

**MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, MAY 17, 2011**

The Murray Planning Commission met in regular session on Tuesday, May 17, 2011 at 5:00 p.m. in the council chambers of City Hall located at 104 N. 5th Street.

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

Commissioners Absent: Amber DuVentre and Ed Davis

Also Present: Candace Dowdy, Peyton Mastera, David Roberts, Mike Pitman, Reta Gray, Hawkins Teague, Howard Brandon, Heidi Schultz, Mike Spalding, Marv Blomquist, Greg Mayes, Danny Hudspeth

Chairman Vanover called the meeting to order and welcomed all guests. Chairman Vanover asked the commissioners if there were changes, additions or deletions to the minutes from the April 19th regular meeting.

Ed Pavlick made a motion to accept the minutes from April 19, 2011 Planning Commission regular meeting as presented. Marc Peebles seconded the motion and the motion carried unanimously.

Public Hearing: Set zoning for proposed annexation of a 132.336 acre tract of land – Murray West Industrial Park – Hwy 641 North – Murray-Calloway Economic Development Corporation: Candace Dowdy used a Power Point presentation to show the 132.336 acre tract of land located on U.S. Hwy 641 North and owned by the Murray-Calloway Economic Development Corporation. This property is known as the Murray-West Industrial Park. Ms. Dowdy stated that the EDC had submitted a letter to the City of Murray requesting the annexation of the property into the corporate city limits of Murray. The property is identified with the PVA office as Map 49, Parcels 3, 3A and 20 and Map 40, Parcel 37. The property is contiguous to the city limits to the west by the property known as Brandwood Park Subdivision and to the east by the property also owned by the EDC known as the “Virginia Gantt Life Estate”. The City of Murray completed a sewer and water extension to the Industrial Park in 2010 through grant money that was available. This property falls within the urban service area of the City of Murray’s Comprehensive Plan. At the April Planning Commission meeting a recommendation was made to annex the 132.336 acres into the city limits. The recommendation will be forwarded to the City Council on May 26th. Ms. Dowdy said that the second step in the process is to hold a public hearing before the Planning Commission to set the zoning of the property. The proposed zoning for this property is Industrial and is in agreement with the Comprehensive Plan’s Future Land Use Map. Ms. Dowdy added that Mr. Mark Manning, director of the EDC was unable to attend the meeting; however, Heidi Schultz from the board was in attendance and she would be able to answer questions.

Chairman Vanover opened the public hearing and asked if there was anyone that wished to speak in favor of the zoning proposal. There was no one.

Chairman Vanover asked if there was anyone that wished to speak against the zoning proposal.

Howard Brandon, 701 South 12th Street, Murray was sworn in. Mr. Brandon stated that he was not against the proposal; however, he wanted to voice some concerns. Mr. Brandon owns the property that is adjacent to the west of the proposed annexed tract and his property is zoned Industrial. He stated that there is not an exit to his property and he does not think that it is good planning to dead end a street in the Industrial Park where he is not permitted to have an exit from his property. David Roberts, Director of Planning and Engineering, addressed Mr. Brandon's concerns. Mr. Roberts said that he could appreciate Mr. Brandon's concerns; however, the zoning was the only thing that was being addressed at the meeting. Mr. Roberts stated that when the development is subdivided in the future, that would be the time to address that issue. Mr. Roberts added that to the best of his knowledge there has not been anything definitive as to how this development is going to go. He said that the sewer and water lines have been laid out so they know how this will generally be run and how the buildings will be constructed; however, there are no plans to run the streets to the west. Mr. Brandon said that he thought a street would compliment both pieces of property and he felt like if it wasn't addressed at this point, that it would not be addressed at all. Commissioner Marc Peebles asked Mr. Roberts if any streets had been dedicated to the city at this time and Mr. Roberts said they had not been. Mr. Brandon said the reason he brought this matter up was because he previously spoke to Mr. Manning about this matter and Mr. Manning told him that the street would never be extended to his property. Mr. Brandon said that this upsets him. Mr. Roberts concluded that once the streets are proposed, Planning Staff will bring it before the Planning Commission for informational purposes or their approval.

Chairman Vanover closed the public hearing and turned it over to the board for discussion.

Mary Anne Medlock made a motion to forward a recommendation to the Murray City Council to set the zoning of a 132.336 acre tract of land on US Hwy 641 North (identified as PVA Map 49, Parcels 3, 3A and 20 and Map 40, Parcel 37) owned by the Murray-Calloway Economic Development Corporation as Industrial based upon the findings it is in agreement with the City of Murray's Comprehensive Plan and it will be consistent with the zoning integrity of the surrounding vicinity. Jeremy Boyd seconded the motion and the motion carried with an 8-0 voice vote.

Public Hearing: Rezoning request of a 4.298 acre tract of land and right-of-way (Gantt property) adjacent to Murray-West Industrial Park – From R-2 (Single Family Residential) to I (Industrial) – Hwy 641 North – Murray-Calloway Economic Development Corporation: Candace Dowdy used a Power Point presentation to show the 4.298 acre tract of land owned by the EDC along with a portion of right-of-way on US Hwy. 641 North that is zoned R-2. The property (Virginia Gantt Life Estate property) is adjacent to the Industrial Park and Ms. Gantt presently resides there. The property was annexed into the city in February 1992. The EDC would like to rezone this property to I (Industrial) which is in agreement with the

comprehensive plan and would be consistent with the proposed zoning of the remaining Murray-West Industrial Park. The use of the property will remain single family residential and be considered a legal non-conforming use. It will remain as such until the property loses its non-conformity at which time it will have to be used for Industrial purposes.

Chairman Vanover opened the public hearing and asked if there was anyone that would like to speak in favor of the rezoning request. *Commissioner Peebles asked that Heidi Schultz come forward to answer some questions.*

Heidi Schultz, 1405 Misty Creek, Murray was sworn in. Commissioner Peebles asked if Ms. Gantt still lived in the house and Ms. Schultz stated that she did. Commissioner Peebles then asked if Ms. Gantt and her family were aware of the annexation and that it would not change the agreement of her staying in the house. Ms. Schultz said that she could not attest that Ms. Gantt is aware of the zoning changes; however, she stated that Ms. Gantt is aware of the agreement between the EDC, her family and herself that she will have a life estate there. Ms. Schultz added that she had not had any communication with the family personally so she could not tell Commissioner Peebles if they understand that nothing is changing on Ms. Schultz's behalf. Ms. Dowdy said that once the property becomes vacant for 12 months or longer, it loses the non-conformity and it can only be used in compliance with the zone that it is located in.

Chairman Vanover asked if there was anyone that wished to speak in opposition to the rezoning request. There was no one. Chairman Vanover closed the public hearing and turned it over to the board for discussion.

Mary Anne Medlock made a motion to forward a recommendation to the Murray City Council to rezone a 4.298 acre tract of land and adjoining right-of-way crossing US HWY 641 at 3573 and 3599 US HWY 641 North (identified as PVA Map 49, Parcels 3A and 3B) owned by the Murray-Calloway Economic Development Corporation and known as the "Virginia Gantt Life Estate" from R-2 (Single Family Residential) to I (Industrial) based upon the findings it is in agreement with the City of Murray's Comprehensive Plan and it will be consistent with the zoning integrity of the surrounding vicinity. Jeremy Boyd seconded the motion and the motion carried with an 8-0 voice vote.

Public Hearing: Preliminary Planned Development Project plat – 300 North 12th Street – Dunkin Donuts: Peyton Mastera used a Power Point presentation to show the property (zoned B-4) that is located at 300 North 12th Street where the applicant Four Dough Holdings, LLC is proposing to construct a 3,650 square foot building with two tenant spaces of equal size. One of the spaces will be occupied by Dunkin Donuts and the other space is being reserved for a smaller restaurant/sandwich shop. The Dunkin Donuts will occupy the north side of the building and will have a drive thru window while the south tenant will not. Both tenant spaces will have a seating capacity of 30. The total parking requirements based on seating capacity plus six employees per business is 28 parking spaces and the total requirements based on gross floor area is 45 parking spaces. The site plan shows a total of 29 parking spaces; therefore a parking variance will be required and will be addressed by the BZA. Mr. Mastera stated that the site plan had been reviewed by the Sanitation Department with the recommendation that the dumpster

area be repositioned on the northeast corner of the property so that the front load truck can pull right up to the dumpster for loading and unloading and then back up and exit off 12th Street. The site plan indicates one access off 12th Street and one off Sharpe Street. The property owners will be required to construct an eight (8) foot privacy fence along the east property line that adjoins the residential zoning district as well as a full landscaping plan. Mr. Mastera stated that Ms. Susan Solomon owns adjoining property and currently has an eight foot white vinyl fence along the back side of her property. The applicants are willing to work with Ms. Solomon to continue the current fence to provide the proper screening. Despite not having to create a new detention system, the property owners will be responsible for minimizing the impact of any additional runoff generated by this development whether it is through redirecting some of the flow to the 12th Street detention system or other natural retaining mechanism. The developers have discussed a few different possibilities with staff. Staff has also discussed with the developers the extension of sidewalks from 12th Street back to the east property line. The site plan indicates that all signage will comply with the City of Murray regulations.

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

Mike Spalding, 129 Shady Side Lane, Gilbertsville, Kentucky was sworn in. Mr. Spalding stated that he, his wife and two other partners are pursuing the opening of Dunkin Donuts in Murray. Mr. Spalding stated that the Planning Staff had been very helpful in this pursuit. He added that they also have had a lot of support from the Chamber and they would like very much to be good corporate citizens. Mr. Spalding said that they are accompanied by their Civil Engineer to answer any questions that the board may have. Commissioner Jobs asked what the hours would be for Dunkin Donuts. Mr. Spalding said their franchise agreement with Dunkin Corporate requires them to be opened 18 hours per day.

Marv Blomquist, Civil Engineer for Blomquist Design Group, 10529 Suite B, Timberwood Circle, Louisville, Kentucky was sworn in. Mr. Blomquist stated that they had looked at the dumpster area and made necessary changes to the preliminary drawing. Mr. Blomquist stated that the width of the driveway area is 20 feet wide and it may get tight if someone is sitting at the drive-thru window when the dumpster comes in but they hope to work out the hours of pick-up with the Sanitation Department where they can arrange their schedule to come in at a not so busy time. Mr. Blomquist said that compatibility had been a concern and they had also looked at that. He stated that everything that has been developed in the area has entrances both on 12th Street and on the side roads that go into residential areas. Mr. Blomquist said that he was also aware of the significant back-up of traffic through the traffic signals on 12th Street at certain times of the day and having two entrances on 12th and Sharpe Streets should help alleviate that situation. He added that you have a greater potential for accidents the closer you put the entrances to the traffic signal; therefore, they have put the entrances as far from the intersection as possible on Sharpe. On 12th Street they have a single entrance that is an existing curb cut that the state put in. Concerning the screening, Mr. Blomquist said that Ms. Solomon's white vinyl fence is set along the property line. He said that the developers have agreed to work with Ms. Solomon concerning the landscaping and in extending the fence as far as the regulations state. Mr. Blomquist said there are three parking spaces located along the lot lines between the development and Ms.

Solomon's property and they are primarily for the use of the employees and will probably not be used by persons that visit the restaurant because of the proximity from the front door. Mr. Blomquist said that the building floor elevation would be raised above the street elevation for marketing purposes. The proposal shows there will be approximately five percent increase of asphalt over what is currently on the site. Mr. Blomquist said they will try to take some of that water flow increase to the front on 12th Street and divert the rest to a "green space" towards the Northeastern corner where water will be absorbed into the grass and soil. He added that anything that is done in the area would better the current situation of drainage because currently all water is going to one point at the rear of the property. Mr. Blomquist said that they would discuss the sidewalks with the developer. With regards to a monument sign, he stated that the allowable signage along the 12th and Sharp Streets sides of the building will probably be sufficient; therefore, there will be no need for a monument sign. Parking requirements by seats available in the restaurants would calculate to 28 parking spaces and the site plan is showing 29. If the parking is figured by square footage, the number of required spaces is 45. Mr. Blomquist added that Dunkin Donuts would primarily be busiest in the morning and whatever goes in the other side will probably not be competing during that peak time. Ed Davis asked if the subdued colors that were presented on the site plan would be the actual colors of the building. Mr. Blomquist said they would be similar and that the color scheme is done in conjunction with the owners and the developers and meet specifications of Dunkin Donuts.

Mr. Mastera reviewed the e-mails that he had received in favor of the project. He said that Ms. Solomon had concerns about the fencing integrity, the buffer and the screening, the drainage issue, the look of the building, a green space area and the biggest concern being the entrance on Sharpe Street across the street from the Heritage Bank entrance. Ms. Solomon said that she had discussed with the developers adding another entrance on 12th Street instead of having the one on Sharpe Street. *The e-mail from Ms. Solomon was entered as Exhibit A.* The second e-mail was received from Melanie McCallon that lives on Sharpe Street. Ms. McCallon is concerned with the increased traffic flow through the residential neighborhood that has no sidewalks and also the decrease in property values. Ms. McCallon requested that the developers look at adding an additional entrance to 12th Street to take the place of the proposed one on Sharpe. *The e-mail from Ms. McCallon was entered as Exhibit B.* The third e-mail that Mr. Mastera was received from Ed and Marsha Daily. Their two primary concerns were the safety issues of being located on a busy street at a busy intersection. In addition to the safety issue, they had concerns about the decrease in property values. *The e-mail from the Dailys was entered as Exhibit C.*

Chairman Vanover asked if there was anyone that wished to speak in opposition to the Planned Development Project.

Heidi Schultz, 1405 Misty Creek, Murray was sworn in. Ms. Schultz stated that she and her husband are owners of the property at 304 N. 12th Street which is directly to the north of the proposed project. She said that one of their concerns was the flow of the water from the Dunkin Donuts property to theirs. Mr. Blomquist had referred to diverting some of the water to the northwest and northeast corners of the lot. The northwest corner happens to be towards the driveway of Ms. Schultz's property and the northeast corner "green space" is also adjacent to their property and they worry about that area becoming another pooling area. She added that the

proposed elevation of the building and additional asphalt would affect the rate of the water runoff; thus, hindering it from being absorbed into the ground. Ms. Schultz does not oppose the project; however, she and her husband do have these concerns and they want to make sure that the planning is appropriate and that their property is not negatively impacted. Ms. Schultz reported that her second concern is the barrier between the two properties. She said that their two tenants have their ingress/egress at the shared property line and parking to their businesses is in the back. Ms. Schultz does not want traffic cutting through their property or utilizing the spaces that are provided for their tenants.

Greg Mayes, 1006 Sharpe Street, Murray was sworn in. Mr. Mayes is concerned about the traffic on Sharpe Street. He wanted to know if there was a dedicated lane for the drive-thru and where the drive-thru sign would be located. Mr. Mayes's said that if there was a stack-up at the drive-thru speaker, the traffic would line up on to Sharpe Street. Mr. Blomquist came forward to address Mr. Mayes's concerns. He stated that the drive-thru sign would be located off Sharpe Street but there had not been a decision at this point of the exact location where the sign would go. Mr. Blomquist explained that the drive-thru speaker would be located on the back side of the building. Addressing the drive-thru, he added that there was room enough for an eight to nine car stack-up. Mr. Blomquist said that typically when a new restaurant opens, there is a larger back-up than normal and if that occurred, the personnel will be outside directing traffic. Once the initial opening is two to three weeks past, a six car stack-up is normal for a drive-thru window. Mr. Mayes said that he was concerned that the stack-up would be more than six cars and he anticipates that people will be using the Sharpe Street entrance in order to avoid 12th Street; therefore, Sharpe will incur more traffic. He added that the residents of Sharpe Street that are used to traveling east to get to 12th Street will see this as a major issue. Mr. Mayes asked the Planning Staff if there had been complaints from residents on Payne where they have a similar situation at Taco Bell. Ms. Dowdy stated that there were two entrances on Payne and one for 12th Street for Taco Bell and she was not sure where the drive-thru lane started or the signage was located for the drive-thru.

Danny Hudspeth, 1001 Sharpe Street, Murray was sworn in. Mr. Hudspeth stated that it is hard to oppose a new business on 12th Street; however, since the parcel of land includes land on Sharpe, he too is concerned about the excess traffic that will be generated on Sharpe Street. Mr. Hudspeth stated that he would like to minimize the impact of a new business and see two entrances off 12th Street and the entrance on Sharpe removed.

Chairman Vanover closed the public hearing and turned it over to the board for discussion.

Ms. Dowdy reminded the Commissioners that this project is going through the PDP process and being brought before the Planning Commission because it will have two restaurants. She added that since the Advisory Meeting in April, the applicants have used the same site plan with only one adjustment and that was the re-alignment to the dumpster area. Commissioner Medlock said that she would like to see the changes that were mentioned in the Advisory Meeting presented on a new site plan before taking this to the next step. She added that there are some real issues with the plat and noted them as: three employee parking spaces in the back, additional green space, barrier, traffic flow, drainage and sidewalks. Mr. Blomquist came forward to address the board

again. Mr. Blomquist said that the biggest issue at this point will be the entrance off Sharpe and the safety of people while entering or exiting that entrance. He stated that they had discussed each of the items that Commissioner Medlock had mentioned; however, they had not made changes to the plat because Mr. Blomquist thought that this meeting was the time to hear all the concerns and not the time that changes were required to be made to the site plan. His plan is to have the recommended changes implemented for the June meeting. Commissioner Jobs asked how much the property would be built up and how that elevation would affect the property to the north. Mr. Blomquist said the property would be built up approximately two to four feet. He stated they plan to have a curb and gutter or a retaining wall in order to keep the water run-off away from the neighbor to the north. Mr. Blomquist added that the state would not let him drain water into the street and that it will have to be channeled to the catch basin. Commissioner Boyd asked if the situation with Ms. Soloman's hvac unit being on the property line was being addressed. Mr. Blomquist said that the unit is 4/10 of a foot on the Dunkin Donut's property and he suspects that the owners and Ms. Soloman will get together and come up with an agreement so that the unit doesn't have to be moved. Commissioner Perry asked Mr. Blomquist if he would have a grading plan ready for the June meeting to show the elevation differences. Mr. Blomquist said that typically the grading plan is not presented until you have the development through the approval stage.

Mary Anne Medlock made a motion to table the preliminary Planned Development Project plat until a revised plat is submitted that meets some of the conditions discussed by the Commissioners such as: overall green space, drainage on the north and east sides, sidewalks on Sharpe Street, screening, option of entrances, and the possibility of relocating three employee parking spots. Jeremy Boyd seconded the motion. The vote was 4-3 to table the motion and the motion carried. Marc Peebles, Kevin Perry, and Richard Vanover voted no. Loretta Jobs abstained from voting.

Questions/Comments: None.

Adjournment: Marc Peebles made a motion to adjourn. Loretta Jobs seconded the motion and the motion carried unanimously. The meeting adjourned at 6:45 p.m.

Chairman, Richard Vanover

Recording Secretary, Reta Gray