

Taylorsville-Spencer County  
Joint Planning and Zoning Commission

The regular meeting of the Taylorsville-Spencer County Joint Planning and Zoning Commission was held December 21, 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, Anthony Travis, Marsha Mudd, Valerie Hunt, Jacob Brown and Attorney Dale. Teddy Noel and Paula Wheatley were 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 December 7, 2023. I will entertain a motion to approve those minutes.

Commissioner Hunt: Made a motion to approve the minutes for the December 7, 2023, meeting.

Commissioner Brown: Second.

Chairman Deapen: Any discussion? Read roll.

Administrator Sweazy: Roll called, motion carries.

Chairman Deapen: Any committees?

Administrator Sweazy: None.

Chairman Deapen: 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. Testimony is limited to 3 minutes.

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

Chairman Deapen: Old Business.

Administrator Sweazy: We have the application of **Robert Jones Jr. & Tabitha Jones** requesting AG-1, agricultural to AG-2, agricultural on Tract 12-A consisting of 5.335 acres and AG-1, agricultural to R-3, residential on Tract 12-B consisting of 1.00 acre located at 1736 & 1760 Whitfield Lane. The comprehensive plan recommended land use map indicates the area should be medium density residential. This application was brought up at the last meeting but due to some publications timing and The Spencer Magnet we held it over until tonight. They are present if you need to hear anything again. Nothing has changed with their application.

Chairman Deapen: Did we get enough testimony last meeting for the Commission to choose to move forward? Is there any reason to hold this off?

Commissioner Faue: Is there anyone signed up to speak?

Administrator Sweazy: No.

Chairman Deapen: I'll entertain a motion.

Commissioner Faue: I make a motion to recommend rezoning the application of Robert Jones Jr. & Tabitha Jones requesting AG-1, agricultural to AG-2, agricultural on Tract 12-A consisting of 5.335 acres and AG-1, agricultural to R-3, residential on Tract 12-B consisting of 1.00 acre located at 1736 & 1760 Whitfield Lane. The recommended land use map in the comprehensive plan recommends medium density residential, the change would be in compliance with comprehensive plan and there is no one here to speak against it.

Commissioner Brown: Second.

Chairman Deapen: Any further discussion from the commission. Read roll.

Administrator Sweazy: Roll called, motion carries.

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. Do we want to do this hand in hand again as we done previously with plat and zoning?

Chairman Deapen: Yes.

Administrator Sweazy: 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. I will go over just a little bit since we've had several meetings on this. The last meeting, we had was 12/7/23. The traffic study was complete, and copies were provided to the commission. Representative from Palmer Engineering was present that prepared the study. The County Engineer was also present. After some discussion and debate it was decided that our County Engineer would reach out to KYTC and get their opinion on the study. I provided you all with a copy of the email that KYTC responded to (exhibit A) and I also emailed that previously to Michael Morgan so that he could see it as well. I also gave you an email that was sent back to me from Michael Morgan, he forwarded these responses as well to Palmer Engineering. This was Palmer Engineering's response to the traffic study (exhibit B) once the County Engineer spoke to them. Do you want it read into the record or just submitted?

Attorney Dale: Needs to be read so the public knows what they said.

Administrator Sweazy: Ask for Commissioner Brown guidance with reading into the record.

Commissioner Brown: Palmer Engineering is stating that where they placed their tubes is before Ridgecrest and before Pin Oak. So, their backing their less then 400 vehicles per day, they only set it out for one day and that's why that's a lower number then the 800 vehicles per day that you can find on the website and the 1200 vehicles per day that Jason Richardson presented to Eric Bean from his latest records where they put their traffic indicators at their tubes. That's where Palmer Engineering is backing their lower number because they say their pipes were before the other development and it makes since.

Commissioner Mudd: So, what part of this should be read into the record.

Administrator Sweazy: I'm just going to start after the last meeting. 12/8/23 – County Engineer to KYTC. Jason, The Spencer County Planning and Zoning had a hearing last night for the development off of Whitfield Lane. The P&Z board members have postponed any ruling until they receive more information on a few items. One of the items being the roadway widths and concern for the safety of the traveling public. At this time, I believe there are two questions specifically that they need KYTSs help. 1) If P&Z required a mechanism to widen the road from Ridgecrest traveling East, what standard would KYTC require? He's asking what road width would be, shoulder width, pavement section, and any other specific requirements you can provide for budgetary costs. 2) There is concern for the two curves on the east end of the KYTC maintained roadway. The Palmer traffic study shows reducing the speed limit to 25mph there. Would KYTC support that or would they ask to reconfigure these curves with the widening knowing that reconfiguration would probably require ROW acquisition. Any help would be greatly appreciated regarding these items. So, Jason Richardson response on 12/11/23 says 1) KYTC would anticipate an extension of the existing cross-section of KY2814 west of Ridgecrest Drive. Based on measurements from aerial photography, that appears to be 18ft from edge of pavement to edge of pavement but will need to be field verified. The existing edge lines would be deleted, and the double yellow center line extended to the end of state maintenance of KY2814. The pavement section should either match existing (i.e. core the pavement to determine the existing section) or match the following: This is where I don't understand this stuff.

Commissioner Brown: Asphalt Pavement Design – 1.5" of surface of PG64-22 then 3" base PG64-22, then 4" asphalt base and then what their saying the aggregate sizes are the 0.38, 1" and 1.5" for your courser, then 4" asphalt base PG64-22, then 4" DGA.

Administrator Sweazy: 2) The data has been provided to our traffic section for evaluation and potential signage modifications. By state law, KYTC cannot require roadway improvements from a development that would require the development to purchase right of way. Neither can KYTC accept right of way donations. It is highly unlikely that the existing curves could be reconstructed within the existing right of way. For what it's worth, there have been 5 total crashes on all of KY2814 since 1/1/2018. One driver slid off the wet pavement in the S curve (driving to fast for conditions), a motorcyclist laid his bike down after hitting either a rock or a pothole, an intoxicated driver departed the pavement and flipped his vehicle, a resident pulled out in front of an approaching vehicle that she did not see and lastly a driver failed to negotiate a turn and according to witnesses just drove straight off the pavement into the ditch (likely distracted driving). The crash history does not indicate any particular safety concerns as the crashes that have occurred are random in nature. The current ADT is 1200vpd. Eric Bean came back with a response on 12/13/23 from Jason Richardson. One more thing the traffic impact study that was done for this development repeatedly references the AASHTO Guide for low volume roads (ADT<400). The ADT on KY2814 is 1200vpd, so the standard AASHTO Policy on Geometric Design of Highways and Streets should be referenced instead. This went out to Michael Morgan, who sent it to Palmer Engineering and Palmer's response was: The KYTC count station is located before most of the residential development along Whitfield Lane and therefore captures cars that are heading to Pin Oak Drive, Dogwood Circle, Red Bud Circle, etc.

We placed our tubes between Red Bud Circle and Ridgecrest Drive where the road narrows down. Our data shows the volume being below the 400vph threshold.

Chairman Deapen: Can you shed some light on this?

Commissioner Brown: There's definitely a difference in opinion within the state and what they think the daily traffic load is and what the County Engineer thinks and Palmer Engineering thinks. I talked to Eric Bean today and he said the old data you can find on the website says 800vpd. Then Jason Richardson says 1200vpd. So, whatever happens here, you're adding subdivision in here so its going to increase, that's a giving. It's all one way in and one way out. Jason Richardson and Eric Bean didn't see the S curve much as a factor as long as you put signs up and post speed limit signs there.

Chairman Deapen: Do you want to make any comment?

Bobby Smith: 2733 Plum Ridge Road. You people have heard me talk enough about poor people. First, I would like to address what's going on in the county. I gave you all a list of lots listed in Spencer County. (exhibit C) If you will take a look at that and tell me which ones you thank a poor person can afford.

Chairman Deapen: Why don't you gives us your opinion.

Bobby Smith: The cheapest one is \$29,900 and it's in a flood zone. The rest of them, well a poor person can't get it. We get very little help with the poor people and its as much our job to take care of that type of problem as it is anybody else's. The next thing is we're not going to go with the plan you have in front of you about the single home development because you all don't want to do it. Seems like to me it was a big question of whether whatever needed widening, but I never intended to widen the state highway and I made that as clear as I possibly could. So, we gave you another plat that has no zoning request unless the entrance of the Hoene farm is blocked by high water and then we would let them use the road going out through Whitfield. (Michael Morgan handed out new plat) So, when you vote not to do that one, you're not hurting the poor people because they can't buy on that anyway. I'm going to be trying to get you people to understand that we do owe the poor people a place to live. Will you all consider doing this plat? We can sell that one off without your permission but it's a slow process. So, I'm asking you to approve this one so we can move on. I think I can get that problem solved on the state highway by asking for it. I don't think we have to say Bobby Smith you build and fix that road, that's not my road, that's a state road.

Commissioner Brown: For the record, I'm not against your development. Personally, I'm more against having the development on Whitfield Lane if Whitfield Lane problems are not addressed. That's my problem.

Bobby Smith: But I don't have to be the one to address them.

Commissioner Brown: You got the subdivision there, if you want to wait on it then yes, I know what you're saying. I don't know if a creek crossing is the answer either.

Bobby Smith: It would be simple to create a warning when the water rises. If you want to approve the whole thing then that's fine, I will just sit still on doing anything at the top and concentrate on the bottoms until I can afford to do more. That's okay with me. If you want to approve it, I'm not going out there and fixing that road. That road doesn't belong to me and I'm not going to fix it. I don't have a problem doing what the county asks me to do, but the county has no right to ask me to widen the state highway.

Commissioner Brown: Are you good with just widening the county portion?

Bobby Smith: I'm not going to use that.

Commissioner Brown: So, you're withdrawing your application?

Bobby Smith: No. But what you just asked me was I against widening Whitfield Lane.

Commissioner Brown: The county portion, not the state portion.

Bobby Smith: It doesn't need widening. It's so short.

Commissioner Brown: It doesn't matter how short it is because it's still narrow. So, are you going to withdraw your first application or....

Bobby Smith: I want you to vote on the first one then if you can't do it go to the second.

Commissioner Brown: If I vote for your development as you have it right now, you're going to have to widen the road, at least the county portion in my opinion.

Bobby Smith: If you're going to vote the other down and think about the other one then leave it up there. Pass it and I'll let it sit there until I can do it.

Chairman Deapen: I'm not sure what you meant by what you just said.

Commissioner Brown: I think we have to do one step at a time.

Bobby Smith: If we have to take one off the table, take the big one off.

Commissioner Travis: You're talking about a low water crossing. What are you talking about? What about the bridge you got there, can't you utilize that?

Bobby Smith: That belongs to this man (Mr. Manley) and I don't think it would be fair to him.

Commissioner Travis: I thought you had the right to use it.

Bobby Smith: I do, but he never intended to have a subdivision run across his bridge.

Commissioner Travis: Then what are you talking about on the low water crossing?

Bobby Smith: The state brought it to me, it's 3' pipes, 15 of them and the highest it can be is 4'6". I don't really think I'll ever build it because I don't really have to. I told you in the beginning that Judge Travis is going to try and get a bridge there to hook Whitfield into Spencer County.

Commissioner Travis: I would not be in favor of putting any low water crossing there for safety reasons. Somebody might end up drowned. I'm not against your development but if your going to sell that and two vehicles can't pass back there on Whitfield Lane. You've got 268 acres so you have potential you could have 250 homes on that property. The roads not going to get widened unless somebody works on it and that's your privilege if you don't want to widen the road, that's up to you. Now if you could do something on Plum Creek where its wide enough to get in and out and you're down in the water then you got something going. It's up to us to try and do what we think is correct for the people in the county. Its up to you and your partner to decide whether you're going to bring it up to where it will work or sell it off to people to do what ever they want to with it.

Bobby Smith: On that small section, the 100 acres, won't be a lot of name changes on the deed. We want to help take care of the future. So, it won't create a lot of traffic.

Commissioner Brown: You're giving us a different idea than what was on the original.

Commissioner Hunt: Can we be clear as to what we're looking at and whats on the table because we have this original plat we've been talking about and that's what we're here to either recommend to approve or deny, unless you're going to pull that total application.

Administrator Sweazy: Bobby and Michael came into the office yesterday and brought me this plat. In the past we've allowed for development to be done in phases. That's what they were asking if this is something that could be done in phases. The bottom portion is pretty much what they had proposed on the larger plat. What he's asking is if we're going to keep delaying on the other one, could we go on and consider this portion of that big plat?

Commissioner Hunt: On this portion is everyone through there crossing the creek?

Administrator Sweazy: If they go to the back half of the property, yes they would have to cross the creek to get to the back half of their property. He has frontage, they have some entrance approvals from the state.

Commissioner Hunt: What do you mean by the back part of the property?

Administrator Sweazy: The land is on both sides of the creek.

Attorney Dale: So, access to all of these will be across the creek?

Administrator Sweazy: Part of them will be across the creek, but they got land on some out front that are soybean fields right now. Now on one side there's already a driveway that goes to a home.

(discussion between Bobby Smith and Commissioner Hunt)

Administrator Sweazy: He has an entrance in corner at the bottom, there's a driveway that goes to a home already, he has several access points approved and then the existing drive where you drive through the creek.

Attorney Dale: Who approved these?

Administrator Sweazy: State Highway Department. I even questioned them if he could use those approvals for joint entrances and they said yes, he could go up to 3 tracts on one entrance.

Attorney Dale: What about the Division of Water?

Administrator Sweazy: I've got that too.

Attorney Dale: To me those entrances need to be on the plat.

Bobby Smith: We couldn't put them on there until we got them.

Administrator Sweazy: I marked them with a red dot on the map. So, they are marked as to where they're at.

Attorney Dale: So, you won't approve a plat until there actually on the plat?

Administrator Sweazy: That's just a preliminary, it's not a final.

Commissioner Brown: So, the first item on the docket would have to be withdrawn and the second revised with the creek crossing and entrances and then we could approve it at that point?

Administrator Sweazy: Right.

Chairman Deapen: I think he's asking us to vote on the original zone change, and if we vote it down, then obviously we wouldn't vote on the plat. Then he's asking us to move to this plat and consider approving it.

Administrator Sweazy: Because this one doesn't require zoning.

Bobby Smith: If I put a sign on our property saying your welcome to go to Plum Creek from here, that would be less traffic on Whitfield Lane.

Commissioner Travis: If they didn't drown, you're right.

Bobby Smith: I called somebody and talked to them, and he said I think you can get a low water crossing there. I think the bridge is going to be put there because Judge Travis will do it. Whitfield belongs in Spencer County.

Chairman Deapen: We have some people signed up to speak on this.

Tina Dowell: 1826 Whitfield Lane. I'm not sure what we're talking about either. We still don't know what it's going to look like, what it's going to do. We know on my side of Whitfield Lane; we don't want to be a subdivision but now we have a subdivision that wants to be a part of us. Roads need to be taken care of, timelines, there needs to be a privacy fence wherever it touches our properties.

Steve Conte: 405 Pin Oak Drive. I'm still concerned with EMS response. Developers cut corners without concern for the community.

Rolando Souza: 1950 Whitfield Lane. This threw me for a loop this evening. We were not expecting this. My problem with this is its still 260 acres, if this gets approved for him to do this,

I still see Whitfield Lane as a possible exit. Think of putting a binding element on this thing where it is platted for 200 units, knowing this they would have to put in a road, because eventually the units are going to be there, whether we like it or not.

Rachel Souza: 1950 Whitfield Lane. This was all new to us, we had no idea about it. But the same thing goes if its connecting to Whitfield Lane, then everything still applies. This will change where we live and will change the character of our neighborhood.

Austin Gregory: 556 Master Lane. I know the road study was done. But the one thing I haven't heard was at the entrance/exit, none of the crashes that happened at that intersection have not been spoken about.

Ray Manley: 3759 Plum Creek Road. Now we have two plans. Most of what I was going to say tonight, I will set aside until we decide what direction we're going. I do want to talk about Whitfield Lane, the fact is that Whitfield Lane is a dead end, which means whatever you build back there is one way in and one way out. The intersection at Kings Church Road is terrible, it's in the middle of a curve. All the residents on Whitfield Lane say the road can't handle it and they drive it every day so they should have a pretty good idea. Currently there are about 200 addresses that use Whitfield Lane for access if you count all these houses on various roads. Recently we had a gas leak that closed Whitfield Lane, and no one could get in or out for several hours. Kids were stranded at schools, and you couldn't get home from work. Now this new development will add 50 or possibly as many as 200 homes on this dead-end road system. That's a potential of 400 homes being sold, over 1000 people how may find themselves trapped by the next gas leak, structure fire, down power line, etc. No amount of road improvements to the existing Whitfield Lane will change the fact that it is a dead-end road system and perhaps any and all subdivision, this one included should be blocked until there's a second route created in and out of that neighborhood. My bridge I saved up for 15 years for and paid for out of my pocket is 9' wide, has a load limit and will not carry a whole lot of traffic from a subdivision.

George Manley: 3759 Plum Creek Road. (handed out a population density map and zoning off of Spencer County Website see exhibit D) Adding a street stub – I would request that be part of the planning, because under KYTC it say street stubs shall be provided to provide access to all abutting properties. In reference to the maps, I would like to quote some of the Spencer County/Taylorsville Regulations. Page 89, Section 1400; That the density of the dwelling units per acre does not exceed the limits for the zoning districts in which the development is located. Section 1205; The Planning Commission and legislative body involved shall designate, at the time of approval of any zoning map change and development plan, those elements, provisions and restrictions of the approved plan, if any, including a time period for development plan expiration, not going to quote it all but basically say you can put binding elements on it. Powers of the Board, Section B; When approving any application, the Board may impose such additional conditions. Section C; Allow uses in zoning districts which although not specifically permitted, will not be out of character with other uses in the district. This development does not meet the character of the population density map or the zoning map. In the Whitfield Lane neighborhood, all the lots are five plus acres and zoned AG. This development will cut through a small neighborhood and create fifty 1 acre lots with the potential of adding 150 or more, unless you



add binding elements. I ask that you please disapprove the original development at this time until it meets proper guidelines. If you do approve, please place binding elements that any lots adjoining the existing properties remain in character of 5 acres or more by adding binding elements.

Administrator Sweasy: The second page map is a recommended uses map, its not our actual zoning map.

Chairman Deapen: From the testimony heard and readings from regulations, there's a general acknowledgement that the road is severely in need of an upgrade and the developer doesn't want to do it and don't see any evidence that the County or the State wants to do it. I think that kind of puts us in a lock. If we agree this needs to be done and no one is going to do it, as far as the zoning change and plat map, I think it kind of ties our hands.

(Commissioner Hunt and Faue agreed)

Commissioner Brown: What's legal got to say about it?

Attorney Dale: It's your call, the evidence seems to indicate it would be an unsafe condition.

Chairman Deapen: If everybody agrees with that, why don't we entertain a motion.

Commissioner Travis: Can you have Bobby Smith come back up? At this time, you don't see any way that you all are going to try and come up with some kind of plan to upgrade part of the State Highway or the County Road system?

Bobby Smith: I'm not going to do the State Highway, it's not right. I can probably make more money without getting zoning change.

Commissioner Travis: But it says here that Spencer County Planning & Zoning the developer recommendation is to be presented what you plan to do before we approve it.

Bobby Smith: Well, I'm not going to widen the road. That's the State Highway, I will work to get it done.

Commissioner Travis: But when you say you're going to do anything, that puts us in a position that we can't...

Bobby Smith: You should have never gone to the State because the State wasn't involved. But we all make mistakes. You're not hearing me telling you the road is going to get improved. You have no reason to demand me to do it. The State needs to fix it and they will. All you have to do is demand it.

Commissioner Travis: Okay, I just wanted to make clear where you were. But it says here that something needs to be worked out before the zoning can get approved.

Bobby Smith: Then don't approve it.

Commissioner Travis: That's plain and simple but I wanted to make sure me and you were on the same page.

Bobby Smith: If you think it's my place to fix the road and I won't do it, then vote against me.

Commissioner Travis: I'm not voting against you; I'll vote against this until something is worked out.

Bobby Smith: I can sell those 10-acre tracts as fast as I put them on MLS and that whole thing will be turned into it.

Commissioner Travis: Do you think putting those entrances across that creek is a good move as far as selling that to people who are unknowledgeable about what the creek does?

Bobby Smith: I told you most of them won't have a name change on the deed, they'll have a name added to it.

Commissioner Travis: Regardless of who's name it's in...

Bobby Smith: We're going to raise soybeans in those bottoms.

Commissioner Travis: But whoever it is, if you're crossing that creek to raise soybeans is one thing but when you're putting people crossing it, that are unknowledgeable about Plum Creek, I would want to think about that.

Bobby Smith: I wish you had the confidence in your son that I got in him. I'm saying there's going to be a bridge across there.

Commissioner Travis: Okay then you need to come back after you get the bridge across it.

Bobby Smith: No, it's farmland, 10 acres or better.

Commissioner Travis: Get the bridge done and come back.

Bobby Smith: I'm not going to do that either. Throw me out.

Commissioner Travis: I'm trying to give you an opportunity to say I'll come back at a later date when I got a better plan.

Bobby Smith: I got a good plan. Those 10-acre tracts are the reason I bought the farm.

Commissioner Travis: Even if we approve the 10-acre tracts, they're going to be split up and can be split again unless you're going to put binding elements on there that there not to be re-split. You can leave it like it is and go down there and grow soybeans.

Bobby Smith: Do whatever you all need to do.

Commissioner Travis: But I wanted to give you an opportunity...

Bobby Smith: I'm not going to change. I don't think you understand that's the States job. I've met several people in Frankfort and found they're very helpful if they get to know you. We need somebody to go up there for the people and I need you all to go to bat for the poor people. I can't use those 10-acre tracts for them. I'm talking to much, you all vote.

Commissioner Travis: I move we adjourn.

Chairman Deapen: There's a motion on floor that we adjourn, is there a second? No second, we will continue with the meeting. I'm entertaining a motion on the original rezone and plat.

Attorney Dale: I have a procedure concern. If you vote on this and deny it then it goes to The Fiscal Court. I think they have to come back with an application for the other one. I think they have to advertise and go through the whole process again. Because these people were not aware of this.

Chairman Deapen: Neither were we.

Michael Morgan: Are we not allowed to make a revision?

Attorney Dale: This is something new. I'm just giving my legal opinion on it. We only have an application for the one. So, for the other one, notices have to be sent, advertised, an opportunity for people to be heard. The Fiscal Court could change this. They can vote to agree with the first plat.

Bobby Smith: We're not going to try to get that one.

Attorney Dale: If you're coming back with this other one, the public has to be given notice on this one. Due process is an opportunity to be heard.

Bobby Smith: You're going to have to show me that because that's a preliminary plat and you have another preliminary plat there and it's all on the same property.

Attorney Dale: Two different processes. That's my legal opinion.

Chairman Deapen: If he withdraws the original application and present this one, does he have to pay a fee again to get this one considered?

Administrator Sweazy: If you're going to make them do a whole new processing then your going to have to. Unless you request to waive that. The only reason I allowed him to give those out to you all is because if you look at the first plat with the residential size lots, the agricultural size lots are on it too. This part in the bottoms is already on here but its on a separate piece of paper.

Commissioner Mudd: If we deny it, we deny all of it, right.

Administrator Sweazy: No because you're zoning is not changing on some lots, they're staying agricultural. We're only doing zoning on 47 acres of the total 268 acres. I think you have to act on your zoning, you either approve it or deny it and send it to The Fiscal Court one way or the other. This one part is staying agricultural so that parts not going to The Fiscal Court anyway. The zoning has no barring on the agricultural lot which is the same as the bottom half of this one.

Attorney Dale: The only difference is the access to the lots will be across the creek.

Commissioner Travis: The entrances are not showing on this drawing.

Attorney Dale: That's changing the original plat because on the original plat the access was through the subdivision road. You do away with that and you're changing the access to these lots

now you have a different plat. In my opinion that needs to be due process to be given notice. The lots are the same but the access is different.

Commissioner Hunt: I make motion to recommend to deny the application of **MR Smith, Inc. Michael Morgan, Robert Smith and Shelby Jean Smith** requesting a zone change from AG-1, agricultural to R-1, residential on 47.94 acres located in the 1900 block of Whitfield Lane. The recommended land use map in the comprehensive plan recommends medium to low density residential; the change would not be in compliance with the comprehensive plan. Based upon the following findings of facts: Everyone feels that Whitfield Lane is severely in need of upgrading. The Developers Engineering firm Palmer Engineering discussed and recommended that all trees and brush within the ROW on Whitfield Lane be removed in the curves to provide additional site distance for both traffic on Whitfield Lane and adjacent driveways. Fifteen curves were noted by the developers Engineer, several discrepancies regarding the vehicles per day were noted, the developers Engineer noted 400 vehicles per day, the Kentucky Transportation Cabinet noted 800 on old information and 1200 on current information. If a subdivision of this proposed size is established, it will certainly change the vehicle per day to urban and that has to be considered as well. The Developer himself acknowledges that the road is dangerous. Several different areas of discussion were taking place as far as trying to decide if he was interested in trying to help fix the actual road so his development could go in, and he refuses to do so. Which I think leaves us no choice but to deny the application the way it stands. So, the original plat that was proposed as the preliminary plat dated 8/21/23 for this application will not be considered.

Commissioner Brown: Second.

Chairman Deapen: Any further discussion from the Commission? Read the roll.

Administrator Sweazy: So, we're doing one motion for zoning and for a plat, even though the plat doesn't go to The Fiscal Court?

Chairman Deapen: That's correct.

Administrator Sweazy: Roll called, motion carries.

Commissioner Brown: I make a motion to waive the fee for resubmittal by Bobby Smith and Michael Morgan on this particular development Plat Approval.

Commissioner Faue: Second.

Chairman Deapen: Any discussion, read roll.

Administrator Sweazy: Roll called, motion carries.

Chairman Deapen: New Business.

Administrator Sweazy: None.

Chairman Deapen: General questions or discussion.

Administrator Sweazy: The first meeting in January is like the 4<sup>th</sup>. At this moment I don't have anything for that docket. Do we want to postpone it until the second week of January?

Commissioner Mudd: I make a motion that we move the first meeting in January to the second week of January to be on 1/18/2024.

Commissioner Brown: Second.

Administrator Sweazy: Roll called, motion carries.

Commissioner Mudd: Motion to adjourn.

Commissioner Faue: Second.

Chairman Deapen: All in favor, meeting adjourned.

Attest:

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Secretary

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Chairman