

**MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, JUNE 17, 2008**

The Murray Planning Commission met in regular session on Tuesday, June 17, 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, Nelson Shroat, Marc Peebles and Richard Vanover

Commissioners Absent: Ed Pavlick

Also Present: Candace Dowdy, Peyton Mastera, Mike Pitman, David Roberts, Reta Gray, Mayor Rushing, Matt Mattingly, Deana Wright, Jerry Duncan, Paul and Vicki Garland, Dan McKeel, Terry Hart, Sheila Sullivan, Jack Wagar, Amy Roos, Felecia Myers, Tracy McKinney, April & Christopher Smee, Billie Burton, Patricia Holton, and public audience.

Chairman Vanover asked if there were any additions or changes to the minutes from the May 15, 2008 Special Meeting.

Tom Kind made a motion to approve the minutes from the May 15, 2008 Special Meeting as presented. Marc Peebles seconded the motion and the motion carried unanimously.

Chairman Vanover asked if there were any additions or changes to the minutes from the May 20, 2008 Regular Meeting.

Marc Peebles made a motion to approve the minutes from the May 20, 2008 Regular Meeting as presented. Loretta Jobs seconded the motion and it carried unanimously.

Review of minor subdivision plat – 337 Treetop Lane – Robert & Barbara Moody: Peyton Mastera referred to the property at 337 Treetop Lane on a Power Point presentation. This property is located off Locust Grove Road to the southeast of town and is owned by Robert and Barbara Moody, who are the applicants for this request. The property is not within the city limits; however, it does fall within the 4 mile jurisdiction of the Murray Planning Commission. The Planning Commission approved a Minor Subdivision plat in May 1999 for the property and at that time, Tract 1 was created. The lot lines of Tract 1 are being abolished and will encompass the newly created 7.563 acres (Tract 2 and Tract 3). This minor plat will also designate a 30 foot access easement so that the newly created Tract 2 can have suitable access to the mobile home currently located on the property. This minor plat is being reviewed by the commissioners since these lots will not meet the subdivision regulations of 75 feet of road frontage.

Marc Peebles made a motion to approve the minor subdivision plat of Robert & Barbara Moody of 337 Treetop Lane as presented. Tom Kind seconded the motion and it carried with a 9-0 voice vote.

Review of site plan for construction of building in floodway zone – Murray Mold and Die – Industrial Road – Jerry Duncan: Candace Dowdy pointed out the property at 506 Industrial Road on a Power Point presentation. Mr. Jerry Duncan (applicant and owner of the business located at this address) has one existing building on the property and is proposing another. Mr. Duncan's existing building (Murray Mold and Die) is located within the county; however, the proposed building will be located in the city limits, which is currently zoned floodway. Ms. Dowdy explained that consent must be granted by the Planning Commission before issuance of a building permit in a floodway zone. Ms. Dowdy added that there are several permitted uses for properties located in a floodway zone; however, an industrial use is not one of them. She added that should Mr. Duncan request to construct a building for industrial purposes, the property would have to be rezoned.

David Roberts stated that Mr. Duncan had contacted the Planning Department numerous times over the past few months in hopes of deciding how his property could be utilized. As the property is now zoned, there is nothing that Mr. Duncan can construct there. Mr. Roberts stated that the Planning staff thought it was necessary to make the Planning Commission aware of this situation. Kim Oatman, Engineer for Mr. Duncan, has submitted a site plan for Mr. Duncan's property. According to the data that Mr. Oatman has put together, the floodway may be cut too wide. Attorney Mike Pitman added that if the property is outside the actual flood risk zone, the property may actually be zoned incorrectly. If that is the case, the property could be rezoned to a more appropriate zone. Mr. Pitman added that the alternative approach is to add a text amendment to the ordinance for permitted uses to allow industrial or commercial construction that is not going to be inhabited by someone as a residence.

Mr. Jerry Duncan, owner of the property, came forward and commented that if the portion of property had been incorrectly zoned, he would like the Planning Commission to give him some direction. Mr. Duncan said that after talking to the Planning staff, he felt that going through the zoning change would be a lengthy process. Ms. Dowdy explained that it would be a minimum of three months for a zoning change. Mr. Mike Pitman, attorney for the city, stated that it would not speed up the process for a text amendment, but that would certainly be an option for Mr. Duncan. Mrs. Dowdy explained that a zoning map amendment could take place in July if the necessary materials are submitted in time.

Review of preliminary subdivision plat – Chesapeake Village Subdivision – Jones Sparkman Road – Paul and Vicki Garland: Candace Dowdy referred to the property on a Power Point presentation. Chesapeake Village Subdivision is located on Jones Sparkman Road and the property is owned by Paul and Vicki Garland. This property is located in the county but does lie within the four mile jurisdiction of the City of Murray. The subdivision will consist of 39 lots with a total of 26.312 acres. All lots meet the minimum lot size of 25,000 square feet for private water and sewer as per the Calloway County Subdivision regulations. There is a certificate on the plat that has to be signed that states this subdivision will meet all the standard requirements of Kentucky Department of Health. The city does not currently have any utilities to this area. The street names have been approved by Ed Pavlick with Calloway County 911. Mr. Garland would like to construct the streets at a width of 22 feet with a five foot shoulder on each side. The City of Murray Subdivision Regulations requires curbs and gutter in all

subdivisions lying in whole, or in part, within one mile of the corporate city limits. This subdivision is ¼ mile from the city limits. Mr. Garland is requesting the city waive this requirement for curbs and gutter. The streets will be asphalt. A ten foot public utility easement is shown along the front of each lot. Mrs. Dowdy stated that the Planning Department recommends that the streets be 24 feet wide and with that, the city would be willing to waive the curb and gutter requirement. Ms. Dowdy stated that she had submitted a copy of the plat to Judge Larry Elkins and made a copy available for the magistrate of that area. There was then some discussion among Planning Staff and Commissioners dealing with stormwater detention concerns.

Mr. Paul Garland, P.O. Box 65, Highway 121, was sworn in. Mr. Garland stated that his intention was to build duplexes and triplexes on the property for rental purposes. In order to keep the construction costs down, he would like to keep the streets at 22 feet wide, but is willing to build them 24 feet if the Planning Commission decides that is best. Some of the complexes will have garages and others will not. Tom Kind asked if curbs and gutter would help or hinder storm water detention. Mr. Garland stated that he would have ditches and that would be sufficient. Mr. Garland concluded by noting that the property meets all requirements for well and septic systems through the local health department.

Mary Anne Medlock stated that she feels the Commissioners should consider making the streets 24 feet wide because of the proximity of the subdivision to the city limits and the possibility that it may someday be annexed.

Tom Kind made a motion to approve the preliminary subdivision plat for Chesapeake Village based on the recommendation of the Planning Staff that the streets be 24 feet wide; therefore, waiving the curb and gutter requirements, and that the subdivision meet all city regulations. Mary Anne Medlock seconded the motion and the motion carried with a 6-3 voice vote. Howard Koenen, Marc Peebles, and Nelson Shroat voted no. Mr. Koenen stated that he voted “No” because he feels the Commission should adhere to the subdivision regulations.

Mayor Rushing left the meeting at 5:45 p.m.

Public hearing to establish the boundary of the Historic Overlay District: *Chairman Vanover read a letter from Red (E.L.) Howe, Jr. in opposition to the Historic District that was presented as Exhibit A. According to his letter, Mr. Howe’s office building, located at 301 Maple Street, is included in this Historic Overlay District. He understands the objectives and purpose of the proposed Historical District. He hopes that the government’s provision will contain language that will not restrict the property owner’s right to decide the future use or disposition of his or her property. If this is not possible, Mr. Howe will not be able to support the establishment of the Historical District.*

Matt Mattingly explained that on May 14th, the Architectural Review Board had their public hearing to establish the boundaries of the Historic District. He stated that on May 20th he and Deana Wright came before the Planning Commission and spoke about the Historic District and gave the basic intent of the program. The recommendation for the Historic District now includes

Railroad Avenue to Seventh Street, Olive to Elm, and all the properties within this area. If the Planning Commission approves these boundaries, then they will be forwarded to the City Council for their approval and at that time KRS statues require there be another public hearing before the City Council.

Chairman Vanover opened the public hearing. He asked if there was anyone that wished to speak in favor of the Historic Overlay. There was no one. Then Chairman Vanover asked if anyone would like to speak in opposition of the Historic District.

Dan McKeel, owner of McKeel's Equipment Company located at 503 Walnut Street was sworn in. Mr. McKeel wanted to know why this was being done and why they were incorporating such a large area and noted concerns over decreasing property values and added taxes.

Terry Hart, owner of Murray Lumber located at 104 Maple Street was sworn in. Mr. Hart wanted to know why industrial areas were included in this proposal. He stated that he pays his own taxes; therefore, he does not feel that he should have to go before a committee to see if making any changes to his building would meet their approval.

Sheila Sullivan, owner of property at 303 South 6th Street was sworn in. Ms. Sullivan stated that she was speaking on behalf of herself, Kelly Woods and Phil Morris. She said the three of them own property between Poplar, Maple, L.P. Miller and Cherry Street. None of them want to be included in the Historic District. Ms. Sullivan explained her concerns with having to go before a committee for improvements, demolitions, etc. of a structure within this area. Ms. Sullivan also stated that she had spoken to Mr. Larry Herndon, who owns the old tobacco warehouse on Poplar, and Mr. Herndon does not care whether his property is included in the Historic District or not.

Jack Wagar, 300 South 16th Street, was sworn in. Mr. Wagar stated that he and his wife own a little parcel of ground with two small buildings on it located at 104 Poplar Street. He has purchased two storm doors to go on one of the buildings and he feels that if the proposed Historic District passes, he will not be able to put the storm doors on the building because a storm door was not a trend years ago.

Amy Roos, 202 S. Sixth Street, was sworn in. Ms. Roos is an attorney and she has her business located at the S. Sixth Street location. She is not exactly sure of the intent or purpose at this time of the Historic District. She is concerned about the process she would have to go through in order to make a change to her property and what kind of costs would be added to her. Ms. Roos is also a member of First Christian Church and serves on the board there. The church also has concerns. They have concerns about what kind of things they can do with their education building.

Felecia Myers, 105 N. 6th Street, was sworn in. Ms. Myers stated that her concerns were like the others in the room. She would like for the Commissioners to take consideration in reviewing this and to make more information available before a motion is made and voted on.

Tracy McKinney, 2813 Midway Road, was sworn in. Mr. McKinney owns a business at 100 N. 5th Street and he stated that this was his first meeting; however, he would like to support Ms. Myers's statement. He also would like more time to properly review the matter before any decisions are made.

April Smee, 103 N. 6th Street, was sworn in. Ms. Smee began by saying that she had reviewed some paperwork from the April meeting on this proposal and what the board's responsibilities were. She stated that she had heard that this proposal was going to be fashioned after Paducah's Historic District. Ms. Smee also stated that she read that the Board would be initiating and encouraging plans for preservation and rehabilitation of individual historic buildings and she added that she had heard some complaints that some people in Paducah were almost being "pushed out" of that area because they weren't able to get things done fast enough to their historic properties.

Matt Mattingly apologized if it seemed that they were moving too fast from an informational standpoint. He stated that he, Candace, and Deana were available to answer any questions the public might have. Mr. Mattingly said that the Architectural Review Board had been working on this for a year. One of the amendments made to the original ordinance was to try and establish a boundary. The Architectural Review Board had their first public hearing in May. The second phase was to go before the Planning Commission and let them hear the boundary proposal, which is where they are at this point. The third phase is to take this proposal to the City Council for another public hearing possibly in October. He added that the guidelines, the amended ordinance and the KRS statutes that pertain to this proposal are on the city's web site. Mr. Mattingly stated that the city's intent is not to create a tax district. The intent is to preserve the downtown Historic District. Mr. Mattingly added that he is not a PVA administrator and cannot attest to the values of property; however, he has heard Deana and other Heritage Council representatives say that when you have a Historic District, this gives the opportunity for preservation and the anticipation is that this actually increases the value of the homes.

Deana Wright, Murray Main Street Director, reviewed that statistically when your property was within a Historic District, the value of your home increases. The property tax may increase, but this added revenue gives the city the ability to give better sidewalks and other amenities. She then addressed the sentiments of those that own industrial buildings and there thoughts it is not important to them; however, they also can qualify for grant funding for renovations, upgraded utilities, and sidewalks. Ms. Wright said that the intent is not to tell the property owner that they cannot demolish a building/warehouse and rebuild a new one, but to help the property owners in making changes.

Billie Burton, 604 Elm Street, was sworn in. Ms. Burton wanted to know if it was possible to opt out of the Historic District or did it include everyone whether they wanted to be in it or not.

Matt Mattingly stated that the Architectural Revenue Board established these boundaries from 2003 when they were originally adopted. He stated that piece milling (taking properties in and out) this original boundary would have to go back to the Architectural Review Board for their decision. Mr. Mattingly also stated that in order to keep an incorporated area, this may not be

the best solution. He then added that the only time a property owner would be affected would be if they did anything external to their structure.

Patricia Holton, 501 Poplar Street, was sworn in. Ms. Holton stated that she was very pro-preservation. She would like to see everyone in this proposed district properly informed. She feels like there are people living in this area who do not have access to computers. She would like for pamphlets to be available in paper form for those people. Mr. Mattingly stated that City Hall was open from 7:30 a.m. to 5:00 p.m. and anyone wishing to obtain information or request the guidelines and ordinance could do so from the City Clerk's office or the Planning Department. Ms. Holton stated that since this was such a serious matter, she would like to request that everyone in the proposed district receive a hard copy. Mr. Mattingly responded by stating that he realized the seriousness of this matter. In order to make the people aware of what was going on, they didn't want to just send out a letter and give the property owners one opportunity to respond, they decided to hold three public hearings.

Christopher Smee, 103 North 6th Street, was sworn in. Mr. Smee owns the old Art Guild. He was concerned about how this program was going to be administered. He said that the guidelines were really broad and he has some concerns on the language of the guidelines. He feels like the guidelines give the City lead way to do what they want and the property owner very little. Ms. Wright explained that the Architectural Review Board was appointed by the Mayor. There are five people that are involved on the Board and they were placed on the Board because they have an interest in preservation, have knowledge of construction, architecture or engineering, or have a business that is involved in those types of design related items. Ms. Wright stated that of those five people, three live in the city; however, they are not in the Historic District.

Chairman Vanover closed the public hearing and opened for the commissioner's discussion.

Mike Lovins asked if Briggs and Stratton should vacate their building what would happen to that building. Mr. Mattingly said that since it is Industrial Zoned, and the nature of the building is not historic, if a new company came in and wanted to do an update to the front of the building, the Board would allow that. Ms. Wright added that when a building is historic and a great deal of work has been done on it, some of the work will take away the historic integrity of the building. Ms. Wright said that Briggs was included in the historic district to help with grant funding through the Main Street Programs. Commissioner Kind then asked if two or three outside blocks were removed from the district if that would that affect the grants. Ms. Wright stated that it would affect the grant money if the Main Street Program was involved and she added that the grant money would stop right where the boundaries were and she also added that the boundary mimics the Renaissance Area. Commissioner Peebles asked what would happen to the Main Street Program if there was not a Historic District. Ms. Wright said that it will eventually lose its certification and all grant funding available to those programs will be lost.

Chairman Vanover reminded the Commissioners that if the Planning Commission approved this, it still has to go to the City Council for final approval (and another public hearing). Mr. Mattingly stated that the next City Council public hearing would (potentially) be the second

meeting in September or the first meeting in October depending on making a text amendment to the zoning ordinance. Mr. Mattingly said that they would send out letters notifying everyone as to where they could find the information either on the website or in the city offices. Commissioner Peebles suggested that hard copies be made available.

Commissioner Jobs commented that she had come to the meeting with the expectation that there would be people in the audience that would speak in favor of the Historic Overlay District; however, no one did. Everyone that spoke was against it. She added that there were people at the Planning Commission meeting that had worked for preservation for many years and continue to be very favorable towards preservation, but they have voiced some reservations. Since the property owners do not feel that they have enough information, Commissioner Jobs does not think that the Planning Commission should forward this on to the City Council at this time. Mr. Mattingly commented that he felt that from the City's standpoint, they had done their best to provide this information in a public forum through the mailings, the local newspaper, the City website and the public hearings that have been held and it still appears that there hasn't been enough information accessible to the property owners. He also added that contrary to beliefs, they are not trying to rush this item through.

Loretta Jobs made a motion to table the public hearing of establishing the boundary of the historic overlay district until the July Planning Commission Meeting so that an open forum can be held to make available Architectural Review Board Information and the Design Guidelines available with proper notification given to the people of the proposed area. Nelson Shroat seconded the motion and the motion passed with a 6-3 voice vote. Ed Davis, Mike Lovins and Richard Vanover voted no.

Questions and Comments: Candace Dowdy noted a continuing education workshop at Kentucky Dam Village on July 17th.

Chairman Vanover read the resignation of Mike Lovins.

Nelson Shroat made a motion to adjourn. Ed Davis seconded the motion and it carried unanimously. The meeting adjourned at 6:45 p.m.

Chairman, Richard Vanover

Recording Secretary, Reta Gray