Taylorsville-Spencer County
Joint Planning and Zoning Commission

The regular meeting of the Taylorsville-Spencer County Joint Planning and Zoning Commission was held February 1, 2024, in the Fiscal Court meeting room located at 28 East Main Street, Taylorsville, Kentucky.

Chairman Deapen called the meeting to order.

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

Chairman Deapen: Our first order of business of our first regular meeting of the year is Election of Officers. I will open the floor for nominations.

Chairman Deapen: I would like to nominate Commissioner Brown for Chairman.

Commissioner Mudd: Second.

Chairman Deapen: Any discussion, all in favor say aye, opposed, (no one opposed).

Commissioner Brown: I'll accept. I think my role and knowledge might be better suited for Commissioner but if you all want me as Chairman, I can definitely do that.

Attorney Dale: You can still do what you've done in the past as far as questions, you just can't vote unless there's a tie.

Chairman Deapen: Vice Chairman nominations.

Commissioner Travis: I nominate Diana Faue.

Commissioner Noel: Second.

Commissioner Faue: I accept.

Chairman Deapen: All in favor say aye, opposed, (no one opposed).

Chairman Deapen: Secertary nominations.

Commissioner Noel: I nominate Valerie Hunt.

Commissioner Mudd: Second.

Commissioner Hunt: I accept.

Chairman Deapen: All in favor say aye, opposed, (no one opposed).

New elected officers took their seats.

Chairman Brown: In your packets you have a copy of the minutes from the last meeting for December 21, 2023. I will entertain a motion to approve those minutes.

Commissioner Mudd: Made a motion to approve the minutes with corrections for the December 21, 2023.

Commissioner Faue: Second.

Chairman Brown: Any discussion? Read roll.

Administrator Sweazy: Roll called, motion carries.

Chairman Brown: Any committees?

Administrator Sweazy: None.

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

Chairman Brown: Old Business.

Administrator Sweazy: We have none.

Chairman Brown: New Business.

Administrator Sweazy: We have the application of **Andrew Goodlett** requesting AG-1, agricultural to AG-2, agricultural on 5.4+/- acres located at 1751 Van Buren Road. The comprehensive plan recommended land use map indicates the area should be low density residential. The applicant recently purchased this tract and came to the office to inquire about putting a home on the property. Staff explained that the zoning is out of compliance. Therefore, he has applied for the zone change to bring the property into compliance.

Andrew Goodlett: 1405 Van Buren Road. I inherited this property from my grandfather. He tore the house down and started rebuilding. He passed away and I let it set for about a year. Now I have decided I want to move back there. I went to get permits and found out the property was out of compliance.

Chairman Brown: You plan on putting a single-family home there?

Mr. Goodlett: Undecided if putting a manufacturer home or going to build.

Chairman Brown: Any questions, any reason we can't move forward tonight, I'll entertain a motion.

Commissioner Travis: I make a motion to recommend to rezone the application of Andrew Goodlett requesting zone change from AG-1, agricultural to AG-2, agricultural on 5.4+/- acres located at 1751 Van Buren Road. The recommended land use map in the comprehensive plan recommends low density residential, the change would be in compliance with the comprehensive plan, and no one was here to speak against it.

Commissioner Noel: Second.

Chairman Brown: Call roll.

Administrator Sweazy: Roll called, motion carries.

Administrator Sweazy: We have the application of **Emma Neal Chowning Estate** requesting 11.37 acres to AG-1, agricultural and 35.06 acres to AG-2, agricultural located at 1075 Chowning Lane. I gave you all a tremendous amount of information on this. Back in 2021, we did the zoning changes, and everything went smoothly. Then when doing the plats and needing the entrance approvals off the roadway, which we thought was a county road, we found out it was not a county or state road, it's actually the Corps of Engineers Road. The State has been working since 2021 trying to get the Corps of Engineers to allow them to do this development. We finally had a meeting here in the office back last November and came to an agreement with the Corps of Engineers. So, they have basically told us what we have to do and how we have to do it. Does it meet our guidelines? No, it does not but it meets what they will allow this family to do with this property. There are some access points already on this farm, they are in agreement to making each of those a shared entrance point and they can only make tracts off of those existing entrances. They are not allowed any new entrances and the tracts have to be at least 5 acres or more. So, one of the things they had to do also was ask for the zoning change, because they want them to be zoned agricultural. So, they have to give up the residential and commercial zoning that was granted to them originally. So, I put this on here asking for a zoning change, asking for agricultural zoning, AG1 and AG2 and then as a second docket item with plat approval. We finally got lucky and found the person that we needed there that would hang in there with us to get it figured out.

Chairman Brown: Who was that person?

Adminisstrator Sweazy: Jason Meyer.

Chairman Brown: So, the plat says tracts 1, 2, 3, 4, 5, 6, 7, 8 then there's a note that say tracts 1-11 are R1 and 12-14 are AG2 and 15-16 are B3.

Administrator Sweazy: That's the old tracts. We're making changes now so everything will go to AG1 or AG2. That note is not on the new one. The Surveyor, Mr. Hibbs is here.

Commissioner Hunt: Do you know what changed?

Stephen Hibbs: 106 Beretta Court, Bardstown, KY. Chowning Estates is my client. We've been working on this for a little over 3 years. When the Corps started the project, they bought and took a lot of the land from the Chowning's for the lake. It was discovered recently that they didn't actually buy the ROW for the road, they bought an easement for the road. The Chowning Estate actually sets on the land underneath the road because all the Corps bought was an easement. Going through all the process, with the different people we've talked to, we are back here now, they have exserted their governmental authority to impose what they want, which is not in line with your regulations, but with all that being said what we're showing is a reduction in tracts, all tracts 5 acres or larger, and redone the lines to match the entrances that they installed when they built the road. The changes in the notes were basically that any new entrances would have to be applied for and approved by the Corps and not the County. Basically, we're going back to agriculture to comply with their demands.

Attorney Dale: Who will maintain the road, the Corps?

Mr. Hibbs: In all the mess, Nelson County has been maintaining it for the last 30 years. They thought they were only taking care of the Nelson County part but were actually taking care of all of it. This has been a complete mess, nobody knows.

Attorney Dale: Who's going to take care of it in the future?

Mr. Hibbs: That remains to be seen. From what I understand through our discussions and emails, is the Corps is saying that their discussion with the State for the State to take over.

Attorney Dale: How long is the lease?

Mr. Hibbs: I don't have it in front of me but probably a 99-year lease.

Attorney Dale: This goes to the lake?

Mr. Hibbs: Yes, it goes all the way to the end of the property and ends at the boat dock.

Administrator Sweazy: Its Corps of Engineers property, the Corps is responsible for maintaining it.

Attorney Dale: Just getting them to do it.

Administrator Sweazy: Exactly.

Mr. Hibbs: The first conversations I had before you got involved that when they realized that they just had an easement, they thought that it had already been turned over to the State because this was originally done in the early 70's. The first three people I talked to at the Corps said no the State takes care of that. The initial attitude was we wanted to get rid of it, we don't want anything to do with it. Then as it moved up the chain of command, they changed their tune and then said it ours and we're going to tell you what we can and can't do and that's how we got to here.

Attorney Dale: So, all that is subleased to the State not the Corps?

Administrator Sweazy: Well, it's a Warranty Deed of Easement to the road was in October 1983. They own the easement.

Attorney Dale: They don't own the property.

Mr. Hibbs: No, they don't own the property under it, they just have an easement. Where we are now is to comply with whatever the Corps will accept so they can move forward with what they want to do.

Chairman Brown: Any further discussion with Mr. Hibbs?

Commissioner Travis: Is there anyone signed up to speak?

Administrator Sweazy: No one is here to speak against it but the property owners are present.

Chairman Brown: Would they like to come forward and speak on it?

Linda Royalty: We really don't have anything to say other than what Mr. Hibbs has said. We've been working on it for several years now.

Chairman Brown: So, the motion should say the plat approval contingent on the zoning approval?

Administrator Sweazy: I don't think in the situation it would matter either way because the land can not be divided as it was originally. It would be better for agriculture than residential and commercial even if we don't go with that plat.

Commissioner Travis: I would like to hear our Attorney's opinion.

Attorney Dale: I think, make a motion to rezone and then a motion to approve the plat on the condition of the County doing the rezoning.

Commissioner Faue: What are the three buildings showing on the plat?

Administrator Sweazy: One is a house, and the rest are barns.

Commissioner Hunt: I have a question in regards to the general notes. The last one in that section talks about the existing entrances. It says it will be the owner's responsibility to obtain a permit from the U.S. Army Corps of Engineers to access and use the existing entrance that benefits their property. Exceptions may be considered for the permitting future access points if a specific hardship can be demonstrated for a specific property. However, there shall be no guarantee of approval. Have they guaranteed that now?

Administrator Sweazy: They guaranteed the existing ones but they're not saying there will ever be anymore.

Commissioner Hunt: Do we have that in writing?

Administrator Sweazy: They will sign off on this and it will go to record.

Commissioner Hunt: But that statement goes against what we're saying.

Administrator Sweazy: I think the statement was just put there in case they ever wanted to get another entrance, they will have to figure that out with the Corps of Engineers on their own.

Chairman Brown: The way it reads, I don't think you would need a permit.

Mr. Hibbs: That is the language that the Corps sent to Julie and me. I just copied it and put it on the plat. I didn't agree with all of it either but that's what they were saying so I put it on there per their email. All the notes are typical for any plat, except the bottom two which is what the Corps of Engineers wanted.

Chairman Brown: Any further discussion. Any reason why we can't act on this tonight? So, does anyone want to make a motion to recommend or deny the zoning?

Commissioner Hunt: I make a motion to recommend to rezone the application of Emma Neal Chowning Estates requesting zone change on Tract 7 consisting of 11.37 acres to AG-1,

agricultural and 35.06 acres for the remaining tracts on the plat before us today to AG-2, agricultural located at 1075 Chowning Lane. The recommended land use map in the comprehensive plan recommends low density residential, the change would be in compliance with the comprehensive plan, and no one is here to speak against it. We are following the recommendations of the Corps of Engineers so the property can be utilized by the owners.

Commissioner Deapen: Second.

Chairman Brown: Call roll.

Administrator Sweazy: Called roll, motion carries.

Chairman Brown: Now would anyone want to make a motion on the plat approval?

Commissioner Travis: I make a motion to approve the application for Emma Neal Chowning Estate on 63.61 acres proposing 8 tracts located at 1075 Chowning Lane. This is contingent to zoning approval.

Commissioner Deapen: Second.

Chairman Brown: Any discussion. Call roll.

Administrator Sweazy: Roll called, motion carries.

Administrator Sweazy: We have the application of **Matthew R. Banks** requesting R-1, residential to AG-1, agricultural on 5.95+/- acres located at 1326 Townhill Road. The comprehensive plan recommended land use map indicates the area should be high density residential. The property was classified as residential when zoning was established in the county. Mr. Banks wants to get the house lot put in with the farm and bring the tract as a whole into compliance as agricultural.

Matthew Banks: 141 Carolina Avenue, Mt. Washington, KY. We just want to put it all back together as one. I'm going to build a house there and live there.

Chairman Brown: Questions.

Commissioner Hunt: Do we have a copy of the joint entrance easement that is on the plat?

Mr. Banks: That is a shared easement. Currently that one tract is vacant. There is no one else using that as an entrance but us. However, according to the Surveyor we can't do anything to block it off. We did a combination of the 1 acre with the 21 acres in preparation of wanting to build a barn. That would actually block off the 21-acre entrance, so that would put an end to our combination and that entrance was no longer needed.

Commissioner Hunt: Where do you access it right now?

Mr. Banks: The one that says gravel driveway. That was the entrance to the 21 acres. When the building goes in, we won't have the 50' anymore. We did the combination so that 50' could now be over where that existing easement would be.

Commissioner Hunt: But already there? Existing?

Administrator Sweazy: They were already deeded easements before he started combining it.

Mr. Banks: We bought the big tract about 8 years ago. Then we acquired the tract with the house. So, at one point that small entrance was a necessity, but now that we're the owner of both properties that second entrance isn't necessarily as important.

Chairman Brown: Any reason not to act on this tonight? There's no one here to speak against it. Would someone like to make a motion?

Commissioner Faue: I make a motion to recommend to rezone the application of Matthew R. Banks requesting zone change on 5.95+/- acres from R-1, residential to AG-1, agricultural located at 1326 Townhill Road. The recommended land use map in the comprehensive plan recommends high density residential and no one was here to speak against it.

Commissioner Deapen: Second.

Chairman Brown: Any discussion. Call roll.

Administrator Sweazy: Roll called, motion carries.

Chairman Brown: General questions or discussion. The next meeting is February 15, 2024.

Administrator Sweazy: The County is ready to go in a new direction on some things. I'm going to give you something that myself, The County Judge, The Fire Chief, The Deputy Judge, and our former Economic Development person Lysanna Byrd put together. I'm going to hand you a proposal for amendments to our definitions, an amendment for agriculture, two of our commercial and our industrial to layout where they can put Micro Distilleries, Wineries, Tasting Rooms, etc. I've advertised for us to do a discussion with the public at the next meeting. This will give you all the time to look over and get familiar with it. Write down questions you might have, concerns, things that maybe need to be added, things that maybe need taken out. The changes are underlined. There's a page in here that I noted at the top that this is something we need to maybe look into more is tasting rooms.

Attorney Dale: So, the hearing coming up is just for discussion and there won't be any motions?

Administrator Sweazy: I put it in the paper because of the paper deadlines. The County wants to get this moving because we have people out here that are buying land and ready to roll on this and we don't have anything.

Attorney Dale: So, they can make a motion to recommend?

Administrator Sweazy: At the next meeting they can if they like this verbiage.

Attorney Dale: Are the recommendations where these can be part of the Comprehensive Plan?

Administrator Sweazy: As far as the Comprehensive Plan is concerned it will just follow what we have got now. Whatever can be agriculture falls under agricultural, it's in the agricultural, commercial in the commercial.

Attorney Dale: Does it have to get rezoned to commercial?

Administrator Sweazy: No, they can do them under agricultural under these guidelines with a Conditional Use Permit. Just read over them, see if anything you're uncomfortable with, the fire department was involved because we wanted to make sure we weren't getting into something that they couldn't handle and there are State guidelines to follow. This gets us a starting point to have them.

Commissioner Travis: Motion to adjourn.

Commissioner Faue: Second.

Chairman Brown: All in favor, meeting adjourned.

Attest:

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Secretary Chairman