

Taylorsville-Spencer County
Joint Planning and Zoning Commission

The regular meeting of the Taylorsville-Spencer County Joint Planning and Zoning Commission was held March 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 Gordon Deapen, Marsha Mudd, Diana Faue, Anthony Travis, and Valerie Hunt. Also present were Attorney Dale, Administrator Sweazy and Admin. Assistant Angie Helton. Teddy Noel, Paula Wheatley and Dwight Clayton were absent.

Chairman Deapen: You have in your packets a copy of the minutes for February 17, 2022. I'll entertain a motion to approve those minutes.

Commissioner Mudd made motion to approve the minutes for the February 17, 2022, meeting as amended. Second by Commissioner Faue.

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

Administrator Sweazy: Roll called, motion carries.

Chairman Deapen: Any committees?

Administrator Sweazy: None.

Chairman Deapen: Our bylaws require anyone wishing to speak be sworn in before testimony. Another one of our bylaws is all speakers are limited to 3 minutes. That does not include questions from the commission.

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

Chairman Deapen: Old Business.

Administrator Sweazy: We have none.

Chairman Deapen: New Business.

Administrator Sweazy: We have the application of **Phillip Richard Everhart for Willow Island** requesting preliminary plat approval on 27.107 acres proposing 18 residential lots located at the intersection of Curtis Way and The Landings in Willow Island. Regarding previous action, in November of 2004, 25.51 acres was zoned R-1 and 19.23 acres was zoned R-2. There are other Phases to this development I didn't go into detail on their preliminary files but there are at least two other large phases in the front of this. As a summary this is the last strip of land that has been developed within the Willow Island neighborhood. They are requesting preliminary plat approval proposing all tracts following the R-1 standards to be on septic systems. However, the southern portion of the land does have access to the sewage treatment plant by way of an existing 30-foot sanitary sewer and drain easement recorded in Plat Cabinet 6, Page 295 of the Spencer County Clerks Office. They are proposing to use the same restrictions as previous phases. Recorded in

Deed Book 84, Page 114 of the Spencer County Clerks Office. We do have copies of the survey plat for you but I want to note that the dark gray section is the existing landing strip that will remain in place. This is a copy of our zoning map, as you can see most everything around it is yellow which is R-1 single family, the orange is R-2 single family on sewer. Here's a copy of PVA map so you can see all the little green boxes and numbers around it are lots that surround it. To better define, in the yellow is all of Willow Island, the purplish/pink is Top Flight, and the green is Perfect Landing. So, there is three different subdivision neighborhoods that all intertwine using the same access roads.

Chairman Deepen: Is all of this plat already zoned R-1 or is some of it R-2?

Administrator Sweazy: A portion of it is R-2 as well. Let's hand these out. When you get this the eastern property line lots are the lots that are zoned R-2 already. Everything else is R-1.

Kevin Sisler: Sisler Maggard Engineering and that's my plat up there. To answer the question lots 1-9 are R-2 but at the present time we're following R-1 with 1 acre lots. We got 18 lots, the bulk area up there is the landing strip for the FFA guidelines, there is 150' clear zone there. Nothing can be in that area but grass. The lots that butt up to that has enough footage added to it for a home. Mr. Everhart knows if they chose to put in a hanger, they would have to buy two lots because there's not enough room on one lot for a home, hanger, and septic.

Chairman Deepen: So, the lots you're referring to are 14-18?

Mr. Sisler: Yes.

Chairman Deepen: Anything else you want to draw our attention to?

Mr. Sisler: She did speak about the entry way into the subdivision. We are tying into the last phase of Top Flight and those people will be able to exit on Van Dyke Mill. Trevor Brown is required to run that road all the way out to Van Dyke Mill.

Chairman Deepen: Questions from the commission?

Administrator Sweazy: I will note really quick, in their restrictions it does state like a ranch one and a half story or just a ranch we are looking at 1,800 square feet on the ground floor, you're looking at a one and a half story 2,000 square feet, two story 2,200 square feet and a tri-level must be 2,400 square feet. So, there not smaller homes, there are larger homes.

Commissioner Hunt: Do they have any specifics as far as exterior?

Administrator Sweazy: It does follow the original restrictions. So, it will be brick, stone, brick veneer, stone veneer, or a combination.

Chairman Deepen: Anything else from the commission?

Commissioner Hunt: Will there be in 14-18 an actual easement along the back side of that or right up to the line they can do whatever?

Mr. Sisler: If you look in that area at the property lines, that is part of the homeowner's property. But they can't do anything with it due to the existing easement there and the 150' clear from Perfect Landing. It is a part of their property, but they can't put anything in it.

Commissioner Hunt: But they could build right up to the gray lines?

Mr. Sisler: Yes, I've got the build backs around the lots. But they can build up to the line. I'm surprised at 150', but that's what it is. I don't own a plane, but I guess who ever moves in there will understand it.

Chairman Deapen: Is there anyone signed up to speak?

Administrator Sweazy: Yes.

Bruce Edsten: 225 Curtis Way. My name appears in the upper left corner of this. My lot runs through the runway. My primary concern was about the runway. Apparently, the runway will be persevered. Myself and my neighbor, Jeff Cannon and two fellows back behind, across the street also have aircraft that would be using that runway and concerned with lots going across the runway that might cancel out the runway. As long as the runway is intact, that's my main concern. We all got plenty of knowledge before hand of the fact we have to accommodate aircraft and so on and so forth and of course that's what this whole thing is about. This was built to pilot for pilots and airplanes come first and people come second. All the people who are airplane people already know how to handle themselves around airplanes. Those who are not airplane people have to learn to accommodate us airplane people. That's what Willow Island is all about in the first place. Like I said my main concern was that the runway stays intact.

Chairman Deapen: Anyone else?

David Baker: 4703 Brixham Court, Louisville, KY. I'm going to buy some land out here and my purpose of buying land is to get runway access. He just addressed what I wanted to address.

Administrator Sweazy: Helen Edsten.

Helen Edsten: It's already been answered.

Administrator Sweazy: That's everyone.

Chairman Deapen: Any additional questions from the commission?

Commissioner Travis: Mr. Sisler, can the lots 14-18, if they have a plane, can they go on the runway at the side.

Mr. Sisler: Sure, if you look at those lots, I have a runway access on there.

Commissioner Travis: I know when this was brought up many years ago, they were planning on using the streets.

Mr. Sisler: No, I have taxi ways on there.

Commissioner Travis: So, that's not the case today?

Mr. Sisler: No. Now I don't know about the rest of Willow Island, the existing part of it, that was before my time, and I've never been out there to see a plane drive up and down the road.

Mrs. Edsten: They do.

Commissioner Travis: That was my understanding that was the game plan.

Mr. Sisler: Like I said earlier I'm not a pilot, so he knows more about it than I do. But I do have taxi ways for the lots to get to the runway. They shouldn't be out in the streets, but I don't know if there's a law against it or not.

Commissioner Travis: That was supposed to be a big selling point.

Chairman Deapen: Anything else from the commission?

Commissioner Hunt: I'm not familiar with planes either. But is the 20-foot access for the taxi ways sufficient then?

Mr. Sisler: Yes. I'm sure by FFA guidelines you got a certain size plane that can land there.

Attorney Dale: Do you know the length of the runway?

Mr. Sisler: It's on there.

Attorney Dale: Oh, its 1,300 feet.

Chairman Deapen: Is it 1,300 feet?

Mr. Edsten: It was originally at 1,500 feet but the last 200 feet is not usable right now.

Commissioner Hunt: Are the lot owners of 14-18 going to have to responsible for taking care of that easement area?

Mr. Sisler: I don't think so. Right now, I think if you look at the center, they keep cut down low and that's where the planes land. The area on both sides of the center is cut a little different. There can't be a tree or shrub, it can only be grass. No structures at all.

Attorney Dale: Who maintains that? The association?

Mr. Sisler: I think they got a Pilots Club that does that? Mr. Edsten, Is that correct?

Mr. Edsten: Yes.

Commissioner Hunt: Is there anything mentioned of who would be responsible for that or not?

Chairman Deapen: Let me ask, is this an existing structure of how its cared for?

Mr. Sisler: Yes.

Commissioner Faue: I would have thought they would have mentioned this since its already existing.

Commissioner Hunt: Why would you not record that its already in operation for the maintenance and who is responsible for that?

Administrator Sweazy: I would think it would need to be noted somewhere so you don't have these individuals buying these lots and mowing the grass all the way across.

Mr. Sisler: Does the Pilots Club have some type of guidelines and bylaws of who taken care of the runway and is that something we can get a copy of?

Mr. Edsten: There's not really a copy of it, just a gentleman agreement.

Mr. Sisler: Can you hear their questions? They are worried about if someone buys these properties are they going to be responsible for cutting that grass?

Mr. Edsten: I would say no. The Pilots Club extracts dues from the persons who use the runway. We use those dues to pay for the mowing and other maintenance. Buying fresh orange cones so they can see where the corners are. John Stewart mows the long runway and I mow the short runway and a couple of the taxi ways. We don't really have a written agreement.

Attorney Dale: If you two are not there who takes over?

Mr. Edsten: My tractor has gone down a time or two and John Stewart has taken care of it.

Attorney Dale: Seems like there should be something in writing to that affect. It spells that out. In fact, it looks like the landing strip really should be an easement for those lots.

Mr. Sisler: There is.

Attorney Dale: I don't see it.

Chairman Deapen: There isn't, you can't show me a document that says there's an easement.

Attorney Dale: If there going to own it. Are these lots just being created now?

Mr. Sisler: For 14-18, yes.

Attorney Dale: Yes, there needs to be a dedicated easement for that landing strip 150 feet.

Mr. Sisler: I thought I had that information on here, but I'll have to investigate that.

Attorney Dale: Is there a fixed place operator there or is this for the individuals?

(Several talking at once – audio unclear)

Mr. Baker: It's called unified frequency, basically a pilot-controlled field, you would call in a 12295 approaching the field asking for trafficking area to please respond. Then start making calls to the line of command. There doesn't have to be a fixed base operator on the field.

Attorney Dale: Will there be someone there on the ground that will answer that?

Mr. Baker: If one of us has a receiver transmitter, I'm sure they will answer but probably not. It's self-controlled. To your earlier question the taxi easement's are actually 40' wide – 20' each side. The wing span for the aircraft we use are Klondic C35 to C382 single engine airplanes.

Commissioner Hunt: What about where it says 20 feet here along the edge of this lot 18 and its up against somebody else's property that's not in this subdivision but it truly just shows a 20 foot...

Mr. Sisler: Pointing out to Commissioner Hunt on the plat. (can't hear discussion clearly)

Chairman Deapen: I want to go back to the taxi way easement. You have a reference to a taxi way easement right here, but I'm having a hard time identifying where that shows up on the plat.

Mr. Sisler: What I'm explaining to Gordon is that there's a 20-foot easement on each property.

Chairman Deapen: That's separate and distinct from the arrangements we were discussing with the maintenance of the land strip.

Mr. Sisler: This is all private property. These people here are not going to get another...

Chairman Deapen: That's not my question. The discussion we were having earlier had to do with is it documented how this is going to be taken care of and maintained in the back of 18, 17, 16, 15 and 14?

Mr. Sisler: I think he said that there is no documentation.

Chairman Deapen: He did say that. So, what is referenced as a taxi way easement here is something separate and distinct from what we were discussing with you. There's no relationship between those two things.

Attorney Dale: What I was discussing about the easement 50' wide by 1,300 feet across those lots. So, we have three different things.

Chairman Deapen: What people are nervous about is 5 years from now there's a giant dispute out there about who's supposed to be taking care of this runway that runs across the back of the lot I bought which is lot 17 because I told when I moved in here it wasn't my job to take care of that, but you move to Florida and you move with him. So, our attorney is strongly suggesting that there be some documentation about how this is supposed to be maintained. Because up until now we've not had offsets or private ownership to be a concern, but now it is. And we think that's missing from this.

Attorney Dale: I think there should be like a Homeowners Association, this is a Pilots Association, your bylaws and something needs to be recorded at the courthouse telling you what that is. You just have to be responsible and have officers, and LLC or whatever. Something for the future. As long as you all are around its not a big problem, but 5 to 10 years down the road and it starts growing up out there and people start using it and then you have an issue of who's going to maintain it. That is a concern to that subject issue. You've got to keep that landing strip and the easements.

Mr.Sisler: Is that an issue for me or is this something the pilot's associates need to do?

Chairman Deapen: I would assume it's an issue for you because if we had approved this the way it states now. The last thing he said is extremely relevant. I buy lot 17 and the first thing I do is put assign across that runway that says no trespassing. This is my property show me a document that says it not. Show me the document that says you have any right to drive your plane across my yard. I don't think you can.

Mr. Sisler: Mr. Edsten do you want to speak?

Mr. Edsten: I can. What's...

Mr. Sisler: He's not hearing your questions. I think a lot of these questions is something they really have to answer.

Chairman Deapen: He may have to take action on this but in order for us to vote on this it we need to take into consideration...

Mr. Sisler: I did not know they did not have any bylaws. I did not create this easement area it was already on the property.

Administrator Sweazy: Could it not be done similar to like a private road maintenance agreement on a private road? Like a land restriction/maintenance agreement. But everybody that has the right of use will have to be part of a document that they're going to maintain.

Richard Everhart: I am the one bring this here today. We have another runway that's in Shelby County there. I have a lease with the Pilots Club for the runways. Part of the stipulation of that is the Pilots Club is responsible for the maintenance of both runways. It doesn't have to be a person named like those two are doing it, but any member of the Pilots Club can and has to maintain it.

Chairman Deapen: With all due respect is that in writing?

Mr. Everhart: Yes.

Chairman Deapen: Is that a legal document that is filed somewhere? So, if I want to come in and buy lot 17, are you going to be able to show me that document?

Mr. Everhart: I have a copy of that lease agreement and the Pilots Club should have one. Now whether its recorded, I don't know. But we do have a lease agreement and it's a 99-year lease.

Attorney Dale: That's in Shelby County you said.

Mr. Everhart: Its for both Shelby and Spencer.

Commissioner Hunt: So, it is regarding this one as well?

Mr. Everhart: Yes.

Attorney Dale: I guess we will need to see that.

Mr. Everhart: We will make sure that you do get a copy of it. But it is spelled out in the lease agreement that its their responsibility to maintain both runways.

Attorney Dale: Leased from whom?

Mr. Everhart: From me.

Commissioner Travis: Your family had the property originally, correct?

Mr. Everhart: Yes, my brother started, then we inherited it. The runway in Shelby County, that started the lease agreement and this one was part of it. So there both covered on the same lease agreement and that's why they can use either runway.

Attorney Dale: But its looks like to me on this one, this one is drawn up to where the ownership is going to be the lots.

Mr. Everhart: Part of it but not the whole thing.

Attorney Dale: You need an easement or something on here showing...

Mr. Everhart: We can get that in writing easement specifying that that is the easement on that one side.

Attorney Dale: I think that probably should be of record so anybody buying this would know that.

Mr. Everhart: We can do that, it's not a problem. We can get that drafted up and include it in what we're presenting.

Commissioner Travis: The runway in Shelby County, how far away is it from this runway we're looking at?

Mr. Everhart: I would say 300-400 feet maybe more.

Mr. Sisler: I would say closer to 1,000 feet.

Commissioner Travis: I know there was quite an issue at one time as to where... I know it come before the commission and the runway was in Shelby County at one time.

Mr. Sisler: The other runway part of it is in Spencer and the other part is in Shelby.

Commissioner Travis: The next thing you know its all in Spencer then the question is where is the runway? Is it in Spencer or Shelby? At that time Shelby was putting up a fight because they didn't want it. Spencer County was laying back trying to...

Mr. Everhart: 90% of it is in Shelby County. That's the other runway.

Chairman Deapen: I'm going to speak with the commission now. What I'm hearing is we would rather take this matter up after we have this issue resolved legally. Is that where we are?

Commissioner Hunt: In regard to just the taxi ways, the 20 foot taxi ways areas, can that be stated on here somewhere as far as what their position would be? Like who's going to maintain that, that's going to be the property owners themselves, right, it's not going to be the pilots club?

Mr. Sisler: That's the way I understand it.

Commissioner Hunt: So, can we state anything on the deed?

Mr. Sisler: I can put anything on there you want me to.

Commissioner Hunt: But what there supposed to be doing with that.

Mr. Everhart: It's in the restrictions

Commissioner Hunt: Is it already?

Mr. Everhart: Yes, it is in the restrictions.

Mr. Sisler: I can mark it the same color as that runway to show where...

Commissioner Hunt: I think the runway needs to be separate because of it being dealt with by the Pilots Club. But if we can at least mention specifically that any of the 20-foot taxi ways will be the property owners responsibility for maintenance and up keep. Also, that it needs to left open and accessible at all times.

Mr. Sisler: We'll get the lease paperwork.

Chairman Deapen: We just need to make sure covered in building restrictions.

Mr. Everhart: It is in the building restrictions.

Chairman Deapen: We're not doubting you. But we're suggesting it be noted somewhere on the plat.

Commissioner Faue: And at the runway there's going to be an easement on lots 14-18.

Mr. Everhart: Correct. We will verify that.

Commissioner Faue: It needs to be on there, so if I buy lot 17, I know that.

Administrator Sweazy: In the current restrictions it does talk about easements that they specifically reserve 25-foot easement along all lot lines boarding the street or taxi way to ensure proper wing clearance to allow for passing of two aircraft. There are other things notated throughout their restrictions.

Chairman Deapen: I think we're good with that we just want to reference that that is an existing restriction. We need to make it clear that those have to do with a completely different thing then the gray structure that's effecting lots 14-18.

Administrator Sweazy: Not the landing strip.

Chairman Deapen: Right. So, we will take this up at our next meeting.

Chairman Deapen: Nex item of business.

Administrator Sweazy: We have the application of **WCM Land, LLC, Series 9** requesting AG-1 agricultural to R-1, single family residential on 125.76 acres located in the 300 block of Mill Road, which is KY 1795. The comprehensive plan recommended land use map indicates the area varies from low density residential to high density residential. They are requesting the zone change with intentions of future development. Mr. Tichenor is present. You do have a copy in your binders of the land we are looking at. Also, on the screen we have PVA area map with pink star where this is located, this overlaps on two different zoning maps, it is agriculture and there is some residential in the area and then the comprehensive plan map.

Attorney Tichenor: I'm here on behalf of WCM Land, LLC, Series 9. This is a request to rezone this tract of 125.76 acres from AG-1, agricultural to R-1, residential. Looking at the land use map the property is on the boarder of low, medium, and high density and looking at the map maybe a little bit of mixed use. My client doesn't want to do mixed use, high density, or medium density, he is satisfied with doing low density development on that piece of property. Based on the verbiage in the comprehensive plan that is what is recommended there based on reading out of the comprehensive plan medium density residential development is also recommended for the outlying areas bordering the principal atrial routes 155/55 and 44, as well as the connector routes 48, 623, 1169, and Mill Road 1795. Recommended minimum lot size of 1 acre for these developments. We're asking that you all rezone this to R-1 and we would be back in the future to do a development plan. We did submit to you a rough draft of restrictions with minimum standards, depending on what my client decides in the future, we can always do more restricted. No manufactured homes, trailers, minimum 1,200 square feet, basically standard subdivisions restriction package.

Chairman Deapen: I heard you say minimum 1 acre.

Attorney Tichenor: Yes.

Chairman Deapen: What services do we have there?

Attorney Tichenor: You've got water on Mill Road, and you got electrical on Mill Road. Those are the two big ones you're going to have to have. Whether or not the water lines will sustain 1 acre, we don't know that because we haven't done the engineering on it. If they won't my developer has to put in the structure to sustain the development when we come in for preliminary plat.

Chairman Deapen: Questions from the commission?

Attorney Tichenor: This is the first step in the process because we're not going to do the engineering if we can't get the zoning.

Commissioner Travis: How far is that off 44?

Attorney Tichenor: It's less than a mile.

Administrator Sweazy: It's a little over a half mile.

Commissioner Hunt: Access to the property will be that small strip on the top left, 200 feet?

Attorney Tichenor: Yes. 200 feet and approximately 50-60 feet wide.

Commissioner Hunt: It looks like it gets a little narrow at that one area where it comes to a point like tract 2.

Attorney Tichenor: Probably depending on where that pin is placed. We would have to get a surveyor to give us exact width.

Commissioner Hunt: So, it might not be that full 50 feet at that point?

Attorney Tichenor: It may not be, it might shrink some there.

Commissioner Hunt: Do you know how wide Mill Road is?

Attorney Tichenor: I have no idea, it's a state road. Its comparable to 55 right now in my opinion.

Chairman Deapen: Questions? Do we have people signed up for this?

Administrator Sweazy: Yes. Ken Adcock.

Ken Adcock: 6044 Little Mount Road as well as 41 Mill Road. I'm here representing my family. Everything there on the left is Marattay farm which has been there back before the Civil War. This property was acquired from Mr. Cook. Mr. Erikson use to have it and he farmed it just as his parents did before that. That's where part of our farm was from until 1925. We have an active farm there. That's an old map, we actually have beans, corn, pasture, tobacco, and then across the road. If I have a 10-foot disk I have to watch it really close to be able to stay on my side of the road, it's very narrow there, all up and down Mill Road. My real concern is just like our land, I don't want somebody telling me what I can do with my land. I understand subdivisions are a necessity. What Mr. Tichenor described and what's actually going on all these subdivisions are all closer to Taylorsville, their based off 44 and the 4-lane highway. We do have Shawnee Springs up 44 past Little Mount Church about 2 miles. Of course, that road is a lot wider then Mill Road. So, you don't see too much incidents there because again that's our lake there so I but tractors all along that area. My neighbors the Tobbe's are here, Duane and Sherry Tobbe and they farm adjacent, and their property runs behind the Cook farm and right next to our farm as well. So, traffic will be an issue. Obviously if you guys seem fit to allow them to put 100 houses or 50 houses. My real concern as well is this process needs to be very slow watched, a lot of checks and balances. I got pictures I'd like to share. Some of them will describe the road, Mr. Tichenor didn't have the exact measurements, you were correct it does narrow and right now its not a safe road, it's a dirt road that's been packed. Their have some issues with EPA's situations. Where on our side of the property we're getting flooded and that's coming in creating ponds on our side. Mrs. Gray is here today because she owns a lot there and her pond is being flooded over the dirt because of the road not being put in properly. I talked to Mr. McGehee several times, I tried to contact the law office trying to get in contact to remedy these issues that I'm having. In addition to that, where they came and bulldozed, which you can see my pictures as well, they didn't have a surveyor come and map everything and if they are on the line, they are right on the

line. Some of the pictures will show they are across the line on our side. So, with that situation the EPA got upset too because they were bulldozing the roots into our tree systems where our fence line set. I wasn't happy since we had been there since the Civil War because when I put a fence up, I don't just put it on the property line, I put it offset, therefore I know if I have to do something to that fence its on my property. Sure, enough the corner post are exactly right, it is offset. When I talked to Mr. McGehee, he was under the impression that the fence line was where the property line was and I said I don't think so and the surveyor did indicate that as well. So, there's a lot of issues going on. I just want, if homes get built out there, that there's no problems in the future for us farming. We've been farming there for over 150 years. I'm a pretty fit guy and have no intentions to stop farming. I have poor water pressure; I don't know if that's going to be an issue up the road. I would be concerned about the utilities as well.

Chairman Deapen: Do you want to submit the pictures as evidence?

Mr. Adcock: Yes. I'm also concerned about easements. Mill Road is such a narrow road and our family actually own both sides. I'm not very interested in providing a means for them to come in and make that road wider and basically make our land less. There's a small subdivision up the road about 3 miles from this. So, I already know there's going to be some traffic. I've already had people end up in my ditch and I'm the farm so will you come pull me out. I'm not interested in us giving up land. I understand people making money, that's a good thing, but I just don't want to be a part of it. So, I would ask you guy to slow walk this process, do all the checks and balances, and make sure he actually does what he says he's going to do. Because I'm having issues with these pictures that will show you there's not really a road there, it's a dirt road, it's a nice big dirt road, but right now its eroded and its causing problems with some of the neighbors in addition to myself as well. He had some heavy rocks that actually knocked my fence down and I have cattle there. He was really quick to respond to that but I did have to bring it to his attention. Then my wife and I actually had to repair the fence. So, as far as one neighbor being with another, he's not off on a good foot with me.

Chairman Deapen: Questions from the commission?

Attorney Dale: Which road did you say was a dirt road, is it Mill Road?

Mr. Adcock: It's off Mill Road. It's the only entrance into the property.

Administrator Sweazy: It's not an existing road. It's the road they are creating for this development.

Attorney Dale: So, it will end up being blacktopped.

Mr. Adcock: It was a farm road they had crops back there and combines were able to get back and harvest these. Of course, this is our family farm right here. In addition to the road being an issue, like any guy that owns farmland and farms, we're concerned with trespassers, people hunt. You get enough people back there and they just think I can just go over here. It will happen if you get enough people back there.

Chairman Deapen: Any other questions from the commission? Anybody else signed up?

Janet Bebout: 703 Mill Road. Mr. Tichenor pointed out that they don't have a plat yet with the lots. I'm concerned with the 1 acre lots, that puts a lot of traffic on that road. The people fly on that road already. My other concern about this subdivision is, where it surrounds ours there are trees and brush. What will they do with that when they clean that off? Are they going to push it onto me, move it, burn it? I don't want it pushed on us. That's like a ravine and there's a water way that goes through there that's goes into Beech Creek. Another thing is I'm asking you not to allow 1 acre lots, that they need to be bigger because with 1 acre lots its going to put a whole lot of houses back there. I know progress happens and its going to happen, but I hate to see a 150-200 houses back there. They need to put silt fences up, which is something they did not do when they put that dirt road in.

Chairman Deapen: Questions from the commission?

Joseph Tobbe: 6846 Little Mount Road. Me and my wife Sherry have been there since 1989. There's a lot of points I want to make, a lot of people have beat me to it. I'm going to try and cover the 3 or 4 that's the most concern to me. My property is this farm back here (pointing out on the screen), there's about a half a mile between here and the piece of property we're talking about. It's in a holler and a creek and very difficult to put a fence on it. Its impossible to fence down there, but somehow, I've done it. I don't want my cows to get out and I would feel a lot better if they did get out knowing that they wouldn't end up in someone's yard or going down the street of the subdivision. That's just something else I have to worry about while trying to farm and make some money. The other piece that Mr. Adcock touched on is kids, adults crossing the boundaries onto our property. I don't want this to sound selfish but if they have a whole bunch of houses there it would be whole lot of different opportunities for people to cross our boundary and I don't know how I could prevent that. I'm worried that someone would be involved in some can of accident. That's my biggest concern. It isn't like hey get off my lawn, its you got hurt by my cow or you got hurt because you were involved in some can of a hunting incident or something. It would be difficult for us to case. I knew there is a comprehensive plan, so I guess I need to do a little homework. I thought that was part of the comprehensive plan, agricultural stuff is here, residential is here, commercial is here and I understand that it overlaps but this is a cluster of farms that this is going up against. When we're all farming together it litigates the concerns we have right now. If I have a cow get out onto Ken's property, I pretty sure I'd get it back. That to me is the beauty of having all these farms clustered together. If we do development, it should be with other subdivisions withing some kind of reason. I really want to make sure that what we're talking about here meets the comprehensive plan. I don't know what the comprehensive plan says but I'm going to get an education. Because an acre back there being that remote really surprised me. Utilities, if you get that many houses back there, how get electric, is it going to have to cross our property? Like Ken said if you're going to have some type of easement that would affect his property value and then if it has to cross mine, I hate to have to pay for it with my property value. We came out here in 1989, a whole lot has changed, everybody wants to live in the country, and we did too. But that 44 went from having hardly any cars on it to really, really busy. When you try and drive a tractor from one place to another, you have your turning signal on, you're setting up really high and the ceiling, people get really anxious and try to pass you and forget the farming piece of it its people trying to drive that

intersection at 44 and Mill Road. I don't know what has to happen to make this happen but there has to be some kind of study or something these roads can support that. These are the big ones I'm concerned about.

Chairman Deapen: Questions from the commission? Anyone else?

Administrator Sweazy: Jessica Adcock.

Jessica Adcock: 6044 Little Mount Road. I'm Ken's Adcock's wife. Before I get started, I just want to say thank you. My people are from the Appalachia, and this is an issue that close to my heart because anyone that's familiar with history knows that a lot of Appalachia lost their family farms because they didn't understand issues like this, especially things like mineral rights. Family farms like this and people who give a good word and then don't follow up kind of puts a fire in my belly. As Ken was saying, here the history of Spencer County, the book written here several years ago in the 70's. It's about families before Kentucky was even a state. There was one family that really touched my heart. They were coming up here to what is now Spencer County. They got overtaken by a group of Indians, the father got to watch his son's heart get eaten out, he stayed, and he carved out his place. When I look around, I see you guy are representing the families of all these people here on the walls. That being said, the thing I see that hasn't been addressed is a pattern of behavior. We did have the chance to talk to Mr. McGehee, who has hired our friend Mr. Tichenor. The pattern of behavior is a little worrisome. He's a lot like that. He gives his word on one way, but his action is definitely not that. On this paper from 2011 he did a McIntosh Farm, he wasn't going to develop it, he sold the tracts, then was like I sold all the tracts, and we don't have any road. So, he put it on the county to pay for the road. Just a simple look and you see a list as long as my arm of legal action for the same thing. My husband was quiet in how he reviewed Mr. McGehee because that's not what we've see at all. He said I'm just a simple farmer and I just want to put me some crops in, exactly like that. He's done nothing except tear up our land and clearly this is not a simple farm that he's wanting to do. One thing that I have here from the State of Indiana the EPA and about five other boards had to go against him because he did the same thing. He went ahead and broke down all the lands, broke down the roadways (just like we're seeing here), because its cheaper to pay the fines than to do it correctly. In Indiana they got to charge a lot of stuff. Then there's also another place in Indiana, was it the McCracken Farm, I can't remember but here's the others. It's just a legal page where they actually teach that case on how developers try to screw over zoning committee's because he gave someone a big favor that they would get the chance to have the first right purchase and he did it all for about \$1,200. A gain for him but that family ended up loosing a big portion of their farm. The thing that I'm asking you is I don't have a thing about him changing to this R-1 status but make sure he does it right. If he's going to do R-1 but make him, do it right because otherwise it's going to be just like before when you have to pay for the roads. So, it will be just like the State of Indiana where you have to go back and pay for the water to be redistributed and it seems to fall on us, not just us, not just them but ultimately everyone in this county will be paying for it with their taxes.

Chairman Deapen: Questions from the commission?

Bertye Brown: 6094 Little Mount Road. I'm a partner of this farm their talking about. I'm concerned with the roads with that many more cars and house there. People already fly through Little Mount. But you have Little Mount Road, Mill Road, and Little Mount Church Road there together and there is already so many accidents there. We do have stop signs at Mill Road and Little Mount Church Road but on 44 people just fly on through there and don't look either way. With that many house and cars it would just be a lot of congestion. (1:11:52)I've had problems with Mr. McGehee to over a farm we had in Waterford.

Jim Peak: 5684 Little Mount Road. A Couple of things that no one has brought up. If you're not familiar with the Little Mount area the houses out there have a hard time perking for a septic system. So, you take 125 acres and you put 100 septic systems on it, is all our property going to smell like their farm? Most of us that wasn't born and raised in Spencer County, we moved out here for farm and open space and now the people from wherever are moving here. I've been here 23 years and the population has doubled and there's not been much improvements on the roads. The Sherriff and I are on a first name basis because I talk to him every other week about the way people drive in the Little Mount area. Even if you're not pulling a combine or driving a tractor, they'll still pass you. The firehouse, they seldom use Little Mount Firehouse because there's not volunteers to staff it. So, we have a fire out there and some houses are going to burn before they round up enough residents to help put the fire out. Before you guys go any further you should visit Mill Road and just see how narrow and how nasty of a road it is. You get off the road either way and you're in a ditch. If you've never been up there, then you should take a look at it. Water pressure is poor in that area, and you add another 120 houses, its going to be even worse.

Chairman Deapen: Questions from the commission?

Attorney Tichenor: I assume you're going to go with your normal procedure and move this to the next meeting.

Chairman Deapen: I'm certain we will desire to do that.

Attorney Tichenor: I think I will reserve my comment for the second meeting.

Attorney Dale: I'm interested to know what the right a way is on Mill Road.

Attorney Tichenor: I'll check that out. The one thing I will say is the entrance that Mr. McGehee put in was not an indicative of a commercial subdivision entrance it was put in there for farming and to be able to access the property. Any type of development entrance you have to go through preliminary plats, approval of engineers, so that was not put indicative of a commercial entrance.

Attorney Dale: I'd be interested in knowing the width of the road at the corner of tract 2.

Commissioner Hunt: Could you also verify at the actual road to be sure?

Administrator Sweazy: It is a 50-foot building line, the width of that is 207 feet.

Attorney Dale: At the point?

Administrator Sweazy: At the road.

Attorney Tichenor: I will see if I can get a surveyor to specify those widths.

Chairman Deapen: Any other new business?

Administrator Sweazy: We have the application of **Elizabeth Hochstrasser Young** requesting AG-1, agricultural to R-1, single family residential on 2.445 acres located at 2150 Hochstrasser Road. The comprehensive plan recommended land use map indicates the area should be medium density residential. She is requesting the zoning change to allow her to sell that tract to a family friend to build on. On the screen and in your packets, you should have a copy of the survey map that shows its tract A. This is the PVA map, the pink star is where the property is located, Ms. Young home sets back behind it. Most everything around her has been zoned except her tract.

Attorney Tichenor: I'm here on behalf of Elizabeth Hochstrasser Young requesting this zoning change for the 2.445-acre tract. She has approximately a little more than 12 acres, her home is in the back, and she is served by an easement to get to her house and is also keeping a 50-foot-wide strip on the property line to access her property to Hochstrasser. So, she is just selling off a building tract here in front of her house.

Chairman Deapen: Questions from the commission?

Administrator Sweazy: There no one to speak.

Chairman Deapen: Are there any objections to taking this matter up tonight? I'll entertain a motion.

Commissioner Faue: I make a motion for the application of Elizabeth Hochstrasser Young requesting AG-1, agricultural to R-1, single family residential on a 2.445-acre tract of land located at 2150 Hochstrasser Road. The comprehensive plan recommends medium density residential, and the change would be in compliance with the comprehensive plan. There is no one her to speak against it.

Commissioner Hunt: Second.

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

Administrator Sweazy: Roll called, motion carries.

Chairman Deapen: General questions or discussion?

Commissioner Travis: Motion to adjourn.

Commissioner Faue: Second.

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

Attest:

Secretary

Chairman