

**MURRAY PLANNING COMMISSION MINUTES  
REGULAR MEETING  
TUESDAY, APRIL 15, 2008**

The Murray Planning Commission met in regular session on Wednesday, April 15, 2008 at 5:00 p.m. in the council chambers of City Hall located at 104 N. 5<sup>th</sup> Street.

**Commissioners Present:** Tom Kind, Mike Lovins, Mary Anne Medlock, Nelson Shroat, Howard Koenen, Ed Davis, Loretta Jobs, Ed Pavlick, Marc Peebles and Richard Vanover

**Commissioners Absent:** None

**Also Present:** Candace Dowdy, Peyton Mastera, Mike Pitman, David Roberts, Reta Gray, Mayor Rushing, Dennis Thompson, Brian Steward, Ricky Stone, Bill Farris, Jaime Garcia Heriberto, Brent Haverkamp, Zack Ludwick, Diane Zimmerman, Joshua Jacobs, Roger Scott, Daniel Yong, Bobby Deitz, Holly Wise and public audience

Chairman Vanover asked for approval of the minutes for the March 18<sup>th</sup> meeting.

**Marc Peebles made a motion to approve the minutes as presented. Tom Kind seconded the motion and it carried with a 9-0 voice vote.**

**Public Hearing to Review a Rezoning Request of a 10.9352 Acre Portion of Land from R-3A (Multi-Family Residential) to B-2 (Highway Business District) – 1414 N. 12<sup>th</sup> Street –**

**Brian Steward:** Candace Dowdy referred to the proposed site on a Power Point presentation. The location of this property is 1414 N. 12<sup>th</sup> Street (Riviera Courts). The applicant for this request is Mr. Brian Steward with Quad State Builders. The property owners, Mr. and Mrs. Robert Keathley, have given written permission for Mr. Steward to represent them in this request. The applicant is requesting that a 10.9352 acre portion along the western (front) section of Riviera Courts be rezoned from R-3A to B-2. Ms. Dowdy indicated that in support of this rezoning, Mr. Steward has stated that the current lot depth along Frontage Road is not sufficient for appropriate commercial development. The proposed rezoning request would extend the current B-2 zoning approximately 321 ft. back to the east and run parallel with N. 12<sup>th</sup> Street (Hwy 641). The remaining rear portion of Riviera Courts would remain R-3A zoning. The Future Land Use Map of the Comprehensive Plan designates this property as Medium Density Residential. This category permits housing developments at a gross density of 8.7 dwelling units per acre. There is currently only one access to the development from North 12<sup>th</sup> Street; however, there is an access road on the east side (off North 4<sup>th</sup> Street) that has been closed for the past several years. Ms. Dowdy stated that the most current rezoning in this area was in 2006 when the Planning Commission recommended the rezoning of the Crider, Thorn, Catlett and Garland property along North 4<sup>th</sup> Street from R-2 to B-2.

Chairman Vanover opened the Public Hearing. He asked if there was anyone who wished to speak in favor of the zoning change.

Mr. Brian Steward, applicant for this request, was sworn in. He stated that he was proposing a new kind of development that is currently being done in larger cities. He stated that his reason for wanting to rezone the front of the property is to open it up for commercial use and to have residential in the back. There are currently 262 lots in Riviera Courts with 58 homeowners and 61 additional mobile homes (which includes 38 renters) totaling approximately 90 residents. The projected plan is to make a home association and build 1100 square foot, three bedroom, two bath homes on the back section targeting MSU students and retirees. At this time, there is no proposed plan for the front of the development. Mr. Steward stated that because of the narrowness of the lots in the Wheeler Subdivision, this proposed rezoning will help in any future development. Mr. Steward stated that commercial development seems to be moving north of Murray, and feels this property will be more valuable as commercial property. He added that there would be screening provided to separate commercial from residential.

The Commissioners wanted to know what was going to happen to the current residents of Riviera Courts. Mr. Steward said that the mobile home park would be relocated to a 25 acre property located 10 minutes from town on Hwy 464 and the same management team would be managing the mobile home park. The property will hold 105 to 115 mobile homes. The purchase of the property is not completed; however, it is under a due diligence period contract. Mr. Steward added that he had previously met with the residents to review the new plan. The residents are being offered a rent-to-own situation where they will own the lot their mobile home sits on after 10 years. Mr. Steward has also negotiated arrangements with mobile home moving companies. While moving in bulk, they will be able to get better deals. If the residents are not able to pay for their mobile home to be moved, Mr. Steward is proposing to pay up front for the move and let the resident reimburse him by adding some to their monthly rent payment. Some of the mobile homes are older and cannot be moved. Mr. Steward said that he has purchased 51 of the mobile homes at Riviera and he would be willing to work with the people on a trade situation.

Mary Anne Medlock asked Mr. Steward if the rent in the new development would be comparable? He stated that lot rent for a mobile home was currently around \$200.00 and the rent on the proposed housing would be \$700.00 with purchase price being around \$95,000.00 each. Loretta Jobs voiced a concern for affordable housing in Murray and she wanted to know the consensus of the residents. Mr. Steward replied by saying whenever new things are started, everyone is usually scared of the change; however, since he held the informative meeting with the residents, he was amazed with the amount of people that were signing up to make the move. Mr. Steward concluded by saying that the difference in him taking on this development and someone in Nashville would be that he cares about the residents of Murray.

Ms. Dowdy asked Mr. Steward if he had contacted the State regarding setting up a new mobile home park. Mr. Steward stated that he has not contacted the State at this time. Candace suggested that he talk to the State about the requirements for this type of establishment.

Chairman Vanover asked if there was anyone wishing to speak in opposition of the zoning change.

Jamie Garcia Heriberto, 195 Riviera Courts, was sworn in. Mr. Heriberto began by saying that he was not against or in favor of the move, he only wanted the Commissioners to consider everything in making their decision. He has lived at Riviera Courts for approximately nine years, 10 months out of each year he lives in Murray and two months he lives in Mexico. This location is very affordable for Mr. Heriberto because of the distance to where he works and shops; therefore a move 10 minutes out of town would be harder on him financially.

Ricky Stone, 145 Riviera Courts, was sworn in. Mr. Stone stated that he had been a resident of the Mobile Home Park since 1986. He is against the zoning change. Mr. Stone is disabled and fears that once Riviera is moved out of town he would not be able to receive the timely emergency medical assistance that he might need; thus, this move could cost him his life.

Bill Farris, 118 Riviera Courts, was sworn in. Mr. Farris has been a resident of Riviera longer than anyone else. He moved there in 1972. Mr. Farris is against the zoning change. He is concerned about the services that he will no longer be able to receive once he is living outside the city limits such as New Wave Communications Cable. He is also concerned about the rising costs of transportation inflicted upon him by commuting to and from work as well as just the normal trips to town.

Chairman Vanover closed the public hearing and opened the floor for discussion to the commissioners. Commissioner Jobs asked Mr. Steward if the property was not rezoned as he requested it, did he still plan on building on the R3-A area and redevelop Riviera Courts. Mr. Steward affirmed that he did. Candace Dowdy stated that currently there is no proposed development plan for the commercial area, but when there is, there would possibly be the need for another access into the development from North 4<sup>th</sup> Street or along frontage road.

**Mike Lovins made a motion to approve the rezoning of a 10.9352 acre portion of land from R-3A (multi-family residential) to B-2 (Highway Business District) at 1414 North 12<sup>th</sup> Street on the fact that there have been changes of an economic, physical or social nature within the area involved which were not anticipated in the Community's Comprehensive Plan and which have substantially altered the basic character of such area. The changes being the new businesses located on North 12<sup>th</sup> Street, i.e., Heritage Bank, Holiday Inn Express and Automated Direct Mail located in the Helig Meyers building. Ed Davis seconded the motion and it carried with an 8-1 vote. Ed Pavlick voted no. Loretta Jobs' vote was skipped. (Upon subsequent conversation with Ms. Jobs, she noted that there would have been a possible conflict of interest due to the nature of her business; therefore, her vote would have been to abstain.)**

*Mike Lovins left the meeting.*

**Public Hearing to Review the Preliminary Plat for a Proposed Multi-family Planned Development Project – 1300 North 16<sup>th</sup> Street – Campus Pointe – Haverkamp Properties:** Candace Dowdy referred to the location of the proposed project on a Power Point presentation. Haverkamp Properties out of Ames, Iowa is proposing to construct a 1,018 bed student housing development on North 16<sup>th</sup> Street. This project will consist of 482 units with 278 units (580

beds) in Phase I and 204 units (438 beds) in Phase II. There will be a mixture of 1, 2, 3 and 4 bedroom units throughout the development. The developers are also proposing to construct two buildings along the North 16<sup>th</sup> Street entrance for retail sales on the lower level with student housing on the upper level. (The location of these two buildings would be where the old Moose Lodge building is currently located.) The total acreage for this development is 32.40 acres including 19.10 acres in Phase I and 13.30 acres in Phase II. The majority of this property is zoned B-2 (Highway Business) which allows residential Planned Development Projects as a conditional use only with a small portion of the property being zoned R-4 (Multi-Family Residential). The developers will be required to extend WalMart Drive north along their property line to provide additional access to the development. All interior streets will be constructed to city standards but will be privately maintained. Availability and location of utilities are still being reviewed by staff. Police, Fire and Sanitation Departments have reviewed the preliminary plat for comments. There is a 551 parking space difference in the city parking requirements this project would require and the developer's proposal. The developers have noted to Planning Staff that this type of development in other cities provides one parking space per bedroom and that it has proven adequate. Candace stated that there has not been an elevation of the buildings presented at this time; however, the height of the buildings will be over 35 feet since they are four stories. The City Ordinance gives a height limitation of 35 feet which will require a variance.

At last month's Planning Commission and BZA meeting, Planning Staff, Commissioners and Board Members cited their concerns regarding the traffic impact that this project will have on North 16<sup>th</sup> Street. It was noted that a traffic study was required for this project and that it would be completed the week of March 31<sup>st</sup> with the results to be forwarded to the Planning Department. The developers will be required to dedicate an additional 15 feet of right of way along North 16<sup>th</sup> for future improvements.

Also at last month's meeting, both the Planning Commission and BZA requested that the preliminary plat include sidewalks and bike paths. Sidewalks are shown on the preliminary plat along the property line on North 16<sup>th</sup> Street and on WalMart Drive down to the intersection of Lowes Drive. No bike paths are shown on the plat. This project may require the Planning Commission and Board of Zoning Adjustments to consider several variances regarding parking, building height, building setbacks and signage. The preliminary plan that was shown may be altered somewhat with regards to the footprint of the building.

Chairman Vanover opened the Public Hearing. He asked if there was anyone there that wished to speak in favor of the proposed PDP. Brent Haverkamp, 4915 Timber Creek Lane, Aimes, Iowa 50010, was sworn in. Mr. Haverkamp stated that he is in the business of building, developing, and managing student properties. He started his investigation of Murray over a year ago for the possibility of developing student properties and the market analysis came back very good. Mr. Haverkamp stated that student housing built today is dramatically different from years past. This type of "Class A Housing" proposed development is a draw for college students, it enhances the university, allows the university to offer different choices in housing and compels the other people in housing to upgrade their housing. Mr. Haverkamp also said that he had the 33 acres under option with two phases to this development. Phase I will encompass eight

buildings (to be built over a three year span) and Phase II (will be a potential future phase depending on demand). The buildings are designed around a large green space area. The trees that are to the north of the development are not high quality trees; therefore, they will be removed. Chairman Vanover asked Mr. Haverkamp what made him feel that his properties would fill up opposed to the other housing that was offered in Murray that haven't filled up. Mr. Haverkamp stated that he had met with Murray State Officials previously and they are expressing a desire for different types of housing and this project would offer them that opportunity. He feels that in the future, there will be a gradual shift and upgrade in student housing and that older and least desirable facilities will be replaced with other upper scale developments such as the proposed one. Commissioner Koenen asked if the traffic study was taken, if so, when it was taken and what were the results.

Ms. Diane Zimmerman, Licensed Professional Engineer in the state of Kentucky, 11940 US 42, Goshen, KY 40026, was sworn in. Ms. Zimmerman is a Civil Engineer with an emphasis in transportation with 22 years experience in transportation and transportation planning. The traffic counts were made March 24 – March 26, 2008 during peak hours of 7:15 – 8:15 a.m. and at 4:30 – 5:30 p.m. The intersections studied were on KY 121; the intersection of WalMart Drive and 16<sup>th</sup> Street and on 16<sup>th</sup> Street going north; Lowes and Campbell Street, as well as the four-way stop at WalMart and Lowes Drive. Traffic studies are done using the highway capacity analysis procedures which are developed by the National Transportation Research Board. (The standard used in the United States for doing traffic studies.) It grades them on an A to F scale with level service E considered operating at capacity and F failing. For major service urban areas they consider Level Service D acceptable. The study concluded that the over-all grade was Level C which means stable flow; therefore, the project would only add minimal impact (4 second delay per car) and the existing system should operate acceptably with the additional traffic.

Candace Dowdy asked Mr. Haverkamp what type of improvements he anticipates for the project. Mr. Haverkamp stated that they would be redesigning the buildings and maybe reconfiguring them also; however, the number of units would remain the same. Commissioner Shroat asked a cost for renting the units. Mr. Haverkamp replied that his development would be commensurate with other nice places to live in Murray and they would likely rent at under \$400.00 per bed.

Joshua Jacobs, 21 Wells Purdom, Almo, KY 42020, representative for President Dunn and MSU was sworn in. Mr. Jacobs stated that MSU is in support of quality housing for their students. They have had a number of conversations with Mr. Haverkamp; however, they are not affiliated in any way with the project at this time. Mr. Jacobs stated that MSU is at 97% capacity on campus for the upcoming fall semester and they are expecting that to continue.

Chairman Vanover asked if there was anyone there to speak in opposition of the project. Roger Scott, 145 Breezeway Drive, Almo, KY 42020, was sworn in. Mr. Scott used the Power Point presentation to point out his property. He stated that he was not in opposition; however, he did have concerns and questions. He is concerned about the height of the project since he owns the property that is adjacent to the project on the west (which is zoned residential). Mr. Scott is also concerned with the impact of traffic from Campus Suites that is north of this proposed project. He addressed the constant array of debris and the traffic problems that already exist. Mr. Scott

stated that he has lived on North 16<sup>th</sup> for 47 years and has never seen anything done to 16<sup>th</sup> Street to provide any kind of relief from the traffic. He stated while Campus Suites was being constructed, there were constantly trucks coming and going at day and night and that property owners should be able to have access to their property while construction is going on.

*Candace presented two letters as exhibits. Exhibit A is from Kim Bryan, Community Manager for The Chase (previously Murray Place). Exhibit B is from Henry Morton, developer for Campus Suites. Each letter gives information on the marketing research that was done prior to their developments.*

Daniel Yong, 20 Scarlett Drive, Murray, KY 42071, was sworn in. Mr. Yong, owner of August Moon, stated that he was not opposed to the proposed projects, but he also wished to voice his concerns. Mr. Yong travels 16<sup>th</sup> Street every day and he feels that 4 second delay per car is adding to the problem that already exists and that construction traffic would only magnify the current situation. He sees the need for future expansion of 16<sup>th</sup> Street with possibly a turning lane. Mr. Yong has significant concerns with screening, water run-off, and construction traffic causing dust, dirt, and mud on the streets. Mr. Yong is concerned that if the proposed project is developed, that construction trucks will affect traffic for the local businesses in the area. Mr. Yong stated that this is a big project that he feels will be good for the community; however, he does think that these issues should be addressed.

Bobby Deitz, 645 Swift Road, Kirksey, KY 42054, was sworn in. Mr. Deitz is the Civil Engineer from Geo Tech Engineering that is representing the Campus Pointe project. Mr. Deitz stated that the project will not increase storm water run-off onto any of the surrounding properties. In regards to dust control and mud erosion, they are bound by Kentucky laws to comply with best management practices. He stated that permitting has to be submitted to the State and the State has the option to check the construction site where they can fine the contractor if they are not in compliance with the storm water pollution plan. He said that Geo Tech tries to do a good project and keep the streets cleaned daily. In regards to trash, the City has a littering ordinance that could be enforced. Mr. Deitz concluded by saying that if Mr. Yong currently has a run off problem on his property, they would try to make it better, but this project would not make it worse.

Ms. Dowdy reported that the developer has been asked to consider changing the name of the proposed project from Campus Pointe since the city already has Campus Suites located on North 16<sup>th</sup> Street. The change would be for 911 emergency response purposes to prevent confusion of similarities or sound alike. Chairman Vanover closed the public hearing and opened the discussion up to the Commissioners.

**Tom Kind made a motion to approve the preliminary plat for a proposed multi-family planned development project at 1300 North 16<sup>th</sup> Street – Campus Pointe – Haverkamp Properties - with the condition the Murray Board of Zoning Adjustments grants a Conditional Use Permit the next evening. Marc Peebles seconded the motion and it carried with an 8-1 vote. Howard Koenen voted no.**

**Discussion of Revised Goals and Objectives Section of the Comprehensive Plan:** Peyton Mastera stated that Goals and Objectives section of the Comprehensive Plan were reviewed once every five years for updates and additions. During two previous Planning Commission meetings, the current Goals and Objectives were reviewed. Following these meetings, a Comprehensive Plan Advisory Committee was created. This committee consisted of Planning Staff and other City officials, Planning Commission members, BZA members, and various leaders throughout the community. This committee met on March 6, 2008 and March 25, 2008. Upon meeting with the Planning Commission and the Comprehensive Plan Advisory Committee, a revised set of the Goals and Objectives have been created. The committee took all the ideas as well as the Goals and Objectives and put them into a revised format, which is a narrative form as opposed to the existing matrix form. After the final changes are made, the Planning Commission will hold a Special Meeting on May 15<sup>th</sup> with a public hearing to adopt the new Goals and Objectives. *Nelson Shroat left at 7:15.*

**Discussion of Possible Text Amendments to the City of Murray Zoning Ordinance – Section IV, Article I.F. – Findings Necessary for Map Amendment:** Peyton Mastera noted that the wording in the existing Zoning Ordinance should be changed to match that of KRS 100.213 under findings necessary for a map amendment. Peyton stated that there will have to be a public hearing held before any text amendment to the zoning ordinance is recommended for change to the City Council. Below are the proposed text amendments:

1. Before any map amendment is granted, the Planning Commission and the Murray City Council must find that the map amendment is in agreement with the community's comprehensive plan, or, in the absence of such a finding, that one or more of the following apply and such finding shall be recorded in the minutes and records of the Planning Commission and the Murray City Council.
  - (A) That the original ~~existing~~ zoning classification given to the property ~~was is~~ inappropriate ~~and that the proposed zoning classification is appropriate~~ ~~or improper~~.
  - (B) That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the ~~adopted~~ community's comprehensive plan and which have substantially altered the basic character of such area.
2. The findings of fact made by the commission shall be recorded in the minutes and records of the commission.

**Questions and Comments:** Peyton reviewed the continuing educations needing approval by the Commissioners. Mr. Tom Auer has a one (1) hour credit for watching "Northern Kentucky Area Planning Commission" an annual meeting concerning sign regulations. Mr. Greg Mayes was required to go through the U.S. Green Building Council manual in order to receive his certification. This will give Mr. Mayes eight (8) hours of continuing education credits.

**Marc Peebles made a motion to approve the continuing educations for Tom Auer and Greg Mayes. Ed Pavlick seconded the motion and it carried with an 8-0 vote.**

**Ed Davis made a motion to adjourn. Marc Peebles seconded the motion and it carried with an 8-0 vote.** The meeting adjourned at 7:25 p.m.

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Chairman, Richard Vanover

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Recording Secretary, Reta Gray