

**MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, APRIL 17, 2007**

The Murray Planning Commission met in regular session on Tuesday, April 17, 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 Anne Medlock, Nelson Shroat, Loretta Jobs, Ed Pavlick, and Richard Vanover

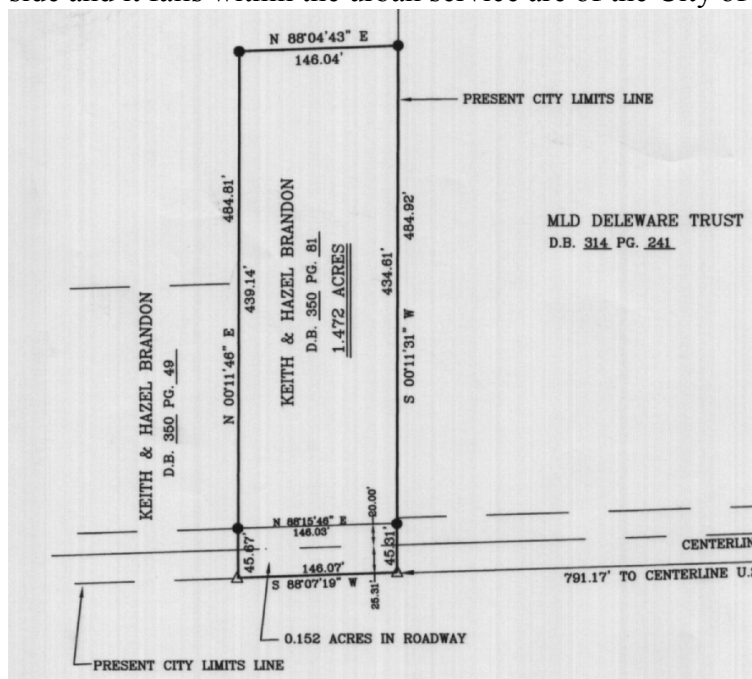
Commissioners Absent: None

Also Present: Candace Dowdy, Peyton Mastera, Mike Pitman, Hazel Brandon, Ken Andrus, Barbara Campbell, Jim Tate, Greg McReynolds, 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 March 20, 2007 regular meeting minutes. **Nelson Shroat made a motion to approve the minutes as presented. Loretta Jobs seconded the motion and it carried with a 10-0 voice vote.**

Annexation request – 170 Utterback Road – Keith and Hazel Brandon: Mr. Mastera explained that this property is owned by Keith and Hazel Brandon and located at 170 Utterback Road. The Brandon's want this property brought into the city limits so that they can receive city utility services; no extensions would be required. The property consists of 1.472 acres of land and 0.152 acres of right-of-way that would be brought into the city for service and maintenance (total of 1.624 acres). The property is contiguous to the city limits on both the east and south side and it falls within the urban service are of the City of Murray's Comprehensive Plan.

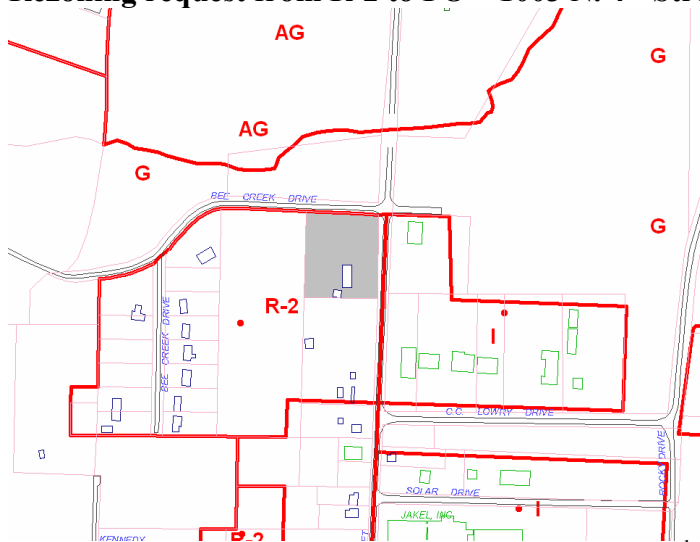


Tom Kind made a motion to recommend to the City Council to annex a 1.472 acre tract of land and 0.152 tract of right-of-way (1.624 acres total), located at 170 Utterback Road, owned by Keith and Hazel Brandon. Ed Pavlick seconded the motion and it carried with a 10-0 vote.

Review of amended plat – Briarcrest Subdivision – Robertson Road North – Paul Garland:
Ms. Dowdy stated that this item on the agenda would require no action on the part of the Planning Commission.

Hal Estates was recently sold by Sue Spann to Paul and Vicki Garland. Mr. and Mrs. Garland have submitted an amended plat to Planning Staff. The subdivision will now be called Briarcrest Subdivision. There will be no changes in lot sizes or the street names. There have been changes to the covenants and restrictions. The most notable change in the covenants and restrictions is that the minimum square footage of the dwelling units has been reduced from 2200 square feet to 1500 square feet.

Rezoning request from R-2 to PO – 1003 N. 4th Street – Ken Andrus:



Ms. Dowdy explained that the property at 1003 N. 4th Street is owned by Ms. Vicki Jo Brandon, but Mr. Ken Andrus is representing her. The property is currently zoned R-2 (single family). The current dwelling located on this property was constructed in 1962 as two separate dwelling units. Ms. Brandon has owned the property since 1990. Mr. Andrus is requesting the property be rezoned to PO (professional office) based on the fact there have been significant changes in the area of an economic, physical and social nature that was not anticipated in the community's comprehensive plan and which have substantially altered the basic character of such area.

The current zoning from Chestnut Street to Northwood Drive is B-2 (highway business), Industrial and Government. The property at 1003 N. 4th Street and the property located just to the south, owned by Richard Smith, are the only two remaining R-2 properties that front North 4th Street between Chestnut and Northwood Drive. The property located to the west of 1003 N. 4th Street along Bee Creek Drive is zoned R-2 (single family) and Government.

Ms. Dowdy stated, that from the Zoning Ordinance it says the intent of the Professional Office zoning district is primarily for offices and related uses. Generally, this zone should be located between residential and commercial uses on the same frontage so as to serve as a transitional buffer. Ms. Dowdy showed the Commissioners photos from the property viewing all adjoining property owners. Ms. Dowdy noted to the Commissioners that several of the properties along the western side of N. 4th Street (from Chestnut Street to Bee Creek) have split zoning.

Commissioner Jobs asked if the Smiths (adjoining property owners to the south and west) were contacted about wanting to rezone. Ms. Dowdy stated that she spoke with the Smiths and they have no objections to the current rezoning request, but they are not interested in rezoning their property as their children may one day want to build a home on this property.

Chairman Vanover opened the public hearing and asked for anyone wishing to speak in favor of the application to come forward and be sworn in.

Chairman Vanover swore in Mr. Ken Andrus of 95 Stony Brook Lane, and representative of Ms. Vicki Jo Brandon, property owner of 1003 N. 4th Street. Mr. Andrus stated that he would like to put his photography business at this location. When investigating places to move, it was always thought this property was zoned business because of the surrounding businesses; Mr. Andrus explained the photography studio would fit in with the character of the neighborhood, be non-intrusive, and he has plans to improve the appearance of the property.

Chairman Vanover asked if anyone else would like to speak in favor of the application. No other person spoke in favor of the application and Chairman Vanover asked for anyone wishing to speak in opposition to the application to come forward and be sworn in. No person spoke in opposition and Chairman Vanover closed the public hearing and reopened the discussion to the Commissioners.

Ms. Dowdy stated that the future land use for low density addresses “mixed use developments utilizing the traditional neighborhood design concepts which are predominately residential but include a broad mixture of supporting recreational, commercial, public facilities, and services allowed subject to the standards in the criteria in a city land development regulations.”

Commissioner Shroat asked what the size of the property is. Commissioner Kind stated that it is 1.827 acres.

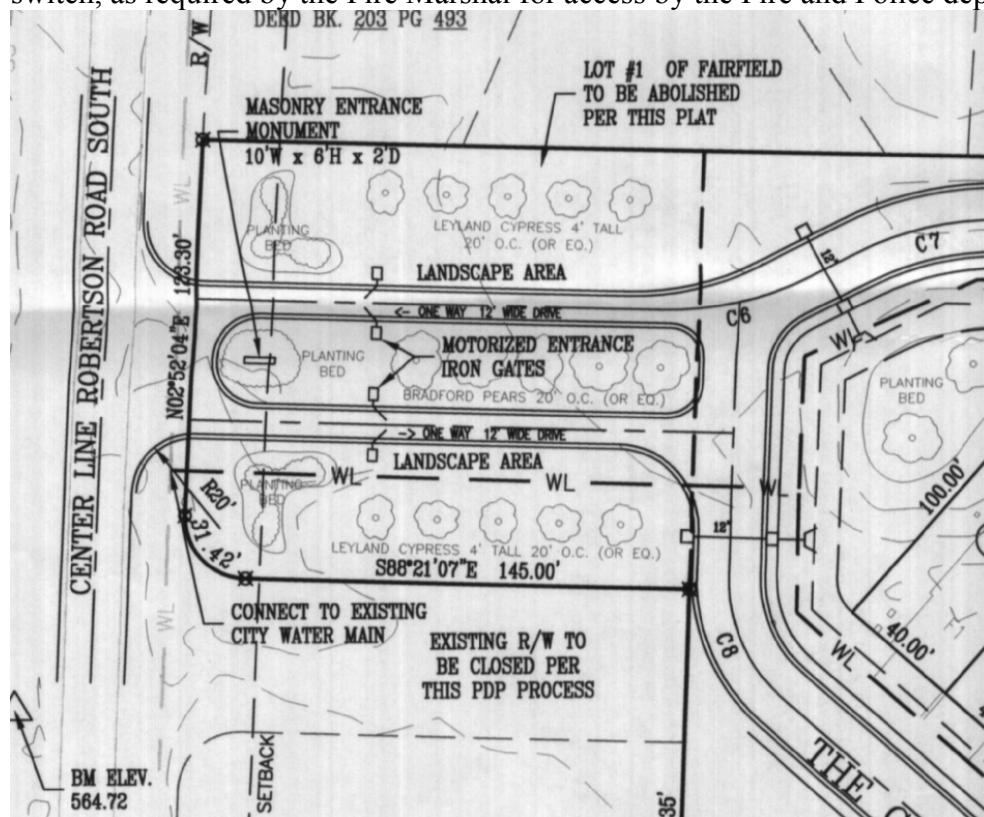
Loretta Jobs made a motion to recommend to the City Council that the property located at 1003 N. 4th Street, owned by Vicki Jo Brandon, be rezoned from R-2 to PO based on the fact there have been significant changes in the area of an economic, physical, and social nature that was not anticipated in the community’s Comprehensive Plan and which have substantially altered the basic character of the area, in particular the soccer field and Government and Industrial Zones surrounding the area. Ed Davis seconded the motion and it carried with a 10-0 vote.

Advisory meeting for The Gates Residential PDP – Robertson Road South – Barbara Campbell: Ms. Dowdy explained that The Gates residential PDP came before the Planning

Commission in November of 2006, but due to text amendments that had to be made (which now permit residential PDPs in an R-2 zone) and exceeding the time limitation, The Gates must be reviewed by Planning Commission for another advisory meeting. Following the advisory a public hearing will be held to review the preliminary plat and any motion made in regards to the development will need to be made contingent upon the Board of Zoning Adjustments approving compatibility and granting a conditional use permit the next night (4-18-07).

Public hearing for preliminary plat approval on The Gates residential PDP – Robertson Road South – Barbara Campbell: Ms. Dowdy explained that the Preliminary Plat is for Phase I only. The developers are looking to put 36 individual units, on this tract of land. Ms. Dowdy reminded the Commissioners that PDPs are designed for 1 tract of land with multiple structures – this is not a subdivision. The streets will be privately maintained and the developers will be working with the city to ensure the street names are appropriate.

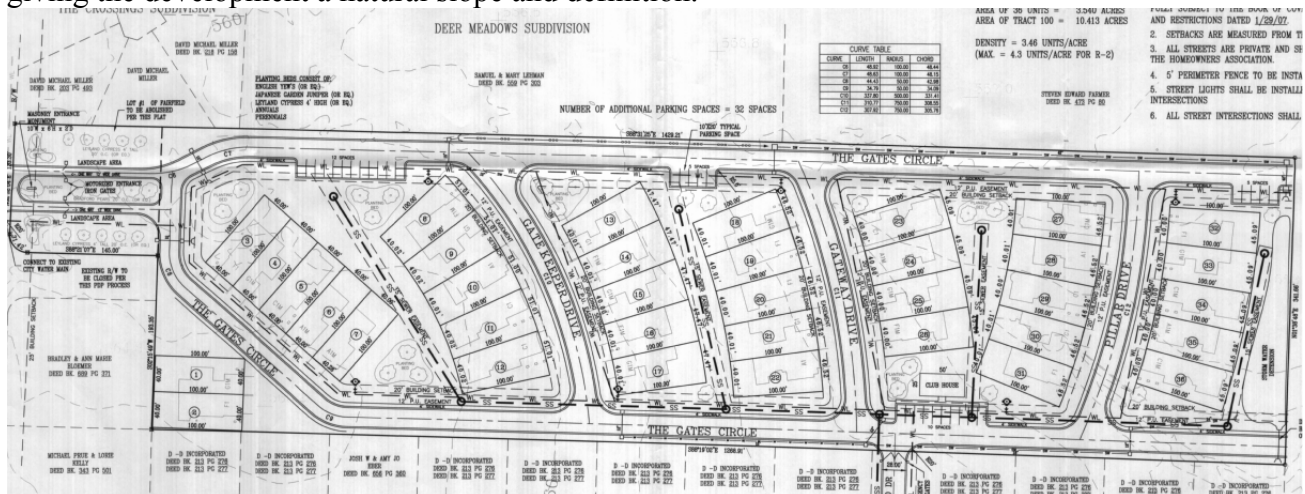
Ms. Dowdy explained that there will be a gated entrance (motorized gates) into the development with a five foot fence along the exterior of the development. Ms. Dowdy stated for Planning Commissioner’s information, the proposed entrance to the development is lot #4 of Fairfield Subdivision, Unit I. A minor subdivision plat will need to be submitted to the Planning Department for review and approval abolishing this lot. There is also a 50’ dedicated right-of-way, along Robertson Road South, that will need to be closed. This request will be submitted to the City Council for their approval, at a later date. The entrance will contain a “Knox Key” switch, as required by the Fire Marshal for access by the Fire and Police departments.



Mr. Mastera passed out brochures for The Gates to the Commissioners. Ms. Dowdy explained that some of the units will be attached and some will be detached. By purchasing a home and joining the Home Owner's Association, one is buying a portion of the interest of the development which will help maintain the exterior of the units, streets, and other amenities. Each unit will have a 2 car garage and the driveway will accommodate two cars. Ms. Dowdy also explained that there will be another entrance from Tanglewood Drive that will be used for emergency services and for residents to exit the development. Ms. Dowdy noted stormwater detention in the back part of Phase I.

Chairman Vanover opened the public hearing and asked for anyone wishing to speak in favor of the application to come forward and be sworn in.

Chairman Vanover swore in Ms. Barbara Campbell, 16 Gil Lane, and developer of The Gates residential PDP. Ms. Campbell stated that the F/G floor plan will have a common wall between the units and the rest of the units will be detached. Ms. Campbell stated that all the units will have a concrete patio. Ms. Campbell stated there will be a 2-3 foot grassy area around the patio area to help with water runoff. The overall development will run with the contour of the land giving the development a natural slope and definition.



Tom Kind made a motion to approve the preliminary plat for The Gates residential PDP, located on Robertson Road South contingent upon the Board of Zoning Adjustments granting compatibility and conditional use permit and that all city regulations be met. Loretta Jobs seconded the motion and it carried with a 10-0 vote.

Review of preliminary subdivision plat – Hunters Pointe, Phase III – Robertson Road North – Harold McReynolds and Larry Hurt: The revised preliminary plat for Hunters Pointe Phase III was reviewed by the Planning Commission on January 17, 2006. The plat was approved for a six month period expiring June 16, 2006 and contingent upon the rezoning of the southeast corner from AG to R2. On May 16, 2006 the Planning Commission granted a six month extension on the preliminary plat for Hunters Pointe Phase III expiring December 16, 2006. The developers are now ready to proceed with the completion of Phase III of Hunters Pointe. Since the preliminary plat expired in December 2006 it will need to be reviewed again by the Planning Commission before final approval is granted. The preliminary plat time period

will last for twelve (12) months. Phase III consists of 37 lots. All plans for utilities have been submitted and are currently being reviewed. Ms. Dowdy noted that on lot 44 of Phase I, the city has a check in the amount of \$20,000 being held until the completion of the detention area is complete.

Nelson Shroat made a motion to approve the preliminary subdivision plat for Hunters Pointe, Phase III, contingent upon it meeting all city regulations. Mike Lovins seconded the motion and it carried with a 10-0 vote.

Discussion of proposed rezoning west of N. 16th Street from R-2 to R-4: Ms. Dowdy stated that since the previous Planning Commission meeting, Planning Staff has received three (3) additional documents that have been requested to be submitted into evidence from the tabled item on the agenda. Mr. Pitman explained that any evidence submitted could be done so by removing the item from the table, but no further action should take place unless the property owners were notified of another public hearing.

Mr. Mastera stated that since the last Planning Commission meeting, Planning Staff has received letters from both Mr. Durwood Beatty and Ms. Stephanie Carpenter, as well as a petition from the property owners along Ryan Avenue, collected by Mr. Don Maupin, all in opposition to the rezoning.

Mike Lovins made a motion to remove from the table the proposed rezoning west of N. 16th Street from R2 to R-4. Ed Davis seconded the motion and it carried with a 10-0 voice vote: *Mr. Mastera submitted the two letters and petition into evidence as exhibits F, G, and H.* Commissioner Medlock explained that she feels this item is not a matter of Planning, but rather a matter of enforcement and that the lines need to be redrawn to remove the properties along the north side of Hamilton Avenue and the four properties along Ryan Avenue.

Nelson Shroat made a motion to table this item on the agenda. Ed Pavlick seconded the motion and it carried with a 10-0 voice vote.

Questions and Comments: Commissioner Shroat asked how long this item will be tabled. Ms. Medlock stated she would like to see a new boundary line drawn and have closure to the issue. Mr. Pitman explained the nature of the application and potential time limitation. Commissioner Vanover explained that at the earliest it can be taken off the table is May and the earliest public hearing would be in June.

Nelson Shroat made a motion to adjourn. Mary Anne Medlock seconded the motion and it carried with a 10-0 voice vote. The meeting adjourned at 6:10 p.m.