

**MINUTES OF REGULAR MEETING
OLDHAM COUNTY
PLANNING AND ZONING COMMISSION
Tuesday, October 28, 2025**

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:

Wayne Allen
William Douglas
Berry Hampton
Bob Klingenfus
Skip Miller

James Allison
Thomas Elder
Allen Hayes
Debbie Kraus
Katie Nasser

Iva Davis
Deborah Graham
Sue Ann Jones
Tom Marsh

Others present and sworn in were Planning and Development Services Director Ryan Fischer, Senior Planner Anna Barge, Planner Sandie Rugroden, and Oldham County Engineer Jim Silliman. County Attorney Berry Baxter 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 the October 9, 2025, minutes as submitted with the following correction. Motion carried by unanimous voice vote.

Corrections

- Page 2, 4th Sentence from bottom of page, change "a" to "an" apartment complex.
- Page 5, Under approval signature line, change Greg King, Chairman to Katie Nasser, Vice-Chairman.

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Secretary Christy Edgar called and read Docket:

DOCKET PZ-25-029 – A Zoning Text Amendment changing the minimum lot size within the city limits of Pewee Valley from 1-acre to 1.5-acres.

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

Director Fischer presented the following:

- Summary of the application.
- One letter of support received.

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

John Singler, Attorney, 209 Heritage Creek Road, Louisville, was present and representing the applicant.

- Pewee Valley is requesting to change the one-acre minimum lot size in their jurisdiction only to 1.5 acres.
- Requiring the large lots to be preserved limits the ability to break up and develop these historic sites, thus preserving their intrinsic value as historic sites.
- Limiting impervious surface allows the city to better control stormwater drainage without the construction of large detentions or retention basins.
- Requiring large lots means the use of septic systems can continue into the future rather than having to turn to the creation of sewer treatment systems, with all their associated construction impacts and costs.

Emily Rademaker, 7616 Woodridge Dr., Pewee Valley, was present and sworn in prior to presenting.

- I serve on the overlay commission for Pewee Valley.
- The larger lot size would help define our city and maintain the character and charm.

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: None

END OF PUBLIC HEARING

Director Fischer summarized the docket.

FINDINGS AND DECISIONS
Docket PZ-25-029
Zoning Text Amendment
Within City Limits of Pewee Valley

Motion was made by Commissioner Kraus and seconded by Commissioner Miller to approve the recommendation to Pewee Valley City Council to change the minimum lot size to 1.5 acres.

The vote was as follows:

YES: Commissioners Allen, Allison, Davis, Douglas, Elder, Graham, Hampton, Hayes, Jones, Klingenfus, Kraus, Marsh, Miller, and Nasser.

NO: None

ABSTAIN: None

ABSENT: None

Motion approved for zoning text amendment on a vote of 14-0.

.....
County Attorney Baxter stated, Commissioner Hayes is recusing himself from this docket.

Secretary Christy Edgar called and read Docket:

DOCKET PZ-25-030 – Zoning Text Amendment creating Section 250-340 Data Centers of the Oldham County Comprehensive Zoning Ordinance.

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

Director Fischer presented the following:

- Summary of the application.
- Case History (see Exhibit A, Staff Report dated October 28, 2025).

Motion was made by Commissioner Davis and seconded by Commissioner Hampton to extend the time by an additional 20 minutes. Motion carried by unanimous voice vote.

Jim Silliman, Oldham County Engineer, presented the following:

- On page 6 under cooling requirements, revise terminology so as not to be confused with Municipal Separate Storm Sewer System (MS4).
- On page 8, number 2 Traffic-replace traffic impact study with Roadway Impact Assessment.

Commissioner Allen asked, do you know how long they test the generators?

Director Fischer replied, there is a requirement for tests at no more than once per week and only between the hours of 12 and 5. I don't see anything about the length of time for a test.

Commissioner Davis asked, what happens to the buildings if they decide they don't want to use them anymore?

Director Fischer replied, in the first draft there was a section in there for decommissioning. In the existing regulations, we do have decommissioning for cell towers and solar panels. Through the task force group, we found that it won't be completely decommissioned, they will find another client to use the building or will go down to bare minimum output to still consider that building functioning. So, the decommission section was taken out.

Motion was made by Commissioner Nasser and seconded by Commissioner Miller to extend the time by an additional 30 minutes. Motion carried by unanimous voice vote.

Commissioner Allison asked, are hospitals and schools considered residential use for the 1000-foot setback?

Director Fischer replied, all our schools would fall under the residential zoned properties and require a 1000-foot setback from any proposed data center.

Commissioner Allison asked, we have a lot of animals that are sensitive to high and low frequency noises, how are we going to address sound?

Director Fischer replied, we currently have no noise regulations in the entire county. We know we have animals in the county and there are no noise regulations.

Commissioner Allison asked, I agree with the fact that we don't want razor wire and chain link fence going around the property, however, we need to be proactive of fuel storage systems and have chain link or barbed wire going around the fuel storage area.

Director Fischer replied, this board can make a motion to add that into the regulations.

Commissioner Klingenfus asked, regarding livestock, whether the property would be AG-1, which is residential, so wouldn't the 55 decibels regulations be in effect?

Director Fischer replied, correct.

Commissioner Douglas asked, what about hospitals that have their own data center, are we limiting them to push that way out or must acquire more property or stay away from residential? Regarding noise of the generators, we do not have a noise ordinance for residential generators right now, so my neighbor could start and run his generator anytime to power his home. Do we have anything in the regulations on decommissioning a factory, store or a hospital? Also, can County Engineer Silliman please give clarification regarding water quality requirements.

County Engineer Silliman further discussed his comments.

Director Fischer replied, we do not have anything in our regulations on decommissioning other than cell towers and solar panels. And we are small staff and how would we handle something with decommissioning?

Commissioner Douglas asked, is there an ordinance that must deal with abandoned properties?

County Attorney Baxter replied, yes, we have an ordinance that deals with dilapidated properties, and the county does utilize it from time to time, but there is a process that the code enforcement Officer must go through first.

Commissioner Kraus asked, should we require a noise test every five years, since they are only required to do the test after construction?

Director Fischer replied, well I think that would be singling out one entity because we don't make Walmart do a traffic analysis every five years, it's only done before construction.

Commissioner Miller stated, I would like to ask that we entertain the requirement to require a Federal Aviation Administration airspace and electromagnetic study so that we don't create a navigational problem for aviation particularly that flies across Oldham County.

Chairman King called for a 10-minute recess at 10:30 a.m.

Chairman King called meeting back to order at 10:40 a.m.

Motion was made by Commissioner Nasser and seconded by Commissioner Miller to extend the time for an additional 10 minutes. Motion carried by unanimous voice vote.

Commissioner Hampton asked, do you know of any history as of problems, issues or disasters from data centers?

Director Fischer replied, to my knowledge, none. However, some of the counties that we visited have given us suggestions about what they should have done on their data centers. As instead of 500 feet setback, go with 1000 feet setbacks.

Commissioner Nasser asked, how was 55 dba determined as the number?

Director Fischer replied, we found it in a lot of data center regulations around the country.

Commissioner Nasser asked, what does a health impact assessment look like?

Director Fischer replied, I cannot answer that question. That question will need to be asked of the health department. The health department wanted it to be put into the regulations.

Commissioner Douglas asked, what would your office need to enforce the noise ordinance?

Director Fischer replied, the county does not have a noise ordinance. Our office does have the equipment, and we can use the nuisance ordinance for noise.

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

Suzanne Hundley, 7517 Ashers Run, Crestwood, was present and sworn in prior to presenting.

- Oldham County School Board Member, District 2.
- I am here to recommend a minimum of 1500 to 2000 foot setback for any school or school-owned property, regardless of how the property is zoned.

Dominic Cedillo, 3001 Winters Lane, LaGrange, was present and sworn in prior to presenting.

- Oldham County School Board Member, District 4.
- I agree with Suzanne Hundley and the minimum 1500 feet setback for any school should be in the regulation.

Eric Pullen, 5311 Montfort Lane, Crestwood, was present and sworn in prior to presenting.

- I have worked in technology for over 30 years and data center technology has fundamentally changed a lot.
- I have built data centers in my career, and I was part of the task force for this data center regulations.
- A data center is a building that houses a lot of computers and needs power and cooling, for every watt you power a server, you need a watt of cooling.
- One fundamental piece that I kept coming back to is, let's make sure whatever we do is fundamental for all businesses and not single out one business.
- If we need to reclaim old buildings, then we need to do that universally.
- If we need regulations on sound, those should be universal.
- We will need data centers housed by hospitals, next to other facilities as businesses want to grow in Oldham County.
- Not all data centers are bad; I believe that data centers can be great for our community and can bring in tax revenue.

Stewart Robinson, 2200 East US Hwy 42, LaGrange, was present and sworn in prior to presenting.

- Why don't these companies carry an insurance policy that says in the event of bankruptcy, the insurance company will pay for remediation of the site?
- It's not the data center or computers that are the problem; it is the power supply that's the problem.
- What is the difference between small, medium, large and hyperscale data centers? Is it based on power, footprint, or computing capability?

Robert Popek, 1321 Judge Carden Blvd., Crestwood, was present and sworn in prior to presenting.

- I am a member of the task force and worked in information technology which included managing data centers for the last 35 years.
- Data Centers do have a right to be here to help our community.
- Data Centers are not brand new and have been around for years.

Nathan Oberg, 1414 Yager Lane, LaGrange, was present and sworn in prior to presenting.

- I support the 1500–2000-foot setbacks for schools to be in the regulations.
- We need to reduce the maximum height requirement.
- IPD or Industrial park district was never meant for hyper scale or large data center use, the facilities are heavy industrial operations with enormous power demand.

Barry Laws, no address given, was present and sworn in prior to presenting.

- I am the Oldham County Constable of District 3.

- I agree with Mr. Oberg on all his points which are: minimum setback of 1500-2000 feet for schools, 500-foot landscape buffer, maximum building height to be 40 feet, and only large data centers in I-2 zoning.

Amy Welborn, 3404 Shady Dell Blvd., LaGrange, was present and sworn in prior to presenting.

- Our schools are the backbone of this community, they employ many residents, and they shape young minds, and they anchor our neighborhoods, and they deserve our full protection.
- I would like to say that schools, both public and private alike, must be explicitly included in that protection.
- Noise, vibration and visual industrial impacts do not belong next to playgrounds and classrooms.
- I am asking this board to amend section 250-340 pages two and three to read all structures, buildings, maintenance equipment, ground located cooling, ventilation or backup power generation equipment must be located at least 1500 feet from the lot lines of all adjoining properties with any type of residential.

Mary Lowry, 326 Maple Ave., Pewee Valley, was present and sworn in prior to presentation.

- The amendments I support are noise pollution impacting livestock, additional mitigation strategies including improved cooling, optimized air flow, and acoustic insulation.
- There needs to be a comprehensive plan that outlines the entire decommissioning process including timeline and responsibilities, and bonding or an insurance policy should be mandatory.
- I support minimum setbacks of at least 1500 feet for daycare, preschool, private, and public schools.
- Hyperscale data centers are heavy industrial and there's no place for this in IPD if it's greater than 100,000 square feet and 50 megawatts, and max heights at 45 feet.

Rob Houchens, 1400 Yager Lane, LaGrange, was present and sworn in prior to presenting.

- I am one of the members of the task force team.
- The reason there is a time frame to allow testing on generators is to correct the corrections that may have been made.
- The chain link and/or razor wire is a great change.
- I do agree that the setback for the schools should be 1000 feet or greater.

Marc Herbener, 2718 18 Mile Church Rd., LaGrange, was present and sworn in prior to presenting.

- Hyperscale data centers are heavy industrial and small data centers can be light industrial.
- The regulations need to be tighter for hyperscale data centers.
- Data centers do not belong next to schools.

Jamie Hillemonds, 7925 Organ Creek Rd., Pendleton, was present and sworn in prior to presenting.

- I am a member of the task force.
- I would like to see a motion to recommend 1000-foot setback or more for schools.
- I believe further work needs to be done in the area of noise, vibration and high and low frequency.

Motion was made by Commissioner Davis and seconded by Commissioner Marsh to extend the time for an additional 10 minutes. Motion carried by unanimous voice vote.

Weasie Gaines, 4101 S. Hwy 53, Crestwood, was present and sworn in prior to presenting.

- Need to work on the regulations for decommissioning the buildings that sit empty.

Arthur Blake, no address given, was present and sworn in prior to presenting.

- Our kids deserve the same type of protection as our neighborhoods, and we need a motion for 1500-foot setbacks for schools.

3. Testimony and questions by those opposing the application: None

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

Commissioner Graham asked, can you explain the decommissioning of data centers and the insurance policies that you mentioned?

Mr. Pullen replied, there are a lot of options not just for data centers but for other facilities too. But these facilities are typically bought and sold. You normally don't see data centers totally empty.

Commissioner Douglas asked, would the equipment be left behind if it was decommissioned?

Mr. Houchens replied, there is too much value in any old computer equipment to be left behind.

Commissioner Douglas asked, who made the determination for 1000-foot setback?

Mr. Houchens replied, this goes back to the research that Director Fischer did when reaching out to other data centers and asking them what they would have done different and 1000 foot was one of them.

Director Fischer stated, the distance to schools was never in any of our additions to this regulation. We asked at the first SRC meeting if they were any interest in putting schools in. There were not a lot of data center regs when we started the process that had schools in

them. That was not a recommendation that Loudoun gave us. They said 1000 feet to residential properties, and they said nothing about schools.

Commissioner Klingenfus stated, the 1000 feet was based on opposition and not on science.

Commissioner Kraus asked, what is the difference in the noise level of 500 feet?

Chairman King replied, I think your question is great, but I believe you have stumped the panel, because I don't think anybody in the room has an answer.

Commissioner Miller asked, would this site be subject to an MPDES permit being issued both from a storm water as well as a sanitary sewer condition?

County Engineer Silliman replied, yes, that would be my thought. We would have to look at the regulations for each site individually.

Commissioner Miller asked, would one of these sites consider a cooling tower instead of the closed loop cooling system?

County Engineer Silliman replied, if there are exceptions to height restrictions and an alternative cooling system, then the applicant would have to get a variance because of the ordinance.

5. Rebuttal Evidence:

Barry Laws' rebuttal statement:

- The generating plant was not IPD when it moved in and it was called a merchant electric plant at that time, and it has 2000-foot setbacks for schools and residential.

Nathan Oberg's rebuttal statement:

- Just because Dynegy is in that IPD makes it a non-conforming use and should have been sorted out in the appellate court years ago.

Jamie Hillegonds' rebuttal statement:

- My biggest concern is the diesel fuel on these sites.
- A medium sized data center could have hundreds of thousands gallons of diesel fuel on site, are those above ground tanks or below ground tanks and what happens with them if the data center is decommissioned? I think we need to look at this.

Commissioner Marsh left the meeting at 12:25 p.m.

Chairman King called for a 10-minute recess at 12:25 p.m.

Chairman King called commissioners back to order at 12:35 p.m.

6. Final statement of the Opposition: None

7. Final statement of the Applicant: None

END OF PUBLIC HEARING

Commissioner Hampton stated, I want to leave the 1000 feet in there, but I would like to add or carve out the 1500 feet just for schools, school buildings, public and private.

Commissioner Davis stated, we need to put in there about the proposed schools because the school board owns a whole bunch of property.

Commissioner Hampton stated, I said that. We don't know where the next school is going to be built.

Commissioner Davis stated, well no, we don't know where, but we know they own land.

So no, they propose that they might build a school there, they must be 1500 feet from any proposed where they own the land.

Commissioner Hampton stated, they do own a lot of land, but some of that land they will not build schools on. If they build a school, it would be 1500 feet and I said that.

Commissioner Graham asked, it must be existing schools, is that what you're saying?

Chairman King replied, the 1000 as recommended stands plus a 1500-foot setback for schools.

Commissioner Graham asked, the property that schools own and have not built schools on.

Commissioner Hampton replied, if they build a school on it, it will have to be 1500 feet.

Chairman King replied, I think the only practical measure would be, that property which is owned by the schools or a school that is built on the property.

Commissioner Klingenfus asked, when you get away from public schools and go to private, does that open it up for home schools?

Chairman King replied, no.

Commissioner Klingenfus stated, I think you're getting too general and need to stay with public schools.

Commissioner Douglas asked, instead of using schools, would it make a difference if we say educational institution?

County Attorney Baxter replied, is there a definition of educational institution?

Director Fischer replied, school is defined as a site for instructional purposes on an elementary or secondary level with a curriculum that complies with state regulation.

County Attorney Baxter asked, is it correct that educational institution are not defined?

Director Fischer replied, that is correct.

County Attorney Baxter replied, I think that creates an issue because we don't have a definition for it.

Chairman King asked, Commissioner Hampton is that a motion on the floor?

Commissioner Hampton replied, yes.

Chairman King asked, we have a motion on the floor, do I have a second?

Commissioner Davis replied, second.

The vote was as follows:

YES: Commissioners Allison, Davis, Douglas, Graham, Hampton, Jones, and Kraus.

NO: Commissioner Allen, Elder, Klingenfus, Miller, and Nasser.

ABSTAIN: None

ABSENT: Commissioner Hayes and Marsh.

Motion approved on a vote of 7-5.

Commissioner Allison stated, in addition to the noise analysis, we should address high and low frequencies generated by the facility and the potential effects and since we're doing the analysis by a licensed acoustic engineer, they should be able to address those effects.

Chairman King asked, does that mean that it is included in the impact analysis for noise?

Commissioner Allison replied, is it included in the impact analysis?

Chairman King asked, is this your motion?

Commissioner Allison replied, yes, this is my motion.

Chairman King asked, do I have a second?

Chairman King stated, no second, motion failed for lack of second.

Commissioner Douglas stated, on page 6 of the cooling requirements and after discussion testimony, I think County Engineer Silliman had presented some information to the commissioners, but I think that we should just leave the wording as it is, "as only to municipal sewer facilities". Just leave that on there because I believe that it might have been the intent of the committees and the task force because I think the addressing of the NPDES and KPDES is going to probably be discussed at TRC's or when they do the developmental plan for storm water. If County Engineer Silliman wants to agree to that.

County Engineer Silliman replied, I agree with Commissioner Douglas. I appreciate the healthy discussion with Commissioner Miller and others.

Chairman King asked, is this your motion?

Commissioner Douglas replied, yes, it is to retain the cooling requirement language, on paragraph number three, keep the wording the same.

Chairman King asked, we have a motion on the floor, do I have a second?

Commissioner Hampton replied, I second.

Motion carried by unanimous voice vote.

Commissioner Douglas stated, page 8, traffic based on the recommendation and I didn't hear any objection or any other discussion on changing the wording. A roadway impact

assessment may be required after consultation with the Oldham County Engineer Office and be required prior to the planning commission hearing to evaluate the potential impact of construction traffic only on the infrastructure. That's my motion.

Chairman King asked, for a second.

Commissioner Kraus replied, I second.

County Engineer Silliman showed the language needed for this motion on the projector.

Chairman King asked, Commissioner Douglas, do you want to incorporate this language in your motion?

Commissioner Douglas replied, yes.

Chairman King asked, do we have a second?

Commissioner Kraus replied, I second.

Motion carried by unanimous voice vote.

Commissioner Miller stated, "I would like to entertain adding a number 9 item under the section of location screening and sound detention which would require the developer to submit an application to the Federal Aviation Administration for electromechanical interference via the Kentucky Airport Zoning Commission.

Chairman King asked, we have a motion on the floor, do I have a second?

Commissioner Allen replied, I second.

Motion carried by voice vote 11-1. Commissioner Hampton voted no.

Commissioner Davis stated, I would like to make a motion that the owner has one year to have it occupied or tear it down and remove all debris.

Chairman King asked, we have a motion on the floor, do we have a second?

Chairman King stated, no second, motion failed for lack of a second.

Commissioner Kraus asked, I have heard a lot about decommissioning and I understand the concerns, but the reality is, in big business sometimes it's very hard to come up with an agreement, to get someone else to come into the place within a year. Is this something we can consider having them put a bond together to decommission, maybe we extend that timeline?

Chairman King asked, is that your motion?

Commissioner Kraus replied, no, I was asking?

Chairman King asked, Commissioner Davis, do you wish to incorporate that into your previous motion?

Commissioner Davis asked, what period do you think that we should have them before they tear them down? Five years? It could go on forever.

Commissioner Kraus replied, I think five years would be reasonable.

Commissioner Davis replied, I amend my motion to five years.

Commissioner Miller stated, I am not sure how Kentucky does this, but when a facility is deemed to be obsolete from a taxation standpoint, if the facility is empty the normal course would be for the company to come before the PVA or some other body within the county to have that property declared obsolete. Perhaps that would be the triggering mechanism then to at some point in time declare it an obsolete facility and have it demolished.

Commissioner Davis stated, I don't know if we have anything set up to do such a thing in Oldham County to declare something obsolete. Do we have a rule?

Commissioner Hampton stated, we did have someone that was pretty much an expert say that he has never seen that happen in his 30 years. I am not opposed to it necessarily, but we could go on whatifs forever. The guy just said he'd never seen it happen ever.

Chairman King stated, I think that is some of the experience that Director Fischer has shared with us as well.

Commissioner Klingenfus stated, I think what we keep forgetting, we are thinking about the hyperscale, but the same rules are going to affect the small ones.

Commissioner Graham stated, my concern is the hyperscale, the smaller square footage doesn't seem relevant to me. But the decommissioning of 100,000 sq. ft. seems to be the problem. And maybe if we can include in the motion, it's the hyperscale that we are concerned about.

Chairman King asked, Commissioner Davis, will you incorporate that into your motion?

Commissioner Davis replied, yes.

Commissioner Hampton stated, in reality there will never be a hyperscale data center built in Oldham County. It's just not practical.

Commissioner Davis asked, there was a gentleman that said something about these companies could buy insurance that would guarantee they would tear them down. Is that possible?

Commissioner Graham replied, I think he negated that when I questioned him earlier.

Commissioner Kraus asked, if we don't put a bond or some requirement for them to decommission and we leave that to whatever, who pays for that? Is it the taxpayers?

Commissioner Davis asked, does County Attorney Baxter have some way for us to do this, so the buildings aren't setting there for hundred years?

County Attorney Baxter replied, if there is a bonding requirement, I think that probably needs to be spelled out in more detail before being as part of a recommendation. I'm not comfortable just throwing that in the regulations without having more detail about what's going to get adopted in the ordinance.

Commissioner Hampton asked, do we have a motion on the floor?

Chairman King replied, yes, we do.

Commissioner Hampton replied, I second.

Motion declined by unanimous voice vote.

Commissioner Allison stated, under item number three, fencing requirements, I would like to put two categories under there. The first being boundary fencing, leave A, B, and C as they are, and add a second category for security fencing, and that would require the chain link and barbed wire around fuel storage facility.

Commissioner Jones asked, is that requiring it or just allowing it where it's not visible to the public?

Commissioner Allison replied, I think it should be required to make sure it is put in there for security reasons.

Commissioner Jones asked, do we normally dictate facility security?

Commissioner Allison replied, I don't know if we have had to do that in the past, but I think this is a place where we should dictate. I think being able to get into the fuel area without any barrier would be irresponsible, especially when there could be millions of gallons of fuel.

Commissioner Miller replied, I second.

Director Fischer asked, would it not be easier to on A, put boundary fencing shall not exceed 10 feet in height and on C to make it chain link fencing and or barbed-razor wire fencing are allowed around fuel storage, or do you want to decide that it is required around fuel storage tanks. So just add it that way instead of adding two more points?

Commissioner Allison replied, we can do that.

Director Fischer stated, that would read, boundary fencing shall not exceed 10 feet in height. The permitted fence materials include aluminum and iron. And if we need to put boundary fencing in there too, we can, but we can leave that as-is. Then C would then read, chain link fencing and/or barbed and razor wire fencing are allowed around fuel storage tanks.

Commissioner Kraus asked, this large amount of fuel, is that just for the hyper scale or is that for small and medium?

Commissioner Allison replied, I don't think you would have nearly that amount of fuel, but on a medium, you might have 100,000 gallons in there.

Commissioner Graham asked, the terminology is going to be allowed, not required. Is that what we are discussing?

Commissioner Allison replied, yes.

Motion carried by unanimous voice vote.

Commissioner Klingenfus stated, under buildings aesthetics and appearance, we don't have any regulations on that now. What concerns me is this will become a new division that's going to affect all the future commercial and industrial property. I would like to eliminate that. But I suggest under item four, a principal façade and building it says

must, I'd rather change that should incorporate the following standards at least every 150 linear feet. And then it goes to list some more. I would like to put should there, that way we can use it as a binding element.

Chairman King asked, so this is in bullet point two?

Commissioner Klingenfus replied, no, four. Replace the word "must" with "should".

Commissioner Hampton stated, I second.

Motion carried by unanimous voice vote.

Commissioner Klingenfus stated, on the thousand-foot setback, it mentions residential zoned and residentially used. I would like to eliminate the reference to residentially used, because that's going to limit it in the future in any industrial area because we already have some residential use in those areas and if we start putting that in there that becomes one that could affect other in the future regulation or division

Chairman King replied, within the setback language, eliminate the reference to residential use?

Commissioner Klingenfus replied, yes.

Chairman King called for a second.

Commissioner Elder replied, I second.

Commissioner Kraus asked, can you explain why?

Commissioner Klingenfus explained, what happens to us is we get a property that's in industrial zone and then the people can't sell the property and then they are looking into getting it changed to residential use so they can move the property. Now it limits the people that adjoin them to use their property.

The vote was as follows:

YES: Commissioners Elder, Jones, and Klingenfus.

NO: Commissioners Allen, Allison, Davis, Douglas, Graham, Hampton, Kraus, Miller, and Nasser.

ABSTAIN: None

ABSENT: Commissioners Hayes and Marsh.

Motion denied on a vote of 3-9.

FINDINGS AND DECISIONS

Docket PZ-25-030

Zoning Text Amendment

Data Centers

Motion was made by Commissioner Elder and seconded by Commissioner Hampton to approve the recommendation to all the legislative bodies for the zoning text amendment creating section 250-340 data centers of Oldham County Comprehensive Zoning Ordinance with the approved amendments.

The vote was as follows:

YES: Commissioners Allen, Allison, Davis, Douglas, Elder, Graham, Hampton, Jones, Klingenfus, Kraus, Miller, and Nasser.

NO: None

ABSTAIN: None

ABSENT: Commissioners Hayes and Marsh.

Motion approved for zoning text amendment on a vote of 12-0.

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Chairman King call for a 30-minute lunch at 1:15 p.m.

Chairman King call meeting back to order at 1:40 p.m.

.....
Secretary Christy Edgar called and read Docket:

DOCKET PZ-25-031 – An application has been filed by Teulu Homes, LLC for a Development Plan on property located at 5000 Block of Haunz Lane, Crestwood. The property is 20.31 acres and zoned R-4 Residential District.

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

Senior Planner Anna Barge presented the following:

- Summary of the application.
- Case History (see Exhibit A, Staff Report dated October 28, 2025).
- Site history.
- Aerial Photos of the site.
- Photos of property.

County Engineer Jim Silliman presented the following:

- Based on the site disturbance area, Oldham County Storm Water Management Erosion Control permit will be required.
- Applicants will need a KYR10 permit from the state for the greater than one acre disturbance.
- The applicant will also need to provide Army Corps of Engineer and Kentucky Division of Water 401 and 404 permits.
- The applicant will be required to encompass the detention basin with a drainage easement and file a storm water maintenance agreement that would be recorded with the county clerk.
- The applicant did provide a traffic impact study which indicated a left turn lane was required, but because the vertical curve issue for sight distance is an existing issue and the intersection are existing issues they are not required to include them in improvements.

- So ideally, if the county can get the project going then the applicants are willing to contribute \$300,000 towards that project.

Commissioner Allison asked, in the study, is there anything looked at where you have opposing turn?

County Engineer Silliman replied, so that is an intersection that does not have a traffic light. That is a common concern, and we did look at that.

Commissioner Nasser asked, what do you mean by a timely fashion for the project?

County Engineer Silliman replied, it's really based on their schedule. If they are going to have a schedule to build this and at what point the left turn's required. If we can meet that schedule, then we can make a project happen. If not, then they will just put the left turn lane in.

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

Mike Swansburg, Swansburg & Smith, 117 W. Main Street, LaGrange, was present and representing the applicant.

- A total of 196 units but only 156 units in Oldham County and located on 20.3 acres but only 15.6 acres are in Oldham County which is zoned R-4.
- Not asking for any waivers or variances and meets current and future standards of the Comprehensive Plan.
- The project will have a buffer between the road and the buildings.
- The complex will be connected to the South Oldham Water Quality Treatment Plant via sanitary sewers.
- The applicant is willing to contribute \$300,000 to work with Oldham County to revamp the Haunz Lane / Hwy 22 intersection.

Bob Dalton, 7006 Poplar Hill Ct., Crestwood, was present and sworn in prior to presenting.

- I am a member of the Orchard Grass City Council.
- We are not opposed to apartments.
- We want to make sure the sewer system will not tie into our lift station.

Kathy Linares, Mindel Scott, 5151 Jefferson Blvd., was present and sworn in prior to replying, we will not be tying into the lift station that Mr. Dalton has reference, there is a line that runs on Poplar Hill Court, that we will be tying into and that has been reviewed and approved by MSD.

- We are requesting that the applicant leave the tree line that is between our property and theirs.
- Will there be government or section 8 housing in these apartments?

John Waits, 1949 Championship Blvd, Franklin, TN, was present and sworn in prior to replying, we do not plan on removing the mature trees, but we will go in and clear out the underbrush.

Attorney Swansburg replied, there will be no section 8 housing. They will be market pricing apartments.

- We are concerned about the traffic. The entrance will be straight across from Poplar Hill.

3. Testimony and questions by those opposing the application:

James Russell, 9401 Jonathan Pl., Crestwood, was present and sworn in prior to presenting.

- My biggest concern is the traffic. This is a county road that was never designed to handle the amount of traffic that it is already handling.
- From a safety concern I think it is irresponsible for the commission to approve this today.

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

Commissioner Douglas asked, can we get testimony on the school capacity?

Michael Williams, Oldham County Board of Education, was present and sworn in prior to replying, because it is an apartment complex, there is a set number, and it does not vary. We can grant 75 units a year.

Commissioner Hayes asked, how will the tenants know which county they will rent units in?

Attorney Swansburg replied, Mr. Williams made that very clear to us in the TRC meeting that only Oldham County residents will be able to go to Oldham County Schools. It is too early in the development to have a lease agreement.

Commissioner Kraus asked, can you define what a high-end complex looks like?

Mr. Waits replied, we will have a pool and clubhouse.

Commissioner Kraus asked, what will the club house be used for?

Mr. Waits replied, small workout facility, an on-site leasing person would be in the clubhouse, and a maintenance person.

Commissioner Kraus asked, will the Jefferson County portion of the apartments share the same sewer system as the Oldham County portion?

Mr. Waits replied, yes.

Commissioner Douglas asked, is there a new pump station going in?

Ms. Linares replied, it is a proposed pump station to serve this development.

Commissioner Douglas asked, will you need an easement from MSD for this?

Ms. Linares replied, the pump station will not be in an easement because we will maintain it, however the lines will need to be in an easement.

Commissioner Davis asked, there will be so much traffic coming from this development, how can a traffic light be placed there?

County Engineer Silliman replied, that is one of the alternatives. We will look at that and widening. And we have also been discussing storm water issues on the road.

Commissioner Davis asked, is it mandatory to have a traffic signal there?

County Engineer Silliman replied, it does not appear warranted.

Commissioner Miller asked, will the \$300,000 be given to the county for performance bond or direct deposit?

County Engineer Silliman replied, they can record a surety bond.

Commissioner Allison asked, will there be an extra turning lane before the construction?

County Engineer Silliman replied, not typically.

Commissioner Douglas asked, are we speculating the proposal to make this left turn lane?

County Engineer Silliman replied, what is being presented is that the left turning lane which is being proposed to address that level of service be built no matter what.

Director Fischer asked, on page 8 of the Traffic Impact Study says, the turning lane was not warranted on Haunz Lane, but the last sentence conclusion says, the volume warrant for turn lanes is met, not met for entrance on Haunz Lane. I just want to confirm that the traffic study does indeed read that turning lanes are not warranted on Haunz Lane.

County Engineer Silliman replied, that is the way we understood it.

Director Fischer asked, what is the timeline of the approvals that you must go through with Louisville Metro, and have you all started that process?

Attorney Swansburg replied, yes, we have started the process, but their action is contingent upon Oldham County's decision because the bulk of the project is in Oldham County.

Director Fischer stated, one of the binding elements is that it includes the plan that was submitted today, and that plan has the two Jefferson County buildings on it, so I am wondering if we need a binding element that is contingent upon Louisville Metro approval.

Ms. Linares stated, we are tentatively set to be heard at Louisville Metro's Development Review Committee on November 5. And if this action is delayed, then they will delay that meeting to the following meeting, which meets twice a month.

Attorney Swansburg asked, your request about a specific proposed binding element regarding approval by Jefferson County, but if they deny it then this plan could not go forward as presented. So, we would have to come back here anyways. Do we need to spell that out or is that incorporated?

County Attorney Baxter replied, I would say by operation of law, if you get denied in Jefferson County, this plan can't work because there's no access to the back part. So, the plan would change, and you would have to come back with a new plan for approval.

5. Rebuttal evidence and Cross Examination by the Applicant:

Attorney Swansburg's rebuttal:

- The applicant will have to meet all requirements during construction phase for storm water retention and sewers.

- We have spent seven months working with various governmental agencies to come up with a solution that we believe at the end of the day is going to move forward in addressing that issue.

6. Rebuttal evidence and Cross Examination by the Opposition:

Mr. Russell's rebuttal:

- I would like to see a left turn lane on Haunz Lane into the proposed development.

7. Final statement of the Opposition: None

8. Final statement of the Applicant:

Attorney Swansburg's final statement:

- The proposed development adheres to the Oldham County Comprehensive Plan and various subcomponent parts.
- It does protect and conserve the value of the land.
- The applicant has agreed to help fund the traffic issue that exists in that area.
- The applicant does not request any variances, waivers or changes to the Oldham County Zoning Map.

END OF PUBLIC HEARING

Director Fischer summarized the docket.

FINDINGS AND DECISIONS

Docket PZ-25-031

Development Plan

5800 Block of Haunz Lane, Crestwood

Motion was made by Commissioner Elder and seconded by Commissioner Miller to approve the development plan at 5800 Block of Haunz Lane, Crestwood, because it complies with objectives of LU1-1, LU1-3, LU2-1 and LU2-4 of the Comprehensive Plan and the zoning ordinance and subdivision regulations and based on testimony and evidence given today. This motion also includes the following Binding Elements.

Binding Elements

1. The approval applies only to the plan presented at the October 28, 2025, Oldham County Planning Commission Public Hearing. This approval will be contingent upon the approval by Louisville Metro/Jefferson County and any changes to the plan will require a new submittal to the Oldham County Planning Commission.
2. There shall be no changes to the plan without review by the Oldham County Planning Commission and Engineer's Office.

3. The plan must comply with all established federal, state, and county ordinances and requirements and comply with all necessary easement restrictions at the time of construction plan approval.
4. Seventy-five units per year are allowed per the Oldham County Board of Education, for the Oldham County portion of the development.
5. The applicant shall contribute \$300,000 towards off-site road improvements at the Haunz Lane and Highway 22 intersection for traffic infrastructure impacted by the development and shall be payable to Oldham County Fiscal Court and due prior to any construction plan approval, contingent on a larger county road project. If the county road project cannot be initiated to meet the developer's schedule, the developer will construct the left turn lane independently.
6. A landscaping and lighting plan will be required to be submitted and approved at staff level prior to construction plan approval.
7. Trees should remain along Haunz Lane except for clearing brush along roadway and other work that may necessitate removal.

The vote was as follows:

YES: Commissioners Allen, Allison, Douglas, Elder, Graham, Hampton, Jones, Klingenfus, Kraus, Miller, and Nasser.

NO: Commissioner Davis.

ABSTAIN: None

ABSENT: Commissioner Marsh.

Motion approved for the development plan on a vote of 12-1.

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Chairman King called for a 5-minute recess at 3:10 p.m.

Chairman King called commissioners back to order at 3:15 p.m.

Secretary Christy Edgar called and read Docket:

DOCKET PZ-25-032 – An application has been filed by Jason Hillard (BHDP) & Madison Tucker (Bayer Becker) requesting a Waiver of the Maximum Parking Regulations on property located at the 2700 Block of S. Highway 393., Buckner. The property is 1.89-acres and zoned IPD, Industrial Park District.

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

Planner Sandie Rugroden presented the following:

- Summary of the application.
- Case History (see Exhibit A, Staff Report dated October 28, 2025).
- Site history.
- Aerial Photos of the site.
- Photos of property.

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

Tanner Nichols, Frost Brown Todd Attorneys, 400 W. Market, Louisville, was present and representing the applicant.

- Asking for an additional 10 parking spaces.
- The extra spaces will help accommodate for lack of parking during peak days of the month which are on 15th, 30th and 31st.
- The extra spaces do not encroach into the setbacks of the site.
- The site will be landscaped, and screening will be provided for all VUA areas per zoning standards.

3. Testimony and questions by those opposing the application: None

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

Commissioner Douglas asked, what type of hardship would this create if not approved?

Attorney Nichols replied, the applicant would have to redesign plans and they would have to make internal business decisions that don't go with their general corporate compliance for their operations.

Commissioner Kraus asked, what algorithm or calculation did you use?

Attorney Nichols replied, I don't know the specific algorithms. They generally take the geographic location, the number of accounts, how wealthy the location is and based upon nearby traffic counts.

Madison Tucker, Bayer Becker, Inc., 1404 Race Street, Cincinnati, OH, was present and sworn in prior to replying, it is based on the amount of teller spaces they have and the amount of office spaces. And they usually have a conference room inside.

It's also based on the size of the building.

Commissioner Allen asked, ten additional parking spaces would result in ten additional spaces of asphalt footprint, what is the impact on the drainage?

County Engineer Silliman replied, they are below the maximum impervious surface and the effect that it has on storm water will be calculated into their detention calculations.

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:

Attorney Nichols' final statement:

- I just want to say thank you to this board.

END OF PUBLIC HEARING

Director Fischer summarized the docket.

FINDINGS AND DECISIONS
Docket PZ-25-032
Waiver
Maximum Parking Requirements
Hwy 393 & Commerce Parkway

Section 300-060 requirements:

Maximum Requirements: 1.0 space for each 200 sq.ft. of gross floor area.

Allowed Spaces (3,432 Square Feet/200) = 18 Parking Spaces.

Proposed Parking Spaces: 28 parking spaces.

Waiver Request: 10 additional parking spaces.

Motion was made by Commissioner Nasser and seconded by Commissioner Elder to approve the waiver for ten (10) additional parking spaces at Highway 393 and Commerce Parkway based on testimony and evidence presented today and because it still complies with the regulations as well as it does not cause more imperious surface concerns or issues. This motion also includes the following Conditions of Approval.

Conditions of Approval

1. The waiver shall only apply to the plan reviewed at the October 28, 2025, Oldham County Planning Commission public hearing.
2. The landscape lighting plan and site plan shall be submitted to staff for approval prior to building plan approval.

The vote was as follows:

YES: Commissioners Allen, Allison, Davis, Douglas, Elder, Graham, Hampton, Jones, Klingenfus, Kraus, Miller, and Nasser.

NO: None

ABSTAIN: None

ABSENT: Commissioner Marsh.

Motion approved for waiver on a vote of 13-0.

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Other Business:

Judge Voegelé congratulated Commissioner King on his many years of service sitting on the board.

Board Nominations:

Chairman King stated, it's time to elect a board member for Chairman and Vice-Chairman.

Commissioner Davis nominated Katie Nasser as Chairman.

Motion was made by Commissioner Davis and seconded by Commissioner Hampton to elect Katie Nasser as Chairman. Motion carried by unanimous voice vote.

Chairman Nasser asked for nominations for Vice-Chairman.

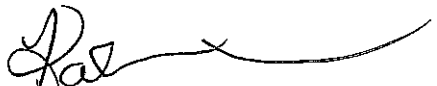
Commissioner Hampton nominated William Douglas for Vice-Chairman.

Motion was made by Commissioner Hampton and seconded by Commissioner Davis to elect William Douglas as Vice-Chairman. Motion carried by unanimous voice vote.

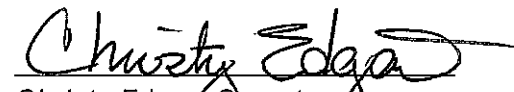
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There being no further business, the Planning Commission meeting adjourned at 3:40 p.m.

The next meeting is a special meeting which will be on Tuesday, December 9, 2025, 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:


Katie Nasser, Chairman

Respectfully Submitted:


Christy Edgar, Secretary