

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

The Murray Planning Commission met in regular session on Tuesday, August 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, Ed Pavlick, John Krieb, Jeremy Boyd, Tom Kind and Marc Peebles

Commissioners Absent: Kevin Perry, Loretta Jobs and Ed Davis

Also Present: Candace Dowdy, Justin Crice, David Roberts, Mike Pitman, Reta Gray, Hawkins Teague, Bobby Deitz, Tony Nolcox, Portia Pace, Susan Brown, Ryan Cunningham, Daniel Yong, Landon Barrow, Sandra McKinney 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 July 17, 2012 regular meeting.

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

Final Plat Approval: Proposed PDP at 440 Utterback Road – Wesley Murray Meadow Inc.:

Candace Dowdy used a Power Point presentation to show the property at 440 Utterback Road where Wesley Murray Meadow, Inc. is proposing to construct an additional 20 residential housing units. There are currently 27 units located at this location with 31 existing parking spaces. Another 30 spaces will be added for this development. Last month this residential planned development project's preliminary plat was approved by the Planning Commission. A conditional use permit was granted by the BZA; building setbacks and parking variances were also approved. Ms. Dowdy stated that the final plat shows adding five quad-plex apartment buildings and a clubhouse. The final plat also shows a 35 ft. ingress/egress easement that will be established as a permanent crossover easement for Tracts 1-A and 1-B. Utility extensions servicing these new buildings are shown on the final plat as well as two stormwater detention areas. Stormwater detention plans will have to be reviewed and approved before any permits will be issued. Landscaping plans will be provided for the proposed development. Ms. Dowdy stated that the previous month there were some problems with water run-off on an adjoining property. The motion from the commissioners included a request that the county and district magistrates for the area be contacted to address the situation.

David Roberts explained that BFW was hired to do an independent study of the overall situation on the property drainage. The conclusion was that there is a cross-drain under Utterback Road that is not sufficiently sized to carry the runoff. Mr. Roberts said that after finding out this information, he then contacted the magistrate for that area and was assured that the county would be willing to look at replacing or expanding the pipe if there was a need for that. He said that the county committed to make the change; however they did not commit to a time table. Mr. Roberts added that he met with the property owners on site and explained the findings to them concerning the pipes under Utterback Road. In addition he explained that there will also be a re-route of a drainage ditch that is currently cutting through their property. This should also help alleviate the water run-off situation. The adjoining property owners indicated that they would be satisfied if these updates are made. Mr. Roberts spoke to a representative of Wesley and they have agreed to hire an engineer to facilitate this project. He added that the city has

already cleaned out approximately 100 feet of the ditch on the south side of Utterback Road with the intent of somewhat straightening out the ditch after the new pipe is installed under Utterback Road. Mr. Roberts concluded that he thinks that all parties were able to come to a point of agreement.

Tom Kind made a motion to approve the Final Plat for the Wesley Murray Meadow, Inc. Residential PDP located at 440 Utterback Road. Approval is contingent upon the stormwater detention plans being discussed between the county, the applicant and residents in the area and approval by the Murray Planning and Engineering Department and all other city regulations being met. John Krieb seconded the motion and the motion carried with a 7-0 voice vote.

Public Hearing: Preliminary Plat Review for Proposed PDP at 1807 College Farm Road – Tony Nolcox, Sergio & Pam Tonini: Justin Crice used a Power Point presentation to show the property at 1807 College Farm Road that Tony Nolcox is in the process of purchasing. The property's deeded area surveyed to be approximately 2 acres instead of the 2.75 acres (that was presented last month); thus, Mr. Nolcox had to reduce the number of units from 40 to 36. In addition, the drive aisles were reduced and the green space was reduced from 50 feet to 24 feet between the units. There may also be some deviation from the original plat on the installation of the water and electric lines which has yet to be determined. Mr. Nolcox has indicated that all existing buildings on the property will come down except for a storage building which is located on the south side of the property. Mr. Crice stated this property has a deeded 43 ft. access easement off North 18th Street. Trinity Christian Church on N. 18th is currently using a portion of this easement as a parking lot. Attorney Mike Pitman said that an easement would be legal to allow this project use of the road. Mr. Crice said the preliminary plat shows 36 one bedroom units. Each building will have four units, with eight of the buildings being 32' X 62.50' and one building being two story at 25' X 62.50'. Each unit will be approximately 15.6 ft. in width. Parking requirements for a development this size will be 108 spaces. The plat shows 64 spaces that are 9' X 18'; therefore, this project will require a 44 parking space variance. The drive aisle off College Farm Road is shown as 25 ft. in width and reduces down to 20 ft. when accessing the south portion of the property. Mr. Nolcox has indicated after last month's meetings he would like the access off N. 18th Street to be open for the tenants use. The access coming into the property from N. 18th Street is 24 feet and reduces down to 20 ft. in front of the units. The plat also shows a six foot concrete walk way that could be used by pedestrians or bikers wishing to travel towards N. 18th Street and Murray State's campus. The proposed drive aisles and new fire hydrant were approved by the Fire Marshall. A dumpster area is shown in the southwest corner of the property and has been approved by the Sanitation Department as being sufficient. Stormwater detention plans have yet to be calculated but any final plat approvals will be contingent upon regulations being met. All adjoining and adjacent property owners were notified of the public hearing.

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

Tony Nolcox, 1211 Coyote Ridge Road, Cadiz Kentucky was sworn in. Mr. Nolcox confirmed that since the last meeting they had lost 25 feet in the width of the property and they are currently doing all they can to stay within the boundaries of what they anticipated this property to be. Mr. Nolcox explained that the next step in the project is to meet with the soil and water engineers to design a stormwater detention area. If the engineers decide that one or two of the buildings will have to be removed or resituated to accommodate a detention area, Mr. Nolcox will do that. The rest of the property should remain the same. Mr. Nolcox stated that by leaving the drives along the perimeter of the property, that the width they lost during the survey would cut the amount of green space between the buildings. He explained that the units on the north side of the property would be a two story townhouse unit and that it would be sitting a little farther back from College Farm Road than the two story apartments to the east and the house to the west.

Mr. Nolcox added that they listened to the Commissioners the previous month and decided to make another means of access into the property by using the TVA easement to the south which would help alleviate adding more congestion onto College Farm Road.

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

Portia Pace, 1809 College Farm Road, Murray KY was sworn in. Ms. Pace began by saying that before she received the letter from the Planning Department, she was not aware of the proposal. She added that she is not completely opposed to the project but she is concerned because of its size. She indicated that College Farm Road is already very heavily traveled during peak times and this would add even more traffic to an already congested area. Ms. Pace said that there are several other issues that she is concerned with such as: drainage, privacy, noise, added criminal activity, increased taxes and lower property values. Ms. Pace stated that her home is on the west side of the proposed project and the entrance off College Farm Road is entering the property on the west side near her property. She questioned whether the entrance could be moved to the east side of the property and the two story housing units moved to the west side. Ms. Pace also wanted to know if Mr. Nolcox could possibly consider building housing for the elderly in this location. She asked if this project is definitely going forward. Chairman Pavlick answered that it is not going forward at this point. Ms. Dowdy explained that this is only one of the steps in which a PDP goes through and she explained the rest of the steps and that this was the first meeting in where the adjoining property owners were notified. Ms. Dowdy added that the zoning for the property is R-4 which is multi-family use and that makes the project appropriate for the area. Ms. Dowdy added that Mr. Nolcox originally submitted the development with 40 units and has recently cut it back to 36 units. Ms. Dowdy suggested that Ms. Pace contact the Calloway County Clerk and PVA office for answers to her questions regarding taxes or property values. Ms. Dowdy explained that Mr. Nolcox had indicated that he intended on putting up an 8 foot white vinyl privacy fence for screening around the perimeter of his property and if the driveway was shifted to the east side of the property, then the two story building would be taller than the fence. Ms. Dowdy added that Mr. Nolcox is meeting the building setbacks on all sides and that he is going to be working with the engineers to design the stormwater detention and drainage area. College Farm Road is a state road and any changes that are made to the entrance off College Farm Road will have to be addressed with the state and Mr. Nolcox is aware of this.

Susan Brown, 701 North 18th Street, Murray KY was sworn in. Ms. Brown stated that Ms. Pace had expressed a lot of her concerns. She added that from the paperwork she received through mail it was difficult to tell if the existing pine trees along the property lines would all be removed. Mr. Nolcox said they would. Ms. Brown said that this would change the entire structure of the area and she is not particularly thrilled. She wondered if the drive aisles could go through the middle of the development and the units go along the perimeter to keep from encroaching the adjoining property owner's space. Ms. Brown stated that the corner of N. 18th and College Farm Road have a horrendous traffic situation during the school year already and she is really concerned about the additional traffic this project may bring to the area.

Ryan Cunningham, 1512 Oxford Drive, Murray KY was sworn in. Mr. Cunningham stated that he owns the property at 605 North 18th and he has some of the same concerns as the two previous speakers. Mr. Cunningham addressed the southern entrance to the property that is on North 18th. He said that it had been mentioned that there would be enough room for emergency vehicles to enter the property; however, he was wondering if there was enough room for emergency vehicles to enter the property on Sunday mornings when the church that uses the easement for parking is in session and the parking lot is full. In addition, he has a safety concern about children playing in the church parking lot once this driveway becomes used frequently. Mr. Cunningham said that there is a creek that runs down the east property line

and across the property as well and he wanted to know what would be done about that. He concluded that the noise, lights, privacy fence and security implications are additional concerns.

Chairman Pavlick asked if there was any rebuttal.

Mr. Nolcox came forward and addressed some of the issues that the property owners had. He explained that he does own and manage several other rental properties and he assured the others that he would personally be managing this property. Mr. Nolcox stated that he had listened to the suggestions of the Planning Commissioners and BZA the previous month and had tried to fulfill their requests. He said that they had spent much time drawing the development for the best layout. The reason that the decision was made to locate the drives along the perimeter was to keep the noise of the tenants to the inside of the development and away from the adjoining properties. Mr. Nolcox explained that it is also his intention to install a privacy fence along the property lines. He concluded that he is still willing to work with each of the neighbors and do what he can to get the project moving in the right direction.

Ms. Pace came forward and asked Mr. Nolcox what he had seen with his other properties as far as criminal activity. Mr. Nolcox said that he is a very strict landlord. He has a statement in his leases indicating that if the police show up on the property, the tenant is evicted. Ms. Pace said that she was concerned with the creek that runs across the property and the water issues. Mr. Nolcox replied that the engineer will hopefully be able to tell them what they will need to do before next month's meeting to handle the drainage on both sides of the property.

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

Commissioner Boyd stated that he had concerns with water retention, whether the 20 foot drive was going to be adequate, and the proposed perpendicular parking versus angled parking. He also suggested that Mr. Nolcox get with the property owners and try to work out the individual issues. Commissioner Boyd said that he would like to suggest that Mr. Nolcox look at re-arranging the layout of the development and see if there were any benefits to having one drive aisle down the middle instead of the current plan of the drive aisles along the perimeter.

Tom Kind made a motion to approve the preliminary plat for the Residential Planned Development Project at 1807 College Farm Road for Tony Nolcox. This is contingent upon the BZA approving the conditional use permit and any necessary variances and easements. He also encouraged Mr. Nolcox to consider some of the concerns of the residents in the area when looking at the final plat. Marc Peebles seconded the motion and the motion carried with a 7-0 voice vote.

Public Hearing: Preliminary Plat Review for Proposed PDP at 907 Coldwater Road – Daniel Yong: Justin Crice used a Power Point presentation to show the property at 907 Coldwater Road owned by Daniel Yong. Mr. Yong is proposing to add two additional units on the east side of the existing building. This project was reviewed last month for advisory and compatibility. The existing unit on the east end of the building has two windows; one in each bedroom that will have to be relocated in order for two additional dwelling units to be added. (This is required per fire and building codes.) The main difference in the preliminary plat and what was presented the previous month is the location of the dumpster area. The sanitation department has approved a dumpster location that will service 905 and 907 Coldwater Road, eliminating rollout containers for this location. The project meets parking and density requirements. The preliminary plat indicates the proposed units will be 17' X 33' ft. and have five 9 X 18 ft. parking spaces shown in front of them. The new building will be 28 feet from the front property line; therefore, a front setback variance of 22 feet will be required. This area is currently accessed by a gravel drive that

services this lot at 907 Coldwater Rd. and the lot to the south at 905 Coldwater Road. Ms. Dowdy said that when this project was initially developed in 1999 there was a French drain system installed. Ms. Dowdy stated that this was discussed at the previous month's meetings and Mr. Yong was going to look into this situation and see if the drainage system was operating as it should. Adjoining and adjacent property owners were notified of the public hearing.

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.

Mary Anne Medlock made a motion to approve the preliminary plat for the Residential Planned Development Project at 907 Coldwater Road of Daniel Yong. This approval is contingent upon the BZA approving the conditional use permit and any necessary variances and easements. John Krieb seconded the motion and the motion carried with a 7-0 voice vote.

Review of Preliminary Subdivision Plat: Proposed Westhaven Subdivision on Rob Mason Road – Landon Barrow: Candace Dowdy used a Power Point presentation to show the 8.95 acre tract of land located on Rob Mason Road (Hwy. 783) that Landon Barrow has purchased. Mr. Barrow is proposing to develop the property as a single family residential subdivision. The property is located in the county with a portion of the property falling within the four mile jurisdiction of the Planning Commission. The proposed subdivision will consist of fifteen lots that are approximately ½ acre in size and one lot that is ¾ acre in size. The plat shows a 50 foot dedicated right-of-way with a 20 foot wide paved street without curb and gutter. The building setbacks are shown as 40 feet for the front yard, 25 feet for the rear yard and 10 feet for the side yards. All lots will be served with private sewer and public water. The subdivision will have one street access that is approximately 900 feet in length to the end of the cul-de-sac. Ms. Dowdy stated that Mr. Barrow has provided a list of covenants and restrictions for the subdivision, but they are not listed on the preliminary plat. Mr. Barrow has submitted a letter from the Calloway County Health Department stating that all private sewage disposal systems installed will be reviewed on an individual basis and that they will meet the requirements of the Kentucky State Health Department. The letter also states that all lots meet the minimum square footage based on the availability of public water to each lot. A letter was also submitted from the Calloway County Fire-Rescue Squad stating that the cul-de-sac was of sufficient size to accommodate any equipment getting in and out in case of an emergency. Mr. Barrow spoke to Judge Executive Larry Elkins regarding the county taking over maintenance of the street once it is constructed. Ms. Dowdy explained that the process for the development of a subdivision is for the commissioners to review a preliminary and a final plat within a period of 12 months. Adjoining property owners were notified of the meeting as a courtesy.

Commissioner Kind asked if there would be curb and gutters installed. Ms. Dowdy said that it is not shown on the preliminary plat and is not required at this distance from the city limits. Commissioner Medlock said that she uses that road frequently and there is water over the road in various places when it rains. She asked about the water runoff from the subdivision that may be generated towards Hwy 783. Mr. Roberts stated that he is not familiar with the flooding problems on that road and it is not listed on the Flood Plain Maps as flood prone. He added that there is not much ditching in that area. Mr. Roberts said that since that is a state road, any changes would have to be permitted through the state and signed by the adjacent property owners if the flow or concentration on site affected the road or those property owners. Chairman Pavlick suggested that Mr. Barrow contact the district magistrate (Johnny Gingles) and let him contact the state to work out any issues that may arise. Mr. Roberts stated that public water will not be available until the construction is completed on the new elevated storage tank that is located at the corner

of Culver Road and Hudson Road which could be October or November. The availability of water is also contingent upon the transfer of Murray Water District #3 to the City of Murray. This transfer is currently in the process and hopefully will be completed by the first of the year. Mr. Roberts added that they have a letter from the engineer that designed all the improvements for the Murray Water District #3 and the City of Murray saying that the subdivision will have adequate water pressure and capacity.

Chairman Pavlick asked if Mr. Barrow or any adjoining property owners would like to make any comments concerning the proposed subdivision.

Landon Barrow came forward. Mr. Barrow said that the plan for the proposed subdivision is to build Briarcrest Subdivision type housing at about 1500 square foot each. They may sell a few lots, but right now the plan is for the developers to build the houses to sell. Concerning the roads, he said after speaking to the city and the county, they felt that starting the construction of the road during the summer months would prove more feasible to get the road base in while it is dry where the gravel can settle during the winter. Mr. Barrow addressed the water over the road situation on Hwy 783. He said that he had spoken with the engineer for the State Highway Road Department and he had conveyed that there would not be an issue with the subdivision. He indicated that the pipe should be adequate to carry the water run-off. Mr. Barrow explained that the front two lots of the proposed subdivision are the only two lots that actually flow towards Hwy 783. The others drain to the back of the property. When Mr. Barrow spoke to the state, he was informed that they would have to possibly put in a berm to slow the water down from those two front lots. Mr. Barrow stated that he had talked to Magistrate Johnny Gingles and Judge Executive Larry Elkins about ditching on the sides of Rob Mason Road in order to get the culvert installed at the proper grade. He said that the Judge requested that they build 20 foot wide roads and build them to county specifications. Stormwater detention will be located on the larger lot. Mr. Barrow said that they would not bring this proposal back for the final plat approval until the water is approved.

Sandra McKinney came forward. Ms. McKinney lives on the s north side of the property and lots 10-16 adjoin her south property line. Ms. McKinney wanted to know if burn barrels were going to be permitted in the subdivision or if they would have trash pick-up. She was also concerned with how near the field tiles from the septic systems would be located to her property.

Mr. Barrow said that he does not think it is legal to burn your own garbage, but he can put that in the subdivision covenants to keep that from happening. Mr. Barrow added that the septic line tiles can be no closer than 10 feet to Ms. McKinney's property and can be no closer than 70 feet from a well. Mr. Barrow explained that if something happened and city water was not available, they would have to reconfigure the development with larger and fewer lots.

Chairman Pavlick asked for a motion.

Marc Peebles made a motion to approve the preliminary plat for Westhaven Subdivision located off Hwy. 783 (Rob Mason Road) contingent upon stormwater detention being provided as needed and that the development of this subdivision meeting the City of Murray's subdivision regulations. John Krieb seconded the motion and the motion carried with a 7-0 voice vote.

David Roberts reminded the Commissioners that before a subdivision is given final approval, the developers can make all the improvements to the plat installing roads and utilities. They can then ask for final plat approval or they can present the final plat and post a bond or a letter of credit stating improvements will be made.

Approval of Continuing Education: Chairman Pavlick stated that David Roberts, Loretta Jobs and Kevin Perry had completed continuing education during the month and he asked for a motion to approve them.

Amber DuVentre made a motion to approve the continuing education credits for David Roberts, Loretta Jobs and Kevin Perry. Jeremy Boyd seconded the motion and the motion carried with a 7-0 voice vote.

Questions and Comments: None

Adjournment: Chairman Pavlick moved to adjourn the meeting and asked all the commissioners in favor to stand. *The meeting adjourned at 6:55p.m.*

Chairman, Ed Pavlick

Recording Secretary, Reta Gray