

**MURRAY PLANNING COMMISSION MINUTES  
REGULAR MEETING  
TUESDAY, MAY 19, 2015  
5:00 P.M.**

The Murray Planning Commission met in regular session on Tuesday, May 19, 2015 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, Marc Peebles, John Krieb, Robin Zhang, Tom Kind, Ed Pavlick and Loretta Jobs

**Commissioners Absent:** Ed Davis and Jim Foster

Also Present: Candace Dowdy, Robert Jeffries, Summer Grogan, Reta Gray, Attorney David Perlow, Officer Tim Fortner, Hawkins Teague, Joseph Dooley, Steven Coderre, Linda Cherry, John Oliphant, 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 April 21, 2015 regular meeting. Changes were noted.

**Marc Peebles made a motion to approve the minutes from the April 21, 2015 Planning Commission regular meeting as amended. Loretta Jobs seconded the motion and the motion carried unanimously.**

**Public Hearing: Preliminary plat for planned development project consisting of commercial storage units to be located at 713 South 12<sup>th</sup> Street – T.C. Dinh:** Robert Jeffries explained that the project had gone before the Planning Commission and Board of Zoning Adjustments on March 17<sup>th</sup> and 18<sup>th</sup> for advisory and compatibility. The preliminary plat depicts four buildings running vertical north to south. Each building will contain 24 units with an overall total of 96 storage units. (This varies from the original proposal which portrayed six buildings with a total of 130 units running parallel east to west). The east side of the property borders R-2 (Single Family Residential) Zoning; thus, there was discussion concerning adequate screening and lighting if this project moves forward. The property has no road frontage; however, there are two previously granted easements that give access to the property. The proposed drive aisles are from 15-30 feet wide and will be required to be put into a hard surface. Pictures were shown of other commercial storage units where comparisons were made. There is a natural buffer area currently between the R-2 and B-2 zoning districts and Planning Staff would like to see that stay and be maintained. The Fire Marshal has reviewed and approved the preliminary plat. All adjoining property owners were notified.

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

Joseph Dooley came forward and was sworn in. Mr. Dooley is the contractor for the project. He stated that he understood the concerns that had been voiced earlier about the lighting and screening for the project and those items would be addressed. Steven Coderre came forward and was sworn in. He was speaking on behalf of Mr. Dinh. Mr. Coderre clarified that Mr. Dinh has

no intention of selling this property in the future. He is investing in his retirement by building something that requires little or no maintenance such as the proposed storage units. Mr. Coderre indicated that he understood the earlier discussion concerning the lighting and screening issues. Linda Cherry came forward and was sworn in. Ms. Cherry asked if this was the same owner of the martial arts business. Ms. Dowdy stated that TC Dinh was his brother.

The public hearing was then closed.

**Motion was made by John Krieb and seconded by Loretta Jobs to approve the preliminary plat for the planned development project consisting of commercial storage units located at 713 South 12<sup>th</sup> Street with the requirements that a barrier wall and evergreen plantings be provided along the east side of the development and that there be minimal lighting or no lighting on the east side units. Motion carried 6-1 with a roll call vote. Mary Anne Medlock voted no.**

**Public Hearing: Request to rezone 3.89 acres of a 16.59 acre tract of land located at 402 Chestnut Street from B-2 to R-2 – Robert Bourque:** Candace Dowdy explained that the preliminary plat for Chestnut Village Subdivision was reviewed and approved by the Planning Commission on April 21, 2015. Robert Bourque has purchased the property at 402 Chestnut Street and would like to develop the property as a single family residential subdivision. The property consists of 16.59 acres which is currently zoned R-2 (Single Family Residential) and B-2 (Highway Commercial). The 3.89 acres of the property that is zoned B-2 is located in the northeast corner of the property and fronts North 4<sup>th</sup> Street. Ms. Dowdy noted that the portion of land zoned B-2 was part of a rezoning along the west side of North 4<sup>th</sup> Street back in the mid 1970's which caused this property to have split zoning. Ms. Dowdy noted that Mr. Bourque has indicated on his application that the issues they would encounter in trying to develop the B-2 area as well as the fact that the B-2 area would have to be accessed through the residential subdivision defines the existing zoning classification as inappropriate and that the proposed change to R-2 would be a better fit. The current B-2 zoning goes to the center line of North 4<sup>th</sup> Street and would also be a part of this zoning change request. Ms. Dowdy stated that the Future Land Use Map identifies this portion of the property as commercial use because of the B-2 zoning but during the review of Chestnut Village Subdivision it was noted that it is unlikely that an access off North 4<sup>th</sup> Street could be provided to this project because of visibility issues along that portion of N. 4<sup>th</sup> Street and the grade differential from the property to the street. All adjoining property owners were notified.

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

John Oliphant came forward and was sworn in. Mr. Oliphant is one of the developers of this property. He said their biggest concern is having commercial property within a residential subdivision; therefore, they are requesting the rezoning of the B-2 property. Commissioner Loretta Jobs made a comment regarding the medical office at the corner of N. 4<sup>th</sup> and Chestnut and their limited parking. The question was asked if that business should need additional parking in future, if they be able to purchase a lot from this development for that purpose. Mr. Oliphant said that the business located at N. 4<sup>th</sup> & Chestnut has a retaining wall on the west side and they do not have a plan to sell any of the lots for parking. Their plans are to develop this exclusively as residential.

The public hearing was closed at this time and turned over to the commissioners for discussion. The suggestion was made to keep as many trees on the property as possible during the development. Mr. Oliphant came forward again and made additional comments. He explained that they have a little different handle on this project since they will be building the houses and selling them so they will take the project through the end. He stated the plan is to only clear enough of the property for the construction of the houses. Mr. Oliphant stated that since the sewer and gas lines are accessible and the electric lines run underground, they will not be required to clear as much of the building site as they normally do.

**Mary Anne Medlock made a motion to forward a recommendation to the City Council to rezone the 3.89 acres located at the northeast corner of 402 Chestnut Street and the 0.41 acre portion of state right-of-way along N. 4<sup>th</sup> Street from B-2 (Highway Commercial) to R-2 (Single Family Residential). The recommendation is based on the facts that this property is split zoned and that the existing B-2 zoning classification is inappropriate and that the R-2 zoning is better suited for the development of the northeast corner of this property. The site is not suitable for access from North 4<sup>th</sup> Street and it would not be conducive to have commercial development in the middle of residential zoning. John Krieb seconded the motion and the motion carried with a 7-0 roll call vote.**

**Discussion: Establish Monitoring Committee to review Comprehensive Plan:** Ms. Dowdy stated that back in 2002 there were discussions by the Planning Commission regarding the establishment of a monitoring committee to periodically review the Comp Plan for updates as needed. It was suggested that individuals from the Planning Commission, BZA, City Council and the general public serve on the committee. Ms. Dowdy stated that with the information provided by Dr. Zhang's class last month on the Base Study Element this would be a good start for the Committee to begin reviewing in order to update that section of the Comprehensive Plan. She noted that there have been several Commissioners that have expressed an interest in serving on that committee. Ms. Dowdy stated that she would get with David Roberts and Mayor Rose to see if they had any input regarding the committee.

**Questions and Comments:** Chairman Pavlick stated that Candace Dowdy and Robert Jeffries have continuing education training that needs to be approved. They recently attended the Spring KAPA Conference in Owensboro, KY. He asked for a motion for approval.

**Marc Peebles made a motion to approve the continuing education training for Candace Dowdy and Robert Jeffries. Loretta Jobs seconded the motion and the motion carried unanimously.**

Mary Anne Medlock explained that one of the BZA members had requested at the last month's meeting that the zoning be looked at in the older neighborhoods to see if it was still accurate with how the properties are currently being used. She thought it would be appropriate to ask Mayor Rose's opinion concerning this matter. John Krieb suggested that they try to move forward to review some of these neighborhoods and then take the suggestions to the City Council to make the appropriate recommendations for change. Mr. Krieb asked that this item be added to next month's agenda.

Commissioner Jobs stated that she had voted no for the Preliminary Subdivision Plat for Taylor Court at the last meeting and she wished to clarify her vote. She explained that the motion had stated to waive the

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sidewalks to the development. Ms. Jobs said that she was definitely in favor of Taylor Court, but not for waiving the sidewalks and hopes that Mr. Taylor can be encouraged to install them anyways.

**Adjournment: John Krieb made a motion to adjourn. Loretta Jobs seconded the motion and the motion passed unanimously. *The meeting adjourned at 6:12 p.m.***

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Chairman, Ed Pavlick

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Recording Secretary, Reta Gray

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