

**MURRAY PLANNING COMMISSION MINUTES  
REGULAR MEETING  
TUESDAY, OCTOBER 18, 2011**

The Murray Planning Commission met in regular session on Tuesday, October 18, 2011 at 5:00 p.m. in the council chambers of City Hall located at 104 N. 5<sup>th</sup> Street.

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

**Commissioners Absent:** Ed Davis and Jeremy Boyd

**Also Present:** Candace Dowdy, Justin Crice, David Roberts, Reta Gray, Hawkins Teague, Daniel Yong, Don Riley, Chuck Foster and public audience

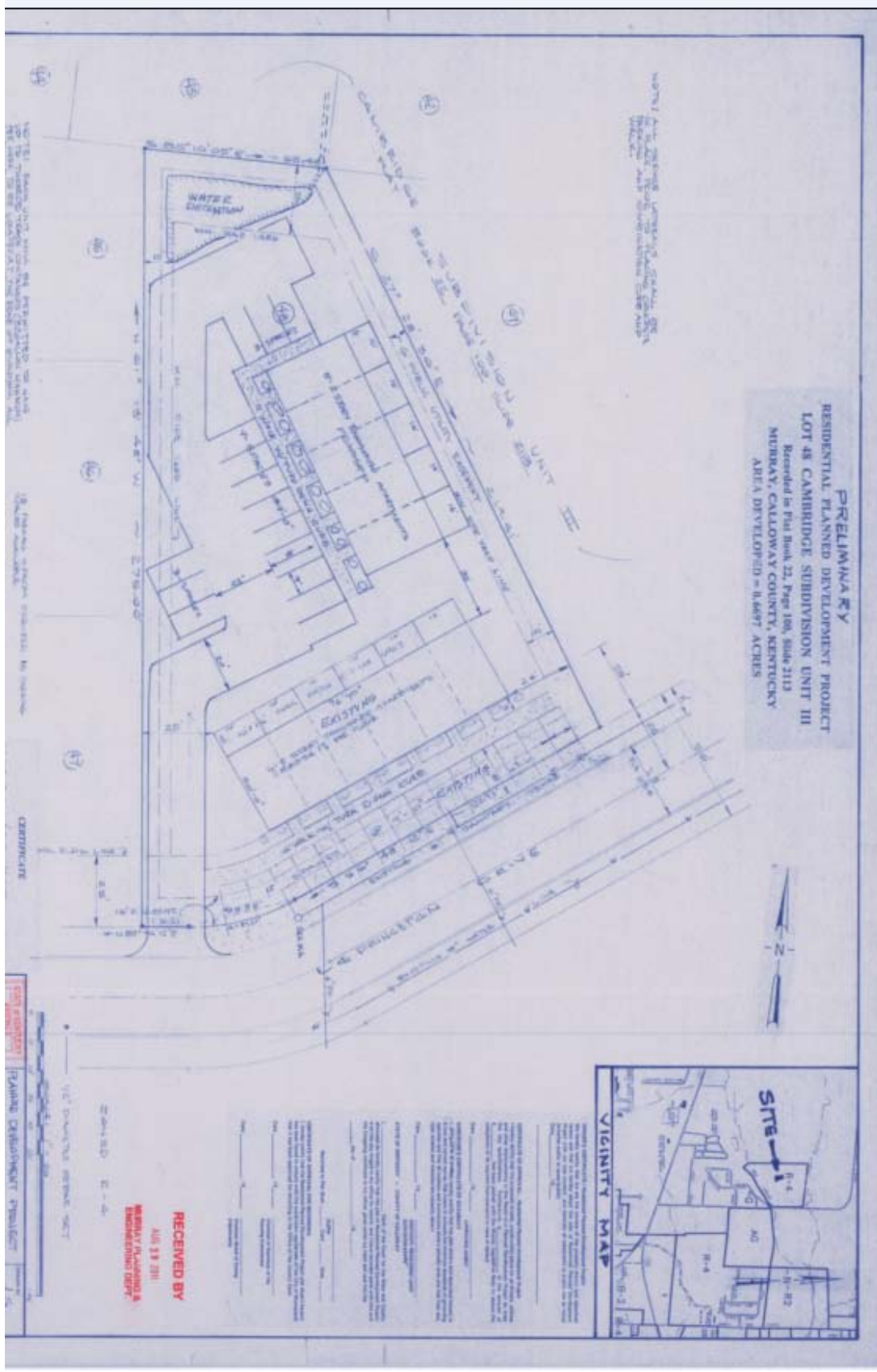
Chairman Vanover called the meeting to order and welcomed all guests. Chairman Vanover asked the commissioners if there were changes, additions or deletions to the minutes from the August 16, 2011 regular meeting.

**Ed Pavlick made a motion to accept the minutes from August 16, 2011 Planning Commission regular meeting as presented. Loretta Jobs seconded the motion and the motion carried unanimously.**

**Advisory Meeting: Residential Planned Development Project at (Lot 48) Cambridge Subdivision, Unit III – Daniel Yong:** Candace Dowdy used a Power Point presentation to show the property in Cambridge Subdivision Unit III where Daniel Yong is proposing a residential planned development. The property address is 50, 52, 56, 58, 60 & 64 Princeton Drive. The property is zoned R-4 (Multi-Family Residential) and is surrounded by property in the county as well as city property which is zoned Agricultural. Ms. Dowdy stated that Mr. Yong has purchased the property where there is an existing building with six units and he would like to construct another building with five additional units. The lot consists of 0.6697 acres (29,172 sq. ft.). Based on the lot size requirements in an R-4 zoning district, the lot could accommodate up to another five units along with the required 15 additional parking spaces. Stormwater detention will be required for this project if approved. The site plan has been reviewed by the Sanitation Department and curbside pickup could still be continued with the proposed design of the additional five units. Ms. Dowdy noted that this lot is the only lot in Cambridge Unit III that went through the PDP process. Ms. Dowdy noted that the rest of the subdivision consists of lots with two, three or four units. Ms. Dowdy noted that there were only two other lots in Cambridge Subdivision Unit III that were larger than this lot and they both have a four plex on them. Lots 24 and 25 have a 15' sanitary sewer easement that runs along the back of the lots making it difficult to put more than four units on the lot. Ms. Dowdy stated that the new entrance to the proposed PDP will be approximately 2.5 feet off the west property line. The original PDP required 18 parking spaces but the project was approved with 16. If the proposed addition is approved one of the existing parking spaces (from the original PDP) would have to be eliminated in order to construct the driveway access to the back of the property. The developer will be required to submit a landscape plan.

Commissioner Pavlick asked if the designated detention area would be adequate once the grassy area is concreted for parking. David Roberts said that there is a system to the north of the area that they plan to tie this system to. Commissioner Pavlick said that he would like it noted that this issue had been discussed in the Advisory Meeting. Chairman Vanover added that without seeing any drawings, it is hard to know about the ingress and egress situation to the complex and whether it could become a concern in providing fire protection. Kevin Perry asked what the distance would be between the existing building and the new building. Ms. Dowdy stated that they would be 30 feet apart. Commissioner Kevin Perry asked if there was handicap parking. Ms. Dowdy replied that it was noted in the original PDP that one space would be handicap accessible; however, there are not currently any handicap spaces. She added that she did not know if there were actually any handicap accessible units available in the complex. Ms. Dowdy stated that Mr. Yong is looking for direction from the Commissioners to see if he should proceed with this project.

Daniel Yong, 20 Scarlett Drive, Murray KY was sworn in. Mr. Yong stated that Ms. Dowdy had presented his request well and he did not have any additional information. He said that he just wanted direction from the Commissioners to help him decide on whether he should proceed with the project. He added that the entrance is a little tight but the number of units could be adjusted if necessary. Mr. Yong said that he had talked with David Roberts concerning the storm water detention and they will meet the requirements. Commissioner Pavlick told Mr. Yong that he thinks the project could work if there was another means of exiting the property. Ms. Dowdy remarked that maybe Mr. Yong could reconfigure the project and possibly end up with four units instead of five. Mr. Yong replied that was a reasonable request and he would have his engineer look at putting in an entrance as well as an exit to the project. Chairman Vanover said that once Mr. Yong has his architect make those requested changes, that he could come back before the board and they would proceed from that point. Ms. Dowdy explained to Mr. Yong that he had up to 60 days to submit a preliminary plat to the Planning Staff if he wanted to move forward with the project.



**Public Hearing to review preliminary plat: Commercial Planned Development Project (Arby's Restaurant) located at 307 North 12<sup>th</sup> Street – Rajav Johar:** Candace Dowdy used a Power Point presentation to show the property owned by Rajiv Johar that is located at 307 and 309 North 12<sup>th</sup> Street where Mr. Johar is proposing to construct an Arby's Restaurant. The property is zoned B-4 (Medium Density Business District) with B-4 zoning to the north, south and east and R-3 to the west. The applicant is requesting preliminary plat approval for the Planned Development Project. The Planning Department has reviewed and approved a minor subdivision plat consolidating these two lots into one tract of land which consists of 0.651 acres. A restaurant may be allowed as a conditional use and reviewed through the PDP process. An Advisory Meeting and Compatibility Hearing were held before the Planning Commission and the Board of Zoning Adjustments earlier in the year. At the Advisory Meeting, Mr. Chuck Foster, representative for Mr. Johar stated that the proposed design for the restaurant would require a half acre of land. They presented two mid-block designs with a stucco/dryvit finish that would accommodate this site. The Planning Commission suggested that Mr. Johar come back with a design that would blend with the surrounding neighborhood and landscape. There were also concerns with the screening that would be provided along the west property line adjoining the residential zoning district and the amount of green space for this project. It was noted that the entrance and exit locations for the project should be looked at carefully because this is a busy location. Planning Staff noted that there are currently three entrances to this property and that any alterations to the existing entrances should be coordinated with the KYTC. Following a prior Planning Commission meeting there was discussion between the developer and the adjoining property owner to the south (Loretta Jobs) in possibly having an access to connect the proposed Arby's lot on the south side to University Square. The following night the BZA reviewed the project for compatibility. Some of the concerns noted by the board were the pedestrian visibility at this site since there is a lot of foot traffic through this area and the amount of green space shown on the proposed site plan. The board questioned the importance of the access to the adjoining property to the south. Mr. Foster stated that he thought it would be a convenience and that the access may actually decrease some congestion along 12<sup>th</sup> Street but they would be willing to go either way on this proposal. Demolition has begun on the two houses that currently occupy the site. The total square footage of the building is 2133 square feet. The project is meeting all building setbacks and parking requirements. The total parking requirements based on gross floor area would be 26 parking spaces and they are providing 26 spaces. There are currently sidewalks along the front of this property on 12<sup>th</sup> Street. The dumpster area is located in the southwest corner of the property and appears to be meeting city regulations. The site plan will be reviewed by the Sanitation Department for compliance. The site plan shows a six (6) foot white vinyl fence along the west property line that will provide the necessary screening adjacent to the residential zoning district. Preliminary plans for the design of the stormwater detention are shown on the plat. The proposed improvements to the existing entrances have been approved by KYTC. The preliminary plat identifies an access on the south side of the property that will connect to the University Square Shopping Plaza. If this access is permitted it will eliminate three parking spaces at University Square but still meeting all parking requirements. Ms. Dowdy stated that the property owner is requesting a couple of dimensional variances on the signage for Arby's during this process. They will be asking for one additional wall sign and a seven (7) foot front setback variance on the monument sign and these will go

before the BZA at their next meeting. Notices were sent to adjoining property owners and signs were posted on the property advertising the date and time of the public hearing.

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

Don Riley, 1586 Belle Meade Drive, Mayfield KY was sworn in. Mr. Riley stated that he is with Riley Architect Services out of Mayfield and is the architect for the Arby's project. Mr. Riley read an opening statement that reiterated the previous statements from Ms. Dowdy. He added that the model that Arby's is proposing is the A42SL which is 2,133 square feet with a seating capacity of 42. It will have a three colored brick veneer exterior with matching mortar. The site will be served with a surface detention pond on the southwest corner of the property in addition to an underground pipe system that will regulate any overflow into the public drainage way. Mr. Riley also noted that there is a 21 foot drive thru aisle to the adjoining business.

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

There was no one. Chairman Vanover closed the public hearing and turned it over to the Commissioners for discussion.

Commissioner Jobs stated that the Commissioners had made various requests previously and all of those had been met including that it be compatible with the surrounding area. Ms. Dowdy asked for comments from the Commissioners concerning the entrance to the south of the project that connects with Loretta Jobs' Shopping Center. Ms. Dowdy said that the Planning Staff did have some concerns as to whether the connection would create or relieve a traffic issue. Chairman Vanover stated that he was concerned that a bottle-necking effect could occur at the entrance if the connection to the shopping center was allowed and it could possibly present a situation similar to the J.C. Penney and Kroger parking lot. Commissioner Medlock stated that she had concerns for the pedestrian traffic if the connection is allowed.

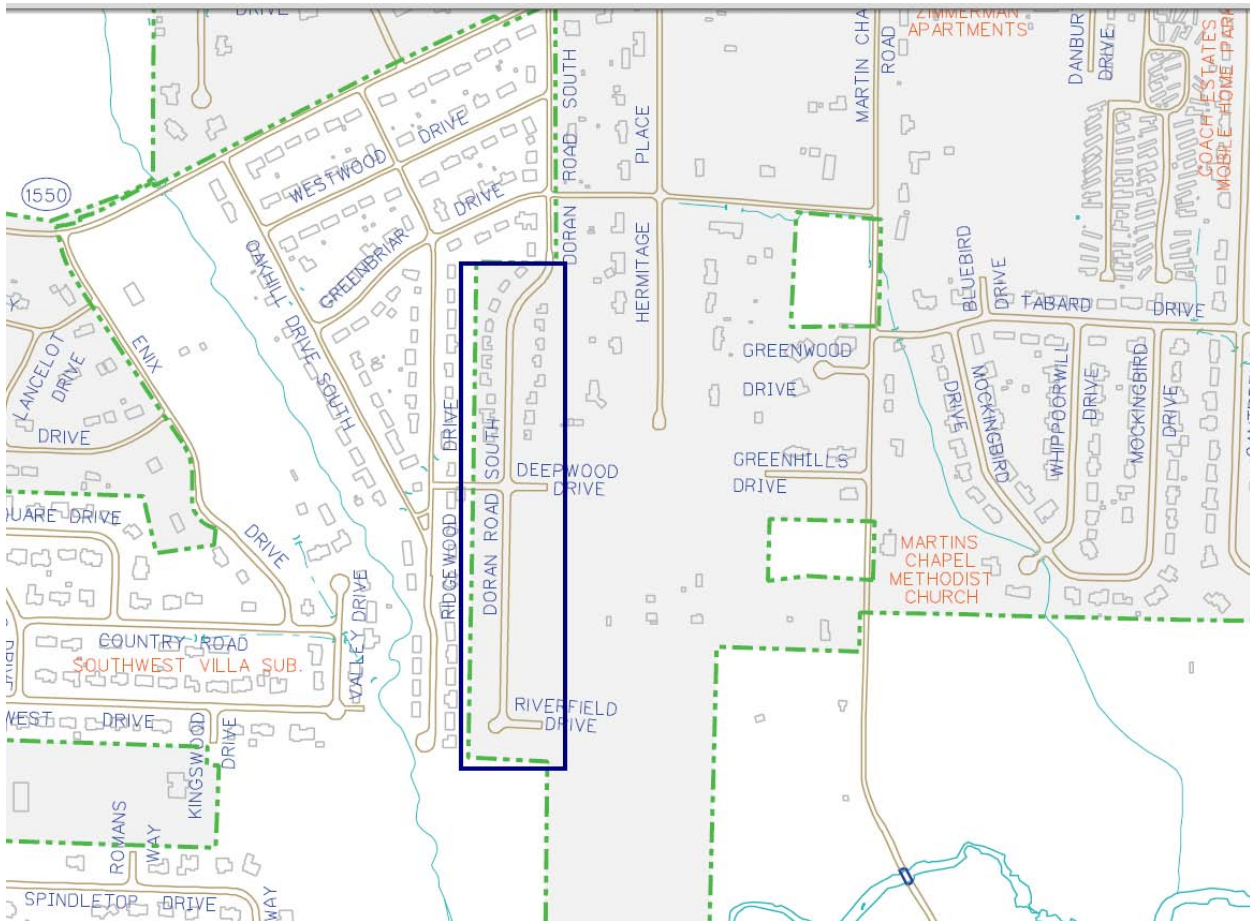
Chuck Foster, 1614 The Lane, Murray KY was sworn in. Mr. Foster is the attorney representing Mr. Johar. Mr. Foster stated that he did not know if the connection would help or hurt the project. There are concerns either way; however, they will do whatever the board should decide. He added their belief was that the connection could actually relieve pressure while entering or exiting 12<sup>th</sup> Street. Mr. Foster said that they would also be agreeable to adding a northern connection into Fidalgo Bay. He said there is really no way to measure the effects of the connections until they are actually in use. Mr. Foster stated that they will be willing to add another parking space or additional green space in that area if the board should decide against the connection. Chairman Vanover suggested that they use additional green space.

**Amber DuVentre made a motion to approve the preliminary plat for the Arby's Restaurant Planned Development Project at 307/309 N. 12<sup>th</sup> Street contingent upon it meeting all city regulations and recommend that the BZA consider approving this project for a conditional use permit based on the removal of the drive entrance on the south side**

where green space should be added instead. Marc Peebles seconded the motion and the motion carried with an 8-0 voice vote.

**Acceptance of Streets: Riverfield Estates:** Candace Dowdy stated that the Planning Commission approved the Final Plat for Riverfield Estates in February of 2007. The streets have been inspected by the City Engineering Department for completion to city standards. The Murray Planning and Engineering Department is requesting that the following streets located in Riverfield Estates be accepted for maintenance by the City of Murray:

Doran Road South –	1995.1 ft.
Deepwood Drive -	302.5 ft.
Riverfield Drive –	<u>158.5 ft.</u>
<b>Total Feet</b>	<b>2456.1 ft.</b>



Loretta Jobs made a motion to forward a recommendation to the City Council that the streets in Riverfield Estates be accepted by the City of Murray for maintenance. Ed Pavlick seconded the motion and the motion carried with an 8-0 voice vote.

**Questions/Comments:** Chairman Vanover welcomed Justin Crice as the city's newest Planner I. Loretta Jobs asked when the McDonald's traffic situation was going to be addressed. Ms. Dowdy stated that there had been correspondence between the Mayor and the owner's of McDonald's. She said that McDonald's did not see the traffic situation as much of an issue as we did. Mary Anne Medlock asked if there was something that could be addressed through public safety. Ms. Dowdy said that they had spoken to Chief Lyles concerning this matter and his response was that the traffic accidents that occurred in that area could not be proven to be against the McDonald's drive-thru situation. Mr. Roberts said that they are not violating a law; therefore, there is nothing that can be done at this point. Commissioner Pavlick asked the status of Dunkin' Donuts. Ms. Dowdy said that it she had spoken to the developer and they are hoping to move forward with the project in about 60 days. She added that they are currently trying to get a contract for a second tenant in the building. Commissioner Kind asked if the sidewalks on Chestnut were in the works. Mr. Roberts said that they were beginning the work and they should be completed this fall. Commissioner Jobs asked if there was a time limit in order to have a burned out building cleaned up after a fire. Ms. Dowdy stated that she would check with the Fire Marshal on that.

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

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Chairman, Richard Vanover

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Recording Secretary, Reta Gray