

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, JUNE 17, 2015
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, June 17, 2015 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5th Street.

Board Members Present: John Krieb, Dennis Sharp, Mary Anne Medlock, Terry Strieter, Josh Vernon and Mike Faihst

Board Members Absent: Bobbie Weatherly

Also Present: Candace Dowdy, Robert Jeffries, Summer Grogan, Reta Gray, David Roberts, Attorney David Perlow, Hawkins Teague, Andy Gupton, Bobby Deitz, Rick Johnston, Troy Stovall, Marcia Dorgan and public audience

Chairman Krieb called the meeting to order and welcomed all guests and applicants. Corrections were noted to the minutes from May 20, 2015 regular meeting.

Mike Faihst made a motion to approve the BZA minutes from the May 20, 2015 regular meeting as amended. Terry Strieter seconded the motion and the motion carried unanimously.

Compatibility Meeting: Residential planned development project to be located in an R-4 Multi-Family Zoning District located on Poplar Street – Andrew Gupton: *Josh Vernon recused himself at 4:30.* Robert Jeffries showed a rendering received from Andy Gupton of the proposed residential planned development project that he plans to develop on Poplar and South 15th Streets. The multi-family unit development will be located in an R-4 zoned area on lots 1403, 1405, 1407 and 1409 Poplar Street as well as 203 and 205 South 15th Street. The development also includes the vacant lot located between South 15th Street and Woodlawn Avenue. The project will have a total of 46 units (44 new & 2 existing). The two existing houses included in this project are on South 15th Street. At this time Mr. Gupton is proposing to construct two story townhouses with one and two bedroom units except for a handicap unit and an office that will be single story. Dickie Walls, Fire Marshal has reviewed the plat and is okay with the access to all units. Building setbacks, screening requirements, parking and stormwater detention will be addressed as the proposal moves forward. The entrance will be located on Poplar Street. There were concerns about saving as many trees as possible on the property. Chairman Krieb asked Mr. Gupton to come forward.

Mr. Gupton explained that he is in favor of saving trees on the property; however, some of the trees are diseased and some have been severely damaged by previous ice storms and it will be necessary to remove those trees. Hopefully, there will be several trees that he will be able to save. The homes located on South 15th are in pretty good shape; thus, they will not require a lot of maintenance. He added that he would be cleaning up the landscaping and planting some new items at two homes located along South 15th Street. Mr. Gupton said the area is flat and they have intentions to improve the drainage to the property. The demand is for more two-bedroom than one-bedroom units; thus he will build to that demand. This proposal is well below the

density requirements. There will be six to eight bike racks and sidewalks throughout the development providing easy access to MSU and Murray Independent Schools.

Mike Faihst made a motion to approve the proposed residential planned development project, known as Poplar Place Development, as being compatible to the surrounding area. Mary Anne Medlock seconded the motion. The motion carried with a 5-0 roll call vote. Josh Vernon reentered the meeting at 4:45 pm.

Public Hearing: Dimensional Variance to place a monument style sign in the 50 foot clear zone with a side setback variance, located at 800 Coldwater Road – Troy Stovall: Candace Dowdy explained that the Planning Department received a dimensional variance application from Troy Stovall to place a monument sign in the 50 foot clear zone at the intersection of Coldwater Road and North 16th Street. (No objects that impair vision are allowed in a 50 foot clear zone.) A clear zone is measured at the intersection of two right-of-way/property lines; creating a triangular zone by connecting the two 50 foot points. Mr. Stovall's site plan depicts a monument sign constructed approximately 35 feet back from the intersecting points of two right-of-way/property lines along North 16th Street and Coldwater Road. The proposed sign will be facing the intersection and will be a total of six and a half feet tall and eight feet wide, with a side setback of eight feet from each property line. This property is unique as it has a triangular shape. When Mr. Stovall purchased this property there were two canopies along the front of the building. In removing these, he found that the canopies had blocked a lot of heat from the front of the building; therefore, he would like to construct a covered porch area on the front. In a B-2 zone the building should have a 50 foot setback. This building is only set back 42 feet. If a covered porch is added, the porch will come out another seven feet resulting in the need for another setback variance. Since this item was coming before the board for approval of the sign placement, Mr. Stovall wanted to ask for approval of the porch at the same time. Ms. Dowdy showed a site plan/rendering of Mr. Stovall's building proposal. The rendering is showing greenspace and small low growing shrubbery along the southeast portion of the property. Ms. Dowdy reviewed similar requests for signs located within the 50 foot clear zone that have previously been approved by the board. Adjoining property owners were notified. Planning Staff received a reply from the Pittman property and from Murray State. There were no objections to the sign; however, Mr. Youngblood from MSU indicated that there was a concern for pedestrians and vehicles traveling through the intersection at Five Points. He asked that the "sight lines" be looked at and evaluated before approval of a monument sign at this location.

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

Troy Stovall came forward and was sworn in. Mr. Stovall is the applicant for this request. He bought this property for visibility and chose the location for the sign to actually avoid traffic cut-through on the lot. He does not think the sign will be blocking visibility. He is proposing to improve the looks of the property by adding a covered porch to the front, along with brick, defined parking and a landscaped green area. Mr. Stovall could add a pole sign, but he did not think it was as appealing. He said that the lot is just not big enough to put a monument sign behind the 50 foot clear zone. It was his opinion that the sign would not be visible if it were pushed back any further and that he would lose parking spaces. The question was asked how the

round-about would effect this sign placement. Mr. Stovall stated that the previous owner had spoken to the Kentucky Transportation Department and they had indicated that the round-about was not going to happen because the state did not have the money; thus, they were not interested in purchasing this property for right-of-way. Mr. Stovall spoke to Keith Todd (who is a spokesman for the Kentucky Highway Department) and he indicated that it could be 15 or 20 more years before the round-about was constructed at that intersection. The state's main focus is the college students crossing 16th Street. Mr. Stovall explained that the rendering is not per scale; it is simply a drawing to depict the overall look of the front of the building, landscaping, parking area and sign. There was discussion concerning the pedestrians crossing the street and how dangerous the intersection at Five Points is. *David Roberts left the meeting at 5:31 pm.*

Marcia Dorgan came forward and was sworn in. Ms. Dorgan is against the request. She referred to a previous pedestrian death on Coldwater Road and said that there did not need to be another pedestrian death on Coldwater Road. She felt that this request was a "vanity thing" and asked if a pretty sign was worth a life. It was noted that the death referred to was a long distance northwest of the intersection.

Chairman Krieb gave Mr. Stovall a chance for rebuttal.

Mr. Stovall clarified that the sign was not a "vanity thing". He thinks that his proposal of a monument sign looks better than a pole sign. His intentions are to contribute in making the city look better.

Chairman Krieb closed the public hearing and turned the item over to the board for discussion and a motion.

Mike Faihst made a motion to approve the dimensional variance request to allow the placement of a monument sign, as presented in the proposed site plan, within the 50 foot clear zone located at 800 Coldwater Road with the contingency that the sign be set 40 feet from the point and a maximum height of four and a half feet. Dennis Sharp seconded the motion. The motion failed with a 3-3 roll call vote. *Mary Anne Medlock, Terry Strieter and Josh Vernon voted no.*

Josh Vernon made a motion to deny the dimensional variance request to allow the construction of a monument sign within the 50 foot clear zone located at 800 Coldwater Road with the findings of the issues of safety and visibility at the corner of North 16th and College Farm Road. Mary Anne Medlock seconded the motion. The motion failed with a 3-3 roll call vote. *John Krieb, Mike Faihst and Dennis Sharp voted no.*

Mike Faihst made a motion to approve the dimensional variance request to allow the placement of a monument sign, as presented in the proposed site plan, within the 50 foot clear zone located at 800 Coldwater Road with the sign set back 45 feet from the point and a maximum height of four and a half feet. Dennis Sharp seconded the motion. The motion carried with a 4-2 roll call vote. *Mary Anne Medlock and Terry Strieter voted no.*

Mary Anne Medlock made a motion to approve the site plan for the covered canopy area as shown on the site plan for 800 Coldwater Road. Mike Faihst seconded the motion. The motion carried with a 6-0 roll call vote.

Questions and Comments: None

Adjournment: Josh Vernon made a motion to adjourn. Mike Faihst seconded the motion and the motion carried unanimously. *The meeting adjourned at 5:45 p.m.*

Chairman, John Krieb

Recording Secretary, Reta Gray