

**MURRAY BOARD OF ZONING ADJUSTMENTS
SPECIAL CALLED MEETING
FRIDAY, JUNE 3, 2022
4:30 P.M.**

The Murray Board of Zoning Adjustments met in a special called meeting on Friday, June 3, 2022 at 4:30 p.m. in City Hall at 500 Main Street.

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

Board Members Absent: Bobby Weatherly

Also Present: Rakov Aetherus, Lindsay Aycock, Dannetta Clayton, Carol Downey, Kim Miles, Attorney David Perlow, Matt Jennings, Candace Dowdy, Cindy Kinsey, Jerry Penner, Gay Evans, Cindy Chrisman, Angie Lee-Morris, Johnny Bohannon, Amy McReynolds, and public audience

Chairman Faihst called the meeting to order and welcomed all guests and applicants. Kim Miles called the roll.

Public Hearing: Conditional Use Permit: Kingdom Court – Matt Jennings: allow self-storage buildings in a B-4 zone. Carol Downey clarified the purpose of the meeting and reviewed the regulations in the ordinance pertaining to this request and presented the Staff Report. Applicant, Matt Jennings, is requesting a conditional use permit to allow self-storage buildings in a B-4 (Medium Density Business District). The property is located at Kingdom Court, east of the intersection at 94 West and Roberston Road North. One 12,000 sq. ft. building is planned on lot 6, and one on lot 5 which is planned to be 16,800 sq. ft. The buildings will house climate-controlled and non-climate-controlled storage units. Office space is planned to be located in the building on lot 6. The storage unit on lot 5 is planned to have a glass front entry. The only planned driveway entrance is at the end of the cul-de-sac on Kingdom Court. Screening is planned around the proposed self-storage buildings as well as fencing. Carol explained the comprehensive plan and showed pictures of the zoning map, the property, proposed exterior, and the surrounding properties.

Matt Jennings came forward and was sworn in. Mr. Jennings explained that he requested this meeting because he was out of town and not able to attend the previously held BZA Compatibility Meeting and he sent his assistant to present in his place. The Compatibility Meeting was a non-public hearing in which he was told that questions were asked that should have been asked at this meeting and people came to the bench and expressed their public opinion in a non-public hearing. He was concerned that misinformation was spread around in regards to the project. He said he only had 30 days to appeal the Compatibility Meeting and was advised to have the Special Called Meeting first, to present a different solution. Mr. Jennings explained that the new plan would involve only the B-4 area of the property and would have only one building on each lot versus the original plan that would have been built in phases over a five- or ten-year period and would have required some rezoning. He mentioned that he has since decided not to appeal the BZA Compatibility Meeting. Mr. Jennings shared that he almost canceled the Special

Called Meeting but felt it was imperative the neighbors got to speak their minds and hear the options available for this property, that are pre-approved and could be done tomorrow. He expressed that he thought everyone would like what he was proposing as opposed to the approved uses for the property. Mr. Jennings shared the permitted uses and limited screening requirements of a B-4, Medium Density Business District property and stated there is no lighting ordinance. He explained that he brought in a professional to do a feasibility study and it was determined the three-mile radius of the property is modestly under-developed and there is sufficient unmet demand for self-storage space. He stated that it is a trend in all the big cities and neighborhoods to have nice looking, modern self-storage buildings and it is also a trend for subdivisions to not allow things parked in driveways. People also don't want their garages filled up with their stuff. Mr. Jennings described the buildings as mostly climate controlled with International Dark Sky Association only approved lighting therefore creating zero light pollution. He specified that the west side of the building would not have any doors or lights. He showed a picture of the exterior concept for the office space in building one on Lot 6 and explained that building two would have a glass front corner and would be built 12-18 months later on Lot 5. He described the interior of the buildings as modern and high-tech, with a virtual person on a screen to help customers. He articulated that self-storage is the lowest traffic commercial use nationally and that at 100% occupancy, this facility would yield around 25 cars per day. He disclosed that the facility would be closed at night and normal operating hours would be around 5:00 a.m. to 11:00 p.m. but exceptions could be made. Mr. Jennings showed the plat declaring the property has been named and zoned the same since he first bought it and this is the first time he has proposed anything to be built on it. He indicated that he could build apartments on the R-4 portion later if he had too even though it's not a great place for them, but he'd have to do something similar since that is what it is zoned. The board confirmed the 175 total units and asked what materials would be used for the buildings. Mr. Jennings responded that the buildings would be steel-framed with stone, wood, metal and glass elements at the front to dress it up. Across the back of the building and all along down the center aisle would be metal garage-style doors and a 5-foot wrought iron-looking fence would surround the property. He mentioned his desire to make the facility 100% solar powered. The board confirmed that the buildings would be only one story, but also higher than the fencing and they asked about screening. Mr. Jennings replied that they plan to put landscaping and trees along the back and sides, just not on the front side facing Highway 94.

Chairman Faihst opened the public hearing and asked if anyone wished to speak in favor of this request.

Ryan Stanger came forward and was sworn in. Mr. Stanger explained that he lives and owns multiple properties within one mile of this project. He shared that when he first heard about the project his three concerns were traffic count, lighting and screening. Mr. Stanger, a real estate appraiser, stated that nothing else would produce a smaller traffic count than self-storage and that he was in favor of the project.

Chairman Faihst asked if anyone wished to speak against this request.

Candace Dowdy came forward and was sworn in. Ms. Dowdy stated that she attended last month's BZA meeting in which compatibility was denied and even though this is a different application, it is the same type of project and use. The only difference is that the number of units has been reduced. Mrs. Dowdy voiced her opinion that the project would not be compatible to this area since the majority of it is residential and the proposed use would not be suitable. She stated that in a previous meeting, Mr. Jennings requested the R-4 portion to be zoned that way in order for him to possibly use as low density, single family, Senior Living and that she and her boss discussed with him at the time that it would not be allowed for multi-family apartments in the future. Mrs. Dowdy shared that she did not make any comments to the board last month and that when asked, she told the public they would not be allowed to speak at that meeting. She stated that she knows the board is very professional and would not comment to the public either and she would appreciate them taking consideration to the matter based on the information presented.

Angela Lee-Morris came forward and was sworn in. Ms. Morris requested that the board ask Mr. Jennings if there would be cameras on the property. She asked if Mr. Jennings would be held accountable for what he presented and the board responded that he would have to follow any guidelines they set in the motion. She thanked everyone for coming.

Jerry Penner, CEO Murray-Calloway Hospital, came forward and was sworn in. Mr. Penner stated the leadership of the hospital and the Board of Trustees are in opposition of the proposed conditional use which is across the highway from their facility, Anna Mae Owen Hospice House. He described how the property began, was named, their vision, and the porches he added. He read the letter from the Board of Trustees. Mr. Penner mentioned that he spoke with two surrounding property owners, who were also in opposition of the project.

Johnny Bohannon came forward and was sworn in. Johnny stated he is representing residents in the area who are opposed to the project, especially in regards to the already busy road.

Cindy Kinsey came forward and was sworn in. Ms. Kinsey voiced her opinion that the project would be materially detrimental and would not be a quiet addition as required per the ordinance. She communicated her concern regarding additional traffic at the already congested intersection. Ms. Kinsey asked the board to not let this project proceed.

Mr. Penner approached the bench to introduce the letter from the Board of Trustees into record.

Gay Evans came forward and was sworn in. Ms. Evans shared her concerns that Mr. Jennings would not be able to meet the ordinance criteria with his proposed plan as well as the facility being un-manned. She asked the board to consider the people who live in the surrounding neighborhoods since they would be the ones to deal with the traffic, lighting and storage units in their backyards.

Amy McReynolds came forward and was sworn in. Ms. McReynolds described her main concern as safety as she lost a loved one and her son lost a friend at the intersection in question

before the school was built and this would be adding more people, trucks, trailers, U-hauls, etc.

Cindy Chrisman came forward and was sworn in. Ms. Chrisman asked for clarification on traffic flow and roll-up doors, specifically on the east side of the property. She communicated her failure to understand how this project fits in a mostly residential area.

Chairman Faihst closed the public hearing and invited Mr. Jennings to come forward for rebuttal.

Mr. Jennings came forward and stated there would be monitored cameras inside and outside the property and there would not be roll-up doors on the east side of building one. He shared that what he is proposing would add the least amount of traffic out of all the other options and that he has offers. He explained that he has met with the state multiple times regarding this intersection and offered to donate land for them to put in a turning lane but was told it is not a dangerous intersection. Mr. Jennings disclosed that if this conditional use doesn't get approved, he is going to sell the land. He declared that he has never proposed senior housing. The board asked if Mr. Jennings has storage buildings next to where he lives now. He replied that he does not, but his neighbor is building an eight-bay shop. The board asked if exterior roll-up doors and the paved drives on the north side could be removed from the plan. Mr. Jennings said he can be flexible with the doors but reminded the board that what could go there instead would have loading docks, trucks, dumpsters, lights, etc. The board asked if there would be a dumpster, if there would be lighting all around the building and if the fence could be six feet instead of five. Mr. Jennings replied that they typically don't put dumpsters on their properties and they charge for trash left behind. He would prefer some lighting, on all sides, for safety purposes, along with a lit sign, and the fence could be six-feet tall.

Chairman Faihst brought it back to the board for discussion and/or a motion. Attorney David Perlow explained to the board how the motion to approve or deny needed to be structured. The board clarified that the land use designation of this area was Medium Density Residential but according to the 2020 Comprehensive Plan, it is now Commercial. Chairman Faihst proposed a five-minute break.

John Krieb made a motion to approve the conditional use permit to allow self-storage buildings on Lot 6 and a portion of Lot 5 located in a B-4 zone at Kingdom Court, east of the intersection at 94 West and Roberston Road North with the following additional stipulations: roll-up doors allowed only on center-facing aisle, five-foot fence surrounding the property, extensive landscaping and security cameras throughout, entry limited to gate access at the front of the facility, and limited lighting on outward facing walls. The request falls within the B-4 zone use requirements, is consistent with our interpretation of commercial purposes and will provide a service to the residents in the area where, according to the map provided, there is a need for self-storage. The proposed use will not be more obnoxious or materially detrimental to public welfare or property in the vicinity because there is a buffer of other properties between the proposed facility and the residential areas. The testimony presented in this public hearing has shown it does not

adversely affect public health, safety, or welfare, based on the findings that most of those using the facility would probably come from the east side, using the road by the Dollar General and never reach the intersection and the low traffic count number stated would not impact the safety aspect. It will not alter the essential character of the general vicinity due to the findings that the buildings will be limited in view from the surrounding residential areas. It will not cause a hazard or nuisance to the public based on the total number of units and small number of expected trips per day and it will not allow unreasonable circumvention of the requirements of the zoning ordinance because it does meet the services provided requirement of a medium density business. There was no second for the motion.

Josh Vernon made a motion to deny the conditional use permit request to allow self-storage buildings on Lot 6 and a portion of Lot 5 located in a B-4 zone at Kingdom Court, east of the intersection at 94 West and Roberston Road North. The request does not fall within the use requirements of the B-4 zone because in his interpretation, un-manned storage units do not provide a service. The proposed use will be materially detrimental to the property value in the vicinity because the majority of the exterior of the buildings will be metal. The testimony presented in this public hearing has shown it does not adversely affect public health, safety, or welfare, but it will alter the essential character of the general vicinity because it is a lower use than the current character of the properties in the area and it will affect the perceived value of the neighboring properties. It will cause a nuisance to the public in the sense of moving trucks coming and going as well as the visual appearance of the buildings. The primary reason for the objection is the value of the properties in the area that will be affected. The Comprehensive Plan talks about beautifying the area and improving the value of the general vicinity as a goal. The intent of the BZA and the city is to move toward something being more beautiful and improving what our city is and this project does not do that.

Carmen Garland seconded the motion. The motion carried, with Mike Faihst and John Krieb voting nay.

Chairman Faihst called for a motion to adjourn.

Jim Foster made a motion to adjourn. John Krieb seconded the motion. The meeting adjourned at approximately 6:11 p.m.