

**MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, JANUARY 17, 2017
4:30 P.M.**

The Murray Planning Commission met in regular session on Tuesday, January 17, 2017 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5th Street.

Commissioners Present: Robin Zhang, Jordan Smith, Tom Kind, Jim Foster, Marc Peebles, Ed Pavlick and John Krieb

Commissioners Absent: Loretta Jobs

Also Present: Danna Clayton, Maurice Thomas, David Roberts, Attorney David Perlow, David Graham, Howard Brandon and public audience

Chairman Kind called the meeting to order and welcomed all guests and applicants. He then asked if there were any changes to the minutes from the December 20, 2016 regular meeting.

John Krieb made a motion to approve the minutes from the December 20, 2016 Planning Commission regular meeting as presented. Ed Pavlick seconded the motion and the motion carried unanimously.

Public Hearing: Request to rezone a 0.21 acre tract of land located at 517 South 12th Street from R-2 to B-2 – Interstate Personnel Service (IPS): David Roberts came forward. He apologetically explained that the City is currently making some upgrades to the electronic system in the Council Chambers causing the speaker system to be down. He clarified that the meeting was still being recorded but everyone would have to speak a little louder as they come forward. Chairs were moved forward to accommodate those that said they could not hear as well.

Mr. Roberts explained that IPS recently discovered that a small portion (0.21 acre) of the southeast corner of their property was still zoned R-2 (single family residential). They have submitted a zoning map amendment application requesting that this tract be rezoned to B-2 (Highway Commercial) to match the intended use of the remainder of the property. The small tract is still shown as low-density residential use on the Future Land Use Map. The applicants have based their request on the fact that the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate. They have also stated that the majority of the property is already zoned B-2; therefore, rezoning the 0.21 acre tract would eliminate the split zoning. The property has been used for commercial purposes for several years and has housed numerous lodging services before being acquired by Interstate. If the Planning Commission recommends the rezoning of this tract the Comprehensive Plan and official Zoning Map should be updated to reflect the changes in the use of the property.

Butch Seargent came forward and explained that years ago it was difficult to determine exactly where the zoning lines were. Planning Staff has determined that this portion of land appears to be part of the original R-2 zoning when this area was annexed into the city limits on December 22, 1959. The property boundary lines have changed over the years but the zoning was never

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updated. The situation is that all the property that IPS has bought is business except for this small portion which has been overlooked during previous boundary changes and by changing the zoning this would clean up the situation. Hopefully, as issues such as this are settled in the future, a new more accurate Zoning Map will be accessible.

Chairman Kind opened the public hearing and asked if there was anyone that wished to speak in favor or opposition to the request.

David Graham (representative for IPS) came forward and was sworn in. Mr. Graham explained that the property was purchased about two years ago for the purpose of training and housing their drivers while in-transit as they come through the community. Mr. Graham said that there is a natural stream running across the property and they have plans to clean that up and enhance the area. IPS has leased an easement from the adjoining property owner for truck use providing an easier access to their property from Story. Mr. Graham also stated that they utilize this property with a fairly substantial transportation service by shuttling drivers back and forth between this facility and their facilities on the north and south sides of town. They do not foresee any additional truck traffic over and above what they currently have.

Howard Brandon came forward and was sworn in. Mr. Brandon has owned the adjoining property to the north since 1941. He gave a brief history of the property. He added that he was not aware that the property in question or his property was not zoned commercial; however, it is his opinion that both properties should be rezoned as commercial. Since his knowledge of this situation, Mr. Brandon has already spoken to David Roberts concerning the rezoning of his property.

There was no one that spoke in opposition; therefore, the public hearing was closed and the item turned over to the commissioners for discussion and a motion.

John Krieb made a motion to forward a recommendation to the City Council to rezone the 0.21 acre tract of land located at 517 South 12th Street from R-2 (Residential) to B-2 (Highway Commercial). This recommendation is based on the following findings of fact:

- **The existing R-2 zoning classification given to the property when it was annexed into the city limits is now inappropriate and the proposed B-2 zoning classification is appropriate especially considering the many years of history use as commercial property**
- **The proposed zoning would be in line with the intended use going forward with the remainder of the property owned by this organization**
- **This approval will bring us closer to having alignment with the east boundary of B-2 zone and areas farther to the north for future changes made in that area.**

Jordan Smith seconded the motion.

Mr. Roberts then asked Mr. Krieb to amend his motion with an additional statement.

Mr. Krieb amended his motion to add that the Planning Commission also recommends that the Comprehensive Plan and Official Zoning Map for the City of Murray be updated to

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reflect the change in zoning. Mr. Smith accepted the amendment and confirmed his second. The motion carried with a 7-0 roll call vote.

Mr. Roberts then explained: Recent changes have been made in the way that rezoning requests will be handled. Once the Planning Commission votes to recommend a zoning change to the City Council, there will be a 21 day period in which the action can be appealed by any individual or the legislative body. If no one appeals the decision, then the Planning Commission's approval will be final. This will actually be the first chance for the Planning Commission to pass a zoning amendment without final approval from the City Council.

Annexation Request: Request to annex a 20.01 acre tract of land located on the east side of Brinn Road 950' +/- south of the intersection of Brinn Road and Poor Farm Road. The property is identified as Tax Parcel #041-0-0050 and owned by City West, LLC: Mr. Roberts explained that a letter dated December 28, 2016 was submitted to the Planning Department by Matt Jennings (Representative of City West, LLC) requesting that this particular tract of land be annexed into the city limits of Murray in exchange for city utilities and other city services. Gas and water are currently available along Brinn Road and Sanitary Sewer is just south of the property on the same side of the road. A 12 inch water line was installed after taking into consideration the proposal for Vintage Hills. The sewer system has 8 inch lines (or larger) which with modifications should be adequate to serve this property as well. Phase 3 of Vintage Hills (Owned by City West as well) abuts this property; therefore, the sewer will be constructed to serve a portion of this property. The property lies within the Urban Service Area for the City of Murray and is suitable for development. It is contiguous to current city boundaries to the south and east. Butch Sargent added that the property is identified as Low Density Residential Use on the Future Land Use Map.

Jim Foster made a motion to forward a recommendation to the City Council to annex the 20.01 acre tract of land identified as Tax Parcel # 041-0-0050 located on the east side of Brinn Road approximately 950' +/- south of the intersection of Brinn Road and Poor Farm Road. Said property is owned by City West, LLC. The recommendation is based on the fact it is contiguous to the current city boundaries to the south and east and is suitable for development. The property lies within the Urban Service Area for the City of Murray and all public utilities are available. John Krieb seconded the motion and the motion carried with a 7-0 roll call vote.

Acceptance of Street for Maintenance: Deerfield Run – Deerfield Estates Phase I: Justin and Stephanie Phillips are developing the residential subdivision known as Deerfield Estates located off Robertson Road South just north of Falwell Subdivision. Deerfield Run is the street that runs east and west through the subdivision. Phase 1 of the roadway has been constructed and the developer has asked the city to take it over for maintenance. The portion of street constructed has a 50 foot right of way and is 425 feet in length. The Planning and Engineering Department has received a letter from BFW Engineering indicating that the street has been constructed in general conformance with the approved plans and is functioning as designed. Sidewalks are being constructed as each house in the subdivision is constructed. As soon as the weather permits, the developers are ready to move forward with Phase II. Planning Department recommends that the City Council accept the street to be maintained by the City of Murray.

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Ed Pavlick made a motion to forward a recommendation to the City Council to accept the 425 feet of roadway identified as Deerfield Run as a street to be maintained by the City of Murray. This recommendation is based on the fact the street has been constructed in general conformance with the approved plans and is functioning as designed. Marc Peebles seconded the motion and the motion carried with a 7-0 roll call vote.

Approval of Continuing Education Hours: Danna Clayton said that David Roberts had 4.25 hours of Continuing Education for APA West KY half day conference in Owensboro. Marc Peebles had 4.5 hours of Continuing Education from watching three different videos. Ahmed Abdullah had 6 hours at an Open Records Conference along with 8 hours at KLC City Officials in Owensboro.

Jim Foster made a motion to approve the Continuing Education Hours for those mentioned. John Krieb seconded the motion and the motion passed unanimously.

Questions and Comments: Robin Zhang said that several students have commented to her that the intersection at Chestnut and North 12th Street is very difficult to cross and the walk light only flashes for seconds. Mr. Roberts said that this is a state intersection and they will contact someone in Traffic at KYTC and ask them to take a look at those lights. He added that he will report back to the commissioners next month with a reply to this concern. Dr. Zhang added that another area of concern is Five Points.

Chairman Kind asked David Roberts if he had an update on the new design of North 16th. Mr. Roberts replied that he had not had any feedback from KYTC as the result of the last presentation presented to the City Council. BFW Engineers presented a proposal for a boulevard to be installed on North 16th from Main Street to Chestnut Street. There is money available for design, but at this time there is not money for construction. Mr. Roberts added that he is not sure how this will impact improvements at Five Points. The Governor's Office has made changes to projects with the two year program that is in place now.

Commissioner Krieb asked if the BZA and Planning Commission records could be reviewed in order to let the members know their requirements for continuing education hours. Mr. Roberts replied that they are on the website but January 1 will start the new two year cycle.

Jim Foster made a motion to adjourn. Jordan Smith seconded the motion. The meeting adjourned at 5:17 p.m.

Chairman, Tom Kind

Recording Secretary, Reta Gray