

Commissioner Frazier,

The Massey Creek HOA is preparing to file its fourth lawsuit in connection with S&E Properties illegal development in Hardin Valley. As you are aware, the Chancery court ruled that S&E's initial concept plan was illegal, in part, because the proposed new entrance road did not meet the minimum 400' intersection separation requirement for safety along Hardin Valley Drive.

As a resident of Massey Creek Subdivision, I am well acquainted with the importance of the separation from a safety point of view. The 400' foot minimum was established for a good reason and is of paramount importance to driver safety on Hardin Valley Road.

The court remanded the matter to the planning commission for reconsideration and application of the correct rules. It is my understanding that the real estate developer pushing for exceptions was previously a member of the planning commission. While I appreciate the willingness of him to serve in this capacity; I would expect that no special consideration would be given for that. However: it seems to me that the planning commission has engaged in a clear pattern of preferential treatment of said real estate developed. To any extent that preferential treatment has been, or will be given, at the expense of public safety; is unacceptable.

I place my trust in you to use the existing laws as the governing framework for making any decisions related to this – and all – development in Hardin Valley. The developers are fully aware of these laws and if they are allowed to circumvent them by exceptions just because of their relationships, with a wink and a nod that they can go ahead and build with the knowledge that their position will be supported by the planning commission; it sets a terrible precedent.

Best Regards,

Mike Mitchell