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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
SEPTEMBER 26, 2023
6:00 P.M.

CITY HALL COUNCIL CHAMBERS, 200 W. DIXIE AVENUE

1. Call to Order
2. Approval of Minutes – September 12, 2023
3. Development Plan for Family Scholar House
Location: 600 College Street Road
4. Preliminary Subdivision Plat for Lincoln Village, Section 2, FDT A
Location: 800 New Glendale Road
5. Development Plan and Commercial Design Review for Town Crossing
Location: 230 Buford Lane
6. Public Hearing No. 2023-PC-17
Subdivision Text Amendment related to Public Improvements, Sureties and Neighborhood Associations.
Zoning Ordinance Text Amendment related to General Development Regulations
7. Director's Report
8. Commission Member Items
9. Adjournment



**MEETING MINUTES OF THE ELIZABETHTOWN PLANNING COMMISSION
SEPTEMBER 26, 2023**

A meeting of the Elizabethtown Planning Commission was held on September 26, 2023 at 6:00 p.m. in the Council Chamber, City Hall, 200 West Dixie Avenue, Elizabethtown.

Commission members present:

Steve Rice, Chairperson

Ken Dozer, Vice Chairperson

Kasey McCrary

Maurice Young

Kyle Souleyrette

Julia Springsteen, City Council Representative (non-voting member)

Staff members present:

Joe Reverman, Planning Director

Jim Shaw, Senior Planner

Aaron Hawkins, Planner II

Stephen VanZant, substituting for Commission Attorney Matt Hess

The following matters were considered:

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APPROVAL OF MINUTES

SEPTEMBER 12, 2023 PLANNING COMMISSION REGULAR MEETING MINUTES

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

RESOLVED, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on September 12, 2023.

The vote was as follows:

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

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DEVELOPMENT PLAN for 600 College Street Road

Request: Approval of Development Plan
Project Name: Family Scholar House
Location: 600 College Street Road
Owner: Family Scholar House of Elizabethtown, LLLP
Applicant: Clayton Watkins Construction

Agency Testimony:

The Chairperson introduced the agenda item. Aaron Hawkins presented the staff report and accompanying PowerPoint presentation. He oriented the Commission with the location of the property and identified nearby zoning classifications and uses. Currently part of the Elizabethtown Technical and Community College campus, this site will be for a multi-family development that will contain a total of 48 dwelling units. The Family Scholar House will provide housing for single mothers who are enrolled in programs through ECTC. Access will come from a new access point off Hickory Lane. With children present most times throughout the day, this development will not be directly connected to the college parking area or drive lane. Mr. Hawkins reviewed utilities, vehicular use and access, pedestrian access, and landscaping. No waivers have been requested.

Mr. Hawkins stated as part of state property, this project is not required to comply with the requirements of the Zoning Ordinance, however, the Planning Commission is required to either approve the Development Plan or advise the applicant on how to better comply with the Comprehensive Plan and development regulations.

The development plan has been reviewed by all jurisdictions and utilities and is in compliance with the requirements of the zoning ordinance. Staff recommends approval of the development plan with no conditions.

Commissioner McCrary asked if there would be a crosswalk connecting Family Scholar House to the proposed daycare, which is to be located across the street on Hickory Lane, the former G.C. Burkhead Elementary School. Mr. Hawkins said the Commission can make a recommendation to add the crosswalk in their motion to approve the development plan.

The following spoke in favor of the request:

No one spoke in favor of the request.

The following spoke in opposition of the request:

No one spoke in opposition to the request.

Development Plan for 600 College Street Road

On a motion by Commissioner McCrary 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 Development Plan for Family Scholar House, 600 College Street Road, with the following recommendation:

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1. Provide sidewalk/crosswalk connectivity from Family Scholar House to Hickory Lane, where child services will be provided at the former G.C. Burkhead Elementary School.

The vote was as follows:

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

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PRELIMINARY SUBDIVISION PLAT for 800 New Glendale Road

Request: Approval of Preliminary Subdivision Plat for Lincoln Village, Section 2, FDT A
Project Name: PSP Lincoln Village Subdivision Plat, Lincoln Village, Sec. 2, FDT A
Location: 800 New Glendale Road
Owner: Larry Phillips
Applicant: Larry Phillips

Agency Testimony:

The Chairperson introduced the agenda item. Aaron Hawkins presented the staff report and accompanying PowerPoint presentation. He oriented the Commission with the location of the site, reviewing adjoining zoning classifications and developments. This plat is for Future Development Tract A of Section 2 of the Lincoln Village Subdivision. Currently platted as a Future Development Tract, no development can take place until a major subdivision is approved. This plat proposes the creation of 7 lots with the remnant remaining a Future Development Tract. One of the platted lots will be a remnant (on the north side of Street A) and will be labeled as a non-buildable lot with the intention of either selling to the adjacent property owner (Advance Ready Mix) or transferring to the City for additional right of way. A new city street will be created as the 4th leg of the roundabout and will provide a connection between the roundabout and Parkway Drive.

Mr. Hawkins reviewed the transportation and street design, discussing the new city street that will connect the roundabout at New Glendale Road with Parkway Drive. This street will be an industrial street and will not require sidewalks. Extensions of Parkway Drive and Cameron Ponder Way will be handled when Future Development Tract A-1 comes before the Commission for Preliminary Plat approval.

Reviewing utilities, drainage and access, Mr. Hawkins stated adequate utilities are existing and available in the area, stormwater will be covered at the development level on this property, and access to the site will come from either New Glendale Road, the new city street, or the existing Parkway Drive.

Staff recommends approval of the Preliminary Subdivision Plat with conditions.

Commissioner Souleyrette asked if Parkway Drive will continue when the rest of the subdivision is developed. Mr. Hawkins stated the street will continue when the adjoining property develops.

The following spoke in favor of the request:

No one spoke in favor of the request.

The following spoke in opposition of the request:

No one spoke in opposition to the request.

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Preliminary Subdivision Plat for Lincoln Village Subdivision, Section 2, FDT A

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 Preliminary Subdivision Plat for Lincoln Village Subdivision, Section 2, FDT A, 800 New Glendale Road, as presented, with the following condition:

1. Lot 16 shall either be combined with the adjacent lot (Advance Ready Mix) or dedicated to the City when the record plat is recorded.

The vote was as follows:

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

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COMMERCIAL DESIGN REVIEW AND DEVELOPMENT PLAN for 230 Buford Lane

Request: Approval of Commercial Design and Development Plan with Waivers
Project Name: Town Crossing
Location: 230 Buford Lane
Owner: Neil Atcher
Applicant: Neil Atcher

Agency Testimony:

The Chairperson introduced the agenda item. Aaron Hawkins 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 an office strip center on this site. The proposed building will be 6,866 square feet of total floor area. Access will come from a single access point off Buford Lane. Stormwater will be handled with the regional detention basin to the west of this site. Except for sewer, utilities are available on-site. The developer is proposing a sewer extension to bring the public sewer to this new lot. Landscaping that meets the requirements of the Zoning Ordinance is proposed for this site. Staff recommends approval of the development plan. No waivers have been requested.

Mr. Hawkins reviewed commercial design discussing colors and materials. The east and west facades will be over 100 feet in length, which will enforce the requirement for building projections and roofline variations. A waiver of Chapters 154.134(B)(2) Facades and Exterior Walls and 154.134(D)(2) Roofs is being requested for the east façade. Staff recommends approval of the commercial design and requested waivers.

Commissioner Young asked what type of fence will be installed on the east side of the property. Mr. Hawkins replied that it will be a 6-foot stockade fence. Chairperson Rice asked if additional screening had been discussed for the backside of the building should the mobile home park no longer exist in the future. Mr. Hawkins stated the Commission can make a condition to add more evergreen trees along that property line to enhance the screening. Commissioner Dozer commented that if another development goes on the mobile home park site, screening for that development would be required as well, enhancing the existing buffer from this development.

The following spoke in favor of the request:

Mike Billings, 315 S. Mulberry Street, Elizabethtown, KY 42701

Summary of those speaking in favor of the request:

Mike Billings, speaking on behalf of the applicant, discussed screening and buffering along the eastern property line. He stated in addition to the 6-foot stockade fence that follows the back property line, there is also a 4-foot tall retaining wall between the fence and the building due to the grade difference between the fence and the building. Therefore, the 6-foot fence will screen much of the building on the east side.

The following spoke in opposition of the request:

No one spoke in opposition to the request.

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Commercial Design Review for Town Crossing

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

WHEREAS, the Elizabethtown Planning Commission (The Commission) finds that the lack of façade projection or roofline variation of the east façade of the proposed building will not detract from the appearance of the adjacent mobile homes to the east and south; and

WHEREAS, the Commission finds that a privacy fence and a row of trees will be used to provide screening from the east; and

WHEREAS, the Commission finds that the North Dixie Sub Area (Sub Area 2) guidelines say that underutilized properties impact the character of the community, pose safety issues if abandoned, and reduced the property tax that could be generated; and

WHEREAS, the Commission finds that as a portion of a mobile home park, this site was underutilized and negatively impacted the character of the community; and

WHEREAS, the Commission finds that with a subdivision to create a separate lot from the mobile home park, the developer is developing this site to enhance the Buford Lane throughfare; and

WHEREAS, the Commission finds that the guidelines further state that some flexibility on one or more uses could be considered that complement or are compatible with regional commercial uses; and

WHEREAS, the Commission finds that an office strip center could be considered a complimentary use to the intense commercial uses along the Ring Road corridor.

RESOLVED, that the Elizabethtown Planning Commission does hereby **APPROVE** the Commercial Design Review as presented, for Town Crossing, 230 Buford Lane, with waivers for the east building façade of Chapters 154.134(B)(2) Facades and Exterior Walls and 154.134(D)(2) Roofs, with no conditions.

The vote was as follows:

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

Development Plan for Town Crossing

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 **APPROVE** the Development Plan for Town Crossing, 230 Buford Lane, with no conditions.

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 Amendment 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 opened the public hearing at 6:39 p.m. and presented the hearing procedures. Stephen VanZant administered the oath to all those intending to testify at the hearing.

Agency Testimony: Zoning Ordinance

Jim Shaw presented the staff report and accompanying PowerPoint presentation proposing an amendment to Chapter 154 of the Elizabethtown Code of Ordinances (the Zoning Ordinance) modifying provisions related to sidewalk requirements, entrance standards, right-of-way width, and connectivity standards.

Sidewalks (Section 154.250(F))

The sidewalk waiver provisions of the Zoning Ordinance were amended in 2021 to make waivers more difficult to obtain and require payment to the City for the cost of a waived sidewalk. Additional changes are proposed at this time, most of which move language to different subsections, so this section is clearer. The significant changes are to eliminate the option to request relief from the payment of a waived sidewalk and to remove the exemptions for sidewalks along Lincoln Parkway, New Glendale Road, and Patriot Parkway.

Entrance Standards (Section 154.252)

In the Entrance Standards section, a provision has been added to require street improvements when development is proposed along an insufficient street. Two new sections have been added. One requires the dedication of right-of-way when the existing right-of-way is insufficient adjacent to a proposed development. The other requires vehicular and pedestrian connections through lots to adjacent properties or to adjacent stub streets.

The other recommended changes related to right-of-way dedication, street improvements, and connectivity between developments are new provisions that are addressed in the Subdivision Regulations but not in the Zoning Ordinance.

Right-of-Way Width (Section 154.253)

This would be a new section that requires the dedication of right-of-way when the existing right-of-way adjacent to a proposed development is insufficient. As stated above, there is a similar requirement in the Subdivision Regulations but if a development is proposed that does not require a subdivision plat, there currently is no mechanism to require the dedication of right-of-way. This will remedy that problem.

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Connectivity Standards (Section 154.254)

This would be another new section that addresses vehicular and pedestrian connections for proposed developments that require a development plan. Like the two proposed sections discussed above, these requirements are addressed in the Subdivision Regulations. This will address developments that do not file a plat. It requires rights-of-way to be extended through properties and connect to other rights-of-way or stub into adjacent undeveloped properties. Industrially zoned properties do not have to meet this requirement. A waiver provision is included.

Staff recommends approval of the amendments as they are found to be in compliance with the goals and objectives of the Elizabethtown Comprehensive Plan.

Commissioner McCrary asked if the connectivity waivers are readily available and how the process will work should a developer discuss a waiver request with the City Engineer and Planning and Development Director separately. Mr. Reverman stated it could potentially be waived at staff level should there be difficulty regarding construction, but ultimately that decision would heavily rely on the City Engineer.

Commissioner Souleyrette asked what steps are taken should a developer refuse connectivity between properties. Mr. Shaw stated the developer would need to justify the reason for not wanting to connect to the adjacent property through a waiver request. Mr. Reverman provided clarification stating if there were an existing development, the City would not want the developer to have to modify their site to be able to connect to a new development, however, the proposed development would be required to provide an easement to allow the connection should the adjacent property ever redevelop.

The following spoke concerning the proposed text amendments:

Eric Jackson, 286 Thoroughbred Lane, Elizabethtown, KY 42701
Mike Billings, 315 S. Mulberry Street, Elizabethtown, KY 42701
Clay Smith, 149 Felix Court, Elizabethtown, KY 42701
Paul Brantingham, 148 Deerbrook Lane, Elizabethtown, KY 42701

Summary of those speaking:

Eric Jackson stated homebuilders and developers would like more time to read through the text amendments to have any questions they may have answered and get clarifications on some of the proposed amendments, such as the proposed entrance standards amendments regarding street improvements and access improvements. Mike Billings would like to see a clear definition of what is considered a standard city road and what is considered a substandard city road. Mr. Billings, using Pear Orchard Road as an example, needs clarification if the developer is responsible for improving Pear Orchard Road up to the development, or just the portion where the development is proposed along Pear Orchard Road. Clay Smith asked who determines if a road is up to city standards. Mr. Smith would also like clarification if there is a row of proposed developments along an insufficient city street, which developer is responsible for improving the road. Paul Brantingham would like clarification on the proposed sidewalk text amendments.

The Commission and Mr. Reverman clarified the intent of the proposed amendments.

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Agency Testimony: Subdivision Regulations

Jim Shaw presented the staff report and accompanying PowerPoint presentation proposing an amendment to the Elizabethtown Subdivision Regulations amending the surety requirements and adding requirements for the establishment and adequate funding of a homeowners' association or similar entity when a subdivision includes common open space and/or improvements.

Subdivision Surety

Section 1.13.K – Definition of Improvements

Has been modified primarily by expanding the list of possible improvements to show the diversity of items.

Section 2.7 – Completion of Public Improvements

References solely to public improvements, including in the title, have been removed. This makes clear that public and private improvements must meet the same surety requirements.

Subsection 2.7.5 – Release of Surety

A new requirement that a subdivision surety will not be released until 80% of the lots have principal structures constructed on them, providing better assurance that subdivision level improvement requirements are adhered to and that streets are in good condition when taken over by the City or neighborhood association. There is also a requirement that all sidewalks be completed when the surety is released.

Neighborhood Association Standards

Section 4.7.4 – Neighborhood Associations

The language currently in this section has been removed as it is a permissive provision that allows the formation of neighborhood associations by developers. The current Section 4.7.5 – City Erosion Control – will be renumbered 4.7.4.

Section 4.7.5 – Common Improvements and Open Space

This new section will require ownership and management measures be taken for the maintenance of common open space and common improvements. The City has no obligation for common space and common improvements. Developments that do not have common space or private improvements will not be required to create a neighborhood association.

Staff recommends approval of the amendments to the Subdivision Regulations as they are found to be in compliance with the goals of the Elizabethtown Comprehensive Plan.

Commissioner Souleyrette asked for “common improvement” examples. Mr. Shaw stated a pool house, playground, swimming pool, etc., would be examples, and should a neighborhood decide to have private streets, those would also fall into that category.

The following spoke concerning the proposed text amendments:

Eric Jackson, 286 Thoroughbred Lane, Elizabethtown, KY 42701

Clay Smith, 149 Felix Court, Elizabethtown, KY 42701

Paul Brantingham, 148 Deerbrook Lane, Elizabethtown, KY 42701

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Summary of those speaking:

Eric Jackson would like clarification on the common improvements regarding retention basins. Mr. Reverman stated the current policy on basins would not change, however, if the neighborhood association chose to make the basins private, they would be responsible for maintenance. Clay Smith has concerns regarding 80% of the subdivision being developed before the bond can be released. Paul Brantingham believes the surety text amendments will negatively impact small builders.

Deliberation:

Commissioner McCrary stated she appreciates the work of staff in preparing these text amendments. Commissioner McCrary stated she would also like additional time for discussion before giving a recommendation. Chairperson Rice stated he would encourage the Commission to table both text amendments for further discussion.

Public Hearing No. 2023-PC-17

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

RESOLVED, that the Elizabethtown Planning Commission does hereby **TABLE** the Zoning Ordinance Text Amendments and Subdivision Regulations Text Amendments to October 24, 2023, to allow for further discussion.

The vote was as follows:

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

Chairperson Rice closed the hearing at 8:05 p.m.

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Director's Report:

The Chairperson introduced the agenda item. Joe Reverman gave the Commission updates on downtown improvements, reviewed the October 10 and October 24 Planning Commission agendas, and provided updates on other developments in the city. Mr. Reverman also addressed the teal color on the Neighborhood Market Valero gas station on West Dixie Avenue stating staff does not believe it is in violation but did note the gas station did not contact staff to have the teal color choice approved. The Commission made a recommendation to staff to add an addition to the website making the public aware façade changes need to be approved with the Planning & Development Department.


Commission Member Items:

The Chairperson introduced the agenda item. Commissioner Dozer stated he will need to recuse himself during the Community Trust Bank agenda item on October 10. Commissioner McCrary will not be in attendance for the October 10 meeting, however the other Commissioners stated they would be in attendance to provide a quorum for that item.

Adjournment:

There being no further items to discuss, Commissioner Dozer made a motion to adjourn, seconded by Souleyrette. The Chairperson declared the meeting adjourned at 8:14 p.m.

Prepared by:

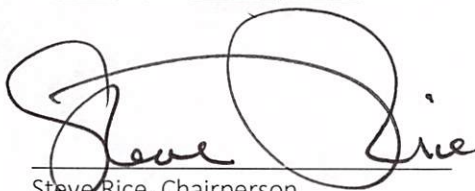


Janet Fights, Administrative Secretary
Planning & Development

Attachment & Exhibits
DVD of the meeting available for review

ADOPTED AND APPROVED

10 day of Oct., 2023



Steve Rice, Chairperson
Elizabethtown Planning Commission