

Taylorsville-Spencer County
Joint Planning and Zoning Commission

The regular meeting of the Taylorsville-Spencer County Joint Planning and Zoning Commission was held November 2, 2023, 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, Marsha Mudd, Anthony Travis, Teddy Noel, Paula Wheatley, Valerie Hunt and Attorney Dale. Jacob Brown 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 October 19, 2023. I will entertain a motion to approve those minutes.

Commissioner Hunt: Made a motion to approve the minutes with changes for the October 19, 2023, meeting.

Commissioner Mudd: Second.

Chairman Deapen: Any discussion? Call roll 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. You will be limited to a three-minute testimony.

Chairman Deapen: Under old business let me remind you that all the evidence and testimony that's already been received is a matter of record and doesn't need to be repeated. If you've spoken before you're already sworn in on this matter and if not you will need to be sworn in at this time.

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

Administrator Sweazy: 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. I'm going to connect that with 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. Mr. Smith came in the office earlier today and dropped off some paperwork packets for you all. We put those on the desk for you and he is here to speak tonight. Mr. Morgan was at the last meeting but call and said was unable to attend due to death in the family.

Chairman Deapen: So, Mr. Smith you have several pages here, we're going to allow you speak about these pages as much as you would like to. However, one of the things we ask for was a traffic study and if that has not been completed at this point then I don't think we will be prepared to move forward.

Administrator Sweazy: That is one of the documents in your packets is the contract with Palmer Engineering. So, they are in the works of getting that done. But he had a few others things he wanted to speak to you all about.

Bobby Smith: 2733 Plum Ridge Road. In regard to Prospective Development Project Whitfield Lane/Plum Creek Road. Mr. Smith spoke of the things he had done in the past to help improve Spencer County in spite of having 4 strokes. (See exhibit A) On the Preliminary Plat of Robison Farm you can see how easy it is to get from that point on Plum Creek Road to that point on Whitfield Lane in seven tenths of a mile. The County Judge agrees with me that that would really be an important improvement for our county, and he's agreed to fight for a bridge across it. Now I didn't say he promised to get it, but he's willing to fight for one. This is a 265-acre project and its about 20% R-1 and 80% agriculture and if you don't have R-1 mixed in, there's no way you can afford to do what I want to do. That's what it will take to get it done is go in at Plum Creek and come out Whitfield Lane. In case you all tell me you don't want to do that for the county, I'll have to go back and take big tracts and reduce the opportunity to tie the county together. I would like to have clarification of what we're supposed to be having a survey done on. Is it the county section of Whitfield Lane or is it the whole thing?

Chairman Deapen: The whole thing.

Mr. Smith: Well, we can't afford that. But I'll go ahead and finish. Julie has a copy of a contract (see exhibit B) for the State Road part of it from November 2022 and we paid for a road study on the whole thing. You want a road study on a road that was improved in 2022. Todd Burch and the County Engineer looked at it and made a recommendation.

Administrator Sweazy: Yes, Todd Burch and the County Engineer looked at the plat and that's who made the recommendation that we do the traffic study.

Mr. Smith: I suggest we ask him if they looked at the road.

Chairman Deapen: The commission asked and your Company commented to giving us a road study.

Mr. Smith: We've got it paid for.

Chairman Deapen: But we don't have it.

Mr. Smith: The next page shows a traffic count done by the State of Kentucky and there's 812 vehicles on a State Road in a day. That came from the records of the State.

Commissioner Travis: Where did they do the count at?

Mr. Smith: Somewhere where the Spencer County line crosses Kings Church Road.

Commissioner Travis: Okay. There is a portion of the State Hwy of Whitfield Lane which is narrow. The end towards the farm you purchased.

Mr. Smith: I can't answer that because I didn't measure it, Michael Morgan did.

Commissioner Travis: What I'm saying is that section, in my opinion, is way under width. Then the county part is 12-13 feet wide.

Mr. Smith: It met county standards when they accepted it into the county and its still a good road. I'm not saying it met it but the county accepted it that way.

Commissioner Travis: Well, that's true but the regulations have changed.

Mr. Smith: Do you know how I get to Whitfield Lane now?

Commissioner Travis: Probably by crossing the creek.

Mr. Smith: With no problems.

(Discussion between Mr. Smith and Commissioner Travis about the creek)

Commissioner Travis: But I would not be in favor of letting the public go down and cross that creek.

Chairman Deapen: Is there anything else you want to tell us about the paperwork here?

Mr. Smith: I think it's all important or I wouldn't have give it to you.

Chairman Deapen: Then let's talk about it.

Mr. Smith: I was talking to one of the Commissioners.

Chairman Deapen: Well, I'm redirecting to go through the rest of the paperwork.

Mr. Smith: What did I do to you?

Chairma Deapen: We can't resolve this tonight because we don't have the study.

Mr. Smith: I'm not through.

Chairman Deapen: Then finish.

Mr. Smith: Anthony there's a railroad bridge crossing between the Hoene farm and Buck McClain's old farm. If somebody had to get out of there they could come out over that bridge. It's got a dedeed easement for both of those farms.

Commissioner Travis: But what we need to know about is what you're going to do on these 268 acres?

Mr. Smith: Now there's 115 acres that comes down to Plum Creek. It's a farm divided into two tracts, 115 acres and 150 acres. My family and I want to own that whole 115 acres. If you all don't allow me to do this then I'm going to come back and ask to do the 115 acres.

Commissioner Travis: You need to understand we're not against you doing what you want to do but you have to abide by the regulations. If you meet all the regulations, we have to abide by that.

Mr. Smith: Have you got anything that I'm doing wrong?

Commissioner Travis: What we need is the paperwork?

Mr. Smith: I can't get it.

Commissioner Travis: Well, you will get it. It takes time. You got to get an Engineer and surveyor.

Mr. Smith: We done got him but don't look for it to matter what he does. What matters is what Todd Burch, and the County Engineer does, that's who gives the yes or no.

Commissioner Travis: We want to know what you want, what you're going to do and when you're going to get it done. We need these answers before we can vote.

Mr. Smith: It really doesn't matter. If you turn it down, I can go to the Magistrates but I don't stand a very good chance over there.

Commissioner Travis: We can't control that, we're a recommending body only.

Mr. Smith: Anybody else have questions?

Commissioner Wheatley: I wasn't here at the last meeting. So, all we need now is the answers to what we need to know and the traffic study.

Chairman Deapen: We need the data back from Palmer so we can give that to Todd and the City to help us make a final decision.

Mr. Smith: If I can't get this done and I've talked to Julie. I'd like to take my 115 acres and just cut it up into 10-acre tracts. Not to sell them but to give my children and one Barnet boy a lot where they can have a lot. I got to go on, I'm 82 years old. The way Mr. Deapen treated me tonight, 20 years ago me and him would have been going at it. I've calmed down some over the last 20 years. He's been nasty.

Commissioner Travis: We probably need to get back and talk about...

Mr. Smith: No, I want it on the tape that he was nasty to me, because he was and I'm mad. Go ahead Anthony.

Commissioner Travis: We better get back on the project.

Mr. Smith: We're about done. I will stop there and Mr. Deapen I'm not really a violent man but sometimes I have a violent temper and I'm telling you in no uncertain terms you've been a asshole tonight. Thank you.

Chairman Deapen: Okay, who do we have signed up?

Ray Manley: 3759 Plum Creek Road. My personal interest is to make sure those large tracts don't get subdivided next month, and we have to fight this battle again and again. I want them locked in as large tracts. Mrs. Souza said at the last meeting she would have 7 lots that abutted her property, she will actually have 8 new houses abutting her property. She will be in the middle of a subdivision where she had a lot in the country before. Another lady will now have a road going along one side of her property. I think every lot there should be at least 4 acres, that abut every lot on Whitfield Lane. If you approve it, you should at least require that.

Tina Dowell: 1826 Whitfield Lane. I am west of the ROW. Before a decision is made, we must have that road study. In 1996 when Whitfield Meadows was being built and they proposed all of the houses back there that they minimized that because the road would not support what they wanted to do with that subdivision. Our road has not changed since then. So here we are, the same road, I don't believe our road, no matter what kind of road study they do, is going to support them being able to do all of that traffic down the road beside my place, in front of it and on out to Kings Church Road. On Whitfield Lane we're used to the State or County doing nothing for our road. We take care of ourselves back there. Once we get all those people, you know they're not going to do anything but tear up our neighborhood and go on through. I hope at the next meeting we have the road study and know exactly what they're going to do.

Rachel Souza: 1950 Whitfield Lane. Regarding the road study. The strips were not even including the rest of Whitfield Lane, they only did it back towards Ridgecrest and our portion of Whitfield Lane. They didn't include Redbud Circle, Dogwood Circle, or Whitfield Meadows and all those have to be considered in that traffic study because it affects everybody. In the last meeting they talked about using Ridgecrest as a second access, Ridgecrest pours out onto Whitfield Lane. According to the Kentucky Model Ordinance regarding subdivisions it does say a private road intended to serve 25 or more lots shall provide at least two access connections to public roads. So, Whitfield is one of them then Plum Creek has to be the other one because Ridgecrest pours out onto Whitfield Lane. Read a letter from a neighbor, Cindy Metcalf who lives at 2005 Whitfield Lane. Stated she lived there with two children for 30 years with no issues. Feels comfortable with the way things are. Her husband passed away in 2014. She has felt safe here because she knows all her neighbors. But if this road is made as an entrance, she will not feel safe and secure. She asks to please not use this road as a main entrance.

Chairman Deapen: As all fairness we're going to accept that into the record, but it will be giving a low amount of weight compared to the one's that have come in here to speak.

Dianne Chesser: 248 Suffolk Drive. Not present.

Terri Cooper: 130 Bailey Court. I'm with the Spencer County Historical and Genealogy Society. One of our members was here at the last meeting and heard talk about a cemetery on this property. We got in contact with Mr. Morgan, he took me over to the cemetery and it is definitely in our wheelhouse to restore the cemetery and we are excited about it. He has shared with us that he would like for us to bring it back to as good as condition as possible, get a fence around it and some signage.

Commissioner Faue: I make a motion to defer this and move until December 7, 2023.

Commissioner Mudd: Second.

Chairman Deapen: Any further discussion, read the roll.

Administrator Sweazy: Rolled called, motion carries.

Chairman Deapen: New business.

Administrator Sweazy: We have the application of **Robert Willett** requesting AG-1, agricultural to AG-2, agricultural on Tract 1 consisting of 6.80 acres and AG-1, agricultural to R-1, residential on Tract 2 consisting of 1.07 acres located at 1815 Hochstrasser Road. The comprehensive plan recommended land use map indicates the area should be medium density residential. No previous action. The applicant has requested to create two tracts. Tract 1 has two barns and a block frame building that may have been used as an apartment at one time. Tract 2 has an existing 2 story frame house with a garage. They are requesting the zone change to allow the division.

Robert Willett: 1991 Hochstrasser Road. The reason for separating this out is we are farming the land and need to bring the zoning into compliance. My intention is to farm this and build a house later. Take the one house and make it R1. Then later build a family home on the 6.80 acres.

Chairman Deapen: Questions from the commission. Anyone signed up on this?

Administrator Sweazy: No.

Chairman Deapen: Any reason why we can't act on this tonight? I'll entertain a motion.

Commissioner Mudd: I make a motion to recommend to rezone the application of Robert Willett requesting a zone change from AG-1, agricultural to AG-2, agricultural on Tract 1 consisting of 6.80 acres and AG-1, agricultural to R-1, residential on Tract 2 consisting of 1.07 acres located at 1815 Hochstrasser Road. The recommended land use map in the comprehensive plan recommends medium density residential; the change would be in compliance with comprehensive plan and there's no one here to speak against it.

Commissioner Faue: Second.

Chairman Deapen: Any further discussion? Call roll.

Administrator Sweazy: Roll called, motion carries.

Administrator Sweazy: We have the application of **William & Lindia Middleton** requesting AG-1, agricultural to R-3, residential on 1.116 acres located at 1298 Drake Ridge Road. The comprehensive plan recommended land use map indicates the area should be medium density residential. No previous action. Mr. & Mrs. Middleton are requesting to deed off this 1.116-acre tract with the existing mobile home for one of their children. The mobile home has been on the property since 2018.

Mike Middleton: Speaking on behalf of the Middleton's. Their granddaughter wants to purchase this 1.116 acre with the mobile home to live in.

Chairman Deapen: Questions from the commission.

Commissioner Travis: Are you willing to put a binding element that there won't be but one residence on the R3 property?

Mr. Middleton: Do whatever you need to, this is our family farm, we don't plan on putting anyone else there.

Chairman Deapen: Is there anyone signed up?

Administrator Sweazy: No. But I will go on to say if she decides in 5-10 years, she's wants to move that mobile home and build a house, she would still be able to do that.

Chairman Deapen: Any reason not to proceed tonight? I'll entertain a motion.

Commissioner Wheatley: I make a motion to recommend to rezone the application of William & Linda Middleton requesting a zone change from AG-1, agricultural to R-3, residential on a 1.116 acre tract of land located at 1298 Drake Ridge Road. The recommended land use map in the comprehensive plan recommends medium density residential; the change would be in compliance with the comprehensive plan. There will be a binding element of only one residence on this tract. There was no one here to speak against it.

Commissioner Mudd: Second.

Chairman Deapen: Discussion. Read roll.

Administrator Sweazy: Roll called, motion carries.

Chairman Deapen: General questions or discussion.

Administrator Sweazy: Next meeting will be November 16, 2023.

Commissioner Travis: Motion to adjourn.

Commissioner Wheatley: Second.

Chairman Deapen: All in favor, meeting adjourned.

Attest:

Secretary

Chairman