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Commission Members
Steve Rice, Chairperson
Ken Dozer, Vice Chairperson
Kasey McCrary
Maurice Young
Kyle Souleyrette

CITY OF ELIZABETHTOWN PLANNING AND DEVELOPMENT

ELIZABETHTOWN PLANNING COMMISSION

REGULAR MEETING AGENDA

OCTOBER 24, 2023

6:00 P.M.

PRITCHARD COMMUNITY CENTER, 404 S. MULBERRY STREET

1. Call to Order
2. Approval of Minutes – October 10, 2023
3. Amended Development Plan and Commercial Design Review for Sun Tan City
Location: 1113 North Dixie Avenue
4. Continuation of Public Hearing No. 2023-PC-17
 - Subdivision Text Amendment related to Public Improvements, Sureties, and Neighborhood Associations
(The Subdivision portion of this hearing will be continued)
 - Zoning Ordinance Text Amendment related to General Development Regulations
5. Director's Report
6. Commission Member Items
7. Adjournment



**MEETING MINUTES OF THE ELIZABETHTOWN PLANNING COMMISSION
OCTOBER 24, 2023**

A meeting of the Elizabethtown Planning Commission was held on October 24, 2023 at 6:00 p.m. at the Pritchard Community Center, 404 South Mulberry Street, Elizabethtown, Kentucky.

Commission members present:

Steve Rice, Chairperson

Ken Dozer, Vice Chairperson

Kasey McCrary

Maurice Young

Kyle Souleyrette

Marty Fulkerson, City Council Representative (non-voting member)

Staff members present:

Joe Reverman, Planning Director

Jim Shaw, Senior Planner

Commission Attorney Matt Hess

The following matters were considered:

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APPROVAL OF MINUTES

OCTOBER 10, 2023 PLANNING COMMISSION REGULAR MEETING MINUTES

On a motion made by Commissioner Dozer, seconded by Commissioner Souleyrette, the following resolution was adopted.

RESOLVED, that the Planning Commission does hereby **APPROVE** the minutes of its meeting, with corrections, conducted on October 10, 2023.

The vote was as follows:

YES: Commissioners Rice, Dozer, McCrary, Young, and Souleyrette

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COMMERCIAL DESIGN REVIEW AND DEVELOPMENT PLAN for 1113 North Dixie Avenue

Request: Approval of Commercial Design and Amended Development Plan
Project Name: Sun Tan City/Restaurant
Location: 1113 North Dixie Avenue
Owner: Kueber Fitness Real Estate, LLC
Applicant: Kueber Fitness Real Estate, LLC

Agency Testimony:

The Chairperson introduced the agenda item. Jim Shaw presented the staff report and accompanying PowerPoint presentation. He oriented the Commission with the location of the property, identifying adjoining zoning classifications and developments. The applicant is proposing construction of a 5,697 square foot building on the site with approximately 3,600 square feet of retail space and 1,700 square feet of restaurant space. A 650 square foot patio is also proposed. Access points are proposed on existing access easements on the property. A one-way drive lane is proposed between the building and Valvoline to allow customers to exit either to this development or the main access drive for Lake Shore. Mr. Shaw stated the developer will be required to construct a sanitary sewer force main from this property. All other utilities are available at the site. No waivers have been requested. Staff recommends approval.

Mr. Shaw reviewed commercial design discussing colors, materials, and elevations. Staff recommends approval of the commercial design conditioned upon the addition of animating features on the west façade. No waivers have been requested.

Councilman Fulkerson, addressing the drainage easement that runs through the site, has concerns should the drain need maintenance by the City, part of the property might be damaged during repair. Mr. Shaw stated that is a private drainage easement, therefore, the City is not responsible for maintenance of the drain. Councilman Fulkerson was told by the city's Stormwater Department that the drain is owned by the City. Mr. Shaw noted the property owner is responsible for repairs should the property be damaged due to maintenance.

The following spoke in favor of the request:

Douglas Sellers, 3001 Taylor Springs Drive, Louisville, KY 40220

Summary of those speaking in favor of the request:

Douglas Ellers showed aerial footage of the site along with street view from North Dixie Avenue. Mr. Ellers also showed a rendering of the building discussing the landscaping and color scheme.

Commissioner McCrary asked if any precautions would be put in place for foot traffic from Planet Fitness to the site. Mr. Ellers stated to his knowledge there is not any pedestrian access from this site to Planet Fitness, but pedestrian access is provided from the site to North Dixie Avenue. Commissioner McCrary encouraged Mr. Ellers to add pedestrian access between the two sites with Mr. Ellers stating that is a good recommendation and the developer will hopefully find a solution.

Chairperson Rice asked about the staff's recommendation of adding animating features along the west side of the building. Mr. Sellers stated he has been discussing different options with Mr. Shaw but asked

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the Commission what they would prefer to see. Commissioner Dozer suggested the developer work with staff to come up with a solution with the Commission in agreement.

The following spoke in opposition of the request:

No one spoke in opposition to the request.

Commercial Design Review for Sun Tan City/Restaurant

On a motion by Commissioner Dozer, seconded by Young, the following resolution was adopted based on staff analysis and testimony heard today.

RESOLVED, that the Elizabethtown Planning Commission does hereby **APPROVE** the Commercial Design Review as presented, for Sun Tan City/Restaurant, 1113 North Dixie Avenue, with the following condition:

1. The developer work with staff to come up with animating features on the west side of the building.

The vote was as follows:

YES: Commissioners Rice, Dozer, McCrary, Young, and Souleyrette

Development Plan for Sun Tan City/Restaurant

On a motion by Commissioner Souleyrette, seconded by McCrary, the following resolution was adopted based on staff analysis and testimony heard today.

RESOLVED, that the Elizabethtown Planning Commission does hereby **APPROVE** the Development Plan as presented, for Sun Tan City/Restaurant, 1113 North Dixie Avenue, with the following condition:

1. Approval by all reviewing departments and agencies.

The vote was as follows:

YES: Commissioners Rice, Dozer, McCrary, Young, and Souleyrette

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PUBLIC HEARING No. 2023-PC-17

Request: **Zoning Ordinance Text Amendments related to General Development Regulations; and**

Subdivision Text Amendments related to Subdivision Sureties and Neighborhood Association Standards

Applicant: **City of Elizabethtown**

The Chairperson introduced the agenda item and continued the public hearing from September 26, 2023. Mr. Shaw stated the *Subdivision Text Amendments related to Subdivision Sureties and Neighborhood Association Standards*, are still under review and will not be heard at this meeting. Staff recommends those amendments be continued.

Agency Testimony:

Mr. Shaw presented the staff report and accompanying PowerPoint presentation. Mr. Shaw stated while no changes have been made to the sidewalk revisions, the other provisions have been simplified and wording has been changed to more closely reflect provisions that are in the Subdivision Regulations.

Mr. Shaw stated staff recommends approval of the amendments specified in the attachment as the changes are found to be in compliance with the goals and objectives of the Elizabethtown Comprehensive Plan.

Councilman Fulkerson, had a question about (5) Delayed Sidewalk Installation, asking what the timeline is for the developer to pay into the city's sidewalk fund should a sidewalk be damaged that is part of the city's Capital Improvements Plan. The Commission discussed placing a time constraint on the developer to pay into the fund, however, Mr. Shaw suggested the department create a policy outlining when the sidewalk installation cost must be paid.

Those speaking in favor of the request:

No one spoke in favor.

Those speaking in opposition.

No one spoke in opposition.

PUBLIC HEARING No. 2023-PC-17

Zoning Ordinance Text Amendments related to General Development Regulations

On a motion by Commissioner Dozer, seconded by McCrary, the following resolution was adopted based on staff analysis and testimony heard today.

WHEREAS, the Elizabethtown Planning Commission (the Commission) finds that the proposal complies with the goals and objectives of the Elizabethtown Comprehensive Plan; and

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WHEREAS, the Commission finds that Goal 2, Objective G of the Comprehensive Plan states “Minimize impacts of utility and facility expansion through adequate easements, property acquisition, and right-of-way as new development occurs.”; and

WHEREAS, the Commission finds that Goal 3, Objective G of the Comprehensive Plan states “Coordinate all new development with the Recommended Land Use Plan to provide efficient movement of traffic, interconnected developments, and adequate right-of-way for future roadways, sidewalks, and trails or upgrades to existing infrastructure.”

RESOLVED, that the Elizabethtown Planning Commission does hereby **RECOMMEND** to the Elizabethtown City Council that the Zoning Text Amendment relating to sidewalks, entrances, rights-of-way and connectivity standards, and attached hereto, be **APPROVED**.

The vote was as follows:

YES: Commissioners Rice, Dozer, McCrary, Young, and Souleyrette

Subdivision Text Amendments related to Subdivision Sureties and Neighborhood Association Standards

On a motion by Commissioner Souleyrette, seconded by Young, the following resolution was adopted based on staff analysis and testimony heard today.

RESOLVED, that the Elizabethtown Planning Commission does hereby **CONTINUE** the Subdivision Regulations Text Amendments to November 28, 2023.

Chairperson Rice closed the portion of the hearing of the Zoning Text Amendments relating to General Development Regulations at 6:34 p.m.

The Subdivision Regulations Text Amendments will be continued to the November 28, 2023 meeting.

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ATTACHMENT

§ 154.250 PUBLIC FACILITIES.

(F) Sidewalks.

(3) Waiver/~~delay~~ of sidewalk installation.

(a) A property owner may request a waiver from the requirement of sidewalk installation contained within the zoning regulations by filing an application for sidewalk installation waiver with the Commission. A request for a waiver may be made for any permitted use in any zone. ~~Delayed installation of a sidewalk may be granted administratively.~~

(b) If waivers have been granted previously on a parcel on the same street within 250 feet of the site, the staff may grant the waiver administratively. Should the waiver not be granted administratively, an application may still be filed with the Commission as set out in division (F)(3)(a) above.

(4) Waiver process.

(a) As part of the waiver request, the applicant shall have the burden of proof in showing that there will be no adverse impact upon the neighborhood or general area by the granting of the waiver.

(b) In granting a waiver, the Planning Commission shall consider the following:

1. The desirability to preserve natural topography or vegetation pre-existing the proposed project, provided that pedestrian traffic can be sufficiently and safely accommodated internally on the project or on the opposite side of the street.

2. Installation of the sidewalk is technically infeasible due to site features or conditions (includes exceptional topographic conditions, environmental or wetland impacts, or unique site conditions) as confirmed by the City Engineer or other staff of the city or the Kentucky Transportation Cabinet.

~~3. The proposed sidewalk is likely to be relocated or removed as part of a project included in the city's Capital Improvements Plan or scheduled by the Kentucky Transportation Cabinet.~~

~~43.~~ Extraordinary reasons which are reviewed on a case-by-case basis. Lack of a connection to an existing sidewalk is not in and of itself justification for a waiver.

~~54.~~ Granting a waiver will result in the development being more in keeping with the Comprehensive Plan and the intent of the Zoning Ordinance and Subdivision Regulations.

5. The Commission may also consider other factors it may deem relevant in making its decision.

(c) ~~The Commission may also consider other factors it may deem relevant in making its decision.~~ If a waiver request is approved, the developer must pay into a fund dedicated exclusively to the construction of sidewalks an amount equivalent to the estimated cost of the waived sidewalks at the unit price established by the City Engineer. ~~Relief from the payment can only be approved by the City Council.~~ A waiver of the requirement for sidewalk installation does not exempt the development from any other requirements of the zoning chapter.

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(5) Delayed sidewalk installation. If a required sidewalk is likely to be damaged or replaced as part of a project included in the city's Capital Improvements Plan, the developer may pay into a fund dedicated exclusively to the construction of sidewalks an amount equivalent to the estimated cost of the sidewalk at the unit price established by the City Engineer. The City will install the sidewalk as part of the planned capital project.

(6) Exemptions.

(a) The following rights-of-way are exempted from the requirement of sidewalks:

1. Interstate 65;
2. Western Kentucky Parkway;
- ~~3. Lincoln Parkway;~~
43. US 31W Bypass; and
- ~~5. New Glendale Road;~~
64. Bluegrass Parkway; and.
- ~~7. KY 361.~~

(b) Also exempted are frontages adjacent to the above-named rights-of-way where access control fences are present.

§ 154.252 ENTRANCE STANDARDS.

(I) Entrances and access to developments shall comply with minimum standards of the National Fire Code as published by the National Fire Protection Association.

(J) When the City Engineer determines that vehicles turning into a proposed development will adversely affect the capacity of the existing streets, the developer shall dedicate sufficient right-of-way and construct a turning lane as necessary to maintain the capacity of existing streets.

§ 154.253 RIGHT-OF-WAY WIDTH.

(A) Developments shall dedicate additional right-of-way necessary to meet the minimum width requirements specified in the Subdivision Regulations. Additional right-of-way may be required as necessary to accommodate necessary future improvements within the right-of-way. This requirement may be reduced or waived by the City Engineer and the Director of Planning and Development if the existing right-of-way is found to be sufficient to accommodate all necessary public improvements, or if the possibility exists to obtain additional right-of-way on the opposite side of the right-of-way.

§ 154.254 CONNECTIVITY STANDARDS.

(A) Existing stub streets or rights-of-way shall be extended through the development site to adjacent vacant properties or streets.

(1) This requirement may be waived by the City Engineer and the Director of Planning and Development if the extension is infeasible due to physical constraints or if the extension would create an inappropriate connection between incompatible uses.

(2) If the extension is waived by the City Engineer and the Director of Planning and Development, the street shall be terminated in an appropriate manner to adequately serve all lots.

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(B) Residential developments adjacent to vacant parcels shall provide street connections that stub into the vacant parcels to provide future connections.

(1) This requirement may be waived by the City Engineer and the Director of Planning and Development if the extension is infeasible due to physical constraints.

(C) Commercial developments shall provide for vehicular and pedestrian connections to adjacent commercial developments. If the adjacent property is already developed, the proposed development shall provide for the future connection through easements or other appropriate measures.

(D) Industrial zoned properties shall not be required to provide connections to adjacent properties.

(E) Waiver procedure.

(1) If these standards are not waived by the City Engineer and the Director of Planning and Development, an applicant may request a waiver from the Planning Commission. The Planning Commission shall consider the following:

(a) The special circumstances of the proposed use.

(b) Whether the waiver will have an adverse impact on the public health, safety and welfare.

(c) Whether site constraints make the improvements economically unfeasible.

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Director's Report:

The Chairperson introduced the agenda item. Joe Reverman discussed the upcoming meeting schedule and potential agenda items. Mr. Reverman updated the Commission on the Safer Streets for All grant, stating Palmer Engineering will be conducting the study to identify areas of improvement.

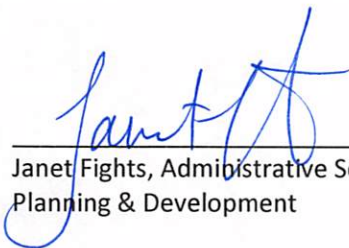
Commission Member Items:

The Chairperson introduced the agenda item. Chairperson Rice discussed the need for the Commission to provide information and recommendations to the City Council for public improvements needs based on development trends. The Commission and Councilman Fulkerson discussed this and a few specific projects as examples of what could be discussed at future meetings.

Adjournment:

There being no further items to discuss, Commissioner McCrary made a motion to adjourn, seconded by Souleyrette. The Chairperson declared the meeting adjourned at 6:48 p.m.

Prepared by:



Janet Fights, Administrative Secretary
Planning & Development

Attachment & Exhibits
DVD of the meeting available for review

ADOPTED AND APPROVED

28th day of November, 2023



Steve Rice, Chairperson
Elizabethtown Planning Commission