

Taylorsville-Spencer County
Joint Planning and Zoning Commission

The regular meeting of the Taylorsville-Spencer County Joint Planning and Zoning Commission was held July 21, 2022, in the Fiscal Court meeting room located at 28 East Main Street, Taylorsville, Kentucky.

Vice Chairman Clayton called the meeting to order.

Present were Diana Faue, Dwight Clayton, Paula Wheatly, Valerie Hunt, Teddy Noel and Anthony Travis. Chairman Deapen and Marsha Mudd were absent. Also present were Attorney Dale, Administrator Sweazy and Admin. Assistant Angie Helton.

Vice Chairman Clayton: If you've had an opportunity to review the minutes for June 16, 2022. I will entertain a motion to approve those minutes.

Commissioner Wheatley made a motion to approve the minutes for the June 16, 2022, meeting.

Commissioner Faue: Second.

Vice Chairman Clayton: Roll call please.

Administrator Sweazy: Roll called, motion carries.

Vice Chairman Clayton: Any committees?

Administrator Sweazy: I did send out an email to everyone today about a training session that's coming up in October. Just let me know as soon as possible so we can get registered.

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

Vice Chairman Clayton: Old Business.

Administrator Sweazy: We have none.

Vice Chairman Clayton: New Business.

Administrator Sweazy: We have the application of CT Plantation LLC requesting AG-1, agricultural to R-1, single family residential of Tract 1 of 2.820 acres and Tract 2 of 2.796 acres located in the 1800 block of Murray Road. The comprehensive plan recommended land use map indicates the area should be low density residential. There is no previous action. In summary they are requesting the zone change with intentions of deeding to two children for the purpose of building a home between 1500 and 1800 square feet. The property owner and surveyor are present.

Todd Brown: With Center Line Surveying, my address is 8605 Hempridge Road, Shelbyville, KY. To my understanding this fits the comprehensive plan and we're looking for approval of this plat. I will answer any questions you all have.

Administrator Sweazy: Also, on the screens I have the overhead map from the PVA Office showing you where the property is located. They're just going to cut that small corner off the farm. This is the floodplain map, and it does have just a little bit of the frontage right at the road that is in the floodplain, but they have adequate space on these tracts to build outside the floodplain. Then here's the comprehensive map that shows low density.

Mr. Brown: The floodplain is noted on the plat also.

Vice Chairman Clayton: Any questions for the surveyor?

Vice Chairman Clayton: Does the topography go up from the road?

Mr. Brown: It does.

Vice Chairman Clayton: I don't see how deep the floodplain goes into the lots.

Mr. Brown: No, we pulled that off the FEMA flood map so its approximate.

Vice Chairman Clayton: If someone comes in and wants to build a home, do they have to come in with a plat showing the floodplain and that they're not building in the floodplain?

Administrator Sweazy: Yes. If they were going to build anywhere close to it they would have to go through the Division of Water before we would allow a permit.

Vice Chairman Clayton: I see your giving 25 foot, from center line ROW. Was it currently not like that?

Mr. Brown: Well, they own both sides so currently the center line of the road is the property line. So, to get they require the 25 foot dedicated ROW.

Vice Chairman Clayton: The angle of the lots is that because the property itself...

Mr. Brown: There's a power line in behind there that doesn't go back to it and there was a power pole we were aiming to be in line with.

Vice Chairman Clayton: Any questions from the commission?

Commissioner Travis: Is the ROW 50' or 60'?

Mr. Brown: In this case we didn't dedicate any ROW on the other side of the road.

Administrator Sweazy: What I explained to him when he came in asking for the pacifics on doing a survey is that in our regulations if there's not a ROW dedicated, because their deed said it went to the center of the road, that we require he dedicate 25' on his side.

Commissioner Hunt: Then there will be the regular 50' setback as far as the building itself? You're going to be well past that because you're going to go to the back to build. But what happens with the access, do you have to build that up?

Mr. Brown: That would probably be the decision of the road department, as to where the entrance goes. With the building you have to stay out of the floodplain, the existing road is in the floodplain.

Administrator Sweazy: There's nothing that states that a driveway can't be in the floodplain.

Vice Chairman Clayton: Is there anyone here that would like to speak on this? Is the property owner here? If so, would he like to speak?

Eric Sweazy: I own the property, myself, and my wife. It goes up hill, there's a floodplain there but trust me it won't ever flood and if it does then town is flooded.

Vice Chairman Clayton: Are you cutting this up to give to somebody?

Mr. Sweazy: I own the whole tract. Our kids are purchasing a tract a piece to build a house on the farm.

Vice Chairman Clayton: Any more questions for the property owner? If not, I'll entertain a motion.

Commissioner Wheatley: I make a motion to rezone the application of CT Plantation LLC requesting a zone change on two separate tracts of land from AG-1, agricultural to R-1, single family residential on Tract #1 of 2.820 acres and Tract #2 of 2.796 acres located in the 1800 block of Murray Road. The recommended land use map in the comprehensive plan recommends low density residential and the change would be in compliance and there's no one here to speak against it.

Commissioner Faue: Second.

Vice Chairman Clayton: Any additional discussion and are you all okay with moving forward with this tonight?

All were okay with moving forward.

Vice Chairman Clayton: Roll call.

Administrator Sweazy: Roll called, motion carries.

Mr. Brown: How long before it gets recorded now?

Administrator Sweazy: It must go to Fiscal Court for two different hearings, first reading and second reading. So, I say it will be the middle of September before it will be finished.

Mr. Brown: Thank you.

Administrator Sweazy: Next we have the application of WCM Land, LLC Series 22 requesting R-1, single family residential with binding elements to R-1, residential with modified binding elements on 642.47 acres located in the 2000 block of Lilly Pike, KY 623. In 1998 they zoned approximately 700 acres to R-1, single family residential with binding elements. They are

requesting to eliminate Binding Elements #1 and #11. You all have a copy of those in your packet. They are hard to read but that's the way they are recorded.

Charles Tichenor: Here for WCM Land, LLC Series 22. As Julie said this is a rezoning because it has to be procedurally, but we're not asking to the zoning to actually be changed on it. This was rezoned by the previous owners back in 1998 and switch to R-1 with these binding elements put in place. There are two binding elements we are asking for relieve from. The first one is #11, the most important one, the binding element required that all lots within the division have road frontage of 125 feet per lot. But it goes on to say as long as the minimum road frontage applies with the zoning regulations then in effect when the preliminary and final plat are submitted for approval. Your current regulations say 50 feet is the minimum. It's questionable whether I have to come ask you to remove that, but I want to be on the safe side for my client so I'm asking for that section to be removed. You all have already seen a preliminary plat on a section of this. When we went back and looked at it. Our lot widths are 100, 110 feet, we're below the 125' but we're above the minimum of 50' and then my client looked at me and goes well because of the topography of that property we're going to have to eventually have a cul-de-sac. Trying to put a lot of 125' on a cul-de-sac makes it rather hard. So, we're asking for relieve from that and have that binding element removed. The other binding element we're asking to remove is #1 that talks about out buildings which allowed one per lot which is fine, but it says all the exterior material on the front of that building has to match the house. But on down the binding elements it allows horses. So, if you have brick front house, do you really want a brick fronted barn? In the subdivisions around there, most everybody has different out buildings verses the houses. We're asking for relief to the extent we don't have to require the fronts of the outbuildings to match the houses.

Vice Chairman Clayton: And the rest of the binding elements?

Attorney Tichenor: We're fine with the rest of the binding elements. Like I said #11 is more so of just cleaning up, because I don't like the way the language is written and the other the owner of the property would like to have that relieve to allow people to build out buildings that don't have to match their residence.

Vice Chairman Clayton: I'll ask our attorney, if we do make a motion on this tonight, we probably need to reference the existing binding elements would go along with it. If we're not careful we could actually drop everything.

Attorney Tichenor: I think your motion would be to delete binding element #11 and amend binding element #1 to the extent of striking the last sentence. Further the exterior building material of the front of the outbuilding facing the road must be constructed of the same material as the principal residence. So, you would strike the last sentence.

Vice Chairman Clayton: Any questions from the commission?

Commissioner Faue: How big are all the lots in this development?

Attorney Tichenor: It hasn't been platted at this point. There's a preliminary plat and the smaller lots are a little over an acre and the largest is 2-3 acres. On the preliminary plat you all saw, they

only platted a fraction of the 600-700 acres. Maybe 50-60 acres, this is something they will be working on for years in phases.

Administrator Sweazy: They zoned it in 1998 so we've never platted anything else except Tindale Place.

Attorney Tichenor: Based on the restrictions on Tindale Place, this will bring it into compliance with those.

Vice Chairman Clayton: Any other questions from the commission? Is there anyone in the audience that would like to speak?

Herschel Lawson: 4018 Lilly Pike. I'm not here to stop progress. I'm concerned about the road. The roads are very narrow, very dangerous and the amount of traffic going to be added to that roadway. Are we going to look at upgrading the road?

Vice Chairman Clayton: This is already R-1. Now is the time we can ask. Do you know what the dimensions are?

Attorney Tichenor: I don't have a clue. The only thing that mentions the road in the binding elements is #12 which says the owners are agreeable to a binding element that would require a dedication of land for a turning lane off Lilly Pike into the subdivision if the Commonwealth of Kentucky Department of Transportation so desires and #7 which says the owners are agreeable to a binding element requiring them to cut down the bank on the east side of Lilly Pike near this blind curve to improve the sight line if an entrance off Lilly Pike into the subdivision is located south of this blind curve. I will say it is a state highway, so the county has no ability to dictate road upgrades off a state road.

Vice Chairman Clayton: But according to the binding elements they could search out...

Attorney Tichenor: If the Department of Transportation requires certain things, then yes.

Mr. Lawson: With 150 houses that's pushing it and that's a concern.

Kirby Martin: 4141 Lilly Pike. I agree with Mr. Lawson. We recently had two serious accidents on this road. I know it was zoned R-1 in 1998, but do you guys ever revisit that?

Administrator Sweazy: We don't have anything in our regulations, but some communities do. You can change the zoning on something and after so much time if you haven't done anything with it, it reverts back. The way it stands now if it was zoned R-1 in the 60's, it would still be zoned R-1 today unless they change something.

Vice Chairman Clayton: When people come in to change their own property, that's when we address it.

Mr. Martin: I think the farms 700 acres.

Attorney Tichenor: I'll address the history. There were several large farms that got platted back in the 90's without plats and this is one of them. It was done before I was licensed to do law.

Administrator Sweazy: Now our guidelines are different so when someone comes in and proposes to do several acres, we have a better idea of what their doing, a better handle on improvements to better serve that then back then.

Mr. Martin: Will the plat have to come for approval?

Administrator Sweazy: Yes, it will.

Vice Chairman Clayton: At that time, we can ask for some traffic studies and things.

Mr. Martin: With 700 acres you could have river bottom, you could have 500 lots, school system, a water pump station.

Vice Chairman Clayton: I'm moving to a large 600-acre subdivision and the developers know themselves that if I went up there and saw just a log jam and I couldn't get through and it was too dangerous at the site that people won't buy there. Which usually causes the developers to do some improvements.

Mr. Martin: We like planned growth.

Vice Chairman Clayton: Our Comprehensive Plan is for that so please participate.

Administrator Sweazy: Even though they got the zoning change on it, when the time comes that they want to plat it, the state will have to tell them if they can have their access or not. Then they will plan whether they can sustain that road.

Vice Chairman Clayton: Do we have the ROW on this?

Attorney Tichenor: That plats already been approved. That's a boundary line plat. We're not here for any type of plat approval. All we're doing is removing the binding element so we can get to the plat stage. I need to know that 125 foot is either in or out to prepare the final plat to come to you.

Vice Chairman Clayton: I'm from Northern Kentucky. One of the things they would do, I don't necessarily agree with it, but I'm going to talk about it. They would do something that you might be thinking you wish we would do. They would sometimes say we'll give you that zone change but we want you to improve the roads all the way out there and that's kind of like holding somebodies' property hostage to make them do that. I do think we can get the zone change and say and I realize this is an existing plat but we're doing a zone change and I would look to Julie or our Attorney to make sure we don't do something we're not supposed to do but I thinking can we say when it comes in to be platted that at that time, they would donate the additional ROW? I'm not asking for ROW right now.

Attorney Tichenor: I think by your regulations we have to.

Vice Chairman Clayton: So, right now it's not cut up?

Attorney Tichenor: No. The only thing you're seeing in there is for representational purposes only it's the recorded boundary line. Because when my client bought the farm, the legal

description was to the birch tree at the bottom of the hill, here, here. We had it platted for boundary lines specific.

Vice Chairman Clayton: So, you have to come back to us.

Attorney Tichenor: We have to come back to you for final plat approval.

Vice Chairman Clayton: At that point we can insist we get our 25 feet from center line?

Attorney Tichenor: Its in your regulations, we have to give that.

Mr. Martin: The road in front of the owner's property is some of the better road. It's on past that.

Vice Chairman Clayton: So, what road are we talking about then?

Attorney Tichenor: I think he's saying Hwy. 44 to the property.

Mr. Martin: Yes.

Vice Chairman Clayton: That has nothing to do with this property.

Attorney Tichenor: But what your doing is a good thing. That everybody is required to give 25 feet so when the state decides to expand it, the ROW is already there.

Commissioner Hunt: Was there anything after number 12?

Attorney Tichenor: No there is not.

Commissioner Hunt: Is there any consideration to be given like if you just said maybe changing the 125 to a little bit smaller amount or is it all or nothing you want taken out?

Attorney Tichenor: At this point I have no authority to negotiate on that.

Commissioner Hunt: I think that in the sense that it is a big chunk of land and I think that when they planned this, they planned for a large nice yard with a lot of room and we're going away from what they intended.

Vice Chairman Clayton: You're trying to pay tribute to what they intended.

Commissioner Wheatley: But in Tindale Place the lots aren't huge. It's a very leisure place.

Vice Chairman Clayton: It sounds like to me when they do plat it, it will be acres of open area. If there's no one else that wants to speak, I will entertain a motion.

Commissioner Travis: I move we strike element #11 and the last sentence of binding element #1.

Commissioner Noel: Second.

Vice Chairman Clayton: Any other discussion? Are there any objections to moving forward with this tonight? No objections. Call roll.

Administrator Sweazy: Roll called, Commissioner Hunt was opposed, all other Commissioners were in favor, motion carries.

Vice Chairman Clayton: General questions or discussion? I see Comprehensive Plan on here.

Administrator Sweazy: I just put that on there, so it doesn't end up falling off. I think that is something we need to discuss. Maybe everybody could think about it, and we can bring it back up at the next meeting. But this is the year we need to make changes if we feel we have changes that need to be made. I know Gordon said he would head this up after we got the number from the Census, but I don't think that has happened. I don't if we want to be able to stay on our every five years like status requires, if we would want to consider readopting what we have knowing that maybe next year when we get those numbers, we can dive into it or what we want to do. I just don't want it to fall off the radar.

Commissioner Travis: When are the numbers coming?

Administrator Sweazy: I do not have an answer for that.

Vice Chairman Clayton: The next meeting date is?

Administrator Sweazy: Its August 4th but right now I don't have anything on the docket. So, we may not have a meeting then, I will let everyone know.

Vice Chairman Clayton: I would like to thank everyone for my time and working with you all.

Commissioner Travis: Motion to adjourn.

Commissioner Noel: Second.

Vice Chairman Clayton: All in favor say aye, meeting adjourned.

Attest:

Secretary

Chairman