

**MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, NOVEMBER 13, 2007**

The Murray Planning Commission met in regular session on Tuesday, November 13, 2007 at 5:00 p.m. in the council chambers of City Hall located at 104 N. 5th Street.

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

Commissioners Absent: None

Also Present: Candace Dowdy, Peyton Mastera, Mike Pitman, David Roberts, Reta Gray, Matt Mattingly, Kim Oatman, Trevor Coleman 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 October 16, 2007 regular meeting minutes.

Loretta Jobs made a motion to approve the minutes as presented. Ed Pavlick seconded the motion and it carried with a 9-0 voice vote.

Nelson Shroat arrived at 5:02 p.m.

Review of Minor Subdivision Plat – Hafford Carol Heirs: Candace Dowdy pointed out the property that lies to the east of Robert O. Miller and N. 4th Street on a Power Point presentation. The property currently consists of two separate tracts on one deed and the heirs of the property are wishing to divide the property into three separate tracts and do not want restricted approval of the plat. The property does not meet the city subdivision regulations because it does not have public road frontage. Ms. Dowdy stated that the only way to access the property is by a farm dirt/gravel road at the end of Pella Way through the Overby property. Since the property lies in the flood plain, it is only usable for agricultural purposes. Attorney Trevor Coleman, executor for the estate and representative of the heirs, stated that the property in discussion originally belonged to Hafford and Helen Carol and has made its way down to the heirs by virtue of a will. Mr. Coleman also stated that the heirs do not want to sell the property at this time; however, Mr. Overby has recently approached the heirs with interest in purchasing their property. If Mr. Overby does purchase the property, Mr. Coleman stated that the access problem would be cured.

Marc Peebles made a motion to approve the minor subdivision plat for the Hafford Carol heirs with a note that there is no public road frontage. Mike Lovins seconded the motion and it carried with a 10-0 vote.

Review of Amended Preliminary Plat for The Gates, Phase II – Robertson Road South – Dale Campbell: Ms. Dowdy referred to the property on a Power Point presentation. She reviewed that the final plat for Phase I was approved in June 2007. At last month's Planning Commission meeting (October 16, 2007), it was requested by the Murray Planning Commission that before the developers move forward with final plat approval for Phase II, they must first

submit an amended preliminary plat that shows the addition of 12 units along Traci Drive. The addition encompasses 2.321 acres and brings the total of units to 83, in this phase. The entire project will now have a total of 119 units.

Mr. Kim Oatman, 144 Pine Creek Drive, Paducah came forward as a spokesman for the Campbell's. He addressed the access issues of the project. He explained that a five-foot tall fence would enclose the entire project with gates at each of the entrances. Mr. Oatman stated that the gates would be on the perimeter fence lines and they would be lighted very well; thus, they did not feel there would be a need for a turn around. He also stated that the Campbell's would not be opposed to private entrance signs showing there was no thru passage; therefore, detouring unwanted traffic. He verified that the decision was made to make the entrance on Traci Drive an additional primary access for the residents, not just an emergency access. Mr. Oatman concluded by stating that the decision had been made to use touch pads for access at the gates, contingent on the approval of the fire and police departments.

Nelson Shroat made the motion to approve the preliminary plat of The Gates Phase II contingent upon it meeting all city regulations. Mike Lovins seconded the motion and it carried with a 10-0 voice vote.

Discussion of possible Text Amendments as it Pertains to Transient Businesses: Peyton Mastera reviewed that a committee was formed in September 2007 to establish minimum guidelines for transient businesses wishing to conduct business within the city limits of Murray. The committee has met and established some recommendations for addition to the Zoning Ordinance. The recommendations follow:

SECTION III
ARTICLE 10
TRANSIENT BUSINESS REGULATIONS

A. INTENT

The purpose of the Transient Business Regulations section is to establish minimum guidelines for transient (i.e. temporary, mobile) businesses wishing to conduct business within the city limits of Murray. The section provides requirements that promote the health, safety, moral, and general welfare of the citizens of Murray, Kentucky and establish reasonable and uniform regulations for transient businesses.

B. DEFINITIONS

TRANSIENT BUSINESS/MERCHANT: The sale of goods or services from roadside or public view by way of tent, trailer, roadside stand, parked vehicle or other similar enclosure not attached by permanent foundation.

C. PROCEDURE

1. Anyone wishing to operate a transient business must first obtain a business license application from the City Clerk's office. No person shall operate a transient business in the city without an issued license.

2. The business license application will be reviewed by the Murray Planning Department to ensure zoning compliance. If all requirements are met, the Murray Planning Department will issue a Transient Business Permit to the applicant.
3. The City of Murray may revoke any Transient Business Permit for noncompliance with the criteria set forth in section D. Any transient business is subject to revocation upon non-compliance with the criteria set forth in section D. If permit is revoked, it becomes null and void, and the transient business shall be terminated.
4. The decision of the City of Murray official concerning revocation of the Transient Business permit shall be final, unless a written appeal by the applicant is filed with the Murray Board of Zoning Adjustments within thirty days of the applicant's receipt of the notice to revoke the permit.
5. Each location shall constitute a separate business and permits are non-transferable.

D. REQUIRED CONDITIONS

Approval of a Transient Business permit is subject to the following conditions:

1. Transient businesses are permitted uses in B-2 (Highway Business) and I (Industrial) zoning districts and as a Conditional Use in a B-1, B-3, and B-4 zone.
 2. Transient businesses must be a minimum of 1000 ft. from one another (measured by radial distance).
 3. A copy of a lease agreement (or similar document) from the property owner is required.
 4. All signage is to be approved by the Murray Planning Department.
 5. Transient businesses may not be permitted at a location more than 90 days per calendar year. The owner/operator may reapply for a permit at the end of their duration, but the transient business must be relocated at a minimum of 1000 ft. (measured in radial distance) from the prior location.
 6. A site plan must be submitted for review and approval. The site plan shall include a mapped location of the proposed business, including existing parking spaces, roadways, sidewalks, and buildings; it should also entail measurements of distance from proposed display/enclosure to nearby parking spaces, roadways, sidewalks, and buildings. Aerial photography, existing surveys, or plat will suffice for this purpose. The site plan shall include any photography of tents, trailers, stands, etc. that will be used.
 7. Amplified music or sound is prohibited. All transient businesses are subject to the Public Noise Ordinance as prescribed in § 99 of the City of Murray Code of Ordinances.
 8. If a transient business distributes or prepares food products, a copy of the permit issued by the Calloway County Health Department is required.
 9. The provisions of this ordinance shall not apply to any general sale, fair, auction, or bazaar sponsored by any religious, education, public service, or charitable organization.
 10. Failure to comply with this ordinance could result in a penalty as prescribed in § 118.99 of the City of Murray Code of Ordinances.
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Mary Anne Medlock left the meeting at 6:10 p.m. Howard Koenen left the meeting at 6:35 p.m.

Chairman Vanover stated that Ms. Dowdy would be scheduling a Public Hearing to review these text amendments at a later date.

Discussion of Goals and Objectives Section of Murray's Comprehensive Plan: The Commissioners were given copies of the Goals and Objectives section of Murray's Comprehensive Plan at last month's meeting for review. Attorney Mike Pitman reminded the Planning Commission that all changes would have to be finalized prior to June 2008. He stated that the comprehensive plan is to be reviewed in its entirety once every five years. He also stated that if the Planning Commission is satisfied with the goals and objectives that have been laid out, they do not have to be reviewed by the City Council. If there are amendments to any of the plan elements, a public hearing will be held then the changes will have to be sent to the legislative body for their review and approval.

Attorney Pitman also reviewed the issue of research, which includes population trends, economic survey and analysis of major existing public and private businesses, and a forecast of what the trends are going to be. If the Planning Commission is not comfortable with the research upon which the comprehensive plan is based, they need to give directives on what research information they need. Attorney Pitman also stated that Mark Manning from the EDC has some valuable resources.

Ms. Dowdy stated that in the past a public citizens group was formed to help with the review of goals and objectives to encompass a more diverse perspective. She stated that she would like to see this again. Commissioner Shroat said that he would like to have some of the resource people, such as Mark Manning and Matt Mattingly (Director of Administration), speak to the group to help address the concerns and answer some of the questions. In conclusion, Ms. Dowdy stated that the Planning Commission would meet in Special Session within the next two weeks to further discuss the goals and objectives section.

Election of Officers: Chairman Vanover asked for nominations for officers for the next year. The current slate was presented on a Power Point presentation and included the following: Richard Vanover as Chairman, Ed Pavlick as 1st Vice-Chairman, Mike Lovins as 2nd Vice-Chairman and Loretta Jobs as Secretary.

Nelson Shroat made a motion to keep the current slate of officers as is for the next year. Ed Davis seconded the motion and the motion carried with an 8-0 voice vote.

Questions and Comments: Ms. Dowdy discussed the Continuing Education that some of the Planning Commissioners attended on November 7th, 2007. She also stated that Tom Auer, new Board of Zoning Adjustments member, had attended a workshop in September 2007. In addition, Mary Anne Medlock and Peyton Mastera attended a Continuing Education in Calvert City earlier in the year. Each Continuing Education was approved by House Bill #55, but also needs approval by the local Planning Commission.

Tom Kind made a motion to approve the workshops that have been attended as Continuing Education for the Planning Commission. Nelson Shroat seconded the motion and it carried with an 8-0 voice vote.

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 6:40 p.m.

Chairman, Richard Vanover

Recording Secretary, Reta Gray