

**MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, JANUARY 15, 2019
4:30 P.M.**

The Murray Planning Commission met in regular session on Tuesday, January 15, 2019 at 4:30 p.m. in the council chambers of City Hall at 500 Main Street.

Commissioners Present: John Krieb, Tom Kind, Robin Zhang, Bobby Deitz, Marc Peebles and Martin Milkman

Commissioners Absent: Jim Foster

Also Present: Justin Smith, Maurice Thomas, Jeremy Buchanan, Attorney David Perlow, Daniel Yong, Jason Pittman, Gerald Bell, Joshua Tabers, Ryan Stanger, Josh Vernon, Roger Scott and Jim Osborne

Chairman Tom Kind called the meeting to order at 4:32 p.m. and asked Maurice Thomas to call the roll. Chairman Kind then asked for a motion to approve the minutes from the December 18, 2018 regular meeting.

A motion was made by John Krieb to approve the minutes from the December 18, 2018 Planning Commission regular meeting as presented. The motion was seconded by Marc Peebles. The motion carried unanimously.

Public Hearing: Zoning Map Amendment to rezone the property located at 1300 North 16th Street from B-2 (Highway Business District) to R-4 (Multi-Family Residential District) – DIKY, LLC - Daniel Yong: Justin Smith used a Power Point presentation to show the property and renderings of the proposed development. This “up-scale” residential project will be developed in two phases and fenced as a gated community. Two entries are shown for the proposal. Staff believes that the rezoning of this 3.3 acre tract from B-2 to R-4 would be appropriate and coincide with the adjacent properties. (Justin referenced Station 74 on North 16th Street and Troy Stovall’s adjacent multifamily residential development to the west.) By rezoning the property, the R-4 zoning would be reestablished from a zoning change that was implemented in 2004. Mr. Yong has indicated that if the property is rezoned that he will be combining all the tracts into one. The applicant contends two reasons for the change request:

- The existing zoning classification given to the property is inappropriate. The proposed zoning classification is appropriate; therefore, making adjoining residential R-4 properties compatible.
- There have been major changes of an economic, physical, or social nature within the area which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of the area.

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Bobby Deitz recused himself at 4:40 p.m. At this time, Chairman Kind opened the public hearing and asked if there was anyone that wished to speak in favor or opposition to the request.

Jason Pittman, Gerald Bell, Joshua Tabers and Ryan Stanger came forward and were sworn in individually. Each gentlemen spoke in favor of Mr. Yong's proposal. They spoke highly of his integrity and the way in which he takes care of his properties. Mr. Yong is locally based with vested interest in our community. They all agreed that the property is well designed for the proposal as R-4 zoning is prevalent in the surrounding properties. They indicated that without the property being rezoned, it would be very difficult to find someone to develop it as B-2 in this locked-in location. Mr. Stanger is a realtor and it is his opinion that if a property has been vacant for 15 years, then it might be time to rezone and try something else. Mr. Bell noted that a change in circumstances justifies rezoning. He concluded that this development will provide housing closer to town.

No one 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 approve the zone amendment request for the subject property located at 1300 North 16th Street (Tract 2-B) to be rezoned from B-2 (Highway Business District) to R-4 (Multi-Family Residential District). The testimony presented in this public hearing has shown that the proposed zoning classification is appropriate because there have been major changes in the area of an economic, physical, or social nature within the area involved which were not anticipated when the property was changed from R-4 to B-2 and it has substantially altered the basic character of the whole area. Comments that were made during the meeting were appropriate and "right on the mark". The sale of the Moose Lodge property and B-2 area (splitting them into two separate pieces) makes the B-2 piece very difficult to do anything with due to access. The property is not suitable for the typical B-2 business. There is a large residential complex to the south in a B-2 zone which is appropriate for that type of situation. By restoring this area to its previous 2004 zoning of R-4 makes it consistent with the properties to the west and north. Marc Peebles seconded the motion and the motion carried with a 5-0 roll call vote. (Bobby Deitz did not vote as he had recused himself earlier.)

Public Hearing: Preliminary Plat review of a Planned Development Project (PDP) for a proposed multi-family development to be located at 1402 North 16th Street – DIKY, LLC – Daniel Yong: Justin Smith showed the Preliminary Plat. He explained that the current Preliminary Plat has a few modifications from the previous one. Daniel Yong is proposing a two phase multi-family development in which Phase I consists of forty-two units and one office building. This proposed development will be located in the vacant area directly behind August Moon. Justin explained the breakdown of Phase I with 42 units/69 bedrooms:

- 24 one bedroom units
- 9 two bedroom units
- 9 three bedroom units

Street frontage of this development will be off of North 16th Street with two access points. One of the access points will be through an ingress/egress easement on the property to the west, where the vacant Hangover bar building (former Moose Lodge) is located. Discussions of this

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proposed project have taken place with the Fire Marshal Greg Molinar and Public Works Field Operations Manager Jaimey Erwin. They do not see any problems with the current proposal. A Traffic Study conducted by our Street Department was put in place at the beginning of January 2019 and should have been pulled for data on January 14th. The data will be presented at a public hearing; however, it did show that 4,291 automobiles travel North 16th Street per day. The commissioners were concerned that MSU student traffic would not have been included in this study since they were on Christmas break and classes did not resume until January 14th. Justin said that the posted speed limit is 35 mph but the average speed is 36 mph. He commented that the speed might be a little bit faster now that MSU students are back in town.

Staff feels that the proposed Phase I plan has met most of the concerns that the Planning Commission previously had from other proposed developments at this site. Highway 121 Bypass North has been widened since the last proposal and that should be taken into consideration when discussing traffic. Justin briefly explained the proposed utility layouts and location of the dumpster for this project. He also touched on the parking and green space areas. If the Preliminary Plat is approved, a landscaping plan, the name of the development, and addressing for each unit will be taken care of prior to the Final Plat. Phase II (which will include single family homes) will also require Preliminary Plat approval by the Planning Commission.

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

Gerald Bell and Joshua Tabers each spoke in favor of the proposal. Mr. Bell feels that the proposed design is very progressive, very well planned out and appropriate for the area. Mr. Tabers explained where his property adjoins. He stated that he was present at the meetings when Dale Campbell previously made a proposal for this property and he thinks that the current proposal is a lot nicer.

Josh Vernon came forward and was sworn in. Mr. Vernon is the Architect for the project. He explained parking for the different units. He stated that if the parking spaces that are currently shown on the Preliminary Plat are inadequate, there is another area that they felt would be more beneficial as green space that could be turned into future parking. Mr. Vernon said that it had been requested that they look into a third ingress/egress from the development. They looked at the area where the office, detention and the dumpster locations are and decided they were each needed in those areas. There will be a community dumpster rather than individual garbage cans which is not uncommon for multi-family living/apartment complexes. The desire is to keep the neighborhood clean and aesthetically pleasing. The owner has indicated that he would rather lose the dumpster area for a third entrance than to lose the project all together; however, according to BFW's independent study, the number of units is not large enough to necessitate the third ingress/egress. The detention area is not designed to reroute the water run-off but to slow it down; thus, the excess water should be leaving the property the same way as it currently is. The north access is intended to be used for a construction access while Phase I is being developed. When the construction is complete, that access road will be paved and available for residents. Chairman Krieb suggested that the parking spaces north of the dumpster be eliminated and marked for dumpster access only. Mr. Krieb also suggested that the north entrance be moved farther south because of poor visibility. Mr. Vernon agreed that these concerns would be looked at as they get into the progression of the project.

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Roger Scott came forward and was sworn in. He voiced concerns with the project. Mr. Scott lived at 1400 North 16th as a child. He has since moved; however, he continues to own and rent the property. He has seen many dangers caused by poor visibility in the area of the proposed ingress/egress on the north side of Mr. Yong's property. Mr. Scott is also in the rental business; therefore, he is not against the proposal itself, but has concerns about the traffic situation on this hill. Since the traffic study was compiled during MSU's Christmas break, he does not feel like the numbers are adequate. His concern is the traffic and how the city plans to deal with that.

At this time, the chairman closed the public hearing and turned the item over to the commissioners for discussion and a motion.

Justin went over the numbers from the Traffic Study again. Even though the numbers may have increased slightly over the years, Staff feels that the impact has actually improved. Justin said that he previously spoke to David Roberts about this area and David also felt that the situation had improved with the widening of Hwy 121 and the changes made at the intersection. Justin explained that Bobby Deitz with BFW has indicated that they are looking at making the north ingress/egress an "entrance only" where there will not be any lives endangered. In the past there was discussion about making North 16th a 3-lane road. At that time the money was available for widening the road; however, for some reason the money is no longer there. Justin said that Staff could talk with the State about these concerns. Mr. Yong has given up 15 additional feet in the right-of-way just in case 16th Street is ever widened. Marc Peebles said that they all agreed that there is a traffic issue with North 16th, but they need to be concerned about the line-of-sight (as Mr. Scott's testimony stated) on the north entrance.

Marc Peebles made a motion to approve the Preliminary Plat for the Daniel Yong Development located at 1402 North 16th Street contingent upon the Board of Zoning Adjustments approving the Conditional Use Permit and the project meeting all other city regulations with the findings that this property would be best utilized as R-4 zoning for development in that region. Martin Milkman seconded the motion and the motion carried with a 5-0 roll call vote. (Bobby Deitz did not vote as he had recused himself earlier.)

Bobby Deitz returned to the meeting at 5:33p.m.

Discussion: Zoning Text Amendment to add a section for Food Truck Vendors: Justin explained that he had been working on a draft for a Text Amendment to add a section for Food Truck Vendors to the Zoning Ordinance. Formerly there was a small section under Transient Businesses concerning food trucks and Staff felt that an entirely separate section has become necessary. After Justin completes the Text Amendment, it will be forwarded to the Mayor and City Administrator for their approval and then e-mailed to the Commissioners for their review. The proposed restrictions are based on conversations with various other cities in the area that are comparable in size. Staff has decided to be stricter with our regulations than they found these other cities to be. Once this amendment has been tweaked, there will be a public hearing set and the results of that hearing will then go to City Council for their final approval. Jeremy Buchanan noted that Madisonville has designated areas specifically for Food Truck Vendors. Staff is currently working with the GIS department to determine adequate locations for these vendors.

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Questions/Comments: Commissioner Krieb would like to see the developers attempt to find a third entrance for Mr. Yong's development. He suggested they look at the area to the west of the dumpster (which would require moving the dumpsters) or to obtain an easement from the backside of Lowes on Mr. Tabers's property.

Jeremy explained that there had been concerns amongst both the Planning Commission and BZA members about bringing the number of members on each board down to five through attrition. Mr. Kind and Mr. Krieb asked for a meeting with Mayor Rogers, Jim Osborne and Jeremy to voice their concerns. Mr. Kind and Mr. Krieb presented a letter of concerns. Mayor Rogers is opened to having the boards consist of six or seven members. Changing the size of the boards is something that the City Council would do and it would require an Ordinance revision which would take two readings. They are looking at trying to facilitate this issue rather quickly as possible because they have some board members that will be impacted by this. Chairman Kind called for a motion to adjourn.

Marc Peebles made a motion to adjourn. John Krieb seconded the motion and the motion carried unanimously. The meeting was adjourned at 5:44 p.m.

Chairman, Tom Kind

Recording Secretary, Reta Gray