

**MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, APRIL 17, 2012**

The Murray Planning Commission met in regular session on Tuesday, April 17, 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 John Krieb

Commissioners Absent: Jeremy Boyd

Also Present: Candace Dowdy, Justin Crice, David Roberts, Mike Pitman, Reta Gray, Hawkins Teague, Troy Stovall, Sam Underwood, Daniel Yong, Don Roberson and public audience

Chairman Pavlick called the meeting to order and welcomed all guests. Chairman Pavlick introduced new Commissioner John Krieb. Mr. Krieb came forward and Candace Dowdy swore him in. Chairman Pavlick asked the commissioners if there were any changes, additions or deletions to the minutes from the March 20, 2012 regular meeting. Changes were noted by Candace Dowdy.

Marc Peebles made a motion to accept the minutes from March 20, 2012 Planning Commission regular meeting as corrected. Mary Anne Medlock seconded the motion and the motion carried unanimously.

Final Plat Approval: 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 where Troy Stovall is proposing to construct a residential planned development project consisting of eight one bedroom units. On March 20, 2012 the Planning Commission approved the Preliminary Plat for this project. The following night the Board of Zoning Adjustments approved the conditional use permit with an eight (8) parking space variance and a five (5) foot rear building setback variance. During the review process the Planning Commission suggested that there be at least one handicap parking space shown on the final plat. The final plat does include one handicap space on the north end of the property. The final plat also shows an area along the north side of lot #11 (adjacent lot owned by Troy Stovall) that will serve the storm water detention needs for this project as well as the development of lots 10 and 11 on Chris Drive. As requested by Planning Staff and the Planning Commission a note has been placed on the plat regarding a joint access easement for lots 10, 11 and the property at 1407 N. 16th Street for the purposes of sanitation pickup. The plat identifies a four (4) foot sidewalk in the rear of the property that will be used by the tenants to access the dumpster area. The location of the dumpster area will be decided once the exact location of the buildings on lots 10 and 11 are determined. The entrance and exit widths were also reduced to 14 ft. in width to keep a coordinated traffic flow at both access points on 16th Street. Landscaping will be provided as shown in front of each unit. The buildings will be located an additional five feet off North 16th that the original site plan showed to allow for future road widening. The BZA approved this five foot rear setback variance.

Marc Peebles made a motion to approve the final plat for the Residential Planned Development Project located at 1407 North 16th Street contingent upon it meeting all city regulations and approved easements. Tom Kind seconded the motion and the motion carried with a 9-0 voice vote.

Advisory Meeting: Residential Planned Development Project for Cambridge Subdivision Unit III, Lot 49 – Princeton Drive – Sam Underwood and Hal Perry: Candace Dowdy used a Power Point presentation to show the property owned by Sam Underwood and Hal Perry. The location of the property

is at 26, 28, 32 and 34 Princeton Drive in Cambridge Subdivision, Unit III, lot 49. Mr. Underwood and Mr. Perry are proposing to construct a Residential Planned Development Project with four units on this property. There is currently one two story building with four two bedroom units on the property. Based on the lot size requirements in an R-4 zoning district, the lot could accommodate another four units. Ms. Dowdy stated that the proposed units will be one bedroom units. The plat shows a 20 foot wide shared drive aisle that goes from Princeton Drive back to the proposed units. The length of the drive aisle is approximately 165 feet from the front property line. Ms. Dowdy stated that she had spoken to the Fire Marshal and he indicated that the 20 foot wide drive would be ample space for emergency access. If this project moves forward Planning Staff will require that the final plat identify a permanent crossover easement on lots 48 and 49 for the purpose of ingress/egress. Stormwater detention will be designed to accommodate lots 48 and 49. The site plan identifies an area at the end of the drive aisle for an enclosed dumpster area for sanitation pickup. This will eliminate the roll out containers used by the current tenants. Ms. Dowdy stated that this is only an Advisory Meeting to inform the Commissioners of the proposal and it will go before the BZA on the following night for a Compatibility Hearing. Ms. Dowdy added that they will need a small parking variance. Ms. Dowdy went on to say Planning Staff did recommend this area should show two parking spaces per dwelling unit on the site plan.

Kevin Perry asked if the buildings were over the setback line. Ms. Dowdy recognized that the building was located 15 feet from the rear property line which will require a 10 foot setback variance. Commissioner Perry asked how a shared drive, stormwater detention and dumpster area worked between parties. Ms. Dowdy said that the Planning Staff would require them to have notations on the final plat indicating the agreement between the two parties.

Public Hearing: Revised Preliminary Plat for Cambridge Subdivision Unit III, Lot 48 – Princeton Drive – Daniel Yong: Candace Dowdy used a Power Point presentation to show Lot 48 in Cambridge Subdivision Unit III that is owned by Daniel Yong. There is currently one building with six units on the property. The lot consists of 0.670 acres (29,185 sq. ft.) and Mr. Yong would like to construct another 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 revised preliminary plat shows five additional - two bedrooms units behind the existing six- unit building. The new two story building will be located twenty (20) feet off the west property line facing the east. The revised plat shows a new shared drive aisle that is 20 feet wide between lots 48 and 49. The length of the drive aisle is approximately 165 feet from the front property line and was approved by the Fire Marshal as being sufficient to accommodate emergency access. Planning Staff will require that the final plat identify a permanent crossover easement on lots 48 and 49 for the purpose of ingress/egress. The original PDP required 18 parking spaces but the project was approved with 16 parking spaces; therefore, this project will require a small parking variance. Stormwater detention will be shared with lot 49 and is shown on the north side of the property but no plans have been submitted for review at this time. The site plan identifies an area at the end of the drive aisle for an enclosed dumpster area for sanitation pickup which will also be shared with lot 49. A landscaping plan will be required for review and approval by the Planning Department. Ms. Dowdy stated that Don Roberson owns the property located to the west and he would like to see a 25 foot setback on the side that adjoins his property instead of the required 10 foot side setback. The project requires 33 parking spaces and there are 25 shown on the plan; therefore, a parking variance will be required. 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 Pavlick stated that since the item had been tabled at the previous month's meeting, it would have to be removed from the table.

Loretta Jobs made a motion to bring the item back to the floor for discussion. Kevin Perry seconded the motion and the motion passed with a unanimous voice vote.

Chairman Pavlick opened the public hearing and asked if there was anyone that wished to speak in favor of the Planned Development Project. There was no one. Chairman Pavlick asked if there was anyone that wished to speak in opposition to the Planned Development Project.

Don Roberson, 5062 State Route 94 West, Murray was sworn in. Mr. Roberson stated that he was previously opposed to the project but is no longer opposed. Mr. Roberson requested that the Commissioners consider a 25 foot side setback between his property and Mr. Yong's.

Chairman Pavlick closed the public hearing and turned it over to the Commissioners for review.

Commissioner Perry asked if the parking variance included handicap parking. Ms. Dowdy stated that she did not believe that it did. She added that Mr. Yong could use one of the visitor parking spaces for handicap access. Chairman Pavlick asked if it is the Planning Commissioner's responsibility to comply with the American Disabilities Act. Mike Pitman stated that it is probably the developer's responsibility. David Roberts said that they are only required to establish the amount of parking spots according to the amount of units. Commissioner Kind asked if the commissioners should consider the request of Mr. Roberson since the adjoining area is not a back lot line. Mr. Pitman said that since this is a PDP and a unique situation, that the requested setback variance could be considered.

Mary Anne Medlock made a motion to approve the revised preliminary plat for the Residential PDP on lot 48 located on Princeton Drive contingent upon the necessary easements being approved by the property owner of lot 49 ingress/egress and stormwater detention. Approval of this project is also contingent upon the stormwater detention plans being approved and the project meeting all other city regulations. Mary Anne Medlock also recommended that the BZA consider this variance as presented including a 25 foot setback on the side when approving this project for a conditional use permit. John Krieb seconded the motion and the motion carried with a 9-0 voice vote.

Public Hearing on Zoning Ordinance Text Amendment: Text Amendment to Section III, Article 10 – Transient Business Regulations: Candace 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 changes to the zoning ordinance were reviewed by the Planning Commission last month and they are being brought to a public hearing at this time. 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.

~~5. Transient businesses may not be permitted at a location more than 90 days per calendar year.~~ The maximum length of time a transient business will be allowed at an approved location will be ninety (90) consecutive days per calendar year. The owner/operator may reapply for a permit at the end of their duration, but the transient business must be relocated at a minimum of 1000 ft. (measured in radial distance) from the prior location.

Ms. Dowdy stated that no one had contacted Planning Staff concerning these additions and changes during the last month. Commissioner Krieb asked for clarification of the 90 consecutive days. Ms. Dowdy explained that it meant 90 consecutive days of calendar time beginning on the date that they were approved to start. Ms. Dowdy added that there is a provision that after the 90 days is up, the transient business can reapply for a new transient business permit at a different location as long as it is not within 1000 feet of the original location. Ms. Dowdy said that this does not include the Saturday market in the downtown area.

Chairman Pavlick opened the public hearing and asked if there was anyone that wished to speak in favor of the text amendment. There was no one. Chairman Pavlick asked if there was anyone that wished to speak in opposition to the text amendment. There was no one. Chairman Pavlick closed the public hearing and turned it over to the board for discussion.

Mary Anne Medlock made a motion to accept the proposed text amendment to the Transient Business Regulations. Marc Peebles seconded the motion. The motion carried with a 9-0 voice vote.

Questions/Comments: Commissioner Perry asked if the annexation for his neighborhood would be brought before the Planning Commission and if he would need to recuse himself from the item at that time. David Roberts said that the annexation will not come to the Planning Commission until the zoning comes up (if the property is annexed) and at that time, Commissioner Perry could recuse himself since he resides in the area.

The Commissioners welcomed John Krieb as their newest member to the Planning Commission.

Adjournment: Ed Davis made a motion to adjourn. Amber DuVentre seconded the motion. The meeting adjourned at 5:50 p.m.

Chairman, Ed Pavlick

Recording Secretary, Reta Gray