

**MURRAY PLANNING COMMISSION MINUTES  
REGULAR MEETING  
TUESDAY, FEBRUARY 21, 2006**

The Murray Planning Commission met in regular session on Tuesday, February 21, 2006 at 5:00 p.m. in the council chambers of City Hall located at 104 N. 5<sup>th</sup> Street.

**Commissioners Present:** Ed Davis, Tom Kind, Howard Koenen, Mike Lovins, Marc Peebles, Nelson Shroat, Dave Ramey and Richard Vanover

**Commissioners Absent:** Loretta Jobs and Ed Pavlick

**Also Present:** Candace Dowdy, David Roberts, Sam Perry, Payton Mastera, Mike Pitman, Paul Garland, Tim Thurmond, Greg McReynolds, Clayton Burgess, Bill Adams, Joe Sons, Kristen Taylor and other public audience

Chairman Vanover called the meeting to order at 5:00 p.m. and requested approval of the January 17, 2006 regular meeting minutes. **Tom Kind made a motion to approve the minutes as presented. Mike Lovins seconded the motion and the motion carried with a 7-0 voice vote. Nelson Shroat was not present.**

**Discussion Of Preliminary Plat For Saratoga Springs, Unit II—Paul and Vickie Garland:** David Roberts stated that he would further explain the staff report.

Nelson Shroat entered the meeting at 5:05 p.m.

Mr. Roberts stated that Mr. Garland was not present at either the January 2006 or the February 2005 commission meetings when the entrance to Saratoga Springs, Unit II, was discussed. Mr. Roberts explained that as a result of the apparent miscommunication and comments from the prior commission meeting, there are new policies in place:

- The Planning Department requires an authorized representative for each agenda item to attend the commission meeting.
- The Planning Department will develop written records regarding conversations of agenda items.
- The Planning Department will ensure follow-up letters regarding determination of the Planning Commission to the responsible individuals.

Mr. Roberts stated that the miscommunication was in regards to the change from the preliminary plat approved in 2004, which called the second entrance off Wiswell Road a temporary entrance to the extension approved in February 2005, which upon his recommendation, from the Fire and Police Departments, made the second entrance a permanent entrance. Mr. Garland was not aware of the need for the second entrance to be permanent and would like to address the Planning Commission.

Mr. Garland explained that, at the time that the temporary entrance was required in 2004, he did not see the need for it, but does now, because of the added safety for everyone. Mr. Garland stated that he will blacktop and curb the entrance, after speaking with Fire

Marshal, Dickie Walls. After five (5) or ten (10) years, than the entrance could be removed and the lot could be sold. Mr. Garland pointed out the southwestern corner of Saratoga Springs Unit II, to the commissioners. Mr. Garland explained that eventually there would be exits to Oaks Country Club Road, Squire Road and a location further down Wiswell Road. Mr. Garland stated that he understood that there has to be a way out of a subdivision when there are this many lots and he is planning multiple exits for the overall development. Mr. Garland stated that he did ask Mr. Roberts if he had to be there, and that he did have some family health issues that kept him from coming. Mr. Garland stated that he was shocked to find out from Candace Dowdy much later that the entrance had to be permanent. Mr. Garland stated that if he had known that it had to be permanent, he would have made it further west, to avoid disturbing an attractive, wooded lot. Commissioner Peebles asked for clarification of action that needed to be taken. Mr. Garland confirmed that he was willing to leave the second entrance/exit in place until such time that another one was available. Mr. Garland stated that it needed to be clarified, because the minutes read that it was not to be removed at all. Commissioner Ramey suggested that the commission leave the entrance as permanent until Mr. Garland further develops the subdivision, than it could be changed to a residential lot. Sam Perry stated that a notation could be placed on the plat referring to the change in location of the entrance, since the plat has not been recorded yet. Mr. Garland stated that he is tired of chasing this issue. Mr. Roberts reiterated that the recommendation from Fire and Police departments was to have two permanent entrances from Wiswell Road. Mike Pitman stated that whether the entrance is called permanent or temporary, as long as there was one to Wiswell Road, the requirement would be satisfied. Commissioner Kind asked if it would have to be paved. Mr. Garland stated that it did not have to be. All that was required was that it be a hard surface, but that he is going to pave and curb it. Commissioner Ramey asked to hear from the Fire Department.

Fire Marshal, Dickie Walls stated that because of the sheer size of the project, from a public safety standpoint, the Fire Department needs two entrance/exits on to Wiswell Road. Mr. Walls explained that the agreement that he had come to with Mr. Garland earlier that afternoon was that the entrance/exit would stay in place until there was another entrance/exit created from Wiswell Road. At that time, it would be ok with the Fire Department to remove the previous second entrance/exit. As long as there were two entrance/exits on Wiswell Road, it is ok. Mr. Walls stated that he was not concerned with whether the entrance/exit was in the city or the county as long as it connected Wiswell Road to the development. Mr. Roberts stated that this plat would be reviewed again very soon for final plat, and the proper notations would be placed on the plat. Sam Perry asked if there needed to be a distance from the current entrance specified. David Roberts stated that it would be up to the Fire and Police Departments. Mike Pitman recommended making this motion a part of the previous plat extension, made on January 17, 2006. The commission agreed to make a motion to clarify any confusion. **Nelson Shroat made a motion to ratify the extension of the Saratoga Springs preliminary plat made on January 17, 2006, that the main entrance will remain a permanent entrance and the second entrance is subject to being relocated on this property or adjoining property in the future to provide additional access at all times to Wiswell Road, in accordance with approval of Murray Fire and Police Departments. Mike Lovins seconded the motion and the motion carried with an 8-0 vote.**

**Review Of Minor Subdivision Plat For 1300 Story Avenue—Ray Boren:** Candace Dowdy stated that this plat divided the property into two (2) tracts. Ms Dowdy stated that the house on Lot 2-A does not meet the ten feet (10') side setback, it is actually seven and a quarter feet (7.25') from the side lot line. Ms. Dowdy also stated that the accessory structure does not meet the 5' side and rear setback; it is actually 3' from the rear property line. A detached garage canopy with two posts encroaches over into the Henry property by two feet (2'). A letter from the property owner has been presented which states that the canopy will be removed by February 28, 2006. After the canopy has been removed, the east side of the garage will be eight feet (8') off the side property line and three feet (3') off the rear property line. The Henry's are in agreement with the plat, as long as the canopy is removed. Ms. Dowdy stated that this is part of the Clarence Boren Subdivision and creates a vacant lot on the corner. Ms. Dowdy stated that even though the minimum front setback on the subdivision is 40', the houses are actually setback about 60' from Shady Lane. Ms. Dowdy stated that the reason the plat was done was to gain the 75' of street frontage required for an R-2 lot. Clayton Burgess, the realtor and representative for the plat, was present. **Tom Kind made a motion to approve the Boren minor subdivision plat, as presented, with a 2' setback variance on the rear of the accessory structure, granting a 2.75' variance on the west side setback for the house on Lot 2-A, all contingent upon the said canopy being removed by February 28, 2006. Mike Lovins seconded the motion and the motion carried with an 8-0 vote.**

**Public Hearing To Set Zoning As R-2 (Single-Family Residential) For Proposed Annexation Of 23. 829 Acres Located On Robertson Road South—D & D Inc., Dale Campbell:** Candace Dowdy stated that the Planning Commission reviewed this on January 17, 2006 as an annexation request. The property owner is requesting R-2 (single-family residential), synonymous with the previously zoned area, to the west. The property to the south is the Woodgate subdivision area, in the county, and is single-family, in nature. Not adjacent to this annexation, but to the near northwest is Deer Meadow subdivision, which are two-family structures, and is zoned R-4 (multi-family residential). Ms. Dowdy pointed out the Frank Doran property, adjacent to the east, off Elmbrook Court, which was zoned R-2. Adjacent property owners were notified by mail. The only calls from the public were questions about the definition of R-2 zoning.

Those that called were in favor of R-2. Chairman Vanover opened the public hearing. Tim Thurmond was present as a representative of Dale Campbell, and Joe Sons, the surveyor from V.L. Associates, was also present. Chairman Vanover asked if anyone would like to speak in favor of the request. Chairman Vanover swore in Tim Thurmond. Mr. Thurmond stated that he was present to relay any necessary information to Mr. Campbell. Chairman Vanover asked if anyone wished to speak in opposition to the zoning request. Being none, and no further public comments, Chairman Vanover closed the public hearing. Commissioner Shroat asked Ms. Dowdy what property was adjacent to the north. Ms. Dowdy stated that it was owned by Stephen Farmer and was not in the city. **Dave Ramey made a motion to recommend to City Council to set the zoning for the newly annexed area of D&D incorporated, being 23.829 acres, as R-2, single-family residential, based upon the findings that the property is adjacent to R-2 zoning on the east and the west, and that the Comprehensive Plan designates this area as low-density residential and it is within the Urban Services Area. Ed Davis seconded the motion and the motion carried with an 8-0 vote.**

**Public Hearing For Rezoning Request Of A 4.53 Acre Tract Of Land Located On The Northwest Corner Of Robertson Road North And Highway 94 West From Ag (Agricultural) To R-2(Single-Family Residential)—Harold McReynolds And Larry Hurt:** Candace Dowdy stated that adjacent property owners were notified by mail. Greg McReynolds was present to represent the request. Originally, this tract was just over 60 acres. The final plats for Hunters Pointe Phase I and Phase II were already approved. When this area was annexed, it was originally requested to be B-2 zoning. After discussion, the Planning Commission recommended to City Council to leave this southeastern corner as Agricultural until the developers had more definite plans. The developers have now decided to make this part of Hunters Pointe. This portion will be part of Phase III, the area will be all residential lots. The request would make the entire subdivision into the same zoning district, R-2 (single-family residential). Ms. Dowdy stated that there were a couple of calls from the public which questioned what R-2 zoning was and commented that they would be in favor of R-2 zoning. Chairman Vanover opened the public hearing. Chairman Vanover asked if anyone would like to speak in favor of this rezoning request. Being none, Chairman Vanover asked if anyone would like to speak in opposition to this rezoning request. Being none, and no further public comments, Chairman Vanover closed the public hearing. Commissioner Davis asked what zoning was set for the recent annexation across the highway. Candace Dowdy pointed out Hal Estates and the surrounding area not currently in the city. Ms. Dowdy also pointed out the Owen property, on the southeast corner of the intersection, which was zoned B-4 (medium-density business). Commissioner Shroat asked what the lot sizes in this phase were. Greg McReynolds stated that the lots in this phase are larger than the lots in the rest of the subdivision. Sam Perry stated that the lots in this phase are six-tenths (0.60) of an acre each. Ms. Dowdy stated that the reasons cited for rezoning on the application are: 1) The proposed use is in agreement with the current Comprehensive Plan and 2) the commercial zoning to the southeast precludes any need for additional commercial zoning within this development. Ms. Dowdy reminded the commission the necessary findings in order to grant a rezoning request. **Tom Kind made a motion to recommend to City Council to rezone the said 4.53 acres from Ag (Agricultural) to R-2 (single-family residential), based upon the finding that it is in accordance with the Comprehensive Plan to be low-density residential. Ed Davis seconded the motion.** Legal counsel, Mike Pitman, suggested that since there was little public testimony on the request, it may be helpful to note that Agricultural zoning was established in 2003, basically as a default zoning district with the understanding that it would be rezoned in the future. Tom Kind amended the motion to reflect the 2003 discussion, as follows: **a motion to recommend to City Council to rezone the said 4.53 acres from Ag(Agricultural) to R-2 (single-family residential), based upon the findings that it is in accordance with the Comprehensive Plan to be low-density residential and that it was originally recommended to be zoned Agricultural on December 16, 2003 with the knowledge that it would be considered by the commission for rezoning once future plans were more definite. The motion carried with an 8-0 vote.**

**Advisory Meeting For Planned Development Project (Storage Units) Located At 1508 Diuguid Drive—David King:** Sam Perry stated that normally a completed plat is not available for the advisory meeting, but that this project has been going since 1996.

There are already six (6) buildings built. The seventh (7) and last building is the one that is proposed. One storage building was built in 2004 on lot 72, which was not previously platted by the Planned Development Project (PDP) already on file. There are three lots: Lots 70, 71 and 72. Since there was only one (1) building to be built in 2004, there was no requirement for the PDP process. Only Lots 70 and 71 were platted previously. Now that the second building on lot 72 is planned, the PDP process is required, as was noted on the 2004 building permit application. Mr. Perry explained that the zoning is B-2, which permits PDPs. The Reed apartments are to the west and the Northwinds Mobile Home Park is to the north. Bill Adams from Adams Construction was present, as representative and contractor. Mr. Perry stated that staff met with Mr. Adams and discussed the fact that this would not be a major change to the area, and that an attempt to speed the process along would be made. Commissioner Ramey asked what the screening requirements were since there had been screening issues in the past for this area. Sam Perry stated that screening would be required on the north property line, between business and residential zoning. Mr. Perry stated that trees were shown on the original PDP in 1996, but there were no trees present at this time. Bill Adams came forward and stated that it was in the long range plan to put the last building here, and the land is already graveled. The ditch line has been repeatedly improved through the years, has since filled in and that Mr. King understands that screening is required. Commissioner Peebles asked where the screening would be. Mr. Adams stated that it would be on the north property line. Commissioner Peebles asked if there were any plans for landscaping on the Diuguid Drive side. Mr. Adams stated that there were no plans at this time for any landscaping along Diuguid Drive. Commissioner Peebles suggested that the front would be more appealing with landscaping. Commissioner Kind asked about screening on the west property line. Sam Perry stated that since the zoning is the same between the properties (B-2), it is questionable whether it would be required by the zoning ordinance. Screening on the west property line could be made a condition on the conditional use permit, by the BZA. Mr. Adams stated that the detention basin was built, then increased, then it has filled in, and is in need of improvement. Mr. Perry stated that the semi-trailer is not permitted to stay on the lot. **Mike Lovins made a motion to send the AAA mini-storage Planned Development Project to the Board of Zoning Adjustments for compatibility review. Dave Ramey seconded the motion and the motion carried with an 8-0 voice vote.**

**Public Hearing For Preliminary Approval On PDP (Storage Units) Located At 1508 Diuguid Drive—David King:** Chairman Vanover opened the public hearing and asked if anyone would like to speak in favor of the application. Sam Perry stated that adjacent property owners were notified by mail and there have not been any phone calls regarding this application. Chairman Vanover asked if anyone would like to speak in opposition to the application. Being none, and no further comments, Chairman Vanover closed the public hearing. Candace Dowdy stated that there was one entrance, and there were three (3) separate lots, and there are no plans for more entrances. Mr. Perry stated that the plat revision done in 1998 took away the second entrance. Commissioner Shroat asked if two (2) entrances were required. Mr. Perry stated that it was not, and that the only issue would be that if one of the lots were sold, it would not have dedicated access. **Nelson Shroat made a motion to grant preliminary approval of the AAA mini-storage Planned Development Project contingent upon the Board of Zoning Adjustments**

**finding the project compatible to the area and issuing a conditional use permit. Mike Lovins seconded the motion and the motion carried with an 8-0 vote.**

Chairman Vanover asked for questions or comments.

Commissioner Lovins asked if there had been any feedback from John Downs. Sam Perry stated that he was out of town for this month's meeting and would be able to come to the March 21, 2006 meeting.

**Being of no further business, Nelson Shroat made a motion to adjourn. Mike Lovins seconded the motion and the motion carried with an 8-0 voice vote.**

The meeting adjourned at 6:00 p.m.

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Chairman, Richard Vanover

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Recording Secretary, Sam Perry