

**MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, AUGUST 16, 2005**

The Murray Planning Commission met in regular session on Tuesday, August 16, 2005 at 5:00 p.m. in the council chambers of City Hall located at 104 N. 5th Street.

Commissioners Present: Loretta Jobs, Tom Kind, Howard Koenen, Mike Lovins, Ed Pavlick, Dave Ramey, Nelson Shroat and Richard Vanover

Commissioners Absent: Ed Davis and Marc Peebles

Also Present: Candace Dowdy, Sam Perry, David Roberts, Mike Pitman, Larry Hurt, Harold McReynolds, Greg McReynolds, Joe Sons and Dale Campbell

Chairman Vanover called the meeting to order at 5:00 p.m. and welcomed the guests. Chairman Vanover asked for approval of the July 20, 2005 regular meeting minutes.

Loretta Jobs made a motion to approve the minutes as presented. Nelson Shroat seconded the motion and the motion carried by an 8-0 voice vote.

Review Of Final Subdivision Plat—Hunters Pointe Subdivision Phase I—Robertson Road North—Harold McReynolds & Larry Hurt: Candace Dowdy stated that preliminary plat approval was granted for the entire subdivision on December 16, 2003, contingent upon the property being annexed into the city. The 60.21 acre tract was annexed into the city on February 26, 2004. The property was all zoned R-2, single-family residential, except for a 4.5 acre tract located at the southeast corner of the subdivision, which was all zoned Agricultural. The original request for the 4.5 acre tract was B-2, highway business district, but since there were not any development plans, Agricultural zoning was given. In March 2005, a 12-month extension was granted on the preliminary plat, to expire December 2005. Ms. Dowdy presented slides with aerial photography of the area, showing proximity to the rest of the city. The sewer lines have been installed, but not tested. The water lines have been installed, but have not been tapped into the city, yet. The storm drainage system has been completed. The roads are under construction. Ms. Dowdy stated that a letter of credit will need to be provided by the developer for all the outstanding improvements.

Ms. Dowdy stated that there were some minor corrections that needed to be made to the plat. Ms. Dowdy stated that there is a 15' utility easement along the front of the lots. There are 12' utility easements along the rear of the property. There are several 10' drainage easements noted on the plat. There will be additional 12' utility easements required on some of the side lot lines to improve rear access to lots. The surveyor, Joe Sons, from V.L. Associates, was present to answer any questions. Ms. Dowdy stated that brick pillar entrances are started, and that easements will be added to the plat for the entrance pillars. Lot 34 needs a drainage easement. A statement on the plat will be required as to who will be responsible for maintaining the brick entrances. There is not a homeowner's association established at this time, and the city does not need to be held liable for maintenance of the entrances.

Ms. Dowdy stated that some of the street names will change to meet 911 standards. Ms. Dowdy stated that the Planning Department is still waiting on a letter from the property owner to the north, giving permission for the stormwater to flow onto their property. Ms. Dowdy concluded that all of the changes to the plat were minor and that they have been discussed with the surveyor and the developer.

Commissioner Shroat asked what the problem was with the house numbering. Ms. Dowdy stated that typically on the north and east sides of the street the house numbers are even and on the south and west sides they are odd numbers. Because Cornwall Drive makes a 90 degree curve, the numbers become reversed. Commissioner Shroat stated that there seemed to be several changes that the city is waiting for the developers to make. Ms. Dowdy stated that the changes are minor. Ms. Dowdy stated that this phase consisted of 35 lots and that the Planning Department has a copy with all of the necessary changes to be made. Commissioner Shroat stated that he liked the subdivision plat, but wanted to be sure that all the necessary changes were noted, since there were so many.

Ms. Dowdy stated that there were copies of the covenants and restrictions available, if the commissioners would like to see them. Chairman Vanover asked if there were any other questions. **Mike Lovins made a motion to approve Hunters Pointe Subdivision Phase I, contingent upon meeting all city regulations. Ed Pavlick seconded the motion and the motion carried with an 8-0 vote.**

Discussion Of Possible Amendments to City of Murray Zoning Ordinance: Section III, Article 1, Sign Regulations: Candace Dowdy stated that in the past couple of months there have been several comments in reference to the regulations on temporary signs: the frequency, the time limitation, the use of pennants and other things that are considered to be moving, flapping or rotating as well as the use of inflatable signs and tethered balloons. Ms. Dowdy also stated that the Planning Department would like the phase-out of pylon signs on the 12th Street corridor to be discussed, as well. Ms. Dowdy asked if the Planning Commission would be willing to send these concerns to the sign committee that was established last year for their review. Ms. Dowdy stated that this committee could consider whether some of the recent concerns address regulations that need to be updated or changed and also make some suggestions on how to phase out the nonconforming signs along the 12th Street corridor. Chairman Vanover agreed that it would be best for those concerns to be discussed in a sign committee meeting, instead of just Planning Commission, so proper input can be given. Ms. Dowdy stated that staff did bring those concerns to the BZA meeting the prior month, but the board did not want to make any comments or recommendations, because it is the duty of the Planning Commission to make those recommendations. The Sign Committee consists of two (2) BZA members, two (2) Planning Commissioners, two (2) City Council members and staff. Sam Perry stated that there was going to be an appeal hearing the next night regarding some temporary signage, which may influence the discussion in the sign committee. Commissioner Ramey asked if it was a question of the interpretation of the ordinance. Mr. Perry stated that some was a question of interpretation, but the majority was a result of a disagreement with the fact that the ordinance is being enforced and causing a hardship to the businesses. Chairman Vanover asked Mike Pitman if it was advised to make a motion to send these issues to the sign committee for discussion. Mr. Pitman advised that it would be appropriate to make a motion as such and that the sign

regulations are a work in progress and as Murray grows there will be issues brought up that were not foreseen and he suspects that the sign committee will stay in place for some time. **Ed Pavlick made a motion to send the discussion items to the sign committee and that the sign committee will report back to the Planning Commission their findings and recommendations. Mike Lovins seconded the motion and the motion carried with an 8-0 vote.**

Discussion Regarding Spec Homes in Residential Subdivisions Being Used As Temporary Sales Office: Sam Perry stated that Dale Campbell has asked what the possibility of building a spec home in the Fairfield Subdivision to use as a temporary sales office would be. The spec home would be built similar to other homes in the subdivision and would function as a real estate office for other homes planned to be built in that subdivision. This topic is currently not addressed in the zoning ordinance or the subdivision regulations. Mr. Perry stated that staff has looked into this considering not just Fairfield, but all subdivisions. This is done in other cities in Kentucky. The difference with this project, compared to most spec homes would be the fact that there would be office hours for the real estate agent to be available to sell homes in that subdivision. Fairfield only has preliminary plat approval, so only one (1) home could be built at this time. Fairfield, for example, is zoned R-2, single-family residential, and there is not a conditional use for a temporary real estate office like this in the zoning ordinance. Staff is recommending a text change to possibly allow this use as a conditional use. Mr. Perry stated that Murray may need to adapt to allow something different to make the sales of new homes more efficient without disrupting the integrity of the surrounding property by creating more traffic or other problems. There will be items such as signage, length of time in operation, traffic and parking that will be considered. Commissioner Shroat stated that he has worked in many of these type offices in other cities and he did not see anything wrong with it. Commissioner Shroat stated that most cases the garage was used as the office and that particular home simply had a sign on it, saying "sales office." If the home was sold than the office would be converted back into a garage. Chairman Vanover stated that he would be in favor of the idea if the sales office was only to be used for homes in that subdivision. Selling homes that are outside of that subdivision would be abusing the concept. Commissioner Jobs commented that it would be very difficult to monitor the limitation of activity of a real estate agent just to homes in that subdivision. Commissioner Lovins agreed. Commissioner Lovins stated that when lots at Kentucky Lake were developed there were sales offices used there.

Mike Pitman stated that there currently are no provisions for this type of land use because business use is not permitted in the residential zoning districts. If it were done as a conditional use, then such things as time limits, restrictions regarding the sale of lots in that subdivision only, signage, etc., could all be reviewed by the BZA. It would be difficult to police conversations that would lead buyers to other sites outside the subdivision, but if that were a condition that was not met, it could be the basis to revoke the conditional use permit, if necessary.

Commissioner Jobs asked if it was only going to be one real estate agent. Sam Perry stated that it was, and that would probably cut down on traffic. Mr. Perry stated that it may not be a problem now, but as development increases, there will be adjacent

properties that will be concerned about the noise and traffic level in their neighborhood and those things need to be maintained for the single-family zoning districts. Candace Dowdy stated that Murray Estates and Crossfield East both had small sales offices. Ms. Dowdy stated that it could be restricted to just the developer or it could be allowed for real estate agents to use, but that a time limit would need to be set, so that it would not continue indefinitely.

Chairman Vanover asked how the time limit would be set. Mike Pitman stated that there would have to be a text amendment. One way would be to permit marketing of properties within a subdivision, which would leave it wide open with no restrictions. Mr. Pitman recommended that the proper approach would be to allow it as a conditional use in the R-1, R-2 and maybe R-4 zoning districts, so that time limits and other issues could be handled individually. The BZA could decide how much time is sufficient based on how fast the development is going. The BZA could place a condition that would require, for example, that once the subdivision was 70% developed, the office would have to be closed. Mr. Pitman was not advocating for or against the idea, but simply stating how it could be done. Usually, what he has seen is that advertising on these model/spec homes is very subtle. Commissioner Lovins stated that the selling agent should only be selling homes for one builder, who is the developer and owner of the lots in the subdivision.

Commissioner Jobs stated that other cities our size should be researched. Commissioner Lovins stated that Owensboro has done these model/spec homes in their new subdivisions. Sam Perry stated that Mr. Campbell could go ahead and build the spec home, but without a text amendment he could not have an office in it. Chairman Vanover stated that it was a great idea, but there are many issues that need to be ironed out before this can be done. Mike Pitman stated that the next step would be to set it for public hearing so that builders, public, staff and commissioners could work together. Commissioner Shroat asked if Mr. Campbell could come forward and explain his plans.

Mr. Campbell stated that his plans were to build a model home and sell homes in his subdivision. Mr. Campbell stated that he does not want to sell anyone's lots other than his own. Commissioner Shroat asked if he would sell lots to other builders. Mr. Campbell stated that he would not. Mr. Campbell stated that at this point he would like to be the one to build the homes, that way he could control the size and layout of the homes himself. Mr. Campbell stated that his plans were to build one (1) or two (2) model homes and have plans for other layouts available that could be chosen. Commissioner Jobs asked Mr. Campbell if he would be manning the office himself. Mr. Campbell stated that he would part of the time; but that his daughter sells real estate and she would be handling the sales. Mr. Campbell stated that it is hard to say that he is going to carry this out for sure, because if it is not successful, than he will try something else. He would like to try something new that is done in other cities. In other cities, once one phase of a subdivision is sold, than the model home is sold and a new one is built further down. Commissioner Jobs asked how long he would need for the model home. Mr. Campbell stated that it is hard to say, but that his hopes were to sell out the subdivision in six (6) months, which is an unpredictable time frame.

Commissioner Ramey asked if Mr. Campbell could get a conditional use permit now for this. Mike Pitman stated that he could not under the current zoning ordinance. Sam

Perry stated that as a home occupation, a business can exist and does not need a conditional use permit unless extra traffic is being generated, there is outdoor storage of inventory or vehicles, there are employees that live off-site or there is a sign in the yard. Mr. Pitman stated that the commission needs to consider whether it should be just the developer, the developer/real estate agent, the developer/real estate agent/financial institution and commented that their could be any combination. Mr. Perry stated that in Mr. Campbell's initial request, he was asking what the procedure would be to be able to have a sign up signifying a model home, a real estate office and a financial institution. The inquiry turned into a question of the land use, instead of just permission for a sign, because the area is zoned R-2, single-family.

Ms. Dowdy stated that staff can research this topic further and bring ideas back for discussion, than hold a public hearing the following month. Commissioner Ramey stated that the consensus from the commission seems to be that the office should be limited to just the developer of that subdivision. Commissioner Jobs stated that in some locales, there are multiple builders all represented by different real estate agents in a subdivision. Candace Dowdy stated that the number of lots in a subdivision will also be a factor. Commissioner Pavlick stated that the city should avoid getting a reputation for being difficult for developers to build in, because he has seen that happen in other cities. Chairman Vanover stated that these are all concerns that need to be worked out, and that this is a novel idea that has not been tried in Murray. Commissioner Pavlick stated that another example is the lots located on Edinborough West in Timber Trails, where lots have sold to about three (3) different builders. Commissioner Pavlick asked if the city would want to see a different spec home for each builder, plus a separate real estate agent for each? Commissioner Lovins asked Commissioner Jobs, if it was cost effective to have a sales agent in a spec home office. Commissioner Jobs stated that the agent would be representing more than just lots in that subdivision. Commissioner Lovins responded that that was one of the concerns. Commissioner Shroat stated that in the larger cities that he has experience with, the developer would sell his lots to any builder, but most of those builders would turn their sales over to a professional real estate company, but that company would not come out and put in a sales office.

Public Hearing to Review Amendment to Section III, Article 8, Stormwater Conveyance and Erosion Control: David Roberts, Director of Planning & Engineering stated that this was a proposal for amendment to the design criteria for Stormwater Conveyance and Erosion Control in Section III, Article 8 of the City of Murray Zoning Ordinance, as well as an amendment to the Murray Subdivision Regulations. Public notice was properly advertised in the newspaper. Mr. Roberts stated that the current design for detention areas is not adequate.

Chairman Vanover opened the public hearing. Being no one present to speak in favor of or opposition of the proposed amendment, Chairman Vanover closed the public hearing. Commissioner Kind asked if the letter from Geotech Engineers explained the details of the inadequate design criteria for stormwater conveyance. Mr. Roberts confirmed. The current design criteria is established for 24-hour, 25-year storm events. The current criteria actually do not adequately manage high-intensity 5-year and 10-year storm events because of its design for larger, more infrequent events. Changing the design to more adequately manage more common storm events will be a benefit to the city. Chairman

Vanover asked what staff was recommending be changed. Mr. Roberts stated that staff was recommending changing the criteria to fit 2-year through 25-year storm events. Mr. Roberts stated that the criteria are not designed for short term, high-intensity rains, which are much more frequent. In those storm events, rainfall is passing right through the system, it is not being detained. Commissioner Kind asked if the recommendations basically were more stringent than before, requiring sites to hold more runoff. Mr. Roberts confirmed and stated that the increase in required detention space would depend on the size of impervious watershed. Some larger impervious sites will need up to a 60% larger detention basin. Commissioner Lovins asked if the design criteria included impervious (pavement and concrete) areas as well as grassy areas. Mr. Roberts stated that all surfaces have different runoff factors, and are considered in an engineer's stormwater plan, but impervious surfaces do have the highest runoff.

Mr. Roberts explained that a 100-year storm event, has a 1% chance of happening, but we have had between six (6) and eight (8) in the last eight (8) years. Mr. Roberts stated that there were 36 detention areas within the City of Murray. They all have been designed based on the 24-hour, 25-year storm event. The majority of the time, you will see that there is no water being stored in the detention basin. If the requirements are changed to be more stringent, there will be more water held in the basins and less runoff into the streams, therefore less pollution into streams and waterways. Commissioner Kind asked if this would improve the environment as a whole. Mr. Roberts confirmed that it would. Mike Pitman asked for a technical explanation of the difference in the design criteria for the commission. Mr. Roberts explained that the difference in design is related to the outlet pipe of the basin. Using an example of a one (1)-acre detention basin, with the current design criteria, there would be one outlet pipe of 24-inches in diameter. The recommended design would instead have a 12-inch pipe, than higher up, another 12-inch pipe, than even higher up, would be a 15-inch pipe. As the storm increased, there would be more detention. The addition of the pipe diameters together would equal the previous criteria calling for one (1) pipe. The discharge is staged. Most basins in Murray, would require more land dedicated to detention. Mr. Roberts stated that three (3) detention areas are underground, which are the most costly to install and maintain. Mr. Roberts stated that detention areas in Murray range from small ponds to detention within parking lots. **Loretta Jobs made a motion to recommend the changes to design criteria for the stormwater conveyance and erosion control sections of the zoning ordinance and subdivision regulations, in accommodation for short-term high-intensity storm events to be sent to the city council for approval as text amendments to the City of Murray Zoning Ordinance and the City of Murray Subdivision Regulations, based on the letter from Geotech Engineers, being expert advice, and the recommendation from staff. Dave Ramey seconded the motion and the motion carried with an 8-0 vote.**

Commissioner Koenen asked David Roberts if someone checks the stormwater detention areas, such as at the Murray State football stadium. Mr. Roberts stated that Murray State had recently checked it's performance. Commissioner Koenen asked if these ordinances actually had an impact. Mr. Roberts stated that they have had a positive impact, and were in existence even before the EPA mandated that municipalities to have a Stormwater Management Plan. Murray started two (2) - three (3) years before EPA mandated it. Commissioner Koenen asked if it was being enforced. Mr. Roberts stated that it is

enforced in the process of building and site plan approvals. Stormwater management plans are prepared by a professional, licensed engineers and approved by the Planning & Engineering office, also through the in-house Stormwater Engineer, who works under the new Stormwater Utility.

Chairman Vanover asked if there were any other questions or comments. Sam Perry stated that with gas prices up to \$3.00 per gallon, it brings to mind the travel expense of living in the newer subdivisions that sprawl on the outskirts of the city. There is currently not anything in the zoning ordinance or comprehensive plan that addresses mixed-use development except in the B-3 zoning district. Some guidance is needed on how to integrate commercial in with residential development. There was discussion of commercial development in the Hunters Pointe subdivision. As gas prices increase, people are going to be looking for other ways to commute besides the automobile. There are also health reasons for not being automobile dependent. There may be a need to amend the comprehensive plan to address mixed-use development. Commissioner Kind stated that mixed-use was discussed in relation to neighborhood convenience stores and also a bike path. David Roberts stated that there are no designated areas for that type of development. Commissioner Kind agreed that it is a good idea and asked for a proposal addressing the subject. Mr. Perry stated that if such an amendment was made, an area would need to be designated on the Future Land Use Map, even if it is not annexed at this time. Mike Pitman stated that sidewalks were an integral part of the mixed-use development idea. Commissioner Kind stated that Murray is very far behind in the area of multi-mode transportation, and that changes can not be made overnight, but it would be good to at least start.

Being of no further business, Nelson Shroat made a motion to adjourn. Mike Lovins seconded the motion and the motion carried with an 8-0 vote.

Chairman, Richard Vanover

Recording Secretary, Sam Perry