

**MURRAY BOARD OF ZONING ADJUSTMENTS  
REGULAR MEETING  
WEDNESDAY, NOVEMBER 16, 2005  
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, November 16, 2005 at 4:30 p.m. in the council chambers of city hall at 104 North 5<sup>th</sup> Street.

**Board Members Present:** Ed Davis, Helen Spann, George Stockton, Darren Jones, Scott Seiber and Bill Whitaker

**Board Members Absent:** Andy Dunn

**Also Present:** Candace Dowdy, David Roberts, Mike Pitman, Sam Perry, Kristen Taylor, Don Faughn, David Montgomery, Charles Lamb, Gloria Shull, Barbara Campbell, Michelle Wuest, Dale Campbell

Chairman Bill Whitaker called the meeting to order at 4:40 p.m., and welcomed the guests and applicants. Chairman Whitaker requested approval of the October 19, 2005 regular meeting minutes. **Scott Seiber made a motion to approve the minutes as presented. Ed Davis seconded the motion and the motion carried with a 6-0 voice vote.**

**Public Hearing For Conditional Use Permit To Allow Church-Related Activities In An R-2 Zoning District—First Presbyterian Church—1606 Poplar Street:** Candace Dowdy stated that the church purchased this property in December 2004, which is to the west of the church property. The driveway is one car width, accommodating two (2) – three (3) cars. There are also parallel street parking spaces. Ms. Dowdy showed slides of a minor subdivision plat and photographs of the house. The lot is 132' wide. The house is 1000 sq. ft., with 2 bedrooms, and a combined living/dining/kitchen area. There is no planned alteration to the dwelling. Parking for the house will be in the driveway, in the street spaces or in the adjacent church parking lot. Ed Davis asked if the church parking lot would ever be expanded toward the house. Candace Dowdy stated that there was discussion on the matter, but that there are no plans for such, noting that the property line would be moved in that case. Ms. Dowdy noted that there were no requests for signage at this location. The property will be used for the church offices during the construction of the new building. There is no one living at the property and no plans for residential use. Scott Seiber asked if the new parking lot entrances off Poplar Street would require the removal of parking spaces in front of this house. Ms. Dowdy stated that at the present time, the church has reduced the number of entrances off Poplar Street to one (1). Ed Davis asked if there were any complaints from the similar permit given at 104 Hickory. Ms. Dowdy stated that there had not been any complaints from that one, nor questions regarding the current application. Helen Spann stated that everyone going to the house on Poplar Street will have to go around the block because of the one-way street.

Chairman Whitaker opened the public hearing. Chairman Whitaker swore in Rev. David Montgomery, pastor of First Presbyterian Church. Rev. Montgomery stated that they have sold

the house on Hickory Street that was being used for campus ministry. Rev. Montgomery stated that the Poplar Street house is currently being used for campus ministry, but that once the demolition starts on the church, the offices will move to the house. Rev. Montgomery stated that once the construction is completed, they will resume use of the home for campus ministry. Chairman Whitaker asked if there were any plans for anyone living in the home. Rev. Montgomery stated that if they did want to allow that, they would bring it back to the board for review. Chairman Whitaker asked how many would be in the home at a time. Rev. Montgomery stated that there would be about 15 on Monday and Wednesday nights and eight (8) on Friday nights. The hours of operation would be 8:00 a.m. to 10:00 p.m. weekdays and until midnight on weekends. Rev. Montgomery stated that Fire Marshal Dickie Walls instructed them that training occupants to evacuate is most important in a building so small. Scott Seiber was concerned about the ratio of square footage to number of occupants, citing fire safety. Rev. Montgomery stated that it is tight, but that it is functional. Scott Seiber asked if there were any plans for demolition or renovation. Rev. Montgomery stated that there are no plans for such. Students mainly park in the church parking lot or the closer street spaces, but do not park in the driveway. Chairman Whitaker asked if there were any comments in opposition to the application. Being none, Chairman Whitaker closed the public hearing.

**Ed Davis made a motion to grant the conditional use permit to allow church-related activities in an R-2 zoning district with the following conditions: (1.) The structure remains as it is (2.) If there were to be any signage in the future all regulations would be met (3.) There will be no one living on site on a permanent basis. Scott Seiber seconded the motion and the motion carried with a 6-0 vote.**

**Dimensional Variance Request For A 12 Parking Space Variance—Gloria’s World Village Foods—124 North 15<sup>th</sup> Street—Gloria Shull:** Candace Dowdy stated that Gloria’s has operated next to the Montessori School for eight years. They are now in the process of buying the property at 124 North 15<sup>th</sup> Street. Ms. Dowdy stated that the restaurant part of the business has moved to the old Ed’s Campus Coffeeshop located at 200 North 15<sup>th</sup> Street, which is being leased by Ms. Shull. Ms. Dowdy stated that the property at 124 North 15th was previously used for a stationery shop, called On A Personal Note. Gloria’s World is a permitted use in a B-1 zone. There are seven paved parking spaces, with one being handicap-accessible. The bottom floor would be used as the main dining area. Some of the upstairs would potentially be used for private dining rooms. The bulk of customers are MSU faculty and staff. Ms. Dowdy stated that the previous location for Gloria’s Village Foods only had four (4) parking spaces. Ms. Dowdy stated that the required parking spaces at this new location would be a total of 19 spaces based on the various uses throughout the building. There are three (3) parking spaces behind the Ed’s Campus Coffeeshop. The majority of the north side of Hughes Street is designated as “No Parking.” MSU parking is adjacent to the east and south. There could be some parking lot expansion into the front yard. Ms. Dowdy stated that no breakfast is served only lunch and supper. Ms. Shull is planning to expand her evening dinner hours. MSU parking is open to the public after 5:00 p.m. There is an attached garage to the rear of the house which Ms. Shull would like to use for inventory storage. The health department informed Ms. Shull that the kitchen at Mr. Ed’s is close enough for the type of food preparation for this facility, also for the transport of dirty dishes. Ms. Shull is planning to put in a three (3)-compartment sink. Scott

Seiber asked about parking across the street. Ms. Dowdy stated that one space was for an upstairs tenant. Ms. Dowdy stated that the fire code is going to require the construction of a new stairwell on the back of the building for additional means of egress. Scott Seiber asked about access to the dumpster. Darren Jones asked if there were any variances given for the old location. Ms. Dowdy stated that it was most likely pre-existing, nonconforming, but that there had not been any major problems.

Chairman Whitaker swore in Gloria Shull. Ms. Shull stated that she would prefer using three (3) standard trash cans. Chairman Whitaker asked how many more occupants the business can take on now. Candace Dowdy stated that the occupant load at the old location was 20 and that it would be 49 at the new location based on the upstairs rooms being used. Ms. Shull stated that most of the time, there would be 25 or less and that the upstairs would not be used very often. Chairman Whitaker asked if the restaurant could function stand-alone, without the Ed's kitchen. Ms. Shull stated that it could function according to public health standards; it is simply a convenience to have the other kitchen nearby. Darren Jones asked when the renovations would be complete. Ms. Shull stated that she was optimistic on 30 days. Ms. Shull stated that parking has worked out well because there are also considerable grocery customers that come on weekends when MSU parking lots are empty. Chairman Whitaker asked about delivery truck access. Ms. Shull stated that she picks up the groceries herself due to the specialty nature of the food items. Scott Seiber asked if parking problems would be about the same, better or worse. Ms. Shull stated that it may be slightly better. The main problem is new students at the beginning of the semester. Ms. Shull stated that she had committed to MSU and others to keep the front yard the way it was. Ms. Shull stated that the garage could be converted into another room in the future. Scott Seiber stated that he did not see that the situation would be any worse than the current location; that it could be an improvement. **Scott Seiber made a motion to approve the 12 parking space variance based on the fact that the majority of customers are walk-in traffic and that the time an evening meal would be served MSU parking would be available. Also that the variance be approved with the condition that there would not be any more parking spaces added to the front yard. Helen Spann seconded the motion.** Chairman Whitaker stated that he would stress the use of the facility as a stand-alone facility. Scott Seiber stated that those issues have been settled for the short term. **The motion carried with a 6-0 vote.**

**Compatibility Hearing For Proposed Planned Development Project Located Off Robertson Road South—The Vintage Club—Jim Tate, Barbara Campbell, Dale Campbell:** Sam Perry stated that the Planning Commission held an advisory meeting the previous night and moved to send the PDP to the BZA for compatibility review. Mr. Perry stated that the project would be 200 units total, with 63 in the first phase and that the first phase is the only portion currently annexed into the city. The building and lot would be owned together. There would be commons areas provided, as well as tennis courts. The homeowner's association (HOA) would maintain everything outside the home, as well as the streets. Mr. Perry stated that one of the main concerns that were brought up was that Robertson Road South currently needs to be widened, even before this development was proposed. Mr. Perry presented slides of adjacent land use, as well as aerial photography. Land use: Westside Baptist Church across the street, new multi-family residential to the north, agricultural use to the north and east, single-family residential to

the south, vacant commercial on the southeast corner of KY 94 and Robertson Road South. Mr. Perry stated that the overall acreage is 28.9, with the first phase on approximately 10 acres. Mr. Perry stated that there is not anything for comparison in Murray, with the exception of some “zero” lot line developments. Chairman Whitaker asked what the building setbacks would be. Mr. Perry stated that based on drawings, side setbacks would range from 0 to 8 feet. The homeowner can customize the back patio portion of the lot, but everything else exterior is maintained by the HOA. Mr. Perry stated that a much more detailed plat will be required for the public hearing. Mr. Perry presented sketches and photographs of sample homes, stating that there would be four models, ranging from two to four bedrooms with approximately 1200-2000 square feet. The streets would be 32’ wide, with no sidewalks, intended for combined vehicular and pedestrian/bike traffic. Commons area lighting is subdued, nonstandard lighting. The development is not intended to be an arterial neighborhood, but an enclosed, quiet community. Mr. Perry presented a rendering of the entrance gate, which would include a fountain area. There would be some type of minimal security, such as card access. Mr. Perry suggested that the BZA consider the affect this development would have on adjacent properties, even ones not annexed in the city. Mr. Perry stated that the planning office takes complaints regarding conflicting land uses on a regular basis. Mr. Perry highlighted the fact that the developers intend to use natural buffering as well as perimeter streets as buffer distance from outside property lines. Candace Dowdy stated that the density of this development would be about 6.5 units per acre. Single-family residential land use ranges from 2.5 to 4.5 dwelling units per acre. Chairman Whitaker stated that the plan and intentions presented already address some of the potential issues, and commented that there was a development in Murray which attempted to be a high density development with a HOA, which most would agree was not successful. Chairman Whitaker stated that he hoped that the developers followed through with the intentions of a clean, orderly development. Mr. Perry commented on storage, stating that each unit would have a two car garage, and that street parking is not intended to be common practice. Scott Seiber asked if the homes would be one-story. Mr. Perry stated that they would be one story. Ed Davis commented that the developers had stated at the advisory meeting that the HOA would not take over maintenance until the development was completed.

Ed Davis excused himself from the meeting.

Chairman Whitaker swore in Barbara Campbell. Chairman Whitaker asked Ms. Campbell what type of person the development was geared toward. Ms. Campbell stated that the design of the development leads to interest from retired people, single people without children and married people without children. Chairman Whitaker asked about the commons areas parking. Ms. Campbell stated that residents would park in the garage, but that the commons areas parking would be for visitors, to prevent parking on the street. Chairman Whitaker asked who directs the HOA and maintains restriction enforcement activities. Ms. Campbell stated that the HOA is extremely restrictive, that it is so thorough, it governs itself. Because all the owners have an interest in the maintenance, violations are taken care of very quickly. Ms. Campbell stated that a new buyer would be required to sign a copy of the restrictions. Chairman Whitaker asked about the position of the different model homes. Ms. Campbell stated that, as the developer, the locations will be decided ahead of time, before any are built. The different models will be mixed together. Ms. Campbell stated that they already have commitments from 33 potential buyers,

which is half of the first phase. George Stockton asked if these units could be used for rental to students. Ms. Campbell stated the nature of the development would not be desirable for college students, although they would not restrict them from living there. Sam Perry explained the common request that the BZA is presented with for multi-family use in a single-family zone and commented that even if the restrictions allow; the R-2 zoning district does not. Scott Seiber stated that this would be a continuing issue, if it was not addressed early on. After much discussion, it was found that the restrictions permitted single-family use only. The issue was settled.

Scott Seiber asked if an emergency vehicle could get through the security gate. Ms. Campbell stated that there would be a different means of access for emergency vehicles to enter.

Scott Seiber stated that this development would be another good housing option for Murray, commenting that concerns that were raised tonight were answered, but that he would like to ensure that there are not problems left for the city or the residents to deal with. The traffic on Robertson Road South is going to increase, whether this development happened or not. That needs to be addressed. **Scott Seiber made a motion that this development is compatible in the proposed location. Helen Spann seconded the motion and the motion carried with a 5-0 vote.** Ed Davis was not present.

Chairman Whitaker asked if there were any questions or comments.

Being none, and no further business, the meeting adjourned at 6:27 p.m.

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Chairman, Bill Whitaker

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Recording Secretary, Sam Perry