

**MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, APRIL 19, 2016
5:00 P.M.**

The Murray Planning Commission met in regular session on Tuesday, April 19, 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, Jordan Smith, Marc Peebles, Jim Foster and Tom Kind

Commissioners Absent: Ed Davis, Ed Pavlick and Loretta Jobs

Also Present: Candace Dowdy, Robert Jeffries, Reta Gray, Summer Grogan, David Roberts, Attorney David Perlow, Officer Tim Fortner, Chris Clark, Gary Keckley, Kenneth Metz, Peter Placr, Nell McCuiston, Danny Hudspeth, Kenneth & Nancy Suiter, Ledger & Times representative and public audience

Chairman Kind 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 March 15, 2016 regular meeting.

John Krieb made a motion to approve the minutes from the March 15, 2016 Planning Commission regular meeting as presented. Jordan Smith seconded the motion and the motion carried unanimously.

Request: Request for six month extension on preliminary plat for Taylor Court Subdivision, located at intersection of Hwy 641 North and North 4th Street – David Taylor: The development of the commercial subdivision known as Taylor Court is currently underway. The Planning Commission reviewed and approved the Preliminary Plat for this subdivision on April 21, 2015. The final stages are being completed on all utilities and on the new street before they submit a Final Plat for approval. Ms. Dowdy explained that subdivision regulations state that unless the Final Plat is submitted for approval within one year that the approval of the Preliminary Plat shall lapse; thus, Mr. Taylor is requesting a six month extension on the Preliminary Plat. He hopes to have all outstanding improvements completed by the end of April (depending on the weather) and at that time he will submit the Final Plat for approval.

Jim Foster made a motion to approve the six month extension on the Preliminary Plat for Taylor Court Subdivision located at the intersection of U S Hwy 641 N and N. 4th Street. Marc Peebles seconded the motion and the motion carried with a 6-0 roll call vote.

Review: Final Plat Residential Planned Development Project known as “The Villas at Hickory Woods” located at 84 Utterback Road – Murray Senior Living LLC: The Preliminary Plat for this Residential Planned Development Project was approved on March 15, 2016 by the Planning Commission. The Board of Zoning Adjustments approved the project as a conditional use on March 16, 2016 contingent upon the Final Plat being approved and the project meeting all city regulations. The Final Plat is being presented at this time. This project will

Murray Planning Commission Regular Meeting
Tuesday, April 19, 2016

consist of eleven (one and two bedroom) units divided into six structures as shown on the plat to be located along the north property line.

John Krieb made a motion to approve the Final Plat for the Residential Planned Development Project known as *The Villas at Hickory Woods* located at 84 Utterback Road, based on all city requirements being met. Marc Peebles seconded the motion and the motion carried with a 6-0 roll call vote.

Public Hearing: Request to rezone the property located at 223 North LP Miller from R-5 (Multi-Family) to B-3 (Central Business District) – Kenneth & Nancy Suiter: Kroger Limited Partnership II (Kenlake Foods) has submitted a zoning map amendment request for this property on behalf of the owners (Kenneth and Nancy Suiter). The property is 11,778 square feet (0.270 acres). The Future Land Use Map reflects the use as low density residential; however, the house on the property has been abandoned and not used for residential purposes since 1995. The applicants are requesting the property be rezoned from R-5 (Residential) to B-3 (Central Business Commercial). They have based their request on the fact that the majority of improvements along North LP Miller Street have been commercial or industrial in nature. This zoning change would match the intended use and zoning of lots south of the subject parcel which are currently owned by Calloway County. If the property is rezoned, Kroger is proposing to purchase the property, demolish the house and construct a parking lot for Kenlake Foods' use. Kenlake Foods owns the property on the corner of Olive and North L P Miller that is zoned B-3 and used for parking and they lease the property to the south from the Calloway County Fiscal Court that is also used for parking. The property adjoins Government zoning along the west, south and to the northeast. Industrial zoning is adjacent to the property to the east with R-5 zoning to the north. All adjoining property owners were notified by mail and a public notice was put in the newspaper. Planning staff noted that there had been no one to contact the Planning Department regarding this matter.

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

Kenlake representatives and spokesmen for the Suiters (Kenneth Metz and Peter Placr) came forward and were sworn in. Kenlake Foods is expanding and growing in Murray; therefore, they need additional parking to accommodate their employees. Their hope is that this purchase and proposal will provide 30 additional parking spaces and alleviate the employees need to park on the street. They have shared one piece of property with the County for many years which has provided additional parking. As a company they are required to provide lighting and security around the parking area. The gentlemen indicated their plans to build a retaining wall on the north side. Ms. Dowdy explained that by city regulations they will be required to put the parking lot into a hard surface within one year.

Nell McCuiston came forward and was sworn in and Danny Hudspeth also came forward and was sworn in. Ms. McCuiston lives at 227 Spruce and also owns the lot to the west of where she resides. This proposal will adjoin Ms. McCuiston's lot on the south side. Both Ms. McCuiston and Mr. Hudspeth spoke in opposition to the request. The reasons for their opposition were:

- Additional noise and lights to surrounding properties
- Intrusion of industrial zoning into shrinking neighborhoods
- Zone change could promote the future endeavor of construction on the property

Ms. McCuiston and Mr. Hudspeth indicated that if the zoning should change that a privacy fence would be necessary along the back side of Ms. McCuiston's property that abuts the proposed parking lot.

Mr. Metz and Mr. Placr came forward for rebuttal. The gentlemen agreed that a privacy fence was a

Murray Planning Commission Regular Meeting
Tuesday, April 19, 2016

reasonable request and proposed a privacy fence to be constructed on the top of the retaining wall. They were also in agreement to add trees or something that would block additional lighting and noise. It is also their belief that the noise will actually improve since there will not be parking on the street. The gentlemen clarified that because of the small size of the property there was no desire to build anything on the property other than a parking lot.

The public hearing was closed and Chairman Kind turned the item over to the commissioners for discussion and a motion.

John Krieb made a motion to forward a recommendation to the City Council to rezone the property located at 223 North LP Miller Street and a portion of the right-of-way as shown on the plat from R-5 (Residential) to B-3 (Central Business District). This recommendation is based on the fact that there have been major changes of an economic, physical and social nature within the area involved which was not anticipated in the community's Comprehensive Plan and the zoning change would match the intended use and zoning of lots to the south. The findings of fact in support of this request would be: the increase in employment at Kenlake Foods; the property in question has deteriorated significantly and poses a hazard in itself as it has not been occupied for approximately twenty years; and the request will have a positive impact on some of the on-street parking in that area which would improve safety on the street. A privacy fence should also be constructed on top of the proposed retaining wall. Marc Peebles seconded the motion and the motion carried with a 6-0 roll call vote.

Questions and Comments: None

The meeting was adjourned by Chairman Kind at 5:42 pm.

Chairman, Tom Kind

Recording Secretary, Reta Gray

MURRAY PLANNING COMMISSION MINUTES
 REGULAR MEETING
 TUESDAY, APRIL 19, 2016
 5:00 P.M.

The Murray Planning Commission met in regular session on Tuesday, April 19, 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, Jordan Smith, Marc Peebles, Jim Foster and Tom Kind

Commissioners Absent: Ed Davis, Ed Pavlick and Loretta Jobs

Also Present: Candace Dowdy, Robert Jeffries, Reta Gray, Summer Grogan, David Roberts, Attorney David Perlow, Officer Tim Fortner, Chris Clark, Gary Keckley, Kenneth Metz, Peter Placr, Nell McCuiston, Danny Hudspeth, Kenneth & Nancy Suiter, Ledger & Times representative and public audience

Chairman Kind 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 March 15, 2016 regular meeting.

John Krieb made a motion to approve the minutes from the March 15, 2016 Planning Commission regular meeting as presented.

Jordan Smith seconded the motion and the motion carried unanimously.

Request: Request for six month extension on preliminary plat for Taylor Court Subdivision, located at intersection of Hwy 641 North and North 4th Street — David Taylor: The development of the commercial subdivision known as Taylor Court is currently underway. The Planning Commission reviewed and approved the Preliminary Plat for this subdivision on April 21, 2015. The final stages are being completed on all utilities and on the new street before they submit a Final Plat for approval. Ms. Dowdy explained that subdivision regulations state that unless the Final Plat is submitted for approval within one year that the approval of the Preliminary Plat shall lapse; thus, Mr. Taylor is requesting a six month extension on the Preliminary Plat. He hopes to have all outstanding improvements completed by the end of April (depending on the weather) and at that time he will submit the Final Plat for approval. Jim Foster made a motion to approve the six month extension on the Preliminary Plat for Taylor Court Subdivision located at the intersection of U S Hwy 641 N and N. 4th Street. Marc Peebles seconded the motion and the motion carried with a 6-0 roll call vote.

Review: Final Plat Residential Planned Development Project known as "The Villas at Hickory Woods" located at 84 Utterback Road — Murray Senior Living LLC: The Preliminary Plat for this Residential Planned Development Project was approved on March 15, 2016 by the Planning Commission. The Board of Zoning Adjustments approved the project as a conditional use on March 16, 2016 contingent upon the Final Plat being approved and the project meeting all city regulations. The Final Plat is being presented at this time. This project will

134

Murray Planning Commission Regular Meeting Tuesday, April 19, 2016

consist of eleven (one and two bedroom) units divided into six structures as shown on the plat to be located along the north property line.

John Krieb made a motion to approve the Final Plat for the Residential Planned Development Project known as The Villas at Hickory Woods located at 84 Utterback Road, based on all city requirements being met. Marc Peebles seconded the motion and the motion carried with a 6-0 roll call vote.

Public Hearing: Request to rezone the property located at 223 North LP Miller from R-5 (Multi-Family) to B-3 (Central Business District) — Kenneth & Nancy Suiter: Kroger Limited

Partnership II (Kenlake Foods) has submitted a zoning map amendment request for this property on behalf of the owners (Kenneth and Nancy Suiter). The property is 11,778 square feet (0.270 acres). The Future Land Use Map reflects the use as low density residential; however, the house on the property has been abandoned and not used for residential purposes since 1995. The applicants are requesting the property be rezoned from R-5 (Residential) to B-3 (Central Business Commercial). They have based their request on the fact that the majority of improvements along North LP Miller Street have been commercial or industrial in nature. This zoning change would match the intended use and zoning of lots south of the subject parcel which are currently owned by Calloway County. If the property is rezoned, Kroger is proposing to purchase the property, demolish the house and construct a parking lot for Kenlake Foods' use. Kenlake Foods owns the property on the corner of Olive and North L P Miller that is zoned B-3 and used for parking and they lease the property to the south from the Calloway County Fiscal Court that is also used for parking. The property adjoins Government zoning along the west, south and to the northeast. Industrial zoning is adjacent to the property to the east with R-5 zoning to the north. All adjoining property owners were notified by mail and a public notice was put in the newspaper. Planning staff noted that there had been no one to contact the Planning Department regarding this matter.

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

Kenlake representatives and spokesmen for the Suiters (Kenneth Metz and Peter Placr) came forward and were sworn in. Kenlake Foods is expanding and growing in Murray; therefore, they need additional parking to accommodate their employees. Their hope is that this purchase and proposal will provide 30 additional parking spaces and alleviate the employees need to park on the street. They have shared one piece of property with the County for many years which has provided additional parking. As a company they are required to provide lighting and security around the parking area. The gentlemen indicated their plans to build a retaining wall on the north side. Ms. Dowdy explained that by city regulations they will be required to put the parking lot into a hard surface within one year.

Nell McCuiston came forward and was sworn in and Danny Hudspeth also came forward and was sworn in. Ms. McCuiston lives at 227 Spruce and also owns the lot to the west of where she resides. This proposal will adjoin Ms. McCuiston's lot on the south side. Both Ms. McCuiston and Mr. Hudspeth spoke in opposition to the request. The reasons for their opposition were:

- Additional noise and lights to surrounding properties
- Intrusion of industrial zoning into shrinking neighborhoods
- Zone change could promote the future endeavor of construction on the property

Ms. McCuiston and Mr. Hudspeth indicated that if the zoning should change that a privacy fence would be necessary along the back

side of Ms. McCuiston's property that abuts the proposed parking lot.

Mr. Metz and Mr. Placr came forward for rebuttal. The gentlemen agreed that a privacy fence was a
135

Murray Planning Commission Regular Meeting Tuesday, April 19, 2016

reasonable request and proposed a privacy fence to be constructed on the top of the retaining wall. They were also in agreement to add trees or something that would block additional lighting and noise. It is also their belief that the noise will actually improve since there will not be parking on the street. The gentlemen clarified that because of the small size of the property there was no desire to build anything on the property other than a parking lot.

The public hearing was closed and Chairman Kind turned the item over to the commissioners for discussion and a motion.

John Krieb made a motion to forward a recommendation to the City Council to rezone the property located at 223 North LP Miller Street and a portion of the right-of-way as shown on the plat from R-5 (Residential) to B-3 (Central Business District). This recommendation is based on the fact that there have been major changes of an economic, physical and social nature within the area involved which was not anticipated in the community's Comprehensive Plan and the zoning change would match the intended use and zoning of lots to the south. The findings of fact in support of this request would be: the increase in employment at Kenlake Foods; the property in question has deteriorated significantly and poses a hazard in itself as it has not been occupied for approximately twenty years; and the request will have a positive impact on some of the on-street parking in that area which would improve safety on the street. A privacy fence should also be constructed on top of the proposed retaining wall. Marc Peebles seconded the motion and the motion carried with a 6-0 roll call vote.

Questions and Comments: None

The meeting was adjourned by Chairman Kind at 5:42 pm.

Chairman, Tom Kind Recording Secretary, Reta Gray