

**MURRAY PLANNING COMMISSION MINUTES**  
**REGULAR MEETING**  
**TUESDAY, JANUARY 21, 2014**  
**5:00 P.M.**

The Murray Planning Commission met in regular session on Tuesday, January 21, 2014 at 5:07 p.m. in the council chambers of City Hall located at 104 North 5<sup>th</sup> Street.

**Commissioners Present:** Kevin Perry, Ed Pavlick, Marc Peebles, Jeremy Boyd, Tom Kind, Robin Zhang, and Ed Davis

**Commissioners Absent:** Mary Anne Medlock, Loretta Jobs and John Krieb

Also Present: Candace Dowdy, David Roberts, Reta Gray, James Oakley, Peyton Mastera, Hawkins Teague, Tung Dinh, Danny Brittain, and public audience

Chairman Pavlick called the meeting to order and welcomed all guests and applicants. Chairman Pavlick asked the commissioners if there were any changes, additions or deletions to the minutes from the December 17, 2013 regular meeting. Ms. Dowdy stated that John Krieb had called her with some minor changes and she noted those.

**Ed Davis made a motion to accept the minutes from the December 17, 2013 Planning Commission regular meeting as amended. Jeremy Boyd seconded the motion and the motion carried unanimously.**

**Preliminary plat review: Residential planned development project at 807 & 809 Coldwater Road – Tung Dinh:** Chairman Pavlick stated that this item had been tabled at the previous month's meeting; therefore, he needed a motion to remove it from the table. He also noted that the public hearing was held in December and this item would only be brought back up for discussion amongst the commissioners at this time.

**Marc Peebles made a motion to remove the item from the table and bring the preliminary plat back before the commissioners for review. Tom Kind seconded the motion and the motion carried unanimously by voice vote.**

Ms. Dowdy recapped that on December 17, 2013 the Planning Commission reviewed the Preliminary Plat for this project and after much discussion tabled the issue until Mr. Dinh could take into consideration the concerns that were made by the Commissioners and adjoining property owner, Danny Brittain. Mr. Brittain had voiced his concerns regarding the privacy issues with the two story buildings and the required screening for those properties along College Farm Road. Ms. Dowdy said that she met with Mr. Dinh on site, the day following the meeting to discuss options that would satisfy the privacy issues. Mr. Dinh has proposed to plant Leyland Cypress trees as tall as 7 to 8 feet in height along the south side of the property that backs up to the R-2 residential zoning. This would be done immediately so the trees could begin to mature and provide more privacy to the properties along College Farm Road. The project is expected to take 1.5 to 2 years to complete, at which time the trees will have grown another three to six feet in height providing a more solid screening effect. Mr. Dinh also indicated that he would be willing to increase the height of the fence to eight feet along the R-2 zoning area if needed; however, he felt like the six foot fence along with taller trees would provide the appropriate screening to the adjoining property owners. Mr. Dinh wanted to see if the Commissioners and the adjoining property owners would agree that this proposal would provide sufficient screening before he considered changing the design of the buildings.

Ms. Dowdy advised the commissioners that Mr. Brittain has indicated he was in agreement with these proposals.

Ms. Dowdy stated that Mr. Dinh is proposing to add 28 residential apartments to this property. The preliminary plat shows four buildings with 20 (2) bedroom units and (8) one bedroom units, totaling a 48 bedroom development. There are 103 existing parking spaces provided for the fitness center and a previously proposed daycare; 36 additional spaces were added for the proposed residential units and located behind each building. This development will be meeting parking requirements. A drive aisle was added between buildings 3 and 4 to open up access between the existing parking lot and the southeast building to provide an additional means of ingress/egress to those apartments. The size of the water line will be increased and an additional fire hydrant will be installed to meet fire code regulations. Sanitation pickup is addressed on this plat, with three additional dumpster areas located in accessible areas around the development. The preliminary plat proposes additional underground stormwater detention with a detention pond added in the northeast corner.

**Tom Kind made a motion to approve the preliminary plat for the proposed residential planned development project at 807 & 809 Coldwater Road for Tung Dinh with the contingency that the BZA approves the conditional use permit for this project with any necessary variances, and that Mr. Dinh proceed to plant Leyland Cypress trees at a minimum height of 7 to 8 feet tall along the south property line within the next 30 days (if possible) to provide additional screening to the adjoining properties along College Farm Road and make the necessary repairs to the existing privacy fence immediately. Kevin Perry seconded the motion and the motion carried with a 7-0 roll call vote.**

**Discussion: To amend Chapter 155 of the Subdivision Regulations and Chapter 156 of the Zoning Ordinance as it pertains to stormwater conveyance and erosion control:** James Oakley, City of Murray Stormwater & Drainage Engineer came forward. Mr. Oakley explained that this ordinance was previously brought before the commissioners in September 2010. There were requirements by the Division of Water to input changes to pollution prevention and to add a post construction portion to the Ordinance. The changes were submitted to the Division of Water and were approved during the summer of 2013. Ms. Dowdy e-mailed the part of the Ordinance to the commissioners earlier with the changes highlighted. Mr. Oakley added that this is a new water quality control standard requirement placed upon us by the Division of Water to meet the city's minimum stormwater control measures. (Basically there were only verbiage changes made to the Ordinance.)

**Ed Davis made a motion to hold a public hearing in February to present the proposed text amendments to Chapter 155 Subdivision Regulations and 156 as it pertains to Stormwater Conveyance and Erosion Control for the Zoning Ordinance. Jeremy Boyd seconded the motion and the motion carried with a 7-0 roll call vote. James Oakley left the meeting at 5:31 p.m.**

**Discussion: Code Enforcement Officer Position:** Ms. Dowdy stated that a position of Code Enforcement Officer has been discussed numerous times in the past; however, it has never been put in the budget. A person has been needed in this position for years to help enforce the zoning ordinance and zoning regulations. John Krieb, Ed Pavlick and Mary Anne Medlock have put together a letter addressed to Mayor Bill Wells and the City Council members. (The commissioners were all given a copy of the letter.) This letter requests that a position be created within the Police Department for a Code Enforcement Officer in the next fiscal year's budget. Ms. Dowdy explained that there are signature lines for the chairmen and members of both the Planning Commission and Board of Zoning Adjustments, if

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they chose to support this request. The letter lists 26 other Kentucky cities that have similar positions. Ms. Dowdy continued that the planning department currently follows up on complaints that are received regarding possible zoning violations. Staff members also make note of anything they happen to see that appears to be in violation; however, there is no one who has the sole responsibility of enforcing zoning regulations. Chairman Pavlick explained that the letter also addressed the fact that the existing planning staff is "paper thin" and did not have much time to enforce ordinances. It is his opinion that if a person could not be freed up to handle this position full time, then there is the need for a newly budgeted position. Commissioner Tom Kind stated that the job of investigating complaints should not be Ms. Dowdy's or planning staff's and that this proposed position is necessary to enforce violations. Commissioner Jeremy Boyd said that he does not discredit the need for this position, but questioned if the position would require an additional staff member or if the duties would be restructured within the city's current staff. He did not necessarily like the idea of signing a letter that says, "Let's go hire somebody." Commissioner Ed Davis asked how they arrived at placing this proposed position within the police department. Ms. Dowdy stated that property maintenance issues such as overgrown lawns are handled by the citation officer with the Police Department. Ms. Dowdy also stated that some things have changed since the Property Maintenance Code was adopted and that currently there are several departments that handle property maintenance issues and she agreed that certainly there should be discussion as to where that position should fall. She continued by saying that the idea behind the Code Enforcement Officer position being under the police department is that an officer would be a better choice for enforcement purposes. Mr. Davis said that the city of Mayfield had a full time Code Enforcement Officer among the fire department staff. Mr. Roberts explained that what the letter is trying to express is the need for a Code Enforcement Officer. The planning department is not looking at adding an additional person to that department, but the police department may or may not have an individual that would be able to take on this responsibility. There is the administrative part of the position that will take up a lot of time and there is the need to be out in the field issuing citations and following up as well. One person cannot likely do everything. There will still be someone in the planning department that will work with issues such as dilapidated buildings. A Code Enforcement Officer would free up planning staff to do a better job in their positions by relieving them from the time spent on monitoring. Chairman Pavlick encouraged the commissioners to join him in signing the letter.

**Marc Peebles made a motion to submit the letter to Mayor Bill Wells and the City Council requesting that the position of Code Enforcement Officer be allocated in the next fiscal year's budget. Tom Kind seconded the motion and the motion carried with a 6-1 roll call vote. Jeremy Boyd voted no. Chairman Pavlick stated that the letter would be submitted.**

**Questions and Comments:** Ed Pavlick asked if planning staff could look into how Paducah handles their code enforcement. Mr. Roberts said that could be done.

**Adjournment: Ed Davis made a motion to adjourn. Marc Peebles seconded the motion and the motion passed unanimously. The meeting adjourned at 5:51 p.m.**

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Chairman, Ed Pavlick

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Recording Secretary, Reta Gray