

**MURRAY BOARD OF ZONING ADJUSTMENTS  
REGULAR MEETING  
WEDNESDAY, AUGUST 17, 2011  
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, August 17, 2011 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5<sup>th</sup> Street.

**Board Members Present:** Scott Seiber, Bill Whitaker, Brad Darnall, Mary Anne Medlock, Steven Reed, and John Krieb

**Board Members Absent:** Justin Pounds

**Also Present:** Candace Dowdy, David Roberts, Reta Gray, Hawkins Teague, Cleo Colson, Butch Clendenen, Matt Jennings, Doug Lawson, and public audience

Chairman Whitaker called the meeting to order at 4:30 p.m. and welcomed all guests and applicants. Chairman Whitaker asked if there were any changes, additions or deletions to the minutes from the July 20, 2011 regular meeting.

**John Krieb made a motion to accept the minutes from the July 20, 2011 Board of Zoning Adjustments regular meeting as revised. Mary Anne Medlock seconded the motion and the motion carried unanimously.**

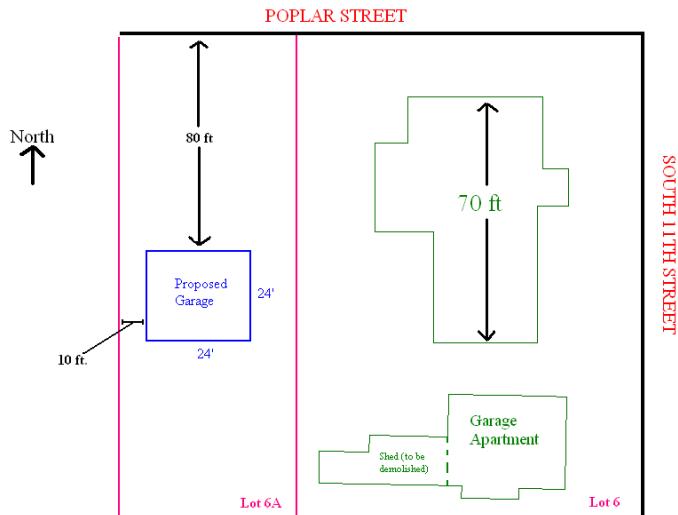
**Public Hearing to Review Dimensional Variance Request for Accessory Structure to be Placed in Side Yard at 1101 Poplar Street – Cleo and June Colson:** Candace Dowdy used a Power Point presentation to show the property at 1101 Poplar Street, owned by Cleo and June Colson. The Colsons are requesting to place an accessory structure (detached garage) in a side yard. It will maintain a minimum of a ten foot side setback on the west side of the property. The area where Mr. Colson is proposing to construct the detached garage previously had a small mobile home situated on the property. He had it removed approximately two years ago. Mr. Colson wants to utilize the existing concrete area up (that was previously used for the mobile home) and construct the garage in that location. The dimensions of the concrete area will be 24 x 24 feet wide with the garage being 16 feet wide. Eight feet of the plan will be a side covered porch area. There is an existing entrance off Poplar Street that will be used to access the garage. The front of the garage will set approximately 80 feet from the sidewalk. The property is zoned R-2 (Single Family Residential). There is a garage apartment located on Mr. Colson's property that has a shed attached to the west side. Mr. Colson will be removing that shed and covering the exposed area with vinyl siding that matches his residence. The garage will have the same roofing and vinyl siding as the house. Ms. Dowdy said that according to Mr. Colson's deed, the property is referred to as one tract, even though there is a house and a garage apartment both located on that one lot. The pre-existing area was grandfathered in years ago. Ms. Dowdy added that all adjoining property owners were notified of the public hearing.

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

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Cleo Colson, 1101 Poplar Street, was sworn in. Mr. Colson stated that he has owned the property approximately 17 years; when he bought it the garage apartment was already there. Mr. Colson has made improvements to the property since he has resided there by removing the mobile home, adding a single car garage to his house, and adding vinyl siding to the house and garage apartment. Mr. Colson showed the board members a picture of the garage that he is proposing. The structure will be a one car garage and will be used to store an automobile along with other items. Mr. Colson will be using the existing driveway to the garage that enters off Poplar Street.



Butch Clendenen, 1103 Poplar, Murray was sworn in. He stated that he had lived next door to the Colsons for seven years and they were very fine neighbors. Mr. Clendenen said that the Colsons keep their property in excellent condition. He has no problem with the garage being constructed and he has no doubt that a garage will be kept in the same manner as the rest of the property.

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

**Scott Seiber made a motion to approve the Dimensional Variance application for Mr. Cleo Colson to place an accessory structure (detached garage) in the side yard at 1101 Poplar Street. This will include the demolition of a shed attached to the garage apartment that is located on the property. The construction of the structure will enhance the neighborhood with the garage being set back from the street and add quality to the neighborhood. This variance 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 a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. John Krieb seconded the motion and the motion carried with a 6-0 voice vote.**

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**Compatibility Hearing for Proposed Commercial/Residential Planned Development Project – Intersection of Hwy 94 West and Robertson Road North – Matt Jennings:** Candace Dowdy used a Power Point presentation to show the 27 acre tract of land that SBG (Matt Jennings) currently has a contract to purchase. Mr. Jennings is proposing the development of a residential and commercial Planned Development Project in which he will be targeting single people, couples, and retired couples. The property is currently in the county and is located at the intersection of Highway 94W and Robertson Road North (northeast corner). The property is not zoned and is adjoined by B-4 (Commercial) to the south and R-2 (Single Family Residential) to the west, north (Briarcrest Subdivision) and east. Ms. Dowdy stated that the land is identified on the Future Land Use Map as Low Density Residential; however, there are provisions for the Comprehensive Plan to be amended. Doug Lawson and Matt Jennings with SBG are proposing a mixed-use development of commercial as well as affordable residential with low and medium density use. They would like to construct duplexes, tri-plexes and quad-plexes along the northern side of the property, townhouses towards the middle and commercial along the southern side. Ms. Dowdy said that Mr. Jennings said that he also has a contract on the 1.49 acres (wooded area) on the northeast portion of the property (that is contingent upon his purchasing the property) with an adjoining property owner and their intent is to use this area as a buffer zone. The rest of the wooded area is being looked at for detention.

Ms. Dowdy stated that the property would have to be annexed into the city and zoning would have to be established in order for the development to occur. With the mixed-use, the applicants would be requesting Commercial as well as R-4 zoning (which could be used for single family or multi-family). Other things to consider are how the development will be served with city utilities and the cost involved with that, how the Comprehensive Plan addresses the potential development of mixed-uses and how we can achieve our goals and objectives related to this type of development. Planning Staff recommended that Mr. Jennings bring this proposal before the Planning Commission as a Planned Development Project (as it lies within the four mile jurisdiction of the City of Murray) to see what their feelings and direction would be for this type of development. In 1988 there has been one other project of this nature that was reviewed through the PDP process where the property was located in the county. That development was “The Crossings” Subdivision located off Robertson Road South. Ms. Dowdy said that Mr. Jennings has other parties interested in purchasing some of the lots to build on and he has indicated to Planning Staff that Fallbrook Subdivision (off Diuguid Drive) had basically the type of concept that he is proposing as it has single and multi-family housing. Ms. Dowdy referred to the Comprehensive Plan when it defines “preserving compact nature” as a compact area where your trips for goods and services are minimized and pertain to the necessities of the neighborhood. The revised Comprehensive Plan mentions neighborhood activity centers that are areas of this nature that are not intended to draw others from all over, but intended for the residents of the surrounding areas. Planning Staff’s objective is to be proactive in the development of any new or altered developments by requesting that the developers install ample landscaping, green space, open space, screening, sidewalks, and minimize asphalt areas. This item was reviewed by the Planning Commission on the previous night during an Advisory Meeting and the commissioners had some concerns with the busy intersection at Highway 94 West and Robertson Road North. There was also discussion about an interior access road. Ms.

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Dowdy added that Mr. Jennings indicated to her that all of the commercial lots would have adjoining access without having to enter Robertson Road or Hwy 94 West. In addition there had been discussion concerning the development of sidewalks throughout the project as the property is developed in both the residential and commercial areas. Mr. Jennings told the Commissioners that trees would be used as screening between each of the different sections of housing with the main concern between the existing neighboring residential area (Briarcrest) and the northern lots. Ms. Dowdy pointed out a wooded area towards the northeast side of the property where Mr. Jennings is proposing to locate the detention area since there is already a natural drainage path. Ms. Dowdy stated that the City does not have incentives for the sidewalk installation or for infrastructure, but that was something that the City could possibly look in to.

Board member Scott Seiber commented that the owner of a small commercial business would want all the business they could get and he was confused to as to why a business located within this project would only want to target the surrounding customers. Mr. Seiber stated that he is the owner of two small businesses and it is very hard to make a living in small business. Ms. Dowdy explained that it would be unlikely that someone from a different area of Murray would actually drive to this particular neighborhood to shop. Ms. Dowdy added that this type of concept is well received in other cities. Board member John Krieb said that he could not envision someone wanting to locate a business in an area like this. He said that a more suitable place would be 12<sup>th</sup> Street where all the traffic is; therefore, the likely hood of being supported. Board member Brad Darnall said that Dollar General's new concept has been to target the small communities and it has worked. He lives in the area of the proposed project and he said that this could be handy for those in the community to keep from having to drive across town for some items. Ms. Dowdy said that in this particular location there are several subdivisions and residential areas that are large enough to support these types of neighborhood stores. Board member Mary Anne Medlock stated that she would like to see this project connect with the subdivision to the east by something other than a sidewalk if it is possible. Ms. Dowdy defined low density as 4.3 units per acre and medium density as 12.9 units per acre. She stated that the intent of the Land Use category is not to allow the maximum densities to be obtained but to have a mix of developments of various densities to achieve an average density that is less than the maximum density and that is what Planning Staff has expressed to Mr. Jennings. She added that this is a Compatibility Hearing and Mr. Jennings is looking for direction on this project to see if it is feasible to continue this pursuit.

Matt Jennings (SBG), proposed developer, came forward. Mr. Jennings said that he currently has the property under contract. The 1.49 acres wooded area is under contract (with an adjoining property owner) contingent upon his purchase of the property. The prospective buyer for the 1.49 acres is flexible on the zoning of the property and will agree to either leave the property as it is or rezone it, whatever the city wishes. Ms. Medlock asked if there would be additional green space available other than the detention area that was being proposed. Mr. Jennings said that they would like to add character to the property. The townhouse drawings are subject to change; however, he envisions green space with trees and landscaping between the townhouses. Mr. Jennings added that the lots along the north side of the project are deep and they definitely have room for green space. He said that the plan is to develop something on the order of Fallbrook

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with much diversity. Mr. Jennings said that everything will be built to upper end standards with brick on the front side (as in Briarcrest Subdivision) with trees as screening between each of the different sections of housing with the main concern between Briarcrest and the northern lots. Mr. Jennings stated that he is the only developer in Murray that has voluntarily installed sidewalks (Riverfield Estates). He is not opposed to installing sidewalks in this project but stated that it is easier and less expensive to install them a section at a time as the properties are being developed instead of in the beginning because portions will have to be removed as each driveway is installed and that would not be financially feasible. Ms. Medlock added that the Commissioners had suggested adding a reasonable time frame for the sidewalk completion. Mr. Jennings said that the Commissioners had also suggested that he have a connecting sidewalk from the residential to the commercial areas. He said that he thinks that sidewalks are important to both his residential and commercial clients. Mr. Jennings said that they have been talking with neighborhood businesses that are looking to locate within their commercial development. He said Dollar General Store has a new concept which is DG Market. It is a small grocery store with normal household goods and he thinks that a store of this nature would be a very good fit for this development. They are currently doing a feasibility study for a convenience store on the corner. Mr. Jennings stated that there is nothing on that side of town to accommodate the residents. He added that they are looking at bringing some businesses out there that will feed on the surrounding area. Mr. Jennings said that an IGA Crossroads store would also be a good fit for this project as they have a grocery store on one side, a convenience store on the other side and a deli in the middle. He stated that neighborhood grocery stores are coming back into existence. He anticipates that the commercial side of the development will not build up as quickly as the residential sides would because the residential sides would actually drive the business for the commercial.

Board member Steven Reed asked if there would be strip malls or one large commercial building. Mr. Jennings said that if there was a small grocery store there, other small businesses such as a dry cleaner, drugstore, salon, chiropractor, etc. would be attracted. He said that he would be open to building a strip mall or a building to suit a prospective business. He added that they had also looked at a branch bank for the area. Banks do not want to build a building, they want a small area where they can pay rent and not have the overhead costs of maintaining a building. Mr. Jennings said that they are also looking at moving their three corporate businesses offices there into one building. They have SBG (real estate company), Kingdom Trust (retirement custodial company) and Edge Automotive (car company). The 4.35 acre center of the development will be the location of the townhomes that SBG will own, rent and keep as a long term investment. SBG will be building several of the homes in the residential area and they will also sell lots to clients and others that may or may not have SBG manage them.

Board member Brad Darnall addressed the traffic situation and the problems with the intersection of Robertson Road and Hwy 94 West. Ms. Medlock said that this was addressed at the Planning Commission meeting and Mr. Jennings had brought up the point that if a commercial development was located there, the traffic might slow down. Mr. Jennings said that he did some research and found out that commercial areas and congested areas do typically have a lower speed zone and are patrolled more frequently. He added that when the property is

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annexed into the city and commercialized, it has the potential to have a lower speed limit. This could in fact help the problem. Mr. Jennings said that he will have to deal with the state on the entrances to the highway and that he has not had any contact with them concerning this matter, he was waiting to see if the Planning Commission and BZA saw this project as feasible and compatible to the area. Mr. Jennings addressed the connection to Murray Estates and said it would have to be a sidewalk or walking trail that would connect the two. If there was a road that made the connection, it would cut across the 1.49 acres that Mr. Jennings is under contract to sell; therefore, permission to cut across that property would have to come from the prospective property owner. David Roberts added that some of the property might have to be disturbed for an easement for sewer and water to be run to the property. *Brad Darnall left the meeting at 5:55 p.m.*

Mr. Jennings added that he, Doug Lawson and their company SBG feel like this property is an opportunity for them to build something really nice, locate their corporate offices there and make a positive statement. Mr. Jennings said that he would like this project to be well received so that he will be able to develop another one like it on the other side of town. As a real estate appraiser he sees a need for nice two and three bedroom rentals. Mr. Jennings said that he has found that the well maintained rental properties in Murray actually have lower vacancy rates. He stated that he thinks the time is right for this type of project to be introduced to Murray and they are looking at making this happen as soon as possible.

Ms. Dowdy said that one of the guiding principles in the Land Use Plan is the environmental enhancement. *The Planning Commission will look at developing design standards for the NAC's that would minimize asphalt areas and enhance rather than detract from the beauty of the surrounding neighborhoods. Landscaping and green space will be an important part of the design standards.* Ms. Dowdy said that the purpose of the Comprehensive Plan and Land Use Plan being updated and modernized was to have guidelines as to how we want to see our land within the city limits or the urban service area developed within the next 10 or 15 years and the standards that we want to see go along with that. Chairman Whitaker said that Mr. Jennings had mentioned giving the land character; he thinks that these kinds of things actually enhance the property. **There was a unanimous decision by the board that this project is compatible with the area.**

**Questions and Comments:** Ms. Dowdy stated that the Planner I that was present at the previous month's meeting had resigned to take a position closer to his home in Tennessee.

**Adjournment:** Scott Seiber made a motion to adjourn. John Krieb seconded the motion and the motion carried with a unanimous vote. *The meeting adjourned at 6:15 p.m.*