

Taylorsville-Spencer County
Joint Planning and Zoning Commission

The regular meeting of the Taylorsville-Spencer County Joint Planning and Zoning Commission was held January 20, 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, Teddy Noel, and Paula Wheatley. Also present were Attorney Dale, Administrator Assistant Angie Helton and Enforcement Officer Ashlee Welch. Administrator Sweazy, Anthony Travis, Dwight Clayton and Valerie Hunt were absent.

Chairman Deapen: Under the bylaws of Planning and Zoning the first meeting of each year we are required to elect officers for the coming year. So, for Chairman and Vice Chairman the floor is open for nomination.

Commissioner Mudd: Mr. Chairman you do such a wonderful job, I would like to nominate you again this year.

Commissioner Noel: Second.

Chairman Deapen: All in favor please say aye. Any opposed. Okay Vice Chairman.

Commissioner Mudd: Since Dwight is not here, I think its only fair we re-nominate him as our Vice Chairman.

Commissioner Wheatley: Second.

Chairman Deapen: All in favor please say aye. Any opposed. Secretary.

Commissioner Mudd: Diana you are fabulous, I would like to re-nominate you.

Commissioner Noel: Second.

Chairman Deapen: All in favor say aye. Any opposed. None.

Chairman Deapen: The next item of business is the approval of the minutes.

Motion was made by Commissioner Wheatley to approve the minutes as amended. Second by Commissioner Noel. After a roll call vote, motion carried.

Chairman Deapen: Any committees?

Admin. Assistant Helton: None.

Chairman Deapen: Our bylaws require anyone wishing to speak be sworn in. Some of you have been here before and been sworn in before and continue to be under that. For anyone else that swearing will be in just a minute. One other of our bylaws is all speakers are limited to 3

minutes. We normally try to be lenient on that. We have a full agenda tonight and will be cutting you off at your 3-minute limit. That does not include questions from the commission.

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

Chairman Deapen: Old Business.

Admin. Assistant Helton: We have the application of **Glen Goebel** requesting Preliminary Plat Approval of Goebel Crossings Phase V consisting of 64.121 acres located on Hochstrasser Road and Nevin Lane. The new plats were just handed out to you all. Mr. Goebel was present.

Mrs. Yates Glesson ask to see a plat.

Mr. Lentz provided her with a copy.

Chairman Deapen: Who will be speaking on this tonight?

Mr. Lentz: With LGB Engineering speaking on behalf of Glen Goebel for Goebel Crossings Preliminary Plat Phase V. This is continued from the December meeting. The plat there on the screen is the one I emailed to Mrs. Sweazy, therefore it is the one you have in front of you. Mr. Goebel is proposing 48 lots that meet the subdivision regulations. We're asking for variances on 18 lots on the 3 to 1 ratio. All the lots are zoned R-1 already so doesn't need to be rezoned. This is a continuation of the existing Goebel subdivision. Its connected into Nevin Lane in Phase IV and then an easement access to Hochstrasser Road for Phase V. For Hochstrasser Road, we have some notes on here that the road will have to be widened to 20' wide with a 2' shoulder and provide appropriate ditching. In the last meeting we talked about the connection to the Yates farm. As you can see on the plan in front of you, we created a stub street that runs over to that property. Per the subdivision regulations under design standards, number 2 it says, where such is not indicated in the Comprehensive Plan the arrangement of streets in a subdivision shall either provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable. So, the stub-street connecting to the Yates farm for farm equipment and what-knot, I believe we have come up with a solution to that with these plans here. The variances we're asking for are...we put the road in the best area that had the least amount of site disturbance.

Chairman Deapen: Questions from the commission?

Commissioner Mudd: Can you show me where you are going to give her excess to her farm?

Mr. Lentz provided the information.

Chairman Deapen: Any other questions from the commission? Do we have anyone lined up to speak?

Admin. Assistant Helton: We do.

Woody Conner: 304 Nevin Lane of Goebel Crossings. I'm a member of the HOA there. The main reason I'm here is some of the issues we have had with Phase IV that effected Phase III is maybe drainage issues. I don't know how drainage stuff goes or what planning and zoning looks at to make sure it's done correctly. But we have several people calling us with issues because of this construction. Is there a way to make sure the drainage is done properly, and we have a lot of homeowners that need Phase IV drainage fixed? There's way too much flooding and issues going on back there. That's my biggest concern is that with this going on, I don't know how the layouts are looked at or roads and drainage, curbing and gutters, not sure how that is inspected or decided on. If that's the developer or how it is inspected or designed, but what ever was done, was not done well for the last Phase. I'm trying to make sure something is done for the current homeowners and the future development.

Chairman Deapen: Questions from the commission? Is this primarily during the construction phase that these issues are coming up?

Mr. Conner: We have had some complaints that silt curtains were not put up in sections, a lot of stuff has drained down. There's an existing pond in the back section, a lot of homeowners say that has filled in a lot. I'm just going off the complaints we have had. I do have pictures on a USB stick a homeowner sent me if you would like to see them. They show the drainage and backups there. A lot of people have not been able to mow their yards for weeks due to this.

Chairman Deapen: This is not normally something we do in Planning and Zoning. Sounds more like a construction issue. I don't know that either, I'm not an expert either.

Mr. Conner: The construction needs to be done usually the EPA or somebody does studies for general construction. I don't know how this works with development. That's why I am here, I didn't know where to start. Wanted to prevent some and get some stuff fixed.

Commissioner Wheatley: Would that be the road department?

Chairman Deapen: I believe it would be.

Commissioner Wheatley: Who inspects during or after the construction?

Chairman Deapen: Angie, do you know?

Admin. Assistant Helton: No.

Misc. Attendee: The Road Department doesn't look more than 20' beyond the curb. I called them.

Chairman Deapen: It's not something that the Planning & Zoning has included in our considerations.

Commissioner Wheatley: My suggestion would be to go back to the Road Department.

Attorney Dale: I would try the Division of Water. They usually deal with drainages.

Misc. Attendee: They won't deal with it either. I called them too.

Mr. Conner: Some of the homeowners have reached out to the developers and have had no luck. I have not spoke to them. I only know of the complaints we've had from the homeowners.

Chairman Deapen: We're not able to give you a satisfying answer either and I feel bad about that, but it just something that's not in our jurisdiction.

Mr. Conner: Is there anyway before this is allowed to develop to make sure there is a proper drainage plan for needs to be done to satisfy that. You shouldn't be allowed to go in there and do what you want.

Chairman Deapen: We are discussing with you the agencies that we think would have some control over it. I know that's not a very satisfying answer but it's the only one I have.

Mr. Conner: Does anyone know how to get a hold of the Engineer then?

Chairman Deapen: Angie can you help him with that? Give her a call and she will assist you.

Admin. Assistant Helton: Derrick Singletary. (Was not present)

Admin. Assistant Helton: Vickie Yates Glisson and Shawn Glisson.

Shawn Glisson: I would like to thank Mr. Goebel for the changes. This will be more than adequate for the usage. Thank you very much.

Chairman Deapen: Do you have anything to say about the drainage issue?

Mr. Lentz: I can see if I can get the Engineer to respond.

Chairman Deapen: Anymore questions or discussion from the commission? It would be matters with Phase V right now. If no other discussion I would entertain a motion.

Commissioner Faue: I make a motion for applicant Glen Goebel for Preliminary Plat approval of Goebel Crossings Phase V consisting of 64.121 acres, location is Hochstrasser Road and Nevin Lane. They are requesting Preliminary Plat approval with variance request of front yard setback for 50' to 25' to stay consistent with the previous phases. There's also a variance needed on the 3 to1 ration on Lots 202, 203, 204, 205, 215, 216, 220, 221, 225, 226, 227, 228, 232, 233, 234, 235, 236 & 237. This Preliminary Plat that we have is revised and agreeable to the applicant and to parties that have spoken today. I make a motion that we approve the Preliminary Plat.

Chairman Deapen: There's a motion to approve, is there a second?

Commissioner Wheatley: Second.

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

Admin. Assistant Helton: Roll called.

Chairman Deapen: Motion carries.

Admin. Assistant Helton: We have the application of **Glen Goebel** requesting Preliminary Plat Approval of Goebel Crossings Phase VI consisting of 46.270 acres located on Hochstrasser Road and Nevin Lane. This is also continued from the last meeting. Mr. Goebel was present.

Karl Lentz: With LGB Engineering the surveyors for Mr. Goebel. This is Phase VI of Goebel Crossings. This is the extension tying into Phase V with 30 lots. Again minimum 1 acre lots per the zone requirements. We're only asking for a variance for one lot for the 3 to 1 ratio, which is lot 244 and we're asking for a variance for the 50' front yard setback to be 25' to match the other phases. There's two cul-de-sacs' because connectivity to the adjacent property is not a factor because the topographical situation on the lots.

Chairman Deapen: Now the briefing sheets we have, you said you need the variance for one lot?

Mr. Lentz: Yes, I talked to Mrs. Sweazy about it. She said the lots in the cul-de-sac's didn't require a variance because you only have to have 50' of road frontage.

Chairman Deapen: So, which lot is it that you're asking for a variance on?

Mr. Lentz: Lot 244.

Chairman Deapen: Questions from the commission? Is there anyone signed up for this one?

Admin. Assistant Helton: No.

Chairman Deapen: Questions from the commission? I'll entertain a motion.

Commissioner Faue: I'll make a motion. This is for applicant Glen Goebel, Preliminary Plat Approval of Goebel Crossing Phase VI, 46.270 acres located on Hochstrasser Road and Nevin Lane. This is Preliminary Plat Approval with front yard setback from 50' to 25' to stay consistent with the previous phases. Variance needed on the 3 to 1 ratio on Lot 244. Everyone is in agreement, and no one has spoken against it. I make a motion that we approve the Preliminary Plat.

Chairman Deapen: We have a motion to approve. Is there a second?

Commissioner Noel: Second.

Chairman Deapen: Any other discussion from the commission? Angie, read the roll.

Commissioner Mudd: Do we need to say something about Hochstrasser Road being widened?

Commissioner Faue: We didn't on the first one either? It says on both the plats that it needs to be done.

Attorney Dale: You approved the plat so that would be in the approval.

Chairman Deapen: Angie read the roll.

Admin. Assistant Helton: Roll called.

Chairman Deapen: Motion carries.

Chairman Deapen: New Business.

Admin. Assistant Helton: We have the application of **George W. McMichael Jr.** requesting AG-1, agricultural to R-1, single family residential on 1.921 acres located in the 4200 block of Plum Creek Road. The comprehensive plan recommended land use map indicates the area should be low density residential. No previous action. They are requesting to change the zoning to allow the sale of the 1.921 acres as a building tract.

Peggy Heckert: Mr. McMichael is here; can I speak for him?

Chairman Deapen: In what capacity?

Mrs. Heckert: I'm his realtor.

Chairman Deapen: Please state your name and address.

Mrs. Heckert: 2290 Cecil Noel Road, Bloomfield, KY. I am Mr. McMichael's realtor; he owns a farm at this site and wanted to sell a 1.921-acre tract. So, we are asking for a R-1 zoning that would only allow stick-built homes, no mobile or modular's and he's going to retain the rest of the farm.

Commissioner Wheatley: What's the total acres of the farm?

Mr. McMichael: Like 150 acres.

Commissioner Wheatley: The road frontage would be Plum Creek?

Mrs. Heckert: Yes, correct. That's the back part of his farm, like the back corner chunk of it. The original entrance to the farm for him is off Kings Church Road. But this piece of land has its own driveway already there, which would be touching the Montgomery farm.

Commissioner Wheatley: So, where's that driveway at?

Mrs. Heckert: Pointed out driveway on TV screen.

Chairman Deapen: Any questions from the commission? Do we have anyone signed up on this?

Admin. Assistant Helton: No.

Chairman Deapen: If there's no one signed up, any discussion from the commission? I'll entertain a motion.

Commissioner Wheatley: I make a motion to recommend the rezoning of George W. McMichael, Jr. application requesting a zone change from AG-1, agricultural to R-1, residential on a 1.921-acre tract of land located in the 4200 block of Plum Creek Road. The recommended land use map in the comprehensive plan recommends low density residential and the change would be in compliance with the comprehensive plan and there's no one here to speak against it.

Chairman Deapen: We have a motion on the floor, is there a second?

Commissioner Mudd: Second.

Chairman Deapen: Any more discussion? Angie, read the roll.

Admin. Assistant Helton: Roll called, motion carries.

Chairman Deapen: Second item of new business.

Admin. Assistant Helton: We have the application of **Clear Dreams, Inc.** requesting AG-1, agricultural to R-1, single family residential on 65.44 acres and AG-1, agricultural to AG-2, agricultural on 0.64 acres located on Hochstrasser Road. The comprehensive plan recommended land use map indicates the area should be medium density residential. No previous action. They are requesting zone change for development purposes. The proposed 0.64-acre tract is to be conveyed to the adjoining property owner.

Chairman Deapen: So, we have both a zone change and Preliminary Plat Approval? I think the way we've done it in the past is we done the Plat conditional to the zoning; is the way we have approached it. The item you have in front of us right now is the zoning. Correct?

Admin. Assistant Helton: The Preliminary Plat is on docket 3.

Chairman Deapen: Okay, let's go to docket #3 then we'll come back to docket #2 and we will tie the two together in our motion. So, tell me about docket #3.

Admin. Assistant Helton: We have the application of **Clear Dreams, Inc.** requesting Preliminary Plat Approval on 66.08 acres proposing 49 lots on Hochstrasser Road. They are requesting Preliminary Plat approval with Variance request. Variance needed on the 3 to 1 ratio on Lots. Preliminary has been reviewed by County Engineers. Per County Ordinance and the Developer is aware they are responsible to widen Hochstrasser Road to 20' pavement with a 2' shoulder and provide appropriate ditching. Note additional Right of Way dedicated as required in Article VIII, Sect. 802.

Francisco Somoza: 241 Clover Lane, Louisville, KY 40207. We want to put in a subdivision, 48 lots, it will be very similar as restrictions as Goebel Crossings, minimum 2100 sq. feet, all brick or hardy, no front facing garage doors, no RV's, or boats. I know there was some fears about all the trees, we are trying to keep as much of it as possible. The small sliver on the north side will be sold to the landowner there.

Chairman Deapen: Is that what is designated as Lot 49 on here?

Mr. Mr. Somoza: Yes. We are also aware to the road widening.

Chairman Deapen: Did you understand the little conversation we were having that this requires two actions? We are going to tie in both assuming the commission decides to approve, we're going to tie the two together that one is contingent on the other.

Mr. Somoza: Yes.

Chairman Deapen: Questions from the commission?

Commissioner Faue: What Phase of Goebel Crossings is that next to?

Mr. Somoza: I do not know.

Chairman Deapen: I think its Phase 2.

Phillip Gambrell: Engineer – It's Phase 1, 2 and 3.

Chairman Deapen: Okay, Phase 1 at the upper left, Phase 2?

Mr. Gambrell: Phase 2 is where the first cul-de-sac is, and Phase 3 is at the upper side adjacent to Janes Way.

Chairman Deapen: That's designated as Phase 2 on here.

Mr. Gambrell: I'm sorry that is Phase 2.

Commissioner Noel: Phase 1 and 2, not 3, correct?

Mr. Gambrell: Correct.

Commissioner Wheatley: So, none of this is going to tie into Goebel Crossings?

Mr. Somoza: No, it won't tie into Goebel Crossings. There will be access off Hochstrasser, but on 2 separate roads. From the water tower down to the substation, there will be access there, then from the substation to 7 more lots will be accessed from Hochstrasser also.

Chairman Deapen: Additional questions from the commission?

Commissioner Faue: So, Lot 1-9, they will have access off Hochstrasser and their driveways will be facing Hochstrasser?

Mr. Somoza: Yes.

Commissioner Faue: So, the back of the property, say Lot 8 and 22?

Mr. Somoza: Pointed out how the lots lay on the TV screen.

Commissioner Faue: So, Lot 8 and 22 just back up to one another.

Mr. Somoza: Yes, pointed out again on actual Plat.

Chairman Deapen: So, this already has the approvals of Road Department and so forth?

Mr. Somoza: I have met with Todd and Eric, to come up with a full game plan of widening the road. There is a separate issue about the "Y" intersection of Washburn and Hochstrasser that I think is going to be held in front of Fiscal Court. But as of right now widening to 20' is happening. Combination of curb, ditch being installed along the way. Chris McGehee has given permission to use his land to widen as you pass the substation on Hochstrasser. We have talked to utility companies about close proximity to the telephone poles, so we are going to install some guardrails here and there.

Chairman Deapen: Any additional questions from the commission? Do we have anyone signed up for this one?

Admin. Assistant Helton: Greg do you want to speak?

Greg Cucolo: 1021 Hochstrasser Road, on that little slice of 0.64 acre is. I am associated with Mr. Somoza on a business standpoint on this I want to make that very clear. I will be overseeing the home builds. I built my home there on 12 acres, I have a very invested interest in there. I've been run off that road, I can't tell you how many times I been put in the ditch because the roads too narrow. I bought this land and hoping no one would every build there, but I knew that wasn't true and Goebel is here. Progress is going to happen, so when I had the opportunity to make them see what was going to come next to me, I decided I would get involved with it, I have grandchildren that live on that road. People don't care. I'm thrilled we're going to widen that road and we're going to build really good home sites there. I'm going to make sure that what's next to me is done well, done properly. The biggest part for me is I'm going to lose some property too, but I already knew that when I bought that land. I was always told Planning and Zoning said no one is going to do this until the road is widened. So, my mind said if the road is widened than this is going to happen. I couldn't imagine (no offence to anyone here from one of these big builders) but I couldn't imagine a tract builder coming in there throwing vinyl boxes in there, that would be a disaster. So, I have a vested interest in it, there's a safety feature for me, sometimes that road floods, I've had it flood my yard. Those things are going to go away. People will not slow down on that road, so at least people will have enough room to pass each other.

Chairman Deapen: Anyone else?

Elizabeth Schmitt: 149 Hochstrasser Road. I'm part of Goebel Crossings and the only house that sets on that road and I really don't know where I set with what their doing. If you widened the road, which way are you going as far as my house goes?

Mr. Somoza: Where is your house located? Pointing to the on-screen plat, here's the water tower.

Mrs. Schmitt: I'm right by the water tower.

Mr. Somoza: We will go from here to here, so we won't be touching yours at all.

Commissioner Wheatley: So, the additional will be on the opposite side of the road?

Mrs. Schmitt: So, you're doing it across the street?

Mr. Somoza: Are you in Goebel Crossings?

Mrs. Schmitt: Yes.

Mr. Somoza: We are widened on your side, but we will not be widened your section of the road. So, your part of the road will not be touched. The County might possibly do it but not us.

Mrs. Schmitt: What about the speed limit? Will it be raised to 35?

Commissioner Wheatley: We've had this in the past, where if you wanted the speed limit changed, I guess it would be the road department.

Chairman Deapen: You might get ahold of your Magistrate on that too. I don't think it's a state road.

Commissioner Noel: It is a county road.

Chairman Deapen: Again, that's not Planning and Zoning, but election time is coming up so it's a good time to talk to them.

Commissioner Mudd: Do you know who your Magistrate is? I believe its Jim Travis.

Attorney Dale: It's Jim Travis.

Attorney Dale: Swore in Matt Schmitt.

Matt Schmitt: 149 Hochstrasser Road. I want to get familiar with not widening our part of the road. I don't understand that because it goes from two lanes to one lane right at Nevin Lane and that's right where our house is. Basically, if we're doing what you just described, it sounds like we have just one house that's one lane and the rest is two lanes. I don't understand how that could possibly be.

Mr. Somoza: So, I am required to widen the road to build on that land from property line to property line.

Mr. Schmitt: So, you're going to have a two-lane road go to a one lane road then back to a two lane road?

Mr. Somoza: As it is right now, yes sir. I think the plan with the road department is to maybe do it all at the same time. But that's way out there.

Mr. Schmitt: I have a situation with I'm only 25 feet from the road now so if you come any closer you will literally be at our front door.

Chairman Deapen: How much is it being widened?

Mr. Somoza: I'm pretty sure past your home its 7-8 feet. At your home I'm pretty sure that they were level with widening it with the different Phases after your house was built.

Mr. Schmitt: That's past my house, I think. We are at the narrow part of the road.

Mr. Somoza: If it's the narrow part, I would assume its 7-8 feet. That does not necessarily mean they are going to put 8 feet in front of your house and leave 17 feet from the road to your home. I think they would split the difference.

Mr. Schmitt: You know what you're doing on one side and I don't understand how they can just switch the road right there to be on both sides?

Attorney Dale: They can't go on your property without your permission.

Mrs. Schmitt: We know that easement is on there.

Commissioner Wheatley: On a topographical side, if you come down the road and you have this huge culvert ditch coming down the side, which is your side

Mrs. Schmitt: Its pretty even.

Mr. Schmitt: There is no ditch on our side because it goes downhill.

Attorney Dale: You might want to get with the road department.

Mr. Somoza: I'm pretty easy to work with on a lot of this stuff. So, we would like to have you out and try to figure out something that works for everybody.

Mr. Schmitt: I appreciate that.

Chairman Deapen: Anyone else?

Admin. Assistant Helton: Andy White.

Andy White: Our questions were answered.

Admin. Assistant Helton: Rickey and Becky Pinkston.

Becky Pinkston: 180 Hochstrasser Road. My question was about widening the road. We are close enough to the road now and it drops off across the road from us. There our power lines and water lines on that side, everything. Is all that going to be moved, are you widening the road on that side?

Mr. Somoza: We have not dug into the water lines just yet, but possibility.

Mrs. Pinkston: So, you're not coming on the opposite side at all?

Mr. Somoza: No, I'm not coming on your land at all.

Mrs. Pinkston: Okay. That's all I was interested in.

Chairman Deapen: Anyone else?

Admin. Assistant Helton: No.

Chairman Deapen: Questions from the commission?

Woody Conner: I'm sorry, I was signed up to speak on this one as well. 304 Nevin Lane, Goebel Crossings. Our concern at Goebel Crossings is about the time we found out about this, there was nothing in Planning and Zoning about the restrictions, what type of homes are going to be there, as you see we have plenty of homeowners backed right up to this and without knowing what's there or what could be there, we have a lot of concerns. He mentioned a few things today, but I don't know if there's anything in writing. You been telling me you're going to build a million-dollar home but until something in writing it really doesn't mean anything. You could do whatever is what I would assume, I'm not sure how all this works. Our concerns are looking out for our homeowners and our property values. We want to make sure we don't approve to much ahead before we know what's going in.

Mr. Somoza: However, on the property values, straight from a business standpoint...

Mr. Conner: No, I understand but what we want is for you to match or go above.

Mr. Somoza: And I want to help out.

Mr. Conner: I don't want you to get pulled up by us, we want you to stay. Also with drainage issues, I don't know how the lay is out there.

Mr. Somoza: These creeks...

Mr. Conner: Don't want flooding issue too.

Mr. Somoza: Phil has already done hydrology study of those creeks as they cross me from your property as they cross Hochstrasser. We've already found culverts that are active, they need to be increased as part of the road plan that I can do. So hopefully the flow will increase. Maybe we can help your issues. I don't think... we will not hurt your issues.

Mr. Conner: Another issue was water pressure. As this been looked at to see what's feeding our water?

Mr. Somoza: We have to design our water usage. We have to set through the preliminary first then it's designed by the county.

Commissioner Wheatley: They have engineers that sign off on all of that.

Mr. Somoza: I can't answer anything to that because we haven't designed it yet.

Attorney Dale: Actually, the city does the water.

Mr. Conner: Like I said this is concerns we had before and now they're coming up again.

Chairman Deapen: Anyone else? Questions from the commission?

Commissioner Wheatley: I think they brought up the restrictions that their going to have on the development and I'm sure you could get a copy for the HOA from him.

Mr. Somoza: Honestly, we're very busy and I haven't had time to sit down and do it all. We just developed Silo Farms and we've had a lot of fun over there building. It's been a really great place to do it. At that price point you don't get to have as much fun as you might. So, from an option standpoint, staying in or around Goebel Crossings price point and higher, it's going to happen and a little bit more fun. That's where we're going to stay with the restrictions.

Commissioner Wheatley: I think with just my experience a lot of times, I hate to discredit you guys, but we'll take your restrictions and mimic through that.

Mr. Conner: We don't want a storage line of abandon cars and I'm just saying the possibilities that could happen.

Mr. Cucolo: Everyone know where I live. It's the very big house, I have a fortune put in that house. I have no desire to have a track house living next to me (nothing against them). I don't want it there no more than you do. These homes are going to be beautiful; I promise you. I'm not hurting my property value either.

Chairman Deapen: Any other discussion from the commission? I'll entertain a motion. Remember we're tying the two together.

Commissioner Faue: I make a motion for Clear Dreams, Inc Preliminary Plat Approval of 66.08 acres proposing 49 lots on Hochstrasser Road. There's a variance needed on the 3 to 1 ratio on lots and Hochstrasser Road needs to be widened (that's not listed on the Plat, so adding to the motion) and this is the Preliminary Plat Approval contingent upon the zoning approval. I make a motion to approve on that.

Chairman Deapen: We have a motion, is there a second?

Commissioner Mudd: Second.

Chairman Deapen: We have a second. Any other discussion from the commission? If not, Angie read the roll.

Admin. Assistant Helton: Roll called, motion carries.

Chairman Deapen: Now we will go back to the zoning. Do we have anyone signed up to speak on it that has not spoken yet?

Admin. Assistant Helton: Only who was on the last one.

Chairman Deapen: Anyone that signed up, do you wish to speak on the zoning? You understand, what we just did is approve the Plat, but they have to change the zoning in order for this Plat to be viable. What we've done in the motion is tied to two together, we said one is contingent on the other. So, the first step we completed and now we're going back to say we agree to change it from AG-1 to R-1. Does anyone want to speak on that that has signed up already? Okay. I'll ask is there any questions from the commission? If not, I'll entertain a motion.

Commissioner Faue: This is for applicant Clear Dreams, Inc. requesting a AG-1, agricultural to R-1, single family residential on 65.44 acres, also AG-1, agricultural to AG-2, agricultural on 0.64 acres located on Hochstrasser Road. That 0.64 acres is lot 49 on the Preliminary Plat. The recommended land use map is medium density residential, and the change is in compliance with the comprehensive plan. This zoning change is tied to the Preliminary Plat Approval. We have no one here to speak against it.

Chairman Deapen: We have a motion on the floor, is there a second?

Commissioner Wheatley: Second.

Chairman Deapen: We have a second. Any other discussion from the commission? Angie could you read the roll?

Admin. Assistant Helton: Roll called.

Chairman Deapen: Motion carries. Thank you all for your patience.

Admin. Assistant Helton: We have the application of **Chris and Kyle Grossman** requesting AG-1, agricultural to AG-2, agricultural on 5.30 acres know as Tract A located in the 1100 block of Murray Road. The Comprehensive Plan Recommended Land Use Map indicates the area should be Low to Medium Density Residential. They are requesting zone change to create a tract for their parents to build a home.

Chris Grossman: I have my father-in-law here with me. We bought this tract of land of about 15 acres. We're wanting to divide the land and give the 5 acres to my in-laws to build on.

Chairman Deapen: Questions?

Commissioner Wheatley: So, is there a house already on Tract B?

Mr. Grossman: No. We did put in a driveway coming off Murray Road, they are going to build on the 5 acres, and we will build on the other.

Commissioner Wheatley: So, your access will be the same drive?

Mr. Grossman: Yes.

Commissioner Wheatley: Do they have road frontage incase they decided to sell?

Mr. Grossman: I requested there be road frontage per the regulations.

Chairman Deapen: Any other questions?

David Neville: We love them to death and my wife babysits for the two boys. Your concern is if something happens, we are putting in a trust that if something happens to one or both of us, they get the house and property.

Commissioner Wheatley: So, down the road they're not going to want two houses. So, if they wanted to sell that other house, I want to make sure they have an access to that house and not land lock that house just in case.

Mr. Neville: It's their responsibility to do what they want with that house once we're not around anymore.

Chairman Deapen: In the past we tried situations likes this and if we don't put some flags up to begin with, 10 years down the road, they end up selling to someone else, then they get into a fight and then we have legal problems.

Mr. Neville: The roads on our property.

Chairman Deapen: One way or the other we try to make sure the separation is there so they can stand alone if need to.

Attorney Dale: You should at least get a road agreement.

Commissioner Noel: Yes, an entrance.

Attorney Dale: Yes.

Commissioner Wheatley: A stub entrance or something.

Mr. Neville: That driveway is 900 feet long.

Commissioner Noel: I would suggest to just let the county build an entrance in on the other property then leave this one the way it is. That way you always have an entrance.

Mr. Neville: Is this going to be a requirement to get this approved?

Chairman Deapen: We're not saying that, we're saying we think it's inadvisable not to have either an agreement or something.

Mr. Grossman: We have zero intentions, I can not predict the future, but our full intentions are to stay on this property. Ours plans is for them to be able to retire and live next to us, we take care of them, it will be deeded back to us. The five acres is giving to them as is so they can apply for a loan to build a house. It's a gift to them for caring for their grandchildren.

Chairman Deapen: We understand that Commissioner Wheatley point simply is in 20 years from now you got 2 houses on that property and your alone, what are you going to want to do? Your probably going to want to sell it and at that point it's really, really important that this be setup properly so you can make that separation if you need to.

Attorney Dale: Is this divided into two separate tracts?

Chairman Deapen: It is.

Attorney Dale: Is the road on your property?

Commissioner Noel: It's on the 5 acre tract.

Attorney Dale: You need as least an easement. If you're building a house the mortgage company might not lend you the money.

Mr. Neville: What would be involved with an easement?

Attorney Dale: The easement would be a document that's filed and it has a general description of the easement that you're granting to that tract of land the right to go across your property and the easement would be what ever it is 15-20 feet, what ever you all work out. An attorney will draw that up for you.

Mr. Grossman: We do have intentions of meeting up with our attorney. This is all new to us and we want to make sure we do follow everything by the book so that nothing comes up in the future.

Chairman Deapen: Let us be clear, we're not trying to be difficult, we've seen this kind of situation where people enter into well-meaningly and then it comes up later on. That the only reason we are raising that flag.

Mr. Grossman: Thanks.

Chairman Deapen: Any other questions from the commission? Anyone signed up on this one?

Admin. Assistant Helton: No.

Chairman Deapen: I'll entertain a motion.

Commissioner Wheatley: I make a motion to recommend to rezone the application of Chris and Kyley Grossman requesting zone change from AG-1, agricultural to AG-2, agricultural on 5.30 acres known as Tract A located in the 1100 block of Murray Road. The recommended land use map is low to medium density residential, and the change would be in compliance with the comprehensive plan. I would like to add a binding element allowing an easement for access to Tract A and B.

Chairman Deapen: We have a motion on the floor, is there a second?

Commissioner Mudd: Second.

Chairman Deapen: Any other discussion from the commission? Angie, read the roll.

Admin. Assistant Helton: Roll called, motion carries.

Chairman Deapen: Docket #5.

Admin. Assistant Helton: We have the application of **WCM Land, LLC, Series 16** requesting AG-1, agricultural to R-1, single family residential on 97.243 acres located in the 1900 block of Plum Ridge Road. The comprehensive plan recommended land use map indicates the area should be low to medium density residential. They are requesting zone change to create residential building lots for future development purposes. Charlie Tichenor is going to speak on this.

Chairman Deapen: Okay, lets be clear on this. This isn't exactly like the last one because what we have here is we're rezoning a complete 97 acres, but we're only platting 4.3 of that.

Attorney Charlie Tichenor: That is correct.

Chairman Deapen: So, lets do the zoning first.

Attorney Tichenor: Charles Tichenor representing WCM Land, LLC, Series 16. I have Matthew Sibole with me, the Surveyor that handled this for WCM Land. We are asking for zoning change on the 96 acres. One thing, just so we're clear on one thing, looking at the plat, the 4 acres that we're actually platting is the little sliver up there (pointing to screen). This area of the county is recommended for medium density to low residential. The zoning change we are asking for meets that. If you look at the comprehensive plan, it talks about corridors for residential development. For residential development, this is one of those, corridors of residential development along Plum Ridge. This is the next phase of the farm down the road and the development process on that roadway. Pointing to map on screen. This is all 1-acre residential lots here and one thing worth noting is this is the Herndon farm here, which is already zoned R-1 also. So, everything in

that area is zoned R-1. Our client has presented proposed restrictions on that property, I would like to say how many lots we're going to have but I don't know, we haven't done the engineering on that part of it yet. Its going to have to meet and come back for preliminary review and all that at a later date. This is to just get the zoning change on that large tract to residential development. You should have a copy of the restrictions in your binders. They mirror the general restrictions of Silo Farms which is across the street.

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

Admin. Assistant Helton: Yes, Renay Davis.

Renay Davis: 2620 Plum Ridge Road. I guess my direct question to the developer would be. I know your going to rezone this in the future. Are you going to mimic Silo Farms? The questions I'm asking is, in the future are you going 1 acre lots and what is on the front of Plum Ridge for your intentions now?

Chairman Deapen: We're rezoning it now.

Mrs. Davis: Right. But I just have questions.

Chairman Deapen: So, you want to know how will it be divided out in the future?

Attorney Tichenor: I can address that in a general sense. Based on the zoning plan and regulations, minimum 1 acre lots, its all going to be based to topography and that's a state highway so its going to be dictated by state highway of what can go in there. It could be combination of 1 acre lots, 2 acre lots, it just depends on how the topography of that property lays. I would venture to say that the state is going to make us put in a commercial entrance into the subdivision, we won't have a bunch of lots right on the road in the major portion of that development.

Mrs. Davis: And single plots on that four way along the road?

Attorney Tichenor: Yes.

Mrs. Davis: Are they one acre?

Attorney Tichenor: They are a little over one acre.

Mrs. Davis: You answered all my questions, Thank you. I just want to make sure the road can handle it. We live just down a little lane just past the Herndon's.

Chairman Deapen: Anyone else?

Admin. Assistant Helton: I don't have anyone else signed up.

Chairman Deapen: Discussion from the commission? If not, I'll entertain a motion.

Attorney Tichenor: I did provide some findings and facts in there if Julie put them in there.

Admin. Assistant Helton: They should be in there.

Commissioner Mudd: I make a motion to recommend the rezoning the application s WCM Land, LLC, Series 16 requesting zone change from AG-1, agricultural to R-1, single family residential on 97.243 acres located in the 1900 block of Plum Ridge Road. The recommended land use map in the comprehensive plan recommends low to medium density residential, and the change would be in compliance with the comprehensive plan. There is no one here to speak against this.

Chairman Deapen: There's a motion on the floor. Is there a second?

Commissioner Faue: Second.

Chairman Deapen: Any more discussion from the commission? Angie, read the roll.

Admin. Assistant Helton: Roll called, motion carries.

Admin. Assistant Helton: We have the application of **WCM Land, LLC, Series 16** requesting Minor Plat Approval of 4.342 acres proposing 4 lots located in the 1900 block of Plum Ridge Road. Requesting Minor Plat Approval subject to zoning change. All tracts have road frontage on a state-maintained road. No new roads are built at this time.

Attorney Tichenor: Representing WCM Land, LLC, Series 16. This is request for Minor Plat Approval subject to Fiscal Court approving the zone change. This is that sliver I was talking about. There's no way to incorporate that into a subdivision. So, my client is requesting to be able to sell that in four separate tracts. There is one little thing to point out on this. We've been approved to two entrances by the state highway for that. You all will see that lot 1 has approved state entrance, these 3 lots have a jointly approved state entrance, with an entrance right-a-way across the front of the lots for access, that will be built within a driveway maintenance agreement joint use access for those 3 lots. It limits the number of connections to the state highway and layout there in the curb just don't support for another entrance in there for all the lots. Even though one lot looks triangle, it does have a building site on it. Lot 4 it does have a building site on it, it does meet the ratio. Julie and I discussed that, and I had the surveyor verify that it meets all the 3 to 1 ratios.

Chairman Deapen: The document we're looking at does include the ingress/egress easement. So that would be considered to be a binding element, if approved?

Attorney Tichenor: Yes. It has to be there, there's no way to access those lots with out it. Because the state's not going to give another entrance.

Mr. Sibole: That entrance is actually the existing driveway for the old house that used to be on the farm. That's already there.

Chairman Deapen: Questions from the commission?

Commissioner Wheatley: So, the only new driveway will be lot 1 or is it existing?

Attorney Tichenor: Lot 1 will be new.

Commissioner Wheatley: The rest will be connected?

Attorney Tichenor: Yes.

Chairman Deapen: Anything else? Anyone signed up on this one?

Admin. Assistant Helton: No.

Chairman Deapen: Any discussion from the commission? If not, I'll entertain a motion.

Commissioner Faue: I'll make a motion for WCM Land, LLC, Series 16, Minor Plat Approval of 4.342 acres proposing 4 lots in the 1900 block of Plum Ridge Road. This is a Minor Plat Approval that is subject to the zoning change of 97.243 acres from AG-1, agricultural to R-1, single family residential at this same address.

Chairman Deapen: We have a motion on the floor. Is there a second?

Commissioner Wheatley: Second.

Chairman Deapen: Any other discussion? Angie, read the roll.

Admin. Assistant Helton: Roll called, motion carries.

Chairman Deapen: Any general questions or discussions we need to have?

Admin. Assistant Helton: No. The next meeting is February 3rd.

Chairman Deapen: When you get a chance could you call over to the judge's office? The judge is supposed to tell me when they got the new districting put together based on the Census. That's what we were going to use to update the Comprehensive Plan and I saw something that made me think that had already been done but I haven't been told that.

Commissioner Mudd: Motion to adjourn.

Chairman Deapen: We have a motion to adjourn, all in favor say aye, meeting adjourned.

Attest:

Secretary

Chairman