

**MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, MAY 20, 2008**

The Murray Planning Commission met in regular session on Tuesday, May 20, 2008 at 5:00 p.m. in the council chambers of City Hall located at 104 N. 5th Street.

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

Commissioners Absent: Nelson Shroat

Also Present: Candace Dowdy, Peyton Mastera, Mike Pitman, David Roberts, Reta Gray, Mayor Rushing, Matt Mattingly, Larry Herndon, Danny Hudspeth, Deana Wright, Jack Wagar, Linda Grey Houck, Jo Anne Roberts, Dr. Steve Farmer, Judy Denton, Martin, Lisa and Rebecca Yancey, Roger Reichmuth, Debbie Lee, and public audience.

Chairman Vanover asked if there were any additions or changes to the minutes from the April 15, 2008 meeting. Candace Dowdy noted the addition to the minutes regarding the 1414 N. 12th Street rezoning.

Ed Pavlick made a motion to approve the minutes from the April 15, 2008 meeting as amended by Candace. Loretta Jobs seconded the motion and it carried with a 9-0 voice vote.

Public Hearing to Review a Rezoning Request of a 1.661 Acre Tract of Land from I (Industrial) to B-3 (Central Business District) – 111 Poplar Street – Larry Herndon:

Candace Dowdy gave a Power Point presentation to identify the property being discussed. Mr. Larry Herndon is requesting his property, located at 111 Poplar Street be rezoned from I (Industrial) to B-3 (Central Business District). (This building is the former Landolt building located on the corner of L.P. Miller and Poplar Streets.) This property encompasses 1.661 acres. The future land use map shows this property as Industrial/Warehousing. In June 2005 the potential development of this particular piece property was brought before the Planning Commission for discussion. Ms. Dowdy noted that at that time Mr. Herndon stated that there had been little interest in the past several years of industrial use for his building. He noted that it was very difficult to lease warehouse space in this area since most industrial uses are moving to the north side of Murray in the Industrial Park on Max Hurt Drive for the location and size of the buildings. It was also mentioned that the new proposed Industrial Park would be located on Highway 641 North as well. Ms. Dowdy stated that Mr. Herndon has decided to move forward with the rezoning of this property so he can renovate the building by placing retail sales and service on the 1st floor, professional offices on the 2nd floor and upper level residential apartments on the 3rd floor. Retail sales, professional office, and residential uses are not permitted uses in the Industrial Zoning District; therefore, Mr. Herndon feels like the rezoning of this property would be essential to the revitalization of this building. Ms. Dowdy noted that this type of development is taking place in many other cities where old warehouse buildings are being converted into residential apartments with other mixed commercial uses. The adjacent

property owners were notified of this rezoning request. Ms. Dowdy noted that this building is a historic building in the downtown area and that currently the property is not listed on the National Register for Historic Places. The total square footage of the warehouse is approximately 48,000 square feet and there is also a storage building located on the rear of the lot. The property directly to the north, east and west is zoned industrial, while the property on the northwest corner of Poplar and LP Miller is adjacent to this property and is zoned B-3. The property directly to the south is zoned R-5 (Multi-Family Residential).

Chairman Vanover opened the public hearing and asked if there was anyone there wishing to speak in favor of the rezoning.

Mr. Larry Herndon, 108 South 10th Street, was sworn in. Mr. Herndon stated that Ms. Dowdy had pretty well covered all the reasons for his request.

Deana Wright, 492 Mallory Cemetery Road, New Concord, was sworn in. Ms. Wright was representing Murray Main Street. Ms. Wright said that the building located on the proposed rezoning lot is a very historical building and in need of new life. Ms. Wright stated that this building is one of a very few historic tobacco warehouses left in Kentucky. All across Kentucky, there are projects similar to the proposed one that are being used as residential loft apartments. Ms. Wright feels that industrial zoning is not appropriate for this area any more. She stated that industry is moving north of Murray and to industrial parks. Ms. Wright asked that the Commission consider her statements in making their rezoning decision.

Chairman Vanover asked if there was anyone there wishing to speak in opposition of the rezoning request.

Danny Hudspeth, 1001 Sharpe, was sworn in. Mr. Hudspeth stated that he was neither for or against the rezoning; however, he was troubled that the residential area was not addressed more than it was. Mr. Hudspeth stated that his mother lives in that area. He also stated that Mr. Herndon has been a wonderful neighbor for that area. Mr. Hudspeth asked what the screening requirements would be in an area like this where it would be going from little to no traffic to one that has an average amount of traffic. Ms. Dowdy stated that the zoning ordinance addresses screening requirements between commercial and residential zoning districts and should Mr. Herndon continue with this planned development project, the requirements would be addressed during that process of review and approval.

Mr. Jack Wagar, 300 South 16th Street, was sworn in. Mr. Wagar stated that he is in opposition to the rezoning of this property. He stated that he owns a small parcel of property across from the old tobacco warehouse and he feels that this is just another instance of spot rezoning. Mr. Wagar stated that those who have spoken in favor of the rezoning do not have a vested interest such as Mr. Wager does. He continued by saying that there are people that currently live in the area and probably will be there for years to come and Mr. Wager feels that their homes should not be disturbed. Mr. Wagar stated that he had not seen any future plans for the property and he feels that before the proposed property is rezoned, there should be a definite plan as to what would actually be at the location.

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

Candace Dowdy stated that the Planning Commission does not make its decision to rezone property based on the applicant's development plan. The decision to rezone is based on the findings as to whether there have been major changes of an economic, physical or social nature that have taken place within the area, or it has to be proven that the existing zoning that was given to the property is inappropriate and that the proposed zoning is more appropriate. If the property gets rezoned, the any development would still have to meet all the city requirements for permitted uses, screening requirements, and building and fire codes. If Mr. Herndon was proposing a use that was only allowed as a conditional use, the Board of Zoning would have to review it before proceeding with any approval of permits. Ms. Dowdy added that should this property be included in the Historic Overlay District, there would be additional requirements that would have to be met regarding the alteration or renovation to the exterior of the building as per the Secretary of Interior Design Guidelines and would have to meet the requirements as established in the Historic Overlay District, no matter what zoning district it is in.

Tom Kind made a motion to approve the rezoning of the property at 111 Poplar Street from Industrial to B-3 based on the findings that there have been major changes of an economic, physical or social nature within the area that were not anticipated in the comprehensive plan and based on such facts that industrial warehousing has moved to the north side of town and that Murray Main Street is interested in raising opportunities for residential development in the downtown area within the Historical Overlay District which are not in areas conclusive to warehousing. Marc Peebles seconded the motion and the motion carried with 9-0 voice vote.

Public Hearing to Review a Rezoning Request of a 3.198 Acre Section of Land from R-2 (Single Family Residential) to B-2 (Highway Business District) – 623 North 4th Street – Heloise Farley Roberts Life Estate: Peyton Mastera used a Power Point presentation to point out the property that is being presented for rezoning. Currently the property is “split-zoned” with the eastern portion of the property being zoned B-2, while the western portion is zoned R-2. This property is adjacent to the Murray City Cemetery to the north and west which is zoned Government and R-2 zoning is to the South. The property at 623 N. 4th Street is owned by the Heloise Farley Roberts Life Estate. Since the application was made, Ms. Heloise Farley Roberts has passed away and her daughter, Jo Anne Roberts, is serving as her power of attorney. The applicant is requesting that the 3.198 acre portion of their property, which backs up to the cemetery, be rezoned to B-2 matching the front of their property along North 4th Street. The future land use map shows this property as residential.

Candace Dowdy stated that this particular piece of property is one tract of land with two homes located on it. All of the homes along the B-2 corridor were grandfathered in as non-conforming structures when the rezoning from Chestnut Street down North 4th Street took place around 1974. One of the structures is in bad disrepair and it has been vacant for approximately 1½ years and eventually the owners are looking to tear the structure down. Ms. Dowdy stated that Ms. Roberts

is very limited to what the property can be used for with it being split-zoned. The only way to access the back of the property which is zoned R-2 is through the Murray City Cemetery.

Chairman Vanover opened the public hearing and asked if there was anyone wishing to speak in favor of the request.

Linda Grey Houck, 800 Sycamore Street, was sworn in. Ms. Houck stated that she was a representative for the Forest family, whose property adjoins this tract of land. Ms. Houck stated that Dr. Forest agrees that the R-2 portion of this property is landlocked at this time; thus, he has no opposition to the rezoning.

Jo Anne Roberts, 412 South 9th Street, was sworn in. Ms. Roberts stated that she was there to represent her and her brothers and since their mother's passing, they would like to continue with this request to rezone the back of the property B-2 so that it will be the same as the front of the property.

Chairman Vanover asked if there was anyone wishing to speak in opposition of the rezoning. There was no one. The public hearing was closed and it was turned over to the Commissioners for discussion.

Marc Peebles made a motion to approve the rezoning request at 623 North 4th Street from R-2 to B-2 since the existing zoning classification given to the property is inappropriate which makes it landlocked Ed Davis seconded the motion and it carried with a 9-0 voice vote.

Public Hearing to Review the Plat for a Proposed Multi-family Planned Development Project – 104 Parks Street – Steven's Place, Phase I and II – Farmer and Arant: Candace Dowdy referred to the property on a Power Point presentation. Ms. Dowdy noted that Steven's Place a residential planned development project located at 104 Parks Street was reviewed and approved by the Planning Commission and the BZA in 2003. There are currently 12 – 2 bedroom units at this location in Phase I of the project. The developers, Steve Farmer and Steve Arant are requesting an amendment to the original plat to proceed with Phase II of the project. The amendment to the original plat is the two new buildings and additional parking spaces. The two new buildings will consist of 4 – 2 bedroom units. The existing project meets all parking requirements. Based on the current amended plat a five (5) parking space variance would be needed. The total required parking spaces would be 48 spaces with the plat showing 43 spaces. The proposed addition to this project will not require any further extension of utilities. The developers have requested permission from the city to delay the paving of the parking area pending review of this amended plat. Storm water detention is in place and was designed to accommodate the future construction of the two additional buildings. The location of a freestanding sign was shown on the original plat but has not yet been constructed.

Chairman Vanover opened the public hearing and asked if there was anyone wishing to speak in favor of the proposed amendment.

Mr. Steve Farmer, 1765 State Route 94 West, was sworn in. Mr. Farmer agreed with everything that had been discussed and he added that since they presented the original plan, they may have picked up a few additional parking spaces on the front of the property.

Chairman Vanover asked if there was anyone wishing to speak in opposition to the amendments. There was no one. The public hearing was closed and it was turned over to the Commissioners for discussion.

Ed Pavlick made a motion to approve the amended PDP plat contingent upon meeting all city requirements and upon BZA approval of any variances regarding parking and that the amendment is consistent with the PDP that has previously been approved for Steven's Place, Phase I. Ed Davis seconded the motion and it carried with an 8-1 voice vote.

Commissioner Koenen voted no.

Public Hearing to Review a Rezoning Request of a 0.589 Acre Tract of Land from R-2 (Single Family Residential) to PO (Professional Office) – 1108 Main Street – Martin and Lisa Yancey: *Loretta Jobs recused herself from the meeting.* Candace Dowdy referred to the property on a Power Point presentation and identified all the surrounding zoning stating that the property to the east is zoned R-2 (single family, B-4 (Medium Density) to the West, and B-2 (Highway Business) to the South and West. The property at 1108 Main Street is a 0.589 acre tract of land owned by Martin and Lisa Yancey. Their request is to rezone this property from R-2 (Single Family Residential) to PO (Professional Office). Ms Dowdy noted that there had been several questions as to why this request was coming back to the Planning Commission since it was reviewed and denied in January. Ms. Dowdy stated that the zoning ordinance does not reference any time limitation as to how long an applicant would have to wait until they request rezoning again. Ms. Dowdy noted that KRS states that a city may adopt provisions which prohibit for a period of two (2) years, the reconsideration of a denied zoning map amendment but this is not part of the City of Murray Zoning Ordinance. The Yancey's indicated to Planning Staff that since the January meeting they have additional information that they would like to submit to the Planning Commission in regard to their request to rezone their property. Ms. Dowdy stated that the Yancey's have their own Power Point presentation that they will be submitting to the Planning Commission. Ms. Dowdy noted that there is an access easement to the rear of the property where Walnut Street ends and that this property has a joined driveway with the property at 1106 Main Street. Ms. Dowdy noted that there was a Professional Office Zoning District further down Main Street closer to the downtown area that had several residential homes in it as well as the public library, a real estate office and a dentist office. Ms. Dowdy stated the Intent as listed in the Zoning Ordinance for Professional Office is: *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 with permitted principal uses being professional business and government offices and laboratories. Conditional Uses are granted for: private hospitals & clinics, churches, planned development projects, and dwelling units occupying the same building in which is conducted the principal use of the premises.*

Chairman Vanover opened the public hearing and asked if there was anyone there wishing to speak in favor of the rezoning request.

Martin Yancey, 1108 Main Street, was sworn in. Mr. Yancey began by showing power point slides identifying his property and the surrounding properties and what they were zoned. Mr. Yancey stated that his property is directly across the street from US Bank and looking to the southwest is the Walgreen's, directly to the west is the CVS Pharmacy with the drive thru and to the southeast is the Bjarne Hansen home. Mr. Yancey stated that he has a very nice letter from Mr. Hansen in support of this rezoning. Mr. Yancey noted that directly to the east of his property is Mark Roberts' property. Mr. Yancey stated that his job has caused him to relocate; therefore, he has had his home on the market for 1½ years and has not had an offer. Mr. Yancey feels if his home is rezoned to PO that this will open up the market for his home resulting in the sale of the home. Mr. Yancey stated that he has previously owned two historic homes and he was very much interested in keeping the integrity intact of these homes. Mr. Yancey showed a presentation of the residences along Main Street from Murray State University to town square. During this presentation Mr. Yancey had his daughter Rebecca tally the properties as to whether they were residential or non residential. The final results were 68 Non-Residential vs. 45 Residential. Mr. Yancey stated that it is clearly evident that this area of Main Street is more non-residential than residential.

Mr. Yancey then addressed the buffer zone area between his home and CVS which is identified as B-4. He stated that a buffer zone is to separate a commercial zone from a residential zone, with a fence put up as a buffer. Mr. Yancey referred to the Goals and Objectives of Murray dated 5/16/2008. Within the document, there are two separate places where there is the goal to establish more neighborhood businesses along the periphery of residential zoning districts, i.e., within buffer zones. To the west of Mr. Yancey's property is CVS where there is a fence with outside lighting that shines 24 hours a day. These lights shine in Mr. Yancey's family room continuously. When CVS went to 24 hours a day, the drive-through pharmacy went to 24 hours a day; thus, the lights stayed on 24 hours a day. Mr. Yancey stated that big changes occurred since CVS went 24 hours a day.

Mr. Yancey addressed the access easement to the rear of his property. Mr. Yancey stated that he had been told on several occasions by the Planning Department that no business would ever be able to use Walnut Street because it is a residential street with seven homes on it. He pointed out Olive and stated that it was also residential. Then Main Street was pointed out as non-residential.

Mr. Yancey addressed the parking at his home. He stated that if the property should be rezoned to PO, that there was sufficient parking of 11 nine-foot wide spaces already available on the east side and three to four parking spaces available to the rear in addition to more space available in the rear for possibly two to three more rows of parking. There is a turnaround space in the driveway where traffic would not have to back into Main Street. He compared the Kopperud property at 711 Main Street showing that traffic actually has to back into Main Street from that business.

Mr. Yancey concluded by saying that his house was located on the busiest intersection in town. He has over 7,000 square feet of building and 5,082 is livable space. His property is currently priced at \$57.00 a square foot which is considerably under the construction rate of houses today at \$120.00 a square foot. He added that he has been separated from his family for 1½ years waiting to sell his home. He said that it was the right thing for the community to do to save a beautiful old place by rezoning.

Judy Denton, 111 Bridlewood, was sworn in. Ms. Denton has served as the Yancey's realtor since the home was put on the market in December of 2006. Ms. Denton stated that she had shown the house twelve times and only one client had been interested in the home as residential. She stated that the other clients were interested in putting in professional offices such as doctors, attorneys, psychiatrists, or accountant offices. Ms. Denton added that there had been no offers on the Yancey's property. She said that other agents that had shown the property had suggested that the client make an offer contingent upon the property being rezoned and no one wanted to fight the fight. They wanted the property rezoned first. In the price range that this house is in, over the past year and a half, 96 houses have sold in the Murray area. Ms. Denton stated that this house is priced below the standards for a home of this workmanship and quality. Ms. Denton stated that in their view, the house went from Residential to Professional Office when the buffer zone was moved (when the 24 hour service was allowed next door at CVS). They feel this property should serve as a buffer zone between the business on the corner and the Robert's home next door.

Lisa Yancey, 1108 Main Street, was sworn in. Ms. Yancey read three letters from adjoining property owners supporting the rezoning. These letters were: *Exhibit A from Michelle and Bjarne Hansen at 1105 Main Street; Exhibit B from Don Elias at 1320 Main Street; and Exhibit C from Mark and Lou Roberts at 1106 Main Street.*

Chairman Vanover asked if there was anyone that wished to speak in opposition of the rezoning request.

Deena Wright, 492 Malory Cemetery Road, New Concord, was representing Murray Main Street. Ms. Wright stated that she was there for the historic preservation of Murray Main Street. Ms. Wright added that she knew that the Yancey's were interested in historic properties, but they will be leaving the area and whatever vote is made on the house will be of no concern to the Yancey's once they are gone from Murray. She added that if the house was rezoned to Professional Office, that walls could be moved and property could be changed; therefore, the historical integrity of the building would be gone and no one can foresee what might happen to this 1917 historic home in the future. Ms. Wright referred to the tally that Mr. Yancey had performed separating the residential from non-residential areas and stated that a multi-residential property should be counted as residential property not non-residential property because people reside there. Ms. Wright also stated that a buffer zone was a buffer for zoning, not a buffer for noise and if the Yancey's had concerns when CVS started their 24 hour service, they should have met with the City at that time and asked for help with a buffer for the noise. Two of the three corner drug stores and the U.S. Bank already existed when the Yancey's purchased their home after 2003; thus the only changes that have occurred since they moved in were the construction

of Walgreen's and the operation hours of CVS. Ms. Wright mentioned at least four other Professional Office spaces that were currently available and then she asked how many historic homes did Murray have left. Ms. Wright concluded with examples of three different cities in Kentucky that recently had zoning issues as this and that had decided to keep the historic preservation sacred. She added that there may personal reasons for someone to attempt a zoning change, but it's a history that is lost forever. Part of Murray's Future Land Use Element is to contain and keep the historic properties in place, intact and available for other people to learn about. Ms. Wright stated that in her opinion the house had not sold not because of the issues that the Yancey's were relaying, but because of the high price of this property at this time of economic recession. Ms. Wright mentioned that one of the neighboring residents, Ms. Battle, could not be at the meeting; however, she wished for Ms. Wright to convey that she still feels very strongly against the rezoning of the home.

Mr. Roger Reichmuth, 514 South 6th Street, was sworn in. Mr. Reichmuth is currently serving as President of Murray Main Street. Mr. Reichmuth stated that his comments were not in opposition, he wished to make them in consideration. USA Today states that many cities today that have built freeways above residential areas are now tearing them down because they have obliterated communities and now they have seen the importance of family and they are replacing these freeways with parks and bikeways. Mr. Reichmuth stated there are changes going on in Murray and the question on the table is whether Main Street should remain residential or change to Professional Office. Currently the street is attractive to people to this town and others that are considering locating in it. This is a design matter, something that our city has decided to do. Mr. Reichmuth said that he didn't know what Murray would be in 50 years, but he did hope that we would take the time in planning to continue to keep our city attractive and desirable.

Ms. Debbie Lee, 1316 Main Street, was sworn in. Ms. Lee began by saying that her family chose to build a home 42 years ago on the 13th block of Main Street. She stated that this area is residential and she fears that the zoning on Main Street would be like a domino effect in that once rezoning starts that it will continue and eventually Main Street will no longer be a residential area. She concluded by saying that she hoped that the residents of this street would not have to continue to fight the zoning battle to keep their street a desirable corridor between Murray State University and the Court Square.

In rebuttal, Mr. Yancey stated that he had owned historic homes in the past and he loved them. Mr. Yancey said that he disagreed with Ms. Wright about the definition of a buffer zone. He also stated that the noise level had increased tremendously since he had moved in and he did not feel that it was all attributed to the 24 hour service at CVS. Mr. Yancey stated that he had several members of Murray Main Street call to tell him that they fully supported his position in his request to rezone. This made him curious if this was an official feeling from the majority of the Main Street members or just a select few. As a previous business owner, Mr. Yancey recognized many methods of protection available through the City without actually hindering the sale of property. The control of business licenses, sign permits, and approval for parking are a few of these methods. Mr. Yancey feels that he is fighting against history which can't be fought with logic and reasoning. He also referred to the downturned economy in housing sales in the

price range of his home. He concluded that rezoning his property is not an emotional issue it is just the right thing to do.

Roger Reichmuth said that the Board of Directors did vote on the issue of where they stood in support of the rezoning.

Chairman Vanover closed the public hearing and turned it over to the Commissioners.

Ms. Dowdy reviewed the zoning history of the lot that CVS is located on and the lot that the Yancey home is located on. The zoning ordinance states that in a B-4 zone or PO zoning non-residential uses which are located on lots adjacent to a residential district shall maintain a minimum setback requirement for all structures of twenty-five (25) feet and that screening is required. Ms. Dowdy stated therefore, there should be a 25 foot buffer strip between CVS and the Yancey home. Ms. Dowdy stated that she looked back over the CVS building permit briefly and noticed that it was approved by the state. Ms. Dowdy stated that the buffer meant that nothing could be built closer than 25 foot to the residential zoning. She stated that the Future Land Use shows this property as low density residential.

Ed Pavlick made a motion to deny the request to rezone the property at 1108 Main Street based on the fact that it is not consistent with the Comprehensive Plan and that there are no anticipated changes in the area. Mary Anne Medlock seconded the motion and the motion carried with a 5-3 vote. Howard Koenen, Mike Lovins and Chairman Vanover voted no. *Loretta Jobs re-entered the meeting.*

Public Hearing to Review Proposed Text Amendments to the City of Murray Zoning Ordinance – Section IV, Article 1.F. – Findings Necessary for Map Amendment: Peyton Mastera stated that this item was brought up for discussion at the last Planning Commission meeting during April. The Planning Staff would like to change Section IV, Article 1.F. of the Murray Zoning Ordinance to reflect the language of KRP 100.213.

F. FINDINGS NECESSARY FOR MAP AMENDMENT

1. Before any map amendment is granted, the Planning Commission and the Murray City Council must find that the map amendment is in agreement with the community's comprehensive plan, or, in the absence of such a finding, that one or more of the following apply and such finding shall be recorded in the minutes and records of the Planning Commission and the Murray City Council.
 - (A) That the ~~original~~ **existing** zoning classification given to the property ~~was~~ **is** inappropriate **and that the proposed zoning classification is appropriate** ~~or improper.~~
 - (B) That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated

in the **adopted** community's comprehensive plan and which have substantially altered the basic character of such area.

2. The findings of fact made by the commission shall be recorded in the minutes and records of the commission.

Chairman Vanover opened the Public Hearing. There was no one wishing to speak in favor or against the amendments. Chairman Vanover closed the Public Hearing and turned it over to the Commissioners.

Ed Davis made a motion to bring the wording of City of Murray Zoning Ordinance – Section IV, Article 1.F. - to read exactly as that of KRS 100.213 and to forward a recommendation on to the City Council to adopt these text amendments as presented. Loretta Jobs seconded the motion and the motion carried with a 9-0 voice vote.

Discussion of Proposed Historic Overlay District: Matt Mattingly used a Power Point presentation to go over what the ARB (Architectural Review Board) had been working on for the past year. The ARB was established in November of 2003 with the intent of receiving grant funds from the State. The State requires establishment of the Board to oversee any type of grant funds coming in. The members are John Resig; Chairman, Chris Clark; Co-Chair, Cindy Reichmuth; Secretary, Karen Welch and Stan Henley. June 2007 was the first time the Board met. Matt stated that Deena Wright (Murray Main Street Director) had brought to his attention that the Kentucky Heritage Council was given an ultimatum to activate their Architectural Review Board or lose the Murray Main Street program. The Kentucky Heritage Council has an attorney representative that came to work with the Board to take a look at the ARB ordinance. In their view, the ordinance “had no teeth”, establishment, or official boundaries to govern. At the time, the established area was a “Renaissance Area” which encompassed Railroad Avenue to 7th Street and from Elm to Olive; however, it had never gone through a Public Hearing and had not been voted on through the proper channels. (The name has been changed from the “Renaissance Area” to the “Historic District” because “Historic District” is a common name used in City government.)

In June 2008 there will be a public hearing to review the establishment of the Historic Overlay District boundaries by the Murray Planning Commission. With a subsequent recommendation, it will then be forwarded on to the City Council for approval. The City Council will then have a public hearing as required by KRS. A new section in the zoning ordinance must also be created. It too will require a public hearing and recommendation from the Planning Commission with subsequent City Council approval. City Staff feels that the Planning Commission as well as the Board of Zoning understands the process. Hopefully, in October 2008 (or sometime in the fall), the Architectural Review Board will be active to oversee the newly established Historic District with rules, regulations, and design guidelines. Basically it will include any cosmetic features done to the exterior of a contributing structure within the Historic District area. The goal is to preserve the architectural ascetic, integrity and characteristic of original Murray or the Historic District.

Matt stated that if the boundaries were to be expanded in the future, it would first have to go to the Architectural Review Board with that request and then letters would be sent out to the property owners for another public hearing. Basically the way that the process will work will be that a person will come into City Hall to get a building permit and if they are recognized to be in the Historic District, they will be sent to Murray Main Street (who will oversee the changes). If they are something in variation from the design guidelines, it will go to the Architectural Review Board. If the board approves, the applicant gets a Certificate of Appropriateness. The Certificate simply states that they are allowed to do the changes as governed inside the guidelines. If not accepted by the Architectural Review Board, they go through the process of proposing their changes. The participant will at that time have the opportunity to go to the City Council within 30 days to challenge that decision. Even though the intent of the Board is to preserve, if the structure is beyond repair and economic feasibility the Board does have the discretion to demo the property.



Deena Wright, representative of Murray Main Street, explained the boundaries of the Historic District. Ms. Wright stated that the reason that the Architectural Review Board went with the original Renaissance Area versus a bigger area was that every piece of property within that area would have to be inventoried and this would result in a lot of added work. Ms. Wright added in order to include the old tobacco warehouse in the Historic District they would need to include Railroad Avenue within the boundary. Ms. Wright said that the properties within this area would be eligible for grant funding (which would be a 50/50 match), whether it be commercial or residential property. Attorney Pitman asked if there would be any funding available for streetscape or lighting within the area. Ms. Wright said yes and she added that a new master plan would be developed for the area from Railroad Avenue to 16th Street and from Chestnut to Sycamore.

Ms. Dowdy added in conclusion that during the June public hearing to establish the boundaries, they hoped to have written text to be added to the zoning ordinance in regards to the overlay district.

Questions and Comments: There were none.

Mike Lovins made a motion to adjourn. Mary Anne Medlock seconded the motion and it carried unanimously. The meeting adjourned at 8:10 p.m.

Chairman, Richard Vanover

Recording Secretary, Reta Gray