

**MURRAY PLANNING COMMISSION MINUTES  
REGULAR MEETING  
TUESDAY, OCTOBER 15, 2013  
5:00 P.M.**

The Murray Planning Commission met in regular session on Tuesday, October 15, 2013 at 5:00 p.m. in the council chambers of City Hall located at 104 N. 5<sup>th</sup> Street. The meeting was delayed for a few minutes while waiting on the arrival of two board members. The meeting began at 5:08 p.m.

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

**Commissioners Absent:** Loretta Jobs and Tom Kind

Also Present: Candace Dowdy, Justin Crice, Mike Pitman, Reta Gray, Hawkins Teague, Tung Dinh, Jerry Duncan 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 September 17, 2013 regular meeting. Ms. Dowdy replied that there were a few minor changes that she would be making to the minutes.

**Marc Peebles made a motion to accept the minutes from the September 17, 2013 Planning Commission regular meeting as amended. Ryan Stanger seconded the motion and the motion carried unanimously.**

**Advisory Meeting: Proposed Residential Planned Development Project located at 807 & 809 Coldwater Road – Tung Dinh:** Justin Crice used a Power Point presentation to show the property at 807 & 809 Coldwater Road. This property is owned by Tung & Giao Dinh. There are two separate tracts of land totaling approximately four acres with the proposed development's density being around 9.5 units per acre (minus approximately one acre for parking). The front portion is zoned B-2 (Highway Commercial) and the back portion of this property was rezoned from R-2 to B-1 (Neighborhood Commercial) in 2006. At that time, the Dinh's indicated they would like to put a fitness center on the property at 809 Coldwater Road and possibly a day care center at 807 Coldwater Road. The Quest Fitness Center was built and is located on the north tract at 809 Coldwater Road; however, the Dinh's did not move forward with the daycare. They are now proposing to add residential apartments to both lots. Mr. Crice stated that the site plan indicates adding four buildings with a total of 28 units. The owners have proposed 20 (2) bedroom units and (8) one bedroom units totaling 48 bedrooms for this project. The property has a 24 foot wide shared entrance (drive aisle) off Coldwater Road that goes all the way to the west side of the property. Three of the proposed residential buildings will be situated in the green space along on the east side and are proposed as two stories. The fourth building will be located directly across from the fitness center and is proposed as a one story building. There are 118 existing parking spaces that were initially provided for the fitness center and the proposed daycare. 60 spaces were required for the two businesses. Additional parking for the residential units will be provided in front or behind the three proposed buildings located

to the front of the property. If this project moves forward, sanitation pickup will need to be addressed. Fire Marshal Dickie Walls has reviewed the site plan and approved the accessibility route to the buildings. Underground stormwater detention is in place for this property but will need to be recalculated for the additional buildings being placed on this site. A privacy fence meeting screening requirements is in place where the property is adjacent to residential zoning to the North, South, and West. There is also some additional natural screening along the west side of the property; however, additional landscaping and buffers should be discussed during the PDP process.

Candace Dowdy explained that when Mr. Dinh had originally built the fitness center, he was only required to have a building permit since that proposal was for one business on each lot; however, this development will have to be reviewed as a planned development project because of multiple buildings being proposed on each lot and the proposed residential use in a business zoning district. Mr. Dinh is required to have 60 parking spaces available for his day-to-day operation; however, when he has special events a couple of times during the year he might use 80 spaces. Ms. Dowdy added that Mr. Dinh will still have additional spaces left for overflow parking. She stated that the Planning Staff had recommended the parking be placed to the back of the proposed buildings for aesthetic reasons and to keep people from backing out into the drive aisle. Commissioner Davis explained that he travels that road every day on the way home and asked if there could be a stop sign installed at the entrance to Coldwater Road. Mr. Davis added he has almost been run over numerous times from the people exiting Mr. Dinh's facility. Ms. Dowdy replied that would be something that could be recommended. She explained that since this was an Advisory Meeting, this would be the time for the commissioners to make comments about the direction of Mr. Dinh's proposal. Chairman Pavlick stated he is normally concerned about having only one entrance to a development, but he stated that he had driven around the property and concluded that it is fairly level land; thus, it shouldn't be a problem for emergency vehicles to access if the entrance was blocked for some reason. Ms. Dowdy stated when Mr. Dinh built the fitness center he owned some property along College Farm Road and that there had been some discussion about putting in an access road that would exit off College Farm Road in case of an emergency situation; however, they thought that might not be a good idea to put the access road through a residential piece of property. Commissioner Medlock suggested that the proposed buildings on the southeast side be pushed apart and a drive aisle put between the buildings. Ms. Medlock continued to say this might eliminate some parking but since there is plenty of parking available already, it would not present a problem. Ms. Dowdy said that there is approximately 194 feet of road frontage on the two lots. She added that it might be a nice idea to put a sidewalk in the development that would connect to the new sidewalks proposed along Coldwater Road. Ms. Dowdy said that Mr. Dinh was present to answer any questions that the commissioners might have.

Tung Dinh, 809 Coldwater Road, Murray was sworn in. Mr. Dinh stated that instead of putting a stop sign at the end of the road, he thought a speed bump might be a better choice. Ms. Dowdy said that would be acceptable since the drive aisle would be on private property. Mr. Dinh stated that he had once housed an after school program in the fitness facility, but that he had done away

with that approximately three years ago and that the fenced in playground area would be removed. Mr. Dinh also explained that he had sold the adjoining property.

**John Krieb made a motion to forward the proposed residential planned development project for Tung Dinh at 807 & 809 Coldwater Road to the BZA for their consideration on compatibility to the area. Marc Peebles seconded the motion and the motion passed unanimously.**

**Public Hearing: Request to rezone a 5.155 acre tract of land located east of 506 Industrial Road from Floodway to Industrial – Jerry Duncan:** Candace Dowdy used a Power Point presentation to show a 5.155 acre tract of land located to the east of 506 Industrial Road (Murray Mold & Die). The property is owned by Jerry Duncan and is part of 168 acres that was previously owned by the Murray Calloway Economic Development Corporation. The property was annexed into the city in 1990 and zoned Floodway at that time. Mr. Duncan's request to rezone another tract (1.215 acres) of this land was approved in July of 2008 by the Murray Planning Commission and later passed by the Murray City Council. Mr. Duncan is now requesting to rezone a 5.155 acre tract to Industrial zoning. Mr. Duncan has submitted a (LOMR-F) Letter of Map Revision Based on Fill from FEMA that shows that this portion of his property has been removed from the Special Flood Hazard Area (SFHA) since the elevation of 464.0 feet is maintained on the property. Mr. Duncan's request to rezone this property from Floodway to Industrial zoning is in line with the City of Murray's Comprehensive Plan. The future land use map identifies this property as Industrial/Warehousing. Ms. Dowdy continued that Mr. Duncan has indicated that he would be building some type of industrial warehouse. Sewer and water are available to the property. Ms. Dowdy added that Mr. Duncan was in attendance if there should be any questions from the commissioners. Commissioner Krieb asked how much above the flood hazard area that the property actually is. Mr. Crice said that the Floodway is 463.8 ft. and the property is 464.0 feet. Commissioner Boyd asked for clarification on what property is actually in the city limits. Ms. Dowdy explained that Mr. Duncan's current business (Murray Mold & Die) is in the county, but the rest of his property is in the city. She stated that Planning Staff had talked to Mr. Duncan about him annexing his business property so that all of his property would be in the city. All adjoining property owners were notified.

Chairman Pavlick opened the public hearing and asked if there was anyone that wished to speak in favor of the zoning request. There was no one. Chairman Pavlick asked if there was anyone that wished to speak in opposition to the zoning request. There was no one. Chairman Pavlick closed the public hearing and turned it over to the commissioners for discussion. Commissioner Boyd asked Mr. Duncan if he had any issues with insuring his buildings.

Jerry Duncan, 2620 Hwy 94 West, Murray was sworn in. Mr. Duncan stated that he had not had any issues with getting insurance on his buildings. He said that the letter from FEMA is sufficient for getting insurance and that it is official now that the property has been removed from the Special Flood Hazard Area.

**Ryan Stanger made a motion to forward a recommendation to the Murray City Council to rezone a 5.155 acre tract of land located to the east of 506 Industrial Road and owned by Jerry Duncan, from Floodway to Industrial Zoning based on the following findings of fact:**

- **The request is in line with the Future Land Use Map in the City of Murray Comprehensive Plan which identifies the use of this property as Industrial/Warehousing**
- **The property owner has submitted a (LOMR-F) Letter of Map Revision Based on Fill from FEMA removing this portion of the property from the Special Flood Hazard Area**

**He also recommended that the official Zoning Map and the Future Land Use Map in the Comprehensive Plan be updated to reflect this zoning. Marc Peebles seconded the motion and the motion carried with an 8-0 roll call vote.**

**Election of Officers:** Ms. Dowdy stated that a new slate of officers to begin on January 2014 is needed. The current slate of officers is as follows:

Chairman – Ed Pavlick  
1<sup>st</sup> Vice Chairman – Tom Kind  
2<sup>nd</sup> Vice Chairman – Ed Davis  
Secretary – Loretta Jobs

**Marc Peebles made a motion to accept the current slate of officers as the new officers for 2014. Kevin Perry seconded the motion and the motion carried unanimously.**

**Questions and Comments:** Ms. Dowdy announced that some of the members would be going to continuing education the following day and if they were riding with David Roberts or Justin Crice, they would be leaving around 7:30 a.m.

**Adjournment: Ed Davis made a motion to adjourn. Jeremy Boyd seconded the motion and the motion passed with a unanimous vote. *The meeting adjourned at 6:00 p.m.***

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Chairman, Ed Pavlick

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Recording Secretary, Reta Gray