

Taylorsville-Spencer County  
Joint Planning and Zoning Commission

The regular meeting of the Taylorsville-Spencer County Joint Planning and Zoning Commission was held November 17, 2022, 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: In your packets you have a copy of the minutes from the last meeting for November 3, 2022. I will entertain a motion to approve those minutes.

Commissioner Mudd: Made a motion to approve the minutes for the November 3, 2022, meeting.

Commissioner Noel: 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: We have the application of **Plum Creek Agriculture, LLC** requesting AG-1, agricultural to R-3, residential on 5.000 acres located on Whitfield Lane, aka. Tract 10, Whitfield Farm Division. This first came up in September with you all. We've had a few issues and delays. The comprehensive plan recommended land use map indicates the area should be medium density residential. This tract is part of an original farm division that was done prior to the regulations creating a smaller tract agricultural zone. Therefore, it remains AG-1. The applicants feel that the area is better suited as a residential class since the property or properties around it are no longer being used for agricultural purposes. The tract previously had a mobile home that has been removed. So, there is an existing septic system and encroachment onto the property. In your packets you have a copy of the original plat of that development at the end of Whitfield Lane.

Michael Morgan: 17860 Deer Trace Lane, Fisherville, KY. We are requesting R-3 zoning. When we went to get a building permit, we discovered it was out of compliance.

Chairman Deapen: What kind of building plan are you looking at?

Mr. Morgan: We don't have anything set in stone right now.

Chairman Deapen: Questions from the commission?

Commissioner Travis: We discussed one time putting a binding element on there allowing one stick-built home. Are you still okay with that?

Mr. Morgan: What I agreed to I believe was we wouldn't put duplexes but we would like to not give up the element of multiple homes. There was also a mention of going to AG-2 because its 5 acres, so it could be in compliance with that but then there's also the factor that we might sell a parcel off. Then it would be less than 5 acres.

Commissioner Noel: What are the other lots around there?

Mr. Morgan: They're all AG-1, which is out of compliance too. So, if they wanted to do anything they would have to rezone as well.

Chairman Deapen: I drove out there this week to look at the property. There's a sign about a quarter mile from your lot that's says that the road is not maintained by the county. What's the story on that?

Mr. Morgan: I believe it's state. To the best of my knowledge, I believe it's a state road then at the Monroe farm it stops and goes to county road.

Chairman Deapen: If you went with the plan that you outlined us relatively where the pad was for the trailer that's been removed where would the home be placed?

Mr. Morgan: There is still a good septic system there so it would probably be in that vicinity.

Chairman Deapen: There's kind of a road that goes down the right side of the lot that goes down into the valley then back up into the trees. Where the pad is right now, where does that set on the property as a whole from front to back?

Mr. Morgan: If you're standing in the center of the property, it would be on your left side and forward of the property.

Chairman Deapen: Is the pad roughly in the middle of the property, front to back or is it a third from the street or...

Mr. Morgan: Front to the back it's probably only 20% on the property.

Chairman Deapen: So, you have about 80% of the property behind that?

Mr. Morgan: Correct.

Chairman Deapen: Other questions from the commission? Julie, do we have people signed up?

Administrator Sweazy: We do. At the last meeting one of the property owners that adjoins it gave us some pictures before she left. I'm going to pass those around to you all. I'm going to call her name so she can explain. Rachel Souza.

Rachel Souza: 1950 Whitfield Lane. A lot of our concerns were the single-family home. We would prefer there not be any multifamily homes or duplexes. That entire area is homeowners not renters. We want people who will be concerned about the whole area back there. Another concern is where the road dips down, that creates a stream bed. When we get an abundance of rain the property on the other side, which is Mrs. Dowell's. It drains from her property and goes through that then on to our property and then continues on to the other properties and into Plum Creek. What we're concerned about is disturbing that natural flow and creating blockage and backing up into properties. So, when it comes to that access road, we're concerned about grading land, it's going to create a mess. The access road is another concern because we do know Mr. Hoene, who originally owned the property, used the access road to get to and from his property when the other side floods. We know that Mr. Hoene is going to be looking at selling his larger part of the property in the back. We wonder what happens to that access road when and if he does sell, we don't want a developer to buy that property and have access to our little country road and create a lot of extra traffic that the road cannot handle.

Chairman Deapen: You heard Mr. Morgan testify that their plan would involve a single-family home, no duplexes (will be a binding element). You heard him testify they would build approximately where the pad is now, which is above the stream bed. Does that deal with those two issues for you?

Mrs. Souza: It does to a certain degree. Because that pad there is only made for a single wide, not anything bigger than that. That is going to require some grading of some type and that's a concern. He also said something about parceling out the land smaller. That creates more buildings on that property then it goes to cutting down the trees, drainage, and issues again. Our concern is trying to keep that whole 5 acres similar to what the 5 acres lots around it are of just one single dwelling on that one lot.

Chairman Deapen: Were there any restrictions in your subdivision when it was talked about subdividing?

Mrs. Souza: My aunt originally bought the property. When she passed, we inherited it. I'm only going off what she had mentioned to me.

Chairman Deapen: My question is did the developer put restrictions on it that would have prevented subdividing?

Mrs. Souza: Not that I know of, but I do know there was a requirement about not cutting down to many trees.

Chairman Deapen: Isn't it true that any one of you out there could chose to subdivide it you wanted to.

Mrs. Souza: As far as I know you're not allowed to subdivide.

Chairman Deapen: You've not seen any restrictions that tell you that?

Mrs. Souza: I have not seen any restrictions that tell me that. I just have concerns.

Tina Dowell: 1826 Whitfield Lane. I am next to the property, and I have all of those concerns. I just purchased this property in April, I have horses, I use it as agriculture, I do not use it as residential, I have no intention of subdividing any of my property, I moved out there because its quiet country, no heavy traffic, all the neighbors are close. To change that whole scenario of our neighborhood would be a sin. Our road cannot handle heavy equipment coming in and out to do development. With the way things have gone and are going it appears this property is going to be purchased so they have a fairway to the property behind. I don't want access and one of the access roads, now the property has been surveyed, is on my property. I am going to put up a fence because I do have horses. I have the same concerns as drainage. I don't want my front field to end up with a lake down there. I would rather it stay single family, we don't need multifamily, and we don't need renters.

Chairman Deapen: Again, you heard the testimony of Mr. Morgan that their plan at this point is a single-family dwelling and no duplexes.

Ms. Dowell: That's what he said. My home is a stick-built house and I'm putting about \$50,000 into it just to upgrade it and take care of it. I don't want to end up in the hole because the neighborhood changed. It devalues my property.

Chairman Deapen: You say that, but if he puts a single-family home there, how is that different?

Ms. Dowell: If he puts a single family and it's owned by that family, no it would not. If it goes to multifamily or subdividing, then it's a different scenario.

Chairman Deapen: Any questions from the commission?

Commissioner Hunt: Maybe I misunderstood but I thought he still said he still wanted the option to build multiple homes.

Chairman Deapen: He did say that.

Attorney Dale: There's some wording on the plat that I can't make out about some egress and ingress.

Administrator Sweazy: I can make that bigger on the screen. But I can read you the restrictions (see attached restrictions). But there's nothing in there about subdividing.

Attorney Dale: I think we really need to see what this says on the plat.

Commissioner Brown: Read the information on the plat under Easement for Electric and Telephone Utilities (see attached Plat).

Chairman Deapen: That seems to apply to the rights to the utilities as opposed to the restrictions on the community.

Robert Smith: 2733 Plum Ridge Road. Do you people on the Board realize that that piece of land was not zoned. We were told by you all we had to get it zoned. The people here against it probably don't know it.

Chairman Deapen: For the record it was zoned but was zoned wrong.

Mr. Smith: We had nothing to do with that, correct.

Chairman Deapen: Your correct.

Rolando Souza: 1950 Whitfield Lane. When we first moved in, we invested \$50,000 into our property as well. We would hate to see our property value drop based on what these gentlemen want to do. Mrs. Hunt made a good point because I noticed it too. The gentleman when he came up said he doesn't want to remove the option of multiple homes. That's what we're concerned about because it will decrease the value of our property. Out there is all AG-1, the more homes you place on that property is going to devalue the property of the people who want to live out there or move out there they want the country and the quiet. We have nothing against these gentlemen here. These men are developers and we're homeowners and live here. It's not going to affect them; it's going to affect us. They're trying to make a profit, we get that, but so are we. As homeowners if we ever decide to sell or the equity in our home. This is part of our concern.

Chairman Deapen: You made your point politely and I appreciate that. You're AG-1 but you're AG-1 incorrectly. You're not supposed to be AG-1 because of the size of your lots.

Mr. Souza: But that law changed.

Chairman Deapen: That law did not change.

Mr. Souza: From what we understand, AG-2 was supposed to be 10 acres or more and AG-1 was 5 acres or less.

Chairman Deapen: What I'm telling you is if you ever went to do any kind of development on any of that out there you would have to do the same thing they're doing.

Mr. Souza: I understand that.

Chairman Deapen: Technically you bought a piece of property that did not preclude subdividing. Any one of you could be subdividing out there. You have that right.

Mr. Souza: We understand that, but we want to keep the area as one single family home. We want to keep it AG-1 and no subdivision out there.

Chairman Deapen: You don't have any legal right to preclude any of your neighbors doing exactly what they want to do.

Mr. Souza: I get it but we are asking.

Chairman Deapen: Understand that we have to make our decision based on law and regulations.

Commissioner Travis: If you want to have AG-1 today you have to have 10 acres.

Mr. Souza: I thought that was AG-2.

Commissioner Travis: 10 acres and up is AG-1.

Mr. Souza: But what I'm listed as is AG-1 with 5 acres. I'm grandfathered in with the AG-1.

Commissioner Travis: But that won't float today.

Mr. Souza: Won't float if I want to subdivide or want to change something?

Administrator Sweazy: If you wanted to sell your property or do anything different with it, you would have to come in and get the zoning changed on your property to bring it into compliance.

Mr. Souza: Right now, everyone here is grandfathered into the AG-1?

Chairman Deapen: It's not grandfathered. Its ignored because you're not doing anything at the courthouse. If you decided to go do something at the courthouse with your property, such as selling it or subdividing it, you would be here going through the same thing they are.

Mr. Souza: I get that.

Commissioner Noel: They're all out of compliance.

Commissioner Travis: When this was zoned like it was 5 acres and up was AG-1. But today if you're 5 to 10 acres you're AG-2.

Mr. Souza: But AG-2, wouldn't that be 10 acres or more?

Commissioner Travis: No, 5 to 10 acres is AG-2.

Administrator Sweazy: This was platted in 1989. We were under one set of regulations. In 1992 the regulations changed. When that changed that's when they decided to create a second zoning class for like a mini farm. So, anything that was AG-1 when that book changed, it made it a nonconforming use. You can continue to use your property as it is, but when you get ready to sell it you're supposed to get the zoning changed on it to put it into compliance with whatever guidelines we have at that time.

Attorney Dale: Are all those lots occupied?

Mr. Souza: Yes, except the one they bought.

Attorney Dale: Are they single family residents on them or what?

Mr. Souza: Yes. Some modular and some stick built.

Chairman Deapen: Mr. Morgan could you come back up? We've heard several people ask about the access road. Talk to us about that. Do you have intentions of developing property behind there?

Mr. Morgan: There's a big farm back there and just like any other property that backs up to any other farm.

Chairman Deapen: Is there other access to that property other than the access that goes through this property?

Mr. Morgan: Yes, from the other side. Also, it was brought up about decreasing the value of the other homes. I'm a Real Estate Agent, not an appraiser, but I would say that usually any new construction going into a neighborhood increases the property value.

Chairman Deapen: My understanding from your testimony, the first round, is that you would except a motion from the commission that binds you to no duplexes?

Mr. Morgan: Yes.

Commissioner Travis: You wouldn't bind yourself to anything else?

Mr. Morgan: We don't want to tie our hands up too much that we couldn't do anything with it in the future.

Commissioner Travis: You're not willing to say you would limit it to two homes or is it all or nothing?

Mr. Morgan: I guess we're going to let the court vote on it.

Commissioner Noel: To my understanding all you can put on it is two.

Commissioner Hunt: Unless he upgrades the road. Which is a small portion, correct?

Administrator Sweazy: The width of his lot.

Commissioner Hunt: Where is the actual access road? I don't see it on the plat.

Mr. Morgan: Access road is kind of an over statement. It's a gravel road, well mostly dirt. I think he used it to get a tractor back in there or something.

Chairman Deapen: If you're standing in the middle of the property, it probably a third over from the right line of the property, it is going down a hill in a valley, then goes back up into the woods.

Commissioner Hunt: But this is on lot 10?

Chairman Deapen: Yes.

Commissioner Hunt: Is there legal written easement?

Administrator Sweazy: Yes. The deed when they purchased the property says sellers hereby reserve a sixty foot right a way for ingress and egress to access their adjoining property.

Commissioner Hunt: So, if they're taking up 60' of your building area and the setbacks off the side lines of 15'.

Commissioner Travis: Is that staked?

Mr. Morgan: We had someone go out there and mark it, but I haven't been out there since they marked it.

Commissioner Travis: I'm talking about the 60' easement.

Mr. Morgan: He just wants to get back to his farm.

Commissioner Hunt: 50' setback on the front, 30' on the sides. So, on the plat where is the actual easement?

Mr. Morgan: Pointed out on the screen map.

Commissioner Hunt: Not quiet the middle but about a third over. So, the easement is 60' but it doesn't give any dimensions of where it is?

Administrator Sweazy: It just says 60', it doesn't say where it's at on the property.

Commissioner Brown: Are you going to build a manufactured home on that?

Mr. Morgan: I've never put one on a property.

Commissioner Brown: So, my second question would be why would you go for R3, why wouldn't you just go for R1. Then skip ahead if you want to subdivide at that point then do a secondary R1. I think they would be happy with that.

Mr. Morgan: I felt we were tying our hands with 8% interest rates right now, I don't know if I can afford a construction loan right now, so the property may set. I guess I felt like if there was the option that we had to sell it and I could divide it into two, I would like to have that ability. Then they would have a lot where they could put a manufactured home on it without having to go back through zoning.

Commissioner Brown: So, that single stick dwelling comment wouldn't be relevant then? You would have to retract that.

Commissioner Travis: If we're looking at a plat that's got a 60' right of way, that belongs to someone else. What we're looking at is a 5-acre tract that's got a 60' right of way going through it that's 500' to 700' which is about 35,000 square feet and no one knows but Mr. Hoene where he wants that at.

Mr. Morgan: He just wanted to make sure that was on there before he sold it to us. He wanted something in writing saying he would still be able to use it.

Commissioner Travis: So, you got a 5-acre tract with a 60' right of way through it that no one here knows where that is. When you and Mr. Hoene come to an agreement then you might have the land split up to where one side you can't do anything with. Its not marked on the plat but should be.

Mr. Morgan: That's not a new plat.



Attorney Dale: He's reserving 60' right a way through it. It should be marked on this plat. On your lot 10 it should be marked on it.

Chairman Deapen: The 60' right of way did not exist when this plat was created, they are not creating a plat because they're not subdividing.

Attorney Dale: But they're creating a 60' right of way, which is going to affect this property. Looks like they should have to have a plat showing it.

Commissioner Travis: You need the 60' right of way on this plat. You may have bought it but you don't own that 60'. Whoever owns that 60' can do whatever they want with it.

Attorney Dale: That right of way needs to be located and either amend this plat or make a separate plat. Future purchasers should know where that is.

Chairman Deapen: I'm a little confused why this is relevant for our consideration for their request.

Commissioner Travis: Because if someone comes in here with a plat with a right of way across it. In my opinion that 60' should be on the plat.

Chairman Deapen: We're not addressing a plat we are addressing a lot. It's a pacific lot he's asking us to change the zoning on.

Commissioner Travis: We can't make a decision if we don't know where that 60' right of way is.

Administrator Sweazy: How did an attorney create a deed that says they reserve 60' and there's not a plat? He bought it without a plat showing it. It would be no different if he was going to turn around and sell it without it being shown. We do stuff by deed only all the time.

Commissioner Travis: When you talk about right of way that means someone else owns it. When you talk about easement then he owns it, but someone has the right to run across it. On this particular tract, when you put that 60' across there, where is the 60' and what are you going to have left? You might have an acre and a half over here that you can't do anything with. In my opinion if we're going to approve that then that 60' should be on there for us to even be looking at it.

Attorney Dale: I agree.

Administrative Sweazy: Michael will you be getting a copy of your survey that's being done?

Mr. Morgan: We just asked him to go mark the boundary line because we didn't want to cut anybodies trees down. We didn't know that what he was using wasn't even on the property.

Attorney Dale: How can you build a house on this without knowing where that 60' right of way is? You could be building on that 60' right of way. Sounds like you need to go out and have that 60' right of way marked where its going to be.

Commissioner Travis: You could have a house setting on someone else's property. That 60' is not yours.

Mr. Morgan: I get what you're saying. I agree with you that it doesn't belong to that 5 acres anymore so now it's like 4.5 or something.

Attorney Dale: But is it going to be located in the middle or on the side?

Commissioner Brown: It might indirectly split your lot anyway.

Attorney Dale: You're going to have to have a plat eventually anyway.

Commissioner Brown: Why did he choose your lot?

Mr. Morgan: Because Ms. Dowell wouldn't let him go through her lot and because he owned this lot.

Attorney Dale: I don't know how he could sell that lot subject to a 60' right of way. You need to get with him and decide where that's going to be and put it on your plat.

Chairman Deapen: I agree with everything you're saying he needs that before he builds and before he sales.

Commissioner Travis: Before we do anything.

Chairman Deapen: That's the part I'm having a hard time with.

Attorney Dale: Because you're scanting the right of way that you don't know where its going.

Chairman Deapen: So, what would you recommend we do at this point?

Attorney Dale: Locate that 60' right of way. Get with Mr. Hoene to find out where he wants it, amend the plat to show it or do a separate plat showing it.

Chairman Deapen: I would suggest we make a motion to continue this over to a specific date to give you time. How long do you think you will need?

Mr. Morgan: You all meet every two weeks could we at least skip one week. I want to make sure I have time to get the survey and plat completed.

Chairman Deapen: Do you think a month is long enough?

Mr. Morgan: I think we can have it ready by the 15<sup>th</sup>. Can it get approved or declined subject to that? I don't want to keep dumping money into it if I'm not going to get it.

Commissioner Travis: You have an incomplete plat.

Mr. Morgan: We just used that plat for reference.

Commissioner Travis: That's what we're using it for also.

Commissioner Hunt: As far as the issue I have with not knowing where that right of way is. You're still focused on wanting multiply houses possibly. I need to be able to truly say what are you going to be able to do and put in there based on where that 60' right of way is. In my mind if

I had to vote on it now, it would definitely have to be a no. Because I don't have that information and don't know what is possible.

Mr. Morgan: So, will we need to reapply since the acres will change or can we modify it?

Attorney Dale: You can amend your application.

Commissioner Hunt: Do you know what the road frontage is on that lot?

Mr. Morgan: About 280 -285.

Commissioner Brown: I make a motion to continue this until December 15, 2022, meeting.

Commissioner Noel: Second.

Chairman Deapen: Any other discussion? Read roll.

Administrator Sweazy: Roll called, motion carries.

Chairman Deapen: New business.

Administrator Sweazy: We have the application of **Bellwood LLC** requesting Final Plat approval of Bellwood Subdivision on 30.21 acres proposing 23 residential lots located at 345 Wilsonville Road. The property was designated as R-1 on the maps when zoning went into effect. Preliminary Plat Approval was on May 6, 2021, with adjustments to the roadway in section B changing from 18'wide to 20' as agreed to by the developer. Construction Plan Approval was on June 2, 2022, reviewed and approved by QK4. Restrictions have been prepared. Streets have been constructed and Bond Amount has been set. Per Harold Compton water lines have been installed. Trevor Brown is here, and I will let him explain where we're at with this property.

Trevor Brown: 71 Andrew Drive, Fisherville, KY. I'm asking for final plat approval. However, we understand nothing can be done until Julie signs. What I would like is approval contingent on, Julie can't sign it until issue resolved. What has happened on this property is back in 1950 there was a farm that came across the road. The person I bought it from has always maintained that property. So, we thought it was ours. Then when the surveyor came to do the final survey, we found out that there is a small piece of land that is not ours that was included in this plat. We tracked down heirs in multiple states, counties, and everything. So, we have a contract to purchase it, but we don't own it yet. So, what I'm asking is approval of the plat but all contingent on us closing. Then we would change the force feed on the property to reflect where we purchased this piece of land.

Chairman Deapen: If we said we're going to put this off until you get that. How long would you need?

Charles Tichenor: Representing Bellwood Development. We have a scheduled date with the Judge to probate the last will. It was owned by a mother and father, they died, three kids were the heirs, two of those children have died and they have different children. Everything is set to

go before the Judge a week from Tuesday. Once she signs off on all the documents, we will be clear to close.

Commissioner Travis: How much acreage are we talking about?

Trevor Brown: Two acres. What I would like to do is get final approval, then Julie can't sign the plat until we have this recorded.

Commissioner Travis: What about it, Mr. Attorney?

Attorney Dale: I think it's up to you all.

Trevor Brown: Nothing will be official until Julie signs it. I have an opportunity for the first time ever. Home-a-Roma for the Louisville Home Builders is doing it differently. I have an opportunity to put a house being built in there in the Louisville Home-a-Roma, which has never happened in Spencer County. However, if I keep dragging this out, I won't have time to start it and build it. That's why I would like to get that instead of waiting for the next meeting.

Chairman Deapen: I'll entertain a motion.

Commissioner Travis: I move we approve the final plat approval for Bellwood LLC of Bellwood Subdivision of 30.21 acres proposing 23 residential lots located at 345 Wilsonville Road based upon the completion of the real estate transmission that's in the process. Julie will be able to sign once the legal stuff is complete.

Commissioner Faue: Second.

Chairman Deapen: Any further discussion? Read roll.

Administrator Sweazy: And for the record no one was here to speak against it. Roll called, motion carries.

Chairman Deapen: New business.

Administrator Sweazy: We have the application of **GC5, LLC** requesting Final Plat approval of Goebel Crossing Phase V on 64.121 acres proposing 48 residential lots located on Hochstrasser Road. Zoning was done in November of 1999 of 462 acres to R-1, residential. Preliminary Plat Approval was done on January 20, 2022, with variances of front yard setback to be consistent with previous phases to be 25' in lieu of 50' and 3 to 1 ratio you gave variance to on lots 202, 203, 204, 205, 215, 216, 220, 221, 225, 226, 227, 228, 232, 233, 234, 235, 236 and 237.

Construction Plan Approval was done May 27, 2022, reviewed, and approved by QK4.

Restrictions are recorded in Deed Book 282, Page 427. Streets have been constructed and Bond Amount has been set. Per Harold Compton water lines have been installed. In addition to the widening of Hochstrasser, the county, Mr. Goebel and the developers are in the process of swapping right of way to realign Hochstrasser and take out some bad curves to make the roadway safer to travel.

Carl Lentz: 800 Town Parkway, Louisville, KY. We're looking for final plat approval. The road widening in front of Phase V is underway. The realignment of Hochstrasser is actually in front of Phase VI, which is an additional phase that doesn't have any bearing on Phase V.

Chairman Deapen: Questions?

Commissioner Travis: How far along are you on the realignment of Hochstrasser?

Mr. Lentz: About 25%.

Commissioner Travis: Do you plan on completing it next year?

Brian Wacker: It's very urgent. We have asphalt reserved for this year. We run into a little setback with AT&T. As far as me the developer/side contractor we want to get building and get this behind us.

Chairman Deapen: Any other questions? I'll entertain a motion.

Commissioner Brown: I make a motion to approve the final plat of Goebel Crossings Phase V of 64.121 acres proposing 48 residential lots located on Hochstrasser Road. No one was here to speak against it.

Commissioner Faue: Second.

Administrator Sweazy: Do we still need to note that we're still in agreement with the variances from the preliminary on those 3 to 1 ratio lots and the setbacks?

Commissioner Brown: We also approve all variances listed in regard to the front yard setback to be consistent with previous phases to be 25' in lieu of 50' and the 3 to 1 ration on lots 202, 203, 204, 205, 215, 216, 220, 221, 225, 226, 227, 228, 232, 233, 234, 235, 236 & 237, with the exception of lots 227 and 228.

Commissioner Faue: Second.

Chairman Deapen: Read roll.

Administrator Sweazy: Roll called, motion carries.

Chairman Deapen: General questions or discussion.

Administrator Sweazy: **Taylorville Community Church** fencing request. They removed some old private fencing and some trees. Now they are ready to put new fencing up. Most of the fences over there are six feet tall but our regulations require eight feet tall. In Section 900 Screening/Buffering Requirements it says or other suitable landscape device such as a solid wall or fence at least 8 feet high as approved by Planning & Zoning Commission to visually screen the commercial or industrial area from such adjacent residential and/or agricultural areas. So, yes, the property is zoned Industrial, but it's a church and a church can go in any zone. I did think I could just say 6 feet would be adequate, so I brought it to you all because it does say approved by the Planning Commission. You all say have an example of the fence they are proposing.

Attorney Charles Tichenor: Representing Taylorsville Community Church. We're asking for some clarification. We tore down some fence around the place doing clean up knowing we would have to replace that. There are some existing fences of the neighbors that are all 6 feet high and the fence we took down was 6' high. We want to see if we can put back 6' high fences.

Commissioner Faue: I make a motion that we replace a 6' fence with a 6' fence.

Commissioner Noel: Second.

Chairman Deapen: Call Roll.

Administrator Sweazy: Rolled called, motion carries.

Administrator Sweazy: Can we discuss Final Plat Approval process?

Chairman Deapen: I gave a lot to thought to that as we left here, and I have no idea why we have continued to do what we've done. You are more than capable of saying this is what we told them to do, is that what they did? If they did what we told them to do, then I don't think it needs to come to the commission.

Administrator Sweazy: I could still bring it to you all, just for more eyes to look at it, but we don't have to do notices.

Chairman Deapen: I think if you didn't feel comfortable with saying yes, I'm going to approve this, then that would be the time to bring it to us.

Administrator Sweazy: That's your all's call.

Chairman Deapen: Is this a change we have to advertise, or can we take a vote?

Attorney Dale: I think we would have to amend the ordinance.

Administrator Sweazy: I'll have to read through it.

Attorney Dale: Take a look at the ordinance and see what it says. I think it will be more than just a vote.

Chairman Deapen: Why don't you go ahead and take a look at that. If it needs to be advertised, do it and get on the agenda for next time. I think you should say you have the discretion to bring it to us if you choose to do so. Let's take a vote for her to advertise.

Commissioner Brown: Not sure we need to vote yet at all.

Chairman Deapen: You do the research and let us know at the next meeting what we need to do.

Administrator Sweazy: Our next meeting is December 1, 2022.

Commissioner Travis: Motion to adjourn.

Commissioner Brown: Second.

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

Attest:

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Secretary

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Chairman