

Taylorsville-Spencer County
Joint Planning and Zoning Commission

The regular meeting of the Taylorsville-Spencer County Joint Planning and Zoning Commission was held January 19, 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, Paula Wheatley, Marsha Mudd, Gordon Deapen, Anthony Travis and Diana Faue, Teddy Noel, Attorney Dale and Administrator Sweazy were absent. Also present was Admin. Assistant Angie Helton.

Chairman Deapen: In your packets you have a copy of the minutes from the last meeting for January 5, 2023. I will entertain a motion to approve those minutes.

Commissioner Hunt: Made a motion to approve the minutes for the January 5, 2023, meeting.

Commissioner Wheatley: Second.

Chairman Deapen: Discussion, roll call please.

Admin. Assistant Helton: Roll called, motion carries.

Chairman Deapen: I think we can go directly into the guidelines. Commissioner Brown do you want to lead the discussion on this?

Commissioner Brown: When you're talking about townhomes, I think you have to keep with the common walls. If you have just one common wall, in my mind that's a duplex. That's why we put no less than three and no more than twelve in a single structure.

Chairman Deapen and Commissioner Faue agreed.

Commissioner Brown: The second use is just real estate offices which we talked about last time.

Commissioner Brown: Then Accessory uses allowed. I did redo the verbiage a little with saying of similar construction. My thoughts are what type of construction. If you remember they had helicopters go over during the flooding here recently and right there at Floyds Fork right off Bardstown Road all those patio homes were surrounded by Floyds Fork there. If you take a hard look at those, I'm not a fan of the vinyl siding, no brick, no hardy board. I don't know if that goes into a building permit if that starts leading into a different area rather than the regulation. It's a different arena than here.

Chairman Deapen: In residential we've allowed the developer to come talk to us about how they want to handle that kind of stuff. I think that's a better way to handle it than to try to write it in as an ordinance.

Commissioner Brown: At that point what kind of leverage do you have legally to do anything?

Commissioner Travis: There's no regulation to my knowledge here in Spencer County that says you have to have brick. But now there is some restrictions that do.

Chairman Deapen: We haven't imposed that kind of exterior requirement on anyone else at this point. One of the things we all agreed upon before is we'd like to keep it straight forward as we can. I'd rather not try to include that.

Commissioner Faue: I think also, if someone is going to build some of these, the neighbors or surrounding areas commenting we don't want that in our area. That puts more pressure on the builder to change and put something better on it. I think that's where the pressure needs to come from, not in the regulations.

Commissioner Brown: If you look at other row housing sometimes they do a 4 foot offset for every three townhomes or in the townhomes group. That one single structure compared to the next one, they won't allow the same setback. You have to offset your setbacks so you don't have one line you can look down and see fifty units running in a straight line. The offset setbacks give it a little bit of character within the buildings. That's pretty common.

Commissioner Travis: Question. The situation you were just describing. Talking about the brick, hardy board or whatever. Where the question comes in is we're setting here and somebody comes in and says we want to do this. With what we got now I don't think we can actually say you have to put brick on those homes.

Commissioner Faue: It's more of the restrictions within a subdivision.

Commissioner Wheatley: I only think that gives a lead way when it says like structures. But that's for garages, buildings, things like that. Could we have the verbiage say similar in style?

Chairman Deapen: I think we need to remember we're dealing with people that are successful business people that know they have to sell their product to make a living. What I mean by that is one of the purposes of townhouses seem to be the less expensive housing, smaller, low maintenance. They want it to balance with that to be attractive enough that people will buy it. I think the business people should be allowed to make some of those decisions and we might encourage them one way or another.

Commissioner Brown: Under accessory uses I did put in same as before. I did put in paved parking areas, hiking and bicycling trails and a conditional use permit for home offices and home occupations. I kept this very simple. I did spend a lot of time on minimum lot size. I bumped it up to 2,000 SF per dwelling unit. The reason being, if you start calculating how much buildable area and your setbacks that are on that tract, your buildable area ends up being like a 50' deck all the way up to a 75' deck. So, I think it would be better with 2,000 SF for the entire lot with setbacks and all.

Chairman Deapen: Thoughts on that.

Commissioner Hunt: This actually shows setbacks from the side, this is one lot, correct.

Commissioner Brown: Yes, the dots need to extend to where the right-of-way is. I've got 3 lots there. The front setback and rear setback in that middle lot will be a lot less than what it will be on the two on either end. I think that would restrict the two on either end to be a different size because they got more lawn space within that 2,000 SF. I did the 15' front setback because you want more of a front yard. Then with parking I added 10 more feet if you had a driveway for your larger vehicles.

Commissioner Wheatley: With the parking in the front what happens when the sidewalk comes into play?

Commissioner Brown: I didn't see any verbiage about sidewalks.

Commissioner Wheatley: Especially when they have parking in the front the vehicles hang over the sidewalk and that defeats the purpose of having a sidewalk.

Commissioner Brown: With my experience with townhomes in Louisville, generally speaking they don't even have sidewalks and everybody ends up walking down the alleys and back up the other side of the street. I don't remember seeing any sidewalks in any townhomes. Now you do once you get out where they're required not to walk on the streets.

Commissioner Travis: Of course, you can put a sidewalk next to a street.

Commissioner Brown: With curb and guttering, but you start getting expensive.

Commissioner Travis: In the City of Taylorsville, you have to have a sidewalk. You're actually supposed to build that sidewalk before you even build a house.

Commissioner Hunt: If that's true then these will need a sidewalk if they're going to be annexed into the city.

Commissioner Wheatley: In the city, wouldn't a sidewalk be required?

Commissioner Travis: If you have a city street there, you have to have a sidewalk. In my experience I don't see how you could have a townhome or any kind of home without a sidewalk. Even if it's four foot out next to the street. If you don't have a sidewalk you're going to have people walking up and down the streets.

Commissioner Brown: I think this is still right. The street ROW is not exactly a street. The street ROW is going to encompass all your utilities ROW, street ROW, and sidewalk. So, this may look like just street but there's really like a three tier thing going on here. That ROW is going to have all that within it. So, I think we're still okay.

Commissioner Travis: In my experience when you start building and you don't have sidewalks, you have people walking in the street. Then when you get the sidewalks, they're still walking the dog in the street because that's what their used to.

Chairman Deapen: Do we want to address that in that section?

Commissioner Brown: I can put it into accessory uses allowed. Sidewalks with public ROW or something. So, that poses the question, what's ROW? Are all the streets within the development city streets, county streets because that's not actually public ROW or is it something different?

Commissioner Travis: Private.

Commissioner Hunt: I think that's what Attorney Dale was talking about last time. Most of them would still be private.

Commissioner Brown: Even on private developments they still have to have ROW's, public or private.

Commissioner Travis: What's happened within the city over the years is someone comes in to do a development in the city and the city says we're not going to let you all do that. Then someone goes to Frankfort that knows people and they go ahead and put the streets in and do whatever they want to then the city doesn't inspect them or do anything. The way it's set up from behind your building you maintain the streets in front of the property. So, the city doesn't inspect it. Then over the years you get potholes out here then the city gets so much feedback they decide they want to take that street over. The reason they didn't have the street to start with was because there was too much controversy that they weren't going to let the developer do what he wanted to do so the developer said we'll just take care of the streets ourselves.

Commissioner Brown: So, do you put that in there that the streets are private but have to be regularly maintained. Where does maintenance of roads come up? Where would that come into play?

Commissioner Travis: The city or the county to my understanding if we approve a plat, then the city or the county automatically takes that over. The procedure we've had you have to post bond on the street, the street goes in and then the city or county is supposed to take it over. Then the developer maintains that street for a year and if everything is okay, they go ahead and take it over.

Commissioner Brown: So, everything looks good, all but words here described what is in the graphic. The only difference that I didn't put in the graphic was that if you have a row of structures and a row of structures without a street between them then you got 10' and 10' so 20' total between the groupings. Then they do a reduction of 5 feet in the alley. Then we go to the parking which I think is good with what we went over last time. Then with common open spaces I did a whole lot of research. Everyone in this room will have a different opinion. Here's the one I would do. Minimum common open space of 500 SF per dwelling unit or 20% of the entire development, whichever is greater, shall be used exclusively for common open spaces. Then I listed what was not included. It's easier to tell people what's not included than all the stuff that can happen in common space. Number 7, I just threw that in there, we don't have to have it. There were so many that had sections about public utilities and access for firefighters, garbage collection and so much miscellaneous.

Commissioner Wheatley: I like this because you do have the county and the city. With people in the county, you still have to remind them that this still applies.

Commissioner Brown: This is all I could think of through my research.

Chairman Deapen: I think last meeting I told you I had been up to visit my son in Portland in a townhouse community. This situation came up and caused problems in the neighborhood. There were two delivery trucks that came in at the same time parked across from each other and the garbage truck was coming down and people 3 houses across the street were yelling at him about the delivery trucks.

Commissioner Brown: That brings up a question. What tells them the width of the street they have to provide? How does that work?

Commissioner Travis: If it's in the city or the county it's in our regulations, 20' plus 2' shoulder on each side.

Commissioner Brown: Even if it's a private road?

Commissioner Mudd: I live on a private road and the county won't take it over because it's not wide enough.

Commissioner Hunt: I think personally it would be a good idea for them to be made to make it to code. Because one day either the county or the city would take it over, at least at that point we know it was built for that.

Chairman Deapen: Should we have something in there about streets public or private must comply with what ever regulations are in effect at that time?

Commissioner Travis: I don't think we have any regulations on houses.

Chairman Deapen: We don't have one.

Commissioner Hunt: I understand the builders have to make money. I don't want to drive past something that I see in Middletown. I don't like it, I don't like Floyd's Fork, I think its busy looking and nasty. I don't like the houses by Kings Church Road, they look awful. We can't stop it but we can control it. This is our time.

Chairman Deapen: So, are you advocating we have more design elements in this?

Commissioner Hunt: I believe so because you aren't going to be able to trust a builder to do what you're hoping they will do.

Commissioner Wheatley: But who would oppose it? They're going to come up with a set of plans, if people oppose it like they do all the time, that's when we can come in a say everything down this road is brick. Do you oppose making front face brick? Is that where we control it or is this where we try to control it in here? I don't know how much you can limit a builder.

Chairman Deapen: I'm reluctant to seeing us writing that kind of stuff in.

Commissioner Wheatley: I think when they bring the development in here and if it doesn't really go with that landscape people are going to come in and tell us.

Commissioner Brown: But they're not going to be bringing in... there's not any variances. That's on the second item that's on the agenda about amending procedure of final plat approval and signing authority.

Chairman Deapen: This all started out really easy. We've been to several classes where the instructors strongly advocated that preliminary plat should come to the commission but final plats don't really need to come to the commission. It's just a compliance thing. That's why Julie brought up changing our regulations. Lots of times we get people in here that are opposed to the final plat and think they still have a voice and they really don't.

Commissioner Brown: So, the time we'll deal with the people is during the preliminary plat.

Chairman Deapen: After the meeting we had maybe six times ago. I had a blue book in here and I pulled it up and it specifically said the final plat approval has to be signed by the Chairman of the Planning and Zoning.

Commissioner Travis: The Chairman used to sign off on it.

Chairman Deapen: This did not require for the commission to even look at it. I wish I had the language in front of me. Julie and I both looked at it together and were stunned. It was very clear that this does not have to come back. I had a conversation with Attorney Dale who agreed that's what it said. I said working with the Federal Government I used to be able to do delegation of authority and could we do something like that here and he said absolutely you can. So, my thinking was this is going to be really simple, I'll simply sign a letter giving Julie the authority to act on my behalf of final plat approval. Now this says on approval of final plat that a plat of a subdivision within the jurisdiction of the Planning Commission shall not be recorded by the County Clerk unless and until it has first been approved by the Planning Commission. This is a total different language. (Section 308 of Article III) If that's what actually is in effect then we would have to change the regulation to not have to come to the commission.

Commissioner Faue: So, we need to figure out which one is correct today.

Chairman Deapen: Exactly.

Commissioner Brown: This one is dated 2022.

Chairman Deapen: We didn't do anything in 2022. I'm not arguing with you that that date exist somewhere in your book but this didn't happen in 2022.

Commissioner Hunt: This was when it was reprinted and put back together. Only certain pages changed that had to be incorporated and she did a new book.

Chairman Deapen: So, we need to determine for sure what our current regulation is before we try to change it.

Admin. Assistant Helton: Next meeting will be February 2, 2023, to continue these two items.

Commissioner Travis: Motion to adjourn.

Commissioner Faue: Second.

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

Attest:

Secretary

Chairman