

**MINUTES OF PUBLIC HEARING
BEFORE THE
CITY COUNCIL OF THE CITY OF PROSPECT, KENTUCKY**

November 20, 2006

Docket No. 4-02-05

Project Name: Fire Station Tower Cite
Location: Harrods Creek Fire Station, 8905 U.S. Highway 42
Applicant: Sprint Spectrum L.P., d/b/a Sprint PCS
Project Size/Area: 150 ft. Monopole: 6,000 sq. ft.

A Public Hearing was held before the City Council of the City of Prospect, Kentucky on November 20, 2006 to consider a waiver of the 100 ft. maximum height restriction for structures in the City of Prospect under the Land Development Code as adopted by the City of Prospect by Ordinance No. 465, Series 2005. Notices of the Public Hearing were sent by the City of Prospect to first and second tier property owners adjacent to the Subject Property referenced above.

The matter was referred to the City Council of the City of Prospect by the Louisville Metro Planning Commission following a Public Hearing on January 19, 2006. The Minutes of the Louisville Metro Planning Commission of January 19, 2006 are attached hereto as Exhibit "A", incorporated herein and adopted by the City Council of the City of Prospect, except as herein set forth. The request before the Louisville Metro Planning Commission was to construct a 150 ft. monopole cellular tower with a ground equipment compound, including waiver requests of the lot size, of the 50 foot setback from residential property lines, to reduce the landscape buffer area, to allow equipment structures to encroach into the lease lot's required yards and to exceed the maximum height for a cellular tower in the City of Prospect. The cellular tower would also serve as a replacement tower for the radio and other communications requirements for the Harrods Creek Fire Protection District.

Subsequent to the receipt of the Minutes of the Louisville Metro Planning Commission of January 19, 2006, the City of Prospect received from the Harrods Creek Fire Protection District a letter advising that the request for a waiver of the 100 foot limit was being reduced from 150 feet as recommended by the Louisville Metro Planning Commission to 110 feet, plus whip antenna. Accordingly, the matter considered by the City Council of the City of Prospect was for a waiver of the 100 foot restriction on structures within the City of Prospect to allow for the construction of a 110 foot monopole cellular tower plus whip antenna at the rear of the Subject Property.

At the Public Hearing, the Applicant and a representative of the Harrods Creek Fire Protection District were given the opportunity to present their case for a waiver of the 100 foot restriction. Following that presentation others who supported the granting of the waiver were given the opportunity to speak. Following the conclusion of those in favor of granting the waiver, those opposed to granting the waiver were given the opportunity to speak. Finally, the Applicant and the Harrods Creek Fire Protection District were given the opportunity for rebuttal. Chief Chris Aponte, Chief of the Harrods Creek Fire Protection District, Kristina A. Kleszyk, a representative of Nokia, Inc. and Mark McCalla, an R.F. Engineer for Sprint PSC, testified for the Applicant in support of the waiver requested. In addition, Dan McNair, Dan Hedrick and

Tony Fortwengler testified in support of the waiver. Ella Eaves and Jeremy Tremayne testified in opposition of the waiver. In addition, letters in support of and in opposition to the waiver which were previously received by the City of Prospect were made available for review by those in attendance at the Public Hearing and by the City Council of the City of Prospect. A transcript of the Public Hearing before the City Council of the City of Prospect is available and will be posted on the website of the City of Prospect at prospectky.com.

The City Council of the City of Prospect made the following findings:

WHEREAS, the City Council finds that having adequate communications capability by the Harrods Creek Fire Protection District is imperative to providing adequate fire protection coverage for the citizens of the City of Prospect; and

WHEREAS, the City Council finds that based upon the evidence and testimony presented, the current 93 foot tower serving the Harrods Creek Fire Protection District is near the end of its functional life as a communication tower and is in need of replacement; and


WHEREAS, the City Council finds that the requested waiver to allow the proposed monopole cellular tower to exceed the 100 foot height limit to a maximum height of 110 feet with a whip antenna for use by the Harrods Creek Fire Protection District will help alleviate poor communications capabilities within certain areas of the City of Prospect currently experienced by the Harrods Creek Fire Protection District; and

WHEREAS, the City Council further finds that collocating cell phone carriers on the proposed cellular tower will benefit the citizens of the City of Prospect with additional cell phone coverage.

NOW, THEREFORE, be it resolved that the application for waiver to allow for the construction of a 110 foot cellular tower, plus a whip antenna, be APPROVED ON CONDITION THAT THE SITE IS DEVELOPED IN STRICT COMPLIANCE WITH THE DEVELOPMENT PLAN SUBMITTED AND THE APPLICABLE DESIGN STANDARDS OF SECTION 4.4.2.B. OF THE LAND DEVELOPMENT CODE IN ACCORDANCE WITH THE APPROVAL OBTAINED FROM THE LOUISVILLE METRO PLANNING COMMISSION AS SET FORTH IN THE MINUTES OF JANUARY 19, 2006.

The vote "for" was as follows: Sandra Tucci, yes; Alan Simon, yes; Sandra Leonard, yes; Lee Zimmerman, yes; and Todd Eberle, yes.

Respectively submitted,


Ann Simms
City Administrator

APPROVED:


Joe Kehlbeck, Mayor