

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

The Murray Planning Commission met in regular session on Tuesday, December 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:** Loretta Jobs, Tom Kind, John Krieb, Ed Pavlick, Marc Peebles, Jeremy Boyd, Ed Davis, Mary Anne Medlock and Ryan Stanger

**Commissioners Absent:** Kevin Perry

Also Present: Candace Dowdy, Justin Crice, Reta Gray, David Roberts, Jennifer Tolley, Hawkins Teague, Kentucky State Trooper, David Buckingham, Scott & Beverly Barnes, Attorney Gerald Bell, Bobby Deitz, Glen Peters, Brad Wedel, Yancey Watkins and public audience

Chairman Pavlick called the meeting to order. At that time Candace Dowdy swore in the new commissioner, Ryan Stanger. Chairman Pavlick asked the commissioners if there were any changes, additions or deletions to the minutes from the October 29, 2012 special meeting.

**John Krieb made a motion to accept the minutes from the October 29, 2012 Planning Commission special meeting as presented. Marc Peebles seconded the motion and the motion carried unanimously.**

**Review of Minor Plat: Property located at 422 South 9<sup>th</sup> Street & 900 Sycamore Street – owned by Robert & Betty Buckingham, Jerry & Shelia Grogan:** Justin Crice used a Power Point presentation to show the property located at 422 South 9<sup>th</sup> Street and 900 Sycamore Street that is currently owned by Robert and Betty Buckingham and Shelia and Jerry Grogan. It is currently zoned B-2 (Highway Commercial). The property at 422 South 9<sup>th</sup> has been used for single family residential purposes for many years with the property at 900 Sycamore being the current location for Buck's Body Shop. The purpose of this plat is to separate the house from the business. By separating the property it leaves the South 9<sup>th</sup> property with 68.74 feet of street frontage. The zoning ordinance requires a minimum of 75 feet of frontage on a public street; therefore, the minor plat had to be brought before the Commissioners for review. While there is no limitation on the lot size in a B-2 zone neither of the two properties meets the minimum building setback requirements and will always be non-conforming. The property owners plan to sell the business at 900 Sycamore Street. Mr. Crice added that David Buckingham was in attendance representing his parents, Robert & Betty Buckingham. Candace Dowdy stated that the property has been zoned B-2 for a number of years; however, if the property where the house is located is ever rezoned, it would be rezoned as R-2 (single family residential) as all the other properties surrounding it on South 9<sup>th</sup> are zoned. Staff does not have a problem recommending that the commissioners approve the minor plat since there are other residential properties in the vicinity with non-conforming lots that have less than 75 feet of street frontage.

**Tom Kind made a motion to approve the minor plat separating the two properties located at 422 South 9<sup>th</sup> Street and 900 Sycamore Street – owned by Robert & Betty Buckingham**

**and Jerry & Shelia Grogan. Loretta Jobs seconded the motion and the motion carried with a 9-0 voice vote.**

**Annexation Request: 1.848 acre tract of land located at 1620 Martin Chapel Road – Scott & Beverly Barnes:** Justin Crice used a Power Point presentation to show the vacant lot at 1620 Martin Chapel Road that was recently purchased by Scott & Beverly Barnes who plan to construct a single family home on this property. They have requested the property be annexed into the city limits in order to connect to city utilities which are currently available to the property. The property consists of 1.848 acres and is contiguous to the city limits in all directions and falls within the urban service area. The City will also annex a 0.786 acre portion of right of way along Martin Chapel Road and the 50 foot unimproved roadway along the south side of this property. This will close one of the two gaps of county property along Martin Chapel Road, both of which are completely surrounded by the city limits. All surrounding properties are zoned R-2 (single family residential); therefore, the Barnes will be requesting R-2 zoning. Ms. Dowdy stated that there is only one tract of land to the north of this property that remains in the county along with the roadway and that Planning Staff would possibly be contacting the property owner to see if they had an interest in bringing their property into the city limits.

**John Krieb made a motion to forward a recommendation to the City Council to annex the 1.848 acre tract of land located at 1620 Martin Chapel Road owned by Scott Barnes & Beverly Barnes and a 0.786 acre tract of county right of way into the city limits of Murray based on the following facts: the property owner has submitted a written 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. Ed Davis seconded the motion and the motion carried with a 9-0 voice vote.**

**Public Hearing: Request to set zoning as R-2 (single family residential) for property to be annexed into the City of Murray located at 1620 Martin Chapel Road – Scott & Beverly Barnes:** Chairman Pavlick explained that this is a public hearing to set the zoning for the same piece of land that was just recommended for annexation. The owners are requesting R-2 (single family residential) for the property if the City Council honors their annexation request. The right-of-way along Martin Chapel Road and the unimproved roadway along the south side of this property will also be zoned R-2. Justin Crice stated that Mr. Barnes was in attendance if the commissioners had any questions.

Chairman Pavlick opened the public hearing and asked if there was anyone that wished to speak in favor of the R-2 zoning request. There was no one. Chairman Pavlick asked if there was anyone that wished to speak in opposition to the proposed zoning. There was no one. Chairman Pavlick closed the public hearing and turned it over to the commissioners for discussion.

**Ed Davis made a motion to forward a recommendation to the City Council to set the zoning for the proposed annexation of a 1.848 acre tract of land owned by Scott and Beverly Barnes and located at 1620 Martin Chapel Road and the 0.786 acre portion of right of way along Martin Chapel Road and the 50 foot unimproved roadway along the south side of this property as R-2 (single family residential) based on the following findings of fact:**

- **Property owner has requested R-2 zoning and plans to use the property for single family use.**
- **All surrounding property is zoned R-2.**
- **Future Land Use Map identifies this property as low density residential use.**

**John Krieb seconded the motion and the motion carried with a 9-0 voice vote.**

**Annexation Request: 2.648 acre tract of land identified as PVA parcel numbers 041-0-0151, 0152, & 0153-B located on the north side of College Farm Road just west of North 20<sup>th</sup> Street – Terry Parker-Bell:** *Loretta Jobs asked to be recused at 5:22 p.m.* Candace Dowdy used a Power Point presentation to show the 2.648 acre tract of land on the north side of College Farm Road which is owned by Mrs. Terry Parker-Bell. The property is identified by the PVA office as Parcels 041-0-0151, 0152, & 0153-B. Mrs. Parker-Bell has requested that this property be annexed into the city limits of Murray provided that the property is zoned as R-4 (multi-family residential) and a residential planned development project proposed by Brad Wedel and Glen Peters is approved. The surrounding properties are zoned Government, R-2, and R-4 with additional properties belonging to the county that are not zoned that are being used as single and multi-family use. This application has been modified from the previous annexation request presented in September 2012 that was forwarded to the City Council. The property owner has under contract another half acre (0.511 acre) that adjoins their property and is adding that property to this new annexation request. This property is identified on the Future Land Use Map as Low Density Residential use and it does meet the criteria for annexation by KRS. It is contiguous to the city limits and suitable for development. Utilities are available to the property and it is located within the Urban Service Area. If the Planning Commission recommends the annexation and R-4 zoning (multi-family residential) then the Comprehensive Plan and the Future Land Use Map should be amended to reflect the proposed land use as Medium Density Residential use. Ms. Dowdy added that previously when this item was taken to the City Council for annexation, the applicant decided to withdraw their application for annexation. Since the purchase of the additional property, the applicant has decided to once again request annexation into the city limits. They feel like they have additional information that they would like to present to the commissioners. Ms. Dowdy showed a Future Transportation Map that shows a potential collector route from Hwy 94 West to Hwy 121; however, at this time there are no plans in the making as far as Planning Staff is aware of. This proposed road will run near the property that is being discussed.

Attorney Gerald Bell was sworn in. Mr. Bell's home address is 124 Graham Road, Murray and his business address is 211 South 12<sup>th</sup> Street, Murray. Mr. Bell explained that when this property was before the commissioners before, it consisted of the 2.137 acres. The Planning Commission recommended annexation; however, on October 16, 2012 there was one Commissioner that recused themselves and one Commissioner that abstained from voting. According to Mr. Bell, the Planning Commission did not make a recommendation to the City Council on the zoning; they only made the recommendation to annex. At the City Council meeting on November 8, 2012, the Council voted to table this item until they could listen to the minutes from the Planning Commission when this item was reviewed. Normally when something goes to the City Council, the recommendation for zoning is made by the Planning Commission and the Council either

approves or denies it. According to Mr. Bell, the Council members were confused because they had nothing to approve or deny and they couldn't figure where to go with it. Mr. Bell stated that around the same time, the property owner of the new parcel of land had contacted them concerning the sale of this parcel. Ms. Parker-Bell purchased that parcel and is now under contract with Mr. Wedel and Mr. Peters to purchase the entire 2.648 acre tract provided the annexation and zoning requests are approved. Mr. Bell added that this request is different in two ways. The size of the property has changed and also the proposed plan of the prospective developers has also changed. With the added acreage, they were able to add a recreational area with much more green space to the plan.

**Ryan Stanger made a motion to forward a recommendation to the City Council to annex the 2.648 acre tract of land located on the north side of College Farm Road identified as PVA Parcels 041-0-0151, 0152, & 0153-B 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. Jeremy Boyd seconded the motion and the motion carried with an 8-0 voice vote.**

**Public Hearing: Request to set zoning as R-4 (Multi-family residential) for property to be annexed into the City of Murray located on the north side of College Farm Road just west of North 20<sup>th</sup> Street – Terry Parker-Bell:** Candace Dowdy used a Power Point presentation to show the property on College Farm Road that is currently owned by Terry Parker-Bell. She stated that most of the information was covered in the annexation request for this item. The request by the applicant is to zone this property as R-4 (Multi-family Residential) which can be used for single family or multi-family purposes. The request to annex the property is contingent upon being able to get the R-4 zoning and the proposed planned development project for the property being approved. This property is identified on the Future Land Use Map as Low Density Residential use. If the Planning Commission recommends the annexation and R-4 zoning (Multi-family Residential) the Official Zoning Map, Comprehensive Plan and the Future Land Use Map should be amended to reflect the proposed land use and Planning Staff feels that Medium Density Residential use would be appropriate for the area.

David Roberts made a statement regarding the Future Transportation Map and explained that during the process of updating the Comprehensive Plan there were discussions concerning several future collectors around town. This item was taken to the Purchase Area Development District for consideration under the County Transportation Plan. At that point it was placed on an unfunded unscheduled list and as of the prior week, it had made it up to the next level on the unfunded unscheduled list. This is a projected five year plan and that doesn't even put this item on the six year State's unfunded need list. Mr. Roberts stated that he did not want to give the impression that this collector is a done deal, but it is only on paper and being discussed at this point. Mr. Roberts stated that he felt it was important to give this update on the projected road since the Future Transportation Map shows a road going through the property that is being discussed. Mr. Roberts added that roads could be shifted to the east or to the west and that by the time this plan comes up property may already be developed from College Farm Road up to Hwy.

121 but at least the city has to have an idea of a bypass in case something happens to where 16<sup>th</sup> Street is closed and that has been discussed.

Chairman Pavlick asked Mr. Roberts if he had any additional information concerning a road connecting from College Farm Road to Hwy 121 near the schools. Mr. Roberts replied that he had contacted the State Officials and Design Department of KYTC in District I and discovered that they had met with Calloway County School officials on site and he understands that the results of that meeting were that the school needs to hire a consultant to better manage the traffic flow through their campus and to maybe look for a route through to Hwy 121. The responsibility was put upon the school to come up with a plan. The State is looking at a round-about at Five Points and is in the final stage of design and should be making a decision on that within the next two months. The State also has a design consultant hired for the widening of College Farm Road that will provide a turning lane from the school's campus to the Murray State property. Both of these projects would help alleviate the traffic congestion for College Farm Road.

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

Glen Peters, 4730 High Road, Sedalia, Kentucky was sworn in. Mr. Peters is one of the prospective developers for the proposed project. He showed the Commissioners the previous site plan and the revised site plan for this proposed development. The revised plan shows the buildings being further back off College Farm Road but with the same number of units. However, they are laid out differently on the property with more green space between the buildings. There is also a recreational area planned on the newly acquired portion of the property. There was also a change in the "T" turnaround area across the back of the property that was required by the Fire Marshal for emergency access and also for sanitation pick up. Now there is a designated area where the "T" area will be more readily accessible across the back. Mr. Peters said that they have numerous reasons for wanting this particular property. They would like city utilities available to them and that would be possible if the property is annexed into the city. Mr. Peters stated that they had talked with the Calloway County Health Department concerning wells and septic systems. He added that it is not the easiest thing to do, but it is an option to pursue if annexation does not occur. They would also like to be under the city jurisdiction and that would mean that they would be paying taxes to the city as well. Mr. Peters said that they had checked into other R-4 property availabilities and there doesn't seem to be anything available. They also like this property because of its proximity to the college as college students will be their primary target for tenants. He added with the recent sidewalk installations, this would make it easier for the college students to walk or bike to campus as well as to the Murray State Farm which is located across the street. Mr. Peters stated that he has designed two parking spaces per unit plus added parking near the recreational area.

Mr. Bell came forward and asked Mr. Peters how many units they were proposing. Mr. Peters replied there were 36 one-bedroom units and for the most part they would be rented to one person each. Mr. Peters reiterated that they are targeting college students. Mr. Bell asked how far the campus was from this development and how Mr. Peters anticipated students getting to

campus. Mr. Peters answered they would be located approximately ½ mile from the main campus and 50 feet from the Murray State Farm and he thought students would either bike or walk to classes.

Brad Wedel, 1077 Cavitt Road, Kirksey, Kentucky was sworn in. Mr. Wedel began by addressing the traffic on College Farm Road. Mr. Wedel said that there was quite a bit of concern with additional traffic that might incur if this property is developed as proposed. Mr. Wedel stated that he downloaded a program that shows traffic counts on all Kentucky streets and from College Farm Road at the Murray Country Club to Five Points in 2011 there were 5580 vehicles a day that drove that road. He said if everyone that lives in the proposed development drives that road four times a day that will only impact the traffic by a minimum of an additional 2.5% per day. Mr. Wedel added that if a collector road should come through there, there is still property available to the west of this property that runs all the way to Hwy 121 that is opened. He said that it is unfair to Mr. Bell and his wife to tie up this piece of property with only a speculation that a collector road might go through there in the future. Mr. Wedel said the costs to the city would be minimal because the utilities are already available plus there would be a substantial long term tax base for the city's benefit. They would like very much to work with the city in cleaning this property up by developing it.

Bobby Deitz, 645 Swift Road, Kirksey, Kentucky was sworn in. Mr. Deitz stated that his firm had performed some preliminary engineering work for Mr. Peters concerning this project. On the previous layout, they were confident that they could hook up all the utilities and provide stormwater detention. They are comfortable that they can provide stormwater detention in compliance with the City Ordinance. Mr. Deitz said that on the previous layout there were two separate detention areas, one on the north side and one on the east side of the property. After seeing the new layout today, he said that the revised plan will make the engineering aspects easier.

Gerald Bell came forward. Mr. Bell stated that his wife has owned the property for approximately 20 years with the intent of developing it. They think that this property is well suited for multi-family housing. Mr. Bell said that as an attorney here in Murray, he is fortunate to represent many realtors in town. He is told by them that the need for multi-family housing is great in Murray and there is limited property available in the R-4 zone. Many of the people that he knows that do own multi-family housing is running at 100% capacity which generally represents that there is a need for more. This property is convenient to the Expo Center and the developers have indicated to him that students that are involved with agriculture would likely want to rent the property. Mr. Bell said that since the city has recently built sidewalks along College Farm Road it is more beneficial to walk ½ mile than to drive ½ mile to campus, look for a parking spot and then walk another ½ mile from a campus parking lot to your destination. Thus, many of these tenants are likely to walk to class. This property is contiguous to multi-family housing in the county as well as multi-family housing within the city limits and is not out of character for this area. Brad Wedel and Glen Peters would be happy to have this property in the city limits for the convenience of the city utilities that are available. If this development is not built on College Farm Road and is built somewhere like Jones-Sparkman, the traffic could

have a far greater impact because everyone from that area would choose driving to class instead of walking or biking. Mr. Bell stated as far as the proposed collector road, it is a possible route that may or may not occur. Mr. Bell said that Mr. Wedel and Mr. Peters have come up with a good plan with lots of green space along with a recreational area that is unusual for an apartment complex. Mr. Bell concluded that it is beneficial for this property to be annexed into the city and zoned as R-4 because the city has the ability to regulate and oversee the construction.

Chairman Pavlick asked if there was anyone that wished to speak in opposition to the zoning request.

Yancey Watkins, 803 North 20<sup>th</sup> Street, Murray was sworn in. Mr. Watkins said that he owns two lots that border his property at 803 North 20<sup>th</sup>. Mr. Watkins keeps these lots mowed and maintained. In the past Mr. Watkins revealed that students sometime use the property and leave litter there; therefore, the concern over the recreational area is that they will do the same to that area. Mr. Watkins said that he also has concerns with the standing water on the property. Mr. Watkins stated that when he moved to Murray in 1966, he was told that the Bell property was a wetland and could not have anything built on it. He said that there is water standing there for a month or two during the year. Mr. Crice told Mr. Watkins that he had checked on the property with the State US Department of Fish and Agriculture and did not find the property to be a wetland. Mr. Watkins said that it may not be declared a wetland, but it is wet. He said that the natural flow of the water drains to the south from his property; however, the water from the northwest corner of his property goes northwest to the Bell property and stands there. He has a garage at the back of 805 North 20<sup>th</sup> Street and when it rains, the property is very wet. Mr. Watkins said that he is concerned if they move the water to the east on the Bell property that his two lots that lie to the east will have additional water thrown off on them. Mr. Watkins added that the soil towards the Bell property does not percolate and you will hit clay when you dig down a little bit. Mr. Watkins said that when students park at the back of 2004 College Farm Road after a rain, they have to be pulled out with a wrecker.

Ms. Dowdy reminded the Commissioners that the comments that they have heard tonight are good; however, their task is to set the zoning for the property at this time. If this property is annexed and zoned and the developers move forward with the PDP, concerns such as Mr. Watkins will be addressed at that time. Regardless of the plans, they could have to be altered in order to meet all city requirements.

Chairman Pavlick asked if there was any rebuttal.

Mr. Deitz came forward to address the standing water. He said that their survey indicated that the land is not flat, but it is very flat. The water flows towards the northeast corner of the Bell property. There is a portion of property towards College Farm Road where the water drains to the southeast. He doesn't doubt that there are a few places that do hold water when it rains until it has time to soak in the soil. From west to east there is less than a foot of slope and from north to south there is a contour, but the property is basically flat.

Mr. Watkins came forward. He said that the water from his property at 803 North 20<sup>th</sup> Street drains to the northwest. Mr. Watkins added that he has seen water stand behind 809 South 20<sup>th</sup> and on the additional lot that Ms. Parker-Bell recently purchased. On more than one occasion Mr. Watkins has seen tractors come to mow the property and get stuck up to their axles. They have to stay there for two or three days before a wrecker can get in there to pull them out because of the wet land.

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

Commissioner Peebles reviewed the previous request for annexation and zoning. Ms. Dowdy clarified that the previous recommendation for R-4 zoning was voted on by the commissioners and was denied with 4-2 vote. One person abstained and one person recused; thus the recommendation to annex the property went to the City Council with no recommendation for the zoning. The City Council then tabled the item until they could review the minutes from the Planning Commission; however, Ms. Parker-Bell withdrew her request for annexation before the Council had time to review the matter any further. Commissioner Boyd said that he had abstained from voting on this matter previously because he has a business relationship with Mr. Bell; however, since the previous meeting he has learned that Mr. Bell has no financial interest in the property and that Mr. Bell's wife, Terri Parker-Bell is the actual owner of the property. Commissioner Boyd asked if he needed to abstain from voting this time as well. He added that if he voted this time, he did not want there to be any questions why he voted one time and abstained another. Ms. Dowdy stated that if Commissioner Boyd has either a direct or indirect financial conflict of interest that he should abstain again. Commissioner Boyd said that as a businessman he has a direct or indirect financial conflict of interest with a lot of people in the community. Ms. Dowdy told Commissioner Boyd that he would have to make that decision on his own.

Mr. Crice said that a sign was posted on the property two weeks before the meeting and all adjoining property owners were sent notices of the meeting. He then showed pictures that he took the previous Friday during the time that the Calloway schools had just let out. He stated that he took pictures from around 2:55 until 3:15 p.m. and during that time there was a constant steady stream of traffic. Mr. Crice said that he did not know if this traffic situation would change if improvements are made at Five Points, but he felt it necessary to show the commissioners the pictures of the traffic situation. Commissioner Stanger said that the traffic seems to be worse at the beginning and the end of the school day. Mr. Stanger said that Mr. Bell had mentioned the property on Jones-Sparkman where 45 units have recently been developed and he agreed that this particular development has probably increased the traffic on College Farm Road. Commissioner Stanger recalled when he was a student at MSU and how far he had to park from his classes. He stated that he would much rather live in these proposed apartments and walk to campus from that location than try to drive and attempt to find a parking space.

David Roberts reminded the commissioners that this was only a public hearing and if it should pass as R-4 it will be brought before the commissioners again as a Planned Development Project



just as Ms. Dowdy had stated. There will be notices sent to the adjoining property owners for another public hearing where concerns will be addressed at that time. Ms. Dowdy added that there are multiple things that will be considered if this project moves forward such as the drainage issues that had been brought up. She said that is up to the commissioners to decide if the R-4 zoning is appropriate and it fits within the area. Commissioner Krieb said that he thought they would be better off if this property was located in the city limits so that they could have better control of the project.

**John Krieb made a motion to forward a recommendation to the City Council to set the zoning as R-4 (Multi-family Residential) for the 2.648 acre tract of land owned by Terry Parker-Bell located on the north side of College Farm Road and identified as PVA Parcels 041-0-0151, 0152, & 0153-B based on the following findings of fact:**

- **The current property has no zoning and the property owner has requested R-4 zoning.**
- **There is R-4 zoning approximately 550 feet to the east of this property.**

**In support of this motion it was also shown that there is a lack of multi-family property available within the city limits and that this property has current city utilities available to it and that the location of the property is within a close proximity to MSU campus making it easily accessible since the recent construction of sidewalks along College Farm Road. He also recommended that the Official Zoning Map and the Future Land Use Map in the Comprehensive Plan be updated to Medium Density Residential which reflects this zoning. Mary Anne Medlock seconded the motion and the motion carried with a 6-1 voice vote. Ed Davis voted no and Ed Pavlick abstained from voting. Commissioner Jobs re-entered the meeting at 6:18 p.m.**

**Questions and Comments:** Mr. Crice reminded the commissioners that he still had three schedules for 2013 meetings that haven't been picked up and encouraged those who didn't have a schedule to see him. He also added that the financial statements had been e-mailed and needed to be returned to Mr. Crice or Melissa Taylor as soon as possible.

**Adjournment: Tom Kind made a motion to adjourn. Mary Anne Medlock seconded the motion and the motion carried unanimously. The meeting adjourned at 6:19 p.m.**

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Chairman, Ed Pavlick

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Recording Secretary, Reta Gray