

**MURRAY PLANNING COMMISSION MINUTES  
REGULAR MEETING  
TUESDAY, APRIL 16, 2019  
4:30 P.M.**

The Murray Planning Commission met in regular session on Tuesday, April 16, 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, Jim Foster and Martin Milkman

**Commissioners Absent:** Marc Peebles

**Also Present:** Justin Smith, Maurice Thomas, Jeremy Buchanan, Attorney David Perlow, Jim Osborne, Paul & Vickie Garland, Clay Coley, Bob Nanney, Matt Jennings and Adam Wade

Chairman Tom Kind called the meeting to order at 4:30 p.m. and asked Maurice Thomas to call the roll. Chairman Kind then asked for a motion to approve the minutes from the February 19, 2019 regular meeting.

**A motion was made by John Krieb to approve the minutes from the February 19, 2019 Planning Commission regular meeting as amended. The motion was seconded by Martin Milkman. The motion carried unanimously.**

**Discussion: Text Amendment to the City of Murray Zoning Ordinance – Table of Contents:** Justin Smith explained that when the Sign Regulations section of the City of Murray's Zoning Ordinance was updated, an oversight was made and the Table of Contents updates were not presented to the Planning Commission at the same time. As of right now, the Zoning Ordinance has a Table of Contents that does not match the content of the Sign Regulations. This text amendment is necessary in order to correct this error so the Table of Contents properly reflects the contents within the Zoning Ordinance.

**Public Hearing: Text Amendment to the City of Murray Zoning Ordinance – Table of Contents:** Justin showed the drafted Table of Contents as required by KRS. Chairman Kind opened the public hearing and asked if there was anyone that wished to speak in favor or opposition to the text amendment. No one came forward to speak either in favor or opposition; therefore, the public hearing was closed and the item turned over to the Commissioners for further discussion and a motion. Justin added that Staff recommends approval.

**Martin Milkman made a motion to recommend approval to the City Council for the text amendment request to the Table of Contents section of the City of Murray's Zoning Ordinance. John Krieb seconded the motion and the motion carried with a 6-0 roll call vote.**

**Public Hearing: Request to rezone a 25.099 acre tract of land located 245 feet south of Utterback Road and 1100 feet west of US Hwy 641N from an R-4 Zone to a B-2 Zone –**

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**Applicants: Paul and Vickie Garland:** Justin used a Power Point presentation to show the property. He explained that this land is adjacent to B-2 zoning to the north, east and southeast and would be ideal for future commercial development. The property is vacant at this time. Justin then reviewed the previous properties in the area that had been rezoned. He added that there seems to be somewhat of a shortage of B-2 land available for development, especially areas with this amount of land vacant off of our 12<sup>th</sup> Street commercial corridor. There have been many changes in the area of North 12<sup>th</sup> Street over the years. Since 2009 several businesses have been established in this area with Lake Chem Credit Union on Octane Drive and Jarvis Eye Vision Center on North 4<sup>th</sup> Street currently under construction. As for the proposed change from R-4 to B-2 for this area of land, the applicant contends the following reasons for the request: to be compatible with adjoining B-2 properties and that major economic and social changes in the area have occurred that were not anticipated before the last update of the Comprehensive Plan. Staff believes that the change from R-4 to B-2 would be appropriate based on the applicants reasons. Justin then turned the item over to Commissioners for questions. *Bobby Deitz recused himself at 4:43 p.m.*

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

Clay Coley (representative of BFW Engineering Firm) came forward and was sworn in. He indicated that Justin had described the request adequately. Clay revealed that there are currently negotiations with a very large shopping center pending on this property and that's all he could say about that at this time. It is BFW's opinion that two entrances should be sufficient to handle the projected volume and they would be off Utterback Road and Frontage Road. Other access will be based on the size and location of the buildings and detention areas. There will be no access through the residential areas to the west. All the leases are expected to be signed by summer. Questions were asked by the Commissioners pertaining to the businesses that "might" be coming. Attorney Perlow intercepted the conversation and stated that the negotiations are secret at this time and that Mr. Coley had said all that he was permitted to say.

Bob Nanney came forward and was sworn in. Mr. Nanney said that he was unable to see the map that Justin had shown earlier. Justin put the map up again and pointed out the proposed points of access.

No one came forward to speak 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 of Paul and Vickie Garland located 245 feet south of Utterback Road and 1100 feet west of U.S. Hwy 641 North to be rezoned from R-4 (Multi-Family Residential District) to B-2 (Highway Business District). The testimony presented in this public hearing has shown that the proposed zoning classification is appropriate. The major changes that were detailed by Justin in the staff report indicated clearly that there are a number of changes that have occurred since the Comprehensive Plan was adopted back in 2009 and there were very minor changes in 2014 so it is quite out of date with respect to what has happened in this area. Some of the changes that were detailed were the CFSB facility, Springhill Suites, Taylor Car Sales operation, Pockets, Lake Chem and Jarvis Vision Center. There's a large number of other items cited that support the thought that are significant changes of**

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**economic nature to this area and it should really be rezoned to B-2. It would also be more consistent if you look at the whole pattern of the north-south direction of Hwy 641. (The R-4 section sticks out like a sore thumb in a sense.) Martin Milkman seconded the motion and the motion carried with a 4-1 roll call vote. Robin Zhang voted no.**

**Public Hearing: Approval of a Preliminary Plat for Vintage Hills Phase III located south of Poor Farm Road – Applicants: City West and West Wind Rentals LLC:** Justin showed the aerial photography of the property. Phase III consists of 19.09 acres and is located adjacent to Phase I and Phase II of Vintage Hills. He reviewed the size of the lots. Primitive Drive, Wagon Wheel and Crosscut are the streets within Phase III. The roadway will consist of 50 foot right of ways with 25 foot wide roads. There will be sidewalks throughout. The minimum front setbacks will be 35 foot except where noted on the plat. The rear and secondary yards will have 25 foot setbacks and the side yards will have 10 foot. Justin then showed pictures of some of the houses that have been built in Phase I and Phase II to give an idea of what type of homes that are constructed there. Vintage Hills Subdivision has filled up rather quickly over the past 6 years. Phase II of Vintage Hills is close to being completed, building wise. Approval of the Preliminary Plat for Phase III would allow the developers to submit engineered plans for staff to review for the construction of the utilities and the roadways and allow the developers to begin installing the proper infrastructure. All utilities, roadways and detention systems must be designed by a licensed engineer and submitted to the city for approval before any construction is allowed to begin. Once construction is close to completion, a letter of credit can be submitted for the remainder of costs for the infrastructure. This would take place when the Final Plat is submitted to the Commission. Mr. Jennings's plan is to get all infrastructure installed by November of 2019 with the only item left to complete being the surface coat of asphalt on the roadway. The Preliminary Plat approval is mainly for the purpose of constructing the utilities and the roadway. That approval shall lapse unless a Final Plat based thereon is submitted within one year from the date of such approval. After the Final Plat is approved, construction of the buildings can take place. Justin said that Staff recommends approval and then turned the item over to the Commissioners.

Commissioner Krieb noted previous concerns from various residents and property owners about access from Phase III to adjoining properties to the west. Mr. Krieb suggested that the developer consider making modifications to the plat on the lots along the west side so there is clearly no access from the Crosscut Drive dead-end. It was his opinion that this item be tabled until changes could be made to the Preliminary Plat in order to prevent a problem in the future. Justin explained that there are no plans for an additional phase to this development and that Crosscut would dead end into the county as shown. If there ever is a request to make a new connection, the item would have to be brought back before the Planning Commission.

At this time the public hearing was opened. Chairman Kind asked if there was anyone that wished to speak in favor or opposition to the item.

Matt Jennings came forward and was sworn in. Mr. Jennings is the co-owner/developer of the project. He stated that he would love for the dead-end on Crosscut Drive to be taken out. The road was put there by his Engineering Firm BFW. Mr. Jennings was under the impression that the City requests all developments to have a "tie-in" since they have always required him to have one on the back side in case the adjoining property was ever developed. Mr. Jennings stated that he does not own the adjoining property and will not benefit by leaving the dead-end there. He

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indicated that they could take the dead-end out and might even gain an additional lot and save money at the same time. He is willing to leave it there or take it out; whatever the City wishes for him to do. His only concern would be with the timing of having BFW draw a new Preliminary Plat since their aspirations were to have the road in by November before the asphalt plant closed for the winter. Jeremy Buchanan made a comment at this time. He said that the City had in fact encouraged developers to add a “tie-in” for access to the utilities; however, the potential is there to make a through street. He then reiterated that there are no plans at this time for anything to develop at the dead-end. Mr. Jennings said that if he could talk to Bobby Deitz before he made a commitment either way that would be helpful. The Commissioners decided to table the item for 10 or 15 minutes while Mr. Jennings spoke to Mr. Deitz (BFW Engineer).

**Motion was made by Jim Foster and seconded by John Krieb. Motion passed 5-0 with a roll call vote.**

**Dedication and Acceptance for streets known as Vintage Hills Drive, Cross Cut Drive and Wagon Wheel Drive – Applicants: City West and West Wind Rentals LLC:** Justin described the streets within Phase II of Vintage Hills. Vintage Hills Drive is approximately 2023 feet in length. Cross Cut Drive is approximately 344 feet in length. Wagon Wheel Drive is approximately 348 feet in length. Each street has a fifty foot right-of-way and two 14.75 foot drive lanes, with an overall roadway section of 29.5 feet in width. The request is to accept the streets into the City’s public streets system. The streets have been completed and inspected and are in conformance to the approved plans as well as all other City requirements. Justin then showed an aerial shot of the roadways. Final Plat was approved in 2016 for Phase II. City codes require that prior to accepting a street dedication two main conditions must be met before the Commission takes action.

- Written verification from a registered engineer or land surveyor certifying that the street has been constructed in conformance to the approved street plan and profile requirements outlined in § 155.47 Final Plat Required (B).
- The Final Plat has been approved and the street has been inspected by the City to determine if the street has been constructed to City requirements.

The project engineer (BFW Engineering and Testing) has submitted the required verification letter. Based on these facts, staff believes that the Commission can recommend the acceptance and dedication of *Vintage Hills Drive, Cross Cut Drive, and Wagon Wheel Drive* to the City Council from Vintage Hills Phase II Subdivision.

**Jim Foster made a motion to recommend approval to the City Council to accept the dedication and improvements of Vintage Hills Drive, Cross Cut Drive, and Wagon Wheel Drive from the Vintage Hills Phase II Subdivision into the City’s public street system. The testimony presented has shown that written certification from a registered professional engineer/land surveyor states that all street construction and other improvements incidental thereto have been constructed in accordance with the previously approved street plan and profile drawings [as required under § 155.47 Final Plat Required (B)] and have been received and accepted. The City has determined that all improvements have been properly installed; that the final plat has been approved; and that all applicable requirements of the subdivision regulations and zoning code have been met. John Krieb seconded the motion and the motion carried with a 5-0 roll call vote.**

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At this time, Chairman Kind removed Mr. Jennings' item from the table and asked him to speak again. Mr. Jennings stated that Mr. Deitz informed him that there would be no need for a special called meeting to keep from delaying the construction. Taking the road out and reconfiguring the lots along the west side could be done and construction could begin as planned. Mr. Jennings added that he agreed with taking the street out, adjusting the lots and bringing the revised plat back to the next meeting.

**John Krieb made a motion to table the item until the next meeting. Jim Foster seconded the motion and the motion carried with a 5-0 roll call vote.**

Chairman Kind asked if there was anyone else that wished to speak either in favor or opposition to the item. Jeremy Buchanan stated that he would do some additional research on this item to make sure that the City is in agreement with removing this access and that it is not needed for easements. No one came forward to speak in opposition to the matter. The public hearing was closed. Mr. Jennings came forward again. He needed clarity on easements versus utilities. It was his understanding that a utility easement could be located between any of the lots and that a roadway easement would be quite different and require more room. Jeremy said that he had been talking about a utility easement; however, he would check on the roadway as well. Chairman Kind asked for another motion since the prior motion was made out of order.

**John Krieb made a motion to table the item until the next meeting. Jim Foster seconded the motion and the motion carried with a 5-0 roll call vote.** *Bobby Deitz returned to the meeting at 5:25 p.m.*

**Approval of a Minor Subdivision Plat for the property located at 520 South 6<sup>th</sup> Street – Applicants: Stephen and Alycia Janow:** Justin explained that this existing property consists of 0.278 acres and is a distance of approximately 395 feet from the nearest intersection of South 6<sup>th</sup> Street and Sycamore Street. The property owner is seeking to subdivide the tract of land into two separate lots, Lot 1 and Lot 2. Aerial photography of the property was shown. Both property owner's located at 520 and 522 South 6<sup>th</sup> Street are seeking relief from the City of Murray's Subdivision Regulations and Zoning Ordinance for street frontage. Both lots are pre-existing non-conforming lots. 520 South 6<sup>th</sup> Street has 58.09 feet of street frontage and 522 South 6<sup>th</sup> Street has 58.14 feet of street frontage. This past year, 522 South 6<sup>th</sup> Street constructed a fence that ended up being on their neighbor's property located at 520 South 6<sup>th</sup> Street. A survey of both lots depicted how much the fence passed over onto the other property. Both neighbors decided that the best solution was to subdivide a small piece of the 520 South 6<sup>th</sup> Street's lot and sell that portion to the property owner at 522 South 6<sup>th</sup> Street. If allowed to do so, the lot of 520 South 6<sup>th</sup> Street would lose approximately 2.33 feet of their existing lot frontage. This is a unique area of our community where most of the lots are non-conforming for our street frontage requirement of 75 feet. Justin then showed pictures of the lots and pointed out where the fence is located. Staff is recommending approval of the request. Chairman Kind turned the item over to the Commissioners for questions and a motion.

**John Krieb made a motion to approve the Minor Subdivision Plat for the Shelly Byrd Property at the location at 520 South 6<sup>th</sup> Street as described on the Plat. Based on the findings: it does not adversely affect public health, safety, or welfare; will not alter the essential character of the general vicinity; will not cause a hazard or nuisance to the public; will not allow unreasonable circumvention of the requirements of the zoning ordinance or**

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**subdivision regulations and certainly would be a lot more practical and economical than requiring the fence to be moved. Martin Milkman seconded the motion and the motion carried with a 6-0 roll call vote.**

**Approval for a Minor Subdivision Plat for the property located at South 4<sup>th</sup> Street and Memory Lane – Applicant: GEC LLC – James Gallimore:** James Gallimore is proposing to re-subdivide the existing lots that run east and west into two new tracts. Tract 4 (0.704 acres) will front South 4th and Memory Lane. Tract 5 (0.516 acres) will front Memory Lane only. Tract 5 currently has a block building on it, which is the location of GEC. The building sits approximately 15 feet off the front property line making it a pre-existing non-conforming structure. The minimum front setback in a B-2 zone is 50 feet. The item was then turned over to the Commissioners for questions and a motion.

**Jim Foster made a motion to approve the Minor Subdivision Plat for the James Gallimore properties located at the corner of South 4<sup>th</sup> Street and Memory Lane as described on the Plat. Based on the findings: it does not adversely affect the public health, safety, or welfare; will not alter the essential character of the general vicinity; will not cause a hazard or nuisance to the public; and will not allow unreasonable circumvention of the requirements of the zoning ordinance or subdivision regulations. Bobby Deitz seconded the motion and the motion carried with a 6-0 roll call vote.**

**Questions/Comments:** Adam Wade came forward from the audience to ask a question. He explained that in September of 2018 he started reaching out to the council about his mobile food concession stand here in Murray. After speaking to several different Councilmen since September, he is still being told that there still is not an Ordinance ready to guide him in his mobile food operation. Since the weather has improved, Mr. Wade would like to have his business in operation. Mr. Wade wanted to know if there was any update on when to expect the introduction of the Mobile Food Ordinance and if there was anything that he could do to help encourage that. Jeremy Buchanan replied that Planning Staff was working on a program that should be introduced to the Council during the next couple of meetings and provide what Mr. Wade wants. Jeremy then gave an update on the Comprehensive Plan Committee. The BZA representatives are: John Krieb and Mike Faihst. The PC representatives are: Bobby Deitz and Robin Zhang. The citizen members will be Mark Manning from the EDC, Clint Combs (insurance sales person that was previously a Safety Intern for the City) will represent the younger demographic sector, Cami Duffy (Title IX Coordinator at MSU) and Ryan Vanover (local contractor). Two or three of the chapters have been revised by an intern named Tanner Dutton who put a lot of effort into this update to hopefully provide a better starting point than previous Comprehensive Plan updates. Jeremy said that they are looking at having the committee meet on the first Tuesday of the month; however, they will talk about it further at the BZA meeting on Wednesday night. Chairman Kind called for a motion to adjourn.

**Jim Foster made a motion to adjourn. John Krieb seconded the motion and the motion carried unanimously. The meeting was adjourned at 5:42 p.m.**