

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 19, 2021, in the Fiscal Court meeting room at 28 East Main St., Taylorsville, Kentucky.

Chairman Deapen: Called the meeting to order.

Administrator Sweazy: Called roll.

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

Chairman Deapen: Before we go to approval of the minutes, I want to read the beginning of this letter Julie gave us from Chris Limpp, Chief Spencer County Emergency Service. It's addressed to the Judge Executive and members of Fiscal Court. In the past couple of weeks Spencer County has seen a drastic spike in the number of reported Covid-19 cases, the Spencer County and North Central Health Department report such a rise in positive cases they are unable to keep up with contact tracing. With this in mind, I would strongly recommend returning to wearing mask and social distancing at all public meetings, encouraging social distancing in all county offices and limiting access, when possible, it would be advisable to ask those entering county buildings or offices to wear a mask. The rest of the letter pertains to guidelines for exposure. (see attached) Now when you've had time to review the minutes. I'll entertain a motion.

Commissioner Mudd made a motion to approve the minutes as amended, second by Commissioner Clayton.

Chairman Deapen: Any discussion?

Administrator Sweazy: Roll called, motion carries.

Chairman Deapen: Committees.

Administrator Sweazy: No committees.

Attorney Dale: Administered the oath of testimony to all wishing to speak.

Chairman Deapen: Old Business.

Administrator Sweazy: Docket #1 - We have the application of **Anna F. Chesser for Darris Chesser** requesting Ag-1, agricultural to R-3, residential on 2.49 acres total located at 235 Grays Run Rd, aka Lots 15A & 16A Frank Young Division. In your packets there is a timeline of what has been going on with that application. (see below) You guys made a recommendation to Fiscal Court, Fiscal Court felt the need to send it back and ask for you all to review your comprehensive plan more a little bit deeper. At the last meeting you all decided to hold it over to this meeting to give you some time to do that.

**6/3/2021** – Application came before the Planning Commission and was continued to next meeting.

**6/17/2021** – Application came before Planning Commission; the following action was taken:

Commissioner Travis: I make a motion to recommend to rezone the application of Anna F. Chesser for Darris Chesser requesting Ag-1, agricultural to R-3, residential on a total of 2.49 acres located at 235 Grays Run Road aka Lots 15A & 16A of the Frank Young Division. The Recommended Land Use Map in the Comprehensive Plan Recommends Medium Density Residential. The change would be in compliance with the comprehensive Plan and there is no one here or on zoom to speak against it. In addition, add Binding Element of one single family dwelling on a foundation with a front porch and deck or patio on the back.

Commissioner Noel: Second.

Chairman Deapen: Any other discussion? Call roll.

Administrator Sweazy: Roll called. Motion carries.

**7/7/2021** – Application went before Fiscal Court for First Reading.

**7/19/2021** – Applicant went before Fiscal Court for Second Reading; the following action was taken:

On motion of Esq. J. Moody, second by Esq. M. Moody with Esq.'s Beaverson, Travis, and Brewer voting "Aye", Judge Executive Riley voting "Nay" to NOT approve the zoning application of Anna F Chesser for Darris Chesser from AG-1, agricultural to R-3, residential on a total of 2.49 acres located at 235 Grays Run Road aka Lots 15A & 16A Frank Young Division based on the facts and findings presented by the planning and zoning board.

**8/2/2021** – Fiscal Court prior to approving their minutes of 7/19/21 rescinded their motion and took the following action:

On motion of Esq. J. Moody, second by to send the application of Anna F Chesser for Darris Chesser from AG-1, agricultural to R-3, residential on a total of 2.49 acres located at 235 Grays Run Road aka Lots 15A & 16A Frank Young Division back to the planning commission to check that area in the Comprehensive Plan. Motion carried.

Chairman Deapen: Thank you Commissioner Clayton for filling in last week. To my understanding and correct me if I'm wrong. We passed on homework for everyone to go back through the comprehensive plan and determining that they didn't find a conflict with what they're doing. I found nothing that was out of line. Did anyone find anything?

Commissioner Travis: You have R-3 right there adjoining. Since I have been connected to the zoning and Fiscal Court we always thought if there was property within sight of the application requesting the same zoning, then you can change it to what they ask for.

Chairman Deapen: Did anyone else see anything of concern? If not, I'll entertain a motion.

Administrator Sweazy: Are you all going to take any public comments on this at all tonight?

Chairman Deapen: No.

Commissioner Mudd: I make the following motion, on 6/17/2021, the Planning and Zoning Commission took up the application of Anna F Chesser for Darris Chesser to change zoning at 235 Grays Run Road from AG-1 to R-3 on 2.49 acres. The motion made by Commissioner Travis included language that the change would be in compliance with the Comprehensive Plan. That motion to

recommend approval of the change passed unanimously. Several steps ensued in this matter. Of relevance to this motion, on 8/2/2021 the Fiscal Court on motion from Esquire Jerry Moody voted to send the application back to the commission to check that area in the Comprehensive Plan.

Accordingly, during the regular meeting of the commission on August 5, 2021 the Chairman instructed all members of the commission to review the complete Comprehensive Plan as it might pertain to this application. During the regular meeting of August 19, 2021 the commission discussed their review and found that the application is in compliance with the Comprehensive Plan.

Chairman Deapen: Is there a second?

Commissioner Noel: Second.

Chairman Deapen: Any further discussion on the motion? Julie, read the roll.

Administrator Sweazy: Roll called, motion carries, with all in favor.

Chairman Deapen: New Business.

Administrator Sweazy: Docket #1 – We have the application of **Timothy V. & Jennifer G. Stevens** requesting R-1, residential to AG-1, agricultural on 10.1093 acres located at 333 Cedar Point Road aka Lots 40 & 41, Cedar Point. The Comprehensive Plan Recommended Land Use Map indicates the area should be Low Density Residential. On 9/28/81, 159 acres was zoned R-1, residential by Allen Blacketer Company. The applicants are requesting to combine their two lots and zone the property agricultural. This will allow them more uses for their land. In your packets you have the revised plat that shows the two lots conveyed together. All the tracts in this area are bigger tracts of 5 acres or more.

Tim and Jennifer Stevens: 333 Cedar Point Road, Mt. Eden. When we bought this our goal was to create a place where we could do small farming and then we realized it was zoned R-1, which has a lot of limitations. We are in the process of building a house, we built a barn so we would like to move forward with our plan. I have been talking to the Extension Agent here and there are a lot of opportunities here for grants and other things in the agricultural area to allow us to get money to improve the property for fencing and other expenses. There are seven houses in this subdivision and most of the lots in there are large lots anywhere from 10 acres to 20 acres. We took it upon ourselves to go door to door to all the neighbors and talk to them to make sure there was no objection to this. Actually, there are a couple of them that claim they plan on coming in behind us and doing the same thing. We appreciate your consideration.

Chairman Deapen: That's impressive you took the time to do that. Questions from the commission?

Commissioner Clayton: Could you tell us specifically what you plan on doing?

Mr. Stevens: I will give you 100% of what I plan on doing. With the last year of COVID and the food shortages, we want to become self-sufficient. We want to supply our own meat, plant a garden, and go back to the old days of canning. When I was young our family provided for ourselves and that is our goal.

Attorney Dale: Did they explain to you about getting a farm number from Farm Services in Shelbyville?

Mr. Stevens: No but thank you.

Commissioner Travis: Take your deed with you when you go.

Chairman Deapen: Do we have anyone signed up to speak?

Administrator Sweazy: No.

Chairman Deapen: Any reason not to take this up tonight? If not, I'll entertain a motion.

Commissioner Faue: I make a motion to recommend to rezone the application of Timothy V. & Jennifer G. Stevens requesting zone change from R-1, residential to AG-1, agricultural on 10.1093 acres located at 333 Cedar Point Road also known as Lots 40 & 41 Cedar Point. The Recommended Land Use Map in the Comprehensive Plan Recommends Low Density Residential. The change would be in compliance with the comprehensive plan and there is no one here to speak against it.

Commissioner Mudd: Second.

Chairman Deapen: Any further discussion from the commission? Julie, read the roll.

Administrator Sweazy: Roll called, motion carries.

Administrator Sweazy: Docket #2 – We have the application of **Jeff Whitaker** requesting AG-1, agricultural to R-1, residential on 1.88 acres located at 3505 Lilly Pike. The Comprehensive Plan Recommended Land Use Map indicates the area should be Medium Density Residential. The applicant is proposing to sell this property. He is requesting the zone change to bring it into compliance with current zoning. The mobile shown on the plat has been removed and the property is now vacant. We have also been made aware there is a water line easement that was done for this property. It was done with a hand drawing. This plat super ceded that hand drawing of where the easement is at. But there is a recorded one and it does cross the property.

Jeff Whitaker: 136 Harding Drive, Mt. Washington, KY. I did know about the water line easement. I have a copy of the same drawing that she has. The surveyor just didn't catch it when he did the survey. I may sale it I may not. But it's not in compliance. I'm getting it cleaned up and want to bring it into compliance.

Chairman Deapen: Any questions from the commission on this one?

Administrator Sweazy: Let me go through the maps with you all. Here's the zoning map, it's directly across from Tindale Place. Here's an area photo and then the Comprehensive Map that shows its Medium Density Residential.

Chairman Deapen: Any questions from the commission and did anyone sign up to speak on this matter?

Administrator Sweazy: Yes.

David Hardin: 3525 Lilly Pike. Mrs. Jackie and them, were great neighbors. They let me put that water line through there. I just wanted to make sure he was aware of it. I have showed this land to several people. I understand the old road behind there is an old county road and I am the only one that keeps the rock on it. Some of those people suggested that if they bought it, they would try and use that road. Since it's an old county road, I'm not sure if I can say no or not. I'm not opposed to letting them use it if they need to move something in. It's not a big deal they even mentioned sharing the rock.

Chairman Deapen: Any questions from the commission?

Commissioner Clayton: That water line easement is recorded?

Administrator Sweazy: Yes, it is recorded. It was between the Whitaker's and Mr. Hardin.

Mr. Hardin: I just didn't want someone to build on it not knowing it.

Commissioner Clayton: Does it run along the property line?

Mr. Hardin: Almost across from where the trailer was.

Chairman Deapen: Ask Mr. Hardin to come up and show Commissioner Clayton where the easement is located.

Chairman Deapen: Any other questions from the commission? Any objections to taking this up tonight? If not, I'll entertain a motion.

Commissioner Travis: I make a motion to recommend to rezone the application of Jeff Whitaker requesting zone change from AG-1, agricultural to R-1, residential on 1.88 acres located at 3505 Lilly Pike. It does meet the Comprehensive Plan of Medium Density Residential. The change would be in compliance with the comprehensive plan and there's no one here to speak against it.

Commissioner Noel: Second.

Chairman Deapen: Any further discussion from the commission? Julie read the roll.

Administrator Sweazy: Roll called, motion carries.

Administrator Sweazy: Docket #3 – We have the application of **Sunrise Market, LLC** requesting B-1, commercial to B-2, commercial of 1.55 acres located at 5469 Taylorsville Road. The Comprehensive Plan Recommended Land Use Map indicates the area should be Medium Density Residential. In May of 1994, Leonard Reece had 3 acres zoned B-1. The front acre of the property is where The Peoples Bank is located. The planning commission approved that zoning back then with Binding Element's as follows: (2) Nothing can be done with the remaining two-acre tract until adequate public notice is given and a proposal is presented to and approved by Spencer County Planning and Zoning commission. Sunrise Market, LLC bought this property to add to the rear of the existing Crickets Convenience Store that they own.

Mohanjit Singh Dhaliwal: 5461 Taylorsville Road, Fisherville, KY. We are here to change zoning from B1 to B2.

Chairman Deapen: Why do you want to do that?

Mr. Dhaliwal: We just bought it from The People's Bank. We would like to put additional parking on the back side and a driveway around the building. We have little parking on the front side of building.

Chairman Deapen: So, the property you currently own is B2, so you're wanting to bring them together with B2 zoning?

Mr. Heath: Consolidate. The property line is very close to the rear of the existing building, and we can't build onto the structure.

Chairman Deapen: So, what change would there be to the nature of the business as to what it is now?

Scott Heath: Representative for Moe. I'm helping him with his planning, engineering, and construction.

Commissioner Travis: Right now, you can't drive behind your current building, can you?

Mr. Dhaliwal: No sir.

Chairman Deapen: I'm just wanting to know if you're going to change anything, change what you're selling or leave it the same?

Mr. Dhaliwal: It's going to stay pretty much the same.

Mr. Heath: It will stay a shell station. They came in with 10 years of infant structure on the dispensers. We added those dispensers on the side of the building for big trucks and trailers. The plan was to eventually buy that extra ground behind it to build a drive all the way around the building so trucks, tractor trailers and farming equipment to be able to go around the building. Sometime soon because we piped that ditch where we could expand the parking.

Chairman Deapen: Julie, do you have any idea why that binding element was put on there?

Administrator Sweazy: This was before my time. I'm going to say when the person came in for the zoning change, they didn't have a good plan as what they wanted to do with the property at that time. So, I guess they opened up that front acre for them to do something and if they needed to come back then they had to come here with a proposal.

Chairman Deapen: It's just kind of an unusual binding element, one you don't normally see.

Administrator Sweazy: I think they were just being proactive and said we will give you the acre to do what you want to. Which they ended up making it a bank. But if you want to do something with the other 2 acres then you have to come back.

Mr. Heath: When I filled out the application checklist, I thought you told me it showed mixed use area?

Administrator Sweazy: The reason I did that is because it shows that more of the 2 acres is medium than mixed use. It's already one form of commercial so to convey it together it needs to be the same zoning. If the commission chooses to change it and he was going to expand the store if you want him to come back later if he does something different you can always add as a binding element.

Chairman Deapen: Questions from the commission?

Commissioner Clayton: Remind me of the difference between B1 and B2.

Administrator Sweazy: Today it's more by building size than use.

Mr. Heath: I think we can have the same use but limited to 5000 square feet or less.

Administrator Sweazy: That is correct.

Commissioner Clayton: So, they wouldn't be able to do what they wanted to on B1?

Administrator Sweazy: They want to consolidate, but we can't join two different zonings together, it needs to be compatible.

Commissioner Clayton: What I want to know is there anything different between B1 and B2?

Administrator Sweazy: B1 allows retail sales establishments, for the sale of convenience goods, personal service establishments, and other consumer services, provided that all processing is performed as a consumer service for retail customers served on the premises and all such establishments are limited to a maximum of 5000 square feet of floor area; including but not limited to convenience stores, mini-marts including gasoline sales, restaurants, specialty retailers, video rental stores, grocery stores, etc. B2 is basically the same except the verbiage on the square footage. It says no limitation on square feet of floor area.

Commissioner Clayton: Now I understand.

Mr. Heath: Maybe in 10 years they might want to demo the existing store and get everything back off the right of way.

Chairman Deapen: So, what your saying is in 10 years from now it might become larger in capacity but the same kind of business.

Mr. Dhaliwal: Yes.

Chairman Deapen: Any more questions from the commission?

Commissioner Clayton: Who prepared this Plat?

Mr. Heath: C.R.P. & Associates and myself.

Commissioner Clayton: I don't see the name on here.

Mr. Heath: I just did an exhibit to show the zone change then I did a separate Minor Plat to show the consolidation.

Administrator Sweazy: Gave copy of Consolidation Plat to Commissioner Clayton.

Commissioner Clayton: So, what was your name again?

Mr. Heath: Scott Heath.

Commissioner Clayton: Who is R.L. Rosenbaum?

Mr. Heath: He works for C.R.P.

Commissioner Clayton: Did you say there has already been a pipe put in the ground out there?

Mr. Heath: Yes, there's a drainage that comes down from the side road from Elmar's BP and makes a circle. There's a culvert under that road that brings water down from the homes, then there's a pipe all the way across the back of the bank, then a head wall at the property line, then we constructed another head wall and then a pipe that comes down past our building so we can expand the parking lot.

Commissioner Clayton: So, that's already in the ground?

Mr. Heath: Yes.

Administrator Sweazy: They did that when they did the renovation.

Mr. Heath: Pointed out the piping to Commissioner Clayton.

Commissioner Clayton: Who designed that pipe?

Mr. Heath: Me and another Engineer. I'm a Civil Engineer.

Commissioner Clayton: Your licensed where?

Mr. Heath: I'm not licensed in Kentucky.

Commissioner Clayton: Who was the other Engineer?

Mr. Heath: Richard Linker.

Commissioner Clayton: Is he licensed in Kentucky?

Mr. Heath: Yes, he is.

Commissioner Clayton: Okay. When Engineer's come in, I usually check for their license on the Kentucky List of Licensed Engineers, but I did not see your name. I appreciate you letting me know you're working with these guys. It needs to be noted for the record that he's not here as a licensed Engineer for the state of Kentucky.



Commissioner Faue: So, on the lot you're preposing B2 on, you're wanting to put parking or a road behind the building. What kind?

Mr. Dhaliwal: Well parking or for delivery trucks. They have to park in the front now.

Commissioner Faue: Asphalt, concrete, what's you plan?

Mr. Dhaliwal: Probably asphalt then later blacktop.

Commissioner Faue: The parking regulations on B2 are asphalt or concrete.

Chairman Deapen: Do we have anyone wanting to speak on this?

Administrator Sweazy: No.

Chairman Deapen: Any objections to taking this up tonight? Okay, I'll entertain a motion.

Commissioner Faue: I make a motion to recommend to rezone the application of Sunrise Market, LLC requesting zone change from B-1, commercial to B-2, commercial on 1.55 acres located at 5469 Taylorsville Road. The Recommended Land Use Map in the Comprehensive Plan Recommends Medium Density Residential and Mixed Use. The change would be in compliance with the comprehensive plan and there is no one here to speak against it.

Commissioner Mudd: Second.

Chairman Deapen: Any further discussion? Read roll.

Administrator Sweazy: Roll called. Motion carries.

Chairman Deapen: General questions or discussion?

Administrator Sweazy: Our next meeting should be September 2, 2021. However, I have no applications for that meeting so we would only have the approval of the minutes. If our attorney says we would be okay to forward some applications to Fiscal Court without the minutes being approved, then get the approval before the second reading of Fiscal Court so we don't run into any issues.

Attorney Dale: There's no law that says the minutes have to be approved as long as it's approved before any final action is taken.

Administrator Sweazy: So, our Next Meeting will be September 16, 2021

Commissioner Travis: Made motion to adjourn.

Commissioner Faue: Second.

Chairman Deapen: We have a motion to adjourn, all in favor please say aye, meeting adjourned.

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Chairman

Attest:

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Secretary