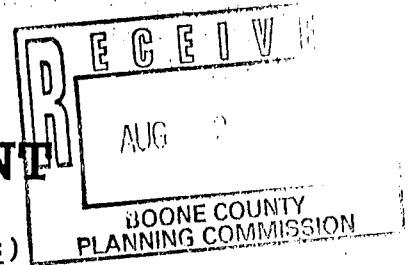


APPLICATION FORM
ZONING MAP AMENDMENT

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)



SECTION A (To be completed by applicant)

1. Name of Project SHADOW RIDGE
2. Location of Project BOONE AIRE & SOUTH ZIG-ZAG ROAD
3. Total Acreage of Site 6.6659 ACRES
4. Current Zoning of Site SR-1
5. Proposed Zoning (Classification being requested) UR-1
6. Proposed Uses (please specify each use)
APARTMENT DEVELOPMENT 76 UNITS
2 & 3 BEDROOMS
7. Names of Applicant(s) ED FOLTZ - CARTEC CONSULTANTS
Phone Number 341-6006 Fax No. 341-0153
8. Address of Applicant(s) 618 BUTTERMILK PIKE
CRESLENT SPRINGS Ky 41017
City State Zip
9. Name of Property Owner(s) BRADY & DANNY HOLT
Phone Number 586-8137 Fax No. _____
10. Address of Property Owner(s) BRADY & DANNY HOLT
3471 EASTON LANE, BURLINGTON Ky 41005
City State Zip
11. Proposed Building Intensities (please specify)
11.40 UNITS / ACRE
12. Are there any existing buildings on the site? NO
How many? _____
13. Deed Book 275 Page No. 127 Group No. 2026
14. Are you also applying for:
NO Conditional Use Permit
NO Dimensional Variance
15. Have you submitted a Concept Development Plan? YES
16. Have you had a pre-application meeting with BCPC Staff? YES
17. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:
X YES Boone County Water and Sewer District
N/A Florence Water and Sewer Commission
____ Union Light Heat and Power
____ Cincinnati Bell
____ Owen County Rural Electric
____ Boone County Public Works Department

(over)

EXHIBIT "A"

STAFF REPORT

Request of E.J. Foltz (applicant) for Brady and Danny Holt (owners) for a Zoning Map Amendment on a 6.67 acre site located between KY 18 and Boone Aire Road, near Zig Zag Road, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) to Urban Residential One (UR-1) to allow an apartment development.

August 24, 1994

This is a request for a Zoning Map Amendment for 6.67 acres of land located between KY-18 and Boone Aire Road and borders Zig Zag Road to the east. The request is to rezone the site from Suburban Residential One (SR-1) to Urban Residential One (UR-1) to allow for the development of an apartment complex. The applicant has submitted a Concept Development Plan that shows seven apartment buildings with a total of 76 units (see Concept Development Plan). The apartment complex will be named Shadow Ridge.

Surrounding Zoning and Land Uses (See Map #1-Zoning Map)

- North: KY-18 borders the northern part of the site. North across KY-18 is a Commercial Four (C-4) district that is an undeveloped wooded and open field area. North east of the site is a Commercial Services (C-3) district.
- South: Directly south of the site across Boone Aire Road is an Urban Residential One (UR-1) district where condominiums are located. Just to the east of that district is an Suburban Residential Two/Planned Development district (SR-2/PD) that is a partially wooded undeveloped area, where 90 units have been approved by the Planning Commission.
- East: To the east of the site is an Urban Residential One district (UR-1) that lies south of KY-18. It is primarily a single family area with residences located along Zig Zag Road. It should be noted that the Boone County Planning Commission approved an Office One (O-1) Zoning Map Amendment request at the eastern intersection of KY 18 and Boone Aire Road.
- West: To the west of the site is the Suburban Residential One (SR-1) district that includes this proposed Zoning Map Amendment site. Boone Aire Road runs through the middle of this SR-1 district with single family residences on the west side of the road and a herb farm, a commercial use, on the east side of the road.

Site Characteristics

The site is basically a rolling wooded area with the lowest elevation near its eastern edge along Zig Zag Road and the highest elevation on its western side. There appears to be an abandoned road that runs through the site.

Relationship to the Comprehensive Plan (See Map #2-Land Use Map)

The Land Use Map (C-3) of the 1990 Boone County Comprehensive Plan shows the future land use for this site to be primarily Commercial (C) with a small part Rural Density Residential (RD) and another small part behind the residences on Zig Zag Road to be Urban Density Residential (UD) (see Map #2-Land Use Map). This same map also shows that most of the site is within the 65 Ldn of the 2009 Airport Noise Contours Map. The 1994 Airport Noise Contours Map shows most of the site within the 70 Ldn contour. However, the Kenton County Airport Board Noise Exposure Maps indicate the following with regard to the site:

1992 - 70 Ldn
1997 - 65 Ldn
2003 - outside 65 Ldn

In addition, the proposed 2011 Noise Exposure Map for Runway Alternative #17 of the Airport Master Plan indicated that the site is outside the 65 Ldn.

In the Goals and Objectives for the 1990 Boone County Comprehensive Plan the 9th Objective for Housing states the following:

High gross density development should be encouraged to locate in areas with immediate or convenient access both to major streets or highways and to significant commercial areas and public facilities.

In the Housing Element of the 1990 Boone County Comprehensive Plan under the sub-heading "Florence-Burlington Area" the following is stated:

This area will develop very rapidly around the new KY-18. Medium density will be the predominant form of residential development in the corridor and should not occur directly on KY 18, but with easy access to it. Some high density residential development should also occur off KY 18, near major cross streets such as Boone Aire Road, Limaburg Road, and Camp Ernst Road.

In general, the Comprehensive Plan further suggests that future commercial activity along KY 18 should serve the growing population between Florence and Burlington but serve regional needs.

The Comprehensive Plan also recommends that commercial development along KY 18 should take into consideration proper access management provisions and the surrounding residential uses.

Staff Concerns

1. Staff has concerns about the appropriateness of locating an apartment complex in this site specifically because of airport noise. Currently, the site is located in the 70 LDN but the noise level will change over time after the transition to stage three aircraft. The officially adopted Goals and Objectives for the 1995 Boone County Comprehensive Plan for the Housing Element states the following:
 7. Airport noise levels are among those legitimate land use impacts to be evaluated when new residential development is proposed. New residential development should not occur in areas with existing or proposed noise levels of 65 Ldn or higher as identified on official Noise Exposure Maps adopted and approved by the Kenton County Airport Board and the Federal Aviation Administration, unless acceptable measures are taken by builders to reduce noise impacts.
2. The applicant's Concept Development Plan shows a proposed access to KY-18 for the apartment complex. Staff has concerns whether this access will be approved by the Kentucky Transportation Cabinet (KTC). According to the Trip Generation Manual, 5th Edition of Institute of Transportation Engineers, the average number of weekday trips the apartment will generate will be 492. This increase in traffic will have a major impact on Boone Aire Road if KTC denies access to KY-18.
3. Staff also has concerns with the design of concept plan. The layout of the buildings and parking areas would mandate the total grading of the site with the loss of all the existing trees. The plan shows no buffering between the apartment development and the existing houses on Zig Zag Road instead it shows a large retention basin.

Conclusion

The Boone County Planning Commission should evaluate this request for a Zoning Map Amendment on the criteria presented in Section 308, Article #3-Amendment of the Boone County Zoning Regulations.

1. The map amendment is in agreement with the adopted Comprehensive Plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or
2. The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate; or

3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted comprehensive plan that substantially alter the area's character.

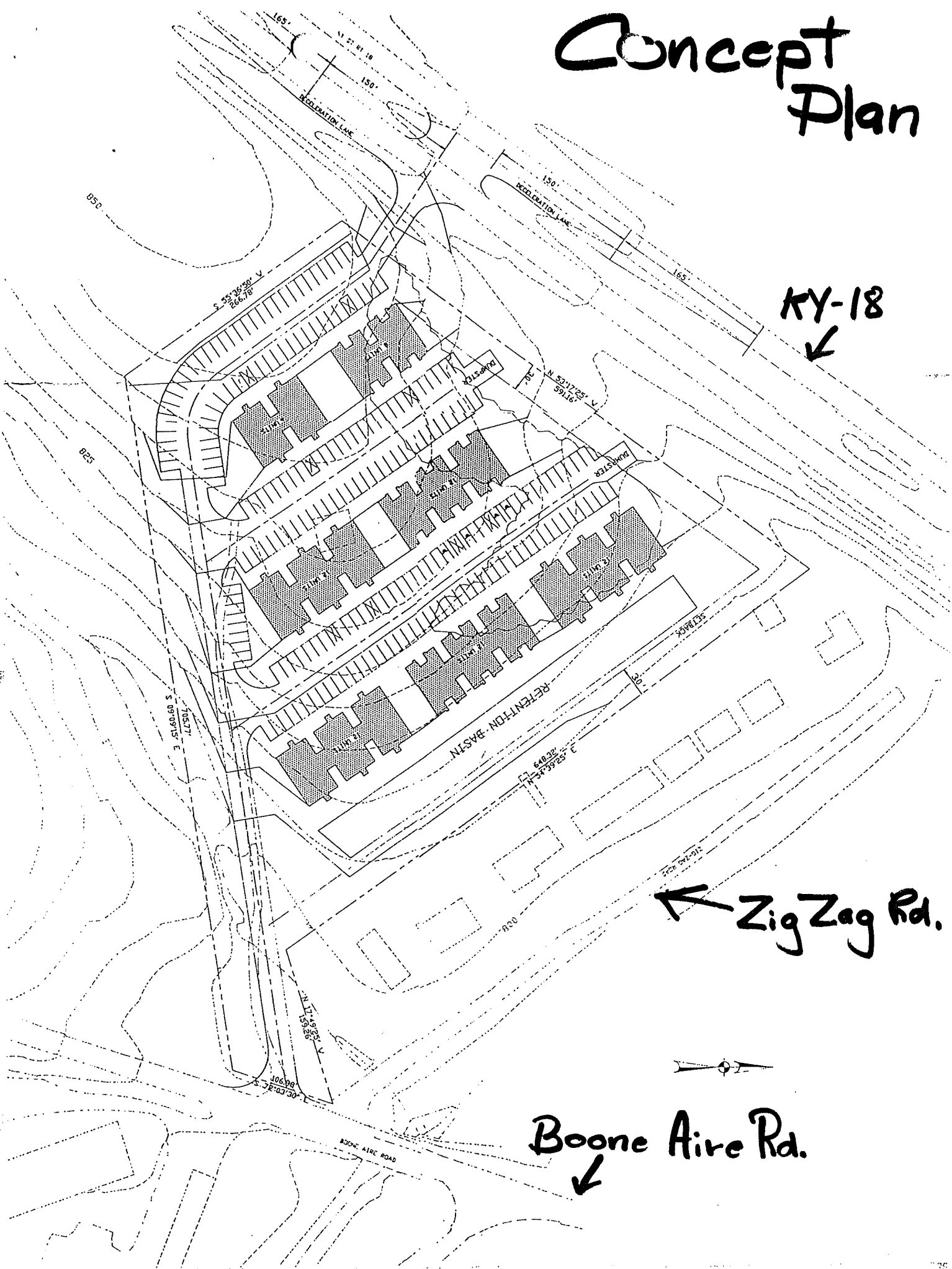
Respectfully submitted,



Dean E. Niemeyer
Planner

DEN\par

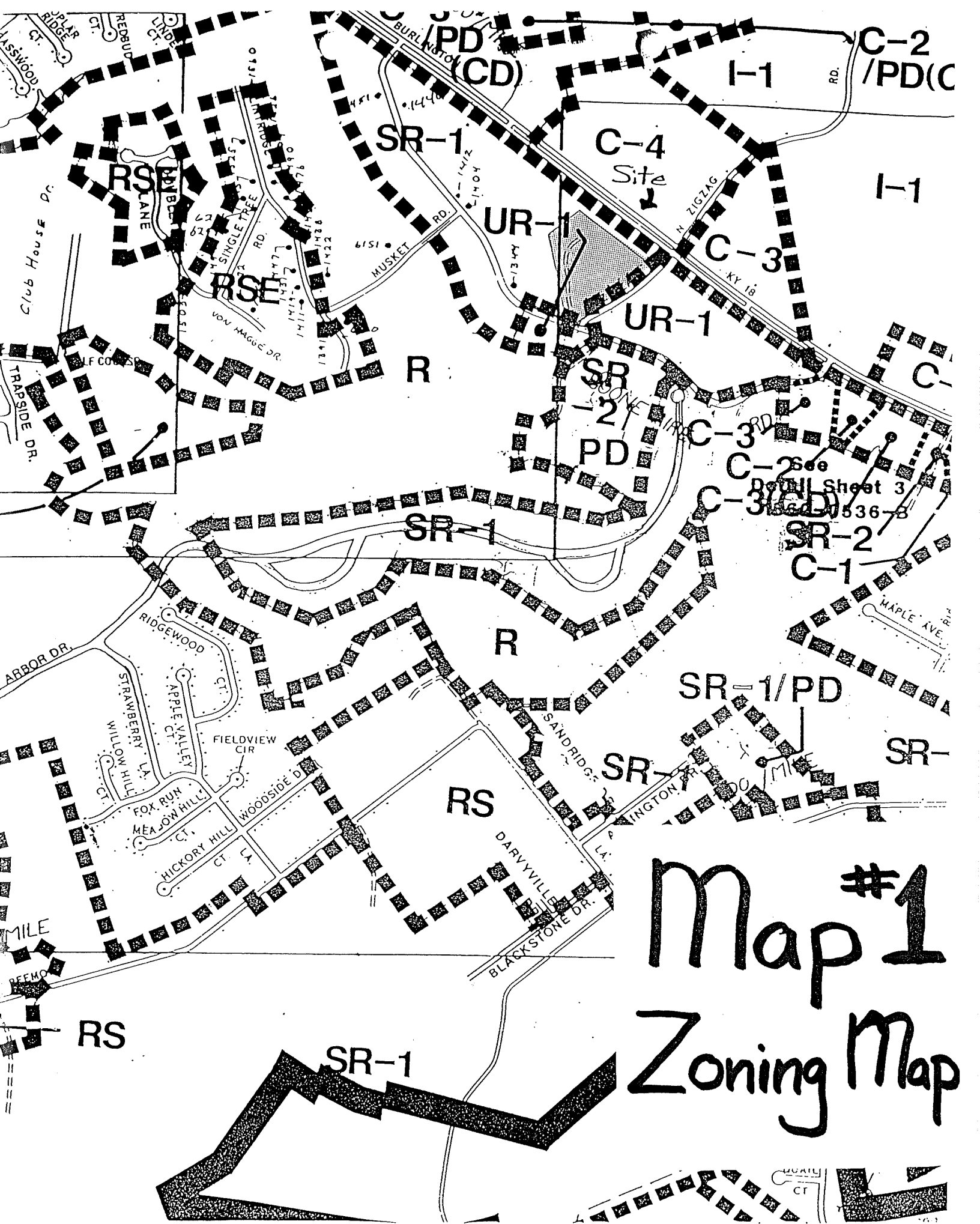
Concept Plan

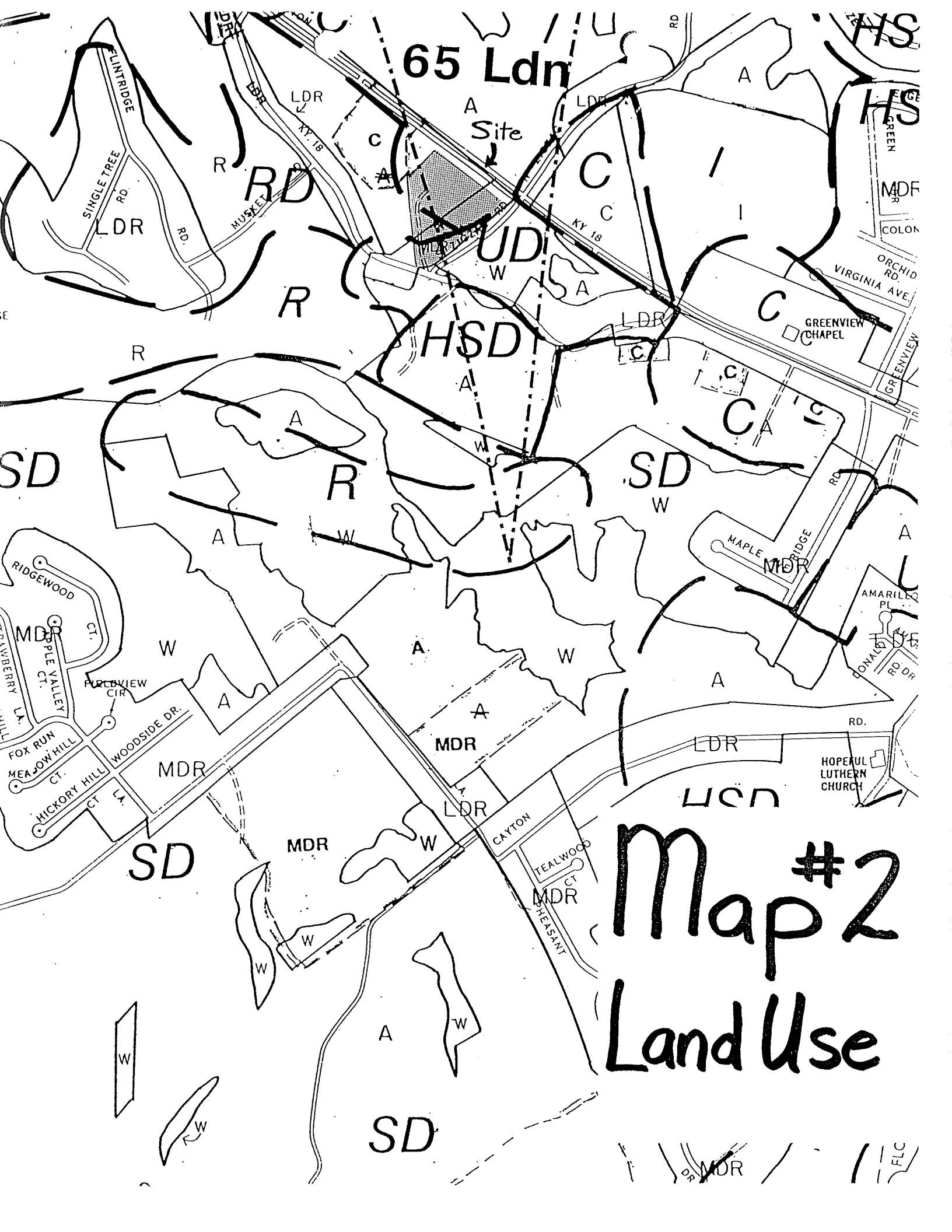


KY-18
↓

← Zig Zag Rd.

Boone Aire Rd.
↓





65 Ldn

Site

HSD

Map #2
Land Use

ELINTRIDGE
SINGLE TREE RD
LDR

GREEN
MDF
COLON
ORCHID RD
VIRGINIA AVE
GREENVIEW CHAPEL

RIDGEWOOD
MAPLE VALLEY
FOX RUN
MEADOW HILL
HICKORY HILL
WOODSIDE DR.

MAPLE RIDGE
AMARILLO PL
DONALDSON RD

HOPEFUL LUTHERAN CHURCH

W
RW

TEALWOOD
PHEASANT

SD

MDR
FLC

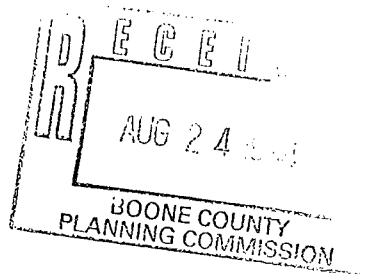


CINCINNATI/NORTHERN KENTUCKY INTERNATIONAL AIRPORT

P.O. Box 752000 CINCINNATI, OH 45275-2000 (606) 767-3151 Fax (606) 767-3080

August 23, 1994

Mr. Kevin Costello
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005



Dear Mr. Costello:

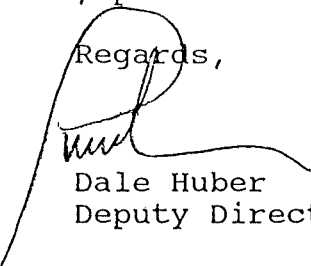
The Boone County Planning Commission has before it a zoning change request for a 6.67 acre tract of land roughly bounded by Kentucky Route 18, Zig Zag Road and Boone Aire Road. The request is to change the zoning from SR-1 to UR-1 so that an apartment complex may be constructed on the site.

By way of background, the site is currently located in the 70-75 DNL Noise Contour (Attachment "A"). By virtue of the implementation of the Supplemental Part 150 Noise Compatibility Program and the introduction of quieter aircraft, the site is projected to be in the 65-70 DNL contour in 1997 (Attachment "B"). It is not until the aircraft fleet mix is all Stage 3 that the site is removed from a noise contour (Attachment "C"). Residential development, without appropriate sound insulation, within aircraft noise contours is considered by the Federal Aviation Administration to be an incompatible land use (Attachment "D").

Given that the site: 1). is in a noise contour now 2). is expected to remain in a noise contour for some period of time and 3). will eventually come out of the noise contours, I believe that the only opportunity for a compatible land use at this site would be sound insulation as part of the construction project. It should be noted that funds for such sound insulation requirements are not available. Structures constructed after the approval of the Noise Compatibility Program (10/25/93) are not eligible for federally funded sound insulation projects.

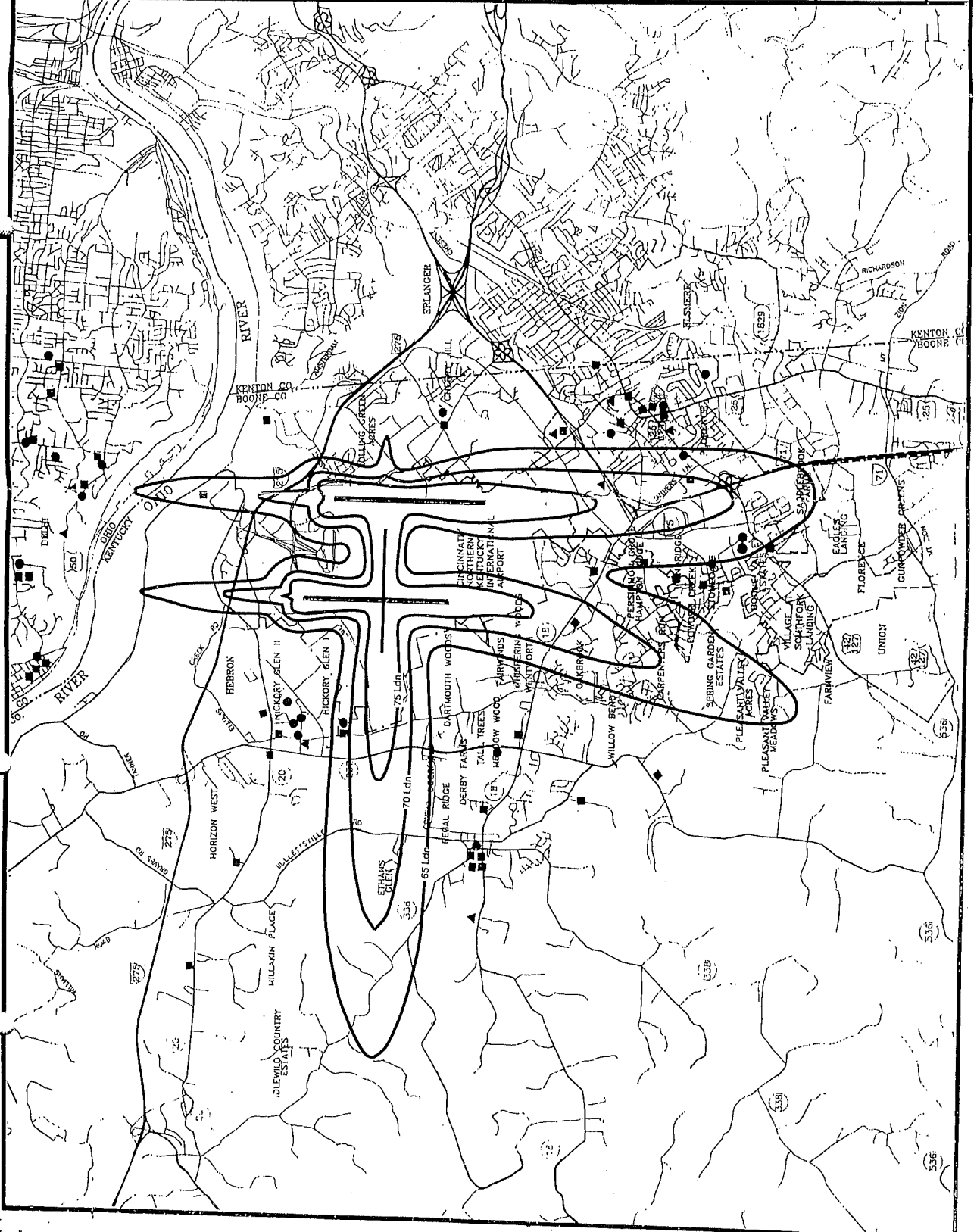
If you have any questions, please contact me at 767-3152.

Regards,


Dale Huber
Deputy Director of Aviation

DH:dch

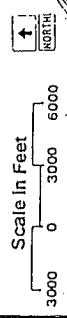
Enclosures



- Existing Residential Development
- Existing Schools
- Existing Churches
- Existing Hospitals, Nursing Homes, Libraries
- 70 Ldn Ldn Noise Contour

Attachment "A"

- Airport Boundary
- City Limits
- County Boundary



August 1992

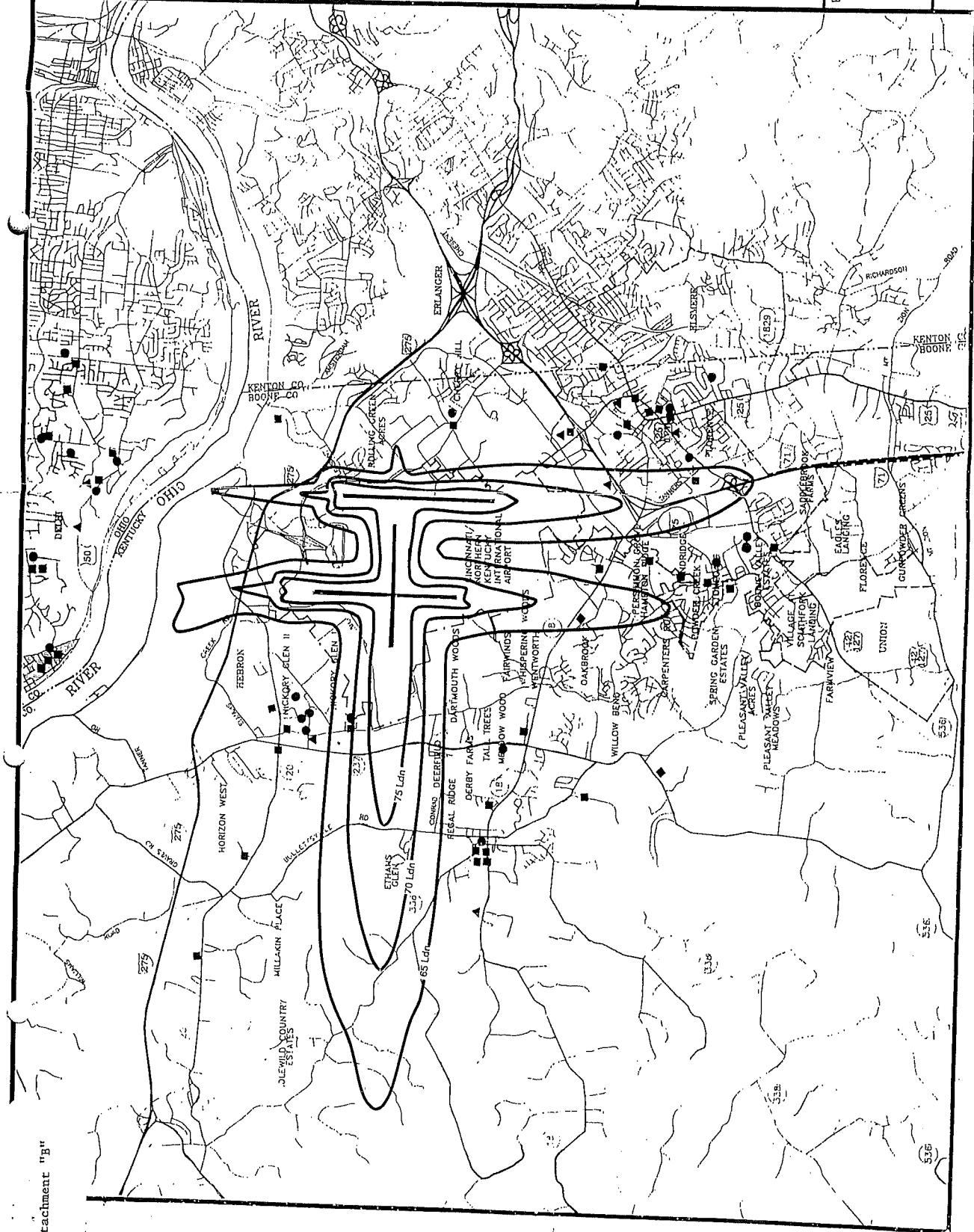


**Cincinnati/
Northern Kentucky
International Airport**

EXHIBIT: 1-8

**Mid-1992 Noise Exposure
Pattern**



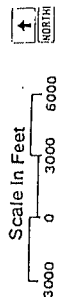


- Existing Residential Development
- Existing Schools
- Existing Churches
- Existing Hospitals, Nursing Homes, Libraries

LEGEND

- OP-2 OP-3 OP-4 OP-5 OP-6 (From Short-term Plan) Runway 18R/36L Extension
 - OP-1 1500' North
 - OP-7 Mid-92 Runway 27 Day Departure Percentage
 - OP-10 Night Arrival Stepdown 9/27/36L/18R
 - OP-11 Night Departure Stepdown 27/36L/9/18R
 - OP-12 Runway 9/27 Extension 2,200' West
- Modelled for 1997 Operational Levels

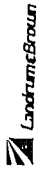
- Airport Boundary
- - - City Limits
- County Boundary

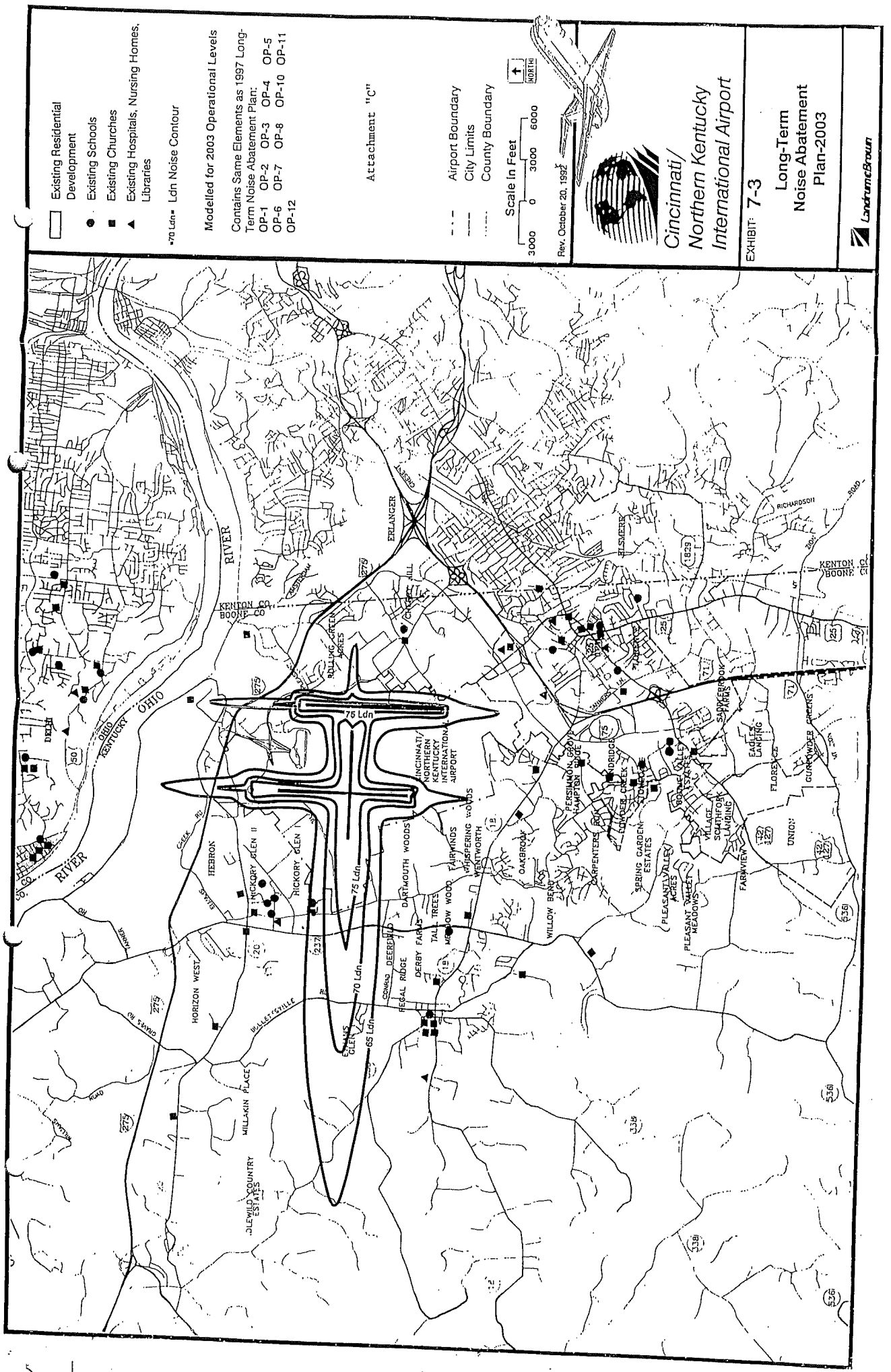


Cincinnati/
Northern Kentucky
International Airport

EXHIBIT: 7-2

Long-Term
Noise Abatement
Plan-1997





- Existing Residential Development
- Existing Schools
- Existing Churches
- Existing Hospitals, Nursing Homes, Libraries

Modeller for 2003 Operational Levels
 Contains Same Elements as 1997 Long-Term Noise Abatement Plan:
 OP-1 OP-2 OP-3 OP-4 OP-5
 OP-6 OP-7 OP-8 OP-10 OP-11
 OP-12

Attachment "C"

- Airport Boundary
- - - City Limits
- County Boundary



Rev. October 20, 1992



Cincinnati/
 Northern Kentucky
 International Airport

EXHIBIT: 7-3

Long-Term
 Noise Abatement
 Plan-2003



TABLE 1
LAND USE COMPATIBILITY* WITH YEARLY DAY-NIGHT AVERAGE SOUND LEVELS

<i>Land Use</i>	<i>Yearly Day-Night Average Sound Level (L_{dn}) in Decibels</i>					
	<i>Below 65</i>	<i>65-70</i>	<i>70-75</i>	<i>75-80</i>	<i>80-85</i>	<i>Over 85</i>
<i>Residential</i>						
Residential, other than mobile homes and transient lodgings	Y	N(1)	N(1)	N	N	N
Mobile home parks	Y	N	N	N	N	N
Transient lodgings	Y	N(1)	N(1)	N(1)	N	N
<i>Public Use</i>						
Schools	Y	N1)1	N(1)	N	N	N
Hospitals and nursing homes	Y	25	30	N	N	N
Churches, auditoriums, and concert halls	Y	25	30	N	N	N
Governmental services	Y	Y	25	30	N	N
Transportation	Y	Y	Y(2)	Y(3)	Y(4)	Y(4)
Parking	Y	Y	Y(2)	Y(3)	Y(4)	N
<i>Commercial Use</i>						
Offices, business and professional	Y	Y	25	30	N	N
Wholesale and retail—building materials, hardware and farm equipment	Y	Y	Y(2)	Y(3)	Y(4)	N
Retail trade—general	Y	Y	25	30	N	N
Utilities	Y	Y	Y(2)	Y(3)	Y(4)	N
Communication	Y	Y	25	30	N	N
<i>Manufacturing And Production</i>						
Manufacturing, general	Y	Y	Y(2)	Y(3)	Y(4)	N
Photographic and optical	Y	Y	25	30	N	N
Agriculture (except livestock) and forestry	Y	Y(6)	Y(7)	Y(8)	Y(8)	Y(8)
Livestock farming and breeding	Y	Y(6)	Y(7)	N	N	N
Mining and fishing, resource production and extraction	Y	Y	Y	Y	Y	Y
<i>Recreational</i>						
Outdoor sports arenas and spectator sports	Y	Y(5)	Y(5)	N	N	N
Outdoor music shells, amphitheaters	Y	N	N	N	N	N
Nature exhibits and zoos	Y	Y	N	N	N	N
Amusements, parks, resorts and camps	Y	Y	Y	N	N	N
Golf courses, riding stables and water recreation	Y	Y	25	30	N	N

Numbers in parentheses refer to notes.

* The designations contained in this table do not constitute a Federal determination that any use of land covered by the program is acceptable or unacceptable under Federal, State, or local law. The responsibility for determining the acceptable and permissible land uses and the relationship between specific properties and specific noise contours rests with the local authorities. FAA determinations under Part 150 are not intended to substitute federally determined land uses for those determined to be appropriate by local authorities in response to locally determined needs and values in achieving noise compatible land uses.

KEY TO TABLE 1

SLUCM	Standard Land Use Coding Manual.
Y (Yes)	Land Use and related structures compatible without restrictions.
N (No)	Land Use and related structures are not compatible and should be prohibited.
NLR	Noise Level Reduction (outdoor to indoor) to be achieved through incorporation of noise attenuation into the design and construction of the structure.
25, 30, or 35	Land used and related structures generally compatible; measures to achieve NLR or 25, 30, or 35 dB must be incorporated into design and construction of structure.

NOTES FOR TABLE 1

- (1) Where the community determines that residential or school uses must be allowed, measures to achieve outdoor to indoor Noise Level Reduction (NLR) of at least 25 dB and 30 dB should be incorporated into building codes and be considered in individual approvals. Normal residential construction can be expected to provide a NLR of 20 dB, thus, the reduction requirements are often stated as 5, 10 or 15 dB over standard construction and normally assume mechanical ventilation and closed windows year round. However, the use of NLR criteria will not eliminate outdoor noise problems.
- (2) Measures to achieve NLR of 25 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.
- (3) Measures to achieve NLR of 30 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.
- (4) Measures to achieve NLR of 35 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.
- (5) Land use compatible provided special sound reinforcement systems are installed.
- (6) Residential buildings require an NLR of 25.
- (7) Residential buildings require an NLR of 30.
- (8) Residential buildings not permitted.

§ A150.103 Use of computer prediction model.

(a) The airport operator shall acquire the aviation operations data necessary to develop noise exposure contours using an FAA approved methodology or computer program, such as the Integrated Noise Model (INM). In considering approval of a methodology or computer program, key factors include the demonstrated capability to produce the required output and the public availability of the program or methodology to provide interested parties the opportunity to substantiate the results.

(b) The following information must be obtained for input to the calculation of noise exposure contours:

- (1) A map of the airport and its environs at an adequately detailed scale (not less than 1 inch to 8,000 feet) indicating runway length, alignments, landing thresholds, takeoff start-of-roll points, airport boundary, and flight

tracks out to at least 30,000 feet from the end of each runway.

(2) Airport activity levels and operational data which will indicate, on an annual average-daily-basis, the number of aircraft, by type of aircraft, which utilize each flight track, in both the standard daytime (0700- 2200 hours local) and nighttime (2200-0700 hours local) periods for both landings and takeoffs.

(3) For landings—glide slopes, glide slope intercept altitudes, and other pertinent information needed to establish approach profiles along with the engine power levels needed to fly that approach profile.

(4) For takeoffs—the flight profile which is the relationship of altitude to distance from start-of-roll along with the engine power levels needed to fly that takeoff profile; these data must reflect the use of noise abatement departure procedures and, if applicable, the takeoff weight of the aircraft or some proxy for weight such as stage length.

(5) Existing topographical or airspace restrictions which preclude the utilization of alternative flight tracks.

(6) The government furnished data depicting aircraft noise characteristics (if not already a part of the computer program's stored data bank).

(7) Airport elevation and average temperature.

§ A150.105 Identification of public agencies and planning agencies.

(a) The airport proprietor shall identify each public agency and planning agency whose jurisdiction or responsibility is either wholly or partially contained within the L_{dn} 65 dB boundary.

(b) For those agencies identified in (a) that have land use planning and control authority, the supporting documentation shall identify their geographic area of jurisdiction.

8-1994

BOONE COUNTY PLANNING COMMISSION

ATTN: DEAN NIEMEYER

I AM UNABLE TO ATTEND THE PUBLIC HEARING ON 8/31/94 RE THE REQUEST TO REZONE A 32.43 ACRE SITE ON Donaldson Hwy FROM URBAN RESIDENTIAL ONE/PLANNED DEVELOPMENT (UR-1PD) TO PUBLIC FACILITIES (PF) TO ALLOW A HIGH SCHOOL. BUT FOR THE RECORD

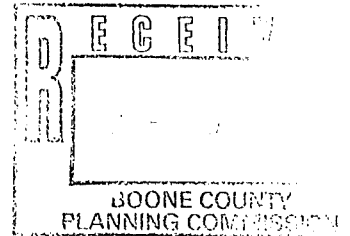
I AM OPPOSED TO THE CHANGE.

I MOVED TO 701 MAPLE TREE LANE IN FEB. 1967 TO GET AWAY FROM THE TRAFFIC, NOISE, CLUTTER AND VANDALISM OF A HIGH SCHOOL ON DIXIE HIGHWAY IN PARK HILLS. I DON'T WANT TO BE CLOSE TO ANOTHER ONE.

IN ADDITION, HAVE YOU BEEN ON HOUSTON, DONALDSON & TURFWAY ROADS LATELY. WHERE ARE WE GOING TO PUT ANY MORE TRAFFIC?

FRANCIS P. CALLAHAN
701 MAPLE TREE LN.
ERLANGER, KY 41018-1107

August 15, 1994



Boone County Planning Commission
Dean Niemeyer
2995 Washington Street
Burlington, KY 41005

Dear Mr. Niemeyer,

Due to a previous committment I am unable to attend the public hearing scheduled for Wednesday, August 24, 1994 at 7:00 p.m. in reference to the property located on Boone Aire Road, next to Zig Zag Road and across from Boone Aire Condominiums. Therefore I am submitting to you my concerns in writing. I hope that everyone involved understands my absence.

As a property owner on Boone Aire Road I can only believe that such a zone change will take away from the property already established there. I feel that if an approval for an apartment complex is allowed it will depreciate everyone else's property value and make it harder to sell. Some of my other concerns are: 1.) If we know that our county schools are currently over crowded, then how can we continue to approve new residential construction? 2.) The amount of traffic which this type of zone change would generate will stress current road conditions. (Boone Aire Road is a two lane, country road). 3.) Why would a developer want to build a new community here, when Boone Aire Road is in a flight pattern and in the buy out plan?

I hope that you will consider my concerns as an average property owner who will be directly effected by such a zone change and/or development.

Sincerely,

Dawn M. Jones

PUBLIC HEARING ITEM NO. 3:

Commission members present: Mrs. Arnett, Mr. Bailey, Mr. Burch - Vice Chairman, Mr. Damstrom, Mr. McElroy, Mr. McMillian, Mr. Neltner, Mr. Owens, Mr. Ries, Mr. Rush, Mrs. Schaffer, Mrs. Smith - Secretary/Treasurer, Mr. Viox - Chairman, and Mr. White.

Chairman Viox introduced the last item on the Agenda:

3. Applicant: E. J. Foltz for
Brady and Danny Holt (owners)
Request: Zoning Map Amendment

The request of E. J. Foltz (applicant) for Brady and Danny Holt (owners) for a Zoning Map Amendment on a 6.67-acre site located between KY 18 and Boone Aire Road, near Zig Zag Road, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) to Urban Residential One (UR-1) to allow an apartment development.

Mr. Kevin Costello, AICP, Director, advised that Staff Member Dean Niemeyer was on vacation. He asked Mr. Jonas to present the slides. Mr. Costello presented the staff Report (see Staff Report). Mr. Costello advised that the letter from Caleb attached to the Staff Report was an error and it pertains to another request. He noted the attached letter from Dale Huber.

Chairman Viox asked for the applicant's comments.

Mr. E. J. Foltz with CarTech Consultants, the design engineer for the project, provided brochures to the Commission. He stated that the brochure is a summary of the project and tells about the developer. The proposal is for 76 units on the site, known as Shadow Ridge. He stated that UR-1 is the least dense of all the multi-family residential zones. Development would start in Spring, 1995 and be completed by that Fall. He stated that the Staff Report indicates that the area is in C-3, but the Land Use Map indicates that it is C-4. The text of the Comprehensive Plan indicates that the area between Hopeful Road south of KY 18 should develop in a suburban density fashion. The Land Use Map indicates two-thirds of the area for Commercial use. Areas on the north side of KY 18 are used for commercial purposes at this time. Because of the topography and the adjacent land use, they feel that commercial development on the site would not be beneficial to the adjacent residents. The site is south of the old north/south runway. The current noise exposure maps are included in the brochure, and include the new contour maps for 1997 and 2003. The Comprehensive Plan shows old contour maps for 2009 with the site in the 65 LDN Zone. The new maps show the site being outside the LDN zone by 2003.

Mr. Foltz presented and reviewed the Concept Plan. He stated that there is access off KY 18 and Boone Aire Road. The Highway Department gave them an initial nod to go ahead. At this time, the plan meets all the current standards. The access is approximately 675 feet from Zig Zag Road and 816 feet from Centennial Road. The speed limit from the Mall Road/Houston

Road area to Zig Zag is 45 MPH and increases to 55 MPH. The Highway Department has indicated that the speed limit of this section may be reduced to 45 MPH. The Highway Department will work with the Staff in regard to the access. If access on Boone Aire does not work, they will work with the other access. The sewer is located on the golf course adjacent to the site and Boone County Water and Sewer wants them to work closely with them in this regard. They want to tie into the trunk line or install a pump station and tie into their system. He stated that the area will be outside the 65 LDN by 2003, and it has been brought to the developer's attention that they may have to do some soundproofing at this time. They will work closely with the Highway Department and the Staff in regard to access off Boone Aire or KY 18. They have plenty of setback around the perimeter of the property and between the adjacent houses with a retention basin. They can address the type of screening necessary when they submit a Site Plan. The site is more heavily wooded than what is indicated on the typographical/contour maps. Once they get approval, they will do a survey and locate the heavy vegetation on the site.

Chairman Viox asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present in opposition to the request or having questions.

Mrs. Coben, 6079 Zig Zag Road, stated that her house was not shown in the slides. Her house is right on the corner. Traffic going in and out will be going right in front of her front window and the other road will be by her bedroom window, which she does not like. She is concerned about the sewage. She asked who would pay for sewers on Zig Zag Road. She does not want to pay for sewerage. Mrs. Coben stated that she will be the one most affected by this development. She already has a water problem which has been going on for years, ever since the construction in the area. She stated that the Commission knows about the airport noise. She questioned the retention basin. She asked if a privacy fence would be put up. She stated that if the entrance/exit is on KY 18, it will not affect her that much, but she does not like it on Zig Zag Road. She questioned what type of housing it would be and the type of people who would be living there. She stated that people will be moving in and out all the time because they will not like the airport noise.

Mr. Gavis, 1371 Boone Aire Drive, stated that his house is next door to the condos and directly across Boone Aire Drive from the proposed complex. He believes the property values will go down if these units go in there.

Mr. Ed Ackerson, 1383 Boone Aire Road, stated that when they moved into the area they checked with the property owners and it was his understanding that it would be developed as a residential area. He stated that they have tried to make one of the most beautiful homes in the city of Florence. The slide presentation was very misleading and pictures were only taken of Zig Zag Road with \$65,000 to \$70,000 houses. What was not shown was Boone Aire Road with the \$170,000 and \$200,000 homes that will be affected. He stated that it is ludicrous to put in seven buildings. The trees, which now create a natural buffer zone from KY 18 and the noise, will be removed. He stated that a school is proposed between the parsonage and the church and the increased traffic will put the lives of the children in jeopardy. The development will decrease the property

values. Boone Aire is one of the nicest areas in Florence. He stated that there were no slides of the entrance to the Links and the lots starting at \$50,000 and up that will be impacted. He asked that the request be denied.

Mr. Robert Haines, a resident of Boone Aire Road on the corner of Boone Aire Estates, agreed with the others. He stated that if the apartment buildings go in, something will have to be done with Boone Aire Road. There has been talk about the No. 3 planes going over, which will be quieter planes, but they have been talking about that since 1961. Planes now go over at midnight and 4:30 A.M., which will cause people to move in and out constantly. There will be a low class of people in there who will devastate a beautiful area.

Margaret Vollmer, 1395 Boone Aire Road, stated that they have restrictions on their property and questioned if this property would be restricted -- no swimming pools, no garages, no banging the doors at night. She questioned what would be done with all the garbage this will create. She stated that they will have rodents all over the place. She asked if the restrictions on all the property owners would be relinquished if this goes through so that they can do what other people do on their land. If not, she will sue because you cannot have one side of the street one way and one side the other way.

Ronda Reeves, 1421 Boone Aire Road, asked what type of housing development this would be. Is it condos? Is it low-income housing? She stated that their road is an optional buy-out road and questioned putting a new 70-unit complex on it. She lived there since 1988 and the church was there at that time. A day care center has since gone in. There is a Sunoco, a McDonald's etc. and people will short cut through the Links to get there. There will be 100 more cars on the street. If the church has the school there, there will be increased traffic on the road. She stated that they have high property values and want to keep it that way.

Joyce Schwalbach, 1411 Flintridge (a street in the subdivision), stated that she is a realtor and president of the Boone Aire Home Owners. She stated that the applicant needs to see what he is getting into. There are not only takeoffs, but landings. She questioned how many floors there will be and how many units will be two-bedrooms and how many will be three-bedrooms. Mrs. Schwalbach raised questions in regard to the rents, if there will be tennis courts, the parking, and garages. She stated that she does not know how they will get into the sewer. She noted that the applicant did not say that these were luxury or garden apartments and questioned if they would be turned into Section 8 properties if things do not go as anticipated. Their property values since 1991 have diminished \$30,000 a piece. The people who would live in the units will get turned off by the flight path. If the buildings are two stories, they have a problem and if they are three stories they better not build them. She believes there is a cemetery on the property. The speed limit on Boone Aire Road is 25 MPH and there are curves and blind spots there. She stated that it is not right that the lady in the blue house is affected because they have 100 feet of frontage on Boone Aire Road. This was supposed to be commercially zoned property with the most frontage on KY 18. She does not see any reason to put apartments there.

Holly Mondy, a resident of Zig Zag Road, stated that they live in a \$65,000 or \$70,000 home and will be affected as much or more than the other homes. They are concerned about fencing in the back of the development and people wandering around in their yards. They have problems with the yards flooding when it rains. The creek gets up pretty far.

Charles Lynn, 1431 Boone Aire Road, stated that the road goes up into the old clubhouse and questioned if that is zoned for apartments. Mr. Costello referred him to the first page of the Staff Report and advised that it is zoned SR-2/PD and 90 units have been approved by the Planning Commission. It is a condo project that has not developed. Mr. Lynn stated that they will have the entrance from the Links, the Oakbrook exit on Boone Aire, and this one and it is already an area with congestion.

Betty Roth, President of Boone Aire Condominium Association, stated that they are opposed to the apartment buildings. They do not know if they will be low income buildings. They also have a water problem. She stated that Dale Huber told her 1 1/2 months ago that they are still in the buy out. She lives on the top floor and is right under the airplanes when they go over. Her patio carpet has black spots from the planes.

Mr. Foltz stated that Boone County Water and Sewer wants the option to put sewers in on Zig Zag Road if the need arises and he does not know if they would assess for them. He stated that they want to be able to install a sewer system on this development and contribute so that sewers could possibly go in on Zig Zag Road. He indicated the retention basin on the south side of the development, and also the creek. He stated that they have to have storm water retention and have to retain the water for a minimum of 15 minutes, which is addressed in the Subdivision Regulations. It is projected that the rents will be similar to the adjacent Drees development at \$450 - \$600 per month. They will be two-story units with an even mix of two- and three-bedroom units. They do not propose any swimming pools or tennis courts. He stated that the text of the Comprehensive Plan says to use the area for urban residential. The Land Use Map shows it being used for commercial, which he does not think is the best use and it is better suited for residential. He stated that there is UR-1 on the other side of Boone Aire Road and south of Zig Zag Road, and this request will make it a larger contiguous zone. He is not aware of restrictions on Boone Aire Road. In regard to airport noise, Mr. Foltz stated that he has lived under the flight path in Fort Mitchell and the 65 LDN Zone is an average level day and night. They have been made aware of a cemetery on the site and have a survey from Walton & Walton which does not indicate a cemetery on the property. They will locate the cemetery when they do an actual field survey. If they have to reconfigure to avoid the cemetery, they will do that. The concerns about fencing and buffers will be brought up again when a Site Plan is submitted. The trees will be pine trees.

Mr. Harry Gospel, Century 21, representing Community Construction of Bakersfield, California, offered a brochure about the property owner and what they are going to build. He stated that this area will support the type of rents that they need to get. They will put in a first class

development consistent with the type of homes on Boone Aire Road. The development will be an asset. He offered to share the brochure with the residents. The rents will be \$500 to \$600 per month. He stated that the Highway Department is studying the access off KY 18. If they get that access, there will not be the problems of cars coming in and out on Boone Aire Road. He noted that the area could be zoned for commercial and questioned if the residents want commercial. He stated that they are willing to listen to the concerns about landscaping and buffer. The property is in the 65 LDN. He stated that there are developments on Cayton Road that they are continuing to build today. The property will be outside of the 65 LDN after 1997. The units will not be built until the end of 1995. They will cater to middle and upper income families. He stated that different carriers are converting Stage 2 to Stage 3 engines and the Stage 3 is at least 50% quieter. He stated that when you live in the Florence area, you are going to have airplane noise.

Chairman Viox asked if there were any comments or questions from the Commission.

Mrs. Smith noted that the name of the development will be Shadow Ridge. She asked if that would also be the name of the street. She stated that there is already one Shadow Ridge in Florence.

Mr. Foltz stated that it is a private street and they typically do not have a name. If there is a street by that name in the county, the Staff will tell them to come up with another name.

Mr. Ries stated that he was a resident of Boone Aire Road for six years. It is an exclusive, single-family residential area and he is not comfortable with apartments going there. Boone Aire is a very small road not made to handle heavy traffic. It was changed at the east end for a commercial type property, which will contribute to the traffic, and he would be concerned about the additional traffic. He estimated that when he lived there it was about a 90 LDN rather than a 65 LDN. This property is in the direct path of the runway and he cannot image that it is going to get much better. Fort Mitchell is a 20 LDN vs. the LDNs in Boone County. He noted that there was talk of putting pillars at the end of Boone Aire and making it an exclusive residential area.

Mrs. Arnett questioned if the rent included the utilities. Mr. Gospel advised that the rents do not include utilities. Mrs. Arnett questioned if what was shown is what they are proposing. Mr. Gospel advised that it is a quick Concept Plan and they are not sure which design it would be.

Mr. Burch questioned if the builder has built in Kentucky or this area before. Mr. Gospel stated that this is their first development in this area. They are also building in Hamilton, Ohio. Mr. Burch asked if they are subsidized apartments. Mr. Gospel stated that rents at those levels are not subsidized.

Mr. White stated that the apartments that went in on Kentaboo Road at \$550 per month are Section 8. He stated that the rent has nothing to do with it. Mr. Gospel agreed and stated that they will be first class, not low income, housing.

Mr. Owens stated that the 1995 Goals and Objectives say that the Commission will not authorize anything in the 65 LDN unless assured of sound insulation, which has not been discussed.

Mr. Foltz stated that the developer will have to be more specific. At this time they are feeling out the Commission and it is not to their advantage to go into in depth engineering work at this time. He will have to go back to the developer for this information.

Mr. Neltner asked if the Highway Department made a commitment as to when they will have an answer. Mr. Foltz advised that the Highway Department gave an initial nod and they showed it on the plan. They did not want to landlock a piece of property and it is an awkward configuration with access off Boone Aire Road. If the Staff feels that access is not acceptable because of the condition of the road or the speed, they will work with them on getting access off KY 18. Counselor Wilson stated that there is an application they must file in this regard and questioned if they filed it. Mr. Foltz advised that they did not. Mr. Neltner asked that the applicant get something further from the Highway Department.

Mr. Costello advised that Forrest Rankin is in charge of the Encroachment Permit. There was compensation involved and they are not entitled to a curb cut on KY 18. It was not in the original plan of KY 18. If the Commission feels that the proposed access to Boone Aire Road would not work for this type of development and the site is better served off KY 18, there will have to be discussion with the Highway Department about that. In regard to access on KY 18, there is remaining property to the west which may develop in the future and may want the same thing, and there will be the same problem. It may be wise to have a joint access from KY 18 if it is safe at that location. Staff will check with Mr. Rankin in this regard.

Mr. Ries noted that the applicant indicated that the property could be zoned C-3. Mr. Costello advised that the Staff Report alluded to the location being on the C-4 Map, but Mr. Niemeyer had the wrong page number.

Mr. Bailey asked to what extent the Committee considers the quality of the apartments. Counselor Wilson advised that it is one of many factors in looking at land use impacts and determining whether it is compatible or appropriate. A decision is made based on all the factors.

Mr. Costello questioned where the development is in Hamilton, Ohio as they may want to make a site visit. Mr. Gospel advised that it has not been developed and is in the same stage as this development. He stated that they will show the design to the Committee and give a statement that it will not be low income housing.

Mr. Ackerson stated that people are not going to live in an area with this much airport noise. He added that about a year and a half ago Delta was flying over this area and an engine blew up. A compressor part blew down in the area under discussion.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on August 29, 1994 at 4 P.M. in the second floor conference room. This item will be on the Agenda for the Business Meeting on September 7, 1994 at 8 P.M..

The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING
September 21, 1994
7:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 7:05 P.M..

COMMISSION MEMBERS PRESENT:

Mr. William Bailey
Mr. Phil Damstrom
Mr. Robert Kirby, Jr.
Mr. Gayle McElroy
Mr. Barry Neltner
Mr. Thurman Owens
Mr. Robert Ries
Mr. Ralph Rush
Mrs. Linda Schaffer
Mr. William Viox, Chairman
Mr. Earl White

COMMISSION MEMBERS NOT PRESENT:

Mrs. Judy Arnett
Mr. Fred Burch, Vice Chairman
Mr. Don McMillian
Mrs. Carol Smith, Secretary/Treasurer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Mr. Dave Geohegan, AICP
Mr. Jeff Hayes
Ms. Jan Hancock, Secretary
Mr. Dean Niemeyer
Mr. Kevin Wall

UNFINISHED BUSINESS:

1. Zoning Map Amendment

The request of Richwood Land, Inc. (applicant) for TA Operating Corporation (owner) for a Zoning Map Amendment on a 2.23-acre site at the northeast corner of KY 338 and I-75, Boone County, Kentucky. The request is to change the zone from Rural Suburban (RS) to Commercial Services (C-3) to allow Commercial uses that include motel and restaurant uses.

Staff Member Jeff Hayes read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). The applicant has signed the letter agreeing to the conditions.

Mr. Damstrom moved that the request be approved based on the Staff and Committee Reports. Mr. Neltner seconded the motion.

A gentleman with Towne Center Company, which is doing the development for Richwood Land, Inc., stated that they are expecting to add a Burger King, Taco Bell, and Arby's. Arby's and Taco Bell will be leasing. He stated that if they put these users on the sign, they would have to forfeit the pylon signs in front of their sites. They do not want to forfeit those signs.

Counselor Wilson stated that if comments are not contained in the record, it may be that the applicant does not want action taken this evening and for the matter to be addressed by the Committee at the next Committee Meeting. The matter may have to be deferred.

The gentleman from Towne Center Company stated that they did not realize that by agreeing to advertise the uses on the highway that they would lose their recognition on KY 338. He stated that they had all three signs on the Development Plan and identified the high rise sign. They understand that the high rise sign is offensive to the community and they are willing to tear it down and trade it for a sign as indicated in their rendering.

Mr. McElroy, Chairman of the Committee, asked for a short recess to allow the Committee to meet.

Following the recess, Mr. Damstrom withdrew his motion to approve the request. Mr. Neltner withdrew the second to the motion.

Mr. Damstrom moved that the request be deferred to the next Business Meeting. Mr. Neltner seconded the motion and it carried unanimously.

2. Zoning Map Amendment

The request of E. J. Foltz (applicant) for Brady and Danny Holt (owners) for a Zoning Map Amendment on a 6.67-acre site located between KY 18 and Boone Aire Road, near Zig Zag Road, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) to Urban Residential One (UR-1) to allow an apartment development.

Staff Member Dean Niemeyer read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). He reviewed the attachments to the Committee Report (see Attachments A - E). The applicant and owner have signed the letter agreeing to the conditions.

Mr. Kirby moved by resolution to the Boone County Fiscal Court that the request be approved based on the Committee Report. Mr. Damstrom seconded the motion.

Mr. Ries noted his comments made at the Public Hearing and stated that this is an exclusive residential area. He stated that the Staff and Committee have come up with some excellent conditions and done a good job, but this is not a good fit for this area. It would set a precedent in the area.

Mrs. Schaffer referred to Condition #3 and noted that it says, "contingent on the approval of the Kentucky Transportation Cabinet". Mr. Niemeyer advised that if they do not get that approval, they cannot build the project.

Mrs. Schaffer stated that the site is in a 65 LDN, but it is in the direct line of landing and will have planes overhead. She commented that Stage 3 aircraft may be quieter, but the LDN is an average and there is a pool and outside activities and people have to consider what they will tolerate. She stated that she could not approve this in a 65 LDN.

Mr. Owens stated that Findings of Fact #5 and #6 fly in the face of the Objectives in the Comprehensive Plan. He noted Mrs. Schaffer's comment in regard to Condition #3 and stated that the conditions does not really say that construction is contingent upon the approval by the Kentucky Transportation Cabinet. Mr. Niemeyer advised that this was the understanding of the Committee -- there would be only one access and that access would be on KY 18.

Counselor Wilson advised that if they cannot get that approval, they would have to come back before the Planning Commission -- with notice and a Public Hearing -- to make the argument that access should be allowed elsewhere.

Mr. Owens stated that he made a mistake in signing the Committee Report.

Mr. Neltner noted Mrs. Schaffer's comment that it was a 65 LDN, but that Staff has indicated that it is a 70 LDN.

Mr. Ries asked if the emergency access onto Boone Aire Road would be chained off -- otherwise people will use it. Mr. Niemeyer advised that it will be chained off and used only for emergency situations.

Mr. Kirby stated that he made the motion to approve the request and he stands behind that motion. He stated that currently the zoning is for single-family houses, but it is right under the flight path and in a 70 LDN -- soon to be a 65 LDN -- and in the next ten years it will be outside

the 65 LDN. He stated that the people are protected in their living units as soundproofing is required. It would be noisy outside -- and the people who want to live there would have to make that choice. He stated that this use would be a better use than single-family homes on the site. He questioned if it is unfit for apartments why it would be fit for single-family houses.

Mr. Niemeyer advised that the site will not be in the noise contours by the year 2003.

Mr. Ries stated that the location is very close to the end of the runways. When the leaves are off the trees, they will be able to see the planes land. He is concerned about dealing with the airport on the LDN and finds it difficult to comprehend that the site will ever be below 65 LDN. Mr. Ries stated that he lives 4 miles from the runway and the airport claims he will only go from a 65 LDN to a 60 LDN. He finds it hard to believe that this site, which is within a half-mile of the airport, will go to 65 LDN. He stated that there have been mistakes in the past in regard to LDNs.

Mrs. Schaffer stated that she does not think that the noise contours in the future can be relied on. She noted that this is a 3-floor complex and the living units will not be at a low level.

Mr. Foltz stated that there will be no more than two floors in the buildings.

At this time, Chairman Viox asked for a vote on the motion made by Mr. Kirby to approve the request which found Mr. Bailey, Mr. Damstrom, Mr. Kirby, Mr. McElroy, and Mr. Neltner in favor. Mr. Owens, Mr. Ries, Mr. Rush, Mrs. Schaffer, Mr. White, and Chairman Viox were opposed. There were 5 votes in favor and 6 opposed. The motion did not carry.

Chairman Viox stated that findings of fact are needed for a motion to deny, or the request can go back to the Committee. Counselor Wilson explained that the motion for approval not passing is not an automatic denial of the request.

Mr. Owens stated that he finds Findings of Fact #5 and #6 in the Committee Report to be a basis for denial. Mr. Owens moved by resolution to the Boone County Fiscal Court that the request be denied on the basis that (1) The officially adopted Goals and Objectives for the 1995 Boone County Comprehensive Plan for the Housing Element states the following:

7. Airport noise levels are among those legitimate land use impacts to evaluate when new residential development is proposed. New residential development should not occur in areas with existing or proposed noise levels of 65 LDN or higher as identified on official Noise Exposure Maps adopted and approved by the Kenton County Airport Board and the Federal Aviation Administration, unless acceptable measures are taken by builders to reduce noise impacts.

and (2) The Housing Element of the 1990 Boone County Goals and Objectives states the following about high density residential development:

High gross density development should be encouraged to locate in areas with immediate or convenient access both to major streets or highways and to significant commercial areas and public facilities.

Residential developments shall be designed in a manner which is compatible not only with the general housing character planned for the area but also with the existing conditions or the site, including the suitability of adjoining lands for appropriate access.

Mr. Ries seconded the motion.

Mr. Damstrom stated that the property is zoned Residential now, but Mr. Owens is saying that it is not suitable for Residential. The applicant wants to put residential use there with apartments. He asked what the zone should be.

Mr. Kirby stated that Findings of Fact #5 and #6 were stated in support of the development and are now being used to support disapproval without any change, so they could be viewed as ambiguous. He noted that Finding of Fact #5 says "unless acceptable measures are taken by builders to reduce noise impacts". He stated that they had to build with a 30 decibel and were taking acceptable measures to meet the Goal of the Comprehensive Plan. In Finding of Fact #6 it says that they need to be located in areas with immediate and convenient access -- and the access is convenient to KY 18, which is a major highway, and where it should be. It is convenient to commercial uses. KY 18 is entirely commercial except for two or three pieces of ground, so they meet that Goal. He stated that the reasons for denial are in error as the application meets those conditions. He noted that someone could come in with a Site Plan with four houses per acre and the Commission would have to accept it. He stated that the airport is being made an issue for apartment development when they could build houses there and the Commission would not have a say about the airport. He stated that it is a question of 8 units per acre for apartments or 4 units per acre for houses. People would not want to build single-family houses on a major highway like KY 18 with the airport noise. Apartment dwellers tend to accept things that single-family development residents do not accept. He is not in support of the motion to deny.

Mr. Neltner noted that it was stated by the opponents that this development is not appropriate for the houses around there. He stated that the site is not likely to be developed as \$200,000 single-family houses and the alternative development is Commercial or Industrial. The apartments would be a transition between KY 18 with the commercial uses and the houses that are there. The property is not going to be left as open space.

Mr. Ries stated that the property is zoned Residential now. Changing it to an apartment complex and destroying the subdivision is not a solution. He stated that it should be allowed to develop as it was intended

originally. It is more acceptable to see houses insulated and compatible with the residential area. Industrial or Commercial use would be worse than the apartments. He stated that the lots are set up so that the houses could be far enough back to be insulated from KY 18. He is concerned about Section 8 housing. He noted that if the apartments do not go well it would be easy to get them changed to Section 8.

Mr. Bailey stated that the Committee was aware of the quality of homes behind this development. At the first meeting, the developer did not indicate sufficiently that it would be a quality development. The developer came back a second time and indicated to his satisfaction, and the satisfaction of most of the Committee members, that it would be a quality development with a clubhouse and a pool. The developer was to be held to the type of quality that he was showing. In regard to airport noise, the applicant indicated that they would be agreeable to a condition that the noise meet the requirement for the area. He stated that he felt it would be a quality development and, if not, what might be seen in time is a continuous row of commercial development all the way out KY 18. He stated that quality apartments would be an appropriate mix.

Mrs. Schaffer stated that Finding of Fact #6 says that Residential developments shall be designed in a manner which is compatible not only with what may be there, but the existing conditions. She stated that this use is not compatible. She referred to the Comprehensive Plan, which says it should not occur directly on KY 18. She stated that the Commission has to look at the existing and future character of the neighborhood.

Mr. Owens stated that the Commission approved the Goals and Objectives four and a half months ago and supported them to every legislative unit that supports the Commission with the recommendation about the 65 LDN. The legislative units have all approved those Goals and Objectives and now the Commission is saying that it did not mean that.

Mr. Neltner asked if Mrs. Schaffer is saying that it is not appropriate to put apartments next to single-family development. Mrs. Schaffer replied "no" and stated that you have to look at the general area. She noted Mr. Ries' comments. Mr. Neltner commented that Mrs. Schaffer is saying it is not compatible to put apartments next to single-family houses. Mrs. Schaffer agreed but added that she is just going by this area. Mr. Neltner questioned the uniqueness of this area.

Mr. Kirby stated that Mr. Owens alluded that if this request is not denied the Commission is going against what was said in the Comprehensive Plan -- that there should be no housing in 65 LDN -- but what was said was that there should be no housing in the 65 LDN "unless", and they are prepared to do the "unless", so the Commission would not be going against what was said in the Comprehensive Plan.

There being no further comments, Chairman Viox asked for a vote on the motion made by Mr. Owens to deny the request. Counselor Wilson advised that a "yes" vote is a vote to deny the application.

A roll call vote on the motion found Mr. Owens, Mr. Ries, Mr. Rush, Mrs. Schaffer, Mr. White, and Chairman Viox in favor. Mr. Bailey, Mr.

Damstrom, Mr. Kirby, Mr. McElroy, and Mr. Neltner were opposed. The motion carried by a vote of 6 to 5.

Counselor Wilson advised that the Commission's action is a recommendation to the Fiscal Court and they may go along with the recommendation or override it.

3. Zoning Map Amendment

The request of Lawrence J. Humpert (applicant) for David M. Otte, St. Henry High School (owner) for a Zoning Map Amendment on a 32.93-acre site located on the north side of Donaldson Highway across from Marydale, Boone County, Kentucky. The request is to rezone the site from Urban Residential One/Planned Development (UR-1/PD) to Public Facilities (PF) to allow a high school.

Staff Member Dean Niemeyer read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). The applicant and owner have signed the letter agreeing to the conditions.

Mr. Owens moved by resolution to the Boone County Fiscal Court that the request be approved based on the Committee Report. Mrs. Schaffer seconded the motion.

Mr. Kirby referred to Condition #2 and questioned the sanitary waste going into the Cherry Hill treatment facility. Chairman Viox advised that it is going through their lines. Mr. Kirby noted that there will not be a private treatment plant.

Chairman Viox asked for a vote on the motion made by Mr. Owens and it carried unanimously.

Chairman Viox introduced Mr. Kevin Wall, the new Director of Zoning Services.

Chairman Viox advised that the meeting was scheduled for 7 P.M. this evening as there is a panel discussion at the Holiday Inn in regard to the merger of city/county services. Mr. Costello will be the last speaker there this evening.

Chairman Viox asked Mr. Neltner, Temporary Presiding Officer, to chair the meeting at this time and left to attend the meeting at the Holiday Inn.

Mr. Neltner chaired the meeting and introduced the fourth item on the Agenda:

4. Zoning Map Amendment

The request of Security Self Storage (applicant) for Siebert Enterprises (owner) for a Zoning Map Amendment on a 4.10-acre site located along I-75 near the end of Steilen Drive, Florence, Kentucky. The request is to rezone the site from Recreation (R) to Commercial Services (C-3) to allow additional self storage warehouses.

EXHIBIT "B"

FINDINGS FOR DENIAL

The Boone County Planning Commission's recommendation for denial was presented orally at the September 21, 1994 Business Meeting. The findings of fact for the basis of denial is contained in the September 21, 1994 Business Meeting minutes. Attached is a draft copy of the September 21, 1994 Business Meeting minutes. The official, or approved, copy of the minutes will be forwarded to the Boone County Fiscal Court with the request's resolution immediately following our October 5 1994 Business Meeting.

This Report was presented
at 9/21/94 Bus. Mtg. but
was not approved. #2
Request
was Denied.

JEN

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Fred Burch, Chairman

DATE: September 21, 1994

RE: Request of E.J. Foltz (applicant) for Brady and Danny Holt (owners) for a Zoning Map Amendment on a 6.67 acre site located between KY 18 and Boone Aire Road, near Zig Zag Road, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) to Urban Residential One (UR-1) to allow an apartment development.

REMARKS:

We, the Committee, recommend approval based on following findings of fact and with the following conditions:

Findings of Fact

1. In the Housing Element of the 1990 Boone County Comprehensive Plan under the sub-heading "Florence-Burlington Area" the following is stated:

This area will develop very rapidly around the new KY-18. Medium density will be the predominant form of residential development in the corridor and should not occur directly on KY 18, but with easy access to it. Some high density residential development should also occur off KY 18, near major cross streets such as Boone Aire Road, Limaburg Road, and Camp Ernst Road.
2. The proposed site is currently located in the 70 Ldn Noise Contour (see Attachment A: Mid-1992 Noise Exposure Pattern from the Supplemental Part 150 Study). Even with the implementation of the Airport's Noise Compatibility Program and the transition to stage three aircraft, the site is still projected to be in the 65 Ldn contour by 1997 (see Attachment B: Long-Term Noise Abatement Plan-1997). And it is not until all aircraft are stage three that the site will be outside of the noise contours (see Attachment C: Long-Term Noise Abatement Plan-2003).
3. Residential development, without appropriate sound insulation, within aircraft noise contours is considered by the Federal Aviation Administration to be an incompatible land use (see Attachment D).

4. Structures built after the approval of the Airport's Noise Compatibility Program (10/25/93) are not eligible for federally funded sound insulation projects.
5. The officially adopted Goals and Objectives for the 1995 Boone County Comprehensive Plan for the Housing Element states the following:
 7. Airport noise levels are among those legitimate land use impacts to be evaluated when new residential development is proposed. New residential development should not occur in areas with existing or proposed noise levels of 65 Ldn or higher as identified on official Noise Exposure Maps adopted and approved by the Kenton County Airport Board and the Federal Aviation Administration, unless acceptable measures are taken by builders to reduce noise impacts.
6. The Housing Element of the 1990 Boone County Goals and Objectives states the following about high density residential development:

High gross density development should be encouraged to locate in areas with immediate or convenient access both to major streets or highways and to significant commercial areas and public facilities.

Residential developments shall be designed in a manner which is compatible not only with the general housing character planned for the area but also with the existing conditions of the site, including the suitability of adjoining lands for appropriate access.

Conditions

1. The approved concept plan is the revised plan presented at the September 12, 1994 Zone Change Committee Meeting (see Attachment E-Concept Plan).
2. To enhance the landscape buffer, the applicant will construct a 6 foot privacy fence (of the type made of staggered vertical planks) along border that is contiguous with the properties on Zig Zag Road.
3. There will be a single access to the site from KY-18 (contingent on the approval of the Kentucky Transportation Cabinet). This will be a shared access to KY-18 with the property west of the site. An emergency vehicle access shall be provided from the site to Boone Aire Road.
4. To assure the quality of design of the buildings, the applicant will submit the site plan and building plans to the Boone County Planning Commission's Design Review Process.

5. The apartments will be built with increased sound insulation materials to buffer aircraft noise. An outdoor to indoor Noise Level Reduction (NLR) requirement of at least 30dB (decibals) will be achieved. This would necessitate at least a 15dB noise reduction over standard construction.
6. The identified family cemetery located on the site will either be preserved, which would include fencing with a suitable material and maintenance by the property owner as proscribed by the Boone County Subdivision Regulations, or moved to an established cemetery following state and local regulations.
7. Storm water will be detained on site. The stormwater management system will not negatively impact adjoining property owners on Zig Zag Road.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

Fred Burch, Chairman

Barry Neltner
Barry Neltner

Phil Damstrom
Phil Damstrom

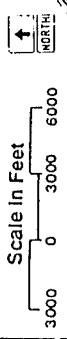
Thurman Owens
Thurman Owens

William Bailey
William Bailey

Gayle McElroy
Gayle McElroy

- Existing Residential Development
- Existing Schools
- Existing Churches
- Existing Hospitals, Nursing Homes, Libraries
- *70 Ldn* Ldn Noise Contour

- Airport Boundary
- City Limits
- County Boundary



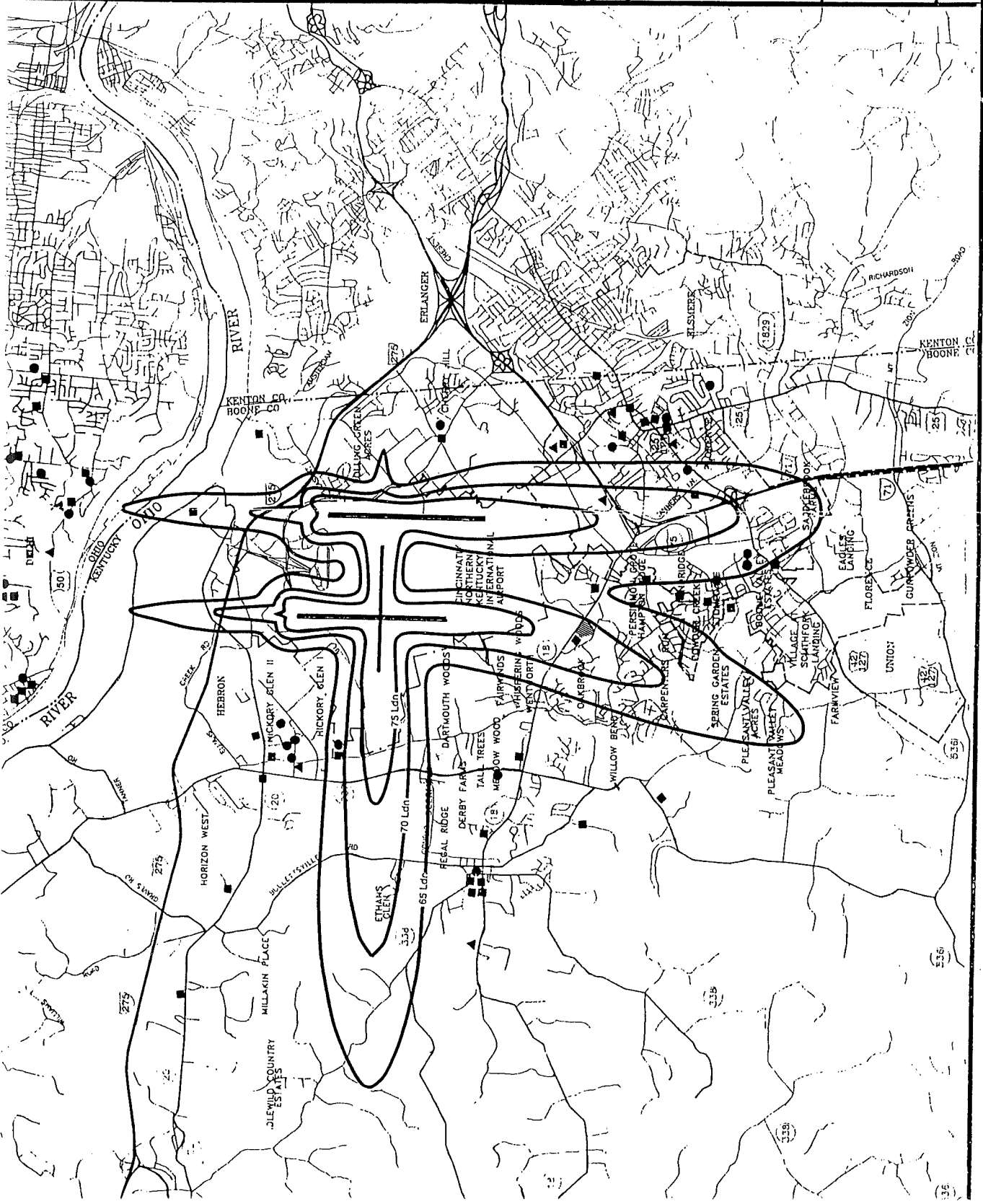
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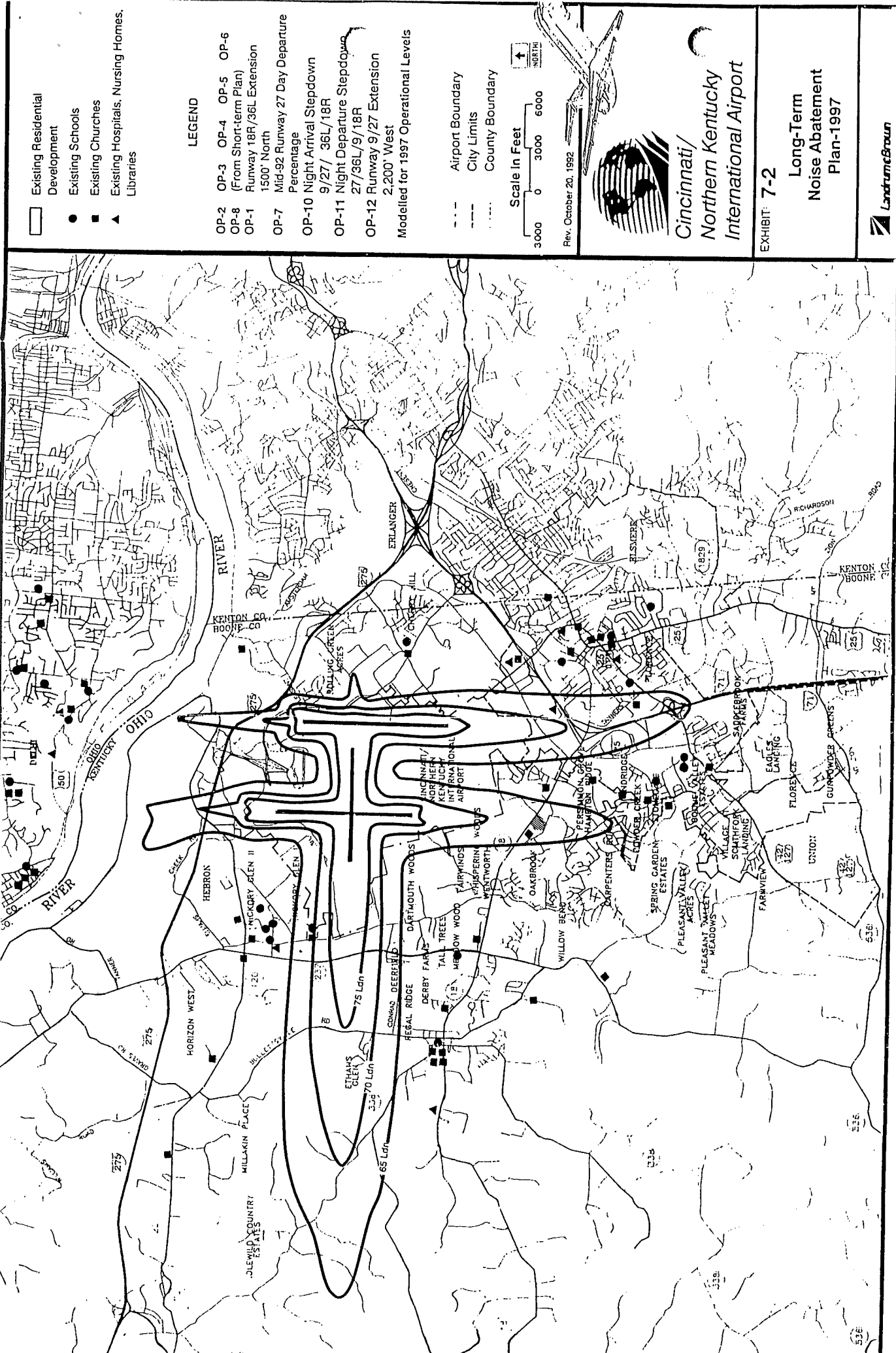
Cincinnati/
Northern Kentucky
International Airport

EXHIBIT: 1-8

Mid-1992 Noise Exposure
Pattern



Attachment A

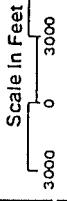


- Existing Residential Development
- Existing Schools
- Existing Churches
- Existing Hospitals, Nursing Homes, Libraries

LEGEND

- OP-2 OP-3 OP-4 OP-5 OP-6
- OP-8 (From Short-term Plan)
- OP-1 Runway 18R/36L Extension 1500' North
- OP-7 Mid-92 Runway 27 Day Departure Percentage
- OP-10 Night Arrival Stepdown 9/27/ 36L/18R
- OP-11 Night Departure Stepdown 27/36L/9/18R
- OP-12 Runway 9/27 Extension 2,200' West

- Airport Boundary
- City Limits
- County Boundary



Rev. October 20, 1992



**Cincinnati/
Northern Kentucky
International Airport**

EXHIBIT: 7-2

**Long-Term
Noise Abatement
Plan-1997**



Attachment B

- Existing Residential Development
- Existing Schools
- Existing Churches
- Existing Hospitals, Nursing Homes, Libraries

*70 Ldn = Ldn Noise Contour

Modelled for 2003 Operational Levels
 Contains Same Elements as 1997 Long-Term Noise Abatement Plan:
 OP-1 OP-2 OP-3 OP-4 OP-5
 OP-6 OP-7 OP-8 OP-10 OP-11
 OP-12

- Airport Boundary
- City Limits
- County Boundary



Rev. October 20, 1992



Cincinnati/
 Northern Kentucky
 International Airport

EXHIBIT: 7-3

Long-Term
 Noise Abatement
 Plan-2003

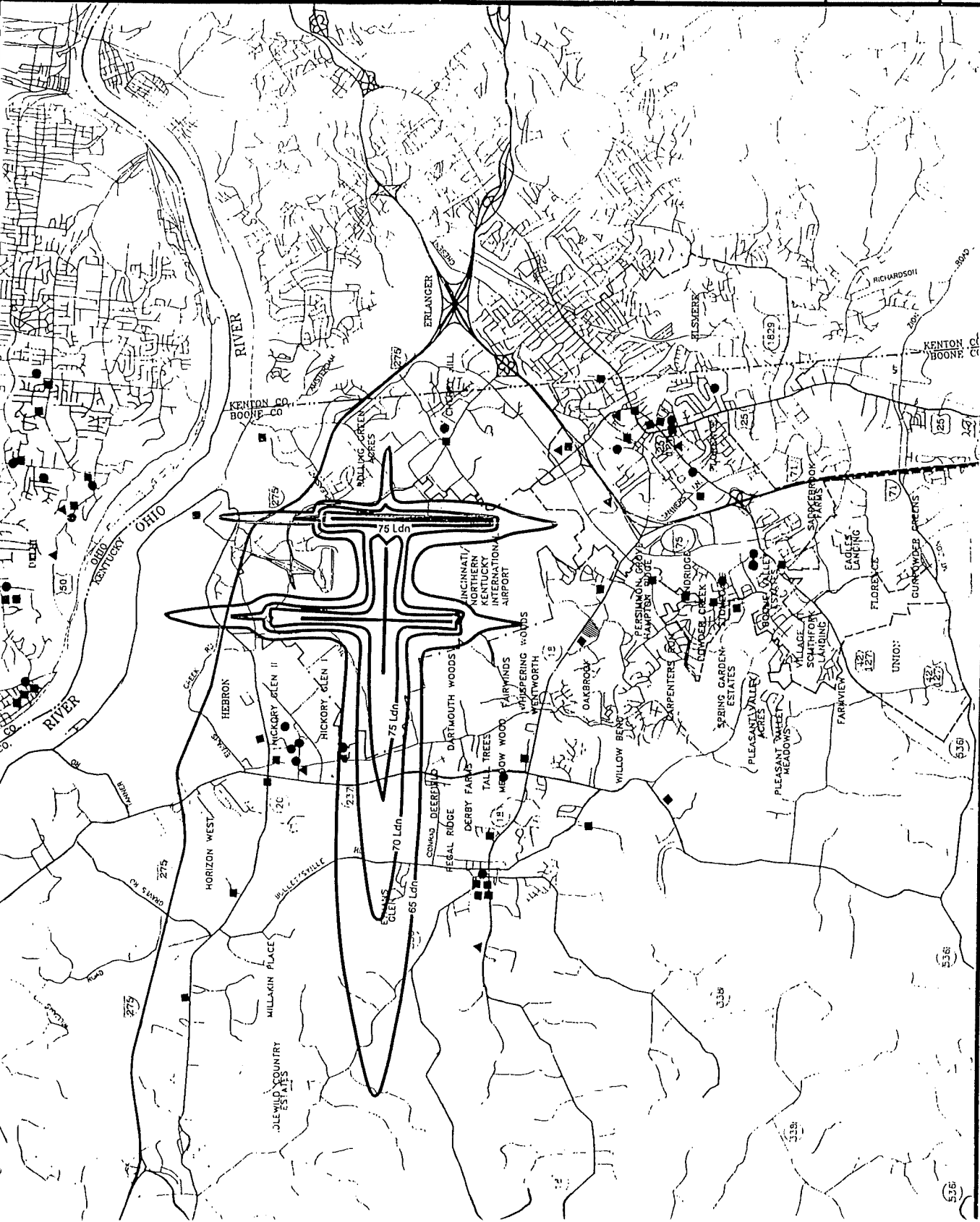
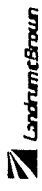


TABLE 1
LAND USE COMPATIBILITY* WITH YEARLY DAY-NIGHT AVERAGE SOUND LEVELS

<i>Land Use</i>	<i>Yearly Day-Night Average Sound Level (L_{dn}) in Decibels</i>					
	<i>Below 65</i>	<i>65-70</i>	<i>70-75</i>	<i>75-80</i>	<i>80-85</i>	<i>Over 85</i>
<i>Residential</i>						
Residential, other than mobile homes and transient lodgings	Y	N(1)	N(1)	N	N	N
Mobile home parks	Y	N	N	N	N	N
Transient lodgings	Y	N(1)	N(1)	N(1)	N	N
<i>Public Use</i>						
Schools	Y	N1)1	N(1)	N	N	N
Hospitals and nursing homes	Y	25	30	N	N	N
Churches, auditoriums, and concert halls	Y	25	30	N	N	N
Governmental services	Y	Y	25	30	N	N
Transportation	Y	Y	Y(2)	Y(3)	Y(4)	Y(4)
Parking	Y	Y	Y(2)	Y(3)	Y(4)	N
<i>Commercial Use</i>						
Offices, business and professional	Y	Y	25	30	N	N
Wholesale and retail—building materials, hardware and farm equipment	Y	Y	Y(2)	Y(3)	Y(4)	N
Retail trade—general	Y	Y	25	30	N	N
Utilities	Y	Y	Y(2)	Y(3)	Y(4)	N
Communication	Y	Y	25	30	N	N
<i>Manufacturing And Production</i>						
Manufacturing, general	Y	Y	Y(2)	Y(3)	Y(4)	N
Photographic and optical	Y	Y	25	30	N	N
Agriculture (except livestock) and forestry	Y	Y(6)	Y(7)	Y(8)	Y(8)	Y(8)
Livestock farming and breeding	Y	Y(6)	Y(7)	N	N	N
Mining and fishing, resource production and extraction	Y	Y	Y	Y	Y	Y
<i>Recreational</i>						
Outdoor sports arenas and spectator sports	Y	Y(5)	Y(5)	N	N	N
Outdoor music shells, amphitheaters	Y	N	N	N	N	N
Nature exhibits and zoos	Y	Y	N	N	N	N
Amusements, parks, resorts and camps	Y	Y	Y	N	N	N
Golf courses, riding stables and water recreation	Y	Y	25	30	N	N

Numbers in parentheses refer to notes.

* The designations contained in this table do not constitute a Federal determination that any use of land covered by the program is acceptable or unacceptable under Federal, State, or local law. The responsibility for determining the acceptable and permissible land uses and the relationship between specific properties and specific noise contours rests with the local authorities. FAA determinations under Part 150 are not intended to substitute federally determined land uses for those determined to be appropriate by local authorities in response to locally determined needs and values in achieving noise compatible land uses.

KEY TO TABLE 1

SLUCM	Standard Land Use Coding Manual.
Y (Yes)	Land Use and related structures compatible without restrictions.
N (No)	Land Use and related structures are not compatible and should be prohibited.
NLR	Noise Level Reduction (outdoor to indoor) to be achieved through incorporation of noise attenuation into the design and construction of the structure.
25, 30, or 35	Land used and related structures generally compatible; measures to achieve NLR or 25, 30, or 35 dB must be incorporated into design and construction of structure.

NOTES FOR TABLE 1

- (1) Where the community determines that residential or school uses must be allowed, measures to achieve outdoor to indoor Noise Level Reduction (NLR) of at least 25 dB and 30 dB should be incorporated into building codes and be considered in individual approvals. Normal residential construction can be expected to provide a NLR of 20 dB, thus, the reduction requirements are often stated as 5, 10 or 15 dB over standard construction and normally assume mechanical ventilation and closed windows year round. However, the use of NLR criteria will not eliminate outdoor noise problems.
- (2) Measures to achieve NLR of 25 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.
- (3) Measures to achieve NLR of 30 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.
- (4) Measures to achieve NLR of 35 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.
- (5) Land use compatible provided special sound reinforcement systems are installed.
- (6) Residential buildings require an NLR of 25.
- (7) Residential buildings require an NLR of 30.
- (8) Residential buildings not permitted.

§ A150.103 Use of computer prediction model.

(a) The airport operator shall acquire the aviation operations data necessary to develop noise exposure contours using an FAA approved methodology or computer program, such as the Integrated Noise Model (INM). In considering approval of a methodology or computer program, key factors include the demonstrated capability to produce the required output and the public availability of the program or methodology to provide interested parties the opportunity to substantiate the results.

(b) The following information must be obtained for input to the calculation of noise exposure contours:

- (1) A map of the airport and its environs at an adequately detailed scale (not less than 1 inch to 8,000 feet) indicating runway length, alignments, landing thresholds, takeoff start-of-roll points, airport boundary, and flight

tracks out to at least 30,000 feet from the end of each runway.

(2) Airport activity levels and operational data which will indicate, on an annual average-daily-basis, the number of aircraft, by type of aircraft, which utilize each flight track, in both the standard daytime (0700- 2200 hours local) and nighttime (2200-0700 hours local) periods for both landings and takeoffs.

(3) For landings—glide slopes, glide slope intercept altitudes, and other pertinent information needed to establish approach profiles along with the engine power levels needed to fly that approach profile.

(4) For takeoffs—the flight profile which is the relationship of altitude to distance from start-of-roll along with the engine power levels needed to fly that takeoff profile; these data must reflect the use of noise abatement departure procedures and, if applicable, the takeoff weight of the aircraft or some proxy for weight such as stage length.

(5) Existing topographical or airspace restrictions which preclude the utilization of alternative flight tracks.

(6) The government furnished data depicting aircraft noise characteristics (if not already a part of the computer program's stored data bank).

(7) Airport elevation and average temperature.

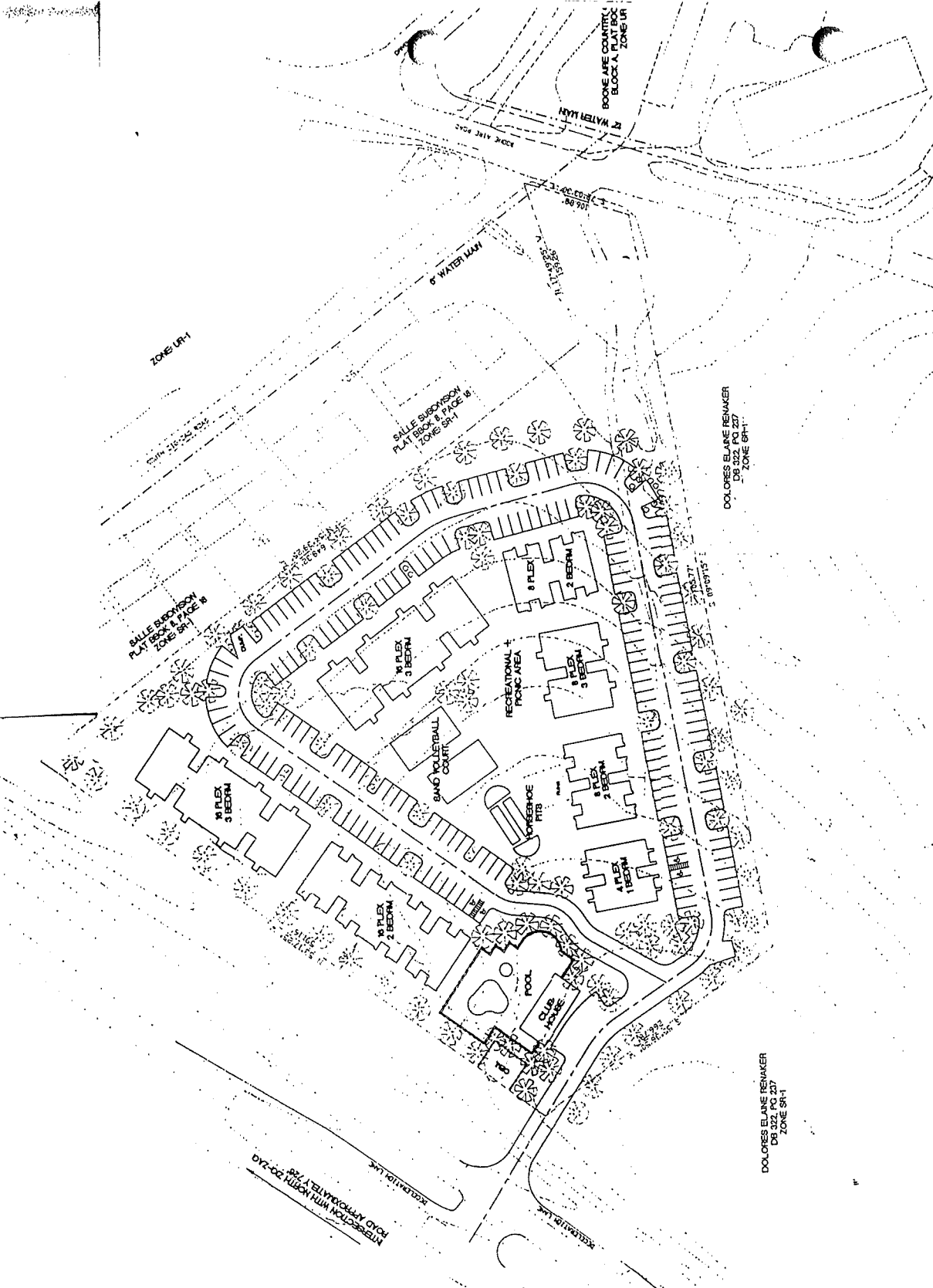
§ A150.105 Identification of public agencies and planning agencies.

(a) The airport proprietor shall identify each public agency and planning agency whose jurisdiction or responsibility is either wholly or partially contained within the L_{dn} 65 dB boundary.

(b) For those agencies identified in (a) that have land use planning and control authority, the supporting documentation shall identify their geographic area of jurisdiction.

SCHEDULE OF STATISTICS

EXISTING ZONING SR-1
 PROPOSED ZONING UR-1
 SURVEY BASED ON SURVEY FROM
 KOEL WALTON (T) LS 30
 DAVID WALTON (T) LS 30
 PLAT SURVEY, REMAINDER OF PIA BEESON PROPERTY
 MAXIMUM DWELLING UNITS/ACRE
 MAX HEIGHT 45'
 FRONT YARD SETBACKS 35'
 REAR YARD SETBACKS 25'
 SIDE YARD SETBACKS 10'
 TOTAL
 PLUS 2.5 SPACES PER UNIT W/ 4 HANDICAP
 PROPOSED 70 UNITS, 2 + 3 BEDROOM
 PARKING PROVIDED: 80 SPACES + 4 HANDICAP
 PROPOSED 140 DWELLING UNITS/ACRE
 REPLANTED TREES TO BE REPLACED, ADDITIONAL
 TREES TO BE INCLUDED WITH IN SITE.

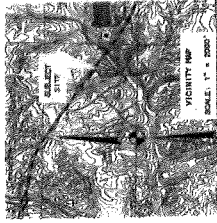


CARTEC CONSULTANTS CORPORATION
 2000 UNIVERSITY DRIVE, SUITE 200
 FORT WORTH, TEXAS 76102
 PHONE (817) 342-9000

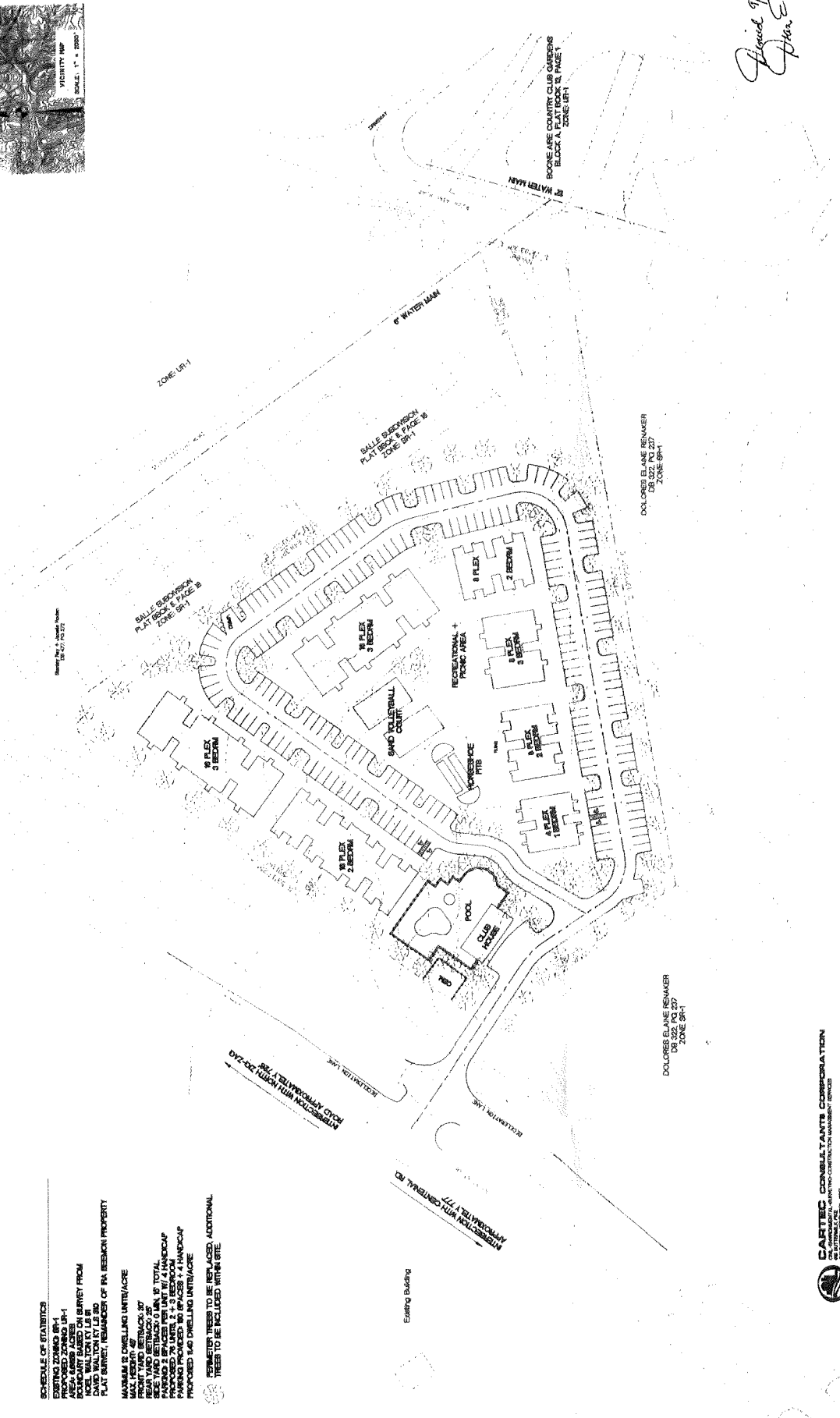
DRAWN E.J. FOLTZ, P.E.
 RCM P-1407

SHADOW RIDGE
 PROPOSED APARTMENT DEVELOPMENT CONCEPT PLAN

Attachment E Concept Plan



*Fluence of 1/24/14
Peter Ellinger*



SCHEDULE OF STATISTICS
 EXISTING ZONING: IR-1
 PROPOSED ZONING: IR-1
 PLAT AREA: 1.25 ACRES
 PLAT AREA BASED ON SURVEY FROM
 JACOB WILSON CIVIL ENGINEER
 PLAT SURVEY, REMAINDER OF IRA REBEKKA PROPERTY

MAXIMUM 2 DWELLING UNITS/ACRE
 FRONT YARD SETBACK: 27'
 SIDE YARD SETBACK: 10'
 REAR YARD SETBACK: 10'
 TOTAL SETBACK: 47'
 PARKING: 2 SPACES PER UNIT, W/ 4 HANDICAP
 PARKING PROVIDED IN PHASES 1-4 HANDICAP
 PROPOSED 140 DWELLING UNITS/ACRE

REMARKS: TREES TO BE PRESERVED, ADDITIONAL TREES TO BE INCLUDED WITH SITE

SHADOW RIDGE
 PROPOSED APARTMENT DEVELOPMENT
 CONCEPT PLAN

CARTER CONSULTANTS CORPORATION
 1000 UNIVERSITY AVENUE, SUITE 1000
 DENVER, COLORADO 80202
 PHONE: 303.733.4000
 FAX: 303.733.4001

DRAWN: E.J. FOLTZ, P.E.
 SCALE: AS SHOWN
 PROJECT: 84-000

MINUTES
BOONE COUNTY FISCAL COURT
October 25, 1994
5:30 P.M.

ORDINANCE NO. 920.293 - FLOYD AND BRENDA BROWN

Judge Lucas read a summary of ordinance No. 920.293 and declared a Public Hearing open at 6:00 p.m. Hearing no comments, Judge Lucas declared the Public Hearing closed at 6:01 p.m.

Commissioner Meihaus moved, seconded by Commissioner Patrick, to approve on Second Reading Ordinance No. 920.293, an ordinance of the Boone County Fiscal Court recommending approval for a request of Floyd and Brenda Brown (Applicants and Owners) for a Zoning Map Amendment, such Zoning Map Amendment being a zone change from Suburban Residential One (SR-1) to Commercial One (C-1) for a 1.1 acre site located at 10679 Dixie Highway, Boone County, Kentucky, as recommended on a vote of 12-3 by the Boone County Planning Commission via Resolution No. R-94-038-A. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "H"

RESOLUTION NO. R-10-25-94-01-PZ - E. J. FOLTZ/BRADY & DANNY HOLT

Mr. E. J. Foltz, representing the engineering firm and the applicant for this project, provided the Court with a brief summary of the zoning of adjacent properties.

Mr. Harry Gauspohl, Sales Consultant with Century 21 Garner Properties, presented the court with a written request to overturn the Planning Commission's denial and reiterated reasons why he felt the denial should not be approved. Exhibit "I"

Discussion followed concerning the critical need for access to Kentucky 18, whether LDN should be a factor and compatibility of the development to the surrounding area.

Subsequently, Commissioner Meihaus moved, seconded by the Chair for purpose of discussion, to disapprove Resolution No. R-10-25-94-01-PZ, a resolution of the Boone County Fiscal Court recommending denial for a request of E. J. Foltz (Applicant) for Brady and Danny Holt (Owners) for a Zoning Map Amendment, such Zoning Map Amendment being a zone change from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for a 6.67 acre site generally located between KY 18 and Boone Aire Road, near Zig Zag Road, Boone County, Kentucky, as recommended on a vote of 6-5 by the Boone County Planning Commission via Resolution No. R-94-039-D. Judge Lucas called for a vote of the motion, Commissioner Patrick voted "NO", Commissioner Meihaus voted "YES", Commissioner Campbell voted "NO" and Judge Lucas voted "YES".

Attorney Crigler advised that a tie vote reverts to the decision of the Boone County Planning Commission, outlined in their Resolution R-94-039-D, unless one of the dissenting votes of the Fiscal Court brings the matter back to Fiscal Court for their reconsideration within the time constraints to allow for a first and second reading.

ORDINANCE NO. 100.2 - CODE OF ETHICS

Judge Lucas read a summary of Ordinance No. 100.2, and declared a Public Hearing open at 6:49 p.m. Hearing no comment, Judge Lucas declared the Public Hearing closed at 6:50 p.m.

Commissioner Meihaus moved, seconded by Commissioner Patrick, to approve on Second Reading Ordinance No. 100.2, an ordinance of the Boone County Fiscal Court relating to the establishment of a Code of Ethics for County Officials, Employees and Agents in Boone County, Kentucky. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "J"

ORDINANCE NO. 110.3 - FIRE HYDRANTS

Judge Lucas read a summary of Ordinance No. 110.3 and declared a Public Hearing open at 6:51 p.m. Hearing no comment, Judge Lucas declared the Public Hearing closed at 6:52 p.m.

Commissioner Campbell moved, seconded by Commissioner Patrick, to approve on Second