

**MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, AUGUST 18, 2015
5:00 P.M.**

The Murray Planning Commission met in regular session on Tuesday, August 18, 2015 at 5:00 p.m. in the council chambers of City Hall located at 104 North 5th Street.

Commissioners Present: Robin Zhang, John Krieb, Ed Davis, Ed Pavlick, Tom Kind, Marc Peebles, Jordan Smith and Loretta Jobs

Commissioners Absent: Jim Foster

Also Present: Candace Dowdy, Robert Jeffries, Reta Gray, Summer Grogan, Officer Tim Fortner, David Roberts, Attorney David Perlow, Hawkins Teague, Gary Keckley, Andy Gupton, Bobby Deitz, Rick Johnston, Howard Brandon and public audience

Chairman Ed Pavlick called the meeting to order and welcomed all guests and applicants. New Commissioner Jordan Smith was sworn in by Candace Dowdy. Chairman Pavlick then asked if there were any changes, additions or deletions to the minutes from the July 21, 2015 regular meeting.

Ed Davis made a motion to approve the minutes from the July 21, 2015 Planning Commission regular meeting as presented. John Krieb seconded the motion and the motion carried unanimously.

Request to set the zoning as R-4 for a 0.74 acre tract of land located at 170 Utterback Road – Good Works Unlimited, LLC: Candace Dowdy reviewed the request to annex the 0.74 acre tract of land that adjoins the property at 170 Utterback Road to the north. Ms. Dowdy stated that the Planning Commission forwarded a recommendation to the City Council in July to annex this tract into the city limits and that this is the second part of the process to set the zoning for the property. The property owner, Gary Keckley with Good Works Unlimited LLC, has requested that the property be zoned R-4 (Multi-Family Residential). The property currently borders R-4 zoning to the east and south. Good Works Unlimited LLC operates Hickory Woods Senior Living Community located east of the property. This tract of land will be incorporated with the property to the south and developed as a residential PDP known as "*The Villages at Hickory Woods*". Both developments will be accessible through a connecting road that will circle the northern part of the property and that road will provide an additional ingress/egress for the development.

Chairman Pavlick opened the public hearing and asked if there was anyone that wished to speak either in favor or in opposition to the request. There was no one; therefore, the public hearing was closed and the item turned over to the commissioners for discussion and a motion.

Loretta Jobs made a motion to forward a recommendation to the City Council to set the zoning as R-4 (Multi-Family Residential) for the 0.74 acre tract of land located at 170 Utterback Road. The recommendation is based on the following findings of facts: the

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property is contiguous to R-4 zoning and is appropriate for the proposed use of the property; Marc Peebles seconded the motion. John Krieb requested that the motion be modified to include a comment that this tract of land will provide the additional means of entrance and exit to the development that the Commission likes to see. Marc Peebles seconded the modification to the motion and the motion carried with an 8-0 roll call vote.

Review: Final Plat for residential planned development project known as Poplar Place Development located on Poplar Street – Andrew Gupton: Andy Gupton is requesting final plat approval for a multi-family residential planned development project to be located on Poplar Street between Woodlawn Avenue and South 15th Street. The Preliminary Plat was approved by the commissioners in July. The Board of Zoning Adjustments then reviewed and approved the conditional use permit to allow the residential PDP to be located in an R-4 zoning district. The motion included that the developer provide an 8 foot tall privacy fence (shown on the final plat) and trees to be located along the south property line and a portion of the east and west property lines where the project adjoins R-2 (Single Family) zoning districts. The final plat displays a total of 101 parking spaces. 129 spaces are actually required; thus, a 28 parking space variance was granted. Mr. Gupton has reconfigured the parking area between the two existing houses on South 15th Street. This configuration will alleviate backing out into 15th Street. Approval was granted for the proposed monument sign with a minimum 10 foot front setback. The final plat depicts a total of 42 units consisting of three one-bedroom units, 36 two-bedroom units, and three three-bedroom units with a total of 84 beds. Ms. Dowdy stated that during the July meeting she indicated that all the buildings would be meeting required setbacks and that actually one of the buildings will be located only 6 feet off the side property line instead of the required 10 feet. However, Mr. Gupton also owns the property that adjoins this area; therefore, this should not be an issue. Located within the development there will be an office and an exercise room for the tenants use. The design and calculations for the stormwater detention have not been completed at this time but will be submitted to the city for review and approval prior to any permits being issued. Ms. Dowdy reviewed a couple of responses that had been received since the last meeting concerning the proposed development. Some of the same comments that were addressed at the July meeting were mentioned. Commissioner Krieb suggested that Mr. Gupton reconfigure the parking spaces between the two existing houses so they would face the south and possibly eliminate a proposed planter near the round-about in order for emergency service vehicles to have better access to all parts of the development.

Mr. Gupton came forward. He stated that there will basically be two styles of units built: the Miami and Manhattan styles. The units on the east side of the development will have balconies on the front of the buildings to assure privacy for the R-2 zoned area that backs up to the east side. The units on the west side of the development will have patios on the back side. There were renderings shown at this time. The exterior appearance of the materials and styles of each apartment will be different to appear to look like individual homes and not the typical apartment building. Mr. Gupton agreed that the parking rotation would be fine that Mr. Krieb had suggested.

John Krieb made a motion to approve the final plat for the residential planned development project located at 1407 Poplar Street, known as Poplar Place Development, contingent upon the project meeting all city regulations. Included in this approval is the six foot setback variance on the south side of Building # 5; the parking shown on the final

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plat on 15th Street should be rotated 180 degrees to improve the access in emergency situations into the main heart of the development; and the plantings along the west side of the round-about area be reflective of this need also. Tom Kind seconded the motion and the motion carried with an 8-0 roll call vote.

Review: Minor subdivision plat for property located east of North 12th Street (north of Kroger) – HGT Investments Property: The Planning Department received a minor subdivision plat for the HGT Investments Property located north of Kroger. The property consists of four parcels varying in size from 0.474 acres to 4.517 acres. Tract 1 is shown as a dedicated roadway with a 35 foot right-of-way connecting North 12th Street to Bee Creek Soccer Complex. (This is currently an access road that dead ends on the north side of Culver's.) Once the new road is constructed, there will be no parking along the street. A 28 foot ingress/egress easement will connect the roadway with the existing parking lot located south of the property. The roadway is to be used by the public and provide each parcel street frontage. It will be dedicated to the City and gates will be installed towards the east of Parcel II-A-1B-3 which will limit the access to Bee Creek Soccer Complex. The gates will be operated by the Parks System and will open and close mainly during the soccer season. The City of Murray applied for economic development grant funds through the P.A.D.D. office and with these funds they entered into a joint public/private partnership to construct the road to Bee Creek. David Roberts explained that when the new Huck's project was approved (northwest of Culver's), there was an existing 60 foot ingress/egress easement for the availability in crossing Bee Creek. This provides the possibility of a future bridge to be constructed on the frontage road.

Marc Peebles made a motion to approve the minor subdivision plat of the HGT Investments Property located on North 12th Street just north of Kroger as presented. John Krieb seconded the motion and the motion carried with an 8-0 roll call vote.

Discussion: Proposed text amendment of Section IV, Article 2, E of the City of Murray Zoning Ordinance entitled Penalties for Violations: Mr. Jeffries explained that while Planning Staff was meeting with Code Enforcement, penalties for violations were discussed. Currently if a person is fined, it is classified as a misdemeanor. They would like to see that amended to be only a civil issue or violation with assessed fines. Mr. Jeffries went over the penalties that are currently enforced. He stated that comparisons were made to other cities in Kentucky on fines. Ms. Dowdy added that since the position of Code Enforcement Officer has been created and a Code Enforcement Board has been established, it was their hopes that violations of the zoning ordinance could be addressed by the Code Enforcement Board at some point. Attorney David Perlow indicated that there are still some issues that the City Attorney (Warren Hopkins) and Planning staff need to review before making any amendments. Ms. Dowdy stated that when a text amendment is being proposed, it is brought before the Planning Commission first for discussion and then a public hearing date is set according to KRS statutes. After the public hearing the Planning Commission makes a recommendation that is forwarded to the City Council for their approval.

Code Enforcement Officer Tim Fortner came forward and explained the process for notice of violations and penalties as it is currently associated with Property Maintenance Code and how it would apply to zoning violations if we chose to amend our regulations. He stated that if the party does not pay the penalty, the intent of the City is to put a lien on the property. He stated

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that making these changes will not resolve all the issues; however, it is a tool that will allow them to work towards their goal. He said that certain circumstances may not prove to treat everyone equal, but they will treat everyone fair. Officer Fortner explained that they are not looking at the amendments for money; they are looking at bringing the properties into compliance.

Ms. Dowdy said that they would try to work on this with the attorneys and bring it back to the commissioners next month so that they can set a date for a public hearing.

Questions and Comments: Loretta Jobs reiterated about a connection between University Square on North 12th Street and the new Bank of Cadiz parking lots. Ms. Jobs brought this matter up at the previous month's Planning Commission meeting. At that time she stated for safety reasons she thought it would be beneficial to have these two lots adjoined. David Roberts said that it seems to be a bigger safety issue to connect the two lots; however, they will continue to look at the situation.

Commissioner Zhang asked if there had been any discussion with the state concerning the speed limit on Main Street between 16th and 18th. David Roberts replied that he had tried a few months ago to speak to someone at KYTC concerning this and no one has gotten back to him. He stated that he would try to pursue this matter again.

Ms. Dowdy updated the commissioners on the organization of a sub-committee to review the Comprehensive Plan for amendments. She said that she still has items to discuss with the city attorney to find out what the state law requires before establishing such a committee. She will follow up on this as she gets more information.

Chairman Pavlick asked if there was an agency in town that provides rental information to the general public and if that agency is aware of the regulations of the Zoning Ordinance concerning rental housing. Ms. Dowdy replied that the Chamber of Commerce provides that information; however, they do not get into the zoning. They only provide a description of the property.

Adjournment: Ed Davis made a motion to adjourn. Loretta Jobs seconded the motion and the motion passed unanimously. *The meeting adjourned at 6:15 p.m.*

Chairman, Ed Pavlick

Recording Secretary, Reta Gray