

**MURRAY PLANNING COMMISSION MINUTES  
REGULAR MEETING  
TUESDAY, DECEMBER 17, 2013  
5:00 P.M.**

The Murray Planning Commission met in regular session on Tuesday, December 17, 2013 at 5:00 p.m. in the council chambers of City Hall located at 104 North 5<sup>th</sup> Street.

**Commissioners Present:** Mary Anne Medlock, Ed Pavlick, Marc Peebles, Jeremy Boyd, Loretta Jobs, Tom Kind, Robin Zhang, John Krieb and Ed Davis

**Commissioners Absent:** Kevin Perry

Also Present: Candace Dowdy, Justin Crice, David Roberts, Reta Gray, Jennifer Tolley, Hawkins Teague, Tung Dinh, Huong Kelly, Danny Brittain, Marsha Dorgan, Janis Hicks and public audience

Chairman Pavlick called the meeting to order and welcomed all guests and applicants. Chairman Pavlick asked the commissioners if there were any changes, additions or deletions to the minutes from the November 19, 2013 regular meeting. Robin Zhang questioned one of the voice vote totals from the minutes. Ms. Dowdy replied that she would look into that and make the necessary changes.

**Loretta Jobs made a motion to accept the minutes from the November 19, 2013 Planning Commission regular meeting as amended. Marc Peebles seconded the motion and the motion carried unanimously.**

**Public Hearing: Preliminary plat review for proposed residential planned development project located at 807 & 809 Coldwater Road – Tung Dinh:** Ms. Dowdy used a Power Point presentation to show the property at 807 & 809 Coldwater Road. The property which totals a little over 4 acres consists of two separate tracts of land with Quest Fitness Center located on the northern tract at 809 Coldwater Road. The property is located in a B-1 Neighborhood Commercial and B-2 Highway Commercial zones. It is surrounded by R-2 Residential to the north, south and west, B-2 to the north and east, and R-4 Residential to south. Tung Dinh, owner of the property, is proposing to consolidate this property into one tract of land with a minor subdivision plat and then construct residential apartments. This planned development project went through both an Advisory Meeting and Compatibility Hearing in October. This month Mr. Dinh has submitted a preliminary plat for review as part of the PDP process. The preliminary plat indicates adding four buildings with a total of 28 units. The plat proposes 20 (2) bedroom units and (8) one bedroom units totaling 48 bedrooms for this project. The property at 807 and 809 Coldwater Road has a shared 24 foot wide entrance off Coldwater Road that extends to the west property line. Three of the proposed residential buildings will be situated in the green space along the east portion of the properties near Coldwater Road and the fourth building will be located directly south of the fitness center. Three of the buildings will be two story and one building will be a single story. The preliminary plat addresses a suggestion made in the October meetings of breaking up the two buildings in the southeast portion of the property (bldgs.3 and 4) and placing a drive aisle between them. A change was also made by having an access between the existing parking lot and the southeast buildings that gives an additional means of ingress/egress to those apartments. There are currently 103 existing parking spaces provided for the fitness center. The development will be meeting parking regulations once the 36 additional spaces are provided. Sanitation pickup is addressed on this plat with three additional dumpster areas located in accessible areas around the property. Dickie Walls, Fire Marshal has reviewed the site plan and has no issues with accessibility to the buildings; however, a new fire hydrant will need to be installed on the property to meet fire code regulations. Ms. Dowdy stated that a pedestrian sidewalk will be added to the south side of the private drive and it will connect to the city sidewalks along Coldwater Road. The

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existing water main in to the development will need to be upgraded to an 8 inch pipe. The preliminary plat also proposes additional underground stormwater detention for the new buildings along with a detention pond on the northeast corner. The stormwater calculations have yet to be determined. An extension to the current privacy fencing is shown adjacent to residential zoning to the north, south, and west. Chairman Pavlick stated that he would like to see some restrictions added to the parking area behind the southeast buildings where the ingress/egress area will be left accessible for emergency personnel. Ms. Dowdy stated that since that area is a standard 24 foot back up aisle something could probably be addressed to prevent parking in that area.

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

Huong Kelly, 30 Romans Way, Murray was sworn in. Ms. Kelly was representing her brother, Mr. Dinh. She began by saying that they felt that Murray has a need for nice apartments with close proximity to Murray State University. These proposed apartments will be in an area that promotes healthy living by being next to the Quest Training Center. She continued that this property will offer a lot of green space. Ms. Kelly explained that this would not be anything new to the area since there is already other rental property nearby. The targeted tenants will be graduates, single parents and professional people and not necessarily college students. Ms. Kelly stated that they will be requiring proposed tenants to have three references.

Chairman Pavlick asked if there was anyone that wished to speak in opposition of the project.

Danny Brittain, 1614 College Farm Road, Murray was sworn in. Mr. Brittain stated that his property backs up to the back of Mr. Dinh's proposed development. One of the two story buildings will be overlooking his property and he is concerned that the existing fence (which is 6 foot tall) will not be tall enough to provide proper screening to his property. He continued that he would like to see the two story building changed to a one story.

Marsha Dorgan, 1622 Miller Avenue, Murray was sworn in. Ms. Dorgan asked who would be paying for the sidewalks for the development. Ms. Dowdy replied that the owners of the development would pay for the sidewalks within the development. Those sidewalks will connect with the sidewalks that are being constructed on Coldwater Road by the city. Ms. Dorgan commented that she wanted to make sure that the proposed sidewalks are up to ADA standards. She explained that some of the ramps meet the ADA codes; however, the sidewalks that had recently been constructed throughout the city are not up to ADA standards. She said that anytime you have a span of over 200 feet of sidewalk, you are required to have a passing or turning around space that is 5 foot wide. Ms. Dorgan is also concerned about the existing fence that is broken down in many places. Ms. Dorgan continued that she lives in an R-2 zone and has trouble with loud music and noise at all times during the night coming from the rental properties in her neighborhood. She said that it is not right that people in the R-2 zone have to tolerate that. Ms. Dorgan said that the Tri-Sigma house is required to have screening on the two sides that join residential and for years it has not been in compliance.. Ms. Dorgan continued saying that she has nothing personal against the development or owners, but she does have concerns as an R-2 property owner and feels that she is being encroached upon. Ms. Dowdy responded that some of the issues could be addressed. She explained that excessive noise or property maintenance is enforced by the Code Enforcement Board while screening and landscaping issues are zoning issues. She continued that she had spoken to Mr. Dinh and he is willing to add some type of plantings for additional screening or buffer surrounding his property if necessary.

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Janis Hicks, College Terrace, Murray was sworn in. Ms. Hicks had comments to make concerning some of the R-4 properties on College Farm Road that are located beside of Murray Animal Hospital. She referred to these properties as “nothing short of pig sties” and stated that property maintenance doesn’t exist there. Ms. Hicks said that just because there is already rental property in this particular area doesn’t mean that this project will look and remain great; she indicated that it could end up quite the opposite. She added that in her neighborhood R-4 zoning is encroaching upon them at a fast rate and that College Terrace is the only street in the area that still has a lot of decent looking homes. Ms. Hicks continued that she has a friend that resides on College Farm Road and her friend has indicated that she has had lots of noise problems from the surrounding R-4 properties including the Quest Fitness Center. Ms. Hicks does not think that there is a guarantee that rental property will stay decent. Ms. Hicks stated that she grew up on College Farm Road and the changes she has seen in over a 50 year period are absolutely astounding and it scares her to think that in 50 more years what the entire area will become. There are a lot of investors that purchase properties in this area to rent to college students and they do not seem to be concerned with the deterioration of these homes. She fears that this could drive the future values of the homes in this neighborhood down. She concluded that if everyone that owned rental property would make and enforce demands to their tenants, it would change things dramatically.

Ms. Dowdy asked Ms. Kelly to come forward again. Ms. Dowdy asked what kind of material they were proposing for the exterior of the buildings. Ms. Kelly stated that the plan is to brick them. She continued that developments such as this proposal cost millions of dollars; therefore, they plan on keeping them well maintained. She reiterated that they will be going through a very stringent process in selecting their tenants. Rules and regulations will be strict and if tenants are found to be disobeying them, their lease will be terminated. She addressed the music at Quest Fitness and said that it is a workout facility and there is music there for people to exercise by. She said that they have not had any issues with loud music since 2010.

Chairman Pavlick explained that the Planning Commission is not authorized to enforce noise control; that is the responsibility of the police and the Code Enforcement Board. He does sympathize with neighbors concerning loud noise. Ms. Dowdy said that it was previously mentioned that some of the zoning might have changed on College Farm Road to allow multi-family developments. She clarified that none of the zoning had been changed in several years at this particular end of College Farm Road and that Mr. Dinh’s property is one of the few zoning changes that had occurred in the area.

Danny Brittain came forward to ask one additional question. He said that the original plat and information that was mailed out had three houses missing from it. He wanted to know if that had been corrected and a corrected map had been mailed to the adjoining property owners. Ms. Dowdy stated that the corrections were made and all adjoining property owners were notified.

Chairman Pavlick asked if there was any rebuttal. There was none. Chairman Pavlick closed the public hearing and turned it over to the commissioners for discussion.

Commissioner Peebles asked if the proposed Five Points roundabout would be changing to four points of access instead of five and how this would effect this proposed development. David Roberts replied that there are plans to redesign the Five Points area into a roundabout and this proposal would close the entrance to Coldwater Road; however, Coldwater Road would still exist but will dead end and not have an access to the roundabout. Mr. Peebles asked how the students would leave Mr. Dinh’s and get to MSU without using Coldwater Road for access to Five Points. Mr. Roberts explained that the accesses have not all be established at this point but the design will have to provide access to the businesses on Coldwater

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Road. Ms. Jobs asked if the developers were aware of the roundabout. Mr. Roberts replied that the roundabout had not been discussed with the developers as this point. He continued that there had been discussion of a roundabout for several years on the state level and it had been on the "Six Year Highway Plan", but the design funding has only recently become available. Mr. Roberts used a Power Point presentation to show pictures of the new roundabout proposal. He stated that they are still in the re-design stages of it at this time. Ms. Medlock stated that the students should be able to easily access the sidewalks on Coldwater Road to take them to campus. Mr. Roberts explained that the long term plan is to have the sidewalks on 18<sup>th</sup> Street, Coldwater Road and Hwy 121 Bypass North (on both sides) all connect. Mr. Krieb asked if a taller fence on the south side would be a possible solution to the concern of Mr. Brittain. Ms. Medlock suggested that they make that recommendation to the Board of Zoning. Ms. Dowdy clarified that an eight (8) foot fence is as tall as the Zoning Ordinance allows in a residential district. Mr. Dinh had indicated that he would be willing to plant Leland Cypress Evergreens there but that could take several years for them to fill in and grow to a height that would alleviate the privacy issue for the neighbor. Jeremy Boyd questioned the financial ramifications to the Dinh's if the two story building that would be overlooking Mr. Brittain's yard was changed to a one story building. After much discussion among the commissioners, the suggestion was made to table the item until Mr. Dinh could have an opportunity to review the neighbor's and commissioner's concerns.

**John Krieb made a motion to table this item until the January 2014 meeting to give Mr. Dinh an opportunity to look at all the different ideas and come back to the Planning Commission with a revised plat. Ed Davis seconded the motion and the motion passed with a 7-2 roll call vote. Tom Kind and Marc Peebles voted no.**

**Projects Update including KYTC projects:** David Roberts, Director of Planning/Engineering, came forward to give updates on the following projects along with a power point presentation.

- Five Points Roundabout
- Murray Business Loop
- Sidewalk Projects on Sycamore and Doran Road
- Hwy. 121 Bypass widening from North 12<sup>th</sup> Street to Bailey Road
- Hwy. 641 South widening from Clarks River to TN state line
- Hwy. 641 South widening from Clarks River to Glendale Road
- Turn lane at Calloway County High School
- Hwy. 1536 Bridge Replacement (Outland School House Rd. south of Hwy. 280)
- KY Lake Bridges
- Potential Bee Creek Bridge

Commissioner Boyd asked if there was any discussion about the intersection of Hwy 94 West and Broach Street. Mr. Boyd explained that a turning lane onto Broach is needed; traffic is stacked up in both directions on Hwy 94W especially during the chaotic morning traffic. Mr. Roberts replied that they were aware of the situation. He continued that it was not on any plans that he has seen from the state, but he would be glad to mention it to them. Commissioner Kind said that he also had a comment on that general area where 18<sup>th</sup> ties into Hwy 94W. He said he does not understand why there is a "55 miles per hour" speed limit sign just before you get to the 18<sup>th</sup> Street intersection. When you are heading west and get to where 18<sup>th</sup> t's into 94 West that is a major route for people heading north and south and he thinks the speed limit should be lowered

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in that area. Mr. Roberts said that he would bring that to the state's attention. He announced for everyone's information that there is a new District 1 Engineer. Jim LeFevre has retired and has been replaced by Mike McGregor. Mr. McGregor is from District 1 and Mr. Roberts said that they are looking forward to continuing to work with him in his new position.

**Approval of continuing education: House Bill 55 Training on 9/22/13 & 10/16/13:** Justin Crice asked for a motion to approve.

**Marc Peebles made a motion to approve the continuing education of House Bill 55 training on 9/22/13 and 10/16/13. Jeremy Boyd seconded the motion and the motion carried unanimously.**

**Questions and Comments:** Justin Crice announced that he had accepted a position in Forsythe County Georgia. He expressed that he had enjoyed getting to know and work with the Commissioners. Mary Anne Medlock announced that Ed Davis is retiring from the Purchase Area Development District after 21 years of dedicated service. The Commissioners congratulated Mr. Davis. Ms. Dowdy wished everyone a Merry Christmas.

**Adjournment: Ed Davis made a motion to adjourn. Jeremy Boyd seconded the motion and the motion passed unanimously. *The meeting adjourned at 6:30 p.m.***

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Chairman, Ed Pavlick

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Recording Secretary, Reta Gray

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Commissioners Absent: Kevin Perry

Also Present: Candace Dowdy, Justin Crice, David Roberts, Reta Gray, Jennifer Tolley, Hawkins Teague, Tung Dinh, Huong Kelly, Danny Brittain, Marsha Dorgan, Janis Hicks and public audience

Chairman Pavlick called the meeting to order and welcomed all guests and applicants. Chairman Pavlick asked the commissioners if there were any changes, additions or deletions to the minutes from the November 19, 2013 regular meeting. Robin Zhang questioned one of the voice vote totals from the minutes. Ms. Dowdy replied that she would look into that and make the necessary changes.

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Questions and Comments: Justin Crice announced that he had accepted a position in Forsythe County Georgia. He expressed that he had enjoyed getting to know and work with the Commissioners. Mary Anne Medlock announced that Ed Davis is retiring from the Purchase Area Development District after 21 years of dedicated service. The Commissioners congratulated Mr. Davis. Ms. Dowdy wished everyone a Merry Christmas.

Adjournment: Ed Davis made a motion to adjourn. Jeremy Boyd seconded the motion and the motion passed unanimously. *The meeting adjourned at 630 p.m.*

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Chairman, Ed Pavlick

Recording Secretary, Reta Gray