

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

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

**Commissioners Present:** Loretta Jobs, Kevin Perry, Marc Peebles, Robin Zhang, John Krieb, Ed Davis, Tom Kind, Mary Anne Medlock and Ed Pavlick

**Commissioners Absent:** None.

Also Present: Candace Dowdy, Robert Jeffries, Reta Gray, Summer Grogan, Hawkins Teague, David Perlow, Officer Tim Fortner, Greg Northcutt and public audience

Chairman Ed 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 October 21, 2014 regular meeting.

**John Krieb made a motion to approve the minutes from the October 21, 2014 Planning Commission regular meeting as presented. Ed Davis seconded the motion and the motion carried unanimously.**

**Final plat review for Parkside Condominiums planned development project – 1025 Southwood Drive – John Randolph:** Robert Jeffries used a Power Point presentation to show the property where John Randolph is proposing to construct residential condominiums with some possible commercial use. At this time Mr. Randolph is requesting approval for the final plat for the Parkside Condominiums project. The final plat depicts thirty-six (36) units with a breakdown of the units as follows: 29 – one bedroom units with one car garage; 5 – one bedroom units without garage; 1 – four bedroom unit with two car garage; and 1 – commercial and/or residential unit. The previous month the Planning Commission suggested that sidewalks be added to connect to the Bee Creek Soccer Complex. The final plat shows a 48” sidewalk leading from the concrete apron at the entrance of Parkside Condominiums to the multi-use path at Bee Creek. Since the property is zoned B-2, a privacy fence or some other appropriate means of screening will be required along a portion of the east property line where the property joins the residential zoning district. While this is shown on the plat, Mr. Randolph would like to see if the Planning Commission would waive that requirement since there is existing shrubbery and a few trees already there.

Candace Dowdy explained that currently the Randolphs reside in the house located on the north side of the proposed site. That house will be demolished and a new home will be built on the southeastern side of the property where the Randolphs will reside; thus, his home will actually be adjacent to the condominiums to the east. She further explained that Mr. Randolph would be required to put a privacy fence in this area; however, there is now a chain length fence and a few trees and shrubs in the green area that could be used as screening. Ms. Dowdy suggested possibly adding more landscaping to take the place of a privacy fence in order to enhance the “green space effect”. The finished floor elevations for Unit #1 has been raised to 481.5 and the 24’ x 24’ storage building along the east side of the property has been raised to 481 since review of the preliminary plat. The finished floor elevations for the rest of the property remain at 482 feet. Ms. Dowdy continued that Mr. Randolph has added a block retaining wall to

the final plat along a portion of the east property line that joins the soccer complex. To help with stormwater detention, Mr. Randolph is proposing that all of the drive aisles and parking areas will consist of permeable pavers. The dumpster pad and sidewalks will be concrete. The Fire Marshal has reviewed the plat for compliance with fire codes. There is currently one fire hydrant located along Southwood Drive in close proximity to Mr. Randolph's property and one additional fire hydrant shown on the plat on the south end of the property.

**Loretta Jobs made a motion to approve the final plat for the Parkside Condominium Mixed Use Planned Development Project contingent upon the project meeting all city regulations; the privacy fence will be waived and additional landscaping should be added. The developer is to also verify the information from the 2010 Flood Plain Boundary. John Krieb seconded the motion and the motion carried with a 9-0 roll call vote.**

**Public Hearing: Set zoning as R-2 and Government for property located on Robertson Road South and owned by Westside Baptist Church and the City of Murray:** Robert Jeffries used a Power Point presentation to show the property along Robertson Road South. A recommendation was reviewed and approved by the City Council for annexation on Thursday, November 13, 2014 with the first reading of the ordinance set for Tuesday, November 25<sup>th</sup>. The property consists of three tracts with a total of 16.57 acres. The tracts of land under review by the Council are adjacent to R-2 Residential to the East and R-4 Multi-Family Residential to the Northeast. It is being recommended that the 13.235 acre tract belonging to Westside Baptist Church and the 2.417 acre tract of county roadway be zoned R-2 with the 0.918 acre tract belonging to the City of Murray set as Government zoning. The reason for the recommended R-2 zoning for the church is that the most predominant use of the surrounding area is single family use. Churches are allowed in residential zoning districts as a conditional use. If the annexation and zoning is approved by the City Council, the church property would be grandfathered in. The Government zoning applies to all property owned by government and government-owned public corporations or agencies. 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 request. There was no one. He then asked if there was anyone that wished to speak in opposition to the request. There was no one. Chairman Pavlick closed the public hearing and turned it over to the commissioners for discussion and a motion.

**Ed Davis made a motion to forward a recommendation to the City Council to set the zoning as R-2 (Single Family Residential) for the 13.235 acres belonging to Westside Baptist Church, as well as the 2.417 acres of county roadway based on the fact this property is adjacent to R-2 zoning and the most predominant use of the surrounding area is single family use and that the 0.918 acres belonging to the City of Murray be zoned Government based on the fact that this zoning classification applies to all property owned by a government entity. Loretta Jobs seconded the motion and the motion carried with a 9-0 roll call vote.**

**Annexation Request: 27.824 Acres located on Wiswell Road – Stephen and Erika Compton:** Candace Dowdy used a Power Point presentation to show the property in discussion. The Planning Department received a written request from Stephen and Erika Compton on Monday, October 27, 2014 to annex their property. Mr. and Mrs. Compton are currently in the process of constructing a single family home on the property and are requesting annexation into the corporate city limits of Murray in exchange for city utility services. The property consists of 27.824 acres of land located east of Falwell Estates and north of Wiswell Road, making it contiguous to current city limits. This property falls within the Urban

Service Area and is identified on the Future Land Use Map as low density residential use. Ms. Dowdy noted that Falwell Drive dead-ends into Mike Dixon's property (formerly Chuck Hoke property) that was annexed in 2003 and is north of the Compton's property. The only access to the Compton's property from Falwell Drive is through a 50' x 100' access easement established on a boundary survey plat of the Chuck Hoke property. (The tract would have been landlocked without the easement.) Ms. Dowdy stated that she has had several conversations with Mr. Dixon regarding access to the Compton's property from Falwell Drive and that there will probably be a minor subdivision plat prepared designating a 50' x 75' tract of land off Mr. Dixon's property as public right of way for a future street that will give both the Compton's and Mr. Dixon the required 75 feet of road frontage as per the subdivision regulations for a buildable lot. Ms. Dowdy noted that Mr. Compton's property does have adequate road frontage off Wiswell Road but Mr. Compton would prefer to access his property from Falwell Drive.

**Tom Kind made a motion to forward a recommendation to the City Council to annex the 27.824 acres located east of Falwell Estates and north of Wiswell Road identified as PVA Parcel 042-0-0036 and owned by Stephen and Erika Compton; based on the fact the property owner has requested annexation and that the property is contiguous to the current city limits, falls within the Urban Service Area and city utilities are available to the property. Marc Peebles seconded the motion and the motion carried with a 9-0 roll call vote.**

**Public Hearing: Review Preliminary subdivision plat for Fairfield Unit III – Dale Campbell:** Ms. Dowdy stated that she had been unable to reach Mr. Campbell and that he was not in attendance at the meeting. She then asked if there was anyone in the audience that was there for the public hearing on this matter. There was no one.

**Marc Peebles made a motion to table this item in Mr. Campbell's absence. Ed Davis seconded the motion and the motion carried with a 9-0 roll call vote.**

**Update: The Gates Residential PDP:** Ms. Dowdy suggested that this item be tabled as well since Mr. Campbell or a representative was not there to give the commissioners an update.

**Ed Davis made a motion to table this item in the absence of Mr. Campbell. John Krieb seconded the motion and the motion carried with a 9-0 roll call vote.**

Ms. Dowdy stated that the representative for the next item had not arrived yet; therefore, the agenda would change and discussion to readopt the Comprehensive Plan would be discussed first.

**Discussion: Readopt City of Murray Comprehensive Plan for another five years:** Ms. Dowdy stated that all of the elements of the Comprehensive Plan were updated in the fall of 2009. Kentucky Revised Statutes says that the goals and objectives of this plan must be reviewed at least once every five years; at which time they can be amended or readopted. Ms. Dowdy stated that a public hearing will need to be held in December before the Planning Commission can amend or readopt the Goals and Objectives of the Comprehensive Plan. Ms. Dowdy said that she would try to have a brief overview next month outlining any accomplishments in the goals and objectives since the last update in 2009.

**Review: Minor subdivision plat for property located on Airport Road – Debbie Coles and Lake Chem Community Federal Credit Union:** *Commissioner Jobs recused herself from this discussion at 5:58 p.m.* Ms. Dowdy used a Power Point presentation to show the minor subdivision plat for the 0.900 acre tract of land that is owned by Lake Chem Community Federal Credit Union. The tract of land

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(located off Airport Road) is identified as Tract 2 of a minor subdivision plat and was prepared by VL Associates in September 2006. The property was originally part of a 7.366 acre tract of land. The previous owner (Debbie Coles) subdivided the property into four tracts. Since the surveyor was under the impression that the property was outside the City of Murray's four mile jurisdiction, the minor plat was never approved by the Planning Department or the Planning Commission. The plat was signed off by the County Judge and recorded by the Calloway County Clerk on October 7, 2008. Once Lake Chem acquired the property their Attorney, Mr. Greg Northcutt, contacted the Planning Department concerning the Minor Subdivision Plat and whether the City of Murray had in place an "Area of Jurisdiction" as described in KRS Chapter 100.131. Ms. Dowdy explained that the City of Murray has a four mile jurisdictional limit for any subdivision of land and this property falls within the jurisdiction and should have been presented to the Planning Commission for review when the property was subdivided in 2008. The only tracts of land with road frontage are Tracts 1 and 4. Tracts 2 and 3 only means of access are from the 35' roadway belonging to Tract 4. Lake Chem is now looking to sell the property and it doesn't have a clear title. The plat cannot be re-recorded; however, a statement can be added that the Chairman of the Planning Commission will sign stating that it has been reviewed and approved by the Planning Commission. That notation will be recorded as an attachment to the Minor Subdivision Plat. Ms. Dowdy stated that Mr. Northcutt was present and asked him to come forward to answer questions and make corrections to anything she has misstated.

Greg Northcutt, P.O. Box 996, Calvert City, Kentucky was sworn in. Mr. Northcutt explained that Ms. Dowdy had correctly explained the situation. He continued that the surveyor thought that the property was outside the Planning Commission's jurisdiction; however, he was in error. In summary Tract 2 was sold, Lake Chem had the mortgage on it. It then went into default and Lake Chem purchased the property at the foreclosure sale. Since they have a purchaser for the property, someone discovered that the property was actually inside the four mile jurisdiction. The statute has a procedure for fixing such a problem and that resolution is to have approval from the Planning Commission. Right now there are all kinds of problems in the title; however, all the problems will go away if the plat receives Planning Commission approval.

There was some discussion on the 35' foot roadway belonging to Tract 4. Attorney David Perlow explained that the roadway is a public roadway unless noted otherwise. The question was then asked who would be responsible for the maintenance of the roadway. Mr. Northcutt came forward again. He said that he had confronted this type of issue before and found that everyone has the right to maintain the roadway, but no one has the responsibility to maintain it. He concluded that one would expect that the owners of the lots that are serviced by the roadway would maintain it.

**Marc Peebles made a motion to approve the minor subdivision plat for the 7.366 acres located south of Highway 80 on Airport Road, owned by Debbie Coles and Lake Chem Community Federal Credit Union. Ed Davis seconded the motion and the motion carried with an 8-0 roll call vote.**

*Loretta Jobs re-entered the meeting at 6:15 p.m.*

**Questions and Comments:** Commissioner Perry asked where the four mile radius was measured from. Ms. Dowdy replied 12<sup>th</sup> & Main Street. She added that the radius could be extended to five miles (according to KRS statutes) if the Fiscal Court approved that.

Commissioner Davis said that a concerned citizen had contacted him about the Dunkin' Donuts detention area and had asked what restrictions had been placed on it. Ms. Dowdy explained that David Roberts and the stormwater engineer are aware of the issue concerning the stormwater. She stated that she has had

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conversation with an adjoining neighbor concerning the issue as well. She was not able to give an update at this time on the situation; however, she said that the issue was being addressed.

Ms. Dowdy said that there are continuing education hours that needed to be approved for Summer Grogan, Planning Assistant. Ms. Grogan has viewed a couple of audio CDs from the local KAPA library on Regulations of Non-Conforming Uses from the American Planning Association.

**Marc Peebles made a motion to approve the continuing education hours for Summer Grogan. Ed Davis seconded the motion and the motion carried unanimously.**

**Adjournment: Ed Davis made a motion to adjourn. Marc Peebles seconded the motion and the motion passed unanimously. *The meeting adjourned at 6:18 p.m.***

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Chairman, Ed Pavlick

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Recording Secretary, Reta Gray