

**MURRAY PLANNING COMMISSION MINUTES  
REGULAR MEETING  
TUESDAY, SEPTEMBER 17, 2013  
5:00 P.M.**

The Murray Planning Commission met in regular session on Tuesday, September 17, 2013 at 5:00 p.m. in the council chambers of City Hall located at 104 N. 5<sup>th</sup> Street.

**Commissioners Present:** Loretta Jobs, Tom Kind, Mary Anne Medlock, John Krieb, Ed Pavlick, Marc Peebles, and Ryan Stanger

**Commissioners Absent:** Kevin Perry, Jeremy Boyd and Ed Davis

Also Present: Candace Dowdy, Justin Crice, David Roberts, Reta Gray, Jennifer Tolley, Hawkins Teague, Dale Campbell, Matt Jennings, Bobby Deitz, Jane Shoemaker, 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 August 20, 2013 regular meeting.

**Loretta Jobs made a motion to accept the minutes from the August 20, 2013 Planning Commission regular meeting as presented. Ryan Stanger seconded the motion and the motion carried unanimously.**

**Advisory Meeting: Proposed Racer Villas Residential Planned Development Project – East of 1300 North 16<sup>th</sup> Street – Dale Campbell – Campbell Realty:** Justin Crice used a Power Point presentation to show the 3.38 acre tract of land (zoned B-2) located to the east of Bootleg Lounge on North 16<sup>th</sup> owned by Dale Campbell. Mr. Campbell and Campbell Realty are proposing to construct a residential planned development on the property. This property was granted a 40 foot 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. This project's preliminary plat was denied at the May 21<sup>st</sup> Planning Commission meeting. Mr. Crice stated that Planning Staff has met with Mr. Campbell several times since May and informed him that if he wanted to move forward with this project he would have to submit another site plan and start the process over. Staff also informed Mr. Campbell that it would be up to the Planning Commission to determine whether the changes are significant enough to move the project forward to the BZA for compatibility. Dale Campbell resubmitted plans for Racer Villas with some changes to the project in a revised site plan. The site plan shows reducing the number of units from 70 to 62 one bedroom apartments. Parking for this development has been reduced from 140 spaces to 108; thus, requiring a variance of 78 parking spaces. Building setbacks along the east line are 20 feet and would require a setback variance. The revised site plan addresses sanitation pick up with dumpster locations shown in the northeast corner and the southwest corner of the development. Fire Department access was determined as being sufficient. Mr. Crice stated that the stormwater detention basin location was moved to the south side of the property. It now creates a buffer between adjoining properties to the south and could slow traffic because of the slight curve in the

drive aisle around the development. The site plan shows widening the green space between the buildings in the center of the development to 44 feet from the previous width of 26 feet. The developers have indicated they want to market the development as one story/one bedroom units rather than two story units. The site plan also added a 4 foot sidewalk to the southwest entrance of the development that would be proposed to extend to 16<sup>th</sup> Street. Ms. Dowdy added that there are not any provisions for B-2 zoning district on how to determine density issues; therefore, they compare it to the residential zoning districts policy. The Planning Commission had voted unanimously to deny the first preliminary plat because the proposal was too dense for the size of property. Planning Staff looked at other PDP's over the last year for comparison and found that the average number of units per acre was 16 units versus the 18 units that this proposed project would have. Mr. Crice added that Mr. Campbell has listed the amount of green space as 1.47 acres of green space which includes the detention basin. There remains only one entrance to the property that loops around the development. The access easement is to be maintained jointly by the owners of Bootleg Lounge and Mr. Campbell. Chairman Pavlick said that he was still concerned with only one entrance with that high a density. Commissioner Krieb stated that since the road circles the development, there would be access in case of an emergency unlike a development that had only one access that went straight into the development. Commissioner Krieb reviewed that when Mr. Campbell presented his original proposal in 2012 there were 147 units. In May of 2013 there were 70 units and now there are 62 units proposed. He added that this proposal is an overall improvement. Mr. Krieb stated that he had previously mentioned that these types of developments tend to look like "military barracks" and with the rendering that was shown, Mr. Campbell is adding roofs on the front of the units to enhance the overall appearance. Commissioner Kind said that backyard patios presented more of a "community atmosphere" and then asked if there were going to be patios in the rear of the apartments. Ms. Dowdy replied that she did not know but Mr. Campbell was in attendance to answer questions such as that. She added that no detailed plans have been submitted at this point and if this project should move forward, the commissioners would be reviewing a preliminary plat in the future. Ms. Dowdy continued that the developers are not interested in constructing two story buildings and are very firm about that decision. Chairman Pavlick asked the commissioners if they would like to question Mr. Campbell. Commissioner Krieb replied that maybe Mr. Campbell could comment if there would be doors and patios on the backside of the units or if there would be windows only. Mr. Crice asked Mr. Campbell to come forward to answer questions.

Dale Campbell, 2213 Traci Drive, Murray was sworn in. Chairman Pavlick asked Mr. Campbell if the developers planned on selling this development and if so, would the items of discussion with the boards be passed on to the new owners. Mr. Campbell replied that there is a strong possibility that they will keep the development if it is approved. Ms. Dowdy explained that if the property should change hands, the property will have to be developed as the conditions are placed on it by the commissioners and the BZA. If any alterations or changes are made to the development beyond the final plat review, they will have to come back before the boards. Ms. Dowdy asked Mr. Campbell if they planned on having patios on the back of the apartments. Mr. Campbell replied that he would prefer to build each apartment with a patio, window and a door on the back but they are willing to work with the Planning Staff and build them according to their suggestions. Ms. Dowdy explained that the board had suggested that the Adams' proposal

on Main Street be built without back doors to discourage congregating in the backyards. Commissioner Medlock stated that this environment would be different from the one on Main Street since it had been limited for space and she thought this proposal would give a sense of community to have backyard patios. Commissioner Jobs added that the complex on Main Street had more visibility to the public and that was another reason the commissioners felt that would be better without the backyard patios. Mr. Roberts asked if Mr. Campbell knew the dimensions of the patios. Mr. Campbell replied that they would be 8 foot deep by whatever width they felt necessary. Mr. Roberts said that would still leave 28 feet for utilities to be run in the backyard area. Mr. Campbell explained that according to their calculations, there are currently 1.47 acres of green space and 1,894 feet less than an acre in the buildings themselves. The patios were not calculated out of the green space. Commissioner Krieb noted that would reduce the green space somewhat based on the size of the patios. Mr. Campbell agreed and replied that they would build the patios to Planning Staff's recommendations. Mr. Campbell added that the roofs on the front of the buildings will be large enough for two doors under each roof instead of one as the rendering shows. Mr. Campbell said there had been mention of the dumpster areas being moved and the developers had no preference to where they were located. Ms. Dowdy stated the dumpster areas would be enclosed and Don Rogers with the Murray Sanitation Department had looked at the suggested locations for the dumpsters and indicated the proposed sites would be fine with him. The one to the northeast corner might have to be angled somewhat to accommodate front load dumpster pickup. Ms. Dowdy explained Mr. Campbell is looking for direction on whether or not to proceed with this project. Mr. Campbell stated he has spent a lot of money already on this proposal (including two traffic studies at \$3,000 each) and is not willing to spend any more if it is going to be turned down.

Chairman Pavlick asked if there was fencing between Mr. Yong's property and this proposal shown on the drawing. Ms. Dowdy replied that the drawing did not show fencing. Both are zoned B-2; however, the uses are different as one is residential and the other is commercial. Ms. Dowdy continued on stating he would be required to provide screening on the north side where the property adjoins R-4 zoning. She encouraged the commissioners to make their comments for Mr. Campbell at this time where the developers can take them into consideration. Chairman Pavlick said that he would like to see the screening between Mr. Yong's property and this development as commercial developments are not always that tidy on the back side and this would also give some privacy to the complex. Commissioner Kind added that a fence or row of vegetation of some sort would be acceptable also. Commissioner Krieb said that some of the neighbors at previous meetings had voiced concerns about people that would be walking from The Keg or Bootleg Lounge and possibly wandering through the development. Fencing on all sides could discourage that invasion of the development and provide more privacy for the tenants.

**Marc Peebles made a motion to forward the proposed residential planned development project for Racer Villas on to the BZA for their consideration on compatibility based on the fact significant changes have been made to the project. The Commissioners would like to suggest that the developers consider fencing the entire project for privacy. John Krieb seconded the motion and the motion carried with a 7-0 roll call vote.**

**Final Plat Review: Phase I of Vintage Hills Subdivision Opportunity Drive & Poor Farm Road – City West, LLC & West Wind Rentals, LLC:** *Ryan Stanger recused himself at 5:33 p.m.* Candace Dowdy used a Power Point presentation to show the property owned by City West LLC & West Wind Rentals, LLC along Opportunity Drive and Poor Farm Road. This property consists of three tracts of land totaling 49.428 acres that is in the process of being rezoned as R-4 Multi-Family Residential. The rezoning has not been finalized at this point; however, it should be going before the City Council at the next meeting for the second reading of the ordinance and then the following week it will be published. Any approval will be contingent upon the rezoning being approved and adopted by the City Council. Ms. Dowdy stated that the developers are looking at developing the property in three phases. At this time they have submitted a Final Plat for Vintage Hills Subdivision and are requesting final approval for Phase I of the subdivision. Phase I has been proposed to be developed along with the construction of Opportunity Drive and all proposed intersecting streets. It will consist of 31 lots ranging in size from 0.32 acres to 0.56 acres. Access to this property will be from Opportunity Drive and Poor Farm Road. Phase II and Phase III will be proposed as future developments to the West and will require Planning Commission approval. These lots will accommodate a single family detached dwelling as well as a multi-family dwelling of up to four units per lot. Ms. Dowdy reviewed that the covenants and restrictions were modified after preliminary plat review to now reflect the following statements:

- 1) *Single family detached dwelling now permitted in subdivision.*
- 17) *At such time 90% of the lots in each Phase have been built on, the property owners of the vacant lots must construct the sidewalk along the front of their property within one year from the last Certificate of Occupancy issued.*
- 19) *Wording already reflected that a majority of property owners would have to agree to change the covenants and restrictions.*
- 24) *The developers removed this statement: Any restriction contained herein may be waived by the execution of a waiver of restrictions pursued by the developer.*

The plat indicates the minor streets have a 50 foot dedicated right-of-way and Opportunity Drive as a collector street was previously dedicated as a 60 foot of right-of-way. The Planning Commission approved the reduction in the road width of Opportunity Drive from 32 feet to 30 feet. Stormwater detention has not been designed but approval of this plat will be contingent upon it being submitted and approved. Lot setbacks did not change on this plat. The developers have dedicated utility easements along some of the interior lot lines for future use. The subdivision plat has been reviewed by the Fire and Sanitation Departments. Ms. Dowdy added that before construction is started on this development, the developers will have to submit a Letter of Credit to the City prepared by the engineer stating what the outstanding costs would be for the infrastructure. Ms. Dowdy stated that Mr. Jennings was in attendance.

David Roberts explained that when he spoke to the engineers for the project right before the meeting, he was informed that stormwater detention might not be necessary since this property will go from cultivated fields to residential. He said that about 40% of the lots are covered by impervious area and probably will not require the detention. There is quite a bit of relief drainage

on the lots. If they keep the percentage from 40-45% for the additional phases, there might not have to be stormwater detention for them as well. Mr. Roberts stated that Bobby Deitz is the engineer for the project and that he was in attendance if the Commissioners had any questions for him. Commissioner Krieb asked how many of the lots could be used for four-plexes. Ms. Dowdy stated that Mr. Jennings had addressed that in earlier meetings, but she did not have that information in front of her. Mr. Jennings came forward.

Matt Jennings, 1671 Valentine Road, New Concord, Kentucky was sworn in. Mr. Jennings stated that during the previous meetings, he had discussed building a certain percentage of the lots as four-plexes; however, he did not list that number in the Covenants and Restrictions for the subdivision. Commissioner Medlock asked Mr. Jennings if he would have a problem adding a statement to the Covenants and Restrictions stating that only up to 40 percent of the lots would be allowed for four-plexes in the subdivision. She stated that since this subdivision would be developed in phases, over the years the Planning Commissioners would change. Mr. Jennings replied that he could add a statement if that was a request of the Commissioners. He stated every lot in the subdivision is more than large enough in size to accommodate a four-plex and 40 percent is the maximum number of four-plexes that will be allowed for the overall subdivision. Mr. Jennings continued on to say this subdivision will be a very low density at 6.9 units per acre with a 35 foot front yard setback on the lots instead of the required 25 foot.

**John Krieb made a motion to approve the final subdivision plat for Phase I of Vintage Hills Subdivision contingent upon the rezoning of the property being approved by the City Council; a letter of credit being submitted to the City for the outstanding costs of infrastructure, water, sewer and roadways; no more than 40 percent of the lots will be used as four-plexes; stormwater detentions plans being submitted and approved if applicable in the development of this subdivision and that it meet all other City regulations. Loretta Jobs seconded the motion and the motion carried with a 6-0 roll call vote. Ryan Stanger reentered the meeting at 5:55 p.m.**

**Questions and Comments:** Justin Crice reminded the Commissioners if they hadn't completed the survey that was sent to them to please complete it promptly for Pike Legal Group because the deadline is on Wednesday. Commissioner Kind asked when Pike Legal would be here to begin their work. Ms. Dowdy replied that the survey was sent out to get an input from Planning Staff and different boards to see where they stood and what areas needed work. Keith Brown, member of the Pike Legal Group, graduated from Murray State University; therefore, he is quite familiar with the Murray area. Ms. Dowdy concluded that they are hoping to have this completed by the end of this fiscal year which would be June of 2014.

**Adjournment:** Ryan Stanger made a motion to adjourn. Marc Peebles seconded the motion and the motion passed with a unanimous vote. *The meeting adjourned at 6:00 p.m.*

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Commissioners Absent: Kevin Perry, Jeremy Boyd and Ed Davis

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dumpster locations shown in the northeast corner and the southwest corner of the development. Fire Department access was determined as being sufficient. Mr. Crice stated that the stormwater detention basin location was moved to the south side of the property. It now creates a buffer between adjoining properties to the south and could slow traffic because of the slight curve in the

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Marc Peebles made a motion to forward the proposed residential planned development project for Racer Villas on to the BZA for their consideration on compatibility based on the fact significant changes have been made to the project. The Commissioners would like to suggest that the developers consider fencing the entire project for privacy. John Krieb seconded the motion and the motion carried with a 7-0 roll call vote.

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John Krieb made a motion to approve the final subdivision plat for Phase I of Vintage

Hills Subdivision contingent upon the rezoning of the property being approved by the City Council; a letter of credit being submitted to the City for the outstanding costs of infrastructure, water, sewer and roadways; no more than 40 percent of the lots will be used as four-plexes; stormwater detentions plans being submitted and approved if applicable in the development of this subdivision and that it meet all other City regulations. Loretta Jobs seconded the motion and the motion carried with a 6-0 roll call vote. *Ryan Stanger reentered the meeting at 5:55 p.m.*

Questions and Comments: Justin Crice reminded the Commissioners if they hadn't completed the survey that was sent to them to please complete it promptly for Pike Legal Group because the deadline is on Wednesday. Commissioner Kind asked when Pike Legal would be here to begin their work. Ms. Dowdy replied that the survey was sent out to get an input from Planning Staff and different boards to see where they stood and what areas needed work. Keith Brown, member of the Pike Legal Group, graduated from Murray State University; therefore, he is quite familiar with the Murray area. Ms. Dowdy concluded that they are hoping to have this completed by the end of this fiscal year which would be June of 2014.

Adjournment: Ryan Stanger made a motion to adjourn. Marc Peebles seconded the motion and the motion passed with a unanimous vote. *The meeting adjourned at 6:00 p.m.*

Chairman, Ed Pavlick

Recording Secretary, Reta Gray