

**MINUTES OF REGULAR MEETING
OLDHAM COUNTY
PLANNING AND ZONING COMMISSION
Tuesday, February 27, 2024**

At 9:00a.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, La Grange, Kentucky, by Chairman Greg King.

Other Commission members present were:

William Douglas	Thomas Elder	Joe Ender
John Falvey	Sam Finney	Rollo Fox
Berry Hampton	Sue Ann Jones	Bob Klingenfus
Tom Marsh	Katie Nasser	Suzy Walzer

Commissioners Iva Davis and Ben Winters were absent.

Others present and sworn in were Planning and Development Services Director Jim Urban, Assistant Director Brian Fogle, and Senior Planner Ryan Fischer. Attorney Travis Combs was present for the meeting and Administrative Assistant Christy Edgar was the Secretary for the meeting.

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Approval of Minutes

Motion was made by Commissioner Elder and seconded by Commissioner Marsh to approve December 20, 2023, minutes as submitted. Motion carried by unanimous voice vote.

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Secretary Christy Edgar called and read Docket:

DOCKET PZ-24-001 – An application has been filed by the Ballardsville Fire Protection District for a Community Facility Review for a proposed county radio transmission tower upgrade located at 4604 South Highway 53, Ballardsville. The property is zoned C-1 Local Business District.

1. Introduction of the new information by staff and questions by the Commission:

Assistant Director Brian Fogle, presented the following:

- Summary of the application.
- Case History (see Exhibit A, Staff Report dated, February 27, 2024).
- Site history.
- Aerial Photos of the site.
- Photos of property.

Commissioner Jones asked, what is the purpose or reason for this radio transmission tower?

Assistant Director Fogle replied, you will need to ask the applicant this question.

Commissioner Douglas asked, where will they store the equipment for the tower?

Assistant Director Fogle replied, you will need to ask the applicant this question.

Commissioner Marsh asked, who is funding this tower?

Assistant Director Fogle replied, you will need to ask the applicant this question.

Director Urban stated, I believe we should just have the applicant come up and start their presentation.

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

Chris Haunz, Magistrate of Oldham County and Pewee Valley Fire Department, was present and sworn in prior to presenting.

- In 2017, an 800 MHz radio system was deployed in Dispatch and the only tower in existence right now is the Wave Tower located on US Hwy 42.
- With only having one tower the system does not give us redundancy and it is very crucial in 911 system which is the reason for the second tower in Ballardsville.
- The tower will be self-supporting, with no guidewires, and the tallest tower we can get without getting the FAA involved.
- The county will pay for the tower.
- We will be able to put an antenna on it that will service all the county that is on the radio system.
- This will fill the void that we have in that area.
- There will be no building for the tower, the equipment will be housed in the Ballardsville Fire Department.

3. Questioning of the applicant and those in support of the application by the Commission:

Commissioner Ender asked, how was the tower size determined?

Mr. Haunz replied, by the maximum strength of the signal for the cost.

Commissioner Ender asked, did you reach out to experts on this situation?

Mr. Haunz replied, yes, we hired Motorola Solutions to do propagation studies.

Commissioner Marsh asked, will this tower have the capacity to add on and improve over the years?

Mr. Haunz replied, yes, but also we may have to add other antennas throughout the county in the future.

Commissioner Douglas asked, when Motorola Solutions did the studies where else in the county were dead areas that we need to concentrate on.

Mr. Haunz replied, we don't have any dead areas, but we have areas where the coverage is not always clear.

Commissioner Fox asked, can the antenna be placed on top of the water tower?

Mr. Haunz replied, yes, however, the water tower gets repainted every 7-10 years and all the equipment would have to be taken off and we would lose the antenna system for that amount of time. It would be more expense to add an antenna to the water tower at Ballardsville because we would have to run electricity to the water tower and the cost to add an antenna to the water tower is higher than building this proposed tower. This tower is about 30-40 feet taller than being on the water tower.

4. **Testimony and questions by those opposing the application: None**
5. **Questioning of the applicant and those opposing the application by the Commission: None**
6. **Rebuttal evidence and Cross Examination by the Applicant: None**
7. **Rebuttal evidence and Cross Examination by the Opposition: None**
8. **Final statement of the Opposition: None**
9. **Final statement of the Applicant: None**

END OF PUBLIC HEARING

Director Urban summarized the docket.

FINDINGS AND DECISIONS

Docket PZ-24-001

Community Facility Review

Radio Transmission Tower

4604 South Hwy 53

Motion was made by Commissioner Douglas and seconded by Commissioner Falvey to accept the Community Facility, radio transmission tower at 4604 South Hwy 53, Ballardsville, because the tower is in accordance with the Comprehensive Plan's Future Land Use Map designation of institutional and because of the following Community Facilities and Services Goals and Objective:

Goal CF-1: To provide for needed community facilities and services (where infrastructure can support it) through the wise, planned, and equitable use of the community's monetary, physical, and human resources.

- Objective CF-1-1: Maintain and use existing community facilities when appropriate. When new facilities are required consider the use of private or semi public facilities to accommodate a public need and encouraging planning for multi purpose facilities.

1. Encourage departments and agencies to prepare facility plans that include the following:

- Inventory of facilities;
 - Evaluation of conditions;
 - Desirable levels of service;
 - Repair/replacement schedule; and
 - Need for new (or substantially expanded) facilities.
- Objective CF-1-2: Development priority areas should be given consideration for expansion or new construction of community facilities & services as an incentive for development to locate within these areas.
 - Objective CF-1-3: Inform the community and provide special notice to all interested parties early in the process when developing or expanding community facilities.
 1. Continue the formal community facility review process that determines agreement with the Comprehensive Plan in accordance with Kentucky Revised Statutes.
 2. Planning Commission review of community facilities should be in the form of a public hearing with public notification.

The vote was as follows:

YES: Commissioners Douglas, Ender, Elder, Falvey, Finney, Fox, Hampton, Jones, Klingenfus, Marsh, Nasser, and Walser.

NO: None

ABSTAIN: None

ABSENT: Commissioners Davis and Winters.

Motion approved on a vote of 12-0.

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Secretary Christy Edgar called and read Docket:

DOCKET PZ-24-002 – An application has been filed by Susan Acree for the approval of a Waiver of Oldham County Subdivision Regulations Section 5.7 (E) Joint Access to allow another parcel on an access easement at property located at 3509 West Highway 146, La Grange. The property is zoned C-3 General Business District.

1. Introduction of the new information by staff and questions by the Commission:

Senior Planner Ryan Fischer, presented the following:

- Summary of the application.
- Case History (see Exhibit A, Staff Report dated, February 27,2024).
- Site history.
- Aerial Photos of the site.
- Photos of property.

Commissioner Douglas asked, is the existing residence on septic or sewer?

Senior Planner Fischer replied, I believe it is on sewer, but this will need to be confirmed by the applicant.

Commissioner Douglas asked, does C-3 allow residential use?

Director Urban replied, this was in place when the zoning ordinance allowed tiered zoning, so it is legal non-conforming use according to our current regulations.

Commissioner Marsh asked, would the portion that is not developed right now be the fifth parcel on this development?

Senior Planner Fischer replied, if they proposed anything on that property, they would have to come back to this board to get access to the road.

Commissioner Ender asked, is there a shared maintenance agreement in place today for the road?

Senior Planner Fischer replied, you will need to ask the applicant.

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

William Knizner, P.L.S., Meridian Surveying and Design Services, 2249 Commerce Pkwy, LaGrange, was present and sworn in prior to representing the applicant.

- Mr. Acree purchased the property in 1998 and established the church.
- Mr. Acree has sold some tracts.
- Mr. Acree's is retired and in ill health and needs to separate their residence from the church to obtain equity in the property.
- The church is running on its own.
- All the parcels are on sewers.

3. Questioning of the applicant or representative and others in support of the application by the Commission:

Attorney Combs asked, is there a maintenance agreement for the access road?

Mr. Knizer replied, at this time, no, but with the approval of this plat we will provide a maintenance agreement. Since there was not a maintenance agreement in place on the access road, the agreement will be between Acree and the church.

Commissioner Douglas asked, who owns the property?

Mr. Knizer replied, Mr. and Mrs. Acree.

Commissioner Marsh asked, are the sheds/barns part of this parcel or the church's?

Mr. Knizer replied, Mr. Acree's has items stored in the sheds and they wanted them to be part of the house.

Commissioner Jones asked, if this gets approved will the Acree's sell the church portion to the church?

Mrs. Acree, was present and sworn in prior to replying, we will keep ownership of the property that the church sits on. The church pays rent for the use of the property. At some point, the church might ask to purchase the property but they will probably end up in our will.

Commissioner Douglas asked, in a property search, whose name is the property in?

Mr. Knizer replied, it is in Mr. Acree's name.

Director Urban stated, this is only an application for a waiver to create a lot, it is not a development plan, and there's no additional change in the existing land uses.

4. **Testimony and questions by those opposing the application: None**
5. **Questioning of the applicant and those opposing the application by the Commission: None**
6. **Rebuttal evidence and Cross Examination by the Applicant: None**
7. **Rebuttal evidence and Cross Examination by the Opposition: None**
8. **Final statement of the Opposition: None**
9. **Final statement of the Applicant: None**

END OF PUBLIC HEARING

Director Urban summarized the docket.

Commissioner Finney asked, is there anything changing besides just access?

Director Urban replied, no, they are creating another tract. Our regulations specifically say that you can only have three parcels from an access road.

Commissioner Ender asked, when does an access road with so many parcels turn into a county road?

Director Urban replied, before it can become a county road it has to be built to county standards.

FINDINGS AND DECISIONS

Docket PZ-24-002

Access Easement Waiver

3509 W. Hwy 146

Motion was made by Commissioner Jones and seconded by Commissioner Hampton to approve the waiver for the access easement at 3509 W. Hwy 146, LaGrange because not creating an access easement would create a hardship for the family and it will not cause any detriment because there is no change to the usage of the land and it doesn't cause any detriment to the public or impairment of any of the current usage or affect the neighbors. The following Conditions of Approval are included in this motion.

Conditions of Approval:

1. The waiver shall only apply to the plan reviewed at the February 27, 2024, Planning Commission public hearing.
2. A minor plat application and survey must be submitted to staff for review and approval prior to the issuance of any building permits.
3. A shared road maintenance agreement shall be prepared and agreed upon by all parties affected and recorded with the minor plat.

The vote was as follows:

YES: Commissioners Douglas, Ender, Elder, Falvey, Finney, Fox, Hampton, Jones, Klingenfus, Marsh, Nasser, and Walser.

NO: None

ABSTAIN: None

ABSENT: Commissioners Davis and Winters.

Motion approved on a vote of 12-0.

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Other Business

Chairman King opened the floor for nominations for Vice-Chairman.

Motion was made by Commissioner Klingenfus and seconded by Commissioner Ender to nominate Commissioner Katie Nasser to be Vice-Chairman for the Oldham County Planning Commission Board.

Motion carried by unanimous voice vote.

Vice-Chairman Nasser opened the floor for nominations for Chairman.

Motion was made by Vice-Chairman Nasser and seconded by Commissioner Ender to nominate Commissioner Greg King to be Chairman for the Oldham County Planning Commission Board.

Motion carried by unanimous voice vote.

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There being no further business, the Planning Commission meeting adjourned at 10:00 am.

The next regular meeting will be Tuesday, March 26, 2024, at 9:00 a.m. and will be held in the Oldham County Fiscal Court courtroom at 100 W Jefferson Street, La Grange, 40031.

Approved:

Respectfully Submitted:



Greg King, Chairman



Christy Edgar, Secretary