

PLANNING AND ZONING
MARY ELLEN BOGARDUS BUILDING
JANUARY 6th, 2009

Approved
3-3-09

Present: Chairman, Skip Smith, Spike Wright, Lem Bledsoe, Rick Ackermann, Molly Carlton, Walter Skip Bannick, Arthur Sonny Hawkins, Sonny Rider, John Roberts and Jack Webster. Board of Adjustments-Erma Jean Alexander, Wilbur Cozine & Deanna Hartman.

December 2, 2008, minutes reviewed and motion to approve the minutes of the Planning & Zoning Public Hearing and regular minutes made by John Roberts and seconded by Jack Webster. Approved.

Board of Adjustments considered a request by Mr. Donald Tomlin -needs a small variance for placement of a Double Wide.

Walter "Skip" Bannick is our newest member of the board, replacing Richard Rider.

Adult Business/Sexually Oriented Business
Planning and zoning ordinance was discussed.

Chairman Smith-He has read the proposal and thinks it highly legal and full of information, but that once it is determined that regulation is needed the only question for this Board to recommend is what zone would provide the protections and buffers for the children of the community, the schools and the crime and problems associated with these types of businesses. He sees that industrial zones offer the best protections. Sonny Rider suggested I-2 (Heavy Industry) offers the best protection. Sonny Rider believes we are wide open until we get the ordinance changed.
Erma Jean Alexander believes that the separation of 1000 feet is too close.

Motion made by Lem Bledsoe upon complete review of the proposed ordinance and the findings contained therein to recommend that Sexually Oriented Business shall be in I-2 zone and shall be separated from residential and from each other AND that I-2 be modified to allow sexually oriented business in that zone. Seconded by Sonny Rider. Approved unanimously.

Discussed enforcement as it applies to specific locations.

Adjourn.

PLANNING AND ZONING
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APRIL 7, 2009

Annual
6-1-09

Present: Lem Bledsoe, Skip Bannick, John Roberts, Skip Smith, Spike Wright, Sonny Rider, Sonny Hawkins, Jack Webster, Molly Carlton.

Board of Adjustments-Deanna Hartman, Erma Jean Alexander and Wilbur Cozine.

Denny French passed out a floppy disc containing Glencoe Zoning Ordinance. He has also passed out a paper copy prior to the minutes.

Regular meeting

Corrected minutes of 3/3/09 to include Lem Bledsoe attending and Jack Webster is on the zoning board not Board of Adjustments. Motion made by Sonny Hawkins to accept minutes with corrections. Seconded by Jack Webster. Minutes approved.

Board of Adjustments-No business.

Old Business:

- 1) Ronnie Maxwell request to change from R-1 to R-2 that was tabled from last meeting.

Skip Smith believes the request fits on the lot, barely, and believes the set backs should be monitored, and also believes it would be hard to subdivide in the future as one of the buildings would have no direct access to US 127/Main Street. There is a minimum 25 ft. front, minimum 6 feet side yard and minimum 10 feet back set back; 35 feet height maximum (see drawing from March 3, 2009 meeting-hand drawn).

John Roberts made motion to approve zone change as submitted from R-1 to R-2. Seconded by Jack Webster. Approved, with one no vote-Sonny Hawkins.

- 2) Campgrounds-Ordinance language from Campbell, Boone, Kenton and Grant County in packet for review. All 4 ordinances would require creation of a new zone. Some questions discussed-get backs near residential (or even a privacy fence), what KRS 219.320(8) says: sewage disposal issues (probably handled by health dept). It was generally agreed that we need to do something. We may want to take time to review these proposals and blend them. Lem Bledsoe suggested Spike and Denny put something together.

New Business:

John Roberts-someone asked about the "junk yard" on rt. Of KY. 35. Spike Wright and Denny French are already working on it.

John Roberts-question-"Detail drawing" requirement. Skip Smith thought a hand drawn may be allowed but it should be clear and detailed, with dimensions.

Skip Smith suggest minimum requirements of basic dimensions of buildings, lot size, setback distance, utilities, easements with dimensions, road frontage and

reasonably close to scale. Motion made by Lem Bledsoe to adopt these minimum requirements. Seconded by Sonny Rider. Approved, all agreeing.

Deanna Hartman commented that the BOA wants pictures when they review.

Adjourn.

PLANNING AND ZONING
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JUNE 2, 2009

*Approved
7-7-09*

Present: Richard Ackermann, Walter "Skip" Bannick, John Roberts, Spike Wright, Skip Smith, Arthur Hawkins, Molly Carlton, Jack Webster

Gallatin County Board of Adjustments-Erma Jean Alexander, Nikki Smithson and Wilbur Cozine.

Motion made by John Roberts to approve minutes of April 7, 2009 meeting. Seconded by Molly Carlton. Approved.

Motion made by Rick Ackermann to approve minutes of May 5, 2009 meeting. Seconded by Arthur Hawkins. Approved.

No business for Board of Adjustments.

No new business for Planning & Zoning.

Old Business-

-Discuss "Campgrounds" and zoning.

Do we create new zone or make campgrounds a conditional use in existing zones.

Motion to adjourn made at 7:40 PM by Jack Webster. Seconded by Rick Ackermann

PLANNING AND ZONING
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AUGUST 4, 2009

*Approved
9-1-09*

Present: Lafe "Skip" Smith, Jr., Walter "Skip" Bannick, John Roberts, Spike Wright, Arthur Sonny Hawkins, Molly Carlton, Jack Webster, Denny French and Lem Bledsoe.

Board of Adjustments present: Wilbur Cozine, Erma Jean Alexander, Cindy Sullivan, Nikki Smithson.

No Board of Adjustments Business

Motion made to approve Planning and Zoning minutes of July 7, 2009 meeting. Seconded and approved.

No Old P & Z Business.

New Business:

Trans-Ash re: 2898 South KY 1039 (Cozine property)

- company deals with Coal combustion waste
- engineering explanation-use ash to fill valley and level site.
- company looks for sites with great location but needing "fill." The company likes the location of this property (close to I-71 & natural gas)
- site secured with erosion control, truck material in tarped dump trucks, spread rolled, compacted
- finish product will be a table top development property.

-examples NKU Parking Expansion, Wilder Soccer Complex

Questions-Contaminate ground water? We test materials before we bring them. We keep what we place on site, must be contained.

Length of project? 2 to 3 years

To raise road level. 2 feet of fill dirt on top of cap

Everything for this project would come from the Ghent plant. Primarily-Gypsum, a by product of lime slurry that is processed to capture the sulphur. (May contain some Fly Ash)

State allows fill 100% Gypsum or 100% Fly ash process

Per George Gilbert-State EPA division of Water

Company has submitted to Denny French a copy of chemical analysis of gypsum and Fly Ash.

County Judge French expressed concerns with environmental impact. Company is willing to provide funding for 3rd party monitoring.

Company said "We are not going to bring ^{bad} stuff here and we are willing to go the extra mile to make sure that happens".

*connotes
per minutes
AJJ
JFM*

Concerns about slop on sides was discussed.

Mike Duncan here at County request, stated that this is not a bad project, but is a good project if done right, but county needs engineers to review and monitor the project.

End product will be 16 ½ acres near road level with erosion controlled by proper vegetation and water control (3 to 1 slope). The Company is bound by Fed & State EPA.

KU decides the ratio of fly ash or gypsum but the company happy to take both.

Dust control-material brought in moistened soil is ready for compaction, and keep water truck on site.

Road control to keep materials off roads-a series of shaker Bridges and rip rap to shake material off tires.

Discussed liners and sink holes.

Board wants to think the matters over, do some research and discuss further at the September meeting.

Motion made by Lem Bledsoe to table to the next meeting. Seconded by Jack Webster. Approved unanimously.

Mike Duncan reports-

Cell tower-he received our ordinance and recommends updating our ordinance. Subdivision Regulation-current ordinance predates this Board. Needs a review and updating.

Concrete Roads specifications are missing from current ordinance. Samples from Boone, Grant & Pendleton Counties have been submitted.

Marine & Boat Launching District Zone (Boat)-A multiuse zone with Principal permitted use-campground, docks, ramps, sales, etc. Conditional use-Mobile home or Houseboat for onsite night watchman

Min Zone 20 acres

Min Lot 5 acres

Skip Smith-we have active shooting range, campgrounds
-what about recreation zone

Denny French will provide copies of Boating ordinance.

Judge French now thinks we have finally come to a point where we are starting to plan, looking to create new zone to deal with issues arising today.

Motion to adjourn, Seconded, Approved-8:40 p.m.

PLANNING AND ZONING
MARY ELLEN BOGARDUS BUILDING
SEPTEMBER 1, 2009

Approved
w/condition
10-6-09

Present: Lafe "Skip" Smith, Jr., Walter "Skip" Bannick, John Roberts, Spike Wright, Arthur Sonny Hawkins, Molly Carlton, Jack Webster and Lem Bledsoe.

Board of Adjustments present: Wilbur Cozine, Erma Jean Alexander, Cindy Sullivan, Nikki Smithson.

Public hearing: 6:35 p.m.

-325 Mars Drive-Zone change request

Notice has been sent to adjoining property owners. Denny French reported on the generalities: $\frac{3}{4}$ acres-grandfathered in-empty lot, no structure on it, septic system will be a problem on the lot.

Bill Spry-Broadcaster from Cincinnati reports that the FCC has opened up and a band width has been made available to his company for a radio station in western N KY. The ideal tower location is 325 Mars Drive (at a height less than 200 feet as FAA requires lighting at 200 ft. or more) 89.1 is the number on the radio dial

-There would be a small building est. 15 x 15 to store broadcasting equipment.

Spike Wright questioned the legality of rezoning one lot in a subdivision to a business zone.

Adjoins a farm (Houston) where zoning would allow a tower.

Possible consider cell phone customer in the future, but no plans now.

Don't anticipate making the tower any higher as it doesn't help the signal from engineering standpoint.

Close Public Hearing.-7:05 p.m.

Reviewed the minutes of the August 4, 2009 Planning and Zoning meeting. Motion was made to approve the minutes as presented the addition of the word "bad" to the last sentence on page one of the minutes. Motion was seconded and approved.

Old Business-

Motion was made by Lem Bledsoe to take the Trans Ash Inc. request from last month off the table. Seconded by Arthur Hawkins.

Skip Smith reported more calls of complaint on this request.

Denny French received information from Trans Ash and KU that all fill would be gypsum not fly ash.

Denny French reviewed chemical reports as submitted by the company.

Lem Bledsoe has read extensively on the subject and expressed concerns. Gypsum and fly Ash are similar or the same. Very corrosive, & very difficult materials to handle.

Owner of KU is Power Gen. A German Company. Our duty is to the people here. The possible environmental problems are multiplied because we are so close to KU and other coal powered plants. Plus it is close to a huge tourist draw and once we allow it the flood gates will open.

Spike Wright questioned what Trans Ash is requesting legally from Gallatin planning and Zoning.

Bill Eckler raised concerns as he has family that lives nearby. We should not take KU's garbage.

Discussed what is allowed in I-1 and I-2 zone.

I-1 allows outdoor storage of bulk materials-like sand & gravel.

I-2 allows for uses with smoke, odors, dust and/or other objectionable conditions, including refuse dumps or sanitary landfill areas.

Motion made by Molly Carlton that Trans Ash request is not proper for I-1 zone and would require a zone change. (This is Industrial Waste) Seconded by Lem Bledsoe.

Motion passed unanimously.

Table Marine Boat Launching District.

Zoning request for 325 Mars Drive.

Motion made by Lem Bledsoe to deny the zone change but to allow the less than 200 foot tower under the existing cell tower ordinance. Seconded by John Roberts.

Approved.

Question by Jack Webster-would space be available on tower for use for local emergency services?

Adjourn at 8:10 p.m.

Approved
11-9-09

PLANNING AND ZONING
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OCTOBER 6, 2009

Present: Walter "Skip" Bannick, John Roberts, Skip Smith, Spike Wright, Manley Sonny Rider, Sonny Hawkins, Denny French, Jack Webster, Lem Bledsoe, Rick Ackermann and Molly Carlton.

Gallatin County Board of Adjustments-Cindy Sullivan, Erma Jean Alexander, Nikki Smithson and Wilbur Cozine.

Public Hearing on Verizon cell phone tower-

On Dan Hagedorn's property on Ambrose Rd. (629 Ambrose Rd.) Their home address is 625 Ambrose Rd.

-Denny French summarized. Public Hearing notice given to all property owners within 1500 feet and the property is posted. He has received several favorable comments and no negative comments at the Judge's Office.

-Tower height to be 285 feet.

-Verizon initially contacted Gallatin Water District and the water District is not interested.

-Brent Rice-attorney for Verizon Wireless: This is an attempt to fill gaps in coverage; important not just to Verizon customers; also important to emergency services and infrastructure.

-optimum coverage means fewer towers necessary.

-FCC application filed with geo technical information, FAA approved and KY airport zoning approval.

-Witness-Hans Hassan-Verizon Radio Frequency Engineer
Determines the need and location.

-Earlier towers are 280 feet and 281 feet. This tower needs to be 285 feet.

-this tower will greatly improve service in areas that do not have service or good service at this time.

-Witness-Allen McGimsey-construction site acquisition

looks for suitable existing structure-district water tower

-we look at many factors before proposing location

-this is a very ideal location, zoning suitable, utility available, locate ¼ mile off road
Optimal location

-Skip Smith-lighting required because of height? Yes, it will require lighting.

Grant Axon, from the neighborhood: statute requires 2' x 4' signs for notice and the statute requires a survey on effects to adjoining/surrounding property values. Denny French stated that "We used sign we always use."

-Verizon summary-This proposal complies with local ordinance and zoning.

Grant Axon-statute not followed; thinks that a tower built at that level violates nuisance ordinance, and is opposed to the proposal.

HEARING Closed-7:05 p.m.

Regular meeting

Reviewed the minutes of the September 1, 2009 meeting. Motion by Lem Bledsoe to approve with correction of KU owner is AEON A.G. not Power Gen. Seconded by Jack Webster. Approved as corrected.

Board of Adjustments-No Business

Planning Commission-

-Marina & Boat Launching District

Part of several possible zones that the board will be asked to consider creating in the near future. The principle uses include many recreational activities. The Board should be prepared to discuss.

New Business-

Verizon Wireless-Motion to approve request for 285 foot tower by Arthur Sonny Hawkins and seconded by Jack Webster.

Discussion-Dr. Ackermann understands objections to tower, he has had similar experience, but now he doesn't even notice it now and believes it's necessary.
-Spike Wright questions the effect of Mr. Axon's technical deficiencies. Mr. Rice believes more notice was given then required.

-Sonny Rider asked-Who would be liable to take the tower down if not used?

Motion carried unanimously.

Fly Ash Regulations-Skip Smith asked-Should we consider an ordinance to prohibit "Industrial Waste"?

We would need to be careful to not discourage favorable businesses and industries.

Sonny Rider-EPA regulations controls so much and way more tightly than before.

Spike Wright-we have laws or books that are working and did work.

Denny French-

Radio tower-Tower permit is \$1,500.00 and the Radio Station is non profit and requests a smaller fee, like \$100.00 for smaller tower. Walter Skip Smith pointed out that the man said he intends to rent space to county or whoever wants to rent space.

-Radio tower falls under antennae definition.

-the fee is \$1,500.00. Denny offered to refund/apply the zone change money paid as it was not necessary.

Next meeting is Monday November 9, 2009

Jack Webster question-"projected costs" on building permits? What if people "fudge" on projected costs?

Motion to adjourn. Seconded & approved.