

**SPECIAL MEETING OF THE
ELIZABETHTOWN PLANNING COMMISSION
SEPTEMBER 27, 2022
6:00 P.M.
WESBANCO GALLERY, HISTORIC STATE THEATER
209 WEST DIXIE AVENUE**

AGENDA

- 1. Call to Order**
- 2. Approval of Minutes – September 13, 2022**
- 3. Public Hearing #2022-PC-25**
Review of a zoning district assignment for property proposed for annexation of approximately 36 acres located on the west side of South Dixie Avenue, approximately 1,000 feet north of Budco Lane as requested by the City of Elizabethtown
- 4. Public Hearing #2022-PC-26**
Review of a map amendment request to change the zoning classification from Urban Residential, Limited (R-3) to High Density Residential (R-6) for property located at 711 Nicholas Street as requested by Car Jack Properties, LLC
- 5. Public Hearing #2022-PC-27**
Review of a conditional use permit request to allow a residential storage facility for property located at 711 Nicholas Street as requested by Car Jack Properties, LLC
- 6. Public Hearing #2022-PC-28**
Review of a map amendment request to change the zoning classification from Suburban Residential, General (R-2) to Regional Commercial (C-3) for a portion of property located at 1101 Saint John Road as request by ViaSat
- 7. Director's Report**
- 8. Commission Member Items**
- 9. Adjournment**

**ELIZABETHTOWN PLANNING COMMISSION
MEETING MINUTES
SEPTEMBER 27, 2022
WESBANCO GALLERY, HISTORIC STATE THEATER**

Members Present: Steve Rice, Ken Dozer, Kasey McCrary, Maurice Young, Kendra Scott, and Marty Fulkerson, City Council Representative

Staff Present: Jim Shaw, Planning Director; Aaron Hawkins, Planner I; Matt Hess, Commission Attorney; and Ed Poppe, City Administrator

I. CALL TO ORDER: Chairperson Rice called the meeting to order at 6:00 p.m. and introduced the Commission and staff members.

II. APPROVAL OF MINUTES-September 13, 2022: After review of the minutes of the September 13, 2022 meeting and corrections made to the minutes, Commissioner Dozer made a motion to approve the minutes with a second by Commissioner Scott. All Commissioners voted in favor of the motion. The Chairperson voted in favor of the motion and the motion was passed 5-0.

III. PUBLIC HEARING #2022-PC-25: The Chairperson introduced the agenda item and opened the public hearing at 6:04 p.m. Chairperson Rice presented the hearing procedures. Matt Hess administered the oath to all those intending to testify at the hearing.

Ed Poppe, City Administrator, reviewed the KRS hearing procedures and notification process. He introduced into the record the Elizabethtown Comprehensive Plan, Subdivision Regulations, Zoning Ordinance, map amendment application and all attachments, and accompanying PowerPoint presentation (Exhibit #1). Mr. Poppe then reviewed the annexation process noting the purpose of the hearing is to determine the appropriate zoning classification for the property proposed for annexation by the City and owned by John and Donna Nichols. He oriented the Commission with the location of the property at South Dixie Avenue. The site is in the Southeast Quadrant Sub Area, which the Comprehensive Plan indicates can be a mixture of industrial and commercial. He also noted the plan states that growth in this area should be encouraged due to its high visibility and accessibility to a good transportation network. Mr. Poppe stated that based on the goals and objectives and the Recommended Land Use Map for this sub area in the Comprehensive Plan, a Regional Commercial (C-3) zoning assignment is in agreement with the plan and is appropriate for the property.

At the conclusion of the presentation, Chairperson Rice asked for questions of the staff. There were no questions.

Chairperson Rice asked for testimony in favor of the request. There being none he asked for testimony in opposition to the request. There being none he closed the testimony phase of the hearing and asked for Commission discussion. The Commission discussed the proposed zoning classification being appropriate for the area.

There being no more discussion, Chairperson Rice asked for a motion. Commissioner Dozer made a motion to recommend a Regional Commercial (C-3) zoning classification for property proposed for annexation located at South Dixie Avenue with a second by Commissioner McCrary. All Commissioners

voted in favor of the motion. Chairperson Rice voted in favor of the motion and the motion was passed 5-0. The Chairperson closed the hearing at 6:22 p.m.

IV. PUBLIC HEARING #2022-PC-26: The Chairperson introduced the agenda item and opened the public hearing at 6:22 p.m.

Aaron Hawkins reviewed the KRS 100 notification requirements and introduced into the record the Elizabethtown Comprehensive Plan, Subdivision Regulations, Zoning Ordinance, map amendment application and all attachments, staff report (Exhibit #1) and accompanying PowerPoint presentation (Exhibit #2). Mr. Hawkins oriented the Commission with the location of the property at 711 Nicholas Street. He identified nearby zoning classifications and uses. The property is owned by Car Jack Properties, LLC and is currently zoned Urban Residential, Limited (R-3) and the owner is requesting High Density Residential (R-6). The applicant is proposing to construct a residential storage facility with 331 total storage units, which will require a conditional use permit in the High Density Residential zoning district.

Mr. Hawkins discussed compliance of the request with the Community-Wide Development Policies and Guidelines as well as the Sub Area Guidelines. Staff recommends approval.

At the conclusion of the presentation, Chairperson Rice asked for questions of staff. There was discussion about the applicant choosing the R-6 zoning classification instead of the C-3 classification where residential storage units are permitted by right.

There being no more questions of staff, Chairperson Rice asked for testimony in favor of the request. Charles Ferguson, applicant, stated he is building three duplexes in front to use as a buffer and that the storage units are a good use to serve the residents nearby.

There being no more testimony in favor of the request, the Chairperson asked for testimony in opposition to the request. There being no testimony in opposition to the request, Chairperson Rice closed the testimony phase of the hearing and asked for Commission discussion.

At the conclusion of the discussion, Chairperson Rice asked for a motion. Commissioner McCrary made a motion to recommend approval of the requested map amendment from Urban Residential, Limited (R-3) to High Density Residential (R-6) for 711 Nicholas Street based on the findings of fact presented in the staff report with a second by Commissioner Young. All Commissioners voted in favor of the motion. The Chairperson voted in favor of the motion and the motion was passed 5-0. Chairperson Rice closed the hearing at 6:44 p.m.

V. PUBLIC HEARING #2022-PC-27: The Chairperson introduced the agenda item and opened the public hearing at 6:44.

Aaron Hawkins reviewed the KRS 100 notification requirements and introduced into the record the Elizabethtown Comprehensive Plan, Subdivision Regulations, and Zoning Ordinance, the staff report (Exhibit #1) and PowerPoint presentation (Exhibit #2). Mr. Hawkins oriented the Commission with the location of the property at 711 Nicholas Street and identified nearby zoning classifications and uses. He stated the property owner is proposing to develop the site with residential storage units, which is a conditional use in the R-6 zone.

Mr. Hawkins discussed compliance of the conditional use with the Community-Wide Development Policies and Guidelines as well as the Sub Area Guidelines. Staff recommends approval of the permit conditioned upon final approval of the map amendment request from the City Council and the Regional Commercial (C-3) zoning district landscape buffering standards being followed instead of the R-6 standards.

At the conclusion of the presentation, Chairperson Rice asked for questions of staff. There were no questions.

There being no questions, the Chairperson asked for testimony in favor of the request. There being none, Chairperson Rice asked for testimony in opposition to the request. There being none, he closed the testimony phase of the hearing and asked for Commission discussion. There was discussion about the staff recommending the C-3 zoning district landscape buffering standards instead of the R-6 standards.

At the conclusion of the discussion, Chairperson Rice asked for a motion. Commissioner Scott made a motion to recommend approval of the conditional use permit based on the findings of fact presented in the staff report conditioned upon final approval of the map amendment request from the City Council and the Regional Commercial (C-3) zoning district landscape buffering standards being followed instead of the R-6 standards with a second by Commissioner Dozer. All Commissioners voted in favor of the motion. The Chairperson voted in favor of the motion and the motion was passed 5-0. Chairperson Rice closed the hearing at 6:59 p.m.

VI. PUBLIC HEARING #2022-PC-28: The Chairperson introduced the agenda item and opened the public hearing at 6:59 p.m.

Jim Shaw reviewed the KRS 100 notification requirements and introduced into the record the Elizabethtown Comprehensive Plan, Subdivision Regulations, and Zoning Ordinance, map amendment application and attachments, the staff report (Exhibit #1) and PowerPoint presentation (Exhibit #2). Mr. Shaw oriented the Commission with the location of the property at 1101 Saint John Road and identified nearby zoning classifications and uses. The property is owned by Christopher Knight and is currently zoned Suburban Residential, General (R-2) and the owner is requesting Regional Commercial (C-3). The applicant is proposing the construction of a facility with a satellite dish and equipment cabinet that will be used to provide fiber internet service. The applicant stated the facility would blend with the East Kentucky Power Substation, which is adjacent to the west.

Mr. Shaw discussed compliance of the request with the Recommended Land Use Map, Community-Wide Development Policies and Guidelines, and the Urban Neighborhood West Sub Area Guidelines of the Comprehensive Plan. Staff recommends denial.

At the conclusion of the presentation, Chairperson Rice asked for questions of staff. There was a question about the elevation in the area.

Chairperson Rice asked for testimony in favor of the request. Randy S. Jones, speaking on behalf of the applicant ViaSat, discussed the company and the services it provides. He also discussed the height of the equipment, why they chose this location, and provided renderings (Exhibit #3) to the Commission on what the proposed facility would look like.

Marty Fulkerson arrives.

There being no more testimony in favor of the request, the Chairperson asked for testimony in opposition to the request. There being no testimony in opposition, the Chairperson asked for questions from the audience. Raymond Thomas had questions about similar ViaSat sites and the nearby floodplain. Mr. Shaw stated this particular property is not in the floodplain.

There being no more questions, Chairperson Rice asked for a motion. Commissioner McCrary made a motion to recommend approval of the requested map amendment from Suburban Residential, General (R-2) to Regional Commercial (C-3) for a portion of 1101 Saint John Road based on the findings of fact presented in the staff report with a second by Commissioner Dozer. Commissioners McCrary, Dozer, Scott and Young voted in favor of the motion. The Chairperson voted in opposition to the motion and the motion was passed 4-1. Chairperson Rice closed the hearing at 7:55 p.m.

VII. DIRECTOR’S REPORT: The Chairperson introduced the agenda item. Jim Shaw presented the staff memorandum dated September 20, 2022. Mr. Shaw stated he will be taking the Senior Planner position and that Joe Reverman has been hired as the new director and will begin October 31. Mr. Shaw also discussed the upcoming agenda and meeting schedule.

VIII. COMMISSION MEMBER ITEMS: Chairperson Rice introduced the agenda item. There was discussion about the paint color chosen for a building on East Dixie Avenue and meeting with the Hardin County Planning Commission while they update their Comp Plan. The Commission also thanked Jim Shaw for his time as Director.

Prepared by:


Janet Fights, Administrative Secretary
Planning & Development

Attachment & Exhibits
DVD of the meeting available for review

ADOPTED AND APPROVED

8 day of NOV, 2022


Steve Rice, Chairperson
Elizabethtown Planning Commission