

**MURRAY PLANNING COMMISSION MINUTES  
REGULAR MEETING  
TUESDAY, JANUARY 20, 2015  
5:00 P.M.**

The Murray Planning Commission met in regular session on Tuesday, January 20, 2015 at 5:00 p.m. in the council chambers of City Hall located at 104 North 5<sup>th</sup> Street.

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

**Commissioners Absent:** Loretta Jobs and Kevin Perry

Also Present: Candace Dowdy, Robert Jeffries, Summer Grogan, Reta Gray, David Roberts, Hawkins Teague, Attorney David Perlow, Officer Tim Fortner, Mayor Rose, Howard Brandon, T. C. Dinh, Attorney Chuck Foster, 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 December 16, 2014 regular meeting.

**Ed Davis made a motion to approve the minutes from the December 16, 2014 Planning Commission regular meeting as presented. John Krieb seconded the motion and the motion carried unanimously. Mary Anne Medlock entered the meeting at 5:05 p.m.**

**Advisory Meeting: Residential Planned Development Project at 1407 Main – T.C. Dinh:** Robert Jeffries used a Power Point presentation to show the property at 1407 Main Street that is owned by T.C. Dinh. The property is located in a B-1 zone and is surrounded by Government zoning to the north; B-1 (Neighborhood Business) zoning to the east and west of the property; and R-4 (Multi-Family) zoning to the south. Mr. Jeffries reviewed that the Planning Commission held an advisory meeting the previous month to review a proposed mixed use Planned Development Project to be located at this site for Mr. Dinh. The proposal was forwarded the following night to the Board of Zoning Adjustments for compatibility where Josh Vernon made a motion to deny the request with the findings that the development of Main Street should have a street presence and by moving more towards an apartment complex would not be in the best interest of the goals of Main Street according to the Murray Main Street Master Plan. The motion carried with a 4-3 vote. Mr. Jeffries stated that multi-use is encouraged in this area as is a streetscape that would be friendly with sidewalks that are defined and walkable. Mr. Dinh currently leases out 2 spaces of the lower level of this building. El Rancho Market grocery store/restaurant occupies the west side (with seating for 56 people) and a beauty salon occupies the east side. Mr. Jeffries explained that the upper level of the building currently has 10 – one bedroom dwelling units which have been in existence at this location since the 1960's and are "grandfathered in". Since last month Mr. Dinh has revised the site plan with a new proposal of all residential use for the property. The plan would eliminate the commercial use on the first level to create more dwelling units. Mr. Dinh is also proposing to renovate the existing apartments on the upper level and add a triplex in the back. The project will be completed in two phases. During the first phase El Rancho Market would still be in operation while the east side of the first level is renovated into apartments. The second phase would convert the commercial use in the west side of the building to dwelling units and adding an additional three unit building to the back of the property. The total number of dwelling units for this project would be 15 –

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two bedroom units. Mr. Jeffries showed a rendering of Mr. Dinh's revised proposal along with a floor plan.

Ms. Dowdy stated that she met with Mr. Dinh after the December meeting and at that time Mr. Dinh indicated that he had understood that the proposal was denied because of the commercial/mixed use of the building. She explained to him that the BZA member that made the motion was not against the mixed use, but he thought a more appealing streetscape with possibly a new façade along with defined sidewalks and greenspace would be more acceptable. This property is located in a neighborhood commercial (B-1) zoned area; thus, he felt mixed use would indeed be appropriate. Mr. Dinh did not present a rendering of the proposal at that meeting; therefore, the members could not envision what Mr. Dinh's exact plans were. Ms. Dowdy explained to Mr. Dinh that in order to bring this item back before the commissioners, he would need to present a different proposal. Mr. Dinh indicated to the Planning Staff that if the city did not feel that a mixed use development was appropriate or compatible at this location that he would be willing to redevelop the property as residential use only. This would be consistent with Jamison Place (the most recent residential development just to the east of his property). Mr. Dinh feels like this revised proposal would be a good fit due to the proximity of the Murray State campus. Ms. Dowdy said that Mr. Dinh and a legal representative were there to answer questions. Chairman Pavlick asked them to come forward.

Chuck Foster, 1614 The Lane, Murray and Tuan Dinh, 1007 Walnut Street, Murray was each sworn in. Mr. Foster explained that since Mr. Dinh has owned the building he has found it difficult to lease the lower level commercial space and he feels that a more profitable choice for him would be to have a nice residential complex. He is proposing an updated façade to the existing building with landscaping and defined sidewalks and the majority of parking shifted to the back of the building. This will be a more pleasing streetscape from what currently exists. Mr. Foster continued that when he first spoke to Mr. Dinh a couple of weeks ago, they were both under the impression that the City was interested in having Mr. Dinh change the building into a residential development in order to coincide with the recent development of Jamison Place next door. Mr. Foster said that the current demand throughout the city is for residential properties and with this property having such a close proximity to MSU, it would be ideal for students that do not have transportation available. If Mr. Dinh should continue the commercial status of the building, he is not sure he will be able to fill those vacancies. Mr. Foster said that he personally would like to see the entire area updated and looking better as he drives down Main Street and the commissioners have that opportunity to improve the looks of the building by accepting the new proposal. He added that they are coming before the committee for their suggestions and input on how to develop the property. Their belief is that this proposal will also increase the business to nearby businesses on 15<sup>th</sup> Street as students will be walking to class by way of their establishments.

Mr. Dinh said that he has owned the building since 2010 and he has had a very difficult time renting the commercial space since that time. The sluggish economy has kept people from investing their money in commercial business. Mr. Dinh stated that he decided to renovate the building to all residential because he constantly has people calling him looking for rental housing. Most of his current tenants are international students and 80% of them do not own a vehicle. They love the opportunity to be able to walk to class. John Krieb asked if Mr. Dinh's chances to be able to rent commercial space would improve if he updated the façade of the building. Mr. Foster replied that "supply and demand" is what will be driving that answer. There is not as much demand for commercial space along this corridor as there is for residential housing. He added that he is aware of the Comprehensive Plan and what the city would like for Main Street to become and look like; but in reality, the business owner knows the demand. Mr. Dinh said that it is too early to tell if the businesses that are currently renting from him will be successful and remain there

for a long period of time since they have not been tenants for very long. The market/restaurant has been there since December and the salon has been there close to a year. He revealed that the salon owner is struggling and has recently asked for her rent to be lowered. Mr. Dinh said that he could convert the salon area into a residential unit and continue to leave the market/restaurant there to see how they do if that would be acceptable with the commissioners. Mr. Dinh reiterated that he had switched his proposal to all residential because he understood that his previous proposal was turned down by the BZA because of the mixed use. Ms. Medlock clarified that the BZA had denied the compatibility the previous month because of the proposed three apartments on the bottom floor. John Krieb said that he did not know if Mr. Dinh had made enough changes to persuade the BZA members to vote in favor of the current proposal or not, but certainly the renderings of the building and the street scape were an advantage over last month.

After much discussion amongst the commissioners the decision was made to table the item.

**Ed Davis made a motion to table the item to give Mr. Dinh an opportunity to work with Planning Staff and make changes to his proposal in order to re-present it to the Planning Commission in February. Robin Zhang seconded the motion and the motion passed unanimously.**

**Review: Minor subdivision plat of the H.G.T. Investments property located on North 12<sup>th</sup> Street (North of Kroger) – Howard Brandon:** Candace Dowdy used a Power Point presentation to show the property on North 12<sup>th</sup> Street that is being reviewed by the Planning Commission. The property consists of 12.359 acres and is located in a B-2 (Highway Business) District. The B-2 zoning also borders the property on the north, south, and west sides and Government zoning borders the east side of the property. Ms. Dowdy stated that the Planning Department has received a minor subdivision plat of the H.G.T. Investments Property with the intent to subdivide the property into two parcels. The new parcel would be a two acre tract of land which they are proposing to sell for development purposes. This plat is being reviewed by the Planning Commission because the new two acre parcel has no road frontage. The only means of access at this time would be by a reciprocal easement agreement dated September 29, 1994 that allows access from a common area currently used as a 30 foot wide drive-aisle on the north side of the Kroger property. This easement goes with the land; therefore, there will not be an ending date on the agreement. There is an access easement that runs to the north of Culver's property that could be extended to access the remaining 10.359 acres. David Roberts added that there are currently utilities available to the property. Ms. Dowdy said that Mr. Howard Brandon was in attendance and could answer questions if the commissioners should have any.

**Marc Peebles made a motion to approve the minor subdivision plat of the H.G.T. Investments Property located on North 12<sup>th</sup> Street just north of Kroger as presented. Mary Anne Medlock seconded the motion and the motion carried with a 7-0 roll call vote.**

**Questions and Comments:** Marc Peebles recognized the students in the audience and thanked them for coming. They were there as a requirement from one of Dr. Robin Zhang's classes. Ms. Dowdy stated that Mayor Rose was in attendance and asked if he would like to say anything. He declined and said he was there to observe.

**Adjournment: Ed Davis made a motion to adjourn. John Krieb seconded the motion and the motion passed unanimously. The meeting adjourned at 6:15 p.m.**