

**MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, SEPTEMBER 21, 2010**

The Murray Planning Commission met in regular session on Tuesday, September 21, 2010 at 5:00 p.m. in the council chambers of City Hall located at 104 N. 5th Street.

Commissioners Present: Marc Peebles, Mary Anne Medlock, Tom Kind, Loretta Jobs, Jeremy Boyd, Ed Davis, Ed Pavlick and Richard Vanover

Commissioners Absent: Kevin Perry and Amber DuVentre

Also Present: Candace Dowdy, Peyton Mastera, Bobby Deitz, David Roberts, James Oakley, Reta Gray, Warren Hopkins and Hawkins Teague

Chairman Vanover called the meeting to order and welcomed all guests. Chairman Vanover asked for approval of the minutes from the August 17, 2010 regular meeting.

A motion was made by Loretta Jobs to approve the minutes from the August 17, 2010 regular meeting as presented. Marc Peebles seconded the motion and the motion carried unanimously.

Discussion of text amendments to the city of Murray Zoning Ordinance - Section III, Article 8 – Stormwater Conveyance and Erosion Control: James Oakley, Stormwater Drainage Engineer for the City of Murray, stated that the City of Murray is under permit with the Division of Water and is required to enforce certain criteria to construction site activities of an acre and above. Mr. Oakley discussed the changes made to the Stormwater Conveyance and Erosion Control section of the Murray Zoning Ordinance – Section III, Article 8. Chairman Vanover stated that there would be a public hearing set for the October Planning Commission meeting to approve the text amendments and if it passes, it will be recommended to the City Council to make the permanent change.

Review of minor subdivision plat – Bagwell Drive – Howard Brandon: Candace Dowdy used a Power Point presentation to show the property on Bagwell Drive that is owned by Howard Brandon. The purpose of the minor subdivision plat is to create a new 10 acre tract of land for the proposed future site of the Murray Calloway County Hospice House, to create a 1.235 acre tract of land to be dedicated as public right of way for the construction of a new street that will run east and west, and to extend Bagwell Drive Extended.

Tom Kind made a motion to approve the Minor Subdivision Plat of Howard Brandon south of Bagwell Drive Extended as presented. Loretta Jobs seconded the motion and the motion carried with an 8-0 voice vote.

Review of minor subdivision plat – Robertson Road North – Chuck and Sarah Jones: A Power Point presentation was used to show the property owned by Chuck and Sarah Jones that is located on Robertson Road North. David Roberts stated that the applicants are requesting that

Tract 1 of a minor subdivision plat that was approved in June 2009 be subdivided into two tracts. The Joneses currently have a house under construction on Tract 1-A. The new plat creates Tract 1-B as a 50 foot wide permanent easement for ingress and egress for the use and benefit of current and future owners of Tract 1-A since this tract does not have any road frontage. Mr. Roberts said that at some point the city is going to be extending a sanitary sewer line across the property. The Joneses home is located approximately 1200 feet from the sanitary sewer line leaving the elevation change and grade insufficient to be able to install the city sanitary sewer so the Joneses went with a private septic system. The Joneses want the water and gas services and in order to get these services, they are required to sign a deed restriction with the city which will be a recorded document that will say “that at such time the city desires the property to come into the city, they will go through with the annexation process at that time”. Mr. Roberts stated that typically if you are adjacent to the city and want to receive city services, you have to request annexation at that time. In this situation, the city would be obligated to install the sewer line if the property is annexed. Mr. Roberts stated that the city was not able to do this with the funds they currently have budgeted; however, they think sometime in the future, the property in front of the Jones’s home could be developed. It is staff’s recommendation that Tract 1-B not to be used as a right-of-way for future subdivision of Tracts 2 and 3 without Planning Commission approval.

Marc Peebles made a motion to approve the Minor Subdivision Plat of Charles and Sarah Jones along Robertson Road North as presented. This approval is contingent upon Tract 1-B not being used as a right-of-way for future subdivision of Tracts 2 and 3 without Planning Commission approval. Ed Pavlick seconded the motion and the motion carried with an 8-0 voice vote.

Request to use a manufactured home as a commercial office for up to six (6) months – 1201 South 12th Street – Harold Hurt – Toyota of Murray: Candace Dowdy used a Power Point presentation to show the property at 1201 South 12th Street where Toyota of Murray is proposing to add on to their existing building. Harold Hurt, attorney for Toyota of Murray, contacted the Planning Department requesting the temporary placement of a commercial manufactured office building (30’ x 60’) to be placed on their back lot directly east of the existing building during the renovation process. The Zoning Ordinance states that any placement of a temporary structure over ninety days shall be approved by the Planning Commission. Ms. Dowdy stated that the building is already in place and it has been strapped down and inspected by the Building Official. She added that the structure will be used as a temporary office during the renovation process which is expected to take approximately four months.

Loretta Jobs made a motion to approve the temporary placement of a 30’ x 60’ commercially manufactured office building to the east of the existing Toyota of Murray building as shown on the site plan at 1201 S. 12th Street for a period not to exceed 180 days or at such time the current building renovations are complete contingent upon the temporary building meeting all building codes. Ed Davis seconded the motion and the motion carried with an 8-0 voice vote.

Public hearing to review a planned development project plat – 411 South 12th Street –

Huck's: Peyton Mastera used a Power Point presentation to show the property at 411 South 12th Street where Huck's is proposing to build a 24 hour convenience store. This store will encompass approximately 4050 square feet, a drive-thru window along the north side of the building and a 6832 square foot canopy over 8 gas pumps. Mr. Mastera stated that Huck's is required to go through the Planned Development approval process because they will meet the definition of a "restaurant" in a B-4 zone. Mr. Mastera stated that in August the proposed Huck's facility received approval by both the Planning Commission and BZA at the Advisory Meeting and Compatibility Hearing, respectively. This month the Planning Commission will hold a public hearing to review the preliminary plat. Notices were sent to adjoining property owners and signs were posted on the property advertising the date and time of the public hearing. Mr. Mastera stated that the seating capacity has gone down from 12 to 6 since last month which will alter the parking requirements for the overall project. He added the following issues noted by Planning Staff to be reviewed by both the Planning Commission and BZA through the Planned Development process are:

- **Clear zone visibility.** On the site plan the developers have removed all items within the clear zone.
- **Monument signage location.** The developers will not utilize a free-standing sign.
- **Wall signage.** In lieu of a free-standing/monument style sign, Huck's is requesting additional signage along the canopy as well as signage on top of each pump topper. A variance will need to be approved since they will be exceeding their allowed wall signage size.
- **Landscaping.** Huck's has submitted a landscaping plan with landscaping along three of the four sides of the property.
- **Outdoor storage of merchandise.** The only outdoor storage of merchandise will be an ice chest and propane tank storage facility. This will require additional approval. The developers are also aware that any additional outdoor storage of merchandise (even on a seasonal basis) will require approval by the BZA.
- **Parking.** Huck's is providing 23 parking spaces. Planning Staff configured the parking requirements based upon a split use of a restaurant and consumer service. Huck's will be required to provide 28 parking spaces; thus, they will be requesting a five (5) parking space variance. Staff does not feel this will cause a detrimental effect because Huck's will have up to 16 spaces beside each fueling station which is not configured as part of their requirements.
- **Traffic impact.** Huck's conducted a traffic impact study prior to the PDP process. According to the study it should accommodate the traffic increase.
- **Hours of operation for drive-thru.** According to the developers this will not be a 24 hour service.

Mr. Mastera showed a comparison to the intersection at 12th and Main and the one where Huck's will be located at 12th and Sycamore. Entrances for each business located at the intersection at 12th and Main Street are all located as far away from the intersection as possible. This seems to be working for them; however, Mr. Mastera stated that even though they had relocated the proposed entrances in this same manner for the Huck's, you never know how a development will impact an intersection until it actually comes into effect.

Chairman Vanover opened the public hearing and asked if there was anyone that wished to speak in favor of the project.

Bobby Deitz, 645 Swift Road, Kirksey, Kentucky was sworn in. Mr. Deitz works for GeoTech Engineering who did the design for the Huck's project. Chairman Vanover asked Mr. Deitz if he knew how far the entrances at Family Dollar (which is located across South 12th Street from where the Huck's will be located) are located from the intersection. Mr. Deitz stated that he did not know. Commissioner Pavlick asked about the distance between the gas pumps and the curbs and the gas pumps and the front of the store. Mr. Pavlick said that he owned an RV and that maneuvering it in and out of gas stations sometimes presented a problem because of the distance that was available from the gas pump. Mr. Deitz said that he could not tell Mr. Pavlick if the station would accommodate an RV pulling a trailer, but he said that it will accommodate a semi-truck bringing in fuel to unload. Mr. Deitz added that for easier maneuverability, he would probably enter off 12th Street and hopefully there would be an empty island on the north side. Commissioner Peebles said that according to the plat there is 30 feet on each side of the pumps for maneuvering. The commissioners asked about the landscaping, the screening, the "Y" on Sycamore and the drive-thru hours. Mr. Mastera said that questions such as these should be directed to the developer to see that things like these are adequately answered before the project is allowed to move forward.

Chairman Vanover asked if there was anyone that wished to speak against the project. There was no one. Chairman Vanover closed the public hearing and turned it over to the commissioners for discussion.

David Roberts stated that several scenarios had been discussed concerning the "Y" situation on Sycamore. He said that if this becomes an issue in the future, they will have to address it at that time. Mr. Roberts said that the city maintains the little park area between the "Y" and Sycamore and that it could possibly be used for right-of-ways. Mr. Mastera said that this is a difficult situation and they realized that it would come up at some time no matter who built at this site.

Jeremy Boyd made a motion to approve the preliminary Planned Development Project plat for the proposed Huck's at 411 S. 12th Street contingent upon it meeting all city regulations and the Murray Board of Zoning Adjustments granting a conditional use permit for this same project and he forwarded a recommendation that the project be considered for a conditional use permit. Marc Peebles seconded the motion and the motion carried with an 8-0 voice vote.

Advisory meeting for a planned development project – Apartment Complex on North 13th Street – Gerald Bell: Peyton Mastera used a Power Point presentation to show the 2.896 acre tract of land located on North 13th Street owned by Mr. Gerald Bell with Parbel, LLC. This tract of land is located directly behind University Shops. Mr. Bell is proposing to develop two, three story apartment complex buildings. The initial site plan shows a mixture of studio apartments with more traditional 2 and 3 unit apartment spaces. Mr. Bell has indicated this is all subject to change and will have a more definitive layout in the near future; however, the basic concept of this development will remain as is. Mr. Mastera said that this project exhibits many of the

features Planning Staff looks for in development of a higher density residential project. It is located in close proximity to Murray State University, has access to public transportation nearby and commercial activity within walking distance. Some of the issues noted by Planning Staff in meeting with the developer to be reviewed by both the Planning Commission and BZA through the Planned Development process are:

- Landscaping and other environmentally sensitive techniques
- Parking
- Traffic impact along N. 13th Street and Chestnut Street
- Placement of bike racks
- Sidewalks

Mr. Mastera added that this Advisory Meeting with the Planning Commission is the first step in the Planned Development Project process and it will be forwarded on to the BZA for a compatibility hearing.

Questions and comments: Loretta Jobs noted the traffic congestion that seems to be getting worse on North 12th Street in front of McDonald's. This back up is caused by the drive thru at McDonald's. David Roberts stated that he would speak to Chief Lyles to see if there is something that Murray Police Department can do to help resolve the situation. Commissioner Jobs stated that she had contacted the Chamber of Commerce and they are working with the Planning Staff on the survey for business owners concerning sign regulations. Ed Pavlick asked if there had been any resolution with the Zaxby's situation. Chairman Vanover stated that he did not know. Mr. Mastera announced that a professor from Murray State will be holding a continuing education session sometime in October which will include proper conduct at meetings, rules of order, your role as a member or chairman, and other related subjects. It will be opened for City Council members, BZA, Planning Commissioners, Architectural Review Board and any other boards and commissions affiliated with the city. The session will be approximately an hour long one evening. Mr. Mastera said that he would let everyone know the date later and he highly encouraged the commissioners to attend.

Adjournment: Ed Pavlick made a motion to adjourn. Marc Peebles seconded the motion and the motion carried unanimously. *The meeting adjourned at 6:05 p.m.*

Chairman, Richard Vanover

Recording Secretary, Reta Gray