

**MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, FEBRUARY 20, 2007**

The Murray Planning Commission met in regular session on Tuesday, February 20, 2007 at 5:00 p.m. in the council chambers of City Hall located at 104 N. 5th Street.

Commissioners Present: Tom Kind, Howard Koenen, Marc Peebles, Mike Lovins, Ed Davis, Mary Ann Medlock, Nelson Shroat, and Richard Vanover

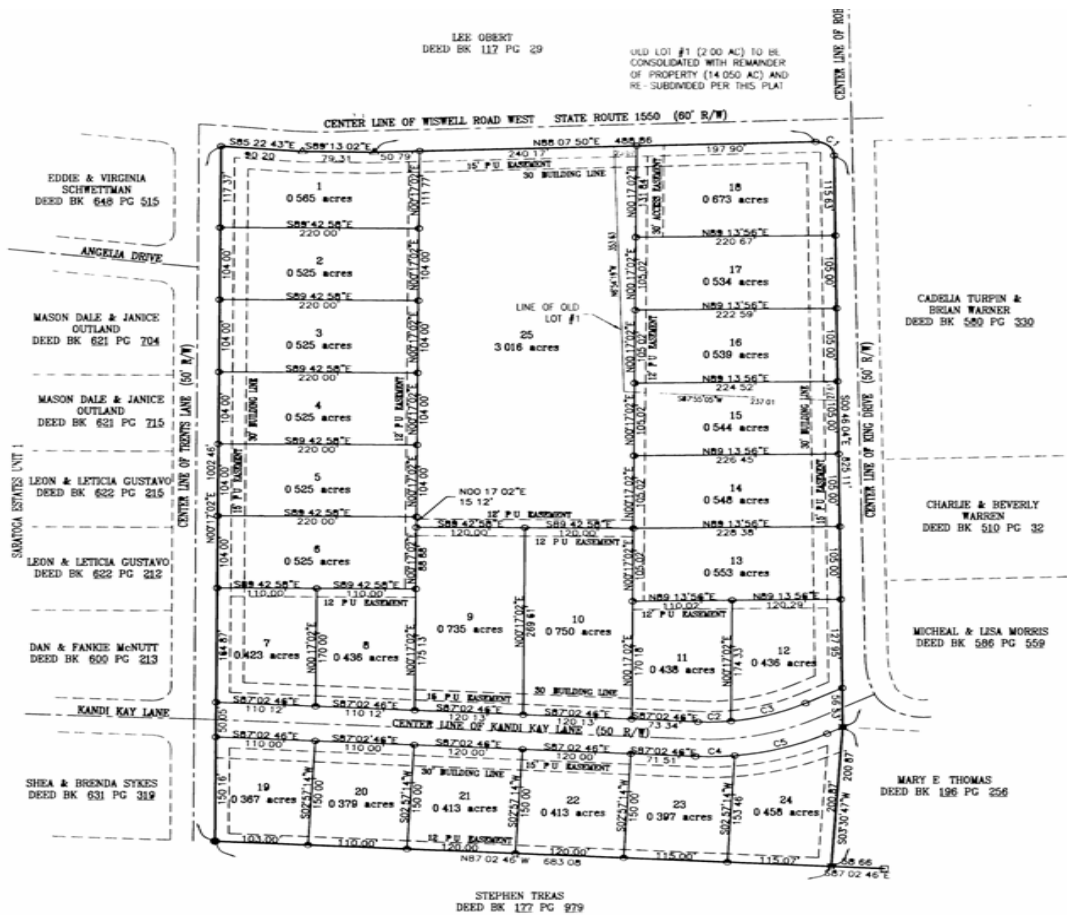
Commissioners Absent: Ed Pavlick and Loretta Jobs

Also Present: Candace Dowdy, David Roberts, Peyton Mastera, Mike Pitman, Dale Campbell, Barbara Campbell, Jim Tate, Kim Oatman, Paul Garland, Vicki Garland, John Resig, Casey Hines, Brenda Hines, Matt Jennings, Carol Falwell, Mayor Rushing, Matt Mattingly, Mark Blankenship, Warren Hopkins, and Public Audience

Chairman Vanover called the meeting to order at 5:00 p.m. and welcomed all guests.

Chairman Vanover asked for approval of the January 16, 2007 regular meeting minutes. **Ed Davis made a motion to approve the minutes with the noted corrections. Howard Koenen seconded the motion and it carried with an 8-0 voice vote.**

Review of preliminary subdivision plat for The Grove Subdivision – Wiswell Road West and King Drive – Barbara Campbell and Jim Tate: Ms. Dowdy showed a PowerPoint presentation displaying an aerial photograph as well as the preliminary subdivision plat of The Grove. Ms. Dowdy explained that The Grove Subdivision will be single family in nature, consisting of 25 residential lots ranging from 1/3 of an acre to 1 three tract acre. All homes will have a minimum size of 2000 square feet. The property is situated on a 16.050 acre tract of land and located within the county. Ms. Dowdy explained that the owners will be requesting annexation for the next item on the agenda. To the east and west, of the proposed development, are areas recently annexed into the city. To the north and south is still within the county limits. The proposed annexation would not require the city to invest any money for extension purposes as services are available to the area. Ms. Dowdy then described the eastern portion of Saratoga Springs, Unit I which will abut the western portion of The Grove Subdivision. The eastern portion of Saratoga Springs, Unit I has a 50' dedicated right-of-way to the City of Murray for maintenance purposes. The developer of Saratoga Springs, Unit 1, Mr. Paul Garland placed a fence along the right-of-way. The Grove Subdivision is proposed to use the existing right-of-way (Trent's Lane) for access into the subdivision. There would also be an extension of Kandy Kay Lane from Saratoga Springs, Unit I. Ms. Dowdy explained that all lots will meet standard setback requirements and subdivision regulations.



Chairman Vanover swore in Mr. Kim Oatman, representative of the developers, Barbara Campbell and Jim Tate. Mr. Oatman explained that the subdivision would be similar in nature to that of Saratoga Springs, Unit I. Mr. Oatman stated that the issue at hand would be the use of Trent's Lane along the western portion of the proposed subdivision. Mr. Oatman explained that Trent's Lane is clearly identified in the subdivision plat as dedicated right-of-way intended for public use and that there should be no question in regards to that. Mr. Oatman also noted the issue of the fence along the right-of-way.

Chairman Vanover swore in Mr. Mark Blankenship, representative of Paul and Vicki Garland, developers of Saratoga Springs, Unit I. Mr. Blankenship explained that the opposition does not come from the development of The Grove itself, but fairness to the residents of Saratoga Springs. Mr. Blankenship explained that the Garlands constructed Trent's Lane and it is maintained by those in Saratoga, yet residents of The Grove would be receiving the benefits.

Chairman Vanover swore in Ms. Pat Cherry, local realtor. Ms. Cherry stated that the home owner's of Saratoga Springs (specifically the owners along Trent's Lane) should have been explained to them that the road and fence in front of their home is on a public right-of-way and it could be used for development purposes in the future.

Chairman Vanover swore in Ms. Vicki Garland. Ms. Garland handed over three letters to be submitted into evidence expressing opposition to the proposed development. *Mr. Mastera submitted Exhibit's A, B, and C into evidence.* Ms. Garland explained that Saratoga was developed to provide a "country feeling", which includes the addition of the fence that runs along Trent's Lane. Ms. Garland explained that the "country feeling" and "sense of privacy" would be gone with the addition of the The Grove. Ms. Garland noted that the Home Owner's Association within Saratoga Springs is responsible for upkeep of the road which will be utilized by residents of The Grove.

Chairman Vanover swore in Ms. Brenda Hines. Ms. Hines owns the property on which the development is proposed to be placed upon. Ms. Hines stated that she has no objections to Saratoga Springs being located next to her property and that no trees would be destroyed in developing The Grove. Ms. Hines explained that if the preliminary plat is denied or if annexation is not granted, she would have to explore other options in hopes of selling the property that may not be consistent with Saratoga Springs.

Chairman Vanover swore in Mr. Elwood Treon. Mr. Treon lives at 171 Kings Drive and provided the Planning Commissioners a brief history of the surrounding area and its development.

Chairman Vanover swore in Mr. Paul Garland, developer of Saratoga Springs. Mr. Garland explained that when the fence was put up, it was made aware to Planning Staff. Mr. Garland stated that when he and the Home Owner's of Saratoga Springs spend \$200,000 to construct a road to be dedicated to the city and then let someone else use it is not fair.

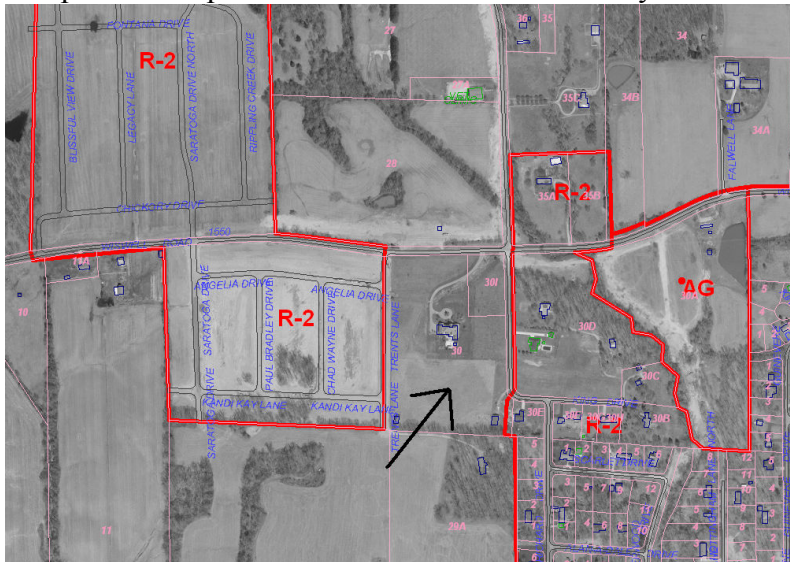
Mr. Roberts explained that in November of 2004, Planning Staff did give permission to Mr. Garland to construct a fence along the right-of-way, but it was clearly explained to Mr. Garland that the fence would be located on the right-of-way and that there was no misrepresentation from the city on the matter.

Commissioner Kind asked about any legal ramifications in regards to the dedicated right-of-way. Mr. Hopkins explained that since Trent's Lane is a dedicated street, it is a city-public thoroughfare. Commissioner Peebles asked who owns the fence. Mr. Garland stated that the fence is owned by the home owner's of Saratoga Springs.

Chairman Vanover swore in Ms. Barbara Campbell, developer of The Grove Subdivision. Ms. Campbell stated that the fence is the property of the city since it is situated along the right-of-way. Ms. Campbell spoke to the aesthetics of The Grove Subdivision and stated that the subdivision will be similar in nature to that of Saratoga Springs. Ms. Campbell also stated that Trent's Lane does not act as the main entrance into Saratoga Springs.

Mike Lovins made a motion to approve the preliminary subdivision plat for The Grove subdivision contingent upon it meeting all city regulations. Tom Kind seconded the motion and it carried with a 5-2 vote. Ed Davis abstained from voting. Nelson Shroat and Richard Vanover voted no.

Annexation request – 1641 Wiswell Road West – Casey and Brenda Hines: Ms. Dowdy explained that the owners of the property, Casey and Brenda Hines are requesting annexation on a 16.050 acre tract of land at the corner of Wiswell Road West and King Drive. The property is situated in that it is currently a gap between two areas located within the city limits (Saratoga Springs to the west and recent “southwest annexation” to the east). This annexation would fill the gap for 911 purposes which the city likes to avoid. No services would have to be extended to the property, as it is already contiguous, and it falls within the urban service area of the comprehensive plan which shows it as low density residential.



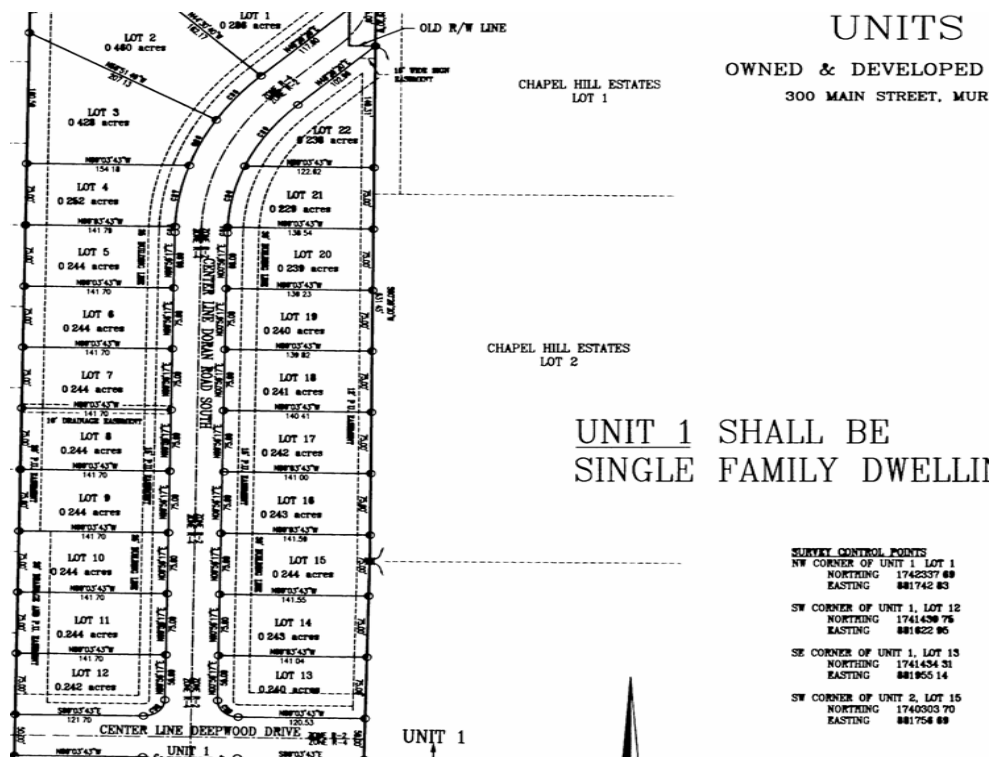
Mike Lovins made a motion to recommend to the city council that the property located at 1641 Wiswell Road West, owned by Casey and Brenda Hines, be annexed into the City of Murray based on the findings that it is contiguous to the city and that utility services are already available to the property. Mary Anne Medlock seconded the motion and it carried with an 8-0 vote.

Attorney Mike Pitman replaced attorney Warren Hopkins for the city.

Review of final subdivision plat – Riverfield Estates – Matt Jennings: Riverfield Estates is located on Doran Road South with split zoning of R-2 and R-4. Ms. Dowdy explained that when the Planning Commission approved the preliminary subdivision plat for Riverfield Estates, the developer was looking to develop Unit I as single family homes and Unit II as multi-family units. Since that time, the developer has put into the covenants and restrictions that all homes within Riverfield Estates will be used for single family purposes. Another issue the Planning Commission needs to address is lots 13-22, which lie within the R-2 zoning district (all other lots are in an R-4 zoning district). The developer is requesting that the Planning Commission grant a five (5) foot setback variance on these lots so that the building line is consistent with the rest of the neighborhood. In an R-2 zoning district, the minimum setback line is 30’; in an R-4 zone, the minimum setback line is 25’. The developer would like to see all homes setback 25’. Ms. Dowdy explained that a letter of credit will need to be provided for Planning Staff for all outstanding improvements to the subdivision. There is still some infrastructure to be completed,

alteration of the street name, and minor corrections on the Home Owner's Association before the plat will be signed off on. Commissioner Davis asked about possibly rezoning the entire neighborhood to R-2. Mr. Roberts stated that is something the Planning Staff is investigating and may look to rezone in the future.

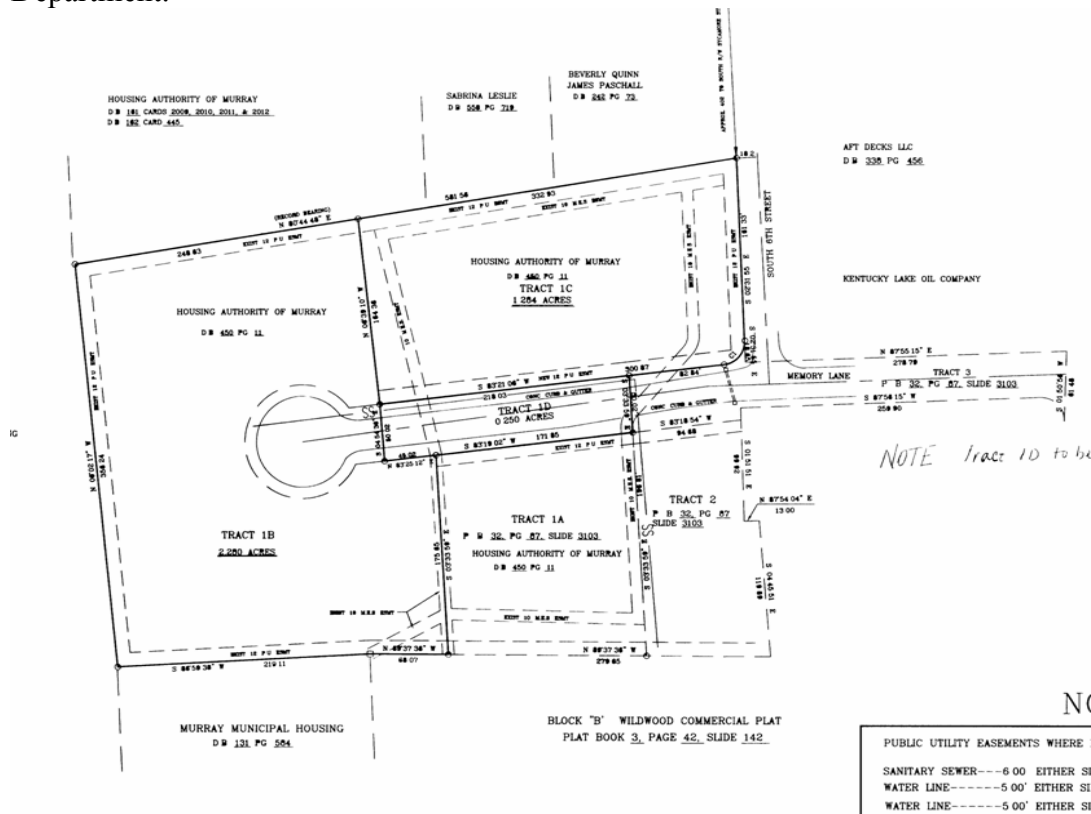
Developer of Riverfield Estates, Matt Jennings, addressed the Planning Commission. Mr. Jennings explained that he will be constructing all homes within the subdivision. The subdivision will have four (4) foot sidewalks along each side of development; the homes will range in size from 1300 – 1700 square feet; all homes will have a two car garage; homes will be built of brick material only; and all homes are to be setback 25'. Mr. Jennings stated that the two options would be to rezone all applicable lots to R-4; or, if it the entire subdivision was zoned R-2, he would request a five foot setback variance on all the lots due to the makeup of these homes.



Marc Peebles made a motion to approve the final subdivision plat for Riverfield Estates contingent upon it meeting all city regulations and that lots 13-22 be granted a five (5) foot setback variance so that the building line will be consistent with the rest of the neighborhood. Ed Davis seconded the motion and it carried with an 8-0 vote.

Review of Minor Subdivision Plat – Murray Housing Authority – Memory Lane: Mr. Mastera explained that this item is being brought before the Planning Commission for discussion purposes because the Murray Housing Authority is subdividing tract 1 of their property located along Memory Lane and they will be dedicating tract 1D to the City of Murray for public use. The street has been in existence for many years but it was never dedicated to the city. Chairman of the Murray Housing Authority, Mr. John Resig, explained the intentions in subdividing this

land, which is to place the new health department on tract 1C. Mr. Resig also displayed some pictures for the Planning Commissioners to examine a conceptual picture of the proposed Health Department.



Review of request for extension on preliminary plat – Falwell Estates Unit III – Robertson Road South: *Mike Lovins stepped out of the meeting.* Ms. Dowdy showed a PowerPoint presentation displaying Falwell Estates located on Robertson Road South and zoned R-2. This plat was brought before the Planning Commission in March of 2006 for preliminary plat approval and the developers are now requesting an extension on the preliminary plat. Ms. Dowdy explained there will be no cul-de-sac, as originally presented. Utility services are available to the subdivision. There are still some issues the developer and staff has to work out in regards to correcting some street names for County 911 service.

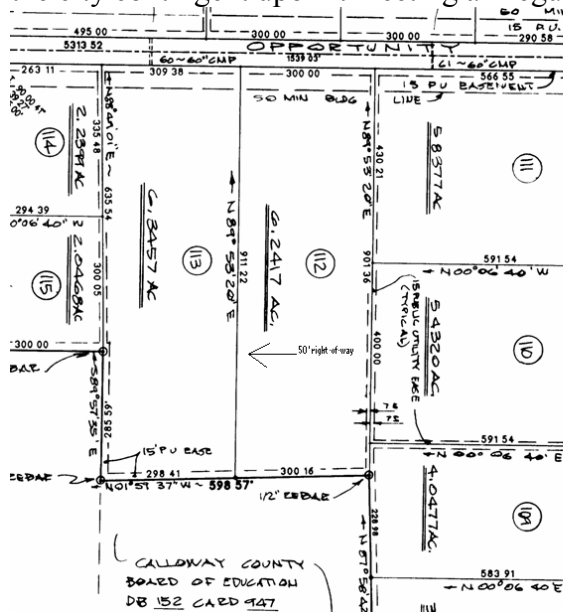
Chairman Vanover asked what kind of time limitation should be set. Ms. Dowdy stated that six (6) months should be ample time to decide if the developers are ready for final plat approval.

Ed Davis made a motion to grant a six (6) month extension on the preliminary subdivision plat for Falwell Estates, Unit II, contingent upon it meeting all city regulations. Nelson Shroat seconded the motion and it carried with a 7-0 vote.

Mike Lovins rejoined the meeting.

Review of proposed Murray road connecting Opportunity Drive to North Elementary – Howard Brandon: Mr. Roberts explained that the Calloway County Board of Education has received

funds to construct a road that would be begin on Opportunity Drive and extend in a western direction, approximately 900 feet, and tie into the existing parking lot area of North Elementary. A minor subdivision plat has been approved subdividing out a 50' right-of-way in between lots 112 and 113 of Brandwood Park Subdivision. This proposed road has been designed by Mr. Kim Oatman and they are currently taking bids for the project. The Board of Education would like to see this proposed road deeded over to the city as a public right-of-way and maintained by the city contingent upon it meeting all regulations.



Commissioner Kind made a motion to approve the proposed road connecting Opportunity Drive to North Elementary as a city maintained street contingent upon the fifty foot (50) right-of-way being deeded over to the city. Nelson Shroat seconded the motion and it carried with an 8-0 vote.

Discussion of possible text amendments as it pertains to transient businesses: Ms. Dowdy explained to the Planning Commissioners that some possible text amendments could be presented in the future that addresses transient businesses (i.e. hot dog stands, fruit stands, etc.). Issues such signage, health department issues, and parking issues will be addressed.

Questions and comments: Mr. Mastera noted a continuing education opportunity in Calvert City, Kentucky on March 15, 2007.

Being of no further business, **Nelson Shroat made a motion to adjourn. Mike Lovins seconded the motion and it carried with an 8-0 voice vote.** The meeting adjourned at 6:30 p.m.