

Taylorsville-Spencer County
Joint Planning and Zoning Commission

The regular meeting of the Taylorsville-Spencer County Joint Planning and Zoning Commission was held January 5, 2023, in the Fiscal Court meeting room located at 28 East Main Street, Taylorsville, Kentucky.

Chairman Deapen called the meeting to order.

Present were Valerie Hunt, Jacob Brown, Teddy Noel, Marsha Mudd, Gordon Deapen, Anthony Travis and Diana Faue, Paula Wheatley was absent. Also present were Attorney Dale, Administrator Sweazy and Admin. Assistant Angie Helton.

Chairman Deapen: By our bylaws the first meeting of each year is Election of Officers. I will open up the floor for nominations for Chairman.

Commissioner Travis: I move we elect Gordon Deapen for the Chairman of the Taylorsville-Spencer County Planning Commission for the year 2023.

Commissioner Noel: Second.

Chairman Deapen: Let's see if there are any other nominations. Accept the second.

Commissioner Travis: I move the nomination cease and we accept the nomination.

Chairman Deapen: Thank you very much, I'm very honored. Call roll.

Administrator Sweazy: Roll called, motion carries.

Chairman Deapen: Nominations for Vice Chairman.

Commissioner Mudd: I would like to nominate Diana Faue. She's done a good job in a short time in that role.

Commissioner Faue: Thank you. I am honored.

Commissioner Noel: Second.

Chairman Deapen: Any other nominations?

Commissioner Travis: I move the nomination cease and we accept the nomination.

Chairman Deapen: Motion accepted, read roll.

Administrator Sweazy: Roll called, motion carries.

Chairman Deapen: Nominations for Secretary.

Commissioner Faue: I will make a nomination for Valerie Hunt to remain our Secretary.

Commissioner Noel: Second.

Commissioner Travis: I move the nomination cease and we accept the nomination.

Chairman Deapen: Read roll.

Administrator Sweazy: Roll called, motion carries.

Chairman Deapen: In your packets you have a copy of the minutes from the last meeting for December 15, 2022. I will entertain a motion to approve those minutes.

Commissioner Hunt: Made a motion to approve the minutes as amended for the December 15, 2022, meeting.

Commissioner Mudd: Second.

Chairman Deapen: Discussion, roll call please.

Administrator Sweazy: Roll called, motion carries.

Chairman Deapen: Any committees?

Administrator Sweazy: None.

Chairman Deapen: For our bylaws, people who intend to speak, need to be sworn in.

Attorney Dale administered the oath of testimony to all wishing to speak.

Chairman Deapen: Old Business.

Administrator Sweazy: None.

Chairman Deapen: New Business.

Administrator Sweazy: We have the application of **Bernard McCutcheon and Amanda Snider** requesting B-2, commercial to AG-1, agricultural on 3 acres and R-3, residential to AG-1, agricultural on 5.68 acres located at 2980 Briar Ridge Road, Hwy. 248. The comprehensive plan recommended land use map indicates the area should be low density residential. On 6/10/1985, 3 acres zoned B-2 for a general store/campground and on 7/6/1999, 5.68 acres zoned R-3 for a mobile home park. Back then they didn't necessarily submit plans to show you what they were doing. So, I don't have survey plats to show the two little pieces. We just have a boundary of the whole property. The applicants are requesting the zone change to return these two tracts to agricultural as a part of a total of 21.740-acre tract. They plan to build a home, have livestock and use the land as agricultural in general. They plan to use the existing building for storage.

Bernard McCutcheon and Amanda Snider: 251 Crescent Ridge. We want to build a house on the property. We want to get it moved out of the commercial zone so we can get started.

Chairman Deapen: Questions from the commission?

Commissioner Faue: Are you planning on agriculture, livestock?

Mr. McCutcheon: We are the largest beekeeper in the county. We're going to keep bees out there. We have more space here than we do now and we're going to use that building for storage.

Chairman Deapen: Any other questions from the commission? Anyone signed up to speak?

Administrator Sweazy: No.

Commissioner Faue: There are no more mobile homes there?

Mr. McCutcheon: No.

Chairman Deapen: Any objections to proceeding tonight? I'll entertain a motion.

Commissioner Brown: I make a motion to recommend to rezone the application of Bernard McCutcheon and Amanda Snider requesting a zone change from B-2, commercial to AG-1, agricultural on 3 acres and from R-3, residential to AG-1, agricultural on 5.68 acres located at 2980 Briar Ridge Road, Hwy. 248. The recommended land use map in the comprehensive plan recommends low density residential, the change would be in compliance with the comprehensive plan, and there's no one here to speak against it.

Commissioner Mudd: Second.

Chairman Deapen: Any further discussion? Read roll.

Administrator Sweazy: Roll called, motion carries.

Administrator Sweazy: We have the application of **Roof Ranger LLC** requesting AG-1, agricultural to R-3, residential on two separate tracts. Tract "A" consisting of 1.48 acres and Tract "B" consisting of 3.10 acres located at 599 Bentley Lane. The comprehensive plan recommended land use map indicates the area should be low density residential. Last September Mr. LaFavers came before the board for a zoning change on the entire tract with no division lines in place. He is now back with an updated survey showing the two tracts as planned as the commission recommended. Mr. LaFavers purchased the property as one tract and is requesting to create two separate tracts. Tract "A" consisting of 1.48 acres has an existing mobile home and Tract "B" consisting of 3.10 acres, he is proposing to either place a manufactured home or construct a home on the lot. The zone change would be necessary to bring the property into compliance since the acreage falls below the AG-1 agricultural minimum of ten acres.

Kevin LaFavers: 409 Spring Meadow Drive, Taylorsville. After the last meeting I felt I needed to do one more definitive on what I wanted to do here. I want to do two lots, two houses.

Commissioner Travis: Are you willing to put a binding element on that you already have one home on the one lot and you're only going to put one residence on the other?

Mr. LaFavers: Yes.

Chairman Deapen: Questions from the commission? Do we have anyone signed up to speak on this?

Administrator Sweazy: Yes.

David Kessel: 871 Bentley Lane. I have concerns with the R-3 zoning. R-3 is for mobile home parks. At the last meeting it was suggested to do R-3 for the one with the mobile home and R-1

for the other. I have concerns that eventually that may have more than one unit on that tract. I would like to oppose that.

Chairman Deapen: Are you willing to put a binding element that you will only put one on each lot?

Mr. LaFavers: Yes.

Chairman Deapen: Does that satisfy your concern?

Mr. Kessel: Yes. But it wasn't written on the letter I got. If in the future Mr. LaFavers sells it can someone else put more than one on there?

Chairman Deapen: No. The binding element would remain.

Mr. Kessel: So, basically two mobile homes are going to show up on those lots, total?

Administrator Sweazy: One home on each lot. It might not be a mobile home he might build a home.

Chairman Deapen: Any other discussion? Any objection to proceeding tonight? I'll entertain a motion.

Commissioner Faue: I make a motion to recommend rezoning the application of Roof Ranger LLC requesting a zone change from Ag-1, agricultural to R-3, residential on two separate tracts of land. Tract "A" consisting of 1.48 acres and Tract "B" consisting of 3.10 acres located at 599 Bentley Lane. There will be a binding element on this property so there can be no more than one residence on each lot. The recommended land use map in the comprehensive plan recommends low density residential, and the change would be in compliance with the comprehensive plan. We had one gentleman speak against it but he is okay with us putting on the restrictions.

Commissioner Brown: Second.

Chairman Deapen: Any further discussion? Read roll.

Administrator Sweazy: Roll called, motion carries.

Administrator Sweazy: We have the application of **Garry Chatman** requesting R-1, residential to AG-2, agricultural on 1.18 acres located at 930 Wilsonville Road, Hwy. 3192. The comprehensive plan recommended land use map indicates the area should be medium density residential. In 1993 the 1.18 acre tract was separated from the 5.18 acres. The 5.18-acre balance was zoned AG-2. Now the tracts are being conveyed back together and requesting the AG-2 so both tracts will have compatible zoning. You should have a copy of the survey plat that shows where we're combining land together. The combined total is like 6.3 acres.

Garry Chatman: 1060 Rice Lane. This property is like 10 acres total and it's been split over the years and I'm trying to get it all back to the same to make it easier. I have three deeds to this. I intend to put a manufactured home on it at some point.

Chairman Deapen: Questions from the commission?

Commissioner Hunt: You said you have three deeds to this and this is just tract A and B. Do you have another tract?

Mr. Chatman: Should be another tract, the 1.75 acres also.

Administrator Sweazy: I thought there were just these two, I have copies of their deeds.

Mr. Chatman: The 1.75 was R-1 at one time.

Commissioner Hunt: So maybe that big T in there is the other tract.

Administrator Sweazy: I think, when they divided it, that's where that came into play. That was a tract by itself then they combined it with the front tract and noted that they had to remain attached and now he's just putting these two together. Years ago, there were three tracts. In 1993 they combined the T with the front tract.

Commissioner Hunt: On the plat, in the Source of Title it shows DB118, page 118-141, and then 255, Plat Cabinet 2, Slide 89. Do we have a copy of the deeds?

Administrator Sweazy: I have some deeds here but I don't know if they're all in line with that. The only thing I'm thinking as where its says Source of Title DB118 dash and it leads off and then you have Page 118. I wonder if something was left in there. I have 118, 255, and the deed right here. Then I have DB118, pg. 141, 142, 143, 144. Like I said in 1993 they took the front one and the T and put it together and made one.

Attorney Dale: Is there a Plat cabinet slide on that one that you're holding up?

Administrator Sweazy: Plat Cabinet 2, Slide 89. Now we're conveying it again. I don't think there's another tract floating around.

Commissioner Hunt: But it still says on here the total acres surveyed is 6.18 acres.

Administrator Sweazy: I'm not sure that's incorrect because here it says Tract B is 1.18 on the old plat, Tract A on the old was 5.18 acres.

Commissioner Noel: That comes up to 6.36 acres.

Mr. Chatman: Well right here this tract in the front is 1.75 acres where the old house was.

Commissioner Brown: I just calculated it and it is 1.75 acres. That tract B being shown there (the T), see the arrow drawn to it, I think that's what their referring to as B, which has all the Z's around it and then there's that additional 1.75 in the front.

Administrator Sweazy: I'm lost as to what the question is here. Because the old plat and the new plat match. So, why are we thinking there's a discrepancy in acreage.

Commissioner Hunt: Because the plat itself on here refers to the things, it doesn't match up. It says the total acreage surveyed is 6.18 acres then on the picture combined 6.36 acres. Then the Source of Title list on here, I don't think is correct. As far as deed book and page numbers.

Mr. Chatman: It should be a total of 8.02 acres. That's what I pay taxes on.

Commissioner Hunt: If he still thinks he has 8.02 acres something...

Commissioner Brown: I come up with 8.11 acres with rough math going off the drawing. It's missing the acreage in the front square. It's in DB74, page 119. Tract B is the T, Tract A is 5.18, the square in the front is the one missing.

Administrator Sweazy: I going to say the surveyor probably didn't go out to the land, he just redrew it off of this to be able to bring it in for the zoning meeting.

Mr. Chatman: No, he didn't set new pins, he worked with the existing.

Administrator Sweazy: If there's an issue, it's not for us to set here and try and figure it out to this extent. He will have to have a new survey completed.

Commissioner Hunt: So, I guess the question is. This front tract that is not added into anything as far as totals.

Mr. Chatman: I'd like it to be.

Commissioner Hunt: Your trying to get it all back together and zoned the same at one time?

Mr. Chatman: Yes.

Chairman Deapen: The actual part we're dealing with is the 1.18.

(Conversation going on between Mr. Brown, Mrs. Hunt, Attorney Dale)

Administrator Sweazy: So, can we do a zone change and say we want the total combined acreage to all be AG-2 of 8 plus or minus acres. Then we will get to the bottom of it.

Attorney Dale: Go ahead and rezone it then he can get one deed on it.

Chairman Deapen: Do we have anyone signed up to speak?

Administrator Sweazy: No.

Chairman Deapen: I'll entertain a motion.

Commissioner Brown: I make a motion to recommend to rezone the application of Garry Chatman requesting a zone change from R-1, residential to AG-2, agricultural on a 1.18 acre tract of land and a approximately 1.75 acre tract of land located at 930 Wilsonville Road, Hwy. 3192. The total acreage is 8.02 acres. The recommended land use map in the comprehensive plan recommends medium density residential, the change would be in compliance with the comprehensive plan and there was no one here to speak against it.

Commissioner Travis: Second.

Chairman Deapen: Any further discussion? Read roll.

Administrator Sweazy: Roll called, motion carries.

Administrator Sweazy: We have the application of **Belwood, LLC** requesting a variance on the building setback line from 50' to 30' on the final plat of Belwood Subdivision located on Wilsonville Road, Hwy. 3192. They have already been granted Final Plat Approval. So, before putting it to record he is asking instead of having a 50' building setback from the right-of-way on the houses that we go to 30'. I've got the same plat as we had before with just the setback line showing different. Instead of going to the BOA after its recorded was to just come back here with a new final plat showing the requested variance.

Commissioner Hunt: Are you talking about all the tracts?

Trevor Brown: Yes.

Administrator Sweazy: While you all are looking, I'm going to throw something else at you that was discussed by our 911 Committee. The post office has changed the way we get our mail now. You can no longer have a mailbox in front of your home and these new developments have cluster boxes. What we're running into now is a way to be able to find these homes for emergency services. There is a staff request that as part of the approval process on this application as well as all other residential developments, we would request a condition be added on approval that all properties shall be marked at the end of their driveway with 4" to 6" reflective numbering for emergency services since mailboxes are no longer allowed at each home. Trevor is aware and I have talked to some other developers to come up with a way for us to be smart for our emergency services so they can find these people when they're needed.

Mr. Brown: For us, Julie sent us something and we'll put something together because I do agree.

Chairman Deapen: So, let's get back to this variance request.

Mr. Brown: We used a new surveyor and there was a lot of stuff we caught and didn't realize until we got into it. Most of my clients want a pool so they don't want a big front yard. They want a big backyard. So, by taking that extra 20 feet and moving the house. When you start putting in lateral lines and all that it just eats that space for pools, detached buildings and stuff like that. That's why we like the 30 feet. That's what we have in Kingsmill and everybody likes that size because it gives you more space.

Chairman Deapen: Question from the commission?

Commissioner Travis: I move that we approve the applicant Belwood LLC requesting a variance on the building setback line from 50' to 30' on the final plat of Belwood Subdivision located on Wilsonville Road, Hwy. 3192.

Commissioner Noel: Second.

Chairman Deapen: Any further discussion?

Commissioner Travis: This will put the subdivision in line with houses in the same area and the same general line as other residential developments.

Chairman Deapen: Any further discussion? Read roll.

Administrator Sweazy: Roll called, motion carries.

Administrator Sweazy: General questions or discussion. Do we want to continue our discussion on the zoning district guidelines for townhomes?

Chairman Deapen: There was an email going around about getting the city involved in this.

Attorney Dale: I think go ahead and discuss it and I'll send a copy out to them.

Commissioner Travis: I mentioned to Jacob earlier about if you have a gated community where the city or county doesn't maintain the road or anything. That probably needs to be added in here somewhere in this paperwork.

Administrator Sweazy: I think what you're saying is if this is a development that's going to maintain itself, its not ever going to be turned over to the city, its not like we're creating a subdivision like there's subdivision regulations that would apply to it. If this is like a gated community and somebody is going to build all these and they plan to make their roads, common area and stuff like that, build that in as something these people are going to pay a fee to maintain it all.

Commissioner Brown: I think that's the way it's written anyway.

Attorney Dale: The way the law is now the developer has to dedicate roads to the government and the government has to take them over if they meet government standards. If the developers didn't dedicate them, and in this case they wouldn't, it would be a private street. Even then the city or county may not take them over unless they meet requirements. The developer has to dedicate them. It should be in there so the purchaser now that they have to maintain it, not the city or county.

(More discussion on the district guidelines for townhomes)

Commissioner Hunt: I'm more of a visual person, have you laid or drawn this out all together?

Commissioner Brown: I can, it's not a big deal to do that I can do that for the next meeting.

Commissioner Hunt: That would be great from my standpoint.

Commissioner Brown: I'll hit some of the main items then I put on there what I think the most important items are then I'll make some graphics on there for each one of the scenarios.

Chairman Deapen: So, we're going to study these some more and discuss at the next meeting.

Administrator Sweazy: Our next meeting is January 19, 2023.

Chairman Deapen: Let's talk about that other issue we stumbled across. We talked about on Final Plat Approval. Whether to move that strictly to your office, which I think is a good idea. But when we did a little investigating, we came across an interesting fact.

Administrator Sweazy: Maybe we can put that on the next meeting too.

Chairman Deapen: Okay let's put that on the agenda. We found out we've been approving final plats, the question was do we give it back to Julie or do we keep as the commission and what the regulations says is I sign off on the final plats. So, at the next meeting we will talk about that regulation as well.

Attorney Dale: It got delegated to the Administrator and I think you can do that.

Commissioner Travis: Motion to adjourn.

Commissioner Noel: Second.

Chairman Deapen: All in favor say aye, any opposed, meeting adjourned.

Attest:

Secretary

Chairman