

**MURRAY PLANNING COMMISSION MINUTES  
REGULAR MEETING  
TUESDAY, JULY 17, 2012**

The Murray Planning Commission met in regular session on Tuesday, July 17, 2012 at 5:00 p.m. in the council chambers of City Hall located at 104 N. 5<sup>th</sup> Street.

**Commissioners Present:** Mary Anne Medlock, Amber DuVentre, Kevin Perry, Loretta Jobs, Ed Pavlick, John Krieb, Ed Davis, Jeremy Boyd, Tom Kind and Marc Peebles

**Commissioners Absent:** None

Also Present: Candace Dowdy, Justin Crice, David Roberts, Mike Pitman, Reta Gray, Jim Nasso, Mark McLemore, Bobby Deitz, Nancy Outland, Tim Morton, Lynda Cochran, Tony Nolcox, Dale Campbell, Jim Tate, Daniel Yong, Sam Lehman and public audience

Chairman Pavlick called the meeting to order and welcomed all guests. Chairman Pavlick asked the commissioners if there were any changes, additions or deletions to the minutes from the June 19, 2012 regular meeting.

**John Krieb made a motion to accept the minutes from June 19, 2012 Planning Commission regular meeting as presented. Amber DuVentre seconded the motion and the motion carried unanimously. Jeremy Boyd entered the meeting at 5:01 p.m.**

**Public Hearing: Preliminary Plat Review for PDP at 440 Utterback Road – Wesley of Murray:** Candace Dowdy used a Power Point presentation to show the property at 440 Utterback Road where Wesley Murray Meadow, Inc. is proposing to add 20 units and a clubhouse to the property. This property is located within the city limits and is in an R-4 zone (Multi-Family Residential). Ms. Dowdy explained that in order to comply with HUD regulations, Wesley of Murray was required to divide the property into two tracts of land in order to sell Wesley Murray Meadow, Inc. a portion of the property and create separate entities. Last month this project was reviewed for Advisory & Compatibility. The preliminary plat shows adding five (5) quad-plex apartment buildings and a clubhouse. Each unit will be 540 sq. ft. in size per HUD regulations and the clubhouse will be approximately 3,500 sq. feet. There are 31 existing parking spaces at this location and the site plan shows adding 30 additional spaces. The preliminary plat also shows a 35 ft. ingress/egress easement that will need to be established as a permanent crossover easement since the new units and the clubhouse will be on a separate lot. Ms. Dowdy stated that a few minor changes had been made to the Preliminary Plat since the Advisory Meeting the previous month. A revised plat was submitted relocating two of the new residential buildings because of the proposed location of the stormwater detention. Ms. Dowdy identified the location of the dumpster area at the end of the service drive alongside the clubhouse building. Utility extensions servicing these new buildings are in the process of being designed and will be shown on the Final Plat. Ms. Dowdy said that all adjoining property owners had been notified of the meeting and that there was one phone call received from the property owner to the west.

Chairman Pavlick opened the public hearing and asked if there was anyone that wished to speak in favor of the project.

Jim Nasso, Vice President and Chief Operating Officer of Wesley Housing Corporation, 1615 Appling Rd., Cordova, TN was sworn in. Mr. Nasso stated that Wesley Housing Corporation is the sponsor and developer of the project. Mr. Nasso said that approximately 8 years ago they opened the first phase of the development. It has proven to be much in demand. The development is at capacity all the time and there

is constantly a waiting list to get in. This is an independent living development. Mr. Nasso added that the size of the proposed clubhouse is to accommodate residents from the entire facility.

Chairman Pavlick asked if there was anyone that wished to speak in opposition to the project.

Nancy Outland, 546 Utterback Road, Murray was sworn in. Tim Morton (grandson of Ms. Outland), Lynn Grove Community was sworn in. Ms. Outland stated that she also owns the property at 548 Utterback Road. She said that since Wesley of Murray developed the property, her property has flooded when it rains because the layout was poorly designed. Ms. Outland stated that she had previously discussed this with the owners of Wesley of Murray and when they would not agree to fix the problem, Ms. Outland ended up taking them to court over this issue. She won her case in court. Ms. Outland wanted to know how much more water would be pushed on her property once the second development is constructed. Ms. Outland is worried about the trash situation. She stated that she picks up trash in her yard weekly that has blown from the trash bin at Wesley of Murray. Ms. Outland added that she did not want Wesley of Murray building directly on her property line. Ms. Dowdy explained where the property lines were and stated that the development would be meeting the required setbacks on the west side of the property.

Mr. Morton stated that the stormwater routes were changed once Wesley of Murray first built on the property. He said that there were previously trees on the development site. Since the trees were removed, the stormwater rushes down the hill at a faster flow to Ms. Outland's property. The actual ditch between Ms. Outland and Wesley of Murray's properties was covered up by the construction workers while they were working on the development. Mr. Morton said they have since spent \$10,000.00 to have the ditch cleaned out and lined with riprap. Ms. Dowdy said that she would let Bobby Deitz with BFW discuss the water flow situation and the plans for detention.

Lynda Cochran, Murray was sworn in. Ms. Cochran stated that she owns the property across the road from Wesley of Murray. Ms. Cochran was concerned with whether the city or the county would be maintaining Utterback Road. She said that some of the property that was adjacent to the Wesley property is within the city limits and some is not. Ms. Cochran added that the road is already congested and she feels like adding more housing will only magnify the problem.

David Roberts addressed the maintenance of Utterback Road. He stated that both the city and county maintain Utterback Road. The city has worked with the county and the state in the past to make improvements to the road and until all the property is brought into one entity, it will continue to be maintained by both.

Bobby Deitz, 645 Swift Road, Kirksey, Kentucky was sworn in. Mr. Deitz stated that calculations showed that the detention pond was designed to handle the run-off from the property. He explained that the development actually blocked the flow of water that previously ran across the corner of Ms. Outland's property. He said that there is currently 16 acres that drains to the detention pond on the southwestern corner of the property. Mr. Deitz added that in order to meet new city requirements, they will be building an additional detention pond for Phase II that will be located on the northeastern corner of the property and a 30" pipe will connect the two detention ponds. The outlet on the current detention pond is 18" and the drainage pipe under Ms. Outland's driveway is 42" (which should be ample to cover the runoff). Mr. Deitz said that it appears that the contractor that did the grading for the development probably did a poor job of erosion control which ended up silting the ditches and roadway pipes resulting in a poor water flow. He also stated that in his opinion, the ditch between Ms. Outland's and Wesley of Murray's property is probably undersized. Chairman Pavlick asked if Mr. Deitz felt confident that the runoff will

stay off Ms. Outland's property. Mr. Deitz stated that he was positive that the water on Ms. Outland's property is not coming from the stormwater detention based on the 42" pipe going underneath her driveway. He said that if the water backed up, it would not be from the water discharging upstream it would be from issues downstream possibly where the ditches intercept at Utterback Road. Commissioner Kind stated it look likes the drainage from the woods to the northwest was part of the drainage affecting this area. Mr. Deitz stated they did not look at that part of it and just looked at what was coming into the detention system. Mr. Deitz said he had looked at pre-construction calculations and the new system was designed according to city stormwater regulations.

Mr. Tim Morton came forward again and showed where Ms. Outland takes on water. Mr. Morton stated how water meets at Ms. Outland's property and how the water flows faster than prior to the first development by Wesley of Murray. Mr. Bobby Deitz stated according to his measurements that he knows the water flow is not faster, and it is actually less of a flow. He said the property is actually seeing less water than prior to construction.

Chairman Pavlick closed the public hearing and turned it over to the commissioners for discussion.

Commissioner Krieb stated that he thought the potential drainage problem should be looked at. Commissioner Medlock asked if the item should be tabled until they had the opportunity to talk to the county and the city concerning the flooding issue. Ms. Dowdy explained that the PDP still has to come back before the Commissioners for a final plat approval; therefore, this item could be resolved in the mean time. Chairman Pavlick suggested that the magistrate for the area be contacted also. He said that when there are water problems like this in the county, the magistrates become involved.

**Tom Kind made a motion to approve the preliminary plat for Wesley of Murray's Residential PDP at 440 Utterback Road. This is contingent upon the BZA approving the conditional use permit and any necessary variances and easements. In addition, someone from the county should be contacted to look into the drainage issue so that they can report their findings to the Commissioners at the next meeting. John Krieb seconded the motion. Justin Crice asked for the motion to be restated using Wesley Murray Meadow, Inc. instead of Wesley of Murray since Wesley Murray Meadow, Inc. will be the owner of the property.**

**Tom Kind amended his first motion to approve the preliminary plat for Wesley Murray Meadow, Inc.'s Residential PDP at 440 Utterback Road. This is contingent upon the BZA approving the conditional use permit and any necessary variances and easements. In addition, someone from the county should be contacted to look into the drainage issue so that they can report their findings to the Commissioners at the next meeting. John Krieb seconded the motion and the motion carried with a 9-1 voice vote. Jeremy Boyd voted no.**

**Advisory Meeting: Proposed PDP at 1807 College Farm Road – Tony Nolcox:** Justin Crice used a Power Point presentation to show the property at 1807 College Farm Road that Tony Nolcox is looking to purchase. The property is zoned R-4 (Multi-Family Residential) and consists of two tracts of land totaling 2.75 acres. One tract fronts College Farm Road and currently has a duplex and a single family house on it; the second tract of land is currently vacant but in years past was used as a mobile home park. There is a small building located on the south side of this property that will remain on the property for storage purposes. The property is overgrown with trees and vegetation and would need to be cleared for development. Mr. Nolcox would like to develop the property as a residential planned development project with 40 one and two bedroom units. This is a unique property in terms of access as it has road frontage off of College Farm Road but also has an access easement off North 18<sup>th</sup> Street. The tract of land

on College Farm Road has a shared drive with the property to the east. Setback and density requirements are being met. The parking requirements would be 120 parking spaces for the 40 unit development. Mr. Nolcox is in the process of having this property surveyed. Ms. Dowdy explained that this is just an Advisory Meeting and if this project should continue to move forward, a more detailed Preliminary Plat will be presented with more green space provided and possibly a commons area. Sanitation plans have not been indicated at this time but typically an enclosed dumpster area would serve a development of this nature. Mr. Crice explained that some of the issues noted by Planning Staff to be reviewed by both the Planning Commission and BZA through the Planned Development process are: traffic impact, parking and traffic flow, emergency service access, landscaping and lighting, stormwater detention and sanitation pick up. Commissioner Kind asked if it was possible to have an entrance/exit each on North 18<sup>th</sup> Street and College Farm Road. He added that getting in and out of the property with only one entrance off College Farm Road would present a problem since College Farm Road is heavily traveled during certain times. Mr. Kind also would like to see the development have as much green space and as many trees left on the property as possible. Ms Dowdy stated that Mr. Nolcox could probably address the easement situation with TVA that is at the rear of the property.

Chairman Pavlick asked Mr. Nolcox to come forward to answer questions that the Commissioners might have.

Mr. Nolcox explained that the property was previously a trailer park and the actual entrance to the trailer park was in the back through a stated easement with TVA. He added that his biggest concern was that he did not want the tenants going thru the church parking lot (which is where the easement runs) since the church on North 18<sup>th</sup> Street uses part of the TVA easement for their parking lot. Commissioner Medlock commented that it would be nice if the easement could be used as a bike path for students. Mr. Nolcox stated the area is wide enough that he could provide a bike path along the side of the easement. He added that his background is in horticulture and that he would be providing a good amount of green space throughout the development. He added that he would like to fence the entire property. Commissioner Perry asked if they had thought about putting a single driveway through the center of the development. Mr. Nolcox stated that they had drawn several plans, but had decided on this one because they liked the green space that would be available down the center while leaving a buffer zone to the surrounding properties. Mr. Nolcox said that the only building that will remain on the property once they are ready for construction will be the storage building in the back and that the duplex and single family house would eventually be removed.

Chairman Pavlick asked the Commissioners if they had any objections to this project moving forward. There were none.

**Advisory Meeting: Proposed PDP at 1300 North 16<sup>th</sup> Street – Dale Campbell:** Justin Crice used a Power Point presentation to show the property located at 1300 North 16<sup>th</sup> Street (Old Moose Lodge Property) that is owned by Dale Campbell. The property is located in a B-2 zone which allows residential planned development projects as a conditional use only. The property is approximately 5 acres in size and does have utilities available. Previously the property was zoned R-4 and in 2004 the Moose Lodge members came before the Planning Commission to have it rezoned to B-2 (highway business) as it was more appropriate for the use at that time. Mr. Campbell has submitted a preliminary site plan indicating he would like to construct 106 residential units on the five acres. For density purposes the 106 units would be the maximum number of units allowed for a five acre tract of land. The site plan shows 85 two bedroom units and 21 one bedroom units. Sizes for these units have been indicated as 17' X 32' for the one bedroom and 17' X 44' for the two bedrooms. The project will have two entrances off 16<sup>th</sup> Street. There will be 318 parking spaces required for the development and the site plan shows 200 parking

spaces; thus, a parking variance will be needed. Angled parking spaces have been shown on this preliminary site plan in some areas but traffic flow has yet to be finalized. The drive aisles do maintain a minimum of a 22 foot consistency throughout the property which gives adequate space for vehicles to maneuver. Front, side and rear yard setback variances will be needed if this project moves forward. Mr. Crice stated that the project will be reviewed this month for Advisory & Compatibility as part of the PDP process. Ms. Dowdy added that when Mr. Campbell originally submitted the site plan, the plan was showing a total of 121 units. The amount was exceeding the density requirements; therefore, Planning Staff informed Mr. Campbell that he would have to remove 15 of the units from the plan. When Mr. Campbell came back with a revised site plan, there was no plan for sanitation pick-up indicated. Ms. Dowdy said that other developments of this type have a compactor on site that has worked very well and may be a solution for this development. The traffic flow is another situation that has to be looked into. The site plan is showing angled parking and traffic only moving one way at the north entrance. Commissioner Boyd stated that he thought the internal flow of traffic should be changed. He did not think that the residents would abide by the one way directional flow. He added that he had a concern with additional traffic that this development could create for the already heavily traveled North 16<sup>th</sup> Street area. This problem was not created by Mr. Campbell nor would this be Mr. Campbell's issue; however, the situation does exist and it has the potential to get worse. Ms. Dowdy agreed that there is a concern with adding this many units to North 16<sup>th</sup> Street where there is already an existing traffic issue. She explained that Campus Suites had been required to have a traffic study performed in 2006 and suggested that maybe there needed to be a more current traffic study completed. Commissioner Kind asked if screening would be required on the south side of the property between the proposed development and Daniel Yong's property. Ms. Dowdy stated that since both properties are zoned B-2 there is no screening requirements; however, the Commissioners could require that privacy screening be installed. Commissioner Medlock said that the site plan looked somewhat like a maze to her and she was concerned with the lack of green space available to the development. Mr. Campbell has developed excellent projects in the past and she would like for more thought and planning to be put into this development. Ms. Medlock said that maybe two-story buildings would be an option for the availability of more green space and a better traffic flow. Commissioner Krieb commented that Mr. Campbell could compress the six one-story buildings into three two-story ones. Commissioner Perry asked if there was an office area designated within the development. Mr. Crice stated that there is not. Ms. Dowdy concluded that Mr. Campbell was just trying to get an informal site plan to the Commissioners and BZA for this month's agenda in order to seek direction as to whether he should move forward with this project or not.

Chairman Pavlick told Mr. Campbell that the Commissioners had offered their suggestions for him to address before this proposal comes back before them in a Preliminary Plat form.

**Advisory Meeting: Proposed PDP at 907 Coldwater Road – Daniel Yong:** Candace Dowdy used a Power Point presentation to show the property located at 907 Coldwater Road. This property is located in a B-2 zone and was previously developed as a PDP in 1999 by Steve Tinsley. During that process, the property was approved with two units located on it. Daniel Yong has purchased the property and is proposing to add two additional units on the east side of the existing duplex building. There are two windows on the east side of the building that are means of egress from bedrooms and these windows will have to be relocated. Ms. Dowdy stated that she and the building official had met on site and made Mr. Yong aware of this. The new building is shown on the site plan as being 28' from the front property line so a front setback variance will be required. The site plan indicates the proposed units will be 17' X 33' and have four 9' X 18' parking spaces shown in front of them. To the south of the proposed unit is a building with six units which was developed on a separate PDP. There are two existing gravel drives (entrances) off Coldwater Road to the property. Ms. Dowdy stated that Mr. Yong has indicated that he is willing to make some improvements to the property and also pave a designated parking area if this

proposal should go forward. Currently all of the units have roll out containers. Planning Staff has talked to Mr. Yong about putting in an enclosed dumpster area which will eliminate the roll out containers. As far as density, two additional units can be added to the property. Ms. Dowdy reviewed the setback variances that had previously been approved.

Chairman Pavlick asked the Commissioners if they saw any reason that Mr. Yong should not proceed with his proposal. There were no objections. Chairman Pavlick told Mr. Yong that he could proceed.

**Review of Minor Subdivision Plat: For Lot 13B of Deer Meadow Subdivision – Sam Lehman:**

Candace Dowdy used a Power Point presentation to show property located in Deer Meadow Subdivision. On February 16, 2011 a minor subdivision plat of lot 13A of Deer Meadow Subdivision was approved with restricted approval on lot 13A-2 because it had no road frontage. Sam Lehman, owner of lots 13A-2 and 15A has presented the Planning Department with another request to re-plat lots 13A-2, 14 and 15A. The purpose of this plat is to give the new lot the adequate road frontage needed to meet the subdivision regulations for a buildable lot. (In order for this lot to meet subdivision requirements it is required to have 75 feet of road frontage.) Mr. Lehman would like to construct a duplex on this lot. If this proposal is approved, the building will be located within the required setbacks. The stormwater detention for this subdivision is located in the rear of lot 13. The original subdivision plat states that lots 12, 13 and 15 will be responsible for detention maintenance. Ms. Dowdy stated that Mr. Lehman is in attendance so that he can answer any questions the Commissioners may have.

Sam Lehman, 1336 Andrus Drive, Murray was sworn in. Mr. Lehman stated that his purpose for the request is to create a buildable lot to construct a duplex on. There is currently no public access to that lot unless he makes one by reconfiguring the front two lots. Mr. Lehman noted that he would like for the west property line of the new lot to be straight instead of tapered as VL Associates has it shown so that will need to be corrected if the plat is approved.

**Loretta Jobs made a motion to approve the minor subdivision plat at 414-416 Bambi Court South, owned by Sam Lehman, as presented to the Planning Commission on July 17, 2012. Kevin Perry seconded the motion and the motion carried with a 10-0 voice vote.**

**Questions and Comments:** Loretta Jobs stated that Murray won the Rand McNally competition for “The Friendliest Town in the United States”. Ms. Jobs added that she and David Roberts attended a continuing education concerning cell towers. She said that there was an interesting presentation from Paducah about their new Fountain Avenue redevelopment. Mr. Roberts explained that the funding that Paducah received for this particular project was not available for Murray. Commissioner Boyd said that the “Wet-Dry” votes had been counted and the Yes’s won by a narrow margin. Ms. Dowdy reminded the Commissioners that there is another continuing education coming up for those who have not met their requirements.

**Adjournment:** Marc Peebles made a motion to adjourn. Jeremy Boyd seconded the motion. *The meeting adjourned at 6:55p.m.*

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Chairman, Ed Pavlick

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Recording Secretary, Reta Gray