

**MINUTES OF REGULAR MEETING
OLDHAM COUNTY
PLANNING AND ZONING COMMISSION**

Tuesday, February 23, 2016

At 9:03 a.m., local time on the above date, this meeting of the Oldham County Planning and Zoning Commission, hereinafter called the Commission, was called to order in the Courtroom of the Oldham County Fiscal Court Building, LaGrange, Kentucky, by Chairman Kevin Jeffries.

Other Commission members present were:

Joyce Albertsen	Bob Arvin	Laura Bohne
Denia Crosby	William Douglas	Jan Horton
Greg King	Bob Klingenfus	Joe McWilliams
Kevin Mesker	Mary Ann Smith	

Members absent were Commissioners Falvey and Finney.

Others present and sworn in were Planning and Development Services Director Jim Urban, Senior Planner Amy Alvey and Community Planner Brooke Radcliffe Viehmann. County Attorney Travis Combs, County Engineer Beth Stuber, Traffic Consultant Paula Wahl with Neel-Schaffer were present for the meeting. Ethel Foxx was the Secretary for the meeting.

Approval of Minutes – January 26, 2016

Motion was made by Commissioner McWilliams and seconded by Commissioner Mesker to approve the minutes from January 26, 2016 as submitted and corrected.

Motion carried by unanimous voice vote.

Secretary Foxx called and read Docket PZ- 16-002:

DOCKET PZ-16-002 - Application has been filed by Thorntons Inc. for approval of Development Plan on approximately 3.34 acres. The property is located at 4731 West Highway 146, Buckner. The zoning is C-4 Highway Service District and I-2 Heavy Industrial District.

Commissioner McWilliams disclosed to the Commission that he has a history with the owner of Fastline Publications who is selling property to Thorntons. He feels that he can be fair in making a decision.

Motion was made by Commissioner Horton and seconded by Commissioner Mesker that the Commission has no issues with Commissioner McWilliams participating in the hearing of Docket PZ-16-002. Motion was stated and carried by unanimous voice vote.

(1) Introduction of the application by staff and questions by the Commission:

Senior Planner Amy Alvey presented the following:

- Summary of application.
- Notes and issues (Exhibit A: Staff Report dated February 23, 2016)
- Site history.
- Aerials and elevations.
- Photos of property and surrounding area.
- Photos and location of signage.

Paula Wahl, Oldham County Traffic Consultant, Neel-Schaffer, Inc., 200 Whittington Parkway, Louisville, was present and sworn prior to presenting the following:

- Presented her review of the Traffic Study (Exhibit B) and Memo (Exhibit C) showing the results of the full traffic impact study which was submitted to the State Highway Department and her office. The Planning Office has not yet received KYTC comments regarding turning movements.
- Summarized the Traffic Study results taken from the report where they analyzed the Fox Run and State Highway 146 intersection and every entrance for the proposed Thorntons.
- Report indicated the only way to mitigate the failing level of service is to install a traffic signal but at this time does not warrant a signal as it does not meet the thresholds.
- Presented (Exhibit D) diagrams: Driveway Design Elements, showing a short entrance throat and how it allows for more orderly stacking and queuing.

At this time, Motion was made by Commissioner King and seconded by Commissioner McWilliams to increase the time 15 minutes allowing for more testimony. Motion carried by unanimous voice vote.

Ms. Wahl continued as follows:

- Presented Exhibit E, photos showing Pilot Travel Center in Smithfield, Pendleton and Simpsonville allowing better access between trucks and vehicles.
- Site plan of auto turning movements is helpful in demonstrating issues (Exhibit F).

Beth Stuber, Oldham County Engineer, was present and sworn prior to presenting the following.

- There will be no trucks entering or exiting onto Fox Run Road.
- Will be modifying the entrances which will help control the turn movements into Thorntons.
- There are plans to remove outside storage which will improve site distance issues at Fox Run.
- Is pleased with the storm water plan and the drainage plan that was presented.
- Although no one from KY Transportation Cabinet is here and the curb cut on Kentucky Highway 146 is not in her jurisdiction, feels that the majority of truck movement in and out onto Highway 146 across the center lane is an unsafe condition.

The following staff responded to questions by the Commission:

Beth Stuber:

- Is satisfied with the information the Applicant has provided with which she had concerns, except for the issues regarding State Highway 146.
- Has not talked to anyone in law enforcement regarding the trucks using the turn lanes.
- Referred to KRS189.330. Turning and Right-of-way at Intersections: "...a left turn shall not be made from any other lane and vehicles shall not be driven in the center lane as described in the subsection".

Amy Alvey:

- The issues regarding the site plan review have been rectified and staff is satisfied.

Paula Wahl:

- Regarding the radius, referred to the site plan where the trucks would be delivering fuel and explained the reason she feels turn movements are inadequate.

At this time, Administrator Urban addressed the Commissions' concern that the traffic study was done; he assured them that the out of state consultants are now on the list and are qualified to perform this study.

(2) Presentation by the applicant or representative and others in support of the application:

Drew Zazofsky, Development Project Manager, Thorntons, Inc., 10101 Linn Station Road, Louisville, was present and sworn prior to speaking in behalf of this Application.

- Proposing the redevelopment of the Thorntons Retail Gas and Convenient Store.
- Presented Applicant Exhibits G:
 - a. Photo of the property including property they intend to purchase for expansion of the development;
 - b. Rendering of site plan showing new location of the building, addition of parking spaces, location of new pumps and a diesel facility behind the store.
 - c. Rendering of Landscape Plan showing where they intend to move the building farther away from Highway 146, improving the distance between the building and the retail canopy.
- Plan to add 10 parking spaces; 4 more pumps (8 positions) will be added to the rear of the store; adding a diesel facility that customers can use off Highway 146; customers can circulate around that facility, fuel, pull up to the red line, utilize the rear entrance to purchase items and be on their way.
- Have agreed with the property owner of proposed diesel Facility that there will be no truck traffic from Fox Run Road; the area has been separated by curbing and no way for a truck to get back there.
- Service stations are allowed in C-4 zoning and they are not asking for any variances; have been before TRC and addressed all their comments.
- They intend to address neighborhood concerns; presented photos (Applicant Exhibit H) of what the proposed service station will not accommodate such as excessive number of pumps and 150 parking spaces or allowing trucks to stay overnight.
- The service station is considered a “Pump and Go” facility; stressed that trucks will not be allowed overnight parking and listed what will not be provided to truckers.
- Will provide cameras outside, will be well lit and property will be well kept.
- Addressed traffic concerns, peak hours and referred to a graph showing truck trips in a 24 hour period and referred to the site plan showing left turn truck movement off Highway 146.

Summary:

- Seeking development plan approval and welcome added conditions of approval.
- Revised site plan will improve site circulation and spacing for retail customers.
- Feels the six million dollar investment has been taken very seriously and will serve the neighboring businesses.

Michael Hobbs, GPD Group, 520 South Main Street, Akron, Ohio, was present and sworn prior to speaking in behalf of this application.

- Presented his company qualifications; they are a very qualified to do this Traffic study.
- Presented Exhibit I, e-mail from the Kentucky Transportation Cabinet and explained that a permit cannot be issued at this time, but they have met what is required from the County.
- The Kentucky Transportation Cabinet recommends a signal be installed at the intersection of Highway 146 and Fox Run Road.
- Presented a colorized site plan (Exhibit J) and addressed what type service station this will be, addressed the left turn lane concerns, and there will be no sidewalks as do not expect pedestrian traffic.

For the record, County Attorney John Carter is now present, replacing Travis Combs as counsel.

(3) Testimony and questions by those opposing the application:

The following were present and sworn prior to speaking in Opposition to this application:

Joe Scannel, 2802 Heather Green, LaGrange
Carol Powell, 4809 Fox Run Road, LaGrange
Fred Hall, 5302 Bexley Cove, LaGrange
Taryn Noll, 2705 Heather Green Blvd, LaGrange
Felicia Strunk, 3803 Sumerlin Drive, Buckner
Carl Kroboth, 5004 Sumerlin Court, Darby Point, LaGrange
Kurt Walter 5105 Cedar Ridge Drive (Grand Villa Subdivision) LaGrange
Shawn McShane, 2900 Hickory Spring Court, LaGrange
David Voegele, Oldham County Judge Executive, 400 North Fifth Street, LaGrange
Jim Key, 3803 Briar Ridge Road, LaGrange
Susan Key, 3803 Briar Ridge Road, LaGrange
Wayne Theiss, Magistrate District 2, 5103 Glen Cove, LaGrange
Felicia Holmes, 4602 Deer Path Court, LaGrange

The following were the concerns of those in opposition:

1. Truck traffic trying to make a left turn into Thorntons' entrance that does not have the required radius.

2. Because of the proposed fueling facility, truck traffic will increase on Highway 146 from ConAgra as they head towards the interstate.
3. Traffic will increase as the trucks exit onto Highway 146 from the off-ramp at I-71.
4. Dangerous intersection at Fox Run Road as follows:
 - It was not shown in the proposals that Darby Point Subdivision has 164 homes
 - Will be approximately two cars per home coming out of the subdivision.
 - Several school buses will be trying to turn left onto Highway 146 four times a day.
5. At any given time there are four directions of traffic trying to turn onto Fox Run Road or into the Thorntons Station.
6. Trying to turn left out of Thorntons while tractor trailers are trying to turn in.
7. If approved, Oldham County needs to consider petitioning the State to provide a traffic light and consider the safety and concerns of the area.
8. Recommend that there be a condition that there shall be no construction on the property until there is an approved plan from the State Highway Department.
9. How long will it take to damage and finally repair Highway 146 with the added truck traffic?
10. Not opposed to the expansion but requests consideration of light and noise pollution.
11. Other Thorntons are located in a highway service commercial businesses district but not located next to a residential subdivision which is a big concern.
12. Concerns from parents whose teenagers drive out of that subdivision every day, having to turn left at a dangerous intersection to get to the high school.
13. According to a police report there have been 10 accidents at this location from 2014 and 2015.
14. Highway 393 is being expanded and is an industrial area which would be better for this business.
15. Recommend that a noise study be done for the peak hours of 11:00 p.m. to 3:00 a.m. and how it will impact the neighbors while they are sleeping.
16. Property values will be impacted with the added fuel station.
17. If a truck accidentally turns onto Fox Run, concerned the trucks will not be able to turn around and will impact Darby Point Subdivision.
18. Propose the application be denied as it stands.

County Judge Executive, David Voegel, had the following concerns:

- Welcomes the expansion of the new Thorntons store and additional retail pumps but the fuel station will not work for the privacy and safety of the county.
- This is a main artery for five schools, Darby Pointe Subdivision, Subway, PNC Bank, the Post Office and there is already too much traffic.
- Interstate is a big concern and has been working for years to get I-71 widened.

- There are 50,000 vehicles a day going through Oldham County and 25 percent are trucks.
- Applicant wishes to attract additional trucks off the interstate but will create a serious traffic problem.
- Last year 269 accidents occurred on the interstate.
- If applicant lived in Darby Pointe they would not be happy with this proposal.
- Has been trying for five years to get a light at Fox Run; one is now being considered and welcome it only because it is needed by the community.
- Not opposed to the company but the fuel station does not fit at this location.

Wayne Theiss, Magistrate District 2, stated the following concerns:

- Reiterates what others have stated.
- The property is very restricted.
- There are good reasons to deny this application.
- Thornton's are good people but this type of truck stop will create a problem in this area and the community does not need it.

Applicants responded to Opposition concerns as follows:

Mr. Zazofsky addressed the following concerns:

- Regarding left turn traffic from the North, showed where the new underground storage tanks will be moved and where a truck can pull in.
- Have not done a noise impact study for this project.
- Provisions have been made to protect the water tank.
- As to trucks idling in fueling position, will provide extra landscaping and put up a fence for extra buffering; there is already a natural buffer of trees and Thornton's staff will try to encourage a no idling policy.

(4) Questioning of the applicant and those opposing the application by the Commission:

Mr. Zazofsky responded as follows:

- Cameras will be placed at the rear of the property that can serve as security and if necessary, staff can ask a trucker to move if they have been there too long.
- The parking has been designed where a truck cannot park for a long period, will block others from trying to get to the pumps, and staffers can ask them to move on.

- Will have appropriate signage to prevent truckers from using the Fox Run entrance; it will not be possible for the trucks to make the turn into the service station from Fox Run Road; Commission can request a condition for them to plan for additional signage.
- Showed location of the existing underground tanks and how the trucks presently enter and exit the property.
- The eight retail pumps can serve 16 vehicles.
- Presented site plan showing the right turn lane and how Con-Agra truck traffic travels from the North.
- Has heard from KYTC that they have done a safety study and that it does warrant a traffic signal; Thornton's will be happy to work with KYTC to provide a signal.

Mr. Hobbs of the GPD Group responded as follows:

- Confirmed to the Commission that he is the engineer that prepared the impact study that was provided to the Commission.
- Kentucky Transportation Cabinet prepared a study at the same time his office was doing a study and recommended that a traffic signal be installed at Fox Run Road due to safety concerns.
- A signal is not warranted from a volume perspective which is why the GPD study states the light is not needed.

Administrator Urban responded as follows:

- Referred to an e-mail from the Transportation Cabinet (Exhibit K) e-mail to Amy Alvey dated February 16, 2016, that they are pursuing a traffic signal at the Fox Run intersection.
- If approved the Thornton's entrance closest to the intersection will have to be closed to alleviate conflicts with the traffic signal.
- There are three categories of traffic assessment and depends on the number of trips generated whether a traffic study will be done.

Ms. Wahl responded as follows:

- Explained to the Commission the guidelines that the State has for traffic impact studies; twelve hour counts were done at the intersection.
- Presented a portion of Applicant's Table 4, (Exhibit L) and explained that the level of service eastbound on Fox Run has the deficient Level of Service F.
- Looked at the traffic count and Darby Point's was included at Highway 146.

Administrator Urban responded as follows:

- The Metropolitan Transportation Plan lists a project from Crestwood to LaGrange on Highway 146.

- They have requested a Kentucky Highway 146 study be done in the Buckner area including Highway 393 where the school campus is located, but there is no funded project in the Buckner area.
- Responded that the A.M. peak hour study was determined to be from 7:00 a.m. to 8:15 a.m.; the P.M. Peak hour study considered from 4:30 p.m. to 5:30 p.m. during the 12 hour study.

Mr. Hobbs responded as follows:

- They were not asked to look at any conditions beyond the Thorntons development.
- From an analysis perspective the highway is functioning the way it should and carrying the traffic.

Motion was made by Commissioner McWilliams and seconded by Commissioner Mesker to allow an additional ten minutes for testimony. Motion carried by unanimous voice vote.

Mr. Hobbs continued as follows:

- Explained the queuing of trucks on Highway 146.
- The Transportation Department wants the center lane on Highway 146 to be a two way left turn lane.
- They wish to re-stripe Highway 146 to create a two-way left turn lane however, would make it illegal for trucks to que into the middle lane.

Mr. Zazofsky responded as follows:

- Referred to the colorized Site and Landscape Plan; stated that if the south entrance were closed the trucks would have to use the northern entrance which may not be feasible.
- The e-mail about closing the entrance on Fox Run Road was received later and had not been considered.
- Thorntons would need to come up with another scenario if that southern entrance is closed. Showed logical place to move the tanks north of the retail canopy (where they are today).

Motion was made by Commissioner McWilliams and seconded by Commissioner Mesker to allow an additional ten minutes for questioning. Motion carried by unanimous voice vote.

Oldham County Engineer, Ms. Stuber responded as follows:

- Addressed the KRS turning lane statues.
- Spoke with the Chief of the Oldham County Police and he confirmed that it is a violation to travel in that lane although it is not always enforced unless it is flagrant or dramatic.

Attorney Carter stated at this time that it is also a violation to use a traffic pattern to avoid a traffic control device.

The Commission took a lunch break at 11:20 a.m. and reconvened at 12:45 p.m.

(5) Rebuttal evidence and Cross Examination by the Applicant:

Mr. Zazofsky requested clarification of the information from KYTC.

Administrator Urban stated that if the signal is put at the intersection it would change the entrances.

Attorney Carter stated that until there is confirmation that the Transportation Department is going to put something there; he does not think the Commission can consider the impact on the application.

Mr. Zazofsky stated they have heard the concerns of the neighbors. The Commission may wish to place conditions of approval in order to satisfy concerns of the Commission and concerns of the residents.

Mr. Zazofsky addressed the concerns of the County Traffic Consultant that they do not have the appropriate radius for a truck turning right out of the northern driveway onto Highway 146. They would have no problem to move the entire retail unit back 15 to 25 feet to achieve the 25 foot radius as is something that may help alleviate the concerns of the residents. They are willing to work on the site plan and other things to help their application.

(6) Rebuttal evidence and Cross Examination by the Opposition:

Felecia Strunk stated as follows:

- There is no change of plans that will satisfy the safety of her teenager trying to turn left onto Highway 146.
- They are not talking about just the ConAgra business but the increased traffic that will come from the interstate; when there is an accident on-71 there is no way one can get out.
- Does not oppose the expansion of Thorntons as they give them a lot of business and will continue to do so, but asks that they reconsider the semi-truck service.

Mr. Zazofsky responded to Mr. Kraboth that there is a similar facility in Louisville at the National Turnpike having the same number of pumps, the same conditions of zoning with some residential close by, but do not have residential access.

(7) Final statement of the Opposition:

Carl Kroboth stated his concern as a father is to protect his children, and the role of the County government is to protect their citizens. From a general safety standard the citizens have spoken and there are enough reasons to deny this application.

Kurt Walter states he likes Thorntons and frequents them, however, reinforced that the access at Highway 146 is a safety issue. He speaks for just about everybody at Cedar Point and Grand Villa. They do not like this idea and ask the Commission to turn it down.

Magistrate Theiss feels there is justification to turn down this application. The traffic that will be generated will be tremendous. The site plan is changeable. They can come back with a site plan that will expand their vehicular service and be safer for the community.

David Linnea, 1720 Grand Villa Drive, LaGrange, was present and sworn prior to stating concerns regarding this application. Was involved in the ConAgra hearing and heard the same issues. Main concern is traffic and as trucks are turning in and out could cause an accident. Whether the police wish to enforce the statute or not, there is enough evidence to deny this application.

(8) Final statement of the Applicant:

Mr. Zazofsky has no argument with the parents' concerns as they are justifiable. The only data that does not support the approval of the project is the right turn movement out of the northern driveway having to use the two-way left turn lane. They are willing to move the building back. They can create the 25 foot radius and show that the turn would not require the use of the two-way left turn lane. They can work with KYTC and the County on the signal which would mitigate the left turn concerns. Need to look at the data, the zoning ordinance, the traffic study and level of services. If the answer is to deny because they don't like diesel, asks that they look at the facts in making their decision.

END OF PUBLIC HEARING

Administrator Urban stated it is a development plan review and there are sample motions in the staff report to approve or deny. It is up to the Commission as to how they wish to move forward. The proposed binding elements are in the staff report and there are some additional binding elements.

- There was much discussion by the Commission stating reasons to deny.

FINDINGS AND DECISIONS
PZ-16-002
Development Plan

Motion was made by Commissioner King and seconded by Commissioner Horton to deny Docket PZ-16-002, application for Development Plan because:

- Specifically mitigation of traffic concerns as there are not adequate roads and traffic control devices at this time to insure the safe flow of additional semi-truck truck traffic in the area that would be generated by this project.
- Not comfortable with the off-site facilities to make traffic work on this site, the roadway and issues with the left turn lane.

The vote was as follows:

YES: Commissioners King, Klingenfus, Mesker, McWilliams, Smith, Albertsen, Arvin, Bohne, Crosby, Douglas, and Horton.
NO: NONE
ABSTAIN: NONE
ABSENT: Commissioners Falvey and Finney.

Motion passed on a vote of 11-0 to deny Docket PZ-16-002.

Secretary Foxx called and read Docket PZ- 16-003:

DOCKET PZ-16-003 - Application has been filed by Skyway Towers, LLC and Cellco Partnership (D/B/A Verizon Wireless), for approval to construct a 195 foot Telecommunications Tower, on 27.235 acres, located at 2615 East Highway 146, in Unincorporated Oldham County.

(1) Introduction of the application by staff and questions by the Commission:

Senior Planner Amy Alvey presented the following:

- Summary of application.
- Notes and issues (Exhibit A: Staff Report dated February 23, 2016)
- Case History
- Site history

- Aerials of property and surrounding properties.
- Photos of site at Highway 146, surrounding property showing vegetation and the Northland Corporation located across the street.
- Presented a revised landscape plan (Exhibit B) showing natural vegetation in green which is located inside the leased area; they are asking to allow the natural vegetation to remain in place as screening.
- The items in red are evergreen plantings that will be planted for additional screening to the east and west side.

Ms. Alvey responded to questions by the Commission:

- Showed several photos of the heavily treed area and the existing fence that shows vegetation on both sides along the entrance drive.
- Presented site plan showing the location of the existing entrance off Highway 146 that will be used to get to the subject property, where the existing brush mass will remain and where the plantings will be.
- Gave the width of the access road as 24.1 feet.
- Confirmed that staff did review the revised site plan before presenting to the Commission.

Administrator Urban informed the Commission that applicant is planting new vegetation in the red area separate from the green area which has the hardwoods.

(2) Presentation by the applicant or representative and others in support of the application:

David Pike, Pike Legal Group, P.O. Box 369, Shepherdsville Kentucky was present to speak in behalf of this application.

Presented a binder having copies of the official Applicant Exhibit A for inclusion in the record; also presented supplemental materials, Applicant Exhibit B, separate from what the Commission has received

Per Mr. Pike's request, Chairperson Jeffries asked if there was anyone present in today's meeting that was opposed to this application and there were none.

Mr. Pike continued as follows:

- Have met all the regulatory requirements,
- On behalf of the applicant, they accept all the binding elements listed in the staff report.
- Referred to site located in I-2 zoning and over 1000 feet to nearest residential structure.

- Tower does not have to be lit and will not be lit.
- Wish to preserve the existing vegetation which will be more in sync with the area and will plant new trees on two sides which serves in the interest of the Comprehensive Plan.

Presented power point, a part of Applicant's Exhibit A as follows:

- Landscaping Plan.
- Radio Frequency Need (**Exhibit N**) current and proposed coverage of the area.
- Radio Frequency Search Area (**Exhibit M**).
- The Site Selection Report (**Exhibit L**) and map showing location of the water tank.
- Planning Report, Report on Property Values, Report on Structural Considerations which shows it is overbuilt to withstand high winds.
- Tower and Foundation Design (**Exhibit C**).
- Geotechnical Report (**Exhibit D**) Floodplain Information, information on tower height.
- Is in compliance with local requirements, and the Oldham County Comprehensive Zoning Ordinance under 340-020.

Mr. Pike continued as follows:

- Reasons this application cannot be denied: for aesthetic concerns, health and environmental effects, and property values,
- This is a utility registered with the Kentucky Public Service Commission
- This is a low traffic generator.
- Gave information on the Federal Telecommunications report.

Response to Questions by the Commission:

- Does not have an answer as to when the tower will be built but could be two years once all approvals have been obtained.
- Presented site plan showing the existing road, pointed out how one will turn in and will use the existing Kentucky Highway 146 curb cut; that easement is not a new road; it is a very short distance back, about 25 feet to the leased premises.
- Explained several reasons for co-location attempts as to what is considered reasonable, whether co-location is feasible, radio frequency, whether structurally sound, and whether one can enter a lease including water towers.
- Has never seen a cell tower terminated, however, if a cell tower has not been used in a six month period they are obligated to remove it.

At this time, Administrator Urban informed the Commission that staff sees requests at least four to six times a year for co-locating either on water tanks or existing towers.

Gordon Snider, Radio Frequency Design Engineer, 2421 Holloway Drive, Louisville, was present and sworn prior to responding to questions by the Commission.

- Referred to the site location and gave justification as to how they came up with the location to service the area.
- Explained heat maps that show areas of concentration where the capacity is coming from.
- Referred to the site map showing location of the Crown Castle tower and where it overlaps coverage.
- Looking to service traffic coverage at I-71 but wish to increase and give better coverage to residential customers towards the northwest as well as Highway 146.

Mr. Pike responded concerning notifications shown as Mt. Tabor, that there was a typo. However, the address has been corrected, all the site location maps are correctly located and have met with the approval of the zoning staff.

Administrator Urban confirmed to the Commission that notification letters were mailed to the appropriate adjoining property owners.

At this time, Commissioner Arvin wished to share with the Commission a point of history, that there was a beacon light at this same sight for years. Technology has been in this spot before.

Steve Jones, property owner, 2615 East Highway 146, LaGrange was present and having been sworn, responded to questions by the Commission.

- The debris pile shown on the map is a berm. It is dirt that has built up on the property.

Mr. Pike responded that the light that is referred to that will not be lit is the small red blinking light at the top. People do object to that light.

Mr. Pike requested more testimony from Gordon Snider, Radio Frequency Design Engineer to help clear up the record to earlier concerns of the Commission.

- Mr. Snider responded that there may be interference with the network if the tower described is too close to the existing site. Locating on the other side of I-71 would provide better coverage.

(3) Testimony and questions by those opposing the application: NONE

(4) Questioning of the applicant and those opposing the application by the Commission: NONE

(5) Rebuttal evidence and Cross Examination by the Applicant: NONE

(6) Rebuttal evidence and Cross Examination by the Opposition: NONE

(7) Final statement of the Opposition: NONE

(8) Final statement of the Applicant:

In closing, Mr. Pike stated this is an easy case. In the interim this is vital to the community and to residences. The importance of this tower is to provide quality cell service even in less densely populated areas; more isolated areas need this service even more.

END OF PUBLIC HEARING

Administrator Urban reminded the Commission that this is a request for consideration of a cell tower. In the staff report is a proposed motion for either approval or denial of this application. If the Commission should chose to approve there are three binding elements that the Applicant has testified that they are willing to accept. Administrator reviewed the binding elements however, there will be a correction in Binding Element #2 that this tower is not to be lighted; also the landscape plan is revised.

Mr. Pike confirmed to the Commission that as part of the binding elements they will maintain the landscaping.

Attorney Carter added that in order for this motion to be a valid decision of the Commission it must be signed in writing by the Chairman. Under Tab G of the presentation it authorizes the Chairman to sign with the addition of the Binding Elements.

FINDINGS AND DECISIONS

PZ-16-003

Construction of a Telecommunications Tower

Motion was made by Commissioner King and seconded by Commissioner McWilliams to approve Docket PZ-16-003 application to construct a 195 foot Telecommunications Tower on 27.235 acres, located at 2615 East Highway 146, in Unincorporated Oldham County because:

The application is in conformance with the Comprehensive Plan.

Findings of fact language shall be incorporated with the Binding Elements that Tab G shall be signed by the Chairman, and in addition to the Binding Elements that the new landscaping shall be submitted and maintained.

Binding Elements

- The guarantee of removal of the cell tower in case of abandonment shall be irrevocable.
- Under the current application, the tower will not be lit.
- The antenna tower shall be maintained in either a galvanized steel finish or be painted light gray or light blue in color.
- The landscaping and new plantings shall be submitted and maintained.

Discussion:

It was confirmed that maintaining the landscaping shall be part of the binding elements which was agreed to by Mr. Pike.

The vote was as follows:

YES: Commissioners Albertsen, Dr. Arvin, Bohne, Crosby, Douglas, Horton, King, Klingenfus, Mesker, McWilliams and Smith.

NO: NONE

ABSTAIN: NONE

ABSENT:

Motion passed on a vote of 11-0.

Secretary Foxx called and read Docket PZ- 16-004:

DOCKET PZ-16-004 - Application has been filed by Fox Run Investments, LLC for the approval of a Preliminary Subdivision Plan for 64 lots (13 in Oldham County) on approximately 36.2 acres (12.7 acres in Oldham County) to be known as The Reserve at Fox Run. The property is located at 9300 Ash Avenue, (Ash Avenue and Old Henry Road). The property is zoned R-2 Residential District and CO-1 Conservation District.

Community Planner Brooke Radcliffe Viehmann began presentation of this application.

At this time, County Attorney John Carter informed the Commission that Docket PZ-16-004 cannot be heard.

Because the Applicant/owner is an LLC, they must have an attorney to represent them.

MOTION TO TABLE DOCKET PZ-16-004

Motion was made by Commissioner McWilliams and seconded by Commissioner Mesker to table Docket PZ-16-004 to the March 23, 2016 hearing date.

Motion was stated, vote taken and motion carried by unanimous voice vote.

OTHER BUSINESS:

Extension of Expiration—Quail Creek

Ms. Alvey provided the following information to the Commission which shall be part of the Record:

- Pinnacle Properties had filed for a two year extension which expires in February 2016.
- All documentation has been sent to all the utility agencies for review.
- Have received no outstanding issues since their last expiration request and therefore was approved by Staff.
- The new plan will expire in February of 2018 and they will have to file again at that time.
- This information is strictly for the record and shall be part of the minutes.

Administrator informed the Commission that this is an administrative decision and a motion is not required.

Zoning Ordinance Update

Ms. Alvey informed the commission that the Study Review Committee has met several times on changes to the Zoning Ordinance.

All the comments have been received and were reviewed last Tuesday, has been summarized and put into one document which has been provided to the Commission today. The plan is to present the recommended changes to the Commission at the March 22, 2016 meeting and from there recommend to Fiscal Court and the Legislative bodies.

Administrator Urban stated that the Study Review Committee consists of six members of the Planning Commission that. They all voted to advance what has been done so far in terms of recommendations to the Zoning Ordinance.

Training Scheduled

Administrator Urban informed the Commission of the following training opportunity:

Regional Mobility Council Transportation Summit
April 14, 2016
Registration begins at 9:00 a.m. and will be held until 4:00 p.m.
To be held at: Frazier Museum
Hosted by the KIPDA region.

There being no further business, the Planning Commission meeting adjourned at 3:10.p.m.

The next regular meeting is scheduled for Tuesday, March 22, 2016, at 9:00 a.m. in the courtroom of the Oldham County Fiscal Court Building, LaGrange, Kentucky.

Respectfully Submitted:

Approved:

Ethel Foxx, Secretary

Kevin Jeffries, Chairman