

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, NOVEMBER 20, 2019
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, November 20, 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, Paula Hulick, Josh Vernon and Carmen Garland

Board Members Absent:

Also Present: Justin Smith, Jeremy Buchanan, Jim Osborne, Maurice Thomas, Zach Warren, Attorney David Perlow, Officer Tim Fortner and Chelsie Dreher

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 October 16, 2019.

Mike Faihst made a motion to approve the minutes from the regular BZA meeting on October 16, 2019 as presented. Paula Hulick seconded the motion and the motion carried unanimously.

Public Hearing: Conditional Use Permit request to allow a bar to operate in a B-1 (Neighborhood Business) Zoning District located at 200 North 15th Street – Applicant: Chelsie Dreher: Justin Smith used a Power Point presentation to show the property that was being discussed. 200 North 15th Street is located at the northeast corner of the intersection of Hughes Avenue and North 15th Street. The building at this location consists of a business on the main level and residential apartments upstairs that are accessed from a different entrance. Currently Lucky's Grill and Pub occupies the commercial space on the main level. This business has been having a hard time generating enough food sales to meet the state's 50/50 requirement in order to keep their current alcohol license. Since the recent opening of Chick-fil-a (inside the Curris Center on Murray State's campus) food sales at Lucky's Grill and Pub have declined; therefore, they would like to request to become a bar. This would allow them to apply for a different alcohol license with the state where they would not have to meet the 50/50 food sales rule. Currently they are on probation with the state and are in fear of losing their business. The zoning code was revised recently and now permits a bar to be allowed in the B-1 zoning district with approval of a Conditional Use Permit. Justin added that the owner of the business has indicated that she will continue to offer a food menu. Similar situations were reviewed that had recently been before the Board.

Chairman Krieb opened the public hearing and asked the applicant to come forward to be sworn in.

Chelsie Dreher came forward and was sworn in. Ms. Dreher stated that the main reason that they were coming before the Board was so that they would have the same opportunity as The Keg or The Big Apple so that they would not have to worry about their food sales. She does not have

control over what her customers are coming in to buy; therefore, she has to keep a certain level of customer satisfaction. Ms. Dreher has owned Lucky's for two years, but she previously worked there for five years before at Mr. J's.

Tim Fortner, ABC Administrator with the City of Murray, was sworn in. Officer Fortner scans over police reports daily and there have been no reports of noise from either the nearby neighbors or the residents living on the top floor of the building. Officer Fortner said that they have two options. 1) They can be a total tavern with no minors allowed where they would not have to worry about the total amount of food sales. 2) If they allow minors on the premises, they have to be able to establish some type of 50/50 food sales. They do not have to report it, but if some authority was to request it, they would have to provide those numbers.

Chairman Krieb asked Ms. Dreher to come forward again. He then asked her what her plan was to go forward. She replied that she was planning on stacking the licenses because she likes operating as a restaurant. This is similar to the way she operates now. She has a lot of families that come in for dinner now and to hear the bands on Friday nights. She does not want to lose those patrons. She consistently has a sign on her front door after 9:00 p.m. that says "Must be 21 to enter". She has a bouncer out front and everyone gets carded at that time. She also has a bouncer that stays on the patio and one that walks through the building and the parking lot to make sure nothing is being damaged.


No one came forward to speak in opposition; thus, the public hearing was closed. Chairman Krieb turned the item over to the Board for additional discussion and a motion.

Jim Foster made a motion to grant the Conditional Use Permit to operate a bar in a B-1 (Neighborhood Business District) for 200 North 15th Street. The testimony presented in this public hearing has shown that granting the Conditional Use Permit for the Bar to operate in a B-1 is reasonable and necessary. The Conditional Use Permit for the Bar to operate in a B-1 is in compliance with the provisions of 156.037 in regards to *CONDITIONAL USE PERMITS* for the B-1 (Neighborhood District). Mike Faihst seconded the motion and the motion carried with a 7-0 roll call vote.

Questions and comments: Justin stated that recently revisions were made to the Zoning Ordinance. He is currently working on revamping the entire Zoning Ordinance to reflect those changes to the new format. He plans to have that updated copy distributed to the Board by January. At this time Jeremy Buchanan informed the Commissioners that he had resigned his position with the City of Murray and that Friday (November 22nd) would be his last day. He has accepted a position with the Purchase Area Development District as their Executive Director. Chairman Krieb said that they had been very happy with Jeremy during his tenure and wished him luck. The Board also wished him luck. Jeremy said that Jim Osborne (City Administrator) will be acting in his position for an interim period until the job can be posted and filled. Chairman Krieb called for a motion to adjourn. **Mike Faihst made a motion to adjourn at 4:45 p.m. Paula Hulick seconded the motion and the motion carried unanimously.**



Chairman, John Krieb



Recording Secretary, Reta Gray