

**MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, SEPTEMBER 19, 2017
4:30 P.M.**

The Murray Planning Commission met in regular session on Tuesday, September 19, 2017 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5th Street.

Commissioners Present: Jordan Smith, Bobby Deitz, Robin Zhang, John Krieb, Loretta Jobs, Martin Milkman and Marc Peebles

Commissioners Absent: Jim Foster and Tom Kind

Also Present: Gerald Gilbert, Jessie Boshell, Maurice Thomas, David Roberts, Attorney David Perlow, Austin Groves and public audience

Upon the absence of Chairman Tom Kind, and 1st Vice-chairman Jim Foster, 2nd Vice-chairman Jordan Smith called the meeting to order and welcomed all guests. He then asked for a roll call of the Commissioners. Chairman Smith asked if there were any changes to the minutes from the August 15, 2017 regular meeting.

A motion was made by John Krieb to approve the minutes from the August 15, 2017 Planning Commission regular meeting as amended and seconded by Marc Peebles. The motion carried unanimously.

Public Hearing: Consideration of a Preliminary Plat (PP-04-2017) and Variance (V-09-17) for a proposed 3 lot residential subdivision located at 708 South 3rd Street. Applicant: Austin Groves: This property is located within an R-5 (Multi-family Residential) Zoning District. Adjacent properties are zoned R-5 to the north and east and B-2 (Highway Business) to the south and west. The site is currently comprised of 2 lots. Located on the lot adjacent to 3rd Street is an existing single family residence and detached garage. The remainder of the property is vacant undeveloped land. The applicant has submitted a Preliminary Plat for a proposed 3 lot residential subdivision. The applicant intends to retain the existing house and convert the existing garage into a residence with no enlargements proposed to these structures. Mr. Gilbert explained that due to the location of each of the structures on the proposed lot arrangement, variances will be required. The existing residence will require variances for the front yard, corner side yard and rear yard. The garage conversion will require a rear yard variance due to its change of use from an accessory structure to a residential use. Described in the table below is a listing of the proposed variances.

	Parcel C		Parcel B	
	Required	Proposed	Required	Proposed
Front yard	25 ft.	4.6 ft	25 ft.	25 ft.
Side yard	10 ft.	10 ft.	10 ft.	10 ft.
Corner Side Yard	25 ft.	15.9 ft.	-	-
Rear yard	25 ft.	8.2 ft.	25	6 ft.

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The existing residence is located on the proposed Parcel C; the garage conversion will be located on Parcel B; and the new lot will be Parcel A. Vehicular access for the lots will be from 3rd Street for Parcel C; Back Street for Parcel B; and either Back Street or Kentucky Highway 121 for Parcel A. (An entrance from Hwy 121 will require approval from KDOT.) Each lot exceeds the minimum lot size requirements. The applicant's proposed preliminary plat is in compliance with the Comprehensive Plan as well as the provisions contained in Chapter 155 SUBDIVISION REGULATIONS and Chapter 156 ZONING CODE excluding the requested variances. All urban services, including water and sanitary sewer, are available to the site. In addition, the Fire Department has reviewed the plat for compliance to the Fire Code. The development of the site under current zoning should not overburden the capacity of roadways and other necessary urban services that are available in the area. New construction is required to meet current zoning regulations. Granting the variances due to these existing conditions will not be a detriment to the public welfare and will not substantially impair the intent and purpose of the setback requirements; therefore, Staff recommends approval of the Preliminary Plat and variances based on these facts. At this time, Mr. Smith asked the applicant to come forward.

Austin Groves came forward and was sworn in. Mr. Groves thanked the Commissioners for hearing his request and he then presented a letter of approval signed by Mr. Hornbuckle and Mr. Skinner (who are long time neighbors of his). (*Letter was submitted as Exhibit A*) He described the conditions of both the existing residence and the garage as very well built. He has already replaced the windows, doors and porch that were in bad shape. Mr. Groves envisions the garage as an ideal studio apartment. This area is within walking distance to downtown and a quieter neighborhood than some other rental developments. Mr. Groves stated that he might choose to live in the existing residence himself where he could actually spend a little more time working on the renovations. His intentions are to clear off Parcel A and eventually build a quad-plex on it. In conclusion, he indicated that he would like to revitalize the whole area by cleaning it up and making it look nice.

Chairman Smith opened the public hearing and asked if there was anyone that wished to speak in favor or opposition to the requests. There was no one that came forward; therefore, the public hearing was closed. The item was then turned over to the commissioners for further discussion and a motion.

Martin Milkman made a motion to approve the variance requests for the front yard setback from 25 ft. to 4.6 ft.; the corner side yard setback from 25 ft. to 15.9 ft. and the rear yard setback from 25 ft. to 8.2 ft. for Parcel C; and the rear yard setback from 25 ft. to 6 ft. for Parcel B for property located at 708 3rd Street. The testimony presented in this public hearing has shown that the granting of the variance to the front yard setback from 25 ft. to 4.6 ft.; the corner side yard setback from 25 ft. to 15.9 ft. and the rear yard setback from 25 ft. to 8.2 ft. for Parcel A and the rear yard setback from 25 ft. to 6 ft. will not adversely affect the public health, safety or welfare; will not alter the essential character of the general vicinity; will not cause a hazard or a nuisance to the public; and will not allow an unreasonable circumvention of the requirements of the zoning regulations. Marc Peebles seconded the motion and the motion carried with a 7-0 roll call vote.

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Marc Peebles made a motion to approve the Preliminary Plat request at 708 3rd Street. Martin Milkman seconded the motion. The motion carried with a 7-0 roll call vote.

Public Hearing: Amendments (ZA-01-17) to Chapter 155 of the City of Murray Code of Ordinances – Subdivision Regulations: Mr. Gilbert explained in an effort to simplify the Subdivision process, changes are being proposed to the Subdivision Ordinance. Currently, final plats are required to be reviewed and approved by the Planning Commission prior to being recorded. Staff is proposing an amendment that would change the approval process from a Commission action to a Staff action. Fundamentally the same process will take place but the decision making would be by Planning Staff. The Final Plat would still need to be in substantial conformance with the approved Preliminary Plat. In instances where a principle change occurs, the plat would be referred back to the Commission for review and approval. This item was previously discussed at the August 15th meeting and it was unanimously approved to move forward with recommendations for a public hearing. Mr. Gilbert explained that this process is currently being used in other cities and that it could eliminate possibly six weeks in the typical subdivision process. He then used a Power Point presentation to show the current Ordinance and the proposed changes. If the Commissioners recommend action, the amendment will then be forwarded to the City Council for review and final action. Finally, the updated Ordinance will be added to the City Website to aid developers in the subdivision process.

Chairman Smith opened the public hearing and asked if there was anyone that wished to speak in favor or opposition to the proposed amendment. There was no one that came forward; therefore, the public hearing was closed and the item turned over to the Commissioners for a motion.

John Krieb made a motion to approve the proposed amendments to Chapter 155 of the Subdivision Regulations of the Murray Code of Ordinances with minor grammatical corrections to be made. Martin Milkman seconded the motion and the motion passed with a 7-0 roll call vote.

Discussion: Amendments (ZA-02-17) to City of Murray Zoning Ordinance – Section III, Article 1 – Sign Regulations: At the request of staff, this item will be continued and placed on the agenda for the October 17, 2017 Planning Commission meeting.

Questions and Comments: None

John Krieb made a motion to adjourn and Marc Peebles seconded the motion. The meeting was adjourned at 5:10 p.m.

2nd Vice Chairman, Jordan Smith

Recording Secretary, Reta Gray

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Also Present: Gerald Gilbert, Jessie Boshell, Maurice Thomas, David Roberts, Attorney David Perlow, Austin Groves and public audience

Upon the absence of Chairman Tom Kind, and 1st Vice-chairman Jim Foster, 2nd Vice-chairman Jordan Smith called the meeting to order and welcomed all guests. He then asked for a roll call of the Commissioners. Chairman Smith asked if there were any changes to the minutes from the August 15, 2017 regular meeting.

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The existing residence is located on the proposed Parcel C; the garage conversion will be located on Parcel B; and the new lot will be Parcel A. Vehicular access for the lots will be from 3rd Street for Parcel C; Back Street for Parcel B; and either Back Street or Kentucky Highway 121 for Parcel A. (An entrance from Hwy 121 will require approval from KDOT.) Each lot exceeds the minimum lot size requirements. The applicant's proposed preliminary plat is in compliance with the Comprehensive Plan as well as the provisions contained in Chapter 155 SUBDIVISION REGULATIONS and Chapter 156 ZONING CODE excluding the requested variances. All urban services, including water and sanitary sewer, are available to the site. In addition, the Fire Department has reviewed the plat for compliance to the Fire Code. The development of the site under current zoning should not overburden the capacity of roadways and other necessary urban services that are available in the area. New construction is required to meet current zoning regulations. Granting the variances due to these existing conditions will not be a detriment to the public welfare and will not substantially impair the intent and purpose of the setback requirements; therefore, Staff recommends approval of the Preliminary Plat and variances based on these facts. At this time, Mr. Smith asked the applicant to come forward.

Austin Groves came forward and was sworn in. Mr. Groves thanked the Commissioners for hearing his request and he then presented a letter of approval signed by Mr. Hornbuckle and Mr. Skinner (who are long time neighbors of his). (Letter was submitted as Exhibit A) He described the conditions of both the existing residence and the garage as very well built. He has already replaced the windows, doors and porch that were in bad shape. Mr. Groves envisions the garage as an ideal studio apartment. This area is within walking distance to downtown and a quieter neighborhood than some other rental developments. Mr. Groves stated that he might choose to live in the existing residence himself where he could actually spend a little more time working on the renovations. His intentions are to clear off Parcel A and eventually build a quad-plex on it. In conclusion, he indicated that he would like to revitalize the whole area by cleaning it up and making it look nice.

Chairman Smith opened the public hearing and asked if there was anyone that wished to speak in favor or opposition to the requests. There was no one that came forward; therefore, the public hearing was closed. The item was then turned over to the commissioners for further discussion and a motion.

Martin Milkman made a motion to approve the variance requests for the front yard setback from 25 ft. to 4.6 ft.; the corner side yard setback from 25 ft. to 15.9 ft. and the rear yard setback from 25 ft. to 8.2 ft. for Parcel C; and the rear yard setback from 25 ft. to 6 ft. for Parcel B for property located at 708 3' Street. The testimony presented in this public hearing has shown that the granting of the variance to the front yard setback from 25 ft. to 4.6 ft.; the corner side yard setback from 25 ft. to 15.9 ft. and the rear yard setback from 25 ft. to 8.2 ft. for Parcel A and the rear yard setback from 25 ft. to 6 ft. will not adversely affect the public health, safety or welfare; will not alter the essential character of the general vicinity; will not cause a hazard or a nuisance to the public; and will not allow an unreasonable circumvention of the requirements of the zoning regulations. Marc Peebles seconded the motion and the motion carried with a 7-0 roll call vote.

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Marc Peebles made a motion to approve the Preliminary Plat request at 708 3' Street. Martin Milkman seconded the motion. The

motion carried with a 7-0 roll call vote. Public Hearing: Amendments (ZA-01-17) to Chapter 155 of the City of Murray Code of Ordinances — Subdivision Regulations: Mr. Gilbert explained in an effort to simplify the Subdivision process, changes are being proposed to the Subdivision Ordinance. Currently, final plats are required to be reviewed and approved by the Planning Commission prior to being recorded. Staff is proposing an amendment that would change the approval process from a Commission action to a Staff action. Fundamentally the same process will take place but the decision making would be by Planning Staff. The Final Plat would still need to be in substantial conformance with the approved Preliminary Plat. In instances where a principle change occurs, the plat would be referred back to the Commission for review and approval. This item was previously discussed at the August 15th meeting and it was unanimously approved to move forward with recommendations for a public hearing. Mr. Gilbert explained that this process is currently being used in other cities and that it could eliminate possibly six weeks in the typical subdivision process. He then used a Power Point presentation to show the current Ordinance and the proposed changes. If the Commissioners recommend action, the amendment will then be forwarded to the City Council for review and final action. Finally, the updated Ordinance will be added to the City Website to aid developers in the subdivision process.

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Questions and Comments: None

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