

Taylorsville-Spencer County
Joint Planning and Zoning Commission

The regular meeting of the Taylorsville-Spencer County Joint Planning and Zoning Commission was held December 2, 2021, 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, Anthony Travis, Dwight Clayton, and Paula Wheatley. Also present were Attorney Dale, Administrator Sweazy and Assistant Angie Helton. Valerie Hunt was absent.

Chairman Deapen pointed out a few misspelled words within the minutes of the November 18th meeting.

Motion was made by Commissioner Noel to approve the minutes with amendments. Second by Commissioner Mudd. After a roll call vote, motion carried.

Administrator Sweazy reported during Committee Reports that everyone is up to date on training.

Chairman Deapen explained that in the By Laws anyone that wishes to speak or give testimony must be sworn in.

Attorney Dale as a notary, administered the oath of testimony to all wishing to speak.

Chairman Deapen: The other issue where I was remiss at the last meeting is, if we have testimony regarding one of our proposals our bylaws put a 3-minute limit on that testimony. We are somewhat lax enforcing that if we're not having repetitive testimony or testimony of a personal nature and so on and so forth, but I will be minding that much more closely than I did last time.

Chairman Deapen: Old Business.

Administrator Sweazy: We have the application of **Glen Goebel** requesting Preliminary Plat Approval of Goebel Crossings Phase V consisting of 64.121 acres proposing 48 lots located on Hochstrasser Road and Nevin Lane.

Administrator Sweazy ask if the commission wanted to look at the applications together.

Chairman Deapen: I think we can certainly talk about them together.

Administrator Sweazy: We have the application of **Glen Goebel** requesting Preliminary Plat Approval of Goebel Crossings Phase VI consisting of 46.270 acres proposing 30 lots located on Hochstrasser Road and Nevin Lane. Mr. Goebel was present.

Carl Lentz: With LGB Engineering the surveyors for Mr. Goebel and developers Steve Smith and Brian Wacker. From last time I will just go over a few things Mrs. Glesson mentioned. On what she's requesting or requiring. One was regarding the kids and dogs and neighbors coming

over on her property, she also talked about some of the houses being close to the property line and whatnot. First as far as the kids. I don't know that anyone can do anything about that. Kids are kids, dogs are dogs. People need to keep control of their kids and all, I guess. The second would be the screening and buffering along the property line. Section five which we are speaking on now. All the rear of the lots are going to be facing her property, so the house is going to at least be probably a minimum 200 foot away from her property. We've got a 25-foot rear set back. Existing trees in the fence line are going to remain, they're not going to do anything with that, so I don't think there's a question on the buffering. We are going to leave it as is. She had a question about the fence, the old wire fence there now, I guess her having a farm operation and us moving in a residential development. The fences on property line, I guess that would be between the neighbors when that comes about. Someone bought a lot and they put a fence up or she's repairing the fence, I think that would be back and forth between them. To the other question about her property being landlocked. We talked about Goebel property, to get to the rear of her farm. I have some Google maps I would like to pass out to you all. I'll go through this, there's three pages to this. This gets back to her question of being landlocked and using the existing road access they've been going through on Mr. Goebel's property for a while. I don't know what exact timeline, there is nothing official signed or anything. I think this agreement between Mr. Goebel and Mr. Yates back in the day about the farm. You're looking at the site here, I've got it labeled as Goebel Crossings phase 6. See where the red dot is in the middle, to the west of that is the Yates farm and where the red dot is, is now where the Section 4 road stubs into the Yates farm. This is a more recent Google map. If you turn to the second page, the second page is a little earlier, this is probably 2002 and if you look where it says Goebel Crossings and go to the West you can see that dirt road that's probably a couple 100 feet from the property line between Goebel Crossing and the Yates farm. It goes to the West, and it turns to the South, ties back into the driveway by the existing farm operation on Yates's farm. Page 3, this is a little blow up of that area Ms. Glesson talked about having access through Mr. Goebels farm that goes to the rear of her farm. This picture here actually shows she did have a road that went back to that portion of the farm, where she's saying that the only way, she can get access is through Mr. Goebels farm. This here where Goebel Crossings you can see this is before Mr. Goebel started farming a good portion of this property out there. There's a fence right where the "P" is in phase that runs sort of towards the West towards the property line, that was an old fence line that was taken down and that's farmed now and that's where the access through Mr. Goebel's farm now to get back to the rear portion of her farm. Like I said again there's an existing road that was used.

Commissioner Noel: A dirt road, right?

Mr. Lentz: Yeah, it's a dirt road and that's exactly what she's using now through Mr. Goebel's property to get to it now.

Attorney Dale questioned if the Yates received a copy of the maps. He gave them his.

Mr. Lentz: Just to reiterate a little bit like I said the access through Mr. Goebel's property was an agreement between Mr. Yates and Mr. Goebel to make it easier, but you know by this picture she did have access to the rear of that property. Being landlocked...I don't know about that because her farm has 3500 feet of road frontage, so the property is not land locked. In section 4

we did a stub road per the code here. During this development you are supposed to stub a road, supply access to adjoining properties. I believe we've got that covered with that road. With the lots backing up to her and the access that I brought up, being an existing road that is there. Mr. Goebel and Mr. Wacker did have a meeting with her last week. They offered a 20-foot agricultural access between 2 lots. I will pass out a detail... so they had a meeting last week and talked about it, go ahead and grant her that easement and actually, gave her first right of refusal to buy one of the lots next to the easement. They spoke about it, they left thinking that may work. Ms. Glesson came back and said they want a road. My clients, the developers are here, building a road, dedicating right of way, they are losing a lot. Probably cost them about sixty thousand in road cost, drainage pipes, give cost of a lot you are at about one hundred twenty-five thousand dollars. We did some investigating, made an offer, and don't believe we have an agreement, so I think that is where it stands right now.

Attorney Dale: Show me on this where the Yates farm is.

Mr. Lentz: Pointed it out and explained that when she inherited the farm it became an LLC, and it only comes to one point on phase 6 adjacent to her property.

Chairman Deapen called for questions from the commission.

Glen Goebel: Owner of Goebel Crossings 1, 2, 3, sold 4 and trying to sell 5 and 6. We thought we made a fair offer of agricultural easement of 20 feet right into their farm just like we showed you on the map. They've been farming beside my farm for about eighty years. They've never had any easement to get on their farm except going through their own land until about 4-5 years ago, some of the boys raising the crops on me, Mr. Scott Travis here with me asked me if he could use my land to get to the back of their farm. I said yes and I told Mr. Robert Yates and he said fine. But we think we're giving them a fair offer. If they want a County Road, why would these developers be willing to build them their own private County Road. If they want it, let them pay for it themselves at one hundred twenty-five to one hundred fifty thousand dollars. Whatever they want, we think the easement is fair, we thought we were being fair. We have farmed those two farms with the fence between us, my father bought the farm in 1941 and I don't know when Mr. Yates her grandfather bought. But we have been farming beside each other for years and years and got along great. I think we will still get along if they will work with us. Thank you very much.

Chairman Deapen: Any questions from the commission?

Commissioner Clayton: Talking about the connection to the next property and I realize you all talked about that at the last meeting.

Sean Glesson: I am a physician at Norton Healthcare, medical oncologist and hematologist and I appreciate your time tonight. I'll make this brief. We want to be good neighbors; the Yates family has been in this county for a long time. Vicky and I have been married for a long time. We had purchased land together and plan to be neighbors here for a long time. The issue here tonight is not that we're opposed to an easement, and we certainly don't want Mr. Goebel to take a financial hit. The problem is with this whole business of an easement and what it means

because it is not been what it says it is on the maps. What I want to do is point out these things for you first of all the map from Google is a good map except it doesn't relate any topographical information. Topographical information will show you there's about a 200-foot drop and this whole line of trees there forbids some of the crop machinery that needs to come across. That road is, an easement that's been there for a long time. Vicky's family has been there since 1929 and there has been travel across and sharing of machinery to do things with different crops. The issue is that of, what is the best way to guarantee access. Over the course of time to the development of Goebel Crossings, it's become clear to me that there's been some misleading type statements made in maps generated but I'm not sure if the committee here is aware of and that's what I wanted to point out. I learned a long time ago when I was in divinity school and then when I was in the military school for command and general staff college and then in medical school that there's rules and laws just about everything. And now that I've decided to take up farming as a full time type thing in addition to my medical practice, I know that there are clear practices that must be adhered to and the chief one of which that is important for this committee in this time is the right to farm act of 1980 it was signed into law in this Commonwealth to guarantee the right to farmers to have access to their farm and not to be considered a nuisance but the neighbors who want to live on a farm but don't want any farming around them to experience. The issue is regarding this back acreage, a problem because the word easement when it's been used before has not come to mean what we think it means. I expect years ago purchasing a lot from Mr. Goebel in order to have access to the property in an earlier phase versus a one-acre lot it's on the road it adjoins our property. The Neighborhood Association I think against Kentucky law was misinformed because they were not aware of the deed restriction which should be in everyone's deed but it's not. According to Spencer County statute passed on November 6, 1995, is specifically.

Chairman Deapen: You are nearing your three minutes.

Mr. Glesson: Alright the point of this is, that the easement that we want could be rectified with a sale of property to me, which I've requested but there was hesitation. I learned tonight that perhaps one lot might be for sale. For this easement here (pointing to the map provided by Mr. Lentz) it should not be considered an easement. I don't mind it being a private road, I'm not asking anybody here to pay for any of my life. I don't need any subsidies; my point is I need access and according to Kentucky law I have a right for access and the thing that I'm asking is not for this to go across other people's property. But that I have the right to put in what I need to put in to join to a road so that a 34-foot head does not get encumbered on anybody's 20-foot easement. His plan simply doesn't work, and we know from previous dealings with the business of a stub road and potential easements for others. Even stub roads now doesn't mean what it means on your maps because it crosses someone else's private property. We have the right to cross that, but we've been good neighbors and not done so. But I don't think the neighbors there are aware that these words need to be applied to everyone's deed with a penalty of \$500 a lot. They have not complied with the law; they have not complied with what easements mean and I want guarantees that I will have access to the farm and not just some easement that I know that neighbors in the neighborhood associates are going to try to whittle away at. So, I'm asking this

committee to allow me to have either a road not paved, access to purchase at fair market value a lot or two that would allow me to have access to the road. That's what I'm asking.

Commissioner Clayton: Can you repeat your last statement. What you are requesting.

Mr. Glesson: I am requesting access and that can come in various forms. It will not work to have a 20-foot easement across two other people's properties because that has not worked on the three other occasions for that opportunity was there. Because the neighbors have been put in a situation where their land is up to what is considered a stub road by this committee. I'm not sure that this committee is aware that they are not stub roads they're cul-de-sacs with about 5-to-15-foot easement on the two occasions and I would have to drive across their property. I know that I can, we have transmissions from correspondence even as recently as last night that they're there for everyone else but us. That is a violation of the Kentucky right to farm act. I can drive my machinery across those roads and those properties anytime I choose according to the law and these individuals in this neighborhood have been miss served by not having in their deeds, the statute that is in this county for those words those two paragraphs be in there. They're not I have one of those deeds, it's not in there. I have talked to others; it is not in there. I need to have access without creating a stir. I'm not trying to be a bad neighbor, I'm willing to pay my fair share but I'm not even being given the permission to buy. I've heard tonight that I can buy one, so I get half of an easement. That doesn't work. I need this to be something, I'll build the private road. I'm not asking for that. I'm not asking for charity. I'm not looking to put Mr. Goebel out of business. I'm not trying to shut down and stop development. I just need to be able to get a 34-foot head through a 20 foot easement and I can't seem to find the math to do that.

Commissioner Clayton: Thank you.

Chairman Deapen: Any further questions from the Commission?

Commissioner Faue: Your property (looking at the map) You have a very long frontage on Taylorsville Road, Hwy. 155.

Mr. Glesson: Yes ma'am.

Commissioner Faue: From looking at this map it appears that you have access from Hwy. 155 to your entire property.

Mr. Glesson: You would if you were walking but not for a machine.

Commissioner Faue: Okay, you said there is a drop off and a row of trees. Does that drop off go the entire width of your property?

Mr. Glesson: It is a run to plum creek. It starts up here at this grove of trees, which is right on this side. All the rest of the farm I can access. But to put a big machine on 155 would be a disservice.

Commissioner Faue: That is not what I am asking. I'm asking can you get from your property, on your property, all the way to the back corner of your property without going on anybody else's property.

Mr. Glesson: Not with a combine.

Commissioner Faue: It has too big a drop off all the way across or just in one spot?

Mr. Glesson: All the way across.

Commissioner Faue: All the way across your property there is no place on your property that you can get that combine from the front to the back?

Mr. Glesson: No there is a stream that runs across through there. There is about a 200-foot topographical difference from this side of the property to this. There is a huge, several stories drop right where we are talking. That is why that easement even began to exist over 100 years ago.

Chairman Deapen: The issues that you brought up, for example the right to farm act. Certainly, you are aware that we do not enforce those regulations. We are not the appropriate body to enforce those concerns. Why are you here with those concerns instead of a court?

Mr. Glesson: Because the approval of a plat has to be compliant with the law and that is a part of the law.

Chairman Deapen: At the same time, we are restricted to what our regulations allow us to do. The things you are mentioning are not in our regulations. That is not to say they are not valid, but my question is why you think this is the appropriate adjudicating body for those concerns. Clearly, I don't.

Mr. Glesson: Once the houses are built and fences are placed there is no way to get through that. So that would be a restriction.

Chairman Deapen: That doesn't answer why you aren't taking it to a court of law.

Mr. Glesson: Well, there's an opportunity not to have to do that. If I was allowed to attain access through a road or through the purchase of a piece of property. They would not comment to that the other night. I'm hearing that maybe they are now. But that's the issue. Why go to a court, there's not been a thing done?

Chairman Deapen: Because our regulations don't require them to sell you any land.

Mr. Glesson: But how is that not anything done at this point? This is just like land at this point. You're approving a neighborhood that then will restrict. The very act of approving that without access would then be a violation of that act.

Chairman Deapen: That's your position?

Mr. Glesson: That is my position.

Chairman Deapen: That position would be heard in a court of law.

Mr. Glesson: I don't think I can go to a court of law now, before you've even acted.

Chairman Deapen: I don't know if you can or not. I'm not an attorney.

Mr. Glesson: I'm not either.

Chairman Deapen: I don't understand where I have any jurisdiction over it at all. I can not force them to sell you a piece of property. I can not force them to do any of the things you've asked them. Our regulations do not require that they do any of the things that the two of you have ask us to do. Nothing, including buffering. We have buffering regulations but not on that zoned property.

Mrs. Glesson: I think the point he is trying to make is the plats are not compliant because even though you say you set up regulations and you think these meet your regulations. The regulations are not compliant because the ordinance that Spencer County passed was specifically applied to the Planning and Zoning Commission and that all your regulations were to take into consideration The Right to Farm and its very specific how that's supposed to happen. So, when you go through your regulations, they never talk about the right to farm. There's no sensitivity to that issue at all. Therefore, the regulations are not compliant, and the plats are not compliant.

Chairman Deapen: And that's your position and I understand that's your position and you might be right. You're a practicing Attorney and I'm not. I don't have anything that says I'm supposed to be doing what you just said.

Mr. Glesson: Any more questions? Thank you very much.

Chairman Deapen: Anyone else signed up?

Administrator Sweazy: No.

Chairman Deapen: Questions from the commission? We have two matters in front of us, both 5 and 6. Do you want to separate them or keep them together?

Commissioner Clayton: I'm very aware of what our regulations says, we can see where topography sometimes dictates things. When things drop off to nothing but a big hillside its impossible for us to insist that someone provide access to the next undeveloped property. But I can also read topo map because I'm a civil engineer myself and I can see that its pretty flat from where they stop the cul-de-sac. I don't see a physical restriction keeping the developer from providing if nothing else a right-of-way. I think its kind that the doctor has offered to maybe offer money. But where I looked at on page 117 of the subdivision regulations, number 2 it says when the subdivision adjoins unsubdivided acreage, now let's keep in mind we are talking about Phase 5 & 6, were not talking about 1-4, new streets shall be provided through to the boundary lines of the development with temporary easements for turn-around. I'm not real worried about, I believe in capitalism, I believe in spending money to make money, I'm sorry sometimes regulations make business owners or developers spend more money than they would rather, I get it, but I feel like if we were going to go before our judge that it would be pretty hard for us to say, and I could be wrong, but to me it says when a subdivision adjoins unsubdivided acreage, which we have here, new streets shall be provided through to the boundary lines of the development. When Phase 4 was done, I was concerned that new... we did provide right-of-way for future development, at least that's what the plat was supposed to do, but I was very concerned that what they are supposed to have, which I've been in other counties where they

done this, if the developer actually builds a street up there with no cost to the neighbor it says here you build a T type turn-around. I know this is a tough one, I feel bad, and I encourage the development, I think it's good for the neighborhood, but I also recognize there's bad that come with it, there are people who drive through someone else's subdivision and they're like why are you cutting through my subdivision and they end up putting in speed bumps to take care of that. Then there's also good when someone has an emergency need and they turn on a wrong street, they know if they keep going, they will eventually get to where they need to. So, with that said and I'm sorry fellows but with where I'm leaning here is that the neighbors, as an undeveloped farm, per our own regulations which our regulations are following KRS Statue I believe. It's good practice and I've seen this in other counties, so I participate here that the access is provided. Originally if the topo was so restricted it dropped off, then it's like we wish we could, but we can't. But in this case back there where they wanted to give the 20-foot easement if they add 30 feet to that and call it a right-of-way. I'm open to interpretation, it says they should build a road back to them, as long as they can supply the road, I think you should have some happy neighbors.

Chairman Deapen: I think that's what Commissioner Travis was bring up last time.

Commissioner Noel: If you go back before Goebel Crossing was put in, he was just letting them use his land from the kindness of his heart, what if he didn't let you use the land then? What I am getting at as both his and yours were farms. He let you use it then, he didn't have to, what would you have done then?

Commissioner Clayton: I think I can answer that. It doesn't matter.

Commissioner Noel: That's what I'm saying, he let them use it, he didn't have to.

Commissioner Clayton: It doesn't matter. What the regulations says is that we have a Preliminary Plat before us and all the regulations say we don't care what they were doing, it tells us that the developer needs to provide access if it is feasible to do it by topo.

Administrator Sweazy: By those regulations and I know that's in there and I know we did that the last time. I've kind of blown that up on the screen, so where it says 17-60-185, that stubs to the farm. So, here's my question because I need to know this in the office because they brought these plats in, so they got lots that back up to those very lots that 17-60-185, so how often do they have to stub a road. Does every single cul-de-sac in their subdivision have to stub to another farm?

Commissioner Clayton: Are you saying Phase 5 & 6?

Administrator Sweazy: So, here is Nevin that goes into 5 & 6 and here's the road to 4 and it stubs here.

Attorney Dale: It doesn't go all the way to the property.

Administrator Sweazy: This one does, the others don't, because we made them do it. That was our requirement by those regulations. So, my question for us in the office is, I'm thinking he's got about 300 feet right here so does he have to do it again?

Commissioner Clayton: From my experience if its topographically possible, then the answer is yes. That's what our regulations say. I understand what your saying, if we have six roads coming in there when does it become enough? Just looking here we're only going to have two. Although I'm concerned about the one, we need to figure out what's going on with that.

Administrator Sweazy: No, it does stub, there's 50 feet.

Chairman Deapen: I'm going to invite testimony on that because there seem to be dispute on that. Do you want to offer testimony on that now?

Mr. Glesson: We ask about that last night when we were discussing this matter and we were informed that stub roads don't go all the way to the line and there for everyone else in the future but not for us. So, we know they are for us under the act but we're not looking to fight everybody we know. We'll put tracks in their nice property grass, right now we are able to work around that so we're not looking for that to be an issue. But they should all be stub roads because that's what the rules are. But on the back line where the topography doesn't allow us to just go with the flow. We have to draw a line here; we need the access on that back to get the combine in and 20 feet is inaccurate. The way we dealt with this up to this point has been to deny us access on the three sites we have access. Number one, our front property that connects to the public road that goes to our own private property. So, we would be on our own property and public property the entire time, but the HOA have been led to believe they can pass a rule preventing us from doing that contrary to the law because their deeds are not restricted with the required Spencer County wording and that's why there's a misunderstanding. I'm trying to prevent other misunderstanding from happening. Then there's a misunderstanding of what is a stub road. A stub road, you have defined it correctly, you expressed exactly what the committee thought they were getting but we've been told otherwise. There's a 5-foot private property appearance there online and the other has about a 20-foot setback. Those folks think that its their property. Now for me to go up and be the bad guy and run across their nice pretty grass puts me in a bad way with neighbors, I'll do it, if I need to do it, I'm not stopping that but I'm not looking to be anybody's enemy. I'm trying to solve this before we have a problem. I know it might not be your business.

Chairman Deapen: Your coming close to answering the question I wanted answered. She says that the property goes from the stub all the way to your property and you're saying there's a 5 and 15 foot gap.

Commissioner Clayton: I think just for clarification, I'm holding the actual plat for the Goebel Crossing, and it's been signed. On paper it has a 50-foot right-of-way that goes all the way through to your property. I think what you're talking about, physically out there those people are mowing the grass all the way up to there and their claiming it. When in reality per the plat you do have a right-of-way.

Mr. Glesson: I greatly apologize for the misunderstanding. This has been most helpful for me.

Commissioner Clayton: The claim that would be pulled in from around the property line looks like a green area.

Mr. Glesson: My mistake.

Commissioner Clayton: But I appreciate that you don't want to go to the neighbor and say hey I got you.

Administrator Sweazy: I will say that Phase IV is a cul-de-sac like that, the other Phases do have land that wraps around them. Four is the only one. That's what I was asking for stub purposes how often do we have to require that, do we require that on every street.

Chairman Deapen: I want to make sure I don't leave a misimpression. My exception to some of what you presented do not include this. This is in our regulations, and I've had a concern about this from the very beginning.

Mr. Glesson: I do apologize.

Chairman Deapen: There's no need for you to apologize. Commissioner Travis raised this issue last time. The way the regulations are written, I would have to agree with your interpretation that any time we have a road stubbing to that point there needs to be access. The intent was to allow for connectivity. I believe that those opposed to this from the beginning pictured subdivisions one after the other and they didn't want this to become islands. I live on a subdivision island and there's another island that was originally supposed to be all connected and they're not.

Commissioner Travis: That's not good either is it?

Chairman Deapen: No. (To the audience) Could you guys keep it down?

Mr. Goebel: We're trying to work something out.

Chairman Deapen: Well, then do it outside. When you all are talking, we can't hear then we have problems with the minutes.

Mr. Smith: I apologize.

Chairman Deapen: For the courteous of everyone else take it outside and work it out, it's a nice evening. I tend to agree that it does apply to each of the situations. I know that doesn't solve all the issues you got but that does go some ways. Do we want a recess?

Mrs. Glesson: Please.

Chairman Deapen: Ten-minute recess. Meeting is now back in order. Does anyone have anything they want to report?

Mr. Lentz: We've been speaking outside to Mr. & Mrs. Glesson. We took into consideration that you all talked about the dedication of the right-of-way; I know there was a little gray area. When we first started this as far as the wording that's in the statute, that's in the code there. The way we interpreted it that the stub road was for the subdivision not every phase of the subdivision. That's the way we looked at it and that's why we did not build a stub road up to it. Then it got into access to the back of it. I guess what I am asking is what is the recourse if voted down and we

come back with something showing a road, do we have to pay impact fees again or do we table it?

Chairman Deapen: Would there be a value in tabling it?

Mr. Smith: Do we have to do the stub street?

Chairman Deapen: You're not at the podium.

Mr. Lentz: Do we let you vote and how do we interpret that rule of the stub street, let you all do your thing and vote it down and do you have a time limit before we bring it back if we change it?

Administrator Sweazy: I think that if you all make a decision, you're going to make some modifications you can request they continue it to a date pacific and I don't think we would have any additional fees because at that point we're not re-noticing everybody all over again because we're going date pacific. I think if you want to let the commission vote, and however they vote is how they vote. Then if you want to come back with another proposal. If it doesn't go in your favor, then you would have to repay those fees. Now you're not repaying impact fees as far as that goes, it's the Preliminary Plat fee you would be paying.

Mr. Lentz: What about the Engineers fees?

Administrator Sweazy: Yes, you would have to pay the Engineers to review again.

Commissioner Clayton: If they wanted to agree to us voting on this with the agreeable condition that you would agree to that right-of-way be put in there, then we could vote on it tonight and you could go home with an approved plat. I think that's an option, isn't it? Correct me if I'm wrong.

Attorney Dale: Should be following the regulations that the stub street goes all the way to the property line.

Commissioner Travis: Could you not add 30 feet off that other lot?

Mr. Lentz: That's a \$150,000 question.

Commissioner Clayton: I'm not sure its \$150,000 lot but that sounds good. I would say we do have lot lines we have to deal with because if it's a right-of-way, we're no longer dealing with easement. Now that could lead another thing here maybe we could still save you lot by just allowing you to put, I think what happens if that kicks over the building setback slides back a little bit further, you could still have the same amount of lots so you don't lose the lot, if we're talking \$150,000 then I just saved you \$75,000. I struggle myself, I used to be a Civil Engineer representing developers in Northern Kentucky, I always struggle them with the fact that we were forced to because the regulations say that to actually build the road too. I'm sympathetic, it's one thing to give away a right-of-way it another to actually build a road.

Mr. Lentz: Just the interpretation of this section in itself as far as extending a road to the adjoining property from the subdivision, we are part of the subdivision, that's why we already have a stub road there. That's sort of our argument too.

Commissioner Clayton: Topographically there's a big dip down there and I get it. I get Julie's point too, if there were six opportunities, would it be for six connections? I just know what the regulations say. Again, this is not just Spencer County this is other counties as well. In fact, I think it is KRS. I would be open to a vote if they wanted to. I don't want to hold you up.

Chairman Deapen: Let the commission be open to a continuance.

Administrator Sweazy: I think one of the things that will have to be answered too, is being you got two different phases here are you saying they have to do the stubs on both phases?

Commissioner Travis: No, number six just touches that corner.

Commissioner Clayton: Topographically it drops off and the other one has a lake between it. Actually, their abutting their own subdivision.

Commissioner Travis: Six has no connection.

Administrator Sweazy: The other one doesn't either. So, that's my question right here their cul-de-sac ends before they get to the property line.

Commissioner Clayton: I see what you are saying. Topographically it's impossible if the topo is so steep.

Chairman Deapen: That's my consideration.

Commissioner Mudd: So, I have a question for the Glesson's. You would be fine with just Phase 5 having an entrance, is that correct?

Mr. Glesson: Phase 6 doesn't affect us.

Commissioner Clayton: And in Phase 4 you already got it.

Mr. Glesson: Yes, that's fine.

Mrs. Glesson: It's my understanding they are going to fix that because we need to have access there too.

Chairman Deapen: The commission will entertain a continuance if that would be a value to but we're not going to require that.

Mr. Lentz: We're going to request a continuance to see if we can't come into line with the regulations without losing a lot.

Chairman Deapen: Any particular date that works or not for you?

Administrator Sweazy: There are no other items for the docket on the next meeting for December. So, do you want to meet for that purpose only or hold off until the first meeting in January?

Chairman Deapen: First meeting in January acceptable for you?

Mr. Lentz: We're good with January.

Administrator Sweazy: That would be January 6th.

Chairman Deapen: Can I get a motion that we continue this on January 6th?

Commissioner Travis: I make a motion.

Chairman Deapen: We have a motion to continue on January 6th, do I have a second?

Commissioner Faue: Second.

Chairman Deapen: We have a second. Any further discussion from the commissioner.

Administrator Sweazy: Clarification, we're continuing Phases 5 & 6 on January 6th?

Commissioner Clayton: Yes.

Commissioner Deapen: Julie, read roll.

Administrator Sweazy: Called roll, motion carries.

Chairman Deapen: New business.

Administrator Sweazy: We have the application of **Turnpike Properties, Inc.** requesting Final Plat Approval of Turnpike Place Subdivision requesting 24 lots on 10.265 acres on Turnpike Avenue.

Chairman Deapen: Mr. Anthony Travis is recusing himself.

Administrator Sweazy: I will note for the record, I do have a plat in my possession with all signatures from all utilities, city engineers, everybody has signed off on this. So, they have given their approval.

Chairman Deapen: You want to brief us on what we're looking at?

Administrator Sweazy: In previous action, back in 2001 there was 34.07 acres zoned B-2 Commercial. So, the first street with cul-de-sac off 44 as you turn on Turnpike, those tracts are still B-2 Commercial. The other tracts are what we did a zone change on back in August and in July of this year we did Preliminary Plat Approval on this 10.265 acres. So, what you have before you are basically the same as what came before you for a zone change in the Preliminary originally. There's not been a major change to it.

Mr. Scott Travis: I'm the President of Turnpike Property Inc. and we own this property. We've been working, following rules, and taking care of business necessary to get done what we have, and we ask for the Final Plat Approval so we can record it and hopefully sale.

Chairman Deapen: Questions from the commission?

Commissioner Clayton: Lot 16 you have this 20' sewage and drainage going through it, I guess that was already there?

Mr. Scott Travis: Yes, its runs from 44 up to there and serves the existing plan.

Commissioner Clayton: Looks like a width of 15-16 feet, about the same with that easement. It's a shame that the easement cuts right through the middle of that lot. Extending to the next property owners, there's a pond right there, isn't it?

Mr. Scott Travis: There is a pond in this vicinity, of course, I don't know if this makes a difference, but this is in the city of Taylorsville and this is in the county.

Commissioner Clayton: So, this pond is kind of restricted and over here it looks like the top kind of drops off over here.

Mr. Scott Travis: There's kind of a low place.

Commissioner Clayton: Like a stream.

Mr. Scott Travis: Yes, and it gets high again.

Commissioner Clayton: I'm trying to the point of topographic restrictions. Other than that I think I'm good. So, all of this you changed to B2 to R2.

Administrator Sweazy: No, not all of it.

Mr. Scott Travis: Just these two streets. Hoping someone will come to town and make life a little easier for all of us.

Commissioner Wheatley: Like a little Town Center?

Mr. Scott Travis: Yes.

Commissioner Clayton: I can remember thinking you should have just left it all B2.

Mr. Scott Travis: That was the hope in 2004 but it hasn't materialized.

Commissioner Clayton: So, this is now R2 and the rest is B2 and that's what we approved at the zone change. It's stamped by who?

Administrator Sweazy: I have the ones here that are signed.

Commissioner Clayton: Sissler. I think I ask Mr. Sissler and I think he said I'm doing it the way your all's regulations say. In the past I'm used to seeing a radius at the corners where the intersections are. I don't have any issues.

Chairman Deapen: Any other questions from the commission? Is there anyone signed up to speak?

Administrator Sweazy: No.

Commissioner Clayton: I make a motion to approve the Final Plat for Turnpike Place Subdivision as it is in conformance with the zoning regulations that were previously approved.

Chairman Deapen: There's a motion on the floor, is there a second?

Commissioner Noel: Second.

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

Administrator Sweazy: Roll called, motion carries.

Chairman Deapen: Do we have additional questions or discussion? I assume we need to take a motion on our next meeting.

Administrator Sweazy: That was the only thing I was going to ask.

Commissioner Wheatley: I make a motion to cancel the next meeting, which was December 16th.

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

Commissioner Mudd: Second.

Chairman Deapen: Discussion? Let's vote.

Administrator Sweazy: Roll called, motion carries.

Commissioner Mudd: Motion to adjourn.

Commissioner Clayton: Second.

Chairman Deapen: Meeting adjourned.

Attest:

Secretary

Chairman