

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, JULY 19, 2017
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, July 19, 2017 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5th Street.

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

Board Members Absent:

Also Present: Maurice Thomas, Jessie Boshell, Gerald Gilbert, Joc Darnall, Brandon Edmiston and public audience

Chairman Krieb called the meeting to order and welcomed all guests and applicants. Maurice Thomas called the roll. Chairman Krieb then asked for a motion to approve the minutes from the June 21, 2017 Regular BZA meeting.

Mike Faihst made a motion to approve the minutes from the June 21, 2017 regular BZA meeting as presented. Terry Strieter seconded the motion and the motion passed unanimously.

Public Hearing: Consideration of a Conditional Use Permit to allow a multi-family residential use in a B-3 Zone located at 111 Poplar Street – 111 Poplar, LLC: *Josh Vernon recused himself at 4:32 p.m.* Gerald Gilbert explained that this particular property is located in the B-3 Zone (Central Business). The existing zoning to the north, east and west is Industrial. The zoning to the south is R-5 (Residential). The subject site consists of 1.661 acres. The building was originally known as the W.G. Swann Tobacco Company warehouse building and is now on the National Register of Historic Places and lies within the City of Murray Historic Overlay District. The property was rezoned in 2008 as B-3 which was to allow for a variety of different uses. In 2010 the Board approved a Conditional Use for Larry Herndon (owner at that time) to allow some residential uses. That CUP has since expired. The property is now owned by 111 Poplar, LLC. A public hearing will be held on July 25th by the Architectural Review Board for a certificate of appropriateness for the proposed renovations. The intent is to keep the integrity of the structure with modifications being done on a minor basis. The applicant/developer (Black Pearl Properties) is looking for approval to allow potential residential uses. They are proposing a mixed-use redevelopment of the three-story 48,000 square foot building. Single Family and Multi-Family residential uses may be allowed as a Conditional Use in the B-3 zoning district provided that the dwelling unit(s) shall be part of the building and located above or to the rear of the principal use. The renovation will maintain the historic warehouse style while creating new open-plan offices on the first two floors and 19 modern loft apartments on the third floor. The units will range from 710 to 1175 square feet in size. Four of the units will be Studios with a loft and the remaining fifteen units will have one-bedroom with a loft. The lofts will have very high industrial type ceilings. Parking will be located directly to the east with some angled parking along the front of the building. A new elevator will be put in to meet handicap requirements. Mr. Gilbert explained that a lot of industrial warehouses are very successfully being used this way and this will be a big investment for the owners.

The Future Land Use Plan gives a general description and Planning Commission guidance for the Central Business District. Staff agrees that a mixed use development at 111 Poplar Street will be seen as having a positive effect on the economic growth of the downtown area due to its close proximity and being within a walkable distance to many shops and restaurants. Mr. Gilbert explained that this proposal introduces an Urban Life Style and we need to see if it will work in Murray. The applicant was then asked to come forward to answer questions.

Joe Darnall (Project Manager for Black Pearl Properties) came forward and was sworn in. Mr. Darnall thanked the Planning Department for all their help thus far on this project. He emphasized that this is a big project for them. He explained their intent was to take a rundown warehouse, beautify it and make it into something useful. This project will be challenging and expensive. He described the mixed-use proposal more thoroughly explaining there will be commercial offices as well as build-to-suit areas. The building is about 48,000 square feet which offers a lot of options. Mr. Darnall reviewed some of the history of the approximately 100 year old building. They have already replaced the roof on the building and are under contract with Pinnacle Incorporated out of Benton on repairing the subflooring, structural woodwork and floor and ceiling joists. New windows will be addressed next along with the buildout phase of the project. This is a large, long term project but they are willing to take it on. He explained that the Department of Interior standards on renovation of historical buildings has a twenty-four month capture period. It is their desire to get the fundamental basis of this project finished within the twenty-four month period. If completed in this time period there are tax credits available on State and Federal levels. They already have two "hand-shake" lease deals on the lofts. Once the lofts are completed, the leases can officially be signed. The building currently has a freight elevator located in the center of the building; however, the cost of redoing it was cost prohibitive and the location was not suitable for the design layout; therefore, they will add a new elevator to an end outside wall. There will be a stairway exit provided and new egress windows (6' x 4') will be added to bring the windows up to code. There is not a lot of green space available on the property; however, they are attempting to balance the amount of parking spaces needed and add green space to the south and east sides. They have seventy-five parking spaces available at this time with the removal of the building to the south. Mr. Darnall passed around a drawing of the parking lot to the Board. (*A copy of the drawings was submitted as Exhibit A.*) They have received some preliminary interest at this point for the commercial area to be used as office space. They have also had an interest in a small coffee/sandwich shop but it has not progressed very far at this point. The exact outside lighting has not been determined at this time; however, their goal is to minimize the amount of intrusiveness with down cast lighting.

Chairman Krieb opened the public hearing and asked if there was anyone that wished to speak in favor or opposition to the Conditional Use Permit. There was no one that spoke in favor or opposition to the request; therefore, the public hearing was closed and the item was turned over to the Board for further discussion and a motion.

Mike Faihst made a motion to grant the Conditional Use Permit to allow residential use as part of the mixed-use redevelopment for 111 Poplar, LLC as presented based on the following facts: No one spoke against the proposal; the proposal will help develop the underutilized/vacant building; it's in the Historical Register so it will have to meet guidelines set up by the City's Architectural Review Board; and it will have to pass all Fire Codes. The testimony presented in this public hearing has shown that granting the Conditional Use Permit for the residential use is reasonable and consistent with the Future Land Use Plan and

the Downtown/Main Street Master Plan. Jim Foster seconded the motion and the motion carried with a 6-0 roll call vote.

At this time, Gerald Gilbert introduced Jesse Boshell, the newest Planner.

Public Hearing: Consideration of a Conditional Use Permit and parking and height Variance for an expansion of Corvette Lanes located at 1415 Main Street – Corvette Lanes – Edmiston Retail Division, LLC: Mr. Gilbert explained the applicant is requesting several items for consideration by the Board. He then reviewed the history of variances that have been issued to Corvette Lanes since December of 2013. The owner will be applying for the following:

Conditional Use Permit: A CUP is needed for a two-story (14,006 square foot) addition. The addition will house a ropes course, laser tag arena, two party rooms and storage area. Per §Chapter 156 ZONING CODE Section II, Article 4,D,(2) a recreational facility is a conditional use that can be located in a B-1 Zoning designation. Staff believes that the uses proposed are consistent with the existing bowling alley activity and is compatible with surrounding land uses.

Height Variance: In conjunction with the use permit, the applicant is requesting a height variance. The maximum height permitted in the B-1 zone is 35 feet. The proposed addition will be approximately 43 feet. This additional eight feet is needed for the ropes course and climbing wall. To grant the height variance the Board must find that the variance request meets the stipulations listed in §156.082 DIMENSIONAL VARIANCES. Staff believes that the additional height to accommodate the use will not visually impact the surrounding area. Directly northwest of the site is the college administration building which is several stories in height.

Parking Variance: The existing parking arrangement (coupled with the reciprocal parking agreements and previously approved parking variance) exceeds the parking requirements. The placement of the new addition on the east side of the bowling alley will eliminate 25 spaces. The net parking change will yield a deficiency of 74 spaces. This determination is based upon calculating the demand using the parking ratios established in the Zoning Ordinance. The southern parking area will be restriped for better parking efficiency and circulation. To grant the parking variance the Board must find that the variance request meets the stipulations listed in § 156.082 DIMENSIONAL VARIANCES. The applicant believes that the parking arrangement proposal is adequate to service his operation. This is based on the operational characteristics of each of the activities and shared parking opportunities. Staff concurs with the applicant's position.

The applicant Brandon Edmiston was asked to come forward to offer comments and answer questions. Mr. Edmiston was sworn in. He then described his operations and their hours. Mr. Edmiston recapped his requests with a brief summary of each. He explained the addition to the bowling alley and then showed pictures of the prefabbed rope climbing facility and explained the need for the height variance. He commented that laser tag and rock climbing are each a great draw for all ages. The Fire Marshal has reviewed and approved this proposal. Mr. Edmiston then addressed the parking situation. Since the previous parking variance was granted, Mr. Edmiston has acquired additional property in this block. The structures have been torn down to provide additional parking. On any given Friday or Saturday night the parking lot is quite full; however, they have never used all the parking that is available to them. They are going to put

up signs to designate their facilities parking and are going to attempt valet parking for the Steak House.

Chairman Krieb opened the public hearing and asked if there was anyone that wished to speak in favor or opposition to the Conditional Use Permit. There was no one that spoke in favor or opposition to the request; therefore, the public hearing was closed and the item was turned over to the Board for further discussion and a motion.

Jim Foster made a motion to grant the Conditional Use Permit for the Recreational facility in a B-1 zone. The testimony presented in this public hearing has shown that granting the Conditional Use Permit for the recreational facility in a B-1 Zone (Neighborhood Business District) is reasonable and necessary. Mike Faihst seconded the motion and the motion carried with a 6-0 roll call vote.

Mike Faihst made a motion to grant the Height Variance for the 14,006 square foot building addition and the Text and Site Plan as presented. The testimony presented in this public hearing has shown that granting the eight foot height variance for the addition is reasonable and necessary and it matches other surrounding structures. The granting of the 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. Bobbie Weatherly seconded the motion and the motion carried with a 6-0 roll call vote.

Bobbie Weatherly made a motion to grant the Parking Variance Site Plan, and Text and Site Plan as presented. The testimony presented in this public hearing has shown that granting the Parking Variance is reasonable and necessary. The granting of the 74 space parking variance for the 14,006 square foot addition 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. Jim Foster seconded the motion and the motion carried with a 6-0 roll call vote.

Questions and comments: The Board Members voiced their approvals for both projects that were reviewed at the meeting. They felt the proposals showed promise for the City of Murray. The downtown area has needed a greater public presence and the Poplar Street proposal seems to be a good fit.

A motion to adjourn was made by Jim Foster and seconded by Mike Faihst. *The meeting adjourned at 5:45 p.m. Josh Vernon returned to the meeting as the meeting adjourned.*

Chairman, John Krieb

Recording Secretary, Reta Gray

MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, JULY 19, 2017
4:30 P.M.

The Murray Board of Zoning Adjustments met in regular session on Wednesday, July 19, 2017 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5th Street.

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

Also Present: Maurice Thomas, Jessie Boshell, Gerald Gilbert, Joe Darnall, Brandon Edmiston and public audience

Chairman Krieb called the meeting to order and welcomed all guests and applicants. Maurice Thomas called the roll. Chairman Krieb then asked for a motion to approve the minutes from the June 21, 2017 Regular BZA meeting.

Mike Faihst made a motion to approve the minutes from the June 21, 2017 regular BZA meeting as presented. Terry Strieter seconded the motion and the motion passed unanimously.

Public Hearing: Consideration of a Conditional Use Permit to allow a multi-family residential use in a B-3 Zone located at 111 Poplar Street — 111 Poplar, LLC: Josh Vernon recused himself at 4:32 p.m. Gerald Gilbert explained that this particular property is located in the B-3 Zone (Central Business). The existing zoning to the north, east and west is Industrial. The zoning to the south is R-5 (Residential). The subject site consists of 1.661 acres. The building was originally known as the W.G. Swann Tobacco Company warehouse building and is now on the National Register of Historic Places and lies within the City of Murray Historic Overlay District. The property was rezoned in 2008 as B-3 which was to allow for a variety of different uses. In 2010 the Board approved a Conditional Use for Larry Herndon (owner at that time) to allow some residential uses. That CUP has since expired. The property is now owned by 111 Poplar, LLC. A public hearing will be held on July 25th by the Architectural Review Board for a certificate of appropriateness for the proposed renovations. The intent is to keep the integrity of the structure with modifications being done on a minor basis. The applicant/developer (Black Pearl Properties) is looking for approval to allow potential residential uses. They are proposing a mixed-use redevelopment of the three-story 48,000 square foot building. Single Family and Multi-Family residential uses may be allowed as a Conditional Use in the B-3 zoning district provided that the dwelling unit(s) shall be part of the building and located above or to the rear of the principal use. The renovation will maintain the historic warehouse style while creating new open-plan offices on the first two floors and 19 modern loft apartments on the third floor. The units will range from 710 to 1175 square feet in size. Four of the units will be Studios with a loft and the remaining fifteen units will have one-bedroom with a loft. The lofts will have very high industrial type ceilings. Parking will be located directly to the east with some angled parking along the front of the building. A new elevator will be put in to meet handicap requirements. Mr. Gilbert explained that a lot of industrial warehouses are very successfully being used this way and this will be a big investment for the owners.

Murray Board of Zoning Adjustments Regular Meeting
July 19, 2017 304

The Future Land Use Plan gives a general description and Planning Commission guidance for the Central Business District. Staff agrees that a mixed use development at 111 Poplar Street will be seen as having a positive effect on the economic growth of the downtown area due to its close proximity and being within a walkable distance to many shops and restaurants. Mr. Gilbert explained that this proposal introduces an Urban Life Style and we need to see if it will work in Murray. The applicant was then asked to come forward to answer questions.

Joe Darnall (Project Manager for Black Pearl Properties) came forward and was sworn in. Mr. Darnall thanked the Planning Department for all their help thus far on this project. He emphasized that this is a big project for them. He explained their intent was to take a rundown warehouse, beautify it and make it into something useful. This project will be challenging and expensive. He described the mixed-use proposal more thoroughly explaining there will be commercial offices as well as build-to-suit areas. The building is about 48,000 square feet which offers a lot of options. Mr. Darnall reviewed some of the history of the approximately 100 year old building. They have already replaced the roof on the building and are under contract with Pinnacle Incorporated out of Benton on repairing the subflooring, structural woodwork and floor and ceiling joists. New windows will be addressed next along with the buildout phase of the project. This is a large, long term project but they are willing to take it on. He explained that the Department of Interior standards on renovation of historical buildings has a twenty-four month capture period. It is their desire to get the fundamental basis of this project finished within the twenty-four month period. If completed in this time period there are tax credits available on State and Federal levels. They already have two "hand-shake" lease deals on the lofts. Once the lofts are completed, the leases can officially be signed. The building currently has a freight elevator located in the center of the building; however, the cost of redoing it was cost prohibitive and the location was not suitable for the design layout; therefore, they will add a new elevator to an end outside wall. There will be a stairway exit provided and new egress windows (6' x 4') will be added to bring the windows up to code. There is not a lot of green space available on the property; however, they are attempting to balance the amount of parking spaces needed and add green space to the south and east sides. They have seventy-five parking spaces available at this time with the removal of the building to the south. Mr. Darnall passed around a drawing of the parking lot to the Board. (A copy of the drawings was submitted as Exhibit A.) They have received some preliminary interest at this point for the commercial area to be used as office space. They have also had an interest in a small coffee/sandwich shop but it has not progressed very far at this point. The exact outside lighting has not been determined at this time; however, their goal is to minimize the amount of intrusiveness with down cast lighting.

Chairman Krieb opened the public hearing and asked if there was anyone that wished to speak in favor or opposition to the Conditional Use Permit. There was no one that spoke in favor or opposition to the request; therefore, the public hearing was closed and the item was turned over to the Board for further discussion and a motion.

Mike Faihst made a motion to grant the Conditional Use Permit to allow residential use as part of the mixed-use redevelopment for 111 Poplar, LLC as presented based on the following facts: No one spoke against the proposal; the proposal will help develop the underutilized/vacant building; it's in the Historical Register so it will have to meet guidelines set up by the City's Architectural Review Board; and it will have to pass all Fire Codes. The testimony presented in this public hearing has shown that granting the

Conditional Use Permit for the residential use is reasonable and consistent with the Future Land Use Plan and Murray Board of Zoning Adjustments Regular Meeting
July 19, 2017 305

the Downtown/Main Street Master Plan. Jim Foster seconded the motion and the motion carried with a 6-0 roll call vote. At this time, Gerald Gilbert introduced Jesse Boshell, the newest Planner.

Public Hearing: Consideration of a Conditional Use Permit and parking and height Variance for an expansion of Corvette Lanes located at 1415 Main Street — Corvette Lanes — Edmiston Retail Division, LLC: Mr. Gilbert explained the applicant is requesting several items for consideration by the Board. He then reviewed the history of variances that have been issued to Corvette Lanes since December of 2013. The owner will be applying for the following:

Conditional Use Permit: A CUP is needed for a two-story (14,006 square foot) addition. The addition will house a ropes course, laser tag arena, two party rooms and storage area. Per §Chapter 156 ZONING CODE Section 11, Article 4,D,(2) a recreational facility is a conditional use that can be located in a B-1 Zoning designation. Staff believes that the uses proposed are consistent with the existing bowling alley activity and is compatible with surrounding land uses.

Height Variance: In conjunction with the use permit, the applicant is requesting a height variance. The maximum height permitted in the B-1 zone is 35 feet. The proposed addition will be approximately 43 feet. This additional eight feet is needed for the ropes course and climbing wall. To grant the height variance the Board must find that the variance request meets the stipulations listed in §156.082 DIMENSIONAL VARIANCES. Staff believes that the additional height to accommodate the use will not visually impact the surrounding area. Directly northwest of the site is the college administration building which is several stories in height.

Parking Variance: The existing parking arrangement (coupled with the reciprocal parking agreements and previously approved parking variance) exceeds the parking requirements. The placement of the new addition on the east side of the bowling alley will eliminate 25 spaces. The net parking change will yield a deficiency of 74 spaces. This determination is based upon calculating the demand using the parking ratios established in the Zoning Ordinance. The southern parking area will be restriped for better parking efficiency and circulation. To grant the parking variance the Board must find that the variance request meets the stipulations listed in

§ 156.082 DIMENSIONAL VARIANCES. The applicant believes that the parking arrangement proposal is adequate to service his operation. This is based on the operational characteristics of each of the activities and shared parking opportunities. Staff concurs with the applicant's position.

The applicant Brandon Edmiston was asked to come forward to offer comments and answer questions. Mr. Edmiston was sworn in. He then described his operations and their hours. Mr. Edmiston recapped his requests with a brief summary of each. He explained the addition to the bowling alley and then showed pictures of the prefabbed rope climbing facility and explained the need for the height variance. He commented that laser tag and rock climbing are each a great draw for all ages. The Fire Marshal has reviewed and approved this proposal. Mr. Edmiston then addressed the parking situation. Since the previous parking variance was granted, Mr. Edmiston has acquired additional property in this block. The structures have been torn down to provide additional parking. On any given Friday or Saturday night the parking lot is quite full; however, they have never used all the parking that is available to them. They are going to put

Murray Board of Zoning Adjustments Regular Meeting
July 19, 2017 306

up signs to designate their facilities parking and are going to attempt valet parking for the Steak House.

Chairman Krieb opened the public hearing and asked if there was anyone that wished to speak in favor or opposition to the Conditional Use Permit. There was no one that spoke in favor or opposition to the request; therefore, the public hearing was closed and the item was turned over to the Board for further discussion and a motion.

Jim Foster made a motion to grant the Conditional Use Permit for the Recreational facility in a B-1 zone. The testimony presented in this public hearing has shown that granting the Conditional Use Permit for the recreational facility in a B-1 Zone (Neighborhood Business District) is reasonable and necessary. Mike Faiht seconded the motion and the motion carried with a 6-0 roll call vote.

Mike Faiht made a motion to grant the Height Variance for the 14,006 square foot building addition and the Text and Site Plan as presented. The testimony presented in this public hearing has shown that granting the eight foot height variance for the addition is reasonable and necessary and it matches other surrounding structures. The granting of the 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. Bobbie Weatherly seconded the motion and the motion carried with a 6-0 roll call vote.

Bobbie Weatherly made a motion to grant the Parking Variance Site Plan, and Text and Site Plan as presented. The testimony presented in this public hearing has shown that granting the Parking Variance is reasonable and necessary. The granting of the 74 space parking variance for the 14,006 square foot addition 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. Jim Foster seconded the motion and the motion carried with a 6-0 roll call vote.

Questions and comments: The Board Members voiced their approvals for both projects that were reviewed at the meeting. They felt the proposals showed promise for the City of Murray. The downtown area has needed a greater public presence and the Poplar Street proposal seems to be a good fit.

A motion to adjourn was made by Jim Foster and seconded by Mike Faiht. The meeting adjourned at 5:45 p.m. Josh Vernon returned to the meeting as the meeting adjourned

Chairman, John Krieb Recording Secretary, Reta Gray