

**MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, FEBRUARY 17, 2009**

The Murray Planning Commission met in regular session on Tuesday, February 17, 2009 at 5:00 p.m. in the council chambers of City Hall located at 104 N. 5th Street.

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

Commissioners Absent: Loretta Jobs and Ed Pavlick

Also Present: Candace Dowdy, David Roberts, Mike Pitman, Mayor Rushing, Reta Gray, Officer Jimmy Osborne, John Resig, John Krieb, Johnny Blanton, Teresa Cavitt Johnson, Lewis Perry, Danny Hudspeth and public audience

Chairman Vanover called the meeting to order and welcomed all guests and applicants. Chairman Vanover asked for approval of the minutes from the January 20, 2009 regular meeting.

Nelson Shroat made a motion to approve the minutes from the January 20, 2009 regular meeting as presented. Howard Koenen seconded the motion and the motion carried with an 8-0 voice vote.

Public hearing to review a rezoning request for 101 and 103 Spruce Street from R-5 (multi-family residential) to I (Industrial) – William E. Gary: Candace Dowdy pointed out the property for the proposed rezoning on a Power Point presentation. Ms. Dowdy stated that the property owner of 101 and 103 Spruce Street, William E. Gary, is requesting to rezone these properties from R-5 (Multi-Family Residential) to I (Industrial). 101 Spruce Street is a vacant lot. There is a residential structure at 103 Spruce Street and no one is residing there at this time. These properties are to the west of the railroad track. Spruce Street is comprised of a mixture of residential, institutional, governmental, and industrial (to the east of the railroad track) uses. Ms. Dowdy stated that Mr. Gary and Kenlake Foods have fully executed an agreement whereby Mr. Gary would sell this property to Kenlake Foods, contingent upon this property being rezoned to Industrial. Should Kenlake Foods purchase this property, they are looking to demolish the home at 103 Spruce Street and utilize the vacant tracts of land for unloading purposes for a tanker truck. Ms. Dowdy stated that if the Planning Commission makes a recommendation for the rezoning of the property, VL Associates will need to make a minor change to the plat indicating that the rezoning boundary go to the center line of Spruce Street. Ms. Dowdy added that Kenlake Foods made a statement on their application that the need for the small tract of land would be for ingress and egress of a truck on the north side of the factory and that there would be no parking of any vehicles or the placement of any structures on the land.

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

John Resig, 503 Whitnell Avenue, Murray, was sworn in. Mr. Resig stated that he was speaking on behalf of Kenlake Foods and Mr. Gary. Mr. Resig stated that Kenlake Foods also has the intent to install a fence (in accordance with the city ordinance) between the manufacturing site and Mr. Lewis Perry's property (105 Spruce Street). The plan is for the trucks to come onto the property, make a circle, back into the docks, unload a non-hazardous sugar substance and be gone from the site in approximately two hours. Mr. Resig said that Kenlake Foods sees an urgency in acquiring the property as an egress means since there is currently only one entrance into the facility and if there should be an emergency, they are locked out. Through the purchase of the property, they will be able to have an entrance to the back side of the facility as well as the entrance on L.P. Miller. The properties to the east and south of Kenlake Foods are zoned Industrial. Mr. Resig concluded by saying that he did not feel that this rezoning would have an impact on the residents in the R-5 zone.

John Krieb, 1544 Canterbury Drive, Murray was sworn in. Mr. Krieb, Plant Engineer for Kenlake Foods, said that previously the rail entrance into the plant was used for railcars of sugar. Approximately three years ago, Kenlake discontinued rail deliveries and started bringing in the sugar by truck. From the centerline of the railroad tract is a 50 foot right-of-way, which is not sufficient space for a semi-truck to maneuver in and out. Mr. Krieb stated that the only way that the sugar trucks can get into the dock is to stop on Spruce Street, maneuver around and back up to the point where they can hook up their hose connection. Several years ago when Paris, Tennessee experienced a tornado, Kenlake Foods' corporate management office began asking the question, "If there was a destructive situation in front of the facility, what would be done in order to bring equipment or material in and out of the plant with the front dock doors out of service?" Mr. Krieb stated that the answer was that there was not a good way of doing that. About two years ago, the property owner, William Gary, approached Kenlake Foods with the opportunity for Kenlake to purchase the property; thus, alleviating their locked in situation. After discussion with the corporate office in Cincinnati, the sale agreement was made.

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

Johnny Blanton, 114 Spruce Street, Murray was sworn in. Mr. Blanton stated that during the late 1960's an accident occurred on Spruce Street where a child was fatally injured by a big truck. Mr. Blanton added that Spruce Street is a small street and the neighborhood did not need any large trucks traveling up and down that street. There are neighborhood children that play in the area and Mr. Blanton thinks that rezoning this area may present a problem; therefore, he disagrees with the request to rezone the property.

Teresa Cavitt Johnson, owner of property at 100 Spruce Street, Murray was sworn in. Ms. Johnson owns the property directly across the street from the property that is in discussion. Ms. Johnson is opposed to the rezoning of the property. She said that the property is residential and there are children that play in that area; therefore, she would like to see it remain residential.

Lewis Perry, 1619 Sunset, Murray was sworn in. Mr. Perry owns two properties on Spruce Street; one is located next to the proposed rezoned property. Mr. Perry stated that he was not

against the rezoning. He added that if the property was rezoned, he would like for his property to be rezoned also.

Danny Hudspeth, 1001 Sharpe Street, Murray was sworn in. Mr. Hudspeth said that he had concerns about the rezoning request. He stated that there are two completely different zones (industrial and residential) that are trying to share the same area and both are landlocked. Mr. Hudspeth added that the residential area is not growing; homes and properties are being lost for different reasons. The industrial zones are also landlocked and Mr. Hudspeth voiced concerns in taking care of these because they are the lifeline for Murray. Mr. Hudspeth said that his uncle lives at 108 Spruce Street and that while he was visiting his uncle he noticed the amount of children that were playing in the area. He has concerns for them as well as the residential property owners. Mr. Hudspeth stated that it is difficult to manage the zoning in this particular area and he feels that there has got to be a different way other than to rezone the two pieces of property.

Chairman Vanover asked if there were any rebuttals.

Mr. Resig stated that Mr. Hudspeth had made some good points and they were well received. Mr. Resig added he is aware of the changes that have been made in this area. He stated at one time it was all residential and over the years, he has seen it change piece by piece to industrial and commercial. He added that that is the "price of progress". Mr. Resig stated that the trucks would be entering off Industrial Road and he did not feel that this would be a hazard to the residents since the trucks would not be traveling down Spruce Street through the residential area.

Mr. Krieb said that Kenlake Foods wants to do what is right and be a part of the community; however, they recognize the importance of maintaining their viability of being a good industry. Mr. Krieb stated that the situation would be safer if this property is rezoned to allow the semi-trucks to maneuver on these lots instead of out in the public street.

Ms. Johnson asked Mr. Krieb to clarify how the trucks would be entering the property at Kenlake Foods. She voiced her concern again for the children that lived in her rental property at 100 Spruce Street.

Mr. Krieb stated that the zoning ordinance requires a fence between residential and industrial zones and therefore, Kenlake Foods would be installing a fence. He added that they would look into placing the fence where the truck could stay behind the fence while maneuvering and help to satisfy the concerns of the neighbors.

Ms. Dowdy said that the fence would have to be of solid material and would have to stay 10' back from the front property line. The fence could also be from five to eight feet tall on the property line side and it would have to be reduced in height on the street side. Ms. Dowdy added that according to the zoning ordinance, the surface of the turnaround lot would have to be bound in a material that would eliminate dust and mud.

Chairman Vanover closed the public hearing and turned it over to the commissioners for discussion.

Tom Kind made a motion to forward a recommendation to the Murray City Council that 101 and 103 Spruce Street, comprised of 0.224 acres and is owned by William E. Gary and a 0.468 acre portion of right of way along Spruce Street be rezoned from R-5 (Multi-Family Residential) to I (Industrial) based on the fact that there have been major changes of an economic, social and physical nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area. In doing so this will in fact decrease the probability of any chance of a child coming in contact with any of these vehicles because the trucks will be off the street quicker than they are now. It will also reduce congestion in the area. Kenlake Foods would be required to screen the property according to the zoning ordinance and the surface of both tracts would need to be bound in a manner adequate to eliminate dust and mud. Nelson Shroat seconded the motion and the motion carried with a 4-3 vote. Amber DuVentre, Mary Anne Medlock, and Marc Peebles voted no. Ed Davis abstained from voting.

Mayor Rushing left the meeting at 5:55 p.m.

Questions and comments: None.

Adjournment: Ed Davis made a motion to adjourn. Nelson Shroat seconded the motion and the motion carried unanimously. *The meeting adjourned at 6:00 p.m..*

Chairman, Richard Vanover

Recording Secretary, Reta Gray