

**MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, FEBRUARY 19, 2019
4:30 P.M.**

The Murray Planning Commission met in regular session on Tuesday, February 19, 2019 at 4:30 p.m. in the council chambers of City Hall at 500 Main Street.

Commissioners Present: John Krieb, Tom Kind, Robin Zhang, Bobby Deitz, Marc Peebles and Martin Milkman

Commissioners Absent: Jim Foster

Also Present: Justin Smith, Maurice Thomas, Jeremy Buchanan, Attorney David Perlow, Mayor Rogers, Jim Osborne, MSU Planning Class, Ryan Stanger, Pastor Matt Johnson and Dr. Ian Twardus

Chairman Tom Kind called the meeting to order at 4:30 p.m. and asked Maurice Thomas to call the roll. Chairman Kind then asked for a motion to approve the minutes from the January 15, 2019 regular meeting.

A motion was made by Martin Milkman to approve the minutes from the January 15, 2019 Planning Commission regular meeting as presented. The motion was seconded by John Krieb. The motion carried unanimously.

Public Hearing: Request to set zoning to AG (Agricultural) for 20 acres of land located on Brinn Road (North 16th Street) – Applicant: City West, LLC – Matt Jennings: The drafted Ordinance was taken to the City Council on February 14, 2019 for annexation of the subject site into the city limits. City West, LLC has a purchase contract in place to sell this property to Journey Church in order for them to construct a church at this location. Justin Smith showed an aerial shot of the property. The property is identified as Low Density Residential on the Comprehensive Plan Land Use Map and is within the Urban Services Area. The applicant is requesting that the property fronting Brinn Road is zoned AG (Agricultural) in order for the church to have an easier process in developing the land. The AG Zone allows churches, religious education buildings and accessory dwellings as a permitted use and is not considered a consistent zone with the underlying Low Density Residential Land Use designation. The Church wishes to invest around 7 million dollars by purchasing the 20 acres; constructing the church, parking lot, and detention area; and keeping the remainder of the property as green space. A concern was voiced about the additional traffic on Brinn Road (North 16th). Justin explained that the 700 – 800 people that attend these services shouldn't make an impact in traffic because church would be meeting on the weekend when schools are not in session. After letters went out to adjoining property owners and the announcement was in the paper about the meeting, Planning received calls requesting additional information. When the residents found out that a church was being proposed for the property, they were more receptive than they had been during the previous multi-family development proposals. If the property is zoned AG and the church should decide not to build on the property, could farm animals could be put there? Justin replied

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that if the property is annexed, the City will have a little more control over what happens with the property; but since the property is currently in the county, there is no zoning or restrictions in place; therefore, a hog farm could be put there. Journey Church would very much like to make this property their new home and they would like to break ground as early as June. *Bobby Deitz recused himself at 4:36 p.m.*

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

Ryan Stanger came forward and was sworn in. Mr. Stanger spoke on behalf of the owner (Matt Jennings). Mr. Stanger has worked for Matt for approximately 10 years and has overseen Phase I and Phase II of Vintage Hills Subdivision (located to the east of this property). Currently they still have 15 acres between Phase II and the said property where they hope to locate Phase III of Vintage Hills within the next two years. The church plans to utilize the entire 20 acres themselves. Journey Church chose this particular piece of property because of its location to Murray and the city utilities availability. Mr. Stanger said that by bringing this property into the City, the landowners will actually be protected because the property becomes subject to all zoning and building regulations once it's annexed.

Matt Johnson (Pastor of Journey Church) came forward and was sworn in. Pastor Matt gave a brief history of their church and the growth it has seen. They currently have between 600 and 700 on any given Sunday. After 13 years at other locations, they are very excited about building a permanent facility for a permanent home. They have been looking at land for the past 2 years. They have an architect that is expected to be in Murray on Monday to start working on the design process. The plan is to break ground this summer. Financing is already in place; therefore, that won't slow them down. They will probably have two phases of construction and hopefully have everything completed in a couple of years. Pastor Matt indicated that their goal is to be a great neighbor to the residents around there and to add value to the community. They have made numerous non-profit investments in the community over the past few years. For the Church, this investment is just another tool to serve the community. They are excited about their decision and their continued chance to meet a lot of needs at the same time. Journey Church currently has three Sunday services because ingress/egress is certainly an issue for them as they are located at the CFSB Center on the Murray State Campus. They will continue to maintain three services when they move into the new building as it will separate the crowd and the traffic flow. There will be one building around 50,000 square feet. They will not be building a gymnasium or Family Life Center in the future as that is not the model they utilize. They hope to have two points of ingress/egress off of Brinn Road to help with traffic flow, but at this time they are not certain about the exact layout. By avoiding the third point of entry on the eastern side (connecting to Opportunity Drive), they feel they can detour additional traffic and safety issues.

Dr. Ian Twardus came forward and was sworn in. Dr. Twardus spoke in opposition to the project. He resides on Brinn Road and has a lot of concerns about the traffic that will be generated as Brinn Road is not a great road from a traffic standpoint. Dr. Twardus thinks that the four way stop will require a traffic light with the extra 200 + cars traveling on the road for three different services. It is his opinion that there should be a third entrance somehow connecting to Opportunity Drive just to provide an easier flow for the traffic. He added with a residential area, there would be peaks and valleys with the traffic and with church services there would be one

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big influx of traffic at three different times. It appears that the church does not have their plan or funding all the way in place; therefore, zoning the property to AG concerns him. Things can happen that they cannot foresee.

At this time, Chairman Kind asked if there was anyone that wished to offer a rebuttal.

Ryan Stanger came forward again. Mr. Stanger recalled that they had brought forth a proposal a couple of years ago concerning something similar to Southern Grace (assisted living) on this same property. The night of the meeting Mr. Jennings was unable to attend because of a family emergency; therefore, they did not have a representative present at the meeting. The potential buyer they had for that particular project moved on and bought something else; therefore, they decided not to attempt to annex and zone the property as R-2 at that time. Mr. Stanger said that they had looked at different projects but have not been able to come up with anything before now. The Commissioners voiced concerns about a road connecting Vintage Hills with this property and if the residents of Vintage Hills would use it for easier access to Brinn Road. Mr. Stanger replied that they have no plans to connect a road to the east side of this property. He then reiterated that with 18 lots still available in Phase II of Vintage Hills, it could be at least two years before they would be able to develop Phase III (which would adjoin the said property). Mr. Stanger feels that any project that they would bring to the area would need a traffic study and he felt that their Engineering Firm (BFW) is qualified to conduct that. Journey Church has a population that attends from Mayfield, Benton and Murray; thus, traffic could come from several directions to Brinn Road. Mr. Stanger concluded that when they started the Vintage Hills development they were approached by David Roberts from the City of Murray to leave a 15-20 foot right of way on the front of the property in order to have adequate space for the possibility of a three lane road in the future.

Chairman Kind closed the public hearing and turned the meeting over to Justin for final comments and for a motion from the Commissioners. Justin explained that according to the Zoning Ordinance, the development will be allowed only two entrances and at this time they will be on Brinn Road. If a third entrance is required, they will have to go before the BZA for approval. Justin then explained that they have been speaking to all developers off Brinn Road for an additional 15 foot right of way so in the future if there are plans for a three lane road, they will have the right of ways already allocated. They are very hopeful that they are going to get the extra 15 feet for this development as well. If this proposal should be denied, the church can still move forward with their plans; however, they will have to provide their own water and sewer means. Justin said that with the church being a non-profit, they are looking at additional revenue of \$15,000-\$20,000/year for this property coming into the city.

Chairman Kind asked Pastor Matt to come forward to answer some additional questions. Commissioner Milkman asked if the pastor expected the church to continue to grow. Pastor Matt replied that he did not know, but he did say that if they continue to grow they will add more services not build a bigger facility; therefore, the flow of traffic should not be impacted. Commissioner Milkman then wanted to know if R-2 zoning would affect the timing of the project. Pastor Matt did not know how R-2 zoning would affect the timing of the project as he is unfamiliar with City procedures, but his main concern is expediting the process. Justin then explained that if the property should be zoned R-2, Journey Church could still build a church on the property with a Conditional Use Permit. There would be additional steps, meetings and costs only to basically end up with the same result. Justin said the AG zoning process is easier and

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will take a shorter amount of time. The Commissioners will need to make a recommendation on the zoning and forward that to the City Council. Once it goes through the first reading, both the annexation and zoning requests will be ready for the second reading on March 14th. This should give the Civil Engineer and Architect adequate time to get the plans ready.

Ryan Stanger came forward again to speak. He said that they have been before both the Planning Commission and BZA with multiple projects in the past and have had these projects delayed because of scheduled meetings and approvals. Sometimes they have even had projects fail because of all the regulations; therefore, he feels that the AG zoning would be the simplest and quickest option. The Zoning Ordinance does not currently have a designated zone for churches, but if there had been a zone specifically for churches, that would have been the route they would have taken. Mr. Stanger then addressed the Comprehensive Plan. He said that certain sections had been updated as changes had occurred, but the overall Comprehensive Plan has not been updated in over ten years. He suggested an overall update. At this time, Chairman Kind called for a motion.

John Krieb made a motion to recommend to the City Council that the zoning amendment request of AG (Agricultural District) for the 20.01 acre tract of land located on Brinn Road be approved. The basis for this is that the testimony that was presented from staff and from the various individuals that came forward showed there is no existing zoning classification (since the property is in the county) and the request to make it AG for the purpose of a church makes sense and would be more appropriate. When we look at the Comprehensive Plan, it is quite dated and probably does not reflect all of the changes that have happened in that surrounding area so that would be another reason for the request. Marc Peebles seconded the motion and the motion carried with a 5-0 roll call vote. Bobby Deitz did not vote as he had recused himself earlier.

The motion was then amended by John Krieb and seconded by Marc Peebles to add: The Comprehensive Plan should be amended to support this zoning request. The motion carried with a 5-0 roll call vote. Bobby Deitz did not vote. Bobby Dietz returned to the meeting at 5:19 p.m.

Recommendation of a dedication and acceptance of street known as City West Drive – City West Office Park – City West LLC: Justin showed aerial photography of City West Drive. This street goes to the new vocational school for Murray and Calloway County. It runs north and south approximately 680 feet east of the intersection of 94 West and Robertson Road North and 286 feet east of Kingdom Court. City West Drive has a fifty (50) foot right of way and is approximately 808 feet in length. The improvements consist of two 14.75 foot drive lanes with an overall roadway section of 29.5 feet wide. Justin explained that this request had been previously delayed because of a settling spot that held water. The Engineer would not certify the entire road until that issue was addressed. The project engineer, BFW Engineering and Testing, has submitted the required verification letter. In addition, the street improvements have been inspected and are in conformance to the approved plans as well as all other City requirements. Based on these facts, staff believes that the Commission can recommend the acceptance and dedication of City West Drive to the City Council. Chairman Kind called for a motion.

Marc Peebles made a motion to accept City West Drive from City West Office Park into the City's public street system based on the public hearing tonight with a registered letter

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signed by Shannon Hays confirming the road to be constructed and installed in conformance to the City's requirements. Martin Milkman seconded the motion and the motion carried with a 5-0 roll call vote. *Bobby Deitz abstained from voting.*

Questions/Comments: Commissioner Krieb asked about the status of the changes that were previously made concerning food truck vendors. Staff was going to send a text amendment e-mail to the Commissioners of the revised copy. Justin gave an update and said that they had turned the Food Truck Vendor Ordinance over to the City Administrator and the Mayor. They are looking at putting together a list of business owners to sit down and discuss it to get a little more public input on how they feel about loosening up the regulations. They wanted to do that first before Staff finalizes the draft and send it to the Planning Commission.

Mr. Krieb said there had been a lot of discussion concerning the Daniel Yong project and the need for another traffic study to be conducted when both the University and Calloway schools were in session. He then asked for an update. Justin said that he had spoken to Ron Allbritten about doing another traffic study and Ron indicated that he planned on doing one this Spring when all schools are in session in order to get a more accurate number.

Chairman Kind asked about the response to the new Sign Ordinance. Justin replied that everyone had been pretty receptive of it and they really like the new regulations. He added that he had forgotten to amend the Table of Contents and he would be doing that and bring it back to the Commissioners at a future meeting. Marc Peebles welcomed the students and asked if they had any questions about the meeting. There were none. Mr. Peebles then thanked them for coming. Chairman Kind called for a motion to adjourn.

Martin Milkman made a motion to adjourn. Marc Peebles seconded the motion and the motion carried unanimously. The meeting was adjourned at 5:27 p.m.

Chairman, Tom Kind

Recording Secretary, Reta Gray