

**MURRAY PLANNING COMMISSION MINUTES  
REGULAR MEETING  
TUESDAY, FEBRUARY 19, 2008**

The Murray Planning Commission met in regular session on Wednesday, February 19, 2008 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, Marc Peebles, Mike Lovins, Mary Anne Medlock, Nelson Shroat, Howard Koenen, and Richard Vanover

**Commissioners Absent:** Ed Pavlick, Ed Davis, and Loretta Jobs

**Also Present:** Candace Dowdy, Peyton Mastera, Mike Pitman, David Roberts, Reta Gray, Helen Spann, Mark Paschall, Dr. Steve Farmer, Attorney Jeanne' Carroll, David Bogard, John McDonald, Dorothy Bailey, John Resig, Gene Bailey, Holly Wise, and public audience.

Chairman Vanover called the meeting to order at 5:00 p.m. and welcomed all guests. Candace Dowdy made reference to the minutes from the January 15<sup>th</sup> meeting on the zoning request for the Yancey property at 1108 Main Street. She stated that Mr. Yancey and his attorney contacted the Planning Department after the Planning Commission meeting last month requesting to come before the Planning Commission again. Mr. Yancey felt like he had additional information that was relevant to the decision that was made for the rezoning of his property. Candace stated that she had discussed the request with Attorney Mike Pitman and it was recommended that the Yancey's resubmit another application along with the appropriate fees in order to bring this issue back to the Planning Commission. This would be the proper way to hear any additional information since adjoining property owners would have to be notified again for a public hearing. Attorney Mike Pitman then stated that after revealing this information to Mr. Yancey's attorney, Sid Easley, he did not think that the Yancey's would be pursuing the matter.

Chairman Vanover asked for approval of the minutes for the January 15<sup>th</sup> meeting.

**Tom Kind made a motion to approve the minutes as presented. Mary Anne Medlock seconded the motion and it carried with a 7-0 voice vote.**

**Public hearing to review the rezoning request for 1005, 1007, 1009 N. 16<sup>th</sup> Street, PVA parcel No. 041-0-0129-D located on N. 16<sup>th</sup> Street and PVA parcel no. 041-0-0129-N located on Lowes Drive from R-4 (multi-family residential) to B-2 (highway business) – properties owned by Steven Nance, Helen Spann Trust, Forrest D. Nye and WMFF, LLC respectively:**

Chairman Vanover opened the public hearing. Candace Dowdy referred to a power point presentation to show pictures of the proposed property to be rezoned. The parcel that is being requested to be rezoned is five tracts of land (combined total: 12.538 acres). The properties to the south and east are commercial businesses. Property owners are requesting these properties be rezoned from R-4 to B-2 due to major changes of an economic, physical, or social nature in the area not anticipated in the comprehensive plan. With the future expansion of Hwy 121 Bypass and projected heavier traffic flow, property owners feel that they will need additional access to their businesses. With the majority of the land being virtually useless for building sites,

rezoning this property could alleviate potential problems by making access roads to the individual businesses. Candace pointed out the detention area for the Northpoint Professional Office Park Development and one other large detention area that lies south of Lowes Drive. She also reminded the Commissioners that Northpoint Professional Office Park Development was a PDP and could possibly construct up to two more office suites in the future; the current residential zoning eliminates any commercial access from Lowes Drive.

Chairman Vanover asked if there was anyone wishing to speak in favor of the zoning change. Helen Spann, 805 Minerva, was sworn in. Ms. Spann, spokesperson for the land owners, stated that when the Hwy 121 Bypass was put in and the lots were subdivided, the business zoning only went back one lot depth. No one foresaw what was going to go on behind there or into the Lowes development. She stated that the request was also to be consistent with what was going on in the surrounding area. Ms. Spann concluded by saying that these tracts are limited because of their size and the drainage issues, but they could allow for some smaller, supportive businesses.

Mark Paschall, 1434 Billy Paschall Road, was sworn in. Mr. Paschall was there representing Farm Bureau. He stated that Farm Bureau had an interest in the rezoning because they wanted a rear access to their building and he just wanted to make sure that they would have this access if it was rezoned to B-2. Mr. Paschall asked for clarity in the current detention on the proposed property. Mr. David Roberts explained that the detention to the southeast was regional to all of the surrounding lots and that is to be maintained and to stay into perpetuity. He also said that the detention to the southwest corner has been improved by Dr. Farmer and his development of Northpoint and that it would have to be either retained or mitigated to a different location. Mr. Paschall added that Farm Bureau also provided detention to their site.

Dr. Steve Farmer, 1710-A Hwy 121N Bypass, was sworn in. Dr. Farmer stated that there were no plans to further develop the proposed properties. Rear road access was basically the reason for the rezoning request.

Chairman Vanover then asked if there was anyone wishing to speak in opposition of the zoning change. There was no one. At this time, the public hearing was closed for the Commissioner's discussion.

**Mike Lovins made a motion to approve the rezoning request to change the property from R-4 to B-2 as there have been major changes of an economic, social, or physical nature not anticipated in the comprehensive plan in particular the changes of the surrounding area by the widening of Hwy 121N to a five-lane road and the widening of North 16<sup>th</sup> Street; and, keeping the property as R-4 further restricts access to the businesses based upon the fact the property to the north and east are zoned B-2 and that the said property is unusable for residential. Marc Peebles seconded the motion and it carried with a 7-0 vote.**

**Public hearing to review rezoning request for 1211 Story Avenue from B-1 (Neighborhood Business) to B-2 (Highway Business) – property owned by Bill Dan Crouse:** Chairman Vanover opened the public hearing. Candace Dowdy referred to a power point presentation to

show pictures of the proposed location of the zoning request as well as the surrounding areas. Billy Dan Crouse owns a 0.726 acre tract of land located at 1211 Story Avenue. The property is currently zoned B-1 (Neighborhood Business). Mr. Crouse is requesting the property be rezoned to B-2 (Highway Business). The property is contiguous to B-2 zoning to the east and the south with B-1 zoning to the west and R-2 (single family residential) to the north. The property in question, as well as the properties to the east and west, was rezoned from R-2 to B-1 in 1978. The B-1 zoning district acts as a transitional zone (i.e. buffer zone) between commercial and residential development.

**B-1 Zoning District** (Intent): *This zoning district is established to provide areas in which to meet the needs of the immediate neighborhood. This district is limited to a narrow range of retail services and convenience goods and services. This district also is intended for areas where large business operations are undesirable.*

**PERMITTED PRINCIPAL USES**

*Property and buildings in a B-1 neighborhood business district shall be used for the following purposes:*

- (A) Grocery stores and food markets including specialty foods such as bakery goods, delicatessen goods and meats.*
- (B) Restaurants and delicatessen sandwich shops (no drive-thru window service).*
- (C) Fruit markets.*
- (D) Drugstore including fountain service. Book and reading matter, tobacco, vanity goods and pharmacy.*
- (E) Barber shops and beauty shops.*
- (F) Shoe repair shop.*
- (G) Branch laundry or dry cleaning collection stations where no laundering or cleaning is to be done on the premises and self-service laundry.*
- (H) Churches and related activities.*

The **B-2 zoning district** *is intended for a wide range of general retail business. Districts in this category are intended to include areas where commercial development has, or is displacing residential development, or is moving in on vacant lands. Regulations are designed so as to discourage formation of future commercial slums, to preserve the carrying capacity of streets, and to provide for adequate off-street parking. It is not the intent of this district to encourage the extension of strip commercial areas, but rather to provide concentrations of general commercial activities. Also, to provide areas in which the principal use of land is devoted to commercial establishments which cater specifically to the needs of motor vehicle-oriented trade.*

**1. PERMITTED PRINCIPAL USES**

- (A) Any use permitted in the B-1 business district.*
- (B) Places of indoor amusement and assembly.*
- (C) Churches.*
- (D) Offices.*
- (E) Hotels and motels.*

*(F) New and used car lots, public garages, and other motor vehicle service.*

*(G) Any retail sales or consumer service including the making of articles to be sold on the premises. Any such manufacturing or processing shall be incidental to a retail business or service and not more than five (5) persons shall be employed in such manufacturing.*

Chairman Vanover asked if there was anyone there that wished to speak in favor of the zoning change. Attorney Jeanne' Carrol (adjunct for Attorney Gerald Bell), 204½ South 6<sup>th</sup> Street was sworn in. Attorney Carrol stated that she was there to explain the proposal and answer any questions on behalf of Billy Dan Crouse.

Chairman Vanover asked if there was anyone wishing to speak against the zoning change. David Bogard, 523 Whitnell, was sworn in. Mr. Bogard presented a petition of 35 signatures of the neighboring residents that are against the rezoning. *(The petition was submitted into evidence as Exhibit A.)* He stated that since the residents did not know what type of business might be going in at the location, they had a concern for the stability of the neighborhood; thus, they feel that leaving the zoning as is would better compliment their community.

Candace passed out a copy (that had been left out of the Commissioner's packet) of reasons as to why Mr. Crouse was requesting the rezoning.

John McDonald, 513 Whitnell, was sworn in. Mr. McDonald submitted pictures that he had taken of the local businesses that already detract from the façade of this neighborhood. *(The pictures were submitted into evidence as Exhibits B, C, D, E, and F.)* He felt that not knowing who Mr. Crouse would sell his property to would leave the residents vulnerable to unwanted traffic and noise. There was a concern that Mr. Crouse would sell his property to another automotive business (similar to the one that Mr. Crouse already owns) and this would generate large car haulers parking in the street; therefore, causing street congestion. Mr. McDonald stated that he was not blaming anyone for this, but stated that it was the nature of this type of business.

Ms. Dorothy Bailey, 1514 Story, was sworn in. Ms. Bailey stated she was a newcomer to the neighborhood and the reason for buying at this location was the peaceful atmosphere and that she would like to see it stay the way it is.

Mr. John Resig, 503 Whitnell, was sworn in. Mr. Resig stated that he had lived at his address for 60 years. He feels that not knowing what would locate at the proposed location was creating quite a question. He stated that if he knew exactly what the location would turn out to be, he might be more favorable, but given the current information that he is basing his decision on, he is very much in opposition of the zoning change. Mr. Resig concluded by stating that B-2 is for highway zoning and he does not feel that Story is a highway.

Mr. Billy Dan Crouse, 1505 Hermitage, was sworn in. Mr. Crouse is the owner of the said property. He believes that his property has become more valuable and desirable since Primary Care has relocated their offices in the area. Mr. Crouse wanted to clarify that he was not intending to put a car lot on the site. He noted that the property was ½ block off 12<sup>th</sup> Street and

that he did not believe that it should be considered a residential area. He stated that just because he owned and occupied a car lot that did not mean that he would put in something at this location that was not appealing. He then referred to the improvement to the adjacent lot with the new building and the improvement to the location on 12<sup>th</sup> Street where Dumplin's is located. He concluded by saying that the inquiries that he has had on the lot had nothing to do with the car business and that he has no intentions in defacing the neighborhood.

Attorney Carroll pointed out that the property would be a logical inclusion with the areas around it. She stated that it did not interfere with the residential neighborhoods that were in that area.

Candace Dowdy then pointed out that Primary Care does not have any residential areas adjacent to their property as there are none to the south of the discussed area. It is all commercial zoned as B-1 or B-2.

Mr. Gene Bailey, 1514 Story, was sworn in. Mr. Bailey said that Mr. Crouse had made the remark that there would not be a car lot on the property, but possibly an office building. He stated that if this was the case, there should be no reason to change the zone. With the uncertainty of what type of business is actually going to be on the lot, Mr. Bailey thinks that the residential area deserves the right to leave it as is.

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

**Nelson Shroat made a motion to rezone the property at 1211 Story Avenue to B-2 with the findings being the social and economic changes to the neighborhood with the building of the Wrye property to the east and the Taylor Dental Center to the west of the property. The motion was seconded by Mike Lovins.** The motion was denied by a vote of 4-3. Tom Kind, Mary Anne Medlock, Marc Peebles and Richard Vanover voted no.

**Discussion of temporary signs associated with community festivals or events of a cultural or educational nature:** Peyton Mastera explained the zoning ordinance procedure for temporary signs that receive performance bond receipts for festivals or events that are hosted in Murray. The ordinance states: *Temporary signs associated with community festivals or events of a cultural or educational nature are not to be displayed more than 14 consecutive days.* Several applicants have asked for clarity of this statement. It is not exactly clear as to what a community festival or event of a cultural or educational nature includes. Peyton continued that these events are getting the benefit of free advertising by posting signs throughout town on the roadsides or at busy intersections. Peyton asked if the Commissioners felt that the City was being too relaxed or were they taking the definition broader than it should have been? He suggested that a clear definition to cultural and educational events be determined. There was discussion among the Board members; however, no conclusion was made as to defining the terms. The suggestion was made that Peyton look at some other cities ordinances and the wording that is used concerning these types of events and then determine what would be applicable for our ordinance.

*Nelson Shroat left the meeting at 6:15 p.m.*

**Approval of continuing education credits:** Candace Dowdy stated that any continuing education that is attended by members has to be approved by the Planning Commission. She attended a State Manager's Meeting in Winchester, Kentucky. The focus on the workshop was on downtown living. Since the Planning Commission has previously discussed downtown living in the Murray area, this was relevant for continuing education. Candace then stated that Northern Kentucky Area Planning Commission had a seminar on sign regulations. She and Mr. Mastera watched this video. There is a copy available for either individual or group review. It is very informative and can be checked out. It will give a one hour credit.

**Tom Kind made a motion to approve the workshop on downtown living and the seminar on sign regulations for continuing education for Ms. Dowdy and Mr. Mastera. Marc Peebles seconded the motion and it carried with a 6-0 vote.**

**Questions or Comments:** None.

**Tom Kind made a motion to adjourn. Marc Peebles seconded the motion it carried with a 6-0 voice vote. The meeting adjourned at 6:20 p.m.**

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Chairman, Richard Vanover

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Recording Secretary, Reta Gray