

**MURRAY PLANNING COMMISSION MINUTES  
REGULAR MEETING  
TUESDAY, DECEMBER 16, 2014  
5:00 P.M.**

The Murray Planning Commission met in regular session on Tuesday, December 16, 2014 at 5:00 p.m. in the council chambers of City Hall located at 104 North 5<sup>th</sup> Street.

**Commissioners Present:** Loretta Jobs, Kevin Perry, Marc Peebles, Robin Zhang, John Krieb, Ed Davis, Tom Kind, and Ed Pavlick

**Commissioners Absent:** Mary Anne Medlock

Also Present: Candace Dowdy, Robert Jeffries, Summer Grogan, Hawkins Teague, David Perlow, Officer Tim Fortner, Mayor Wells, Howard Brandon, Attorney Trevor Coleman, Brandon Edmiston, Dale Campbell, and public audience

Chairman Ed Pavlick called the meeting to order and welcomed all guests and applicants. He then asked if there were any changes, additions or deletions to the minutes from the November 18, 2014 regular meeting.

**Ed Davis made a motion to approve the minutes from the November 18, 2014 Planning Commission regular meeting as presented. Marc Peebles seconded the motion and the motion carried unanimously.**

**Public Hearing: Request to set zoning as Agriculture for 27.740 acres located north of Wiswell Road – Stephen & Erika Compton:** Candace Dowdy used a Power Point presentation to show the property that is located east of Falwell Estates and north of Wiswell Road that is owned by Stephen and Erika Compton. She explained that the property is currently in the process of being annexed into the city. Ms. Dowdy noted that the Planning Commission reviewed the request for annexation on November 18, 2014 and moved to forward a recommendation on to the City Council for their review. The property falls within the Urban Service Area and is identified on the Future Land Use Map as low density residential use. The Planning Department has discussed the zoning of this property with the landowners and the recommendation is to set the zoning as Agriculture. The Agriculture zoning district was established to preserve the rural character of the agricultural service area by promoting agriculture and agricultural related uses. Single-family detached dwellings are permitted principle uses within the zoning district. Ms. Dowdy noted that the Comptons are currently in the process of building a single family home on the property and that a portion of the property will continue to be farmed for agricultural purposes. Ms. Dowdy stated that in the Agriculture zoning district there are no height limitations on structures and that Mr. Compton plans to build a barn on the property. It was also noted that the adjoining property to the north currently owned by Mike Dixon is also zoned Agriculture and used for Agricultural purposes.

Chairman Pavlick opened the public hearing and asked if there was anyone that wished to speak in favor of the zoning request. There was no one. Chairman Pavlick then asked if there was anyone that wished to speak in opposition to the request. There was no one. Howard Brandon, an adjoining property owner stated that he had a question regarding this request. Chairman Pavlick asked him to come forward and be sworn in. Mr. Brandon stated that he lives at 701 South 12<sup>th</sup> Street and that he was notified as an adjoining property owner and that he just wanted to know where his property was in reference to the Compton's property. Ms. Dowdy stated that the Compton's property is west of his tract.

Chairman Pavlick closed the public hearing and turned it over to the commissioners for discussion and a motion.

**Tom Kind made a motion to forward a recommendation to the City Council to set the zoning for the 27.740 acres owned by Stephen and Erika Compton identified as PVA parcel 042-0-0036 located east of Falwell Estates and north of Wiswell Road as Agriculture based on the fact the property is contiguous to Agriculture zoning to the north and the use of the property will fall within the intent of the Agriculture zoning district. Ed Davis seconded the motion and the motion carried with an 8-0 roll call vote.**

**Public Hearing: Request to rezone property located at 1410 Poplar Street from R-4 to B-1 –**

**Victor Olazabal:** Ms. Dowdy used a Power Point presentation to show the property at 1410 Poplar Street that is owned by Victor Olazabal. The property is currently located in an R-4 (Multi-family) zoning district. Coleman Law Office has submitted a zoning map amendment request on behalf of Mr. Olazabal requesting the zoning be changed from R-4 to B-1 (Neighborhood Business). Currently B-1 zoning borders the north and west sides of the property and R-4 zoning borders the east and south sides of the property. Mr. Olazabal is in the process of selling this particular property to Brandon Edmiston who owns all the property west to 15<sup>th</sup> Street and north of this site. Mr. Edmiston is proposing to use the property to expand the parking for Corvette Lanes Bowling Alley and restaurant which is located at 1415 Main Street. Ms. Dowdy stated that the applicant has indicated that the property in question is basically an “island” under its current zoning and that the majority of the adjoining properties are already zoned B-1, which supports the position that the use of the property has changed sufficiently to warrant an amendment, and that granting the amendment will “square up” the zoning map. Furthermore, Edmiston Retail Division, LLC has put together a significant amount of property in the immediate area to accommodate for continued parking issues for the bowling alley at 1415 Main Street. The amendment requested, coupled with the other recent purchases of property joining this property will act to cure any possible issues of parking now and in the future. It will also provide for the abandonment of the need to rely on reciprocal parking agreements with adjoining landowners. Ms. Dowdy stated that Planning Staff had discussed with Mr. Edmiston and Mr. Olazabal that the property would require screening as it adjoins R-4 zoned property along the east side. It has also been suggested that if this property is rezoned to B-1 that they consider not having an entrance off Poplar Street and continue to direct the customer traffic off South 15<sup>th</sup> Street which would allow for some green space to be provided behind the sidewalk area along Poplar Street. Ms. Dowdy stated that the Future Land Use Map, referenced in the City of Murray’s Comprehensive Plan, identifies this property as low density residential. After viewing the photos provided by Planning Staff, Commissioner Kind stated that he would like to see as many trees left on the property as possible. Ms. Dowdy replied that if the trees are actually located on the property at 1410 Poplar, they could be used as privacy screening along with shrubs or other plantings. Chairman Pavlick noted that there would be additional water runoff since they would be replacing the dirt and grass with asphalt. Ms. Dowdy replied that the stormwater runoff issues would be addressed if the property is rezoned and the owner decides to turn the property into a parking lot.

Chairman Pavlick opened the public hearing and asked if there was anyone that wished to speak in favor of the request to rezone.

Trevor Coleman, 408 Main Street, Murray was sworn in. Mr. Coleman (attorney representing Mr. Edmiston) stated that the old house that was on the property had been demolished. This particular property is under contract between Mr. Olazabal and Mr. Edmiston and it will close January 1, 2015. Mr.

Edmiston has recently purchased the daycare and the adjoining Larry Ray property on South 15<sup>th</sup> Street. Mr. Coleman clarified that the main reason for the request to rezone the property is because of the parking issue. He stated that the BZA had granted a parking variance for the bowling alley property last year which heavily relied on an adjoining property owner. The purchase of this property will alleviate any future problems that might incur with the church on the agreement to use their parking lot and any parking issues. This request will also “square up” the zoning map on this corner. Mr. Coleman said that they think this lot will now provide them with more than ample parking.

Brandon Edmiston, 2384 U. S. Hwy 641 South, Murray was sworn in. Mr. Edmiston stated that the occupancy on the newly renovated building is approximately 900. There were only 56 parking spaces to begin with and they will gain 25 more spaces where Mr. Ray’s house was (that has also been demolished). They intend on employing 50-60 individuals; thus, they need as much parking as they can get. Mr. Edmiston explained that currently the Bowling Leagues are using half of the bowling lanes and the entire parking lot in the back is full. Mr. Edmiston continued that they had purchased the daycare building and they intend on using that property for parking as well.

Chairman Pavlick asked if there was anyone that wished to speak against the rezoning of the property. There was no one. The public hearing was closed and the item was turned over to the commissioners for discussion and a motion. After much discussion the commissioners recommended that if this property is rezoned by the City Council and it is developed as commercial parking, that the owner would consider having all the means of traffic flow come in and out on South 15<sup>th</sup> Street; therefore, not adding any additional traffic to Poplar Street. They also would like to have the owner provide green space along Poplar Street and any other area that space is available.

**Loretta Jobs made a motion to forward a recommendation to the City Council to rezone the property located at 1410 Poplar Street from R-4 (Multi-Family Residential) to B-1 (Neighborhood Business). The motion is based on the fact there have been major changes of an economic, physical and social nature within the area involved which were not anticipated in the Comprehensive Plan and which have substantially altered the basic character of the area including the redevelopment of the property at 1415 Main Street and the recent rezoning of several properties along Poplar Street to multi-family residential use. Kevin Perry seconded the motion and the motion carried with an 8-0 roll call vote.**

**Advisory Meeting: Review proposed mixed use Planned Development Project for 1407 Main –**

**T.C. Dinh:** *Kevin Perry recused himself from this part of the meeting. Mayor Wells left the meeting at 5:53 pm.* Robert Jeffries used a Power Point presentation to show the property at 1407 Main that is owned by T.C. Dinh. The property is located in a B-1 (Neighborhood Business) zone with Government zoning located to the north, B-1 zoning located to the east and west of the property, and R-4 zoning (multi-family residential) located to the south. Mr. Dinh has submitted a site plan for a proposed mixed use Planned Development Project at this site. Currently Mr. Dinh leases the west side of the building to El Rancho Market which is a grocery store and restaurant that will seat 56 people. The east side of the building is leased to a beauty salon; however, they will be vacating the building if this proposal is approved. On the upper level of the building there are ten – one bedroom dwelling units which have been in existence at this location since the 1960’s. Mr. Dinh’s proposed development of this property would add an additional six beds to the overall count totaling eight – 2 bedroom dwelling units and the market/restaurant. Five two-bedroom units will be located on the upper level with a shared kitchen. Three two-bedroom units will be located on the bottom level along with El Rancho Market. Ms. Dowdy said that this is a non-conforming use in a B-1 zone that has been in existence since the 1960’s. The

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redevelopment of this property will have to go through a planned development process since it will have both residential and commercial use. She explained that this is an advisory meeting and it is too early to get into discussion concerning the parking and stormwater issues. If the commissioners feel that it is a good fit, then it will go on to the BZA the following night for a Compatibility Hearing.

**Ed Davis made a motion to forward this project to be reviewed by the Board of Zoning Adjustments for compatibility to the area. Tom Kind seconded the motion and the motion passed with a 7-0 roll call vote. Kevin Perry reentered the meeting at 6:01 pm.**

**Public Hearing: Review preliminary subdivision plat for Fairfield Unit III – Dale Campbell:** Robert Jeffries used a Power Point presentation to show the remaining 2.298 acres along Traci Drive that is owned by Dale Campbell. Mr. Campbell is proposing to develop Unit III of Fairfield Subdivision. This property is located in an R-2 (Single Family Residential) zone and is surrounded by R-2 to the north, east, and west and county to the south. Unit I and II have already been constructed, as well as the 25' roadway known as Traci Drive. (The reduction in the width of Traci Drive was approved by the Planning Commission on April 19, 2005 contingent upon sidewalks being constructed on at least one side of the street.) Sidewalks were required on the north side of Traci Drive only. The existing street will need to be extended approximately 30 feet with a 20' x 100' "T" turnaround constructed at the end of the street as required by current Fire Codes. The Preliminary Subdivision Plat for Fairfield Unit III consists of six (6) lots; the three (3) lots located on the north side of Traci Drive are 0.329 acres each and the three (3) lots located on the south side of Traci Drive are 0.323 acres each. Each lot has 100 feet of road frontage. Stormwater runoff for these additional six lots will need to be addressed during the subdivision review process.

Chairman Pavlick opened the public hearing and asked if there was anyone that wished to speak in favor of the proposal. There was no one. Chairman Pavlick then asked if there was anyone that wished to speak against the proposal. There was no one. The public hearing was closed and the item was turned over to the commissioners for discussion and a motion.

**Loretta Jobs made a motion to approve the preliminary plat for Fairfield Unit III contingent upon all city regulations being met. Marc Peebles seconded the motion and the motion carried with an 8-0 roll call vote.**

**Update on The Gates Residential PDP:** Dale Campbell was asked to come forward to give an update on The Gates.

Dale Campbell, 2213 Traci Drive, Murray was sworn in. Mr. Campbell said that we have just gone through the worst eight years of his career in Murray in the construction business; therefore, things have been at a stand-still for a while. Workers are currently working to get the last section of roads ready for blacktop. Ms. Dowdy explained that a planned development project is supposed to be completed within a two year period and that this project has been going on for well over two years. Ms. Dowdy continued that the economic downturn had effected construction as a whole and contributed to the delay. She also stated that the commissioners had requested a report as to when the infrastructure and improvements to The Gates development would be completed. Ms. Dowdy said that they needed an update on the items that had not been completed such as: the fencing around perimeter of the property, the street lighting and the sidewalks. Mr. Campbell explained that the reason the streets were not completed is that the cost had gone up from the time that he had signed the contract with the asphalt company causing him to run into multiple hurdles with that situation. Mr. Campbell continued that he could not predict when the

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development would be finished; however, once the blacktop was in he should be able to start to work on the rest of the items. In his opinion there is not a lot to be finished. Mr. Campbell stated that the majority of the lots that are spoken for (seven or eight) are from contractors and he feels they will come through and make the purchase; however, that is not a sure thing.

**Public Hearing: Re-adopt the existing Comprehensive Plan for the City of Murray:** Ms. Dowdy stated that all of the elements of the Comprehensive Plan were updated in the fall of 2009. A lot of that information was based on the 2000 census information and a 2020 projection. Some of the information is still valid; however, Kentucky Revised Statutes says that the goals and objectives of this plan must be reviewed at least once every five years; at which time they can be amended or readopted after holding a public hearing. Ms. Dowdy passed out a sheet listing some of the accomplishments from the Goals and Objectives Element. She then reviewed the list addressing those accomplishments that were noteworthy. Commissioner Kind commended the Planning Department for the work they have done on this; however, he said he did not know how they did their job at the same time as overseeing these changes and updates. He suggested that more staff be added to help do a better job in all of these areas. Ms. Dowdy replied that a Planning Manager had been approved in the latest budget; however, due to circumstances nothing has progressed with that position at this point and that hopefully after the first of the year discussions can resume with the new Mayor regarding this position. Ms. Dowdy noted that the Planning Commission had discussed several years ago the establishment of a monitoring committee that would periodically review the Comprehensive Plan for any amendments or updates but some of those listed to serve on that committee no longer lived in Murray. Ms. Dowdy stated that after the first of the year the Planning Commission might want to revisit this committee and come up with some new appointments to start reviewing the Comprehensive Plan.

Chairman Pavlick opened the public hearing and asked if there was anyone that wished to speak in favor of re-adopting the existing Comprehensive Plan for the City of Murray. There was no one. Chairman Pavlick asked if there was anyone that wished to speak in opposition to this. There was no one; thus, the public hearing was closed the Chairman Pavlick turned it over to the commissioners for discussion and a motion.

**Ed Davis made a motion to re-adopt the existing goals and objects as stated along with the other elements of the Comprehensive Plan for the City of Murray with findings that the base study research performed in 2009 (for the most part) is still viable. John Krieb seconded the motion and the motion carried with an 8-0 roll call vote.**

**Questions and Comments:** Mr. Krieb asked for some clarification on the zoning of Mr. Dinh's property that was discussed earlier in the meeting. Ms. Dowdy explained that the area between 14<sup>th</sup> and 15<sup>th</sup> Streets had been commercial for years. He then asked who was responsible in installing "STOP" signs on Opportunity Drive. Ms. Dowdy replied that acceptance of Opportunity Drive for maintenance by the city has not been brought to the Planning Commission yet because there are still some issues with the roadway. Loretta Jobs asked if parking lots were supposed to be paved before the opening of a commercial business. Ms. Dowdy answered that the Ordinance says that they have up to a year to put the parking area into a hard surface. Commissioner Jobs said that there was a business on South 12<sup>th</sup> Street and one on North 12<sup>th</sup> Street that have been there for over a year and still did not have their parking area paved. Ms. Dowdy said that she would check in to that.

Ms. Dowdy said that there were some continuing education hours that needed to be approved for Summer Grogan.

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**Ed Davis made a motion to accept the continuing education hours for Summer Grogan. Loretta Jobs seconded the motion and the motion passed unanimously.**

Candace Dowdy and Chairman Pavlick wished everyone a Merry Christmas.

**Adjournment: Ed Davis made a motion to adjourn. Marc Peebles seconded the motion and the motion passed unanimously. *The meeting adjourned at 7:00 p.m.***

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Chairman, Ed Pavlick

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Recording Secretary, Reta Gray