

**MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, FEBRUARY 21, 2012**

The Murray Planning Commission met in regular session on Tuesday, February 21, 2012 at 5:00 p.m. in the council chambers of City Hall located at 104 N. 5th Street.

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

Commissioners Absent: Tom Kind, Ed Davis and Jeremy Boyd

Also Present: Candace Dowdy, Justin Crice, David Roberts, Reta Gray, Mike Pitman, Hawkins Teague, Sam Underwood, Paul Garland, Trent Garland, Gary Keckley, Don Roberson, Jim Ragsdale, Hal Perry, Gerald Bell, Daniel Yong and Troy Stovall

Chairman Vanover called the meeting to order and welcomed all guests. Chairman Vanover asked the commissioners if there were any changes, additions or deletions to the minutes from the January 17, 2012 regular meeting.

Marc Peebles made a motion to accept the minutes from January 17, 2012 Planning Commission regular meeting as presented. Amber DuVentre seconded the motion and the motion carried unanimously.

Public Hearing: To set zoning for proposed annexation of property located at 190 Utterback Road – Paul and Vickie Garland: Candace Dowdy used a Power Point presentation to show the property at 190 Utterback Road where Paul and Vickie Garland have made a request to annex their property into the city limits of Murray. Ms. Dowdy stated that the property owners are requesting that the Planning Commission set the zoning for this property as R-4 (multi-family residential) since their adjoining property at 170 Utterback Road was zoned R-4 when it was annexed in July 2007. The Hickory Woods Retirement Home property located to the east and Wesley at Murray Retirement Center property located to the west on Utterback Road are both zoned R-4 and identified as High Density Residential use on the Future Land Use Map. The property is currently identified as low density residential on the Future Land Use Map. *Kevin Perry entered the meeting at 5:05 p.m.*

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

Gary Keckley, 2202 Jefferson Port, Franklin, Tennessee was sworn in. Mr. Keckley is the owner of Hickory Woods. He stated that he is in favor of this project that Mr. Garland is proposing. Mr. Keckley said that the project will have a great opportunity for success and that Hickory Woods could provide support to Mr. Garland for prospective residents. He added that a one story facility of this nature for active seniors would be a needed asset to the area.

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

Loretta Jobs made a motion to forward a recommendation to the City Council to set the zoning for the property located at 190 Utterback Road owned by Paul and Vickie Garland as R-4 (multi-family residential) based on the fact the most current use of the property was rental and that the

R-4 zoning is consistent with the zoning integrity of the surrounding vicinity. Commissioner Jobs also recommended that the Official Zoning Map and the Comprehensive Plan for the City of Murray be updated to reflect this zoning. Marc Peebles seconded the motion and the motion carried with a 7-0 voice vote.

Public Hearing: To review preliminary plat for Residential Planned Development Project at 170 and 190 Utterback Road – Paul and Vickie Garland: Candace Dowdy used a Power Point presentation to show the properties located at 170 and 190 Utterback Road (Wellington Place). Paul and Vickie Garland own the two tracts of land consisting of 1.84 acres. A minor subdivision plat consolidating these two tracts of land has been reviewed and approved by the Planning Department. Ms. Dowdy stated that Mr. Garland is proposing to construct 37 - one bedroom units on this tract of land. The preliminary plat identifies four apartment buildings with three of the buildings consisting of nine - one bedroom units for a total of 5231 square feet and the other building consisting of ten - one bedroom units for a total of 5812 square feet. Each unit is approximately 580 square feet in size. All building setbacks are being met. The total parking spaces required for this project would be 111. The plat shows 78 parking spaces; therefore, they will need a 33 parking space variance. This would allow two spaces per unit with four visitor spaces. Dickie Walls, Fire Marshall, reviewed the plat for the “T”-turnaround and proposed fire hydrant location and stated both were sufficient for emergency access. The two dumpster locations shown on the plat have been approved by Don Rogers with the Sanitation Department. No formal plans have been submitted to the Planning staff for the stormwater detention at this time; however, the developers are proposing to construct underground detention for this project. Ms. Dowdy added that the developers are planning to provide screening along the east side of the property using white vinyl fencing and evergreens. Notices were sent to adjoining property owners and a sign posted on the property advertising the date and time of this public hearing.

Commissioner Pavlick stated that he is concerned that the plat does not show two entrance/exits. They will be taking the west end of the turnaround all the way to the property line. Ms. Dowdy stated that if the property to the west is ever developed, this will provide a connection to a future road; thus, another outlet.

Chairman Vanover opened the public hearing and asked if there was anyone wishing to speak in favor of the project. There was no one. Chairman Vanover asked if there was anyone wishing to speak in opposition of the project. There was no one. Chairman Vanover closed the public hearing and turned it over to the Commissioners for discussion.

Loretta Jobs made a motion to approve the preliminary plat for the Residential Planned Development Project at 170 & 190 Utterback Road; contingent upon the development meeting all city regulations and recommended that the BZA consider all the necessary variances as presented when approving this project for a Conditional Use Permit. Marc Peebles seconded the motion and the motion carried with a 6-1 voice vote. Ed Pavlick voted no.

Public Hearing: To review preliminary plat for Residential Planned Development Project for Lot 48 on Princeton Drive – Daniel Yong: Candace Dowdy used a Power Point presentation to show the Daniel Yong property (lot 48 in Cambridge Subdivision Unit III). There is currently one building with six units on the property. The lot consists of 0.6697 acres (29,172 sq. ft.) and Mr. Yong would like to construct an additional building with five units on the property. Based on the lot size requirements in an R-4 zoning district the lot could accommodate another five (5) units. The preliminary plat illustrates a five unit building with two bedrooms in each unit. The building is two stories and has a total of 5760 square feet. The plat shows a 20 ft. drive aisle that goes from Princeton Drive back to the proposed units. The length of the drive aisle is approximately 175 feet from the front property line and was approved by

the Fire Marshall as being sufficient to accommodate emergency access. The asphalt drive is two feet off the west property line. The site plan shows 13 parking spaces for the new units. City regulations would require 15 parking spaces; thus, a two parking space variance would be required. Storm-water detention is shown on the north side of the property. The site plan identifies an area at the end of the drive aisle for an enclosed dumpster area for sanitation pickup. The site plan has been revised since the previous time it was brought before the Commissioners. There were concerns by the Fire Marshal about emergency access and since the revisions have been made, the Fire Marshal has approved the preliminary plat. All setbacks are being met. Notices were sent to adjoining property owners and a sign was posted on the property advertising the date and time of this public hearing.

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

Attorney Gerald Bell, of Murray, KY was sworn in. Mr. Bell was representing Daniel Yong. When Mr. Yong bought the property in 2011, he recognized that there was a considerable amount of property that was not being used and with the need for more housing in the area, Mr. Yong decided on the proposed development. This project will not have the costs of building streets and will make better utilization of the property. Mr. Bell stated that the majority of the people who live in the surrounding apartments are students and aren't interested in large vacant areas. With all this in mind, Mr. Yong decided that this development could utilize the property and not detract from anything in the surrounding area. Mr. Bell added that Mr. Yong had met with the Fire Marshal and has allocated a 20 foot drive along the west side of the property that will allow emergency access. Each unit will have approximately 960 square feet. Mr. Bell said that the storm water detention proposal should help alleviate the problem for Mr. & Mr. Ragsdale who own adjoining property. Mr. Bell previously spoke to Sam Underwood, who co-owns the property to the east and property to the northeast with Hal and Belinda Perry, and Mr. Underwood indicated that he would agree to grant an easement for the stormwater detention.

Sam Underwood, 1557 Whippoorwill, Murray was sworn in. Mr. Underwood stated that he was co-owner of lots 49 and 42. Mr. Underwood said that he is in favor of this project and proposed that Mr. Yong run the driveway between his property and Mr. Yong's. Mr. Underwood said that Mr. Yong could build on one side of the drive aisle and he would build on the other side. He also stated that they would grant an easement off their property for the proposed stormwater detention.

Chairman Vanover asked if there was anyone that wished to speak in opposition to the project.

Don Roberson, 5062 State Route 94 West, Murray was sworn in. Mr. Roberson owns the four properties to the west of the proposed project and he is against this project. Mr. Roberson said that there will be additional traffic added to the area. He already has a street in front of his property and this proposal will add a street to the rear as well. This will cause the tenants to lose privacy in their backyard. He stated there will be lights shining in the windows, more noise, and parking issues. Mr. Roberson urged the Commissioners to think about the situation this project would put him in before making their decision. He said that maybe sometimes decisions the board makes may be better for one person, but not for the other.

Jim Ragsdale, 2219 Traci Drive, Murray was sworn in. Mr. Ragsdale stated that he and his wife own the property where all the water presently goes and it had been said that the storm water detention might take care of the problem, but feels he is offered no guarantee. He agreed with Mr. Roberson that there will be a lot of additional traffic and the lights would be shining in the back of their apartments.

Chairman Vanover asked if there was any rebuttal.

Hal Perry, 1452 Airport Road, Murray was sworn in. Mr. Perry stated that he is for the project. He added that the new drive aisle that he and Mr. Underwood are proposing will run through the middle of the large opening and will eliminate the problem of having a road behind the developments of Mr. Roberson and Mr. Ragsdale.

Gerald Bell came forward. He stated opposition should not be the deciding factor for the Commissioners; instead he thinks they should make their decision based on whether or not the project makes sense and if it is compatible with the area. The property is currently not being used for anything. He added that since the project is two story and the surrounding developments are one story, that doesn't make this a bad plan. He thinks that Mr. Yong's plan is very logical. Mr. Bell stated that he suspects that the water detention will actually benefit Mr. Ragsdale's property because now the water runoff will have to be retained. He concluded that just because the project may not be good for Mr. Roberson doesn't mean it is bad. He asked the Commissioners to consider this project for Mr. Yong.

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

Commissioner Perry asked why an easement was needed. Ms. Dowdy stated that with the proposed stormwater detention area, the water would have to flow to Stanford and there are not any existing easements along the property lines at this time. David Roberts explained that the water flow is to the north. He added that there are stormwater conveyance structures on Stanford and this would have to be tied into that one. According to the Ordinance, if the flow of water is changed you must have approval from the effected adjacent property owners. Commissioner Perry added that he liked the idea of the drive aisle being moved the opposite side of the project, but since that was not what was proposed he questioned if the Commissioners could vote on it. Ms. Dowdy explained that this is still in the preliminary plat stages and if any changes needed to be made, they should be expressed to the property owner before the final plat is completed. The Commissioners called Mr. Yong to the front for questioning.

Daniel Yong, 20 Scarlett Drive, Murray was sworn in. Mr. Yong said that he would absolutely consider Mr. Underwood's proposal for moving the drive aisle between their two properties. This would keep the drive aisle away from Mr. Roberson's property and Mr. Yong and Mr. Underwood could share the drive aisle as well as the stormwater detention. Ms. Dowdy explained that Mr. Yong would need to submit a revised Preliminary Plat; therefore, the Commissioners should table this item until the new plat can be presented. Mr. Yong asked if the Commissioners or any property owners present would have any objections to this proposal. Attorney Mike Pitman explained that if this item was tabled, the adjoining property owners would need to be notified again with a copy and explanation of the new plat. Commissioner Medlock commented that she still believes that this particular piece of property needs two exits for emergency purposes because of the density. Commissioner Jobs asked Mr. Roberson how the proposed changes sounded to him. Mr. Roberson stated that this sounds better to him, but he also would like to see the proposal on a revised plat first.

Marc Peebles made a motion to table this item until Mr. Daniel Yong could submit a revised Preliminary Plat for the Residential Planned Development Project for Lot 48 on Princeton Drive. Ed Pavlick seconded the motion and the motion carried with a 7-0 voice vote.

David Roberts asked the Commissioners to review the general standards and regulations concerning Planned Development Projects.

Advisory Meeting: For Residential Planned Development Project at 1407 and 1409 North 16th Street – Troy Stovall: Justin Crice used a Power Point presentation to show the property located at 1407 and 1409 North 16th Street. Troy Stovall owns the only four lots left in University Heights Subdivision; two lots will require a PDP process and two will require building permits only. The property is zoned R-4 with the surrounding zoning as B-2 to the North, R-4 to the South and West, B-2 and AG to the East. Individually the lots are not large enough to allow four units on each lot so Mr. Stovall plans to consolidate the two lots to accommodate eight – one bedroom units. He plans an entrance and exit into the development, one on the north end and one on the south end of the property. The lots have a 50 foot front setback with a 25 foot rear setback and ten feet on both sides. The site plans shows that all setbacks will be met. Mr. Crice added that some issues that will need to be addressed throughout the PDP process will be parking, sanitation pickup, stormwater detention and landscaping.

Chairman Vanover stated that this is an advisory meeting and asked if there were any suggestions that the Commissioners would like to offer for Mr. Stovall. Commissioner Marc Peebles stated that he had driven out to the property and he was a little bit concerned about the site distance. Ms. Dowdy explained that Mr. Stovall is proposing one way in and one way out to the property. She added that Mr. Stovall is trying to keep the buildings back as far as possible from the street in case the state decides to widen 16th Street sometime in the future. Mr. Stovall is also looking into an enclosed garbage dumpster area to keep the project more appealing.

The Commissioners agreed unanimously that the project should be allowed to move forward.

Questions/Comments: Commissioner Perry referred to the first item on the agenda that was covered in the meeting, the PDP proposal by Paul Garland. He stated that granting a 33 space parking variance seemed like a lot to him. Mr. Crice said that in the past the City has granted large parking variances for projects of this nature. He added that parking requirements are for the tenants as well as guests. Commissioner Perry said that the trend seems to have more green space available in future developments instead of as much paved area. Mr. Roberts stated that several developments of this size have previously approved 1.5 parking spaces for each dwelling unit.

Chairman Vanover announced that he had submitted his resignation from the Planning Commission effective February 22, 2012 after serving for 17 years on the Commission. He has accepted a temporary position at the City of Murray in Human Resources. Chairman Vanover said that he has enjoyed it, but it is time to move on. Commissioner Ed Pavlick will be taking on the position of Chairman beginning in March. The Commissioners thanked Chairman Vanover for his service.

Adjournment: Marc Peebles made a motion to adjourn. Amber DuVentre seconded the motion.
The meeting adjourned at 6:10 p.m.

Chairman, Richard Vanover

Recording Secretary, Reta Gray