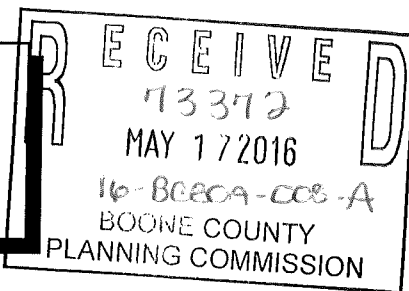


APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION



FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- (Check One)
- Boone _____ Florence _____ Walton _____ Union _____
 - (Check One)
 Conditional Use Permit Variance _____ Appeal _____
Change in Non-Conforming Use _____
 - Applicant's Name James W. Berlin
Applicant's Address 1671 Park Rd Suite One
Fort Wright Ky 41011
City State Zip
Phone Number 859-331-9191 Fax No. 859-344-7422 E-Mail. SteveBerlin@fuse.net
 - Description of Request: to construct a Ferry Boat Ramp
+ Variance to Reduce Buffer yard requirement on East Property Line
 - Name of Development N/A
 - Location of Development Lower River Road
Boone Co. Ky
 - Acreage Under Review 1.29 ACRES
 - Lot Number and Name of Subdivision (if part of a subdivision)
N/A
 - Owner of Property Richard & Louise Johnson LLC
Address of Property Owner 4670 Fort Apache
 - Las Vegas NV 89147
City State Zip
Phone Number _____ Fax No. _____ E-Mail _____
 - Proposed Use(s) on Site Ferry Boat Ramp
 - Total Square Footage of Existing and/or Proposed Buildings N/A
 - Current Zoning on Property Recreation
 - Deed Book 1064 Page No. 637 Group No. 2044
 - Is the site subject to a zone change? NO
If yes, give date of approval _____
 - Have you submitted a Site Plan with this request? yes
 - Have you submitted a list of adjoining property owners with this request? yes
 - I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

ORIGINAL Property Owner's Signature: Elaine L. Hudrow
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: James W. Berlin
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2**

SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received 5/17/16 Fee Received \$1,352.00 Receipt # 73372
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
 Approved
 7/13/16 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: SEE 7/13/16 Meeting Minutes
AND C.C.U.R.
7. Reasons for Denial: _____

**Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page**

NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

Site Plan Review is not granted by the appropriate Board of Adjustment.

An application consists of all fees paid in full, submitted drawings and a completed application form.

STAFF REPORT

APPLICANT: James W. Berling

LOCATION: Northwest side of Lower River Road, northeast of 8637 Lower River Road, northwest of 8542 Lower River Road, and southeast of the Ohio River, Boone County, Kentucky

ZONING: Recreation (R)

DATE: June 8, 2016

Proposal

The applicant has submitted the following applications:

1. A Conditional Use Permit application to allow the construction of a ferry boat ramp that allows for the stacking of up to 36 vehicles for the purposes of operating one (1) ferry boat between Boone County, Kentucky and Rising Sun, Indiana with a capacity of 10 vehicles;
2. A Variance to reduce the landscaping buffer yard requirements along the northeast property line in a Recreation (R) zoning district.

Pertinent Site History

June 15, 2004 - When this site was still part of the River Ridge Park, a Minor Site Plan was approved which added storage area to the back of the restroom building, increased the size of the on-site store, and installed a uniform roof. These improvements were not made on the portion of River Ridge Park included in this request.

June 1, 2005 - When this site was still part of the River Ridge Park, a Minor Site Plan was approved for a landing area on the back of a house to a 10' x 24' deck. This improvement was not made on the portion of River Ridge Park included in this request.

December 22, 2015 - The current 1.29 acre site was split off from the River Ridge Park site and sold to current owners, Richard and Louise Johnson, LLC. Up until that point, this site had been used for boat and trailer storage as part of the River Ridge Park operation. River Ridge Park is a seasonal (April 1-November 1) operation that provides rentable camp sites for RVs and trailers (30' maximum length), and tents. Included on the site is a grocery store, swimming pool, laundry facilities, a boat ramp, playground, basketball hoop, horse shoe pit, and places for fishing. A total of 68 camping spots are available for rent on a daily, weekly, monthly, or seasonal basis.

Applicable Regulations

Section 220 of the Boone County Zoning Regulations states that two duties of the Board of Adjustment and Zoning Appeals is to act on Conditional Use Permit and Variance applications.

Section 250 of the Boone County Zoning Regulations states that the Board of Adjustment and Zoning Appeals shall have the power to hear and decide on applications for variances. A variance is defined as a departure from the dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

The Board should evaluate the applicant's variance request in terms of the criteria listed in Section 251 of the Boone County Zoning Regulations:

1. Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public, and will not allow an unreasonable circumvention of the requirements contained in the Zoning Regulations.
 - A. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - B. The strict application of the provisions contained in the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
 - C. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the Zoning Regulation from which relief is sought.
2. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the Zoning Regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

The Board needs to use criteria to evaluate the Conditional Use Permit request as it relates to the criteria necessary for granting or denying a Conditional Use Permit as stated in Section 262 of the Boone County Zoning Regulations. The criteria are listed below:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan, a specific corridor plan and/or the zoning order;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;
3. Will be hazardous to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately such services;

5. Will create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
6. Will involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare, or odors;
7. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

Section 713 of the Boone County Zoning Regulations lists ferry boat landings as one of the potential Conditional Uses permitted in Recreation (R) zones "provided: a) the activity is of integral relation to and directly in support of the recreation activity, or b) the use, building, or structure is subservient to, and not of scale, nature, advertisement, trade, or other character which will compete, detract, or conflict with the principal purpose of the district; c) the activity is necessary to serve the specified public or membership engaged in the principal purpose so long as the service area, use, scale, or other character of the activity does not overpower, transient, or conflict with the principal purpose of the district or immediate environs surrounding; and d) provided the arrangement of use, building, or structure is mutually compatible with the organization or permitted and accessory uses to be protected in the district.."

Relationship of the Request to the Comprehensive Plan

The 2010 Boone County Comprehensive Plan's "2035 Future Land Use Plan" designates the site for "Recreation" uses. This designation is defined as "public and commercial outdoor recreation including golf courses, parks, race tracks, private reserves, wooded areas that serve an established recreation use, etc."

The Future Land Use Development Guidelines (pages 161-164) found in the Land Use Element state the following:

Utilization of Existing Vegetation and Topography - Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined.

Buffering - Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline.

Landscaping - Developments in Boone County must include landscaping to accompany the proposed project. Retention of existing healthy vegetation is considered a component of landscaping and is encouraged. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways. Developments along major roadways in Boone County must include landscaping between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses.

Access Management - Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns.

Design, Signs, and Historic Preservation - The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor.

In the discussion of the Rabbit Hash vicinity in the Land Use Element (p. 184), it is stated that, "any potential ferry location should occur to the north of Rabbit Hash, possibly at a reclaimed gravel pit site."

Site Characteristics

The 1.29 acre site has 102 feet of road frontage on Lower River Road, which is 14' in width at this location. The property contains area used previously for boat storage as part of the River Ridge Park recreational facility to the immediate south. Access to the site is currently provided by a narrow, gravel private driveway (and bridge) from the River Ridge Park property to the south. The entire site is located in the 100-year flood plain.

Surrounding Land Uses and Zoning

North: Undeveloped land zoned Rural Suburban Estates (RSE)

South: River Ridge Park RV campground zoned Recreation (R)

East: Woodlands zoned Rural Suburban Estates (RSE)

West: Ohio River zoned Recreation (R)

Staff Comments

1. Staff understands that there will be one (1) ferry for the operation used to transport automobiles and bicycles back and forth from the proposed site in Boone County and

Rising Sun, Indiana across the Ohio River. It will be able to carry a maximum of 10 automobiles at a time. A round trip would take approximately 20 minutes. The site provides for a stacking capacity of 36 vehicles awaiting to board the ferry. Appropriate stacking capacity is provided for vehicles exiting the ferry and prior to entering Lower River Road. The proposed site plan is included in the attachments to this report.

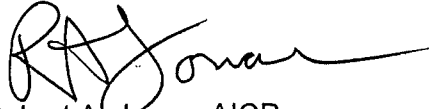
2. Staff is concerned that there are no incidental parking spaces provided on the site. The applicant states that employees will be based on the Indiana side of the Ohio River in Rising Sun, Indiana, but one would anticipate the occasional need for parking on the Boone County side as well. When on-site parking is provided, handicap parking must also be included.
3. A traffic study by CT Consultants was submitted by the applicant. Current traffic volume data was captured at the intersection of Lower River Road and KY 18 on Thursday, April 21, 2016 from 6:00 AM to 9:00 AM and also from 3:00 PM to 6:00 PM. Potential trip generation data was created using data from the Cave-In-Rock Ferry located in Crittenden County, Kentucky in an area on the Ohio River (near Paducah, KY). This ferry is similar in size to what is being proposed and the surrounding area is sparsely populated like the proposed site in Boone County. According to the analysis by CT Consultants, the level of service at the intersection of Lower River Road and KY 18 will not change as a result of the proposed ferry operation. This summary of regional impacts in Boone County of the proposed development is included in the attachments to this report.
4. The variance for the reduction of the north buffer yard requirement is for the portion of the property line affected by the Ohio River flow. In addition, the applicant is showing a reduction of the 60' landscaping buffer size as required in Article 36 - Landscaping of the Boone County Zoning Regulations (Buffer Yard C, p. 36.8) down to 30' which is permitted as long as the same number of trees are shown IF "a 6 foot high berm, fence, or masonry wall is used." However, no fence, berm, or wall is shown on the landscaping plan submitted with the request. Nine (9) existing trees are shown as being kept. The landscaping plan is included in the attachments to this report.
5. An entrance sign design has been submitted with the application for consideration and review. The sign is a double face, non-illuminated ground sign with ground lighting. It will be approximately 8' tall and 11' wide. The sign will be constructed of High Density Urethane (HDU) which will be painted to look like wood. The sign design must be appropriate for the area and sensitive to the rural, agricultural, historic nature of the Lower River Road corridor. The proposed sign design is included in the attachments to this report.
6. The applicants also submitted a Lighting Plan indicating that the site will be "down-lit" with no light spilling over onto adjacent parcels. The average foot-candle measurements for the site is 0.30 fc with the property boundaries showing a 0.00 fc reading. The lights are planned to be turned off when the ferry is not in operation (midnight on Friday and Saturday evenings; 10 PM on Sunday evenings). A gate will be used to secure the site when not in operation.

7. An acoustic/noise study was conducted to assess the potential noise impacts of the proposed ferry operation on neighboring parcels. The study concluded that the noise levels of the ferry operation would be the same as that which emanates from the River Ridge Park. A summary of this study is included in the attachments to this report.
8. If approved, a Major Site Plan would be required as well as Flood Plain Construction permits from the Indiana and Kentucky Departments of Natural Resources. Furthermore, the applicants would then need to obtain permits from the Army Corps of Engineers as well as approval from the U.S. Coast Guard.

Conclusion

K.R.S. 100.237 and 100.241 and Section 220 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to act on the requests. The Board needs to evaluate the Conditional Use Permit and Variance requests in relation to the previously stated criteria and land use impacts.

Respectfully submitted,



Robert A. Jonas, AICP
GIS Specialist, Planning Services Division

RAJ/tlb

Attachments

- *application and narrative
- *site vicinity map
- *2012 aerial map
- *site plan
- *Zoning map
- *2035 Future Land Use map
- *traffic impact study
- *landscaping plan
- *proposed sign design
- *acoustic/noise study summary
- *letters received

APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

RECEIVED
13372
MAY 17 2016
BOONE COUNTY
PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- 1. (Check One)
 Boone _____ Florence _____ Walton _____ Union _____
- 2. (Check One)
 Conditional Use Permit Variance _____ Appeal _____
_____ Change in Non-Conforming Use _____
- 3. Applicant's Name James W. Berlin
Applicant's Address 1671 Park Rd Suite One
Fort Wright Ky 41011
City State Zip
- 4. Phone Number 859-331-9191 Fax No. 859-344-7422 E-Mail skveberling@fuse.net
Description of Request: to construct a Ferry Boat Ramp
+ Variance to Reduce Buffer yard requirement on East Property Line
- 5. Name of Development N/A
- 6. Location of Development Lower River Road
Boone Co. Ky
- 7. Acreage Under Review 1.29 Acres
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
N/A
- 9. Owner of Property Richard & Louise Johnson LLC
Address of Property Owner 4670 Fort Apache
Las Vegas NV 89147
City State Zip
- 10. Phone Number _____ Fax No. _____ E-Mail _____
- 11. Proposed Use(s) on Site Ferry Boat Ramp
- 12. Total Square Footage of Existing and/or Proposed Buildings N/A
- 13. Current Zoning on Property Recreation
- 14. Deed Book 1064 Page No. 637 Group No. 2044
- 15. Is the site subject to a zone change? NO
If yes, give date of approval _____
- 16. Have you submitted a Site Plan with this request? yes
- 17. Have you submitted a list of adjoining property owners with this request? yes
- 18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

ORIGINAL Property Owner's Signature: Elaine L. Hudrow
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: James W. Berlin
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2**

SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received 5/17/16 Fee Received \$1,382⁰⁰ Receipt # 73372
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
_____ **Approved**
_____ **Approved with Conditions (See #6)**
_____ **Denial (See #7)**
6. Conditions of Approval: _____

7. Reasons for Denial: _____

Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page

NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

Site Plan Review is not granted by the appropriate Board of Adjustment.

An application consists of all fees paid in full, submitted drawings and a completed application form.

APPLICANT'S NARRATIVE

Rabbit Hash - Rising Sun Ferry Conditional Use Permit

Full House Resorts, Inc., through its subsidiary Richard and Louise Johnson, LLC, is seeking to operate a ferryboat between Boone County, KY and Rising Sun, Indiana. The ferry will be used to transport vehicles and bicyclists across the Ohio River, shortening the trip time between Rabbit Hash and Rising Sun by as much as 60 minutes.

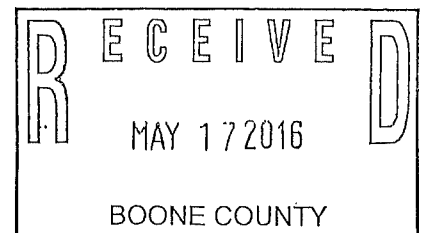
Applying for this conditional use permit is just the first step in our process to launch our ferry operation. If approved by the Boone County Board of Adjustments, we will need to work with the Boone County Planning Commission to finalize our site designs and obtain the necessary building permits. At the same time, we will work with the City of Rising Sun through their permitting process to construct the ramp across the river. We will also need to obtain flood plain construction permits from both the Indiana and Kentucky Departments of Natural Resources. Finally, we will need to obtain Section 404 and Section 10 permits from the Army Corps of Engineers, a lengthy process that includes a substantive public comment period. (the ferry boat operation will also need to be certified by the US Coast Guard)

HISTORY

At one time, an easy path between the two towns existed. A ferryboat shuttled between Rising Sun and Rabbit Hash from the mid-1800s until 1945. The farmers in Kentucky used it to bring their crops across the river, where the larger steamboats could tie up. The larger boats would then transport those items to the major cities north and south along the river. Children in Rabbit Hash went to school in Rising Sun and the two communities were closely related in many ways.

In 1945, the Rabbit Hash/Rising Sun ferry hit ice in the river and sank. By then, farmers relied on trucks rather than horse-drawn wagons, and roads and railroads competed with the transportation provided by the river. There was a larger, more powerful ferry just 10 miles north of Rabbit Hash, crossing to Aurora, Indiana. There was also a ferry approximately 10 miles south of Rabbit Hash, at Warsaw, Kentucky. So the Rabbit Hash ferry was not replaced.

Twenty years later, a bridge opened 10 miles further south of Warsaw, putting the Warsaw ferry out of business. Then, in 1977, the big bridge on I-275 at Lawrenceburg, Indiana opened 10 miles north of Aurora, putting the Aurora ferry out of business. Essentially, there is now a nearly 40-mile stretch of the Ohio River without any ferryboats or bridges... and Rising Sun/Rabbit Hash sits midway in that stretch.



BENEFITS

Besides the obvious benefits to the casino, the ferry operation would greatly benefit Boone County residents seeking to get to Indiana. Residents would be able to shop at the IGA grocery store, visit downtown Rising Sun restaurants, and tee off at the Rising Star golf course.

Local businesses like the Rabbit Hash General Store (after it is rebuilt, of course) would also benefit by being able to attract Indiana residents and tourists. We expect the ferry to also increase the patronage of major destinations like the Florence Mall and the Cincinnati/Northern Kentucky International Airport as lengthy traffic delays on I-275 could now be avoided.

Finally, we expect bicyclists to utilize the ferry to explore new trails and courses along both sides of the river. Boone County cyclists would be able to take the ferry across and connect with Rising Sun's scenic River Front Trail.

SITE DETAILS

The site on which we are seeking the conditional use permit is 1.29 acres. The site will be gated and well lit to keep it secure. The included lighting plan illustrates how the site will be down-lit to minimize any light pollution spilling over into neighboring parcels. We also plan to shut down the lights when not in use. (after 10 PM Sunday - Thursday; and after Midnight Friday and Saturday)

The included landscaping plan illustrates the buffering we are proposing along the northern boundary. The southern border will continue to be buffered from River Ridge Park by the existing tree line and creek.

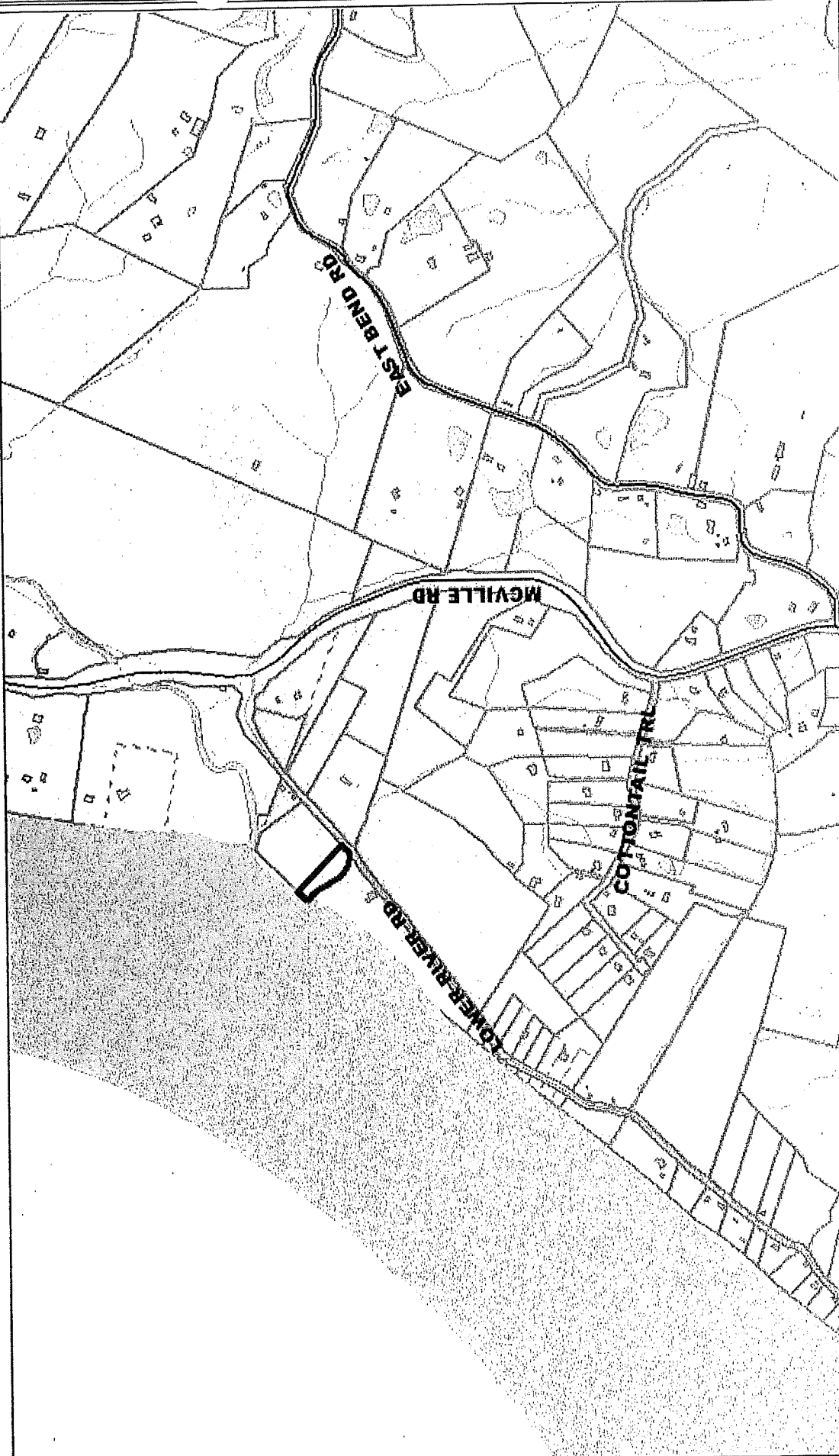
We have designed an entry sign to fit with the neighborhood in a subtle manner. The sign will be HDU (High Density Urethane), which is an extremely durable product. The sign will be painted to look just like wood, sandblasted, and have the letters directly applied.

We conducted a sound/acoustic study (enclosed) that assessed the noise impacts of comparable ferry operations on neighboring parcels. The study found that the expected noise level of the ferry, as could be heard from neighboring parcels, would be in the range of the existing noise levels that currently emanate from River Ridge Park.

Finally, we commissioned a traffic study to determine if the existing road infrastructure is sufficient to service the ferry operation. The study concluded that no additional modifications/improvements would be needed at the intersection of Kentucky 18 and Lower River Road or to Lower River Road at the Site driveway.

SITE VICINITY MAP

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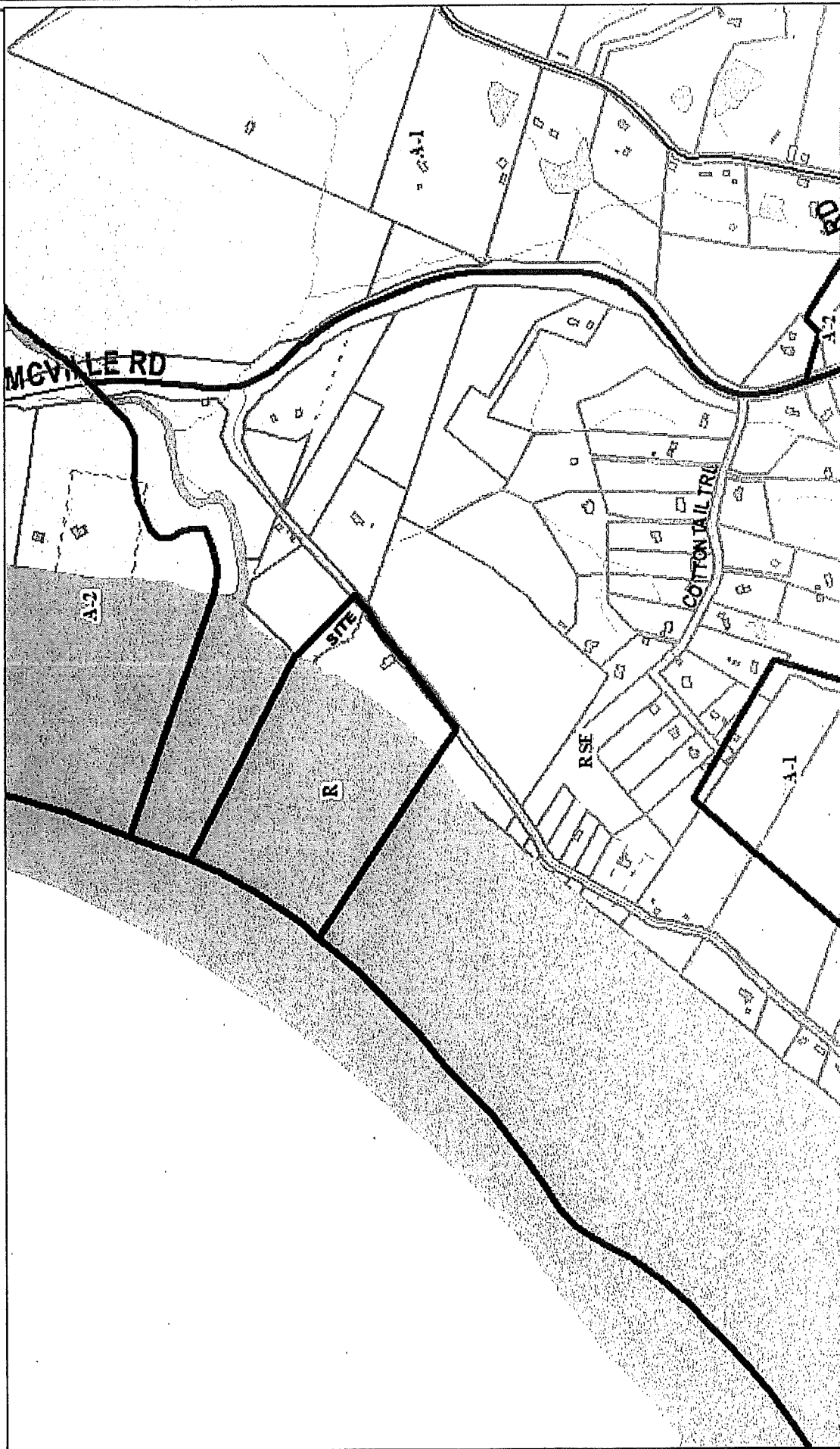
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Boone County GIS - Putting Northern Kentucky on the Map

ZONING MAP

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0 500 1,000 2,000 3,000 4,000 Feet

1 inch = 500 feet



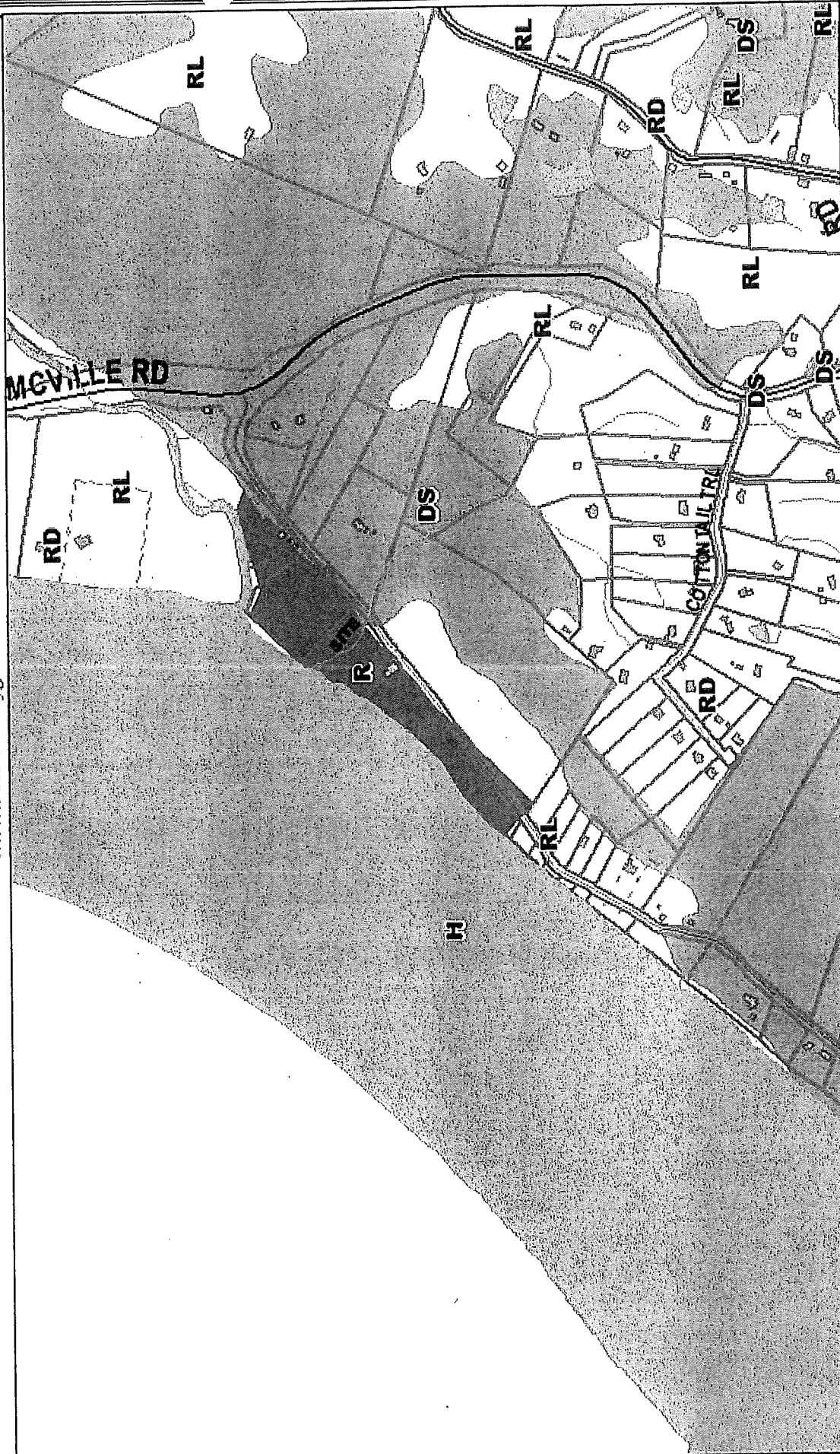
Boone County GIS

Boone County GIS - Putting Northern Kentucky on the Map



2035 FUTURE LAND USE MAP

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Boone County GIS - Putting Northern Kentucky on the Map

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CT Consultants
engineers | architects | planners

Boone County Ferry Crossing

**Traffic Impact Study
Boone County, Kentucky**

PREPARED FOR
Full House Resorts, Inc.

4670 S. Fort Apache Rd
Suite 190
Las Vegas, Nevada 89147

ISSUED: MAY 2016

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Proposed Access Modifications	1
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- Figure 2, Site Traffic and Distribution – Weekday AM/PM Peak
- Figure 3, Build Traffic (Background + Site) – Weekday AM/PM Peak
- Figure 4, Ohio River Crossings Area Map – Regional Impact

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APPENDICES

- Appendix A: Proposed Development Plan
- Appendix B: Traffic Counts
- Appendix C: Figure 1, 2016 Background Traffic - Weekday AM/PM Peak
Figure 2, Site Traffic and Distribution - Weekday AM/PM Peak
Figure 3, Build Traffic - Weekday AM/PM Peak
- Appendix D: HCS Analyses
- Appendix E: Regional Impacts in Boone County
Figure 4, Ohio River Crossings Area Map – Regional Impact



Background:

Full House Resorts, Inc. currently owns a 1.29 acre lot on Lower River Road, about 1500 feet west of the intersection with Kentucky 18. Full House Resorts, Inc. plans to develop this property to be used as the access to a proposed ferry crossing for transporting vehicular and bicycle traffic across the Ohio River to the City of Rising Sun, Indiana. The ferry crossing is expected to operate with one boat having a maximum capacity of 10 vehicles, and a roundtrip time of approximately 20 minutes. The proposed development plan is included in Appendix A.

Vicinity Map



Existing Access to Property:

The existing property is partially undeveloped and does not currently have an access point onto Lower River Road.

Proposed Access Modifications:

Proposed access point for the development would be centered on its 100 foot frontage along Lower River Road. The access is proposed to include one lane each for entering and exiting traffic at its junction with Lower River Road, with substantial radii allowing for ease of turning onto or off of the main road. Further into the site, the single ingress lane expands into three lanes to allow for queuing of vehicles that are waiting to access the ferry.



Evaluation Scope:

Lower River Road is under the jurisdiction of Boone County. CT Consultants (CT) engaged Boone County Officials to discuss the scope of work required to evaluate the impact of the proposed site. Based on these conversations, it was determined the evaluation should be completed for the weekday AM and PM peak hours of adjacent street traffic at the proposed ferry access driveway and Lower River Road, and at the intersection of Lower River Road and Kentucky 18.

Evaluation Methodology:

To evaluate the proposed Boone County ferry site's impact on the adjacent roadway network, background traffic volumes were recorded on Thursday April 21, 2016 from 6:00 AM to 9:00 AM and from 3:00 PM to 6:00 PM at the intersection of Lower River Road and Kentucky 18 to establish the AM and PM peak hours and provide a baseline for the existing traffic volumes on Kentucky 18 and Lower River Road. A copy of these traffic counts is included in Appendix B.

Because no *ITE trip generation* rates exist for auto/bike ferry crossing locations, we sought to conduct traffic counts at a comparable ferry location. We found the best comparable to be the Cave-In-Rock ferry in Crittenden County, Kentucky. The Cave-In-Rock ferry is a single boat operation with a similar 10-vehicle capacity that crosses approximately 2,100 feet of the Ohio River with an approximately 20 minute round trip duration. The proposed Boone County ferry crossing will be approximately 2,000 feet and located in a similarly sparsely populated area with similar boat capacity and round trip times.

The traffic volumes were recorded on Thursday April 21, 2016 from 6:00 AM to 9:00 AM and from 3:00 PM to 6:00 PM to determine the number of trips generated during the AM and PM peak hours. Copies of these traffic counts are also included in Appendix B.

The 2016 background (existing) traffic volumes for the AM and PM peak hours of adjacent street traffic are shown on Figure 1 in Appendix C. Analyzing the existing distribution at the intersection of Kentucky 18 and Lower River Road would not provide an accurate representation of proposed site traffic distribution, since this is a specialty site usage that would not conform to peak hour traffic distributions. Traffic distribution for the proposed site was determined by evaluating the local roadway network, and determining the location of and connections to the adjacent population centers. CT provided proposed distribution information to the Boone County Planning Commission and County Engineer for review and concurrence prior to completing the study. The site traffic distribution and traffic volumes are illustrated on Figure 2 in Appendix C.

Build-out traffic volumes (background + site) for the proposed development are illustrated on Figure 3 in Appendix C.

Analysis:

HCS 2010, which is the industry standard software for evaluating capacity and level of service, was used to complete all capacity analyses. The existing level of service (No Build) for the intersection of Kentucky 18 at Lower River Road and proposed level of service (Build) was analyzed for the intersection of Kentucky 18 at Lower River Road and the proposed site driveway to determine their operational characteristics. The existing level of service is compared to the proposed level of service to determine what impacts, if any, the proposed site have on the roadway network.

Level of Service (LOS) Analysis:

Level of Service analysis (LOS) is defined by the 2010 *Highway Capacity Manual* to be a function of seconds of vehicle delay. Level of service criteria for unsignalized (Two-Way Stop) intersections is listed below in Table 1.

Table 1
Level of Service Criteria
Two-way stop controlled intersections

<10	A	Very low delay
10-15	B	Good progression
15-25	C	Limit of acceptable delay
25-35	D	Start of traffic breakdown
35-50	E	High delay
>50	F	Congested conditions, unacceptable delay

Existing Level of Service (No Build)

Kentucky 18 and Lower River Road (Unsignalized):

AM Peak Hour:

- Northbound Left - **LOS 'A'** with 7.3 seconds of delay per vehicle.
- Eastbound Approach - **LOS 'A'** with 9.0 seconds of delay per vehicle.

PM Peak Hour:

- Northbound Left - **LOS 'A'** with 7.3 seconds of delay per vehicle.
- Eastbound Approach - **LOS 'A'** with 9.3 seconds of delay per vehicle.

Proposed Level of Service (Build)

Kentucky 18 and Lower River Road (Unsignalized):

AM Peak Hour:

Northbound Left - **LOS 'A'** with 7.4 seconds of delay per vehicle.
Eastbound Approach - **LOS 'A'** with 9.2 seconds of delay per vehicle.

PM Peak Hour:

Northbound Left - **LOS 'A'** with 7.4 seconds of delay per vehicle.
Eastbound Approach - **LOS 'A'** with 9.6 seconds of delay per vehicle.

Lower River Road and Proposed Site Drive (Unsignalized):

AM Peak Hour:

Eastbound Left - **LOS 'A'** with 7.2 seconds of delay per vehicle.
Southbound Approach - **LOS 'A'** with 8.6 seconds of delay per vehicle.

PM Peak Hour:

Eastbound Left - **LOS 'A'**, 7.3 seconds of delay per vehicle.
Southbound Approach - **LOS 'A'** with 8.7 seconds of delay per vehicle.

All Capacity Analyses are included in Appendix D.

Summary:

Analyses of the proposed AM and PM peak hour levels of service at the intersections of Kentucky 18 at Lower River Road indicate that build levels of service do not change from the existing (no build) conditions and therefore the proposed Ohio River ferry crossing development on Lower River Road will not adversely affect the adjoining intersections level of service. Build traffic volumes are well below the minimums that would require the addition of any turn lanes at either intersection. Figure 4, located in Appendix E, graphically represents the location of the proposed Boone County ferry crossing in relation to the nearby population centers and existing river crossings. Information regarding regional impacts in Boone County is included in Appendix E.

Recommendations:

Based on the analyses performed, construct the proposed ferry crossing access drive per the proposed site plan as a two-lane driveway (one inbound lane and one outbound lane). Due to the low level volumes traffic that will access the proposed site, no additional modifications/improvements would be needed at the intersection of Kentucky 18 and Lower River Road or to Lower River Road at the Site driveway.

APPENDIX C

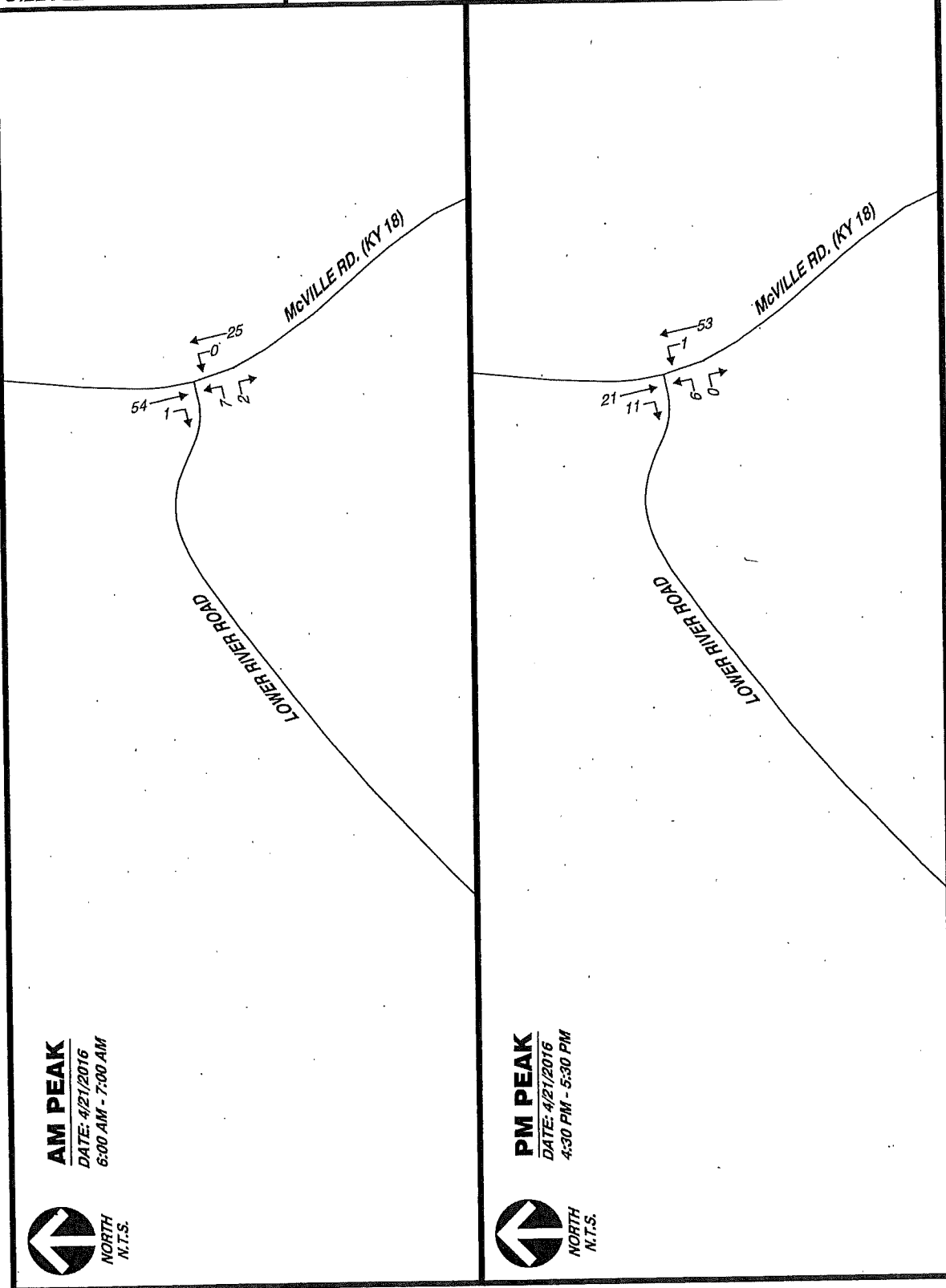
FIGURES 1-3 EX. AND PROPOSED TRAFFIC VOLUMES



CT Consultants
engineers | architects | planners

**RIISING SUN CASINO FERRY CROSSING
TRAFFIC IMPACT STUDY
BOONE COUNTY, KENTUCKY**

**2016 BACKGROUND TRAFFIC
WEEKDAY AM / PM PEAK
VOLUMES
FIGURE 1**



AM PEAK
DATE: 4/21/2016
6:00 AM - 7:00 AM

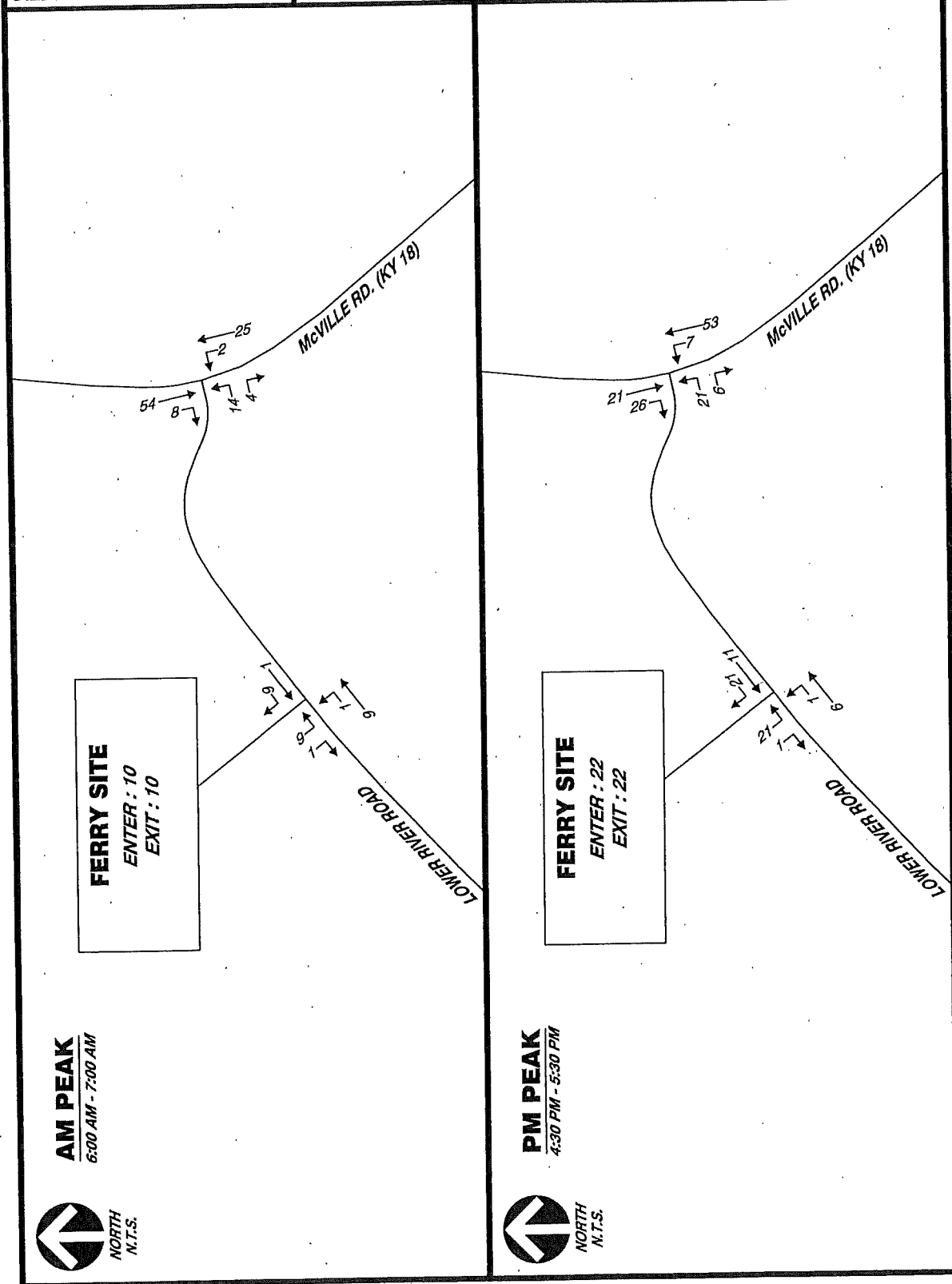
NORTH
N.T.S.

PM PEAK
DATE: 4/21/2016
4:30 PM - 5:30 PM

NORTH
N.T.S.

TRAFIC IMPACT STUDY
RISING SUN CASINO FERRY CROSSING
 BOONE COUNTY, KENTUCKY

FIGURE 3
 VOLUMES
 WEEKDAY AM / PM PEAK
 BACKGROUND + SITE TRAFFIC



AM PEAK
 6:00 AM - 7:00 AM



PM PEAK
 4:30 PM - 5:30 PM



TRAFFIC IMPACT STUDY

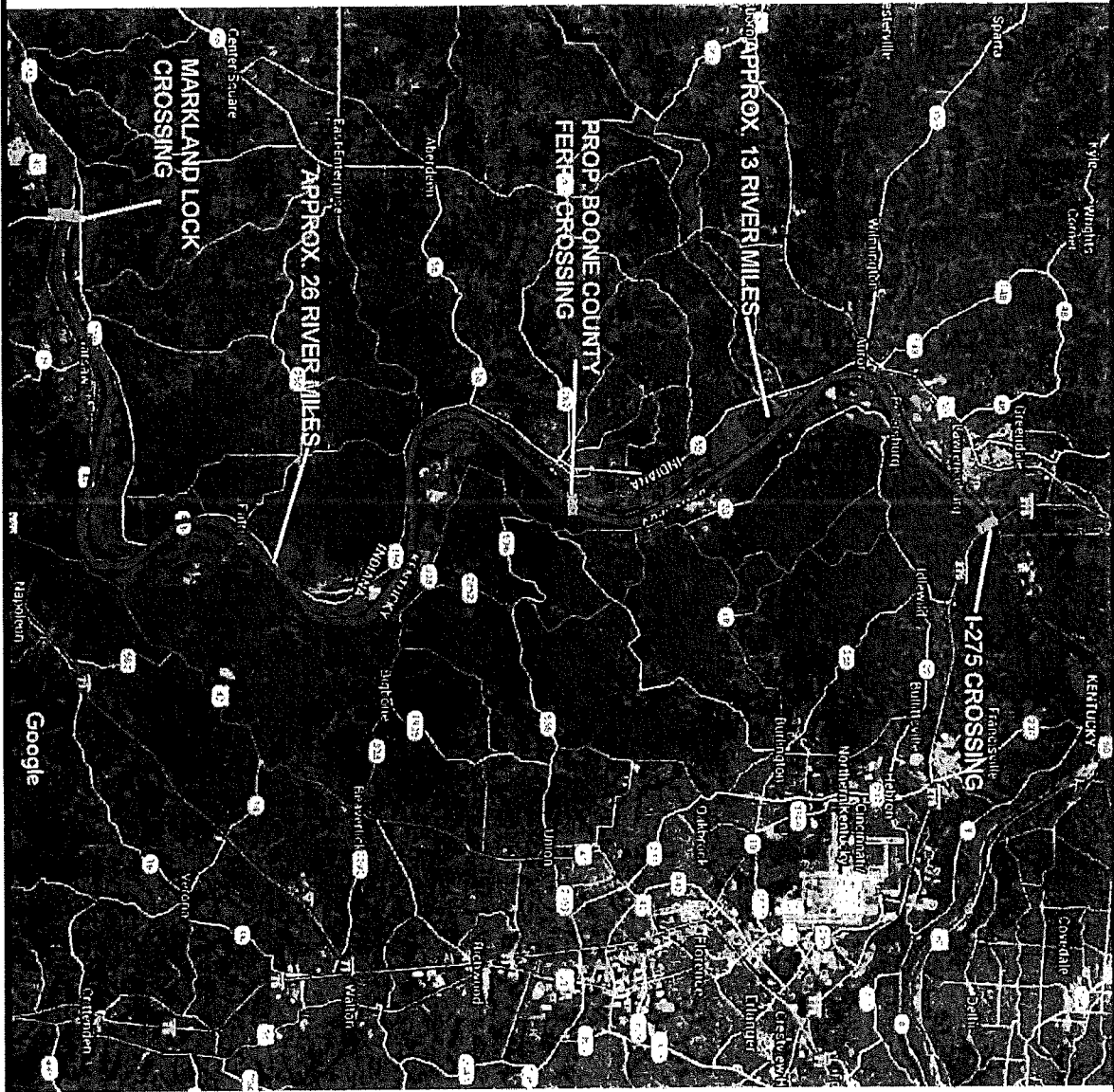
Regional Impacts in Boone County:

Regionally, the proposed development will add an Ohio River crossing in the area of Boone County that needs it most. The proposed ferry will facilitate vehicular and bicycle crossing from Boone County, Kentucky to Rising Sun, Indiana, and the surrounding area. The nearest Ohio River crossing downriver is approximately 26 miles away at Kentucky 1039/Markland Lock and upriver is approximately 13 miles away at Interstate 275. Figure 4 graphically shows locations of the existing Ohio River crossings and distances to the proposed Boone County crossing.

It is expected that the proposed ferry crossing would draw motorists from southern Boone County communities including Burlington, Richwood, Union and others. The route from these population centers is more direct with a shorter travel distance than utilizing the I-71/I-75 to I-275 across the Ohio River to Rising Sun Indiana, which would have a positive economic impact as it would provide easy access to shopping and retail developments.

The impact on traffic is expected to be negligible, due to the very low number of trips expected during the AM and PM peak hours. Trips generated by the proposed site could be approximately 20 during the AM peak hour and approximately 40 during the PM peak hour.





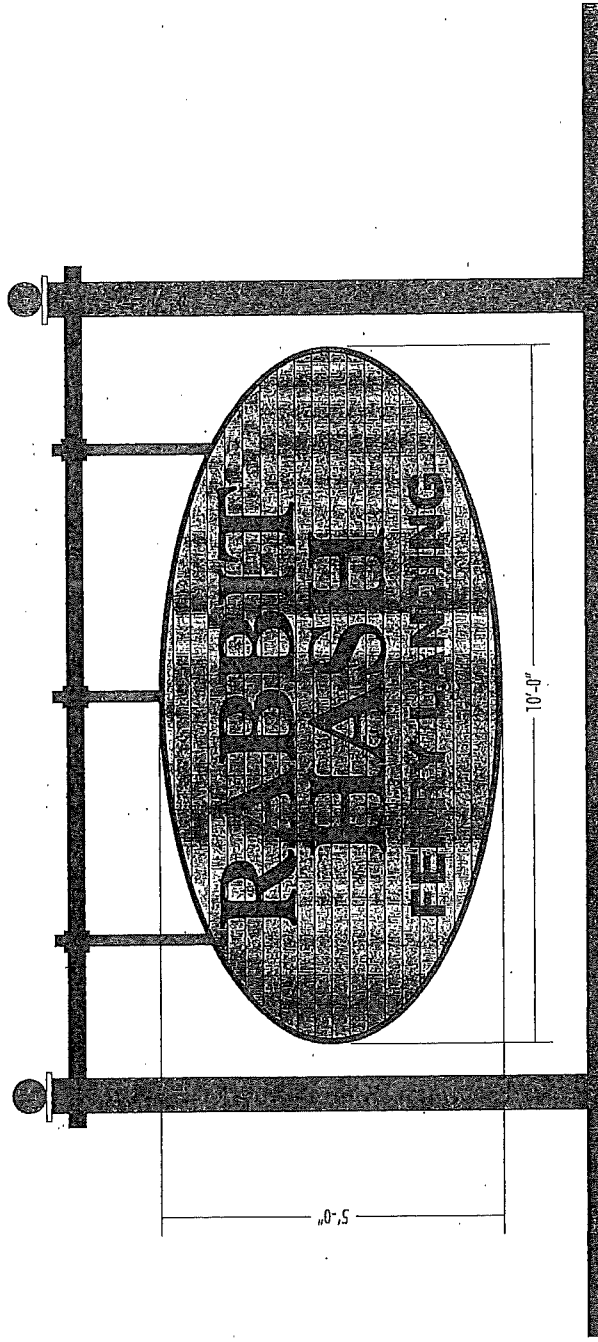
**RISEING SUN CASINO FERRY CROSSING
REGIONAL IMPACT
BOONE COUNTY, KENTUCKY**

*OHIO RIVER CROSSINGS
AREA MAP
FIGURE 4*

Monument Sign

Furnish and install one double face non illuminated sign

-Sign to have ground lighting - by customer



- Sign to be double face - interior tube frame with HDU exterior and applied letters
- Steel top beam for support with mounting points at sign as required to keep sign from swinging
- Mounting brackets to be decorative - to be determined
- Posts to be 6x6 treated wood painted blue - or per customer - with decorative ball finial

FILE: RH Mon-3

DATE: 5-12-16 **

SCALE: 3/8"=1'

Approved By

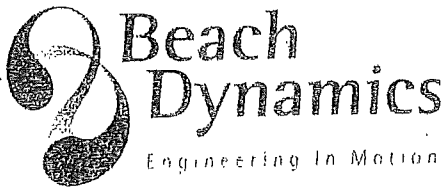
Sales Rep. Mark Stottman

DRAWN BY: WOODY FELLINGER

© 2016



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ACOUSTIC/NOISE STUDY

Executive Summary:

1. The ferry's on board noise emission is 70-72 dBA and fairly constant during the crossing. There are impulse noises mostly the cars crossing the metal ramp with peaks of 65-71 dBA.
2. At a distance of 120', the ferry's noise is approximately 58 dBA steadily dropping as it traverses the river moving away from the landing to a point where the ferry's noise is "buried" in the ambient of 45-48 dBA.
3. At a distance of 800' from the landing, the ferry's noise level is buried in the ambient noise level of approximately 45 dBA. The ferry was barely audible but only when it departed.
4. In an attempt to get a measurement where the ferry's noise is not buried in the ambient, measurements were taken at a distance of 615'. Unfortunately, road traffic and airplanes prevented a measurement clearing showing the effect of ferry. While the ferry was slightly more audible, its calculated 43 dBA is still buried in the ambient noise level of 45 dBA.
5. River Ridge Park has an ambient noise level of 35-45 dBA with an approximate average of 40 dBA.
6. Because of River Ridge's lower ambient noise level, an identical ferry will be more audible with a calculated noise level of 40 dBA at a distance of 800' (the closest residence). As with the Anderson Ferry site, the ferry's noise level will diminish as it traverses the river.



May 20, 2016

Boone County Board of Adjustment
Boone County Planning Commission
3rd Floor Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

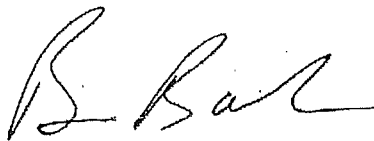
Dear Board Members,

The proposed ferry project between Rabbit Hash, Kentucky and Rising Sun, Indiana should be approved by the Board of Adjustment. The ferry is a positive idea that will benefit the residents and local commerce of both towns.

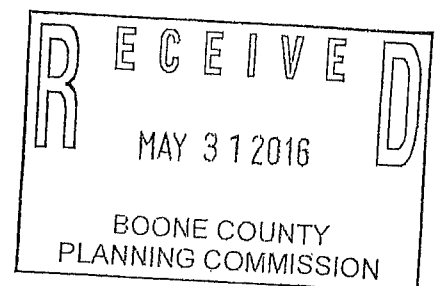
The ferry will provide residents of both communities with access to the other side of the river in approximately ten minutes. Without the ferry, the travel time between the two municipalities can currently take up to an hour.

I believe that a ferry in Rabbit Hash will be a win-win for businesses, residents, and tourists in Rabbit Hash and the Greater Northern Kentucky area. The ferry boat proposal would make a huge impact for the community of Rabbit Hash with the current rebuilding project, with this approval, I believe it would bring more than enough funds into Rabbit Hash to complete their rebuilding project. I urge the Board of Adjustment to approve the ferry project without delay.

Sincerely,



Brian Bush
9129 East Bend Road
Burlington, KY 41005
859-393-4328



May 25, 2016

Board of Adjustment
Boone County Planning Commission
3rd Floor Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Dear Board Members,

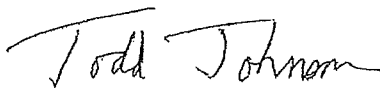
I am writing in support of a ferry initiated by Full House Resorts, Inc. connecting the city of Rabbit Hash, Kentucky and Rising Sun, Indiana. The ferry will provide a link between the two cities that will, in turn, create widespread economic opportunities for the residents of Boone County.

It currently takes one hour to drive between Rabbit Hash and Rising Sun. The proposed ferry will cut the commute time from one hour to only ten minutes. Members of our association would welcome the new opportunities that the reduced commute would bring.

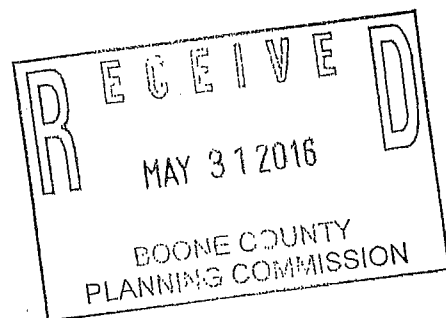
The increased patronage opportunities, tourism dollars, and recreation opportunities make the ferry project a win-win for both residents and businesses in our area.

I strongly encourage the Board of Adjustment to approve the ferry project. The project is a good idea for Northern Kentucky businesses and a good idea for Boone County.

Sincerely,



Todd Johnson
Executive Director
Greater Cincinnati Golf Association



Copy

CLUR #16-BCBOA-008-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Richard & Louise Johnson, LLC
4670 Fort Apache
Las Vegas, NV 89147

2. ADDRESS OF PROPERTY

Lower River Road
Burlington, KY

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Ferry Boat Ramp

4. DEED BOOK 1064 PAGE NO. 637 GROUP NO. 2044

5. TYPE OF RESTRICTION(S) (Check all that apply)

Zoning Map Amendment: Conditional Use Permit
From _____ To _____

Development Plan Conditional Zoning

Subdivision Plat Other:
(Not Recorded)

Variance

6. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION
2950 WASHINGTON STREET, ROOM 317
P.O. BOX 958
BURLINGTON, KENTUCKY 41005

Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, Senior Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan

on behalf of the Boone County Planning Commission this 14 day of July, 2016.



Vicki L. Myers
Notary ID 438411
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2019

This instrument was prepared for recording purposes only by:



Sara Smith
Boone County Planning Commission
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the conditional use permit approved by the Boone Board of Adjustment and in accordance with the current zoning in effect as of July 13, 2016 Certificate of Land Use Restriction (#16-BCBOA-008-A), for Richard & Louise Johnson, LLC, Property Owner(s).

The following conditions will apply:

1. The approval is based on the plans and studies as submitted by the applicant.
2. Operation of the ferry service shall be limited to one (1), ten (10) vehicle capacity ferry boat.
3. All Staff parking for the ferry shall occur in Indiana.
4. All ferry boat repairs shall occur in Indiana.
5. The parking lot shall be secured/locked during non-business hours.
6. Parking lot lighting, while normally off during non-business hours shall be operated by motion sensors during non-business hours to deter loitering on the premises.

The approved conditional use permit as well as the preceding conditions apply to the property described in:

DEED BOOK 1064

PAGE NO. 637

GROUP NO. 2044