

**MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, MARCH 20, 2012**

The Murray Planning Commission met in regular session on Tuesday, March 20, 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, Tom Kind, Ed Davis and Jeremy Boyd

Commissioners Absent: None

Also Present: Candace Dowdy, Justin Crice, David Roberts, Reta Gray, Hawkins Teague, Troy Stovall, Matt Jennings, and Doug Lawson

Chairman Pavlick called the meeting to order and welcomed all guests. Chairman Pavlick asked the commissioners if there were any changes, additions or deletions to the minutes from the February 21, 2012 regular meeting. Changes were noted.

Ed Davis made a motion to accept the minutes from February 21, 2012 Planning Commission regular meeting as corrected. Amber DuVentre seconded the motion and the motion carried unanimously.

Public Hearing: To review preliminary plat for Residential Planned Development Project at 1407 & 1409 North 16th Street – Troy Stovall: Justin Crice used a Power Point presentation to show the property at 1407 & 1409 North 16th Street. These two lots are owned by Troy Stovall and are the last vacant lots remaining in University Heights Subdivision located on North 16th Street. They are zoned R-4 with B-2 zoning to the North, R-4 to the South and West, and B-2 and AG to the East. A minor subdivision plat has recently been reviewed and approved by the Planning Staff consolidating these two lots into one tract of land. The new tract consists of 0.496 acres. The preliminary plat illustrates an entrance and exit into the development; the entrance being on the north end and the exit on the south end of the property. Planning Staff recommends that the width of the entrance and exit be reduced to a minimum of fourteen feet in size and that appropriate signage be put up indicating entrance and exit only. Ms. Dowdy stated that a typical entry or exit is 24 feet wide; however, the Planning Staff suggested that they cut down the width to hopefully prevent safety issues. By reducing the width of the entrances and angling the parking spaces, this will eliminate cars from coming and going through the same entrance. The lot has a designated 50 foot front setback, a 25 foot rear setback, and ten feet on both sides. The site plans shows that all setbacks will be met. Mr. Stovall would like to move the buildings five additional feet off North 16th than the site plan is showing to allow for future road widening. This would require a five foot rear setback variance. Ms. Dowdy added that there are a number of places along North 16th where they have been trying to acquire an additional five feet on each side of the street for possible future widening. She said that if Mr. Stovall is allowed to push the buildings back an additional five feet that will not interfere with the utility easement. Ms. Dowdy stated that she had notified the Fire Chief and Fire Marshal and there were no problems with this proposed change. Ms. Dowdy said that there is a ditch and drainage area that runs along the north side of the property and that there will be some improvements made to the area that will serve as stormwater detention. Mr. Crice stated that Mr. Stovall is proposing to construct two buildings with four units in each building. The two buildings will have a ten foot separation between them. Each building is 36 feet x 76 feet with 2520 square feet. There will be a concrete patio area in the back of each building. The number of required parking spaces for this project will be twenty-four; however, the site plan shows sixteen 9 feet x 18 feet angled parking spaces. An eight parking space variance will be needed for this project. Ms. Dowdy stated that one bedroom unit developments in the

past have been approved with 1.5 spaces per unit and this development is providing two spaces per unit. Mr. Stovall owns the two lots to the west of this property (lots 10 and 11) and is proposing to construct a dumpster area between the lots that will serve not only this project but the units that he will be constructing on lots 10 and 11 as well and will eliminate the use of roll out containers. Mr. Crice added that Mr. Stovall plans to construct a sidewalk in the rear of his units on 16th Street in order for the tenants to access the dumpster area. Landscaping will be provided as shown in front of each unit. Notices were sent to adjoining property owners and a sign was posted on the property noting the date and time of this public hearing. Commissioner Perry asked if there were any handicap parking provided. Ms. Dowdy stated that there were none shown on the drawing; however, she thought Mr. Stovall would be able to add one on the north end of the property.

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

Troy Stovall, 151 Lake Song Lane, Murray KY was sworn in. Mr. Stovall stated that he would be adding a storm shelter to one end of the property. Ms. Dowdy asked if he could add one handicap parking space to the north side of the property and Mr. Stovall said that he would. Commissioner Peebles asked Mr. Stovall what would happen concerning the dumpster if he should decide to sell one of the properties in the future. Mr. Stovall stated that he has no plans to sell any of the properties; however, he could add something to the deed pertaining to that. Mr. Roberts suggested that a note be added to the final plat addressing the dumpster area.

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

Marc Peebles made a motion to approve the preliminary plat for the Residential Planned Development Project at 1407 & 1409 North 16th Street contingent upon it meeting all city regulations and recommended that the BZA consider the necessary variances as presented when approving this project for a conditional use permit. Kevin Perry seconded the motion and the motion passed with a 9-0 voice vote.

Annexation Request: Request to annex property located at the northeast corner of Robertson Road North and Hwy 94 West – RPS Properties, LLC – Richard Price: Candace Dowdy used a Power Point presentation to show the property at the northeast corner of Robertson Road North and Hwy 94 West. The property is currently owned by Richard Price, RPS Properties, Inc. Mr. Price has given his permission for Matt Jennings and Doug Lawson to represent him in this annexation request. In August of 2011 Matt Jennings and Doug Lawson came before the Planning Commission with a proposal for a PDP development on this piece of property. The proposal included commercial and multi-family residential units. The property consists of a 27.39 acre tract of land and is required to be annexed into the City of Murray in order to receive city utilities. The property is contiguous to the city limits in all directions and falls within the urban service area. Utility services are available to the property. The surrounding property is zoned as follows: R-2 to the North and West; R-2, Government and County property to the east and B-4 directly to the south. Ms. Dowdy stated that if the Commissioners should decide to forward this on to the City Council for annexation the next step would be to establish zoning for the property. She added that the property to north would probably be zoned R-4 and the property facing the Highway 94 would be B-4. Ms. Dowdy said that Mr. Jennings and Mr. Lawson were in attendance if there were any questions from the commissioners. Commissioner Kind asked Ms. Dowdy to briefly review the previous discussion concerning the ingress/egress situation with the proposed development. Ms. Dowdy responded that the discussion had been to involve the state when making the decision as to how many entrances would be

allowed on the state road. She said that the proposal was to make one entrance each from Robertson Road North and Highway 94. Discussion had also been to have an access road that runs along the back of the commercial lots avoiding multiple entrances to Highway 94. She added that this property will have to be developed as a Planned Development Project; therefore, it will be coming back before the Commissioners at a later date. Commissioner Jobs asked if there would there be a buffer between the single family property and the adjacent property on the east side. Ms. Dowdy stated that there was a portion of the property that was going to be sold to an adjoining property owner that would be used as a buffer as it is a natural tree line that would be maintained as a wooded area. Chairman Pavlick asked if there was anything that Mr. Jennings or Mr. Lawson would like to add.

Matt Jennings, 311 Serenity Drive, Murray KY was sworn in. Mr. Jennings stated that he had contacted the state concerning the entrances on Highway 94. He added that at this time, they do not have an exact number of businesses that will be located on the commercial properties. Mr. Jennings said that previously he and Mr. Lawson were anticipating moving their offices to that location but since that time, they have purchased another property that is currently being renovated for their office use. He added that they fully intend to do something safe and ethical in the location; however, at this time they do not have a specific plan.

Tom Kind made a motion to forward a recommendation to the City Council to annex the 27.39 acre tract of land located at the northeast corner of Hwy 94 West and Robertson Road North owned by RPS Properties into the city limits of Murray based on the fact the property is contiguous to the current city limits with city utilities being available to the property. This property falls within the Urban Service Area and is suitable for development. Loretta Jobs seconded the motion and the motion carried with a 9-0 voice vote.

Advisory Meeting: Residential Planned Development Project – 1413 Stadium View Drive – Rickie and Christi Spann: Ms. Dowdy stated that the Spann's had decided to withdraw their application for a Planned Development Project. Their current plans for the property will not require them to go through the PDP process.

Discussion of possible text amendment to Section III, Article 10 – Transient Business Regulations: Ms. Dowdy stated that the city has initiated some changes to the business license categories in order to streamline the process for obtaining a business license. Some of the proposed changes affect the Transient Business Regulations in Section IV, Article 10 of the zoning ordinance. Ms. Dowdy stated that any changes to the zoning ordinance must be reviewed by the Planning Commission prior to a public hearing being held on the proposed changes. A recommendation is then forwarded to the City Council for their approval. The proposed changes are as follows:

**SECTION III
ARTICLE 10
TRANSIENT BUSINESS REGULATIONS**

C. PROCEDURE

1. Anyone wishing to operate a transient business must first obtain a business license application from the Murray Planning Department ~~City Clerk's office~~. No person shall operate a transient business in the city without an issued license.

Ms. Dowdy stated that this change would make the process customer friendly. The following will be a newly added enforcement notation:

6. It shall be the duty of the Chief of Police and the Police Department and/or the Code Enforcement Officer, to see that any person, firm, corporation, partnership, or other entity which engages in, does or transacts any temporary or transient business in the City have the license required and shall cause a citation to be issued for any person not having an appropriate license.

The following change reflects the failure to comply and the penalties specifically referenced to business license:

10. Failure to comply with this ordinance could result in revocation of the transient business license or a penalty as prescribed in § 110.99 ~~156.999~~ of the City of Murray Code of Ordinances.

Ms. Dowdy stated that these are very minor changes; however, the Planning Commissioners were to be made aware of them. Commissioner Jobs asked what the fees would be based on for a transient business. Ms. Dowdy answered that there is one fee set for all transient businesses. Commissioner Boyd then asked if the current transient business definition was still appropriate. David Roberts said that there is always going to be the “gray areas”. He explained that in general they had taken over 200 types of businesses and brought the list down to 17 to simplify things for the business owners. Mr. Roberts said that since the Ordinance has included the Transient Business, the issues were less numerous. He said that there is paperwork to be completed to apply for a license and some people do not like to fill out the paperwork; therefore, they just don’t pursue it. Mr. Roberts also explained that the transient business license is for 90 consecutive days in the same location which also deters some. Commissioner Boyd then asked about merchandise being stored in an outside trailer. Ms. Dowdy stated that the Planning Staff would cover that situation under “Outdoor Storage of Merchandise”.

Kevin Perry made a motion to proceed with the public hearing in April to make the public aware of the proposed changes. Ed Davis seconded the motion and the motion carried with a 9-0 voice vote.

Election: Fill vacancy for 2nd Vice –Chairman position: Chairman Pavlick stated that there had been some movement amongst some of the positions; therefore, leaving the 2nd Vice-Chairman position vacant. Ms. Dowdy read the By-Laws concerning offices that are vacated. She stated that Richard Vanover had previously resigned as Chairman; therefore, Ed Pavlick moved into the Chairman position. Ed Pavlick’s position as 1st Vice-Chairman was filled by Tom Kind, which was previously 2nd Vice-Chairman. Now that all the moves have taken place, there is an opening for 2nd Vice-Chairman. This person will serve in that position for the remainder of the calendar year. New officers are elected each October for the coming year. Chairman Pavlick asked if there were any nominations for this position. There were none. He then asked if anyone would like to volunteer. Ed Davis volunteered to fill the position. Chairman Pavlick asked if there were any other nominations or volunteers. There were none.

Marc Peebles made a motion to accept Ed Davis as 2nd Vice-Chairman. Loretta Jobs seconded the motion and the motion carried unanimously in favor of Ed Davis as the 2nd Vice-Chairman.

Questions/Comments: None

Adjournment: Marc Peebles made a motion to adjourn. Kevin Perry seconded the motion. *The meeting adjourned at 5:50 p.m.*

Chairman, Ed Pavlick

Recording Secretary, Reta Gray