

APPLICATION FORM

BCBDA-14-A

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION	R E C E I V E D NOV 18 2014 BOONE COUNTY PLANNING COMMISSION
---	--

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

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- (Check One)
- Boone _____ Florence _____ Walton _____ Union _____
 - (Check One)
 Conditional Use Permit _____ Variance _____ Appeal _____
_____ Change in Non-Conforming Use _____
 - Applicant's Name ANTHONY PARNIGONI
Applicant's Address 14611 SALEM CREEK RD.
CRITTENDEN KY 41030
City State Zip
Phone Number 267-816-7802 Fax No. _____ E-Mail TONY.PARNIGONI@GMAIL.COM
 - Description of Request: ADDENDUM TO APPROVED CONDITIONAL USE PERMIT
1) LOCATION CHANGE FOR TASTING ROOM + BAR/DECK FACILITY. 2) CHANGE IN PARKING 3) POTENTIAL 2ND REMOVAL VARIATION COTTAGE
 - Name of Development _____
 - Location of Development 14555 SALEM CREEK RD; 14611 SALEM CREEK RD;
14599 SALEM CREEK RD (UNDER CONTRACT TO PURCHASE)
 - Acreage Under Review 6.38 + 6.4632 + 3.7
 - Lot Number and Name of Subdivision (if part of a subdivision) _____
 - Owner of Property ANTHONY PARNIGONI AND KOREY RYAN (UNDER CONTRACT)
Address of Property Owner 14555 SALEM CREEK RD AND 14599 SALEM CREEK RD.
 - CRITTENDEN KY 41030
City State Zip
Phone Number 267-816-7802 Fax No. _____ E-Mail TONY.PARNIGONI@GMAIL.COM
 - Proposed Use(s) on Site RESORT WITH WINERY, GARDENS, AND HIKING TRAILS
 - Total Square Footage of Existing and/or Proposed Buildings 6,300
 - Current Zoning on Property A-2
 - Deed Book _____ Page No. _____ Group No. 2086B
 - Is the site subject to a zone change? NO, BUT CUP APPROVED 6/11/14
If yes, give date of approval _____
 - Have you submitted a Site Plan with this request? YES
 - Have you submitted a list of adjoining property owners with this request? YES
 - I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

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

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

(over)

PARNIGONI - U6 1000, 1000 PG - 23, 605
RYAN - DB 979, PG 495

**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 11-18-14 Fee Received 732.00 Receipt # 069933
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
12/10/14 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 12/10/14 meeting
minutes + CLR
7. Reasons for Denial: _____

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

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

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

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

STAFF REPORT

APPLICANT: Anthony Parnigoni

LOCATION: 14555, 14599, and 14611 Salem Creek Road, Boone County, Kentucky

ZONING: Agricultural Estate (A-2)

DATE: December 10, 2014

Pertinent Site History for 14555 and 14611 Salem Creek Road

On June 11, 2014, the Boone County Board of Adjustment approved the following Conditional Use Permit applications:

1. A permitted vineyard and winery with a tasting room, walking trails, and gardens to be expanded into a resort with short term lodging. The approval allowed a two bedroom, one bath home located at 14611 Salem Creek Road to be converted into a short term resort cottage starting in 2015.
2. Catered events (wedding receptions, family reunions, etc.) to take place on the properties with the serving of food and drinks. The applicant's narrative outlined the following regarding the events:
 - A. Attendance would be limited to 50 people.
 - B. Alcohol would be limited to wine produced on site.
 - C. Events would not last past 11:00 PM.
 - D. Music would be played in the wine tasting room to keep sound at a minimum.

The Board imposed the following conditions on the approval:

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. The modifications included the following statements:
 - A. There would be sound proof insulation in the barn.
 - B. There would be no music on the properties past 10:00 PM
 - C. No guests would be permitted on the properties past 11:00 PM
2. Events (weddings, receptions, family reunions, etc.) that take place on a Monday, Tuesday, Wednesday, Thursday, or Friday shall not start before 4:30 P.M.

Current Proposal

The applicant has submitted a Conditional Use Permit application to amend the Conditional Use Permits that were approved by the Boone County Board of Adjustment on June 11, 2014. The following amendments are being sought:

1. Allow a 3.704 acre tract, currently owned by Korey Ryan, to be used as part of the businesses. The property contains an approximate 5,600 square foot single-family dwelling with an attached barn that will be converted into the wine tasting and banquet hall location.

The 6/14/14 approval indicated that the wine tasting and banquet hall would be located in a barn located at 14611 Salem Creek Road. This barn would be kept as a farm storage building if the current application is approved.

2. Change the parking area for the wine tasting and catering business. The proposed location is behind the building that is being purchased.
3. The potential to add a second guest cottage to the resort in the future. The second guest cottage would be attached to the building that is being purchased.

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 subject properties 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 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, two barns, 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 14599 Salem Creek Road is currently 11.831 acres in area and is owned by Korey Ryan. Mr. Ryan has agreed to sell Mr. Parnigoni a 3.704 acre portion of this property (see the attached Conveyance Plat that was submitted to the Boone County Planning Commission on December 2, 2014). The 3.704 acre property contains an approximate 5,600 square foot house and attached storage barn (proposed wine tasting room and banquet facility) and a large gravel parking lot. Access to the property is provided from a gravel driveway that is located on Salem Creek Road. The driveway is 24' wide at the entrance and tapers down to about 13' in width.

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 the gravel driveway that is located on 14599 Salem Creek Road.

Staff Comments

1. The applicant informed Staff that he obtained Small Farm and Winery license from the State. 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 with guest cottages.
 - The driveway and parking requirements for the rental cottage and catered events.
2. The has applicant has provided the following information:
- A. A letter, dated March 2014, which outlines the proposed operation (see attachments). This is the same letter that was included in the June 11, 2014 Staff Report.
 - B. An letter (addendum) outlining the proposed changes to the approved Conditional Use Permits.
 - C. A copy of the Conveyance Plat showing the 3.704 acres being purchased from Mr. Ryan.
 - D. An Easement Agreement giving Mr. Parnigoni the legal right to use Mr. Ryan's driveway to access the building that is being purchased.
3. Staff would like the applicant to address the following:
- A. Confirm that he has received his Small Farm and Winery License from the state and the Federal Trade and Tobacco License from the Federal Government.
 - B. The June 11, 2014 Conditional Use Permit approvals contained several conditions, which are outlined on page 1 of the Staff Report. Other than the items mentioned in the addendum, are any changes being proposed to the conditions?
 - C. The addendum states that a second guest cottage could be added onto the wine tasting and banquet building. What is the approximate square footage and number of bedrooms being proposed?
4. Staff is going to the show the pictures of Salem Creek Road that were originally presented at the 6/11/14 hearing 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 original 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.

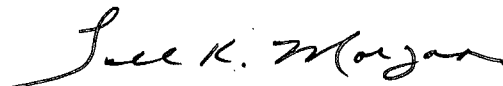
Staff will need to work with the applicant regarding the driveway and parking layout. The following issues will need to be addressed in more detail during Site Plan review:

- 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. Some gravel pull-overs will need to be provided along portions of the driveway so two vehicles can pass.
- C. Hard surfaced handicapped parking spaces will need to be provided at the guest cottages and wine tasting/banquet facility.
- D. The easement agreement between Mr. Parnigoni and Mr. Ryan needs to include a metes and bound legal description and be recorded at the Clerk's office.

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

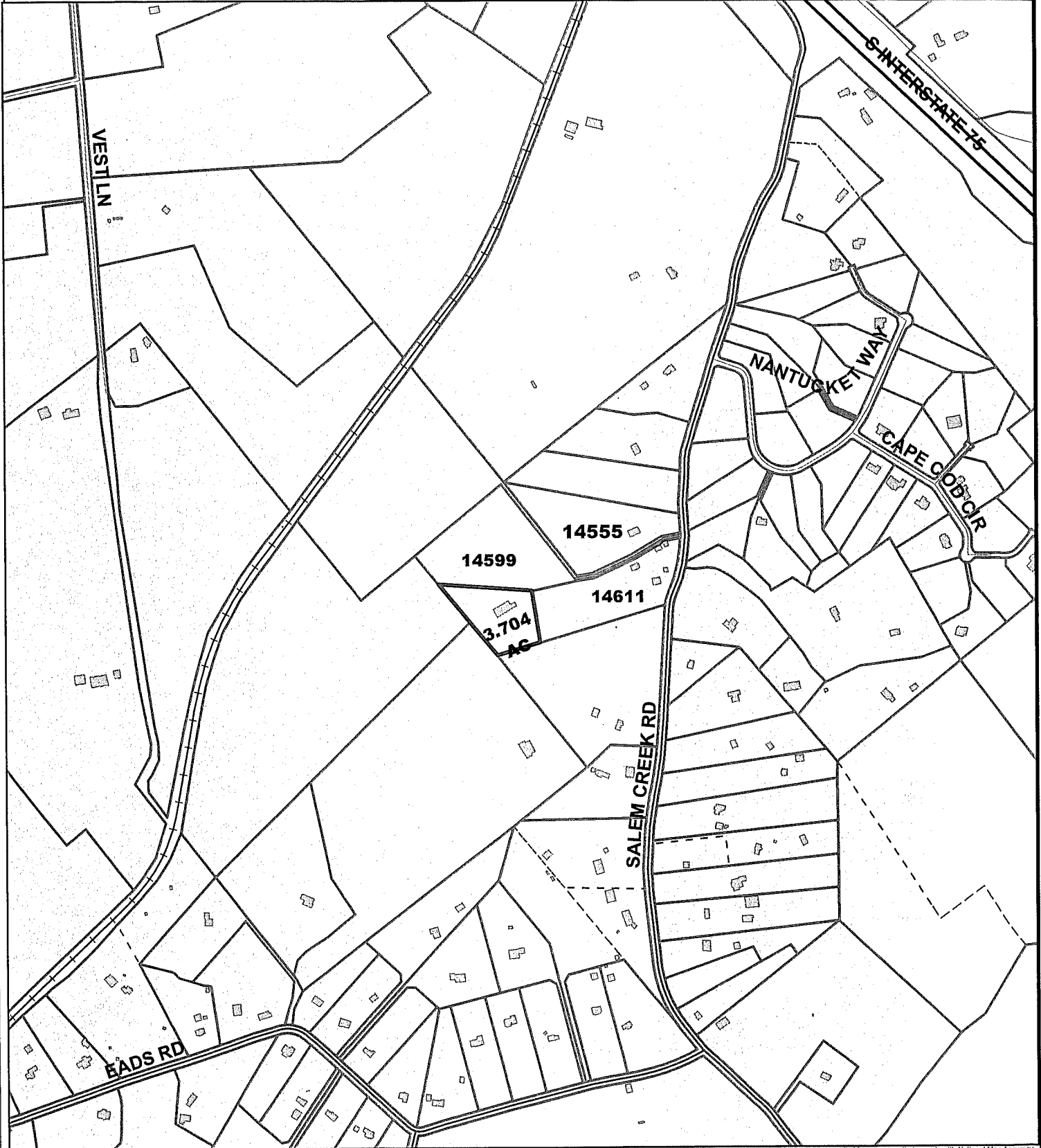
TKM/tlb

Attachments:

- *Site Vicinity Map
- *Letter from the applicant explaining the business operation (Provided in 6/11/14 Staff Report)
- *KRS 243.155 (Provided in 6/11/14 Staff Report)
- *5/8/14 Email from Adam Engels, Boone County Public Works (Provided in 6/11/14 Staff Report)
- *6/3/14 Email from Scott Pennington, Boone County Engineer (Provided in 6/11/14 Staff Report)
- *Accidents on Salem Creek Road between 4/13/12 and 5/23/14 (Provided in 6/11/14 Staff Report)
- *Plan Approved by BCBOA on 6/11/14
- *6/11/14 Boone County Board of Adjustment Meeting Minutes
- *Letter from applicant explaining the changes that are being proposed
- *Proposed Plan, Conveyance Plat (not approved), and easement contract submitted by applicant
- *2012 Aerial Map
- *Topographical Map
- *Zoning Map
- *Future Land Use Map
- *Application

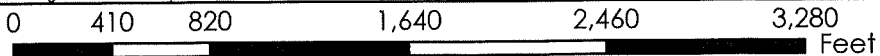
SITE VICINITY MAP

www.boonecountygis.com



Copyright 2014 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



Boone County GIS - Putting Northern Kentucky on the Map

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 varietals are planted. Noiret, Cabernet Franc, Vignoles, and Chardonnal.
- 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. Rental is only by the whole home.

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. Music will end by 10 pm. The building will be sound proofed and every event will be supervised by me or another member.

PARKING

There are a maximum 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.

I have read this business plan and understand that the property will be hosting a small winery and gardens and will be open to the public.

Name _____ Date _____

Address _____

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@boonecountky.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

6/11/14 BCBOA AIR

14611 Salem Creek Rd

Salem Creek Rd

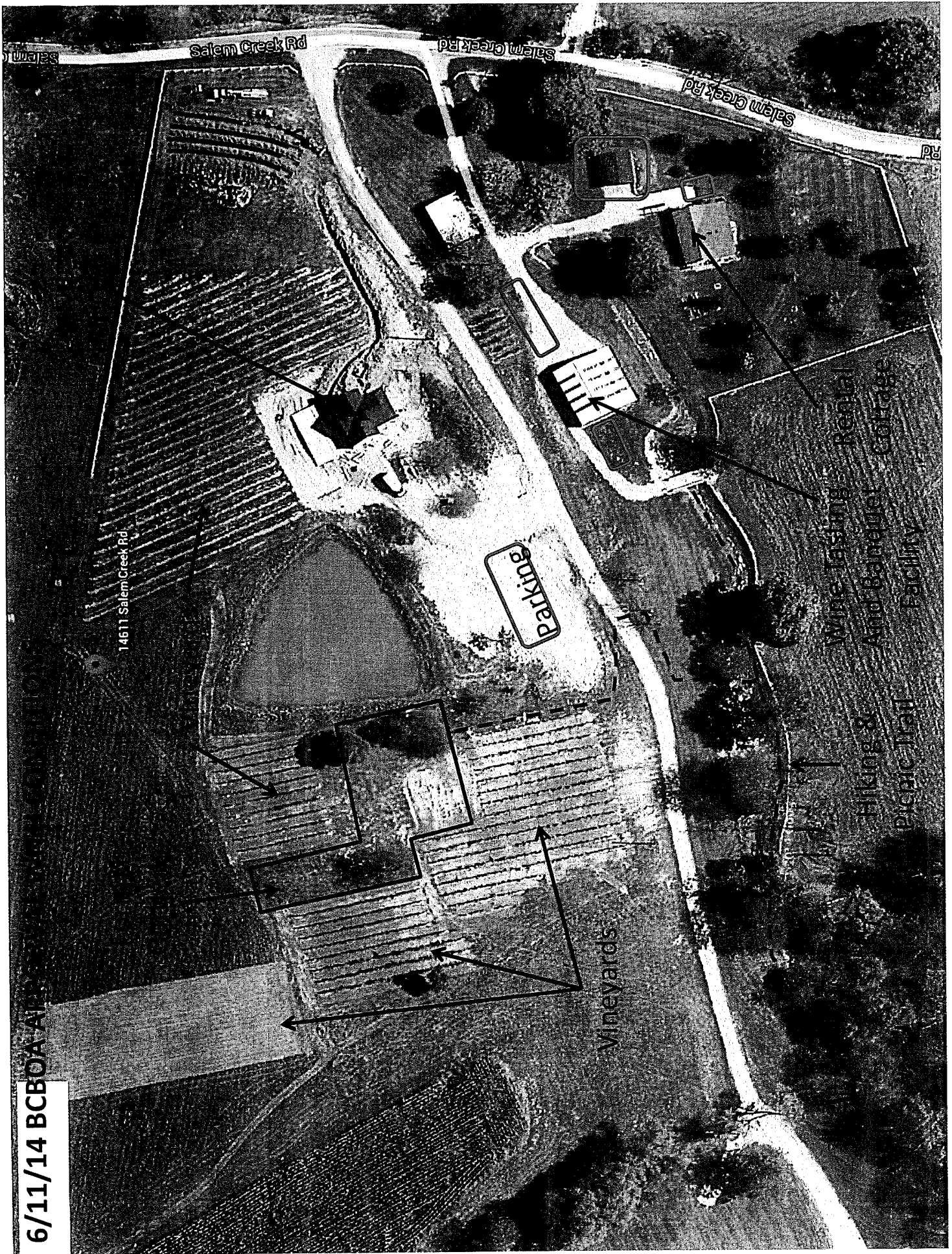
Salem Creek Rd

Salem Creek Rd

Parking

Vineyards

Wine Tasting Room
Event Barn
Office
Picnic Trail
Facility



**BOONE COUNTY BOARD OF ADJUSTMENT
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
BUSINESS MEETING**

**June 11, 2014
6:00 P.M.**

Mr. George Whitton called the meeting to order at 6:01 P.M.

BOARD MEMBERS PRESENT:

Mr. George Whitton
Mrs. Sherry Hempfling
Mr. Richard Miller
Mr. Bradley Shipe

BOARD MEMBERS NOT PRESENT:

Mrs. Phyllis Sparks

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

APPROVAL OF MINUTES

Mr. Whitton stated that the Board members received copies of the minutes of the Boone County Board of Adjustment meeting of April 9, 2014. He asked if there were any comments or corrections? There being no changes, Mr. Shipe moved that they be approved as written and Mrs. Hempfling seconded the motion. Mr. Whitton called for a vote and it carried unanimously.

ACTION ON REVIEWS

1. Request of Anthony Parnigoni for two Conditional Use Permits to allow: (1) A permitted vineyard and winery with a tasting room, walking trails, and gardens to be expanded into a resort with short term lodging. (2) 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 the sites. The approximate 6.46 and 6.38 acre tracts are located at 14555 and 14611 Salem Creek Road, Boone County, Kentucky and are currently zoned Agricultural Estate (A-2).

Staff Member, Todd Morgan, AICP, presented the Staff Report which included a PowerPoint presentation (see Staff Report).

Mr. Miller asked if he had the Average Daily Trips on Salem Creek Road? Mr. Morgan replied that he did not have that information.

Mrs. Hempfling asked if an 18' wide road would be considered a two lane road? Mr. Morgan replied it would.

Mrs. Hempfling asked if vehicles have to pull over and stop to pass? Mr. Morgan replied that he drove down to the site about 4 or 5 times since the application was submitted and had the following experiences. Two cars can pass one another pretty easily unless they are passing in a curve. If a bigger vehicle, such as a large truck or service vehicle, is coming you need to slow down and pull over as far as you can.

Mrs. Hempfling asked how much Mr. Ryan's driveway will be used and if Mr. Parnigoni had received an easement to use the driveway? Mr. Morgan reviewed the PowerPoint slide which showed the proposal and indicated the parking near Mr. Parnigoni's house would probably be an overflow parking lot. He believes most people will park down by the wine tasting room/banquet barn. She asked if there will be a maintenance agreement? Mr. Morgan said he would let Mr. Parnigoni answer that question.

Mr. Anthony Parnigoni said Mr. Morgan gave a good overview of the proposal but he would like to clarify some points. He started by submitting a copy of the easement agreement into the record. The agreement was signed by Korey Ryan (see Exhibit 1). He said he is willing to agree to the following things which were not included in his letter:

- A. There will be sound proof insulation in the barn.
- B. There will be no music past 10:00 PM.
- C. No guests will be permitted on the properties past 11:00 PM.

He offered to answer the Staff questions which are found on page 5 of the Staff Report. Mr. Whitton said that would be a good idea.

- A. Has the State approved his Small Farm and Winery license?

That application and the national TTB license are in process.

- B. Which days of the week could events take place?

Events could take place any day of the week. He does not anticipate this will be a large income generator because events, such as wedding receptions, will be limited to 50 guests. There is not a huge market for small scale events. He anticipates that there could be a maximum of 2 events a week from Spring through Fall. He will not guarantee that because there could be 3 events one week and 0 the next week. He will have 26 parking spaces on site because the parking requirement is 25 stalls for a 50 person event. If he has 2 events a week this would put 50 additional cars on the road.

- 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?

Restrooms will be installed in the wine tasting and banquet facility and they will be ADA compliant. There will be no portable toilets setup anywhere on the properties.

- 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)?

He said he lives on the property and he or another supervisor will be present.

- E. Will the guest cottage be rented as one unit or could an individual rent a single bedroom?

He said it will be rented as one overall unit because there is only one bathroom.

- F. Could the guest cottage be rented on a nightly basis?

Yes.

- 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?

He indicated that he has already submitted the easement agreement into the record. He said he has also worked out a couple other verbal agreements with Mr. Ryan. He said they will be sharing in the expense of the upkeep of the driveway. A gate will be installed to stop guests from traveling back to Mr. Ryan's house.

Mr. Parnigoni said he knows several people in the audience are opposed to the request. He said he wants to be a good neighbor and he offered his phone number to any person that wanted it. That way people could contact him if things were not going the way they wanted. He added that he would be the closest residence to all the activities.

Mr. Whitton asked if anybody in the audience wanted to speak regarding the requests?

Mr. John Herbstreit said he had lived at 14746 Salem Creek Road since 1978. He said one thing Mr. Morgan failed to mention about Salem Creek Road is that the County fails to maintain the shoulders of the road. When a car falls off the shoulder it can drop a foot or more into a ditch. These ditches can throw a car into a tree and cause a substantial accident. This happened to him one winter. If you are off the pavement your in trouble. As a property owner he is curious why any agricultural/rural property owner would want to be subjected to the smells of a winery, added traffic, noise, and other things that accompany a commercial business? The whole thing does not make any sense to him. He bought in a rural residential area 28 years ago to get away from these types of things. He is vehemently opposed to the proposal.

Mr. Jerry Sewell said he has lived at 14640 Salem Creek Road since 2007. His property is located to the south of Mr. Parnigoni's property. There is a really bad curve right there and it is an adventure to pull out of his driveway anytime there are leaves on the trees. He said the road narrows in the curve to a little under 17 feet. There is a drop off on the east

side of the road that goes down about 10 feet to a creek. One vehicle has fallen into this portion of the creek since he has lived on his property. He and his wife welcome the winery because it is permitted by state law and it keeps with the agricultural and rural character of the area. He and his wife have many concerns about the Conditional Use Permit requests. First they deliberately moved to their property because it was rural and quiet. He believes the requests do meet the conditional use permit criteria that are listed on page 2 of the Staff Report. He read the following passage: "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." Mr. Parnigoni's requests to have commercial uses is in violation of the passage because the uses will change the principal character of the area. He added that he was a State Trooper in Ohio for about 12 years near Morrow, Ohio. The Morrow Winery is located up there on US Highway 22 and the road is straight and 22 feet wide. Even with the wider and straighter roadway the accidents there would quintuple when the annual wine festival was going on. He said it would almost be impossible for somebody to come out of Mr. Parnigoni's property and travel south. If a guest is inebriated the likelihood of an accident will be even greater. There have not been that many accidents on the road over the last two years but this proposal would add commercial establishments where people are consuming alcoholic beverages. He is not opposed to people drinking but does have a concern with people drinking and driving. He realizes Mr. Parnigoni's intention is to have some sort of supervision to prevent people from drinking alcohol that isn't produced on site. His experience is that people will sneak alcohol into events. He doesn't believe Mr. Parnigoni can guarantee this will not happen.

Mr. Mark Krummen said he lives at 1140 Cape Cod Circle and can see this property from the top of the hill. He said he appreciated the Staff Report with the additional questions. He said that traffic is a concern to him. A standard school bus is 8' wide and the road in most areas is 18' wide. Mr. Parnigoni talked about the facility being used various times throughout the year. He assumes some of the events will take place on weekdays when school is in session. There are school busses running up and down the road 6 different times throughout the day. High school and middle school busses run one route, elementary school runs a route, and Kindergarten runs another. The residents that live in the area can testify to the fact that you need to pull over and stop your car on Salem Creek Road when a school bus is approaching you. Most times the school bus driver is experienced but some times they have substitute drivers. There have been occurrences where mirrors have been broken on stop signs and on trees that are located near the road.

He is glad that Mr. Parnigoni is not proposing any portable toilets on site. They are on septic systems in this part of the County. He asked if the septic system would be large enough to accommodate 50 people? Have the Fire Department, Building Department, and Health Departments looked at the plans yet? He added that the subject properties are a total of 12 acres. Many of the neighbors are worried about guests trespassing because it does not take a lot for someone to walk across 12 acres. Mr. Ryan lives behind Mr. Parnigoni and runs a landscaping business. People on the road have to avoid his trucks and trailers. He said he believes that the photos of the road showed a lot of the straight stretches. There are many curves and blind spots. The County just bush hogged some areas to the side of the road so residents can leave their properties safely. He indicated that there were a lot of issues on the road when Mr. Parnigoni constructed his house. A lot of water will stand at the bottom of the driveway when it rains hard. The County will probably need to address this in the future.

Mr. Mike Howell said he lives at 1135 Cope Cod Circle and sees the subject property from his back door. His major concern is traffic. He said residents that are traveling out there will need to stop if they encounter a limousine. If a limousine driver does not know to stop there will be an accident. He said he really did not like the pictures of the road that were taken.

Mr. Whitton said he visited the site and drove the road. He asked what other Board members had done so? Mr. Shipe and Mr. Miller said they did and Mrs. Hempfling replied she did not.

Mr. Wilson asked Mr. Howell if he had any additional photos of the road that he wanted to introduce into the record? He said he did not but asked for the bridge photos near Courtney's Tree Farm to be reviewed again. Mr. Morgan reviewed two slides of the bridge. Mr. Howell said one photo shows the severity of the curve and the other does not.

Mr. Mark Rachford said he lived at 1008 Eads Road. He said the area where the bridge photos were taken will flood when there are heavy rains and the bridge cannot be used at these times. Sometimes it floods so badly that a Boone County Sheriff Deputy will come out and block the road. He said if that were to happen when an event was going on guests would have to take a back way out. Guests will not know how to do that.

Mr. Whitton asked if anybody else in the audience wanted to speak? There was no response.

Mr. Miller asked Mr. Parnigoni asked how many people he expected to attend the wine tasting and sales functions that are permitted under the Small Farm and Winery license? Mr. Parnigoni indicated that the winery will not be open to the public Monday through Friday although the license would allow it to be. He expects that he could have 50 people visit the wine tasting room on a typical Saturday or Sunday.

Mr. Miller asked if he expected to generate any traffic during the weekdays when there would be school bus traffic? Mr. Parnigoni replied there could be an event, such as a wedding, through the week. However, he does not believe any one would get married Monday through Friday during school hours.

Mr. Wilson indicated that 3 of the 4 Board members present indicated that they had visited the site and drove the road. He asked if they would like to put their observations into the record?

Mr. Miller said he drove the road this afternoon. It is a well paved road but it is narrow. There are some significant horizontal and vertical curves. There are also some sight distance issues as you drive the road. However, in the area of the winery the road is fairly straight. He said he did not drive too far past the winery. He asked if there was another way out? Mr. Morgan replied that Eads Road connects on KY 16 near the center of Verona.

Mr. Shipe said he had the same observations as Mr. Miller.

Mr. Whitton said he had the same observations. He added that there wasn't much traffic on the road when he was there. He was there sometime in the middle of the morning.

Mr. Miller asked Mr. Parnigoni if he would be willing to accept a condition which limited events to Friday night, Saturday, and Sunday? Mr. Parnigoni said he would rather not, but would agree if that was the only way the Board would approve it. Mr. Miller asked if he would be agreeable to a condition which prohibited events from taking place during the day Monday through Friday. Mr. Parnigoni said he would be agreeable to that condition because nobody is going to book an event during the day Monday through Friday.

Mr. Shipe suggested the condition read that no events shall take place before 4:30 PM Monday through Friday because the school busses will be finished running by then.

Mrs. Donna Herbstreit said she has 5 children that drove the road and everyday she prayed that they got off it safe. A few of her children wrecked on the road and they are not the only ones. The road is dangerous. She has had people side swipe her and takeoff. They have lived there 36 years. Hardly anybody used the road when they first moved there but it's different now. She has grandchildren that come to visit her now and she is concerned for their safety.

Mrs. Hempling said somebody testified earlier that they were concerned about people getting off the trails and trespassing onto neighboring properties. She asked Mr. Parnigoni if he could mark the trails? Mr. Parnigoni said guests will be provided a map of the trails and property. He already has an agreement with his neighbor to the north that he will extend the fence if anybody ever wanders onto his property.

Mr. Shipe asked if the main entrance is lit? Mr. Parnigoni replied a commercial style light is affixed to the tool barn and shines out towards the entrance. It is probably located 40 yards from the road.

Mr. Whitton asked for a motion.

Mr. Miller made a motion to approve the Conditional Use Permit applications with the following conditions:

- 1. The approval is based Mr. Parnigoni's letter found in the Staff Report and the modifications he made this evening.**
- 2. Events (wedding receptions, family reunions, etc.) that take place on a Monday, Tuesday, Wednesday, Thursday, or Friday shall not start before 4:30 PM.**

Mr. Shipe seconded the motion.

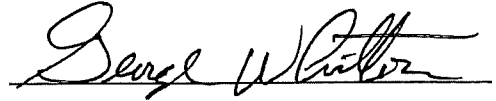
Mr. Whitton asked if the Board wanted to discuss the motion? There was no response.

Mr. Whitton called for the vote and it carried unanimously.

ADJOURNMENT

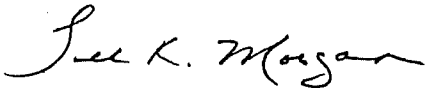
Mr. Whitton asked for motion to adjourn the meeting. Mr. Miller made the motion to adjourn and Mr. Shipe seconded the motion. Mr. Whitton called for the vote and the meeting was adjourned by unanimous consent at 6:54 p.m.

APPROVED



Mr. George Whitton, Chairman

ATTEST:



**Todd K. Morgan, AICP
Senior Planner, Zoning Services**

Exhibits

1. Easement Agreement Signed by Korey Ryan

BOA

Addendum to application submitted and approved by The Boone County ~~Board of Commissioners~~ in ~~June~~ **JUNE** 2014. Addendum submitted on November 18, 2014 for Board consideration on December 10, 2014.

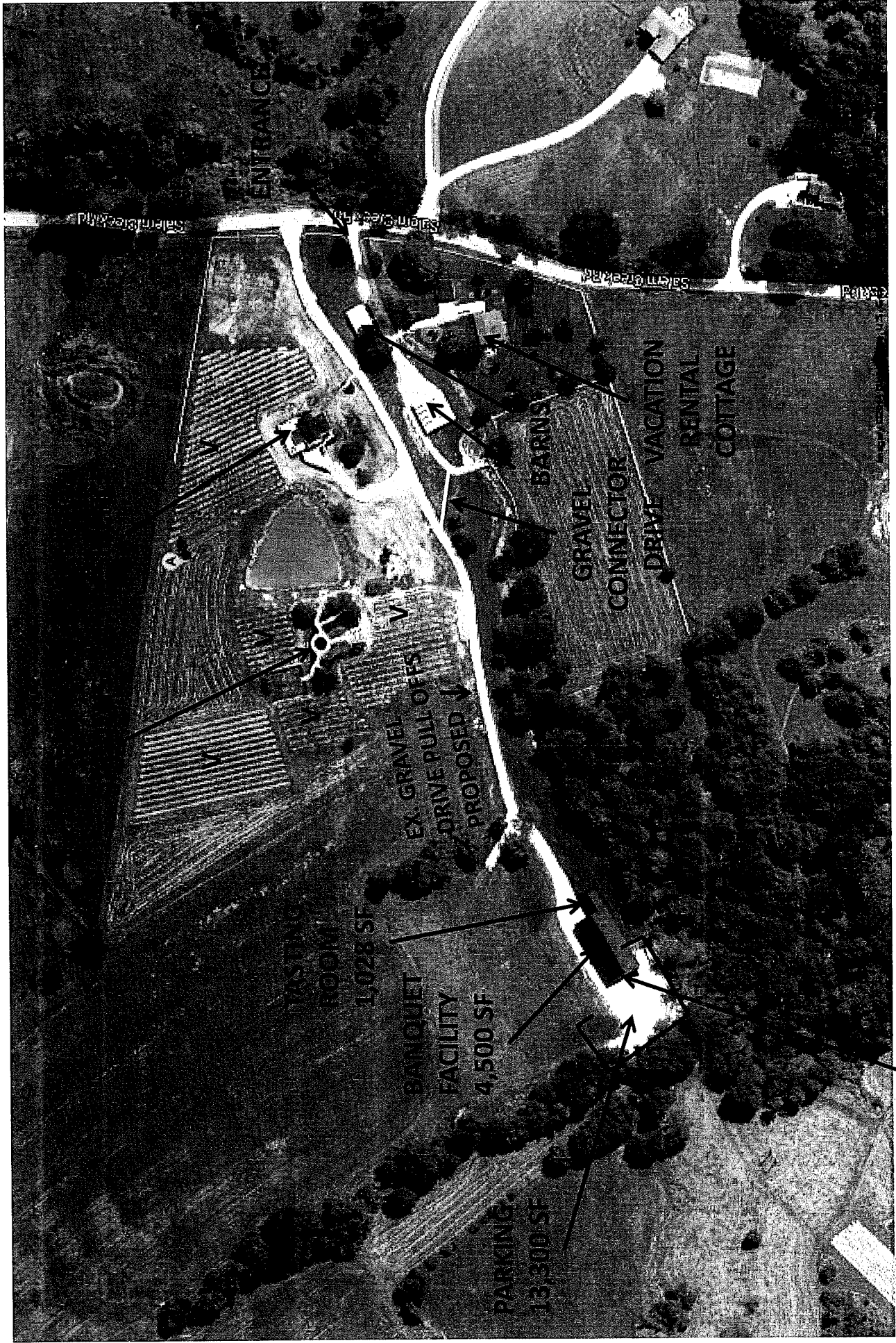
Resort called Sweet Bottom Winery, LLC dba Brianza Gardens and Winery operating under Federal TTB and Kentucky ABC approval. Tony Parnigoni is the sole owner of the resort and property owner.

The purpose of this addendum is due to the upcoming purchase of adjacent land and building at the rear of the property (14611 Salem Creek Rd) currently owned by Korey Ryan. There is a metal structure in existence that is more suitable for a wine tasting room and banquet facility. Not only is the building more suitable for Brianza, but parking behind the building is hidden from public view. This property is currently under contract with an expected close date of December 15th, 2014. This additional property will be combined with the existing 14611 plat as it currently adjoins. Contract, aerial diagram, property survey, and easement are attached to this application.

Conditional use permits for the following are requested:

- 1) Change tasting room and banquet facility from previously approved barn on 14611 Salem Creek Rd. to building to be purchased currently located at 14559 Salem Creek Rd. The barn on 14611 Salem Creek Rd. will remain as a farm storage facility.
- 2) Change parking area from previously approved areas to behind the building to be purchased. This parking area is over 13,000 square feet and is already in existence.
- 3) Potential to add a second short term resort rental cottage on the property at either 14611 or 14559 Salem Creek Rd. (would all be 14611 when purchased property is combined). The site of this second short term resort rental cottage would be attached to the existing structure currently located at 14559 Salem Creek Rd.

CURRENT PROPOSAL



PER NARRATIVE - SECOND GUEST COTTAGE COULD BE ATTACHED TO BANQUET/TASTING ROOM BLDG.

RIGHT-OF-WAY DEDICATION CERTIFICATION

I (We) hereby do dedicate the right of way parcel along _____ as shown hereon to public use forever.

signature of grantor(s) _____ date _____

State of _____

County of _____

The foregoing instrument was acknowledged before me this _____ date, by _____

notary signature _____

Title or rank (if any) _____ serial number (if any) _____

I certify that I have examined the records of the Boone County Court Clerk and find that this is the first conveyance made under the present ownership of the parent tract.

Andrew R. Ament, KY Reg # 1729 11-17-2014

SURVEY FOR DIVISION

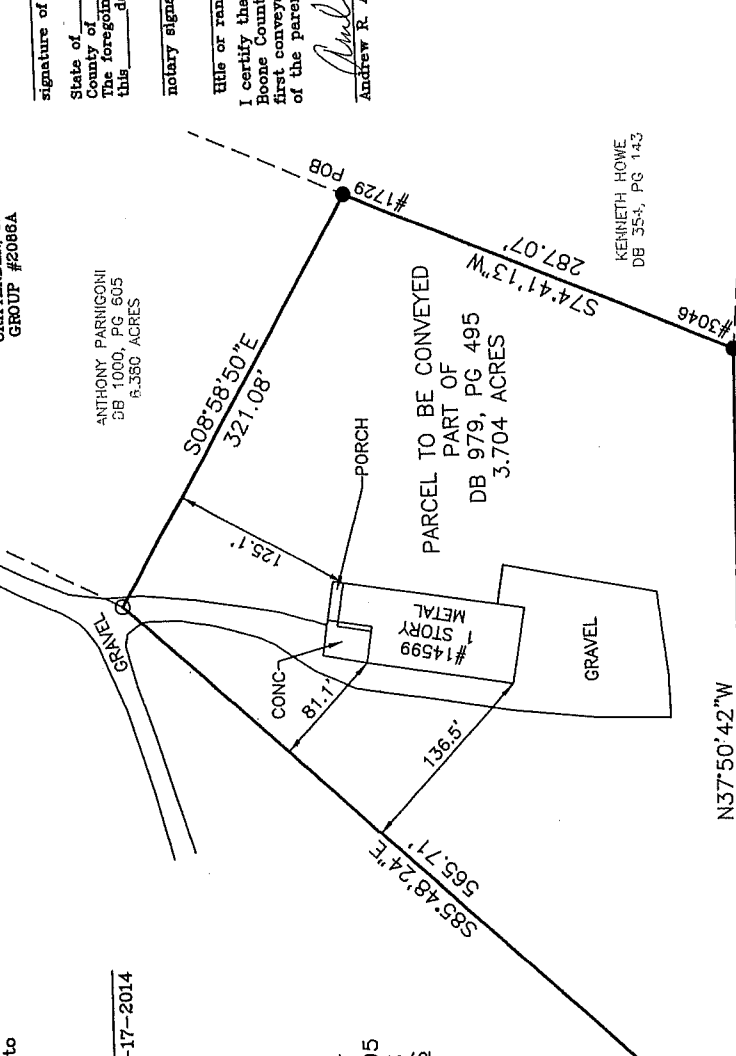
RYAN KOREY PATRICK
14599 SALEM CREEK ROAD
CRITTENDEN, KY
GROUP #2086A

ANTHONY PARNIGOMI
38' 10.00', PG 605
6.380 ACRES

REMAINDER OF
DB 979, PG 495
11.831 ACRES
-3.704 ACRES
8.124 ACRES

NON-BUILDABLE LOT
Parcel is approved not for conveyance or building development by itself, but for attachment to adjacent land only.

Andrew R. Ament, KY Reg # 1729 11-17-2014



STATE OF KENTUCKY
ANDREW R. AMENT
1729
LICENSED PROFESSIONAL LAND SURVEYOR

LAND SURVEYOR'S CERTIFICATE
I hereby certify that the survey depicted by this plat was done by persons under my direct supervision by the method of random traverse with side shots. The unadjusted error of closure was 1:574,616. The survey shown hereon is a rural survey, and the distances and directions are based on the adjusted traverse. This plat of survey complies with all requirements of the Boone County Zoning and Subdivision Regulations, and that dedicated areas including public ways or streets are currently owned by the property owner.

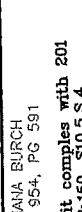
Andrew R. Ament, KY Reg # 1729 11-17-2014

BOONE COUNTY PLANNING COMMISSION
APPROVAL CERTIFICATE
Approved for recording the transfer of property only by the Boone County Planning Commission this _____ day of _____, 20____.

chairperson's signature _____

VICINITY MAP

Basis of Bearing
A survey performed by Andrew R Ament for Ronald & Barbara Densler in 2006.



GRAPHIC SCALE IN FEET
0 100 200

REVISED: N/A

N ANDREW R. AMENT, LAND SURVEYOR, P.S.C.
655 Fair Oaks Lane
Edgewood, Kentucky 41017
Office (859) 341-7878 Fax (859) 341-7827
ament@surveying@gmail.com

P & Z Code No. 5144

LEGEND
 ▼ = Mag Nail Set
 □ = Hub and Tack Set
 ⊠ = Existing Hub and Tack
 ⊙ = Existing Iron Pipe
 ○ = Existing Iron Pin
 ● = Iron Pin set w/ cap
 (1/2" X 18" rebar, L.S. 1729)

DATE: 11-17-2014

CHECKED: ARA

DRAWN BY: CDM

JOB#: 2014-

Contract or Agreement to Convey Easement for Driveway

Agreement made on the 7 day of May, 2014, between Korey Ryan (*Owner*) of property located at:

14699 Salem Creek Rd Crittenden, KY 41030
(street address, city, county, state, zip code), referred to herein as *Owner*, and Sweet Bottom Winery LLC (*Corporation*), a corporation organized and existing under the laws of the state of Kentucky, with its principal office located at 14611 Salem Creek Rd, Crittenden, KY 41011, referred to herein as *Corporation*.

Whereas, *Grantor* owns a tract of land that is described on Page _____ of Deed Book No. _____ in the office of the _____ (County official's name and office where Deeds are recorded). The legal description of said land is as follows:

(Insert Legal Description)

Now, therefore, for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned *Grantor* does hereby grant and convey to *Grantee*, a perpetual easement for driveway purposes as described in **Section II** below.

I. Conveyance of Easement

Owner agrees to grant and convey to *Corporation* an easement for driveway purposes over and across the property owned by *Owner* and located in the County of Boone, State of Kentucky, and more particularly described as follows:

(Insert legal description)

SCE ATTACHMENT A

II. Definition of Driveway Purposes

Driveway Purposes as used in this Agreement means (e.g., a residential driveway), and it is agreed that no vehicles of more than 2 axles shall use or travel across the right of way described above.

III. Construction and Maintenance

The driveway of *Corporation* is to be constructed and maintained in good repair by *Corporation* at its sole cost and expense. The driveway may be constructed of gravel, asphalt, concrete, or similar material.

IV. Consideration

Corporation agrees to share the cost of all road maintenance up to the last driveway easement at a rate of 50% of total cost. *Owner* has the authority to deem what maintenance or

upgrades need to made to shared road. A maximum of three price quotes may be mandated by Corporation in regard to maintenance or upgrades and highest quote will be deemed as moot. If Owner chooses the third highest quote to perform work, the cost to be shared by each party 50% will be no greater than the second highest quote received.

V. Corporation to Furnish Location of Driveway Easement

Corporation shall provide as attachment to this document, a description or drawing depicting driveway(s) that are governed by this document.

VI. Easement to Run with Land

This grant of easement shall run with the land and shall be binding on and shall inure to the benefit of the parties to this Agreement, their respective heirs, successors, or assigns.

VII. No Waiver

The failure of either party to this Agreement to insist upon the performance of any of the terms and conditions of this Agreement, or the waiver of any breach of any of the terms and conditions of this Agreement, shall not be construed as subsequently waiving any such terms and conditions, but the same shall continue and remain in full force and effect as if no such forbearance or waiver had occurred.

VIII. Governing Law

This Agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Kentucky.

IX. Mandatory Arbitration

Notwithstanding the foregoing, and anything herein to the contrary, any dispute under this Agreement shall be required to be resolved by binding arbitration of the parties hereto. If the parties cannot agree on an arbitrator, each party shall select one arbitrator and both arbitrators shall then select a third. The third arbitrator so selected shall arbitrate said dispute. The arbitration shall be governed by the rules of the American Arbitration Association then in force and effect.

X. Entire Agreement

This Agreement shall constitute the entire agreement between the parties and any prior understanding or representation of any kind preceding the date of this Agreement shall not be binding upon either party except to the extent incorporated in this Agreement.

XI. Modification of Agreement

Any modification of this Agreement or additional obligation assumed by either party in connection with this Agreement shall be binding only if placed in writing and signed by each party or an authorized representative of each party.

XII. Assignment of Rights

It is acknowledged by both parties that if the property is ever sold by Corporation, that this easement will automatically transfer to new owner. All obligations and agreements of this document will survive such sale.

XIII. Counterparts

This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, but all of which together shall constitute but one and the same instrument.

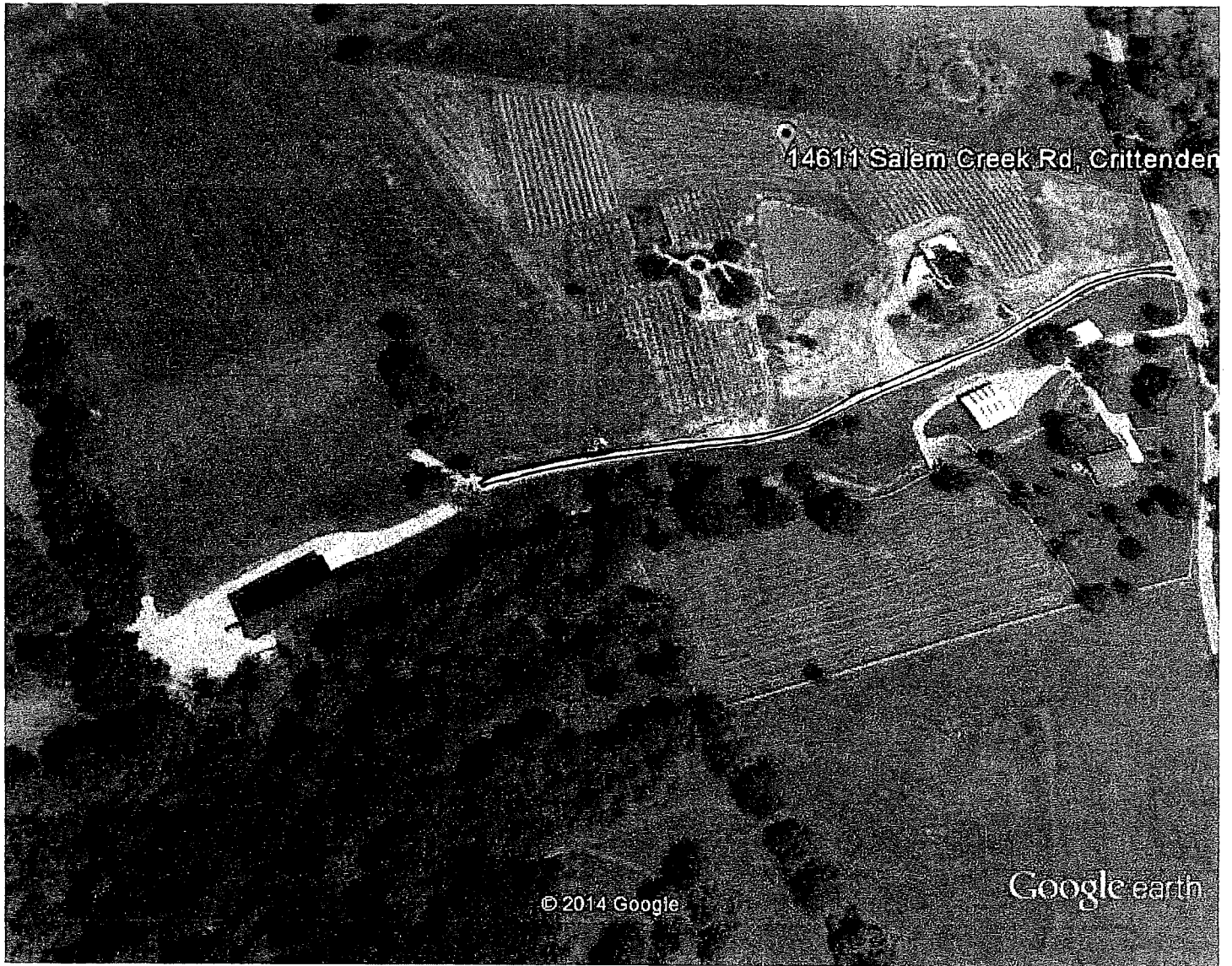
WITNESS our signatures as of the day and date first above stated.

SWEET BOTTOM Winery + Artillery Partners
CORPORATION

Thony Ryan
OWNER

By *[Signature]*
(Name and Office in Corporation)

ATTACHMENT A EASEMENT FOR DRIVEWAY



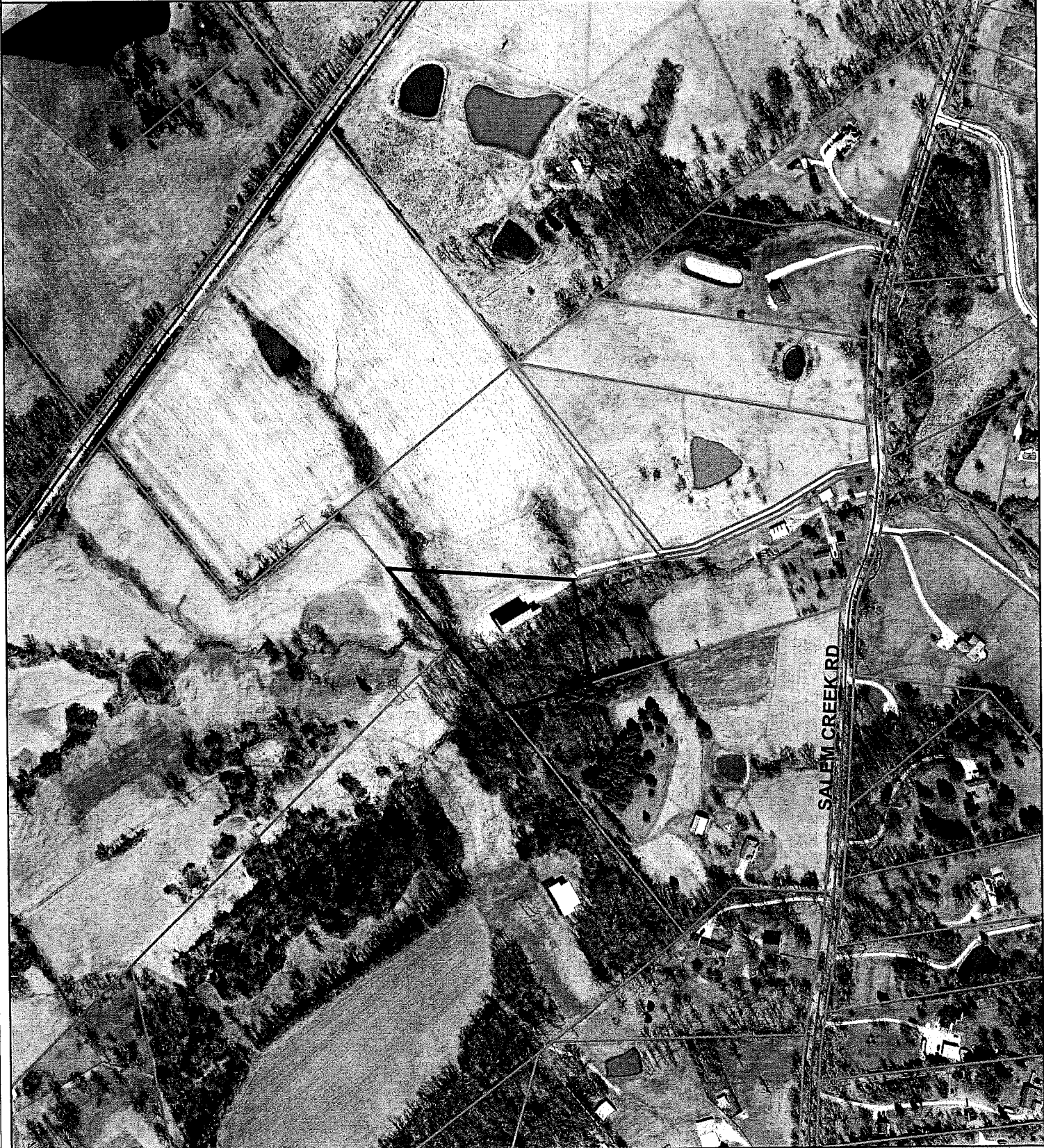
Google earth



DRIVEWAY IS HIGHLIGHTED IN ORANGE

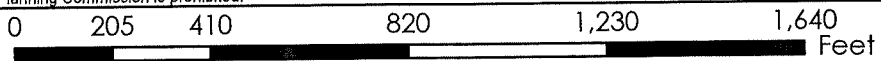
2012 AERIAL MAP

www.boonecountygis.com



Copyright 2014 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 400 feet



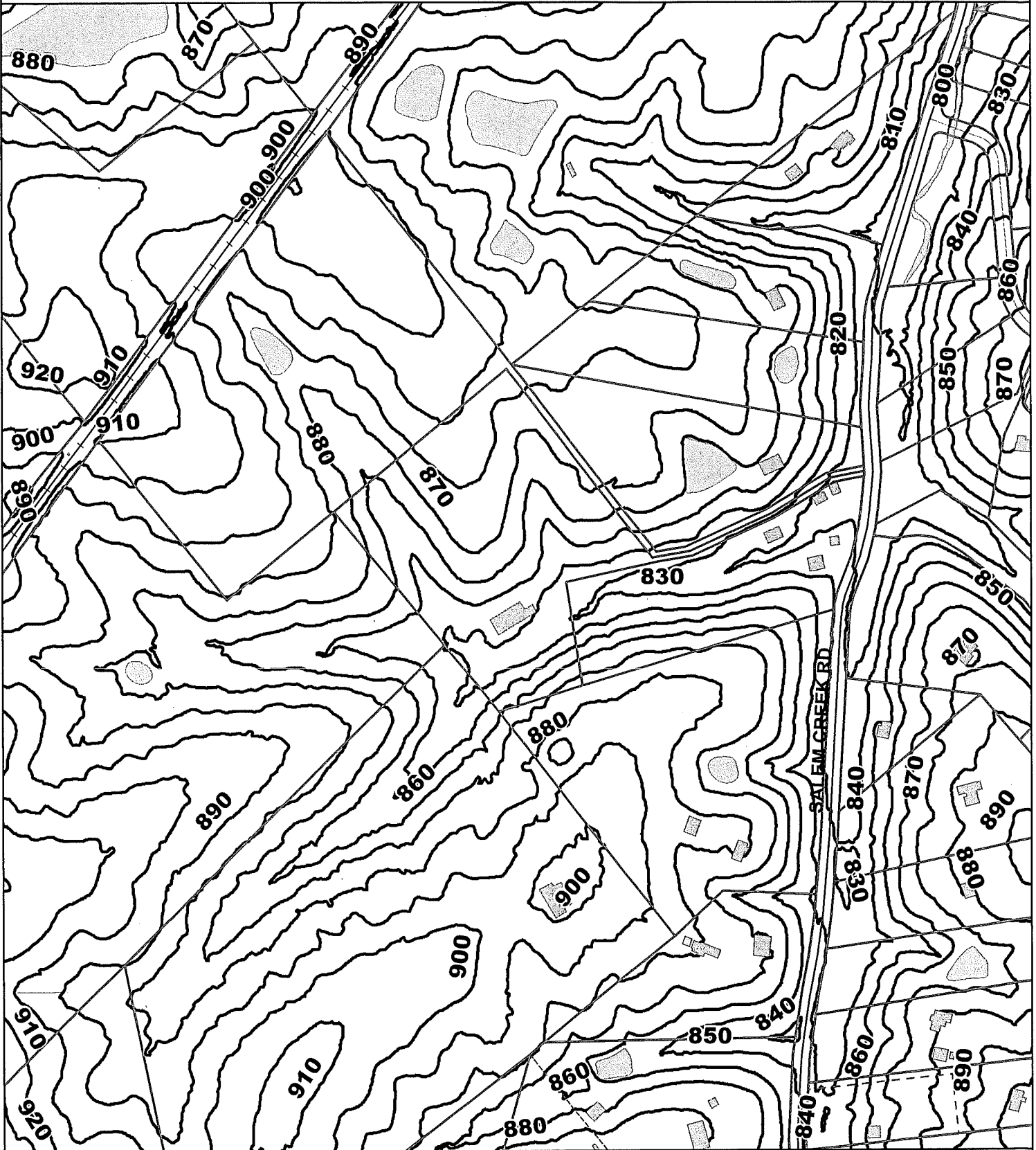
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 07/01/2013

ArcMap Document: BooneMap (title).mxd

TOPOGRAPHICAL MAP

www.boonecountygis.com



Copyright 2014 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



0 205 410 820 1,230 1,640 Feet

1 inch = 400 feet



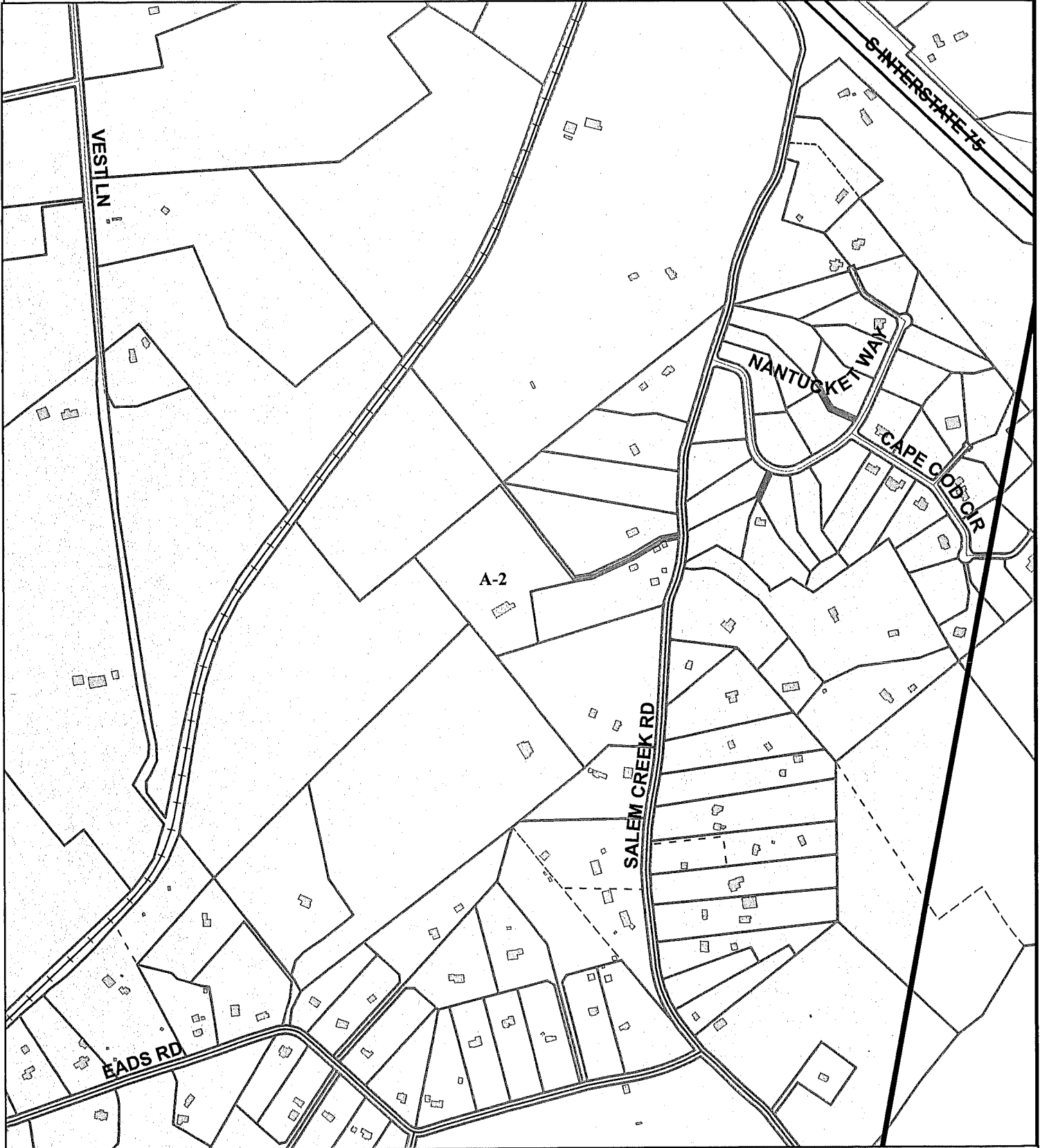
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 07/01/2013

Map File Path: \\boone\gis\maps\BooneMap (0).mxd

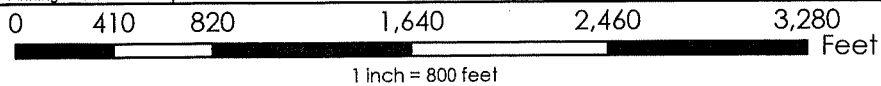
ZONING MAP

www.boonecountygis.com



Copyright 2014 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



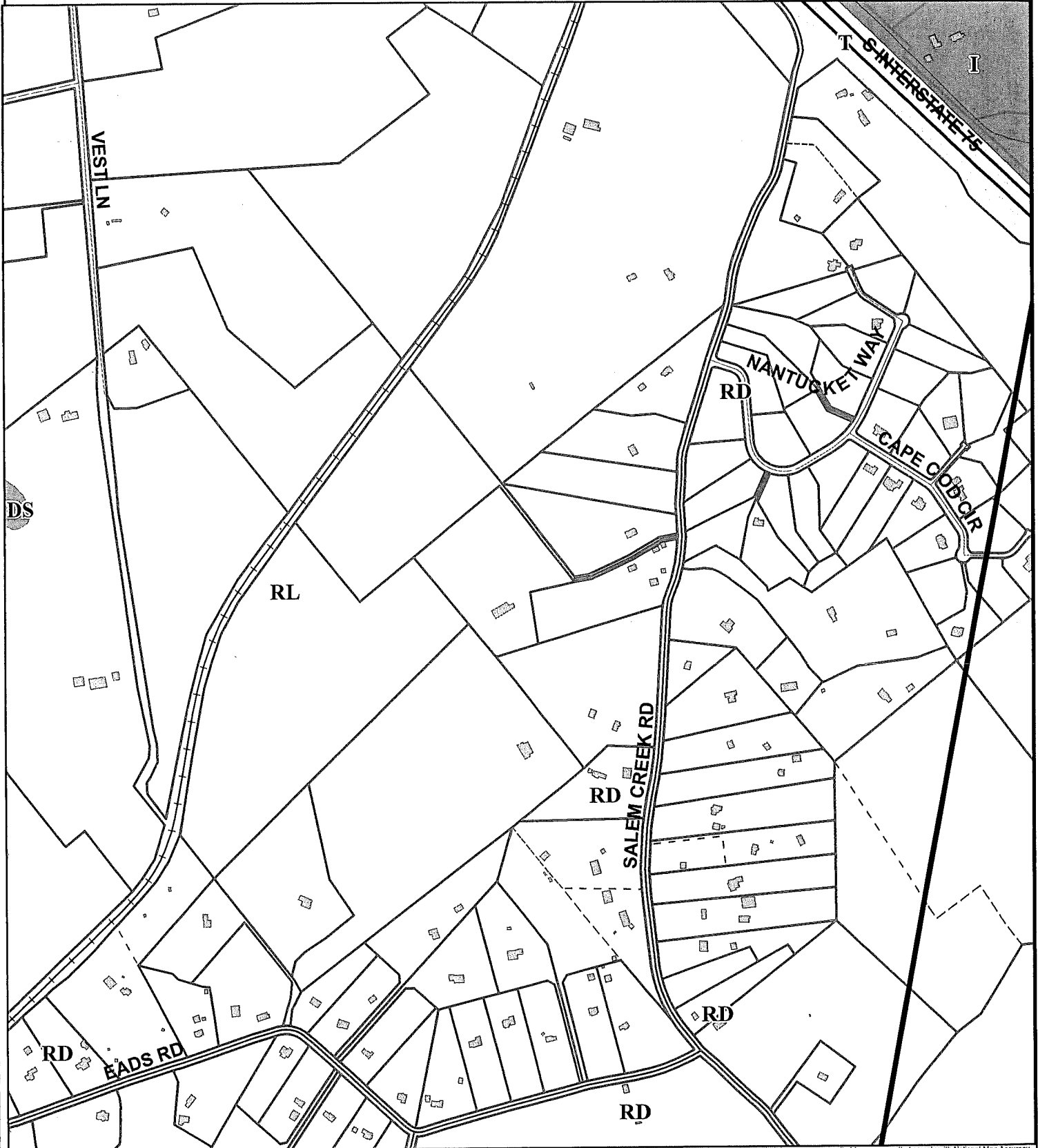
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 07/01/2013

Boone County GIS
ArcMap Document: BooneMap (16).mxd

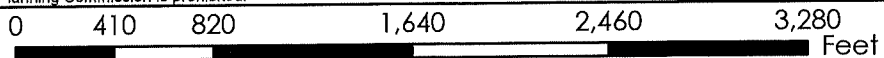
2035 FUTURE LAND USE MAP

www.boonecountygis.com



Copyright 2014 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 800 feet



Boone County GIS - Putting Northern Kentucky on the Map



Map Created: 07/01/2013

ArcMap Document: BooneMap (file).mxd

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION	R E C E I V E D NOV 18 2014 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)
 Conditional Use Permit _____ Variance _____ Appeal _____
 Change in Non-Conforming Use _____
 3. Applicant's Name ANTHONY PARNIGONI
 Applicant's Address 14611 SALEM CREEK RD.
CRITTENDEN KY 41030
 City State Zip
 Phone Number 267-816-7802 Fax No. _____ E-Mail TONY.PARNIGONI@GMAIL.COM
 4. Description of Request: ADDENDUM TO APPROVED CONDITIONAL USE PERMIT
1) LOCATION CHANGE FOR TASTING ROOM + BAR/DECK FACILITY. 2) CHANGE IN PARKING 3) POTENTIAL 2ND RESORT VACATION COTTAGE
 5. Name of Development _____
 6. Location of Development 14555 SALEM CREEK RD; 14611 SALEM CREEK RD;
14599 SALEM CREEK RD (UNDER CONTRACT TO PURCHASE)
 7. Acreage Under Review 6.38 + 6.4632 + 3.7
 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
 9. Owner of Property ANTHONY PARNIGONI AND KOREY RYAN (UNDER CONTRACT)
 Address of Property Owner 14555 SALEM CREEK RD AND 14599 SALEM CREEK RD.
 10. CRITTENDEN KY 41030
 City State Zip
 Phone Number 267-816-7802 Fax No. _____ E-Mail TONY.PARNIGONI@GMAIL.COM
 11. Proposed Use(s) on Site RESORT WITH WINERY, GARDENS, AND HIKING TRAILS
 12. Total Square Footage of Existing and/or Proposed Buildings 6,300
 13. Current Zoning on Property A-2
 14. Deed Book _____ Page No. _____ Group No. 2086B
 15. Is the site subject to a zone change? NO, BUT CUP APPROVED 6/11/14
 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)

PARNIGONI - D8 1000, 1000 726 - 23, 605
RYAN - D8 979, 26 495

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Anthony Parnigoni Corey Ryan
14611 Salem Creek Road 14599 Salem Creek Road
Crittenden, KY 41030 Crittenden, KY 41030

2. ADDRESS OF PROPERTY 14555, 14611 & 14599 Salem Creek Road
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable) Villa Parnigoni

4. DEED BOOK 1000 PAGE NO. 23 GROUP NO. 2086B
DEED BOOK 1000 PAGE NO. 605 GROUP NO. 2086B
DEED BOOK 979 PAGE NO. 495 GROUP NO. 2086B

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

- Zoning Map Amendment: From To Conditional Use Permit
- 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

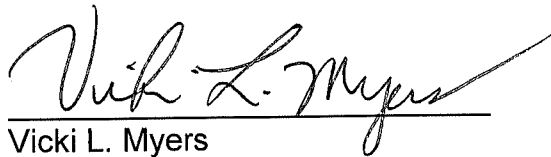
Todd K. Morgan, Senior Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

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

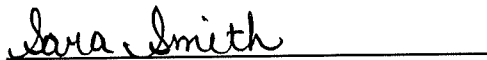
on behalf of the Boone County Planning Commission this 12 day of December, 2014.



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.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit approved by the Boone County Board of Adjustment and in accordance with the current zoning in effect as of December 10, 2014 Certificate of Land Use Restriction (#14-BCBOA-014-A), for Anthony Parnigoni and Corey Ryan, Property Owner(s).

The following conditions will apply:

- 1. The 6/11/14 Boone County Board of Adjustment conditions regarding the events shall remain in place.

Catered events (wedding receptions, family reunions, etc.) that take place on the properties shall be limited as follows:

- A. Attendance shall be limited to 50 people.
- B. Alcohol shall be limited to wine produced on this site.
- C. Events shall not last past 11:00 P.M.
- D. Music shall be played in the wine tasting room/banquet facility and sound insulation shall be added to keep sound at a minimum.
- E. No music shall be played on the properties past 10:00 P.M.
- F. No guests shall be permitted on the properties past 11:00 P.M.
- G. Events that take place on a Monday, Tuesday, Wednesday, Thursday or Friday shall not start before 4:30 P.M.

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in:

DEED BOOK 1000
DEED BOOK 1000
DEED BOOK 979

PAGE NO. 23
PAGE NO. 605
PAGE NO, 495

GROUP NO. 2086B
GROUP NO. 2086B
GROUP NO. 2086B