

**MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, JANUARY 15, 2008**

The Murray Planning Commission met in special session on Wednesday, January 15, 2008 at 5:00 p.m. in the council chambers of City Hall located at 104 N. 5th Street.

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

Commissioners Absent: Ed Pavlick and Loretta Jobs

Also Present: Mayor Rushing, Candace Dowdy, Peyton Mastera, Mike Pitman, David Roberts, Reta Gray, Matt Mattingly, Mayor Rushing, Sid Easley, Lisa Yancey, Deena Wright, Roger Reichmuth, Martha Battle, Judy Denton, and public audience.

Chairman Vanover called the meeting to order at 5:00 p.m. and welcomed all guests and asked for approval of the December 18, 2007 regular meeting minutes. Mr. Mastera noted corrections to the Planning Commissioners concerning text amendments that will be forwarded on to the City Council after approval. The text amendments dealt with the following: Section I, Article 2 (Definitions); Section III, Article 1 (Sign Regulations); Section III, Article 10 (Transient Business Regulations); and Section IV, Article 3 (Board of Zoning Adjustments).

Nelson Shroat made a motion to approve the minutes with the noted corrections. Howard Koenen seconded the motion and it carried with an 8-0 voice vote.

Chairman Vanover noted to the audience that the public hearing to review the rezoning request of Mr. Billy Dan Crouse, at 1211 Story Avenue will be postponed due to an error in notification.

Public hearing to review rezoning request for 1108 Main Street from R-2 (Single Family Residential) to PO (Professional Office) – Property Owned by Martin Yancey: Candace Dowdy referred to a power point presentation to show pictures of the proposed location of the rezoning request as well as the surrounding area and nearby PO zone. This property is located at 1108 Main Street and owned by Martin and Lisa Yancey and currently zoned R-2 (Single Family Residential); this home is directly west of the CVS Pharmacy. The property has a shared driveway with 1106 Main Street, owned by Mr. Mark Roberts. Rezoning requests either have to be in agreement with the comprehensive plan; or, in absence of such must be proved to be originally zoned incorrectly; or, that there have been major changes of an economic, physical, or social nature. According to the comprehensive plan, the future land use map shows the property as residential.

Ms. Dowdy noted that if the property was rezoned, a conditional use permit could be applied for by the owner of the property to use for residential use; but, if that were the case, a business applicable to a PO zone would have to be the primary use of the property and the residential use would be secondary in nature.

Below is the description of the PO zone:

A. INTENT

This zone is primarily for offices and related uses. Generally, this zone should be located between residential and commercial uses on the same frontage so as to serve as a transitional buffer.

B. PERMITTED PRINCIPAL USES

1. *Professional business and government offices and laboratories.*

C. PERMITTED ACCESSORY STRUCTURES AND USES

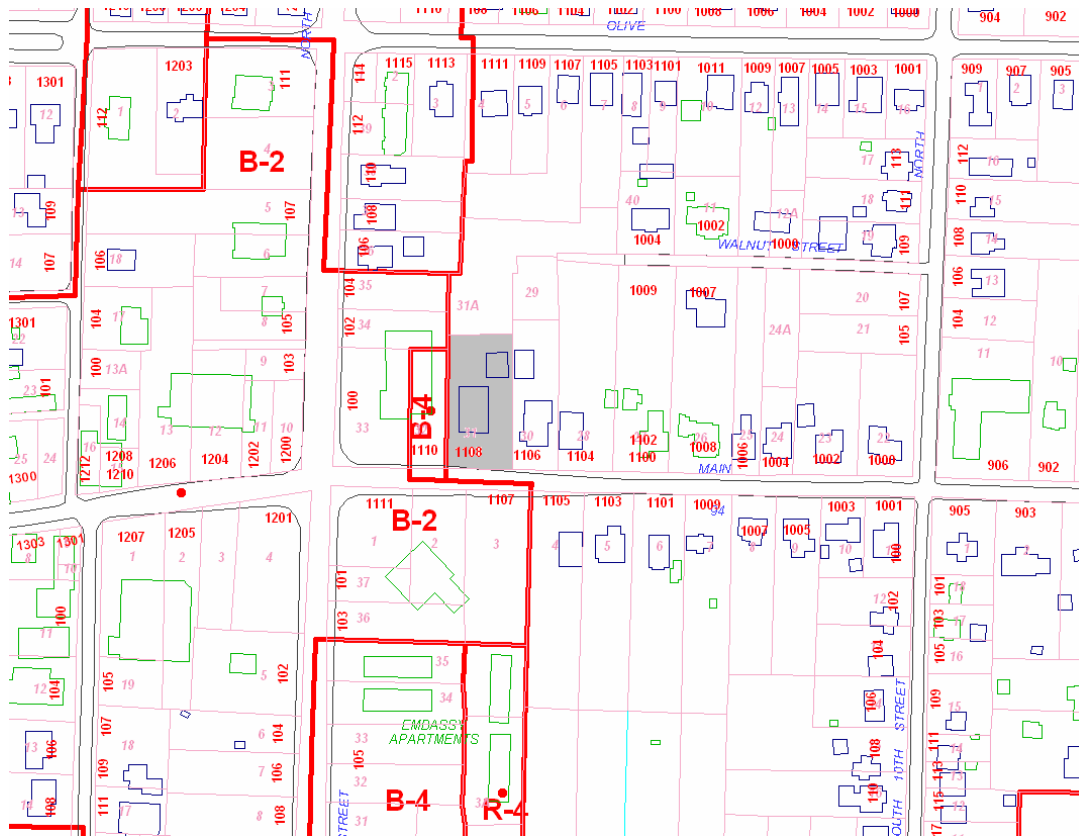
1. *Garage or other building not used as a dwelling and incidental to the principal use in rear yards only.*

D. CONDITIONAL USES

1. *Private hospitals & clinics, churches.*
2. *Planned development projects.*
3. *Dwelling units occupying the same building in which is conducted the principal use of the premises.*

E. PROHIBITED USES

1. *Dwelling units except as provided for herein.*
2. *Any use that is retail in nature and not incidental to the office use.*
3. *Any use not listed as permitted and not approved as conditional use.*
4. *Adult oriented businesses.*



Chairman Vanover opened the public hearing and asked for anyone wishing to speak in favor of the application to please come forward. Mr. Sid Easley, ATTY, 204 S. 6th Street, represented the Yancey's. Mr. Easley explained to the Planning Commissioners that change is inevitable and noted significant changes in the area, in particular the surrounding pharmacies that have now gone to 24 hour services. The realtor for this property, Ms. Judy Denton, has taken many inquiries to see if this property could be used for lower impact businesses such as accounting, appraisals, dentistry, etc. in conjunction with a possible dwelling unit. The applicants are in favor of preserving the home. They feel PO would be the best fit for this property taking into consideration the surrounding area.

Chairman Vanover swore in Mrs. Lisa Yancey, 1108 Main Street. The Yancey's purchased this home just over three years ago and they are looking to sell. Mrs. Yancey noted that with CVS operating on a 24 hour basis, the noise has increased and lights shine through the home. Most assume it is zoned PO. PO keeps the integrity of the home. Mrs. Yancey explained to the Commissioners that there is ample parking at this residence.

Chairman Vanover asked if anyone would like to speak in opposition of the application. Chairman Vanover swore in Mrs. Deena Wright, PO Box 143, who is a representative of Murray Main Street. Ms. Wright distributed two items to the Commissioners (*Mr. Mastera submitted these two documents into evidence as Exhibits A and B*). These documents dealt with historical preservation and an overview of the home. Mrs. Wright noted traffic concerns and possible issues with aesthetics. Mrs. Wright stated that from a "historical preservation" standpoint, the unknown factor of what lies ahead, such as a "domino effect" of rezonings is unsettling.

Chairman Vanover swore in Mr. Roger Reichmuth, 514 S. 6th Street. Mr. Reichmuth is the President of Murray Main Street and talked about the importance of preserving the integrity of the neighborhood and of the Main Street corridor, from the campus down to the court square.

Chairman Vanover swore in Ms. Martha Battle, 1103 Main Street. Ms. Battle lives diagonally, across the street, from the proposed rezoning. Ms. Battle noted many traffic concerns and she too is worried about the preservation of the neighborhood.

Mr. Sid Easley acknowledged the concerns of those speaking in opposition of the application but explained that there must be some incentive to remain the same, or this home, as it is, will continue to devalue.

Chairman Vanover closed the public hearing and opened the discussion to the Commissioners.

Ms. Judy Denton, real estate agent for the Yancey's, explained in more detail the layout of the property and potential parking arrangements that could be used. Ms. Denton reminded the Commissioners that this property would be an ideal buffer between residential and commercial use. Ms. Denton stated that there is 2300 square feet of space downstairs. Ms. Dowdy stated that would require 7 or 8 parking spaces if just the downstairs was utilized for business use.

Mary Anne Medlock made a motion to deny the rezoning request of Martin Yancey (from R-2 to PO) at 1108 Main Street. Ed Davis seconded the motion and it carried with a 6-2 vote. Howard Koenen and Mike Lovins voted no.

Questions or Comments: There were none.

Nelson Shroat made a motion to adjourn. Tom Kind seconded the motion it carried with an 8-0 voice vote. The meeting adjourned at 6:10 p.m.

Chairman, Richard Vanover

Recording Secretary, L. Peyton Mastera