

**MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, SEPTEMBER 17, 2019
4:30 P.M.**

The Murray Planning Commission met in regular session on Tuesday, September 17, 2019 at 4:30 p.m. in the council chambers of City Hall at 500 Main Street.

Commissioners Present: John Krieb, Robin Zhang, Bobby Deitz, Jim Foster and Martin Milkman

Commissioners Absent: Tom Kind and Marc Peebles

Also Present: Justin Smith, Maurice Thomas, Jeremy Buchanan, Attorney David Perlow, Officer Tim Fortner, Bennett Moore, Ryan Stanger, Michael Bucy, Chelsea Dreher, Ben Ballard and public audience

In Chairman Tom Kind's absence, 1st Vice Chair John Krieb assumed the Chairman's position. He called the meeting to order and asked Maurice Thomas to call the roll. At this time the Chairman asked if there were any changes to the minutes from the regular Planning Commission meeting on August 20, 2019.

Martin Milkman made a motion to approve the minutes from the regular Planning Commission Meeting on August 20, 2019 as presented. Robin Zhang seconded the motion and the motion carried unanimously.

Public Hearing: Preliminary Plat review of a Planned Development Project (PDP) to allow a proposed multi-family development to be located on Bailey Road east of Megan Drive – Applicant: Ryan Stanger: Justin Smith explained that Ryan Stanger and City West LLC (Matt Jennings) are in the process of purchasing this property from the James Buchanan Estate. The developers are proposing a multi-family residential development that consists of eight buildings with forty-eight 1-bedroom units. Each building will be 3,888 square feet. This proposed development will be located off of Bailey Road, east of Megan Drive. Two ingress/egress access points are shown on the plat. Parking spaces required are 144 spaces; however, they are requesting a reduction to 96 spaces. Outside of the Planning and Building department, discussions of this proposed project have taken place with the Fire Marshall Greg Molinar and Public Works Supervisor Jaimey Erwin. Justin said that the property had recently been rezoned from AG (agriculture) to R-4 (Multi-family residential). The proposal is to only use 3.314 acres of the 25 acre lot for this development. The Preliminary Plat was then shown. Justin pointed out the screening that was added since the previous plat was reviewed, the reduction in parking spaces that is being proposed and the relocation of the enclosed dumpsters. He explained in order for the project to move forward, the Commissioners have to approve the Preliminary Plat. Once approved, the item will be forwarded on to the BZA for Conditional Use approval. At that time, the utility design will be submitted for approval. BFW is working on the detention design at this time with a final layout to be proposed before the Final Plat.

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Chairman Krieb opened the public hearing and asked if there was anyone that wished to speak in favor or opposition to the proposal. *Bobby Deitz recused himself at 4:35 p.m.*

Ryan Stanger came forward and was sworn in. He explained that after the first meeting, they have reduced the amount of parking spaces as requested. Hopefully, that proposal will be approved at the meeting and their proposal will meet requirements. Ryan said that the dumpsters were moved to the front of the development after he spoke to Ron Allbritten (Street Superintendent for the City of Murray). Ron seemed to think that would be the best place for the convenience of picking up the garbage. They added screening to the plat (which may possibly be Leland Cypress trees instead of a fence).

Michael Bucy came forward and was sworn in. Mr. Bucy lives directly across the road from the proposed development and he had some concerns. He asked if the City had addressed the amount of traffic on Bailey Road. Mr. Bucy said that the speed limit on the road is not posted and that he was not sure whether the City or the County maintained the road. He explained that his family had lived there for approximately 10 years and have had a lot of issues with speeders on that highway. He wanted to know if the speed limit was being addressed on Bailey Road. He has talked to both City and County police officers about the situation. The police indicated that if there are no posted speed limit signs, they enforce the speed at 55 mph. Mr. Bucy compared North 16th Street (with a 35 mph speed limit) to this area. Mr. Bucy said that he assumed that the speed limit was dropped on North 16th because of the amount of commuters. He then addressed the drainage issue on Bailey Road which is in a very low lying area and the creek gets out of its banks every time there is a big rain. Mr. Bucy was concerned about the additional run-off this development could cause.

Justin responded to Mr. Bucy's questions. Bailey Road is a County road; therefore, any issues that are on that road will need to be addressed with the County. As far as run-off is concerned, there is a City Ordinance in place where the developer will have to detain the 5, 10, and 25 year storm and will have to show the numbers for the 100 year storm. There will be detention for this development before construction can begin. Justin said that Planning Staff would address this with Kenny Imes (Judge Executive) and express the concerns that were mentioned. Justin then explained that usually the City will take over the maintenance of the road if properties on both sides of the road become annexed.

Mr. Stanger was asked to come forward for rebuttal. Mr. Stanger has other rental property on this road. He indicated that he and Greg Williams (another developer) have been to Larry Elkins (former Judge Executive) and to Mr. Imes about concerns with that road specifically with the width of the bridge. Paul Rister is the magistrate for that area but Mr. Stanger has not spoken to him as of yet. Bobby Deitz has begun preliminary work on the detention plans. There is some other run-off on this property that will need to be addressed as well; however, it is too early in the process to know what the detention area will consist of. The City and the State will have to sign off on this project before the developers will be allowed to proceed.

The public hearing was closed and the item was turned over to the Commissioners for additional discussion and a motion.

Martin Milkman made a motion to approve the Preliminary Plat for the Ryan Stanger multi-family residential development located on Bailey Road east of Megan Drive

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contingent upon the Board of Zoning Adjustments approving the Conditional Use Permit and the project meeting all other city regulations. Jim Foster seconded the motion and the motion carried with a 5-0 roll call vote. Bobby Deitz did not vote as he had previously recused himself from this part of the meeting. Bobby returned to the meeting at 4:47 p.m.

Public Hearing: Proposed Text Amendment to the Zoning Ordinance: Use Classification Table, Definitions, Parking Requirements, and Multi-Family Residential Density

Regulations: Justin said that Maurice had passed out packets prior to the meeting with the revisions that had been made to the previous draft. He reviewed the changes and additions. Commissioner Zhang asked for clarification as to why the Classification Table and the text items were different. Chairman Krieb stated the table is pretty full. If the text items were incorporated into the table, it would become a little more difficult to read. The intent was to make the table a simple quick reference and if there was a need to go deeper, then you would go to the text area for additional guidance. Justin explained that the public generally comes to City Hall to speak with a Zoning Official instead of trying to interpret the Ordinance. So basically the Ordinance is a reference guide for the Staff and Zoning Officials. After much discussion, it was suggested to break the four text amendments down by category and to discuss the Use Classification Table separately. After all the other text amendments have been reviewed, revisions will be made to show that the text matches the table before the Text Amendments are finalized and approved to the Zoning Ordinance.

At this time the Chairman opened the public hearing and asked if there was anyone that wished to speak in favor or opposition to the proposed Text Amendments concerning the B-1 discussion.

Chelsea Dreher (owner of Lucky's Grill & Pub) came forward and was sworn in. She read a speech she had written for the Commissioners. In summary, Murray appealed to Ms. Dreher because of the large amount of local businesses and how much they do for the community. That is why she grasped the opportunity to get involved. Unfortunately (with her business and Tap 216) the newly opened restaurants on the MSU campus and other local restaurants are slowly driving them to a disadvantage. Both Lucky's and Tap 216 have to maintain a 50/50 food and alcohol percentage. This is becoming harder and harder to complete. Normally this would not be an issue if they had the ability to apply for the correct licenses; however, they are in the B-1 zone and they cannot apply for NQ4 Liquor License. Rezoning their properties would allow them to remove the restrictions that they now have on their businesses. Mayfield recently changed their restaurants to operate at 70/30 and allowed them to operate as Stand-Alone Bars. Ms. Dreher said that the intent is to not change anything about the way they would be operating.

Ben Ballard (General Manager at Tap 216) came forward and was sworn in. Mr. Ballard said that they are just asking for the opportunity to have the choice to pick their license. Tap 216 and Lucky's have come very close to the 50/50 percentage (alcohol has the highest percentage); however, they do not want to just be "skirting by" on the jest of the well-being of the business. Mr. Ballard referred to remarks made by Ms. Dreher. She touched on the point that all the chain restaurants and food opportunities in the area could either help or hurt the way that they do business. Mr. Ballard said that it is not their intention to suddenly stop selling food and only sell alcohol. As business owners they have a mortgage to pay and they can't afford to not sell food as well. He estimated this year that they are at about 56 or 57 percent food sales which puts them in a pretty decent margin, but that 7 percent can change pretty drastically over a short period of time. Alcohol has a very high mark up and by law they are not allowed to discount alcohol. He

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indicated that if a customer should get a bad meal and they were forced (as restaurant owners) to discount the food, their ratio could change dramatically. One situation will not be a make or break situation; however, over the course of a year it can add up drastically. He noticed that Lucky's had 15 percent off their chicken strips at this time and he wondered if that was just a way to get people in the door since Chick-fil-a has opened on Campus. The last point that he made was that after 10 p.m. their food sales go down and their alcohol sales go up. He hopes with this information that they have shared is beneficial and will allow them to choose which license they would like for their business.

To summarize B-1 Zone does not allow bars or taverns. Chairman Krieb explained that the ones that had spoken were basically asking that they modify the Use Classification Table and text to say that bars and taverns can be granted a Conditional Use Permit to operate in a B-1. Chairman Krieb then closed the public hearing and turned the item over to the Commissioners for discussion and a motion. Officer Fortner was asked to come forward with his input.

Tim Fortner (ABC Administrator for the City of Murray) came forward and was sworn in. Officer Fortner stated that he does not have an opinion either way. His job is to assist people in succeeding. He pointed out that there are not taverns anymore according to the State law. It is now considered "retail by the drink" or "retail drink" license. Currently three businesses in Murray have that type of license and they are Mugsy's, Big Apple and The Keg. Essentially what is happening is just a change in how they can report. Whether it's 50/50 (which the State allows to do) or whether it's the "retail by the drink" license which does not have any food requirement.

Discussion continued on whether to allow bars and taverns in a B-1 Zone by Conditional Use only. Justin explained that if these regulations were approved immediately, it would still have to go through two Council Meetings before it would go into effect. Once the Council has given approval, it will be up to each business to get their State license changed. It could possibly be the end of October before the regulations would be passed. After that the businesses would have to go before the BZA to request a Conditional Use Permit.

Chairman Krieb made a motion that the Use Classification Table be modified to show a B-1 District can allow a bar/tavern with a Conditional Use Permit requirement. Jim Foster seconded the motion and the motion carried with a 5-0 roll call vote.

Bobby Deitz made a motion to forward a recommendation to the Murray City Council to accept the proposed text amendment to the Definitions, General Zone and District Regulations for parking requirements, and for the density requirements for multi-family residential units in addition to a use classification table in the Zoning Districts sections in the City of Murray Kentucky Zoning Ordinance and to include the changes for the B-1 change to allow for a Conditional Use for a bar/tavern and to incorporate additional conditional uses are permitted uses from the wording into a table. Robin Zhang seconded the motion and the motion carried with a 5-0 roll call vote.

Questions/Comments: Chairman Krieb asked Jeremy Buchanan to give an update to the Comprehensive Plan revision process. Jeremy stated that the committee had been meeting on the first Tuesday of the month since June. They have gone over the Community Facilities element, the Transportation element, the Base Study and the Future Land Use Map. At the next meeting

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they should have the Transportation element ready to be reviewed. Hopefully, in November they will be ready for a public hearing on Community Facilities and the Base Study. They are looking at a “catch-up” meeting in December and probably adopt the entire plan with whatever comments they get from public hearings in the October, November and December meetings. Some of the items in the Transportation plan are based on plans that are old. (The 2008 study is the best information available.) Once an updated copy is available from KYTC, the committee will proceed in making additional revisions to the Transportation element. The intention is to start putting a date on each element so it will show when they have reviewed/updated them.

Chairman Krieb called for a motion to adjourn. **Jim Foster made a motion to adjourn. Martin Milkman seconded the motion and the motion carried unanimously. The meeting was adjourned at 5:36 p.m.**

Chairman, John Krieb

Recording Secretary, Reta Gray