

**MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, DECEMBER 20, 2005**

The Murray Planning Commission met in regular session on Tuesday, December 20, 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, Mike Lovins, Marc Peebles, Nelson Shroat, Ed Pavlick, Dave Ramey and Richard Vanover

Commissioners Absent: none

Also Present: Candace Dowdy, David Roberts, Mayor Rushing, Warren Hopkins, Joe Sons, Kim Oatman, Tung Dinh, Giao Dinh, Hoa Dinh, Kristen Taylor, Henry Sledd and Danny Brittain

Chairman Vanover called the meeting to order at 5:00 p.m. and welcomed the guests. Mayor H. Thomas Rushing came forward and thanked the commissioners for their hard work this year on behalf of the mayor and city council. Chairman Vanover asked for approval of the November 15, 2005 regular meeting minutes. Candace Dowdy stated that there were some minor spelling and attendance corrections to be made that were discussed prior to the meeting. **Loretta Jobs made a motion to approve the minutes as presented with minor corrections noted. Ed Pavlick seconded the motion and the motion carried by a 10-0 voice vote.**

Public Hearing For Rezoning Request—R-2 To B-1—Rear Of 807 and 809 Coldwater Road—2.312 Acres—Tung & Giao Dinh: Candace Dowdy stated that the current property owners have owned the property since 1992. There are two (2) tracts of land, totaling approximately 4 acres. The front portion of the lots are zoned B-2. The rear portion of the lots are zoned R-2. Ms. Dowdy stated that the planning department researched back to 1959 as to why the zoning of this property would have been split. After annexation there was no indication of any rezoning in the area. There is currently one (1) rental house on the front of each of the two (2) lots. The Dinhs are requesting the Planning Commission to consider making a recommendation to rezone the back portion of the properties to B-1, for future development. Ms. Dowdy stated that the back portion which is zoned R-2 is essentially unusable at this time for commercial development. The two tracts have a total of 194 feet of street frontage along Coldwater Road. Ms. Dowdy presented the land use map and explained that the property along College Farm Road was labeled low-density residential, but that a significant amount of the land use was actually being used for multi-family rental. The future land use map does not show any change. Ms. Dowdy presented aerial photographs and site pictures of the two (2) houses and property. Ms. Dowdy noted that all the appropriate notices were given according to KRS Statutes. Ms. Dowdy stated that the applicants request for rezoning is based on the fact that they feel the originally zoning for the property was inappropriate. Commissioner Ramey asked why the rear is being requested B-1, instead of B-2. Ms. Dowdy explained that after meetings with the Dinhs, staff and the property owners agreed that because of the adjacent single-family residential area, a more restrictive zoning district may be a better choice. Ms. Dowdy explained that there are also required setbacks and screening in place for the B-1 zoning district. Commissioner Peebles asked if all other non-

permitted uses would require a conditional use permit. Ms. Dowdy explained that in the public hearing process, the applicant does not have to divulge what the proposed use of the property is and that the Planning Commission does not base their recommendation for rezoning on the proposed use.

Ms. Dowdy stated that based on the Dinh's plans, the property would have to go through the PDP process. Drainage, parking, screening and setbacks would all be covered in that process, which includes at least two (2) public hearings. Commissioner Peebles questioned continuing the split zoning. Ms. Dowdy stated that it was the staff recommendation because of residential neighborhood concerns. Commissioner Peebles and Ms. Dowdy discussed the land use map. Commissioner Pavlick questioned the position of the city if the city did not approve rezoning this property. If it is unusable as it is, is the city denying the property owner use of the land? Legal counsel, Attorney Warren Hopkins, stated that the property would still be accessible from a public thoroughfare and that split zoning does not necessarily render it landlocked, but simply that more care has to be taken in choosing conforming structures and uses. David Roberts stated that access across commercial to residential is more of an unclear regulation than access across residential to commercial, but that these items could be addressed through the PDP process. Commissioner Shroat asked about required access. Ms. Dowdy stated that 75' is required for road frontage, and that it could be from Dodson Street, 17th Street, or Coldwater Road, but that it would be a very large lot compared to a typical R-2 lot.

Chairman Vanover opened the public hearing. Chairman Vanover swore in Kim Oatman. Mr. Oatman stated that he was representing the applicants, in favor of the zone change. Mr. Oatman reiterated that at some point either the zoning line or the previous corporate limits severed the back portion. Mr. Oatman stated that because access would have to be given across differing zoning districts, it was zoned inappropriately. Mr. Oatman stated that the property owners were very open to applying for the B-1 zoning district, even though B-2 was the default preference. Mr. Oatman stated that it is not feasible to use the rear of the property for single-family, and followed that a property could be purchased on 17th Street or Dodson Street and used for access but that brings issues with introducing a road in the middle of a neighborhood. Mr. Oatman stated that Mr. Dinh is considering a daycare facility and also moving the Tae Kwan Do facility on Olive Boulevard to this site. Mr. Oatman stated that there has been significant business development in the area, including Highway 121 since the property has been zoned. Mr. Oatman concluded with noting that landscaping and screening would be in compliance with the zoning ordinance.

Chairman Vanover asked if there was anyone else in favor of the rezoning. Being none, Chairman Vanover asked if there was anyone in opposition to the rezoning. Chairman Vanover swore in Henry Sledd. Mr. Sledd stated that he has lived at 1609 Dodson Street since 1964. Mr. Sledd stated that he was concerned about noise levels. Mr. Sledd also stated that he was concerned about the watershed being overloaded by more impervious area, citing that water downstream from this site has nearly been over Coldwater Road. Chairman Vanover swore in Danny Brittain. Mr. Brittain stated that the Dinhs already own a house on College Farm Road, so access is not really a concern. Mr. Brittain stated that he would like to see more of a plan of what is going to be built, instead of just a maybe. Mr. Brittain concluded with a statement that he did not believe that this rezoning

would help his property value. Chairman Vanover asked Mr. Brittain if he had seen the list of permitted B-1 businesses. Mr. Brittain stated that he did not. Candace Dowdy read the list and explained the purpose of the B-1 district, that it was for smaller, neighborhood convenience businesses and that all other businesses would have to be considered as a conditional use. Ms. Dowdy stated that Mr. Dinh currently has a daycare and a martial arts gym in a B-1 district. Chairman Vanover asked if there was anyone else who wished to speak in regards to the application. Being none, Chairman Vanover asked Mr. Oatman if he would like to return for any further statements. Mr. Oatman stated that it is in the city ordinance that the stormwater can not flow onto adjacent properties, and that any stormwater detention designs would be reviewed by the city for approval. Mr. Oatman stated that as far as noise, it would be during the day for the daycare, but very minimal. Mr. Oatman stated that it would not be feasible for the Dinhs to use the property they already have as an access point, because it would not line up with a road across the street. Mr. Oatman stated that as far as the request for a plan, the Dinhs do not wish to invest in designing a layout for development if the rezoning does not get approved. Henry Sledd returned to say that there was a recent development on Coldwater Road in which the state required the property owner to construct a rip-rap ditch for stormwater and to plant trees. Neither has been done and Mr. Sledd concluded that developers promise to make improvements, but those commitments are not enforced. Chairman Vanover asked if there was anyone else who wished to speak before the public hearing is closed. Being none, Chairman Vanover closed the public hearing.

Commissioner Jobs asked where the owners planned to put the two proposed businesses. Mr. Oatman stated that nothing is definite because a topographic study needs to be done of the area to determine the best site for detention, which would change where the buildings would be located. Commissioner Kind asked if two (2) houses could be placed in the rear of these lots. Candace Dowdy stated that they could if there was access. Attorney Warren Hopkins stated that it possibly could be done with a conditional use permit. Commissioner Kind asked staff to explain the natural drainage. David Roberts stated that Mr. Sledd is correct that stormwater flows toward Dodson Street and Coldwater Road. Mr. Oatman stated that they would leave the natural flow as much as possible in combination with the detention basin. **Marc Peebles made a motion to recommend approval of rezoning of the rear 2.312 acres of 807 & 809 Coldwater Road from R-2 to B-1 based on the fact that the original zoning was inappropriate and the proposed zoning classification is more appropriate because the property will have more similar zoning districts than currently and the future land use map erroneously shows that the property will stay residential. Nelson Shroat seconded the motion and the motion carried with a 10-0 vote.**

Review Of Preliminary Subdivision Plat—Summerfield Estates Subdivision—Neale Trail—Dale and Carolyn Dunlap: Candace Dowdy stated that the proposed Summerfield Subdivision is on Neale Trail, which is located off of Highway 121 South. The subdivision falls within the four (4)-mile radius jurisdiction and consists of 23 lots on 19.5 acres. All lots have a typical 15' public utility easement on the front. To the west of the property is Jackson Acres Subdivision, which was approved in 1967. Ms. Dowdy showed aerial photography of the area. Ms. Dowdy stated that the lots meet the size requirements for private water and sewer systems. Commissioner Pavlick stated that he had looked over the plat for E911 purposes and requested a signature block to be put on

the final plat. Commissioner Pavlick asked surveyor Joe Sons if the roads were intended to meet county standards. Mr. Sons stated that they would. Commissioner Shroat asked if the road frontage lots were going to be commercial or residential. Mr. Sons stated that they were all going to be residential. Mr. Sons stated that the owners wanted to connect to the water line on Highway 121, but that Water District 2 will not allow the connection due to inadequate pressure. Commissioner Pavlick asked about stormwater drainage, citing that there was already an existing natural drainage network. Mr. Sons stated that there will have to be some drainage easements created. Commissioner Pavlick asked if there would be any problems with drainage. Mr. Sons stated that there should not be any problems and followed that drainage runs north toward, than along, Highway 121. Commissioner Kind asked if a percolation test had been done yet. Mr. Sons stated that there had not been, to his knowledge. Commissioner Shroat asked if there was natural gas available there. Candace Dowdy stated that there was not. Chairman Vanover asked for a motion if there were no further questions. **Dave Ramey made a motion to approve the preliminary plat for Summerfield Estates contingent upon meeting all City of Murray Subdivision Regulations. Mike Lovins seconded the motion and the motion carried with a 10-0 voice vote.**

Review Of Proposed Revisions To Sign Regulations: Chairman Vanover requested that sign committee member, Commissioner Marc Peebles go over the proposed revisions to the sign regulations. Commissioner Peebles stated that there had been three (3) sign committee meetings and a public hearing. The last sign committee meeting took into consideration concerns from the public at the hearing. Commissioner Peebles stated that the major topic was signs along 12th Street, stating that the 10-year phase out period was removed from the recommendation; also, balloons are excluded from prohibited temporary signage. Commissioner Peebles stated that language will be added explaining the grandfathering of nonconforming freestanding signs along 12th Street and that the Highway 121 North Bypass corridor would be added as an area requiring monument-style signage. Commissioner Peebles also stated that the sign committee recommended that staff should enforce regulations already in place for removal of abandoned, as well as maintenance of existing signs. Candace Dowdy stated that previously discussed proposed regulations that were not changed by the sign committee were for construction signs, subdivision real estate signs and the technical requirements of monument signs. Ms. Dowdy stated that there would be another public hearing before these recommendations would go to city council. Commissioner Koenen stated that he does not agree with putting the burden on staff to enforce these regulations, because there is not enough staff, and that he would recommend the city hiring additional planning staff. **Commissioner Pavlick made a motion to take the recommendations from the sign committee and hold another public hearing. Mike Lovins seconded the motion.** Loretta Jobs stated that she had done research on the pitfalls of monument signs and found that although the desire is to enhance the attractiveness of the city, the monument sign can easily be obscured due to height and placement as a result of trees, shrubs and passing cars and trucks. Commissioner Jobs stated that a survey by Holiday Inn found that 25% of drivers will not turn around if they missed the sign the first time. Commissioner Jobs also stated that the federal uniform traffic control device guidelines require that the bottom of signs be at least 7 feet above the roadway to prevent obstruction, studies show that as many as half of all first time customers at a business stop solely because they saw the sign and that she feels that monument signs do have

some pitfalls. Chairman Vanover asked if there was any further discussion prior to voting. **Being none, the motion carried with a 10-0 vote.**

Commissioner Pavlick thanked Commissioner Jobs for the research on monument signs. Commissioner Lovins asked staff to follow up on Henry Sledd's concerns regarding the rental property drainage situation on Coldwater Road. Commissioner Peebles, representing the sign committee, stated that the monument sign language is probably a compromise, and that the committee has worked very hard on defining the requirements for monument signs and what is best for the city in the long term. Commissioner Peebles stated that at the public hearing, property owners gave their opinion regarding signs on their own property, but very few offered any comments on their vision for what Murray could look like in the next 10-20 years. The commission thanked the sign committee for their hard work. Commissioner Ramey and Chairman Vanover thanked planning staff on behalf of the commission, for the hard work throughout the year as well as excellent staff presentations.

Being of no further business, Nelson Shroat made a motion to adjourn. Mike Lovins seconded the motion and the motion carried with a 10-0 voice vote. The meeting adjourned at approximately 6:20 p.m.

Chairman, Richard Vanover

Recording Secretary, Sam Perry