

**MURRAY PLANNING COMMISSION MINUTES  
REGULAR MEETING  
TUESDAY, APRIL 18, 2006**

The Murray Planning Commission met in regular session on Tuesday, April 18, 2006 at 5:00 p.m. in the council chambers of City Hall located at 104 N. 5<sup>th</sup> Street.

**Commissioners Present:** Ed Davis, Tom Kind, Howard Koenen, Marc Peebles, Nelson Shroat, Loretta Jobs and Richard Vanover

**Commissioners Absent:** Mike Lovins, Ed Pavlick and Dave Ramey

**Also Present:** Candace Dowdy, David Roberts, Sam Perry, Mike Pitman, Orville Herndon, Charles Hiter, Marty Futrell, Sid Easley, Gerald Bell, Kristen Taylor and other public audience

Chairman Vanover called the meeting to order at 5:02 p.m. and requested approval of the March 21, 2006 regular meeting minutes. **Nelson Shroat made a motion to approve the minutes as presented. Ed Davis seconded the motion and the motion carried with a 7-0 voice vote.**

**Public Hearing To Review Rezoning Request—1707, 1713, 1721 North 4<sup>th</sup> Street & Rear Portion Of 1900 North 12<sup>th</sup> Street—From R-2 To B-2—Crider, Thorn, Catlett, Garland & Futrell:** Candace Dowdy stated that the rezoning request was initiated by Margaret Neal, property located at 1721 N. 4<sup>th</sup> Street. Ms. Dowdy stated that the property fronted North 12<sup>th</sup> Street (U.S. Highway 641 North) and North 4<sup>th</sup> Street. The zoning for the property is split with B-2 (Highway Business) fronting North 12<sup>th</sup> St. and R-2 (Single-Family Residential) on North 4<sup>th</sup> Street. The Planning Department contacted the adjoining property owners to see if they were interested in having their property rezoned as well to avoid having an island of R-2 zoning within the area. The property owners at 1707, 1713, and 1900 N. 12<sup>th</sup>, Catlett, Thorn, and Garland respectively, desired to have their property rezoned as well. The east side of North 4<sup>th</sup> Street is zoned R-2 for a depth of approximately 200 feet and Agricultural Zoning is adjacent to that.

The property in this area was annexed and zoned in 1974 and the zoning split the property at that time. This included the rear portion of 1900 N. 12<sup>th</sup> which is zoned R-2, as is the Catlett and Thorn properties, and a 30 foot strip owned by Nancy Futrell, all on North 4<sup>th</sup> Street.

Ms. Dowdy explained that the rezoning request is being based on the idea that major changes have occurred in the area and that findings for this would have to support this basis. Ms. Dowdy also stated that she had researched the development that has taken place in this area over the past ten years. There was one (1) commercial structure, some storage units, 16 multi-family units, and the Catlett house was rebuilt in 1997 after being burned. Jakel manufacturing was the other commercial development north of Chestnut Street. There has been no further residential development from Chestnut Street to the intersection of North 4<sup>th</sup> Street and U.S. Highway 641 North.

Candace referred to the aerial photography and mapping, pointing out commercial property on U.S. Highway 641 North and the development of property northeast of the intersection of North 4<sup>th</sup> Street and U.S. Highway 641 North. This particular property is in the county but will have to come into the city if developed. Candace also pointed out the existing R-2 zone on both sides of North 4<sup>th</sup> Street that has a depth of 200 to 250 feet. Candace also referred to the Future Land Use Map of the Comprehensive Plan that indicates the future use to be Low Density Residential, which is not in agreement with the proposed rezoning. Mrs. Dowdy then stated that all adjoining property owners were notified and that one property owner responded in favor of the rezoning proposal.

The public hearing was opened to those who wished to speak in favor of the rezoning request. Mr. Sid Easley, attorney for Margaret Neal, stated that Ms. Neal is the executor of the estate of Tom Crider, the daughter and the sole heir of the property. Using the aerial photography, Mr. Easley pointed out the 6.4 acre property owned by Margaret Neal. He stated that the zoning line splits the property and he was not sure exactly how much was B-2 and how much was R-2. He pointed out businesses along U.S. 641 such as the Murray Business Center, Hickory Woods Retirement Center, Oakley's Used Car lot and J. Edwards Restaurant. Mr. Easley noted that the area along Hwy. 641 was being driven by the development of Highway 80. He also noted that the character of U.S. 641 was going to a commercial area and for the Crider property to be fully developed, the back part along North 4<sup>th</sup> Street needed to be rezoned to B-2. Mr. Easley referred to the current zoning map that was drawn back in the 70's and that the character had changed since. He also referred to Roy English's property at North 4<sup>th</sup> Street and Robert O. Miller that was being developed for commercial purposes. Mr. Easley referred to property on the aerial map on Robert O. Miller, Murray Industrial Warehousing and the Robbie Rudolph building as industrial use and noted the probable industrial use to the south in the future. He stated that he did not think there would be any future residential growth in this area and therefore, was requesting the Planning Commission to consider rezoning Ms. Margaret Neal's property to B-2 as well as the other adjoining properties. There being no one else choosing to speak in favor of the rezoning, Chairman Vanover then asked those opposed to the rezoning to speak.

Chairman Vanover swore in Charles Hiter. Mr. Charles Hiter stated that he lived at 1724 North 4<sup>th</sup> Street. Mr. Hiter then referred to the aerial map where he resides and his mother-in-law's residence at 1721 N. 4th, directly across from the proposed B-2 zone. Mr. Hiter expressed his concerns over the possibility of a grocery store, gas station or mini-mart being constructed on this site with bright lighting that would flood his and his mother-in-law's properties. Mr. Hiter also spoke regarding his concerns about the additional traffic that would be created and the ability of North 4<sup>th</sup> Street to handle the traffic. He also noted the high traffic between 3:00 and 5:00 p.m. when Jakel and the other factories let out. Mr. Hiter commented on having to wait at the North 4<sup>th</sup> Street and U.S. 641 North intersection for five (5) minutes at 8:00 a.m. and 4:00 p.m.

Mr. Hiter then addressed the current residential situation by stating that there were only one (1) or two (2) lots available for development, while the rest are solid housing. Mr. Hiter also noted the presence of small children within the area and a lot of traffic. He commented on groups of six (6) to ten (10) young people, walking up and down the street and his concerns that a business in the area would be a gathering place for these people.

Chairman Vanover swore in Orville Herndon. Mr. Orville Herndon stated that he had lived at 1516 North 4<sup>th</sup> Street since 1991. He also commented that there had not been much residential development in the area because the lots are large, quite a distance apart, on one (1) to three (3) acre lots. He noted there was quite a bit of traffic on the road; that Woodmen of the World, Schwann's, and Oakley Used cars are the only developments other than Jakel since 1991. Mr. Herndon expressed concern that business zoning would continue to move in on the existing neighborhood. He noted that the posted speed limit was 55 mph and traffic was probably moving faster than that. He also noted the absence of any shoulder or sidewalk for people to use as a walkway and the problems this caused. He likewise noted a problem with bus stop location, hills and sight distance on N. 4<sup>th</sup> Street, increased traffic, and additional pedestrian traffic.

Chairman Vanover offered opportunity for rebuttals. Chairman Vanover swore in Marty Futrell. Mr. Futrell spoke in favor of rezoning the property. Mr. Futrell noted that his family had owned and developed property in this area for years. Mr. Futrell commented on the problems with developing property with split zoning, and that he thought the speed limit was 35 or 45 miles per hour because he worked with the state highway department for an encroachment permit to widen the driveway to his storage units. He also stated that no one knows for sure what would be constructed or developed in the area.

Mr. Easley spoke again and reiterated that the economic, physical, and social nature of the area had changed and that was the issue that had to be addressed.

Mr. Herndon also spoke again and noted that he drove the area today and the only speed limit signage along the road with the exception of the Jakel area was 55 mph.

Mr. Charles Hiter spoke again in regards to the 55 mph speed zone and related an incidence that occurred in 1995 of a semi almost hitting his daughter's school bus. Subsequent contact with the Kentucky Highways Department in Reidland confirmed the 55 mph speed limit and that there was nothing that can be done regarding the speed limit. He has not seen any signs change since moving there in 1992.

Being no further comments from the public, Chairman Vanover closed the public hearing. Sam Perry noted that any changes with regard to findings should be considered since the most recent adoption of the Comprehensive Plan which occurred in 2003.

Chairman Vanover called for any questions or comments from the commissioners. Tom Kind questioned had there been any changes since the adoption of the Comprehensive Plan. Candace Dowdy responded that the Murray Business Center had been constructed in 2004, J. Edwards Restaurant opened in 2003 after renovating the building which had been vacate for a number of years, and the Woodmen of the World building on C.C. Lowry Drive at 4<sup>th</sup> Street.

Mike Pitman pointed out that the commission's decision would have to be based on KRS 100.213 (A) or (B) since the proposed zoning was not in accordance with the Future Land Use of the Comprehensive Plan.

Commissioner Peebles asked David Roberts if the state had plans for addressing North 4<sup>th</sup> Street. David replied that he was not aware of any plans. Commissioner Peebles then commented that additional traffic had been routed there since the lots on C.C. Lowry Drive were being built out and that someone would have to step up and address this issue.

Chairman Vanover asked for further questions. Commissioner Shroat commented that there were two times during the day that traffic was bad and that the city can not do anything about the speed limit. **Nelson Shroat made a motion to recommend to city council to rezone the requested 9.255 acres between North 4<sup>th</sup> Street and U.S. 641 North from R-2 (Single-Family Residential) to B-2 (Highway Business) based upon KRS 100.213 (B) that 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, specifically being new development at and next to Woodmen of the World, Schwann's, as well as items previously noted by Candace Dowdy on U.S. 641 North. Marc Peebles seconded the motion and the motion carried with a 7-0 vote.**

**Public Hearing To Amend Comprehensive Plan and Establish Zoning For Proposed Southwest Annexation Territory—R-2 (Single-Family Residential) & AG**

**(Agricultural):** Candace Dowdy read KRS 100.209 regarding a city's ability to amend the zoning map and comprehensive plan prior to annexation of new territory for the inclusion of new zoning or land use regulations. Ms. Dowdy stated that the "intent to annex" ordinance was passed by city council, and that a petition had not been received by the mayor, so the city will now proceed with an annexation ordinance, and that establishing the zoning is part of the normal process for a proposed annexation. Ms. Dowdy referred to the 2003 Urban Service Area Future Land Use Map, noting that that proposed annexation contained both Low-Density Residential and a portion of Agricultural along the Clarks River. Ms. Dowdy stated that the Planning Department's recommendation is to set the zoning as R-2 (single family residential) except for two tracts of farm land which is being recommended as Agriculture zoning. Chairman Vanover opened the public hearing, announcing that the commission's task was to address the zoning of the proposed annexation only. Chairman Vanover asked if anyone wished to speak in favor of, or in opposition to the proposed zoning. Being none, Chairman Vanover closed the public hearing.

Commissioner Peebles asked Candace Dowdy to explain how city policies would affect homes used as rental properties. Ms. Dowdy explained that if the new zoning creates nonconforming uses, than those uses would be grandfathered-in, and allowed to continue, unless the property was ever changed to be in conformance, than it could not return to the nonconforming use. After a 12-month period of discontinuation of the nonconforming use, the grandfather clause would be void for the property. Commissioner Peebles asked if the homeowners in this area were aware of this information. Ms. Dowdy stated that no one has inquired, and that the few homes that are being used as rental property may be rented to a single person or a single family which is permitted. Ms. Dowdy stated that staff is only aware of one (1) property for sure, that will be nonconforming, out of a total of 110 homes in the proposed annexation area. Commissioner Davis asked for further explanation of continuing a nonconforming use. Ms. Dowdy explained, in detail a possible scenario of non-related individuals residing on a property.

Legal Counsel, Mike Pitman stated that the commission is in the window of time between the intent and final annexation process. There is a two-step process for the commission, to recommend an amendment to the comprehensive plan, as well as the zoning map, because of the split nature of the zoning proposal. Mr. Pitman stated that one motion could be made, as long as it addressed both issues. Tom Auer spoke from the audience asking where the rental residences were that were being discussed. Ms. Dowdy stated that one (1) is on Gibbs Store Road, and the others are simply being noted as not being owner-occupied according to Property Valuation Administration, which may be used as single-family. Chairman Vanover asked if there was a recommendation from the commission. **Tom Kind made a motion to recommend to City Council the proposed zoning of R-2 (Single-Family Residential) and Ag (Agriculture) and also to amend the future land use map of the comprehensive plan for the proposed annexation area based on the finding that currently the area is predominantly single-family in nature. Ed Davis seconded the motion and the motion carried with a 7-0 vote.**

**Public Hearing—Proposed Amendments To Sign Regulations—Zoning Ordinance Section III, Article I:** Candace Dowdy reminded the commission that there was a public hearing the previous month regarding proposed changes to the sign regulations and the commission voted to recommend to city council to add the Highway 121 North Bypass Corridor and there was another issue relating to shopping centers regarding the phase-out of nonconforming signs, that the commission did not recommend. The Planning Department is not bringing any new recommendations to the commission. All of these recommendations are minor and the Planning Department recommends sending the following on to city council for review:

- Maximum of 6.25 square feet for community event signage in a residential zone
- Addition of text which explains that nonconforming freestanding signs along 12<sup>th</sup> Street are grandfathered-in, according to existing text referencing nonconforming signs
- 30” maximum on column width and depth for monument sign structures, also specify “overall” height, instead of maximum height
- Balloons be allowed with a standard temporary sign permit, whether 14-day or 30-day, depending upon event
- Construction announcement signs not be permitted until a building permit application has been submitted
- Temporary real estate subdivision announcement signs must be removed after completion of 80% of sales of lots
- Temporary signage for community events allowed to be 32 square feet, except in residential zoning districts

Commissioner Jobs asked to clarify what happens when a business moves out of a shopping center. Ms. Dowdy stated that was the purpose of last month’s recommendation. There needs to be some guidelines established for shopping centers with four (4) or more businesses, regarding when their sign has to come into compliance. Ms. Dowdy stated that the current staff policy, since there is no accommodation specific to shopping centers, is that a new business moving into a shopping center can not exceed

the square footage of sign area used by the previous business, on the nonconforming sign. David Roberts confirmed that if one (1) business left the shopping center, a monument sign would not have to be constructed. Chairman Vanover stated that the difference was that for a single business, a monument sign would have to be constructed, for the new business coming in to replace the old one. Commissioner Jobs stated that she felt it was not spelled out clearly. Sam Perry stated that the current staff policy is being used, until some guidelines specific to shopping centers can be crafted, and that the Planning Department would like to move the remaining items on to City Council.

Commissioner Jobs asked about advertisement on benches. Ms. Dowdy stated that it would be considered off-site advertisement, and that the Planning Department has done some research on it, since there are some in Murray.

Chairman Vanover opened the public hearing and asked for any comments in regards to the proposed amendments. Gerald Bell came forward and stated that he was not in opposition to any of the proposed amendment presented tonight, but that he was not able to attend the previous public hearing which resulted in recommending the addition of Highway 121 North Bypass as a corridor requiring monument signs. Mr. Bell stated that he is in opposition to any further expansion of area mandating monument signs, although he is not opposed to monument signs. Mr. Bell stated that the business owner should be allowed to make the decision regarding what type sign best represents their business. Mr. Bell stated that when city council dictates that a business must have a monument sign, it is a mistake, although he is not opposed to general restrictions regarding size. Mr. Bell stated that a community with nothing but monument signs would be very boring, and that he feels compelled to influence the positive appearance of Murray, as a resident. Mr. Bell cited specific monument sign concerns brought forward by the public at a hearing held in November 2005. Chairman Vanover commended Mr. Bell on the appearance of the new sign at University Shops. Being of no further comments, Chairman Vanover closed the public hearing and asked if there was a motion for a recommendation. **Tom Kind made a motion to recommend to city council the proposed amendments to the sign regulations. Loretta Jobs seconded the motion and the motion carried with a 7-0 vote.**

Candace Dowdy reminded the commissioners of the Friday, April 21, 2006 special meeting and polled the commissioners for attendance.

**Being of no further business, Nelson Shroat made a motion to adjourn. Marc Peebles seconded the motion and the motion carried with a 7-0 voice vote.**

The meeting adjourned at 6:23 p.m.

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Chairman, Richard Vanover

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Recording Secretary, Sam Perry