

**MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, JULY 17, 2007**

The Murray Planning Commission met in regular session on Tuesday, July 17, 2007 at 5:00 p.m. in the council chambers of City Hall located at 104 N. 5th Street.

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

Commissioners Absent: None

Also Present: Candace Dowdy, Peyton Mastera, Mike Pitman, David Roberts, Mayor Rushing, Reta Gray, Marsha Dorgan, Carol Randolph, Durwood Beatty, Kim Oatman, Janice Hicks, Nancy Dycus, Danny Hudspeth, 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 June 19, 2007 regular meeting minutes. **Mike Lovins made a motion to approve the minutes as presented. Marc Peebles seconded the motion and it carried with a 10-0 voice vote.**

Advisory meeting for Planned Development Project – Storage Units – 1900 North 12th Street – Behind the Murray Business Center – Paul Garland: Ms. Dowdy referenced the location of the proposed storage units on a Power Point presentation and stated that the area is zoned B-2, Highway Business. In a B-2 zoning district, Planned Development Projects are allowed as a Conditional Use. This project is being brought before the Planning Commission for an advisory meeting and then it goes to the Board of Zoning Adjustments for a compatibility hearing. The project consists of 3 storage units. Access to the buildings will be through the entrance of the Murray Business Center off of the HWY 641 frontage road. Ms. Dowdy stated there is a 25-foot strip from the back of the storage units (Eastern side of the proposed development) to the property lines of adjoining properties. According to the site plan, buildings 1 and 2 will be 30' x 260' and contain 52 storage units each. The units will be 10' x 20' on one side and 10' x 10' on the other side and have 8'8" x 7' doors. Building 3 will be 20' x 260' and contain 26 storage units. The units will be 10' x 20' in size with an 8'8" x 7" doors. There will be a total of 130 storage units.

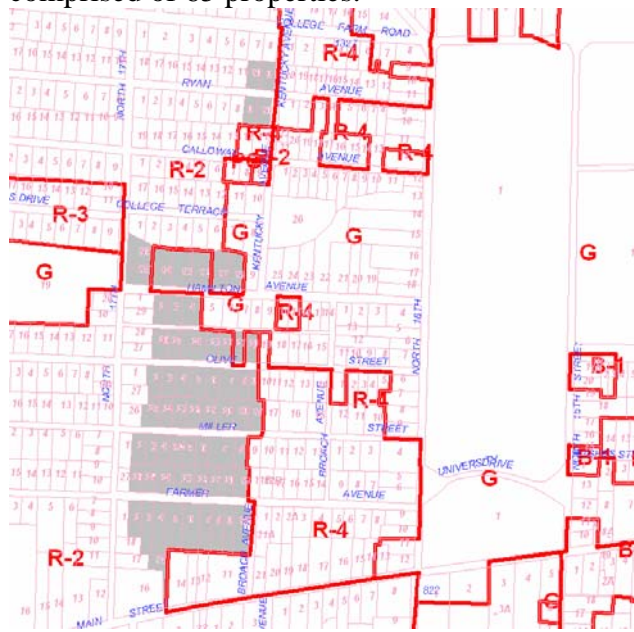
To the East of the proposed development are two residential homes, but they are located in a B-2 zone. As per the zoning ordinance, screening is only required if a business zone abuts to a residential zone; in this instance, the home is located in a business zone, so screening is not required. Ms. Dowdy noted that this was explained to Mr. Garland. Ms. Dowdy explained that the side of the building facing these homes will not have access to the storage units and be a solid wall.

Mr. Roberts stated that Mr. Garland had an emergency and unable to attend the advisory meeting.

Public hearing for the proposed rezoning west of N. 16th Street from R-2 (Single Family Residential) to R-4 (Multi-Family Residential): Chairman Vanover reminded the Commissioners this item had been tabled at a previous meeting. **Nelson Shroat made a motion to remove this item from the table. Mike Lovins seconded the motion and it carried with a 10-0 voice vote.**

Loretta Jobs recused herself from the meeting.

Mr. Mastera stated that 113 surveys were sent out to property owners west of N. 16th Street during August and September of 2006 to gauge the interest of the area in potentially rezoning their property from R-2 to R-4. Based upon survey results, a boundary was established, comprised of 65 properties.



A public hearing was held on March 20, 2007. The item was tabled until more information was collected. After holding a couple of informational sessions, a newly proposed boundary was established which incorporated all properties zoned R-2 between N. 16th and N. 17th Street and from the north side of Main Street to the south side of Hamilton Avenue (properties along the north side of Hamilton Avenue and the 4 properties along Ryan Avenue were eliminated). After the new boundary was established, it was agreed upon to hold another public hearing on July 18, 2007. All property owners involved within the proposed rezoning and adjoining property owners were notified of the hearing, as well as signs were posted on the periphery of the proposed boundary.



Mr. Mastera noted that there was a letter submitted by Mr. Shea Sykes who owns property on the north side of Hamilton Avenue. *Mr. Mastera submitted the letter into evidence as Exhibit I.* All documents submitted into evidence were made available to the Planning Commissioners. Mr. Mastera documented some statistics based upon the newly proposed boundary line and from the surveys sent out in August/September. Of the 65 properties involved in this rezoning, 46 responses were received. 57% (27/46) were in favor of the rezoning, 33% (15/46) were in opposition to the rezoning, and 10% (4/46) had no opinion. Mr. Mastera reminded the Commissioners this information is strictly based upon the survey sent out in August 2006. Thoughts and opinions may have changed since that time.

Chairman Vanover opened the public hearing and asked for anyone wishing to speak in favor of the rezoning. No one spoke in favor.

Chairman Vanover asked if anyone would like to speak in opposition to the rezoning. Those who spoke against the rezoning were sworn in. They included: Marsha Dorgan, 1622 Miller Avenue; Carol Randolph, 1712 Farmer Avenue; Durwood Beatty, 1662 College Terrace; Janice Hicks, 1661 College Terrace; and Nancy Dycus, 1663 College Terrace.

The current residents expressed feelings that they were afraid that if the zoning changed from R-2 to R-4 that this area would progressively get worse than it is at this time. They felt that this zoning change would not improve their neighborhood. They noted that there were people living in violation in this area that were not blood related or have a Conditional Use Permit. Some other complaints that were mentioned were the parties that were going on, the sale of alcohol, the garbage overflow in the streets, the excessive parking on the streets, the dead cars and the yards not being mowed or weeded. Some of the people are afraid to walk up and down the streets. Items are continually stolen from homeowner's lawns and porches. The concerned residents also stated that they felt the neighborhood was trash now. The fact was also brought up that several of the properties in this neighborhood have been bought by people that actually do not live there, they are only landlords that keep these properties for rental purposes; therefore, the upkeep is not that the same as someone that actually owns and occupies that home. Homes do not sell well in this area now because of the visual ascetics on some of the streets where college

students are living. The board was asked to use extreme caution in making a change of this nature. It was mentioned that there is a mechanism in place for use in an R-2 area. It was stated that the homeowners would like to see the area revitalized and a family atmosphere brought back. The residents feel they have a good place to live. They want others to take care of their property. They don't want multi-housing. They don't want more crime in the neighborhood or more people walking the streets.

Mr. Kim Oatman, 615 Gilbert Gray Drive, representative of Murray State University also spoke during the allotted time for those in opposition. Mr. Oatman stated that Murray State is neither in favor of, nor in opposition to the rezoning, but the University is aware of the concerns of the area.

Chairman Vanover closed the public hearing.

Commissioners Shroat, Medlock, and Pavlick voiced their sympathy and concerns for the current homeowners and the situations that they are up against. Chairman Vanover also stated concerns for the properties with the disrepairs. The aforementioned Commissioners agreed that the problem appears to be more of compliance and enforcement issues regarding property maintenance than a zoning issue.

Mayor Rushing stated that there is a Property Maintenance Board that addresses some of these concerns. Mr. Roberts stated that the police department is where to go for any property maintenance issues and that the Code Enforcement Board is available for use after a citation has been issued.

Commissioner Medlock asked if the Board of Zoning Adjustments could "freeze" any Conditional Use Permit applications within the 65 properties until the mentioned properties had action taken on them by the Code Enforcement entities. Mike Pitman, attorney for the Planning Commission, stated the Board of Zoning Adjustments grants Conditional Use Permits and they are very restrictive on granting them. He stated that the Planning Commission did not have the authority to freeze Conditional Use Permits or impose any type of moratorium.

Ed Pavlick made a motion to forward a recommendation on to the City Council to keep the current zoning of the 65 properties to the west of N. 16th Street as R-2 (single family residential) and encourage the homeowners to go through the proper channels to get property maintenance issues corrected. Howard Koenen seconded the motion and it carried by an 8-1 vote. Nelson Shroat voted no.

Ed Pavlick made a motion to adjourn. Commissioner Shroat seconded the motion and it carried with a 9-0 voice vote. The meeting adjourned at 6:10 p.m.