

**MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, FEBRUARY 18, 2014
5:00 P.M.**

The Murray Planning Commission met in regular session on Tuesday, February 18, 2014 at 5:00 p.m. in the council chambers of City Hall located at 104 North 5th Street.

Commissioners Present: Kevin Perry, Ed Pavlick, Marc Peebles, Jeremy Boyd, Robin Zhang, Mary Anne Medlock, John Krieb and Ed Davis

Commissioners Absent: Loretta Jobs and Tom Kind

Also Present: Candace Dowdy, David Roberts, Reta Gray, James Oakley, Jennifer Tolley, Peyton Mastera, Mike Pitman, Hawkins Teague, Bill Adams, James "Nat" Rassi, Helen Spann, Jon King, Justin Phillips, Carol Falwell, John Crofton, Steve Bishop, Eric Penniston, Heather Duffy, Kent Haneline, Diane Bigary, Stacy Butterworth, Ann Beck, Rick Johnston and public audience

Chairman Pavlick called the meeting to order and welcomed all guests and applicants. Chairman Pavlick asked the commissioners if there were any changes, additions or deletions to the minutes from the January 21, 2014 regular meeting.

Ed Davis made a motion to accept the minutes from the January 21, 2014 Planning Commission regular meeting as presented. Marc Peebles seconded the motion and the motion carried unanimously with a voice vote.

Public Hearing: Amend Chapter 155 of the Subdivision Regulations and Chapter 156 of the Zoning Ordinance as it pertains to Stormwater Conveyance and Erosion Control: Candace Dowdy introduced James Oakley, City of Murray Stormwater & Drainage Engineer. Mr. Oakley stated that the city has a permit with the Division of Water and they have required the city to issue a water quality standard for the rainfall events that occur within the City of Murray. The City has been under the permit with the Division of Water since 2003. Mr. Oakley stated that the city is required by the Division of Water to input changes to pollution prevention and to add a post construction portion to the Ordinance for the rainfall events that occur within the City of Murray. (The changes were included in the packets to the commissioners for their review.) Commissioner Robin Zhang asked if this was a state wide requirement. Mr. Oakley stated that it is a nationwide requirement. Mr. Oakley stated that this is a new water quality control standard requirement placed upon the city by the Division of Water to meet the city's minimum stormwater control measures. He added that the wording for the Ordinance is the same as the City of Paducah's Ordinance.

Chairman Pavlick opened the public hearing and asked if there was anyone that wished to speak in favor of the text amendment. There was no one. Chairman Pavlick asked if there was anyone that wished to speak in opposition of the text amendment. There was no one. Chairman Pavlick closed the public hearing and turned it over to the commissioners for discussion and a motion.

Marc Peebles made a motion to forward a recommendation to the City Council for the proposed text amendment to Chapter 155 of the Subdivision Regulations and Chapter 156 of the Zoning Ordinance as it pertains to Stormwater Conveyance and Erosion Control based on the fact these changes are being mandated by the Division of Water. Jeremy Boyd seconded the motion and the motion carried with a 7-0 roll call vote. James Oakley left the meeting at 5:05 p.m. Mary Anne Medlock entered the meeting at 5:07 p.m.

Advisory Meeting: Commercial Planned Development Project at 633 North 4th Street – Greg Williams: Candace Dowdy used a Power Point presentation to show the property at 633 North 4th Street that is owned by Greg Williams. The property is located in a B-2 zone. It is adjacent to a small tract of R-2 zoning to the north with B-2 zoning to the north and south, Industrial to the east and Government to the east, south and west. The property is a little over three acres in size. In 2011 Mr. Williams requested the back half of the property be rezoned from R-2 to B-2 to match the front half of the property in order to develop it commercially. In August 2011, Mr. Williams applied for a building permit to construct a 17,550 square foot commercial building consisting of six office/warehouse units and thirteen storage units on the north side of property. Mr. Williams is now proposing to construct additional buildings in Phase 2 and Phase 3 of this development. Phase 2 will be another building identical in size to the existing building. Phase 3 will be a 3,500 square foot building east of the existing building. This proposed development will be required to go through the Planned Development process since there will be multiple structures on one lot. Ms. Dowdy explained that this is only an advisory meeting. Bill Adams was present to represent Greg Williams.

Bill Adams, 1506 Hermitage Place, owner of Bill Adams Construction, Inc. was sworn in. Mr. Adams stated that Ms. Dowdy had covered the project very well; however, he did add that the proposed building would be a mirror image of the existing building. He said in 2011 the site was designed to have this additional building and that stormwater engineering has been done and the detention is complete. Mr. Adams stated that there is another little area that has been included as Phase III that they would like to develop later. This building will be storage/warehouse units and some of the units will have office space as well. This will not be a high traffic area as it is designed for small operations. The area has not been paved at this time because that is something that has been worked out between Mr. Williams and Planning Staff. After the entire development is complete the hard surface will be installed. Ms. Dowdy stated that when the second building is constructed there will be designated parking spaces in front of each building.

Ed Davis made a motion to forward the proposed Commercial Planned Development Project located at 633 North 4th and owned by Greg Williams to the BZA for a compatibility hearing. Jeremy Boyd seconded the motion and the motion carried with an 8-0 roll call vote.

Public Hearing: Preliminary plat review for The Keys Residential Planned Development Project on North 16th Street and Lowes Drive – Nat Rassi: Candace Dowdy used a Power Point presentation to show the property in discussion at North 16th and Lowes Drive. She explained that this proposed PDP was reviewed previously during an Advisory Meeting by the commissioners and during a Compatibility Hearing by the BZA. This meeting is to review the preliminary plat for the project. The property is located north of The Keg Restaurant and adjacent to the August Moon property on Lowes Drive. Nat Rassi, with JN Rassi Inc., is proposing to develop five lots of the Hale Development Company property into a residential planned development project. These five lots total 4.22 acres. This project will be reviewed through the PDP process because it is a residential use in a B-2 (Highway Commercial) zoning district and because it has multiple buildings on the property. A minor subdivision plat combining the five lots will be required if this project is approved. The property is adjacent to B-2 in all directions with R-4 (Multi-Family Residential) zoning to the northwest. Ms. Dowdy reviewed the changes that had been made in the configuration since the original showing of the project. The current site plan shows two means of ingress/egress on the property; one on North 16th Street and one on Lowes Drive. Mr. Rassi is proposing to construct six three story buildings that will consist of 72 four bedroom units at this location for a total of 288 beds. The development will have a pool and clubhouse also. The proposed buildings will be 40 feet tall and will require a five foot height variance if approved. Ms. Dowdy added that

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Planning Staff had received some concerns from adjoining property owners over the height of the proposed buildings possibly blocking the view their businesses; therefore, they made a trip to the property where David Roberts held up a 16 foot pole/rod around 4 feet off the ground to give an idea how high 20 feet would go. This was an indication of how a 40 foot building would tower over the buildings to the north. (Mr. Roberts added that this measurement was conducted around sixty feet from the property line where the proposed buildings would be located on Mr. Rassi's property.) Ms. Dowdy showed those pictures.

Dickie Walls, Fire Marshal has reviewed the plat and has approved the 24 foot drive aisle around the development as a sufficient means of access to the buildings. A large trash compactor will be used for trash pickup instead of a typical dumpster. Parking has been placed around the buildings and is mostly shown within the building setbacks. The required number of parking spaces for this development is 360 spaces. Mr. Rassi is proposing to provide one parking space per bedroom for a total of 288 parking spaces thus requiring a 72 parking space variance for the development. The site plan shows a small portion of building #1 encroaching into the 50 foot front setback thus requiring a 7.5 foot front setback variance. Engineered stormwater detention plans will be required for this project and a landscaping plan will need to be submitted to the Planning Department for approval. Ms. Dowdy reviewed the density for other developments in the area and stated that the density for this development as shown on the site plan would be 17 units per acre. The Murray Zoning Ordinance does not define residential density for the B-2 Highway Business District, so density is calculated based on the residential zoning district requirements. The R-3 and R-4 residential zoning districts base the density requirements on lot square footage. The following information is what the density requirements would be if located in a residential zone.

- R-3 zoning district would allow up to 13 units per acre for a total of 59 units
- R-4 zoning district would allow up to 19 units per acre for a total of 89 units

The developer has sent a drawing of the green space for the project as well as a rendering of the buildings. The Future Land Use Element of the 2009 Comprehensive Plan states that the high density residential areas are for large dense multiple family housing developments with gross densities up to 15.8 units per acre which would allow up to 67 units on this property.

After much discussion amongst the commissioners, Chairman Pavlick opened the public hearing and asked if there was anyone that wished to speak in favor of the project. *Peyton Mastera left the meeting at 5:35 p.m.*

James "Nat" Rassi, 1 Hedgerow Court, Monticello, Illinois was sworn in. Mr. Rassi stated that he had been before both boards back in November for the preliminary meetings and he appreciated the support that he received from both the PC and the BZA. Mr. Rassi also thanked Candace and David for being available to answer questions during the past few months to help them to revise the plan. In the revised plan they were able to add additional green space along the entire south edge of the property. The plan shows doubling or tripling the amount of trees that are currently shown on the property. Beauty is a very important thing to them as well as a part of their strategy. The green space shown on the site drawing is around 25% of the property. Mr. Rassi stated that it had been suggested that they put up a privacy fence on the south side of the property; however, they would rather put in more plants and trees in that area. They would even be willing to have plantings in the right-of-way to beautify that area as well. The dumpster was moved to a more convenient place for the residents as well as for trash pick-up personnel. The 16th Street entrance was moved to the northern side of the property because of visibility issues. Mr. Rassi said that the property has been sitting empty for approximately 15 years; thus, it is unproductive as

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it is right now. He thinks that developing the five lots as one property will prove beneficial. Developing the property as one site allows them to address all the stormwater issues. He added that as the lots are now, if each were developed separately that would create a minimum of five separate entrances. Their proposal will be attractive on all four sides as opposed to individual developments where some will front 16th and some of the back of the buildings will be facing 16th. Mr. Rassi explained that this proposal's density falls within the R-3 and R-4 numbers; therefore, they are not exceeding the density requirement. He has been in conversation with Lowe's and they are in agreement that Mr. Rassi should be allowed to build this development. Mr. Rassi addressed the height concern and explained that even a 10 foot building would block the view of the other businesses behind it. He feels that the visibility is an issue because there is nothing there right now and if anything should be built there, it probably wouldn't be any shorter than 16 feet which would have the exact same effect. The proposed height of the building is due to peaks of the roof not the overall height of the roof. Mr. Rassi said that they feel the building looks better with that pitch roof.

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

Helen Spann, 846 Old Salem Road, Murray was sworn in. Ms. Spann owns commercial property across 16th Street from this proposed development. She is not necessarily against the project, but she thinks the proposal is too dense for this area. Ms. Spann stated that several people have spent lots of time working on the Comprehensive Plan and that following the plan will allow the property to be kept for business development. Over the last two years there has been considerable commercial development within this area that is compatible to the area. These five lots are some of the limited remaining lots that are left for commercial development and Ms. Spann would like to see them left for businesses. Ms. Spann does not think that business and housing should be mixed. She said that adding 288 bedrooms to that area would only congest the businesses that are located there now. Mr. Rassi is only asking for 288 parking spaces for this development. Ms. Spann is an owner of rental property which has one bedroom apartments and she is certain that there is going to be more than one car parked at each of those units. Ms. Spann concluded that she has the utmost respect for a person that wants to spend the time and money to invest in a project for this area; however, she does not think that this project is suited for this area.

Jon King, 304 Drawbridge Trace, Paducah, KY was sworn in. Mr. King owns the shopping center that is south of this property. Mr. King stated that his biggest concern is the water runoff from the property to his property. Ms. Dowdy stated that she has had several conversations with Mr. King and has assured him that stormwater and runoff will be addressed with this project if it is approved. Mr. King had a question for the owner of the property also; he wanted to know if Mr. Rassi had considered mixed uses for the property such as cafés or coffee shops.

Chairman Pavlick asked if there was any rebuttal.

Mr. Rassi came forward. He stated that his object is to build something that is good for the city. The developers feel not only will this project be good for the surrounding area, but the surrounding area will be good for their tenants. Density is an important part of this project to him because it is surrounded by retail. He was drawn to this property because as his tenants walk out their doors, they are going to see retail businesses where they can shop and eat at within walking distance. Since they work on a national platform, they see this type of development in college communities. Students will be drawn to this because fewer students want to drive these days. Mr. Rassi explained that it is their experience that all 288 parking spaces will not be filled as some of the students will not have automobiles. This development will be close to campus; therefore, students will be able to walk to campus and this will be another benefit of

the project. Mr. Rassi stated that they had looked at mixed uses for the property (as it was their first choice) but the property did not lend itself to a mixed use because of the setbacks that would be required. They are looking at buying additional properties that will “tag on” to this property that will provide mixed uses with a similar design style to blend in with this proposal.

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

Marc Peebles made a motion to approve the preliminary plat for The Keys Residential Planned Development Project contingent upon the Board of Zoning Adjustments approving the conditional use permit and all needed variances, stormwater detention plans being approved by the city and the project meeting all other city regulations. Kevin Perry seconded the motion. A roll call vote was taken with two Commissioners voting yes and six Commissioners voting no. The motion was defeated. *Jeremy Body, Ed Davis, John Krieb, Mary Anne Medlock, Ed Pavlick and Robin Zhang voted no. Chairman Pavlick called for a five minute recess.*

Annexation Request: 14.939 acre tract of land located on Robertson Road South and owned by Justin and Stephanie Phillips: Ms. Dowdy used a Power Point presentation to show the 14.939 acre tract of land that is owned by Justin and Stephanie Phillips. This property is currently in the county and located on the east side of Robertson Road South between Quail Creek Drive and Falwell Drive identified as a portion of PVA Parcel 033-0-0038. Mr. & Mrs. Phillips are requesting the property be annexed into the city limits of Murray. They are proposing to develop the property into a single family residential subdivision and would like city utilities. This property is contiguous to the current city limits to the south and east; city utilities are available and the property falls within the urban service area and is identified on the Future Land Use Map as low density residential use. Ms. Dowdy stated that a public hearing to set the zoning for this property will come back before the Planning Commission next month if a recommendation is forwarded to the City Council for annexation. Ms. Dowdy noted for informational purposes that the property owner is requesting R-2 (single family residential) zoning which is what the current zoning of Falwell Estates is to the south.

John Krieb made a motion to forward a recommendation to the City Council to annex the 14.939 acre tract of land located on the east side of Robertson Road South, identified as a portion of PVA Parcel 033-0-0038, owned by Justin & Stephanie Phillips, 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. Kevin Perry seconded the motion and the motion carried with an 8-0 roll call vote.

Review of Preliminary Subdivision Plat: Deerfield Estates residential subdivision located on Robertson Road South – Justin and Stephanie Phillips: Ms. Dowdy explained that this is the property that the commissioners just voted to forward a recommendation to the City Council to be annexed into the city. Justin and Stephanie Phillips are proposing to develop this property into a single family residential subdivision and will be requesting R-2 (single family) zoning for the property. This land was platted into a residential subdivision known as Newton Heights back in 1988 that was approved by the Planning Commission but was never developed. The land has been divided into 41 lots with an average lot size of one-fourth to one-third of an acre. The developers will be required to construct sidewalks on both sides of the street. The plat shows one main entrance off Robertson Road South. Ms. Dowdy noted that Martin Drive will be the connecting street running north and south from Quail Creek Drive down to Falwell

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Estates. The developers will be required to put in a “turnaround” at the back of the subdivision to accommodate emergency vehicle access. The dwellings will be a minimum of 1200 square feet in size. Ms. Dowdy stated that Mr. Phillips is a contractor who builds houses and then she referred to a Power Point presentation to show pictures of the latest houses that Mr. Phillips has constructed on Doran Road. Ms. Dowdy said that the development of this subdivision will be very similar to Riverfield Estates located on Doran Road South. She added that she had a copy of the covenants and restrictions for the subdivision available if there were any questions. These lots meet the minimum required square footage for lot sizes in the R-2 zone. Ms. Dowdy reviewed that during another PDP review in 2013, it was brought up that Murray didn’t currently have an adequate amount of smaller homes available for singles, couples or persons wishing to downsize; therefore, Mr. Phillips will be targeting clients of this nature. Chairman Pavlick asked Mr. Phillips to come forward.

Justin Phillips, 1160 Beane Road, Murray was sworn in. Mr. Phillips explained that during the past 2.5 years he has built four of the smaller type dwellings. When he started building these type homes he thought he would be selling them to individuals that were looking for a “first time home”; however, this has not been the case at all. What he’s actually found out is that people of retirement age with large homes are looking to downsize. They are wishing to travel and they don’t want a big yard to worry with. Mr. Phillips stated that these type individuals have actually been the majority of his clients. Mr. Phillips said that in his opinion, Murray is saturated with big subdivisions with big lots where you can build big houses. The prices of these smaller homes range from \$160,000 to \$170,000 which makes them affordable for many. Mr. Phillips stated that this property was bought as an investment for development a couple of years ago and this proposal is his first choice for development. He will not be asking for any variances if this is approved and they meet all the subdivision regulations. Mr. Phillips explained that in the restrictions they have stated that at least 30% of the outside finish should be brick or stone. He said that he actually prefers brick all over, but with the new Craftsman style homes the designs are shown with vinyl and brick. Another restriction is to have at least 1200 square footage in the home. The homes that Ms. Dowdy showed pictures of on Doran Road are 1400 square foot. The only purpose for listing 1200 feet is because there might be a prospective client that wishes to have a two bedroom home and they would like to be able to build that if their client wants that. At this time there are no plans to sell lots out of the subdivision. The plan is for the developers to build all of the houses. He feels that he will have more control over what goes in there. Ms. Dowdy said that there is one statement on the restrictions that the planning staff would like removed from the plat and that is the one dealing with changes to the restrictions being made after the plat has been filed at the courthouse. Ms. Dowdy said that they had seen restrictions waived in previous subdivisions that had proved to be unfair to the existing property owners and that any kind of waiver should have to be approved by all property owners.

Chairman Pavlick addressed the audience and stated that this was not a public hearing; however, he would allow those concerned neighbors and adjoining property owners to speak. Each of those that wished to speak was sworn in. The neighbors commonly agreed that they were not against the development of the property, but they did have concerns with the size of the lots and amount of homes that is proposed to be built there. Those who spoke were Carol Falwell (Representative for Falwell Estates), John Crofton, Steve Bishop, Eric Penniston, Heather Duffy, Kent Haneline (Mr. Haneline presented a petition signed by residents from Quail Creek that were not able to attend the meeting. *The petition was entered as Exhibit A.*), Diane Bigary, Stacy Butterworth, and Ann Beck. *(The meeting was recessed a couple of minutes while the tape was being changed.)* The neighbors voiced the following concerns:

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- The integrity of the area being maintained
- Detention pond
- Size of the lots and homes are not consistent with the surrounding area
- Level of density too high for the proposed subdivision
- Water runoff
- Additional traffic to Robertson Road South (which is very narrow)
- Depreciating values of existing homes
- City is making a decision on property that abuts county residents

Rick Johnston, 301 West 13th Street, Benton, Kentucky was sworn in. Mr. Johnston is a representative from Bacon, Farmer & Workman Engineering who is the engineering firm for the proposal. Mr. Johnston clarified that R-1 and R-2 zoning is considered low density and BFW is committed to develop the subdivision to the standards of the Zoning Ordinance. Mr. Johnston added that the city also has a stormwater ordinance and they are bound to complete a design that is acceptable to their regulations. He explained the four drainage areas (which is the lower corners of the property). They will be required to route the water to the lower areas and required to detain it to at least the level that it is now. They are not bound to correct the adjacent properties and they will not be allowed to release any additional water on any adjoining property than is already there. They will do their best to help the other situation. Mr. Johnston continued that they are also bound by the city to put sidewalks on both sides of the streets in residential developments. He added that someday there will be sidewalks on Robertson Road South to connect to. He concluded that BFW has met every design standard and every subdivision regulation or they are in excess of any requirements for the R-2 zone.

Jeremy Body made a motion to table this item until the zoning has been set. Ed Davis seconded the motion and the motion carried with a 6-2 roll call vote. Marc Peebles and Kevin Perry voted no.

Mr. Roberts explained that this could be a three month process before this item is able to be brought before the commissioners again since it has been tabled waiting on zoning being set.

Questions and Comments: John Krieb asked for an update on the request for a Code Enforcement Officer. He then asked if the PC and BZA members could be informed of when the City Council would be discussing this item so that they could be in attendance to support the request. Mr. Roberts said that he has to submit a request to the Finance Department by March 7th and that he would keep them updated on when the meetings would occur. Ed Davis asked when the next review for The Gates was due. Ms. Dowdy replied that she did not know but would check into that and report back to the Commissioners.

Adjournment: Ed Davis made a motion to adjourn. Marc Peebles seconded the motion and the motion passed unanimously. The meeting adjourned at 8:00 p.m.

Chairman, Ed Pavlick

Recording Secretary, Reta Gray