

**MURRAY BOARD OF ZONING ADJUSTMENTS  
SPECIAL MEETING  
WEDNESDAY, NOVEMBER 6, 2013  
4:30 P.M.**

The Murray Board of Zoning Adjustments met in special session on Wednesday, November 6, 2013 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5<sup>th</sup> Street.

**Board Members Present:** Josh Vernon, Scott Seiber, Bobbie Weatherly, John Krieb, Linda Scott and Terry Strieter

**Board Members Absent:** Mary Anne Medlock

**Also Present:** Justin Crice, Reta Gray, Jennifer Tolley, David Roberts, Mr. and Mrs. Roger Ciarrocchi, Linda Grey Houck and public audience

Chairman Krieb called the meeting to order and welcomed all guests and applicants. Planning Assistant Jennifer Tolley swore in new board member Linda Scott. Chairman Krieb asked if there were any changes that needed to be made to the minutes from the October 16, 2013 regular meeting.

**Josh Vernon made a motion to approve the BZA minutes from the October 16, 2013 regular meeting as presented. Bobbie Weatherly seconded the motion and the motion carried unanimously.**

**Public Hearing: Review of conditional use permit request to operate a wine sales and tasting business at 117 South 12<sup>th</sup> Street – Roger Ciarrocchi:** Justin Crice used a Power Point presentation to show the property at 117 South 12<sup>th</sup> Street. A 1215 square foot building is located on this tract of land (which is approximately 1/3 acre in size). It is zoned B-4 (Medium Density Business District) and surrounded by B-4 zoning to the North and South, R-4 (Residential zoning) to the east, and B-2 (Highway Commercial) to the west. Mr. Crice stated that Roger Ciarrocchi is looking to purchase the property. This is the previous location of Domino's Restaurant in Murray, KY which moved across the street to their new building in 2012. This property was granted a conditional use permit to allow a restaurant to operate in a B-4 Zone on November 21, 1990. Mr. Ciarrocchi owns the Paris Winery, located south of Paris, TN, and would like to expand his business to Murray by opening a wine sales and tasting business at this location. Planning Staff spoke with ABC Officer Kendra Clere, and she stated the license Mr. Ciarrocchi would be applying for is a Small Farm Winery License and that this type of license is state approved only with no local approval required by the city ABC Officer. Mr. Ciarrocchi has indicated that he thinks the NE corner of 12th and Poplar would fit his business plan because of the high traffic volume along the 12th Street (Hwy 641) corridor. Mr. Ciarrocchi also wants to manufacture small amounts of wine on the premises that will be consumed and sold at this location. He indicated that if his business is successful, he might want to add an additional story to the building for a small restaurant. Mr. Crice stated that the Zoning Ordinance states, under the B-4 Medium Density Business District, the BZA may consider the following as a conditional use; *other limited business uses which the Board of Zoning Adjustments find to fall within the intent of this zone that will not be more obnoxious or materially detrimental to the public welfare or to property in the vicinity of said use shall be considered a conditional use.*

Mr. Crice explained that the old free-standing sign would have to come down since it is not in compliance with the current sign ordinance and any new free-standing sign for the business would be required to be a monument style sign. The building is located on a corner lot which allows two wall signs. There was a previous variance granted for an additional wall sign on the south side of the building prior to amendment of sign ordinance. Mr. Ciarrocchi will be allowed to have two walls signs pursuant to the current

ordinance and a free standing sign. Mr. Crice also explained that there is a 30 x 90 foot area on the east side of the property that was formerly used for parking for the employees of Domino's; however, that parking area will be required to be paved within a year if it is to continue to be used as a parking area. Mr. Ciarrocchi has indicated that he intends on putting up screening on the north and east sides of the property. This screening is required since the property adjoins a residential zone.

Mr. Crice continued on to say that the owner is looking at using the current pick-up window on the east side of the building as a drive-up window for retail service. There is a dumpster area currently on the northeastern corner of the property which may be removed to provide additional parking.

Mr. Ciarrocchi would like to manufacture small amounts of wine on the premises and sell it at this location. The business that Mr. Ciarrocchi owns in Paris Tennessee has a small restaurant. A small restaurant is a future possibility for this site and if this does occur, parking requirements will be addressed at that time. The building official will also have to give approval for a second floor to be added. Mr. Strieter asked what was considered to be a "small amount of wine". Mr. Crice clarified that the state says it should not exceed 6 oz. per patron per day as far as tasting regulations. As far as storage, Mr. Crice thought the amount they would be able to store at that site would be an acceptable amount because of their limited space. Mr. Crice added that he had not received any comments from any of the neighbors that were sent notification of the meeting. All adjoining property owners and adjacent (across the street) property owners were notified as well as the newspaper. Mr. Crice added that notification for the meeting was posted on the City's Facebook page and City website.

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

Roger Ciarrocchi, 2982 Harvey Bowden Road, Paris, Tennessee was sworn in. Mr. Ciarrocchi stated that they want to be a good addition to the city and improve the looks of the corner of South 12<sup>th</sup> and Poplar. For screening purposes Mr. Ciarrocchi plans on adding a small rock wall and shrubbery along the north and eastern property lines. Shrubby will be added on the southwest corner to add to the overall appearance. Mr. Ciarrocchi gave the dimensions from the paved areas to the property lines on the east and north sides of the building. To enhance the looks of the property, he plans to work on the existing concreted areas that are not in good shape and at the same time concrete the graveled area for additional parking. He said that a year should be plenty of time to get the concrete work completed. Mr. Ciarrocchi addressed the dumpster area and said that he did not see a need for an actual dumpster since he would not have that much trash. He thinks that a couple of rollout trash containers will be sufficient for their needs. The concrete in the dumpster area actually rises up and if they should do away with that area all together, there would be additional room for more parking spaces. Mr. Ciarrocchi referred to the air conditioning units as being very large and said there are actually two units on the roof when they only see the need for one. Mr. Ciarrocchi said they plan to remove one of the units and situate the other one where it would be roof mounted eliminating the need for the supporting poles thus giving a clear path for drive-thru customers. Chairman Krieb suggested that maybe the poles were there for support because the roof was not structurally sound enough to mount the units directly to the roof. Mr. Ciarrocchi replied that he thought since the building is made out of concrete blocks the weight could be supported but they would check into that. Mr. Ciarrocchi spoke some about the history of the Paris Winery (At this time Mrs. Ciarrocchi passed out brochures of the Paris Winery to the board members.)

Mr. Ciarrocchi stated that his hours of operation would be 10-8 Monday thru Saturday (maybe 9 on Saturday). He said that he had checked with the ABC regulations and was informed that no alcohol is served or sold on Sundays in Murray; therefore, he will be closed that day. Mr. Ciarrocchi described the manufacturing process for wine making and the future layout of the facility. There will be a cold area where they will store the wine that they bring from their Paris location. The size of this building is

adequate for making small amounts of wine (50-100 bottles of wine per variety). Mr. Ciarrocchi said that when he talked to Ms. Dowdy she had asked him if there would be any noise or toxic fumes generated at the site. He said that when fermenting wine there is little CO<sub>2</sub> that is generated and that comes off as a nice fragrance. As far as noise, they use a couple of small pumps at the Paris location and if you are outside the building you can't hear them running. The wall separating the actual manufacturing area from the tasting/retail side will block the noise from going outside that area. They will have a monitor to watch the CO<sub>2</sub> levels to see if they will need any kind of a vent system. He added that the pizza restaurant had the existing vent near their pizza ovens and it would be easily redirected to the manufacturing side. A certain amount of CO<sub>2</sub> is needed to keep everything from spoiling and it keeps the fruit flies down. There will mostly be juices and concentrates brought from the Paris facility to manufacture the wine in Murray. The only thing left to discard after the fermenting process will be sediment unlike the Paris facility where they have the stems and skins to dispose of.

Mr. Ciarrocchi stated that before they do any future expansion, they would definitely see Planning Staff. The public will actually determine what they do with the building. If they do well and decide to put a second floor on this building, they would have an engineer look at it to see if it is structurally sound. He anticipates that will be at least a couple of years down the road before they get to that point and of course it depends upon the sales. Ms. Weatherly asked Mr. Ciarrocchi if he had enough wine at the Paris facility to supply the Murray facility with wine for sales and tasting without manufacturing in Murray. Mr. Ciarrocchi stated that they did; thus, it would be a while before he would actually begin manufacturing the wine in Murray. They have such a stockpile that they just signed with a distributor and sent out their first order. Their grapes have produced in great abundance this year and with the Concord grapes alone, they have produced over 2,000 gallons. Chairman Krieb asked if they were obligated to have public restrooms in their facility. Mr. Ciarrocchi replied that he was not aware of anything, but later on they would like to have at least one bathroom for the public. He continued that after a person has a few tastes of wine, they make their purchase and leave; therefore, there really isn't a need for public restrooms since the customer is not really there that long. Mr. Ciarrocchi said if they are approved by the state, they will actually purchase the building and start the renovation. Mr. Ciarrocchi added that Kentucky has different restrictions than they have in Tennessee. Mr. Seiber asked if they would be gutting the building. Mr. Ciarrocchi stated that they would not and he explained the minor changes that would be made to the inside layout. Mr. Seiber then asked about the number of customers they would average. Mr. Ciarrocchi said that in the Paris facility Sunday thru Thursday are slower days. They could have as few as 4 customers or as many as 20; however, there are anywhere from 20 to 100 people on Fridays and Saturdays with Saturday being the biggest day. Mr. Ciarrocchi said that during the Holiday Seasons, it gets very busy for them. Mr. Seiber continued to say that this space is approximately 1/3 acre and if there were 15 to 20 cars there at one given time, the parking might present a problem. Mr. Ciarrocchi used a picture of the lot to show the proposed parking and an idea for future parking (if needed) along the 13 feet of green space to the north of the building. Mr. Crice stated that the parking requirements are 6 spaces for a 1200 square foot retail building and they will be meeting that requirement. Mr. Seiber was concerned if a top floor for a restaurant was added if the parking would then be adequate. Mr. Crice explained that each business use would have to meet parking requirements at that time. Mr. Vernon asked if they intended on selling anything other than wine. Mr. Ciarrocchi replied nothing except for retail items related to wine such as corkscrews. There was a concern by some of the board members about wine tasting being taken outside of the building. Mr. Ciarrocchi said that if he should decide to build a second story he may have a balcony for the restaurant where people may sit and enjoy a glass of wine, but he does not see any reason for anyone to want to sit outside and drink wine with the location being right on a heavily traveled street and the scenery as it is now.

Linda Grey Houck, 800 Sycamore Street, Murray was sworn in. Ms. Houck stated that she and her husband had visited Mr. Ciarrocchi's business in Paris. She remarked that it is a beautiful place and she

spoke very highly of the quality of work that is produced in their establishment. Ms. Houck added that whatever they do to the corner of South 12<sup>th</sup> and Poplar will be an improvement over what it is right now. Ms. Houck concluded that she hopes they are allowed to have a retail business as they requested and that their business will grow to be able to support a restaurant. Ms. Houck concluded that she is sure it will be done tastefully.

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

Mr. Crice reviewed the Zoning Ordinance again. He explained that this proposal is not a listed permitted use but the applicants are requesting the conditional use permit to allow the business to operate in the B-4 zone if it falls within the intent of the zoning district. Mr. Vernon then read the B-4 intent portion of the Zoning Ordinance. Mr. Seiber said that a lot of his questions had been based on the 21 years that he had served on the Board. He said that he has seen a lot of businesses try to go in an area that is not equipped to handle additional traffic and that has not been a good situation for a lot of those properties; however, he does not think that is one of those properties. He continued that this proposal in his opinion would be a very good fit; however, if they decide to look at putting a restaurant on this corner, he cautioned the board and told them they should take a good hard look at that. He added that he has visited the business in Paris and it is a very nice facility. He said that he is inclined to think that this business will be the same. Mr. Vernon commented that since the property has entrances off Poplar and South 12<sup>th</sup> Street an "L" shaped vehicle circulation would work just fine on the southeastern side of the property and he encouraged Mr. Ciarrocchi to look at that suggestion. Ms. Weatherly stated that anything to improve the looks of that corner would be good for the city. Chairman Krieb reviewed the signage, graveled parking area and the screening requirements and said that he thought the screening should be specified in the motion. Mr. Strieter asked if there were any known drainage problems. David Roberts stated that there does not appear to be any issues with drainage.

**Josh Vernon moved to approve the conditional use permit for a retail wine sales and tasting business for Roger Ciarrocchi at 117 South 12<sup>th</sup> Street. This permit is for this business only (which includes wine tasting, retail sales and limited manufacturing) and any expansion of the business will require review and approval by the Board. Screening must be provided to all adjacent residential uses of land to the north and east, and the property must meet all other city regulations. In addition, the existing street sign frame will be required to be removed and replaced with a monument sign as required by the Zoning Ordinance and the graveled area on the east end of the site will also be required to be turned into a hard surface as required by the city within one year from the date of this meeting. Scott Seiber seconded the motion and the motion carried with a 6-0 roll call vote.**

**Questions and Comments:** None

**Adjournment:** Josh Vernon made a motion to adjourn. Scott Seiber seconded the motion and the motion carried unanimously. *The meeting adjourned at 5:25 p.m.*

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Chairman, John Krieb

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Recording Secretary, Reta Gray