

**MURRAY PLANNING COMMISSION MINUTES**  
**REGULAR MEETING**  
**TUESDAY, July 19, 2022**  
**4:30 P.M.**

The Murray Planning Commission met in regular session on Tuesday, July 19, 2022 at 4:30 p.m. in City Hall at 500 Main Street.

**Commissioners Present:** Bobby Deitz, Cami Duffy, Jim Foster, John Krieb, Dr. Martin Milkman, David Roberts. Dr. Terry Strieter

**Commissioners Absent:**

**Also Present:** Dannetta Clayton, Kim Miles, Carol Downey, Lindsay Aycock, Rakov Aetherus, David Perlow, Monte and Janet Finch, David Hettinger and public audience

Chairman Krieb called the meeting to order and welcomed all guests. Kim Miles called the roll.

Chairman Krieb asked for approval of the minutes from the regular Planning Commission meeting on June 21, 2022.

**Jim Foster made a motion to approve the minutes from the regular Planning Commission meeting on June 21, 2022 as presented. Cami Duffy seconded the motion and the motion carried unanimously.**

**Public Hearing: Recommendation to City Council to establish zoning for property located at 1169 Roberston Road South. The zoning request of R-4 will be contingent upon the requested annexation ordinance and zoning ordinance passing.**

Carol Downey explained the annexation process and the purpose for the meeting. She showed the zoning map and zoning request plat. Carol gave the project description which included the zoning and land use of adjacent properties and how they relate to the 2020 Comprehensive Plan regarding density, as well as the reasoning for the R-4 request. She shared that the development is to consist of one building to house 54 assisted living apartments and 25 memory care apartments. It would have multiple dining areas with a bistro and on-site chef, an activity room, beauty and barber salon, library and fitness center. A putting green and landscaped courtyards are planned for the exterior. All public utilities are available at the property as well. Carol stated that currently, less than 1% of the land in the City of Murray is dedicated to assisted living. Carol explained in detail how the request is supported by the Goals and Objectives in the Future Land Use section, the Community Relations section, the Economy section, and the Public Facilities and Services section of the 2020 Comprehensive Plan and also in the Land Use Element and the Community Facilities Element. She presented pictures of the property, the surrounding properties, and street views. Chairman Krieb asked for the timing on the City Council's readings and Carol responded that they would meet in two weeks for two readings and then two weeks later for two more readings.

*Bobby Deitz recused himself at 4:47 p.m.*

David Hettinger, DMK Development, came forward and was sworn in. Mr. Hettinger described the proposed development, shared pictures of the interior and exterior of the facility and a

conceptual site plan. The board asked if only one spouse needed assistance, would they both be able to live at the property and Mr. Hettinger said that yes, they do have some companion units. He explained their operating partner would be Charter Senior Living and the positive economic impact the development would have on the city. The board inquired about trees and screening around the property and Mr. Hettinger replied that they plan to keep every tree possible and would likely exceed the screening requirements. The board asked the intent for the remaining acreage of the property and Mr. Hettinger responded they have no intent for it at this time.

Monte Finch, Applicant, came forward and was sworn in. Mr. Finch thanked everyone for coming and considering the request. He believes this is a facility to be proud of and hopes everyone can see the need the community has for it.

Chairman Krieb opened the public hearing and asked if anyone wished to come forward in favor of the request.

Mark Manning, a neighbor, came forward and was sworn in. Mr. Manning stated he has zero objections to the project. He said he thinks it is a quality development, the jobs and payroll tax will be welcomed, and it will be on city utilities with city fire and protection. Mr. Manning mentioned he doesn't see any reason we wouldn't welcome it with open arms.

Chairman Krieb asked if anyone wished to speak in opposition.

Carol Falwell came forward and was sworn in. Mrs. Falwell declared she and her husband, Bobby, were representing Falwell Estates and she started a petition in opposition of the requested zoning, which she submitted for the record. Mrs. Falwell described the reasons she and some of the other neighboring property owners were against the zoning including possible staffing issues, increased traffic, drainage problems, and incompatibility with the surrounding area.

Bobby Falwell came forward and was sworn in. Mr. Falwell expressed his concerns regarding water retention, the roads and the facility's use if it is not successful.

Marie Cravens came forward and was sworn in. Ms. Cravens reiterated some of the previously mentioned concerns and added her fear that the project would take longer to complete than expected.

Eric Penniston came forward and was sworn in. Mr. Penniston voiced his opinion that the facility is too close to Robertson Road. He is also concerned about traffic, but is not totally against the project.

Michael Turman came forward and was sworn in. Mr. Turman asked what the backside of the property would look like since it would be facing Robertson Road.

Betty Hanson came forward and was sworn in. Ms. Hanson, having worked with different assisted living facilities, questioned the amount of pay and staff intended for this project.

Sandra Sturges came forward and was sworn in. Ms. Sturges reiterated the traffic and road concerns.

Allen Besand came forward and was sworn in. Mr. Besand indicated his worry as to how this facility will affect the property value of his and his neighbors' homes.

Carol Falwell came forward and stated that they don't want this commercial facility dropped into their rural community.

Chairman Krieb closed the public hearing and asked if the Applicant or their representative wanted to come forward for rebuttal.

David Hettinger came forward. He explained that they hired an engineering firm to make sure they meet and/or exceed all the drainage requirements and that the traffic impact would be minimal. The Board asked if the building could be moved further away from Robertson Road and Mr. Hettinger said they could definitely look at that possibility. He addressed the staffing, building material and property value concerns. Mr. Hettinger stated that they want to be good neighbors and will consider all factors.

Attorney David Perlow reminded the board that their decision for this meeting should be based on zoning in regards to whether R-4 is appropriate according to the 2020 Comprehensive Plan, so any additional comments should pertain to zoning.

Chairman Krieb reopened the public hearing.

Carol Falwell came forward and listed other roads she deemed better suited for this facility.

Mark Manning came forward and asked the property owners if anyone had asked them about buying their property to maintain its rural character. The Finches responded that no one had done so.

Will Ryan came forward and was sworn in. Mr. Ryan said he has three kids and they use that quiet area to move around and play and that is why he is opposed.

Marie Cravens came forward and inquired if the other locations they have built were in residential areas that had to be rezoned. Attorney David Perlow explained that they could build it anytime and without approval since they are in the county, but are here requesting to be annexed into the city. Danna Clayton stated there are ways they can have sewer and water in the county if they are not annexed.

Chairman Krieb closed the public hearing and brought it back to the board for discussion. The board reviewed their role and the elements of the 2020 Comprehensive Plan being satisfied with this project. They addressed the community's concerns regarding the roads, water, and traffic.

**Jim Foster made a motion to recommend to the City Council the zoning map amendment request to set the zone for the 16.935- acre tract of land owned by Janet B. Finch located on Robertson Road South and approximately 1250 feet to the north of Wiswell Road, listed as PVA Parcel # 033-0-0027, to R-4 (Multi-Family Residential) contingent upon the water issue being controlled and City Council passing the Annexation Ordinance. The testimony**

**presented in this public hearing has shown that the proposed zoning classification is appropriate based on the evidence presented. Chairman Krieb added these specific findings of fact: 1) This request meets the Community Facilities Element Objectives of the 2020 Comprehensive Plan, 2) This request satisfies the Future Land Use, Community Relations, Economy and Public Facilities and Services Goals and Objectives of the 2020 Comprehensive Plan, 3) The request meets the two objectives of the Land Use Element of the 2020 Comprehensive Plan, 4) The developer sounded willing to look at moving the facility further into the west to improve the distance to the road on the east side. Jim Foster also moved that the Comprehensive Plan and the official zoning map be updated to reflect the change in zoning and the designated land use of this property upon annexation. Cami Duffy seconded the motion and motion carried with a 6-0 roll call vote.**

*Bobby Deitz returned to the meeting at 5:58 p.m.*

**Discussion:** None

**Questions and Comments:** The board recommended the community take their concerns to the City Council and Chairman Krieb gave an update on the 2022 Comprehensive Plan meetings.

Chairman Krieb called for a motion to adjourn.

**Dr. Martin Milkman made a motion to adjourn. David Roberts seconded the motion. The motion carried unanimously. The meeting adjourned at 6:00 p.m.**

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Chairman, John Krieb

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Recording Secretary, Lindsay Aycock