

**MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, JUNE 21, 2005**

The Murray Planning Commission met in regular session on Tuesday, June 21, 2005 at 5:00 p.m. in the council chambers of City Hall located at 104 N. 5th Street.

Commissioners Present: Ed Davis, Loretta Jobs, Tom Kind, Howard Koenen, Marc Peebles, Dave Ramey, Nelson Shroat and Richard Vanover

Commissioners Absent: Mike Lovins and Ed Pavlick

Also Present: Candace Dowdy, Sam Perry, David Roberts, Mike Pitman, Howard Brandon, Larry Herndon, Tom Auer, Ray Conklin and other public audience

Chairman Vanover called the meeting to order at 5:05 p.m. and welcomed the guests. Chairman Vanover asked for approval of the May 10, 2005 regular meeting minutes. Ed Davis requested verification of the agency of which Mr. Seay represented. **Loretta Jobs made a motion to approve the minutes with the minor correction. Nelson Shroat seconded the motion and the motion carried by a 6-0 voice vote, with Tom Kind and Marc Peebles not being present at the time.** Chairman Vanover asked for approval of the June 6, 2005 special meeting minutes. **Ed Davis made a motion to approve the minutes as presented. Dave Ramey seconded the motion and the carried by a 6-0 voice vote, with Tom Kind and Marc Peebles not being present at the time.**

Interpretation On Ruling From Planning Commission On Brandwood Park Subdivision Plat: Mike Pitman, legal counsel, reminded the commission of the May 10, 2005 Planning Commission discussion, regarding a request for extension of letter of credit for Brandwood Park, explaining that the extension was essentially denied, with the knowledge that the subdivision plat could and would be revoked because of future changes in layout due to Highway 80. Mr. Pitman stated that KRS 100.285 requires that for revocation of plat, no lots could be sold. Mr. Pitman explained that the commission may want to reconsider the action taken. David Roberts explained that Mr. Brandon has met with the city and explained that revoking the entire plat was not his intent and that one lot has been sold, which the commission was not aware of at the last meeting. Mr. Roberts explained that the southern portion of the subdivision could be developed regardless of what happens in Mr. Brandon's negotiations with the Transportation Cabinet.

Tom Kind entered at 5:11 p.m. Marc Peebles entered at 5:14 p.m.

Mr. Roberts stated that the city has made a commitment to Mr. Brandon that this subdivision needs to be developed and that there is currently a very limited supply of industrial land available within the city. Mr. Roberts stated that the city has made a commitment to Mr. Brandon that sewer service would be provided to the southeast portion of the subdivision within six to eight months. Mr. Roberts stated that water would be available with a short extension from the 16th Street and Poor Farm Road intersection and concluded that all utilities would be available in the beginning of 2006.

Mr. Roberts then asked the commission to reconsider granting an extension of the letter of credit given the new information. Commissioner Davis asked if developing just the southeastern portion would separate the development. Mr. Roberts stated that the original plans were to provide sewer service in three different locations. Mr. Roberts stated that portions adjacent to Highway 80 would definitely change in the future, but that development on the south end could continue with the current plat. Mr. Roberts stated that it was the city's recommendation to extend the letter of credit for improvements to be made with the knowledge that lots along Poor Farm Road and lots along Opportunity Drive, for a certain distance could be developed. Commissioner Davis stated that he recalled that the original subdivision approval was made, subject to the changes that the Transportation Cabinet might make due to Highway 80. Commissioner Ramey asked if there was a time frame recommendation on the letter of credit. Mr. Roberts recommended one year and stated that Mr. Brandon is planning to sell developable lots as soon as possible. Commissioner Shroat asked if Commissioner Lovins needed to be the one to rescind the previous motion. Mike Pitman stated that was not necessary. Commissioner Jobs asked if the previous motion should be voided. Mike Pitman stated that the previous action needs to be reconsidered, with the possibility of allowing an extension of the letter of credit. Commissioner Ramey questioned if the plat was, in fact, invalidated at the last meeting. Mr. Pitman explained that is what needs to be clarified by reconsideration tonight. **Dave Ramey made a motion to rescind the previous motion made on May 10, 2005 and to extend the letter of credit for \$100,000 expiring June 30, 2006. Ed Davis seconded the motion.** Mr. Roberts asked Mr. Brandon if he would like to make any comments. Mr. Brandon stated he did not intend to mislead the commission and did wish to only replat the lots directly affected by Highway 80 in the future, not the entire subdivision. **The motion carried with an 8-0 vote. Marc Peebles abstained due to being tardy for this item.**

Review Of Minor Plat For Property North Of Walmart—Howard Brandon:

Commissioner Jobs stated that she could possibly be involved in this transaction and therefore wished to recuse herself from this item. David Roberts stated that Mr. Brandon is requesting a subdivision of a 44 acre tract into two tracts, one being 3.3 acres. Mr. Roberts explained that this plat required Planning Commission approval because the lot is zoned B-2 and does not have any public road frontage. Mr. Roberts stated that there were 50' and 60' access easements across city property, which a part of, is being used by the Chamber of Commerce. Mr. Roberts stated that there is an interested party in the 3.3 acre tract. Mr. Roberts explained that Mr. Brandon had a 30' access easement from Walmart to access his property. Mr. Roberts stated that utilities were very close and could be extended with little cost to the city. Mr. Roberts recommended that if approval was granted, that it be contingent upon an encroachment permit from the Transportation Cabinet. Commissioner Peebles asked where Bee Creek was located in relation to the plat. Mr. Roberts outlined the property on aerial photography. Commissioner Shroat asked what the cost of water line extension to the property would be. Mr. Roberts stated that the cost would be \$3600.00. Commissioner Shroat asked why the developer did not pay for that. Mr. Roberts stated that it was city policy to provide utilities to the property. **Marc Peebles made a motion to approve the minor subdivision plat contingent upon an encroachment permit from the Transportation Cabinet and meeting all city**

regulations. Nelson Shroat seconded the motion and the motion carried 7-0. Loretta Jobs was recused from this item.

Discussion Of Possible Annexation Southwest Of Murray: Candace Dowdy stated that the city would like to bring it to the attention of the Planning Commission that there was a petition in December 2004 by residents of Kingswood, Camelot and Sherwood Forest to be annexed into the city. Ms. Dowdy stated that 95 surveys were sent out by the city and that 55% were received back. Ms. Dowdy stated that the surveys reflected about 50% in favor of, and about 50% against. Ms. Dowdy pointed out the general area of the proposed annexation on aerial photography. Ms. Dowdy stated that there were 123 households in the proposed annexation area. Ms. Dowdy stated that one of the considerations of the city was the expense of providing services to this area, compared to the revenue generated. Ms. Dowdy presented cost estimates to the commission highlighting that costs of providing sewer and water to the area was about \$1.5 million and went over road maintenance, street lighting and possible street improvement costs. Ms. Dowdy explained that a large portion of the area does not have sewer service and those that do, are paying an outside-city, higher rate. Ms. Dowdy explained that the revenue projections did not include undeveloped lots. Ms. Dowdy stated that tax revenue would be about \$46,000, based on current households. Ms. Dowdy stated that the proposed area is approximately 277 acres. Ms. Dowdy stated that this area was within the Urban Services Area, an element of the 2003 Comprehensive Plan. Ms. Dowdy went over the procedures, according to KRS, for annexation, and explained that either property owners or registered voters in the proposed area would have 60 days after the intent to annex was published, to present a petition against annexation. Commissioner Shroat asked how many were for and how many were against in the surveys that the city sent out to those not on the original petition from property owners. Ms. Dowdy stated that out of 53 surveys, 21 residents said yes, 54 residents said no, 12 residents would like additional information and concluded that 45% did not send back a survey. Ms. Dowdy stated that November, 2006 would be the earliest that this could go to a vote, if a petition against was presented and signers were validated. 55% voting against would defeat the annexation. Commissioner Kind asked for a clarification on the petition. Ms. Dowdy stated that it could only be one or the other: property owners or registered voters, not a mixture. Commissioner Ramey asked who would do the verification. Ms. Dowdy stated that it would be the County Clerk's office. Commissioner Peebles asked if most of the homes were already served by sewer. Ms. Dowdy stated that they were not, but that most were served by water. Commissioner Peebles asked how many years it would take to recoup the presented costs invested into infrastructure. Chairman Vanover stated that it would be quite a while, with this investment. Commissioner Ramey asked if this initiated from a request from the property owners. Ms. Dowdy confirmed that it did and pointed out the strip of Hoke property that could make the annexation contiguous.

David Roberts stated that this was an informational discussion, not for any action by the Planning Commission and to answer any questions. Mr. Roberts stated that the current objective was to weigh costs and to ask the question if the city could afford this now or not afford to do this in preparation for the future. Mr. Roberts commented that there was property recently annexed to the west and north of this area that is open for residential development. Commissioner Jobs asked if annexation was required before providing

utilities. Ms. Dowdy stated that there was an executive order made by the previous administration which did require annexation prior to utility service.

Commissioner Kind asked what percentage of names on the original petition represented the actual property owners. Ms. Dowdy stated that the petition represented 102 households, with 50% voting yes, 14% voting no and 36% undecided. Ms. Dowdy stated that the survey the city sent out went to the remainder of the property owners that were not on the petition presented. Commissioner Peebles asked if the surveys had been combined. Ms. Dowdy stated that a guess would be about 50% for, 50% against, based on the returned surveys, with a large percentage undecided.

Tom Auer, a requesting resident in the proposed area, came forward and stated that there were several city services that they were interested in, but that sewer was the most desirable. Mr. Auer explained that about 15-20% of residents in Sherwood Forest have had sewer since 1983 and do not wish to annex because they have already paid fees totalling \$3,500 and did not see the reason to pay any additional costs in order for others in the area to enjoy the same services. Mr. Auer explained that the septic systems surface in the spring, especially for families that have children or an otherwise high volume of sewage. Ray Conklin came forward and stated that he was mainly interested in sewer service. Mr. Conklin asked if people who owned multiple lots could have multiple votes for or against. Ms. Dowdy stated that they could only have one vote. Ms. Dowdy stated that most of the properties in the proposed area are owner occupied. Chairman Vanover asked if there was any further discussion or if anyone else would like to speak. Being none, Chairman Vanover introduced the next item. No action was taken by Planning Commission.

Discussion Of Proposed Development At 111 Poplar Street—Larry Herndon:

Candace Dowdy stated that Larry Herndon owned the old garment factory, otherwise known as the Landolt building at 111 Poplar Street. Mr. Herndon inquired with the city regarding a possible mixed use for the three-story brick warehouse, which used to be a tobacco warehouse. Ms. Dowdy stated that the property is zoned Industrial and adjacent property is zoned B-3, downtown business. Ms. Dowdy showed pictures of the property and adjacent properties. Ms. Dowdy explained that Mr. Herndon potentially would like to renovate the building for retail use on the bottom, professional office space on the second floor and residential loft apartments on the third floor. Ms. Dowdy explained that the downtown industrial areas are not as well used as newer industrial areas to the north, such as the industrial park on Max Hurt Drive. Ms. Dowdy asked the planning commission if they felt that this kind of development was a good move for the city and stated that staff is looking at the possibility of rezoning the property to B-3. B-3 zoning would allow residential as a conditional use, which was added to the zoning ordinance in 1998 during the early stages of Renaissance Kentucky. Ms. Dowdy stated that the building is not large enough for today's industry; therefore it is very difficult for it to be used as is. Ms. Dowdy stated that there was no action to be taken by the commission for this item. Ms. Dowdy stated that residential planned development projects are not permitted in the industrial zone. Ms. Dowdy stated that there are other adjacent properties that could possibly be included in rezoning.

Mr. Herndon stated that he bought the property in 1992 and originally had a plan drawn up that turned the building into a professional building. Mr. Herndon stated that Murray was not ready for that at the time. Mr. Herndon stated that both he and a neighboring warehouse have had a very difficult time keeping warehouse space leased, because most companies lease warehouse space north or east of Murray, for location or size reasons. Mr. Herndon stated that the building was built as a tobacco processing plant in the 1930s, which did not need 20' ceilings, which is now a common request from warehousing clients. Mr. Herndon stated numerous young folks who have seen the building have asked to live in the upstairs because that is what they have seen in the big cities, on the movies and on television. Mr. Herndon stated that he had records of similar projects all over the United States, most of which were done as a conditional use. Mr. Herndon stated that he did have an interested buyer who was planning to do the same thing with the property. Commissioner Shroat stated that the interior of the building was in good shape. Mr. Herndon confirmed that it was very stable. Mr. Herndon stated that he had Pearly McClure and Dickie Walls go through the building and both were amazed at the good condition that it was in. Mr. Herndon stated that he was confident with the success of the residential space, but still hesitant as to the success of all the office and retail space below. Sam Perry asked if this building was listed on the National Register of Historic Places. Mr. Herndon stated that it was going to be presented in October by a Murray State student for application to be listed on the National Register.

Ms. Dowdy asked the commission to consider if there had been enough change in the area to warrant a rezoning application. Commissioner Kind stated that there seemed to be nothing happening in that area, and that almost anything would be better than the property not being used at all. Commissioner Kind stated that with all the industry moving to the north, and the need for downtown revitalization, a property owner should be given a chance to make use of the property in a new way. Mr. Herndon stated that Dickie Walls, Fire Marshall would like to see it occupied, for safety reasons, even though it already has a sprinkler system. Mr. Herndon stated that the building is about 16,000 square feet per floor. Chairman Vanover asked if there was any other discussion. Being none, Chairman Vanover closed by agreeing that it was a worthwhile project and thanked Mr. Herndon for coming. No action was taken on this item.

Amendment To Section V Of By-laws Regarding Reimbursement: Candace Dowdy stated that the current reimbursement for meetings was \$25.00 for a regular meeting and \$20.00 for a special meeting. Ms. Dowdy stated that David Roberts presented a budget that increased the reimbursement to \$40.00 for either meeting. Ms. Dowdy stated that the budget was approved by City Council; therefore it was now brought before the commission for approval to change the By-laws. **Nelson Shroat made a motion to accept the change in By-laws of reimbursement to \$40.00 per meeting. Ed Davis seconded the motion and the motion carried with a 7-1 voice vote. Marc Peebles voted no.**

Being of no further business Nelson Shroat made a motion to adjourn. Marc Peebles seconded the motion and the motion carried with an 8-0 voice vote.

The meeting adjourned at 6:20 p.m.

Chairman, Richard Vanover

Recording Secretary, Sam Perry