

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, DECEMBER 21, 2016
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, December 21, 2016 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5th Street.

Board Members Present: Dennis Sharp, Terry Strieter, Mike Faihst, John Krieb, and Bobbie Weatherly

Board Members Absent: Josh Vernon and Jim Foster

Also Present: Ahmed Abdullah, Attorney David Perlow, Danna Clayton, David Roberts, Mike Lemmons, Raina Vernon, Tim Thurmond, Ryan Stanger and public audience.

Chairman Krieb called the meeting to order and welcomed all guests and applicants. He wished everyone a Merry Christmas and a Happy New Year on behalf of all the board members. Chairman Krieb then asked for a motion to approve the minutes from the November 16, 2016 BZA meeting.

Dennis Sharp made a motion to approve the minutes from the November 16, 2016 BZA meeting as presented. Terry Strieter seconded the motion and the motion passed unanimously.

Public Hearing: Request for conditional use permit to allow outdoor storage of merchandise at 401 Glendale Road and 800 South 4th Street - Mike Lemmons: Mike Lemmons owns the property located at 800 S. 4th Street. Howard Brandon owns the adjacent property at 401 Glendale Road. Mr. Lemmons has informed staff that he will be renting space from Mr. Brandon to display his products on the Glendale Road property. The proposed outdoor storage of merchandise consists of portable storage buildings and tiny prefabricated dwelling units (homes) which will be displayed and sold on site. Since this property is located in the B-2 (Highway Business) zoning district, outdoor storage of merchandise will require approval by the BZA. According to the Ordinance, all above ground structures shall be located at least 25 feet from any public street right-of-way. The proposed site plan for this application indicates that the merchandise will be located on the paved parking area behind the sidewalk along Glendale Road which will require a setback variance. The existing parking area is approximately 66 x 184 ft. Mr. Lemmons would like to gravel an additional area behind his business at 800 S. 4th Street to store merchandise. The access to this property will be through the existing two driveways located on the north and east side of the building at 401 Glendale Road. Since there is no defined entrance on the north side, it will be hard to limit access to one particular spot.

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

Mike Lemmons came forward and was sworn in. He explained that currently there are trucks and cars on the lot and they will all be moved. Mr. Lemmons will have an office located in the garage on the property. There are many different models of units; however, he will only display seven or eight different units on this property. Some of the units will be storage buildings and others will be mini houses. The units can either be sold off this particular lot or can be delivered

from the Paducah site. Mr. Lemmons plans to clean up the building to make it look appealing.

No one came forward to speak in opposition; therefore, the public hearing was closed and the item was turned over to the board for discussion and a motion. David Roberts explained that the right of way is located behind the sidewalk which would be half way into the parking lot. Along with the request for a conditional use, Mr. Lemmons will need a variance for the 25 foot right-of-way. Mr. Lemmons will need to keep the sidewalk clear and adhere to the 50 foot triangular clear zone at the corner of South 4th and Glendale and not place any structures in this area to avoid visual issues at the intersection. Planning Staff will work with Mr. Lemmons concerning signage.

Mike Faiht made a motion to approve the conditional use permit to place outdoor storage of merchandise in the side and rear yard at 401 Glendale and 800 S 4th Street based on the proposed removal of the vehicles currently on the lot; the permit will be for approximately eight units; and that they stay a minimum of 12 feet off the right-of-way and do not block the clear zone at the corner of South 4th and Glendale. Bobbie Weatherly seconded the motion and the motion carried with a 5-0 roll call vote.

Public Hearing: Request for conditional use permit to allow up to three professional office businesses at 1211 Story Avenue – Josh Vernon: Josh Vernon was unable to attend the meeting but he sent a letter of his intentions. The board members were allowed to review the letter from Mr. Vernon. (*Letter was entered as Exhibit A*) The letter included the recent history of the property and Mr. Vernon's proposal. The BZA approved a request by Tim Thurmond earlier in the year to construct a professional office building at 1211 Story Avenue (B-1 zoning district). Mr. Thurmond indicated that he would be relocating his insurance agency to this location and would like to have up to three additional tenant spaces to lease out to other similar type businesses. Mr. Thurmond has now decided to subdivide this property into two lots. If this conditional use permit is approved, he plans to construct a professional office building with his insurance office and two additional offices on one lot and sell half of the property to Josh Vernon. Mr. Vernon is proposing to construct a similar building that will allow him to operate his business (Urban Fabric, LLC) and lease out the other two spaces to similar businesses. Staff consulted City Attorney, David Perlow with regards to Mr. Thurmond's proposal, and Mr. Perlow advised that the previously approved CUP was only valid for Mr. Thurmond. Mr. Perlow indicated that a separate conditional use permit would be required if the property was subdivided into separate lots. The parking spaces are being proposed at 15 per lot which is sufficient as required by zoning regulations. Ahmed showed a rendering of Mr. Vernon's proposal.

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

Tim Thurmond came forward and was sworn in. He described his and Josh Vernon's proposal. They are looking at having their own individual office space and two tenants of professional type businesses to occupy the space in each building. They have a proposed start date of March with a completion date in October.

Raina Vernon came forward and was sworn in. Ms. Vernon stated that her husband would not allow anyone to rent that would not be concerned with keeping up the appearance of the building.

No one spoke in opposition; therefore, the public hearing was closed and the item turned over to the board for discussion and a motion.

Bobbie Weatherly made a motion to approve the request by Josh Vernon to allow Professional Office use as a conditional use in the B-1 zoning district for the property located at 1211 Story Avenue based on the testimony by Mr. Vernon's letter of his intentions, the testimony by Mr. Thurmond and the proposed rendering. Each building will house their own offices allowing up to two additional rental office spaces for Thurmond Property and Urban Fabric, LLC. Dennis Sharp seconded the motion and the motion carried with a 5-0 roll call vote.

Review: Compatibility meeting to allow a professional office planned development project in an R-4 zone on Hwy 94 West - City West Properties: Previously, the subject property was subdivided into two tracts with the dedication of right-of-way for the construction of a street that dead ends at the school property. Matt Jennings, owner and developer, would like to present a different approach to the development. He is now proposing to re-subdivide the property into eight lots to develop a professional office PDP. His intentions are to construct an office building on each of the seven lots and have the eighth lot serve as a detention area. (The eighth lot will also have a buildable area with the prospect of mixed or residential use.) Ahmed explained that this item went before the Planning Commission the previous night for an Advisory Meeting and it was approved to move forward to the BZA for compatibility approval. The property is within the R-4 zoning district where construction of a PDP is allowed. Ryan Stanger was in attendance representing Mr. Jennings. Chairman Krieb asked him to come forward.

Ryan Stanger came forward and was sworn in. Mr. Stanger gave a brief history of the property since it was acquired by City West, LLC. The proposed street that leads through the property from Hwy 94W to the school has been constructed and is now usable. Their previous intention was single family residential (non-college students) with a target of senior residents; however, the project has never seemed to be quite feasible; therefore, they have decided on a professional office PDP. There may be the possibility for mixed use with single family on the property as well. One of the lots has an existing pond which holds water for much of the year (according to BFW Engineering); this will be used for the detention pond. Mr. Stanger said that it is very early in the stages of this development right now and they do not have a rendering at this time. They are being very selective in the design as this is a very nice part of town.

Mike Faihst made a motion to approve the proposed Office Planned Development Project as being compatible to the surrounding area based on the fact that it may include some residential lots; proposal tends to be single level rather than two story; and that the proposal fits that corner. Bobbie Weatherly seconded the motion and the motion carried with a 5-0 roll call vote.

There were no questions or comments; thus, a motion to adjourn was made by Mike Faihst and seconded by Bobbie Weatherly. *The meeting adjourned at 5:23 p.m.*