

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, JULY 22, 2015
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, July 22, 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, Terry Strieter, Bobbie Weatherly, and Mike Faihst

Board Members Absent: Josh Vernon

Also Present: Candace Dowdy, Robert Jeffries, Summer Grogan, Reta Gray, Officer Tim Fortner, Attorney David Perlow, Hawkins Teague, Andy Gupton, Rick Johnston, Roy Weatherly, Shawna Persuhn, Fonda Duncan, Nicky Lovett, Angela Lovett, Jimmy Jones and public audience

Chairman Krieb called the meeting to order and welcomed all guests and applicants. Corrections were noted to the minutes from June 17, 2015 regular meeting.

Terry Strieter made a motion to approve the BZA minutes from the June 17, 2015 regular meeting as amended. Mike Faihst seconded the motion and the motion carried unanimously.

Public Hearing: Conditional use permit to allow a residential planned development project known as Poplar Place Development in an R-4 Zoning District, located at 1407 Poplar Street – Andrew Gupton: Candace Dowdy explained that Andy Gupton is requesting a conditional use to allow a residential planned development project, known as Poplar Place Development, to be located in the R-4 Zoning District. The property currently consists of seven individual lots that will be consolidated into one tract of land if the project is approved. The project will consist of 42 units of which there will be 40 two-story townhouse units and two existing one-story houses. There will be one access to the property off Poplar Street with street access to the existing houses off South 15th Street. The breakdown of the new units will be 35 two-bedroom, 2 one-bedroom (1 will be handicap assessable) and 3 three-bedroom units. The total number of parking spaces required for this development will be 123. The preliminary plat shows 95 parking spaces (which calculates to 2.25 parking spaces per dwelling unit); therefore, Mr. Gupton will need a variance for 28 parking spaces. Ms. Dowdy pointed out that the plat shows six bike racks placed throughout the development. Mr. Gupton indicated that the homes on the east side of the development will not have back patios, but front balconies instead. This is to assure privacy for the R-2 zoned area that backs up to the east side. The homes on the west side of the development will have patios on the back side. At the previous night's Planning Commission meeting, there was discussion concerning there being only one entrance into the development. (It was noted that Dickie Walls, Fire Marshal had reviewed the plat and was okay with the access to all units.) Ms. Dowdy explained that if there should be an emergency, there is ample room for access through the green space area between the two existing houses. All building setbacks are being met. Stormwater detention will be required for this project. The plat

shows a detention pond on the south end of the property. Appropriate screening and landscaping that meets city regulations will be required since this project is adjacent to R-2 (single family) residential zoning. The plat also indicates a sign that will be placed at the front of the development along Poplar Street. A rendering was shown of the proposed sign. The proposed sign rendering is a 4 x 4 with a brick monument structure and will be located at least 10 feet back from the front property line. Mr. Jeffries then showed renderings of what the new development and townhouses would look like.

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

Andy Gupton (developer for the project) came forward and was sworn in. He explained that they would be offering upscale living with strong emphasis on outdoor green space and energy efficient living within the development. An abundance of green space is shown on the rendering and Mr. Gupton added that the development will be professionally landscaped and well maintained. Since the development will be located within walking distance to the university and to the city schools, they will target students and faculty for tenants; however, families will also be welcomed. There will be connecting sidewalks; therefore, Mr. Gupton feels that students will choose to walk or ride bikes to classes as this development will actually be closer than some of the parking spaces that Murray State provides. The Comprehensive Plan shows this property as R-4 (Medium Density). This proposal is below the density level for the R-4 zoning regulations. 64 units are allowed for this size property; only 42 units are being proposed which is 34 percent less than allowed. Mr. Gupton said they are staying inside the city guidelines with this proposal and developing land that has been undeveloped. There is a round-about located in the proposal for aesthetic purposes and to slow the traffic throughout the development. The property has been surveyed and proposals have been recommended by BFW Engineering for water detention. The improvements that are proposed to the property will help to alleviate the current water situation and provide a better water flow not only to this property but to the surrounding neighboring properties. Mr. Gupton added that they have situated the buildings as far back from the property lines as possible to allow for the planting of trees for screening between the R-2 and R-4 areas, but they would be willing to also put up fencing to work as a barrier if that was what the board members requested. The proposed development will increase the tax revenue for the fire, police, schools and city.

Rick Johnston (representative of BFW Engineering) came forward and was sworn in. Mr. Johnston stated that he was there to answer any questions that the neighbors might have concerning the drainage. According to the Ordinance, they are not allowed to discharge any more water than is presently being discharged and their preliminary drawings are showing that they will be discharging a lesser amount. As was discussed in the Planning Commission meeting the previous night by Bobby Deitz (BFW Civil Engineer), Mr. Johnston reiterated that there are some drainage problems to the south of this property and they will be working with the City to help improve that as well. Mr. Johnston agreed with Mr. Gupton that with the sidewalks available there would be several students using these and walking or biking to campus and school. Mr. Johnston concluded that he thought Mr. Gupton was showing concern for the property and appeared to be doing all the right things.

Ms. Dowdy noted that the Planning Department had received five responses in support of the proposal. They also had one conversation with an adjoining property owner that had some concerns. In addition, Robert Pilgrim had spoken in favor of the project the previous night and he was unable to attend the BZA meeting; thus, he asked that a letter of his support be read at the meeting. Robert Jeffries read the letter from Robert and Mary Beth Pilgrim. In summary: Mr. Pilgrim indicated that the detention proposals seemed to be an improvement for all the neighboring properties. He also mentioned the overall improvement of the entire area that a well-kept development would provide. It is Mr. Pilgrim's opinion that most of the student parking at MSU is located farther away than this development is from campus and the location of this development should encourage more tenants to walk or bike to class. In conclusion, he added that privacy fencing would alleviate tenants from walking through neighboring yards.

Roy Weatherly came forward and was sworn in. Mr. Weatherly feels that from the appearance of the drawings, the development is going to be an aesthetic improvement to the area. He said that it would also enhance the tax base for the City as well. He is hopeful that this development will attract young people that will come to Murray and stay in Murray.

Chairman Krieb asked if there was anyone that wished to speak in opposition to the proposal.

The following people came forward and were sworn in individually: Shawna Persuhn, Fonda Duncan, Nicky Lovett, Angela Lovett and Jimmy Jones. The topics of concern were:

- The density of people in that small of an area
- The difference in what was presented to original property owners and the present proposal
- Not enough parking for the proposed amount of people that will live there and their guests
- Current water issues to area should be addressed before additional water run off happens
- Objections to the number of units on the property
- Partying on Saturday nights could result in 162 to 243 additional guests in a little over an acre spot

Chairman Krieb called for rebuttal remarks.

Mr. Gupton came forward. He said that Ms. Dowdy had stated that the BZA usually grants on an average of 1.5 spaces per unit on parking. This development has a proposed parking of 2.25 spaces per unit which is 50 percent more than average. The decision was made to combine the lots and put in a development after the rezoning took place because Mr. Gupton purchased additional property allowing him a larger area for a development. The property is zoned for medium density and they are still proposing 35 percent lower density than is allowed. He is proposing to put in appropriate screening and a proper drainage detention area. Mr. Gupton said that he is trying to do everything to enhance the neighborhood and follow the guidelines in which he is required to abide by.

The public hearing was closed and the item was turned over to the board for discussion and a motion.

Chairman Krieb noted that there is green space area between the houses on South 15th that could be used as additional parking if the need arose. Bobbie Weatherly voiced concerns about the implications of the lack of integrity that Murray State students have when it comes to parking. She continued that there are going to be non-residents that are Murray State students that will be parked there. She wanted to know how they would indicate which ones actually belonged there. Terry Strieter agreed with Ms. Weatherly and said that the situation would be hard to control and said that Mr. Gupton might want to consider adding more spaces in the green space area. Mr. Gupton replied that his office would be located on site and he would have a full time staff to monitor that situation. He plans to be there every day along with his property manager. Mr. Gupton also stated that he was willing to give up some of the green space to provide additional parking spaces.

Bobbie Weatherly made a motion to approve the conditional use request to allow the residential planned development project known as Poplar Place Development to locate in an R-4 Zoning District at 1407 Poplar Street, contingent upon the final plat being approved by the Planning Commission and the project meeting all city regulations. The conditional use permit was approved with the combination of an 8 foot solid privacy fence and trees, the Planning Staff to work with Developer and Local Residents when Staff reviews landscaping plan. Mr. Gupton has presented a commendable project that will improve the overall aesthetics in that area. The BZA will review the conditional use permit one year after the final certificate of occupancy has been issued. Mike Faihst seconded the motion. The motion carried with a 5-0 roll call vote.

Mike Faihst made a motion to approve a 28 parking space variance for Poplar Place Development at 1407 Poplar Street. If additional parking is needed in the future, it can be addressed off South 15th Street. The sign was approved as presented with a minimum setback of 10 feet off Poplar Street. Dennis Sharp seconded the motion. The motion carried with a 5-0 roll call vote.

Questions and Comments: Mary Anne Medlock recently resigned her positions on both the BZA and Planning Commission. Chairman Krieb wished to thank Mary Anne for her 11 years of service on each of these boards. Chairman Krieb then asked Ms. Dowdy if she had an update on filling the vacancy that Mary Anne left on the BZA. Ms. Dowdy replied that she did not have a name for the position at this time. She said that the Mayor has some appointments that he would be presenting for BZA and Planning Commission boards to the City Council at their next meeting.

Mr. Strieter commented that he felt they had made a good decision on the Gupton development; however, it had been a difficult decision to make because there are needs for the neighborhood as well as needs for the Murray State students and sometimes it is difficult to reconcile.

Adjournment: Mike Faihst made a motion to adjourn. Terry Strieter seconded the motion and the motion carried unanimously. The meeting adjourned at 6:17 p.m.

Chairman, John Krieb

Recording Secretary, Reta Gray