

Taylorsville-Spencer County
Joint Planning and Zoning Commission

The regular meeting of the Taylorsville-Spencer County Joint Planning and Zoning Commission was held August 3, 2023, in the Fiscal Court meeting room located at 28 East Main Street, Taylorsville, Kentucky.

Chairman Deapen called the meeting to order.

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

Chairman Deapen: In your packets you have a copy of the minutes from the last meeting for July 20, 2023. I will entertain a motion to approve those minutes.

Commissioner Mudd: Made a motion to approve the minutes with changes for the July 20, 2023, meeting.

Commissioner Noel: Second.

Chairman Deapen: Roll call please.

Administrator Sweazy: Roll called, motion carries.

Chairman Deapen: Any committees?

Administrator Sweazy: None.

Chairman Deapen: Anyone wanting to testify tonight must be signed in on the sheet and must be sworn in. The testimony will be limited to three minutes.

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

Chairman Deapen: Old business.

Administrator Sweazy: We have a recommendation from **Spencer County Fiscal Court pertaining to poultry and fowl** in an R-1 Single Family Residential Zoning District. At the last meeting we discussed what The Fiscal Court had recommended, which was to change the number to 12 and they have to be contained. We heard testimony at the last meeting and it's at your discretion if you're going to take testimony tonight or not.

Chairman Deapen: We got pros and cons at the last meeting. If we can keep it polite and at 3 minutes let's let people give their testimony. Before we take testimony, Commissioner Brown sent out an email this afternoon and I would like for him to read it. This will give everybody a thought of where we see ourselves going with this.

Commissioner Brown: It's been a couple of weeks since we met last and I've spoken to a lot of individuals of Spencer County, every other county, co-workers, people I didn't know and just random Spencer County residents. I didn't hear anyone against this.

Attached are Commissioner Brown's thoughts regarding this discussion (exhibit A).

Commissioner Brown: These are items I feel like are enforceable.

Chairman Deapen: Does any other commissioner want to make any comments before we go to public comment?

Berny Klaus: 761 Hickory Woods Drive. I do not have any fowl, nor do I intend to, but I do support the change. I would just suggest keeping the number per acre, I agree with contained within boundaries, something about odor, feed rodent proof containers and with rooster my chose would be none.

Anita Chamberlin: 287 Justin Blvd. You answered some of my questions, but my problem is you're talking chickens, but you have all these birds listed and the bigger birds need more room. I'm okay with the 12 chickens but I think the larger birds need to be studied more closely.

Randall Coy: 758 Lilly Pike. I'm here to support the people and agree with the 12 per acre.

Leslie James: 1128 Briar Ridge Road. Mr. Brown covered some of what I wanted to talk about. I want to talk about contained to the property. I feel this should be left up to the property owners' discretion because there are many methods available to accomplish this. At the last meeting it was discussed to keep them in your back yard. I ask that you adjust this. Chickens under a certain age should not be counted within the flock.

Jennifer Kekic: 724 Hickory Woods Drive. I did some research on other counties and there's to many different circumstances. We are a rural county, and you are making a decision for the entire county. I'm asking you to be flexible with all the different circumstances in the county. Hickory Ridge is on a ridge, you have a walkout basement then it drops off. In 2015 when it said it wouldn't be enforced so many of the coops are already established. You could be penalizing people who have been good citizens and have good relationships with their neighbors, that will now not be compliant because they are in our side yards. I'm just asking you to be reasonable and look at all circumstances.

Chairman Deapen: Your points are concerns to the commission as a whole. There's just a lot of different circumstances. You all brought up good points. I think Commissioner Brown was trying to keep things as open as possible.

Commissioner Brown: I think with the young chicks, by the time you got your chicks to grow and keep a cycle going. It would be hard to enforce, you have baby chicks taking over the one's your slaughtering. I do think it's reasonable to say the front of the house, in some circumstances, I don't know if a variance can be requested case by case.

Administrator Sweazy: In our regulations you're not allowed to put any type of structure forward of your primary residence. Any type of structure has to be even with the house or behind it and that's with any situation.

Commissioner Brown: So, that shouldn't cause a problem being in the side yard.

Administrator Sweazy: Exactly.

Chairman Deapen: We are here to assist the Magistrates and they represent the people. I think you said that with the old Fiscal Court you were told to enforce based on complaints.

Administrator Sweazy: Back in 2014-2015, it was left to not go out looking for people that has chickens but instead to enforce whenever we got complaints and that's what we've done. I guess as far as like the meat chickens and how that process works and the time frame for that. I still think if you're maintaining, keeping them on their property, doing what you're suppose to do and they're not running on the neighbor's property, out in the middle of the road, and following all the other guidelines during that process you'll probably be okay. I'm not going out to your home and say I need to count your birds.

Chairman Deapen: That's my point, if you adopt something that's simple and straight forward and people who have poultry, practice good neighbor relations we're not going to be out there hunting chickens. If there are issues, people can come and talk to us about them. Maybe this is the first step to building something better. I don't think it's complete, I think we're going to have issues, someone won't be a good neighbor. Other thoughts from the commission.

Commissioner Brown: I would like to say whatever recommendation we make needs to be enforced. I think the lack of enforcement was the problem that allowed the bad characters to operate.

Chairman Deapen: I agree. The worse story we heard last meeting was lack of enforcement. A complaint was made, it was forward from the Planning & Zoning and no enforcement was made and that's a problem, but that's not part of this change.

Commissioner Hunt: Can we talk a little bit more about the containment? You talked about accessory structures, runs, coops, stay in structure at night but come out during the day but still need to be contained at all times.

Commissioner Brown: I never made mention of that because it was already spelled out. I only touched on items I felt were still up in the air. Confined to the property in my mind is checked.

Administrator Sweazy: You need to think about what contained is and what confined is. Are you wanting them to fence the yard and let them free range in the yard or are you saying you want them in an enclosed fence all the time?

Commissioner Brown: I think confined to the property just means you keep them on your property and there're not going over onto someone else's property.

Chairman Deapen: I think we're trying to avoid getting that specific.

Commissioner Brown: Do we include any of the verbiage I talked about in today's discussion?

Administrator Sweazy: You can make it as intensive as you want to. You're making a recommendation back to them.

Chairman Deapen: I'm open to a motion including some of those thoughts.

Commissioner Mudd: I think quote number 4 where it says users of the property shall familiarize themselves with the proper management/disposal of poultry/fowl litter as outlined by the University of Kentucky Animal and Food Sciences Department's website. I'd like to see that incorporated in this.

Commissioner Brown: Like on offensive odor to neighboring dwellings if you're doing what you're supposed to do that's the enforcement part of that.

Administrator Sweazy: The only thing on enforcing, I don't know how we would enforce that they have read that and familiarize themselves and educated themselves with that.

Anita Chamberlin: I understand the chickens but what about the bigger birds? This ordinance is not for chickens only.

Chairman Deapen: I understand your point and the commission understands. We're trying to keep this simple and straight forward. If a situation comes up I would expect a complaint to be filed with the office then we will know if we need to add additional stuff into this.

Anita Chamberlin: You have an ordinance now that's not being enforced, who's going to enforce this one?

Chairman Deapen: We recognized that that's the missing piece and the biggest. It has to be enforced.

Anita Chamberlin: I'm trying to make sure the bigger birds aren't include in this.

Chairman Deapen: They are.

Anita Chamberlin: So, they can just go out and buy these bigger birds and have 12 without researching the square footage needed for that type of bird. Are you just going to leave it up to the citizens to do that? Most of the properties are one acre and the home takes up half of that, now you have a half of acre. So, you're going to put 12 birds in the back yard right up against the neighbor's fence.

Chairman Deapen: We understand your point. It comes back to the principle that there are thousands of possible situations out there and that's one of them. Are we going to put a thousand subdivision regulations in this regulation, no we're not. If we have to take additional steps later this commission is prepared to do that.

Anita Chamberlin: I don't mind the chickens but all those other big birds.

Dana Cleland: 575 Hickory Woods Drive. (Was sworn in by Attorney Dale). Suggested 12 chickens per acre by other birds would be determined of how many by their weight.

Chairman Deapen: That could get very complicated we can't go out there and start weighing birds. It seems to me like we're trying to solve problems that we don't necessarily have. I would just soon not do that until we know we have a problem.

Dana Cleland: Mrs. Chamberlin seems to have a problem with bigger birds.

Commissioner Brown: It says 20 turkeys per acre online. We're at 12 turkeys per acre and I don't have a problem with that.

Chairman Deapen: Is there a motion to adopt the proposed language with or without adding...

Attorney Dale: Where it says not kept in such a manner as to create an offensive odor and/or nuisance to neighboring dwellings. Nuisance would cover some of this. I would recommend adding it.

Commissioner Travis: I move we send the recommendation back to The Fiscal Court with the addition of **and/or nuisance**. Also allow the landowner to raise meat chickens up to 10 weeks with the exception of 12 chickens per acre.

Commissioner Noel: Second.

Chairman Deapen: Any further discussion? Just to be clear your motion they can have up to 22 chickens.

Commissioner Travis: No, the number would stay the same with the exception of meat chickens, provided they're under 10 weeks of age.

Chairman Deapen: Is that an addition to the 12 or come out of the 12?

Commissioner Travis: In addition to.

Commissioner Mudd: You're saying there's no limit on the meat chickens as long as they're under 10 weeks old.

Commissioner Travis: Right. Unless you all think we need to put a number on it. I'm just trying to give room for people who raise those chickens for meat.

Attorney Dale: But you can't run a commercial operation.

Commissioner Brown: I think you have to limit that to 6.

Attorney Dale: But every 10 weeks they add more to it.

Commissioner Hunt: It's a continuous cycle. Can I ask Mr. James a question? Since you were talking about the meat chickens. In specifics how many meat chickens do you raise and time wise what are you looking at having?

Mr. James: The full process takes about 16-18 weeks. We order in batches of 35, we move them outside at 3-4 weeks, and at 12 weeks we process all of them.

Administrator Sweazy: We get a phone call, and someone is complaining about their neighbors' chickens. We go out there and they got 40 chickens and as soon as we tell them because someone has complained, how many of that 40, all of a sudden are now meat chickens and who's going to go out there and tell me whether their telling me the truth or not?

Commissioner Travis: We're sending it to Fiscal Court as a recommendation if they don't like it they can change it.

Chairman Deapen: We have a motion and a second. Any discussion?

Commissioner Brown: Do we want to bring up the roosters or leave it a zero at this point?

Commissioner Hunt: I myself don't care for the responsibility of the meat chicken part. If everything else is going to be limited to a certain number, then I think they should have a number of 12 and to not go over this max.

Commissioner Travis: I move to delete the meat chickens.

Commissioner Noel: Second.

Commissioner Brown: We need to add the coops as being considered as an accessory structure.

Chairman Deapen: I think it's in the regulations anyway. Julie will you call roll.

Commissioner Hunt: I want to be clear of what it is just to make sure.

Chairman Deapen: Its back to what it says on the board.

Commissioner Hunt: Exactly?

Chairman Deapen: Except we're adding the **and/or nuisance**.

Administrator Sweazy: Roll called, motion carries.

Chairman Deapen: New business.

Administrator Sweazy: We have the application of **Everett Layne & Madeline R. Imel** requesting AG-1, agricultural to AG-2, agricultural on 6.977 acres located in the 1900 block of Plum Creek Road, Hwy. 1060. The comprehensive plan recommended land use map indicates the area should be low density. In 2018 the property was divided, and deeds were made without a zoning change. The applicants are requesting to change the zoning to bring the property into compliance.

Everett Imel: Basically, we just want to bring the property into compliance. It's currently zoned AG-1 and we want to change to AG-2.

Chairman Deapen: Any questions from the commission? Do we have anyone signed up for this?

Administrator Sweazy: We do not.

Chairman Deapen: Does anyone have a reason to move to next meeting or can we go ahead and act on it tonight? I'll entertain a motion.

Commissioner Mudd: Made a motion recommend to rezone the application of Everett Layne & Madeline R. Imel requesting a zone change from AG-1, agricultural to AG-2, agricultural on a 6.977 acre tract of land located in the 1900 block of Plum Creek Road, Hwy. 1060 and there's no one here to speak against it. This does bring them into compliance.

Commissioner Brown: Second.

Chairman Deapen: Any further discussion. Call roll.

Administrator Sweazy: Called roll, motion carries.

Administrator Sweazy: We have the application of **Nicole Ruth Development, LLC** requesting R-1, residential to R-2, residential consisting of 2 acres located in the 400 block of Wills Way. The comprehensive plan recommended land use map indicates the area should be medium density residential. In 7/2021, the 21 acres adjoining these 2 acres was zoned R-2. The applicants are requesting to change the zoning to be compatible with the adjoining property to be conveyed in and divided to increase the lot size of lots within Phase VI.

Josh Long: 2827 Yoder Tipton. When we got our previous plat approval there was some concern that the lots were small so we purchased this additional 2 acres to get the lot sizes up to make them easier to build on.

Administrator Sweazy: This is property we did preliminary plat approval for a division previously but now we're going to bring it back and run it through again if you all chose to change the zoning.

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

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

Dana Fowler: 53 Wills Way. Was wanting to confirm where this was located at.

Administrator Sweazy: Explained in detail with a plat.

Mrs. Fowler: Ok, just wanted to clarify.

Rachel Minyard: 32 Fairway Court. My concern is no matter how many lots we have in that section there is only one way out of that neighborhood which goes by Fairway Court and straight-out Wills Way all the way to Shelbyville Road. There is going to be so much more traffic.

Administrator Sweazy: This is just zoning; the next part of the meeting will be platting and there's 13 lots in this phase and you got 15 more acres so that would be additional lots later on in future development. But they've all had preliminary plat approval already on the whole 22 acres.

Mrs. Minyard: My concern is to just take into consideration how many lots there will be back there and think about the traffic.

Josh Long: There are 3 entrances into the subdivision. One on Shelbyville Road, one at Van Dyke Mill and one at Willow Island.

Commissioner Travis: Basically, what you're doing is the lots are already there and you're just adding more acreage to the lots that are there making them bigger?

Josh Long: Yes.

Commissioner Travis: These are all on sewer, correct?

Josh Long: Yes.

Commissioner Hunt: I make a motion to recommend to rezone the application of Nicole Ruth Development LLC requesting a zone change from R-1, residential to R-2, residential on a 2.00 acre tract of land located in the 400 block of Wills Way. The recommended land use map in the comprehensive plan recommends low density residential and the change would be in compliance with the comprehensive plan. It would bring the 2 acres into the same zoning as the additional 20.95 acres. Testimony was taken from a couple of people.

Commissioner Mudd: Second.

Chairman Deapen: Any further discussion, call roll.

Administrator Sweazy: Roll called, motion carries.

Administrator Sweazy: We have the application of **Nicole Ruth Development, LLC** requesting preliminary plat approval of Top Flight Landing Phase VI consisting of 13 residential lots located in the 400 block of Wills Way. In July 2021, 21 acres adjoining these 2 acres was zoned R-2 and in February 2022, preliminary plat approval was granted on those 20 acres. The applicant has decided to change their proposal by adding the two acres and now proposing to build them in two phases instead of one. That is the reason we are starting over with preliminary plat for Phase VI with half the number of lots as originally planned. What they are proposing is instead of building all 46 lots at once, he's asking to split it and make it two phases so they can do the first 13 lots and then come back for plat approval for the rest.

Josh Long: Julie said it all, but do you guys have any questions?

Chairman Deapen: Anyone sign up on this one?

Dana Fowler: This is the portion in regards to the traffic. You're talking 46 lots so that's basically 92 cars. There are 3 entrances and exits but they're all on the other side of the neighborhood. There's only one way in and one way out of Wills Way. Once they get to the end of Wills Way coming out then they can branch out as to how they want to proceed out of the neighborhood. Our concern is so much more traffic on one road. The proposal would be to reduce that or try to find another way of exiting. That's a lot of cars on one road.

Chairman Deapen: You're aware this was already approved; this is just a modification.

Mrs. Fowler: We don't want to talk about that section because the was approved in an incorrect manner but yes, we are aware it was approved.

Commissioner Travis: We're looking at 13 lots tonight.

Mrs. Fowler: I'm aware of that and I don't have an issue with zoning but with that many lots it's a lot of traffic.

Commissioner Brown: What would you recommend us do?

Mrs. Fowler: In all honesty, either find another exit or maybe reduce the number of homes, speed bumps to slow traffic down.

Rachel Minyard: What is this going to do to our road? It's going to constantly need repairs and we can't ever get the county out there for even snow removal. So, we're looking at our roads getting worse with additional traffic. If we could find another exit or speed bumps, that would be better.

Chairman Deapen: Discussion from the commission.

Commissioner Hunt: I'm I right with this section being amended, the 13 lots, will that mean we'll have to do an amendment for the rest of it as well?

Chairman Deapen: Yes.

Commissioner Hunt: So, whenever they're ready to do that next phase is when they will come back?

Administrator Sweazy: Yes.

Chairman Deapen: Any other questions from the commission?

Commissioner Brown: I make a motion to approve the plat for Phase VI of Top Flight Landing consisting of 13 residential lots at the 400 block of Wills Way. Add the 2 acres in and now build in 2 phases instead of 1 and this is a revision of the preliminary plat from February 2022, subject to the 2 acres being passed by Fiscal Court that was on docket 2 of this session.

Commissioner Travis: Second.

Chairman Deapen: Any further discussion, call roll.

Administrator Sweazy: Roll called, motion carries.

Chairman Deapen: General questions or discussion.

Administrator Sweazy: I don't have anything listed but I did kick an email out to a handful of people that need training for this year with the dates in October.

Administrator Sweazy: Are next meeting is on August 17th.

Commissioner Travis: Motion to adjourn.

Commissioner Noel: Second.

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

Attest:

Secretary

Chairman