



JLUS Implementation Committee

September 4, 2014
5:30 pm – 7:35 pm

Chairman – Joe Sanderson – Presiding

Members Present: Jane Julian
Robert Hewitt
Maya DeRosa
Jim Terrell
Paula Moore
Joel Fisher

Members Absent: Gary Muller
Keith Lee
Jeremy Harper

Minutes Submitted by: Chermie Maxwell

Chairman Joe Sanderson called the first JLUS Implementation Committee Meeting to order. There were introductions and welcome to everyone in attendance.

He gave a brief history of Joint Land Use Study (JLUS). In 2005 JLUS got started with a safety project at Boone National Guard Center, including a possible extension of the runway on the Game Farm side. BNGC oversaw the Capital City Airport during this time until the Transportation Cabinet is now responsible. The staff at BNGC requested the JLUS which would primarily focus on opening the lines of communication between the community and the military installation. In 2008 the Frankfort/Franklin County Planning Commission took sponsorship and Department of Defense supported the study by 90%, City 5% and County 5%. There were a series of meetings and public forums held. The study has been completed, now the implementation begins.

Mr. Joe Sanderson introduced Linda Wiley from the Board of Realtors. Ms. Wiley is here to help answer questions regarding Real Estate Disclosure. He requested this meeting stick to the topic of Real Estate Disclosures. The next meeting will cover another designated topic.

Ms. Linda Wiley with the Board of Realtors covers all counties in Kentucky. She states you will always experience a disclosure when selling a house. Each disclosure is the same legal document developed through the State of Kentucky. The seller must disclose any issues regarding the property to the agent and the purchaser of the property. Keep in mind if a property is sold by owner without a realtor there does not have to be a disclosure.

Mr. Joe Sanderson asked about the process to implement any changes to the disclosure form.

Ms. Linda Wiley stated there is a Real Estate Commission that would have to approve any changes to the disclosure form. It would have to be the same throughout all the counties in Kentucky. It would then have to be pushed through State Legislation.

Mr. Joe Sanderson said based on Ms. Wiley's presentation it looks like the implementation cannot go forward to make changes to the Real Estate Disclosure since it must go through State Legislation.

A citizen stated they received a copy of the JLUS Study with formal notes attached and is concerned that the Airport Overlay can alter disclosures.

Ms. Wiley said that the Historic Overlay requirements should be recorded to each subdivision. This is a narrow, existing document that would apply to deeds and plats and will not apply to disclosures.

A citizen questioned the residential district on the Airport Overlay in regards to the noise and vibration.

Mr. Joe Sanderson stated that the Implementation Committee will be checking the study and issues that come with it. We want to hear any recommendations from the public. The study area of the Overlay may be too large. Helicopter noise doesn't justify and deed restrictions, etc. John Houlihan with the Airport said maybe we should concentrate on a smaller area.

Mr. Joe Sanderson thanked Ms. Wiley for her presentation.

Mr. John Houlihan from the Capital City Airport gave a presentation with slides of the runway. State law requires approval for surface permits toward taller buildings. Development will not affect approach from the airport. Zoning would be denied if it was in the approach zone. FAA mandates control over the approach zones. There are different elevations in Frankfort so any development in the downtown area would be shielded. The instrument approach is high above any homes. Noise level is kept at a minimum.

Mr. Joel Fisher questioned the frequency that BNGC trains, is this to maintain proficiency. Also, would like to view the departure and approach for the historic district and City.

Colonel Abney with BNCG stated that how many training days a year sets approach. Training mode set the traffic pattern. It could be one flight if the instructor is fine with that. Training held on good days with clear weather.

Ms. Paula Moore questioned how many training days per year.

Colonel Abney stated there are different levels of readiness. 30 – 40 pilots will each require at least 96 hours a year. Training depends on proficiency, safety and technical abilities. Most instrument approaches are away from Frankfort.

Mr. Joel Fisher asked about the data from the last 5 – 10 years.

Colonel Abney said that they do have instrument flight plans. However, the numbers are going to continue to be the same, nothing new.

Mr. Joe Sanderson mentioned that they approach zone map was in the JLUS Study. He explained the map to the attendees. Noise contour study was done several years ago. The noise contours should be taken out closer to the Game Farm. There is a map available on the websites for viewing. The necessary areas of the Airport Zoning Map were set by the consultants.

Mr. John Houlihan explained the horizontal surfaces and the elevation of the airport. The Airport Zoning Map gave a boundary. The consultants took into consideration the noise levels. The airport has been here a long time and there have been no changes.

Mr. Joe Sanderson said that the noise contours will change due to aviation. Citizen asked how many houses are affected in the flight zones. Joe did not have the information available.

Discussion regarding the pros/cons of Real Estate Disclosure, citizen stated that the rules give a negative perception of property. The public wants to understand what is happening at the runway in relation to the noise contours.

Mr. Joe Sanderson thanked Ms. Wiley once again and said he personally learned a lot. From what Ms. Wiley stated we are not able to do anything with Real Estate Disclosure, it is all handled at the State level. Realtors will decide any changes to be made, the JLUS Committee cannot.

Citizen said they felt the Airport Overlay District was very negative.

Mr. Joe Sanderson stated the areas have already been identified and submitted to the FAA. The implementation is not there yet, it will be designated through JLUS. There are other issues such as noise and lighting that need to be looked at. The Airport Overlay will assist planners with questions regarding approvals or denials on property permits.

Ms. Jane Julian agreed there is a benefit of the Airport Overlay area that helps with Planning & Zoning issues near the airport and BNGC. Items such as zone changes are impacted.

Mr. Joe Sanderson explained that adopting an Airport Overlay District should not affect property value, deed restrictions, etc.

Citizen asked if this could limit the owner's ability to build on the property and diminish the property value.

Mr. Joe Sanderson said he would recommend that we shrink the Airport Overlay District closer to the Airport and approach zones.

Ms. Carmen Inman with the Frankfort/Franklin County Chamber of Commerce presented a letter to JLUS Chairman Joe Sanderson that states the Chamber does not support any change to Real Estate Disclosure.

JLUS Secretary will enter the letter into the JLUS records.

Citizen questioned if there would be compensation available to property owners for reduction in property. Also, there are even more questions now regarding flights, noise and is nothing has changed what are we talking about.

Mr. Joe Sanderson said this is just discussion, nothing has been implemented. It is important that everyone expresses their opinion. Recommendations are what we are looking for. Should new development pertain to the Airport Overlay, staff will consider.

Citizen said although they support the military, could there be a change of flight patterns.

Mr. Joe Sanderson stated he has no answer for that question. There are not any additional or larger aircraft coming to the airport. Some military aircraft is coming from other areas such as Fort Knox and Fort Campbell. There is no plan to expand to large or more aircraft.

Citizen asked who controls the types of aircraft, where they go and when they travel.

Colonel Abney stated there is traffic advisory frequency. All control comes from the FAA.

Citizen asked if the Airport Overlay District will affect their deed.

Mr. Joe Sanderson responded that any deed restrictions would be separate. He suggested the next meeting would discuss if we need an Airport Overlay District or if the affected area should be smaller.

Ms. Maya DeRosa spoke to regarding questions that were sent by the Mayor on July 31st. Staff is researching and will distribute the finding to the JLUS Committee. Once the JLUS Committee has approved, all documents will then be sent by email blast. She has been speaking to Raleigh Durham Airport and it has been somewhat difficult to find the numbers regarding property values before and after the study.

Mr. Robert Hewitt spoke about Table 7 and the Airport Overlay District. The consultants presented to the Policy Committee and each item was ranked and given to the proper agency. If you read the description area on the study there are identifiable areas on the map that are subject to Airport Zoning Commission approval. Property owners identify potential items such as noise. Suggestions can be installing better windows to reduce the outside noise. Expanding local government means adopting additional standards. The State and Federal government have additional standards also. There are many other items in place to protect property owners whether you are building new property, buying property or you already own property.

Ms. Paula Moore asked if there was an application change to the Airport Overlay.

Mr. Robert Hewitt stated that JLUS opened the lines of communication before the study even started. We have been allowed inside the fences of the BNGC. Between the Airport, City, County and BNGC there was knowledge provided and the ability for development of the JLUS Committee. The Airport Zoning Map has given staff the ability to assistant developers and citizens. This has been a successful project for the committee being able to read documents, look at maps, etc. The overlay would not change anything other than representatives for the government would have to add those areas to the request. The maps that we now have access to as staff have really changed the process.

Mr. John Houlihan explained there are air boards that show development areas. The developer must contact the Airport Zoning Commission to get a permit. All agencies will watch out for that area. There is a list of protocols to follow to fulfill each role.

Mr. Robert Hewitt said there are Public Notices prior to all meetings. Agencies will see the meetings and attend to discuss important issues with staff. Information sharing is much different today than it has been in the past.

Mr. Joel Fischer stated he believes there are deeper issues with quality of life within the community, issues outside of Planning & Zoning. The lines of communication must be open to have a positive experience living within the city or county.

Mr. Joe Sanderson said with concerns regarding the Airport Overlay District the committee will discuss the possibility of making the area smaller.

Mr. Robert Hewitt mentioned the map of approach zones have limited areas existing. Maps are part of the process of implementation. Also, development of an MOA (Memorandum of Agreement) staff to forward proposals and let the committee decide. MOA could include limitations of the flights at the airport and provide local government with direct contact to information such as events, accidents, etc. This agreement would assist in the safety of the community. Everyone should communicate, work together and be in agreement.

Mr. Joe Sanderson encouraged everyone in attendance to check out the websites for the City and County. All questions that have already been submitted are being worked on by the staff. Any new questions please send via email to the staff. We will be working on having all questions ready to answer at the next meeting. Thank you for attending and send your questions.

Meeting adjourned.