. Chairman Krieb said that Mr. Dinh was present to answer any questions that the board might have.

Scott Seiber made a motion that the proposed residential planned development project for Tung Dinh at 807 & 809 Coldwater Road is compatible to the surrounding area. Brad Darnall seconded the motion and the motion passed with a 7-0 roll call vote.

Election of Officers: Ms. Dowdy stated that the current slate of officers follows:

Chairman – John Krieb
Vice Chairman – Justin Pounds (resigned a couple of months ago)
Secretary – Scott Seiber

Ms. Dowdy continued that it was not her place to make a nomination for the slate of officers; however, she had spoken to John Krieb and asked if he would be willing to serve again as the Chairman. Mr. Krieb indicated that he would. Chairman Krieb talked to Josh Vernon and Scott Seiber and asked if they would be interested in serving as Vice Chairman and Secretary respectively. They both said they would.

Mary Anne Medlock made a motion to accept John Krieb as Chairman, Josh Vernon as Vice Chairman, and Scott Seiber as Secretary for the slate of officers for 2014. Brad Darnall seconded the motion and the motion carried unanimously.

Questions and Comments: Chairman Krieb thanked Brad Darnall for his service as a member of the BZA for the past years. Brad has resigned his position and this will be his last meeting. Ms. Dowdy also thanked Brad for his service and told him that he would be missed. Chairman Krieb welcomed Terry Strieter to the board.

Adjournment: Josh Vernon made a motion to adjourn. Brad Darnall seconded the motion and the motion carried unanimously. *The meeting adjourned at 5:35 p.m.*

Chairman, John Krieb

Recording Secretary, Reta Gray