

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, AUGUST 16, 2017
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, August 16, 2017 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5th Street.

Board Members Present: Jim Foster, Terry Stricter, Mike Faihst, John Krieb, and Bobbie Weatherly

Board Members Absent: Dennis Sharp and Josh Vernon

Also Present: Maurice Thomas, Jessie Boshell, Gerald Gilbert, Deneshia & Mario Collins, Kim Richards 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 July 19, 2017 Regular BZA meeting.

Terry Stricter made a motion to approve the minutes from the July 19, 2017 regular BZA meeting as amended. Mike Faihst seconded the motion and the motion passed unanimously.

Public Hearing: Consideration of a request to allow a bar/tavern as a Conditional Use in a B-2 Zone, located at 715 South 12th Street Suite C – Family Affair Bar & Grill – Deneshia & Mario Collins: Jessie Boshell gave a brief background of the property. He reviewed the approval and conditions of the Conditional Use Permit that was granted during 2013 for the applicant to use the property as a tavern/club. Jessie explained that the previous applicant who received the Conditional Use Permit surrendered his limited drink license to the ABC administrator, and at that time, the Conditional Use Permit became null and void. Since the previous applicant did not proceed with the Conditional Use Permit, the conditions set forth by the BZA were not implemented. The current applicant is asking for approval to sell alcohol at Family Affair Bar & Grill located at 715 South 12th Street, Suite C. Jessie showed pictures of the building and surrounding area. The building backs up to R-2 (Single-Family Residential) to the east with roughly 143 feet between the two. The adjacent properties are zoned B-2 (Highway Business) to the north, south and west. The existing activities and hours of operation will remain the same, with the addition of alcoholic beverages to the menu. The current sign is in compliance with our regulations. No additional parking will be needed. The question was asked about additional exterior lighting. Jessie said that would be a question for Mr. Collins when he comes forward. Staff believes that the establishment of a tavern inside of Family Affair Bar & Grill will coincide with the existing use, and will not create any foreseen issues as the added activity is compatible with that of the existing activity and will be contained inside of the building.
Commissioner Sharp joined the meeting.

Chairman Krieb asked the applicants to come forward. Mario and Deneshia Collins came forward and were sworn in. Mr. Collins explained the lighting on the outside of the building. He said there were four lights on the side and there is a freestanding city light on the property. These lights currently illuminate the entire side of the building. The question was asked if Mr. Collins would be able to accept the conditions that were placed on this establishment when they

had been approved for the Conditional Use Permit previously. Mr. Collins said that he was not familiar with the conditions. Those conditions were shown. (Conditions were modified based on parking spaces being within regulations.)

- Construction of an 8 foot tall privacy fence on eastern lot boundary
- Submittal of landscape plan with evergreens to be located in green space on the east side
- No expansion of parking lot in rear
- Current parking lot being restriped
- Adding additional parking stop blocks or barriers to keep vehicles from parking in green space to the east
- Establishment meeting all fire codes

Adjacent property owners were sent letters of this request. There was one property owner that was present at the meeting. No other responses were received. The occupancy load is 87; therefore, Mr. Collins is applying for a tavern license versus a restaurant license to sell alcohol.

The public hearing was opened and Chairman Krieb asked if there was anyone that wished to speak in favor or opposition to the request.

Kim Mason Richards came forward and was sworn in. Ms. Richards lives on Fairlane Drive and is against this request. Ms. Richards prepared a statement that she read aloud. (*The statement was entered as Exhibit A.*) In summary, Ms. Richards is concerned about increased noise, light intrusion, traffic and crime. She is also concerned about the possible decrease in her property value. Ms. Richards stated that she had similar concerns and responded to the previous request in 2013. She resides in a quiet residential neighborhood directly in back of this property where she has previously felt comfortable letting her children play in their backyard and feels that might be curtailed if this is approved.

No one came forward to speak in favor of the request. Chairman Krieb asked if Mr. Collins would like to offer a rebuttal.

Mr. Collins said that he did not think Ms. Richards' children would be outside during their hours of operation at night. He added that they are currently playing music at the restaurant and have had no noise complaints from anyone. The lighting will remain the same and Mr. Collins is willing to put up an eight foot fence and plant evergreens to provide a barrier between the business and the residential zoning. Mr. Collins said as far as the crime in the area, there is more going on at the Dollar General Store next door than there is anywhere else in Murray. He has personally not seen any crime in that area. There are always officers on the south end of 12th Street. He has seen them at Food Giant after closing or in the parking lot at Dollar General. They have been operating there for a year and the only call they have received from police was when Mrs. Collins forgot to turn the alarm off. Chairman Krieb informed Mr. Collins that he would need to submit a landscaping plan to the Planning Department for their approval.

The public hearing was closed and the item turned over to the board members for discussion and a motion. At this time Ms. Richards came forward again and said that she had misinterpreted the situation when she first received the letter concerning this tavern. She is since satisfied with the arrangements Mr. Collins has agreed to provide with the screening.

Mike Faihst made a motion to grant the Conditional Use Permit for the Tavern in a B-2 zone. The testimony presented in this public hearing has shown that granting the Conditional Use Permit for the Tavern in a B-2 Zone (Highway Business District) is reasonable and necessary and the Conditional Use Permit for a Tavern in a B-2 Zone is in compliance with the provisions of §156.081 CONDITIONAL USE PERMITS. There will be no outside flashing strobes or lights. The eight foot fence is to be constructed as was previously recommended along with evergreens and green space. There should be parking blocks installed to keep people from driving through the green space. This establishment is to meet all ABC and Fire Codes. No additional parking spaces are required. The business has been established for approximately one year with no problems. A landscaping plan should be submitted to the Planning Department for their approval. There is to be no expansion of the parking lot in the rear and the current parking lot should be stripped. Bobbie Weatherly seconded the motion and the motion carried with a 6-0 roll call vote.

Questions and comments: None

A motion to adjourn was made by Jim Foster and seconded by Mike Faihst. The meeting adjourned at 5:00 p.m.

Chairman, John Krieb

Recording Secretary, Reta Gray

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

Also Present: Maurice Thomas, Jessie Boshell, Gerald Gilbert, Deneshia & Mario Collins, Kim Richards 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 July 19, 2017 Regular BZA meeting.

Terry Strieter made a motion to approve the minutes from the July 19, 2017 regular BZA meeting as amended. Mike Faihst seconded the motion and the motion passed unanimously.

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Questions and comments: None

A motion to adjourn was made by Jim Foster and seconded by Mike Faihst. The meeting adjourned at 5:00 p.m.

Chairman, John Krieb Recording Secretary, Reta Gray