

Taylorsville-Spencer County
Joint Planning and Zoning Commission

The regular meeting of the Taylorsville-Spencer County Joint Planning and Zoning Commission was held September 7, 2023, 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, Paula Wheatley, Valerie Hunt, Marsha Mudd, Anthony Travis, Teddy Noel, Jacob Brown, and Attorney Dale. Diana Faue was absent. Also present were Administrator Julie Sweazy and Admin. Assistant Angie Helton.

Chairman Deapen: In your packets you have a copy of the minutes from the last meeting for August 17, 2023. I will entertain a motion to approve those minutes.

Commissioner Hunt: Made a motion to approve the minutes with changes for the August 17, 2023, meeting.

Commissioner Wheatley: Second.

Chairman Deapen: Roll call please.

Administrator Sweazy: Roll called, motion carries.

Chairman Deapen: Any committees?

Administrator Sweazy: None.

Chairman Deapen: Anyone wanting to testify tonight must be signed in on the sheet and must be sworn in. Your testimony will be limited to three minutes. We are required by Kentucky Law to notify of this meeting in the local newspaper. We sent the notice to the newspaper, and they failed to publish it. We're going to take testimony tonight for the record, but we can not vote on it tonight.

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

Chairman Deapen: Old business.

Administrator Sweazy: That application has been pulled from the docket. So, we have no old business tonight.

Chairman Deapen: New business. Do we want to blend these together, so everyone understands?

Administrator Sweazy: We can kind of blend them together because we're talking about one piece of property but two different motions, two different processes.

Administrator Sweazy: Docket #1. We have the application of **MR Smith, Inc., Michael Morgan, Robert Smith and Shelby Jean Smith** requesting AG-1, agricultural to R-1, residential on 47.94 acres located in the 1900 block of Whitfield Lane. The comprehensive plan

recommended land use map indicates the area should be medium to low density residential. In 2023, two tracts were zoned to R-1, residential. The applicants have a 268.72-acre tract of land that they are requesting to change the zoning on 47.94 acres to create residential building lots. I have quite a bit of information that needs to be blended so do you want me to go ahead and read the Preliminary?

Chairman Deapen: I think it would be clearer to everybody.

Administrator Sweazy: Quick explanation on zone changes, this is a recommending body so they will make a recommendation to either pass it or fail it to the Fiscal Court and Fiscal Court will make the final decision on zoning. As far as plats, plats are done at this level right here, they don't go any further. So, it's a two-step process.

Administrator Sweazy: Docket #2. We have the application of **MR Smith, Inc., Michael Morgan, Robert Smith and Shelby Jean Smith** requesting Preliminary Plat approval on 268.72 acres located in the 1900 block of Whitfield Lane. On the screen you see the smaller tracts in the middle is what zoning is being requested on, then completely bound by agricultural. (Went through several slides). The applicants are requesting to create a split agricultural/residential development. Proposing 16 agricultural tracts ranging from 10.02 acres to 37.82 acres and 46 residential tracts ranging from 1.01 acres to 2.50 acres. The developers are proposing two 50-foot rights-of-ways to provide additional access points as required in Article IV, Section 401.2 of our regulations. Staff has made applicants aware that a small ingress/egress easement will need to be put in place to access the family cemetery on the property, which is located on the 37-acre tract. We have a letter from Eric Bean of Qk4, he is our County Engineer. (Read letter – See Exhibit A) In the office we have received several calls and questions. I tried to make sure I had some of the information provided as well. One of the questions was when they previously did some residential zoning on the tract that's going to provide access. I was questioned whether the access that they have put in place, which is a 60' right-of-way was just for farm use just a right-of-way for any type of use. So, on the screen is the plat that was recorded just says it's a 60' right-of-way. It doesn't specify the use or anything else. So, they are not bound to only farm use. On the screen from flag to flag. The flag furthest to the left, there is a sign there that says end of state maintenance, that's where county maintenance starts, the other flag is approximately where their entrance is. With that measure it gives you approximately 1700 feet from what is state maintained to where there proposed access on the county. This is a big history lesson, because we were also questioned in the office because of this being part of a previous subdivision development where they allowed to divide a lot and create access. On the history, Masters Farm Division, Whitfield Farm Division and Rice Farm Division was done within a 3 months span in 1988 and I've got there restrictions, plats, Fiscal Court records, and zoning records on those and I don't see anything that would prohibit them putting that access through that lot. Additional history, when all 3 of those developments on Whitfield Lane were built, they were to be private roads to be maintained by the lot owners. Originally this was called Smoothers Court. In the 80's they took on additional maintenance on part of Whitfield Lane. In 1990 they added some culverts, did some road widening and then in 1992 the county came in, changed the name from Smoothers Court to Whitfield Lane, did a waterline extension then in 1993 the county took that

road over into the county road system. That's how it went from being a private road to a county road. But again, I didn't find anything that would prohibit them from using that lot in Whitfield Farms as an access point. The City of Taylorsville sent a letter about the water main and fire hydrants (see exhibit B). Have a letter from Justin Jump (see exhibit C) verifying that the application was made, and fees have been paid but he has not gotten to do those yet.

Michael Morgan: 17860 Deer Trace Lane, Fisherville, KY. First, I want to thank Julie for her hard work. I think the Whitfield area is a great area of the county, a great location, unfortunately you can't get there from Spencer County. You have to go through Bullitt County to get there. What we've offered here is a section of roadway to give to the county. This was a large dairy farm. Most of the tracts are larger and will remain agricultural. One thing we would bring to the area is fire hydrants. To the best of my knowledge that part of the county only has 4" water lines. Where we plan on getting the water is there's a 6" line running up Plum Creek Road and we plan to tap into that. We don't really get to decide where the water comes from but once the preliminary plat is approved, if it is, we will proceed to engineering road plan, once Eric Bean reviews that it will go to Sisler Maggard Engineering. We're not trying to divide it into as many tracts as we could. There are agricultural tracts all the way around but in order to accomplish anything out there we have to have some single acre tracts. That's what we are proposing. There are a lot of people here that wish to speak. They don't want the traffic; the roads aren't wide enough. I agree with them. That road is only 16' wide and you got Hochstrasser that's only 13' wide. So, there's houses going up on a 13' wide road. This is not out of the ordinary. I'm sure there will be a lot of negative comments. With what we're doing here it's a very low impact subdivision. The only deportation we would have to do would be 2 acres or less which are on lots 21 & 22. Please don't take this as a threat but if we can't turn this into what we want it to be, I'm going to have to start harvesting trees on that property. Most of the houses will be walkout basements, we mostly build brick houses, price range of 250,000 to 350,000. There's a cemetery on that property that we are going to dedicate a right-of-way to and fence it off.

Administrator Sweazy: Explain your buffer out front.

Mr. Morgan: There's a 60' wide path there. We thought it would be beneficial to the community, we don't want someone to say you put a road right next to my property line so we're going to leave a 10' buffer. So, we have a 60' stretch and we can plant some pine trees or something like that. As far as impact on the other houses there, once you enter Whitfield Lane, there are two houses on that side of the road. As far as the house placement, none of the houses are even facing any of the other lots. They would be behind their back yard.

Chairman Deapen: Any questions from the commissioner?

Commissioner Mudd: Several months ago, you and Mr. Smith were here before us about another property on Whitfield Lane, which you wanted divided into 2, possibly 3 tracts. The community was concerned about mobile home park going in there. You agreed that it would be homes. Then there was a property behind that tract and the question was ask were you planning on developing that tract. Is this that tract?

Mr. Morgan: At that time the property was not ours. So, there was no planning in the works. Had we spoken to the Hoene's about it? Yes, we had. But we had nothing under contract, we did not own the property.

Chairman Deapen: Is that the property adjacent to that?

Mr. Morgan: Yes.

Commissioner Travis: Is that lot 20?

Administrator Sweazy: It was originally lot 10.

Mr. Morgan: When we came here before the property was zoned agriculture and was out of compliance. It was stated the Hoene's were keeping that part of the road to get to the farm. Did that answer your question?

Commissioner Travis: No, is that lot 20 part of that 5-acre tract?

Mr. Morgan: Yes lot 20, 21 and most of 22.

Commissioner Hunt: So, the 60' access easement was truly on those other lots that were questioned earlier on? Lot 20, 21 and 22, is that where this actual road is now?

Mr. Morgan: Pointed out where the road is.

Commissioner Hunt: Is that how it was on that first plat we already dealt with, was it already off to the side?

Mr. Morgan: It just showed a 60'...

Administrator Sweazy: It's a right-of-way, not an easement.

(Looked at plat and yes it was)

Attorney Dale: What is the width of Whitfield Lane?

Mr. Morgan: 16 feet.

Administrator Sweazy: But there is a 50' right-of-way. When they did Whitfield Farms they did do a 50' right-of-way area there. But the Engineer said that it's 16' wide. So, there will have to be an additional 4' added. But in Fiscal Court yesterday, the curb and gutter and road pavement widths were approved so actually if you don't do curbing, the width of the road actually went to 22' wide. So, it would be 22' wide with a 2' shoulder on each side.

Chairman Deapen: Okay we will take other testimony at this time.

Larry Cravens: 1760 Whitfield Lane. Concerns were traffic impact on the roads, will cause negative effect on property, Hwy 1060 would be a better access to the property and more practical.

Andrew Baird: 2468 Plum Creek Road. Concerns were road impact, police already stretched thin, the rural and country feel is what draws people here and that can be taken away with more developments, not on board with further development in rural areas.

Stan Triplett: 1211 Pin Oak Drive. Live in subdivision but still had the country feel to it. Concerns of changes in the area, losing farmland, no guardrails in curves or shoulders on Whitfield Lane, accidents possible, doesn't want to see more homes or traffic on Whitfield Lane.

Wesley Green: 731 Ridgecrest Drive. Concerns with environmental impact, have lots been perk tested, rainwater runoff, traffic.

Rolando Souza: 1950 Whitfield Lane. Mr. Morgan said there would be no impact. We have horses, farms, dairy farms, so there will be an impact on our country road. The road is only 13-14 feet wide until you get to the maintenance sign then jumps up to 16'. We've been dealing with this since last year, we knew exactly what they were going to do. Mr. Hoene had them put that 60' right-of-way there for a farm exit. So, it was put there for Mr. Hoene not this development but now if you look at the plat the road connects to that 60' right-of-way. So, we think they knew what they were doing already, this plat shows proof but yet they didn't tell the community. So, who owns that right-of-way? Is it Mr. Hoene or Mr. Smith?

Rachel Souza: 1950 Whitfield Lane. Commissioner Mudd mentioned the issue last year. Mr. Morgan was asked directly by you if they had any intention of developing this area behind them. He said he did not have access at the time. They came out between November and December and started platting the entire area. So, they already knew what they were going to do. This was our concern all along. I'm having to spend money I don't have to put up privacy fence, so I don't have to look at these homes. It's not fair to our community, we are a rural community. Nobody wants this.

Michael Stump: 1820 Plum Creek Road. I am the magistrate of the Waterford District but I am not

speaking as a magistrate, I'm strictly speaking as a resident. I have my own concerns, such as traffic, need to make sure Whitfield Lane is safe for school buses and children. The county has already been burdened by development on Hochstrasser Road and we keep spending money as a county to keep building that road. We need to make sure the developer is responsible for making sure the road can handle the traffic, so the county is not left holding the bag to make the necessary improvements. Safety is my main concern. We have to get that road widened if you decide to move forward and a county Engineer needs to determine how wide that road needs to be because the county will be left holding the bag when the development is done. Emergency services are already stretched and that is a lot of ways from Waterford Fire House. If they have a fire, there I know the Waterford Fire Department has mutual aid that Mt. Washington automatically response. So now you're not only going to burden Spencer County you're going to be burdening Mt. Washington Fire Department. There's no sewer offered out there, and septic systems fail and it all runs downhill.

Chairman Deapen: Julie read the letter from Eric Bean. Does that not satisfy some of your concerns in that area?

Mr. Stump: No, it doesn't.

Chairman Deapen: They can't develop lots until that road gets fixed.

Mr. Stump: My concern is whether those concerns of Eric Beans will be addressed by the developer going in.

Chairman Deapen: This is specifically a requirement.

Mr. Stump: It said the developer could provide a reputable Engineer and I think if the county is going to be the one maintaining the road after this is done that it should be Eric Bean with Qk4 the counties engineer that makes the determination of what that road should be.

Chairman Deapen: What it says specifically is the current county owned Whitfield roadway is widened to 20' with 2' shoulders on either side and work to be performed prior to any subdivision construction. Does that not satisfy your concerns?

Mr. Stump: I think it would but in that certain area you can't just look at 1700 feet and say that needs to be widened to 22 feet. What about the other miles going out to Kings Church Road?

Chairman Deapen: I'll take that as it doesn't satisfy your concerns.

(Tony Bell had signed up to speak, his name was called, and he was not present)

Ray Manley: 3759 Plum Creek Road. It's a 22' boundary with the property you're discussing tonight. Concerned with property value, need to make the property the best it can be, make sure the ordinance connect ability is followed and there's a stub street that ties in with major properties that might develop in the future way and create a gated community. Mainly saying a stub in my property that would allow me to build a few more houses for my family. Take a look at the structures being built, size, affordability, will bring value to community, Spencer County stops before it gets to Kings Church Road, need to improve intersection. School buses, fire trucks, EMS have to come a long way, maybe require a bridge across Plum Creek Road.

Tina Dowell: 1826 Whitfield Lane. Road up against my fence just put in to try an protect horses and that was before this development was sold. Just starting last month bus does travel the road, a dog was killed on this road, kids joy riding and clipped a pole and came through our fence. So, there are a lot of concerns. Live in a quiet neighborhood because we wanted to. If we wanted to live in a subdivision in Louisville, KY then that's where we would be.

Tim Brewer: 463 Whitfield Lane. Major concern is safety. Need another avenue to come into the Whitfield area. If they want to build a subdivision, then they need a road coming in from someplace else. In the comprehensive plan it says the zone districts should be used to protect the land from development prior to its being adequately served by transportation, appropriate sewage facilities, police and fire protection. Has anybody considered any of these? I think a study should be done. Goal 8-2 – Fire protection units. We don't have enough units to continue the roads in this county. It takes EMS 25-30 minutes to get to us. Water concern with the 4" line on Whitfield

Lane. Thinks a water study should be done. The Fire Chief should be brought in on this discussion. Main concern is citizens safety.

Suzanne Newton: 70 Maple Leaf Court. Move here 24 years ago from Jefferson County to get away from the city. Like their privacy, good neighbors, environment. Understands growth and people need to live somewhere but this should have been presented to them before they decided they were going to do it anyway. Doesn't feel they have a say so but appreciates the board listening.

Terry Shelton: 2015 Whitfield Lane. Most all concerns covered about water, roads, sewage, all runs downhill but just because its legal doesn't mean its right.

George Manley: 3313 Oleanda Avenue, Louisville, KY. Owns property with dad and brother on Plum Creek Road. Concerned with drainage, emergency response time. Will be moving here when retires in a few years.

Tim Brewer: Did you say the water lines would be paid for by the City?

Administrator Sweazy: I didn't say they would be paid by the City.

Chairman Deapen: I think she said they would have to be involved.

Tim Brewer: Wanted to make sure my tax dollar and your tax dollar weren't going to be used just so a development could be developed, and the developers are making the money. They should be paying the money not making the money.

Attorney Dale: Ask that Julie read the letter from the City again.

Administrator Sweazy: Let me just say we have the letter from the City, one from the Health Department. All these people get involved. The preliminary is like this is what the developer wants but if they can't check off all the boxes with these other people then that's when it becomes an issue for them. (Read the letter from the City of Taylorsville again. See Exhibit B)

Attorney Dale: Wanted to make sure that a study would be done.

Bobby Smith: All the way across that property there's a 6" water line on Plum Creek. There's a 20mph speed sign at the dead-end court of Whitfield Lane. I will always work for poor people. School buses already run on this road. The fire department, when we get through, has mine and my partners permission to come across the fort at Plum Creek and cutoff about 5 miles across to Whitfield Lane. People ask me if we were buying this property. It's against the law for me to discuss someone else's real estate doings because I'm involved in it. It could cost me my license.

Chairman Deapen: In 2 weeks we'll meet again. If there are additional people who want to sign up and provide testimony, they will be permitted to do that and we will more than likely vote.

Commissioner Travis: I didn't hear anything on the type structures they would be building and on the adjoining property owners like one gentleman ask, I think you have to make preparation for the adjoining property where you can join together where you don't have dead end streets. I would like to see a response to these at the next meeting.

Mr. Morgan: As far as size restrictions, we don't plan on putting any restrictions except what the zoning already requires. We plan on building most of the houses ourselves, 250,000 to 350,000 dollar homes, between 1300 – 2000 square feet.

Attorney Dale: Restrictions.

Mr. Morgan: We will not have any. Regarding access, all it takes is for them to ask can I get access here. The Ernspeker's own a piece of land here and it's so old it never had road access except an old gravel rock bed along the boundary of the property and they have hunted it for about 25 years. So, we created what's labeled 52 for access for them to that land. All it takes is a conversation with us.

Bobby Smith: (pointing out on screen where the road runs) We can't promise you anything but if Scott Travis can get a bridge across that creek, he will have a road to tie it to.

Chairman Deapen: Any other questions for discussion?

Commissioner Hunt: I have an issue maybe we could deal with at the next meeting. Where it talks about the watershed protection easement, it says the subject property deed references a watershed protection easement authorizing the secretary of agriculture, United States Department to carry out a program for watershed protection and is recorded in deed book 48, page 69. The map showing the location of said easement was not found. What steps are we taken to make sure where that easement is?

Administrator Sweazy: Everybody along Plum Creek pays a Plum Creek Watershed Tax. I'm going to take a shot that the old road would be the access point for them to go in.

Commissioner Travis: The watershed was put in and the landowners at one time signed a contract agreement for that watershed to be put there.

Commissioner Hunt: Also, it says edge of flood line not field verified FEMA shapefile only.

Administrator Sweazy: I'm sure they will do that when we get closer to a final if this gets approved. Those are 10–15-acre tracts. The floodplain is just in the lower bottoms. They still have land that comes up on that ridge.

Commissioner Brown: So, the way that they are selling it right now, as I see it, is that these AG1 lots that surround the R1 lots that are proposed. You're giving the look of these as having a rural feel and you're going to keep them this way, they would have to stay that way in my opinion. If they are going to portray it that way, then that needs to be added in as a binding element. Is that what you're going to do is keep them AG1 to keep the rural feel and not subdivide later in life?

Mr. Morgan: There's no intention of subdividing on my end. But if Mr. Ernspeker bought the bottom two lots that tie to him. I feel that's his landowner rights.

Commissioner Brown: Before the next meeting is it possible to have the perk test results, the traffic study and the width of the road? It's so hard not to put a second entrance in off of Plum Creek. I think there needs to be a lot more discussion about that and things need to be looked at

further. When a developer goes to develop something, they need to be responsible for whatever infrastructure required for that development. So, if that requires a bridge then so be it.

Chairman Deapen: Any other discussion?

Commissioner Travis: Motion to adjourn.

Commissioner Wheatley: Second.

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

Attest:

Secretary

Chairman