

**MURRAY PLANNING COMMISSION MINUTES  
REGULAR MEETING  
TUESDAY, SEPTEMBER 16, 2008**

The Murray Planning Commission met in regular session on Tuesday, September 16, 2008 at 5:00 p.m. in the council chambers of City Hall located at 104 N. 5<sup>th</sup> Street.

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

**Commissioners Absent:** Ed Pavlick

**Also Present:** Candace Dowdy, Peyton Mastera, Mike Pitman, David Roberts, Reta Gray, Mayor Rushing, Linda Grey Houck, Cliff Finney, Bambi Etherton, Leah Haus, Jo Ann Roberts, Sue Hood, Margaret Brown, Mike Waag, Hawkins Teague and public audience

Chairman Vanover asked if there were any additions or changes to the minutes from the August 19, 2008 regular meeting.

**Marc Peebles made a motion to approve the minutes from the August 19, 2008 regular meeting as presented. Loretta Jobs seconded the motion and it carried unanimously.**

*Mary Anne Medlock entered the meeting at 5:05 p.m.*

**Public hearing to review the preliminary residential planned development project plat – The Merryman House – 1416 Diuguid Drive – Kentucky Domestic Violence Association:** Peyton Mastera reviewed the revised plat on a Power Point presentation. Mr. Mastera stated that the plat had been altered since it was previously presented. He added that during August there had been an advisory meeting held by the Planning Commission and a compatibility meeting held by the Board of Zoning Adjustments, each reviewing The Merryman House project. Both decided to forward this on to the next steps for planned development projects. The project will consist of four duplexes that will contain a total of eight individual units. The developers are currently looking at a parking space variance that will have to be reviewed by the BZA. Upon recommendations from the planning staff, revisions that were made to the plat included four additional parking spaces, expanded width of the parking aisles to 24 feet, a dumpster area included in the back of the project and relocation of the sanitary sewer line. Mr. Mastera also added that this project met the minimal site distance of 352 feet to the east and west. Ms. Dowdy added that the storm water detention requirements would be reviewed by the city.

Chairman Vanover opened the public hearing and asked if there was anyone that wished to speak in favor of the project. There was no one. Chairman Vanover asked if there was anyone that wished to speak in opposition of the project. There was no one. The public hearing was closed and it was opened for commissioner's discussion.

**Nelson Shroat made a motion to approve the preliminary residential planned development project plat for The Merryman House and forward it on to the Board of Zoning**

**Adjustments contingent upon the BZA granting a conditional use permit and that it meet all city regulations and all other considerations. Marc Peebles seconded the motion and the motion carried with a 9-0 voice vote.**

**Public hearing to review the rezoning request of a 3.284 acre section of land from R-2 (Single Family Residential) to PO (Professional Office) – 402 Chestnut Street – Robert and Ted Forrest:**

*Loretta Jobs recused herself from the public hearing.* Ms. Dowdy began by stating that planning staff had a statement on file authorizing Linda Grey Houck with Grey's Properties to act on the owner's (Robert and Ted Forrest) behalf in this rezoning request. Ms. Dowdy referred to a Power Point presentation to review the property in discussion.

The property at 402 Chestnut Street is comprised of 16.591 acres. The property owners are looking to rezone a 3.284 acre section of land from R-2 (Single Family Residential) to PO (Professional Office). Generally, this zone should be located between residential and commercial uses on the same frontage so as to serve as a transitional buffer. This section of land is on the Northeast corner of 7<sup>th</sup> and Chestnut and adjoins to the Murray Cemetery. It is the only residential piece of property that is on the north side of Chestnut Street between 4<sup>th</sup> and 12<sup>th</sup> Streets. The properties that are adjacent to the Forrest property are currently zoned G (Government) to the North and West; R-2 to the East and Southwest; and R-3 (Multi-Family) to the Southeast. The potential buyers of this property are looking to place a chiropractic business at this location. The east entrance of the Murray Cemetery is North 7<sup>th</sup> Street and that portion was closed for public access in 1988.

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

Linda Grey Houck, 800 Sycamore Street, Murray, was sworn in. Ms. Houck stated that even though the property is now zoned R-2, she did not feel that residential would ever go right next to a cemetery. She added that the usage all around the property is public, government, or commercial usage. The Future Land Use map shows the property as commercial. Ms. Houck feels that things have drastically changed in this area; therefore, the request to rezone was submitted. Ms. Houck said that the property had been on the market for 1,055 days and most of the phone calls that have been received requesting information about the property have been for ones interested in commercial property. Three of the serious inquirers have been a government entity, a subdivision developer out of Paducah, and the Ethertons (who have a contract on it now). They are proposing to build a 3,000 square foot brick office building (chiropractic business) in the image of a residence. Should this zoning pass and the Ethertons are able to build their new office, they would like to keep as many of the established trees as possible. Ms. Houck that this business would be an appropriate fit for PO to act as a buffer between the cemetery and the property that will remain residential.

Cliff Finney, 236 Finney Lane, Murray, was sworn in. Mr. Finney is the contractor for the Ethertons and is currently constructing the Ethertons new home. He said that Dr. Etherton planned to leave a buffer zone of the established trees between the street and the building. Mr. Finney added that the Ethertons were very particular and they built very attractive structures. He stated that the proposed office building would not degrade anything in the neighborhood.

Bambi Etherton, 860 Cloverdale Trail, Murray, was sworn in. Ms. Etherton, also a chiropractor, stated that she and her husband had every intention of being in practice for a very long time in Murray. They do not feel that this property would ever be turned into anything that they would not want their family growing up next door to. She referred to Dr. Dan Miller's office at 312 South 8<sup>th</sup> Street as it is a very appealing office building in a residential area and concluded by saying that was the feeling that they were looking for in constructing their new office building.

Leah Haus, 606 Country Club Drive, Murray, was sworn in. Ms. Haus is employed by the Ethertons. She said that the piece of property in discussion had a very peaceful feeling; and since the chiropractor business is not opened on the weekends, she feels that the peaceful feeling would be maintained for those who visited the cemetery.

Jo Ann Roberts, 412 South 9<sup>th</sup> Street, Murray, was sworn in. Ms. Roberts stated that she and her brothers grew up on the adjoining property and knew the previous owners. She feels that anything that the Ethertons proposed would be in the best interest of Murray.

Chairman Vanover asked if there was anyone that would like to speak in opposition of the proposed zoning change.

Sue Hood, 405 North 7<sup>th</sup> Street, Murray, was sworn in. Ms. Hood stated that she does not feel that there has been a significant change in the area during the 20 years that she has lived at her North 7<sup>th</sup> Street residence. Ms. Hood is concerned that if the property is rezoned as commercial, the value of her property could go down. She stated that Chestnut Street is already a heavily traveled street and that the traffic on North 7<sup>th</sup> Street is at maximum capacity since it is frequently used as a cut through between Main and Chestnut Streets. Ms. Hood is also concerned about increased traffic. This rezoning could also open up the potential for other properties on Chestnut to be rezoned or re-platted and cause significant changes to the nearby residential areas.

Margaret Brown, 511 North 7<sup>th</sup> Street, Murray, was sworn in. Ms. Brown stated that she lives on the corner of North 7<sup>th</sup> and Chestnut Streets. She believes that this rezoning would have a negative impact on her property as well as the neighboring resident's. She agrees with Ms. Hood in that this rezoning could become a "domino" effect and it would significantly impact their residential area and the value of their homes.

Mike Waag, 501 N. 7<sup>th</sup> Street (7<sup>th</sup> & Payne), Murray, was sworn in. Mr. Waag wanted to reaffirm several of the items that had been brought up earlier. He is concerned about the children in the neighborhood that play up and down 7<sup>th</sup> Street and the speed of the traffic that is on that street now. He would not like to see this situation get any worse. He stated that the property in discussion lies between the cemetery and a very long established residential neighborhood. He feels that if rezoned, it would be a radical departure from the history of the area. He added that he was sure that Ms. Etherton was very sincere about her intentions in building an ascetically pleasing structure; however, he was concerned about the long term possibilities of what might happen to the area.

Chairman Vanover asked if there was any rebuttal.

Ms. Roberts came forward and stated that she has seen several changes in the area over the past few years. She added that the Ethertons' office was already on Chestnut Street and she did not feel that moving the business down the street would change the traffic flow of 7<sup>th</sup> Street.

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

Ms. Dowdy noted the two properties in the area that had most recently been rezoned from residential. The Roberts property on North 4<sup>th</sup> Street was rezoned to B-2 a few months back and approximately a year ago, the Vicki Jo Brandon property on the corner of Bee Creek Drive and North 4<sup>th</sup> Street was rezoned to Professional Office.

**Tom Kind made a motion to deny the request to rezone the 3.284 acre section of land at 402 Chestnut Street owned by Robert and Ted Forrest from R-2 to PO based upon the fact that the existing zoning classification given to the property is correct and there have been no recent major changes in the area to justify the change. Mary Anne Medlock seconded the motion and the motion carried with a 7-1 vote. Ed Davis voted no. Loretta Jobs reentered the meeting at 6:10 p.m.**

**Approval of continuing education credit hours:** Mr. Mastera stated that David Roberts, Tom Auer, Bill Whitaker and Greg Mayes each have eight hours of continuing education that needed to be approved. They attended Kentucky Dam Village on July 17<sup>th</sup> to study Land Use Controls and Property Development, Applied Ethics, and Cell Tower Regulations.

**Marc Peebles made a motion to approve David Roberts, Tom Auer, Bill Whitaker and Greg Mayes continuing education credits. Tom Kind seconded the motion and the motion carried unanimously.**

**Questions and Comments:** Loretta Jobs asked if the commissioners should attend the Land Use Committee meetings. Ms. Dowdy encouraged the commissioners to attend and stated that the meeting is open for all citizens.

Attorney Mike Pitman stated that in order to prevent possible future litigation, he suggested that the commissioners ask their questions during the course of the public hearing instead of waiting for the time allotted for commissioner discussion.

**Nelson Shroat made a motion to adjourn. Tom Kind seconded the motion and the motion passed unanimously.** The meeting adjourned at 6:20 p.m.