

**MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, MARCH 20, 2007**

The Murray Planning Commission met in regular session on Tuesday, March 20, 2007 at 5:00 p.m. in the council chambers of City Hall located at 104 N. 5th Street.

Commissioners Present: Tom Kind, Howard Koenen, Marc Peebles, Mike Lovins, Ed Davis, Mary Anne Medlock, Nelson Shroat, Loretta Jobs, and Richard Vanover

Commissioners Absent: Ed Pavlick

Also Present: Candace Dowdy, David Roberts, Peyton Mastera, Mike Pitman, Casey Hines, Brenda Hines, Mayor Rushing, Danny Hudspeth, Matt Mattingly, Claire Jones, William Rasden, Matt Falwell, Richard Hoffman, Durwood Beatty, Marsha Dorgan, Janice Hicks, Stephanie Carpenter, Michael Busby, Nancy Dycus, Rosalyn Hiswell, Don Maupin, and Public Audience

Chairman Vanover called the meeting to order at 5:00 p.m. and welcomed all guests.

Chairman Vanover asked for approval of the February 20, 2007 regular meeting minutes. **Mike Lovins made a motion to approve the minutes with the noted corrections. Mary Anne Medlock seconded the motion and it carried with an 8-0 voice vote.**

Commissioner Shroat entered the meeting at 5:03 p.m.

Public hearing to set the zoning for the proposed annexation of a 16.050 acre tract of land – 1641 Wiswell Road West – Casey and Brenda Hines: Chairman Vanover opened the public hearing. Ms. Dowdy explained that at the February Planning Commission meeting, the Commissioners voted to recommend to the city council that this tract of land be brought into the city limits. This property is located at 1641 Wiswell Road West. The property is situated in a gap between two areas located within the city limits (Saratoga Springs to the west and recent “southwest annexation” to the east). The areas on each side of this proposed annexation are single family residential (R-2) by nature and this request is to have this property zoned the same way.

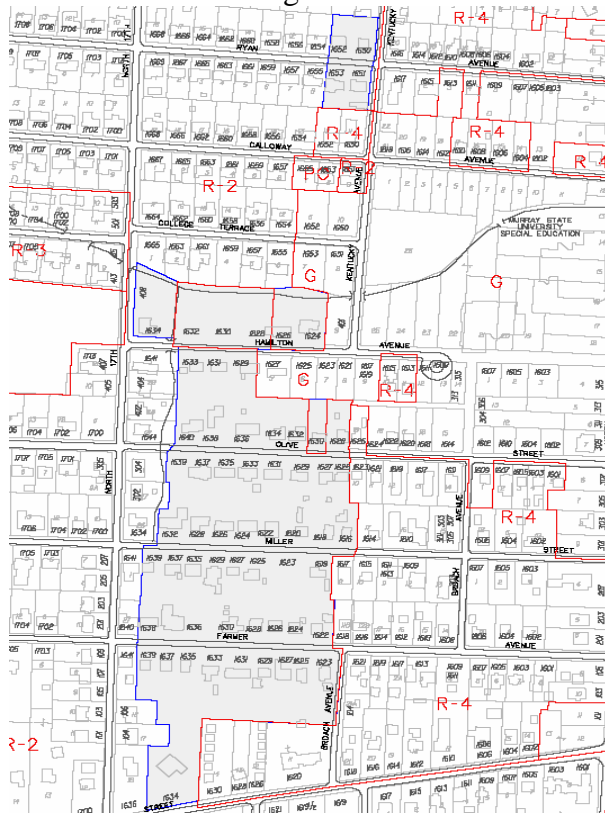


Chairman Vanover asked for anyone wishing to speak in favor of this application to come forward and be sworn in. No person spoke in favor of the application.

Chairman Vanover asked for anyone wishing to speak in opposition to this application to come forward and be sworn in. No person spoke in opposition of the application. Chairman Vanover closed the public hearing and opened the discussion to the Planning Commissioners.

Nelson Shroat made a motion to recommend to the city council that the 16.050 acre tract of land located at 1641 Wiswell Road West, owned by Casey and Brenda Hines be zoned R-2 (single-family residential) since the surrounding zoning is R-2 and the current use of the property is used for single-family residential purposes. Howard Koenen seconded the motion and it carried with a 9-0 vote.

Public hearing for proposed rezoning west of N. 16th Street from R-2 (Single Family Residential) to R-4 (Multi-Family Residential): Chairman Vanover opened the public hearing. Mr. Mastera explained that this section of town has been looked at before by the Planning Commission for potential rezoning and that Planning Staff receives numerous inquiries about these properties to see if multi-family dwellings are allowed. The proposed rezoning is for 63 properties to the west of Murray State's campus (N. 16th Street) extending from Main Street up to Ryan Avenue. The current zoning boundary runs north along Broach Avenue and intersects along the properties up to Hamilton. The proposed rezoning would shift this boundary line to west, closer to 17th Street. Also, the proposed rezoning would include 4 properties along Ryan Avenue that are contiguous to an R-4 zone.



There were informational hearings held in June, August, and September before the Planning Commission explaining the potentially rezoned properties. The Planning Commission directed staff to collect as much information as possible. Planning Staff sent out approximately 130 surveys to all property owners zoned R-2 along Main Street, Farmer Avenue, Miller Street, Olive Street, Hamilton Avenue, College Terrace, Calloway Avenue, and Ryan Avenue, extending across to the first homes on the western side of N. 17th Street, and it included the first row of homes on the south side of Main Street. The surveys asked if the property owner would be in favor of rezoning their property to R-4 (multi-family residential). Of all the surveys sent out, Planning Staff had a 64% response rate. 50% opposed the rezoning, 45% were in favor, and 5% had no opinion. Upon examining the results of the survey, a newly proposed boundary line was established by the Planning Commission and Planning Staff. The proposed boundary line would encompass 63 properties (as seen above). Survey results of the 63 properties showed a response rate of 71% (45/63). 76% favored the rezoning, 18% opposed the rezoning, and 7% had no opinion. Mr. Mastera explained that once this information was presented to the Commissioners in September, the Planning Commissioners made a motion to hold a public hearing concerning the rezoning of these 63 properties at discretion of Planning Staff. Planning Staff had to collect pertinent information and set the public hearing for this meeting (March 20, 2007). All property owners involved, and adjoining property owners were notified of the meeting. Planning staff received a few phone calls, but they were more for informational purposes. Planning Staff also collected two letters. The first letter was from Claire Jones of 1640 Farmer Avenue. Ms. Jones is in favor of the rezoning but would like to be included. The other letter was from Sharon Russell of 106 N. 17th Street. Ms. Russell's letter expressed concern over the devaluation of property in the area. *Mr. Mastera submitted these two letters into evidence as Exhibit's A and B.*

Ms. Dowdy explained that from the time the surveys were sent out, Murray State has purchased 4 of these properties. Although the legal description and subsequent map depict 63 properties to be rezoned R-4, 4 of the properties would be of G (Government) zoning. Ms. Dowdy added that this public hearing was set to gauge the interest of property owner in the vicinity.

Commissioner Jobs recused herself.

Chairman Vanover asked for anyone wishing to speak in favor of the rezoning to be sworn in. Chairman Vanover swore in Ms. Claire Jones, 1640 Farmer Avenue. Ms. Jones explained that she is in favor of the rezoning, but her property is situated just outside the proposed boundary and by leaving her isolated between an R-4 zone and 17th Street, it puts her property in a "compromising" position as it pertains to the resale value.

Chairman Vanover swore in William Rasden, 1641 Farmer Avenue. Mr. Rasden stated that he is in favor of the rezoning but is concerned with the absence of sidewalks; he explained they could be beneficial to the neighborhood.

Chairman Vanover swore in Matthew Falwell, 5303 Wiswell Road. Mr. Falwell is the former owner of 1626 Farmer Avenue and present owner of 1638 Farmer Avenue. Mr. Falwell explained that it is inevitable that these properties will be used for multi-family use and believes by being rezoned R-4 it will increase their property values.

Chairman Vanover swore in Mr. Richard Hoffman, 1636 Farmer Avenue. Mr. Hoffman explained that this type of housing is going to take place and that it should be done in a controlled fashion.

Chairman Vanover asked for anyone wishing to speak in opposition of the rezoning to be sworn in. Chairman Vanover swore in Mr. Durwood Beatty, 1662 College Terrace. Mr. Beatty stated that he is worried of a “domino effect” and the devaluation of his property. Mr. Beatty recounted an excerpt from the June Planning Commission meeting that stated: by rezoning these properties, it will make “legal what already exists.” Mr. Beatty stated that is not a good reason to rezone property and that it is the duty of the Planning Commissioners to hear these cases and not simply rezone a section of town.

Chairman Vanover swore in Ms. Marsha Dorgan, 1622 Miller Street. Ms. Dorgan explained the overall nature of her street and neighborhood and expressed her concern with proper upkeep of the general vicinity.

Chairman Vanover swore in Ms. Janice Hicks, 1661 College Terrace. Ms. Hicks has lived at this residence for approximately 30 years and she expressed her displeasure with the lack of enforcement of the zoning ordinance. Ms. Hicks explained that it will not be college kids necessarily occupying these homes for multi-family use, but rather citizens that cannot afford housing which will diminish the neighborhood. Ms. Hicks presented a flyer she had obtained advertising a party at 501 N. 17th Street. *Mr. Mastera submitted the flyer into evidence as exhibit C.*

Chairman Vanover swore in Ms. Stephanie Carpenter, 1656 College Terrace. Ms. Carpenter requested that the letters submitted by Mr. Beatty and herself (from August) be submitted into evidence. *Mr. Mastera submitted both letters into evidence as exhibit's D and E.* Ms. Carpenter explained that with the recent purchases of property along Hamilton, the city would actually be “spot-zoning” the two properties located on the corner of Hamilton and 17th Street, and stated that she is opposed to this. Also, Ms. Carpenter noted that the proposed area to be rezoned is shown in the comprehensive plan as low-density residential which is reserved for “single family detached dwellings,” and that the only areas west of campus that show moderate density are sections already zoned multi-family residential.

Chairman Vanover swore in Mr. Michael Busby, 1660 College Terrace. Mr. Busby expressed his concern with previous spot-zoning and feels that property values would only increase because of the encroachment of Murray State, not because of the rezoning.

Chairman Vanover swore in Ms. Nancy Dycus, 1663 College Terrace. Ms. Dycus explained that by having this property rezoned, there would be an increase in crime, traffic, and noise. Ms. Dycus also noted the parties that take place at 501 N. 17th Street.

Chairman Vanover closed the public hearing.

Ms. Dowdy addressed some of the comments made from the public. Ms. Dowdy explained that when this part of the city was annexed into the city, the only zoning designations were for residential, commercial, government, and industrial. Many of the homes in the area are grandfathered in. Ms. Dowdy then showed the future land use map Ms. Carpenter was referring to and read the definition of low-density residential: "This category permits housing developments in a gross density range of up to 4.3 dwelling units per acre when full urban services are available to the site. Generally, single-family detached housing will be the predominant land use in this category, although manufactured homes, patio homes and multi-family dwellings may also be permitted in appropriate locations." Ms. Dowdy noted that the definition does account for "multi-family dwellings", but cannot determine if it is applicable in this case. Ms. Dowdy explained that Planning Staff relies on citizens to report instances of people living in violation and at that time staff will enforce the ordinance or require them to apply for a conditional use permit. Ms. Dowdy noted that conditional use permits have been granted, denied, and revoked within the area. Ms. Dowdy explained that when building permits are issued, they are signed off on by the Planning Department to ensure homes are being constructed in conjunction with the zoning ordinance.

Ms. Rosalyn Haywood, 1663 Ryan Avenue explained that she is opposed to potential rezoning. Mr. Don Maupin, 1602 Ryan Avenue asked to clarify the potential rezoning of the homes on Ryan Avenue. Ms. Dowdy explained it to the audience.

Mike Lovins made a motion to table this item on the agenda until more information is collected. Marc Peebles seconded the motion and it carried with a 6-2 vote. Howard Koenen and Mary Anne Medlock voted no.

Commissioner Jobs rejoined the Planning Commission.

Being of no further business, **Nelson Shroat made a motion to adjourn. Mike Lovins seconded the motion and it carried with a 9-0 voice vote.** The meeting adjourned at 6:25 p.m.

Chairman, Richard Vanover

Recording Secretary, L. Peyton Mastera