

**MURRAY PLANNING COMMISSION MINUTES  
REGULAR MEETING  
TUESDAY, MAY 15, 2007**

The Murray Planning Commission met in regular session on Tuesday, May 15, 2007 at 5:00 p.m. in the council chambers of City Hall located at 104 N. 5<sup>th</sup> Street.

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

**Commissioners Absent:** Ed Davis

**Also Present:** Candace Dowdy, Peyton Mastera, Mike Pitman, David Roberts, Mayor Rushing, Matt Mattingly, 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 April 17, 2007 regular meeting minutes. **Nelson Shroat made a motion to approve the minutes as presented. Loretta Jobs seconded the motion and it carried with an 8-0 voice vote.**

**Public hearing to set the zoning for the proposed annexation of a 1.624 acre tract of land located at 170 Utterback Road – Keith and Hazel Brandon:** Mr. Mastera explained that the Planning Commission voted to make a recommendation to the City Council to annex this 1.624 acre tract of land at the April Planning Commission meeting. It is now before the Planning Commission so that a recommendation can be forwarded to the City Council for the proposed zoning designation of the property. The property owners, Keith and Hazel Brandon, have requested this property be zoned R-4 (Multi-Family Residential). Mr. Mastera stated that the adjoining property owners to the East (Hickory Woods) have an R-4 designation and it would be contiguous and in-line with the neighborhood. Currently the property is being rented out to a single family, which would be allowed in an R-4 zoning district.

*Commissioner Pavlick joined the meeting.*

Mr. Mastera noted that all adjoining property owners were notified and the only inquiry came from an adjoining property owner, Ms. Jobe. Ms. Jobe's inquiry was in regards to clarifying the portion of right-of-way that would be annexed.

Chairman Vanover opened the public hearing and asked for anyone wishing to speak in favor of the application to please 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 the public hearing to come forwards and be sworn in. No person spoke in opposition to the application and Chairman Vanover closed the public hearing.





3) Do not pursue rezoning at this time.

Ms. Dowdy noted that after the March public hearing three items were submitted to the Planning Staff to be submitted into evidence in opposition to the proposed rezoning. These three documents, along with all other documents submitted into evidence were distributed to the Planning Commissioners.

*Commissioner Jobs recused herself from this item on the agenda.*

Commissioner Pavlick stated that there seems to be people both in favor of and in opposition to the proposed rezoning and suggested possibly deferring this item for a year to let the issue settle down. Commissioner Lovins commented that a big concern of the property owners is the devaluing of property; Commissioner Lovins noted that he does not foresee property values changing.

Commissioner Medlock stated that Mr. Mastera explained to the Commissioners that Planning Staff receives continuous inquiries about using these properties for rental purposes, yet only nine (9) people have been granted a conditional use permit. Commissioner Medlock asked why more people have not applied for a conditional use permit. Mr. Mastera explained that his comment is

directed at not only those within the proposed rezoning, but also those within the surrounding neighborhood. Although the map shows only 9 conditional use permits, others have been granted just on the other side of 17<sup>th</sup> Street or in the general vicinity. Mr. Mastera stated that when Planning Staff receives an inquiry, by explaining the zoning designation, many people will choose not to pursue the conditional use permit.

Commissioner Medlock stated that some type of decision needs to be made and tabling this item does no good. Commissioner Shroat stated that by delaying this decision for a year, opinions of the property owners will remain the same.

Mr. Pitman explained the process the Board of Zoning Adjustments goes through when granting a conditional use permit and their discretion of placing conditions on a conditional use permit; conditions such: as a time period the conditional use permit is valid, limiting the amount of people that can reside on the premises, limit the number of cars, no disruptive behavior, etc. Mr. Pitman noted that conditional use permits are enforced primarily by the surrounding property owners; the applicants realize their permits are subject to review and being revoked.

Commissioner Pavlick asked if the Planning Commission does not rezone, is the city leaving itself open to enforcement only by complaint. Ms. Dowdy explained that the city does not have enough staff to enforce this issue in full, but as complaints come in, Planning Staff will respond. Ms. Dowdy stated that the Code Enforcement Board deals more with property maintenance issues rather than zoning issues. Mr. Roberts noted that no matter what course of action is taken, the same types of complaints and concerns will exist; property owners adjacent to an R-4 zoning district could still request rezoning. Mr. Pitman stated that if a public hearing is held, the Commissioners must decide if it is in agreement with the comprehensive plan or not, and if it is not, it must be demonstrated there are have been changes of an economic, physical, or social nature; or, that the property was zoned incorrectly. Commissioner Lovins commented on the possibility of a “domino effect” when properties become rezoned. Commissioner Medlock explained that is why she proposed the new boundary line extending to 17<sup>th</sup> Street and eliminating the properties along Ryan Avenue.

**Nelson Shroat made a motion to hold a public hearing at the July regular scheduled meeting for the proposed rezoning west of N. 16<sup>th</sup> Street from R-2 to R-4 with a revised proposed boundary that would eliminate the four (4) properties along Ryan Avenue and eliminate the properties along the north side of Hamilton Avenue; but, would include the properties on the east side of N. 17<sup>th</sup> Street from Main Street up to Hamilton Avenue. Mary Anne Medlock seconded the motion.** Commissioner Peebles made a suggestion to submit new surveys asking all property owners what they would like their property zoned as and change their zoning designation. Ms. Dowdy stated that would be considered “spot zoning.” Mr. Pitman noted that any rezoning still has to meet the KRS findings stipulated to rezone property. **The motion carried with a 7-1 vote.** Marc Peebles voted no.

*Commissioner Jobs rejoined the meeting.*

**Discussion of possible text amendments as it pertains to Bed and Breakfasts:** Ms. Dowdy stated that Bed and Breakfast inquiries are often received in the Planning Department. Currently, the zoning ordinance does not allow Bed and Breakfasts as a permitted or conditional use. In the near future, a public hearing could be held to make some text amendments as it pertains to Bed and Breakfasts, specifically addressing what zones they would be allowed in, parking requirements, if you would have to apply for a conditional use permit, signage, and how many employees would be allowed.

**Approve continuing education credits:** Ms. Dowdy noted continuing education hours that needed to be approved for Mr. Michael Jordan, BZA member. **Nelson Shroat made a motion to approve the continuing education credits for Mr. Michael Jordan, Tom Kind seconded the motion and it carried with a 9-0 voice vote.**

**Questions and comments:** Ms. Dowdy noted to the Commissioners the possibility of bringing some possible text amendments as it pertains to applicants for dimensional variances in having to notify adjoining property owners.

Commissioner Lovins stated that the city may need to revisit the Landlord Tenant Act to possibly alleviate some of the burden from Planning Staff in enforcing similar circumstances such as what has occurred to the west of N. 16<sup>th</sup> Street.

**Nelson Shroat made a motion to adjourn. Mary Anne Medlock seconded the motion and it carried with a 9-0 voice vote.** The meeting adjourned at 5:50 p.m.

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Chairman, Richard Vanover

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Recording Secretary, L. Peyton Mastera