

**Joint City-County Planning Commission  
of  
Barren County, Kentucky**

**April 15<sup>th</sup>, 2024**

The Joint City-County Planning Commission of Barren County, Kentucky met in regular session on Monday, April 15th, 2024, at 7:00 PM in the Council Chambers of the Glasgow City Hall.

Vice-Chairman Lewis Bauer called the meeting to order and called for a roll call of members.

The following Commission Members were present:

Eddie Atnip (Zoom)	Joan Norris
Joe Austin	David Rutherford
Lewis Bauer	Janis Turner
Bobby Bunnell	Maria Westcott
Thomas Grubbs (Zoom)	Candy Wethington
Ricky Houchens	Forrest Wise

Chairman Gumm was absent.

**I. GENERAL BUSINESS:**

**Agenda Item # 1 – Approval of Minutes**

A motion was made by Forrest Wise to approve the meeting minutes for March 18<sup>th</sup>, 2024, and was seconded by Candy Wethington, with the motion carrying unanimously.

**Agenda Item # 2 – Approval of Invoices**

The invoices were presented for payment.

A motion to approve invoices was made by David Rutherford and seconded by Joan Norris. Motion carried unanimously.

**Agenda Item # 3 – Committee Report**

Kevin Myatt, Planning Director, presented the committee report. Vice-Chairman Bauer asked if there were any other committees that needed to meet. Mr. Myatt stated that there are other active committees, such as the Comprehensive Plan Committee, but they haven't met since the last JCCPC meeting.

Vice-Chairman Bauer stated that the Budget Committee did meet, there was a brief discussion regarding the income and expenses, and that the budget would only increase 1.2% because of the eventual move of the office to the old US Bank building (BCDC).

A motion was made by Joan Norris and seconded by Maria Westcott to approve the proposed 2024-25 budget as presented. Motion carried unanimously.

#### **Agenda Item # 4 – Treasurer’s Report**

Janis Turner, Treasurer, presented the Treasurer’s Reports for the period ending March 31, 2024.

#### **Agenda Item # 5 – Director’s Report**

Kevin Myatt, Planning Director, presented the Director's Report and said that there would be a spring conference held at Dale Hollow State Park. The conference will be held May 16<sup>th</sup> through May 17<sup>th</sup>. In addition to this, Mr. Myatt stated that the Planning Commission Staff won't be moved to the former US Bank Building until at least the start of the Fall. He also stated that there are new state guidelines regarding medical cannabis, and that the rules or regulations must be set in place by January 1<sup>st</sup>, 2025.

## **II. PUBLIC HEARING:**

### **1. 041524-01-P – Text Amendment – Amendment to the Park City Zoning Ordinance – Proposed Article 9A – Barren County**

Vice-Chairman Bauer instructed the audience members that the hearings are a trial type setting, and if anyone outside of the Commission wishes to speak they will need to be sworn in, and that any questions are considered to be speaking in opposition.

Vice-Chairman Bauer opened the public hearing and served as the officer.

Vice-Chairman Bauer reminded the Commission Members that there must be necessary findings in accordance with KRS 100.211 for Text Amendments.

A public hearing was conducted.

Vice-Chairman Bauer swore in Kevin Myatt, Planning Director, who then stated that all appropriate notices of the Text Amendment were made such as posts on the Commission’s Website and Facebook page, advertisements in the local newspaper, and presented the proposed Text Amendment with the Staff Report.

Commission Member Eddie Atnip asked if the minimum lot size was 1,500 square feet, and if the property would be on a septic or sewer system.

Mr. Myatt confirmed that the minimum lot size is correct, but that the properties would have to be on sewer systems.

Vice-Chairman Bauer asked if anyone wanted to speak in favor of the proposed Text Amendment.

Nobody present spoke in favor of the proposed Text Amendment.

Vice-Chairman Bauer asked if anyone wanted to speak in opposition of the proposed Text Amendment.

Nobody present spoke in opposition of the proposed Text Amendment.

Vice-Chairman Bauer closed the public hearing.

A motion was made by Forrest Wise and seconded by Janis Turner to approve the proposed Text Amendment for Park City, as presented. Motion carried unanimously.

**2. 041524-01-C – Text Amendment** – *Amendment to the Cave City Zoning Ordinance – Proposed Article 10A – Barren County*

Vice-Chairman Bauer opened the public hearing and served as the officer.

Vice-Chairman Bauer reminded the Commission Members that there must be necessary findings in accordance with KRS 100.211 for Text Amendments.

A public hearing was conducted.

Vice-Chairman Bauer swore in Kevin Myatt, Planning Director, who then stated that all appropriate notifications were made such as posts on the Commission’s Website and Facebook page, advertisements in the local newspaper, and presented the proposed Text Amendment along with the Staff Report.

Vice-Chairman Bauer asked if anyone wanted to speak in favor of the proposed Text Amendment.

Nobody present spoke in favor of the proposed Text Amendment.

Vice-Chairman Bauer asked if anyone present wanted to speak in opposition of the proposed Text Amendment.

Nobody present spoke in opposition of the proposed Text Amendment.

Vice-Chairman Bauer closed the public hearing.

A motion was made by Eddie Atnip and seconded by Joe Austin to approve the proposed Text Amendment for Cave City, as presented. Motion carried unanimously.

**3. 041524-01-G – Annexation and Zone Change Application – Universal Estates, LLC, Owner/Applicant – Annex to B-3 (Highway Service Business District) – Property is located at 2384 New Bowling Green Road – 0.608 +/- Total Acres – Glasgow**

Vice-Chairman Bauer opened the hearing and served as the officer, and reminded the Commission that they would need to acknowledge the necessary findings for a Map Amendment in accordance with KRS 100.212.

Vice-Chairman Bauer opened the public hearing and served as the officer.

A public hearing was conducted.

Vice-Chairman Bauer swore in Kevin Myatt, Planning Director, who then stated that all appropriate notifications were made, such as notices placed upon the subject property, notices sent via certified mail to adjacent property owners, and posts on the Commission's Website and Facebook page.

Mr. Myatt presented the proposed Map Amendment Application and Staff Report.

Vice-Chairman Bauer asked if anyone wanted to speak in favor of the proposed Map Amendment.

Nobody present spoke in favor of the proposed Map Amendment.

Vice-Chairman Bauer asked if anyone wanted to speak in opposition of the proposed Map Amendment.

Nobody present spoke in opposition of the proposed Map Amendment.

Vice-Chairman Bauer closed the public hearing.

A motion was made by Janis Turner and seconded by David Rutherford to approve the proposed Map Amendment and Annexation for Universal Estates, LLC, at 2384 New Bowling Green Road because the proposed Map Amendment is in agreement with the adopted Comprehensive Plan. Motion carried unanimously.

**4. 041524-02-G – Annexation and Zone Change Application – Clarence & Connie Francis, Owner/Applicant – Annex/I-2 (Heavy Industrial District) & AG (Agricultural District) to B-3 (Highway Service Business District) – Property is located at 2420 New Bowling Green Road – 10.347 +/- total acres – Glasgow**

Vice-Chairman Bauer opened the hearing and served as the officer, and reminded the Commission that they would need to acknowledge the necessary findings for a Map Amendment in accordance with KRS 100.212.

Vice-Chairman Bauer opened the public hearing and served as the officer.

A public hearing was conducted.

Vice-Chairman Bauer swore in Kevin Myatt, Planning Director, who then stated that all appropriate notifications were sent out, such as signage placed on the subject property, certified mail sent to adjacent property owners, advertisement in the local newspaper, and notification posted to the Commission's Website and Facebook page.

Mr. Myatt presented the proposed Zone Change Application and the Staff Report.

Vice-Chairman Bauer asked if this property joined the previous property.

Mr. Myatt confirmed that the properties are adjacent to one another.

Vice-Chairman Bauer asked if anyone wanted to speak in favor of the proposed Map Amendment.

Nobody present spoke in favor of the proposed Map Amendment.

Vice-Chairman Bauer asked if anyone wanted to speak in opposition of the proposed Map Amendment.

Nobody present spoke in opposition of the proposed Map Amendment.

Vice-Chairman Bauer closed the public hearing.

A motion was made by Forrest Wise and seconded by Candy Wethington to approve the proposed Map Amendment and Annexation for Clarence & Connie Francis, Owner/Applicant, for the property located at 2420 New Bowling Green Road because the proposed Map Amendment is in agreement with the adopted Comprehensive Plan. Motion carried unanimously.

**5. 041524-01-B – Cellular Antenna Tower Application** – *Consideration of Uniform Application to construct a Cellular Antenna Tower at 1603 Harry King Road – Barren County – Verizon Wireless & TowerCo, LLC, Applicant.*

Vice-Chairman Bauer opened a public hearing and served as the officer.

A public hearing was conducted.

Vice-Chairman Bauer swore in Kevin Myatt, Planning Director, who stated that all appropriate notifications were sent out, such as advertisements in the local newspaper, signage upon the subject property, and certified mail sent out to adjacent property owners.

Mr. Myatt reminded the Commission that they must acknowledge and act in accordance of KRS 100.986 for the proposed Cellular Antenna Tower Application.

Mr. Myatt presented the Cellular Antenna Tower Application and the Staff Report.

Commission Member Eddie Atnip asked if the antenna and residence shown are on the same property.

Mr. Myatt confirmed that the antenna and residence are in fact on the same property.

Commission Member Atnip asked if the property owner lives in the residence shown.

Mr. Myatt confirmed that the property owner does live in the residence shown.

Commission Member Atnip asked to review attachment J again to get a clearer view and count of the co-locate positions on the tower. Mr. Myatt confirmed that there are 3 co-locate availabilities on the tower for other providers.

Vice-Chairman Bauer asked if anyone wanted to speak in favor of the proposed Cellular Antenna Tower Application.

Russell Brown, of 320 North Redding Street, Indianapolis, Indiana, wanted to let the Commission know that he is legally representing Verizon Wireless via Zoom, and that he can answer any questions that the Commission or the audience may have.

Nobody present spoke in favor of the proposed Cellular Antenna Tower Application.

Vice-Chairman Bauer asked if anyone wanted to speak in opposition of the proposed Cellular Antenna Tower Application.

Joseph Logsdon, of 61 Chase Way, Glasgow, Kentucky, was sworn in by Vice-Chairman Bauer.

Mr. Logsdon asked to review attachment I once again and stated that he, and several others, just had some general questions. He stated that he is concerned about the property values of his home and his neighbors' homes, because nobody has seen the studies showing the correlation between property value and cell phone tower locations. He also asked what kind of light would be placed upon the tower, and how often the light is going to remain turned on upon the tower.

Mr. Brown stated that this specific tower's height does not require any lighting as the FAA does not require lighting for structures that are in most instances less than two hundred (200') feet tall.

Mr. Logsdon asked if the location of the tower is still going to be following the regulations of the subdivision because he noticed the next agenda item is a Variance Application for the proposed Cellular Tower.

Mr. Myatt informed Mr. Logsdon the Variance Application is for vegetation screening if there was not any present vegetation, and that the applicants have stated that there is existing vegetation at the proposed site. The minimum requirements would make the applicants have to remove the existing vegetation and replace it with small trees, so the applicants have asked for a Variance to leave the current vegetation as it is so they would not have to plant any small trees.

Mr. Logsdon stated that he has a hard time understanding why the proposed Cellular Tower is going to be placed so close to their homes because there are acres of empty farmland right across the road.

Mr. Brown stated that for Verizon to construct their Cellular Towers, there are a variety of conditions that must be met for them to begin construction, one of them being a landowner who is willing to lease their property for this specific purpose. He also stated that there is no utility that can mandate a property owner to let them install their structures or utilities.

Mr. Logsdon asked if the tower was suggested in another location.

Mr. Brown stated that Verizon was looking for areas with a lack of service or lower levels of service. Because they are looking for these specific conditions, there is a limited area of where they would be able to place a tower to improve their coverage, usually the area is about half of a mile to three quarters of a mile in diameter, resulting in a very narrow area to pinpoint a future tower's location. In addition to this, many other standards such as setback requirements, access to right of ways, and seven thousand to ten thousand feet of available space must also be met for the placement of a tower, so these specifications eliminate many parcels for a potential location. Also, the landowner must agree to have the tower placed on their property, as Verizon cannot mandate that a landowner must allow the placement. Mr. Brown also stated that the lease terms with landowners are typically long leases, usually twenty-five to fifty year periods, depending on the company. He also stated that to his knowledge, the parcel across the street did not indicate that they were interested.

Mr. Logsdon reiterated his concern about the effect on property values of homes in the neighborhood, and asked if ground studies have been conducted on the area where the tower is going to be placed. He stated the area for the proposed tower almost always has standing water in it, and that the soil is constantly moist. He also asked how the tower would affect the power inside of the homes if lightning were to strike the tower since the ground is consistently damp or flooded.

Mr. Brown stated that there was a Geotechnical Report included in Verizon's application, and that the soil has been determined to be appropriate to build the tower.

Mr. Logsdon asked how the tower would affect the electric and internet service of the homes and brought up concerns regarding the radio waves that are emitted by the antennas.

Mr. Myatt stated that Federal Law does not allow the Planning Commission to entertain that question.

Mr. Logsdon stated that when his family first moved to this neighborhood, they were told that the area of the proposed cell tower is a wetland. He asked how it was possible for the tower to go in that area if it is a wetland.

Mr. Myatt stated that the uniform application is a federally backed confidentiality application unless the applicant allows the Planning Commission to release it to the public. The Planning Commission is required by federal law to keep the application confidential until the meeting time in which the applicant releases the information. He also stated that they do have a geotechnical report included with the application, and that an engineer has approved the report stating that it will be fine for the tower to be placed on the property. In addition to this, he stated that the geotechnical report has been released to the Planning Commission, and that it is now open to the public and can be made available. Mr. Myatt stated that if there was any problem with the proposed tower regarding the geotechnical report, the person who signed off on the report would be held liable.

Mr. Logsdon asked what recourse he would have if he wanted to sell his house but had to sell for less than its value due to the tower.

Charley Goodman, JCCPC Legal Counsel, stated that the Planning and Zoning Commission did not write the state statutes by which the Commission is bound to make determinations. Mr. Goodman also stated that the statute itself provides that once FCC approval is received by the applicant, and the applicant has complied with all the Kentucky state statutory and regulatory requirements, the only way the Commission can deny an application is by finding specific items by which the application is found to be in violation of the state statutes or regulations.

Vice-Chairman Bauer asked if there was anyone else in the audience who wanted to speak in opposition of the proposed Cellular Antenna Tower application.

Mr. Goodman asked if this application and approval was a recommendation from the Commission.

Mr. Myatt confirmed that the approval from the Commission was a recommendation, but that the Planning and Zoning Commission has sole authority over the application, and that it will be sent to the State Public Service Commission for another public hearing.

Vice-Chairman Bauer asked if anyone else wanted to speak in opposition of the proposed Cellular Antenna Tower Application, or if anybody had questions.

Nobody present had any other questions or wanted to speak in opposition of the application.



A motion was made by Eddie Atnip and seconded by Forrest Wise to approve the Cellular Antenna Tower Application (Uniform Application), because evidence within the Uniform Application proves the necessity of the location of the cellular antenna tower. Motion carried unanimously.

Vice-Chairman Bauer called for a five-minute recess before the proceeding agenda items.

### **III. SUBDIVISION:**

Before discussions on the next item, Vice-Chairman Bauer reminded the Commission that there was a fourth item under the Subdivision section, an Agricultural Application for Division of Real Estate, but the applicant has requested for it to be removed.

A motion was made by Candy Wethington and seconded by Bobby Bunnell to approve the removal as requested by the applicant. Motion carried unanimously.

**1. 041524-02-B – Subdivision Regulations Pre-Construction Variance Application –**  
*Ronnie & Kimberly Bailey, Owners, Cellco Partnership, d/b/a Verizon Wireless and TowerCo, Applicant(s) – 1603 Harry King Road – Screening Requirements of Cellular Antenna Tower Developments – Section I(7) of the Regulations for Cellular Antenna Towers and Cellular Telecommunications Sers – Barren County*

#### Staff Findings:

1. The applicant has filed a Variance Application in the appropriate time and has explained the proposed request, see Attachment A.
2. The applicant is requesting a variance to the Screening Requirement for the proposed tower, Article I, #7 of the Barren County Cellular Antenna Tower Design Standards.
3. Article I, #7 states that screening shall be provided by evergreen trees, with a minimum height of six (6') feet, planted in a staggered pattern at a maximum distance of fifteen (15') feet on center. The screening shall be placed in an area between the property line, or lease line, and a ten (10') foot setback.
4. Within Attachment A, the Variance Application, the applicant has included site photos of the subject property showing existing vegetation as well as an explanation showing the special circumstances in which the site has existing larger trees and explains that removing larger trees only to plant smaller trees in their place would not be feasible or prudent.
5. Attachment B is a vicinity map of the proposed tower and the surrounding neighborhood.
6. Property photos of the site and adjacent roadway are shown in Attachment C.

7. As shown in the aerial mapping provided by the applicant, Attachment D, the tower is to be located within the existing wooded area.
8. Attachment E is a profile drawing of the proposed monopole structure.

Commission Member Forrest Wise asked if there would be any area that would not be sufficiently covered by vegetation.

Mr. Myatt stated that he did not believe there would be insufficiently covered areas.

Commission Member Eddie Atnip stated that he thought the existing trees would be more appropriate for shielding.

Vice-Chairman Bauer asked if this is something the Commission would verify once the site has been cleared and the tower has begun construction.

Mr. Myatt stated that the Commission will verify the applicants as they are required to have a building and electrical permit. Regarding the clearing of the site, he stated that he was not sure if the entire site would be cleared or if it only affects the lease site, which is about seven thousand square feet.

Russell Brown, representing Verizon, stated that typically most of the lease area would be cleared out, not completely cleared out. He also stated that the screening was purposefully designed in this way.

A motion was made by Bobby Bunnell and seconded by Joan Norris to approve the Variance Application for Cellco Partnership, DBA Verizon Wireless and Towerco, Applicant, for the property located at 1603 Harry King Road because the Variance will not adversely affect the public health, safety, or welfare and nor would it alter the essential character of the general vicinity or cause a hazard or nuisance to the public. Motion carried unanimously.

**2. 041524-03-G – Street Acceptance – Proposed Street Acceptance of Hudson Lane into the City of Glasgow Street Maintenance – Glasgow**

**Staff Findings:**

1. Hudson Lane is located approximately two hundred ninety feet (290') east of the Lexington Drive and Robert Bishop Road intersection and connects Robert Bishop Road and Harold Bishop Road, see Exhibit A.
2. Property photos, shown in Exhibit B, depict the roadways and existing residences along the proposed Right-of-Way.

3. Exhibit C is an excerpt from a geotechnical report from American Engineers sent to Jim McGowan, Superintendent of Public Works, stating that core drilling of the roadway as well as compaction test reveal the roadway to meet the roadway development standards.
4. An e-mail from Jim McGowan stating his recommendation to accept Hudson Lane is shown in Exhibit D.

Thom Kendall, Planning Administrator, presented the Street Acceptance Application and the Staff Report.

A motion was made by Candy Wethington and seconded by Forrest Wise to approve the proposed Street Acceptance located at Hudson Lane because the roadway has met the approval of the Glasgow Department of Public Works Superintendent, and the Staff Findings recommend approval of the proposed roadway. Motion carried unanimously.

**3. 041524-03-B – Agricultural Application for Division of Real Estate – Jimmy Garrett, Applicant/Owner – 1 Tract – 14.16 +/- Total Acres – Property located at 813 Garretts Hideout Road – Barren County – Plans prepared by Leftwich Land Surveying**

Staff Findings:

1. As indicated on the Agricultural Application (Attachment A), the proposed tract is being divided for agricultural use, as defined in KRS 100.111(2), and does not comply with the Subdivision Regulations of Barren County.
2. Attachment B shows the general vicinity of the proposed Agricultural Exemption. It is located at 813 Garretts Hideout Road, a County maintained roadway.
3. The proposed division takes place along an existing vehicular way, see Attachment C, Property Photos.
4. The existing vehicular way is noted on Plat Book 22, page 320, see Attachment D.
5. Attachment E is a survey showing the vehicular way and proposed Tract. The proposed division of property that is presented for the proposed Agricultural Exemption (see Proposed Plat) contains one (1) Tract consisting of 14.16 +/- total acres. The other two (2) proposed tracts meet the minimum road frontage requirements of the Barren County Subdivision Regulations.
6. There is a “Non-Exclusive Ingress Egress Easement” for the adjacent property.
7. KRS 100 exempts any division of a parcel of land into a tract of at least five (5) contiguous acres in size for the purpose of agricultural use, as defined in KRS 100.111(2), and not involving a new street or vehicular way, as defined in KRS 100.111(20) and (22), from the requirements of the Subdivision Regulations.

- 8. Future land use of the property is limited to agricultural use only and any further subdivision or development will be restricted until the proposed division complies with the applicable rules and regulations of the Joint City-County Planning Commission.

Thom Kendall, Planning Administrator, presented the application for the Agricultural Division of Real Estate.

Charley Goodman, JCCPC Legal Counsel, asked if tract two does not require an agricultural exemption.

Mr. Kendall confirmed that is correct.


Mr. Goodman asked that tracts one and two don't require an agricultural exemption, and that tract three does not have a fire hydrant required.

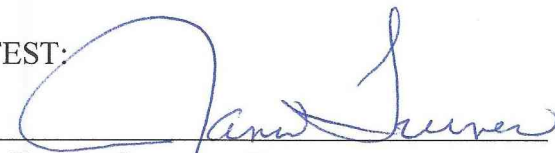
Mr. Kendall confirmed that is correct.

A motion was made by Maria Westcott and seconded by Janis Turner to approve the application for Agricultural Division of Real Estate for the property located at 813 Garretts Hideout Road, Jimmy Garrett, Owner/Applicant, because the proposed division does meet the minimum standards set forth in KRS 100.111(2)(20)(22) and evidence in the application supports division for agricultural use only and is not intended for residential development. Motion carried unanimously.

There being no further business to come before the Commission, upon the motion of Forrest Wise, seconded by Ricky Houchens, and unanimously carried, the meeting was adjourned at 8:51 PM.

JOINT CITY-COUNTY PLANNING COMMISSION  
OF  
BARREN COUNTY, KENTUCKY

By:   
Tommy Gumm, Chairman

ATTEST:   
Janis Turner, Secretary-Treasurer