

**MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, MARCH 17, 2015
5:00 P.M.**

The Murray Planning Commission met in regular session on Tuesday, March 17, 2015 at 5:00 p.m. in the council chambers of City Hall located at 104 North 5th Street.

Commissioners Present: Mary Anne Medlock, Marc Peebles, Robin Zhang, John Krieb, Ed Davis, Tom Kind, Loretta Jobs and Jim Foster

Commissioners Absent: Ed Pavlick and Kevin Perry

Also Present: Candace Dowdy, Robert Jeffries, Summer Grogan, Reta Gray, David Roberts, Attorney David Perlow, Hawkins Teague, Bobby Deitz, Rick Johnson, Chris Clark, Steve Hoskins, Barry Morris, Danny Steele, Bunnarath Mao, Dale Campbell, T.C. Dinh, Joseph Dooley and public audience

Vice-Chairman Tom Kind called the meeting to order and welcomed all guests and applicants. New commissioner Jim Foster was sworn in by Candace Dowdy. Vice-Chairman Kind then asked if there were any changes, additions or deletions to the minutes from the January 20, 2015 regular meeting. Changes were noted.

Marc Peebles made a motion to approve the minutes from the January 20, 2015 Planning Commission regular meeting as corrected. John Krieb seconded the motion and the motion carried unanimously.

Annexation Request: Request to annex 21.123 acres located at the intersection of US Hwy 641 North, North 4th Street, and Robert O. Miller Road into the city limits – Taylor Motors, Inc.: Candace Dowdy used a Power Point presentation to show the property located at the intersection of US Hwy 641 North, North 4th Street and Robert O. Miller Road. David Taylor is proposing to develop this property for commercial use and would like to have city utilities; therefore, he has submitted a request to annex the property. The property is located within the Murray planning area and is shown on the future land use map as commercial use. The annexation plat includes all of the David Taylor property, the Bogard Cemetery and a portion of US Hwy 641 North state right of way. The total acreage is 21.123 acres. The property is contiguous to the current city limits on three sides.

John Krieb made a motion to forward a recommendation to the City Council to annex the 21.123 acres located at the intersection of US Hwy 641 North, North 4th Street and Robert O. Miller Road which includes all of the David Taylor property as well as the Bogard Cemetery and a portion of US Hwy 641 North which is owned by the Commonwealth of Kentucky. The recommendation is based on the following findings of fact: the owner has requested annexation; the property is contiguous to the current city limits on three sides; city utilities are available; and the property falls within the Urban Service Area and is suitable for development purposes. Loretta Jobs seconded the motion and the motion carried with an 8-0 roll call vote.

Public Hearing: Set zoning for 21.123 acres located at the intersection of US Hwy 641 North, North 4th Street and Robert O. Miller Road as B-2 (Highway Business District) – Taylor Motors, Inc.: Ms. Dowdy referred to the Power Point presentation again to show the property located at the intersection of US Hwy 641 North, North 4th Street and Robert O. Miller Road. She stated that David Taylor is

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requesting that the zoning for his 21.123 acres be set as B-2 (Highway Commercial). This property is adjacent to B-2 zoning to the west and the south. Mr. Taylor plans to develop the property as commercial use. He is proposing to relocate his car dealership on the southwest corner of the property. Ms. Dowdy noted that she had not seen a layout of the remainder of the property but there will be a street that will be constructed and come off U S Hwy 641 North over to Robert O. Miller Road with some lots for future development of the remaining acreage. Ms. Dowdy added that all adjoining property owners were notified of the public hearing and that Planning Staff had not received any calls or correspondence in opposition to the proposal; however, there was one letter from Joe Nanny stating that he was in support of the request.

Vice-Chairman Kind opened the public hearing and asked if there was anyone that wished to speak in favor of the proposed zoning request.

Chris Clark (representative of John Clark Construction), 2106 Creekwood Drive, Murray was sworn in. Mr. Clark first explained that David Taylor could not be at the meeting. He continued that Mr. Taylor has outgrown his current location and will be constructing a new "state of the art" building to house the Chrysler dealership. Mr. Clark explained that a lot of time had already gone into the planning of this proposal. BFW put the drawings together with several pages of civil drawings, turning lane proposals and layouts for the building. The Department of Transportation has been contacted and they are in the process of creating the turning lanes. The development is set up for three other lots on the property. Stormwater and drainage improvements will upgrade the entire piece of property.

Vice-Chairman Kind then asked if there was anyone that wished to speak in opposition to the request. There was no one. The public hearing was closed and the item was turned over to the commissioners for further discussion and a motion.

Marc Peebles made a motion to forward a recommendation to the City Council to set the zoning for the 21.123 acres located at the intersection of US Hwy 641 North, North 4th Street and Robert O. Miller Road as B-2 (Highway Business) zoning district. The recommendation is based on the following facts: the property is identified as commercial use on the Future Land Use map, and B-2 zoning is adjacent to the south and west sides of the property. He also moved to amend the Comprehensive Plan and the official Zoning Map to reflect the proposed zoning. Ed Davis seconded the motion and the motion carried with an 8-0 roll call vote.

Annexation Request: Request to annex 7.24 acres located at 126 Robertson Road North – Murray Independent and Calloway County School Systems: Candace Dowdy used a Power Point presentation to show the property located on Robertson Road North. This property is owned by the Murray Independent and Calloway County School Districts and will be the future site of a new Career and Technical Center. Ms. Dowdy stated that the Planning Department received a request from Bob Rogers and Steve Hoskins (superintendents from both schools) to annex the 7.24 acre tract of land into the city limits in exchange for city utilities. The property is located within the Murray Urban Service Area and is suitable for development. City utilities are available to this property. The zoning for this property will be Government. Ms. Dowdy explained that the zoning regulations state that the Government zoning classification applies to all property owned or leased by governments and government-owned public corporations or agencies. This zoning classification shall automatically become the zoning classification of any property acquired by such government or government-owned public corporation or agency, concurrently with such acquisition. She continued that the zoning regulations also states that areas zoned Government fall outside the jurisdiction of the administrator of the zoning ordinance and the development

thereon is at the discretion of the government owning the property which will basically exempt them from the zoning regulations. Ms. Dowdy noted that there is a procedure in the zoning regulations to follow for establishing a different zoning classification for the property if for any reason the property is ever sold to a private individual or corporation.

John Krieb made a motion to forward a recommendation to the City Council to annex the 7.24 acres located at 126 Robertson Road North, owned by Murray Independent and Calloway County School Systems. This recommendation is based on the fact the current owners have requested annexation; the property is contiguous to the current city limits on three sides; city utilities are available; the property falls within the Urban Service Area and is suitable for development purposes. The property will be zoned Government and the Comprehensive Plan and official Zoning Map should be updated to reflect this change. Mary Anne Medlock seconded the motion and the motion carried with an 8-0 roll call vote.

Advisory Meeting: Commercial Planned Development Project at 201 & 203 North 12th Street and 1204 Olive Street – Murray Donuts (Bunnarath Mao): Robert Jeffries used a Power Point presentation to show the property at the northwest corner of North 12th and Olive Street. This property is located in a B-4 (Medium Density) zoning district with B-4 zoning to the north and east, B-2 (Highway Business) zoning to the south and R-3 (Multi-family) zoning to the west. Mr. Mao from Murray Donuts has contacted the Planning Department with interest in developing this site. He is proposing to demolish the existing structures on the property and construct a new building. The building will be occupied by Murray Donuts with the potential for two other tenant spaces that will be leased out to permitted uses in a B-4 Zoning District. Mr. Jeffries explained that the purpose of an advisory meeting is to discuss informally with the Planning Commission the minimum requirements and design standards for planned development projects. It is also to discuss existing or proposed developments which may affect or be affected by the proposed project. A bakery is listed as a permitted use, but the definition of a bakery (as defined in the Zoning Ordinance) limits a bakery to only ten indoor seats. The reason that this item is being brought before the commissioners is because Mr. Mao is interested in having up to thirty (30) indoor seats. Because of the amount of desired seating, Murray Donuts would not be able to meet the definition of a bakery and would need to go through the Planned Development Project process. Mr. Jeffries showed the proposed layout of the building depicting the drive-thru lane and window, as well as two additional units. (The drive-thru lane was later confirmed by Mr. Barry Morris as being a *pick-up window* only). Commissioner Peebles reminded everyone of the concerns the neighbors of Olive Boulevard had when Jimmy John's presented a proposal for a fast food restaurant with delivery. He also questioned the difference in this proposal and the one from Jimmy John's that had been voted down. Mr. Jeffries explained that the hours of operation would be different. Commissioner Krieb added that with the Jimmy John's proposal, the concern was mainly with the delivery and the assumption that those deliveries would be made using Olive Boulevard; thus, causing more traffic to that residential area. He continued that he did not think this proposal would be the same in that aspect as they would not have a delivery operation. Mr. Jeffries read a statement from the Planning Staff in support of this proposal being forwarded to the BZA for compatibility review. Commissioner Jobs reviewed the parking situation with other nearby businesses and the possibility of additional parking problems that could arise with three units at this location. Mr. Jeffries reviewed the goals in the Comprehensive Plan and how it relates to this particular proposal. He also stated that the property at 201 and 203 North 12th Street are both owned by the same business and the house at 1204 Olive is vacant and has been since 2013; therefore, the home has already lost its grandfather's clause as residential use since it is located in a business zone. Mr. Jeffries said that the planning department had received two letters from nearby residents voicing concerns for the project and he read highlights from the letters. (*These letters were entered as Exhibit A & B.*)

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Barry Morris (Architect with Ace Design Group), 71 Westhaven Lane, Murray came forward. Mr. Morris explained that the site is approximately 0.66 acres with 170 feet of frontage on North 12th Street. He stated that the window is basically a “pick up” window with no speaker for ordering. Murray Donuts will be the only restaurant included in the new building. Mr. Morris stated that a lot of Mr. Mao’s business is from international students that live on the MSU campus and most of them walk to his business. He does not expect a lot of cars on his lot at any given moment since a typical bakery customer is usually in and out very quickly. Mr. Morris stated that in order to make this project financially feasible, this is the best layout for the property. The building will be 5400 square feet. Each unit will be 30 x 60 feet (1800 square feet).

Vice-Chairman Kind said that this was not a public hearing, but he would allow others to speak if they had comments that they would like to make.

Danny Steele, 109 Birchwood, Murray came forward. Mr. Steele is in construction, engineering and development real estate and he has been working with Mr. Mao from a development standpoint. Mr. Steele stated that the property has been underdeveloped for several years and he would like for the commissioners to take into consideration that this proposal could be a good fit for the property with greenspace and adequate parking available. He applauds Mr. Mao for the interest and investment he is making as he pursues this proposal.

Bunnarath Mao, 1104 Sycamore Street, Murray came forward. Mr. Mao stated that his business, Murray Donuts is currently located in the Olympic Plaza with seating for twenty. He is interested in having a larger seating capacity for thirty. His donut shop is locally owned and operated and should not be compared to a franchise. A donut shop is permitted in a B-4 zone. Sometimes there are families or groups of students that meet at the donut shop and seating is very limited. Most of his business is early in the morning. The customer will stop for donuts on his way to work and he is in and out in a very short period of time. Mr. Mao showed pictures of previous days in his current location to depict the family atmosphere where customer convenience is his first priority. Mr. Mao said that the houses that are currently on the property are not very appealing. He is ready to start construction at any time to improve the looks on this corner; however, he would like approval to be able to provide more seating for his customers.

Vice-Chairman Kind asked for a motion from the commissioners at that time.

Jim Foster made a motion to forward this planned development project to be reviewed by the Board of Zoning Adjustments for compatibility to the area. John Krieb seconded the motion and the motion carried with an 8-0 roll call vote.

Request: Six month extension on temporary placement of modular office building located at 1544 Hwy 121 Bypass North – Mecca Companies: Robert Jeffries used a Power Point presentation to show the modular office building that was placed at 1544 Hwy 121 Bypass North by Rob Martinson with Mecca Companies. The building is a 12 x 60 foot pre-manufactured structure to be used as an office during the construction of the new Station 74 apartments on Lowes Drive. The temporary office was moved to this location around the first of December 2014. They are requesting a six month extension on the temporary placement of the building which will carry them to August when they hope to have the development completed. Mecca Companies is using this building to allow students an opportunity to start leasing apartments for the fall semester. Staff noted that a temporary placement such as this is allowed for a period of time not to exceed ninety days and anything longer than that requires Planning

Commission approval. They are asking for a six month extension to this time period. Mr. Jeffries stated that they have not received any complaints concerning the structure.

Ed Davis made a motion to approve the request for a six month extension to expire August 31, 2015 on the temporary placement of a 12 x 60 foot pre-manufactured office building at 1544 Hwy 121 Bypass North for Mecca Companies. John Krieb seconded the motion and the motion carried with an 8-0 roll call vote.

Final Plat Approval: Review Final Plat for Fairfield Subdivision, Unit 3 – Dale Campbell: Candace Dowdy used a Power Point presentation to show Unit 3 of Fairfield Subdivision. Dale Campbell is requesting final plat approval on six lots ranging from 0.322 to 0.329 acres in size. Each lot has 100.00 feet of road frontage. Ms. Dowdy stated that the Preliminary Plat was approved by the Planning Commission on December 17, 2014 contingent upon all city regulations being met. Ms. Dowdy noted that Mr. Campbell would be required to construct sidewalks on the lots located on the north side of Traci Drive as was required in the approval of Unit 2. As discussed during the preliminary plat review, the existing street would need to be extended another 30 feet with a 20 x 100 foot “T” turnaround constructed at the end of Traci Drive. This would be required to meet current Fire Codes. Mr. Campbell is requesting approval to extend the street and provide the temporary turnaround with gravel in hopes that he will be able to further develop Fairfield Subdivision within the next year. Fire Marshal Dickie Walls stated that he had no objections to Mr. Campbell’s request as long as he provided something in writing stating that the graveled area has been constructed to support an 80,000 lb. vehicle. Planning Staff has also explained to Mr. Campbell that the subdivision regulations state that before final plat approval can be granted by the Planning Commission all outstanding improvements would have to be installed and approved by the city or a letter of credit would need to be posted with the city legislative body to assure completion of all required improvements (in case of default). Ms. Dowdy stated that Mr. Campbell was present if the commissioners should have any questions.

John Krieb made a motion to approve the final subdivision plat for Fairfield Unit 3 contingent upon all city regulations being met and that a letter of credit should be posted with the City of Murray for the cost of all outstanding improvements until said improvements have been installed to city standards. This shall include a graveled area designed to support an 80,000 lb. fire department vehicle. Mary Anne Medlock seconded the motion and the motion carried with an 8-0 roll call vote.

Advisory Meeting: Commercial storage units as a planned development project located at 713 South 12th Street – T. C. Dinh: Robert Jeffries used a Power Point presentation to show the site plan for the commercial storage units that are being proposed for construction at 713 South 12th Street. The property is owned by T.C. Dinh. Mr. Dinh would like to build a total of seven storage unit buildings on the lot behind Vernon’s Pawn Shop. The property is located in a B-2 (Highway Business) zoning district. It is surrounded by B-2 zoning on the north, south and west sides with R-2 (Single Family Residential) zoning to the east. The buildings will run parallel east to west and will have access off 12th Street from two access easements as approved on a minor subdivision plat in 2005. One building will have 22 storage units and the remaining six buildings will have 18 units in each building. The total number of storage units will be 130. The units will range in size from 50 to 150 square feet. Mr. Jeffries reviewed the Comprehensive Plan as it relates to this situation and the goals currently in place for developing within a B-2 Business District. Ms. Dowdy explained that the buildings would have to be a minimum of 25 feet off the rear property line as it adjoins a residential district. A buffer of screening will also be required as there are adjoining residential areas along the east side. Stormwater detention and lighting will be addressed if the project moves forward.

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Vice-Chairman Kind asked if there was anyone that wished to add any comments regarding this proposal.

Joseph Dooley came forward. He stated that he is a property owner in Calloway County. Mr. Dooley is also the Senior Officer of Southeastern Real Estate. He has been in this line of work for approximately twenty years and was asked by the owner to look at the project for feasibility. It is Mr. Dooley's opinion that this facility would not increase any electrical demand or traffic to the area. He commented that commercial property vacancies are hard to find in this area and this proposal would create a tax base for the community. He concluded that he does not think there is a higher "best use" for this property and it would be a good asset for the community.

Loretta Jobs made a motion to forward this planned development project to be reviewed by the Board of Zoning Adjustments for compatibility to the area. Ed Davis seconded the motion and the motion carried with a 7-1 roll call vote. Mary Anne Medlock voted no.

Questions and Comments: Marc Peebles welcomed new member Jim Foster.

Commissioner Zhang stated that she had been asked about the new Huck's convenience store that was going next to Culver's and Bee Creek and that there was some concerns about putting gas tanks so close to a creek. David Roberts explained that the city does not address fuel storage; however, they do focus on what is more surface related. Gas spills are typical around a gas station and this tends to build up and get flushed out with stormwater drainage; therefore, they have incorporated the water quality structures into this project. Ms. Zhang also suggested that a buffer zone be put in place to protect our water ways. Mr. Roberts said that was not a bad idea and that was something that could be looked at during the revision of the Zoning Ordinance. He continued that he was sure that some cities did have a buffer zone for this type of protection in their Zoning Ordinance but the City of Murray does not incorporate that in ours.

Commissioner Davis said that he had spoken to an individual inquiring about the design of the new Huck's and he assured them that the Planning Commission did not have anything to do with the colors or design of the building. Vice-Chairman Kind stated that this topic could also be addressed during the revision of the Zoning Ordinance.

Adjournment: Ed Davis made a motion to adjourn. John Krieb seconded the motion and the motion passed unanimously. The meeting adjourned at 6:25 p.m.

Vice-Chairman, Tom Kind

Recording Secretary, Reta Gray