

**MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, FEBRUARY 20, 2018
4:30 P.M.**

The Murray Planning Commission met in regular session on Tuesday, February 20, 2018 at 4:30 p.m. in the council chambers of City Hall at the new location of 500 Main Street.

Commissioners Present: Bobby Deitz, John Krieb, Robin Zhang, Martin Milkman, Tom Kind, Jordan Smith, and Jim Foster

Commissioners Absent: Marc Peebles and Loretta Jobs

Also Present: Gerald Gilbert, Maurice Thomas, David Roberts, Attorney David Perlow and Jason Pittman

Chairman Tom Kind called the meeting to order and asked Maurice Thomas to call the roll. Chairman Kind then asked for a motion to approve the minutes from the December 12, 2017 regular meeting.

A motion was made by Martin Milkman to approve the minutes from the December 12, 2017 Planning Commission regular meeting as presented. The motion was seconded by John Krieb. The motion carried unanimously.

Chairman Kind announced that there had been a request to change the previous order of the meeting agenda. There were no objections to this request; therefore, the meeting proceeded.

Review Final Plat – Revised Preliminary Plat (RPP-01-2017) for a proposed office park located approximately 550.85’ east of Hwy 94 West and Robertson Road. City West Office Park – Applicant: North – City West LLC – Matt Jennings: The Final Plat proposes to subdivide the site into ten (10) lots; eight (8) lots for future buildings, one (1) lot for drainage detention, and one (1) lot to be used for the street. The street has been constructed and currently is being used to serve the school property to the north. The applicant will be requesting the street be accepted into the City’s street system in a separate action in a couple of months. Sidewalks have yet to be constructed but will be constructed with the future development of each lot. There is an existing onsite pond that was enhanced and improved for drainage and water quality purposes and is situated on Lot 7. Vehicular access for each lot will be from the internal street.

Jim Foster made a motion to approve the Final Plat request. The testimony presented in this public hearing has shown that Final Plat meets the requirements for Final Plat approval. The Final Plat is consistent with the approved Preliminary Plat. The required certificates, profile plans and public improvements have been approved and will be accepted as part of the recordation of the plat. Jordan Smith seconded the motion and the motion carried with a 6-0 roll call vote. Bobby Deitz abstained from voting.

Murray Planning Commission Regular Meeting
Tuesday, February 20, 2018

Request to accept Bambi Lane, North Deer Court and South Deer Court into the City's public street system. Bambi Lane, North Deer Court and South Deer Court are situated within the Deer Meadow Subdivision II located on the eastern extension of Bambi Lane – Applicant: Dublin and Lehman Properties, LLC: All three (3) street segments have been completed. The improvements consist of curb, gutter and two 14-foot drive lanes with an overall roadway section of 32 feet. The project engineer, SiteWorx Survey and Design LLC has submitted the required verification letter. In addition, the street improvements have been inspected and are in conformance to the approved plans as well as all other City requirements. Based on these facts, staff believes that the Planning Commission can recommend the acceptance and dedication of Bambi Lane, North Deer Court and South Deer Court to the City Council.

John Krieb made a motion to recommend approval to the City Council to accept the dedication and improvements of Bambi Lane, North Deer Court and South Deer Court into the City's public street system. The testimony presented in this public hearing has shown that written certification has been received and accepted from a registered professional engineer/land surveyor indicating that all street construction and other improvements incidental thereto have been constructed in accordance with the previously approved street plan and profile drawings as required under § 155.47 Final Plat Required (B). The City has determined that all improvements have been properly installed; that the final plat has been approved; and that all applicable requirements of the subdivision regulations and zoning code have been met. Martin Milkman seconded the motion and the motion carried with a 7-0 roll call vote.

Amendment to SECTION III SPECIAL REGULATIONS ARTICLE 1 SIGN REGULATIONS to allow electronic reader boards in residential zones for churches, civic and institutional uses: Recently staff was approached by members of the community requesting the City consider amending the sign code to allow churches within residential zones the ability to use electronic reader boards (Dynamic Displays). Churches are allowed in every zoning district within the City; however, each zoning district has different sign criteria. Current regulations prohibit electronic reader boards in all zones except the B-2, B-3, B-4 and Industrial zones and they can only occupy up to 30% of the allowable sign area. This difference has caused confusion within the church community. Several churches have inquired about electronic reader boards only to discover they were prohibited in the zone in which their church was located. Churches have argued reader boards have historically been a part of church signage and only want to update to capitalize on new technology. They further contend that they should be able to have similar signage as other churches. Several of the churches within the B-2 and B-3 zones have incorporated electronic reader boards into their signage, which is the genesis for this confusion. By design signage for commercial zones is more permissible than residential zones due to their inherent activity level and potential incompatibilities with land uses. However, staff believes there are situations where an electronic reader board for a church in a residential zoned location could be appropriate. This would be in the fringes of residential areas adjacent to commercial or higher density residential uses, open space or agriculture uses where a reader board would have minimal effect (if any impact) on surrounding land uses. Staff is proposing new regulations that would allow electronic reader boards in residential areas. Mr. Gilbert used a Power Point presentation to present the provisions to the Commissioners. He explained that electronic reader boards may be allowed on a lot occupied by a permitted church with approval of a Conditional Use Permit by the Board of Zoning Adjustments and would be subject to conditions depending

Murray Planning Commission Regular Meeting
 Tuesday, February 20, 2018

upon location and adjacent uses. Mr. Gilbert added that if the Commissioners should agree with the proposals then a public hearing will be scheduled to formally review and take action on potential amendments to the sign ordinance. Subsequently, the amendment will then be forwarded to the City Council for review and final action.

The new proposals for electronic reader boards follow:

- 1) No more than one (1) electronic message board is permitted onsite.
- 2) The sign area allowed for an electronic reader board is not in addition to the maximum sign area allowed for a wall or freestanding sign, but rather is counted as part of the maximum area of a wall or freestanding sign.
- 3) Electronic reader boards may operate only between the hours of 7:00 a.m. and 9:00 p.m. unless otherwise expressly approved through the Conditional Use Permit process.
- 4) Electronic reader boards are subject to the Electronic Reader Board Regulations contained in § 156.050 SIGNS (C)(2)(g).

After reviewing the proposals there was discussion amongst the Commissioners and a motion was made.

John Krieb made a motion to direct the staff to precede along the path of the public hearing for the proposed text amendments. Martin Milkman seconded the motion and the motion carried with a 4-3 roll call vote. Jim Foster, Robin Zhang and Jordan Smith voted no.

Updated 2018 Annual Calendar of Planning Commission Meetings: On December 12, 2017 the Commission approved the meeting calendar for 2018. Mr. Gilbert explained that the meeting scheduled for November 20th needed to be rescheduled to the 13th due to the City Council meeting that is also scheduled for the 20th. The City Council normally meets on the 2nd and 4th Thursdays, but in November due to the Thanksgiving holidays they are scheduled to meet on Tuesday, November 20th. This practice has been customary in past years.

Public Hearing: Set zoning for land bounded by Sycamore Street to the south, South 13th Street to the west and South 12th Street to the east – Community Financial Services Bank (CFSB): *At this time Bobby Deitz and Martin Milkman recused themselves.* The applicant is requesting the properties at 412 and 414 South 12th Street (Tract 1) be rezoned from B-2 (Highway Business District) to B-4 (Medium Density Business District) and the properties at 1202 Sycamore Street and 321 South 13th Street (Tract 2) be rezoned from R-2 (Single Family Residential) to B-4. The rezoning is necessary to accommodate the future construction of a two story (approximately 19,000 square foot) bank building. The area under consideration will be consolidated with two (2) other adjacent B-4 properties that the applicant currently controls. Tract 1 and Tract 2 have structures that will be demolished to accommodate the proposed bank building. The structure located at 410 South 12th Street will also be demolished as part of the overall site plan for the bank; however, this lot is not being considered for rezoning. Mr. Gilbert

Murray Planning Commission Regular Meeting
Tuesday, February 20, 2018

reviewed the previous history of the rezoning of surrounding properties as 12th Street has conformed from residential to primarily business. The subject sites are identified on the Comprehensive Plan Land Use Map as Commercial for Tract 1 and Low Density Residential for Tract 2. The proposed rezone from B-2 to B-4 would be appropriate for Tract 1. This change would continue the existing zoning pattern directly adjacent to the site along South 12th Street to the north. As for the proposed change from R-2 to B-4 for Tract 2, the applicant contends two reasons for the change request:

- 1) Existing zoning classification given to the property is inappropriate and needs to be updated.
- 2) Major economic, physical, and social changes in the area were not anticipated since the last Comprehensive Plan was completed. KRS 100.23

Mr. Gilbert described the intent of the B-4 zone and stated that Planning Staff believes that the change from R-2 to B-4 for Tract 2 would be appropriate since it will be surrounded by existing B-4 zoning. The applicant is consolidating Tract 1 and Tract 2 with 1200 Sycamore Street and 410 South 12th Street into one (1) lot for a bank building; thus, it is believed that the potential for impacts to the surrounding neighborhood would be greatly reduced due to the nature of the business.

Chairman Kind opened the public hearing and asked if there was anyone that wished to speak in favor or opposition to the request.

Jason Pittman came forward and was sworn in. Mr. Pittman presented photos of the proposed bank. (Exhibit A) Since CFSB was able to purchase the “yellow tattoo house” property, this allowed them to move the entrances of the bank further away from the intersection at Sycamore and South 12th and hopefully help to eliminate congestion at the entrance to Huck’s (which is directly across South 12th Street). This property will also allow them to have more green space and a larger stormwater detention area. Mr. Pittman conveyed that they want to be a good neighbor; therefore, they are proposing barrier walls. Planning Staff has been very beneficial in helping them come up with a plan that not only benefits the bank, but benefits the City as well. Development on this side of town has declined over the years; however, this location allows them to put their bank closer to a lot of their residential client base. This is a main “key corner” of one of the main corridor intersections in town; therefore, they feel this would be an advantage for economic change.

There was no one that spoke in opposition; therefore, the public hearing was closed and the item turned over to the Commissioners for discussion and a motion.

John Krieb made a motion to approve the zone amendment request for the subject properties located at 412 and 414 South 12th Street (Tract 1) to be rezoned from B-2 (Highway Business District) to B-4 (Medium Density Business District); and the properties at 1202 Sycamore Street and 321 South 13th Street (Tract 2) to be rezoned from R-2 (Single Family Residential) to B-4 (Medium Density Business District). The testimony presented in this public hearing has shown that the existing zoning classifications given to the properties are inappropriate and the proposed zoning classifications are appropriate.

Murray Planning Commission Regular Meeting
Tuesday, February 20, 2018

There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted Comprehensive Plan and which have substantially altered the basic character of such area. The businesses nearby have brought changes to this vicinity over the past few years and that constitutes an adequate change. Jim Foster seconded the motion and the motion carried with a 5-0 roll call vote.

Attorney David Perlow noted for the record that the zoning change process had recently changed. Once acted upon, the Commission's decision will be final unless someone challenges it during the 21 day appeal period. The staff will then forward the Commission's decision the next business day to the City Council for their discretion. There were no other questions or comments.

Jim Foster made a motion to adjourn and Martin Milkman seconded the motion. The meeting was adjourned at 5:27 p.m.

Chairman, Tom Kind

Recording Secretary, Reta Gray

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193

194

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195

Murray Planning Commission Regular Meeting Tuesday, February 20, 2018

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196

Murray Planning Commission Regular Meeting Tuesday, February 20, 2018

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197

Murray Planning Commission Regular Meeting Tuesday, February 20, 2018

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