

**MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, FEBRUARY 16, 2016
5:00 P.M.**

The Murray Planning Commission met in regular session on Tuesday, February 16, 2016 at 5:00 p.m. in the council chambers of City Hall located at 104 North 5th Street.

Commissioners Present: Robin Zhang, John Krieb, Ed Davis, Ed Pavlick, Jordan Smith and Marc Peebles

Commissioners Absent: Jim Foster, Loretta Jobs and Tom Kind

Also Present: Candace Dowdy, Robert Jeffries, David Roberts, Attorney David Perlow, Officer Tim Fortner, Paul and Vickie Garland, Kyrile Catlett, Justin Phillips, MSU students and public audience

Vice-Chairman Davis asked if there were any changes, additions or deletions to the minutes from the December 15, 2015 regular meeting.

Ed Pavlick made a motion to approve the minutes from the December 15, 2015 Planning Commission regular meeting as presented. John Krieb seconded the motion and the motion carried unanimously.

Public Hearing: Request to rezone the properties located at 1107, 1109, and 1111 Vine Street including 1104 Mulberry Street from R-2 to B-4 – Owners Paul and Vickie Garland:

The owners are requesting that the properties be rezoned from R-2 (Single Family Residential) to B-4 (Medium Density Business) which is contiguous to surrounding property. The Future Land Use Map identifies the property at 1109 and 1111 Vine Street as Commercial Use with the property at 1107 Vine and 1104 Mulberry identified as low density residential use. Mr. and Mrs. Garland feel like there have been significant changes of a physical and economic nature along 12th Street that justify the rezoning request. Commercial growth has risen and will likely continue to grow. It is their belief that the properties at 1107 Vine and 1104 Mulberry should be rezoned in order to provide adequate depth for commercial development, a second means of egress for a future development, and a buffer to the remaining residential area. The dwellings have been demolished except for the one at 1104 Mulberry which is scheduled for demolition in the near future. Ms. Dowdy reviewed that in 2001 and 2002 the Planning Commission discussed rezoning and changing the depth of business lots along 12th Street. At that time, the Commissioners requested that a study be prepared of boundary lines with a depth of 300 feet along 12th Street. Changes were suggested to straighten up the boundary lines which mainly involved the east side of the street.

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

Vickie Garland came forward and was sworn in. Ms. Garland is the co-owner of the properties being discussed. She said that they have had several inquiries on the property and they feel that

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the property would be more suitable as commercial zoning. By including the Mulberry lot, there will be additional parking, a better traffic flow and more room allowed for a buffer. Helen Spann came forward and was sworn in. Ms. Spann spoke in favor of the request. Ms. Spann owns the adjoining property on Mulberry. She thinks that a new development on this property would be a positive addition for the south end of 12th Street.

Kyrile Catlett came forward and was sworn in. Mr. Catlett was against the rezoning request. He lives on Vine Street and feels that a business could negatively impact the neighborhood. He gave the following reasons for his decision in this matter:

- Stormwater runoff
- Excessive noise to the adjoining residential properties
- Traffic control on Vine and 12th

Paul Garland came forward and was sworn in. He offered the rebuttal. Mr. Garland explained that the standing water on the property is the result of tracks left by the dozer during the demolition and excavation. Mr. Garland stated that he always tries to be a good neighbor and clean up his properties. Since purchasing this property he has made significant improvements to it because he cares about Murray and the aesthetics of 12th Street as it is a main corridor through town.

The public hearing was closed and the commissioners were asked for a motion.

John Krieb made a motion to forward a recommendation to the City Council to rezone the properties located at 1107, 1109 and 1111 Vine Street and 1104 Mulberry Street from R-2 (Residential) to B-4 (Medium Density Business). This recommendation is based on the fact that the proposed zoning of 1107 and 1109 Vine Street is in line with the Comprehensive Plan (Future Land Use Map) and that the remaining two properties were anticipated as being used for commercial purposes at some point in the future by a zoning study discussed by the Planning Commission in 2002 in order to accommodate the necessary depth needed for commercial development along 12th Street. The applicants claim that the deteriorated condition of all four properties (being beyond livable conditions) reflect a change in the area of a physical and economic nature that was not anticipated in the last Comprehensive Plan update and that substantial changes in the commercial development of the 12th Street corridor over the last few years indicates the continuous growth of commercial activity along 12th Street. The additional findings of facts would be that the zoning request is consistent with the neighboring zoning to the north, south, and west and this is another step in straightening the zoning boundary of business zones on the east side of 12th Street. Any future business development in this area will be required to satisfy any water detention requirements. Marc Peebles seconded the motion and the motion carried with a 5-0 roll call vote. Ed Pavlick abstained.

Review: Final Subdivision Plat for Deerfield Estates, Phase II – Robertson Road South – Owners Justin and Stephanie Phillips: There are 14 buildable lots along with 1 lot dedicated for detention in Phase II of Deerfield Estates. The street has been paved in Phase I and the city has received a Letter of Credit which assures completion of the required improvements in case of default. Approval of Phase II final plat will be contingent upon the developer's completion of the utilities, curbs, gutters and streets. There will be a cross street that will join Martin Drive in Falwell Estates that will provide a

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second means of egress.

Ed Pavlick made a motion to approve Phase II of Deerfield Estates on Robertson Road South owned by Justin and Stephanie Phillips. This approval is contingent upon all City regulations being met and that all outstanding improvements be constructed, inspected and approved by the City of Murray before the plat is recorded at the Court House or a Letter of Credit be submitted. John Krieb seconded the motion and the motion carried with a 6-0 roll call vote.

Discussion of the Proposed Text Amendment to Chapter 156 (Zoning Code) of the City of Murray Code of Ordinances as it pertains to Section III Article 10 of the Zoning Ordinance - Transient Business Regulations: Robert Jeffries explained that this particular section of the Zoning Ordinance was discussed a few months ago and at that time, there were proposals made to make some changes to the intent and definition. After review, the Staff felt that it would be best to keep the intent and definition as it currently reads; however, a few changes were made to the procedure and required conditions. These changes were noted. Mr. Jeffries explained that if the Commissioners were in agreement with the changes they can proceed forward with a public hearing.

Jordan Smith made a motion to set a public hearing for next month. Ed Pavlick seconded the motion and the motion carried unanimously.

Questions and Comments: Jordan Smith viewed a DVD on Introduction to Planning Commission Part 1 and Part 2 and Ms. Dowdy viewed a DVD on Understanding the Development and Regulations of Use of Land for Planned Development Projects. Ms. Dowdy stated that these continuing educations need to be approved.

John Krieb made a motion to approve the continuing educations for Jordan Smith and Candace Dowdy. Marc Peebles seconded the motion and the motion carried unanimously.

There are two upcoming continuing education workshops. The dates are March 23rd in Paducah and April 20th at Kentucky Dam Village. The Commissioners were asked to notify Planning Staff if they planned to attend so their registration could be completed. Commissioner Zhang stated that stormwater detention seemed to be an issue with a lot of projects. She asked when the stormwater regulations would be updated. Ms. Dowdy explained the procedure with new developments and then added that regulations had been updated in recent years according to state regulations. Commissioner Peebles welcomed the MSU students that were in attendance. Officer Tim Fortner commended Robert Jeffries for the work he did at the Kaizen meeting the previous week. His commitment was noted and appreciated.

Adjournment: Marc Peebles made a motion to adjourn. Vice-Chairman Davis asked the commissioners to stand if they agreed. The meeting adjourned at 6:20 p.m.

Vice-Chairman, Ed Davis

Recording Secretary, Reta Gray

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