

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, JUNE 21, 2017
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, June 21, 2017 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5th Street.

Board Members Present: Josh Vernon, Dennis Sharp, Terry Strieter, Mike Faihst, John Krieb, and Bobbie Weatherly

Board Members Absent: Jim Foster

Also Present: Maurice Thomas, Jessie Boshell, Gerald Gilbert, Attorney David Perlow, Ryan Steinger and public audience.

Chairman Krieb called the meeting to order and welcomed all guests and applicants. He then asked for a motion to approve the minutes from the May 17, 2017 Regular BZA meeting.

Mike Faihst made a motion to approve the minutes from the May 17, 2017 regular BZA meeting as presented. Terry Strieter seconded the motion and the motion passed unanimously.

Public Hearing: Conditional Use Permit for a Planned Development Project (PDP) located approximately 550.85' east of Hwy 94W and Robertson Road North. The PDP is for a proposed office park – City West LLC – Matt Jennings: Gerald Gilbert explained that the applicant is proposing to develop the 6.83 acre site into ten lots that would be developed as an office park. Staff feels that this proposal is compatible to the surrounding area because the property is located in an R-4 zoning district. Adjacent properties to the north and south are zoned G (Government); properties to the west are zoned B-4 (Medium Density Business) and R-4 (Multi-Family Residential) and the property to the east is not within the city limits; therefore, it is not zoned. Mr. Gilbert then gave a brief history of the property since 2013. He explained that Mr. Jennings recently submitted a PDP site plan and accompanying text that defines the development parameters for the overall site and each lot. Eight lots are designated for future buildings; one lot is for drainage detention; and one lot is for construction of a street. The PDP site plan and Landscape Plan illustrates lot sizes, building footprints, parking layout, landscape and sign locations. The PDP Text outlines development standards and criteria for the project area, as well as allowed uses, maintenance responsibilities and obligations, parking requirements, drainage, lighting, storage and screening requirements, refuse and signage. Listed below is a breakdown of the proposed lots and buildings:

Lot No.	Lot Size	Bldg Size	Lot No.	Lot Size	Bldg. Size
Lot 1	0.58 acres	4,000 sqft	Lot 6	0.98 acres	6,000 sqft
Lot 2	0.47 acres	4,000 sqft	Lot 7	1.44 acres	Detention pond
Lot 3	0.47 acres	4,000 sqft	Lot 8	0.52 acres	4,000 sqft
Lot 4	0.40 acres	4,000 sqft	Lot 9	0.56 acres	4,000 sqft
Lot 5	0.42 acres	4,000 sqft	-	-	-

Mr. Gilbert described the zoning code for planned development projects. “The planned development project process is designed for projects that are complex or innovative and perhaps different from normal development within the area”. As such, the review process for PDP’s must undergo several steps prior to final approval. Mr. Gilbert explained that the first three steps have already been met. Step 4 includes the Conditional Use process for Planned Development Projects (PDP) as they are allowed within the R-4 zone.

The plan under consideration was a result of the Board’s discussion during the Concept Plan advisory meeting conducted in December of 2016. The plan is very similar in arrangement and use. However, there is a change to the plan that requires mentioning. The Concept Plan proposed to front load the parking adjacent to the street, which is a typical layout used throughout the City. The proposed plan moves the parking to the rear and side of buildings which places the structures significantly closer to the street. This arrangement will create a street façade that is much more attractive by placing landscaping and walkways adjacent to the roadway creating a more walkable office park environment; therefore, Planning Staff is recommending a front setback of 25 feet instead of 35 feet. Future buildings are anticipated to be approximately 4,000 square feet in size for seven of the lots and 6,000 square feet for Lot 6. Each lot exceeds parking requirements. A landscaping rendering was shown. Mr. Gilbert explained that R-4 regulations wouldn’t necessarily apply since this project will be designed as an office park; however, the PDP Text outlines development standards and criteria for the project area, as well as allowed uses, maintenance responsibilities and obligations, parking requirements, drainage, lighting, storage, screening requirements, refuse and signage. The proposal complies with the development criteria for a typical office park (nonresidential) development and is consistent with the concept plan presented to the BZA in December of 2016. The future development of the site office park should not overburden the capacity of roadways and other necessary urban services that are available in the area. The Fire Marshal has reviewed and approved the plan. The developer intends to dedicate the street with the “T intersection” that runs through the development to the City once it’s ready for the City’s acceptance. The developer is also asking for consideration that the sidewalks be built in conjunction with the buildings. Planning Staff recommends approval based on the facts that were presented.

At this time there was discussion and questions from the Board. Attorney Perlow and Mr. Gilbert answered and clarified the questions. Chairman Krieb then opened the public hearing and asked if there was anyone that wished to speak in favor or opposition to the CUP request.

Ryan Stanger came forward and was sworn in. Mr. Stanger is a City West partner with Mr. Jennings and he was there to answer the Board members questions. Chairman Krieb discussed the underground utilities and asked about the location of transformers. Mr. Stanger said this would be on West Kentucky Rural Electric’s service and they would love to conceal those boxes; however, that is one of those things that they do not always get to decide. Their requests have been denied previously on other projects with utility companies. Mr. Faiht asked who would be responsible for putting in the sidewalks around the detention pond and Mr. Stanger replied that he assumed it would be the responsibility of the developer. Mr. Stanger explained that it is more advantageous for the developers to construct buildings on their lots and then sell them opposed to selling individual lots. Mr. Vernon asked if the two year timeline for the PDP could be met. Mr. Stanger replied that they had received significant interest in the proposal; thus, they did not feel at this time that will be at issue. He also explained that in the past they had constructed sidewalks first; however, they have found that constructing them as they go is actually better to

prevent having to tear them out and rebuild them later. Mr. Vernon also made suggestions about easements concerning the parking lots that should help the flow of the office park.

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

Josh Vernon made a motion to approve the Conditional Use Permit for the City West Office Park Planned Development Project (PDP) Site Plan, Text and Landscape Plan as presented and attached with the conditions that the sidewalks be put in as each development lot is constructed and that the sidewalks that are damaged during the construction of other lots continues to be maintained and replaced as necessary. The findings include that the proposed development is appropriate for the adjacencies both to the north, east and west of the project; that the response from adjacent property owners is positive; and that the proposal appears not to change the intent of the area.

- 1) The testimony presented in this public hearing has shown that granting the Conditional Use Permit for the Planned Development Project (PDP) Site Plan, Text and Landscape Plan is reasonable and necessary.**
- 2) The Planned Development Project (PDP) Site Plan, Text and Landscape Plan is in compliance with the provisions of §156.054 PLANNED DEVELOPMENT PROJECT REGULATIONS.**

This motion is contingent upon approval by the Planning Commission. Mike Faihst seconded the motion and the motion carried with a 6-0 roll call vote.

Questions and comments: Chairman Krieb introduced the new Planner and asked him to tell something about himself.

Jessie Boshell stated that he was from Greenwood, Indiana and that he had just graduated with his Master's Degree in Urban Planning from Muncie, Indiana. Jessie expressed that he was glad to be here and it was his intent to learn all he could about Murray and do all he could for it.

A motion to adjourn was made by Mike Faihst and seconded by Josh Vernon. *The meeting adjourned at 5:20 p.m.*

Chairman, John Krieb

Recording Secretary, Reta Gray