

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, MAY 22, 2013
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, May 22, 2013 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5th Street.

Board Members Present: Mike Faihst, Mary Anne Medlock, Scott Seiber, Brad Darnall, John Krieb and Josh Vernon

Board Members Absent: Justin Pounds

Also Present: Candace Dowdy, Justin Crice, Reta Gray, David Roberts, Jennifer Tolley, Hawkins Teague, Officer Todd Clere, Officer Kendra Clere, Matt Jennings, Jay Baron, Kenneth Adams, Scott Adams, Don Klukan, Rob Ison, Steve & Rhonda Sells, Kevin Garrett and public audience

Chairman Krieb called the meeting to order and welcomed all guests and applicants. Chairman Krieb asked if there were any changes, additions or deletions to the April 17, 2013 regular meeting. Chairman Krieb stated that Justin Crice had made a few minor wording changes to the minutes since they were distributed.

Mike Faihst made a motion to approve the BZA minutes from April 17, 2013 regular meeting as corrected. Josh Vernon seconded the motion and the motion carried unanimously.

(Tabled) Compatibility Hearing: Proposed Residential PDP located on north side of State Route 94 West – City West Properties, LLC – Matt Jennings: Chairman Krieb stated that this item was tabled at the previous month's meeting and a motion was needed to remove it from the table.

Brad Darnall made a motion to remove this item from the table. Mike Faihst seconded the motion and the motion carried unanimously. Josh Vernon recused himself from this part of the meeting at 4:32 p.m. Mary Anne Medlock entered the meeting at 4:36 p.m.

Candace Dowdy stated that this item was tabled the previous month because there wasn't a quorum. The Planning Commission reviewed this item in an Advisory Meeting during the previous month and the comments were positive for the proposal. Ms. Dowdy used a Power Point presentation to show the property owned by Matt Jennings, manager of City West Properties LLC, located just to the east of the intersection located at Highway 94 West and Robertson Road North. In 2011 this property was reviewed for a possible mixed use planned development project, but the annexation request was withdrawn in 2012; thus, the proposed development was no longer pursued. Ms. Dowdy stated that Mr. Jennings has submitted a new and different site plan with a proposed single family residential planned development project. Planning Staff advised Mr. Jennings that a residential PDP could not move forward with preliminary plat review until the Planning Commission recommended zoning to the City Council for the property. This property consists of a 6.83 acre tract of land and is in the process of being annexed as R-4. (R-4 is being requested because of the amount of acreage and the number of units that are being proposed as it does not fit within the R-2 density requirements of 4.3 units per acre.) The site plan shows 48 townhouses that would be situated along both sides of a new street that is to be constructed for the new Murray and Calloway County Technical School. This will put the density for the project at about 7.9 units per acre. The units will be owner occupied. The street running through the development is currently in the process of being put in place and will be constructed to city specifications under the subdivision

regulations. Mr. Jennings has designed this development with parking in the rear of the units in order to make the development more aesthetically pleasing. Garbage pickup is yet to be worked out and since this is single family housing, there will probably not be a dumpster. Mr. Seiber asked what was the time limit for the construction of the street. Ms. Dowdy replied that Mr. Jennings is obligated to have the street constructed by July 2014. She added that Mr. Jennings had indicated that once the school is constructed, a few teachers and a couple of buses from Murray will be using this street to access the school. The buses from Calloway County will be using the access off Robertson Road North. The school does not intend for this street to become a cut-through for traffic that wished to avoid the intersection; however, if this should occur, the school is prepared to take measures to prevent this from continuing. Mr. Seiber asked if there were going to be turning lanes for ingress/egress at the school. Ms. Dowdy said that Mr. Jennings had indicated that he had spoke with the Kentucky DOT concerning that and he feels like once the property begins to be develop, the state will take a more serious approach in doing something at that intersection.

Chairman Krieb asked Mr. Jennings to come forward.

Matt Jennings, 1671 Valentine Road, New Concord, KY was sworn in. Mr. Jennings confirmed that he and the schools have had conversations with the state concerning speed zones and turning lanes at the intersection. It is their understanding that once the school is there and the need is shown, the state will make the funds available for extra turning lanes. Ms. Medlock informed Mr. Jennings that there is a six year funding process that has affected many high schools. Mr. Jennings responded that he doesn't have a lot to do with the decision. Mr. Jennings stated that he felt the State will eventually make improvements to the intersection because of the Hospice House locating on the south side of Hwy 94 West, this new school being built and this proposed development being placed on the north side of Hwy 94 West. Mr. Jennings stated that the school will actually be funding part of the road that will go through the development. Mr. Jennings said that with deadline placed on them to complete the road by July 2014; they anticipate starting this development once that road is completed.

Mr. Jennings said that he would like the development to be kept as neat and clean as possible and that Ms. Dowdy has agreed to get him an appointment to meet with the Sanitation department to discuss their possibilities on garbage pickup. Vehicle parking on the streets of the development was discussed. Mr. Jennings said that he would like to prevent that from happening, but from previous experience he has found out that is virtually impossible; however, he would like to limit the parking to only one side of the street. Homeowners will have parking in the back and there will also be additional parking in the back for guests. Mr. Jennings said that the development will be two story condominium/townhouse styles. There will be sidewalks, a common picnic area, gazebo area, and walking trails for the residents within the development. Ms. Dowdy reviewed that the commissioners had concerns the previous night about the property being zoned R-4. They questioned if the property could be developed into multi-family housing should it change hands in the future. Ms. Dowdy reminded the board that during the Planned Development Process the board has the right to put certain conditions in place that would prevent this from happening.

Brad Darnall made a motion to accept the proposed residential planned development project located on the north side of State Route 94 West for City West Properties, LLC (Matt Jennings) as compatible to the surrounding area. Mike Faiht seconded the motion and the motion carried with a 5-0 voice vote. Josh Vernon reentered the meeting at 4:58 p.m.

Public Hearing: Conditional Use Permit request to operate as a bar/tavern – 410 Main Street – Mugsy's Hideout LLC: Justin Crice used a Power Point presentation to show Mugsy's Hideout LLC located at 410 Main Street. Mugsy's has been in operation as a restaurant in Murray since 2005 and has

had a 70/30 limited restaurant liquor license since October of 2007. Owner Jay Baron is requesting to operate as a bar/tavern and has received a state license for a bar/tavern. The restaurant is approximately 2000 square feet and has a maximum occupant load of 114 according to the Fire Marshal. Staff contacted Fire Marshal Dickie Walls and he indicated there were no outstanding fire code violations for Mugsy's as long as the existing floor plan with seating capacity of 108 is maintained. There is no off-street parking available for this restaurant since it is located in the B-3 zoning district. Prior to Mugsy's Restaurant opening, this location was used for many years as a restaurant and there has not been any known problems with the parking. Public on street parking is available in the downtown area and around the court square. The zoning ordinance states that the BZA may waive off-street parking requirements within the B-3 zoning district when off-street parking cannot be reasonably provided at the premises. Mr. Baron has indicated he would like to reduce his available seating for the restaurant and put in a bar area for patrons to use. He also stated he is not changing his operation; however, he wishes to avoid the restrictions on the amount of alcohol he can sell. Current signage is in compliance with zoning regulations. Ms. Dowdy stated that Murray Main Street owns the building where Mugsy's is located and is located within the Historic Overlay District. Ms. Dowdy said a few years ago regulations were updated in the design guidelines in the Historic Overlay District and the sign section now states that lighted signs inside businesses that show through glass windows are discouraged. Ms. Dowdy said that they are not prohibited, but discouraged. Mugsy's currently has two lighted signs in their windows. One is an "OPEN" sign and the other is a sign in the shape of a pizza. Ms. Dowdy said that after speaking to Ms. Deana Wright, Director of Murray Main Street, they would like to request that Mr. Baron not put up any additional illuminated signage in his windows.

Chairman Krieb asked Officer Clere to come forward to clarify the ABC regulations on signage.

Officer Kendra Clere stated that the State ABC does not have a statute that says that neon signs cannot be displayed in windows; that would be up to the City Ordinances. She added that it would be hard for her to say that Mugsy's couldn't have neon signage when the other 43 establishments that sell alcohol are allowed that type of signage. Officer Clere continued that Mugsy's is well lit and parking will not be a problem because his hours of operation do not run concurrent with the other businesses in the downtown area. Scott Seiber stated that he had been a customer of Mugsy's since they had been in Murray and everything is very tastefully done. Mr. Seiber said from his personal perspective, he would feel a little bit "ill-at-ease" if he started dictating what someone could do with their business. Mr. Seiber does not feel that Mr. Baron would put something in his windows that would be anything other than tasteful. Mary Anne Medlock stated that since Mugsy's is located in the Historic Overlay Section it should be looked at differently than the other taverns.

Chairman Krieb asked the owner of Mugsy's to come forward.

Jay Baron, 602 Blair Street, Murray was sworn in. Mr. Baron stated that he does not want to say that he will never want more signage; however, at this time he does not have any plans for additional signage. Mr. Baron said that when he and his wife moved here from Chicago, they tried to go with a prohibition theme for their restaurant. After Murray voted to allow the sale of alcohol in 2007, Mr. Baron decided to add alcohol to the menu. This proved to be a good financial decision for the business. They recently came off of having the best year they have ever had to falling on their face. Mr. Baron has not sold beer in his restaurant since April 1st. The reason for this is because he chose not to renew his alcohol license until he found out the outcome of this meeting. Mr. Baron stated that he could not afford to pay for a year of alcohol license while waiting for his tavern/bar license to kick in. He admitted that the last six weeks had been the hardest on his patience and hardest on his business since he has not sold alcohol. Being a small business owner that is undercapitalized is an issue. Mr. Baron opened his restaurant in the downtown area and will try to continue to operate from that location. With more businesses dropping off

the "court square" every day this presents a problem for him. Mr. Baron said that being the only thing open downtown at night is a challenge itself. He added that sometimes small businesses need all the help they can get whether it is lighted signs to grab the public's attention or cheering on the streets; they need to be noticed. Mugsy's currently has one 12 foot square sign with their name on it. They have battled their identity for years which was one of the reasons for the pizza sign. It is very important for Mr. Baron to run a classy business as the business affects his family. Mr. Seiber asked Mr. Baron if he had visited historical neighborhoods in other cities to see how other business owners survived and how things were done there. Mr. Baron replied that he had been to Paducah's downtown, but not at night time since he is pretty much married to his business. He is at the restaurant as much as possible and does not get a lot of free time to go out of town. Mr. Baron has a representative that has encouraged him to visit Bowling Green to see an establishment similar to his. Mr. Seiber said that he thought that the establishment in Bowling Green would not be dealing with the same issues that Mr. Baron is dealing with on our court square because Bowling Green has much more traffic. Mr. Baron said that his business is more adult than family-friendly and he would like to keep it that way. He is not going to the tavern license to exploit more alcohol sales, but because of the freedom that it gives him. Mr. Baron said without the sale of alcohol, his food sales drop dramatically and tips go down; therefore, it hurts his employees as well. Something that is attractive to Mr. Baron about being on the court square is a different clientele who are mostly faculty and residential and not a lot of college students. Mr. Baron said that they would not do anything to jeopardize the historical integrity of the downtown.

Chairman Krieb opened the public hearing and asked if there was anyone else that wished to speak in favor of the permit. There was no one. Chairman Krieb asked if there was anyone that wished to speak in opposition to the permit. There was no one. Chairman Krieb closed the public hearing and turned it over to the board for discussion.

John Vernon said for this business to succeed it needs other businesses to succeed in the downtown area. He added that he is in favor of supporting and helping this business. There is a need to encourage the success of downtown businesses in Murray and he thinks that Mugsy's serving a different type clientele is a good thing in comparison to all the other bars that have popped up around town.

Mary Anne Medlock made a motion to approve the Conditional Use Permit for Mugsy's Hideout LLC. to operate as a bar/tavern at 410 Main Street contingent upon the restaurant maintaining compliance with current fire codes and all other city regulations. This motion also includes waiving permits for off-street parking and not allowing any additional neon lights per the Historic Overlay District design guidelines. Josh Vernon seconded the motion and the motion carried with a 6-0 voice vote. Jennifer Tolley left the meeting at 5:30 p.m.

Chairman Krieb asked Ms. Dowdy if Mr. Baron should find a sign that would prove beneficial, if he would be able to come back and ask for a sign variance at that time. Ms. Dowdy said they don't normally have someone get a variance for something on the inside of their window. This is the first time something such as this has come before the board with the business being located within the Historic Overlay District. Ms. Dowdy replied that if Mr. Baron should come up with something of a historic character, it may be considered. Mr. Vernon asked if that would have to go before the Architectural Review Board. Ms. Dowdy replied that she did not know but she would investigate that a little more. Ms. Medlock stated that she had added the statement concerning the signage to the motion because the business is located in a B-3 zone. She once had a business on the court square and she understands the situations, limitations and benefits of having a business downtown. She thinks that putting restrictions in place and following what was encouraged is not a bad thing. Mr. Seiber said that it is tough enough to have a business downtown without the restrictions and when you start layering restrictions on top of restrictions; this makes it very difficult to succeed. He encouraged the board to look at the court square

because it needs a lot of help. Chairman Krieb said that the motion was approved unanimously and he understands that if something should come up pertaining to additional window signage, that it can be considered at that time. *Officer Kendra Clere left the meeting at 5:47 p.m.*

Compatibility Hearing: Proposed residential PDP located at 1403 & 1405 Main Street – Scott Adams: Justin Crice used a Power Point presentation to show the property located at 1403 & 1405 Main Street. The property is located in a B-1 (Neighborhood Commercial) zone and owned by Reggie McNutt. It currently has two houses located on it in disrepair. The developers are in the process of getting this property surveyed for exact dimensions. Mr. Kenneth Adams and his son Scott have an agreement in place to purchase and develop the property as a residential planned development project. The preliminary site plan indicates placing 24 two-bedroom units with one bath on the property. The property would have access off Main Street with a 24 foot drive aisle, flow one way around the development, and exit on Main Street. Parking would be angled to create a more definitive flow through the development. The site plan shows sufficient parking for the development with 72 parking spaces. The dumpster has been proposed on the south end of the property and has been approved by the Sanitation Department. Screening will be required where the property adjoins residential zoning to the north and south and the developers have been made aware of this. There is a privacy fence shown along the south side of the property and a landscaped area along the north side. The developers are also proposing to put Leyland Cypress trees along the east and west sides of the development as a buffer to the commercial zoning. Chairman Krieb stated that the Planning Commission reviewed the item in an Advisory Meeting the previous night. The commissioners unanimously voted for the project to move forward. It was suggested that the two “barracks type” buildings be divided into four buildings of a townhouse nature. The commissioners would like to see green space between the buildings with possibly some offsetting of the buildings to give a little more character. Another item that was discussed was to possibly grant a variance for a smaller amount of parking spaces. The commissioners thought that by eliminating the parking in the center island and adding green space with a crossover half way through the development would make an access available in case of an emergency. Ms. Dowdy added that some of the neighbors had expressed a concern for keeping the development’s appearance in line with the historical atmosphere and integrity on Main Street. Chairman Krieb asked Mr. Adams to come forward.

Kenneth Adams, 2315 Irvin Cobb Road, Murray was sworn in. Mr. Adams stated that their desire is to put something there that will be attractive and give character to the neighborhood for a long time to come. The plan is to brick the ends of the buildings that will be facing the street, brick the bottom of the units and have siding on the upper area with shutters on the windows. Their budget does allow for the buildings to be all brick, but they thought by using different materials and adding shutters this would break up the straight lines of the architecture. The developers also want to be good neighbors and they are trying to address the concerns that were expressed by the commissioners. Mr. Adams stated that if they could get a parking variance they would be able to add the green space that has been requested in the center island. They are very receptive to breaking the two long buildings up into four and possibly offsetting or staggering them. He said that basically they are interested in the same things as the City and the boards are interested in. It is to their benefit to have an attractive development with some longevity that will be a return on their investment for many years to come. Chairman Krieb suggested that they look at maybe adding a bay window to the front of the units for definition if the staggering of the units would not work. Mr. Adams stated that he had operated a business in Bardstown Kentucky for several years and the kind of atmosphere that is displayed there is the look that he is going for here. He said that of course they have to control the costs, but if they are able to make changes and stay within their budget, they certainly will. Josh Vernon stated that this location is certainly a big part of developing the Main Street corridor. He said that the city along with Murray Main Street hired a group to come in and do a Master Plan for Main Street. The result of that Master Plan covered the developments just like this proposal. Mr. Vernon encouraged Mr. Adams to look at and review the goals of that document. (Chairman Krieb told

Mr. Adams that Ms. Dowdy would get a copy of those goals to him.) He also informed Mr. Adams of a financial study that indicates if you meet a certain price point; you will attract people that can afford that price point i.e., if you want students in the units go for low budget. Mr. Adams said that was exactly what they have in mind. They would like to set the standards for the future developments on Main Street since they will have a vested interest when they make this commitment. Mr. Adams continued that since their units are two-bedroom one bath, they feel like the residents will be more inclined to be faculty and the type of people that would be in married housing opposed to college students. Mr. Vernon also encouraged Mr. Adams to visit the university to discuss their goals for some of their property. Mr. Vernon said that the university owns the property across the street from this proposal and they would like to incorporate more multi-use developments. Mr. Adams stated that they are not new to Murray, but they are new to developments. He reiterated that they will be receptive to input and suggestions to make this project work.

Scott Seiber made a motion to accept the proposed residential planned development project to be located at 1403 and 1405 Main Street as compatible to the surrounding area. Brad Darnall seconded the motion and the motion carried with a 6-0 voice vote.

Public Hearing: Conditional Use Permit request to use an entrance off Dodson Street in an R-2 zoning district for access to church related activities at 901 Coldwater Road – Donald Klukan – Dana Joseph Properties LLC: Candace Dowdy used a Power Point presentation to show the property located at 901 Coldwater Road. This property is located in an R-2 (Single Family Residential) zone and was recently sold to Dana Joseph Properties, LLC. This property is surrounded by R-2 Single Family Residential to the South, West and East and B-2 (Highway Business) to the North. The property has three buildings on it along with a deeded access between 1610 and 1700 Dodson Street. Ms. Dowdy said that approximately three months ago Justin Phillips (a representative of a local church) came to Planning Staff about using the back building on this property for a satellite church. This is being brought before the BZA because church related activities are only allowed as a conditional use in an R-2 Zoning District. The graveled drive on Dodson has been there for a number of years. When the property was previously owned by Bob Allen, the city had numerous conversations with him informing him that the Zoning Ordinance did not allow commercial access to a residential zone. There have been a number of complaints over the years concerning the dust and traffic in general using the graveled drive. The Springs Church, who is the tenant at 901B Coldwater Road, has leased this building on a three month basis to see if it was going to work for them. Currently the traffic for the church is flowing through the Coldwater Road entrance. The applicants are asking for a conditional use permit to use the entrance on Dodson for access to their church for services on Sundays. (The access on Dodson is not a dedicated right-of-way for an extension of 17th Street.) Planning Staff does not have a problem with this access being used for the church; however, it would be their recommendation that the gravel area be paved (turned into a hard surface) to keep in line with the Zoning Ordinance. Planning Staff does stand firm in not allowing an entrance through a residential zone for use in a commercial zone. There is another situation such as this in town where the back of a commercial establishment exits through a residential street. There have been a number of complaints even though that access has been there for years. In that particular instance Planning Staff required that they put up a gate to keep over flow traffic from using that access except in an emergency. Ms. Dowdy said that they do not think that the residents on Dodson want to see this access turn into a thru-way.

Chairman Krieb opened the public hearing and asked if there was anyone that wished to speak in favor of the permit.

Don Klukan, 1711 Miller Avenue, Murray was sworn in. Mr. Klukan stated that he is the owner of the property in discussion and he did not know there was so much controversy about this driveway when he

bought it. He actually didn't even know it was part of the property until the day of signing the papers for the purchase. Mr. Klukan said that he had talked to four of the residents at the corner of 17th and Dodson and they are all glad that he is making some improvements to the property. They also have indicated that they do not object to the church using this access road for their use. Before Mr. Klukan bought the property there was not much control there and it had apparently been used as a place for individuals to gather and drink. He has reestablished security lights and he thinks it is a cleaner place than it was previously. Mr. Klukan brought one of the representatives of the church along to describe the proposed use. Ms. Dowdy asked Mr. Klukan if he understood why the city was concerned about this access. Mr. Klukan stated that he did and he was willing to do whatever the city decided was necessary.

Rob Ison, 791 Poplar Springs Drive, Murray was sworn in. Mr. Ison explained that the church is meeting on Sunday mornings at 8:30 to minister to the Hispanic community through this satellite church. In addition, there is an English service at 11:30 and Sunday School meets in between these times. Poplar Springs is located out by the lake and they have a lot of members in Murray who don't want to drive that far to attend services; thus, the idea for a satellite church in Murray evolved. At this point there are no night services; however, they are looking at maybe having some type of after school programs in the future. Mr. Ison said that they currently have approximately 30 Hispanics that attend their 8:30 a.m. services in town. Mr. Ison stated that after meeting with Ms. Dowdy they thought that blocking the access on Dodson with cones (except for Sunday mornings) would be sufficient to keep the public from using that access on a day-to-day basis. Mr. Ison estimated that out of their membership, there would only be about 30 vehicles using the access since several of the Hispanics ride together. From 9:30 – 10:30 would be the peak time for that many cars at one given time. Mr. Ison explained that there is currently quite a bit of traffic that uses the access on Dodson to travel to the apartments to the north including a decent amount of traffic that cuts through the property to go to Coldwater Road. This property is working very well for the church's needs and they are willing to comply with the city's wishes. He does have some reservations about putting up something more stationary on Dodson to keep other traffic from using this access as well as concerns about liabilities for the church if someone should get hurt because of the barrier. In the past they have been using cones or buckets to keep people from using that access. They are not very pretty, but they have served the purpose. Mr. Ison anticipates that this location will serve their church for another nine months and hopefully, they will outgrow this building and will find it necessary to move to a larger facility. Mr. Ison said that if the Dodson residents think that the church traffic would become a nuisance to them, the church will continue to use the entrance off Coldwater Road.

Steve Sells, 2676 Red Bud Road, Dexter KY was sworn in. Mr. Sells owns the house at 1610 Dodson. He has previously talked to David Roberts concerning this access and in 2009 he generated a complaint. He said that he is not really for or against this permit; however, he is concerned with the dust. He said that the trash man, police and UPS use that road in addition to others zipping up and down it. At one time he had a tenant in his house that had a little girl with asthma and he actually had a letter from the doctor stating that the dust was exasperating her condition. Now it is 2013 and the situation hasn't changed a bit. Mr. Sells thinks it's great that there is a church located there and that they are ministering to the Hispanic community. Mr. Sells stated that he thinks the road should be paved and then he would have no problems with the church using this access.

Chairman Krieb asked if there was anyone that wished to speak in opposition to the permit. There was no one. Chairman Krieb closed the public hearing and turned it over to the board for discussion.

Chairman Krieb said that from what he has heard, it is not a likelihood that the church will be in this location for a long time. This access has been used over a period of years by numerous ones and he thinks this might be a good time to fix the situation by putting up a permanent barrier that could be only used

during emergencies. Scott Seiber said that if that street was going to be used, he thought that it needs to be paved. Brad Darnall stated that he also thought the street should be paved and in addition, a permanent barrier installed that can be locked and opened as needed for church services. Chairman Krieb said that if they require the access to be paved, that will encourage the use and it then becomes North 17th Street. He continued that if the street is not paved; it doesn't need to be used. The church has said that it is awkward, but they are functioning with the access off Coldwater Road. Ms. Dowdy said that from the City's standpoint, they feel like it should be put into a hard surface. The appearance will be better and it will cut down on the dust for the residents. Even if the church moves, she thinks the board still needs to consider requiring it to be put into a hard surface. Ms. Medlock stated that if it is put into a hard surface, she thinks it should meet street requirements because it is going to become North 17th whether they want it to or not. Ms. Dowdy said that will not happen if they require the property owner to put up some type of barrier. They would like to stop that commercial use through the residential zoning district.

Chairman Krieb opened the public hearing back up and allowed another person from the audience to speak.

Rhonda Sells, 1676 Red Bud Road, Dexter KY was sworn in. Ms. Sells stated that she is concerned with the amount of traffic that is going thru that access. The apartment complex that is to the north is now having construction done and the tenants from those apartments are continually using that street instead of using the Coldwater route. Ms. Sells said that this access has virtually become a street based on the amount of traffic that is using it. Traffic does not stop; it zips in and out constantly. Ms. Dowdy said that Planning Staff would discuss that with the apartment's owner. She added that they were not aware of this traffic situation and it might have occurred because of the construction. Mr. Seiber said in his opinion once that access is paved, the dust will go down but the speed will go up. Chairman Krieb said that he is not sure that paving the access is the answer. Josh Vernon said that the right answer is that the access should be divided between the two property owners and grassed over so that the access will be eliminated all together. David Roberts said that this has been an ongoing issue since 1989 and he would appreciate suggestions from the board on how to eliminate it. Mr. Roberts said that every conversation that he had with the previous owner, he was told that the road was not being used for commercial purposes. He added that he had directed the Murray Public Works employees and sanitation pick-up not to use that access; however, he doesn't know if they use it or not.

Mr. Ison came forward and said that they do not know what their options will be in nine months; however, should their church grow it will be in the church's best interest financially as well as the property owner's best interest to address it in a manner which is pleasing to the city. This could be paving it and providing a barrier where it wouldn't allow any access except on Sunday mornings. Mr. Ison asked if there was a way to table this item and let them use it as it is and then address it in future talks.

Chairman Krieb closed the public hearing and turned it over to the board for discussion.

Mary Anne Medlock made a motion to deny the Conditional Use Permit for Dana Joseph Properties, LLC to use the access between 1610 & 1700 Dodson Street to access the property at 901 Coldwater Road for church related activities. The board recommends that the property owner close the road so that no traffic will utilize it since it has created problems in the past with commercial traffic through a residential area. Josh Vernon seconded the motion and the motion carried with a 6-0 voice vote.

Chairman Krieb called a two minute recess. The meeting resumed at 6:28 p.m.

Public Hearing: Dimensional Variance for additional wall signage – 100 Chestnut – Saputo Dairy Foods USA, LLC: Candace Dowdy used a Power Point presentation to show the Saputo building located at 100 Chestnut Street. Saputo Dairy Foods USA recently purchased Morning Star Foods and they are now requesting additional signage on the property to help incoming truck drivers locate the facility. Based on the dimensions of the west side of the building where their previous sign was located they would be allowed 340 sq. ft. of wall signage and they are proposing to place a 300 sq. ft. sign on that side of the building. They are requesting one additional 240 sq. ft. wall sign to be placed on the south side of the building facing Chestnut Street. They are also requesting to place one (1) 18 sq. ft. vinyl decal sign on the white painted silo, and two (2) 43 sq. ft. vinyl decal signs on the stainless silo. The requested signage for all five (5) signs equals a total of 644 square feet. A dimensional variance was approved on July 13, 1992 allowing two free standing signs at 20 sq. ft. each for this location but they were removed sometime in the past and the new owners do not plan to have any freestanding signage. Scott Seiber stated that he thought the board should give them what they need to help in identifying their building and provide routing for semi-truck drivers. Brad Darnall said that he thought that signs would actually add to the appearance of the building. Ms. Dowdy stated that Planning Staff had not received any comments or phone calls concerning this matter.

Chairman Krieb opened the public hearing and asked if there was anyone in favor of this variance.

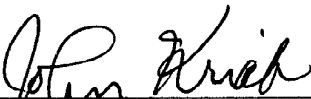
Kevin Garrett, 90 Brittany Lane, Murray was sworn in. Mr. Garrett explained that they want to make the factory look more appealing with some added attractive signage. Another reason they are looking to add more signage is to identify their building. If drivers are coming from the east, there is nothing to identify the building from that direction. Mr. Seiber asked if they had enough directional signage for the trucks. Mr. Garrett stated that they do once they get into the parking lot. There is already lighting all around the building; therefore, they will not need illuminated signage.

Chairman Krieb asked if there was anyone that wished to speak in opposition to the variance. There was no one. Chairman Krieb closed the public hearing and turned it over to the board for discussion.


Scott Seiber made a motion to approve the dimensional variance request for Saputo located at 100 Chestnut Street for one additional wall sign not to exceed 240 square feet, to be placed on the south side of building, two (2) vinyl decal signs not to exceed 43 sq. ft. each, and one (1) vinyl decal sign not to exceed 18 sq. ft. based on the fact there will be no freestanding signs on the property and that the changes requested will not adversely affect the 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 regulations. Mike Faiht seconded the motion and the motion carried with a 6-0 voice vote.

QUESTIONS AND COMMENTS: None

ADJOURNMENT: Scott Seiber made a motion to adjourn. Brad Darnall seconded the motion and the motion carried unanimously. The meeting adjourned at 6:40 p.m.



Chairman, John Krieb



Recording Secretary, Reta Gray

MURRAY BOARD OF ZONING ADJUSTMENTS
 REGULAR MEETING
 WEDNESDAY, MAY 22, 2013
 4:30 P.M.

The Murray Board of Zoning Adjustments met in regular session on Wednesday, May 22, 2013 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5th Street.

Board Members Present: Mike Faihst, Mary Anne Medlock, Scott Seiber, Brad Darnall, John Krieb and Josh Vernon

Board Members Absent: Justin Pounds

Also Present: Candace Dowdy, Justin Crice, Reta Gray, David Roberts, Jennifer Tolley, Hawkins Teague, Officer Todd Clere, Officer Kendra Clere, Matt Jennings, Jay Baron,

Kenneth Adams, Scott Adams, Don Klukan, Rob Ison, Steve & Rhonda Sells, Kevin Garrett and public audience

Chairman Krieb called the meeting to order and welcomed all guests and applicants. Chairman Krieb asked if there were any changes, additions or deletions to the April 17, 2013 regular meeting. Chairman Krieb stated that Justin Crice had made a few minor wording changes to the minutes since they were distributed.

Mike Faihst made a motion to approve the BZA minutes from April 17, 2013 regular meeting as corrected. Josh Vernon seconded the motion and the motion carried unanimously.

(Tabled) Compatibility Hearing: Proposed Residential PDP located on north side of State Route 94 West — City West Properties, LLC — Matt Jennings: Chairman Krieb stated that this item was tabled at the previous month's meeting and a motion was needed to remove it from the table.

Brad Darnall made a motion to remove this item from the table. Mike Faihst seconded the motion and the motion carried unanimously. Josh Vernon recused himself from this part of the meeting at 4:32 p.m. Mary Anne Medlock entered the meeting at 4:36 p.m.

Candace Dowdy stated that this item was tabled the previous month because there wasn't a quorum. The Planning Commission reviewed this item in an Advisory Meeting during the previous month and the comments were positive for the proposal. Ms. Dowdy used a Power Point presentation to show the property owned by Matt Jennings, manager of City West Properties LLC, located just to the east of the intersection located at Highway 94 West and Robertson Road North. In 2011 this property was reviewed for a possible mixed use planned development project, but the annexation request was withdrawn in 2012; thus, the proposed development was no longer pursued. Ms. Dowdy stated that Mr. Jennings has submitted a new and different site plan with a proposed single family residential planned development project. Planning Staff advised Mr. Jennings that a residential PDP could not move forward with preliminary plat review until the Planning Commission recommended zoning to the City Council for the property. This property consists of a 6.83 acre tract of land and is in the process of being annexed as R-4. (R-4 is being requested because of the amount of acreage and the number of units that are being proposed as it does not fit within the R-2 density requirements of 4.3 units per acre.) The site plan shows 48 townhouses that would be situated along both sides of a new street that is to be constructed for the new Murray and Calloway County Technical School. This will put the density for the project at about 7.9 units per acre. The units will be owner occupied. The street running through the development is currently in the process of being put in place and will be constructed to city specifications under the subdivision

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regulations. Mr. Jennings has designed this development with parking in the rear of the units in order to make the development more aesthetically pleasing. Garbage pickup is yet to be worked out and since this is single family housing, there will probably not be a dumpster. Mr. Seiber asked what was the time limit for the construction of the street. Ms. Dowdy replied that Mr. Jennings is obligated to have the street constructed by July 2014. She added that Mr. Jennings had indicated that once the school is constructed, a few teachers and a couple of buses from Murray will be using this street to access the school. The buses from Calloway County will be using the access off Robertson Road North. The school does not intend for this street to become a cut-through for traffic that wished to avoid the intersection; however, if this should occur, the school is prepared to take measures to prevent this from continuing. Mr. Seiber asked if there were going to be turning lanes for ingress/egress at the school. Ms. Dowdy said that Mr. Jennings had indicated that he had spoke with the Kentucky DOT concerning that and he feels like once the property begins to be develop, the state will take a more serious approach in doing something at that intersection.

Chairman Krieb asked Mr. Jennings to come forward.

Matt Jennings, 1671 Valentine Road, New Concord, KY was sworn in. Mr. Jennings confirmed that he and the schools have had conversations with the state concerning speed zones and turning lanes at the intersection. It is their understanding that once the school is there and the need is shown, the state will make the funds available for extra turning lanes. Ms. Medlock informed Mr. Jennings that there is a six year funding process that has affected many high schools. Mr. Jennings responded that he doesn't have a lot to do with the decision. Mr. Jennings stated that he felt the State will eventually make improvements to the intersection because of the Hospice House locating on the south side of Hwy 94 West, this new school being built and this proposed development being placed on the north side of Hwy 94 West. Mr. Jennings stated that the school will actually be funding part of the road that will go through the development. Mr. Jennings said that with deadline placed on them to complete the road by July 2014; they anticipate starting this development once that road is completed.

Mr. Jennings said that he would like the development to be kept as neat and clean as possible and that Ms. Dowdy has agreed to get him an appointment to meet with the Sanitation department to discuss their possibilities on garbage pickup. Vehicle parking on the streets of the development was discussed. Mr. Jennings said that he would like to prevent that from happening, but from previous experience he has found out that is virtually impossible; however, he would like to limit the parking to only one side of the street. Homeowners will have parking in the back and there will also be additional parking in the back for guests. Mr. Jennings said that the development will be two story condominium/townhouse styles. There will be sidewalks, a common picnic area, gazebo area, and walking trails for the residents within the development. Ms. Dowdy reviewed that the commissioners had concerns the previous night about the property being zoned R-4. They questioned if the property could be developed into multi-family housing

should it change hands in the future. Ms. Dowdy reminded the board that during the Planned Development Process the board has the right to put certain conditions in place that would prevent this from happening.

Brad Darnall made a motion to accept the proposed residential planned development project located on the north side of State Route 94 West for City West Properties, LLC (Matt Jennings) as compatible to the surrounding area. Mike Faiht seconded the motion and the motion carried with a 5-0 voice vote. Josh Vernon reentered the meeting at 4:58 p.m.

Public Hearing: Conditional Use Permit request to operate as a bar/tavern — 410 Main Street — Mugsy's Hideout LLC: Justin Crice used a Power Point presentation to show Mugsy's Hideout LLC located at 410 Main Street. Mugsy's has been in operation as a restaurant in Murray since 2005 and has

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had a 70/30 limited restaurant liquor license since October of 2007. Owner Jay Baron is requesting to operate as a bar/tavern and has received a state license for a bar/tavern. The restaurant is approximately 2000 square feet and has a maximum occupant load of 114 according to the Fire Marshal. Staff contacted Fire Marshal Dickie Walls and he indicated there were no outstanding fire code violations for Mugsy's as long as the existing floor plan with seating capacity of 108 is maintained. There is no off-street parking available for this restaurant since it is located in the B-3 zoning district. Prior to Mugsy's Restaurant opening, this location was used for many years as a restaurant and there has not been any known problems with the parking. Public on street parking is available in the downtown area and around the court square. The zoning ordinance states that the BZA may waive off-street parking requirements within the B-3 zoning district when off-street parking cannot be reasonably provided at the premises. Mr. Baron has indicated he would like to reduce his available seating for the restaurant and put in a bar area for patrons to use. He also stated he is not changing his operation; however, he wishes to avoid the restrictions on the amount of alcohol he can sell. Current signage is in compliance with zoning regulations. Ms. Dowdy stated that Murray Main Street owns the building where Mugsy's is located and is located within the Historic Overlay District. Ms. Dowdy said a few years ago regulations were updated in the design guidelines in the Historic Overlay District and the sign section now states that lighted signs inside businesses that show through glass windows are discouraged. Ms. Dowdy said that they are not prohibited, but discouraged. Mugsy's currently has two lighted signs in their windows. One is an "OPEN" sign and the other is a sign in the shape of a pizza. Ms. Dowdy said that after speaking to Ms. Deana Wright, Director of Murray Main Street, they would like to request that Mr. Baron not put up any additional illuminated signage in his windows.

Chairman Krieb asked Officer Clere to come forward to clarify the ABC regulations on signage.

Officer Kendra Clere stated that the State ABC does not have a statute that says that neon signs cannot be displayed in windows; that would be up to the City Ordinances. She added that it would be hard for her to say that Mugsy's couldn't have neon signage when the other 43 establishments that sell alcohol are allowed that type of signage. Officer Clere continued that Mugsy's is well lit and parking will not be a problem because his hours of operation do not run concurrent with the other businesses in the downtown area. Scott Seiber stated that he had been a customer of Mugsy's since they had been in Murray and everything is very tastefully done. Mr. Seiber said from his personal perspective, he would feel a little bit "ill-at-ease" if he started dictating what someone could do with their business. Mr. Seiber does not feel that Mr. Baron would put something in his windows that would be anything other than tasteful. Mary Anne Medlock stated that since Mugsy's is located in the Historic Overlay Section it should be looked at differently than the other taverns.

Chairman Krieb asked the owner of Mugsy's to come forward.

Jay Baron, 602 Blair Street, Murray was sworn in. Mr. Baron stated that he does not want to say that he will never want more signage; however, at this time he does not have any plans for additional signage. Mr. Baron said that when he and his wife moved here from Chicago, they tried to go with a prohibition theme for their restaurant. After Murray voted to allow the sale of alcohol in 2007, Mr. Baron decided to add alcohol to the menu. This proved to be a good financial decision for the business. They recently came off of having the best year they have ever had to falling on their face. Mr. Baron has not sold beer in his restaurant since April 1st. The reason for this is because he chose not to renew his alcohol license until he found out the outcome of this meeting. Mr. Baron stated that he could not afford to pay for a year of alcohol license while waiting for his tavern/bar license to kick in. He admitted that the last six weeks had been the hardest on his patience and hardest on his business since he has not sold alcohol. Being a small business owner that is undercapitalized is an issue. Mr. Baron opened his restaurant in the downtown area and will try to continue to operate from that location. With more businesses dropping off

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the "court square" every day this presents a problem for him. Mr. Baron said that being the only thing open downtown at night is a challenge itself. He added that sometimes small businesses need all the help they can get whether it is lighted signs to grab the public's attention or cheering on the streets; they need to be noticed. Mugsy's currently has one 12 foot square sign with their name on it. They have battled their identity for years which was one of the reasons for the pizza sign. It is very important for Mr. Baron to run a classy business as the business affects his family. Mr. Seiber asked Mr. Baron if he had visited historical neighborhoods in other cities to see how other business owners survived and how things were done there. Mr. Baron replied that he had been to Paducah's downtown, but not at night time since he is pretty much married to his business. He is at the restaurant as much as possible and does not get a lot of free time to go out of town. Mr. Baron has a representative that has encouraged him to visit Bowling Green to see an establishment similar to his. Mr. Seiber said that he thought that the establishment in Bowling Green would not be dealing with the same issues that Mr. Baron is dealing with on our court square because Bowling Green has much more traffic. Mr. Baron said that his business is more adult than family-friendly and he would like to keep it that way. He is not going to the tavern license to exploit more alcohol sales, but because of the freedom that it gives him. Mr. Baron said without the sale of alcohol, his food sales drop dramatically and tips go down; therefore, it hurts his employees as well. Something that is attractive to Mr. Baron about being on the court square is a different clientele who are mostly faculty and residential and not a lot of college students. Mr. Baron said that they would not do anything to jeopardize the historical integrity of the downtown.

Chairman Krieb opened the public hearing and asked if there was anyone else that wished to speak in favor of the permit. There was no one. Chairman Krieb asked if there was anyone that wished to speak in opposition to the permit. There was no one.

Chairman Krieb closed the public hearing and turned it over to the board for discussion.

John Vernon said for this business to succeed it needs other businesses to succeed in the downtown area. He added that he is in favor of supporting and helping this business. There is a need to encourage the success of downtown businesses in Murray and he thinks that Mugsy's serving a different type clientele is a good thing in comparison to all the other bars that have popped up around town.

Mary Anne Medlock made a motion to approve the Conditional Use Permit for Mugsy's Hideout LLC. to operate as a bar/tavern at 410 Main Street contingent upon the restaurant maintaining compliance with current fire codes and all other city regulations. This motion also includes waiving permits for off-street parking and not allowing any additional neon lights per the Historic Overlay District design guidelines. Josh Vernon seconded the motion and the motion carried with a 6-0 voice vote. Jennifer Tolley left the meeting at 5:30 p.m.

Chairman Krieb asked Ms. Dowdy if Mr. Baron should find a sign that would prove beneficial, if he would be able to come back and ask for a sign variance at that time. Ms. Dowdy said they don't normally have someone get a variance for something on the inside of their window. This is the first time something such as this has come before the board with the business being located within the Historic Overlay District. Ms. Dowdy replied that if Mr. Baron should come up with something of a historic character, it may be considered. Mr. Vernon asked if that would have to go before the Architectural Review Board. Ms. Dowdy replied that she did not know but she would investigate that a little more. Ms. Medlock stated that she had added the statement concerning the signage to the motion because the business is located in a B-3 zone. She once had a business on the court square and she understands the situations, limitations and benefits of having a business downtown. She thinks that putting restrictions in place and following what was encouraged is not a bad thing. Mr. Seiber said that it is tough enough to have a business downtown without the restrictions and when you start layering restrictions on top of restrictions; this makes it very difficult to succeed. He encouraged the board to look at the court square

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because it needs a lot of help. Chairman Krieb said that the motion was approved unanimously and he understands that if something should come up pertaining to additional window signage, that it can be considered at that time. Officer Kendra Clere left the meeting at 5:47 p.m.

Compatibility Hearing: Proposed residential PDP located at 1403 & 1405 Main Street — Scott Adams: Justin Crice used a Power Point presentation to show the property located at 1403 & 1405 Main Street. The property is located in a B-1 (Neighborhood Commercial) zone and owned by Reggie McNutt. It currently has two houses located on it in disrepair. The developers are in the process of getting this property surveyed for exact dimensions. Mr. Kenneth Adams and his son Scott have an agreement in place to purchase and develop the property as a residential planned development project. The preliminary site plan indicates placing 24 two-bedroom units with one bath on the property. The property would have access off Main Street with a 24 foot drive aisle, flow one way around the development, and exit on Main Street. Parking would be angled to create a more definitive flow through the development. The site plan shows sufficient parking for the development with 72 parking spaces. The dumpster has been proposed on the south end of the property and has been approved by the Sanitation Department. Screening will be required where the property adjoins residential zoning to the north and south and the developers have been made aware of this. There is a privacy fence shown along the south side of the property and a landscaped area along the north side. The developers are also proposing to put Leyland Cypress trees along the east and west sides of the development as a buffer to the commercial zoning. Chairman Krieb stated that the Planning Commission reviewed the item in an Advisory Meeting the previous night. The commissioners unanimously voted for the project to move forward. It was suggested that the two "barracks type" buildings be divided into four buildings of a townhouse nature. The commissioners would like to see green space between the buildings with possibly some offsetting of the buildings to give a little more character. Another item that was discussed was to possibly grant a variance for a smaller amount of parking spaces. The commissioners thought that by eliminating the parking in the center island and adding green space with a crossover half way through the development would make an access available in case of an emergency. Ms. Dowdy added that some of the neighbors had expressed a concern for keeping the development's appearance in line with the historical atmosphere and integrity on Main Street. Chairman Krieb asked Mr. Adams to come forward.

Kenneth Adams, 2315 Irvin Cobb Road, Murray was sworn in. Mr. Adams stated that their desire is to put something there that will be attractive and give character to the neighborhood for a long time to come. The plan is to brick the ends of the buildings that will be facing the street, brick the bottom of the units and have siding on the upper area with shutters on the windows. Their budget does allow for the buildings to be all brick, but they thought by using different materials and adding shutters this would break up the straight lines of the architecture. The developers also want to be good neighbors and they are trying to address the concerns that were expressed by the commissioners. Mr. Adams stated that if they could get a parking variance they would be able to add the green space that has been requested in the center island. They are very receptive to breaking the two long buildings up into four and possibly offsetting or staggering them. He said that basically they are interested in the same things as the City and the boards are interested in. It is to their benefit to have an attractive development with some longevity that will be a return on their investment for many years to come. Chairman Krieb suggested that they look at maybe adding a bay window to the front of the units for definition if the staggering of the units would not work. Mr. Adams stated that he had operated a business in Bardstown Kentucky for several years and the kind of atmosphere that is displayed there is the look that he is going for here. He said that of course they have to control the costs, but if they are able to make changes and stay within their budget, they certainly will. Josh Vernon stated that this location is certainly a big part of developing the Main Street corridor. He said that the city along with Murray Main Street hired a group to come in and do a Master Plan for Main Street. The result of that Master Plan covered the developments just like this proposal. Mr. Vernon encouraged Mr. Adams to look at and review the goals of that document. (Chairman Krieb told Murray Board of Zoning Adjustments

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Mr. Adams that Ms. Dowdy would get a copy of those goals to him.) He also informed Mr. Adams of a financial study that indicates if you meet a certain price point; you will attract people that can afford that price point i.e., if you want students in the units go for low budget. Mr. Adams said that was exactly what they have in mind. They would like to set the standards for the future

developments on Main Street since they will have a vested interest when they make this commitment. Mr. Adams continued that since their units are two-bedroom one bath, they feel like the residents will be more inclined to be faculty and the type of people that would be in married housing opposed to college students. Mr. Vernon also encouraged Mr. Adams to visit the university to discuss their goals for some of their property. Mr. Vernon said that the university owns the property across the street from this proposal and they would like to incorporate more multi-use developments. Mr. Adams stated that they are not new to Murray, but they are new to developments. He reiterated that they will be receptive to input and suggestions to make this project work.

Scott Seiber made a motion to accept the proposed residential planned development project to be located at 1403 and 1405 Main Street as compatible to the surrounding area. Brad Darnall seconded the motion and the motion carried with a 6-0 voice vote. Public Hearing: Conditional Use Permit request to use an entrance off Dodson Street in an R-2 zoning district for access to church related activities at 901 Coldwater Road — Donald Klukan — Dana Joseph Properties LLC: Candace Dowdy used a Power Point presentation to show the property located at 901 Coldwater Road. This property is located in an R-2 (Single Family Residential) zone and was recently sold to Dana Joseph Properties, LLC. This property is surrounded by R-2 Single Family Residential to the South, West and East and B-2 (Highway Business) to the North. The property has three buildings on it along with a deeded access between 1610 and 1700 Dodson Street. Ms. Dowdy said that approximately three months ago Justin Phillips (a representative of a local church) came to Planning Staff about using the back building on this property for a satellite church. This is being brought before the BZA because church related activities are only allowed as a conditional use in an R-2 Zoning District. The graveled drive on Dodson has been there for a number of years. When the property was previously owned by Bob Allen, the city had numerous conversations with him informing him that the Zoning Ordinance did not allow commercial access to a residential zone. There have been a number of complaints over the years concerning the dust and traffic in general using the graveled drive. The Springs Church, who is the tenant at 901B Coldwater Road, has leased this building on a three month basis to see if it was going to work for them. Currently the traffic for the church is flowing through the Coldwater Road entrance. The applicants are asking for a conditional use permit to use the entrance on Dodson for access to their church for services on Sundays. (The access on Dodson is not a dedicated right-of-way for an extension of 17th Street.) Planning Staff does not have a problem with this access being used for the church; however, it would be their recommendation that the gravel area be paved (turned into a hard surface) to keep in line with the Zoning Ordinance. Planning Staff does stand firm in not allowing an entrance through a residential zone for use in a commercial zone. There is another situation such as this in town where the back of a commercial establishment exits through a residential street. There have been a number of complaints even though that access has been there for years. In that particular instance Planning Staff required that they put up a gate to keep over flow traffic from using that access except in an emergency. Ms. Dowdy said that they do not think that the residents on Dodson want to see this access turn into a thru-way.

Chairman Krieb opened the public hearing and asked if there was anyone that wished to speak in favor of the permit.

Don Klukan, 1711 Miller Avenue, Murray was sworn in. Mr. Klukan stated that he is the owner of the property in discussion and he did not know there was so much controversy about this driveway when he

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bought it. He actually didn't even know it was part of the property until the day of signing the papers for the purchase. Mr. Klukan said that he had talked to four of the residents at the corner of 17th and Dodson and they are all glad that he is making some improvements to the property. They also have indicated that they do not object to the church using this access road for their use. Before Mr. Klukan bought the property there was not much control there and it had apparently been used as a place for individuals to gather and drink. He has reestablished security lights and he thinks it is a cleaner place than it was previously. Mr. Klukan brought one of the representatives of the church along to describe the proposed use. Ms. Dowdy asked Mr. Klukan if he understood why the city was concerned about this access. Mr. Klukan stated that he did and he was willing to do whatever the city decided was necessary.

Rob Ison, 791 Poplar Springs Drive, Murray was sworn in. Mr. Ison explained that the church is meeting on Sunday mornings at 8:30 to minister to the Hispanic community through this satellite church. In addition, there is an English service at 11:30 and Sunday School meets in between these times. Poplar Springs is located out by the lake and they have a lot of members in Murray who don't want to drive that far to attend services; thus, the idea for a satellite church in Murray evolved. At this point there are no night services; however, they are looking at maybe having some type of after school programs in the future. Mr. Ison said that they currently have approximately 30 Hispanics that attend their 8:30 a.m. services in town. Mr. Ison stated that after meeting with Ms. Dowdy they thought that blocking the access on Dodson with cones (except for Sunday mornings) would be sufficient to keep the public from using that access on a day-to-day basis. Mr. Ison estimated that out of their membership, there would only be about 30 vehicles using the access since several of the Hispanics ride together. From 9:30 — 10:30 would be the peak time for that many cars at one given time. Mr. Ison explained that there is currently quite a bit of traffic that uses the access on Dodson to travel to the apartments to the north including a decent amount of traffic that cuts through the property to go to Coldwater Road. This property is working very well for the church's needs and they are willing to comply with the city's wishes. He does have some reservations about putting up something more stationary on Dodson to keep other traffic from using this access as well as concerns about liabilities for the church if someone should get hurt because of the barrier. In the past they have been using cones or buckets to keep people from using that access. They are not very pretty, but they have served the purpose. Mr. Ison anticipates that this location will serve their church for another nine months and hopefully, they will outgrow this building and will find it necessary to move to a larger facility. Mr. Ison said that if the Dodson residents think that the church traffic would become a nuisance to them, the church will continue to use the entrance off Coldwater Road.

Steve Sells, 2676 Red Bud Road, Dexter KY was sworn in. Mr. Sells owns the house at 1610 Dodson. He has previously talked to David Roberts concerning this access and in 2009 he generated a complaint. He said that he is not really for or against this permit; however, he is concerned with the dust. He said that the trash man, police and UPS use that road in addition to others zipping up and down it. At one time he had a tenant in his house that had a little girl with asthma and he actually had a letter from the doctor stating that the dust was exasperating her condition. Now it is 2013 and the situation hasn't changed a bit. Mr. Sells thinks it's great that there is a church located there and that they are ministering to the Hispanic community. Mr. Sells stated that he thinks the road should be paved and then he would have no problems with the church using this access.

Chairman Krieb asked if there was anyone that wished to speak in opposition to the permit. There was no one. Chairman Krieb closed the public hearing and turned it over to the board for discussion.

Chairman Krieb said that from what he has heard, it is not a likelihood that the church will be in this location for a long time. This access has been used over a period of years by numerous ones and he thinks this might be a good time to fix the situation by putting up a permanent barrier that could be only used

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during emergencies. Scott Seiber said that if that street was going to be used, he thought that it needs to be paved. Brad Darnall stated that he also thought the street should be paved and in addition, a permanent barrier installed that can be locked and opened as needed for church services. Chairman Krieb said that if they require the access to be paved, that will encourage the use and it then becomes North 17th Street. He continued that if the street is not paved; it doesn't need to be used. The church has said that it is awkward, but they are functioning with the access off Coldwater Road. Ms. Dowdy said that from the City's standpoint, they feel like it should be put into a hard surface. The appearance will be better and it will cut down on the dust for the residents. Even if the church moves, she thinks the board still needs to consider requiring it to be put into a hard surface. Ms. Medlock stated that if it is put into a hard surface, she thinks it should meet street requirements because it is going to become North 17th whether they want it to or not. Ms. Dowdy said that will not happen if they require the property owner to put up some type of barrier. They would like to stop that commercial use through the residential zoning district.

Chairman Krieb opened the public hearing back up and allowed another person from the audience to speak.

Rhonda Sells, 1676 Red Bud Road, Dexter KY was sworn in. Ms. Sells stated that she is concerned with the amount of traffic that is going thru that access. The apartment complex that is to the north is now having construction done and the tenants from those apartments are continually using that street instead of using the Coldwater route. Ms. Sells said that this access has virtually become a street based on the amount of traffic that is using it. Traffic does not stop; it zips in and out constantly. Ms. Dowdy said that Planning Staff would discuss that with the apartment's owner. She added that they were not aware of this traffic situation and it might have occurred because of the construction. Mr. Seiber said in his opinion once that access is paved, the dust will go down but the speed will go up. Chairman Krieb said that he is not sure that paving the access is the answer. Josh Vernon said that the right answer is that the access should be divided between the two property owners and grassed over so that the access will be eliminated all together. David Roberts said that this has been an ongoing issue since 1989 and he would appreciate suggestions from the board on how to eliminate it. Mr. Roberts said that every conversation that he had with the previous owner, he was told that the road was not being used for commercial purposes. He added that he had directed the Murray Public Works employees and sanitation pick-up not to use that access; however, he doesn't know if they use it or not.

Mr. Ison came forward and said that they do not know what their options will be in nine months; however, should their church grow it will be in the church's best interest financially as well as the property owner's best interest to address it in a manner which is pleasing to the city. This could be paving it and providing a barrier where it wouldn't allow any access except on Sunday mornings. Mr. Ison asked if there was a way to table this item and let them use it as it is and then address it in future talks.

Chairman Krieb closed the public hearing and turned it over to the board for discussion.

Mary Anne Medlock made a motion to deny the Conditional Use Permit for Dana Joseph Properties, LLC to use the access between 1610 & 1700 Dodson Street to access the property at 901 Coldwater Road for church related activities. The board recommends that the property owner close the road so that no traffic will utilize it since it has created problems in the past with commercial traffic through a residential area. Josh Vernon seconded the motion and the motion carried with a 6-0 voice vote.

Chairman Krieb called a two minute recess. The meeting resumed at 6:28 p.m.

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Public Hearing: Dimensional Variance for additional wall signage — 100 Chestnut — Saputo Dairy Foods USA, LLC: Candace Dowdy used a Power Point presentation to show the Saputo building located at 100 Chestnut Street. Saputo Dairy Foods USA recently purchased Morning Star Foods and they are now requesting additional signage on the property to help incoming truck drivers locate the facility. Based on the dimensions of the west side of the building where their previous sign was located they would be allowed 340 sq. ft. of wall signage and they are proposing to place a 300 sq. ft. sign on that side of the building. They are requesting one additional 240 sq. ft. wall sign to be placed on the south side of the building facing Chestnut Street. They are also requesting to place one (1) 18 sq. ft. vinyl decal sign on the white painted silo, and two (2) 43 sq. ft. vinyl decal signs on the stainless silo. The requested signage for all five (5) signs equals a total of 644 square feet. A dimensional variance was approved on July 13, 1992 allowing two free standing signs at 20 sq. ft. each for this location but they were removed sometime in the past and the new owners do not plan to have any freestanding signage. Scott Seiber stated that he thought the board should give them what they need to help in identifying their building and provide routing for semi-truck drivers. Brad Darnall said that he thought that signs would actually add to the appearance of the building. Ms. Dowdy stated that Planning Staff had not received any comments or phone calls concerning this matter.

Chairman Krieb opened the public hearing and asked if there was anyone in favor of this variance.

Kevin Garrett, 90 Brittany Lane, Murray was sworn in. Mr. Garrett explained that they want to make the factory look more appealing with some added attractive signage. Another reason they are looking to add more signage is to identify their building. If drivers are coming from the east, there is nothing to identify the building from that direction. Mr. Seiber asked if they had enough directional signage for the trucks. Mr. Garrett stated that they do once they get into the parking lot. There is already lighting all around the building; therefore, they will not need illuminated signage.

Chairman Krieb asked if there was anyone that wished to speak in opposition to the variance. There was no one. Chairman Krieb closed the public hearing and turned it over to the board for discussion.

Scott Seiber made a motion to approve the dimensional variance request for Saputo located at 100 Chestnut Street for one additional wall sign not to exceed 240 square feet, to be placed on the south side of building, two (2) vinyl decal signs not to exceed 43 sq. ft. each, and one (1) vinyl decal sign not to exceed 18 sq. ft. based on the fact there will be no freestanding signs on the property and that the changes requested will not adversely affect the 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 regulations. Mike Faiht seconded the motion and the motion carried with a 6-0 voice vote.

QUESTIONS AND COMMENTS: None

ADJOURNMENT: Scott Seiber made a motion to adjourn. Brad Darnall seconded the motion and the motion carried unanimously.

The meeting adjourned at 6:40 p.m.

Chairman, John Krieb

Recording Secretary, Reta Gray