

**MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, MAY 15, 2012**

The Murray Planning Commission met in regular session on Tuesday, May 15, 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, John Krieb and Jeremy Boyd

Commissioners Absent: Ed Davis

Also Present: Candace Dowdy, Justin Crice, David Roberts, Mike Pitman, Danny Hudspeth, Hawkins Teague, Paul Garland, Hal Perry, Daniel Yong, Matt Jennings, Bob Rogers, Kenneth Bargo, Doug Lawson, Phil Bryan, Greg McReynolds, Richard Campbell, Kevin Qualls, Angie Lee Morris, Greg Heath, Gaye Evans, Tonya Grogan, Barbara Cobb, Tony Brown, Brett Bazzell, Michelle Smart, Dr. Kenneth Grogan, Adario Mercadante, James Rickman and public audience

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 April 17, 2012 regular meeting.

Loretta Jobs made a motion to accept the minutes from April 17, 2012 Planning Commission regular meeting as presented. John Krieb seconded the motion and the motion carried unanimously.

Final Plat Approval: Residential PDP on Utterback Road – Paul and Vickie Garland: Candace Dowdy used a Power Point presentation to show the property located at 170 and 190 Utterback Road which is owned by Paul and Vickie Garland. The two tracts of land consist of 1.84 acres. A minor subdivision plat consolidating these two tracts of land was reviewed and approved by the Planning Department in January of this year. The City Council approved the annexation of 190 Utterback Road on April 26, 2012. The entire property is now located within the city limits. Mr. Garland has named this residential planned development project “Wellington Place”. Ms. Dowdy stated that she is still working with Mr. and Mrs. Garland on the 911 addressing for the units. There will be three buildings with nine units and one building with ten units for a total of 37 units. All the units have one bedroom and are approximately 580 square feet in size. All building setbacks are being met. The Board of Zoning Adjustment granted a 33 space parking variance for this project when it was reviewed for a Conditional Use Permit in March. There will be two parking spaces provided for each dwelling unit with four visitor parking spaces. Dickie Walls, Fire Marshal, has reviewed and approved the plat for both the T-turnaround and proposed fire hydrant location. The two dumpster locations shown on the plat have been approved by Don Rogers with the Sanitation Department. The stormwater detention plans have been submitted and are currently under review. Any approval of the final plat should be contingent upon the stormwater detention plans meeting all city regulations. The developers are planning to provide screening along the east side of the property using white vinyl fencing and evergreens. There has been one change on the site plan since approval of the preliminary plat. The entrance on Utterback Road has been reduced from 50 feet to 36 feet. Planning Staff requested this change and felt it would provide a safer means of ingress and egress from the property as well as provide more green space.

Tom Kind made a motion to approve the final plat for Wellington Place, Residential Planned Development Project at 170 & 190 Utterback Road contingent upon the project meeting all city

regulations and the approval of the stormwater detention plans. Amber DuVentre seconded the motion and the motion carried with a 9-0 voice vote.

Final Plat Approval: Residential PDP - Lot 48 – Princeton Drive – Daniel Yong: Justin Crice used a Power Point presentation to show lot 48 in Cambridge Subdivision Unit III where the owner, Daniel Yong, is proposing the construction of five additional units. There is currently one building with six units on the property. Based on the lot size requirements in an R-4 zoning district the lot can accommodate another five (5) units. The revised preliminary plat was reviewed and approved last month by the Planning Commission and Board of Zoning Adjustments. The final plat shows the five additional - two bedrooms units to be constructed 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 plat shows a 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. The final plat does identify a permanent crossover easement on lots 48 and 49 for the purpose of ingress/egress and the dumpster area. A drainage easement is shown on lot 42 that will take the stormwater runoff to a curb inlet on Stanford Drive. Stormwater detention 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. This will eliminate the roll out containers used by the current tenants. The final plat shows landscaping along the front of the new building. At the Planning Staff's request, the surveyor has put the property owner's of the crossover and drainage easements signatures on the final plat. The original PDP required 18 parking spaces but the project was approved with 16 parking spaces. The final plat shows 13 parking spaces in front of the existing five units with 12 parking spaces in front of the new units. The Board of Zoning Adjustments granted an eight (8) space parking variance on April 18, 2012.

Marc Peebles made a motion to approve the final plat for the Residential PDP on lot 48 located on Princeton Drive contingent upon the necessary easements for ingress/egress, stormwater detention and dumpster area being approved by the adjoining property owners of lots 42 and 49. Final approval is also contingent upon the stormwater detention plans being approved and all other city requirements being met. Kevin Perry seconded the motion and the motion passed with a 9-0 voice vote.

Public Hearing: Preliminary Plat Review for Residential PDP at Lot 49 – Sam Underwood and Hal Perry: Justin Crice used a Power Point presentation to show lot 49 in Cambridge Subdivision Unit III that is owned by Sam Underwood and Hal Perry. There is currently one building with four units on the property. Based on the lot size requirements in an R-4 zoning district the lot could accommodate another four (4) units. Last month the Planning Commission and BZA reviewed this project. The preliminary plat shows four additional one bedroom units on Lot 49. The new proposed building is shown fifteen (15) feet off the rear property line and will require a ten (10) foot rear setback variance if the project is approved. The building is 2592 sq. feet and each unit is 18 feet x 36 feet in size. There will be a concrete patio in the rear of these units that will be eight (8) feet in width. The plat also shows a 20 ft. 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 and was approved by the Fire Marshal as being sufficient to accommodate emergency access. The plat does identify a permanent crossover easement on lots 48 and 49 for the purpose of ingress/egress and dumpster access and 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. A permanent drainage easement on Lot 42 will also be required for final plat approval. Stormwater detention will be designed to accommodate lots 48 and 49. Although there are no requirements for landscaping Planning Staff would suggest that the developers provide some landscaping

for this project. The plat shows nine (9) parking spaces in front of the proposed units along with seven (7) existing parking spaces in front of the four existing units. The 20 ft. drive aisle eliminates one of the original eight (8) spaces. Parking regulations would require this development to have 24 parking spaces. This project will require an eight (8) parking variance if approved. Mr. Crice added that notices were sent to adjoining property owners and a sign posted on the property noting the date and time of this public hearing. Mr. Crice said that Mr. Hal Perry was there if the commissioners had any questions. Ms. Dowdy stated that Planning Staff would require the same signatures on this project as they were requiring on lot 48 owned by Daniel Yong.

Chairman Pavlick opened the public hearing and asked if there was anyone that wished to speak in favor of the project. There was no one. 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 discussion.

John Krieb made a motion to approve the preliminary plat for the Residential PDP on lot 49 located on Princeton Drive contingent upon the BZA approving the conditional use permit and any necessary variances and easements associated with ingress/egress and stormwater detention. Amber DuVentre seconded the motion and the motion carried with a 9-0 voice vote.

Public Hearing: Set Zoning for Property at Northeast Corner of Hwy 94 West and Robertson Road North – Richard Price – RPS Properties: Candace Dowdy used a Power Point presentation to show the 27.39 acres located on the northeast corner of the intersection of Hwy 94 West and Robertson Road North and owned by RPS Properties, Inc. Ms. Dowdy stated that the owner has requested that the property be annexed into the city limits of Murray. Ms. Dowdy stated that Mr. Richard Price has submitted a letter allowing Matt Jennings and Doug Lawson to represent him at these meetings. A recommendation was forwarded to the City Council to consider annexing the property. On April 26, 2012 the City Council approved the recommendation made by the Planning Commission and directed the city attorney to draft an ordinance to annex the property. The Planning Commission is now required to set the zoning for this proposed annexation area; thus, the public hearing is being held. Once this step has been completed, the recommendation will go before the City Council for their approval. The property owner is requesting that the northern 20.52 acres be zoned as R-4 (multi-family residential) and the remaining 6.87 acres be zoned B-4 (medium density business). 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. Commissioner Jobs stated that it was her understanding that Government does not need zoning in order to build on a parcel of land. Ms. Dowdy stated that was correct. She explained that if a particular Government entity purchased a parcel of land that land would be automatically zoned Government and that they are exempt from the zoning regulations and they can do pretty much anything they want to with that piece of property. She added that if the Government entity sells the property it would then revert back to the original zoning classification or the most restrictive of the adjoining or nearest zoning classification. Ms. Dowdy reviewed R-4 and B-4 zoning and what would be allowed if the property should be rezoned to R-4 or B-4.

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

Matt Jennings, 311 Serenity Lane, Murray was sworn in. Mr. Jennings said that he and Doug Lawson have been going through this process for several months and are excited about their proposal. Mr. Jennings stated that they were requesting that the northern part of the property be zoned R-4. There is a portion of the property that they are intending on selling to the Murray City School System and Calloway

County School System in a joint effort to construct a technology school. Mr. Jennings added that if everything works out all right and the schools purchase one of the tracts, that they would in addition be donating one of the tracts to them. The parcel that adjoins Murray Estates is currently under a binding contract to an adjacent land owner in which there are no plans to develop. Mr. Jennings explained that there will be two parcels in the B-4 zoned area located to the south and that the middle section of the property is being proposed as multi-family. Mr. Jennings said they have been working with the state DOT to try to make the intersection at Robertson Road North and Hwy 94 West safer. In doing so, they have eliminated one of the former proposed entrances off Hwy 94 West. Mr. Jennings stated that if the property is developed properly, that could actually make the intersection safer by enforcing a lower speed zone. He added that the initial plan did not include a technical school; however, after discussing the matter with each of the superintendents, they felt that this would be the perfect location for a school.

Bob Rogers, 1313 Olive Boulevard, Murray and Kenneth Bargo, 300 College Farm Road, Murray were sworn in. Mr. Rogers and Mr. Bargo stated that they have an agreement to build a new career and technology center for the two school districts and that they are currently in the planning process. They had been looking for property and heard this property might be available so they talked to Mr. Jennings. They identified three or four pieces of property at the school board meetings and this particular piece of property was the number one choice because of its one mile proximity to each school district. Mr. Rogers explained that the Career and Technology Center would be a facility to train junior and senior students as they are getting ready for a career. Mr. Bargo added that there would only be a few automobiles parked at the school and that all students will be bused from the high schools. He said that they intend to be good neighbors and to make the building look attractive. Mr. Fargo said that they feel like this is an excellent opportunity for the schools as well as for the community.

Doug Lawson, 1116 Oaks Country Club Road, Murray was sworn in. Mr. Lawson stated that he and Mr. Jennings have been working on this project for months and part of what they wanted to accomplish was to grant the wishes of the board by working with them and the Planning Staff on things like the green space, storm water retention and safety. One thing that makes this paramount is the provision of a top quality high end product. Mr. Lawson said that he has heard lots of speculation of how the project will end up; however, he wanted to assure everyone that he and Mr. Jennings have every intention to make this a high end product in a safe and respectful manner. Mr. Lawson stated that some of the things have changed from what their original plan was but when you look at it the ability to be a good neighbor and provide a quality product something of value that will enhance the community is what they are trying to achieve.

Chairman Pavlick asked if there was anyone that would like to speak against the project.

Phil Bryan, 2149 State Route 94 West, Murray was sworn in. Mr. Bryan stated that he came in front of the board in 2002 when Hunter's Pointe was developed. Initially, the McReynolds wanted to zone a portion of their property for business and the board denied that and a precedent was set. Mr. Bryan stated that he has lived at this location since 1974 and there have been numerous wrecks at the intersection and that it is a tragic situation. The state has put in stop signs, bigger stop signs, speed bumps, and traffic lights; even since the traffic lights have been installed there have been four fatalities. There is semi traffic on Hwy 94 West and there are skid marks on the highway where these trucks have tried to stop at the intersection. At one time there was a semi turned over in his yard. Mr. Bryan stated that he is not sure how the congestion can be controlled at the intersection. He added that we need to maintain a semblance of balance with nature and a balance with the city in which they live in.

Greg McReynolds, 819 North 20th Street, Murray was sworn in. Mr. McReynolds stated that he is representing Hunter's Pointe. Hunter's Pointe is located across the street from this property and is located

within the city limits of Murray. Mr. McReynolds stated that one of the main reasons that he was there was because his brother, Steve McReynolds was killed at that intersection. Mr. McReynolds stated that a section of the road has been named Steve McReynolds Way and his family has diligently worked to try and get the speed limit lowered in this area. Mr. McReynolds said that speed is still a factor of accidents at this intersection. He stated it is dangerous and the traffic is bad. Mr. McReynolds added that this proposal is just speculation from the people that bought the property in order to make profit. Hunter's Pointe offers high end living and it is aesthetically pleasing. Mr. McReynolds said that he does not think it is fair for people that have made million dollar investments or for home owners in this area to lose on their investments because of an uncertainty such as this proposal. Mr. McReynolds added that he knows that the schools are desperate to find a piece of property for their new technology school, but he does not think that this is the right spot. He said that Murray has grown and will continue to grow without this zoning change; therefore, he urged the board to consider what is right for the adjacent property owners.

Richard Campbell, 2256 Mitchell Drive, Murray was sworn in. Mr. Campbell said that he had recently moved into Briarcrest from Bambi Court North off Robertson Road South. He said for the three years that he lived at his previous residence he saw that area go downhill considerably. Mr. Campbell stated that "high end" does not mean you are going to get a higher class of people. He thinks that the term "high end" is actually disguising the issue. Mr. Campbell is also concerned with motorists running red lights and he would like to see the traffic problem on Robertson Road and Hwy 94 West corrected. Mr. Campbell concluded that he thinks this would be wrong to approve the project for the primary reason of safety at this intersection.

Kevin Qualls, 2212 Glenwood Drive, Murray Estates, Murray was sworn in. Mr. Qualls is afraid that once the Commissioners start this process moving forward, it will have a snowballing effect. He asked the Commissioners to take a much closer look at this and not to pass it. He added that he understands that the owners of the property have good intentions to make something great and "high end"; however, once you change the zoning you can't go back. Mr. Qualls addressed the area that backs up to Murray Estates that is currently under contract with an adjacent property owner. He said that this is an unknown and wonders how it will be developed. Mr. Qualls asked the Commissioners again to not grant the request of the zoning change. He said that it is a good neighborhood and the homeowners are quite comfortable with the way it is currently zoned.

Angie Lee Morris, 2251 Hal Drive, Murray was sworn in. Ms. Morris said that she owns lot 21 and 22 in Briarcrest. She resides there with her husband and son. Ms. Morris said that Paul Garland is the developer of the subdivision and he takes very good care of it. Ms. Morris stated that she had met Mr. Jennings, co-owner of SBG, and they had agreed to become new friends, but to disagree. She said that it is her opinion that Mr. Jennings has more to lose than she does. She added that Mr. Jennings told her that he had already put down \$50,000.00 to Mr. Price and he owes him \$450,000.00 more for the purchase of the property. Ms. Morris added that Mr. Jennings also threatened to put chicken houses on the property if it was not annexed into the city. Many of the neighbors went door to door in Murray Estates, Briarcrest and Hunter's Pointe, met and discussed this potential situation. Ms. Morris said that Mr. Jennings indicated that he would be getting \$400,000.00 from the school system for 4 acres and that he would donate the other 4 acres, which would eliminate taxes on the sale. She said that she understands that this proposal is all about the money to him and likewise it is all about the money to those attending the meeting. Ms. Morris stated that she does not have a board as SBG does but she is a part of the neighborhood where the home owners are fighting to keep their homes in an R-2 zoned residential community. Ms. Morris asked the Commissioners to put themselves in the resident's shoes. She asked if they would want a school, apartment building, convenience store or something else in their own neighborhood.

Greg Heath, 2609 Stonegate Drive, Murray was sworn in. Mr. Heath lives in Hunter's Pointe. He said that there is traffic that is being rerouted through Hunter's Pointe because of traffic being backed up at the intersection of Hwy 94 West and Robertson Road. Mr. Heath stated that he had watched the traffic in the morning at the light and some of the vehicles were sitting through the light changing five times before they were able to get through because there is no left turning lane. Mr. Heath projected this proposal could add another 300 or 400 cars through the intersection each day which will add to the existing problem. Mr. Heath added that kids on their way to the high school are using Belle Meade as a detour around the traffic light. He has seen them racing through Hunter's Pointe and he fears for the children's safety. He said that he has even seen big trucks avoid the light and cut through the subdivision. Mr. Heath said that they built their home three years ago and one of the main attractions to them was that it was rural with farm land all around. They enjoy sitting outside listening to the birds. Mr. Heath stated that he does not think that he would enjoy sitting outside and seeing a Huck's Convenience Store with the yellow and red awning across the way. He anticipates that this proposal will destroy the character of the area.

Gaye Evans, 2245 Hal Drive, Murray was sworn in. Ms. Evans said that she was interested in how Mr. Jennings thinks that piling in more traffic at the intersection that is so dangerous could help alleviate the traffic situation that currently exists. Ms. Evans works with a gentleman that is relocating to Murray from Mayfield. The gentleman told Ms. Evans that he was considering purchasing a house in her neighborhood until he found out that there was a zoning change being anticipated. She said that she used to live on Sycamore Street where she had previously intended to live the rest of her life; however, zoning was changed to R-4 in the immediate area and then she decided to move because she no longer felt safe in her own home. Ms. Evans said that you can have the best intentions in the world, but if the property changes to R-4 you can have multi-family situations. She witnessed her own neighborhood going downhill quickly with several drug arrests. Ms. Evans is very happy with her new environment in Briarcrest and she now intends to spend the rest of her life living there. She said that the views are beautiful as she sits out on her porches and she asked the Commissioners to please not ruin that by voting in favor of the requested zoning change. She asked that they vote the property as R-2.

Tonya Grogan, 2258 Hal Drive, Murray was sworn in. Ms. Grogan and her husband (a retired doctor from Paducah) moved to Briarcrest a month ago. Ms. Grogan stated that in her profession, she sees a lot of turnover rate. She said that even though the proposed town houses are supposed to be higher end, once people start moving in and out, they lose their high end status and start going downhill. Ms. Grogan said that normally renters do not take care of their property the same as homeowners do. This could be detrimental to the neighborhood. She said that the neighbors of Briarcrest, Hunter's Pointe and Murray Estates did not move there to be next to apartments or a school; they moved there to be in a nice residential neighborhood. She urged the Commissioners not to vote for the property to be zoned as R-4 and B-4.

Barbara Cobb, 2104 Glenwood, Murray was sworn in. Ms. Cobb commented that if the proposed townhouses and apartments are high end, she did not think that those residents would want to live across the street from businesses.

Tony Brown, 2110 Glenwood Drive, Murray was sworn in. Mr. Brown said that anything that jeopardizes the safety of his children brings him to a meeting such as this. Mr. Brown said that his statement is not a slight to any of the gentlemen that were representing the proposal; he believes it is his responsibility to take good care of his children. He feels like it is only a matter of time if this proposal is allowed that traffic will increase in Crossfield Subdivision; therefore, leaving his small children at risk for accidents.

Brett Bazzell, 110 Belle Meade Drive, Murray was sworn in. Mr. Bazzell lives in Hunter's Pointe and has three children that catch the bus in the subdivision. Mr. Bazzell is also concerned with the traffic that cuts through the subdivision and the safety of his children. Mr. Bazzell said that when they built their home in Hunter's Pointe they were expecting to reside there for a long time; however, as soon as the zoning issue was brought up, his wife was ready to sell their home and move. Mr. Bazzell said that he was in favor of the annexation as long as it was zoned R-2, but the possibility of business and multi-family housing going there scared him.

Michelle Smart, 2222 Carolwood Way, Murray was sworn in. Ms. Smart stated that Mr. Jennings and Mr. Lawson told what SBG's intention is, but she noticed that they said they did not have an exact plan. Ms. Smart added that the fear of the "unknown" is what she is concerned with. She said when you own a \$250,000.00 home or higher, you do not want to imagine your home being adjacent to multi-family residential or business zoned property. Ms. Smart still has many questions that have not been answered. She wonders if the tech school locates at this site, if the A school will be there also (as it is currently at the Murray Vocational School site). She said those students come to school one hour later than tech school starts and they are allowed to leave one hour before the end of the tech school day. The students are currently seen wandering in neighborhoods adjacent because they have nowhere to go. Ms. Smart said that she understands that her street should not be affected by this situation; however, she said with so many unknowns, she would expect to have more time devoted to this proposal where the right decision could be made.

Dr. Kenneth Grogan, 2258 Hal Drive, Murray was sworn in. Dr. Grogan stated that he was born and raised in Murray, moved away, retired and has moved back. Dr. Grogan said that a lot had been said concerning the proposal; however, he would not have bought his property in Briarcrest if he had previously known about this proposal. Dr. Grogan stated that this was a very vague business plan and he did not know how anyone could get something approved that had no more information than had been presented.

Adario Mercadante, 2251 Hal Drive, Murray was sworn in. Mr. Mercadante stated that he is a college student that plans to graduate next semester. He said that he is for education and a new vocational school, but if it is coming at the cost of devaluing other people's homes, he is against it.

James Rickman, 75 Austin Court, Murray was sworn in. Mr. Rickman said that he lives a few hundred yards from the proposed development and he would like to reiterate the traffic situation. Mr. Rickman stated that he had lived there for 16 years and travels Robertson Road frequently. He told the Commissioners that they can do nothing about Hwy 94 West and Robertson Road because these roads are state owned; however, they can help keep the traffic to a minimum by voting against this proposal. He added that the roads are dangerous and will continue to get worse if additional school traffic is added before the state decides to make some changes.

Chairman Pavlick asked if there was any rebuttal.

Matt Jennings came forward and stated that safety is a concern to SBG and it is their desire to make the intersection at Hwy 94W and Robertson Road safer. They have been working with the state to improve the situation as it currently exists. Mr. Jennings stated that they have another meeting scheduled with the state later in the week. He added that if the audience wanted attention drawn to the traffic situation that bringing a school to the proposed site would absolutely bring that attention from the state. Mr. Jennings said that the state is looking at the traffic and the speed zones; the intersection is now a topic at the state DOT where it wasn't a couple of months ago. Mr. Jennings explained that most of the traffic from the

nearby subdivisions would not be using the intersection on a day to day basis. They normally take different routes. Mr. Jennings said that the proposed plan is clear. He added that they were not before the Commissioners at this point to have the plan approved; they were before the Commissioners to set the zoning. Mr. Jennings said that the plan didn't have to be presented at this point, but SBG chose to present a preliminary plan. Mr. Jennings clarified that SBG was not attempting to change the current zoning because the property is currently in the county; therefore, it has no zoning. With no zoning, the property is not restricted to what can be done with the site. The owner of the property is requesting that the city take the property into the city limits and with that comes zoning restrictions; thus, they are asking that the property be zoned R-4 and B-4. Mr. Jennings explained that if the property is annexed into the city, everything that is built on the property has to be approved by the city. This is a process that will lead to a more definitive plan. Mr. Jennings said that he understands the traffic problem that is in Hunter's Pointe. He added that this proposed project did not cause the problem because the problem already exists and he doesn't understand how this proposal could compound the problem. Mr. Jennings added that the proposal is not directly connected to Briarcrest, Murray Estates or Crossfield subdivisions; therefore, this project should not direct additional traffic into these subdivisions either. The plan is to have a homeowner's association with guidelines, rules and restrictions for the property. SBG also plans to retain ownership of most of the lots and they have every intention to maintain them. Mr. Jennings said that he thought their track record shows the kind of subdivisions that they have developed in the past. Mr. Jennings stated that his occupation is dealing in real estate and he takes offense to it being "all about the money". He said that he does know something about the value of property and this is the kind of development that you see across the United States that has been very successful. Mr. Jennings said that the proposed zoning is identical as to what is across Hwy 94 West.

Richard Campbell came forward and asked Mr. Jennings who was going to direct the traffic away from the intersection at Hwy 94W and Robertson Road. Mr. Campbell stated that he used that intersection quite frequently when going to somewhere on the south side of Murray.

James Rickman stated that he was once a developer and has been where Mr. Jennings is now. He said that he has had rulings for and rulings against proposals. Mr. Rickman added that Mr. Jennings made an incorrect statement by saying that if the property is not annexed into the city he can do anything that he wishes with it. Mr. Rickman said that the Planning Department controls everything within a 4 mile radius of the City of Murray for subdivisions and developments of this nature. Mr. Rickman added that Brandon Place (where he resides) is not in the city limits of Murray; however, when it was just in the planning stages, Butch Sergeant (former employee of the City of Murray) came to the property and laid out the regulations and restrictions for Mr. Rickman. Mr. Rickman stated that he is not against development, but he is against this kind of development in his neighborhood.

Candace Dowdy clarified that the City of Murray does have a 4 mile jurisdiction from 12th & Main Street basically for development of any subdivision; however, the City does not have any say about the use of the land if the property is not incorporated into the city limits.

Angie Lee Morris wanted to clarify that she does love her neighborhood and subdivision and she would like to request that the property be zoned R-2.

Greg McReynolds said that this is actually a sale. He said as a salesman you should identify the objections. The objections have been the traffic and the property values. He said if he was selling the proposal today, he would overcome the objections. He would make the proposal that this would be one of the greatest things that could ever happen to the City of Murray. Mr. McReynolds added that a painted

picture is beautiful but reality is to see how the proposal affects the neighboring community. He pleaded with the Commissioners to not be sold and to do what they feel is best for the community.

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

Commissioner Krieb asked Attorney Mike Pitman for clarification: Does the City Council have the right to annex the property if the Commissioners deny a request for the proposed zoning? Mr. Pitman explained that currently the City Council has made an attempt to annex the property. The Planning Commission is to make a recommendation as to what the zoning should be. The City Council can take that recommendation or they can choose to zone the property entirely different from what the Planning Commission recommends. Commissioner Medlock asked for the proper procedure to set the zoning at something other than what had been applied for. Mr. Pitman said you should first deny the proposed request and make the second motion with the recommended zoning. Commissioner Jobs asked how the property is zoned on the Comprehensive Plan. Ms. Dowdy stated that it is identified as low density residential which typically has a density requirement of up to 4.3 dwelling units per acre. The Land Use Plan notes that in the low density residential there would be some areas that would be appropriate for two family dwellings. Ms. Dowdy continued that the current Zoning Ordinance states that in an R-2 zoning district the only permitted use is a single family dwelling. Commissioner Boyd asked if the zoning recommendation is approved and later on the property owner comes up with a more definitive plan and finds it necessary to change the zoning what would be the proper procedure. Mr. Pitman stated that the Planning Commission is only making the zoning recommendation to the City Council and ultimately the zoning is set by the City Council. Any change to that would have to go through the statutory requirement that finds the zoning is in line with the Comprehensive Plan or that there has been significant change since the original zoning was set. He added that if a government entity purchases the property no one will have control over the zoning; it becomes Government zoned. Ms. Dowdy stated that many times in the past when there is a request to bring property into the city and there is not a definitive plan, as a default the property is zoned as Agriculture. If the property is zoned Agriculture and someone wanted to develop the property into a subdivision, then they would have to go through the process of rezoning the property to R-2. Commissioner Perry asked if they decided to decline Mr. Jennings request for zoning, could Mr. Jennings say that he did not want to be annexed at all. Mr. Pitman said he was not absolutely for sure, but he thought that Mr. Jennings could withdraw his request to be annexed. Commissioner Boyd stated with the complexity of this matter, there are potentially four different zones that are in discussion. He added that going forward with no definitive plan, where lot lines could change, could cause potential issues. Ms. Dowdy explained that in the B-4 zoned area, they could not go beyond the B-4 property lines and take property from the residential zoned area; neither could they take property from the residential zoned property to use for business. Ms. Dowdy again clarified the uses in the B-4 zone for Commissioner Boyd.

John Krieb made a motion to forward a recommendation to the City Council to set the zoning for the property located at the NE corner of Robertson Road North and Highway 94W owned by RPS Properties, Inc. as R-2 with the exception of Tract 1 and Tract 2 which he would recommend the zoning be set as AG (agriculture).

Ms. Dowdy explained to Commissioner Krieb that the proposed development plan has nothing to do with the recommendation to zone the property.

John Krieb amended his former motion to forward a recommendation to the City Council to set the zoning for the property located at the NE corner of Robertson Road North and Highway 94W owned by RPS Properties, Inc. as R-2 (single-family residential). Loretta Jobs seconded the motion.

The motion was defeated by a 5 to 4 vote with Jeremy Boyd, Amber DuVentre, Tom Kind, Marc Peebles and Kevin Perry voting no.

Chairman Pavlick called for further discussion for the Commissioners.

Jeremy Boyd made a motion to forward a recommendation to the City Council to set the zoning for the property located at the NE corner of Robertson Road North and Highway 94W owned by RPS Properties, Inc. as R-2 (single-family residential) for Tract 1 and B-4 (medium density business) for Tract 2. Kevin Perry seconded the motion and the motion carried with an 8-1 vote. Loretta Jobs voted no.

Questions and Comments: Candace Dowdy reminded the Commissioners that continuing education time line is in place and on June 20th there will be a one day workshop in Paducah and in August there is a workshop at Kentucky Dam Village. Each workshop is an eight hour session. She stated that she would send an e-mail to the Commissioners with this information.

Adjournment: Jeremy Boyd made a motion to adjourn. John Krieb seconded the motion. *The meeting adjourned at 7:22p.m.*

Chairman, Ed Pavlick

Recording Secretary, Reta Gray