

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, SEPTEMBER 17, 2014
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, September 17, 2014 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5th Street.

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

Board Members Absent: Josh Vernon

Also Present: Candace Dowdy, Robert Jeffries, David Roberts, Reta Gray, Attorney David Perlow, Hawkins Teague, Officer Tim Fortner, John and Joretta Randolph, Dr. Tina Carter, Dennis Sharp and public audience

Chairman Krieb called the meeting to order and welcomed all guests and applicants. He then asked if there were any changes to the minutes from August 20, 2014 regular meeting. Changes were noted.

Linda Scott made a motion to approve the BZA minutes from the August 20, 2014 regular meeting as amended. Mary Anne Medlock seconded the motion and the motion carried unanimously.

Chairman Krieb stated that the order of business would be changed to accommodate one of the applicants.

Public Hearing: Request for conditional use permit to allow mixed use planned development project in a B-2 Zone – 1025 Southwood Drive – John Randolph: Robert Jeffries explained that this project was brought before the Planning Commission for a public hearing at the previous night's Planning Commission meeting. The Commissioners approved the preliminary plat for a mixed use planned development project at 1025 Southwood Drive owned by John and Joretta Randolph. Mr. Jeffries then used a Power Point presentation to show the property. This property is zoned B-2 (Highway Commercial) and is approximately 5.19 acres in size with 369 feet of road frontage along Southwood Drive. It is located just north of a Flood Plain that was mapped in 2002. He explained that the Randolphs currently reside on the property in a single family dwelling. Mr. Randolph is proposing to remove the existing single family dwelling and construct a mixed use development for senior independent living. This project will consist of residential condominiums with possibly some commercial use. The preliminary plat shows a total of 36 units, which will include 29 one-bedroom units with one-car garages; five one-bedroom units without garages; one four-bedroom detached unit with a two-car garage (which will serve as living quarters for Mr. and Mrs. Randolph); and one commercial and/or residential unit. Each of the residential units will be equipped with a kitchen. The one unit reserved for commercial purposes will be designed to have a kitchen (if needed). The main building will have a layout where all of the units will have one exterior entrance and a second entrance from an enclosed hallway. The units with a garage will have a third entrance. There will be a shared living/dining area in the main building that will be accessible through the adjoining hallway. Mr. Randolph has indicated that each unit will have the convenience of a kitchen for those who wished to prepare their own meals. The plat shows 47 additional parking spaces along the front of the property that will accommodate visitors and the residential tenants that do not have a garage. It will also provide parking for the commercial business. Mr. Randolph is hoping to attract a service type business (such as a home health service or a beauty/barber shop) that will be complimentary to a senior living community. There will be four additional parking spaces provided adjacent to the detached four bedroom unit. Mr. Randolph has decided to construct one-bedroom units to keep the costs more feasible. If a tenant should have out of town guests, there will be a guest room

available for their use and there is also a hotel next door to accommodate them. Mr. Jeffries explained that the site plan shows the parking lot area and the 20 foot drive aisle around the development being constructed with permeable pavers which will help meet the overall stormwater detention requirements. Sidewalks were discussed at the Planning Commission meeting also. Mr. Randolph indicated that he had not initially seen the need for sidewalks; however, the enclosed hallway would be available if the tenants wanted to walk there. Parks Director, Tab Brockman was in attendance at the Planning Commission meeting. He stated that he thought this development was a good proposal and would complement the Bee Creek area. He suggested that Mr. Randolph construct a sidewalk that would connect with Bee Creek walking trails. Mr. Randolph indicated that he would be open to that idea. They both agreed that a connecting sidewalk would be beneficial to the residents as well as to Bee Creek Park. Mr. Brockman also informed Mr. Randolph that lighting would possibly be put up at the soccer fields sometime in the future. Mr. Randolph did not see any problems with that. Mr. Jeffries continued that modifications had been made to the dumpster area since the previous presentation and that it is now located on the far southwest corner of the property. The Fire Marshal has reviewed and approved the project with the addition of one fire hydrant.

Ms. Dowdy explained that the property will be considered condominiums and will have a home-owner's association. There will be a circle drive-thru for pickup and delivery near the "common area" on the north side of the development. She added that the front setback for the proposal is 75 feet because of a TVA easement and that all other setbacks will be met as well.

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

John Randolph, 1025 Southwood Drive, Murray was sworn in. Mr. Randolph stated that the Planning Staff had done a thorough job of explaining the development and he was there to answer any additional questions that the board members might have. Mr. Randolph explained that he had originally planned on relocating his existing residence near the rear of the property and using part of the house for commercial purposes. In doing so, he would have to have a fire separation wall between the business and his home. After much consideration, he has decided to demolish his existing home and construct a smaller new house towards the southeastern portion of the property. Mr. Randolph said that there were no plans to put anything in the Flood Plain area and that it will be used as green space only. He added that as solar becomes more economical, there is a potential that he might add solar panels to that area.

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

Scott Seiber made a motion to approve the conditional use request to allow a mixed use Planned Development Project (Parkside Condominiums) in a B-2 Zone at 1025 Southwood Drive contingent upon the development meeting all city regulations with the finding that this is the type of development that is a good transition for individuals before assisted living. Bobbie Weatherly seconded the motion and the motion carried with a 6-0 roll call vote.

Public Hearing: Conditional use request for chiropractic office to be located in an Industrial Zone – 400B Industrial Road – Dr. Tina Carter: Candace Dowdy used a Power Point presentation to show the building located at 400 Industrial Road that is owned by Robert Swift. There are two suites located in this building and currently both are occupied. Ms. Dowdy stated that on August 5th Briggs & Stratton came before the board to ask for permission to operate a medical clinic in Suite A that they are currently leasing from Mr. Swift. The staff determined upon reviewing the regulations that a clinic was not listed as

a permitted use but could be considered for a conditional use permit as a “consumer service type business”. The board approved the conditional use permit request at that time.

Dr. Tina Carter occupies Suite B in the same building as the Briggs & Stratton clinic. When she came in to renew her business license for 2014 and requested that her business address be changed from her previous location on South 12th Street, Planning Staff informed her that the new location on Industrial Road was in an Industrial zone and that a “consumer service business” was only allowed as a conditional use in that zone. Dr. Carter indicated that she was not made aware of that when she leased the building from Mr. Robert Swift. Dr. Carter stated that when she received her renewal notice from the city regarding the business license she noticed that it had the wrong address on it and she wanted to get that corrected. She has indicated that this has been a very good location for her since she has a small staff and has limited hours of operation. Under the circumstances Planning Staff approved the 2014 business license since there had been no complaints or problems regarding Dr. Carter’s office at this location. Planning Staff also informed the property owner Mr. Robert Swift of this situation and that he should check with the Planning and Zoning Department in the future regarding the use of the property to make sure zoning regulations are being met. Dr. Carter is requesting a conditional use permit to be allowed to continue to operate her chiropractic office at 400 Industrial Road Suite B. She leases one side of the building (2,000 square feet) and has one employee besides herself. Her office is open three and one-half days per week. The question was asked if Dr. Carter knew Dr. Turnbo (who is the doctor that is managing the Briggs & Stratton clinic). Ms. Dowdy said that she did not know the answer to that, but they would ask Dr. Carter when she came forward. She continued that Dr. Carter’s office has been operating at this location since October 2012. Ms. Dowdy explained that there is adequate parking available.

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

Dr. Tina Carter, 400B Industrial Road, Murray was sworn in. Dr. Carter explained that she had not met Dr. Turnbo yet; however, she has met some of his staff and they have a good relationship at this point. Dr. Carter was asked why she had decided to move her practice to this particular location and if she was trying to bring on new clients. She replied that she had been in business for 20 years. She was recently leasing space from Walter (former owner of Walter’s Pharmacy) on South 12th and when another gentleman took over the pharmacy he told her they would be going up on her rent; thus, she decided to move. Dr. Carter stated that she likes the current location as it is quieter, less congested and has more parking available. She concluded that she does not currently advertise for business. She just sees former clients and new ones based on word-of-mouth.

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

Bobbie Weatherly made a motion to approve the conditional use request for Dr. Tina Carter to operate a chiropractic office at 400 Industrial Road Suite B based on the fact that this office provides a “consumer service type business” with the findings that the board approved the request for Briggs & Stratton to operate a “consumer service type business” in the adjoining suite a month earlier. Linda Scott seconded the motion and the motion carried with a 6-0 roll call vote.

Questions and Comments: Chairman Krieb explained that approximately a year ago Scott Seiber informed the board that he would be resigning his position in the near future; however, he graciously

agreed to stay until his replacement was found. Mr. Dennis Sharp will be replacing Scott and Chairman Krieb stated that he was in attendance. Chairman Krieb and the board members commended and thanked Scott Seiber for his 22 years of service on the board.

Adjournment: Scott Seiber made a motion to adjourn. Linda Scott seconded the motion and the motion carried unanimously. *The meeting adjourned at 5:17 p.m.*

Chairman, John Krieb

Recording Secretary, Reta Gray

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