

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, MARCH 21, 2018
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, March 21, 2018 at 4:30 p.m. in the council chambers of City Hall at 500 Main Street.

Board Members Present: John Krieb, Jim Foster, Mike Faihst, Josh Vernon and Terry Strieter

Board Members Absent: Bobbie Weatherly

Also Present: Maurice Thomas, Gerald Gilbert, Attorney David Perlow, Kira Kendall and Hugo Hernandez

Chairman Krieb called the meeting to order and welcomed all guests and applicants. Maurice Thomas called the roll. Chairman Krieb then asked for a motion to approve the minutes from the February 21, 2018 Regular BZA meeting.

Mike Faihst made a motion to approve the minutes from the February 21, 2018 regular BZA meeting as presented. Jim Foster seconded the motion and the motion passed unanimously.

Public Hearing: A Dimensional Variance request for additional wall signs for Lowe's Home Improvement Center located at 1400 Lowes Drive – Applicant: Lowe's Inc.: Lowe's is requesting a Dimensional Variance for an increase in the number of wall signs allowed for their "Installer Pickup" service. They are proposing two signs; one will be 3'3" x 2'6" (8.4 square feet) and the other will be 3'8" x 6' (30.6 sf) in overall size. The signs are intended to be locational signs rather than typical advertising signs and they will be located on the northeastern corner of the building. Current regulations limit the number of wall signs to "one wall business sign mounted on the face of the building for each tenant or lessee" and not to exceed in size 10% of the building face. Existing signs total approximately 493 square feet. By adding 39 square feet "Installer Pickup" signs, the total overall square footage would be 532 square feet which would still be considerably less than the overall size limitation of 764 square feet. When the Board previously granted Lowe's variances to exceed the number of wall signs, they believed that additional signs were appropriate due to the size of the building and the degree of different goods/services that were provided. To grant the Dimensional Variance request, the Board must find that "the granting of the Variance meets the stipulations listed in § 156.082 DIMENSIONAL VARIANCES". The "Pickup" service is a unique operation and not allowing the signage as requested could create an unnecessary hardship for patrons using this service. Staff concurs with the applicant's position that the additional signage will assist installers to "pickup" materials without interfering with regular commercial customers; therefore, the proposed wall signs would be appropriate 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 request.

Kira Kendall came forward and was sworn in. Ms. Kendall was representing Lowe's. She explained that the contractors will be coming to the back of the store for their pickups. This will

allow the customer service employees in the front of the store better availability with the walk-in customers. Ms. Kendall described the signage as basically a guide for the contractors to get to the back of the store.

There was no one that spoke in opposition to the request; therefore, the public hearing was closed and the item turned over to the Board for a motion.

Mike Faihst made a motion to grant the Dimensional Variance for the additional wall signs for the Lowe's "Installer Pickup" service as presented. The testimony presented in this public hearing has shown that granting the Dimensional Variance for the additional wall signs for the Lowe's "Installer Pickup" service is reasonable and necessary. The Dimensional Variance for the additional wall signs for the Lowe's "Installer Pickup" service is in compliance with the provisions of the Zoning Ordinance in regards to granting Variances. Total square footage of signs will now be 532 square feet which is under the 764 square feet that they are allowed. This is a unique situation and the signage will not be visible from any road. Jim Foster seconded the motion and the motion carried with a 5-0 roll call vote.

Public Hearing: Consideration of a Conditional Use Permit to operate a restaurant at 117 South 12th Street. The subject site is zoned B-4 (Medium Density Business District) –

Applicant: Mi Pueblo – Hugo Hernandez: The applicant is seeking to add a restaurant to an existing grocery store at the northeast corner of South 12th and Poplar Streets. There is access from both South 12th Street and Poplar Street. Mi Pueblo is located in the 1,350 square foot single story building which previously housed Domino's restaurant. Much of the site is paved. Based on the 23 seats available in the grocery/restaurant there are eight parking spaces required. There are currently six striped parking spaces and the applicant has agreed to stripe additional spaces. There are some missing boards in the privacy fence that Mr. Hernandez has indicated that he will replace. Commercial retail (grocery store) is a permitted use in a B-4 zone; however, restaurants require a Conditional Use Permit. 12th Street is considered the primary commercial corridor of the city. The surrounding area is made up of a variety of eating establishments, professional services, and retail shops. The addition of a restaurant to the existing commercial operation will capitalize on the passerby trips that currently occur in the corridor. Mr. Gilbert showed the lot map, site plan and floor plan for the project. He then read the definition of a restaurant. The Planning Commission made a recommendation of compatibility for the restaurant the previous night. The Board should decide if the use is compatible with the surrounding area. Based on the facts presented, Staff believes that the location of the proposed restaurant is compatible with that of the surrounding area and recommends approval of the Conditional Use Permit.

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

Hugo Hernandez came forward and was sworn in. Mr. Hernandez stated that he would like to grow his business from its current status and he feels that this is a good time of the year to do so. He stated that this restaurant will be a little bit different from what the other Spanish restaurants have to offer. He explained that he has adequate space available to pave five additional parking spaces in order to meet the required amount of parking for both customers and employees. He has no plans to change his signage at this point; however, Mr. Hernandez understands that if he should decide to make a change that he has to go through the proper channels in order to do so.

There was no one that wished to speak in opposition to the request; therefore, the public hearing was closed and the item was turned over to the Board for a motion.

Jim Foster made a motion to grant a Conditional Use Permit for the restaurant in a B-4 zone. The testimony presented in this public hearing has shown that granting the Conditional Use Permit for the restaurant in a B-4 Zone (Medium Density Business District) is reasonable and necessary. The Conditional Use Permit for a restaurant in a B-4 Zone is in compliance with the provisions of §156.081 CONDITIONAL USE PERMITS. The proposed restaurant (due to its size and location) is compatible with surrounding land uses. Additional parking stalls shall be marked onsite. The total number of spaces is based upon the seating and number of employees as defined in §155.13 OFF- STREET LOADING AND PARKING FACILITIES. The privacy fence that is in need of repair should be fixed. This decision was based upon the Planning Commission's recommendation to the BZA. Mike Faihst seconded the motion and the motion carried with a 5-0 roll call vote.

There were no additional questions or comments; thus, a motion was made by Mike Faihst to adjourn and seconded by Josh Vernon. The meeting adjourned at 5:18 p.m.

Chairman, John Krieb

Recording Secretary, Reta Gray