

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, May 18, 2022
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, May 18, 2022 at 4:30 p.m. in City Hall at 500 Main Street.

Board Members Present: Mike Faihst, Carmen Garland, Paula Hulick, John Krieb, Josh Vernon, and Bobby Weatherly

Board Members Absent: Jim Foster

Also Present: Rakov Aetherus, Lindsay Aycock, Dannetta Clayton, Carol Downey, Kim Miles, Seth Parker-Bell, Jan Sargent, Chance Wilson, Cecil Wolberton, and public audience

Chairman Faihst called the meeting to order and welcomed all guests and applicants. Kim Miles called the roll. Chairman Faihst called for a motion to approve the minutes from the regular BZA meeting on April 20, 2022.

Bobby Weatherly made a motion to approve the minutes from the BZA meeting on April 20, 2022 as presented. Paula Hulick seconded the motion and the motion carried unanimously.

Public Hearing: Conditional Use Permit: 108 North 7th Street – Cecil Wolberton: allow single, multi-family residential use for rental as well as short-term rental in a B-3 zone. Carol Downey reviewed the regulations in the Ordinance pertaining to this request and presented the Staff Report. Applicant Cecil Wolberton, upon his purchase of the property, is requesting to allow 108 North 7th Street to be utilized as a single-family and/or multi-family residential rental including short-term rental. The property is located in a B-3 zone as well as in the Historic Overlay District. Carol showed pictures of the zoning map, the property, and the surrounding properties.

Josh Vernon arrived at 4:34 p.m.

Cecil Wolberton came forward and was sworn in. Mr. Wolberton is a local realtor and investor in the process of purchasing this property with the intent to lease it as a business. He is requesting Conditional Use to have the option to rent to a single family/adult if he is not able to find a business that needs it. The Board asked if he was considering a duplex or an Air B & B for the property and Mr. Wolberton replied that he intended on single family residential only, if needed. The Board asked about length of lease and parking. Mr. Wolberton explained that he requires no less than a one-year lease and only allows two cars at his rental properties. He does not allow boats, trailers or any junk.

Chairman Faihst opened the public hearing and asked if anyone wished to speak in favor or opposition to this request.

Jan Sargent came forward and was sworn in. Mrs. Sargent, 602 Main Street, expressed her desire for the property to remain commercial since that's what it is setup for currently. Her concern is that the property would be used as a multi-family rental.

Cecil Wolberton came back up for rebuttal and reiterated his intent is not to make the property an Air B & B or multi-family rental. He stated that he screens his renters and doesn't allow any junk on the property. He takes pride in his rentals and keeps them up.

Chairman Faihst called for a motion.

John Krieb made a motion to approve the Conditional Use Permit request to allow single family residential use only for rental for property located at 108 N 7th Street, contingent upon the applicant's purchase of the property. The testimony presented in this public hearing has shown based on the findings, it does not adversely affect public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public, and will not allow unreasonable circumvention of the requirements of the zoning ordinance. Paula Hulick seconded the motion, there were five ayes and Josh Vernon abstained.

Public Hearing: Dimensional Variance Request - 405 Sycamore Street - Seth Parker-Bell, TeCaSe LLC - An 8-foot variance for the placement of a freestanding sign. Carol Downey reviewed the regulations in the Ordinance pertaining to this request and presented the Staff Report. Seth Parker-Bell, TeCaSe LLC, is requesting a sign variance for a freestanding sign located on the northeast boundary of the property facing Sycamore Street (East to West). The placement of the sign is not in the public right-of-way; however, it is less than the required ten feet from the property line to the east, hence the request for the eight (8) foot variance. The applicant states the placement of the sign "is the only place a sign can be practically and safely located on TeCaSe's property and will not negatively impact Paul and Vickie Garland's contiguous property with the address of 403 Sycamore." Carol showed pictures of the zoning map, sign, and surrounding properties as well as the minor plat and a rendering of the site plan.

Seth Parker-Bell came forward and was sworn in. Mr. Parker-Bell explained that they didn't realize they needed a variance when they put the sign in place and apologized. He mentioned that putting the sign at the required ten feet from the property line would obstruct parking. The Board asked about the amount of parking and the applicant responded that they have excess but, in that area, it is handicapped only parking. The Board asked about the base of the sign and Mr. Parker-Bell shared that it was put in before the parking lot was paved.

Chairman Faihst opened the public hearing and asked if anyone wished to speak in favor or opposition to this request.

Chairman Faihst closed the hearing and brought it back to the Board for discussion.

Josh Vernon made a motion to approve the Dimensional Variance Request to allow an eight-foot variance for the placement of a freestanding sign along the eastern property line

for the property located at 405 Sycamore Street with the findings that the lot size and property line as it pertains to the setback of the building is an inadequate amount of distance for proper visibility of a sign, outside of the parking space. The testimony presented in this public hearing has shown based on the findings, it does not adversely affect public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public, and will not allow unreasonable circumvention of the requirements of the zoning ordinance. John Krieb seconded the motion and the motion carried unanimously.

Non-Public Hearing: Compatibility Meeting for Matt Jennings - Planned Development Project consisting of Two Phases of commercial storage facilities - Kingdom Court, just east of the intersection at 94 West and Roberston Road North. Carol Downey showed the zoning maps and explained the purpose of the compatibility meeting. Carol gave the project description as proposed by Mr. Jennings which includes a total of six buildings, three to be built in each phase. Phase One is zoned B-4 and would need a Conditional Use Permit. Phase Two is zoned R-4 and would need to be rezoned to B-4. Phase Two would also need a Conditional Use Permit. Carol explained the Comprehensive Plan for Medium Density Businesses and showed the plat reflecting the proposed site. Renderings from Mr. Jennings' office including building placement, dimensions, parking and greenspace were also presented. The Board asked for clarification of the zoning and permit requirements for Phase One and Phase Two and requested renderings of how the facility would look. Carol explained that the Planning Commission met the day prior (5/17/22) for the Advisory Meeting and all that was required of the applicant was a preliminary sketch. If the proposed project is found compatible in tonight's meeting, the next step would be a Planning Commission meeting with the preliminary plat and the details including the screening, facade, and etc. These are the discussions that happen prior to that. After the Planning Commission, it would go back to the Board of Zoning Adjustments for the Conditional Use Permit. The Board discussed their charge to determine if the project is compatible based on use only and whether to allow the applicant to come forward to share the proposed project and answer some questions from the Board only, since it is not a public hearing. The Board also mentioned there were a number of concerned citizens present and they were all needing additional information and wanted to hear from the applicant.

Chance Wilson, Mr. Jennings' Assistant, came forward and was sworn in. Mrs. Wilson explained the business name would be Storage for Community and the specific property here would be Storage for Murray. They plan to donate part of their proceeds back to the community, which is the meaning behind the name of the facility. Mrs. Wilson mentioned their desire to have the back half of the property re-zoned to business to match the front half. She shared that their market research of the 3-mile radius of the property showed a "significant need" for self-storage and that most other self-storage is located east of town. Mrs. Wilson described their plan for the property including a gate, paved driveway, lighting for safety and trees and shrubs for screening. The front entrance office space, which is part of Phase 1, Unit 3, would have a stucco or brick exterior plus landscaping to dress it up and the pond just beyond this unit would aid in water retention. The buildings would be metal and there would be signage throughout. Mrs. Wilson also shared that the 400 units would make up only 34% of the total square footage of the property. The Board asked about fencing-in the total area and Mrs. Wilson responded that the

front gate is the only fencing that is planned at this time but she would let Matt know their concerns. The Board asked when Mr. Jennings decided to propose storage buildings for this property after prior proposals for professional office space. Mrs. Wilson explained that she was not able to provide an answer to that question specifically but shared that there would still be room around this property for office space. The Board requested more information on what data was inputted for the market study that Mrs. Wilson mentioned in her presentation and if traffic, safety and the surrounding property values were considered in the study. Mrs. Wilson shared her knowledge of how the program works and that with the proposed location being at the end of a cul du sac and the lighting they plan to use that traffic and safety would not be an issue. The Board voiced their desire to be able to hear from Mr. Jennings to have all of their questions answered. They also discussed the history of the property and it's previously proposed uses over the last 12 to 13 years. The Board confirmed the purpose of the meeting was to determine if the proposed project is compatible with the Comprehensive Plan's Economy Goal and Medium Density Businesses Description. The Board mentioned their concerns regarding light pollution & noise at all hours of the night for adjacent residential areas and that the proposed "buffering with shrubs and making the outside look nice" seemed to be a stretch for attraction, diversification and quality of business.

John Krieb made a motion to deny the proposed Planned Development Project finding that it is not compatible to the surrounding area. Storage buildings do not seem compatible with the residential, businesses, schools and office buildings already in the area. The concerns include the aesthetics of the buildings, the increased traffic volume and safety issues, departure from the applicant's previous plans for this property over the years as well as light pollution. Paula Hulick seconded the motion and the motion carried unanimously.

Questions/Comments: John Krieb stated that the Comprehensive Plan meetings with KLC should start this summer. Bobby Weatherly thanked everyone that came and showed interest in the meeting tonight. Chairman Faihst thanked everyone, on behalf of the Board, for their input, for showing up and caring about the area.

Chairman Faihst called for a motion to adjourn.

Paula Hulick made a motion to adjourn. Carmen Garland seconded the motion. The meeting adjourned at approximately 5:31 p.m.



Chairman, Mike Faihst



Recording Secretary, Lindsay Aycock