

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, MARCH 19, 2014
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, March 19, 2014 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5th Street.

Board Members Present: John Krieb, Scott Seiber, Linda Scott, Terry Stricter, Mary Anne Medlock, Josh Vernon and Bobbie Weatherly

Board Members Absent: None

Also Present: Candace Dowdy, David Roberts, Mike Pitman, Reta Gray, Jennifer Tolley, Hawkins Teague, Officer Todd Clere, Karol Tortorelli, Brad Billington, Nat Rassi, Tim Thurmond, Daniel Yong, Helen Spann and public audience

Chairman Krieb called the meeting to order and welcomed all guests and applicants. He noted one minor change made to the minutes from February 19, 2014 regular meeting and asked if there were any additional comments.

Scott Seiber made a motion to approve the BZA minutes from the February 19, 2014 regular meeting as amended. Josh Vernon seconded the motion and the motion carried unanimously.

Public Hearing: Conditional Use Permit request to allow two non-related persons to occupy premises – 1003 Payne Street – James & Karol Tortorelli: Ms. Dowdy used a Power Point presentation to show the property at 1003 Payne Street that is owned by James and Karol Tortorelli. The property is R-2 zoned (single family residential) and surrounded by R-2 zoning in all directions. In January 2014 the Planning Department received a call from someone in the neighborhood of Payne Street that asked if property on Payne Street could be used for rental property. They stated that there seemed to be a couple of girls residing in the home at 1003 Payne Street. The person inquiring stated that the girls had not caused any disturbances to the neighborhood that they were aware of. It was also noted that the girls weren't home a lot but when they were, one of them would park on the street and they were afraid that this could cause some visibility issues with residents that were backing out of their driveway in that area. Ms. Dowdy stated that she had spoken to Ron Allbritten, Street Superintendent, to see if "No Parking" signs were posted on Payne Street and Mr. Allbritten had indicated that there were not any such signs posted. Ms. Dowdy explained that a letter was sent to Mr. and Mrs. Tortorelli inquiring how the property was being used. Mr. Tortorelli responded to the letter and stated that they purchased the house in 2008 for their children to live in while they attended Murray State. He explained that the last of his children had graduated in December 2013 and had moved out at that time. Mr. Tortorelli indicated that there are currently two girls living in the house and that he believes they are either seniors or graduate students at Murray State. Staff explained the process that either he would need to bring the property into compliance or request a conditional use permit to see whether the board would allow the girls to remain to live there for a specified time. Mr. Tortorelli went to the house to talk with the girls after his initial conversation with Ms. Dowdy and since that time, the girls have not been parking on the street. Ms. Dowdy reported that staff had put together a summary of the last seven conditional use permits that had been applied for that were requesting permission for non-related persons to occupy premises in R-2 zones and out of those seven, all had been denied since July of 2011. Staff contacted the Police Department and their records indicate that there have been no calls dispatched to that address. *Mary Anne Medlock entered the meeting at 4:36 p.m.*

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

Karol Tortorelli, 4205 Magruder Road, Kevil, Kentucky was sworn in. Ms. Tortorelli stated that she and her husband had purchased the property with the intent of their three children living there while they attended MSU. All of her children (either one or two at a time) have resided in the house up until this last semester. At the time when the Tortorelli's last child moved out, they rented the property to a friend at church's daughter who is a senior at MSU that plans on graduating in May. They feel very confident in her character; thus, they do not have a formal contract. The tenant would like the option of living in the house for another year or two while working on her graduate degree. Ms. Tortorelli stated that they are confident that this girl is and will continue to be a good neighbor. Mr. Vernon asked who was living in the house with their tenant. Ms. Tortorelli said that she did not know. She said that she guessed there was another person living in the house but did not know if she was sharing expenses or what their agreement was with each other. Mr. Vernon asked if their current tenant decided to leave the area to attend graduate school what they planned on doing with the house. Ms. Tortorelli stated she didn't know. She said that they might find another renter, but selling the property would be an option.

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

Josh Vernon made a motion to deny the Conditional Use Permit request for James and Karol Tortorelli to allow two non-related persons to occupy the premises at 1003 Payne Street. The current tenants will be allowed to continue to reside there until May 31, 2014. Mary Anne Medlock seconded the motion and the motion carried with a 7-0 roll call vote.

Public Hearing: Dimensional Variance request for parking – 1306 South 12th Street – Brad Billington: Ms. Dowdy used a Power Point presentation to show the property at 1306 South 12th Street (former location of Uncle Jeff's Shopping Center) where Brad Billington and Danny Paschall are looking to lease two suites and proposing to open the Jitterbug Arcade and Dance Hall. The arcade area is 3,000 square feet and the Dance Hall area is 4,000 square feet. This property is located in a B-2 (Highway Commercial) and is surrounded by B-2 to the north and east. R-2 property is located to the south and west. Ms. Dowdy reviewed that in 2009 a letter was sent to the property owner stating that the existing parking did not meet current requirements based on the mixed use of the building. It was noted that the existing parking at that time was 141 parking spaces and that the Trends and Treasures business would be required to have 150 spaces just for their use based on the square footage of the building. Taking into consideration the existing uses of the building at that time Planning Staff felt like the parking would be sufficient. The letter was sent as a reminder to the property owner that prior to leasing space in the building either the owner or the tenant should check with the city to make sure all city regulations were being met. The Trends and Treasures business is still located in the shopping center as well as Brenda's Beauty Salon and Treasure Miniature Golf. Parking requirements for the arcade room would be 50 spaces plus an additional 115 spaces for the dance area. This number is based on the occupant load for each area per the Building and Fire Codes. Mr. Billington has indicated that the Jitterbug Arcade would be open on Tuesday through Saturday from around 12-8:00 p.m. with extended hours on Friday night until around 11:30 p.m. The Dance Hall would open from 7-11:30 p.m. on Thursday, Friday and Saturday nights after Trends and Treasures closes at 6 p.m. so there should be no issues with parking because of the offset of the hours of operation. Ms. Dowdy stated that there is a new proposed site plan showing a better parking lot layout which leaves ample drive aisles around the parking lot. This layout provides 128 total spaces. (A copy of the site plan was shown.) Even though this reduces the number of spaces from the existing layout, Planning Staff feels that the proposed site plan works better and provides

adequate space for emergency service vehicles and sanitation pick up. Ms. Dowdy stated that there is no means to provide any additional parking on the sides or in the back of the property. There has never been a parking variance issued for the property; however, as the uses are changing Planning Staff thought it should be brought before the board. The City has a noise ordinance and if there were any complaints about noise, the police will address that. Ms. Dowdy concluded that there had been no calls from individuals that received letters concerning this request for a variance.

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

Brad Billington, 1412 Beach Road, Kirksey was sworn in. Mr. Billington explained that their goal is to try to separate the youth from college kids and provide a "hangout" place for the teenagers. Since they are targeting the teenage crowd, there will be no alcoholic beverages served. The location was chosen on the south side of town intentionally to be away from places that do sell alcohol. There is some renovation to be done; thus, their targeted opening date will be around the end of May or the first of June, as schools are letting out for the summer. Pizza will be catered by Mr. Gatti's and fountain drinks will be available. They are proposing to have different activities each night and they will be available for private parties also. Mr. Billington said there will be live bands, as well as local high school bands allowed to perform and show their talents. A deejay with a laptop is another option they are considering for the music. There will be at least 6-8 adult employees with a total of up to twelve adults that will be supervising the activities. (This includes a person patrolling the parking lot.) Mr. Billington said that since the operation will be basically teenage based and most of the kids will be drop offs, there shouldn't be much additional parking needed. Ms. Dowdy said that she was not sure that the board could come up with a required number of parking spaces for this establishment based on the nature of the business. Chairman Krieb asked if they would be restriping the parking lot according to the new layout. Mr. Billington replied that the property manager has agreed to do that. Mr. Seiber stated that this sounds like a good concept. He continued that he has been on the board for twenty plus years and feels like they have done a poor job of estimating parking in the past; however, he thinks the parking available for this proposal will work fine.

Chairman Krieb asked if there was anyone that wished to speak in opposition to the application. There was no one. Chairman Krieb closed the public hearing and turned it over to the board for discussion and a motion. Mr. Pitman suggested that the board consider the variance request and put conditions on the hours and uses as presented in order to give the board some control. Mr. Vernon asked if the state required a defined entrance and exit. Ms. Dowdy replied that the property has never been required to have a defined entrance and exit; however, if the Highway Department should decide to widen Highway 641, that could change.

Mary Anne Medlock made a motion to approve a 343 parking space variance for the property located at 1306 South 12th Street as the parking lot has been well established over the years and there is no additional area for spaces to be provided. This variance is based on the fact that the different businesses have hours of operations that are offsetting. 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. Scott Seiber seconded the motion and the motion carried with a 7-0 roll call vote.

Chairman Krieb stated that the public hearing for McDonald's request for a parking variance was removed from the agenda.

Public Hearing: Review of Conditional Use Permit application for commercial planned development project at 633 North 4th Street – Greg Williams: Ms. Dowdy used a Power Point presentation to show the property at 633 North 4th Street that is owned by Greg Williams. This property is zoned B-2 and is adjacent to a small tract of R-2 zoning to the north with B-2 zoning to the north and south, Industrial to the east and Government to the east, south and west. The property is a little over three acres in size. In August 2011, Mr. Williams applied for a building permit to construct a 17,550 square foot commercial building consisting of six office/warehouse units and twelve storage units, on the north side of property. Mr. Williams is now proposing to construct additional buildings in Phase 2 and Phase 3 of this development. There is one entrance to the property off North 4th Street. Upon approval of the project Mr. Williams will begin Phase 2 with another 17,550 square foot building. The Preliminary Plat shows a future building in Phase 3 along the front portion of the property. Mr. Williams has indicated that he may or may not construct this building depending on the need. The size and configuration of the building could change but would remain compatible with the existing use of the property. The Preliminary Plat has been reviewed by the Fire Marshal and the Sanitation Department for compliance. The drive area between the existing building and the proposed building in Phase 2 will be put into a hard surface during the construction process with a minimum of nine striped parking spaces in front of each building. The required stormwater detention for this development was put in place during the construction of Phase 1. A ten foot rear setback variance will be needed for the two buildings in Phase 1 and 2. This project is being reviewed as a PDP since there will be more than one building on the property. Planning Commission approved the Preliminary Plat the previous night.

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

Bill Adams, Bill Adams Construction, 1506 Hermitage Place, Murray, KY was sworn in. Mr. Adams represented Greg Williams (owner of the property). Mr. Adams explained that there is a 10 foot rear set back variance needed that was an oversight by the Planning Staff. He noted that the second building would be a mirrored image of the first with a slightly different layout configuration. Mr. Adams added that whether Mr. Williams decides to build the third building or only have two buildings on the property, they will meet all setbacks and the use will be compatible to the existing use. There is one 35 foot wide entrance off North 4th Street that has been approved by the Department of Transportation. Not many parking places will be needed since these are storage buildings where you come and unload and leave.

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

Scott Seiber made a motion to approve the Conditional Use Permit for the 4th Street Storage and Office Planned Development Project at 633 North 4th with a 10 foot rear setback on the buildings. Bobbie Weatherly seconded the motion and the motion carried with a 7-0 roll call vote.

Public Hearing: Conditional Use Permit request to allow relocation of non-conforming structure on lot – 1707 Main Street – Calloway Monument Company – Jennifer Morris: Ms. Dowdy used a Power Point presentation to show the property at 1707 Main Street where Calloway Monument Company is located. The property is in an R-2 zone (single family residential) and surrounded by R-2 and Government zoning. Jennifer Morris owns and operates Calloway Monument Company where it has been in existence for 66 years. The business is a pre-existing non-conforming use and the buildings are non-conforming structures. In 2000 the Board of Zoning Adjustments approved a request by Ms. Morris to tear down the old shop and rebuild a new one back in its place. In September 2013, Ms. Morris contacted Planning Staff and stated that the existing log building that has been used for many years as her

office was literally falling apart. (Ms. Dowdy showed pictures that were taken of the inside and outside of the building.) Keith Miller, Building Official for the City of Murray, made an inspection of the building and found extensive insect damage and deterioration to the log building. Mr. Miller indicated that it was his opinion that there was enough damage to the structure to justify the building being torn down and rebuilt. Planning Staff informed Ms. Morris that in order to do that she would need to request approval from the BZA as per Section III, Article 4, C 2 of the Zoning Ordinance to move a non-conforming structure to another position on the lot. Ms. Morris contacted Ron Mallay with the Department of Transportation to see if the state would require any additional improvements to the entrance off Main Street since it is a state highway. Mr. Mallay stated that the state would not require her to make any improvements to the entrance; however, he was pleased to see that she might be moving the existing log building farther back off Main Street. The existing structure is 682 square feet and the new proposed structure will be 648 square feet. There will be a new defined paved entrance that will be 50 feet wide. The entrance of the new building will be located on the west side of the building with a paved parking area with at least five parking spaces. Ms. Morris will like to be able to connect the new building to the existing shop with a doorway. She stated that she plans on using materials on the north and west sides of the building that are similar to the existing log cabin building. The rest of the building's materials will match the shop. Ms. Dowdy stated that all adjoining property owners were notified and the only call that she received was from Mike Holton (who lives directly to the east) and after Ms. Dowdy explained to him what the proposal was, he did not have any objections to what Ms. Morris was proposing.

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

Jennifer Morris, 1413 Dudley Drive, Murray, KY was sworn in. Ms. Morris stated that Ms. Dowdy had described her request accurately. Ms. Morris passed around pictures of the building years ago when her father owned and operated the business. The pictures showed the equipment that was used in constructing the monuments that was at that time located on the front porch of the business. She clarified that if they are given permission to build the proposed building, it would basically allow them to include the porch space from the old building with the new building's office space. The material that they have been looking at will match the logs that are on the original building. The remainder of the building will match the shop vinyl. Ms. Morris said that the reason for the 50 foot wide entrance is to accommodate the large trucks that come in and out of their lot. The outdoor display area will remain the same at this time. Scott Seiber stated that everything that had been proposed was a net gain for the community, the business and the DOT.

Chairman Krieb asked if there was anyone that wished to speak in opposition to the application. There was no one. Chairman Krieb closed the public hearing and turned it over to the board for discussion and a motion. Ms. Medlock asked if the outdoor storage should be addressed. Attorney Pitman replied that the business has been grandfathered in for so many years; however, he thought it would be appropriate to note that the outdoor merchandise should not be expanded and should remain stored in an appropriate manner.

Mary Anne Medlock made a motion to approve the request by Calloway Monument Company to tear down, rebuild and relocate the existing office building (which is a non-conforming structure) per the site plan presented. The new building will not be expanded or enlarged to exceed the number of cubic feet existing prior to its demolition based on the fact the building has been inspected by the City of Murray Building Official and found to be structurally unsound. The front façade of the new building should be designed in such a manner that would resemble the historic features of the old building. A minimum of five parking spaces are to be provided and the parking

area as shown on the site plan put into a hard surface. Linda Scott seconded the motion. The motion carried with a 6-1 roll call vote. Josh Vernon voted no. At this time Chairman Krieb called a five minute recess.

Public Hearing: Request for Conditional Use Permit to allow The Keys residential planned development project in B-2 – North 16th Street and Lowes Drive – Nat Rassi: Ms. Dowdy used a Power Point presentation to show the property at North 16th and Lowes Drive. The property is zoned B-2 (Highway Commercial) and is adjacent to B-2 in all directions with R-4 (Multi-Family Residential) to the northwest. Ms. Dowdy explained that the Planning Commission reviewed a Preliminary Plat for The Keys Residential PDP last month and made a motion to approve the plat and send the project to the BZA for their consideration of a Conditional Use Permit. The motion was defeated with two Commissioners voting yes and six voting no. The next day Mr. Nat Rassi, with JN Rassi Inc., (proposed owner and developer of the property) called Planning Staff and asked whether he would be allowed to resubmit a revised plat for consideration if he made some revisions to the overall layout of the project in order to provide a mix of commercial and residential use and reduce the number of beds. Staff informed him that if there were significant changes made then he would be allowed to resubmit a plat to be reconsidered by the Planning Commission. The revised plat was submitted to the Planning Commission the previous night and was approved with a 7-2 vote. Ms. Dowdy showed a rendering of the proposed development. The preliminary plat shows 76 units with 268 beds; 20 less beds than the previous plat with a mix of two and four bedroom units. There are currently two retail/commercial spaces on the south end of the property; however, the configuration of the buildings is subject to change based on the demand of the market and the specific requirements of the potential tenants. This could reduce the number of beds for the project. Mr. Rassi is proposing the following:

- Unit density not to exceed the requirements of R-4 zoning (19 units/acre)
- No more than 268 bedrooms
- Two commercial spaces of approximately 1450 square feet each

There are two means of ingress/egress. One entrance on North 16th Street has been moved a little farther to the south than on the original site plan to better accommodate the commercial traffic generated by the retail/restaurant use. The second entrance is off Lowes Drive. No building setback variances will be required. Ms. Dowdy referred to pictures of David Roberts holding a 16 foot pole 4 feet off the ground to show the approximate height of a 20 foot tall building in regards to this proposal blocking the view of other businesses located farther north. It was determined that even a building of 10 feet in height would shadow any building that is to the north of this property. Mr. Rassi has indicated that he will need a four foot height variance to allow them to be able to put a more aesthetically pleasing slope on the roofs of the overall project. Ms. Dowdy stated that he will also be applying for a parking variance. His parking configuration will be based on the following parking calculation:

1 parking space /1.25 bedrooms
1 parking space for every four units for visitor parking
1 parking space for every 200 square feet of retail/commercial use
1 parking space for every 100 square feet for restaurant use

Ms. Dowdy explained that according to the site plan this configuration and the proposed retail would calculate to 359 required parking spaces.

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

Nat Rassi, #1 Hedge Row Court, Monticello, Illinois was sworn in. Mr. Rassi stated that he is thankful for the opportunity to come before the board to bring an amended proposal that he feels is better than before. He stated that he took into consideration the concerns and suggestions that had been brought up at the February Planning Commission meeting and went back to redesign the proposal. The developers are excited to add retail spaces for mixed use to this project. Mr. Rassi explained that at this time they do not know what kind of retail businesses will go in the designated spaces. There are two variables concerning the parking; whether they will have restaurants or retail in the commercial areas which will make a difference in the required parking spaces. Mr. Rassi added that if they had the opportunity, they would like to double the commercial space from what the proposal shows. This would reduce the number of beds along with the number of apartment parking spaces required while it will increase the amount of retail parking spaces. He continued that what they have found in their other developments across the country is that the number of cars generally equals about 60% of the amount of beds and they are proposing a minimum of 80% plus they will have 19 visitor spaces as well. He said that they are confident that this ratio is going to give them the parking that they need. Mr. Rassi said that one of the other things that came up at the Planning Commission meeting was the idea of being able to develop all five of the lots at once. He said that with five separate lots, you are taking a chance that there will be five different buildings with five different entrances and five different detention ponds and five different dumpster locations. As separately developed properties, each will have a front side as well as a rear side. This proposed development will be combining the lots and only have a minimum of one entrance where all sides will be aesthetically pleasing. The compactor area will be fully enclosed on all four sides. The development is designed to look like a street scape but they are not far enough along with the design to know the exact height of each of the buildings; thus, they are asking for the height variance in case it is needed. There is a 20 foot slope to the property and with the ground elevations being different there is the possibility that they will exceed the allowable 35 feet in height. Mr. Rassi added that the buildings look better with a taller pitched roof. The commercial buildings will need a higher ceiling; thus, the roofs will be taller on those buildings and that is where the variance might be needed. He stated that this property had remained dormant and unproductive for the last 15 years and it is their main goal to create something beautiful that will bring life to this area. Terry Strieter stated that he had concerns with the additional traffic that would be dumped onto North 16th. Mr. Rassi said that according to the traffic numbers that they had seen, North 16th would be expected to handle additional traffic; however, there will be other directions in which the traffic can go besides all exiting onto North 16th. He said that the developers have spoken to Murray Transit and it sounds like they are going to be able to put a bus stop within the development. There is a possibility that the development may have community bicycles for the tenants. Mr. Seiber commented that this development would definitely increase traffic on North 16th Street, but he does not think that it will increase it to the point that it would if the property was developed as five separate businesses. Out of the two Campus Evolutions properties and this property, this property should be more walkable because of the distance that it is from campus. Ms. Medlock asked if there were plans for a privacy fence. Mr. Rassi replied that fences sometimes start to look tattered; therefore, they would rather use landscaping around the development for their screening.

Chairman Krieb asked if there was anyone that wished to speak in opposition to the application. The following people came forward individually and were sworn in: Tim Thurmond, Daniel Yong, and Helen Spann. The following were items of concern:

- Residential apartments located in commercial surroundings
- Limited Commercial land availability
- Parking overflow
- Police records on calls made to college residential areas
- Not adequate room for expansion of North 16th in the future
- Impact on current businesses because of blocked visibility

- Transit buses will not be used as anticipated
- People won't walk to campus from this site because 16th Street is too dangerous
- More revenue for the community still doesn't make the proposal acceptable
- Retail space in the development will cater mostly to tenants
- Current tenants of Daniel Yong's threatening to relocate
- Land Use designation for use of property in the Comprehensive Plan
- Opens up possibility of additional traffic by the general public for retail shopping
- Additional traffic added to North 16th

Chairman Krieb offered Mr. Rassi a rebuttal opportunity.

Mr. Rassi said that this type of proposal is being seen all over the country. Communities are trying to incorporate mixed use. He said there is a move towards smaller developments and walkability. Mr. Rassi explained that they could build the development without the height variance but they want it because it is going to improve the appearance of the project. He stated that this property is not in demand or it would have already been sold. They are going to bring in two to four retail businesses which is one of the things that he heard was needed from some of those in opposition to the project. This project is designed to have energy and life with people walking around; to have the sense of a community. He understands that once Hwy 121 is widened that there will be a crosswalk and sidewalks leading to MSU; therefore, this will give an opportunity for the students to walk to campus. Traffic is essential to the success of a retail business. The facts and data that he has seen show that this is going to be a boom for the surrounding businesses. Mr. Rassi said that they had looked at several properties but they would not consider anything that was not walkable to campus and this property was the only property available that fell into that category. Mr. Rassi said that he is convinced that his proposal is the best use for this property.

Chairman Krieb closed the public hearing and turned it over to the board for discussion and a motion. Ms. Dowdy reviewed parking calculation numbers of a restaurant versus a retail business. She added that Mr. Rassi would like for the board to consider basing their calculations on the numbers that he has provided. Mr. Rassi has indicated that he will not exceed the density requirements in the R-4 zoning and that he will not exceed the 268 beds that are being proposed. Mr. Pitman stated that the variance should be based on what the City Ordinance calls for and not on the proposal of the developer. Mr. Vernon stated that mixed use development is a progressive idea as Mr. Rassi noted and that given the fact that people don't walk in Murray doesn't mean we shouldn't encourage walking. He commended this type of mixed use project and stated that he feels like it enhances commercial districts. Mr. Vernon also made the comment that he hopes this encourages the walkability for future developments. Mr. Seiber stated that he agrees with the comments made by Mr. Vernon. Chairman Krieb stated that he shares some of the same feelings. Chairman Krieb stated that he would like to remind the board of several heights variances that have been approved over the past few years for different businesses and churches.

Josh Vernon made a motion to approve the Conditional Use Permit for The Keys Residential Planned Development Project and include a 100 parking space variance and a four foot height variance on the project. He added that he feels like this is an appropriate development for this area based on all the previous statements he just made and that approval of this is based on the proposed density that has been shown. The height variance is based on the fact that the additional height of the roof line will enhance the look of the project. The parking variance is based on the nature of the residents and the model for the development will be able to be accomplished by the layout of the parking that has been shown and it will accommodate the vehicles necessary for this project to succeed. 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. Scott Seiber seconded the motion. The motion carried with a 5-2 roll call vote. Terry Strieter and Bobbie Weatherly voted no.

Questions and Comments: Mr. Seiber asked how the search for the Planner I position was going. Ms. Dowdy replied that they were getting closer and could have an announcement at the next month's meeting. Chairman Krieb asked Mr. Roberts to give an update on the Code Enforcement Officer position. Mr. Roberts stated that meetings had begun and that the position is included in his proposed budget. Chairman Krieb stated that the board members would like to come and support the proposal. Mr. Roberts explained that he has a tentative schedule for the finance meetings, but he would send an e-mail when he had a more definite schedule.

Adjournment: Josh Vernon made a motion to adjourn. Scott Seiber seconded the motion and the motion carried unanimously. The meeting adjourned at 8:05 p.m.

Chairman, John Krieb

Recording Secretary, Reta Gray

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Board Members Absent: None

Also Present: Candace Dowdy, David Roberts, Mike Pitman, Reta Gray, Jennifer Tolley, Hawkins Teague, Officer Todd Clere, Karol Tortorelli, Brad Billington, Nat Rassi, Tim Thurmond, Daniel Yong, Helen Spann and public audience

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Public Hearing: Conditional Use Permit request to allow two non-related persons to occupy premises — 1003 Payne Street — James & Karol Tortorelli: Ms. Dowdy used a Power Point presentation to show the property at 1003 Payne Street that is owned by James and Karol Tortorelli. The property is R-2 zoned (single family residential) and surrounded by R-2 zoning in all directions. In January 2014 the Planning Department received a call from someone in the neighborhood of Payne Street that asked if property on Payne Street could be used for rental property. They stated that there seemed to be a couple of girls residing in the home at 1003 Payne Street. The person inquiring stated that the girls had not caused any disturbances to the neighborhood that they were aware of. It was also noted that the girls weren't home a lot but when they were, one of them would park on the street and they were afraid that this could cause some visibility issues with residents that were backing out of their driveway in that area. Ms. Dowdy stated that she had spoken to Ron Allbritten, Street Superintendent, to see if "No Parking" signs were posted on Payne Street and Mr. Allbritten had indicated that there were not any such signs posted. Ms. Dowdy explained that a letter was sent to Mr. and Mrs. Tortorelli inquiring how the property was being used. Mr. Tortorelli responded to the letter and stated that they purchased the house in 2008 for their children to live in while they attended Murray State. He explained that the last of his children had graduated in December 2013 and had moved out at that time. Mr. Tortorelli indicated that there are currently two girls living in the house and that he believes they are either seniors or graduate students at Murray State. Staff explained the process that either he would need to bring the property into compliance or request a conditional use permit to see whether the board would allow the girls to remain to live there for a specified time. Mr. Tortorelli went to the house to talk with the girls after his initial conversation with Ms. Dowdy and since that time, the girls have not been parking on the street. Ms. Dowdy reported that staff had put together a summary of the last seven conditional use permits that had been applied for that were requesting permission for non-related persons to occupy premises in R-2 zones and out of those seven, all had been denied since July of 2011. Staff contacted the Police Department and their records indicate that there have been no calls dispatched to that address. *Mary Anne Medlock entered the meeting at 4:36 p.m.*

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

Karol Tortorelli, 4205 Magruder Road, Kevil, Kentucky was sworn in. Ms. Tortorelli stated that she and her husband had purchased the property with the intent of their three children living there while they attended MSU. All of her children (either one or two at a time) have resided in the house up until this last semester. At the time when the Tortorelli's last child moved out, they rented the property to a friend at church's daughter who is a senior at MSU that plans on graduating in May. They feel very confident in her character; thus, they do not have a formal contract. The tenant would like the option of living in the house for another year or two while working on her graduate degree. Ms. Tortorelli stated that they are confident that this girl is and will continue to be a good neighbor. Mr. Vernon asked who was living in the house with their tenant. Ms. Tortorelli said that she did not know. She said that she guessed there was another person living in the house but did not know if she was sharing expenses or what their agreement was with each other. Mr. Vernon asked if their current tenant decided to leave the area to attend graduate school what they planned on doing with the house. Ms. Tortorelli stated she didn't know. She said that they might find another renter, but selling the property would be an option.

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

Josh Vernon made a motion to deny the Conditional Use Permit request for James and Karol Tortorelli to allow two non-related persons to occupy the premises at 1003 Payne Street. The current tenants will be allowed to continue to reside there until May 31, 2014. Mary Anne Medlock seconded the motion and the motion carried with a 7-0 roll call vote.

Public Hearing: Dimensional Variance request for parking — 1306 South 12th Street —

Brad Billington: Ms. Dowdy used a Power Point presentation to show the property at 1306 South 12th Street (former location of Uncle Jeff's Shopping Center) where Brad Billington and Danny Paschall are looking to lease two suites and proposing to open the Jitterbug Arcade and Dance Hall. The arcade area is 3,000 square feet and the Dance Hall area is 4,000 square feet. This property is located in a B-2 (Highway Commercial) and is surrounded by B-2 to the north and east. R-2 property is located to the south and west. Ms. Dowdy reviewed that in 2009 a letter was sent to the property owner stating that the existing parking did not meet current requirements based on the mixed use of the building. It was noted that the existing parking at that time was 141 parking spaces and that the Trends and Treasures business would be required to have 150 spaces just for their use based on the square footage of the building. Taking into consideration the existing uses of the building at that time Planning Staff felt like the parking would be sufficient. The letter was sent as a reminder to the property owner that prior to leasing space in the building either the owner or the tenant should check with the city to make sure all city regulations were being met. The Trends and Treasures business is still located in the shopping center as well as Brenda's Beauty Salon and Treasure Miniature Golf. Parking requirements for the arcade room would be 50 spaces plus an additional 115 spaces for the dance area. This number is based on the occupant load for each area per the Building and Fire Codes. Mr. Billington has indicated that the Jitterbug Arcade would be open on Tuesday through Saturday from around 12-8:00 p.m. with extended hours on Friday night until around 11:30 p.m. The Dance Hall would open from 7-11:30 p.m. on Thursday, Friday and Saturday nights after Trends and Treasures closes at 6 p.m. so there should be no issues with parking because of the offset of the hours of operation. Ms. Dowdy stated that there is a new proposed site plan showing a better parking lot layout which leaves ample drive aisles around the parking lot. This layout provides 128 total spaces. (A copy of the site plan was shown.) Even though this reduces the number of spaces from the existing layout, Planning Staff feels that the proposed site plan works better and provides

adequate space for emergency service vehicles and sanitation pick up. Ms. Dowdy stated that there is no means to provide any additional parking on the sides or in the back of the property. There has never been a parking variance issued for the property; however, as the uses are changing Planning Staff thought it should be brought before the board. The City has a noise ordinance and if there were any complaints about noise, the police will address that. Ms. Dowdy concluded that there had been no calls from individuals that received letters concerning this request for a variance.

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

Brad Billington, 1412 Beach Road, Kirksey was sworn in. Mr. Billington explained that their goal is to try to separate the youth from college kids and provide a "hangout" place for the teenagers. Since they are targeting the teenage crowd, there will be no alcoholic beverages served. The location was chosen on the south side of town intentionally to be away from places that do sell alcohol. There is some renovation to be done; thus, their targeted opening date will be around the end of May or the first of June, as schools are letting out for the summer. Pizza will be catered by Mr. Gatti's and fountain drinks will be available. They are proposing to have different activities each night and they will be available for private parties also. Mr. Billington said there will be live bands, as well as local high school bands allowed to perform and show their talents. A deejay with a laptop is another option they are considering for the music. There will be at least 6-8 adult employees with a total of up to twelve adults that will be supervising the activities. (This includes a person patrolling the parking lot.) Mr. Billington said that since the operation will be basically teenage based and most of the kids will be drop offs, there shouldn't be much additional parking needed. Ms. Dowdy said that she was not sure that the board could come up with a required number of parking spaces for this establishment based on the nature of the business. Chairman Krieb asked if they would be restriping the parking lot according to the new layout. Mr. Billington replied that the property manager has agreed to do that. Mr. Seiber stated that this sounds like a good concept. He continued that he has been on the board for twenty plus years and feels like they have done a poor job of estimating parking in the past; however, he thinks the parking available for this proposal will work fine.

Chairman Krieb asked if there was anyone that wished to speak in opposition to the application. There was no one. Chairman Krieb closed the public hearing and turned it over to the board for discussion and a motion. Mr. Pitman suggested that the board consider the variance request and put conditions on the hours and uses as presented in order to give the board some control. Mr. Vernon asked if the state required a defined entrance and exit. Ms. Dowdy replied that the property has never been required to have a defined entrance and exit; however, if the Highway Department should decide to widen Highway 641, that could change.

Mary Anne Medlock made a motion to approve a 343 parking space variance for the property located at 1306 South 12th Street as the parking lot has been well established over the years and there is no additional area for spaces to be provided. This variance is based on the fact that the different businesses have hours of operations that are offsetting. 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. Scott Seiber seconded the motion and the motion carried with a 7-0 roll call vote.

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Public Hearing: Review of Conditional Use Permit application for commercial planned development project at 633 North 4th Street — Greg Williams: Ms. Dowdy used a Power Point presentation to show the property at 633 North 4th Street that is owned by Greg Williams. This property is zoned B-2 and is adjacent to a small tract of R-2 zoning to the north with B-2 zoning to the north and south, Industrial to the east and Government to the east, south and west. The property is a little over three acres in size. In August 2011, Mr. Williams applied for a building permit to construct a 17,550 square foot commercial building consisting of six office/warehouse units and twelve storage units, on the north side of property. Mr. Williams is now proposing to construct additional buildings in Phase 2 and Phase 3 of this development. There is one entrance to the property off North 4th Street. Upon approval of the project Mr. Williams will begin Phase 2 with another 17,550 square foot building. The Preliminary Plat shows a future building in Phase 3 along the front portion of the property. Mr. Williams has indicated that he may or may not construct this building depending on the need. The size and configuration of the building could change but would remain compatible with the existing use of the property. The Preliminary Plat has been reviewed by the Fire Marshal and the Sanitation Department for compliance. The drive area between the existing building and the proposed building in Phase 2 will be put into a hard surface during the construction process with a minimum of nine striped parking spaces in front of each building. The required stormwater detention for this development was put in place during the construction of Phase 1. A ten foot rear setback variance will be needed for the two buildings in Phase 1 and 2. This project is being reviewed as a PDP since there will be more than one building on the property. Planning Commission approved the Preliminary Plat the previous night.

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

Bill Adams, Bill Adams Construction, 1506 Hermitage Place, Murray, KY was sworn in. Mr. Adams represented Greg Williams (owner of the property). Mr. Adams explained that there is a 10 foot rear set back variance needed that was an oversight by the Planning Staff. He noted that the second building would be a mirrored image of the first with a slightly different layout configuration. Mr. Adams added that whether Mr. Williams decides to build the third building or only have two buildings on the property, they will meet all setbacks and the use will be compatible to the existing use. There is one 35 foot wide entrance off North 4th Street that has been approved by the Department of Transportation. Not many parking places will be needed since these are storage buildings where you come and unload and leave.

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

Scott Seiber made a motion to approve the Conditional Use Permit for the 4th Street Storage and Office Planned Development Project at 633 North 4th with a 10 foot rear setback on the buildings. Bobbie Weatherly seconded the motion and the motion carried with a 7-0 roll call vote.

Public Hearing: Conditional Use Permit request to allow relocation of non-conforming structure on lot — 1707 Main Street — Calloway Monument Company — Jennifer Morris: Ms. Dowdy used a Power Point presentation to show the property at 1707 Main Street where Calloway Monument Company is located. The property is in an R-2 zone (single family residential) and surrounded by R-2 and Government zoning. Jennifer Morris owns and operates Calloway Monument Company where it has been in existence for 66 years. The business is a pre-existing non-conforming use and the buildings are non-conforming structures. In 2000 the Board of Zoning Adjustments approved a request by Ms. Morris to tear down the old shop and rebuild a new one back in its place. In September 2013, Ms. Morris contacted Planning Staff and stated that the existing log building that has been used for many years as her

office was literally falling apart. (Ms. Dowdy showed pictures that were taken of the inside and outside of the building.) Keith Miller, Building Official for the City of Murray, made an inspection of the building and found extensive insect damage and deterioration to the log building. Mr. Miller indicated that it was his opinion that there was enough damage to the structure to justify the building being torn down and rebuilt. Planning Staff informed Ms. Morris that in order to do that she would need to request approval from the BZA as per Section III, Article 4, C 2 of the Zoning Ordinance to move a nonconforming structure to another position on the lot. Ms. Morris contacted Ron Mallay with the Department of Transportation to see if the state would require any additional improvements to the entrance off Main Street since it is a state highway. Mr. Mallay stated that the state would not require her to make any improvements to the entrance; however, he was pleased to see that she might be moving the existing log building farther back off Main Street. The existing structure is 682 square feet and the new proposed structure will be 648 square feet. There will be a new defined paved entrance that will be 50 feet wide. The entrance of the new building will be located on the west side of the building with a paved parking area with at least five parking spaces. Ms. Morris will like to be able to connect the new building to the existing shop with a doorway. She stated that she plans on using materials on the north and west sides of the building that are similar to the existing log cabin building. The rest of the building's materials will match the shop. Ms. Dowdy stated that all adjoining property owners were notified and the only call that she received was from Mike Holton (who lives directly to the east) and after Ms. Dowdy explained to him what the proposal was, he did not have any objections to what Ms. Morris was proposing.

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

Jennifer Morris, 1413 Dudley Drive, Murray, KY was sworn in. Ms. Morris stated that Ms. Dowdy had described her request accurately. Ms. Morris passed around pictures of the building years ago when her father owned and operated the business. The pictures showed the equipment that was used in constructing the monuments that was at that time located on the front porch of the business. She clarified that if they are given permission to build the proposed building, it would basically allow them to include the porch space from the old building with the new building's office space. The material that they have been looking at will match the logs that are on the original building. The remainder of the building will match the shop vinyl. Ms. Morris said that the reason for the 50 foot wide entrance is to accommodate the large trucks that come in and out of their lot. The outdoor display area will remain the same at this time. Scott Seiber stated that everything that had been proposed was a net gain for the community, the business and the DOT.

Chairman Krieb asked if there was anyone that wished to speak in opposition to the application. There was no one. Chairman Krieb closed the public hearing and turned it over to the board for discussion and a motion. Ms. Medlock asked if the outdoor storage should be addressed. Attorney Pitman replied that the business has been grandfathered in for so many years; however, he thought it would be appropriate to note that the outdoor merchandise should not be expanded and should remain stored in an appropriate manner.

Mary Anne Medlock made a motion to approve the request by Calloway Monument Company to tear down, rebuild and relocate the existing office building (which is a non-conforming structure) per the site plan presented. The new building will not be expanded or enlarged to exceed the number of cubic feet existing prior to its demolition based on the fact the building has been inspected by the City of Murray Building Official and found to be structurally unsound. The front facade of the new building should be designed in such a manner that would resemble the historic features of the old building. A minimum of five parking spaces are to be provided and the parking

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area as shown on the site plan put into a hard surface. Linda Scott seconded the motion. The motion carried with a 6-1 roll call vote. *Josh Vernon voted no. At this time Chairman Krieb called a five minute recess.*

Public Hearing: Request for Conditional Use Permit to allow The Keys residential planned development project in B-2 — North 16th Street and Lowes Drive — Nat Rassi: Ms. Dowdy used a Power Point presentation to show the property at North 16th and Lowes Drive. The property is zoned B-2 (Highway Commercial) and is adjacent to B-2 in all directions with R-4 (Multi-Family Residential) to the northwest. Ms. Dowdy explained that the Planning Commission reviewed a Preliminary Plat for The Keys Residential PDP last month and made a motion to approve the plat and send the project to the BZA for their consideration of a Conditional Use Permit. The motion was defeated with two Commissioners voting yes and six voting no. The next day Mr. Nat Rassi, with JN Rassi Inc., (proposed owner and developer of the property) called Planning Staff and asked whether he would be allowed to resubmit a revised plat for consideration if he made some revisions to the overall layout of the project in order to provide a mix of commercial and residential use and reduce the number of beds. Staff informed him that if there were significant changes made then he would be allowed to resubmit a plat to be reconsidered by the Planning Commission. The revised plat was submitted to the Planning Commission the previous night and was approved with a 7-2 vote. Ms. Dowdy showed a rendering of the proposed development. The preliminary plat shows 76 units with 268 beds; 20 less beds than the previous plat with a mix of two and four bedroom units. There are currently two retail/commercial spaces on the south end of the property; however, the configuration of the buildings is subject to change based on the demand of the market and the specific requirements of the potential tenants. This could reduce the number of beds for the project. Mr. Rassi is proposing the following:

- Unit density not to exceed the requirements of R-4 zoning (19 units/acre)

No more than 268 bedrooms

Two commercial spaces of approximately 1450 square feet each

There are two means of ingress/egress. One entrance on North 16th Street has been moved a little farther to the south than on the original site plan to better accommodate the commercial traffic generated by the retail/restaurant use. The second entrance is off Lowes Drive. No building setback variances will be required. Ms. Dowdy referred to pictures of David Roberts holding a 16 foot pole 4 feet off the ground to show the approximate height of a 20 foot tall building in regards to this proposal blocking the view of other businesses located farther north. It was determined that even a building of 10 feet in height would shadow any building that is to the north of this property. Mr. Rassi has indicated that he will need a four foot height variance to allow them to be able to put a more aesthetically pleasing slope on the roofs of the overall project. Ms. Dowdy stated that he will also be applying for a parking variance. His parking configuration will be based on the following parking calculation:

1 parking space /1.25 bedrooms

1 parking space for every four units for visitor parking

1 parking space for every 200 square feet of retail/commercial

use 1 parking space for every 100 square feet for restaurant

use

Ms. Dowdy explained that according to the site plan this configuration and the proposed retail would calculate to 359 required parking spaces.

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

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Nat Rassi, #1 Hedge Row Court, Monticello, Illinois was sworn in. Mr. Rassi stated that he is thankful for the opportunity to come before the board to bring an amended proposal that he feels is better than before. He stated that he took into consideration the concerns and suggestions that had been brought up at the February Planning Commission meeting and went back to redesign the proposal. The developers are excited to add retail spaces for mixed use to this project. Mr. Rassi explained that at this time they do not know what kind of retail businesses will go in the designated spaces. There are two variables concerning the parking; whether they will have restaurants or retail in the commercial areas which will make a difference in the required parking spaces. Mr. Rassi added that if they had the opportunity, they would like to double the commercial space from what the proposal shows. This would reduce the number of beds along with the number of apartment parking spaces required while it will increase the amount of retail parking spaces. He continued that what they have found in their other developments across the country is that the number of cars generally equals about 60% of the amount of beds and they are proposing a minimum of 80% plus they will have 19 visitor spaces as well. He said that they are confident that this ratio is going to give them the parking that they need. Mr. Rassi said that one of the other things that came up at the Planning Commission meeting was the idea of being able to develop all five of the lots at once. He said that with five separate lots, you are taking a chance that there will be five different buildings with five different entrances and five different detention ponds and five different dumpster locations. As separately developed properties, each will have a front side as well as a rear side. This proposed development will be combining the lots and only have a minimum of one entrance where all sides will be aesthetically pleasing. The compactor area will be fully enclosed on all four sides. The development is designed to look like a street scape but they are not far enough along with the design to know the exact height of each of the buildings; thus, they are asking for the height variance in case it is needed. There is a 20 foot slope to the property and with the ground elevations being different there is the possibility that they will exceed the allowable 35 feet in height. Mr. Rassi added that the buildings look better with a taller pitched roof. The commercial buildings will need a higher ceiling; thus, the roofs will be taller on those buildings and that is where the variance might be needed. He stated that this property had remained dormant and unproductive for the last 15 years and it is their main goal to create something beautiful that will bring life to this area. Terry Strieter stated that he had concerns with the additional traffic that would be dumped onto North 16th. Mr. Rassi said that according to the traffic numbers that they had seen, North 16th would be expected to handle additional traffic; however, there will be other directions in which the traffic can go besides all exiting onto North 16th. He said that the developers have spoken to Murray Transit and it sounds like they are going to be able to put a bus stop within the development. There is a possibility that the development may have community bicycles for the tenants. Mr. Seiber commented that this development would definitely increase traffic on North 16th Street, but he does not think that it will increase it to the point that it would if the property was developed as five separate businesses. Out of the two Campus Evolutions properties and this property, this property should be more walkable because of the distance that it is from campus. Ms. Medlock asked if there were plans for a privacy fence. Mr. Rassi replied that fences sometimes start to look tattered; therefore, they would rather use landscaping around the development for their screening.

Chairman Krieb asked if there was anyone that wished to speak in opposition to the application. The following people came forward individually and were sworn in: Tim Thurmond, Daniel Yong, and Helen Spann. The following were items of concern:

- Residential apartments located in commercial surroundings
- Limited Commercial land availability
- Parking overflow
- Police records on calls made to college residential areas
- Not adequate room for expansion of North 16th in the future
- Impact on current businesses because of blocked visibility

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- Transit buses will not be used as anticipated
 - People won't walk to campus from this site because 16th Street is too dangerous
 - More revenue for the community still doesn't make the proposal acceptable
 - Retail space in the development will cater mostly to tenants
 - Current tenants of Daniel Yong's threatening to relocate
 - Land Use designation for use of property in the Comprehensive Plan
 - Opens up possibility of additional traffic by the general public for retail shopping
 - Additional traffic added to North 16'
- Chairman Krieb offered Mr. Rassi a rebuttal opportunity.

Mr. Rassi said that this type of proposal is being seen all over the country. Communities are trying to incorporate mixed use. He said there is a move towards smaller developments and walkability. Mr. Rassi explained that they could build the development without the height variance but they want it because it is going to improve the appearance of the project. He stated that this property is not in demand or it would have already been sold. They are going to bring in two to four retail businesses which is one of the things that he heard was needed from some of those in opposition to the project. This project is designed to have energy and life with people walking around; to have the sense of a community. He understands that once Hwy 121 is widened that there will be a crosswalk and sidewalks leading to MSU, therefore, this will give an opportunity for the students to walk to campus. Traffic is essential to the success of a retail business. The facts and data that he has seen show that this is going to be a boom for the surrounding businesses. Mr. Rassi said that they had looked at several properties but they would not consider anything that was not walkable to campus and this property was the only property available that fell into that category. Mr. Rassi said that he is convinced that his proposal is the best use for this property.

Chairman Krieb closed the public hearing and turned it over to the board for discussion and a motion. Ms. Dowdy reviewed parking calculation numbers of a restaurant versus a retail business. She added that Mr. Rassi would like for the board to consider basing their calculations on the numbers that he has provided. Mr. Rassi has indicated that he will not exceed the density requirements in the R-4 zoning and that he will not exceed the 268 beds that are being proposed. Mr. Pitman stated that the variance should be based on what the City Ordinance calls for and not on the proposal of the developer. Mr. Vernon stated that mixed use development is a progressive idea as Mr. Rassi noted and that given the fact that people don't walk in Murray doesn't mean we shouldn't encourage walking. He commended this type of mixed use project and stated that he feels like it enhances commercial districts. Mr. Vernon also made the comment that he hopes this encourages the walkability for future developments. Mr. Seiber stated that he agrees with the comments made by Mr. Vernon. Chairman Krieb stated that he shares some of the same feelings. Chairman Krieb stated that he would like to remind the board of several heights variances that have been approved over the past few years for different businesses and churches.

Josh Vernon made a motion to approve the Conditional Use Permit for The Keys Residential Planned Development Project and include a 100 parking space variance and a four foot height variance on the project. He added that he feels like this is an appropriate development for this area based on all the previous statements he just made and that approval of this is based on the proposed density that has been shown. The height variance is based on the fact that the additional height of the roof line will enhance the look of the project. The parking variance is based on the nature of the residents and the model for the development will be able to be accomplished by the layout of the parking that has been shown and it will accommodate the vehicles necessary for this project to succeed. 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

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regulations. Scott Seiber seconded the motion. The motion carried with a 5-2 roll call vote. *Terry Strieter and Bobbie Weatherly voted no.*

Questions and Comments: Mr. Seiber asked how the search for the Planner I position was going. Ms. Dowdy replied that they were getting closer and could have an announcement at the next month's meeting. Chairman Krieb asked Mr. Roberts to give an update on the Code Enforcement Officer position. Mr. Roberts stated that meetings had begun and that the position is included in his proposed budget. Chairman Krieb stated that the board members would like to come and support the proposal. Mr. Roberts explained that he has a tentative schedule for the finance meetings, but he would send an e-mail when he had a more definite schedule.

Adjournment: Josh Vernon made a motion to adjourn. Scott Seiber seconded the motion and the motion carried unanimously. The meeting adjourned at 8:05 p.m.

Chairman, John Krieb Recording Secretary, Reta Gray _____