

**MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, MAY 21, 2013
5:00 P.M.**

The Murray Planning Commission met in regular session on Tuesday, May 21, 2013 at 5:00 p.m. in the council chambers of City Hall located at 104 N. 5th Street.

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

Commissioners Absent: None

Also Present: Candace Dowdy, Justin Crice, Mike Pitman, David Roberts, Reta Gray, Jennifer Tolley, Hawkins Teague, Officer Todd Clere, Matt Jennings, Jim Tate, Dale Campbell, Roger Scott, Kenneth Adams, Scott Adams, Karen Welch and public audience

Chairman Pavlick called the meeting to order. Chairman Pavlick asked the commissioners if there were any changes, additions or deletions to the minutes from the April 16 regular meeting. Justin Crice reported that Commissioner Krieb had reported some changes and those changes would be made.

Tom Kind made a motion to accept the minutes from the April 16, 2013 Planning Commission regular meeting as corrected. Marc Peebles seconded the motion and the motion carried unanimously. Jeremy Boyd entered the meeting at 5:02 p.m. Ryan Stanger was recused from the next part of the meeting.

Public Hearing: Request to set zoning as R-4 (multi-family residential) for 6.83 acre tract of land located on the north side of State Route 94 West – City West Properties LLC – Matt Jennings:

Candace Dowdy used a Power Point presentation to show the property on the north side of State Route 94W that Matt Jennings (manager of City West Properties LLC) owns. The 6.83 acre tract of land is located just to the east of the intersection of Highway 94 West and Robertson Road North. The Planning Commission reviewed Mr. Jennings' request for annexation of the property last month and recommended the property be annexed into the city. The recommendation will be forwarded to the City Council on May 23rd for their consideration. The property owner is requesting R-4 (multi-family residential) zoning. The Future Land Use Map identifies this property as low density residential use. Ms. Dowdy stated that Mr. Jennings is proposing to develop the property as a single family development with attached dwellings (two-story townhouses). The current zoning regulations in the R-2 (single family) district only allow for single family detached dwellings with a density of 4.3 units per acre. The 48 units that Mr. Jennings is proposing would put the density at seven units per acre. This is slightly higher than the R-2 regulations allow, thus, the reason for the R-4 zoning request. Ms. Dowdy stated that the property directly to the north is jointly owned by the Calloway County and Murray Independent School Systems. Mr. Jennings owns the property to the west (which remains in the county) and Mr. Dale Willis owns the property to the east. A sign was posted on the property and the adjoining property owners were notified of the request. Commissioner Krieb asked if the City Council voted to zone the property as R-4, what would prevent the property from being developed as multi-family instead of the proposed single-family. Ms. Dowdy stated that the property would have to go through a planned development process if it is developed as one tract of land whether it is single-family or multi-family; therefore, there is a provision within this process to where the PC or the BZA could put conditions on the development in order to maintain the integrity of the zone. If the PC and the City Council set the zoning as R-4, the property could be re-subdivided into lots and as long as the lot size was appropriate, the lots could have up to four units on each lot as a permitted use in an R-4 zone. Commissioner Boyd asked if there could be conditions placed on a

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particular zone or if they could vary the density. Ms. Dowdy stated they could not. Mr. Boyd added that as discussed the previous month, there is actually another zone needed for medium density single family. Ms. Dowdy said that they had talked about making changes to the Zoning Ordinance in order to modernize it; however, that is not a quick fix. There are several steps that have to take place before an amendment to the Zoning Ordinance can happen. Chairman Pavlick said that they would just have to take Mr. Jennings at his word from what he has proposed. He then added that Mr. Jennings had indicated that his intent was to sell each unit rather than to rent.

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

Matt Jennings, 1671 Valentine Road, New Concord, Kentucky was sworn in. Mr. Jennings said that since the beginning of working with this proposal, he has been willing to put a single-family condition on the project, but he has since found out that is not possible. His intent is still to develop single family housing on the property that is a condominium/townhouse style. Mr. Jennings reviewed that most of the units will have a rear entry. This idea is to keep the cars to the back of the units and off the street in order to keep the street more orderly and appealing. Mr. Jennings explained that most of the units will have two car garages and they will be either two or three bedroom units. There will be a park/pavilion area in an existing wooded area in the development. The desire is to build a development with sustainable growth for those looking for this type of life style where the maintenance will be taken care of by a home owners association. The units will be more efficient, somewhat luxurious, but reasonably priced. Mr. Jennings agreed with Commissioner Boyd that there is a medium density single family density zone needed for this type of development. Mr. Jennings said that he cannot wait until the Zoning Ordinance is updated to start this project. He is in agreement with the schools that he will have the road constructed through the development to the school by July of 2014. When he builds the road, he needs to know how to build the utilities to match what is going to be developed along the road. According to the superintendent of Murray Independent Schools there will be two Murray buses that will be using the road to and from the school daily. There will be two additional buses from Calloway County Schools that will be entering and exiting through the main entrance on Robertson Road North. Students will not be allowed to drive to the school. Mr. Rogers, Superintendent of the City Schools, indicated that if there should be an issue of traffic using the development for thru traffic, that there would be means put in place to prevent that from happening. Mr. Jennings asked Ms. Dowdy to clarify the statement that been made concerning stipulations that could be put on the conditional use by the BZA. Ms. Dowdy said that the BZA has the power to put any restrictions or conditions on a conditional use that they feel necessary to basically protect the integrity of the zone.

Chairman Pavlick asked if there was anyone that wished to speak in opposition to the project. There was no one. Chairman Pavlick stated that during a seminar that he attended in April he learned that the Nation as a whole is in need for housing of this type. Chairman Pavlick closed the public hearing and turned it over to the Commissioners for discussion.

Loretta Jobs made a motion to recommend that the City Council set the zoning as R-4 multi-family residential for the 6.83 acre tract of land owned by City West Properties, LLC located on State Route 94 West and identified as Tract 1 on a minor subdivision plat recorded in Plat Book 48, Page 91, Slide 4707 based on following finding of fact: that this type of zoning is needed in the city of Murray. Ms. Jobs also recommended that the official Zoning Map and the Future Land Use Map in the Comprehensive Plan be updated to reflect this zoning. Marc Peebles seconded the motion.

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Commissioner Boyd called for discussion. He asked if Mr. Jennings decided to sell the development, if someone else could develop or use the property any way that they want. Ms. Dowdy said that if it is developed as one tract of land with a conditional use, the BZA and Planning Commission can place a condition on the development for single family use (as it will still fit within the density of R-4 zoning). Attorney Pitman clarified that the Commissioners are to make a recommendation for the zoning of the property at this time. He added that when the proposal gets to the PDP process and it goes to the BZA, if the developer is asking for that to be a condition (that it will be R-2 use only in an R-4 zone) the BZA can make that a condition. He would think that if this development should be sold in the future, the purchase would be subject to the conditions placed upon it. Commissioner Boyd asked if there was anything that they could put in the motion to prevent something such as this from happening. Attorney Pitman said that they are only there to decide on the zoning.

At this time a vote was taken and the motion passed with a 9-0 voice vote. Ryan Stanger reentered the meeting at 5:32 p.m.

Review of The Gates Phase I: Expiration of two year extension on completion of The Gates PDP Phase I: Candace Dowdy used a Power Point presentation to show The Gates which is located on Robertson Road South. The Gates is a single family residential Planned Development Project consisting of 10.372 acres. This project was developed by Jim Tate and Barbara Campbell with the initial concept for this development to have some attached dwellings and some detached dwellings. Typically the completion period for a PDP is 2 years; however, this project has been going on since November of 2006. The Planning Commission approved an amended Final Plat in April of 2011 on Phase I to be completed two years from the date of the recorded plat. The amended plat abolished the proposed club house and added three additional units with a total amount of units for Phase I being 39. Only 5 of the 39 proposed patio homes were completed as of May 2011. The Planning Commission requested that waivers be presented to Planning Staff from each of the property owners to make sure they understood the changes that the developers had made to the development and that they had no objections to them. Ms. Dowdy stated that it had also been noted that the developer agreed to make the outstanding improvements as noted in the staff report which were: paved streets, sidewalks, fencing around development, street lighting and stormwater detention within the extended time frame granted by the Planning Commission. The amended final plat was recorded in May of 2011; thus, the two year extension expires this month. Three (3) additional patio homes have been constructed since 2011 and three more building permits have been issued. That is a total of 11 out of the 39 homes that are either constructed or in the process of being constructed to this point. The developers have recently paved The Gates Circle North and South down to Master Drive (including Master Drive). The sidewalks have not been constructed past Tumbler Drive; the street lights have not been installed within the development; the privacy fencing has not been installed around the perimeter of the development nor has the emergency access gate been installed on Tanglewood Drive. Planning Staff has had discussion with the developers regarding the two year extension expiring. They informed the developers that the project needed to come back before the Planning Commission where the commissioners could either extend the time frame or give them direction. Planning Staff does appreciate the developers completing the things that they have; however, there are some concerns for the current residents and the outstanding items that have not been completed within the development. Ms. Dowdy stated that if the Commissioners decided to extend the time frame on Phase I, Planning Staff would like for them to set some type of definitive time frame for the developers to make outstanding improvements for the area currently being developed.

Chairman Pavlick asked Mr. Tate to come forward.

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Jim Tate, 16 Gil Lane, Murray was sworn in. Mr. Tate said that they hated that this project had gone on this long and was not completed. Mr. Tate went on to say they did not have the capability of going to the bank to borrow money to finish it. They have been using their own money for this development. As something is sold, they put part of the money in an escrow account and part of it goes into the infrastructure. Mr. Tate said that they have actually sold 10 tracts for houses since December and are pleased with the way that the project has really taken off this year. Mr. Tate explained that builders are buying five and six lots at a time, but they are only able to pay for one or two at a time. Mr. Tate said that the completion of paving the streets in Phase I will be the next big item that they plan on doing. Murray Paving has the bid for the job; however, the developers are unable to finish the streets at this time because of funds. Once they are paid for a unit that has sold, they plan to put that money into the streets.

Mr. Tate explained that West Kentucky RECC had asked if they could wait to install the street lights until they install the back transformers. Mr. Tate said they are pretty much at West KY's mercy. He does not have a confirmed date on when this will happen; however, Kevin English indicated to him that The Gates is on their schedule. The tenants are aware of this and they were in agreement with the time frame on the lights. Mr. Tate added that they were initially going to put in a privacy fence around the project; however, most of the tenants now want it to be left open so they will probably put up rail fencing along both sides. Mr. Tate addressed the back gate to the development. He indicated that as long as construction vehicles are using that entrance, the gate would not be installed. The developers would like to start with Phase II by the end of the year. Mr. Tate doesn't think they will be able to complete the entire phase at one time, but he will discuss the situation with the engineer for the project, Kim Oatman.

Mr. Tate said they have not had any stormwater problems to this point and doesn't see any reason to spend \$10,000 for a basin that is not needed at this time. Sidewalks are normally installed after the streets and driveways are in. Scott England will be installing the sidewalks. Mr. England has recently been working out west; however, he has indicated to Mr. Tate that The Gates is on his priority list when he returns to Murray. Mr. Tate stated that it has taken a while to bring this "west coast concept" to Murray, but he thinks it is finally going over and as people get older this is a concept that they like. Mr. Roberts commented about the stormwater. He said that even though no one had complained about it, the detention area is a requirement in the Zoning Ordinance for all subdivisions. Mr. Roberts stated that he is perfectly ok if the Planning Commission agrees to postpone the detention area until Phase II. He added that the Planning Staff supports this project and he has seen improvements recently and appreciates Mr. Tate's addressing each of the different areas of concern. Chairman Pavlick said that he had driven through the subdivision recently and it looked messy. Mr. Tate replied that they had hired a maintenance person, but he has not been able to mow because of all the recent rain. Commissioner Kind asked Mr. Tate if he had a proposed deadline. Mr. Tate said if things continue as they are going now, he would like for the properties to be sold by the end of the year for all of Phase I and have all the projects completed within a year. Commissioner Boyd stated that he would like to see some items completed every 3 months and for Mr. Tate to report back to the commissioners with a progress report periodically.

Commissioner Krieb asked Ms. Dowdy what the consequences would be if the commissioners denied the request for a time extension. Ms. Dowdy said that the only recourse that she thought they would have would be to hold up on issuing any building permits until all the improvements were completed as stated in the two-year extension time frame. Ms. Dowdy added that the Zoning Ordinance states that there could be a Letter of Credit required. She said that there was a Letter of Credit put up initially by the developers to get the utilities installed; however, nothing was required for the streets or street lights because these are privately owned streets. Commissioner Krieb said that since the developers are

financing the project themselves, the commissioners are basically “held over a barrel”. If building permits are held up, the developers would not be able to sell any more tracts; therefore, it would be a vicious cycle. Mr. Tate agreed and stated that they want this project finished as much as the Planning Commission does and they are doing their best. Mr. Roberts said that there had been several points discussed with the developers. He thinks that the developers realize what the Planning Commission, Planning Staff and the City are expecting and they have given their explanations for the delay.

Ed Davis made a motion to grant a one year extension from the end of May 2013 for Campbell Realty to complete The Gates PDP Phase I contingent upon the project remaining compatible to the area and all outstanding improvements (streets paved, off street parking striped, sidewalks constructed, street lighting installed, perimeter fence constructed, and stormwater detention put in place) with the area currently being developed by no later than the end of the May 2014 and that there would be no building permits issued after May 2014 until all of these contingencies are met. Ryan Stanger seconded the motion. No vote was taken on this motion.

Ed Davis amended the previous motion to grant a one year extension from the end of May 2013 for Campbell Realty to complete The Gates PDP Phase I contingent upon the project remaining compatible to the area and all outstanding improvements (streets paved, off street parking striped, perimeter sidewalks constructed, street lighting installed, perimeter fence constructed, and stormwater detention put in place) with the area currently being developed by no later than the end of the May 2014 and that there would be no building permits issued after May 2014 until all of these contingencies are met. Mr. Krieb also added that Mr. Tate report to Planning Staff every 3-4 months with a progress report during the upcoming year. Ryan Stanger seconded the motion and the motion carried with an 8-2 voice vote. Jeremy Boyd and Kevin Perry voted no.

Public Hearing: Preliminary plat review for proposed residential PDP located just east of 1300 North 16th Street – Campbell Realty: Justin Crice used a Power Point presentation to show the 3.38 acre tract of land to the east of 1300 North 16th Street located behind the former Moose Lodge property. The property is owned by Dale Campbell and zoned B-2 (Highway Commercial). It is surrounded by R-4 (Multi Family Residential) to the North and West, and B-2 to the South and East. The property was granted a 40 ft. access easement when the Planning Commission approved a minor subdivision plat in February. An advisory meeting for this proposed residential PDP was held in March and forwarded on to the BZA where it was determined to be compatible to the area. The developers have submitted a preliminary plat for review as a part of the PDP process. The preliminary plat shows 70 one-bedroom apartments accessed by a 28 foot wide private drive located within the access easement. The drive aisles within the development are 25 feet wide with parking spaces that are 9 feet x 18 feet. The required parking for this development would be 210 parking spaces with the plat showing 140 parking spaces. A variance of 70 parking spaces will be needed. The buildings along the east property line are shown as being 15 feet off the property line with the one building at the northeast corner of the property being ten feet off the north property line. The buildings on the east side will require a 10 foot rear yard setback variance if approved as shown. Sanitation is addressed with a dumpster location shown in the northeast corner of the development. Ms. Dowdy stated that initially the developer was only showing a 10 x 12 foot area and that was not sufficient for the Sanitation Department; thus, they widened the area enough for two dumpsters. Commissioner Boyd said that he was still concerned that the location and amount of dumpsters would still not be adequate.

Fire access was determined as being sufficient and the Fire Marshal has indicated a hydrant would need to be placed near the north property line. A stormwater detention basin is located on the southwest portion of

the development that will be necessary to slow the flow of water when draining from this property. The preliminary plat shows 26 feet of green space in between the units in the center of the development. Utilities access and maintenance issues have also been expressed to the property owners in this area. Because of the density of the project Planning Staff had suggested the idea of using some two story buildings in this development to add some much needed green space and in turn create more access for future maintenance to sewer and water main lines. The developers would rather market the development as one story one-bedroom units; however, they did agree to look into the feasibility of two story buildings. Mr. Crice stated that Planning Staff also questioned pedestrian traffic flow through the development and exiting the development. Staff feels that if this project moves forward, a privacy fence will be necessary, but it is not currently indicated on the preliminary plat. Chairman Pavlick said that he would personally like to see an eight foot privacy fence around the entire development. Ms. Dowdy responded that is something that the Planning Commission and BZA would have to consider. A sidewalk to North 16th Street should also be considered since the nature of this development will target Murray State students. Ms. Dowdy added that the Bootleg Lounge will be required to install a sidewalk across the front of their property if the adjoining property to the south is ever developed. That will make a connecting point for sidewalk access for tenants of this development. She said that previously there was a 2-3 foot green space in front of the buildings. After Planning Staff addressed that additional space was needed for utility maintenance, that green space was removed from the preliminary plat, and now parking spaces are directly against the front of the buildings.

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

Jim Tate, one of the developers of the project, came forward. Mr. Tate said that since the Advisory Meeting they had tried to get more green space between the buildings. In order to do that, they had to take the six feet green space area from the front of the buildings. There has been discussion about using some two story buildings. Mr. Tate stated that he personally doesn't like that idea because it does raise the costs. They don't think the units will rent as well stacked; however, they are willing to look at that as an option. Mr. Tate said that the land costs in Murray are extraordinary and if you are trying to make a project work, it gets very expensive and sometimes out of control. They are limited on what they can charge for these apartments and every time they add a little something, it does make a difference to them financially. Commissioner Perry said they are sympathetic to costs, but the commissioner's job is to get the best development. Commissioner Medlock commented that in her opinion the proposal is tight for the amount of land that the developers are working with. Mr. Tate agreed that it was tight, but said that the density fits. Ms. Dowdy commented that the proposal doesn't fit unless all of the regulations that go along with the project fit. She added that they still had to see if the green space, located in the middle of this development, is going to be adequate for the utilities. In addition, the setbacks and variances will need to be approved. Chairman Pavlick asked if this development would be constructed in phases. Mr. Tate replied that it would not. He said that the buildings would be in sections, but the project as a whole would be completed in only one phase. Chairman Pavlick asked where he would be going for the funding of this project. Mr. Tate replied that the project is actually sold whenever they get it permitted. Commissioner Krieb asked is the sale of the project off if the plat did not get approved. Mr. Tate said that the sale is contingent. Mr. Tate added that they could go back and make a few design changes by stacking a few of the buildings, but he just didn't see how the development overall was going to change much. In conclusion, Mr. Tate stated that the Bootleg Lounge would be screening the back of their property with tall shrubs. He indicated that they will do whatever is required of them as far as landscaping for this project.

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Chairman Pavlick asked if there was anyone that would like to speak against the project.

Roger Scott, 145 Breezeway Drive, Almo, KY was sworn in. Mr. Scott owns the adjoining property to the north. Mr. Scott said that he has a concern with the exit from the development that comes out on North 16th. There is a school that is approximately 5 miles north of this development and when school is in session, North 16th Street is very heavily traveled with vehicles and buses for not only this school, but also for the high school that is in the near vicinity. In addition, there is a constant flow of traffic from a large density apartment complex to the west of this proposal. Mr. Scott is worried that adding 210 more vehicles to this already congested area will only add to the existing problem. Mr. Scott indicated that he would like a fence for screening between his property and the project. Ms. Dowdy replied that the Planning Commissioners and BZA have the right to request a privacy fence of up to eight foot in height be installed between the proposal and any residential area.

Chairman Pavlick closed the public hearing and turned it over to the commissioners for discussion.

Mr. Crice stated that he had previously spoken to Mr. Campbell concerning the parking requirements. With similar developments of this nature, Planning Staff has been satisfied with 1.5 parking spaces per unit when the development has only one-bedroom units. At that rate, 105 spaces would be acceptable; thus, freeing more room for green space and detention area. Commissioner Kind said that he only sees a fair amount of green space compared to other developments. Commissioner Krieb said that the proposal looks more like a military barracks to him.

Jeremy Boyd made a motion to deny the preliminary plat of the Residential Planned Development Project for Racer Villas with the following facts: the development is overcrowded, there isn't adequate parking, the sanitation area is questionable, there is only one entrance with an anticipated large amount of traffic flow, and the closeness of the buildings leaving a question of adequate space for water/sewer maintenance. Kevin Perry seconded the motion and the motion carried with a 10-0 voice vote.

Advisory Meeting: Proposed Residential PDP located at 1403 & 1405 Main Street – Scott Adams: Justin Crice used a Power Point presentation to show the property at 1403 and 1405 Main Street that is owned by Reggie McNutt. Scott Adams and his father Kenneth Adams have an agreement in place to develop the property as a residential planned development project. The property is approximately two acres and is currently in the process of being surveyed. It is zoned B-1 and has two houses in disrepair located on it. The site plan for the proposed project indicates two story buildings with a total of 24 two-bedroom, one bath units. The property would have an ingress and egress access located on Main Street. The 24 foot drive aisle indicates traffic flow that is one way around the development. Parking would be angled to create a more definitive flow for traffic through the development. The site plan shows sufficient parking for the development with 72 parking spaces, which meets the requirements for three parking spaces per two-bedroom unit. Commissioner Perry said he would like to see something other than just straight “barracks type” buildings. Commissioner Krieb commented that maybe the developer would be willing to split the buildings up and stagger them to make a more appealing look. Ms. Dowdy said that there is a 35 foot setback in the front of the property and a 25 foot setback in the rear. Chairman Pavlick stated that he would also like to see a pull-thru somewhere around the middle of the development for residents and emergency vehicles in case of a disaster. Mr. Crice continued that the site plan shows the dumpster being located on the south side of the property which has been approved by the Sanitation Department. Ms. Dowdy stated that the property adjoins R-4 zoning and the developers are aware of the fact that screening will be required where the property adjoins residential zoning to the north and south.

They are showing a privacy fence along the south side of the property and a landscaped area along the north side. They are also proposing to put Leyland Cypress trees along the east and west sides of the development as a buffer to the commercial zoning.

Chairman Pavlick asked the developer to come forward.

Kenneth Adams, 2315 Irvin Cobb Road, Murray was sworn in. Mr. Adams stated that he and his son Scott will be the developers of this project. Mr. Adams continued that they think that they are presenting a very attractive proposal over what is currently located at the site. It is also attractive for them because it is a good long term investment with the idea of someday becoming a good retirement for his son, Scott. Mr. Adams stated that they plan on owning and maintaining the property themselves. The plan is to target students and teachers because of the proximity to MSU campus; thus, traffic problems that occur with student housing should be eliminated since tenants will be able to walk or bike to school. Mr. Adams said that the center space was originally presented as all green space and after talking to Planning Staff decided to reconfigure and add the required parking spaces in that area. If they could get a variance for the parking, they would be able to divide the center into two areas of green space with a cut-thru in the center. They simply came up with this plan based on the codes and requirements that are currently in place. Mr. Adams said that they plan to finish the outside of the buildings with brick and siding. The density allowed for 27 units but they could only make 24 fit comfortably and allow for green space and parking. It is important for them to keep this number of units in order for them to have a return on their investment; however, they will consider splitting the two proposed buildings into four if they can make that work. Mr. Adams concluded that they want to put in a development that is going to retain its value for years to come; one that will be attractive and well maintained. Mr. Adams said that this proposal would be a tremendous enhancement to the street, area and neighborhood.

Chairman Pavlick asked if there was anyone in the audience that would like to speak in favor or in opposition to the project.

Karen Welch, 1321 Main Street, Murray was sworn in. Ms. Welch stated that she and her husband own two historic homes in the vicinity and they have some concerns about the proposal. Ms. Welch has received phone calls from some of her neighbors that have some of the same concerns as she does. Ms. Welch emphasized that "this is Main Street" and she would like to keep the integrity of the historic atmosphere in the neighborhood; thus, she is concerned about how the complex will look and be maintained. Main Street is part of the corridor that connects the university to the downtown area and she would like for it to remain with a look of a historic corridor. Some student housing complexes are not something that she would be proud to live next to. Ms. Welch has some concerns about the additional traffic. Since she lives on that street, she is very aware of how difficult it is to pull out onto Main Street. Ms. Welch agreed that something needs to be done to improve the looks of what is currently there and she would like to see a look of historical nature added to the architectural design of the proposal. Ms. Welch said that she is not necessarily against the development, she just has concerns.

Ryan Stanger made a motion to forward this project on to the Board of Zoning Adjustments for their consideration on compatibility. Marc Peebles seconded the motion and the motion carried unanimously.

Questions and Comments: Commissioner Boyd said that he would like to have a total number of one-bedroom units that had been approved by the Planning Commission in the last six months. Mr. Boyd stated that he has nothing against anyone developing property, but he has a concern with the amount of

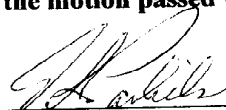
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units that the tenants are going to be leaving to move to a more modern and updated unit. Mr. Boyd added that he does not think these property owners are hurting because the property is probably paid for. He thinks that developers are building at a faster rate than the university is growing and he thought the commissioners needed to be aware of the situation. Commissioner Stanger explained that in his line of work he sees this every day. A lot of rental property is not being maintained, thus; tenants are looking for well maintained and cared for units and in his opinion that is what's driving the market for newer rental property. Mr. Crice commented that approximately 200 units had been approved in the past year and most of these units are for multi-family residential including some that has been proposed as housing for the elderly. Commissioner Medlock said that as we move closer to the revision of the new Comprehensive Plan, we need to be thinking more along the lines of sustainability. Sidewalks and bike paths are being implemented currently; however, the Zoning Ordinance needs to be looked at to make sure they are matching the direction that we want to go. She said that the projects that are being approved now are actually maximizing every detail instead of minimizing them. Commissioner Davis commented that in his line of work he is seeing more of the population needing two and three bedroom units and that is just not available. He realizes that the University is good for Murray; however, everything that is looked at shouldn't be decided on as to "how it relates to Murray State". There are other citizens in Murray other than Murray State students.

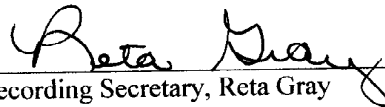
Commissioner Boyd said that he would like to begin looking at a zoning that allows for single family medium density. He stated that we did not have the needed zoning for Mr. Jennings' new proposal and he sees a need for that type of housing and zoning. He said that step should be taken to begin this procedure. He added if Mr. Jennings' proposal takes off there will probably be others like it. Ms. Dowdy stated that Planning Staff is in the process of starting the Zoning Ordinance update.

Commissioner Perry said that when discussing three foot sidewalks earlier, he was reminded of other projects that do not meet the Federal Fair Housing regulations as far as access for people with disabilities. Ms. Dowdy replied that she receives updates from Jeannie Gallimore frequently on ADA and the building officials from the City of Murray go to training concerning the regulations. She said that they are trying to be more cautious with things of this nature. *John Krieb left the meeting at 7:20 p.m.* Mr. Perry said that Fair Housing indicates that you have to provide an access to the front door for multi-family housing in all units. You don't have to make units handicap accessible; however, you do have to have the capability in the walls to accommodate grab bars if the need is there. Mr. Davis said that his units on Diuguid Drive are handicap accessible and he would be glad to show them to the commissioners if they were interested.

Adjournment: Jeremy Boyd made a motion to adjourn. Ryan Stanger seconded the motion and the motion passed with a unanimous vote. *The meeting adjourned at 7:23 p.m.*



Chairman, Ed Pavlick



Recording Secretary, Reta Gray

MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, MAY 21, 2013
5:00 P.M.

The Murray Planning Commission met in regular session on Tuesday, May 21, 2013 at 5:00 p.m. in the council chambers of City Hall located at 104 N. 5th Street.

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

Commissioners Absent: None

Also Present: Candace Dowdy, Justin Crice, Mike Pitman, David Roberts, Reta Gray, Jennifer Tolley, Hawkins Teague, Officer Todd Clere, Matt Jennings, Jim Tate, Dale Campbell, Roger Scott, Kenneth Adams, Scott Adams, Karen Welch and public audience
Chairman Pavlick called the meeting to order. Chairman Pavlick asked the commissioners if there were any changes, additions or deletions to the minutes from the April 16 regular meeting. Justin Crice reported that Commissioner Krieb had reported some changes and those changes would be made.

Tom Kind made a motion to accept the minutes from the April 16, 2013 Planning Commission regular meeting as corrected. Marc Peebles seconded the motion and the motion carried unanimously. Jeremy Boyd entered the meeting at 5:02 p.m. Ryan Stanger was recused from the next part of the meeting.

Public Hearing: Request to set zoning as R-4 (multi-family residential) for 6.83 acre tract of land located on the north side of State Route 94 West — City West Properties LLC — Matt Jennings: Candace Dowdy used a Power Point presentation to show the property on the north side of State Route 94W that Matt Jennings (manager of City West Properties LLC) owns. The 6.83 acre tract of land is located just to the east of the intersection of Highway 94 West and Robertson Road North. The Planning Commission reviewed Mr. Jennings' request for annexation of the property last month and recommended the property be annexed into the city. The recommendation will be forwarded to the City Council on May 23' for their consideration. The property owner is requesting R-4 (multi-family residential) zoning. The Future Land Use Map identifies this property as low density residential use. Ms. Dowdy stated that Mr. Jennings is proposing to develop the property as a single family development with attached dwellings (two-story townhouses). The current zoning regulations in the R-2 (single family) district only allow for single family detached dwellings with a density of 4.3 units per acre. The 48 units that Mr. Jennings is proposing would put the density at seven units per acre. This is slightly higher than the R-2 regulations allow, thus, the reason for the R-4 zoning request. Ms. Dowdy stated that the property directly to the north is jointly owned by the Calloway County and Murray Independent School Systems. Mr. Jennings owns the property to the west (which remains in the county) and Mr. Dale Willis owns the property to the east. A sign was posted on the property and the adjoining property owners were notified of the request. Commissioner Krieb asked if the City Council voted to zone the property as R-4, what would prevent the property from being developed as multi-family instead of the proposed single-family. Ms. Dowdy stated that the property would have to go through a planned development process if it is developed as one tract of land whether it is single-family or multi-family; therefore, there is a provision within this process to where the PC or the BZA could put conditions on the development in order to maintain the integrity of the zone. If the PC and the City Council set the zoning as R-4, the property could be re-subdivided into lots and as long as the lot size was appropriate, the lots could have up to four units on each lot as a permitted use in an R-4 zone. Commissioner Boyd asked if there could be conditions placed on a

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particular zone or if they could vary the density. Ms. Dowdy stated they could not. Mr. Boyd added that as discussed the previous month, there is actually another zone needed for medium density single family. Ms. Dowdy said that they had talked about making changes to the Zoning Ordinance in order to modernize it; however, that is not a quick fix. There are several steps that have to take place before an amendment to the Zoning Ordinance can happen. Chairman Pavlick said that they would just have to take Mr. Jennings at his word from what he has proposed. He then added that Mr. Jennings had indicated that his intent was to sell each unit rather than to rent.

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

Matt Jennings, 1671 Valentine Road, New Concord, Kentucky was sworn in. Mr. Jennings said that since the beginning of working with this proposal, he has been willing to put a single-family condition on the project, but he has since found out that is not possible. His intent is still to develop single family housing on the property that is a condominium/townhouse style. Mr. Jennings reviewed that most of the units will have a rear entry. This idea is to keep the cars to the back of the units and off the street in order to keep the street more orderly and appealing. Mr. Jennings explained that most of the units will have two car garages and they will be either two or three bedroom units. There will be a park/pavilion area in an existing wooded area in the development. The desire is to build a development with sustainable growth for those looking for this type of life style where the maintenance will be taken care of by a home owners association. The units will be more efficient, somewhat luxurious, but reasonably priced. Mr. Jennings agreed with Commissioner Boyd that there is a medium density single family density zone needed for this type of development. Mr. Jennings said that he cannot wait until the Zoning Ordinance is updated to start this project. He is in agreement with the schools that he will have the road constructed through the development to the school by July of 2014. When he builds the road, he needs to know how to build the utilities to match what is going to be developed along the road. According to the superintendent of Murray Independent Schools there will be two Murray buses that will be using the road to and from the school daily. There will be two additional buses from Calloway County Schools that will be entering and exiting through the main entrance on Robertson Road North. Students will not be allowed to drive to the school. Mr. Rogers, Superintendent of the City Schools, indicated that if there should be an issue of traffic using the development for thru traffic, that there would be means put in place to prevent that from happening. Mr. Jennings asked Ms. Dowdy to clarify the statement that been made concerning stipulations that could be put on the conditional use by the BZA. Ms. Dowdy said that the BZA has the power to put any restrictions or conditions on a conditional use that they feel necessary to basically protect the integrity of the zone.

Chairman Pavlick asked if there was anyone that wished to speak in opposition to the project. There was no one. Chairman Pavlick

stated that during a seminar that he attended in April he learned that the Nation as a whole is in need for housing of this type. Chairman Pavlick closed the public hearing and turned it over to the Commissioners for discussion.

Loretta Jobs made a motion to recommend that the City Council set the zoning as R-4 multi-family residential for the 6.83 acre tract of land owned by City West Properties, LLC located on State Route 94 West and identified as Tract 1 on a minor subdivision plat recorded in Plat Book 48, Page 91, Slide 4707 based on following finding of fact: that this type of zoning is needed in the city of Murray. Ms. Jobs also recommended that the official Zoning Map and the Future Land Use Map in the Comprehensive Plan be updated to reflect this zoning. Marc Peebles seconded the motion.

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Commissioner Boyd called for discussion. He asked if Mr. Jennings decided to sell the development, if someone else could develop or use the property any way that they want. Ms. Dowdy said that if it is developed as one tract of land with a conditional use, the BZA and Planning Commission can place a condition on the development for single family use (as it will still fit within the density of R-4 zoning). Attorney Pitman clarified that the Commissioners are to make a recommendation for the zoning of the property at this time. He added that when the proposal gets to the PDP process and it goes to the BZA, if the developer is asking for that to be a condition (that it will be R-2 use only in an R-4 zone) the BZA can make that a condition. He would think that if this development should be sold in the future, the purchase would be subject to the conditions placed upon it. Commissioner Boyd asked if there was anything that they could put in the motion to prevent something such as this from happening. Attorney Pitman said that they are only there to decide on the zoning.

At this time a vote was taken and the motion passed with a 9-0 voice vote. Ryan Stanger reentered the meeting at 5:32 p.m.

Review of The Gates Phase I: Expiration of two year extension on completion of The Gates PDP Phase I: Candace Dowdy used a Power Point presentation to show The Gates which is located on Robertson Road South. The Gates is a single family residential Planned Development Project consisting of 10.372 acres. This project was developed by Jim Tate and Barbara Campbell with the initial concept for this development to have some attached dwellings and some detached dwellings. Typically the completion period for a PDP is 2 years; however, this project has been going on since November of 2006. The Planning Commission approved an amended Final Plat in April of 2011 on Phase I to be completed two years from the date of the recorded plat. The amended plat abolished the proposed club house and added three additional units with a total amount of units for Phase I being 39. Only 5 of the 39 proposed patio homes were completed as of May 2011. The Planning Commission requested that waivers be presented to Planning Staff from each of the property owners to make sure they understood the changes that the developers had made to the development and that they had no objections to them. Ms. Dowdy stated that it had also been noted that the developer agreed to make the outstanding improvements as noted in the staff report which were: paved streets, sidewalks, fencing around development, street lighting and stormwater detention within the extended time frame granted by the Planning Commission. The amended final plat was recorded in May of 2011; thus, the two year extension expires this month. Three (3) additional patio homes have been constructed since 2011 and three more building permits have been issued. That is a total of 11 out of the 39 homes that are either constructed or in the process of being constructed to this point. The developers have recently paved The Gates Circle North and South down to Master Drive (including Master Drive). The sidewalks have not been constructed past Tumbler Drive; the street lights have not been installed within the development; the privacy fencing has not been installed around the perimeter of the development nor has the emergency access gate been installed on Tanglewood Drive. Planning Staff has had discussion with the developers regarding the two year extension expiring. They informed the developers that the project needed to come back before the Planning Commission where the commissioners could either extend the time frame or give them direction. Planning Staff does appreciate the developers completing the things that they have; however, there are some concerns for the current residents and the outstanding items that have not been completed within the development. Ms. Dowdy stated that if the Commissioners decided to extend the time frame on Phase I, Planning Staff would like for them to set some type of definitive time frame for the developers to make outstanding improvements for the area currently being developed.

Chairman Pavlick asked Mr. Tate to come forward.

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Jim Tate, 16 Gil Lane, Murray was sworn in. Mr. Tate said that they hated that this project had gone on this long and was not completed. Mr. Tate went on to say they did not have the capability of going to the bank to borrow money to finish it. They have been using their own money for this development. As something is sold, they put part of the money in an escrow account and part of it goes into the infrastructure. Mr. Tate said that they have actually sold 10 tracts for houses since December and are pleased with the way that the project has really taken off this year. Mr. Tate explained that builders are buying five and six lots at a time, but they are only able to pay for one or two at a time. Mr. Tate said that the completion of paving the streets in Phase I will be the next big item that they plan on doing. Murray Paving has the bid for the job; however, the developers are unable to finish the streets at this time because of funds. Once they are paid for a unit that has sold, they plan to put that money into the streets. Mr. Tate explained that West Kentucky RECC had asked if they could wait to install the street lights until they install the back transformers. Mr. Tate said they are pretty much at West KY's mercy. He does not have a confirmed date on when this will happen; however, Kevin English indicated to him that The Gates is on their schedule. The tenants are aware of this and they were in agreement with the time frame on the lights. Mr. Tate added that they were initially going to put in a privacy fence around the project; however, most of the tenants now want it to be left open so they will probably put up rail fencing along both sides. Mr. Tate addressed the back gate to the development. He indicated that as long as construction vehicles are using that entrance, the gate would not be installed. The developers would like to start with Phase II by the end of the year. Mr. Tate doesn't think they will be able to complete the entire phase at one time, but he will discuss the situation with the engineer for the project, Kim Oatman. Mr. Tate said they have not had any stormwater problems to this point and doesn't see any reason to spend \$10,000 for a basin that is not needed at this time. Sidewalks are normally installed after the streets and driveways are in. Scott England will be installing the sidewalks. Mr. England has recently been working out west; however, he has indicated to Mr. Tate that The Gates is on his priority list when he returns to Murray. Mr. Tate stated that it has taken a while to bring this "west coast concept" to Murray,

but he thinks it is finally going over and as people get older this is a concept that they like. Mr. Roberts commented about the stormwater. He said that even though no one had complained about it, the detention area is a requirement in the Zoning Ordinance for all subdivisions. Mr. Roberts stated that he is perfectly ok if the Planning Commission agrees to postpone the detention area until Phase II. He added that the Planning Staff supports this project and he has seen improvements recently and appreciates Mr. Tate's addressing each of the different areas of concern. Chairman Pavlick said that he had driven through the subdivision recently and it looked messy. Mr. Tate replied that they had hired a maintenance person, but he has not been able to mow because of all the recent rain. Commissioner Kind asked Mr. Tate if he had a proposed deadline. Mr. Tate said if things continue as they are going now, he would like for the properties to be sold by the end of the year for all of Phase I and have all the projects completed within a year. Commissioner Boyd stated that he would like to see some items completed every 3 months and for Mr. Tate to report back to the commissioners with a progress report periodically.

Commissioner Krieb asked Ms. Dowdy what the consequences would be if the commissioners denied the request for a time extension. Ms. Dowdy said that the only recourse that she thought they would have would be to hold up on issuing any building permits until all the improvements were completed as stated in the two-year extension time frame. Ms. Dowdy added that the Zoning Ordinance states that there could be a Letter of Credit required. She said that there was a Letter of Credit put up initially by the developers to get the utilities installed; however, nothing was required for the streets or street lights because these are privately owned streets. Commissioner Krieb said that since the developers are

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financing the project themselves, the commissioners are basically "held over a barrel". If building permits are held up, the developers would not be able to sell any more tracts; therefore, it would be a vicious cycle. Mr. Tate agreed and stated that they want this project finished as much as the Planning Commission does and they are doing their best. Mr. Roberts said that there had been several points discussed with the developers. He thinks that the developers realize what the Planning Commission, Planning Staff and the City are expecting and they have given their explanations for the delay.

Ed Davis made a motion to grant a one year extension from the end of May 2013 for Campbell Realty to complete The Gates PDP Phase I contingent upon the project remaining compatible to the area and all outstanding improvements (streets paved, off street parking striped, sidewalks constructed, street lighting installed, perimeter fence constructed, and stormwater detention put in place) with the area currently being developed by no later than the end of the May 2014 and that there would be no building permits issued after May 2014 until all of these contingencies are met. Ryan Stanger seconded the motion. No vote was taken on this motion.

Ed Davis amended the previous motion to grant a one year extension from the end of May 2013 for Campbell Realty to complete The Gates PDP Phase I contingent upon the project remaining compatible to the area and all outstanding improvements (streets paved, off street parking striped, perimeter sidewalks constructed, street lighting installed, perimeter fence constructed, and stormwater detention put in place) with the area currently being developed by no later than the end of the May 2014 and that there would be no building permits issued after May 2014 until all of these contingencies are met. Mr. Krieb also added that Mr. Tate report to Planning Staff every 3-4 months with a progress report during the upcoming year. Ryan Stanger seconded the motion and the motion carried with an 8-2 voice vote. Jeremy Boyd and Kevin Perry voted no.

Public Hearing: Preliminary plat review for proposed residential PDP located just east of 1300 North 16th Street — Campbell Realty: Justin Crice used a Power Point presentation to show the 3.38 acre tract of land to the east of 1300 North 16th Street located behind the former Moose Lodge property. The property is owned by Dale Campbell and zoned B-2 (Highway Commercial). It is surrounded by R-4 (Multi Family Residential) to the North and West, and B-2 to the South and East. The property was granted a 40 ft. access easement when the Planning Commission approved a minor subdivision plat in February. An advisory meeting for this proposed residential PDP was held in March and forwarded on to the BZA where it was determined to be compatible to the area. The developers have submitted a preliminary plat for review as a part of the PDP process. The preliminary plat shows 70 one-bedroom apartments accessed by a 28 foot wide private drive located within the access easement. The drive aisles within the development are 25 feet wide with parking spaces that are 9 feet x 18 feet. The required parking for this development would be 210 parking spaces with the plat showing 140 parking spaces. A variance of 70 parking spaces will be needed. The buildings along the east property line are shown as being 15 feet off the property line with the one building at the northeast corner of the property being ten feet off the north property line. The buildings on the east side will require a 10 foot rear yard setback variance if approved as shown. Sanitation is addressed with a dumpster location shown in the northeast corner of the development. Ms. Dowdy stated that initially the developer was only showing a 10 x 12 foot area and that was not sufficient for the Sanitation Department; thus, they widened the area enough for two dumpsters. Commissioner Boyd said that he was still concerned that the location and amount of dumpsters would still not be adequate.

Fire access was determined as being sufficient and the Fire Marshal has indicated a hydrant would need to be placed near the north property line. A stormwater detention basin is located on the southwest portion of

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the development that will be necessary to slow the flow of water when draining from this property. The preliminary plat shows 26 feet of green space in between the units in the center of the development. Utilities access and maintenance issues have also been expressed to the property owners in this area. Because of the density of the project Planning Staff had suggested the idea of using some two story buildings in this development to add some much needed green space and in turn create more access for future maintenance to sewer and water main lines. The developers would rather market the development as one story one-bedroom units; however, they did agree to look into the feasibility of two story buildings. Mr. Crice stated that Planning Staff also questioned pedestrian traffic flow through the development and exiting the development. Staff feels that if this project moves forward, a privacy fence will be necessary, but it is not currently indicated on the preliminary plat. Chairman Pavlick said that he would personally like to see an eight foot privacy fence around the entire development. Ms. Dowdy responded that is something that the Planning Commission and BZA would have to consider. A sidewalk to North 16th Street should also be considered since the nature of this development will target Murray State students. Ms. Dowdy added that the Bootleg Lounge will be required to install a

sidewalk across the front of their property if the adjoining property to the south is ever developed. That will make a connecting point for sidewalk access for tenants of this development. She said that previously there was a 2-3 foot green space in front of the buildings. After Planning Staff addressed that additional space was needed for utility maintenance, that green space was removed from the preliminary plat, and now parking spaces are directly against the front of the buildings. Chairman Pavlick opened the public hearing and asked if there was anyone that wished to speak in favor of the project. Jim Tate, one of the developers of the project, came forward. Mr. Tate said that since the Advisory Meeting they had tried to get more green space between the buildings. In order to do that, they had to take the six feet green space area from the front of the buildings. There has been discussion about using some two story buildings. Mr. Tate stated that he personally doesn't like that idea because it does raise the costs. They don't think the units will rent as well stacked; however, they are willing to look at that as an option. Mr. Tate said that the land costs in Murray are extraordinary and if you are trying to make a project work, it gets very expensive and sometimes out of control. They are limited on what they can charge for these apartments and every time they add a little something, it does make a difference to them financially. Commissioner Perry said they are sympathetic to costs, but the commissioner's job is to get the best development. Commissioner Medlock commented that in her opinion the proposal is tight for the amount of land that the developers are working with. Mr. Tate agreed that it was tight, but said that the density fits. Ms. Dowdy commented that the proposal doesn't fit unless all of the regulations that go along with the project fit. She added that they still had to see if the green space, located in the middle of this development, is going to be adequate for the utilities. In addition, the setbacks and variances will need to be approved. Chairman Pavlick asked if this development would be constructed in phases. Mr. Tate replied that it would not. He said that the buildings would be in sections, but the project as a whole would be completed in only one phase. Chairman Pavlick asked where he would be going for the funding of this project. Mr. Tate replied that the project is actually sold whenever they get it permitted. Commissioner Krieb asked is the sale of the project off if the plat did not get approved. Mr. Tate said that the sale is contingent. Mr. Tate added that they could go back and make a few design changes by stacking a few of the buildings, but he just didn't see how the development overall was going to change much. In conclusion, Mr. Tate stated that the Bootleg Lounge would be screening the back of their property with tall shrubs. 14e indicated that they will do whatever is required of them as far as landscaping for this project.

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Chairman Pavlick asked if there was anyone that would like to speak against the project.

Roger Scott, 145 Breezeway Drive, Almo, KY was sworn in. Mr. Scott owns the adjoining property to the north. Mr. Scott said that he has a concern with the exit from the development that comes out on North 16th. There is a school that is approximately 5 miles north of this development and when school is in session, North 16th Street is very heavily traveled with vehicles and buses for not only this school, but also for the high school that is in the near vicinity. In addition, there is a constant flow of traffic from a large density apartment complex to the west of this proposal. Mr. Scott is worried that adding 210 more vehicles to this already congested area will only add to the existing problem. Mr. Scott indicated that he would like a fence for screening between his property and the project. Ms. Dowdy replied that the Planning Commissioners and BZA have the right to request a privacy fence of up to eight foot in height be installed between the proposal and any residential area.

Chairman Pavlick closed the public hearing and turned it over to the commissioners for discussion.

Mr. Crice stated that he had previously spoken to Mr. Campbell concerning the parking requirements. With similar developments of this nature, Planning Staff has been satisfied with 1.5 parking spaces per unit when the development has only one-bedroom units. At that rate, 105 spaces would be acceptable; thus, freeing more room for green space and detention area. Commissioner Kind said that he only sees a fair amount of green space compared to other developments. Commissioner Krieb said that the proposal looks more like a military barracks to him.

Jeremy Boyd made a motion to deny the preliminary plat of the Residential Planned Development Project for Racer Villas with the following facts: the development is overcrowded, there isn't adequate parking, the sanitation area is questionable, there is only one entrance with an anticipated large amount of traffic flow, and the closeness of the buildings leaving a question of adequate space for water/sewer maintenance. Kevin Perry seconded the motion and the motion carried with a 10-0 voice vote.

Advisory Meeting: Proposed Residential PDP located at 1403 & 1405 Main Street — Scott Adams: Justin Crice used a Power Point presentation to show the property at 1403 and 1405 Main Street that is owned by Reggie McNutt. Scott Adams and his father Kenneth Adams have an agreement in place to develop the property as a residential planned development project. The property is approximately two acres and is currently in the process of being surveyed. It is zoned B-1 and has two houses in disrepair located on it. The site plan for the proposed project indicates two story buildings with a total of 24 two- bedroom, one bath units. The property would have an ingress and egress access located on Main Street. The 24 foot drive aisle indicates traffic flow that is one way around the development. Parking would be angled to create a more definitive flow for traffic through the development. The site plan shows sufficient parking for the development with 72 parking spaces, which meets the requirements for three parking spaces per two-bedroom unit. Commissioner Perry said he would like to see something other than just straight "barracks type" buildings. Commissioner Krieb commented that maybe the developer would be willing to split the buildings up and stagger them to make a more appealing look. Ms. Dowdy said that there is a 35 foot setback in the front of the property and a 25 foot setback in the rear. Chairman Pavlick stated that he would also like to see a pull-thru somewhere around the middle of the development for residents and emergency vehicles in case of a disaster. Mr. Crice continued that the site plan shows the dumpster being located on the south side of the property which has been approved by the Sanitation Department. Ms. Dowdy stated that the property adjoins R-4 zoning and the developers are aware of the fact that screening will be required where the property adjoins residential zoning to the north and south.

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They are showing a privacy fence along the south side of the property and a landscaped area along the north side. They are also proposing to put Leyland Cypress trees along the east and west sides of the development as a buffer to the commercial zoning.

Chairman Pavlick asked the developer to come forward.

Kenneth Adams, 2315 Irvin Cobb Road, Murray was sworn in. Mr. Adams stated that he and his son Scott will be the developers of

this project. Mr. Adams continued that they think that they are presenting a very attractive proposal over what is currently located at the site. It is also attractive for them because it is a good long term investment with the idea of someday becoming a good retirement for his son, Scott. Mr. Adams stated that they plan on owning and maintaining the property themselves. The plan is to target students and teachers because of the proximity to MSU campus; thus, traffic problems that occur with student housing should be eliminated since tenants will be able to walk or bike to school. Mr. Adams said that the center space was originally presented as all green space and after talking to Planning Staff decided to reconfigure and add the required parking spaces in that area. If they could get a variance for the parking, they would be able to divide the center into two areas of green space with a cut-thru in the center. They simply came up with this plan based on the codes and requirements that are currently in place. Mr. Adams said that they plan to finish the outside of the buildings with brick and siding. The density allowed for 27 units but they could only make 24 fit comfortably and allow for green space and parking. It is important for them to keep this number of units in order for them to have a return on their investment; however, they will consider splitting the two proposed buildings into four if they can make that work. Mr. Adams concluded that they want to put in a development that is going to retain its value for years to come; one that will be attractive and well maintained. Mr. Adams said that this proposal would be a tremendous enhancement to the street, area and neighborhood.

Chairman Pavlick asked if there was anyone in the audience that would like to speak in favor or in opposition to the project.

Karen Welch, 1321 Main Street, Murray was sworn in. Ms. Welch stated that she and her husband own two historic homes in the vicinity and they have some concerns about the proposal. Ms. Welch has received phone calls from some of her neighbors that have some of the same concerns as she does. Ms. Welch emphasized that "this is Main Street" and she would like to keep the integrity of the historic atmosphere in the neighborhood; thus, she is concerned about how the complex will look and be maintained. Main Street is part of the corridor that connects the university to the downtown area and she would like for it to remain with a look of a historic corridor. Some student housing complexes are not something that she would be proud to live next to. Ms. Welch has some concerns about the additional traffic. Since she lives on that street, she is very aware of how difficult it is to pull out onto Main Street. Ms. Welch agreed that something needs to be done to improve the looks of what is currently there and she would like to see a look of historical nature added to the architectural design of the proposal. Ms. Welch said that she is not necessarily against the development, she just has concerns.

Ryan Stanger made a motion to forward this project on to the Board of Zoning Adjustments for their consideration on compatibility. Marc Peebles seconded the motion and the motion carried unanimously.

Questions and Comments: Commissioner Boyd said that he would like to have a total number of one- bedroom units that had been approved by the Planning Commission in the last six months. Mr. Boyd stated that he has nothing against anyone developing property, but he has a concern with the amount of

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units that the tenants are going to be leaving to move to a more modern and updated unit. Mr. Boyd added that he does not think these property owners are hurting because the property is probably paid for. He thinks that developers are building at a faster rate than the university is growing and he thought the commissioners needed to be aware of the situation. Commissioner Stanger explained that in his line of work he sees this every day. A lot of rental property is not being maintained, thus; tenants are looking for well maintained and cared for units and in his opinion that is what's driving the market for newer rental property. Mr. Crice commented that approximately 200 units had been approved in the past year and most of these units are for multi-family residential including some that has been proposed as housing for the elderly. Commissioner Medlock said that as we move closer to the revision of the new Comprehensive Plan, we need to be thinking more along the lines of sustainability. Sidewalks and bike paths are being implemented currently; however, the Zoning Ordinance needs to be looked at to make sure they are matching the direction that we want to go. She said that the projects that are being approved now are actually maximizing every detail instead of minimizing them. Commissioner Davis commented that in his line of work he is seeing more of the population needing two and three bedroom units and that is just not available. He realizes that the University is good for Murray; however, everything that is looked at shouldn't be decided on as to "how it relates to Murray State". There are other citizens in Murray other than Murray State students.

Commissioner Boyd said that he would like to begin looking at a zoning that allows for single family medium density. He stated that we did not have the needed zoning for Mr. Jennings' new proposal and he sees a need for that type of housing and zoning. He said that step should be taken to begin this procedure. He added if Mr. Jennings' proposal takes off there will probably be others like it. Ms. Dowdy stated that Planning Staff is in the process of starting the Zoning Ordinance update.

Commissioner Perry said that when discussing three foot sidewalks earlier, he was reminded of other projects that do not meet the Federal Fair Housing regulations as far as access for people with disabilities. Ms. Dowdy replied that she receives updates from Jeannie Gallimore frequently on ADA and the building officials from the City of Murray go to training concerning the regulations. She said that they are trying to be more cautious with things of this nature. John Krieb left the meeting at 7:20 p.m. Mr. Perry said that Fair Housing indicates that you have to provide an access to the front door for multi-family housing in all units. You don't have to make units handicap accessible; however, you do have to have the capability in the walls to accommodate grab bars if the need is there. Mr. Davis said that his units on Diuguid Drive are handicap accessible and he would be glad to show them to the commissioners if they were interested.

Adjournment: Jeremy Boyd made a motion to adjourn. Ryan Stanger seconded the motion and the motion passed with a unanimous vote. The meeting adjourned at 7:23 p.m.

Chairman, Ed Pavlick

Recording Secretary, Reta Gray