

**MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, OCTOBER 16, 2012
5:00 P.M.**

The Murray Planning Commission met in regular session on Tuesday, October 16, 2012 at 5:00 p.m. in the council chambers of City Hall located at 104 N. 5th Street.

Commissioners Present: Mary Anne Medlock, Ed Pavlick, John Krieb, Loretta Jobs, Ed Davis, Kevin Perry, Jeremy Boyd and Marc Peebles

Commissioners Absent: Tom Kind

Also Present: Candace Dowdy, Justin Crice, David Roberts, Warren Hopkins, Reta Gray, Hawkins Teague, Tony Nolcox, Pam Tonini, Jack Thomason, William Vance, Cindy Veach, Gerald Bell, Glen Peters, Brad Wedel and public audience

Chairman Pavlick called the meeting to order and welcomed all guests. Chairman Pavlick asked the commissioners if there were any changes, additions or deletions to the minutes from the September 18, 2012 regular meeting.

John Krieb made a motion to accept the minutes from September 18, 2012 Planning Commission regular meeting as presented. Marc Peebles seconded the motion and the motion carried unanimously.

Final Plat Approval: Residential PDP at 1807 College Farm Road – Tony Nolcox, Sergio & Pam Tonini (Greenspace Properties): *Commissioner Jobs recused herself at 5:02 p.m.* Justin Crice used a Power Point presentation to show the property at 1807 College Farm Road that Tony Nolcox and Greenspace Properties have purchased. Mr. Nolcox has indicated that all existing buildings will come down except an existing storage building which is shown on the final plat. This is a unique property in terms of access as it has road frontage off of College Farm Road but also has a 43 ft. deeded access easement off N. 18th Street across TVA property. Mr. Crice stated that in August, this project's preliminary plat and conditional use permit were approved. Since then, the developers have changed the layout of the development in order to provide more green space and to make this development a little more unique than most multi-family developments. The number of units reduced from the previous 36 on the Preliminary Plat down to 28 on the Final Plat. Mr. Crice showed a picture of the proposed twenty-four (24) small cottage/bungalow loft style homes. The dwelling units will be either be 16' x 24' or 16' x 32' in size depending on whether they are one or two bedroom. The final plat shows the two story quad-plex townhouse style apartments remaining on the north side of the property. There are 64 parking spaces shown on the final plat. Parking islands were added to the parking lot to provide additional green space. The entrance and drive aisle off College Farm Road is shown centered and 24 ft. in width and maintains this width throughout the property. The final plat utilizes the access off N. 18th Street with the entrance also being 24 ft. in width. The proposed drive aisles and new fire hydrant were approved by the Fire Marshall. The developers will install an eight (8) foot white vinyl privacy fence around the property. A dumpster area is shown in the southwest corner of the property that was approved by the Sanitation Department. All setbacks are being met. Stormwater detention plans have yet to be submitted to the Planning Department. Mr. Crice added that the developers have plans to use the property as rental property at first and possibly sell the 24 cottage lofts individually at a later time. Final plat approval will be contingent upon review and approval of the stormwater detention those plans as well as the project meeting all other city regulations.

Chairman Pavlick stated that adjoining and adjacent property owners were notified of this meeting because of the changes made to the project. He added that this was not a public hearing; however, he invited others to speak if they desired to do so.

Jack Thomason, 20th & College Farm Road, Murray was sworn in. Mr. Thomason was concerned with the possibility of additional traffic to the area if the proposed project is approved. He said that he is aware that College Farm Road is a state road and he thinks that there is a tremendous amount of traffic flow now.

William Vance, 816 North 20th Street, Murray was sworn in. Mr. Vance stated that he shared the same concerns about traffic as Mr. Thomason. Mr. Vance said he has waited as much as 17-18 minutes to travel from 20th Street to the Five Points. He indicated that the traffic that he is speaking of is not necessarily Calloway County School traffic; however, Murray State University generates a lot of traffic. Mr. Vance stated that he previously lived on Hamilton and all the Murray State traffic flowed down Hamilton to College Farm Road. He does not think that this type of college apartments is what College Farm Road needs. Mr. Vance suggested that Calloway County Schools open an access to Hwy 121 that would relieve a lot of the traffic. Mr. Vance added that it had been noted that this would be a good place for college apartments. He said that his mother owns property on Lipford Lane, which is off Robertson Road. Mr. Vance said that he has seen the impact the apartment complex that was built nearby had made. Mr. Vance concluded that he does not think that this type of complex is compatible for the area.

Cindy Veach, 814 North 20th Street, Murray was sworn in. Ms. Veach said that she also shares the same concerns with her neighbors about the traffic issue on College Farm Road. She added that the proposed units look nice; however, the Five Points intersection is currently a nightmare and she feels that this proposal would make that situation worse. Ms. Veach said that College Farm Road traffic comes from the west, the Calloway County schools, Murray State students going to and from their vet classes and from the units on Jones-Sparkman. She concluded that there has got to be something done about it.

Gerald Bell, 124 Graham Road, Murray was sworn in. Mr. Bell was in favor of the units being built on College Farm Road and applauded the developer for coming up with something new and unique. Mr. Bell stated that he travels College Farm Road three – four times daily. He added that increased traffic is inevitable if there is growth to a community. He concluded that if traffic proves to be heavy, that history has proven that people will find another route to take.

Chairman Pavlick asked the Commissioners if they had anything to add to the discussion.

John Krieb said that they had heard a lot of negative aspects concerning the traffic in the area; however, the one thing that kept sticking in his mind is the potential for the students to walk or bike to the university. He said that if the Commissioners decline to allow this type of project to locate near the campus, then developers will go farther out and develop property where 100 percent of the people will have to drive rather than bike or walk. This type of scenario will impact the traffic load as well. Commissioner Krieb asked what kind of pressure the City could put on the State to be more proactive in resolving these types of traffic issues and relieve the situation.

Commissioner Pavlick noted that there are two of these similar situations on the agenda for the night. He stated that this particular item has already been through the public hearing and is only being reviewed for final plat at the meeting.

David Roberts stated that he would like to offer an explanation to Commissioner Krieb's question. Mr. Roberts said that it had been discussed in previous meetings the possibility of the State installing a turning lane in the area of Calloway County Schools; however, he does not think that will affect the amount of traffic, it will only make it easier to turn left. Mr. Roberts added that the City does have quite a bit of input into placing priority on certain roads; thus, they will be looking at moving this project up on the list and will ask the State to look at the entire area, not just the area in front of the school. One option has been to build a round-about at Five Points to help alleviate the traffic issue for the area.

Kevin Perry stated to reduce traffic we might look at reducing the required number of parking spaces to these types of developments. Ms. Dowdy stated that this development was originally granted a 44 parking space variance based on the number of proposed units. They have found that 2 parking spaces per dwelling had proven to be adequate in previous PDPs. She explained that now that there are more sidewalks available for students to bike or walk, there is not the need for that many additional visitor spaces. This development has 28 units and would probably be approved with 56 parking spaces; 64 spaces are shown on the site plan. Ms. Dowdy said that when the Zoning Ordinance is updated, this type of item would be looked at for change.

William Vance came forward and asked if this proposed development was guaranteed to have two outlets. Chairman Pavlick answered that the site plan shows two outlets and that is required for emergency vehicles to get in and out in case of an emergency.

John Krieb made a motion to approve the Final Plat for the Residential Planned Development Project at 1807 College Farm Road for Tony Nolcox and Greenspace Properties. This approval is contingent upon the stormwater detention plans being approved by the Planning and Engineering Department and all other city regulations being met. Jeremy Boyd seconded the motion and the motion carried with a 7-0 voice vote.

Public Hearing: Request for R-4 (Multi-family) Residential Zoning on property to be annexed - located on north side of College Farm Road just west of North 20th Street – owned by Terry Parker-Bell: Candace Dowdy used a Power Point presentation to show the property on College Farm Road where the owner, Terry Parker-Bell is requesting annexation. The Planning Commission reviewed this item for annexation the previous month and made a recommendation to the City Council that this property be annexed. The next step in the process is for the Planning Commission to hold a public hearing to set the zoning for the property. Ms. Dowdy stated that the request for annexation is contingent upon the City considering and setting the zoning as R-4 (Multi-family) Residential Zoning and also contingent upon the PDP proposed by Brad Wedel and Glen Peters being approved. The property consists of two tracts totaling 2.137 acres. The annexation plat shows the property with 195 feet of road frontage on College Farm Road and 470 feet deep. The property is contiguous to the city limits and it meets the criteria established in KRS for annexation. Since this property is located in the county, there is currently no zoning. The properties surrounding this site on the north side of College Farm Road are in the county with government zoning to the south and mostly R-2 zoning to the east with some R-4 zoning in close proximity. The city limits end along the west side of the properties on North 20th Street; however, there is still one area of North 20th Street north of Sherrie Lane that is in the county where several duplexes are located. The Government property to the South is owned by Murray State. There are two single family dwellings between this property and the city limits to the east where one is being used as a multi-family dwelling. Ms. Dowdy added that the proposed PDP for Tony Nolcox is located to the southeast of this property. The 2009 Comprehensive Plan and Future Land Use identify the area as Low Density Residential and would have to be amended if the annexation is approved and the zoning is set as R-4. The property does fall within the Urban Service Area and is suitable for development. Glen Peters and Brad

Wedel are proposing to purchase and develop this property as a multi-family residential planned development project. The site plans shows one entrance into the development with a "T" turnaround at the end for emergency access vehicles. The development has 36 one bedroom units which includes six buildings with six units in each building. Ms. Dowdy explained that property outside the city limits is looked at when they are updating the Comprehensive Plan as to how the property is being used to determine how the property is designated for Future Land Use. Ms. Dowdy stated that College Farm Road is a state road; therefore, any traffic issues will have to be addressed with the state. She also said that the Transportation Map had been shown at the previous month's meeting and noted the collector road that was discussed in 2009 between Doran Road North and Hwy 121. Commissioner Krieb asked if this development would interfere with the north/south access for this collector road. Ms. Dowdy stated that there is not anything in the highway plans at this time for the road. Mr. Roberts stated that like most plans you start out with a conceptual idea and then proceed to a preliminary plan. Mr. Krieb said that he brought it up because he didn't want something such as a development to "throw a wrench" in the possibility for a north-south connecting route on the west side of town. Mr. Roberts stated that there are usually several different proposals before something of this nature is approved and they are possibly looking at 15-20 years down the road before this is moved on. Commissioner Perry asked if the developers are looking at the actual needs for one bedroom apartments. He added that there seems to be several one bedroom apartments being developed. Mr. Crice answered that the need is there because the student population has grown. He added that the Planning Department is constantly receiving inquiries about land within the city that is available for sale for R-4 development. All adjoining and adjacent property owners were notified of the public hearing.

Chairman Pavlick opened the public hearing and asked if there was anyone that wished to speak in support of the proposed zoning request.

Gerald Bell (husband and representative for Terry Parker-Bell) came forward. He stated that during the previous month's BZA Compatibility meeting on this item, board member Scott Seiber commented that he personally felt that R-4 was the direction that the property was going on College Farm Road. Mr. Bell added that as an attorney, he represents several clients that are owners of these developments. These owners have conveyed the need for additional one bedroom apartments and have indicated that they are running at 100 percent occupancy. Occupancy drives the need for more. He added that capitalists are looking at ways to make investments and if the need wasn't there, they wouldn't be making that investment. Mr. Bell said that there is R-4 zoned property around the property in discussion and the intention of the developers is R-4. Mr. Bell stated that he will not be involved with the proposed development. He said that in regards to traffic, there will be additional traffic; however, the positive thing would be that there are sidewalks available for walking and biking that run from the high school to the university. Mr. Bell said that he suspected that there would be a lot of students that are interested in the Expo Center that would want to live there for the convenience of the location to the university and the MSU Farm. Mr. Bell concluded that if this zoning request is not permitted, the development is likely to go farther outside of the city limits and all the traffic would be routed to College Farm Road.

Chairman Pavlick asked if there was anyone that wished to speak in opposition to the proposed zoning request.

Jack Thomason came forward. Mr. Thomason stated that he is not against the development. He said that there is one development already in the works for College Farm Road and now there is another one being planned within a two block area. Mr. Thomason commented that if the developers that are building these have enough money to build the developments, he doesn't understand why they don't build an access road to Hwy 121 to help alleviate this traffic situation. Mr. Thomason said that he also didn't understand

why there was not another access road out the back of the proposed development similar to the one at 1807 College Farm Road. Mr. Thomason then added that there is no exit out of the area between Robertson Road and 18th Street. He concluded that he just hopes no one gets hurt as a result of the traffic situation on College Farm Road.

William Vance came forward and stated that he does not want the area where he lives to become another Cambridge. He referred to the homes that were originally built in Cambridge that were suddenly surrounded by multi-family housing with college students and parties. He said he is getting the impression that this is what is going to happen in his neighborhood. Mr. Vance stated when he grew up at 1803 College Farm Road, there was a development built at the end of North 20th Street that was supposed to be "high-end" apartments. Now several years later, they have become homes for the college students, some with no regard to others. The residents of North 20th asked the city police to come out and monitor the 60 mph traffic on their street. One day an officer came out and parked in open view and did not issue any tickets. Afterwards they simply posted a 35 mph sign on the street. Mr. Vance has not seen any police there since the sign was posted. Mr. Vance fears that this will devalue his property if the neighborhood turns into another Cambridge. Lastly Mr. Vance addressed the drainage in the area. He said that there is water running across 20th Street when it rains now and he is concerned that a development will magnify the current problem. Mr. Vance concluded by addressing the Commissioners and saying that if they felt comfortable in having this development in their front or backyard, to vote for it.

Cindy Veach came forward. Ms. Veach stated that she also lives on the east side of 20th Street. She added that when they constructed the duplexes in the county to the north of her, her property value went down. She said the more apartments that are allowed in their single family neighborhood will cause their property to continue to go down. Ms. Veach works at the Chamber and she handles the Rent List. She said that Murray does need more rental properties; however, the biggest inquiry is for housing instead of apartments. She just does not see how putting apartments in the neighborhood could be a plus to the area. Ms. Veach asked if the Commissioner's loyalty and support lies with the current residents in Murray that have been there for 40 or 50 years or with the students.

Chairman Pavlick asked if there was any rebuttal. There was none. Chairman Pavlick closed the public hearing and turned it over to the Commissioners for discussion or comments. Chairman Pavlick stated that he had a comment. He said that at the previous month's meeting, the statement was made that without zoning the property as multi-family, that there would not be any annexation which means no taxes on this property for the City. The other thing that was stated was the developers would build the development further out which would still cause problems for College Farm Road. Chairman Pavlick said that those statements bothered him. He does not like someone "holding a hammer" over their heads. His interpretation was that the Commissioners have to annex this property as R-4 in order to annex the property at all. Commissioner Peebles stated that he did not mean to necessarily defend the person that made the statement; however, he did not interpret the statement that way. He said that the developer could still develop the property without coming into the City. Mr. Peebles said that he did not take the statement as a threat; he just took it as fact. The traffic from Jones-Sparkman is there now and will continue whether this development moves to Jones-Sparkman or not. Commissioner Medlock said regardless of the zoning, the property will develop. The applicants are requesting to come into the City and requesting R-4 Zoning and if this is not the way that the Commissioners vote, they can proceed without the City's involvement. Ms. Dowdy explained that the developers are aware that there is no guarantee of anything just because this item has gone before the PC and BZA for Advisory and Compatibility. Ms. Dowdy agreed that even if the property is not brought into the City, the developers could still develop it; however, they wouldn't be able to have as many units as they are requesting now

because of the requirements from the Health Department on the septic systems and wells. Ms. Medlock said that everything could be addressed by the City if this property was annexed; however, the City wouldn't have as much say if the property is not annexed. Commissioner Perry said that he was for the project that is to be located at 1807 College Farm Road because it was going to be located in an R-4 zone that was already established. He is reluctant to change the zoning to R-4 on a piece of property that is been listed on the Future Land Use as R-2 (low density).

John Krieb made a motion to forward a recommendation to the City Council to set the zoning as R-2 (single-family residential) for the 2.137 acre tract of land owned by Terry Parker-Bell located on the north side of College Farm Road and identified as PVA Parcels 041-0-0151 and 041-0-0152 based on the following findings of fact. The current property has no zoning and the property owner has requested R-4 zoning. The R-2 zoning is in line with the Future Land Use Map and the Comprehensive Plan and that the zoning in the general vicinity is R-2 and is in line with the current Comprehensive Plan. Kevin Perry seconded the motion. The vote was 3-3 with Ed Davis, Mary Anne Medlock and Marc Peebles voting no. *Jeremy Boyd abstained and Loretta Jobs was recused.* Attorney Warren Hopkins said that the motion did not pass because there was not a majority.

Commissioner Medlock said that she would like further discussion. Ms. Medlock said that she had voted the way that she did because she felt it was important for the City's involvement in the project; thus, she wanted to make another motion. Warren Hopkins read and explained a statement from the Planning and Zoning Statute. *KRS 100.211 A tie vote shall be subject to further consideration by the Planning Commission for a period not to exceed 30 days at the end of which if the tie has not been broken, the application shall be forwarded to the legislative body without a recommendation of approval or disapproval.* Ms. Dowdy clarified that the Planning Commission's responsibility is to set some type of zoning if the property is brought into the city limits of Murray. Commissioner Boyd recommended that the Commissioners vote to give the applicant either a "yes" or "no" to what they are requesting. After further discussion Chairman Pavlick asked the Commissioners if they were ready to make another motion.

Marc Peebles made a motion to forward a recommendation to the City Council to set the zoning as R-4 (multi-family residential) for the 2.137 acre tract of land owned by Terry Parker-Bell located on the north side of College Farm Road and identified as PVA Parcels 041-0-0151 and 041-0-0152 based on the following findings of fact. The current property has no zoning and the property owner has requested R-4 zoning. There is R-4 zoning approximately 550 feet to the east of this property. He also recommended that the Official Zoning Map and the Future Land Use Map in the Comprehensive Plan be updated to reflect this zoning. Mary Anne Medlock seconded the motion. *There was further discussion before the vote was taken.*

Chairman Pavlick asked the Commissioners if they were voting this way because that would give the Planning Commission some control of the development. Commissioner Peebles said that definitely was a contributing factor. Commissioner Perry said that he thought that they should not be trying to think about trying to control what is going to happen on the property, he thinks that the Commissioners should be deciding if the zoning request fits this area. Commissioner Krieb agreed with Commissioner Perry. He added that they would all like to see the city revenues that would be generated from having the property in the city and they would certainly like to have more control over the project; however, he thinks they should look at the area and decide if it is compatible.

The vote was taken and the motion was denied with a 4-2 vote. *Kevin Perry, Ed Davis, Ed Pavlick and John Krieb voted no. Jeremy Boyd abstained and Loretta Jobs was recused. Loretta Jobs reentered the meeting at 6:10 p.m.*

Warren Hopkins clarified that the decision was to deny the R-4 request and that decision will be submitted to the City Council. The City Council can overturn the decision and at that time a separate public hearing will be held.

Public Hearing: Proposed text amendment to Section I, Article 2, and Section II, Articles 4 and 6 of the City of Murray Zoning Ordinance as it pertains to alcohol beverage control regulations: Ms. Dowdy gave the board members corrected copies of the proposed text amendments for discussion purposes. *Attorney Warren Hopkins left the meeting at 6:14 p.m.* Ms. Dowdy explained that the previous month the Commissioners were given information about the proposed text amendments to the Zoning Ordinance in reference to the ABC regulations that was recently adopted by the City Council. The changes have already been considered and reviewed by the City Council. The City Council is one entity that can make a proposal for an amendment to the text in the Zoning Ordinance. Before this goes through the full process, the Planning Commission has to take it under consideration and conduct a public hearing on the proposed text amendment. After the public hearing any recommendation that the Planning Commission has will be forwarded back to the City Council for further adoption.

The changes were discussed by the Commissioners and are indicated in the underlined sections:

Chapter 156.037 BUSINESS DISTRICTS.

(A) B-1 Neighborhood Business Districts.

(1) Intent. This district is established to provide areas in which to meet the needs of the immediate neighborhood. This district is limited to a narrow range of retail services and convenience goods and services. This district also is intended for areas where large business operations are undesirable.

(2) Permitted principal uses. Property and buildings in a B-1 Neighborhood Business District shall be used for the following purposes.

(a) Grocery stores and food markets including specialty foods such as bakery goods, delicatessen goods, and meats.

(b) Restaurants and delicatessen sandwich shops (no drive-through window service).

(c) Fruit markets.

(d) Drugstore including fountain service, book and reading matter, tobacco, vanity goods, and pharmacy.

(e) Barber shops and beauty shops.

(f) Shoe repair shop.

(g) Branch laundry or dry cleaning collection stations where no laundering or cleaning is to be done on the premises and self-service laundry.

- (h) Churches and related activities.
- (3) Permitted accessory structures and uses.
 - (a) Garage or other storage building not used as a dwelling and incidental to the principal use.
- (4) Conditional uses.
 - (a) Offices and other retail businesses or services not listed above shall be considered conditional use and will require written approval of the Board of Zoning Adjustments. The Board shall grant such approval if it determines that the proposed use is essential to the convenience of the neighboring residents.
 - (b) Public facilities such as libraries, parks, and recreational facilities.
 - (c) Planned-development projects.
 - (d) One dwelling unit for owners, operators, or employees of a permitted use provided that such dwelling unit shall be a part of the building and located above or to the rear of such permitted use.
 - (e) Outdoor storage of merchandise and outdoor processing. All above-ground structures accessory to any outdoor use shall be located at least 25 feet from any public street right-of-way line.
 - (f) Transient businesses as prescribed in §§ 156.100 et seq.
- (5) Prohibited uses.
 - (a) Anything not listed above is prohibited and no use shall be permitted by the Board of Zoning Adjustments as a conditional use which would be detrimental to the development of other neighborhood businesses or residents.
 - (b) Dwelling units except as provided herein.
 - (c) Adult-oriented businesses.
 - (d) Nightclubs, bars, taverns and similar type businesses
- (6) Lot, yard, and height regulations.
 - (a) Minimum lot size. No limitation.
 - (b) Minimum lot frontage on a public street.
 - 1. B-2 - 75 feet.
 - 2. B-3 - No limitation. If less than 75 feet, planning commission must determine that lot frontage is compatible with surrounding properties.
 - (c) Minimum front yard.
 - 1. 35 feet
 - 2. Corner lots shall have a minimum of 25 feet for the yard facing the secondary street.

- (d) Minimum side yard. No limitation. (See division (A)(6)(h) below.)
- (e) Minimum rear yard. 25 feet.
- (f) Maximum lot coverage. No limitation.
- (g) Maximum height of any portion of a building. 35 feet.

(h) Business uses adjacent to residential districts. All non-residential uses which are located on lots adjacent to a residential district shall maintain a minimum setback requirement for all structures of 25 feet in the side or rear yard adjacent to the residential district and § 156.052 shall apply.

(B) B-2 Highway Business District and B-3 Central Business District.

(1) Intent.

(a) B-2. This district is intended for a wide range of general retail business. Districts in this category are intended to include areas where commercial development has, or is, displacing residential development, or is moving in on vacant lands. Regulations are designed so as to discourage formation of future commercial slums, to preserve the carrying capacity of the streets, and to provide for adequate off-street parking. It is not the intent of this district to encourage the extension of strip commercial areas, but rather to provide concentrations of general commercial activities, and also to provide areas in which the principal use of land is devoted to commercial establishment which cater specifically to the needs of motor vehicle-oriented trade.

(b) B-3. This district forms the central center for commercial, financial, professional, governmental and cultural activities. The intent here is to protect and improve the central business district for the performance of its primary functions.

(2) Permitted principal uses.

- (a) Any use permitted in the B-1 Business District; Restaurants in a B-2 zone are allowed to have drive up window.
- (b) Place of indoor amusement and assembly.
- (c) Churches.
- (d) Offices.
- (e) Hotels, motels.
- (f) New and used car lots, public garages, and other motor vehicle service.
- (g) Any retail sales or consumer service including the making of articles to be sold on the premises. Any such manufacturing or processing shall be incidental to a retail business or service and not more than five persons shall be employed in such manufacturing.
- (h) Transient businesses as prescribed in §§ 156.100 et seq.

(3) Permitted accessory structures and uses. Garage or other building not used as a dwelling and incidental to the principal use.

(4) Conditional use.

- (a) Public facilities such as libraries, parks and recreational facilities.
- (b) Planned-development projects.

(c) 1. B-2 zones only: One dwelling unit for owners, operators, or employees of a permitted use provided that such dwelling unit shall be a part of the building and located above or to the rear of such permitted use.

2. B-3 zones only: Single-family and Multi-family residential uses provided that the dwelling unit(s) shall be a part of building and located above or to the rear of the principal use.

(d) Outdoor storage of merchandise and outdoor processing. All above ground structures accessory to any outdoor use shall be located at least 25 feet from any public street right-of-way line.

- (e) Privately-owned outdoor amusement area.
- (f) B-2 Adult-oriented businesses.
- (g) B-3 Transient businesses as prescribed in §§ 156.100 et seq.
- (h) B-3 Any restaurant or retail sales business with a drive up window.
- (i.) B-3 (Within Historic Overlay District Only) Sidewalk Cafes
- (j) B-2 and B-3 Nightclubs, bars, taverns and similar type businesses

(5) Prohibited uses.

(a) Anything not listed above is prohibited and no use shall be permitted by the Board of Zoning Adjustments as a conditional use which would be detrimental to the development of other businesses.

- (b) Dwelling units except as provided herein.
- (c) B-3. Adult-oriented businesses.

(6) Lot, yard, and height requirements.

- (a) Minimum lot size. No limitation.
- (b) Minimum lot frontage on a public street. 75 feet.
- (c) Minimum front yard.

- 1. B-2 - 50 feet.
- 2. B-2 - Corner lots shall have a minimum of 25 feet for the yard facing the secondary street.
- 3. B-3 - No limitation.

(d) Minimum side yard. No limitation except on corner lots where secondary yard restrictions will apply.

(e) Minimum rear yard.

1. B-2 - 25 feet.
2. B-3 - No limitation.

(f) Maximum lot coverage. No limitation.

(g) Maximum height of any portion of building.

1. B-2 - 35 feet.
2. B-3 - 75 feet.

(h) Business uses adjacent to Residential Districts.

1. B-2 - All nonresidential uses which are located on lots adjacent to a residential district shall maintain a minimum setback requirement for all structures of 25 feet in the side or rear yard adjacent to the residential district and § 156.052 shall apply.

2. B-3 - Same as B-2.

(C) B-4 Medium Density Business District.

(1) Intent. To provide for limited retail business, service and business, and professional offices. The standards of development are intended to protect adjacent residential zones, promote orderly development, and avoid traffic congestion within the surrounding neighborhoods.

(2) Permitted principal uses.

- (a) Any use permitted in the B-1 business district with the exception of restaurants.
- (b) Banks and savings and loans.
- (c) Barber and beauty shops.
- (d) Bakeries.
- (e) Drugstores.
- (f) Shoe repair shops.
- (g) Antique shops.
- (h) Clothing stores.
- (i) Radio/television sales and repair shops.
- (j) Professional, business, and government offices and laboratories.
- (k) Churches and related activities.

- (l) Convenience store.
- (3) Permitted accessory structures and uses. Garage or other storage building not used as a dwelling and incidental to the principal use.
- (4) Conditional uses.
 - (a) Public facilities such as libraries, parks, and recreational facilities.
 - (b) Planned-development projects.
 - (c) One dwelling unit for owners, operators, or employees of a permitted use provided that such dwelling unit shall be a part of the building and located above or to the rear of such permitted use.
 - (d) Other limited business uses which the Board of Zoning Adjustments finds to fall within the intent of this zone that will not be more obnoxious or materially detrimental to the public welfare or to property in the vicinity of said uses shall be considered a conditional use.
 - (e) Restaurants can be approved after they are reviewed through a Planned Development Process. A planned development process review can be required by the Board of Zoning Adjustments for any project that might raise compatibility concerns.
 - ~~(e)~~(f) Transient businesses as prescribed in §§ 156.100 et seq.
- (5) Prohibited uses.
 - (a) No enterprise shall be permitted which produces or causes any dust, smoke, noise, fumes, odors, or vibrations, which are or may be detrimental to other property in the neighborhood or to the welfare of the occupants thereof.
 - (b) Dwelling units except as provided herein.
 - (c) Adult-oriented businesses.
 - (d) Nightclubs, bars, taverns and similar type businesses
- (6) Lot, yard, and height regulations.
 - (a) Minimum lot size. No limitation.
 - (b) Minimum lot frontage on a public street. 75 feet.
 - (c) Minimum front yard.
 - 1. 35 feet.
 - 2. Corner lots shall have a minimum of 25 feet for the yard facing the secondary street.
 - (d) Minimum side yard. 10 feet.
 - (e) Minimum rear yard. 25 feet.

- (f) Maximum lot coverage. No limitation.
- (g) Maximum height of any portion of building. 35 feet.
- (h) Business uses adjacent to residential districts.

1. All non-residential uses which are located on lots adjacent to a residential district shall maintain a minimum setback requirement for all structures of 25 feet in the side or rear yard adjacent to the residential district.

2. All non-residential uses which are adjacent to a residential use located within the B-4 Zone are required to erect screening in accordance with § 156.052.

(Ord. 794, passed 12-22-83; Am. Ord. 89-890, passed 4-27-89; Am. Ord. 90-925, passed 7-26-90; Am. Ord. 91-952, passed 7-25-91; Am. Ord. 93-1006, passed 7-22-93; Am. Ord. 97-1127, passed 9-26-97; Am. Ord. 98-1174, passed 12-28-98; Am. Ord. 2005-1373, passed 3-24-05; Am. Ord. 2008-1457, passed 2-28-08) Penalty, see § 156.999

Chapter 156.039 INDUSTRIAL DISTRICT.

(A) Intent. This zone is intended for manufacturing, industrial, and related uses. This section distinguishes between light and heavy industry and their potential for becoming a nuisance.

(B) Permitted principal uses.

(1) Non-retail sales and services.

(2) Light industry. The Board of Zoning Adjustments shall distinguish between the light and heavy industry according to the definition in § 156.004 of this zoning code upon application by the Zoning Official when the classification is in doubt.

(3) Research laboratories.

(4) All uses in this zone shall be conducted in a completely enclosed building, except for outdoor storage uses which shall be enclosed on all sides by a solid wall or fence not less than six feet in height.

(5) Transient businesses as prescribed in §§ 156.100 et seq.

(C) Permitted accessory uses.

(1) Off-street parking areas and structures, and loading facilities.

(2) Dwelling units for watchmen or caretakers provided that such facilities shall be located on the same premises as the permitted use.

(3) Outdoor storage of products manufactured on the premises or materials to be used in manufacture on the premises provided that such outdoor storage shall be enclosed on all sides by a solid wall or fence not less than six feet in height.

(4) Facilities for serving food only for employees and visitors and having no direct access to the exterior and having no signs visible from the exterior of the building.

(5) Offices.

- (6) Recreational facilities for employees.
- (D) Permitted conditional uses.
 - (1) Heavy industry.
 - (2) Outdoor storage and processing.
 - (3) Retail sales and consumer services.
 - (4) Planned-development projects other than residential uses.
 - (5) Churches and related activities.
 - (6) Adult-oriented businesses.
- (E) Prohibited uses.
 - (1) Dwelling units except as provided for herein.
 - (2) Heavy industrial use without prior approval from the Board of Zoning Adjustments.
 - (3) Packaged liquor stores, nightclubs, bars, taverns and similar type businesses
- (F) Lot, yard, and height regulations.
 - (1) Minimum lot. No limitation.
 - (2) Minimum lot frontage. 75 feet minimum.
 - (3) Minimum front yard. 50 feet.
 - (4) Minimum side yard. No limitation.
 - (5) Minimum rear yard. 35 feet. (The Board of Zoning Adjustments may upon application by the Zoning Official reduce the required rear yard where such rear yards would be adjacent to railroad sidings if such reduction would not be detrimental to surrounding area.)
 - (6) Minimum lot coverage. No limitation.
 - (7) Maximum height of any portion of a building. 50 feet. (The maximum building height is 50 feet; however, the Board of Zoning Adjustments may increase the building height upon application by the Zoning Official.)
 - (8) All nonresidential uses which are adjacent to a residential use located within the Industrial Zoning District are required to erect screening in accordance with § 156.052.

(Ord. 794, passed 12-22-83; Am. Ord. 89-890, passed 4-27-89; Am. Ord. 90-925, passed 7-26-90; Am. Ord. 97-1127, passed 9-26-97; Am. Ord. 98-1174, passed 12-28-98; Am. Ord. 2008-1457, passed 2-28-08) Penalty, see § 156.999

Chapter 156.004 - Definitions

~~"RESTAURANT." An eating establishment whose primary use is designed to permit or facilitate the service of meals, sandwiches, ice cream, beverages, or other food served directly to, or permitted to be consumed by patrons within the building, in automobiles or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site or outside the main building.~~

"RESTAURANT" means a facility where the usual and customary business is the serving of meals including but not limited to sandwiches, ice cream, beverages and other foods served directly or indirectly to consumers that has a food preparation and or food distribution facility as approved by the county health department, and that receives at least fifty percent (50%) of its food and beverage receipts from the sale of food.

Chairman Pavlick opened and closed the public hearing since there was no public attendance.

Marc Peebles made a motion to approve the text amendments to the Zoning Ordinance in reference to the Alcohol Beverage Control regulations. Jeremy Boyd seconded the motion and the motion carried with an 8-0 voice vote.

Election of Officers: Ms. Dowdy read the current slate of officers as follows:

Chairman	Ed Pavlick
1 st Vice Chair	Tom Kind
2 nd Vice Chair	Ed Davis

Marc Peebles made a motion to accept the current slate of officers for the upcoming year. John Krieb seconded the motion and the motion carried with an 8-0 voice vote.

Questions and Comments: Commissioner Perry asked if anyone knew why the turning lane was being put in on Hwy 641 North. No one knew for certain. Commissioner Jobs asked if there was supposed to be a Secretary in the slate of officers. Ms. Dowdy confirmed that there was and she had mistakenly left that off the slate; therefore, they would need a new motion to include the Secretary. She added that Loretta Jobs is the current Secretary. The amended current slate of officers follows:

Chairman	Ed Pavlick
1 st Vice Chair	Tom Kind
2 nd Vice Chair	Ed Davis
Secretary	Loretta Jobs

Jeremy Boyd made a motion to accept the amended current slate of officers for the upcoming year. Marc Peebles seconded the motion and the motion carried unanimously.

Commissioner Boyd said that he thought a good comment had been brought up in the meeting concerning an entrance/exit to Calloway County High School from Hwy 121. From looking at the aerial photo, there appears to be enough land for an additional access route to be added for the school. Mr. Boyd said it was an excellent idea and thought it should be discussed with the school board. Mr. Boyd said that it could make a huge difference in the traffic situation on College Farm Road. Mr. Roberts said that they had this discussion before and he couldn't recall what the results were; however, he will try to find out and report

it at the next meeting. Ms. Medlock said that if you waited for the State to act on this, it could be a period of 6 years and if the City should pursue this, they might can resolve this quicker.

Justin Crice reported that Amber DuVentre had turned in her resignation. She accepted a position in Nashville and has already moved. He added that Ms. DuVentre would be missed.

Adjournment: Marc Peebles moved to adjourn the meeting and Chairman Pavlick asked all the commissioners in favor to stand. *The meeting adjourned at 6:50 p.m.*

Chairman, Ed Pavlick

Recording Secretary, Reta Gray