

MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, FEBRUARY 19, 2013
5:00 P.M.

The Murray Planning Commission met in regular session on Tuesday, February 19, 2013 at 5:00 p.m. in the council chambers of City Hall located at 104 N. 5th Street.

Commissioners Present: Tom Kind, John Krieb, Ed Pavlick, Marc Peebles, Jeremy Boyd, Ed Davis, Mary Anne Medlock, Kevin Perry and Ryan Stanger

Commissioners Absent: Loretta Jobs

Also Present: Candace Dowdy, Justin Crice, Reta Gray, David Roberts, Hawkins Teague, Mark Manning, Dale Campbell, Jim Tate, Troy Stovall, Helen Spann, Brad Wedel, Attorney Gerald Bell, Yancey Watkins and public audience

Chairman Pavlick called the meeting to order. Chairman Pavlick asked the commissioners if there were any changes, additions or deletions to the minutes from the January 15, 2013 regular meeting.

John Krieb made a motion to accept the minutes from the January 15, 2013 Planning Commission regular meeting as presented. Marc Peebles seconded the motion and the motion carried unanimously.

Subdivision Plat Review: Proposed multi-family residential subdivision located on State Route 121 North (east of Graham Rd) – Ryan Stanger, Developer: Candace Dowdy used a Power Point presentation to show the 2.99 acres at 1674 State Route 121 North (east of Graham Road) that is owned by Ryan Stanger. The property is located in the county but it falls within the City's four mile radius for subdivision review. Mr. Stanger intends to divide the property into seven lots which will require the review as a major subdivision. The lots range from 1/4 to 1/3 acre each in size. Mr. Stanger is proposing to construct a six unit building on lots 1 – 6 for a total of 36 units. Lot 7 cannot be used for building purposes, but will be used for stormwater detention and green space. The two entrances to this subdivision will be private drives. Ms. Dowdy said that since Mr. Stanger was proposing private drives which would not be maintained by the county there probably wouldn't be any reason for Judge Elkins to sign off on the plat as he does with other subdivisions that have platted streets where the county will take them over for maintenance. Due to the topography of the land and given the fact that part of the property on the west side lies within a floodplain, there are restrictions as to how the property can be developed. Mr. Stanger would like to develop this property so that if he should choose to sell the lots at some point in the future he could; thus, the division into 7 lots. By doing this he is proposing private drives that would allow each property owner to own and maintain the paved roadway in front of their lot. The private drive on the west side of the property is approximately 127 feet in length and the private drive on the east side of the property is approximately 365 feet in length. The subdivision regulations require two parking spaces per dwelling unit which are being provided. Lots 4, 5, and 6 require a 10 foot rear setback variance. The property is served by city water and gas on the south side of Hwy 121 and sewer runs through the property. Ms. Dowdy noted that in the Subdivision Regulations it states *that there shall be no private streets platted in a subdivision* so this is something the Planning Commission will have to consider in this review process. Mr. Stanger is requesting preliminary and final subdivision plat approval at the same time. David Roberts explained that the flood line that is shown on the preliminary plat is actually approximate and is shown on the Flood Plain Map dated September 29, 2010. In order to get to the base flood elevations for properties in the county, each site will have to be surveyed individually. Mr.

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Roberts said that he thought they had already started this process and the flood plain will be shown a little farther to the east than what the plat shows. It will be closer to the development than it currently is shown, but doesn't encroach on the development itself. Commissioner Krieb asked if there would be a turnaround for fire/emergency personnel, which is normally suggested for developments of this type. Ms. Dowdy replied that since this development was not in the city, that it would not be serviced by the city fire department, it will be serviced by the Calloway County Rescue Squad. She stated that this was discussed with Mr. Stanger and suggested that he contact the Rescue Squad about this. Chairman Pavlick noted that there are two streets within the development, but they don't tie together. Commissioner Perry asked how the trash collection would be handled. Ms. Dowdy stated that this development would not be serviced by the City of Murray Sanitation Department and at this point she is not sure what Mr. Stanger's intentions are concerning trash pick-up. She stated that he might consider providing a dumpster area to serve all the residents. Ms. Dowdy explained that a portion of this property is contiguous to the city limits on the south side of Hwy 121; however, since there is no other property along the north side of Hwy. 121 that is in the city limits it doesn't seem feasible to bring the property into the city at this time. The commissioners showed numerous concerns for the sanitation pick-up, fire protection and private drives being maintained. Ms. Dowdy stated that adjoining property owners were notified of the meeting as a courtesy.

Ryan Stanger came forward and was sworn in. Mr. Stanger stated his home address as 1715 Doran Road South and his business address as 1105 State Route 121 North, Murray. Mr. Stanger stated that he is an appraiser and sells real estate by trade. Mr. Stanger stated that prior to him purchasing this property in November 2012 he became aware that the property had city utilities available without it having to be annexed since it was surrounded by county on all sides. Mr. Stanger stated that it was his understanding that the previous property owner had paid to have city utilities run to this site some 20 years ago and because of that reason the property has city utilities available. Mr. Stanger stated that he had contracted BFW Engineering for a number of things and that the first thing was to determine exactly where the flood line is. He stated that each flood zone is different and that this property is located in a Flood Zone A and more or less the flood zones determine how in depth the studies are for that area. Zone A is the least detailed study that provides a detailed map that says the flood zone is somewhere near this line. Mr. Stanger said that if he ever had to borrow money against this project his bank would want to know if the property is in a flood zone and if it is they would want a Certificate of Elevation for the property. Mr. Stanger said for BFW to give him a map with the exact location of the flood zone would cost tens of thousands of dollars; however, they can issue him a Certificate of Elevation that will let him know where the buildings can be built. Mr. Stanger has spoken to the KY Division of Water and their recommendation was to avoid building in a Flood Plain. Mr. Stanger stated that he has looked at several different options for developing this property and he thinks the plan he has chosen is the most financially feasible and yet still provides the most green space without being all building and asphalt. Ron Millay with the KY Transportation Cabinet will be working with Bobby Deitz from BFW in order to meet all state codes. Mr. Stanger added that he has spoken to Tommy Morgan, Fire Chief of the Calloway County Fire and Rescue and he had indicated that the conditions for the development are better than most developments of this type. He is not concerned with a turnaround but would appreciate one. Mr. Stanger had initially planned for a water hydrant to be on the property; however, Mr. Morgan indicated that they typically use their pump trucks because it's quicker and sometimes they find hydrants not in working condition. The plan is to have an extension at the end of the private drive to have a turnaround and a screened dumpster area. This is not on the preliminary plat because at that time they didn't know exactly where it would be located. Parking spaces are adequate for the development as well as guest parking. Commissioner Perry asked him if he had considered two story units. Mr. Stanger stated that the proposed units are two-story, two bedroom, with two and a half bathrooms per unit. They

will have an exterior of brick and stone and will be approximately 1,025 square feet per unit. (Pictures were shown of the proposed apartments.) Mr. Stanger stated that he has appraised several developments in Murray and these proposed units are larger than any others that he is aware of in Murray. Mr. Stanger stated that he would maintain the roads within the development and he has no intentions of selling the lots. He stated that in multiple building developments you have to establish lot lines per Article 5 of the Subdivision Regulations so he felt like it was best to go ahead and do that now. He stated that if he had to establish lot lines he wanted to do it in a way that if something happened to him it would be easier for his wife to sell one or all of them if she didn't want to manage the apartments. He added that the reason he wasn't establishing covenants and restrictions is because he intends on owning and managing the development himself but if he should sell a lot then he would want to establish covenants and restrictions. Mr. Stanger said that he had not been in contact with Judge Elkins because he did not feel that there was any reason at this point since the county would not be maintaining the roads. He added that it was his understanding that if he established the streets as private driveways, then the county would not maintain them if they did not have the appropriate 50 foot right of way. Commissioner Krieb asked how much green space would be available. Mr. Stanger replied that almost half of the project is now green space. Lot 7 will have primarily most of the green space. In addition there will be 16 feet between the patios and approximately 30 feet between each building with a 25 foot area behind the majority of the buildings. Mr. Stanger said that after speaking to Mr. Roberts and seeing that the final plat looked a lot like the preliminary plat, he decided to present both plats at the same time for approval. Commissioner Medlock said that the final plat is still missing information such as the turnaround and the potential hydrant. She added that she would feel uncomfortable approving the final plat without that information. Mr. Stanger agreed that those items were not on the plat; however, they were in the overall plan along with the sanitation pick-up. He added that he had spoken to CWI and they approved the site that he has decided on for the sanitation. There is room to put two dumpster sites but it makes the proposal far less appealing than having only one site. Mr. Roberts added that when this development was presented, there were not any infrastructure improvements to be constructed that you typically see in a major subdivision which was the reasoning behind presenting both plats simultaneously. Mr. Stanger said that he is waiting on the final word from the Engineer as to where he would locate the detention area; therefore, he wasn't exactly sure where he was going to put the turnaround. Chairman Pavlick said that he would like to see this project looked at by Judge Elkins. Mr. Stanger said that the first plat that he had submitted to the Planning Staff had a place for the Judge's signature on it; however, he was told that the signature was not necessary so he had it removed. He made two attempts to contact Judge Elkins and being unsuccessful, decided not to talk with him. He added that he would be happy to discuss this with Judge Elkins, but asked for specifics what he should discuss with the Judge. Chairman Pavlick said that he should take the information discussed tonight to the Judge and make him aware that the project will be located in a Flood Plain area. Ms. Dowdy asked if additional parking could be provided if needed. Mr. Stanger said that it could.

John Krieb made a motion to approve the preliminary plat as presented and to hold off on the final plat until it comes back to the Commissioners with the additions of sanitation, parking and turnaround roadway. Tom Kind seconded and the motion carried with a 5-3 voice vote. Ed Davis, Jeremy Boyd and Mary Anne Medlock voted no.

Mr. Stanger asked for clarification as to what he needed to bring back before the board for Final plat approval. Ms. Dowdy explained that they would like to see the turnaround at the end, a location of the dumpster area, additional parking or a proposal for additional parking on the plat. They would also like for Judge Elkins to be made aware of the plat to see if he has any concerns about it. The Commissioners added that they would like for the plat to show sidewalks leading to the dumpster area and/or an

additional trash area and setback areas. Commissioner Boyd asked Mr. Stanger to look at the possibility of connecting the two private drives which could possibly alleviate several of the issues. *Ryan Stanger joined the Commissioners at 6:10 as he was recused from the earlier portion of the meeting.*

Acceptance for Maintenance: Accept Robert Young Boulevard for maintenance located in Murray-West Industrial Park – Murray-Calloway EDC: Candace Dowdy used a Power Point presentation to show the Murray-West Industrial Park that is owned by the Murray Calloway County Economic Development Cooperation. Ms. Dowdy stated that there had been some issues as to naming the street; however, that has been resolved and that the new name would be Young Boulevard. The EDC has recently sold a lot in the Murray West Industrial Park and they are now requesting the City of Murray to take over maintenance of Young Boulevard. The length of the street is 999.31 feet. The street has been constructed according to city standards and has been inspected by the City Engineering Department for compliance. The new Industrial Park was annexed into the city limits in 2010 upon the request of the Murray Calloway County Economic Development Cooperation in exchange for city utility services.

Jeremy Boyd made a motion to forward a recommendation to the City Council that Young Boulevard be accepted by the City of Murray for maintenance. John Krieb seconded the motion and the motion carried unanimously.

Minor Subdivision Plat Review: 1300 North 16th Street – Dale Campbell: Candace Dowdy used a Power Point presentation to show the property located at 1300 North 16th Street that is owned by Dale Campbell. A minor subdivision plat was approved in June 1999 dividing this property into two tracts; tract 1-A and 1-B. Tract 1-B has a restricted approval on it where it can only be conveyed to an adjoining property owner because it does not have any road frontage. Both properties are zoned B-2 (Highway Commercial). Mr. Campbell has recently had the property re-platted and is now proposing to sell the front tract known as ‘new tract 2-A’ and keep the back tract known as ‘new tract 2-B’ for himself. In doing this, tract 2-B will not have any road frontage but will have a 40 foot access easement across tract 2-A to access tract 2-B for future development. The proposed access easement is 75 feet at the street and then narrows to 40 feet back to tract 2-B. This is to keep the existing entrance within the access easement. Tract 2-A will be 1.64 acres and Tract 2-B will be 3.38 acres. Ms. Dowdy stated that they had spoken to the Fire Marshal concerning the access easement and he did not have problems with the request.

Marc Peebles made a motion to approve the minor subdivision plat for Dale Campbell at 1300 North 16th Street as presented. John Krieb seconded the motion and the motion carried with a 9-0 voice vote.

Public Hearing: Preliminary plat review for residential Planned Development Project on south side of Lowes Drive – Troy Stovall: Justin Crice used a Power Point presentation to show the 4.435 acre tract of land on the south side of Lowes Drive (south of The Chase Apartments) that is now owned by Troy Stovall. The property was rezoned in February 2008 from R-4 to B-2 which allows residential planned development projects as a conditional use. Mr. Stovall plans to develop this property in three phases and that will need to be noted on the Final plat. The property has previously been used as a rock quarry with a portion of it used as stormwater detention for The Chase and some of the North 16th area. Mr. Crice stated that the preliminary plat shows 60 one bedroom units on the lot. The units are 16.7 ft. wide and 36 ft. in depth. The property has one 30 foot entrance off Lowes Drive with a minimum 24 foot drive aisle around the development. Parking requirements for a development of this size are 180 parking spaces; however, the site plan only shows 124 parking spaces (which is two parking spaces per dwelling

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unit with four visitor spaces). A 56 parking space variance is required per parking requirements. Planning Staff feels that this variance request is satisfactory for a development of this nature. Building setback requirements are being met. A landscape plan will be required for this project. Enclosed dumpster areas are shown in three locations on the property and the proposed locations were approved by the Sanitation Department. Fire Marshall Dickie Walls reviewed the site plan for fire access compliance and stated that a fire hydrant is needed somewhere on the property. The sewer is still in question; however, Mr. Stovall believes that the sewer can be served by connecting with the existing sewer on the south side of Lowes Drive. If this project receives preliminary approval, the staff will be working with Mr. Stovall on the engineering of the stormwater detention with the intention of designing a plan that will accommodate needed improvements to the overall drainage for the North 16th Street area. Commissioner Kind asked if the current detention area would remain on the property. Mr. Crice replied that it would and that it would be revamped to accommodate additional run-off for the greater good of the surrounding area. Mr. Roberts explained that KYTC design will direct more water back into the area; therefore, they felt that having an engineer look into this matter at this time would not only prove beneficial to Mr. Stovall's development, but to the entire area spanning from Hwy 121 North to North 16th. Adjoining property owners were notified of the hearing and a sign was posted on the property.

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

Troy Stovall, 151 Lake Song Lane, Murray was sworn in. Mr. Stovall explained that the water from this development would be piped north to the original detention basin. He continued that the development would have retaining walls to catch the run-off and the plan is to pipe it underground to the detention area. Mr. Stovall projected that the development would take approximately 2 years to complete and confirmed that he planned to develop the property in three phases (not knowing at this time which area he would develop first). Commissioner Medlock stated that the commissioners always liked to see two entrances. Mr. Stovall replied that the way the property laid, it is hard to get two entrances on this piece of property.

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

Helen Spann, 846 Old Salem Trust, Murray was sworn in. Ms. Spann stated that she is neither for or against the project; however, she did have some questions. Ms. Spann owns property on North 16th that adjoins the property that Mr. Stovall is proposing this development and her son, Ricky Spann owns property that adjoins on the Hwy 121 side. Ms. Spann wanted to know if there would be any type of screening between the development and the other properties. Ms. Dowdy replied that they would require Mr. Stovall to present a landscape plan with screening. Ms. Spann said that she is concerned about the foot traffic across her property becoming worse as the area is developed. She stated that she has experienced foot traffic from individuals that have left The Keg fleeing police officers. Ms. Spann also indicated a drainage problem on her property that currently has run-off from surrounding properties. She wanted to know how the development would affect the drainage on her property. David Roberts replied that there should not be any increase in water flow and hopefully she would see a decrease in the water flow across her property.

Chairman Pavlick asked Mr. Stovall if he would like to rebut anything Ms. Spann had said.

Mr. Stovall came forward and stated when the detention area is upgraded the drainage issues on Ms. Spann's property would be immensely improved. He said that the current water detention pond had been

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neglected for the past 10 years and that beavers had been there and dammed up an area that was causing the water not to have the proper flow. Mr. Stovall addressed the foot traffic across Ms. Spann's property and said that if there were people cutting across her property and going through the woods, they were pretty tough since that terrain is less than desirable.

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

David Roberts said that this development will require a minor water main extension to serve this property. There has been a need of tying the lines together in the area and this would actually be a forward move in getting this completed. He does not foresee any problems.

Tom Kind made a motion to approve the preliminary plat for the Residential Planned Development Project on the south side of Lowes Drive for Troy Stovall. This is contingent upon the BZA approving the conditional use permit and any necessary variances. Ryan Stanger seconded the motion and the motion carried with a 9-0 voice vote. Jeremy Boyd left the meeting at 6:42 p.m.

Public Hearing: Preliminary plat review for residential Planned Development Project on north side of College Farm Road - Brad Wedel & Glen Peters: Justin Crice used a Power Point presentation to show the 2.648 acre tract of land located on the north side of College Farm Road that is owned by Glen Peters and Brad Wedel. The property previously consisted of two tracts of land; however, a minor subdivision plat consolidating this property was recently approved by the Planning Department and recorded. The property has gone through the first reading of the City Council in the process of being annexed into the city limits. Once the annexation process is completed, the property will be zoned R-4 (Multi-family residential). Mr. Peters and Mr. Wedel are proposing to develop a multi-family residential planned development project on the property. This project was reviewed for advisory and compatibility in September 2012 and is now moving forward with preliminary plat review. Mr. Crice explained that the preliminary plat shows the development as 36 one-bedroom units. The size of each unit is 18 feet x 32 feet. The site plan layout has changed since the September 2012 review due to additional property that was purchased. The development has a twenty-four foot entrance off College Farm Road. Based on the number of units, 108 parking spaces are required for this development with 75 parking spaces being shown on the site plan. This will provide two parking spaces per unit with three visitor parking spaces. A variance of 33 parking spaces will be required for this project to move forward. All building setbacks are being met. Five foot concrete walkways are shown in front of the units with each unit having a concrete patio in the rear. It has been suggested to the developer that they construct a sidewalk along one side of the entrance to the development that connects to the sidewalk along College Farm Road. The enclosed dumpster area will be located to the rear of the property along the west side. A landscape plan will be required and it has been discussed with the developers about placing an eight foot privacy fence around the perimeter of the property in order to provide screening to the adjacent properties. The Fire Marshall has reviewed the plat and approved the "T" turnaround. He also indicated that a fire hydrant will need to be located somewhere on the front of the property for proper fire protection. There is a detention area shown on the preliminary plat; however, Planning Staff has spoken to BFW and there have not been any stormwater detention plans calculated at this time. The developers will be required to submit the plans for detention prior to any final approval. All adjoining property owners were notified, public notice was put in the local newspaper and a sign was posted on the property notifying the public of the meeting. Mr. Crice noted that the Planning Staff had received some feedback on this proposal. He added that Mr. Wedel and Mr. Gerald Bell (representative of the former owner of the property) were there if anyone should have additional questions.

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

Brad Wedel, 1077 Cavitt Road, Kirksey, Kentucky was sworn in. Mr. Wedel stated that he and Mr. Peters are enthused with the project for several reasons. One reason is the close proximity to the University and the University Farm. They plan to target Murray State University students and believe that with the recent installation of sidewalks more students will walk to class. Mr. Wedel added that the property is very flat and some of it does hold water; however, he is convinced that there is a solution to this problem that will not only alleviate the problem for them but for the surrounding neighbors. Privacy screening is no problem for the developers. Mr. Wedel said that with the property to the west, they feel like screening is necessary as that property is representative of a McDonald Farm. They plan to leave several of the large trees in the green space in front of the development.

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

Yancey Watkins, 803 North 20th Street, Murray was sworn in. Mr. Watkins said that he was not against the development of the property; however, he did think that constructing 36 units on this particular piece of property was too many. Mr. Watkins is concerned about the potential diversion of water to and from his property. Mr. Watkins has owned the two lots east of the proposed development for 46 years and for that entire time water has drained slowly from the northwest corner of his property across the “original portion” of the Parker-Bell property and the Cavitt woods. Mr. Watkins stated that the “newly purchased portion” of the Parker-Bell property has been wet as long as he has lived there even though it has never officially been declared “wet land”. All of the property is relatively flat without much if any significant elevation. Mr. Watkins said it is more appropriate to talk about oozing, seeping and trickling than to talk about run-off when referring to this property. Using the overhead, Mr. Watkins showed pictures that he had taken on January 11, 2013 at 3:00 p.m. after a typical overnight winter rain from the previous night. Each of the pictures showed an abundance of water standing on the property. (*Pictures were submitted as Exhibit A.*) Mr. Watkins pointed out that one of the pictures was the site where one of the proposed units was to be located. Mr. Watkins said that approximately 10% of the property would remain in landscape and 90% would become hardscape to the new proposal. His concern is that rainwater and run-off will continue to flow across his property at an even greater rate. According to Mr. Watkins calculations there would have to be a substantial basin to hold the amount of water that is generated on these properties. Mr. Watkins had the following two requests that he wished for the Commissioners to consider:

- 1) A detention pond be constructed that would be sufficient to handle the anticipated amount of run-off along with the existing surface water from the Parker-Bell property and his property.
- 2) Installation of a fence to screen his property from the development.

Chairman Pavlick asked if there was any rebuttal.

Mr. Wedel said that after talking to the engineer, the plan is to build the property up with some of the flow going towards College Farm Road and follow the normal path of flow to the north for the remainder which will alleviate some of the existing problem. Mr. Wedel said that there are possibilities to get the water flowing off the property if everyone in that area is willing to work with them.

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

Commissioner Stanger said that it appeared that the adjoining property owners already have an existing water problem and that he would trust an engineer to help alleviate the situation for all. He thinks it will be beneficial for everyone to work together. David Roberts said that there are a lot of trees and debris that are probably blocking the natural flow over the years and if that is cleaned up, that alone should be an improvement. Mr. Roberts explained that the site would not be allowed to change the flow characteristics onto the adjacent property owners; it should be able to handle the pre-development as opposed to the post-development regulations. Chairman Pavlick asked if it is typical to show a plan for the detention area work at this stage. Mr. Roberts said that typically they don't require that at this point. It is usually determined by the time the final plat is presented. The engineers have made preliminary assumptions, but the design has not been determined. Commissioner Stanger asked if the final plat would require an engineer's signature. Mr. Roberts replied that they will have spoken to the engineers by that point, but that does not necessarily mean that they will have the design finished; however, there will not be any building permits issued until it is all finalized. Ms. Dowdy added that this is sometimes added to the final plat where any approval is contingent upon the stormwater plans being submitted to Planning Staff for review and approval.

Ryan Stanger made a motion to approve the preliminary plat for Glen Peters and Brad Wedel on a Residential Planned Development Project located on the north side of College Farm Road contingent upon the BZA approving the conditional use permit, any necessary variances and approval of the stormwater detention. Tom Kind seconded the motion and the motion carried with a 7-1 voice vote. Marc Peebles voted no.

Questions and Comments: None

Adjournment: Ed Davis made a motion to adjourn. Ryan Stanger seconded the motion and the motion carried with a unanimous vote. *The meeting adjourned at 7:13 p.m.*

Chairman, Ed Pavlick

Recording Secretary, Reta Gray