

**MURRAY PLANNING COMMISSION MINUTES  
REGULAR MEETING  
TUESDAY, JULY 18, 2017  
4:30 P.M.**

The Murray Planning Commission met in regular session on Tuesday, July 18, 2017 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5<sup>th</sup> Street.

**Commissioners Present:** Jim Foster, Tom Kind, Martin Milkman, John Krieb, Loretta Jobs and Marc Peebles

**Commissioners Absent:** Jordan Smith, Bobby Deitz and Robin Zhang

Also Present: Gerald Gilbert, Jesse Boshell, Maurice Thomas, David Roberts, Matt Jennings, Colin Kelly, Michael A. Holton, Cathy and Michael Clark and public audience

Chairman Kind called the meeting to order and welcomed all guests and applicants. Chairman Kind asked for a roll call of the Commissioners. He then asked if there were any changes to the minutes from the May 16, 2017 regular meeting.

**A motion was made by Loretta Jobs to approve the minutes from the May 16, 2017 Planning Commission regular meeting as amended and seconded by John Krieb. The motion carried unanimously.**

**Public Hearing: Consideration of a Revised Preliminary Plat (RPP-01-2017) and Planned Development Project (PDP-01-2017) for a proposed office park located approximately 550.85 feet east of Highway 94 West and Robertson Road - City West Office Park – City West LLC – Matt Jennings:** Gerald Gilbert explained that the applicant has revised the previously approved Preliminary Plat to reflect the current site layout for City West Office Park PDP. He gave a brief history of the property then explained that the revised plat proposes to subdivide the site into ten lots; eight lots for future buildings, one lot for drainage detention; and one lot for the street. Each lot exceeds the parking requirements. The street has been constructed and is currently being used to serve the school property to the north. Sidewalks have yet to be constructed and the applicant is requesting that sidewalk construction coincide with the development of each lot. Vehicular access for each lot will be from an internal street. The revised plan depicts this arrangement with parking to the rear and sides of the buildings placing the structures significantly closer to the street. This arrangement will create a street façade that is much more attractive. Landscaping and walkways will be adjacent to the roadway creating a more walkable office park environment.

Mr. Gilbert explained the PDP criteria and added that PDP's are allowed within an R-4 zone as a Conditional Use. The PDP Text outlines development standards and criteria for the project area, as well as allowed uses, maintenance responsibilities and obligations, parking requirements, drainage, lighting, storage and screening requirements, refuse and signage. These requirements will be the developer's responsibility to enforce. The proposal complies with the development criteria for a typical office park (nonresidential) development. This development should not overburden the capacity of roadways and other necessary urban services that are available in the

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area. All urban services, including water and sanitary sewer, are available to the site. In addition, the Fire Department has reviewed the plat for compliance to the Fire Code. Planning Staff recommends approval based on these facts. Chairman Kind asked Matt Jennings (developer) to come forward to answer questions.

Matt Jennings came forward and was sworn in. He reiterated that Mr. Gilbert's description of the proposal was correct. He explained the changes from the initial plan to the current one. Mr. Jennings stated that their intention is to construct the buildings on each lot and then sell or lease them; however, they are opened to selling the property and allowing the owners to construct their own building. The restrictions will state that all the buildings will be required to have the same kind of finishes. Mr. Jennings said that there will be an association that will incorporate the Office Park and the Commercial Development. There is an existing pond that will be used for detention.

Chairman Kind opened the public hearing and asked if there was anyone that wished to speak in favor or opposition to the request. There was no one that came forward to speak in favor or opposition; thus, the public hearing was closed and the item turned back over to the Commissioners for further discussion and a motion.

**John Krieb made a motion to grant the Conditional Use Permit for the City West Office Park Planned Development Project (PDP) Site Plan, Text and Landscape Plan as presented and the revisions to the Preliminary Plat as previously approved. The testimony presented in this public hearing has shown that granting the Conditional Use Permit for the Planned Development Project (PDP) Site Plan, Text and Landscape Plan is reasonable and necessary. The Planned Development Project (PDP) Site Plan, Text and Landscape Plan is in compliance with the provisions of §156.054 PLANNED DEVELOPMENT PROJECT REGULATIONS. The testimony presented in this public hearing has shown that granting the revision to the Preliminary Plat is reasonable and that all urban services (including water and sanitary sewer) are available to the site. The revised Preliminary Plat is in compliance with the provisions contained in Chapter 155 SUBDIVISION REGULATIONS, and Chapter 156 ZONING CODE. Loretta Jobs seconded the motion and the motion carried with a 6-0 roll call vote.**

**Public Hearing: Consideration of a Preliminary Plat (PP-02-2017) for a proposed 12 lot residential subdivision of a 3.88 acre site located at 1707 Main Street – Colin Kelly:** Mr. Gilbert used a Power Point presentation to show an area photograph of the property. Adjacent properties are zoned R-2 (Single Family Residential) to the north, east and west and G (Government) to the south. All urban services, including water and sanitary sewer, are available to the site and sidewalks will be installed. There are no variances being requested. Vehicular access for each of the lots will be from the proposed cul-de-sac that is designed with a 60 foot radius per Fire Code and once completed will be dedicated to the City. In addition, since the cul-de-sac accesses Highway 94 its design and location will require review and approval from the Kentucky Department of Transportation prior to construction. The applicant proposes to subdivide the site into twelve lots. Proposed lot sizes are as follows:

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Lot No.	Lot Size	Lot No.	Lot Size
Lot 1	12,035 sqft	Lot 7	13,097 sqft
Lot 2	10,093 sqft	Lot 8	10,998 sqft
Lot 3	10,060 sqft	Lot 9	10,241 sqft
Lot 4	10,022 sqft	Lot 10	10,243 sqft
Lot 5	11,016 sqft	Lot 11	10,345 sqft
Lot 6	13,278 sqft	Lot 12	16,276 sqft
Right-of-Way -0.42 acres			

There is an existing monument business that is located on site; however, the majority of the site is vacant and undeveloped. The monument business is considered a legal non-conforming use due to its classification as a commercial activity. Since it is anticipated that the subdivision will be constructed in phases to meet market demands, the final plat would be required to record a statement that reads “after 50% of the lots are developed with residential structures or when the street (Arbor Court Place) is dedicated to the City (whichever occurs first) all non-residential activities within the subdivision would need to cease operation. There will be a linear ponding area situated on the northeastern edge of the site that will be enhanced and improved for drainage and water quality purposes. This area is within Lots # 9, 10, 11 & 12. Maintenance obligations for the pond will be the responsibility of the property owners. The applicant’s proposal is in compliance with the Comprehensive Plan as well as the provisions contained in the City Ordinance. The development of this R-2 zone should not overburden the capacity of roadways and other necessary urban services that are available in the area. Planning Staff recommends approval of the Preliminary Plat. Chairman Kind invited Mr. Kelly to come forward to add any comments he might have.

Colin Kelly came forward and was sworn in. Mr. Kelly explained that this particular side of town seems to be growing and there is a lot of vacant land; thus, he is looking at filling in those vacancies and adding to the City. He stated that he would like to build craftsman style homes with a price point of \$150,000.00 to \$200,000.00. The homes will range from 1500 – 2200 square feet and will be constructed of brick, stone and good quality siding. Mr. Kelly showed a rendering of something similar to what the houses will look like. Sidewalks will be constructed down both sides of the street and around the cul-de-sac. Electric lines will be run underground on both sides of the street by Murray Electric. Mr. Kelly has spoken to the Post Office officials and described the location for the mailbox unit that was suggested by the Murray Postmaster. This proposed subdivision is in close proximity to both the city elementary and high school. Mr. Kelly said it is his belief that this proposal will appeal to those who are looking to downsize or who want their children in the city school district. He concluded that he feels like a nice clean subdivision will be beneficial to the area.

Chairman Kind opened the public hearing and asked if there was anyone that wished to speak in favor or opposition to the proposal. No one came forward to speak in favor of the proposal.

Michael A. Holton came forward and was sworn in. Mr. Holton lives at 1703 Main Street on the east side of this development. He feels that this development would enhance his home to some degree; however, he still has some concerns. He is concerned about the drainage or additional water running onto his property. Mr. Gilbert explained that the drainage ditch/retention will be

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on the north side of the property and should alleviate any water issues. Mr. Holton then voiced a concern with additional traffic pulling out on Main Street where this area is already congested. He also had questions about the post office boxes being located in the front of the development and the issues this could present. Mr. Holton concluded that he is not necessarily against this project, but just needed some clarification on some things. He indicated that this seems to be a good proposal overall and should benefit the City.

Cathy and Michael Clark came forward and were sworn in. The Clarks live on the west side of the property being discussed. Their home sits back off Main Street at a good distance where they are protected from noise by natural habitat. It is peaceful with a lot of grass and animals. Mrs. Clark is afraid that this proposal would take away the calmness that her residence now has. Recently there have been students walking across her property to go to Murray High School. She is concerned that this development might generate more foot traffic across her property. Mr. Kelly mentioned earlier that the residents could walk from this proposed development site to the arboretum or the high school; however, Mrs. Clark stated that there is not a trail leading to either one to her knowledge. It is her opinion that twelve lots are too many for this site and that twelve homes would create a lot of additional traffic and intensify the safety issue that already exists at Hwy 94W and North 18<sup>th</sup> Street. Several accidents have already occurred at the intersection since the state posted a 55 MPH sign across the street from their house. They feel that the speed limit is entirely too fast through this residential area. Mr. Clark then spoke. He said that this proposal “sandwiches” them in between the proposed development and the MSU Farm. He said if this proposal is approved, he thinks a fence separating his property and the development would definitely help.

Mr. Holton came forward again. He thought that Mr. Clark had a good point by requesting a fence be put up between his property and the development. Mr. Holton would also like to see a fence separating his property from the development as well.

The public hearing was closed and Chairman Kind asked Mr. Kelly to come forward to address some of the comments/concerns.

Mr. Kelly agreed that this development could intrude on someone’s privacy; however, that’s part of being in the city. Mr. Kelly chooses to live in the county for that very reason. With a subdivision, he understands that it is backing up to neighboring properties and he would definitely entertain the thought of providing privacy fencing or natural barriers if his budget allows him to do so. The traffic situation was then addressed. Mr. Kelly stated that the speed limit is a state and city issue and he thinks that it is indeed too high for a residential area. Mr. Kelly explained that the post office has new requirements for subdivisions. In order to save time, they require a central location for all the boxes instead of individual mailboxes. The post office representative indicated a couple of preferred locations for the boxes that would set back off the road where there would not create a visibility issue. The commissioners asked Matt Jennings to come forward at that time. They asked Mr. Jennings if he had been told the same thing by the Post Office Officials. Mr. Jennings answered yes. He said that the Post Office will not budge, they recommend where mailboxes are put and that’s where you must put them if you want to have mail delivered. Mr. Jennings added that the multi-family subdivision that he developed on Opportunity Drive has the boxes together where one lot may have as many as four boxes on it. Mr. Jennings has not addressed this issue at the Office Park at this point; however, he is sure that

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it will be the same situation and the post office will only deliver to one location. Riverfield Subdivision (that was started in 2007) was the last subdivision where Mr. Jennings was able to put individual mailboxes and they are all alike.

Commissioner Foster showed concern for twelve houses being constructed in between the two single family homes. He agreed that affordable housing was definitely needed in Murray and that some type of privacy fencing should be constructed. Mr. Kelly said that his subdivision regulations would prevent farm animals from being outside on the properties; however, he does understand that children can generate noise. He will try to find out which would be the best way to provide privacy and a sound barrier at the same time.

At this time, Chairman Kind asked for a motion.

**Jim Foster made a motion to approve the Preliminary Plat request. The testimony presented in this public hearing has shown that Preliminary Plat is consistent with the plan; the applicant's proposal is in compliance with the Comprehensive Plan as well as the provisions contained in Chapter 155 SUBDIVISION REGULATIONS and Chapter 156 ZONING CODE. The proposal complies with (or will comply with when structures are constructed) the development criteria for single family residential. The development of the R-2 Zone should not overburden the capacity of roadways and other necessary urban services that are available in the area due to the property being zoned R-2. Marc Peebles seconded the motion.**

**Jim Foster then amended his motion to add the following: Since the subdivision will be constructed in phases to meet market demands, the final plat would be required to record a statement that reads "after 50% of the lots are developed with residential structures or when the street (Arbor Court Place) is dedicated to the City, whichever occurs first," all non-residential activities within the subdivision would need to cease operation. Marc Peebles seconded the amendment and the motion carried with a 6-0 roll call vote.**

**Final Plat (FP-01-2017) Review of the proposed City West Commercial Development Subdivision which is a 7.54 acre site located on the northeast corner of Highway 94 West and Robertson Road – City West Commercial – City West LLC – Matt Jennings:** Contained within the provisions of §155.48 PROCEDURE FOR FINAL PLAT APPROVAL are a list of requirements necessary for approving the final plat. These requirements include a series of required certificates be placed and signed on the Final Plat prior to the recording, as well as "profile and cross section" plans for the "proposed streets, curb and gutter, storm drainage, and utility layouts, (sewer, water, and underground cables and wires) including private systems. The profile sheet shall show centerline profiles on proposed streets showing natural and finished grades, and sewer location." The applicant has provided the necessary information for the Commission to take action on the Final Plat along with the necessary security bond. Mr. Gilbert explained that the Final Plat is consistent with the approved Preliminary Plat and Planning Staff recommends that the Commission approve the Final Plat based on these facts.

**Marc Peebles made a motion to approve the final plat request based on the following facts: The Final Plat is consistent with the approved Preliminary Plat and the required**

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**certificates, profile plans and security bond will be approved prior to the recording of the plat. Loretta Jobs seconded the motion and the motion carried with a 6-0 roll call vote.**

**Discussion of Proposed amendment to the Subdivision Ordinance to allow administrative approval of a Final Plat:** Mr. Gilbert explained that Planning Staff is asking that they be allowed to approve the Final Plat at staff level. The Commissioners will continue to approve the Preliminary Plat. Planning Staff will implement and approve everything that was decided on in the Public Hearing and then approve the Final Plat. This will actually streamline the entire process which will cut the time of the procedure for the applicant. There was discussion amongst the Commissioners. Mr. Gilbert said that he would work on an amendment and bring it before the Commissioners at the August meeting for their approval. Once approved, an amendment will be made to the City Ordinance.

**Discussion of Sign Ordinance revision and amendment:** Mr. Gilbert said that staff had attended an informative seminar on First Amendment issues and updating the Ordinance to meet First Amendment issues. Mr. Gilbert has begun making changes to the Sign Ordinance and the First Amendment issues. He has been using a sample Sign Ordinance provided by the Kentucky League of Cities as a guideline. He asked for a couple of volunteers to help him finalize those revisions/updates. Loretta Jobs and John Krieb volunteered to work with Mr. Gilbert. Mr. Gilbert thinks that the sign companies should also be involved with these changes since they are the ones that help advise the business owners. There was discussion amongst the Commissioners. Mr. Gilbert informed the Commissioners that he would present the revisions at the August meeting for their review.

Mr. Gilbert introduced Jesse Boshell, the newest staff member of the Planning Department. The Commissioners welcomed Jesse.

**Questions and Comments:** Commissioner Jobs asked for an update on The Gates. Mr. Roberts replied that some of the developers now reside in California but Staff is currently working with one of the developers who bought the remaining lots in the development. He added that they are making progress with the sidewalks, lighting and roads, but does not have a current status on the PDP. Staff has heard some concerns from the residents and they try to address them the best they can.

**Jim Foster made a motion to adjourn. John Krieb seconded the motion. The meeting was adjourned at 6:30 p.m.**

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Chairman, Tom Kind

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Recording Secretary, Reta Gray

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Commissioners Absent: Jordan Smith, Bobby Deitz and Robin Zhang

Also Present: Gerald Gilbert, Jesse Boshell, Maurice Thomas, David Roberts, Matt Jennings, Colin Kelly, Michael A. Holton, Cathy and Michael Clark and public audience

Chairman Kind called the meeting to order and welcomed all guests and applicants. Chairman Kind asked for a roll call of the Commissioners. He then asked if there were any changes to the minutes from the May 16, 2017 regular meeting.

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area. All urban services, including water and sanitary sewer, are available to the site. In addition, the Fire Department has reviewed the plat for compliance to the Fire Code. Planning Staff recommends approval based on these facts. Chairman Kind asked Matt Jennings (developer) to come forward to answer questions.

Matt Jennings came forward and was sworn in. He reiterated that Mr. Gilbert's description of the proposal was correct. He explained the changes from the initial plan to the current one. Mr. Jennings stated that their intention is to construct the buildings on each lot and then sell or lease them; however, they are opened to selling the property and allowing the owners to construct their own building. The restrictions will state that all the buildings will be required to have the same kind of finishes. Mr. Jennings said that there will be an association that will incorporate the Office Park and the Commercial Development. There is an existing pond that will be used for detention.

Chairman Kind opened the public hearing and asked if there was anyone that wished to speak in favor or opposition to the request. There was no one that came forward to speak in favor or opposition; thus, the public hearing was closed and the item turned back over to the Commissioners for further discussion and a motion.

John Krieb made a motion to grant the Conditional Use Permit for the City West Office Park Planned Development Project (PDP) Site Plan, Text and Landscape Plan as presented and the revisions to the Preliminary Plat as previously approved. The testimony presented in this public hearing has shown that granting the Conditional Use Permit for the Planned Development Project (PDP) Site Plan, Text and Landscape Plan is reasonable and necessary. The Planned Development Project (PDP) Site Plan, Text and Landscape Plan is in compliance with the provisions of §156.054 PLANNED DEVELOPMENT PROJECT REGULATIONS. The testimony presented in this public hearing has shown that granting the revision to the Preliminary Plat is reasonable and that all urban services (including water and sanitary sewer) are available to the site. The revised Preliminary Plat is in compliance with the provisions contained in Chapter 155 SUBDIVISION REGULATIONS, and Chapter 156 ZONING CODE. Loretta Jobs seconded the motion and the motion carried with a 6-0 roll call vote.

Public Hearing: Consideration of a Preliminary Plat (PP-02-2017) for a proposed 12 lot residential subdivision of a 3.88 acre site located at 1707 Main Street — Colin Kelly: Mr. Gilbert used a Power Point presentation to show an area photograph of the property. Adjacent properties are zoned R-2 (Single Family Residential) to the north, east and west and G (Government) to the south. All urban services, including water and sanitary sewer, are available to the site and sidewalks will be installed. There are no variances being requested. Vehicular access for each of the lots will be from the proposed cul-de-sac that is designed with a 60 foot radius per Fire Code and once completed will be dedicated to the City. In addition, since the cul- de-sac accesses Highway 94 its design and location will require review and approval from the Kentucky Department of Transportation prior to construction. The applicant proposes to subdivide the site into twelve lots. Proposed lot sizes are as follows:

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Lot No.	Lot Size	Lot No.	Lot Size

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Right-of-Way -0.42 acres

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Commissioner Foster showed concern for twelve houses being constructed in between the two single family homes. He agreed that affordable housing was definitely needed in Murray and that some type of privacy fencing should be constructed. Mr. Kelly said that his subdivision regulations would prevent farm animals from being outside on the properties; however, he does understand that children can generate noise. He will try to find out which would be the best way to provide privacy and a sound barrier at the same time.

At this time, Chairman Kind asked for a motion.

Jim Foster made a motion to approve the Preliminary Plat request. The testimony presented in this public hearing has shown that Preliminary Plat is consistent with the plan; the applicant's proposal is in compliance with the Comprehensive Plan as well as the provisions contained in Chapter 155 SUBDIVISION REGULATIONS and Chapter 156 ZONING CODE. The proposal complies with (or will comply with when structures are constructed) the development criteria for single family residential. The development of the R-2 Zone should not overburden the capacity of roadways and other necessary urban services that are available in the area due to the property being zoned R-2. Marc Peebles seconded the motion.

Jim Foster then amended his motion to add the following: Since the subdivision will be constructed in phases to meet market demands, the final plat would be required to record a statement that reads "after 50% of the lots are developed with residential structures or when the street (Arbor Court Place) is dedicated to the City, whichever occurs first," all non-residential activities within the subdivision would need to cease operation. Marc Peebles seconded the amendment and the motion carried with a 6-0 roll call vote.

Final Plat (FP-01-2017) Review of the proposed City West Commercial Development Subdivision which is a 7.54 acre site located on the northeast corner of Highway 94 West and Robertson Road — City West Commercial — City West LLC — Matt Jennings: Contained within the provisions of §155.48 PROCEDURE FOR FINAL PLAT APPROVAL are a list of requirements necessary for approving the final plat. These requirements include a series of required certificates be placed and signed on the Final Plat prior to the recording, as well as "profile and cross section" plans for the "proposed streets, curb and gutter, storm drainage, and utility layouts, (sewer, water, and underground cables and wires) including private systems. The profile sheet shall show centerline profiles on proposed streets showing natural and finished grades, and sewer location." The applicant has provided the necessary information for the Commission to take action on the Final Plat along with the necessary security bond. Mr. Gilbert explained that the Final Plat is consistent with the approved Preliminary Plat and Planning Staff recommends that the Commission approve the Final Plat based on these facts.

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certificates, profile plans and security bond will be approved prior to the recording of the plat. Loretta Jobs seconded the motion and the motion carried with a 6-0 roll call vote.

Discussion of Proposed amendment to the Subdivision Ordinance to allow administrative approval of a Final Plat: Mr. Gilbert explained that Planning Staff is asking that they be allowed to approve the Final Plat at staff level. The Commissioners will continue to approve the Preliminary Plat. Planning Staff will implement and approve everything that was decided on in the Public Hearing and then approve the Final Plat. This will actually streamline the entire process which will cut the time of the procedure for the applicant. There was discussion amongst the Commissioners. Mr. Gilbert said that he would work on an amendment and bring it before the Commissioners at the August meeting for their approval. Once approved, an amendment will be made to the City Ordinance.

Discussion of Sign Ordinance revision and amendment: Mr. Gilbert said that staff had attended an informative seminar on First Amendment issues and updating the Ordinance to meet First Amendment issues. Mr. Gilbert has begun making changes to the Sign Ordinance and the First Amendment issues. He has been using a sample Sign Ordinance provided by the Kentucky League of Cities as a guideline. He asked for a couple of volunteers to help him finalize those revisions/updates. Loretta Jobs and John Krieb volunteered to work with Mr. Gilbert. Mr. Gilbert thinks that the sign companies should also be involved with these changes since they are the ones that help advise the business owners. There was discussion amongst the Commissioners. Mr. Gilbert informed the Commissioners that he would present the revisions at the August meeting for their review.

Mr. Gilbert introduced Jesse Boshell, the newest staff member of the Planning Department. The Commissioners welcomed Jesse.

Questions and Comments: Commissioner Jobs asked for an update on The Gates. Mr. Roberts replied that some of the developers now reside in California but Staff is currently working with one of the developers who bought the remaining lots in the development. He added that they are making progress with the sidewalks, lighting and roads, but does not have a current status on the PDP. Staff has heard some concerns from the residents and they try to address them the best they can.

Jim Foster made a motion to adjourn. John Krieb seconded the motion. The meeting was adjourned at 6:30 p.m.

Chairman, Tom Kind

Recording Secretary, Reta Gray