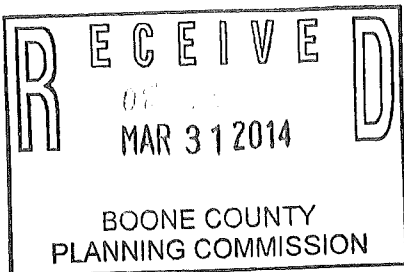


APPLICATION FORM



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

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

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- (Check One) 1. Boone Florence Walton Union
(2) (Check One) 2. Conditional Use Permit Variance Appeal
3. Applicant's Name ANTHONY PARNIGONI
Applicant's Address 14611 SALEM CREEK RD.
CANTON OH KY 41030
4. Description of Request: Commercial USC permit for 1) RESORT SHED WITH 2) BUDGET BERTHOE-DRINKING ESTABLISHMENT
5. Name of Development
6. Location of Development 14555 SALEM CREEK RD AND 14611 SALEM CREEK RD
7. Acreage Under Review 6.38 + 6.4632
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property ANTHONY PARNIGONI
Address of Property Owner 14555 SALEM CREEK RD.
CANTON OH KY 41030
10. City State Zip
Phone Number 201-876-7802 Fax No. E-Mail PARNIGONI-Tony@PRAMPOK.COM
11. Proposed Use(s) on Site RESORT WITH WADY, GOLFERS, AND HIKING TRAILS
12. Total Square Footage of Existing and/or Proposed Buildings 1200
13. Current Zoning on Property A-2
14. Deed Book 1000, 1000 Page No. 23, 605 Group No. 20868
15. Is the site subject to a zone change?
If yes, give date of approval
16. Have you submitted a Site Plan with this request? YES
17. Have you submitted a list of adjoining property owners with this request? YES
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

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

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

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

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

1. Date Received 3/31/14 Fee Received 1182.⁰⁰ Receipt # 68516
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
6/11/14 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 6/11/14 BCBOA Meeting
MINUTES + CLR
7. Reasons for Denial: _____

14-BCBOA-008-A

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

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

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

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

STAFF REPORT

APPLICANT: Anthony Parnigoni

LOCATION: 14555 and 14611 Salem Creek Road, Boone County, Kentucky

ZONING: Agricultural Estate (A-2)

DATE: June 11, 2014

Proposal

The applicant has submitted the following Conditional Use Permit applications:

1. Allow a permitted vineyard and winery with a tasting room, walking trails, and gardens to be expanded into a resort with short term lodging. The applicant's letter indicates that a two bedroom, one bath home located at 14611 Salem Creek Road will be converted into a short term resort cottage starting in 2015.
2. Allow catered events (wedding receptions, family reunions, etc.) to take place on the properties with the serving of food and drinks. Alcohol will be limited to wine produced on site. The applicant's letter indicates that the events will not last past 11:00 PM and that all music would be played in the wine tasting room to keep sound at a minimum.

Applicable Regulations

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

The Board needs to evaluate the proposal as it relates to Conditional Use Permit criteria as stated in Sections 262 and 623 of the Boone County Zoning Regulations.

Findings listed in Section 262 (Findings for all Conditional Use Permits):

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

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

Article 6, Section 623 of the Boone County Zoning Regulations lists the following uses as Conditional Uses in the Agricultural Estate (A-2) zone:

12. Dude ranches, health resorts, ski resorts, hunting grounds, fishing lakes and fishing lake access, indoor and outdoor target ranges and other resorts (Site Plan Review required).
18. Uses that promote or pertain to the following elements of Heritage Tourism (Site Plan Review required):
 - a. Retail sales including grocery items, confectionery, proprietary, books and stationery, antiques, sporting and athletic goods, bait, fuel, ice, firewood, bottled gas, cigars and cigarettes, music, books, newspapers and magazines, photographic supplies, gifts, novelties, souvenirs and similar products, locally made furniture and crafts
 - b. Eating and drinking establishments including alcoholic beverages;
 - c. Museums;
 - d. Exhibitions of local history or culture, wildlife habitats and other natural exhibitions;

These uses (resorts and eating and drinking establishments) are subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided:

- a. The activity is an integral part of the agricultural or residential use of the land, and the activity is not of scale, nature or other character which will detract or conflict with the principal purposes of the district; or
- b. The activity is necessary to provide the specified public service for the residents of the district so long as the service area, use, scale or other character of the activity does not overpower, transient or conflict with the principal purpose of the district;
- c. Provided the arrangement of use, building or structure is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

Article 33, Section 3314 of the Boone County Zoning Regulations states that all driveways, aisles, and vehicle circulation areas shall be improved with asphalt concrete or portland cement. Driveways serving one single-family residence on a lot of one acre or more shall be exempt from this requirement.

Article 33, Section 3323 of the Boone County Zoning Regulations states that the minimum width of a two-way driveway shall be 20 feet.

Article 33, Section 3325 of the Boone County Zoning Regulations lists that one parking space is required per hotel or motel sleeping room (guest cottage).

Article 33, Section 33 of the Boone County Zoning Regulations lists that one parking space is required per two seats at a restaurant (reception facility)

KRS 243.155 has been attached to the Staff Report for reference. These are the statutes that pertain to Small Farm Winery licenses.

Relationship to the Comprehensive Plan

The 2010 Boone County Comprehensive Plan's "2035 Future Land Use Plan" designates the site for Rural Lands and Rural Density Residential uses. These designations are described as follows:

Rural Lands – "wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres for the 25 year land use plan. Residential construction in Rural Lands does not occur in a formal subdivision"

Rural Density Residential – "low density residential uses of up to one dwelling unit per acre."

The following Goals and Objective relate to the request:

1. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas (Business Activity, Goal).
2. Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system (Transportation, Objective).

Site Characteristics

The property is comprised of two lots of record. The property located at 14611 Salem Creek Road is 6.38 acres in area and contains a single-family residential dwelling (proposed guest cottage), covered parking structure, tool shop, barn (proposed wine tasting room and banquet facility), and a small vineyard on the eastern side of the property. The central part of the property is an open pasture and the western part of the property is heavily wooded with deciduous trees. An perennial stream bisects the property and runs from east to west. Boone County GIS shows that the topography falls from 874 feet above sea level at the southwest property corner to 814 feet above sea level at the front property line (stream bank area). The perimeter of the property contains white three board fencing. Access to the property is provided from a gravel driveway that is 19' wide at the entrance and tapers down towards the tool shed.

The property located at 14555 Salem Creek Road is 6.4632 acres in area and contains the applicant's residence, several vineyards, a large farm pond, a formal garden, and grass pastures. Boone County GIS shows that the topography falls from 886 feet above sea level at the northwest property corner to 816 feet above sea level at Salem Creek Road. Access to the property is provided from a gravel driveway that is located on a neighboring property. The driveway is 24' wide at the entrance and tapers down to about 13' in width near the applicant's driveway.

Staff Comments

1. The applicant has submitted an application to the State for a Small Farm and Winery license. The eligibility and application process, business authorized by the license, etc. are found in Kentucky Revised Statute 243.155 (see attachments).

Based on this Statute, Staff determined the following:

- A. The following activities/uses are exempt from zoning:

- Planting of vineyards;
- Using the barn for winery functions;
- Opening a guest tasting room in the barn and selling wine, berries, or currants that are grown or produced on site per the Small Farm and Winery guidelines.

- B. The following activities/uses are not exempt from zoning:

- Allowing people to rent the properties for wedding receptions, family reunions, etc and serve catered foods and drinks.
- Allow the properties to be converted into a resort and allow the single-family residential dwelling located at 14611 Salem Creek Road to be rented as a short term rental cottage.
- The parking requirements for the rental cottage and catered events.

2. The applicant provided a letter which outlines the proposed operation (see attachments). Highlights of this letter include the following:

- A. Vineyards/Tasting Room - No sales will take place until 2015 and full production will not take place until 2018. There will be 3 acres of vineyards. Capacity of the wine making equipment and space is a total of 1,500 cases or 4,500 gallons annually. The majority of sales will be on-site sales. The tasting room will be established in 2015 and will be open on Saturdays. Food sales will be limited to berries, currants, and grapes grown on site.
- B. Rental Cottage - Starting in 2015, the existing two bedroom, one bath house will be used as a short term rental. Rentals should not exceed one week. The expectation is to have it rented out 180 days out of the year.
- C. Events (wedding receptions, family reunions, etc.) - Will be limited to 50 visitors. There will be no kitchen but people can bring in a caterer. Alcohol will be limited to that produced on premise. All music will be played in the tasting room. A tent could be set up near the formal gardens. Events will not go past 11:00 PM.
- D. Parking - There will be a minimum of 25 parking spots and most of them will be hidden from the road. There will be a minimum of two hard surface parking spots adjacent to the tasting facility and one will be reserved for handicapped parking.

3. Staff would like the applicant to address the following:
 - A. Has the State approved his Small Farm and Winery license?
 - B. Which days of the week could events take place?
 - C. Will restrooms be located in the wine tasting and banquet facility? Will any portable toilets be located on site when events are taking place?
 - D. Will the owner or another supervisor be present at the events to make sure the property guidelines are being followed (no more than 50 people, alcohol limited to wine produced on site only, music in tasting room only, events ending by 11:00 PM)?
 - E. Will the guest cottage be rented as one unit or could an individual rent a single bedroom?
 - F. Could the guest cottage be rented on a nightly basis?
 - G. The submitted plan shows that an overflow parking area will be provided next to Mr. Parnigoni's house at 14555 Salem Creek Road. The gravel driveway that runs to this parking area is on land that is owned by Korey Ryan. Has Mr. Ryan granted an easement that would allow Mr. Parnigoni and his guests the right to use this driveway?
4. Staff will provide pictures of Salem Creek Road in the PowerPoint presentation because the road is narrow and contains several vertical and horizontal curves. Staff took several measurements of Salem Creek and found that it had 18' of pavement. The measurements were taken at 13553 Salem Creek Road, 13778 Salem Creek Road, the bridge at 14250 Salem Creek Road, and 14611 Salem Creek Road.

Staff also contacted Boone County Sheriff's Department and Boone County Public Works regarding the request because the catered events will put motorists on Salem Creek Road that are unfamiliar with the road. Boone County Sheriff's Department provided data indicating that 11 traffic accidents have occurred on Salem Creek Road, between Walton-Verona Road and Eads Road, between 4/13/12 and 5/23/14. Boone County Public Works provided an email indicating that they would only need to issue a permit if the existing curb cuts are altered. The County Engineer informed also Staff that they prefer all their new roads to have a minimum lane width of 10 feet (20 feet overall) but many old roads do not meet this standard.
5. The Board needs to consider the Conditional Use Permit criteria before acting on the requests.
6. If the Board grants approval of the requests, a Site Plan application will need to be submitted to Boone County Planning Commission. This plan will address driveway aisle widths, parking layout, surfacing, handicapped accessibility, septic approval, etc.

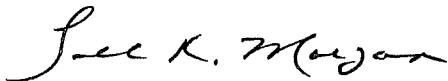
Staff will need to work with the applicant regarding the parking lot layout and some of the parking areas may need to be adjusted. Some issues that will be considered:

- A. The driveway to the wine tasting room and guest cottage is 19' wide at the entrance (between the white fencing) and tapers down towards the tool shed. Staff will require 20' of gravel between the entrance and tool shed.
- B. The parking areas shown in front and to the rear of the wine tasting/banquet facility need to be laid out in a fashion where proper driveway aisles are retained. Staff recommends that a one-way driveway system should be created by using the area under the wine tasting room overhang as a driveway aisle.
- C. Has Mr. Ryan signed an easement agreement? Has it been recorded?
- D. The driveway going back to the overflow parking lot is more than 24' wide at the entrance and tapers back to 13' wide? Can a gravel pull over area be installed between the entrance and the parking area?
- E. How is the overflow parking area accessed?
- F. How many parking places can be accommodated in the parking areas?

Conclusion

KRS 100.237 and Sections 220 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to act on the requests.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/tlb

Attachments:

- *Site Vicinity Map
- *Letter from the Applicant
- *Proposed Plan
- *2012 Aerial Map
- *Topographical Map
- *Zoning Map
- *Future Land Use Map
- *KRS 243.155
- *5/8/14 Email from Adam Engels, Boone County Public Works
- *6/3/14 Email from Scott Pennington, Boone County Engineer
- *Accidents on Salem Creek Road between 4/13/12 and 5/23/14
- *Application

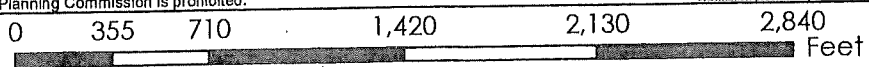
SITE VICINITY MAP

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Boone County GIS - Putting Northern Kentucky on the Map

Villa Parnigoni

14611 Salem Creek Rd. Crittenden, Ky – Boone County

March 2014

APPLICATION

This constitutes formal conditional use permit for the following:

- 1) Resort short term rental cottage
- 2) Banquet eating and drinking establishment

OVERVIEW

Villa Parnigoni (Final name not established) will be a small home based business with no sales until 2015 and full production not until 2018. Total sales in 2018 is expected to be approximately \$230,000. The business will consist of 3 acres of vineyards and wine production on site, walking trails, formal gardens covering an additional four acres, and a resort short term rental cottage. A Kentucky Small Farm and Winery License is currently in application which will allow for the sale of wine on the premises.

No livestock will be raised or sold.

WINERY

- Vineyard
1.5 acres of grapes was planted in the Spring of 2013 with another 1.5 acres added in 2014 and 2015. Total vineyard acreage on the property is not expected to exceed a total of 3 acres due to limitations of ideal growing sites. Leased land on adjoining properties may be used in the out years to increase vineyard size.
Four grape varieties are planted. Noiret, Cabernet Franc, Vignoles, and Chardonnay.
- Production
Total production from on-site raised grapes is expected to cap out at 725 cases in 2018. Production before hand will steadily increase to 725 from 2015 to 2018. The first sale of finished wine product will be in 2015. The winery will explore purchasing grapes from other local farmers and produce wine on-site. Capacity of the wine making equipment and space is a total of 1500 cases or 4500 gallons annually.
- Distribution/sales
The majority of sales will be from on-site sales. A small amount of sales may come from farmers market participation. A tasting room will be established in 2015 for the purpose

of selling wine. The tasting room will only be open on Saturday for nine months out of this first year. Hours will be from 11-6pm. Wine and food sales will be made under the ABC and Small Farm and Winery License guidelines. These licenses allow the sale of wine and food from the property that is produced on the property.

FOOD SALES

- Food sales may be conducted only during the tasting room open hours on Saturday. We anticipate selling seasonal blackberries, blueberries, black currants, strawberries, and eating grapes that are all grown on the property. A small blackberry, black current, and blueberry patch was established in 2012.

RESORT COTTAGE

In 2015, a two bedroom one bath home in existence totaling 1200 Sq ft. will be used as a short term rental. Rentals should not exceed one week. Expectation is to have rented 180 out of 365 days per year with predominant use in the spring through summer.

Owner is living on premises in a home on adjoining property approximately 95 yards away.

GARDENS

A formal one acre garden with a mix of trees, bushes, perennials, and annuals is being established in the spring of 2014. In addition, there is a walking trail along Sweet Bottom Creek with picnic areas. There is no charge beside the tasting fee of the winery needed to visit the gardens and walking trail. The gardens have not yet been formally named. These Gardens will also house a lawn and gazebo. For certain functions, a tent may be erected to shield from the weather. This would be located on the lawn.

EVENTS

Up to 50 visitors will enjoy the environment. It is envisioned that there will be weddings and family reunions on the property. There will be no kitchen but on occasion an event may bring in a caterer. No alcoholic beverages will be allowed on the premises other than the wine under license by the Small Farm and Winery license. Events will not last past 11pm. Music may take place inside the tasting room facility only so sound will be held to a minimum.

PARKING

There are a minimum of 25 parking spots in three locations, all of which are away from Salem Creek Rd. with most being hidden from sight from the road. A site plan application is in process. There will be a minimum of two hard surface parking spots adjacent to the tasting facility, of which one will be reserved for handicap (in compliance with ADA guidelines).

ACCESS TO THE WINERY AND TASTING ROOM FROM SALEM CREEK RD.

Access will utilize the existing gravel driveway for the homesite on 14611 Salem Creek Road currently owned by Anthony Parnigoni (owner of Sweet bottom Winery). No additional curb cuts are being requested. The existing gravel driveway is currently gravel and is 15 feet wide consistently from the road to the barn/winery/tasting room (please see diagram attached). Per the diagram, there is additional 9 feet of width adjacent to the gravel drive that is flat and creates easy access for two way traffic. There is currently a break in a wooden fence that allows access to the property (the driveway). This opening is large enough to accommodate two way traffic.

COMPETITIVE ASSESSMENT

There are 10 wineries within a 40 mile radius of Cincinnati. 7 of the 10 are located in Northern Kentucky as the soil is more favorable. 5 wineries are part of the Northern Kentucky wine trail. The addition of Sweet Bottom Winery will not negatively impact the revenue of the neighboring wineries. Due to greater density, the revenue for each should actually increase.

Approximately 90% of the wine produced in Northern Kentucky is made from French/American Hybrids (Chambourcin and Vidal Blanc are the most plentiful). These are more disease resistant and are proven in this particular soil and climate. The downside is that the quality is not ideal for more sophisticated wine drinkers. All four of the grapes produced by Sweet Bottom Winery will yield a slightly smaller crop than other Kentucky wineries, but produce a quality wine not reliant on high sugar content. The wines will be competitive with many produced in California. The majority of cases produced will be blends of at least two grape varietals and will vary by the year's grape quality (follow the production methods of Virginia wineries who have a similar climate but are producing a much more quality wine than is produced today in Kentucky).

MARKETING

There will be two major forms of marketing:

1. Membership in the Northern Kentucky Wine Trail.
2. Web-site and e-mail

TIMELINE

2011 – Two side by side lots purchased totaling approx. 13 acres. One site has an existing home, garage, and two barns (one old shed was torn down in 2012). The second lot totaling 6.4 acres was a vacant piece of property.

2012 – White fencing added to large portion of the property. Blackberry, blueberry, and vegetable garden established. Reclaimed creek from mother nature with professional landscaping.

2013 – 1.5 acres of vineyard planted. Additional apple and fig trees planted. Build single family home on vacant piece of property totaling 2000 sq ft.

2014 – Additional .75 acres of vineyard planted. Winery build-out finished in existing barn and equipment purchased. Some wine produced from locally purchased grapes. Probably no more than 150 cases made.

2015 – Tasting room opens on a limited basis Saturday only selling wine made from purchased grapes and a small amount of estate produced from the prior year. Approx 150 cases made from purchased grapes. Potentially another .75 acres of vineyard will be planted.

2016 – First harvest of initial 1.5 acres of planted grapes. Approx. 150 cases made from purchased grapes again (wine needs one year in the tank, barrel and bottle before ready for sale).

2017 – Tasting room opens every Saturday and Sunday from 11-5. Approx 750 cases of wine available for sale.

2018 – Total wine for sale reaches 750 cases. Blackberry, blueberry, fruit, or vegetable sales are minimal and should not exceed \$1,000 per year.

PROPERTY LAY-OUT

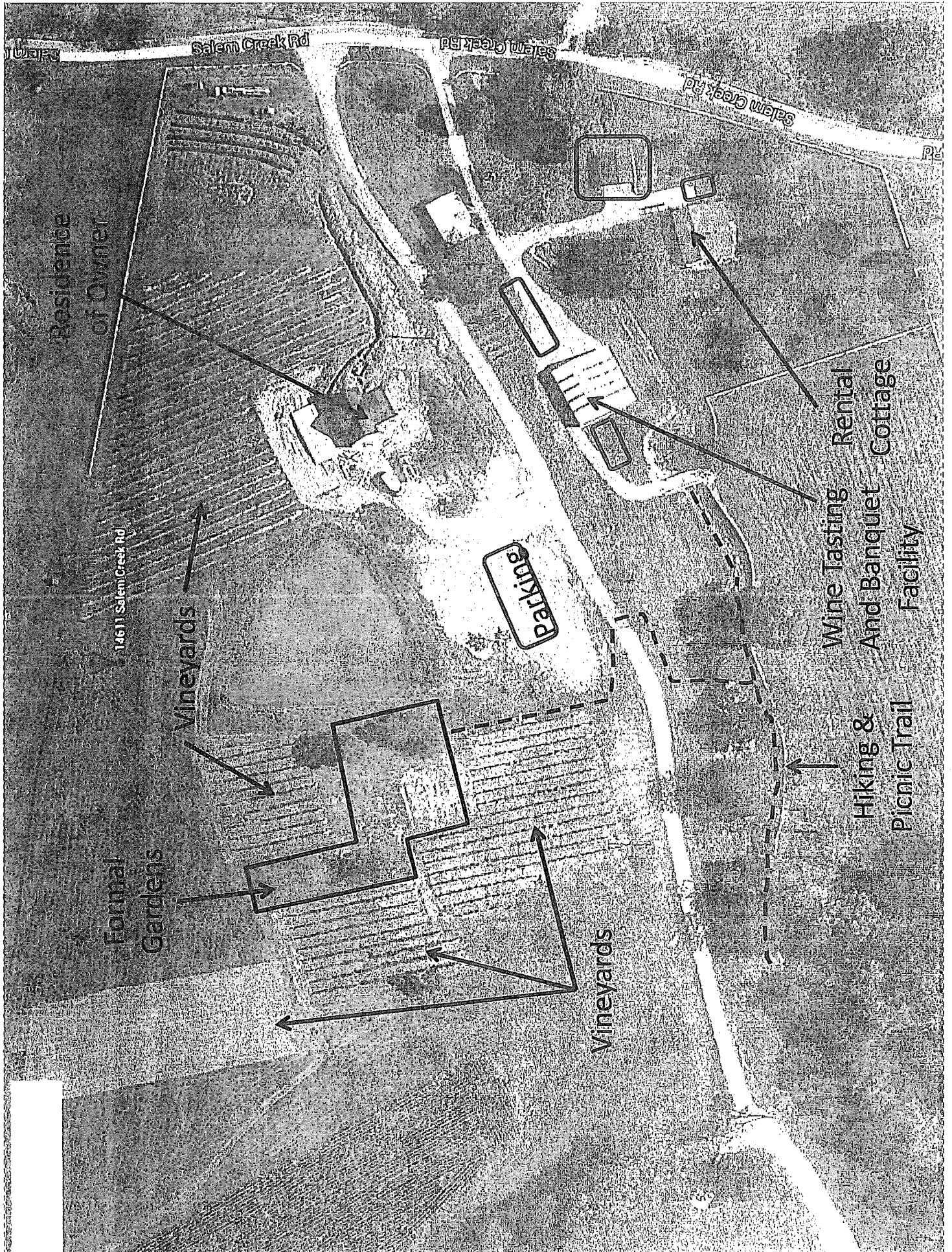
See attached

EMPLOYEES

- In 2016, the winery expects to employ three individuals. One for marketing and the tasting room; a second for vineyard and winery production; and a third as a caretaker of the property and housekeeping for the bed and breakfast cabin. All are part-time.

SUSTAINABILITY MISSION

- Whenever possible, Sweet Bottom Winery will practice sustainable methods to include:
- Organic mulch and fertilizer
- Irrigation with no city water or sewage
- Winery sanitization with bio-degradable products
- Recycling of all bottles, plastics, and paper.
- Personal sustainability commitment to live off the land to the greatest extent possible via vegetable, fruit, and berry production.
- Sustainability grants and recognition will be applied for.



Residence
of Owner

14611 Salem Creek Rd

Vineyards

Formal
Gardens

Parking

Wine Tasting
Rental
And Banquet
Cottage
Facility

Hiking &
Picnic Trail

Vineyards

Salem Creek Rd

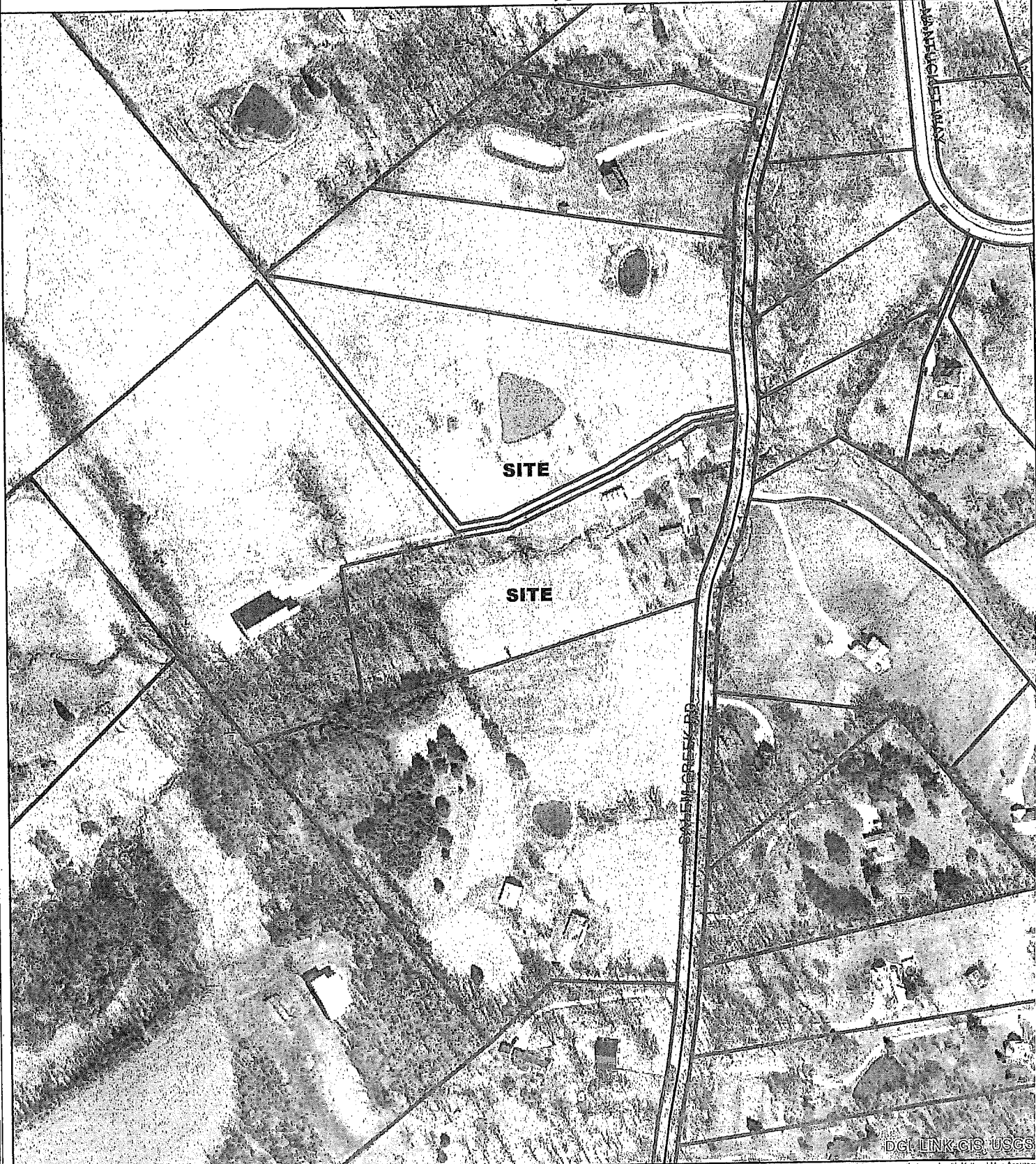
Salem Creek Rd

Salem Creek Rd

PA

2012 AERIAL MAP

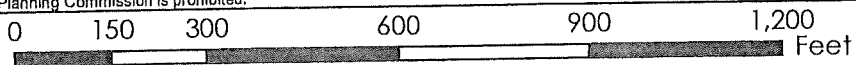
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DG LINK GIS USGS

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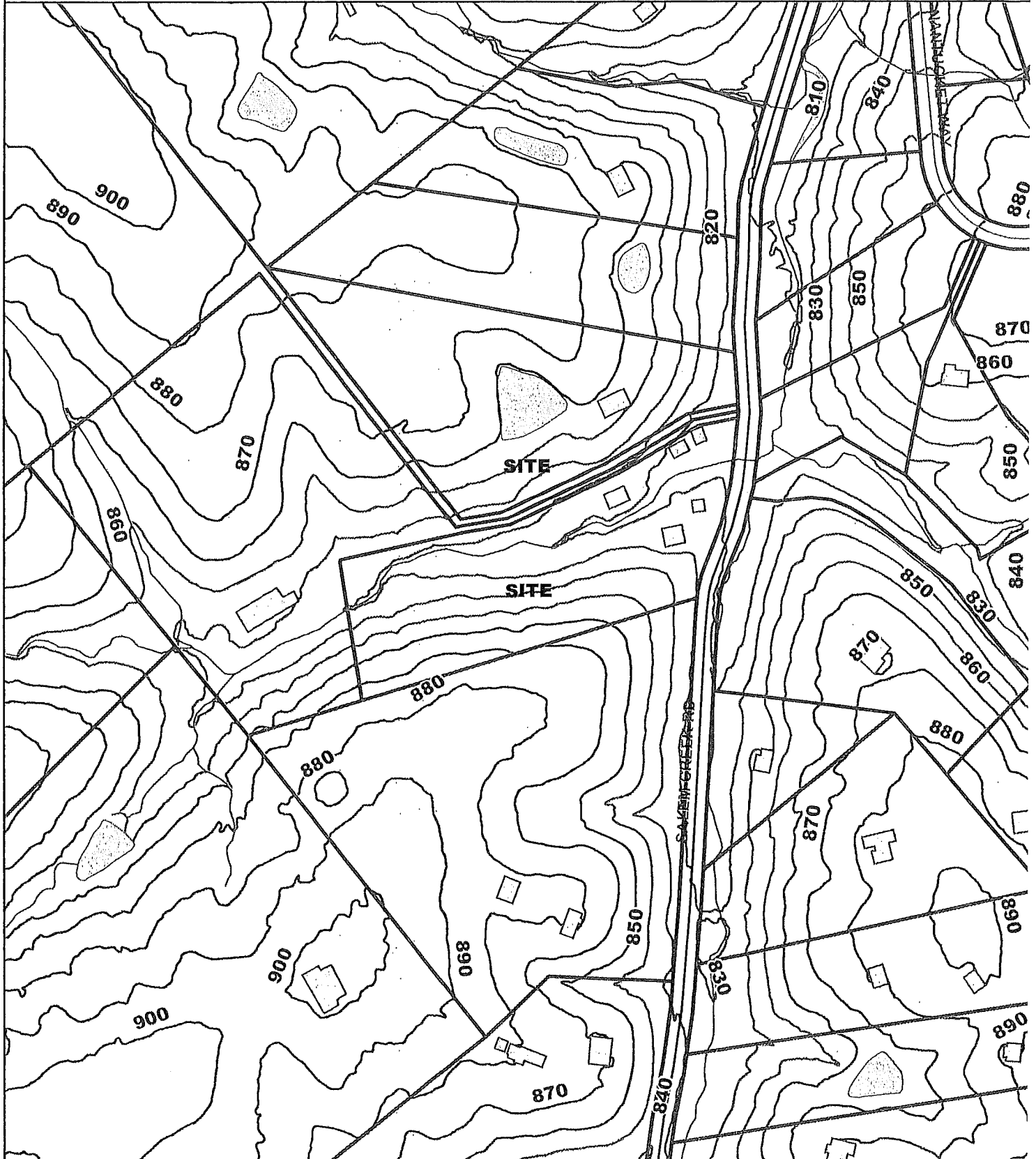
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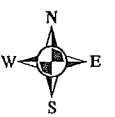
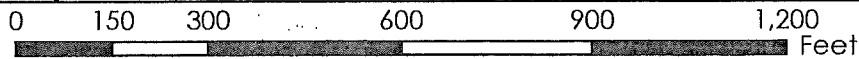
TOPOGRAPHICAL MAP

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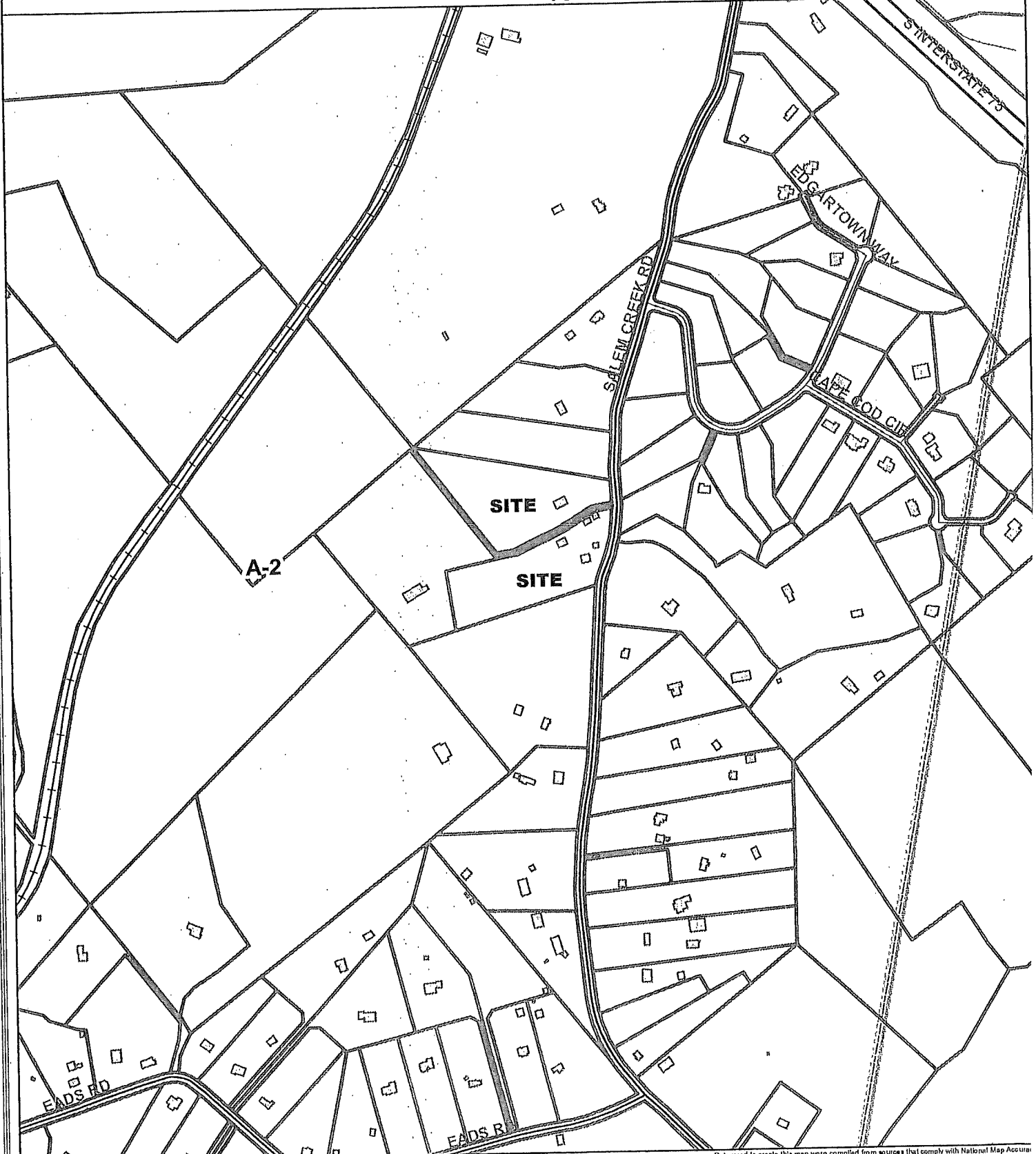
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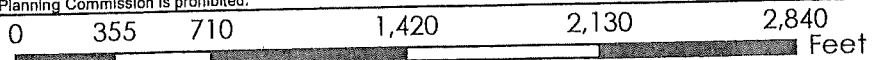
ZONING MAP

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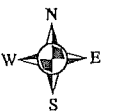
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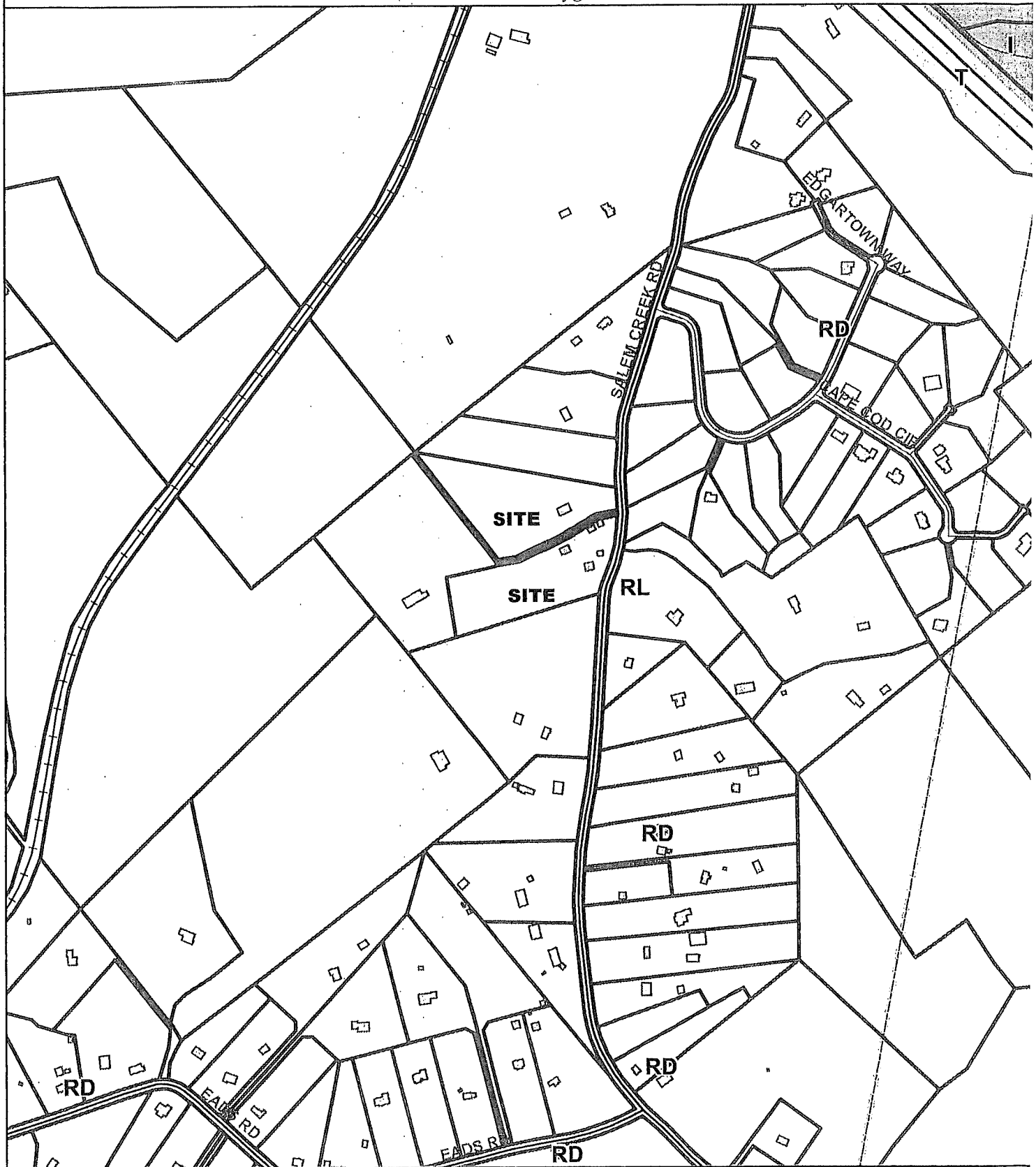


Boone County GIS - Putting Northern Kentucky on the Map



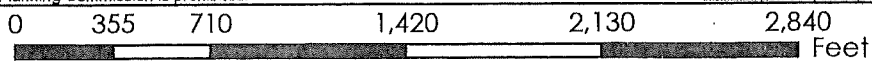
2035 FUTURE LAND USE MAP

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1 inch = 700 feet



Boone County GIS - Putting Northern Kentucky on the Map



243.155 Small farm winery license -- Eligibility and application process -- Business authorized by license -- Off-premise retail sales outlet in wet territory -- Other permitted licenses -- Renewal of license.

- (1) Any in-state or out-of-state small farm winery may apply for a small farm winery license. In addition to all other licensing requirements, an applicant for a small farm winery license shall submit with its application a copy of the small farm winery's federal basic permit and proof documenting its annual wine production. An out-of-state winery shall submit additional documentation evidencing its resident state. As part of the application process, an out-of-state winery shall publish its notice of intent, as required by KRS 243.360, in the Kentucky newspaper of highest circulation. The department shall promulgate administrative regulations establishing the form the documentation of proof of production shall take.
- (2) A small farm winery license shall authorize the licensee to perform the following functions without having to obtain separate licenses, except that each small farm winery off-premises retail site shall be separately licensed:
 - (a) Manufacture wines and bottle wines produced by that small farm winery;
 - (b) Bottle wines produced by another small farm winery;
 - (c) Serve on the premises or at small farm winery off-premise retail sites complimentary samples of wine produced by it in amounts not to exceed six (6) ounces per patron per day, if the small farm winery or its off-premise retail site is located in wet territory;
 - (d) Sell by the drink or by the package on premises, at small farm winery off-premise retail sites, and at fairs, festivals, and other similar types of events, wine produced on the premises of the small farm winery or produced by a licensed small farm winery, at retail to consumers if all sales sites are located in wet territory;
 - (e) Sell and transport wine produced on the premises of the small farm winery to wholesale license holders and small farm winery license holders;
 - (f) Consume on the premises wine produced by the small farm winery or a licensed small farm winery and purchased by the drink or by the package at the licensed premises, if the small farm winery is located in wet territory; and
 - (g) Ship to a customer wine produced by a small farm winery if:
 1. The wine is shipped by licensed common carrier; and
 2. The amount of wine shipped is limited to two (2) cases per customer per order.
- (3) If a licensed small farm winery is located in a dry or moist territory, KRS 242.230 to 242.430 shall apply, unless a limited local option election is held in accordance with KRS 242.124. If the proposition under KRS 242.124 is approved, a licensed small farm winery within the precinct may sell wine in accordance with subsection (2) of this section.
- (4) Other provisions of this chapter and KRS Chapter 244 notwithstanding, a small farm winery license holder may also hold an NQ2 retail drink license and an

NQ4 retail malt beverage drink license if the issuance of these licenses is in connection with the establishment and operation of a restaurant, hotel, inn, bed and breakfast, conference center, or any similar business enterprise designed to promote viticulture, enology, and tourism.

- (5) This section shall not exempt the holder of a small farm winery license from the provisions of KRS Chapters 241, 242, 243, and 244, nor from the administrative regulations of the board, nor from regulation by the board at all premises licensed by the small farm winery, except as expressly stated in this section.
- (6) Nothing contained in this section shall exempt a licensed out-of-state winery from obeying the laws of its resident state.
- (7) Upon the approval of the department, a small farm winery license may be renewed after the licensee submits to the department the winery's federal basic permit and proof of its annual wine production.

Effective: June 25, 2013

History: Amended 2013 Ky. Acts ch. 121, sec. 62, effective June 25, 2013. -- Amended 2010 Ky. Acts ch. 24, sec. 569, effective July 15, 2010. -- Amended 2006 Ky. Acts ch. 179, sec. 1, effective January 1, 2007. -- Amended 2005 Ky. Acts ch. 142, sec. 1, effective June 20, 2005. -- Amended 2000 Ky. Acts ch. 167, sec. 1, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 357, sec. 1, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 148, sec. 1, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 451, sec. 1, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 54, sec. 5, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 433, sec. 2, effective July 15, 1988. -- Amended 1982 Ky. Acts ch. 244, sec. 2, effective July 15, 1982. -- Created 1976 Ky. Acts ch. 381, sec. 2.

Todd Morgan

From: Adam Engels
Sent: Thursday, May 08, 2014 8:04 AM
To: Todd Morgan
Cc: Daniel Rice
Subject: RE: Conditional Use Permit to Allow Catered Events at 14555 and 14611 Salem Creek Road

Todd,

There is nothing on are end. As long as they are not altering the access points. If you have any other questions please let me know.

Thank you,

Adam Engels

Boone County Public Works

Office: (859) 334-3970

Mobile: (859) 393-4119

Fax: (859) 334-3598

E-mail: aengels@boonecountyky.org

From: Todd Morgan
Sent: Wednesday, May 07, 2014 4:04 PM
To: Adam Engels; Daniel Rice
Subject: Conditional Use Permit to Allow Catered Events at 14555 and 14611 Salem Creek Road

Adam and Daniel:

Anthony Parnigoni has submitted a Conditional to allow wedding receptions and family reunions at the addresses listed above. The events would be held to a maximum of 50 people. The proposed access points to the properties will not be altered. I have gotten a few phone calls from neighbors that are concerned about the proposal because Salem Creek Road is narrow and contains several vertical curves. Are there any issues with the application from the Public Works perspective?

Thanks,

Todd
3121

Todd Morgan

From: Scott Pennington
Sent: Tuesday, June 03, 2014 12:30 PM
To: Todd Morgan
Subject: Pavement Width

Todd,

On Friday, you had a question for me about pavement widths (related to the development on Salem Creek Rd). We've obviously got narrower routes out there, but we would "prefer" a minimum 10' lane width (20' total width) for our roadways.

Thanks.

Scott D. Pennington, P.E.
County Engineer/Director of Public Works
Boone County Public Works
spennington@boonecountyky.org
(O) 859-334-3600

Events by Street

<i>LOC_COM</i>			<i>SUB_ENG</i>		<i>PRI</i>	<i>DGR</i>
SALEM CREEK RD						
<i>Date</i>	<i>Time</i>	<i>Event #</i>	<i>Event Type</i>		<i>Agency</i>	
04/13/2012	14:24:08		TRAFFIC ACCIDENT	TRAFFIC ACCIDENT PROPERTY		POLICE
02/01/2013	06:04:06		TRAFFIC ACCIDENT	TRAFFIC ACCIDENT PROPERTY		POLICE
13586 SALEM CREEK RD						
<i>Date</i>	<i>Time</i>	<i>Event #</i>	<i>Event Type</i>		<i>Agency</i>	
06/29/2012	17:37:13		INJURY ACCIDENT			POLICE
13688 SALEM CREEK RD						
<i>Date</i>	<i>Time</i>	<i>Event #</i>	<i>Event Type</i>		<i>Agency</i>	
10/30/2013	17:23:12		INJURY ACCIDENT			POLICE
13804 SALEM CREEK RD						
<i>Date</i>	<i>Time</i>	<i>Event #</i>	<i>Event Type</i>		<i>Agency</i>	
02/14/2014	23:16:16		TRAFFIC ACCIDENT	TRAFFIC ACCIDENT PROPERTY		POLICE
13826 SALEM CREEK RD						
<i>Date</i>	<i>Time</i>	<i>Event #</i>	<i>Event Type</i>		<i>Agency</i>	
11/03/2012	23:36:53		INJURY ACCIDENT			POLICE
14029 SALEM CREEK RD						
<i>Date</i>	<i>Time</i>	<i>Event #</i>	<i>Event Type</i>		<i>Agency</i>	
08/30/2013	15:10:44		TRAFFIC ACCIDENT	TRAFFIC ACCIDENT PROPERTY		POLICE
01/16/2014	02:52:30		INJURY ACCIDENT			POLICE
14250 SALEM CREEK RD						
<i>Date</i>	<i>Time</i>	<i>Event #</i>	<i>Event Type</i>		<i>Agency</i>	
02/14/2014	18:17:10		TRAFFIC ACCIDENT	TRAFFIC ACCIDENT PROPERTY		POLICE
14630 SALEM CREEK RD						
<i>Date</i>	<i>Time</i>	<i>Event #</i>	<i>Event Type</i>		<i>Agency</i>	

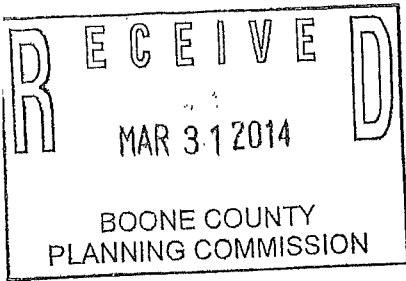
<i>LOC_COM</i>		<i>SUB_ENG</i>	<i>PRI</i>	<i>DGR</i>
12/08/2013	13:20:19	TRAFFIC ACCIDENT	TRAFFIC ACCIDENT BLOCKING	POLICE

14640 SALEM CREEK RD

<i>Date</i>	<i>Time</i>	<i>Event #</i>	<i>Event Type</i>	<i>Agency</i>
07/29/2012	16:16:27		TRAFFIC ACCIDENT	TRAFFIC ACCIDENT PROPERTY POLICE

Total Events: 0

APPLICATION FORM



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- 1. (Check One) Boone [checked] Florence _____ Walton _____ Union _____
2. (Check One) 2 [checked] Conditional Use Permit [checked] Variance _____ Appeal _____ Change in Non-Conforming Use _____
3. Applicant's Name ANTHONY PARNIGONI
Applicant's Address 14611 SALEM CREEK RD. CRITTENDEN KY 41030
4. Description of Request: CONDITIONAL USE PERMIT FOR 1) RESORT SHORT TERM RENTAL WITH AGE 2) BANQUET EATING/DRINKING ESTABLISHMENT
5. Name of Development _____
6. Location of Development 14555 SALEM CREEK RD AND 14611 SALEM CREEK RD
7. Acreage Under Review 6.38 + 6.4632
8. Lot Number and Name of Subdivision (if part of a subdivision) _____
9. Owner of Property ANTHONY PARNIGONI
Address of Property Owner 14555 SALEM CREEK RD. CRITTENDEN KY 41030
10. Phone Number 267-816-7802 Fax No. _____ E-Mail PARNIGONI-TONY@ARAMARK.COM
11. Proposed Use(s) on Site RESORT WITH WINERY, GARDENS, AND HIKING TRAILS
12. Total Square Footage of Existing and/or Proposed Buildings 1200
13. Current Zoning on Property A-2
14. Deed Book 1000, 1000 Page No. 23, 605 Group No. 20868
15. Is the site subject to a zone change? _____ If yes, give date of approval _____
16. Have you submitted a Site Plan with this request? YES
17. Have you submitted a list of adjoining property owners with this request? YES
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

ORIGINAL Property Owner's Signature: [Signature] (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: [Signature] (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

[COPY]

CLUR #14-BCBOA-008-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Anthony Parnigoni
14611 Salem Creek Road
Crittenden, KY 41030

2. ADDRESS OF PROPERTY
14611 & 14555 Salem Creek Rd
Crittenden, KY

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Villa Parnigoni

4. DEED BOOK 1000
DEED BOOK 1000

PAGE NO. 23
PAGE NO. 605

GROUP NO. 2086B
GROUP NO. 2086B

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

Zoning Map Amendment: From To Conditional Use Permits (2)

Development Plan Conditional Zoning

Subdivision Plat (Not Recorded) Other:

Variance

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

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

Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the conditional use permits approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of June 11, 2014 Certificate of Land Use Restriction (#14-BCBOA-008-A), for Anthony Parnigoni, Property Owner(s).

The following conditions will apply:

1. The approval is based on Mr. Parnigoni's letter found in the Staff Report and the modifications he put into the record at the June 11, 2014 Boone County Board of Adjustment Meeting.
2. Events (wedding, receptions, family reunions, etc.) that take place on a Monday, Tuesday, Wednesday, Thursday, or Friday shall not be started before 4:30 P.M.

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

DEED BOOK 1000

PAGE NO. 23

GROUP NO. 2086B

DEED BOOK 1000

PAGE NO. 605


GROUP NO. 2086B

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

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

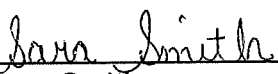
on behalf of the Boone County Planning Commission this 2 day of July, 2014.



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

My commission Expires:
April 17, 2015

This instrument was prepared for recording purposes only by:



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

NO TITLE EXAMINATION

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