

TAYLORSVILLE-SPENCER COUNTY
JOINT PLANNING AND ZONING COMMISSION
MEETING

The regular meeting of the Taylorsville-Spencer County Joint Planning and Zoning Commission was held August 5, 2021, in the Fiscal Court meeting room at 28 East Main St., Taylorsville, Kentucky.

Vice Chairman Clayton called the meeting of August 5, 2021 to order.

Members present: Dwight Clayton, Diana Faue, Marsha Mudd, Teddy Noel, Paula Wheatley, Attorney Dale and Administrator Sweazy were present. Absent were Gordon Deapen, Valerie Hunt and Anthony Travis.

Vice Chairman Clayton: You may notice that our great Chairman Gordon Deapen is not here today so as Vice Chairman I am filling in and they will be in our thoughts and prayers. We are going to move on to the minutes.

Motion was made by Marsha Mudd, second by Paula Wheatley to approve the minutes of July 15, 2021. Motion carried.

Committee Reports:

Administrator Sweazy: we do not have any commitment reports but I will just let everybody know that I was glad so many got to attend training the beginning of the week. I'm thankful for that so I will dig and search and will find some more opportunities for the ones that couldn't attend but I appreciate that it.

Vice Chairman Clayton it was good presentation. It is time for swearing for testimony. He ask that anyone wishing to address the commission to stand and be sworn in.

Attorney Dale administered the oath for testimony for several in the audience.

Vice Chairman Clayton: Moving to Old Business, there are a couple items on for tonight that I think we want to switch their place on our agenda. We want to move Chesser and Nicole Ruth Development to the top to discuss since that may cover more people in the room.

Administrator Sweazy: **Anna F. Chesser for Darris Chesser** requesting AG-1, agricultural to R-3, residential on 2.49 acres total located at 235 Grays Run Road. This was an item that was before the commission back on June 17th. The commission made a motion of recommendation to send it to Fiscal Court. On Monday August 2nd Fiscal Court made a recommendation to send it back to the Planning Commission. The motion that they sent it back with, it says on motion of Esquire Jerry Moody second by and I don't have that second because I don't have the official record yet. Made a motion to send the application of Anna Chesser for Darris Chesser from AG-1, agriculture to R-3, residential on a total of 2.49 acres located 235 Grays Run Rd also known as lot 15-A and 16-A of the Frank Young Division back to Planning and Zoning Commission to check that area in the Comprehensive Plan, motion carried. The Fiscal Court members had some concern about the Comprehensive Plan and ask if the Commission would take a look at it.

Vice Chairman Clayton: I want to make sure that I understand this one correctly. This is the Chesser request from AG-1 to R-3 and that we previously had made a recommendation. It went to Fiscal Court and Fiscal Court has asked us to take another look at it in regard to the Comprehensive Plan. How much time has passed on this one, are we still within the 90 days?

Administrator Sweazy: you are within the 90 days the Planning Commission made their recommendation the 17th of June so that's when the 90 days starts.

Vice Chairman Clayton: OK, I guess where I'm kind of leaning on this one since it's just brought to us today and we kind of need some time to do what they're asking of us, which is to look at the Comprehensive Plan and make sure that we still agree that it meets what we thought. I would like to...I think maybe would be a better idea that we discuss this in two weeks and then give us as planning Commission members time to review the Comprehensive Plan, then address it but I guess I'll look to our attorney to do or say what we need to say or do.

Attorney Dale: you can. I think you addressed that in your initial finding, it was addressed at that time. The 90 days starts running the date y'all approved it. If they want you to take a look at it, I don't know the change between then and now but that's entirely up to you all for that that part of it but like you say they're under a time of 90 days. That runs from the initial recommendation not from any reconsideration.

Vice Chairman Clayton: OK and it is 90 days not 60 days. OK so July, August, we're not...we haven't hit the 90 days.

Attorney Dale: September.

Vice Chairman Clayton: OK, well other thoughts as far as discussing this.

Commissioner Wheatley: I think I am confused why they are bringing it back to us. Do they have any recommendations or things that they saw that we should look at specifically?

Commissioner Noel: The Comprehensive Plan.

Commissioner Wheatley: I know the Comprehensive Plan, we took that into account at the original hearing. It's not like we're taking new testimony on this, I mean has there been a significant change since...

Attorney Dale: there is really nothing in the statute that authorizes sending it back for reconsideration. You made your decision, and it goes to the county, they have three choices 1) they can accept that decision 2) they can reject the recommendation, review the record and evidence and make their own findings or 3) they themselves hold a evidentiary hearing. So I think you have done your due diligence.

Vice Chairman Clayton: I do think that one thing that may have been concerned of them, and you can see it on the second page there on the 8/2 date halfway down where the talks specifically in the residential land use on page 1-8 of the comprehensive plan, objective 46 it's curved sidewalks and streets...

Commissioner Faue: that's the wrong one.

Administrator Sweazy: sorry its two-sided copies, did something get pulled punched the wrong way.

Commissioner Faue: all it says is the Comprehensive Plan, but it doesn't say what in the plat they want us to look for.

Commissioner Noel: obviously they don't agree with the density, I assume.

Vice Chairman Clayton: but they didn't tell us that.

Attorney Dale: like I say they can make their own findings based upon a review of your records if they want if they want something different or they can hold their own evidentiary hearing as long as they get it done within 90 days.

Vice Chairman Clayton: OK, if we have time, I really am leaning towards us to find out or let's take a look at this a second look since the magistrates are asking and an make sure it does confirm the comprehensive plan. We felt like it did when we approved it.

Commissioner Wheatley: I wouldn't mind taking a look back over it's a concern, due diligence on our part and reviewing what we saw and seeing if we see anything that would make the comprehensive plan questionable.

Vice Chairman Clayton: I think that's good point and with that said I would think we could come back to address this in two in our next meeting and not even ask for tabling it or anything just so...

Attorney Dale: I think to make a motion to pass it to the next meeting.

Vice Chairman Clayton: OK with that said if everybody is OK with that, I'll be open to a motion.

Administrator Sweazy: before you do that, I have audience members that's asking if they're going to be allowed to speak on this, so I'll let you all make that determination. I know we've already held the public hearing.

Commissioner Wheatley: I didn't think we could do that.

Administrator Sweazy: that is why I'm asking our attorneys advice on that.

Attorney Dale: you had the public hearing previously and there were people that spoke on it as I recall.

Commissioner Wheatley: yes.

Attorney Dale: again, there's really nothing in the statute about reopening it but again I think that's up to you all.

Vice Chairman Clayton: I think there's a distinction here, this is a public meeting where the public is here, we're discussing but it's not a public hearing so in other words we're not asking for the public's input on this at this time.

Attorney Dale: right, that might be at the next meeting if you wanted to open it up.

Vice Chairman Clayton: we could consider that but again as you said not even required. We could just let it go right now but we will do our due diligence, I think it's a good thing and come back. For those that are here about that what we're basically saying is that and again we already had a public hearing. It went through the process and in a certain degree that process is complete but we as commissioners wanted to do or due diligence and take another look since the fiscal court has asked us to do so and we will do that and come back and discuss it at our next meeting. With that then, the motion we should be looking for...

Attorney Dale: to continue it to the next meeting, opening for hearing at the next meeting.

Vice Chairman Clayton: oh, I think we are just asking for a meeting.

Attorney Dale: if you are going to allow them to present any new evidence or not. There is no requirement to do that.

Vice Chairman Clayton: yeah, I'm taking we're going to review this with regard to the comprehensive plan and just have a meeting.

Attorney Dale: the county didn't anything about taking any new testimony.

Vice Chairman Clayton: yeah, I agree.

Commissioner Wheatley: I don't think the changes are going to come with new testimony. I think they're asking us to just take a look...

Vice Chairman Clayton: and make sure they were in conformance with comprehensive. So, with that I'll take a motion to continue to the next meeting.

Administrator Sweazy: do I have to re-advertise anything.

Attorney Dale: no.

Commissioner Noel: I make a motion that we continue to the next meeting, of August 19. Second by Commissioner Wheatley. Roll call vote. All in favor, motion carried.

Vice Chairman Clayton: for anyone that just came in that wish to speak, you will need to be sworn in.

Administrator Sweazy: **Nicole Ruth Development LLC** they were requesting R-1 residential to R-2 residential on 21 acres located on Wills Way in Top Flight Landing. The Planning Commission took action on this the 15th day of April of this year and sent recommendation to fiscal court for approval. At their meeting on Monday August 2nd fiscal court took action to send this back to the Planning Commission. The motion reads: On motion of Esq. Travis second by a Esq. Brewer with Esquires Mike Moody, Jerry Moody, Judge Executive Riley voting "aye" Esq. Beaverson voting "nay" to send back to the planning and zoning. They didn't feel planning and zoning took into consideration the comprehensive plan specifically in the residential land use on page 1-8 objective 4.6 that says curbs, sidewalks and streetlights should be required in high density developments. They did not require that in any of the development of Top Flight at this time and they are not following their own comprehensive plan in doing so. So that is what

they've sent this back asking the Commission to look at. With that one I think we do have a situation at hand, and it was brought to light earlier in the day, as we talked, this one was voted on by the Commission on April 15th so at that point the calendar started, the clock's ticking so by that we are past our 90 days.

Vice Chairman Clayton: following the KRS...

Attorney Dale: its my understanding the county took some actions during that time based on the paper. I haven't seen minutes or anything. I don't know, they may have in their records addressed it to the extent, but I don't see that Commission can take it under... cause the 90 days has run. The county, by my understanding did address that. Have a hearing or something and I think they addressed that with them. Again, the Commission is just a recommending body and have to follow the statue and there's a 90 day rule that once the recommendations made by the Commission the county has three choices as any local government, county or the city to either accept those recommendations, review the record and make their own findings or have their own evidentiary hearing. I'm not exactly sure what's been done at the county so they may want to review that and see if that falls into under their due diligence. I don't think that's your jurisdiction to address that after the 90 days.

Vice Chairman Clayton: I agree with you and a matter of fact we just had we go through training for what we are doing here in order to give you all the best service we can to citizens and just this week at our training it was pointed out that it's 90 days from the time that we act upon this and that's pointed out here and that was 4/15 so we have exceeded that 90 days. With that said we also still of course have respect for fiscal court and want to take to mind the things that may be of concern to them and I don't think we can change what we have here but what we can do, they have asked us to look into the comprehensive plan that I erroneously started to mention from before by looking at the wrong page here but about curbs, sidewalks and streetlights and it says in there should it doesn't say shall but it says for high density development. So, I think we should take another look at that as requested, not in regard to this particular project because by KRS, our action was taken and we are set with the action that we took. If somebody disagrees let me know, we can have further discussion. I'm open to having further discussions and digging deeper into what the comprehensive plan says about requiring sidewalks, curbs, and streetlights, again I do know it says should instead of shall and there is a distinction between there and the rest of the development I don't believe did have that. It seems we address this previously that was consistent with what the rest of development did. I'm thinking that in the future weeks we should look into that language with the comprehensive plan out of respect for the fiscal court. But otherwise, I think we let it go.

Commissioner Wheatly: the ship has sailed. With the comprehensive plan and also the rest of the development the way it was. You don't want to have partial... nice lights and things going on. You want to be consistent, and I think that is part of the consideration.

Vice Chairman Clayton: just a reminder this is just a public meeting at this point discussing that it's not a public hearing as we previously had a public hearing so that is where we're at. I think

we stand by what we did before, we will for fiscal court request look deeper into sidewalks, curbs, and lights.

Attorney Dale: you still need to make a motion for the next two weeks on that.

Vice Chairman Clayton: I'm open to a motion.

Commissioner Mudd: I'll make a motion that we continue this at our next meeting on August the 19th and dig deeper into the comprehensive plan with sidewalks and curbs and lighting.

Vice Chairman Clayton: and I think maybe we need some clarification that we continue discussion about that comprehensive plan not necessarily this docket item, this item is done.

Commissioner Wheatley: second the motion.

Vice Chairman Clayton: Julie do you have that clear that we're just continuing discussion about the comprehensive plan but as far as this docket...

Administrator Sweazy: so, we're not moving Nicole Ruth Development to the next docket, you're done with it. Roll call vote. Motion carried.

Administrator Sweazy: under old business we have the application of **MMS Land, LLC** requesting a zone change from AG-1, agricultural to R-1, residential on a 6.588 acre tract of land located on Lilly Pike, Hwy. 623. The Recommended Land Use Map in the Comprehensive Plan Recommends Medium Density Residential this application was carried over from the last meeting. She explained the amendments that took place previously and the difference in the zoning while showing the proposed plat map on the screen.

Michael Morgan: like discussed at the last meeting were basically fixing all those lots back to one acre lot some of them were smaller than an acre which we would not really be in compliance for what we have nowadays on one acre lot with the R-1 development.

Vice Chairman Clayton: commissioners anybody have questions, we dug pretty deep into it last meeting. It's making everything in compliance.

Mr. Morgan: yes, put it into compliance where everything was jumbled before.

Commissioner Mudd: it was a mess.

Mr. Morgan: it's straightening it out, putting it back to the subdivision and making all those one acre tracts instead of smaller.

Vice Chairman Clayton: just clarify, the access will be off of Tindale Drive.

Mr. Morgan: the safest way to get in there.

Commissioner Wheatley: the five acre tracts that's off 623.

Mr. Morgan: correct

Vice Chairman Clayton: but it has at long access and now I recall I was questioning about that how it tapered back.

Mr. Morgan: actually, it was the narrowest point so I did ask and it is 29.4 feet and I know you like it to be 30 feet but what is the benefit. We don't want that five acre tract to divided any more so it would prevent anyone from putting a road in and dividing it anymore. If it was 50 feet wide, then you could of course run a road down through and divide it more.

Vice Chairman Clayton: right, I think though is that our minimum 30 foot.

Administrator Sweazy: honestly for just an easement or access easement I don't know that it's specified what it has to be. Basically, if we're creating right away or frontage of course that's all 50 feet but I don't know anywhere that it specifies that you have to have a certain width for access easement.

Vice Chairman Clayton: I guess it could be argued that they have room...

Mr. Morgan: it was just the safest for traffic coming that way.

Vice Chairman Clayton: we also had a question about Section 2 labeling.

Mr. Morgan: yeah, you said you'd like it labeled a little more clear and like a little note or something.

Vice Chairman Clayton: did you do anything like.

Mr. Morgan: I hadn't. I have it put on final flag.

Vice Chairman Clayton: just a little star clarification. Any other questions.

Administrator Sweazy: this is one that will come back before you for final plat, so he could make notations of what you want to see on there before he comes back for final. We need to do this in two phases, we need to do zoning and then we need to do the plat.

Vice Chairman Clayton: I do have somebody in the audience that is waving at me. Also, for the one and any other that came in later. We did a swearing in, did you participate in that swearing in.

Ms. Johnson: no. Attorney Dale administered the oath.

Vice Chairman Clayton: thank you. We generally keep about 3 minutes.

Linda Johnson: 1815 Hochstrasser Road. OK, I just have some questions. I mean I think this is the property.

Administrator Sweazy: this is property on Tindale on Lilly Pike. I think maybe you're on the wrong property.

Vice Chairman Clayton: I know what you're here on, I'll get you then. Anyone else that would like to speak on this. If not, I open the floor for a motion.

Commissioner Faue: I make a motion on MMS Land, LLC requesting a zone change from AG-1, agricultural to R-1, residential on a 6.588 acre tract of land located on Lilly Pike, Hwy. 623. The Comprehensive Plan land use map indicates Medium Density Residential and the change for this would be in compliance with the comprehensive plan and there was no one present to speak against it.

Commissioner Mudd: second. No additional discussion

Administrator Sweazy: roll call vote. Motion carried with all in favor.

Vice Chairman Clayton: move on to the request for the plan approval **MMS Land, LLC** requesting preliminary plat approval of Tindale Place Amended on 14.602 acres proposing 10 tracts located on Lilly Pike, Hwy. 623 & Tindale Drive. Do you need to come back?

Mr. Morgan: just if you guys want me to. You know if anybody has any questions or whatever, we discussed it really thoroughly last time and went through it. I think we kind of talked about that I'm going to kind of put it back to the subdivision how it should have been and one acre tracts.

Vice Chairman Clayton: I think I'm pretty clear on it.

Commissioner Wheatly: it makes sense where the plan lays it going back to the one acre lots.

Vice Chairman Clayton I personally probably would be more of a stickler on that 30 footer if it weren't for the fact that we do have that access adjacent to the right of way.

Commissioner Wheatley: I'll make a motion to approve the plat for the MMS Land Company on preliminary plat located on Lilly Pike with a note of clarification. Section 2 is actually the original plat, ask that the surveyor add a note for clarification. Section 2 was the original plat, replace lots 6-10 as now lots 1-10.

Commissioner Noel: second. No additional discussion

Administrator Sweazy: roll call vote. Motion carried with all in favor.

New Business:

Administrator Sweazy: we have the application of **David and Vicky Webb for Nathan and Amy Riggs** requesting R-1 residential to AG-2 agricultural on 5.56 acres located in the 700 block of Briar Ridge Rd. The comprehensive plan recommended land use map indicates that area should be low density residential as far as previous action back in May of 96 the Cummings is zoned 15.21 acres to R1 the applicants have a contract on this property with the Riggs. With the cost of lumber, they have decided to go with the manufactured home instead of building a home therefore they are requesting to change the zoning on the 5.56 acres to AG-2. I'll go through the maps with you. (On the screens provided was a survey plat, zoning map, PVA map and comprehensive plan map. Each marking the site with a star for easier viewing.) Since the Cummings had the land zoned R-1 originally the map shows where additional tracts have since

been changed to R-3. The property is on 248, Briar Ridge Road near Bentley Lane and very close to Anderson County.

David Webb my address is 121 Frederick Court, Mount Washington and I am Amy Riggs address is 302 Landis Lane apt 4 in Mount Washington.

Vice Chairman Clayton: can you tell about this zone change. I think we understand it pretty clearly but...

Mr. Webb: we are selling it, they are thinking of buying it. They have a contract on it and they are having a manufactured home already built because they were originally going to the stick built and like they said with the lumber prices, they went the other route and we just have the request to have it rezoned and do that there.

Vice Chairman Clayton: it seemed pretty straightforward. I'll open up to commissioners for questions. Does anyone have any issue if we would just go ahead and proceed with this tonight if so speak up? Let's move forward with this as we recently set our policy so we could come back in two weeks but if we don't have any issues, we will proceed. I don't think we have any questions, but I will reach out to the audience if anybody else has a concern and would like to speak to this matter. Seeing none then I'll open it up to commissioners for motion.

Commissioner Mudd: I'll make a motion to recommend to rezone the application of David and Vicki Webb for Nathan and Amy Riggs requesting a zone change from R1 residential to AG-2 agricultural on 5.56 acre tract of land located in the 7000 block of Briar Ridge Rd. The recommended land use map in the comprehensive plan recommends a low density residential and the change would be in compliance with the comprehensive plan and there is no one here to speak against this.

Commissioner Wheatley: second. No additional discussion

Administrator Sweazy: roll call vote. Motion carried with all in favor. I will present it in front of the court, you do not have to attend but it will go before fiscal court in September and should be completed in September.

Administrator Sweazy: The application of **John & Lorrie Wolfe** requesting a zone change from AG-1, agricultural to AG-2, agricultural on a total of 15.195 acres located on Goose Creek Court. The Comprehensive Plan land use map recommends Low Density Residential. Previous Action: 12/3/18 - The 25.527 acre tract as a whole was created as Tract 2 of the Leonard Hammond Estate. The applicants are requesting to separate their large tract into 4 smaller tracts. The intended purpose is to allow themselves, a family friend, and their children to each have a separate smaller mini farm tracts for their personal residences. The current zoning will not allow the property to have 5 acre tracts. (On the screens provided was a survey plat, zoning map, PVA map and comprehensive plan map. Each marking the site with a star for easier viewing.) They applicants are creating three 5 acre tracts and a 10 acre tract. They will also be creating a private road on this property that will come directly off Goose Creek Court. They are in an area that is primarily agricultural in one form or the other.

Attorney Charles Tichenor: representing the applicants and John Wolf is present also if we have any questions for them. Julie summed it up pretty well, only thing I will say it could be in a medium density area because of the way the map is, you can't tell exactly. This is right on the line so but we're not asking for a medium density zone we're asking for agricultural zone. They have as Julie put in what was in the application, they had bought this tract property and their children will live there, they want to live there, and they've got some friends that want to buy a lot there. So, we have put forth a plat and a design to divide that into those smaller tracts. Ag-1 zoning will not allow that to happen which is what this is. This is a division of a larger farm you could see the larger chunk of it to the north on that picture where they split that when Mr. Hammond died, and they had an auction. I did present to Julie, and I hope it made into your books, there's a set of restrictions and a road maintenance agreement for you all to review they are not final but they're pretty much final. We're saying no modular homes, no mobile homes, stick built homes 1500 square foot on a main floor, 2000 square feet total. If it's two story 1000 on each floor. Basically, they are doing everything to keep the character of that neighborhood as it is. As you can tell from the PVA map most of those tracts back there are approximately 10 acres, a few 5 acre tracts as shown on the zoning map before. There's no large acreage tracts back Goose Creek Court. Most under, 10 to 20 acres about the size of this we're just asking to break this one down into four smaller pieces with some pretty stiff restrictions on what can go in there. It's a family who wants to basically build a family compound.

Attorney Dale: did you say manufactured homes.

Attorney Tichenor: no manufactured homes.

Administrator Sweazy: I've got this on as two separate docket items, because it's zoning and then we have a plat approval. The restrictions and road maintenance agreement may be in the plat part instead of the zoning part in your binders.

Attorney Tichenor: part of the road maintenance agreement that may not be set in stone. We threw a \$200 a year assessment fee. We may actually mess with that a little bit because if it was five or six people, \$200 a year maybe alright but we're down to four lots so we may have to raise that some or we may have to adjust it but through your regulations require us to have a road maintenance agreement and we will do that. On the plat only three tracts will be served by the private road, the one tract has road frontage on Goose Creek Court and would be served by that.

Vice Chairman Clayton what's the topography like there. Is there already like a drive there and that's why they wanted to use that.

Attorney Tichenor: (shaking his head) yes.

Vice Chairman Clayton: OK, that's what I figured.

Administrator Sweazy: that is the entrance point for that lot.

Vice Chairman Clayton: yeah, two entry points.

Attorney Tichenor: yes.

Vice Chairman Clayton: as far as good planning that's maybe not the best of things. It's on quite the curve isn't?

Attorney Tichenor: it's not that bad of a curve back through there.

Vice Chairman Clayton: at least you're on the good side of the curve, good line of distance. What does the road do in that area, does it go up and down or can they see pretty good?

Mr. Wolfe: pretty straight.

Vice Chairman Clayton: good, so when you're coming out of your subdivision or your farm lane

Attorney Tichenor: if I'm remembering correctly, I know these two tracts are common ownership and that one may be also. (Pointing to the screen)

Vice Chairman Clayton: I guess my question would be why? You're saying lot 2A and I see that they have 145 foot right of way at the property line adjacent to the road. Why wouldn't they just go ahead and use their same common driveway also.

Attorney Tichenor: the reason for that is Mr. and Mrs. Wolf have one additional child that may or may not ever want to live out there and that if we leave lot 2A on the road, lot 2C could be divided into two parcels and be served on private road if you put lot 2A on there. It would prohibit 10 acre parcel from being divided again. And Lot 2A has significant road frontage based on the regulations.

Vice Chairman Clayton: I see where you're going here but in the fact that it is on that curve and really aren't...even if they all shared there's only 4 lots and you're only talking about three lots now sharing the one. Neither here nor there, if there was like 200.

Attorney Tichenor: if there was 200 lots, we can't be a private road. We are tapped out.

Vice Chairman Clayton: If it was more, I wouldn't want two driveways side-by-side.

Attorney Tichenor: we're not trying to create a bunch of flag lots.

Commissioner Faue: I just want to clarify, lot 2C will remain AG-1

Attorney Tichenor: that is correct this time.

Commissioner Faue: lots 2A, 2B and 2D are going to AG-2.

Attorney Tichenor: yes

Vice Chairman Clayton: I've got a question about the plat, but I think well take care of the zoning first. Is there anybody else here to speak from the public or questions? If not, then commissioners any questions on this. I don't really have much been issue if you all don't have a problem. I think we just move this forward and go ahead and address it. I'll open it up for a motion.

Commissioner Faue: made motion on the application of John and Lori Wolf recommend to rezone from AG-1 agricultural to AG-2 agricultural on a total of 15.195 acres located on Goose

Creek Court and those are lots 2A, 2D and 2B. The land use map in the comprehensive plan recommends low density residential this change would be in compliance with the comprehensive plan and there is no one here to speak against it.

Commissioner Noel: second. No additional discussion

Administrator Sweazy: roll call vote. Motion carried with all in favor.

The application of **John & Lorrie Wolfe** requesting Minor Plat Approval on 25.527 acres proposing 4 tracts on Goose Creek Court.

Attorney Tichenor: we're just here to ask for minor plat approval to create plat. On the AG-2 classification.

Vice Chairman Clayton: and now I ask my question about the plat. I see a ten foot water line easement and I assume that would serve lot 2A and lot 2B.

Attorney Tichenor: Correct. That is to my knowledge 'cause I have adjacent property to this, one farm over that is a water main line. I don't know whether 2D and 2A can tap on Goose Creek Court so there's water that they will get and where you're going with that, I think is the private driveway has a utility easement incorporated to it also.

Vice Chairman Clayton: Thank you. Yes, I see that now. They're not going to...lot 2C and 2B are not going to tap and come across the property of those two lots adjacent to on there. Which may be the easiest way.

Attorney Tichenor: I can't tell you if they are, that's a question for the City of Taylorsville Water Company. Whether or not they will allow a tap off that line or if that tap has to come from Goose Creek Court.

Vice Chairman Clayton: any the idea what size that line is. I guess you wouldn't, it would be the one on Goose Creek would be as big if not bigger. So, if they allowed to tap Goose Creek I would say they would allow them to tap the one over here. My only recommendation would be for you, and this is just a comment since it's your plat to deal with, that the line separating 2D and 2A have an easement that comes over to that little cul-de-sac you are creating for utilities. That way you could go straight across there and then you could get your service.

Attorney Tichenor: we could do that.

Vice Chairman Clayton: I would recommend that. In fact, I would run that easement on both sides of it. That way you can come down and once you...just a recommendation because I like that much versus that much. As far as running water line, sorry as a civil engineer I can't help but interjected. I think that would make your development much better. You never know when the kids on the other side get mad at you or whoever. Mr. Tichenor you're OK with that?

Attorney Tichenor: yes, and would be fine if you all would approve the minor plat subject to that being done and we will do it and present it to Julie for signature once zoning matter...this is all contingent to the zoning approval through fiscal court.

Vice Chairman Clayton just place a utility easement between lot 2B and lot 2A to the cul-de-sac there.

Attorney Tichenor: I would say the surveyor is gonna put a standard 10 foot to 15 foot each side of the lot line.

Vice Chairman Clayton: yeah, we'll leave that up to you. I think we're just saying we would approve it with that. In fact, I'm hesitant to say contingent upon because we really don't care what you do but I think it benefits you and then for the greater good of the community and you'll be the citizens. I think it's a good way, a good thing. So just say a utility easement between 2B and 2A.

Administrator Sweazy: maybe check with the city to see for the water what they would recommend or prefer.

Vice Chairman Clayton I can't recall if I asked if anybody else needs to speak. Do want to approve?

Administrator Sweazy: if you want to approve it, it will need to be subject to the zoning being approved or contingent on the zoning being approved.

Commissioner Wheatly: I make a motion to approve the minor plat for the Goose Creek Court location with utility easements to be on either side for lot 2D and 2A for the John and Lori wolf application.

Commissioner Mudd: second.

Vice Chairman Clayton: discussion. I guess I have just a little bit discussion. Do we also need to mention a waiver for the size of lot 2B. It looks like it may be, what is the rule four times longer...

Administrator Sweazy: the ratio? Usually on agricultural we don't do anything with that it's just on residential.

Vice Chairman Clayton: OK, I am fine and I think it depends on which end to use.

Attorney Tichenor: with agricultural, I do not think it applies based on the regulations.

Administrator Sweazy: roll call vote. Motion carried with all in favor.

The application of **Dwight Greenwell** requesting AG-1 agricultural to AG-2 agricultural on 6.00 acres and AG-1 agricultural to R1 residential on 1.95 acres, the property is located 1862 Hochstrasser Rd. The comprehensive plan recommended land use map indicates this area should

be medium density residential, as far as previous action in November of 2018 Jonathan Lee Hochstrasser had 4.4 acres zoned R1 which was a part of this farm. (On the screens provided was a survey plat, zoning map, PVA map and comprehensive plan map. Each marking the site with a star for easier viewing.) The larger tract Mr. Greenwell plans to retain for himself, tract 1 is the 6 acre tract that we are requesting the AG-2 zoning and tract 3 is the tract we are asking for R-1 on. She noted that the approximate location of the county line is shown in pink, so the rear portion of the property is in Shelby County although all the property is taxed in Spencer. There is a lot of development in that area until you reach his farm.

Vice Chairman Clayton: so today we are just addressing the zone changes on it, there is not...

Administrator Sweazy: yes, zone changes, there is not a plat review because there is only the two tracts.

Vice Chairman Clayton: are they existing tracts.

Administrator Sweazy: he is creating those as tracts but because this is only three new tracts it will be reviewed in the office instead of in the meeting.

Vice Chairman Clayton: is the first one, fifty foot wide or thirty foot wide.

Administrator Sweazy: at the roadway? It's fifty.

Attorney Dale administered the oath for testimony to Dwight Greenwell.

Dwight Greenwell of 88 Hunters Trace, Taylorsville. Basically, I bought this farm in January, the Hochstrasser's are my cousins. I've been farming it for five years and I'm selling off a couple of tracts. Tract one is the gentleman that lives in the back lot in that subdivision (Beacon Hill) is just buying that to create a buffer for himself so I don't expect anything will be done on that anytime soon. We had to give him a 50 foot frontage or right-of-way out to the road.

Vice Chairman Clayton: As you heard that's one of the things I always ask.

Mr. Greenwell: he don't plan to use that. He either had to have access to the highway, Hochstrasser Rd or he had to have added into his lot and the HOA restrictions would cover and he didn't want to do that. The other lot, the 1.95 acre lot I was just, if you notice with the shape of the farm. It kind of makes sense to cut that off and I don't have any plans to do anything with that anytime soon. I may build a house for myself down the road or may sell it down the road. I don't know what I'm going to do with it but it just made sense to do it all at one time to make it more cost effective.

Vice Chairman Clayton: what's the lay of the land there on that tract, the 1.95 acres. What is the topo? Could you put a house in there?

Mr. Greenwell: oh yeah.

Vice Chairman Clayton: the sight distance. Looks like it's a straight shot looking to the north and the other...

Mr. Greenwell there is a driveway right across from it so there is sight distance there. Probably right at the very bottom tip, that kind of curves around there and there's the adjoining farm, which is Goebel's Farm has a road farm road that goes in right there so it makes sense to put of the driveway in there. And there's plenty of sight distance there.

Vice Chairman Clayton anyone in the audience that would like to address this one. This is this the one you were coming for.

Linda Johnson, 1815 Hochstrasser Road. I just I had a few questions as to how this is going to impact us. We live across the street from the lots. I just don't know how that's going to impact us.

Vice Chairman Clayton: so, your question is how is the zone change going to affect you.

Ms. Johnson: we live across the street. We live in the 1815.

Vice Chairman Clayton: referring to the map. The driveway that is already there it's across the street. OK, what is yours currently?

Ms. Johnson AG-1.

Vice Chairman Clayton: OK, so the majority of his property is staying the same. Tract 1 has changed to AG-2 and again as he was saying if I understand what he was telling us, that's basically the property owner at the end of this, kind of wants to control that as a buffer area there and you know the 54 acres is staying AG-1 so now really the only question is one lot we got here which is the tract 3 which is changing to R1 which would allow one home to be put on it. So as far as the change across the street from you, it appears to me that it's not going to affect you really.

Ms. Johnson: OK, that was our biggest question. He's not planning on doing that we're not against him doing what he wants to do with his own property. We just wanted to make sure that it wasn't going to affect us because my son bought the property and we're living there too, and you know he bought because it was agricultural, and he doesn't want it to change.

Vice Chairman Deapen: across the street, there's not a home.

Mr. Greenwell: not a home on that 54 acres, already a foundation.

Vice Chairman Clayton: so, you could build a home back in there.

Mr. Greenwell: we're not talking about major subdivision at this point.

Ms. Johnson: I guess the other questions that I have are just immaterial we just wanted to know what the impact was going to be. It looks pretty minimal.

Vice Chairman Clayton: alright commissioner's anybody want to make motion.

Commissioner Faue: I make a motion to recommend to fiscal court the application of Dwight Greenwell requesting zone change from AG-1 agricultural to AG-2 agricultural on a 6 acre tract being tract 1 and AG-1, agricultural to R-1 residential, tract 3 on 1.95 acre tract of land located 1862 Hochstrasser Road based on the following findings of fact the recommended land use map in the comprehensive plan recommends medium density residential, the change would be in compliance with the comprehensive plan. We heard testimony from the audience, and I think everybody is in agreement we're good with this.

Commissioner Wheatley: second. No additional discussion

Administrator Sweazy: roll call vote. Motion carried with all in favor.

The next meeting will be August 19, 2021.

Commissioner Noel made motion to adjourn, second by Commissioner Mudd. Meeting adjourned.

Chairman

Attest:

Secretary