

**MURRAY PLANNING COMMISSION MINUTES
SPECIAL MEETING
JUNE 6, 2005**

The Murray Planning Commission met in special session on Monday, June 6, 2005 at 5:00 p.m. in the council chambers of City Hall located at 104 N. 5th Street.

Commissioners Present: Ed Davis, Loretta Jobs, Tom Kind, Howard Koenen, Mike Lovins, Ed Pavlick, Marc Peebles, Dave Ramey, Nelson Shroat and Richard Vanover

Commissioners Absent: none.

Also Present: David Roberts, Candace Dowdy, Sam Perry, Mike Pitman, Gerald Bell, George Oakley, Paul Myhill, James Courtney and Gary Murdock.

Chairman Vanover called the special meeting to order and welcomed the guests.

Public Hearing For Request To Rezone A 0.168 Acre Portion Of A Lot From B-1 To B-2—1209 Story Avenue—Billy Dan Crouse: Commissioner Shroat wanted it to be known that he works for and is a cousin to Edward Shroat which owns a piece of property northeast of the property requesting rezoning. Commissioner Shroat stated that he absolutely had no financial interest in the piece of property that Edward Shroat owns. Giving history of the tract of land, Candace Dowdy stated that in October 2004 the planning office was presented with a minor plat basically subdividing tract 4 off of tract 5. Ms. Dowdy also stated that Billy Dan Crouse purchased the property from Harold and Frank Doran and at that time, the zoning line went from the centerline of S. 13th street to the south. The City asked V.L Associates to place a note on the minor plat to show tract 4 had split zoning based on information of the City's existing zoning map. Ms. Dowdy continued to say that in May 2005 Billy Dan Crouse submitted another minor plat requesting that tract 4 be split into Tract 4A and 4B because he was looking into selling part of the property. Between October and May, Sam Perry did some research and found that in 1978 the Dorans owned the property from S. 12th all the way back, west of Whitnell and there was a rezoning plat done at that time that rezoned the property from R-2 to B-1 and PO. Through a legal description it was found that the zoning boundary, instead of being the centerline of 13th Street it was actually 20 feet east of the centerline going along the east right-of-way line of S 13th Street which then made the zoning 42 ½ feet in a B-1 zone and 57 ½ feet in a B-2 zone. Ms. Dowdy stated the usages between a B-1 and B-2 zone are different in that a B-1 zone is a neighborhood business district and B-2 is a highway business district. Ms. Dowdy also stated that when the property owner requested the approval of the minor plat in May he knew that the zoning boundary did not go along with the property line. Ms. Dowdy read from the zoning ordinance as follows: that interpretation of a zoning district boundary where the zoning district boundary follows a street or railroad, the center line of the street or railroad right-of-way is the boundary of the district. When a zoning district boundary approximately follows a lot or property line, that line is the boundary of the district. When a zoning district boundary follows a stream or the shore of a body of water, that stream or shore line is the boundary of the district. When a zoning district boundary does not clearly follow any of the features mentioned above, its exact location on the ground shall be determined by

measurement according to map scale. Marc Peebles asked if the property owner was asking to rezone the B-1 district to the west. Ms. Dowdy stated that the only request at this time was to rezone Tract 4B. Ms. Dowdy stated that she felt everyone was in agreement that the property would be hard to develop with split zoning and that in a B-1 zone the front setback would be 35 feet and in a B-2 zone it would be 50 feet. Ms. Dowdy stated that a 10-foot buffer strip is required along the entire front of a business zone for screening when it is adjacent to a residential zone.

Ms. Dowdy showed ground pictures of the area, the vacant lot to the west, the Doran's storage building to the east, Wells Electric to the northeast, and residential properties to the north and northwest. Ms. Dowdy stated that all adjoining property owners were notified and a sign was posted on the property. Ms. Dowdy stated that one neighboring property owner had called and asked about the uses for the zoning district and two other residents from South 13th Street called inquiring why the sign was posted. Commissioner Shroat asked for a reading of the three criteria considered for rezoning. Commissioner Pavlick commented that one picture appeared to show disabled vehicles parked on the B-1 portion of the lot. Commissioner Pavlick expressed concern about increasing the usage of land for that purpose. Ms. Dowdy stated that a used car lot was not actually a permitted or a conditional use for the B-1 zoning district and that there was a potential developer for this property, which would clear all the parked vehicles off. Ms. Dowdy followed to say that the proposed use of the property should not be a consideration in the rezoning process.

Chairman Vanover opened the public hearing. Chairman Vanover swore in Gerald Bell. Gerald Bell was representing Billy Dan Crouse. Mr. Bell stated that Ms. Dowdy has given a substantial amount of information, so he would not be redundant. Mr. Bell showed a copy of the zoning map to the commission with B-2 zoned areas highlighted. Mr. Bell stated that there have been substantial changes in the area, naming office buildings that Sam Underwood has constructed. Mr. Bell stated that Dr. Courtney has also built a new office and Mr. Paul Myhill is also moving his paint business into a nearby building. Mr. Bell stated that it would be easier to utilize a property if it were all in the same zone. Mr. Bell also stated that everything around it is basically B-2 already. Chairman Vanover swore in George Oakley. Mr. Oakley stated that he was from the R & O office building. Mr. Oakley asked for a clarification of what portion of land was being requested to be rezoned. Mr. Oakley stated that he was concerned about seeing junk cars on the vacant land to the west. Mr. Perry stated that the vacant land to the west was not included in the rezoning request. Ms. Dowdy stated that a used car lot was not permitted in a B-1 zoning district, but that B-2 was the least restrictive business district. Chairman Vanover swore in Paul Myhill. Mr. Myhill stated that cars had been parked over on his property. Mr. Myhill expressed similar concerns as Mr. Oakley and asked why something has not been done about the cars that have been parked for at least three years on this property. Ms. Dowdy stated that the planning department had received one complaint in the past and acted on it, but that the owner had informed the department that the vehicles on the lot were all operable upon applying for the rezoning. Commissioner Shroat asked if there was a designated city official who monitored such things. Ms. Dowdy stated that a property maintenance official does that. Chairman Vanover swore in Dr. James Courtney. Dr. Courtney expressed similar concerns and stated that burned out,

junk cars had been parked there for years and that he would object to loosening the regulations on property that has a history of not being taken care of. Chairman Vanover swore in Gary Murdock. Mr. Murdock stated that he was in objection to a more lenient zoning district and was concerned about any more noisy trucks than were already in the area. Ms. Dowdy stated that the zoning requested is the same as his property, which is B-2. Mr. Murdock stated that he was under the impression that his property was zoned neighborhood business. Mr. Murdock stated that his property had been used as a cut-through to get to the cars parked on this lot. Ms. Dowdy explained building setbacks and screening requirements for residential/business and for business/business zoning boundaries. Chairman Vanover asked if anyone else in the audience wished to speak, being none, Chairman Vanover closed the public hearing.

Ms. Dowdy stated that the future land use for this property is shown to be commercial, not specific to a particular type of commercial, which is a change from the existing land use in 2003, labeled as warehousing.

Commissioner Pavlick reminded the audience that the commission could not consider what was planned to be built on the property, only if the zoning change was appropriate based on the three criteria.

Nelson Shroat made a motion to recommend to City Council to rezone the 0.168 acres at 1209 Story Avenue, named tract 4B, from B-1 to B-2 based on the fact that it is in agreement with the comprehensive plan and there have been substantial economic changes to the area since the adoption of the comprehensive plan. Mike Lovins seconded the motion and the motion carried with a 10-0 vote.

Chairman Vanover asked the commissioners if there were any questions or comments.

Being none, Ed Davis made a motion to adjourn. Marc Peebles seconded the motion and the motion carried with a 10-0 voice vote.

The meeting adjourned at 5:45 p.m.

Chairman, Richard Vanover

Recording Secretary, Sam Perry