

**MURRAY PLANNING COMMISSION MINUTES  
REGULAR MEETING  
TUESDAY, APRIL 15, 2014  
5:00 P.M.**

The Murray Planning Commission met in regular session on Tuesday, April 15, 2014 at 5:00 p.m. in the council chambers of City Hall located at 104 North 5<sup>th</sup> Street.

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

**Commissioners Absent:** None

Also Present: Candace Dowdy, David Roberts, Reta Gray, Jennifer Tolley, Hawkins Tcaguc, Matt Mattingly, Officer Todd Clere, Bill Adams, Nat Rassi, Justin Phillips, Rick Johnston, Matt Jennings, Steve Dublin, Sam Lehman, and public audience

Chairman Pavlick called the meeting to order and welcomed all guests and applicants. Ms. Dowdy noted a couple of corrections that would be made to the minutes from March 18, 2014 meeting. Chairman Pavlick asked the commissioners if there were any additional changes, additions or deletions to the minutes.

**Marc Peebles made a motion to accept the minutes from the March 18, 2014 Planning Commission regular meeting as amended. Ed Davis seconded the motion and the motion carried unanimously with a voice vote.**

**Final Plat Review: 4<sup>th</sup> Street Office and Storage Commercial Planned Development Project located at 633 North 4<sup>th</sup> Street – Greg Williams:** Candace Dowdy used a Power Point presentation to show the property owned by Greg Williams at 633 North 4<sup>th</sup> Street. She stated that Mr. Williams is requesting Final Plat approval on his Commercial Planned Development Project. The Preliminary Plat was approved last month by the Planning Commission and the BZA approved the conditional use permit for this project with the 10 foot rear setback variance on the buildings. The Planning Commission noted last month that the use of any future building in Phase III of this project should remain consistent with the existing use of the property unless reviewed and approved by the Planning Commission.

**Ed Davis made a motion to approve the final plat for the 4<sup>th</sup> Street Storage and Office Planned Development Project for Greg Williams located at 633 North 4<sup>th</sup> Street, contingent upon the project meeting all city regulations. John Krieb seconded the motion and the motion carried with a 10-0 roll call vote.**

**Final Plat Review: The Keys Residential and Commercial Planned Development Project located at North 16<sup>th</sup> and Lowes Drive – Nat Rassi:** Ms. Dowdy used a Power Point presentation to show the final plat for The Keys Residential and Commercial PDP located at North 16<sup>th</sup> and Lowes Drive that Nat Rassi is requesting Final Plat approval for. The Planning Commission approved the Revised Preliminary Plat for this project last month with the project not to exceed 76 units and no more than 268 beds and was contingent upon the stormwater detention plans being approved by the city and the project meeting all city regulations. David Roberts explained that there would have to be some additional stormwater detention added to detain the required rainfall amounts. The BZA approved the conditional use permit for the project along with a four foot height variance on the buildings and a 100 parking space variance for the project. Ms. Dowdy added that the Revised Preliminary Plat that was shown the previous month had

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a mixed use with residential apartments and some commercial spaces. Mr. Rassi had indicated that the configuration of the buildings shown on the Final Plat with the commercial space on the south end of the property is subject to change based on the demand of the market and the specific requirements of the potential tenants.

**John Krieb made a motion to approve the final plat for The Keys Residential and Commercial Planned Development Project located at North 16<sup>th</sup> Street and Lowes Drive contingent upon stormwater detention plans being approved by the city and the project meeting all city regulations and specifications that were listed in the previous motions and meetings. Marc Peebles seconded the motion and the motion carried with an 8-1 roll call vote. *Jeremy Boyd voted no. Ed Davis abstained.***

**Reconsideration of Zoning Map Amendment: 14.939 acre tract of land located on the east side of Robertson Road South and identified as a portion of PVA Parcel 033-0-0038 and owned by Justin and Stephanie Phillips:** Ms. Dowdy stated that the property is in the process of being annexed and the property owners have requested that the property be zoned R-2 (single family residential). She explained that the Planning Commission reviewed the request to set the zoning last month. There was a tie vote on the motion to approve the R-2 zoning. According to KRS 100.211 (procedure for amending zoning map and text of regulations) in the event there is a tie vote on a zoning map amendment request, the tie vote shall be subject to further consideration by the Planning Commission for a period not to exceed thirty (30) days, at the end of which, if the tie has not been broken, the application shall be forwarded to the Fiscal Court or legislative body without a recommendation of approval or disapproval. She stated that it had been 28 days since the public hearing was held. She explained that the commissioners were to review the request for the R-2 zoning again at this meeting and make another motion. If the results of the vote are the same as the previous month (a tie vote), then it will be forwarded to the City Council with no recommendation. Ms. Dowdy stated that the information regarding this request is the same as last month. She stated that Justin and Stephanie Phillips own the 14.939 acre tract of land located on the east side of Robertson Road South just south of Quail Creek Drive and north of Falwell Drive. They have requested that this property be annexed into the city limits and zoned R-2 which is consistent with the current zoning of the adjacent property to the south that is located within the city limits. Ms. Dowdy said that the proposed use of the property is consistent with the surrounding area and that the property is identified as low density residential use on the Future Land Use Map. Ms. Dowdy said that some type of zoning has to be recommended before the property can be annexed into the city limits. Commissioner Zhang asked the difference between the R-1 and R-2 zoning. Ms. Dowdy said that both the R-1 and R-2 zones are for single family use and only allows a single family detached dwelling as a permitted use. She stated that both of these zoning districts are considered low density residential. The basic difference in the two zones is the lot size requirements, road frontage and minimum setback requirements. The R-2 zone requires a minimum 10,000 square feet for the lot with a minimum 75 feet of road frontage. The setbacks are 30 feet in the front, 25 feet in the rear and 10 feet on the sides. The R-1 zone requires a minimum of 15,000 square feet for the lot with a minimum 100 feet of road frontage. The setbacks are 40 feet in the front, 25 feet in the rear and 15 feet on the sides. Currently there are only two subdivisions that are zoned R-1 in Murray and both of them were platted and approved prior to being annexed into the city limits. Ms. Dowdy added that the developers of Falwell Estates could have requested R-1 zoning when they developed their land based on the size of their lots. Typically most developers request the R-2 zoning to keep from having to meet the minimum requirements of the R-1 zone. Commissioner Jobs said that the previous month's discussion led her to believe that the zoning was not as much an issue as the potential water problem. She continued that if the city could address that situation, she thought that the zoning would be acceptable for the property owners to the south. Ms. Dowdy explained that once the property is brought into the city, any future development of the property will have to be platted as a subdivision and

reviewed by the Planning Commission. She noted that the zoning ordinance and the subdivision regulations state that stormwater detention has to be provided and that issue will be addressed through the development process. Commissioner Boyd disagreed that the main issue was water. It was his opinion that the main issue had been the number of lots that are being proposed in the subdivision and the high density. There was further discussion amongst the commissioners concerning lot sizes and the density of the proposed development. Commissioner Boyd stated that even though properties to the south and north were zoned R-2, they actually might be more suited as R-1 and if this is true, then this particular property would be more suited as R-1 to coincide with the surrounding subdivisions. He wanted to know why R-1 zoning is not done away with since it is not being used. Ms. Dowdy replied that when they begin working on the Zoning Ordinance update that might be considered; however, she wasn't sure if the R-1 zone should be eliminated because if you look at any other city they have multiple zoning districts for single family residential use to accommodate different lot sizes and we could bring property within the Urban Service Area into the city limits that would desire the R-1 zoning. Commissioner Boyd then asked if the Falwell Estates' developers had been steered towards R-1 or R-2. Ms. Dowdy explained that the developers had requested R-2, but if they had wanted to develop the property in two or three acre tracts, Planning Staff would have certainly recommended R-1 zoning for that property. Commissioner Peebles asked if a developer requested his property be annexed and requested R-2 zoning would the Commissioners need to see the plat, the lot sizes and etc. at that stage. Ms. Dowdy replied no; she said that you do not typically see the development plan at that point. She continued that if his request is approved for annexation and R-2 zoning, he would have to submit a proposal that would fit the regulations of an R-2 zone.

**Tom Kind made a motion to forward a recommendation to the City Council to set the zoning as R-2 (single family residential) for the 14.939 acre tract of land located on the east side of Robertson Road South owned by Justin and Stephanie Phillips based on the fact the R-2 zoning is consistent with the zoning of the property to the south and the single family use is consistent with the properties within the surrounding vicinity. The property is identified in the Comprehensive Plan and Future Land Use Map as low density residential. John Krieb seconded the motion and the motion carried with a 9-1 roll call vote. *Jeremy Body voted no.***

**Annexation Request: 9.31 acre tract land located on the northeast corner of Hwy 94 West and Robertson Road North – City West, LLC:** Ms. Dowdy used a Power Point presentation to show the property located on the northeast corner of Highway 94 West and Robertson Road North, identified as PVA parcel 042-0-0001D. The property consists of a 9.31 acre tract. It is surrounded by R-2 to the west, R-4 to the east, B-4 to the south and county to the north. The owner of the property, City West, LLC is requesting the property be annexed into the city limits of Murray. This property is contiguous to the current city limits to the south, east and west; city utilities are available and the property falls within the urban service area and is identified on the Future Land Use Map as low density residential use.

**Loretta Jobs made a motion to forward a recommendation to the City Council to annex a 9.31 acre tract of land located on the northeast corner of Highway 94 West and Robertson Road North, identified as PVA parcel 042-0-0001D, and owned by City West, LLC, into the city limits of Murray based on the following facts:**

- **Said property owner has submitted in writing a request for annexation**
- **The property is contiguous to the current city limits**
- **City utilities are available to the property**
- **The property falls within the Urban Service Area and is suitable for development.**

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**Mary Anne Medlock seconded the motion and the motion carried with a 10-0 roll call vote.**

**Annexation Request: 5.242 acre tract of land located east of Bambi Lane and identified as a portion of PVA Parcel 042-0-0027 – Dublin-Lehman, LLC:** Ms. Dowdy used a Power Point presentation to show the property located east of Bambi Lane, identified as a portion PVA parcel 042-0-0027. This property is surrounded by R-4 to the west, B-4 to the northwest, R-2 to the south and county to the north and east. Steve Dublin and Sam Lehman own the two tracts of land which totals 5.242 acres. This property was part of the Steven Farmer and Ann Farmer Cain Living Trust. Mr. Dublin and Mr. Lehman are requesting the property be annexed into the city limits of Murray. They are proposing to extend Deer Meadows Subdivision to the east. This property is contiguous to the current city limits to the south and west; city utilities are available and the property falls within the urban service area and is identified on the Future Land Use Map as low density residential use.

**Ed Davis made a motion to forward a recommendation to the City Council to annex the 5.242 acres of land located east of Bambi Lane and identified as a portion of PVA parcel 042-0-0027, owned by Dublin-Lehman, LLC, into the city limits of Murray based on the following facts:**

- **Said property owner has submitted in writing a request for annexation**
- **The property is contiguous to the current city limits**
- **City utilities are available to the property**
- **The property falls within the Urban Service Area and is suitable for development**

**John Krieb seconded the motion and the motion carried with a 10-0 roll call vote.**

**Questions and Comments:** Commissioner Davis asked if the City Council could decide to have a public hearing on a zoning recommendation that had been forwarded by the Planning Commission. Ms. Dowdy replied yes and that they actually have three options. They can override the recommendation sent to them from the commissioners; they can choose to review the existing record and determine from the evidence adjudicative facts which differ from what the commissioners determined; or they can choose to hold their own public hearing. Commissioner Davis stated that the Phillips 1<sup>st</sup> reading of annexation went before the City Council two weeks ago and it was tabled. He commented that an unkind remark was made at that meeting in reference to the Planning Department and he didn't appreciate that. Commissioner Zhang questioned some of property lines in Deer Meadows Subdivision and The Crossings. David Roberts stated that the lines Ms. Zhang was referring to are PVA lines and those types of changes are made by the PVA office; however, that property is actually in the county. Ms. Dowdy announced a special called Planning Commission meeting for May 1<sup>st</sup> at 5:00 p.m. She stated that she will send out agenda packets with information on this meeting next week.

**Adjournment: Ed Davis made a motion to adjourn. Kevin Perry seconded the motion and the motion passed unanimously. *The meeting adjourned at 5:52 p.m.***

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Chairman, Ed Pavlick

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Recording Secretary, Reta Gray

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Commissioners Absent: None

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Mary Anne Medlock seconded the motion and the motion carried with a 10-0 roll call vote.

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Questions and Comments: Commissioner Davis asked if the City Council could decide to have a public hearing on a zoning recommendation that had been forwarded by the Planning Commission. Ms. Dowdy replied yes and that they actually have three options. They can override the recommendation sent to them from the commissioners; they can choose to review the existing record and determine from the evidence adjudicative facts which differ from what the commissioners determined; or they can choose to hold their own public hearing. Commissioner Davis stated that the Phillips 1st reading of annexation went before the City Council two weeks ago and it was tabled. He commented that an unkind remark was made at that meeting in reference to the Planning Department and he didn't appreciate that. Commissioner Zhang questioned some of property lines in Deer Meadows Subdivision and The Crossings. David Roberts stated that the lines Ms. Zhang was referring to are PVA lines and those types of changes are made by the PVA office; however, that property is actually in the county. Ms. Dowdy announced a special called Planning Commission meeting for May 1st at 5:00 p.m. She stated that she will send out agenda packets with information on this meeting next week.

Adjournment: Ed Davis made a motion to adjourn. Kevin Perry seconded the motion and the motion passed unanimously. *The meeting adjourned at 5:52 p.m.*