

**MURRAY PLANNING COMMISSION MINUTES  
REGULAR MEETING  
TUESDAY, OCTOBER 21, 2008**

The Murray Planning Commission met in regular session on Tuesday, October 21, 2008 at 5:00 p.m. in the council chambers of City Hall located at 104 N. 5<sup>th</sup> Street.

**Commissioners Present:** Howard Koenen, Loretta Jobs, Nelson Shroat, Ed Davis, Marc Peebles, Tom Kind, Amber DuVentre, Ed Pavlick and Richard Vanover  
Wednesday

**Commissioners Absent:** Mary Anne Medlock

**Also Present:** Candace Dowdy, Peyton Mastera, Mike Pitman, David Roberts, Reta Gray, Bud Byars, Jason Looper, Michael Morris, Sheila Sullivan, Emily Lynch, Vicki Garland, Paul Garland, Mayor Rushing, and public audience

Chairman Vanover asked if there were any additions or changes to the minutes from the September 16, 2008 regular meeting.

**Ed Pavlick made a motion to approve the minutes from the September 16, 2008 regular meeting as presented. Ed Davis seconded the motion and the motion carried unanimously.**

**Review of minor subdivision plat – 624 North 4<sup>th</sup> Street – Jed Workman:** Peyton Mastera reviewed the property at 622 and 624 North 4<sup>th</sup> Street on a Power Point presentation. The property (PVA Parcels: Map 50, Lot 35H and Map 50, Lot 35J) is owned by Jed and Karen Workman. Mr. Workman would like to re-subdivide his land and create two new tracts of land (Lot 1-A & Lot 6-A). The reason this minor plat is being reviewed by the Murray Planning Commission is because the existing building at 624 North 4<sup>th</sup> Street will be closer than the required 35 feet off the rear property line as stipulated in the industrial zoning district. The rear/eastern property line, on the proposed lot 1-A, will only be 10.11 ft. from the building. Mr. Workman has a potential buyer and the sale is contingent upon the Planning Commission approving the minor plat.

Bud Byars, Vice President of Facilities Management of C.A. Jones Management, was sworn in. Mr. Byars stated that Mr. Chuck Jones is interested in the Workman property for potentially expanding his warehousing at the former H.T. Marketing Building located at 306 Andrus. The proposal will add needed room along the west side of the existing H.T. Marketing building.

**Tom Kind made a motion to approve the minor subdivision plat for Jed Workman at 624 North 4<sup>th</sup> Street and to grant a variance of 10.11 feet from the east property line as opposed to the 35 feet requirement contingent upon the fire department's approval as it pertains to the building location. Ed Pavlick seconded the motion and it passed with a 9-0 voice vote.**

**Review of final subdivision plat for Chesapeake Village Subdivision – Jones Sparkman Road – Paul Garland:** Candace Dowdy reviewed the final plat on a Power Point presentation.

Chesapeake Village Subdivision is owned by Paul and Vickie Garland and is located on Jones Sparkman Road. The subdivision lies outside the city limits and is within the four mile jurisdiction of the City of Murray Subdivision Regulations. Ms. Dowdy stated that at the June 17, 2008 meeting, the Planning Commission voted to approve the preliminary subdivision plat for Chesapeake Village based on the recommendation of the Planning Staff that the streets be 24 feet wide; therefore, waiving the curb and gutter requirements. The street names have been approved by Ed Pavlick with Calloway County 911. The subdivision will consist of 38 lots for a total of 26.312 acres. On October 8, 2008, both the road profiles and stormwater calculations were delivered to Planning Staff. At this time, both are being reviewed by the department. Ms. Dowdy stated that the Planning Staff had received several calls concerning various issues with the subdivision. She read a letter from Judge Larry Elkins noting the following concerns of the county: the private sewer systems being adequate for multi-family dwellings, the developer's responsibility in making repairs to Jones Sparkman Road if damaged by construction traffic, and engineering plans ensuring that stormwater retention is adequate to protect adjoining property owners. Ms. Dowdy stated that even though the lots meet the minimum lot size requirement of Calloway County Subdivision regulations of 25,000 square feet for private water and sewer, Health Department Officials have indicated to the Planning Staff that they have concerns with the size of the lots. She added that there is a certificate box on the plat that requires the signature of the Calloway County Health Department regarding the private water and sewer. Ms. Dowdy also stated that a notation would be added to the plat regarding the parking in order to make any future property owners aware of parking requirements. The City of Murray will require a letter of credit regarding the outstanding improvements to the streets until they are constructed according to city standards.

Chairman Vanover asked if there was anyone that wished to make comments concerning the subdivision.

Jason Looper, 78 Thomas Road, Mayfield, Ky, from Jason Looper Surveying and Engineering was sworn in. Mr. Looper said that he was hired by Paul Garland to look at the road profile and stormwater retention of the subdivision. Mr. Looper reviewed the information that was given to the city on October 8<sup>th</sup>. He said that there were several different detention areas that would be utilized throughout the project. Since the lots are small throughout the subdivision, there is very little room for a set detention basin for the development. The water flows from the west to east. Mr. Looper stated that in the end, they will be reducing the flow instead of increasing it. Commissioner Pavlick voiced concern for the surrounding properties and referred to a property along Robertson Road South where the development to the west is creating a drainage problem for houses along that street.

Michael Morris, 198 Jones Sparkman Road, was sworn in. Mr. Morris stated that his property was directly in front of the proposed subdivision. He stated that he had issues with the subdivision and he requested a copy of the water retention system from the Corps of Engineers. He added that the water is dumping into Bee Creek which flows back to town. Mr. Morris stated that there were too many duplexes in Murray to begin with and that several are vacant at this time; therefore, he did not feel there was a need for more multi-family housing. Mr. Morris

addressed his concerns with the septic system, roads, water retention, parking, and increase in traffic flow. He concluded by saying that he did not want the subdivision there.

Sheila Sullivan, 303 South 6<sup>th</sup> Street, was sworn in. Ms. Sullivan stated that she has a farm on Jones Sparkman Road where she would like to build a home someday and she was also concerned about the water runoff to the adjoining properties. She asked if the city was required to contact adjoining property owners whenever a subdivision was going in and Candace Dowdy stated no. Ms. Sullivan also wanted to know if the subdivision was for single family dwellings only and Ms. Dowdy read from the plat that there could be “single family dwellings as well as multiplex family dwellings with no more than six dwellings per single building.” Ms. Sullivan concluded by saying that she was not in favor of the proposed subdivision.

Emily Lynch, 332 Jones Sparkman Road, was sworn in. Ms. Lynch was concerned about what the proposed subdivision would look like in 25 or 30 years and she did not feel that more multi-family housing would have anything to add to the town.

Vickie Garland, 6218 State Route 121 North, was sworn in. Ms. Garland is co-owner of the proposed subdivision. She stated that they had previously developed several subdivisions in Murray and they have taken pride in each one. They have taken properties that were not aesthetically pleasing and made upgrades to them for the benefit of the city. Ms. Garland understands the people’s concerns and she added that they had never built anything that was not up to standard. Ms. Garland said that they planned on building on most of the lots themselves and that the buildings would be constructed out of brick where they would continue to look good after 25 or 30 years. Ms. Garland stated that their homes would not be anything to be ashamed of nor would they be a detriment to the area. The Garland’s hired Jason Looper to design the drainage because they felt he was qualified to adequately address the problems with the drainage. She concluded by saying that they were not willing to jeopardize the property by doing something that was not going to work.

Paul Garland, 6218 State Route 121 North, was sworn in. Mr. Garland stated that for 25 years he had managed apartments. He stated that he always tries to work in compliance with the city’s guidelines. Mr. Garland added that he had spoken to the Calloway County Health Department and is currently approved for five septic tanks to begin with at the proposed subdivision.

Commissioner Pavlick commented that the Planning Commission did not have the right to question a business judgment such as whether something was going to be successful or not. He stated that their position was just the preparation of the land. Commissioner Pavlick added that he would like for this project to go back to the Fiscal Court for further review before the Planning Commission voted on it.

Attorney Mike Pitman confirmed the responsibilities of the Planning Commission. He stated that their responsibility in this instance is only to review the final subdivision plat. Mr. Pitman added that the city ordinance provides restrictions for developments within the city limits on the use of the property, as well as protection to the surrounding property owners, but this is in the

county which has no zoning. The Calloway County Health Department enforces regulations for septic systems issued by the State of Kentucky.

David Roberts, Engineer for the City of Murray, stated that since the subdivision is within the four mile radius of the City of Murray, it will have to meet all city subdivision requirements and will be required to meet the State regulations for septic. The Planning Commission is limited on regulations to this piece of property. The Planning Staff has been informed that the Calloway County Health Department has issued the permit for the house that is currently under construction. Mr. Roberts stated that one of the questions that may come up with the drainage in this subdivision is whether the natural flow of the drainage is changed from a spread condition to a channelized one.

**Ed Pavlick made a motion to table the approval of the final subdivision plat for Chesapeake Village Subdivision located on Jones Sparkman Road for Paul and Vickie Garland until the Fiscal Court has the opportunity to review the stormwater detention plans and the City of Murray can review all plans. Ed Davis seconded the motion and the motion carried with a 9-0 voice vote. Ed Pavlick left the meeting at 6:00 p.m.**

**Review of preliminary subdivision plat for Kamden Estates, Unit 2 – Kaitlyn Lane –**

**Richard Price:** Ms. Dowdy pointed out the subdivision on a Power Point presentation. Kamden Estates Subdivision is located on the south side of Highway 121 North across from the fairgrounds. The developer and property owner is Richard Price. The subdivision is for single family dwellings. Unit 1 preliminary and final plats, which consists of four lots have been previously reviewed and approved by the commissioners. Unit 2 will consist of ten lots. The property falls within the four mile jurisdiction of the Planning Commission and will be served with private water and sewer services. Natural gas is available to the property on the south side of Hwy. 121 North. The current width of Kaitlyn Lane is 24 feet (which includes a 21 foot street and an 18” curb on either side) with the proposed extension of Kaitlyn Lane to be constructed at the same width. Mr. Price has a temporary turn around at the end of Unit 1, and upon approval of Unit 2 and the extension of the street, will move that temporary turn around to the end of Unit 2. Ms. Dowdy stated that Mr. Price owns additional property to the south of Unit 2. The planning staff has made Mr. Price aware that the city subdivision regulations state that a block should not exceed 1200 feet in length; therefore, if he should decide to develop this property into Unit 3, he will have to look at putting in some cross streets since the distance will be 1382 feet from Highway 121 to the back of Unit 2. The City of Murray required a letter of credit regarding the outstanding improvements to the streets until they were constructed according to city standards with Unit 1 and will require the same with Unit 2. Ms. Dowdy added that there are certificate boxes on the plat that require the signature of the Fiscal Court and the Calloway County Health Department regarding the private water and sewer. *Mayor Rushing left the meeting at 6:10 p.m.*

**Loretta Jobs made a motion to approve the preliminary subdivision for Kamden Estates, Unit 2 – Kaitlyn Lane – Richard Price. Tom Kind seconded the motion and the motion passed with an 8-0 voice vote. Nelson Shroat left the meeting at 6:12 p.m.**

**Discussion of proposed text amendments to the City of Murray Zoning Ordinance as it pertains to the establishment of the Historic Overlay District:** Candace Dowdy stated that the Commissioners were given a copy of the draft of the Historic Overlay District. She added that the City Council had their public hearing a couple of weeks ago concerning the proposed boundaries for the Historic Overlay District and at that time, the item was tabled. On Thursday night, October 23<sup>rd</sup> the item will go back to the City Council for the first of two readings, this time in the form of an ordinance establishing the boundary of this district. If the City Council approves the boundary it at the October meeting, there will need to be a text amendment to the Zoning Ordinance adding a section for the Historic Overlay District.

**Tom Kind made a motion to ask the Planning Staff to set a public hearing for proposed text amendments to the City of Murray zoning ordinance - Section II, Article 10 – Historic Overlay District. Loretta Jobs seconded the motion and the motion passed with a 7-0 voice vote.**

**Questions and Comments:** Ed Davis reminded Chairman Vanover that his term would end on the BZA as a Planning Commission representative at the end of 2008. Peyton Mastera stated that a person had already been selected and that person's name would be presented to the Commissioner's at next month's meeting for their approval.

**Ed Davis made a motion to adjourn. Amber DuVentre seconded the motion and the motion passed unanimously.** The meeting adjourned at 6:15 p.m.

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Chairman, Richard Vanover

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Recording Secretary, Reta Gray