

**MURRAY PLANNING COMMISSION MINUTES**  
**REGULAR MEETING**  
**TUESDAY, SEPTEMBER 18, 2012**  
**5:00 P.M.**

The Murray Planning Commission met in regular session on Tuesday, September 18, 2012 at 5:00 p.m. in the council chambers of City Hall located at 104 N. 5<sup>th</sup> Street.

**Commissioners Present:** Mary Anne Medlock, Ed Pavlick, John Krieb, Loretta Jobs, Tom Kind and Marc Peebles

**Commissioners Absent:** Amber DuVentre, Kevin Perry, Jeremy Boyd and Ed Davis

Also Present: Candace Dowdy, Justin Crice, David Roberts, Warren Hopkins, Reta Gray, Hawkins Teague, Daniel Yong, Gerald Bell, Brad Wedel, Glen Peters 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 August 21, 2012 regular meeting.

**Mary Anne Medlock made a motion to accept the minutes from August 21, 2012 Planning Commission regular meeting as presented. John Krieb seconded the motion and the motion carried unanimously.**

**Final Plat Approval: Residential 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. This property was developed as a PDP in 1999 by Steve Tinsley. During that process, the property was approved with two units located on it. Mr. Yong is proposing to add two additional units on the east side of the existing building. The preliminary plat was reviewed and approved last month by the Planning Commission. The BZA approved the conditional use permit contingent upon the final plat being approved by the Planning Commission, stormwater detention plans being approved and upon the project meeting all city regulations. A front yard setback variance was also approved. Ms. Dowdy added that the BZA also added to their motion that Mr. Yong has up to one year to have the existing graveled area paved.

**John Krieb made a motion to approve the Final Plat for the Residential Planned Development Project at 907 Coldwater Road for Daniel Yong contingent upon the existing stormwater detention being addressed and improved where needed and that all other city regulations be met. Marc Peebles seconded the motion and the motion carried with a 6-0 voice vote.**

**Annexation Request: Request to annex property located in the 2000 block of College Farm Road – Terry Parker-Bell:** Candace Dowdy used a Power Point presentation to show the property on the north side of College Farm Road in the 2000 block. The property consists of two tracts with a total of 2.137 acres. The annexation plat shows the property with 195 feet of road frontage on College Farm Road and 470 feet deep. Mrs. Terry Parker-Bell currently owns the property and is requesting that it be annexed into the city limits of Murray provided that the property is zoned as requested and a planned development project proposed by Brad Wedel and Glen Peters is approved. The property is contiguous to the city limits and it meets the criteria established in KRS for annexation. Since this property is located in the county, there is currently no zoning. The properties surrounding this site on the north side of College Farm Road are in the county with government zoning to the south and mostly R-2 zoning to the east with some R-4 zoning in close proximity. The city limits end along the west side of the properties on North

20<sup>th</sup> Street. However, there is still one area of North 20<sup>th</sup> Street north of Sherrie Lane that is still in the county where several duplexes are located. The Government property to the South is owned by Murray State. There are two single family dwellings between this property and the city limits to the east; however, one of these is being used as a multi-family dwelling. Ms. Dowdy added that the proposed PDP for Tony Nolcox is located to the southeast of this property. The 2009 Comprehensive Plan identifies the area as low density residential and would have to be amended if the annexation is approved and the zoning is set as R-4. The property does fall within the Urban Service Area and is suitable for development. Glen Peters and Brad Wedel are proposing to purchase and develop this property as a multi-family residential planned development project. The potential developers want city utilities for this project. Sewer service is available on the north side of College Farm Road with water and gas being available on the south side. College Farm Road is a state road; therefore, any traffic issues will have to be addressed with the state. Ms. Dowdy stated that Gerald Bell (husband and representative for Terry Parker-Bell) was there to answer questions from the commissioners. John Krieb asked what zone the applicant was requesting that the property be annexed. Ms. Dowdy said that the request would be R-4 (multi-family residential). She added that if the Planning Commission moves forward recommending the annexation, next month will be a public hearing to set the zoning and that request will be posted on the property. All adjoining and adjacent property owners will be notified 14 days in advance of the public hearing. Ms. Dowdy stated that the developers plan to leave as many trees as possible along the east and west property lines as well as the front of the development for screening.

**Loretta Jobs made a motion to forward a recommendation to the City Council to annex the 2.137 acre tract of land located on the north side of College Farm Road identified as PVA Parcels 041-0-0151 and 041-0-0152 owned by Terry Parker-Bell into the city limits of Murray based on the following facts: Said property owner has submitted in writing a request for annexation, the property is contiguous to the current city limits, city utilities are available to the property, the property falls within the Urban Service Area and is suitable for development. John Krieb seconded the motion and the motion carried with a 6-0 voice vote.**

**Advisory Meeting: Proposed Residential PDP located in the 2000 block of College Farm Road – Glen Peters & Brad Wedel:** Candace Dowdy stated that Glen Peters and Brad Wedel are proposing to purchase the 2.137 acre tract of land located on the north side of College Farm Road owned by Terry Parker-Bell. They would like to develop it as a multi-family residential planned development project provided that the property is annexed into the city limits of Murray and zoned for multi-family use. Ms. Dowdy said that the Planning Department and the Planning Commission do not have jurisdiction outside of the city limits. This was explained to Mr. Wedel and Mr. Peters and until the property is annexed, nothing can be guaranteed. Planning Staff thought an advisory meeting would be acceptable so that the Planning Commission and BZA members could see what was being proposed for the property. The site plans shows developing this property as 36 one bedroom units. There are six buildings with six units in each building. Green space, concrete walkways and patios are shown on the site plan. Seventy-two parking spaces are shown on the site which provides two spaces per dwelling unit and should be adequate for the development. There is one entrance off College Farm Road shown that is 24 feet wide. The 24 foot drive aisle ends at a “T” turnaround that makes accommodations for emergency vehicles and sanitation pick-up access. A dumpster pad is shown on the east side of the “T” turnaround. Hopefully, trees along the east and west property lines can be kept along with some trees in the front of the development. Chairman Pavlick stated that his background as a 911 coordinator has led him to disapprove of projects as this with only one entrance. He added that fire protection is one concern, but tornado damage is another problem which could be even more devastating. Chairman Pavlick would like to see another exit to the development somewhere on 20<sup>th</sup> Street. Commissioner Kind suggested that the development be reconfigured where there are two entrances with two drive aisles along the east and west

property lines. Ms. Dowdy stated that Mr. Bell was there to answer any questions. Commissioner Peebles asked that Mr. Bell and the developers come forward.

Gerald Bell, representative for his wife (Terri Parker-Bell) came forward and was sworn in. Mr. Bell's business address is 211 South 12<sup>th</sup> Street, Murray KY. Commissioner Peebles asked what the intent was for the property. Mr. Bell stated that his wife is a real estate developer and she bought the property 10-15 years ago with the intent of developing it. Ms. Parker-Bell has several other projects that she is working on and has decided to offer this property for sale. She has had quite a bit of interest in the property. Mr. Bell said that the property is across from MSU farms and recently the city installed sidewalks across the property making the property more accessible to MSU campus. Mr. Bell continued that the house to the east has six MSU residents with a rear yard cottage that is also being used as multi-family. Mr. Bell felt that if the annexation and PDP were brought to the board and approved at the same time, the developers will be able to start building in the spring of 2013. Mr. Bell stated that he and his wife will not be involved with the development. He added that if the PDP is not approved, they will retain the property and not follow through with the annexation. Glen Peters and Brad Wedel are interested in the property and they have submitted a proposed site plan and an attractive elevation drawing. Mr. Bell addressed the two entrances to the property. He stated that the property is contiguous only to College Farm Road and that by having two entrances and drive aisles along the perimeter of the property would drive the cost up considerably. Ms. Dowdy stated that typically in an Advisory meeting, the commissioners usually give the developers some type of direction and if there should be any red flags, they try to address those.

Glen Peters, 4730 High Road, Sedalia, Kentucky was sworn in. Brad Wedel, 1077 Cavitt Road, Kirksey, Kentucky was sworn in. Commissioner Peebles stated that he did not have a problem with the number of units or use of the property. Commissioner Krieb mentioned the traffic situation on College Farm Road that currently exists and wondered at what point you become concerned with the additional traffic that projects of this nature would add. He said that the site plan is attractive, but he is concerned with the additional traffic to this area. Commissioner Medlock shared Mr. Krieb's concerns about the additional traffic. She added that she is also concerned with the number of units the development will have. The Future Land Use shows the property as low density and the request is to zone the property as R-4. Ms. Medlock said that she would have a hard time being in favor of R-4 (multi-family residential). Mr. Peters said that Murray is a growing town and there is a need for this type of residential housing. He said that if these request aren't approved by the city then developers purchase property just outside of the city. He used the example of the recent development on Jones-Sparkman Road and noted that the majority of the traffic coming into town uses College Farm Road. He does not think that this project will add that much to the traffic load. Ms. Dowdy said that hopefully since this proposed project is in the proximity to MSU, the students will bike or walk to campus. Commissioner Kind stated that he had observed that people have been using the newly installed sidewalks. Mr. Wedel said that it seemed to him that the development would be handy for the students that are involved with the MSU farm or Rodeo since they would only have to walk across the road. He added that he thought the location would be an asset to MSU students. Commissioner Kind would request that the developers try to leave as much green space as possible along the perimeter. Mr. Peters said that had been their intention. He added that the decision was made to set the buildings back farther from College Farm Road than the normal setback area in order to keep the housing somewhat in line with the existing homes along College Farm Road and to be able to leave more trees along the front. He added that they recently cleaned out brush from the lot and decided on leaving some of the perimeter trees. Commissioner Jobs asked if they were planning any additional screening proposed for the west side of the property. Mr. Peters said that they were open to the idea. Ms. Dowdy said that typically screening is considered when a multi-family development is constructed in order to maintain privacy. Chairman Pavlick asked if they had any comments about the need for a second entrance. Mr. Wedel and Mr. Peters considered putting a loop drive aisle around the development with

two entrances; however, the financial advantage is to have the parking area share the drive space down the middle. They noted another disadvantage to the loop was that the traffic from the development would be routed around the perimeter and directly against the neighbor's property lines causing more noise to the neighbors.

Gerald Bell stated that the reason that the gentlemen wanted to annex this property into the city was for the city utilities. He added that this doesn't mean that the proposal will not be developed if the property is not annexed. Mr. Bell said that if this PDP is not approved, these gentlemen may well go out on Jones-Sparkman Road and develop a piece of property; thus, additional traffic will still be added to College Farm Road. He thinks because of the proximity to MSU and the MSU farm there will be a big interest in these apartments by students that are connected to the university farm; therefore, he does not think the decision should be based on the traffic impact alone. He continued that hopefully there wouldn't be as many people driving as walking since the sidewalks have been installed. Mr. Bell addressed the parking and stated that since these proposed units are one bedroom, there would be less parking needed. This would make more green space available. Ms. Dowdy explained that a development of this nature required two parking spaces per dwelling unit whether they are one or two bedroom units plus visitor parking which would require a total of 108 parking spaces; however, it is typical to justify two parking spaces per unit.

David Roberts stated that College Farm Road is a state road and a study might conclude what level of service it actually provides. He said that the area is already congested during certain times of the day with traffic and will be impacted greater as the traffic from Jones-Sparkman Road uses College Farm Road when traveling to town. Mr. Roberts stated that the Planning Department gets inquiries on a weekly basis for vacant property suitable for multi-family housing within the city limits and there is not that much available; thus the requests for annexation. Mr. Roberts stated that as far as the "spot zoning" it will sort of stick out at this location but if you look at the whole area there is R-4 back to the east and across the street. Mr. Roberts referenced the end of North 20<sup>th</sup> Street north of Sherrie Lane that is all duplexes with no zoning and stated that this is the result of a similar request by a developer several years ago where he wanted to have a guarantee of a certain zoning but you can't guarantee it. Mr. Roberts stated that you can withdraw your request if you don't get the zoning you would like but you can't guarantee it and that is what this developer wants and that is why the land is still there and in the county. Some areas outside the city limits already have city utilities. The city benefits by providing utilities to these properties; however, they gain nothing in general funds. Mr. Roberts said that this is a long process: the annexation, the zoning, advisory, and compatibility for a development such as this. In this instance, knowing the type of development upfront gives the Planning Department an advantage in combining a few of the steps. Mr. Roberts said that there are several different possibilities on the Comprehensive Plan that could possibly affect this area. One is the Doran Road project that is being discussed for a bypass to go from Main Street(Hwy 94W) to Hwy 121 North to relieve some of the traffic on Main, 12<sup>th</sup> and 16<sup>th</sup> Streets.

Ms. Dowdy noted that the homes along this portion of College Farm Road were larger homes that had been built several years ago that were on larger tracts of land and that is probably one reason why this property has remained vacant for so many years. It is two tracts of land but you don't find that many people anymore that want to construct a single family home with that much acreage. Each tract is much larger than a typical lot in a subdivision. The close proximity of the college is definitely an advantage for a development like this.

Commissioner Kind stated that he lives on Sherrie Lane which is off College Farm Road. Traffic is very frustrating during the beginning and end of the school day for Calloway, otherwise the traffic is more normal and he does not think that this complex would impact the traffic in the area. Commissioner

Medlock said that she is concerned with the proposal. Commissioner Krieb said that he is concerned with the traffic on that road and wondered at what point the board should take a more negative approach to these types of proposals; however, he does see the need for housing of this nature in the area.

**Marc Peebles made a motion to forward this item on to the BZA for compatibility. Tom Kind seconded the motion and the motion carried with a 5-1 voice vote. Mary Anne Medlock voted no.**

**Proposed Text Amendment: Discussion of proposed text amendment to the Zoning Ordinance as it pertains to the alcohol beverage control regulations:** Ms. Dowdy gave the board members copies of the proposed text amendments for discussion purposes. These amendments are regarding zoning regulations pertaining to the ABC Ordinance that was recently adopted by the City Council. The changes are indicated in the underlined sections:

**Chapter 156.037 BUSINESS DISTRICTS.**

**(A) B-1 Neighborhood Business Districts**

- (5) Prohibited uses
- (d) Nightclubs, bars, taverns and similar type businesses*

**(B) B-2 Highway Business District and B-3 Central Business District.**

- (2) Permitted principal uses.
  - (a) Any use permitted in the B-1 Business District Any use permitted in the B-1 Business District; *Restaurants in a B-2 zone are allowed to have drive up window.*
- (4) Conditional use.
  - (h) B-3 Any restaurant or retail sales business with a drive up window.*
  - (i) B-3 (Within Historic Overlay District Only) Sidewalk Cafes*
  - (j) B-2 & B-3 Nightclubs, bars, taverns and similar type businesses*

**(C) B-4 Medium Density Business District.**

- (2) Permitted principal uses.
  - (a) Any use permitted in the B-1 business district *with the exception of restaurants.*
- (5) Prohibited uses.
  - d) Nightclubs, bars, taverns and similar type businesses*

**Chapter 156.039 INDUSTRIAL DISTRICT**

- (E) Prohibited uses.
  - (3) Packaged liquor stores, nightclubs, bars, taverns and similar type businesses*

### **Chapter 156.004 - Definitions**

~~“RESTAURANT.” An eating establishment whose primary use is designed to permit or facilitate the service of meals, sandwiches, ice cream, beverages, or other food served directly to, or permitted to be consumed by patrons within the building, in automobiles or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site or outside the main building.~~

*“RESTAURANT” means a facility where the usual and customary business is the serving of meals to consumers, that has a bona fide kitchen facility, and that receives at least fifty percent (50%) of its food and beverage receipts from the sale of food.*

The Commissioners felt that the BZA should have a copy of what is being proposed because if the proposal is approved and passed, it will affect the BZA; therefore, this will be discussed at the BZA meeting the following night.

**Marc Peebles made a motion to conduct a public hearing during the October meeting of Planning Commission to review these changes. John Krieb seconded the motion and the motion carried with a 6-0 voice vote.**

**Approval of Continuing Education:** Chairman Pavlick stated that several Planning Commissioners and BZA members had completed continuing education during the month of August at Kentucky Dam Village and he asked for a motion to approve them.

**Loretta Jobs made a motion to approve the continuing education credits for the Planning Commissioners and BZA members that attended the August meeting at Kentucky Dam Village. Tom Kind seconded the motion and the motion carried with a 6-0 voice vote.**

**Questions and Comments:** None

**Adjournment:** Marc Peebles moved to adjourn the meeting and Chairman Pavlick asked all the commissioners in favor to stand. *The meeting adjourned at 6:30 p.m.*

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Chairman, Ed Pavlick

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Recording Secretary, Reta Gray