

**MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, JUNE 17, 2014
5:00 P.M.**

The Murray Planning Commission met in regular session on Tuesday, June 17, 2014 at 5:00 p.m. in the council chambers of City Hall located at 104 North 5th Street.

Commissioners Present: Marc Peebles, Robin Zhang, John Krieb, Ed Davis, Loretta Jobs, Ed Pavlick and Jeremy Boyd

Commissioners Absent: Mary Anne Medlock, Kevin Perry and Tom Kind

Also Present: Candace Dowdy, Robert Jeffries, Reta Gray, Jennifer Tolley, Hawkins Teague, Bobby R. & Carol Falwell, Justin Phillips and public audience

Chairman Pavlick called the meeting to order and welcomed all guests and applicants. He then asked if there were any changes, additions or deletions to the minutes from the May 20, 2014 regular meeting.

Ed Davis made a motion to accept the minutes from the May 20, 2014 Planning Commission regular meeting as presented. Jeremy Boyd seconded the motion and the motion carried with a unanimous voice vote.

Public Hearing: Request to rezone Falwell Estates from R-2 to R-1 (Single Family Residential) – CPFF LLC, and others: Candace Dowdy used a Power Point presentation to show the location of Falwell Estates on Robertson Road South. The property owners have requested to rezone their property from R-2 to R-1. Single family dwellings are the only permitted use in both zoning districts. The R-1 and R-2 zoning districts are identified as low density residential use in the Comprehensive Plan. The main differences between the two zoning districts are the lot size requirements and the building setbacks. Lot and Yard setbacks are listed below:

	<u>R-1</u>	<u>R-2</u>
Minimum Lot Size	15,000 square feet	10,000 square feet
Minimum Lot Frontage	100 feet	75 feet
Front Yard Setback	40 feet	30 feet
Rear Yard Setback	25 feet	25 feet
Side Yard Setback	15 feet	10 feet

The applicants stated on their zoning map amendment application that when Tom Dowdy with VL Associates platted Falwell Estates, he platted it to be compatible with the lots in Newton Heights Subdivision that was platted in the late 1980's but never developed. Ms. Dowdy explained that the applicants have indicated that they were not aware of the distinctions between the R-1 and R-2 zoning districts until it was recently brought to their attention due to the potential development of the property located to the north of Falwell Estates (formally known as Newton Heights). Ms. Dowdy added that the applicants feel that their request is in line with the adopted Comprehensive Plan for the City of Murray. The applicants also feel that the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate since the platted lots for Falwell Estates are more in line with the regulations for the R-1 zoning district. Ms. Dowdy stated that there are currently four houses

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along Robertson Road South and two additional houses located within the subdivision. Ms. Dowdy stated that she had mentioned to Ms. Falwell that if the commissioners should approve this request, the recorded plat for Falwell Estates should be amended to reflect the setbacks for R-1 zoning. She continued that she thought all of the existing homes in the subdivision either met or exceeded the proposed R-1 setbacks; however, they would still be “grandfathered in” either way. Commissioner Peebles asked if the Falwell Estates existing property owners and the other adjoining property owners were notified of the request. Ms. Dowdy replied that they were. Commissioner Krieb asked for an update on the Justin Phillips property to the north. Ms. Dowdy stated that the property had been annexed and zoned as R-2 (Single Family Residential). She added that it was approved on the second reading of the ordinance by the City Council on June 12, 2014.

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

Bobby R. Falwell (member of the LLC), 1334 Wiswell Road, Murray was sworn in. Mr. Falwell stated that the sole purpose of the request was for anticipated future growth of the surrounding area. Mr. Falwell revealed that he had spoken to Justin Phillips and the members of the LLC are in the process of working out the possible water issues that could occur as Justin begins the development of his property to the north of Falwell Estates. Commissioner Davis asked if rezoning this property would put the Falwells in a bind with a more restrictive type of zoning. Mr. Falwell stated that he did not think that it would. When they began working on this development in 2006 the economy started slowing down. He does not know the future of Murray but added that this property was there for long term investment purposes. Mr. Falwell concluded that they did not research the current zoning enough in the beginning with their engineer and he recommended that in the future developers are educated on the different zoning possibilities.

Carol Falwell, 1334 Wiswell Road, Murray was sworn in. She began by saying that David Roberts and Candace Dowdy had worked with them on this development since the beginning as had Tom Dowdy. She said that originally the property was platted in ten 5-acre mini farms. After receiving numerous requests for large lots from prospective buyers, they decided to develop the property into Falwell Estates; thus, they decided to proceed and annex the property in order to acquire city utilities. Ms. Falwell presented the original plats that Thomas Dowdy had drawn for them. Mr. Dowdy had indicated to them that Newton Heights was north of them with larger lots and he suggested that they plat their development with larger lots that were compatible. Ms. Falwell said that at the time Mr. Dowdy drew up the development they were not aware of the differences in the R-1 and R-2 zoning. Ms. Falwell agreed with her husband that she was not aware of the different restrictions and different zones in the beginning and if they had known then what they know now, they would have asked for R-1 zoning in the first place.

Chairman Pavlick asked if there was anyone that wished to speak in opposition to this application. There was no one so he then 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 to rezone the Falwell Estates property as identified on the rezoning plat from R-2 to R-1 (Single Family Residential) based on the following findings of fact: The R-1 zoning classification is better suited for this particular piece of property based on the current lot sizes and the proposed zoning classification is still in line with the Comprehensive Plan. Mr. Peebles also requested that the Falwells amend the Covenants and Restrictions on the Final Plat for Falwell Estates to show the

changes in zoning restrictions and have the final plat re-recorded. Loretta Jobs seconded the motion and the motion carried with a 7-0 roll call vote.

Questions and Comments: Commissioner Krieb asked for an update on the Opportunity Drive development of Matt Jennings. Ms. Dowdy explained that the Preliminary Plat of Phase I for Vintage Hills was approved in July of 2013 and the Final Plat was approved in September 2013. The plat has not been recorded yet. The developers have chosen to construct the utilities and the roadway rather than put up a Letter of Credit. The sewer has been installed but not tested yet. The construction of the water lines is approximately 70 percent complete. The road has been graveled and the grading and ditching are under construction. They are currently constructing the utilities and roadways. Commissioner Davis asked if there had been any update on The Gates. Ms. Dowdy replied that she would check on the status of that and report back next month. Commissioner Boyd stated that he had noticed that there had been no legal counsel present at the last few meetings. Ms. Dowdy responded that Attorney Mike Pitman had resigned and that the city was currently interviewing to fill that vacated position.

Ms. Dowdy then asked for approval of continuing education for some of the commissioners. Robin Zhang and the new Planner I, Robert Jeffries attended a Pike Legal training session in Paducah on June 4th. There was also training on May 6th by Kentucky Heritage Council. The topic was Evolution of Downtown; the Life Stages of Historic Building. There were three that attended from the Planning Commission for the two hour workshop.

Marc Peebles made a motion to approve the continuing education hours that were submitted. Jeremy Boyd seconded the motion and the motion carried unanimously.

The commissioners welcomed Robert Jeffries to the Planner I position.

Adjournment: Ed Davis made a motion to adjourn. Marc Peebles seconded the motion and the motion passed unanimously. *The meeting adjourned at 5:36 p.m.*

Chairman, Ed Pavlick

Recording Secretary, Reta Gray