

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, SEPTEMBER 18, 2019
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, September 18, 2019 at 4:30 p.m. in the council chambers of City Hall at 500 Main Street.

Board Members Present: Bobbie Weatherly, John Krieb, Mike Faihst, Jim Foster, Josh Vernon and Carmen Garland

Board Members Absent: Paula Hulick

Also Present: Justin Smith, Jeremy Buchanan, Maurice Thomas, Attorney David Perlow, Bennett Moore, Jim Osborne, Ryan Stanger, Bobby Deitz, Michael Bucy and public audience

Chairman Krieb called the meeting to order and welcomed all guests and applicants. Maurice Thomas called the roll. At this time Chairman Krieb asked if there were any changes to the minutes from the regular BZA meeting on August 21, 2019.

Mike Faihst made a motion to approve the minutes from the regular BZA meeting on August 21, 2019 as presented. Jim Foster seconded the motion and the motion carried unanimously.

Public Hearing: Conditional Use Permit request to allow a residential Planned Development Project (PDP) for multi-family development to be located on Bailey Road east of Megan Drive – Applicant: Ryan Stanger: Justin Smith explained that this item had gone before the Planning Commission the previous night for review of the Preliminary Plat. The plat was approved and forwarded on to the BZA for Conditional Use Permit approval. This property was recently rezoned from AG (Agriculture) to R-4 (Multi-Family Residential). Justin showed the Preliminary Plat. Since the last BZA meeting updates have been made to the previous plat showing parking spaces reduced from 144 spaces to 96 spaces and a relocation of the dumpster from the back of the development to the front. (Planning Staff is in the process of reducing the parking space requirements to the Ordinance and once this is complete, the developers will be in compliance with the 96 spaces.) The eliminated spaces will be turned into green space. Until the revised Ordinance is passed, a variance will be needed on parking. Screening has also been added on the south side to block the view on Bailey Road. Ryan Stanger and Matt Jennings are proposing a multi-family residential development that will consist of eight buildings and forty-eight 1-bedroom units. Each building will be 3,888 square feet. There will be two ingress/egress access points off Bailey Road. Outside of the Planning and Building department, discussions of this proposed project have taken place with the Fire Marshall Greg Molinar and Public Works Supervisor Jaimey Erwin. Ryan Stanger and City West LLC are currently in the process of purchasing the property from the James Buchanan Estate.

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

Ryan Stanger came forward and was sworn in. He explained that since the first meeting, they have reduced the amount of parking spaces as requested. Ryan said that the dumpsters were relocated to the front of the development after he spoke to Ron Allbritten (Street Superintendent for the City of Murray). Ron seemed to think that would be the best place for the convenience of picking up the garbage. Ryan has met with the Postmaster; however, at this time he does not know where they will put the cluster boxes. There will be sidewalks throughout the development. Chairman Krieb said that during the PC meeting the previous night, there were issues of speeding on that road (which is a County Road) and he then asked Ryan if he had a chance to speak with anyone concerning this. Ryan replied that he had left a message with Kenny Imes (Judge Executive) but had not heard back from him at this point. He added that he had not contacted Paul Rister yet. (Mr. Rister is the Magistrate for that area.)

Jeremy Buchanan said that he had spoken to Mr. Imes that afternoon and made him aware of the speed issues on Bailey Road. Part of Bailey Road is in the City and part is in the County. The County has been looking at ways to improve the surface of the road and that is currently a top priority since there is so much traffic on it. The County has also agreed to see that a speed limit sign is posted since there is not one there. Mr. Krieb said that there had been discussion on adding a traffic light at Bailey and Hwy 121 but once again that is up to the State. Chairman Krieb asked Bobby Deitz to come forward to discuss the detention work.

Bobby Deitz (representative of BFW) came forward and was sworn in. Mr. Deitz said they had preliminarily looked at the project and the overall 25 acres. They anticipate doing a regional detention facility off site so the final plat for the PDP will show a drainage easement that will include the detention. Mr. Deitz said that final plans have not been made at this time.

Michael Bucy came forward and sworn in. Mr. Bucy lives directly across the road from the proposed development. He attended the previous night's meeting and the only opposition that he has to this development is the safety on Bailey Road. Mr. Bucy said that he is not trying to stop the development; however, he thinks that safety should exceed the speediness of getting this project started. He thinks that this safety concern should be addressed prior to the development of any type of development. He explained that his family had lived there for approximately 10 years and have had a lot of issues with speeders on that highway. He has talked to both City and County police officers about the situation. The police indicated that if there are no speed limit signs posted, they enforce the speed limit at 55 mph. Mr. Bucy said that the officers that he had talked to want the speed limit addressed as well. Mr. Bucy sees young adults driving down the road between 45 and 65 mph with cell phones in their hands and he does not believe they are completely aware of how dangerous their actions are. This year he has seen between four and eight kids between the ages of 11 and 14 riding their bikes up and down Bailey Road. Now that MSU is back in session and there is additional traffic on this road, he is greatly concerned about the kids' safety. Mr. Bucy said that Mr. Imes had called him in regards to this situation while he was sitting in the meeting and he wasn't able to take his call.

Mr. Stanger came forward again. He said that he has the same concerns as far as speed goes. They will do anything they can to get with Mr. Imes to get this situation addressed quickly. As far as a time table for the development, since it is the later time of the year, preliminary road work is all they will be able to do for now. It will probably be next spring before they will be breaking ground

on the buildings. Ryan said they had several other units off Bailey Road and they would like to see this speeding situation resolved as well. Ms. Weatherly asked if he could estimate how many units were on that road. Mr. Stanger replied there are several developments there and he would guess from hundreds to a thousand units over there. There is heavy traffic.

The public hearing was closed at this time and the item was turned over to the board for further discussion and a motion. Chairman Krieb asked the attorney if they should put a condition to their motion stating that the development could not start until the road is posted as 35 mph. Attorney Perlow said that he thinks this will simply be a Fiscal Court issue and it should be resolved rather easily. He thinks since several people have called him today concerning this matter, that Mr. Imes will probably address this promptly. Mr. Krieb then stated that a traffic light at the intersection of Bailey and Hwy 121 has been an issue for several years and he would like to see both the City and the County push for that.

Jim Foster made a motion to grant the Conditional Use Permit for the Ryan Stanger multi-family residential development located on Bailey Road east of Megan Drive contingent upon the project meeting all other city regulations. The testimony presented in this public hearing has shown based on the findings, it does not adversely affect public health, safety, or welfare; will not alter the essential character of the general vicinity; will not cause a hazard or nuisance to the public; and will not allow unreasonable circumvention of the requirements of the zoning ordinance. Mike Faihst seconded the motion and the motion carried with a 6-0 roll call vote.

Mr. Krieb then called for a motion concerning the parking space reduction.

Mike Faihst made a motion to reduce the parking requirements from 144 spaces to 96 spaces per the new regulations (should they be adopted) and if they are not, the 96 spaces will still be ample parking spaces for the development. Josh Vernon seconded the motion and the motion carried with a 6-0 roll call vote.

Questions and comments: Carmen Garland asked if the Board has any influence in helping get the speed limit sign posted and activated quicker. Chairman Krieb replied that with the input from both meetings, he thinks that they will have sufficient input. Josh Vernon asked if there were any plans to put in sidewalks along Bailey Road outside the development since there are kids riding in the neighborhood and probably people walking as well. Jeremy Buchanan replied that generally speaking they asked the developers to provide the sidewalks for the development. Currently the City is in talks with the County to make improvements to Bailey Road and they maybe can look into that or possibly even ask for a paved shoulder.

Chairman Krieb asked Jeremy to give an update on the Comprehensive Plan revision. Jeremy stated that the committee has been meeting on the first Tuesday of the month since June. They are ready to present the Transportation element during a public hearing in October for public comments. In the December meeting they will present the Community Facilities element, the Base Study element and Future Land Use Map. Hopefully, by the end of the year they will have brought each of the items forward, have public comments on all and be ready for a final adoption in January 2020 with the revised Comprehensive Plan.

Staff is trying to get an updated plan on the Transportation element from KYTC. (The 2008 study is the best information available.) Once an updated copy is available, the committee will proceed in making additional revisions to the Transportation element. The intention is to start putting a date on each element so it will show when they have reviewed/updated them.

Chairman Krieb called for a motion to adjourn. **Mike Faihst made a motion to adjourn at 4:56 p.m. Jim Foster seconded the motion and the motion carried unanimously.**

Chairman, John Krieb

Recording Secretary, Reta Gray