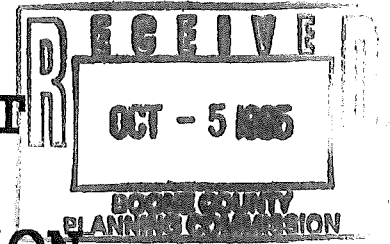


APPLICATION FORM
**BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION**



(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 CONTACT: GERALD F. DUSING, ATTORNEY
 - Applicant's Name EARL AND ANITA EVANS 371-6220
Phone Number 384-3226 Fax No. 371-8341
Applicant's Address 4371 BEAVER ROAD P.O. BOX 576
UNION, KY 41091 FLORENCE, KY 41042-0576
Mike Corley 384-1093 City State Zip
 - Description of Request: CONDITIONAL USE PERMIT UNDER A-1 ZONE FOR BOAT SLIP MARINA
 - Name of Development FARMLANDS MARINA
 - Location of Development 4371 BEAVER ROAD
UNION, KY 41091
 - Acreage Under Review 23.8969
 - Lot Number and Name of Subdivision (if part of a subdivision)
N/A
 - Owner of Property EARL AND ANITA EVANS
Phone Number of Owner 384-3226
 - Address of Property Owner 4371 BEAVER ROAD
UNION, KY 41091 City State Zip
 - Proposed Use(s) on Site BOAT SLIP MARINA
 - Total Square Footage of Existing and/or Proposed Buildings
APP. 2200 SQ. FT.
 - Current Zoning on Property A-1
 - Deed Book 368 Page No. 6 Group No. 2066A
 - Is the site subject to a zone change? NO
If yes, give date of approval _____
 - Have you submitted a Site Plan with this request? YES - WILL SUPPLEMENT
 - 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.
Applicant's Signature: *Gerald Dusing Anita Evans*
Property Owner's Signature: GERALD F. DUSING

ANITA EVANS

(over)

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 10-5-95 Fee Received 474.⁰⁰ R#8155
2. Is application complete? Yes No
3. Staff Reviewer Jeff Hayes
4. Scheduled Board Action Date 11-29-95
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: See Minutes

7. Reasons for Denial: _____

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(606) 334-2196 Phone
(606) 334-2264 Fax

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

DEVELOPMENT: **Farmlands Marina**

APPLICANT: Earl and Anita Evans

LOCATION: 4371 Beaver Road, Boone County, Kentucky

ZONING: Agricultural One (A-1)

DATE: November 8, 1995

The applicant is requesting a Conditional Use Permit to allow the development of a 100 slip boat marina with related office and retail shop. The proposed marina would be located on an existing lake off of KY 338 approximately 1 mile west of Big Bone State Park (See Map #1). This lake is separated from Landing Creek by a dam which was created to access part of the applicants farm land. This 20 acre lake would be access through a channel to be cut to the Ohio River (See Map #2).

The applicant's have obtained their necessary permits from the Army Corp of Engineers for the marina and channel cut, and have received approval from the Kentucky Transportation Cabinet for an Encroachment Permit on KY 338 for the proposed marina.

Article 6 of the Boone County Zoning Regulations permits the development of public and commercial recreation with a Conditional Use Permit. The Board must use the following criteria in addition to the seven criteria used to judge a Conditional Use Permit:

- a) the activity is an integral part of the agricultural 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;
- b) the activity is necessary to provide the specific public service for the character of the activity does not overpower, transcend 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.

Surrounding Land Uses and Zoning (See Sheet # 3)

- North: Undeveloped land and single-family residence zoned Agricultural One (A-1)
- South: Ohio River
- East: Landing Creek and single-family homes zoned Rural Suburban Estates (RSE)
- West: Farm land zoned Agricultural One (A-1)

The 1995 Boone County Comprehensive Plan Future Land Use Map indicates the applicant's site as Rural Lands which includes wooded, agricultural, recreational and residential land uses. The Land Use Text identifies much of the area within this section of the county as being Developmentally Sensitive. Due to the major creeks and tributaries, some recreational uses may develop based on the amenities of Gunpowder Creek.

The Recreation Goals and Objectives indicated that the Ohio River shoreline shall be studied for its potential for recreational development. This development should both retain the ecological integrity of the river area and create sustainable economic opportunities for the citizens of the county.

Concept Development Plan

The applicant is proposing a marina which would have 100 boat slips for large boats (house boats or yachts) and parking for 100 cars (See Map #4). The access point for this marina would be located approximately 300 feet west of the applicant's existing driveway to their home. The marina would be a private marina which would not have a boat ramp and will not provide boat slips for smaller pleasure boats. There will be a small office and retail shop building which will cater to the patrons of the marina. The applicant's will not be selling fuel, but are proposing to sell alcohol at this site. A restaurant use is not proposed at this time. A channel which would be 300 feet in length and 50 feet wide will be used to access the Ohio River. The dam between Landing Creek and the lake will remain to allow access to the farm land to the south of the lake. A 2,000 gallon cistern and 1,000 gallon holding tank will be installed to handle the water supply and human waste from the boats.

Staff Concerns:

1. If the Conditional Use Permit is approved the applicant would be required to undergo Site Plan Review for the development of the marina and sign permits would be necessary for any proposed signs.

2. The applicant is proposing signage for the marina. One sign would mark the entrance off of KY 338 and two signs are proposed at the channel entrance. Staff questions the need for two signs along the river side of the marina.

The Boone County Zoning Regulations do not address signage for a marina use within a Agricultural One (A-1) zone. An entrance sign is permitted at a size of up to 50 square feet for the purpose of identifying a residential subdivision. Therefore, signage for a use which requires a conditional use permit can be determined by the Board. Staff believes that any signage which is permitted should be no larger than 50 square feet and should be no higher than 8 feet in height. The signs should be a monument style and should include brick or stone with landscaping around the base.

3. There is a large amount of water area which could be used to provide additional boat slips in the future. Therefore, the Board should consider whether a limit should be established on the number of boat slips permitted. Army Corps of Engineers approval would be necessary if additional boat slips were added.
4. Staff believes that conditions should be created regarding the operation of the facility. Conditions such as the hours of operation, whether parties would be permitted within the marina, and whether people would be permitted to live within the house boats for any extended period of time are examples of some of the issues which should be examined.
5. The applicant's are not proposing a boat ramp to the marina. Staff believes that this should be a condition of approval because of the much greater traffic impact which could result if a ramp was installed. A ramp would generate a greater volume of vehicle trips because boats could be put in and removed in the same day, whereas the boats proposed for this marina would remain in the water on a year round basis.
6. Because this section of roadway is classified as a Kentucky Scenic Byway, special consideration should be given to the appearance this marina has from the roadway. Therefore, staff would recommend that evergreen vegetation be installed along the KY 338 side to supplement the existing trees and provide a year round screening.
7. The parking lot is proposed within an existing stand of mature trees. which the applicant's want to use to screen the parking lot. However, staff believes that most of the tree stand will be removed with the development of the parking lot. Therefore, staff believes that the parking lot would be better located outside of the existing tree stand. The top soil which is removed for the development of the parking lot could be used to create a berm which could be landscaped to screen the parking lot.

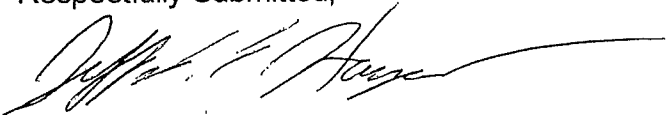
If the lot is to be located within the tree stand the parking lot should be designed to incorporate many of the trees. Because this area is mostly flat little grading will be necessary to develop the parking lot other than removing the top layer of top-soil. Therefore, certain trees or cluster of trees can be retained to maintain the tree stand appearance. The first step of developing this site should not be to grade the lot completely of trees.

8. Staff questions the amount of lighting which will be used for the parking lot. Staff believes that only security lighting will be necessary.
9. The Board should determine if any dry dock boat storage or repairs should be permitted. If dry dock storage is permitted additional screening area would be necessary. In addition, staff believes that the Board should examine the nature of the retail shop within the marina and whether this will be designed and operated to serve the marina only or include the community. Staff believes that any restaurant use plan or proposed in the future should be required to obtain an additional conditional use permit.

Conclusion

Staff believes that the proposed use if properly buffered and operated will be visually compatible and harmonious with the surrounding residential areas. In addition, staff believes that because of the minimal grading needed to develop the site, little environmental impacts will occur. The Board should judge the applicant's request as it relates to the compatibility of the seven criteria for a Conditional Use Permit and the three criteria for a Conditional Use within an Agricultural One zoning district.

Respectfully Submitted,



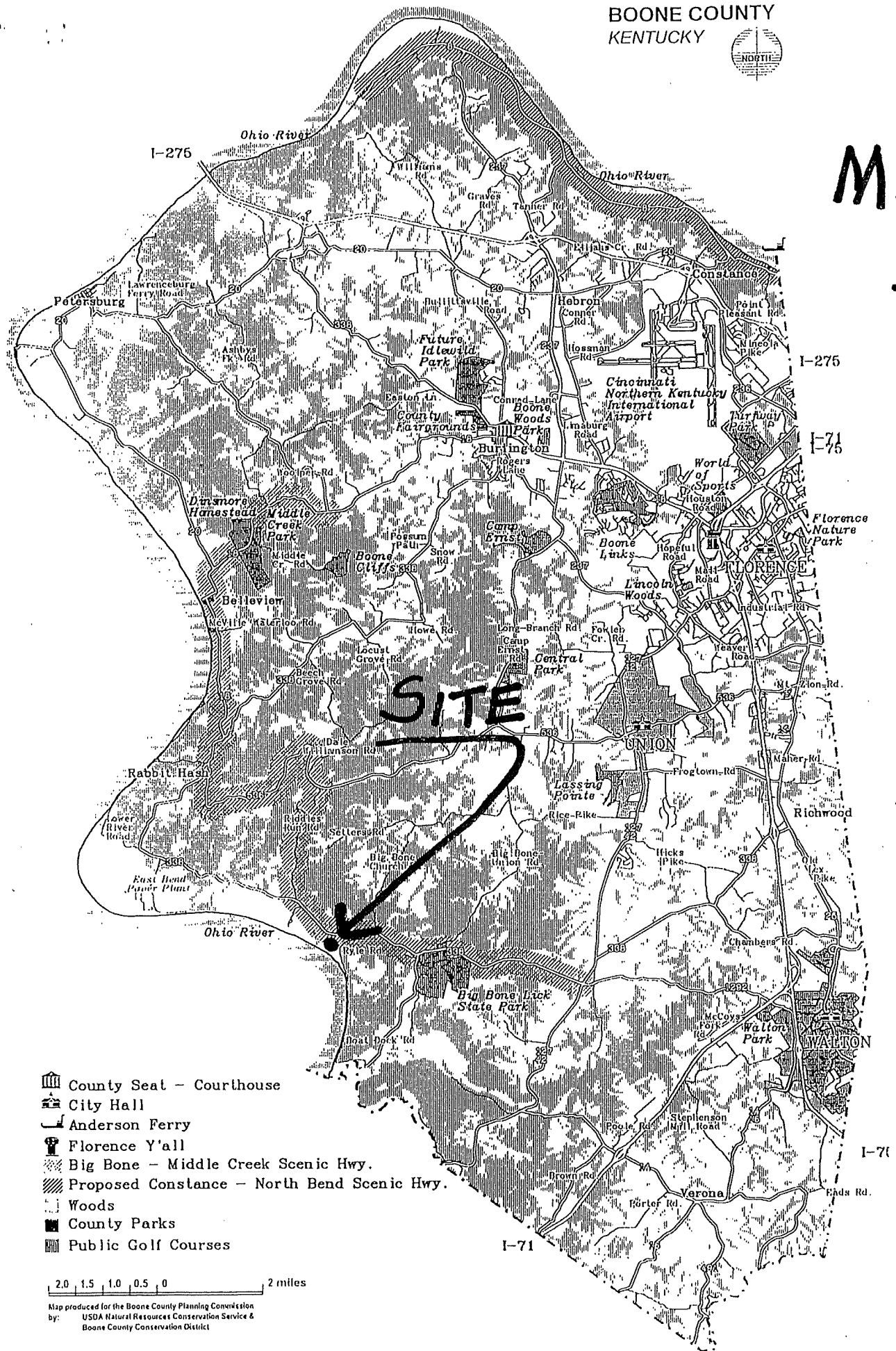
Jeffrey F. Hayes, AICP
Planner

JFK\par

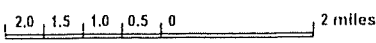
BOONE COUNTY
KENTUCKY



MAP #
1



- County Seat - Courthouse
- City Hall
- Anderson Ferry
- Florence Y'all
- Big Bone - Middle Creek Scenic Hwy.
- Proposed Constance - North Bend Scenic Hwy.
- Woods
- County Parks
- Public Golf Courses



Map produced for the Boone County Planning Commission
by: USDA Natural Resources Conservation Service &
Boone County Conservation District

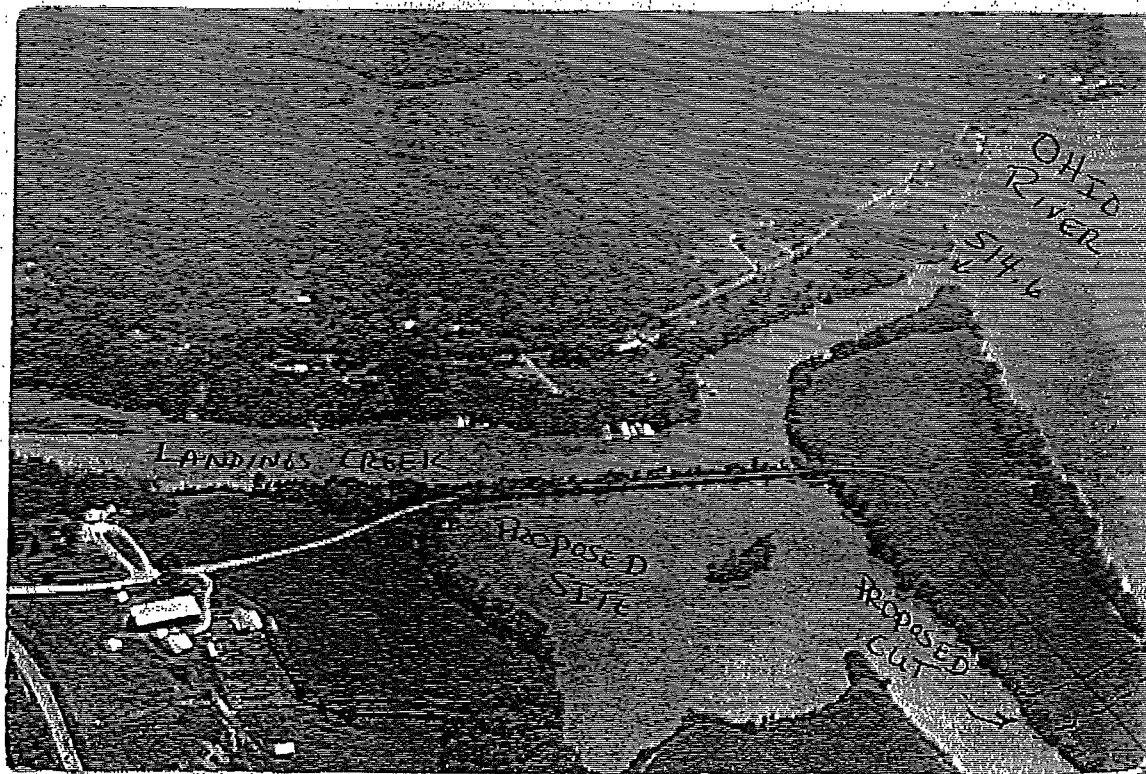
ADDITIONAL SITE PHOTO'S

SHEET 1 OF 1

PROPOSED:
FARMLANDS MARINA
4371 BEAVER RD
UNION, KY 41091

MAP #
2

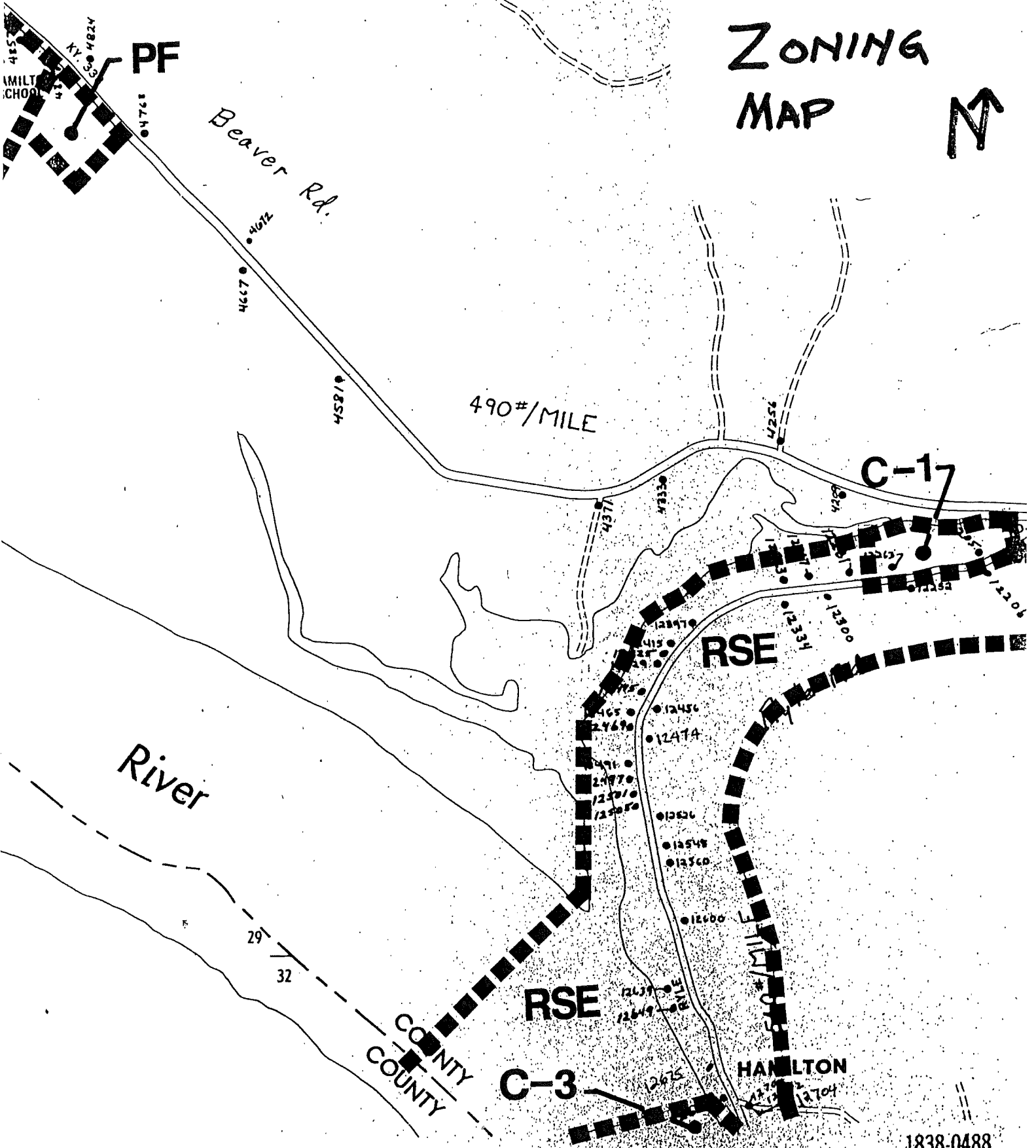
EXHIBIT
B



4900' E1
12000 NS

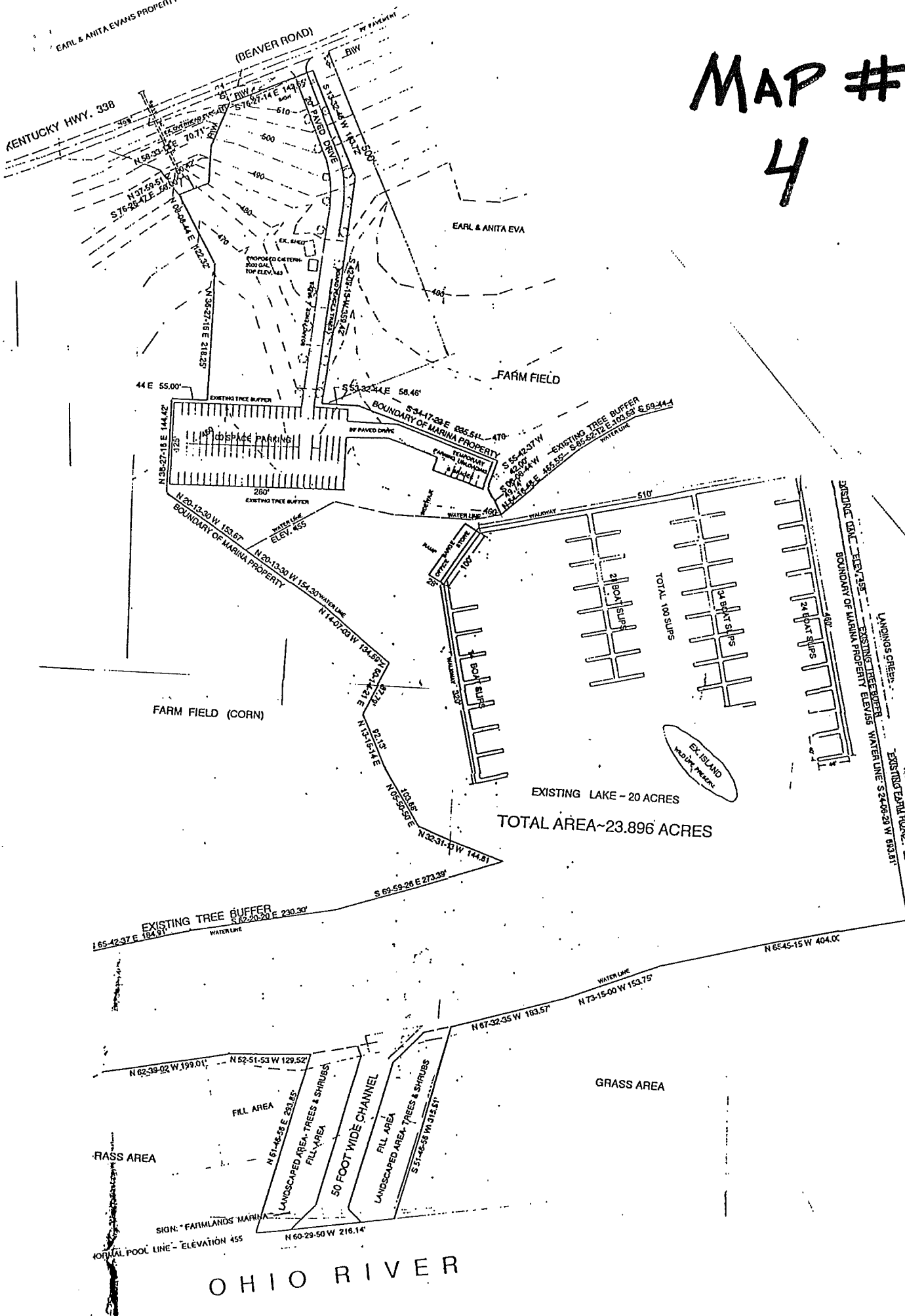
MAP # 3

ZONING MAP



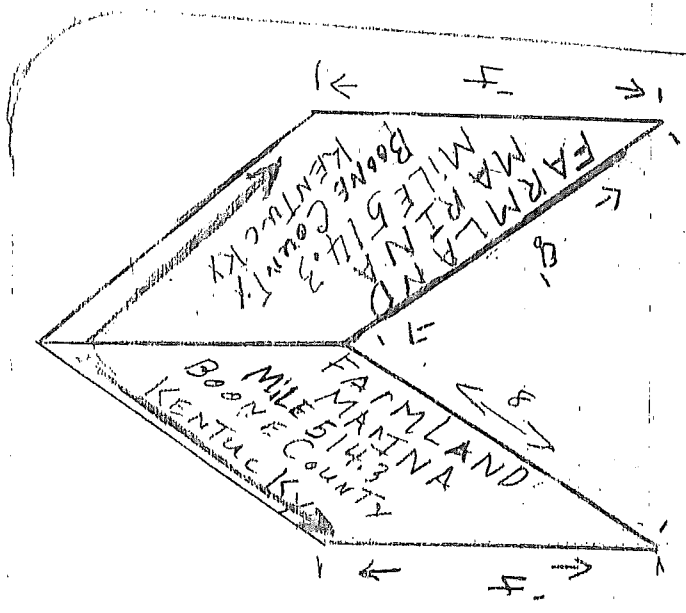
EARL & ANITA EVANS PROPERTY

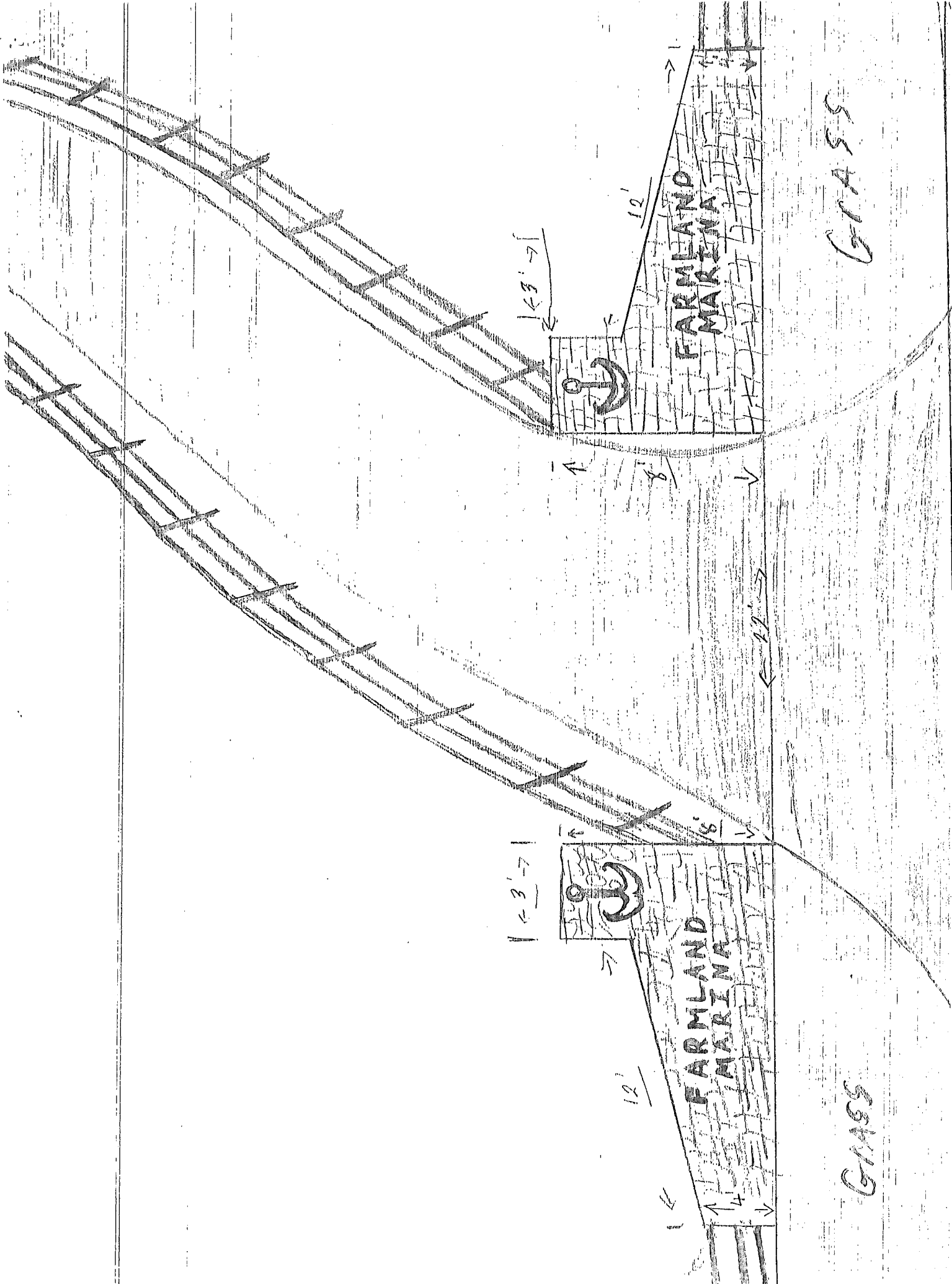
MAP # 4



OHIO RIVER

Orange Hill





FARMLAND
MARINA

GRASS

FARMLAND
MARINA

GRASS

3' →

10'

3' →

12'

COPY

CLUR # 95-BCBOA-022-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)
Earl and Anita Evans
4371 Beaver Road
Union, Kentucky 41091
2. ADDRESS OF PROPERTY
4371 Beaver Road
Union, Kentucky
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Farmlands Marina

DEED BOOK: 368

PAGE NO.: 6

GROUP NO.: 2066A

4. TYPE OF RESTRICTION (S) (Check all that apply)
- Zoning Map Amendment from _____ To _____
- Conditional Use Permit
- Development Plan
- Conditional Zoning
- Subdivision Plat (Unrecorded)
- Other: _____
- Variance
5. 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
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005

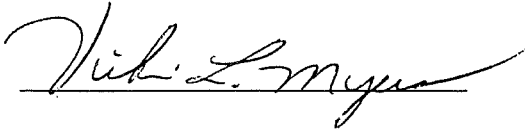

SIGNATURE OF COMPLETING OFFICIAL

Jeffrey F. Hayes AICP/Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Jeffrey Hayes on behalf of the Boone
County Planning Commission this 20th day of December 1995.

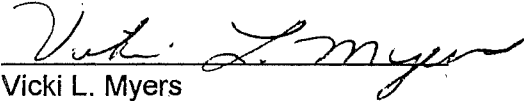


NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 1999

This instrument was prepared for recording purposes only by:



Vicki L. Myers
Boone County Planning Commission
2995 Washington Street
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 as approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of November 28, 1995 (Certificate of Land Use Restriction # 95-BCBOA-022-A), for Earl and Anita Evans, property owner.

The following conditions will apply: (1). That no restaurant activity be conducted; (2) that no alcoholic beverage license be obtained, except for a malt beverage license; (3) the hour of operation are from 10 a.m. to 10 p.m. weekdays and 10 a.m. to 10 p.m. on Sundays; (4) the parking lot will be for no more than 100 cars; (5) the lighting will be two down security lights; (6) no more than 100 boat slips are permitted; (7) no boat ramp will be installed and no boats will be allowed to be put in the water at the site; (8) there will be no dry docking or out of water repairs; (9) the marina and signs will go thru Site Plan Review and secure approval; (10) the sign on the property will be no larger than 50 square feet as proposed and no taller than 8 feet; (11) there will be one sign at the entrance to the location from the channel; (12) evergreen vegetation will be installed on the KY 338 side; (13) there will be Site Plan approval before the trees on the parking lot are is put in; (14) there will be no fuel sales; and (15) it is a no wake zone.

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in: DEED BOOK 258 PAGE NO. 152 Group No. 2048