

STAFF REPORT

REQUEST OF MICHAEL DOOLING FOR A ZONING MAP AMENDMENT AND CONDITIONAL USE PERMIT FOR PROPERTY ON AURORA FERRY ROAD, BOONE COUNTY, KENTUCKY

JULY 27, 1988

This is a request by Michael Dooling for a Zoning Map Amendment and Conditional Use Permit for a 2.53 acre site located at the termination of Aurora Ferry Road, south of Petersburg, Boone County, Kentucky. The request is to rezone the site from Industrial Three (I-3) to Recreational (R) to allow the establishment of a small commercial marina (space for approximately 30 slips). The Conditional Use Permit request is to allow the sales of retail items in support of the marina. The property is owned by Jessie M. Farrar.

Surrounding Land Uses and Zoning

north: I-3; agricultural uses and Klopps Athletic Field
south: I-3; agricultural uses and undeveloped
east: I-3; agricultural uses and undeveloped
west: the Ohio River

Site Features

The majority of the site is fairly level or gently sloping down to the river. Aurora Ferry Road runs through to site to its termination at the Ohio River. East of the curve of Aurora Ferry Road has been used for agricultural purposes; west of the curve is heavily wooded. There is a paved pad leading out to the river from the termination of the road. Soils on this site are of the Lakin series, 0 to 2 percent slopes, along the river, and of the Huntington series on the remainder of the site. These wet soils are subject to flooding and are generally suited to agricultural uses.

Relationship to the Comprehensive Plan

The 1986 Boone County Comprehensive Plan Future Land Use Map indicates the future use of this property to be Rural Lands (agricultural uses, woodlands, recreation uses, and residential uses of one dwelling unit or less per two acres).

The Land Use Element of the Plan makes the following statements about the general area:

"Like other sections, the river bottoms in this section contain prime agricultural land and gravel pit sites. This land will continue in this capacity with limited low density residential growth along KY 20 and Commissary Road. The hillside areas are, and will remain, mostly wooded while the more level areas - especially along the creek bottoms - will continue to

support agriculture... Overall, this section will undergo very slow growth because of its isolation from major transportation routes and urban services."
(p. L-8)

Goals and Objectives for Recreation include:

1. Recreation areas should be centrally located in their service areas and easily and safely accessible to the age groups they are designed to serve.
2. Land with excessive slopes, prone to flooding, including stream-bed areas should be preserved where possible. (p. G-5)

The Transportation Element of the Plan states:

"By and large the 42 miles of the Ohio River bordering Boone County to the north and west are underutilized in the county. From a beginning of six ferries, six warehouses, and the old lock and dam at McVille, Boone County has moved farther from the river and left it largely undisturbed." (p. T-11)

The Business Activity Element of the Plan states:

"The river bottom areas, especially the Petersburg and Belleview areas, will continue to support extractive industries such as sand and gravel pits, along with agriculture. These areas generally have poor accessibility by road, although industries involved in processing bulk products could locate there to make use of barge transportation." (p. B-16)

Conditional Use Permit for Retail Sales

Should this Zoning Map Amendment be approved by the Commission and the Fiscal Court, it would be subject to the provisions of Article 7, Recreational Districts, of the Boone County Zoning Regulations. The applicant is requesting a Conditional Use Permit under this article to allow the activities detailed under Section 723, Items 10 and 11. The following reviews the criteria applicable to Conditional Use Permits in general:

1. As stated in the 1986 Boone County Comprehensive Plan, the projected use of this property is Rural Lands, which includes recreational uses. The sale of items supporting the marina activity would be harmonious and in accordance with the general and specific objectives of the Comprehensive Plan.

2. Sales of items supporting the marina as proposed in the submitted Concept Development Plan with this application would 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 would not change the essential character of the same area.
3. Sales of items supporting the marina would not be hazardous to existing or future neighboring uses.
4. The facilities need to sell items supporting the marina would be served adequately by essential public facilities and services with the exception of the street, which needs improvements to adequately handle the increase in traffic as a result of the marina.
5. The sales of items in support of the marina would not create excessive additional requirements at public cost for public facilities and services and would not be detrimental to the economic welfare of the community.
6. Sale of items in support of the marina would not involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare.

Additionally, the following criteria are specific to Recreational Districts:

- A. The sales of items related to the marina is of integral relation to and directly in support of the marina.
- B. The sale of items in support of the marina is necessary to serve the specified public engaged in the principal purpose and the activity would not overpower, transcend, or conflict with the principal purpose of the district or immediate environs surrounding.
- C. The arrangement of the sales would be mutually compatible with the organization or permitted and accessory uses to be protected in the district.

Staff Concerns


1. The proposed use of this property, should the zone change be approved by the Commission and the Fiscal Court, would require approval by the U.S. Army Corps of Engineers. The applicant did file a request with the Corps; the request was designated "Incomplete" due to insufficient data to meet their review requirements. The Planning Commission should consider the possibility that the applicant's request to establish the

marina could be denied by the A.C.O.E. The Commission should also consider the requirement of the applicant providing the necessary State and Federal permits related to the construction of the marina at the Site Plan Review stage.

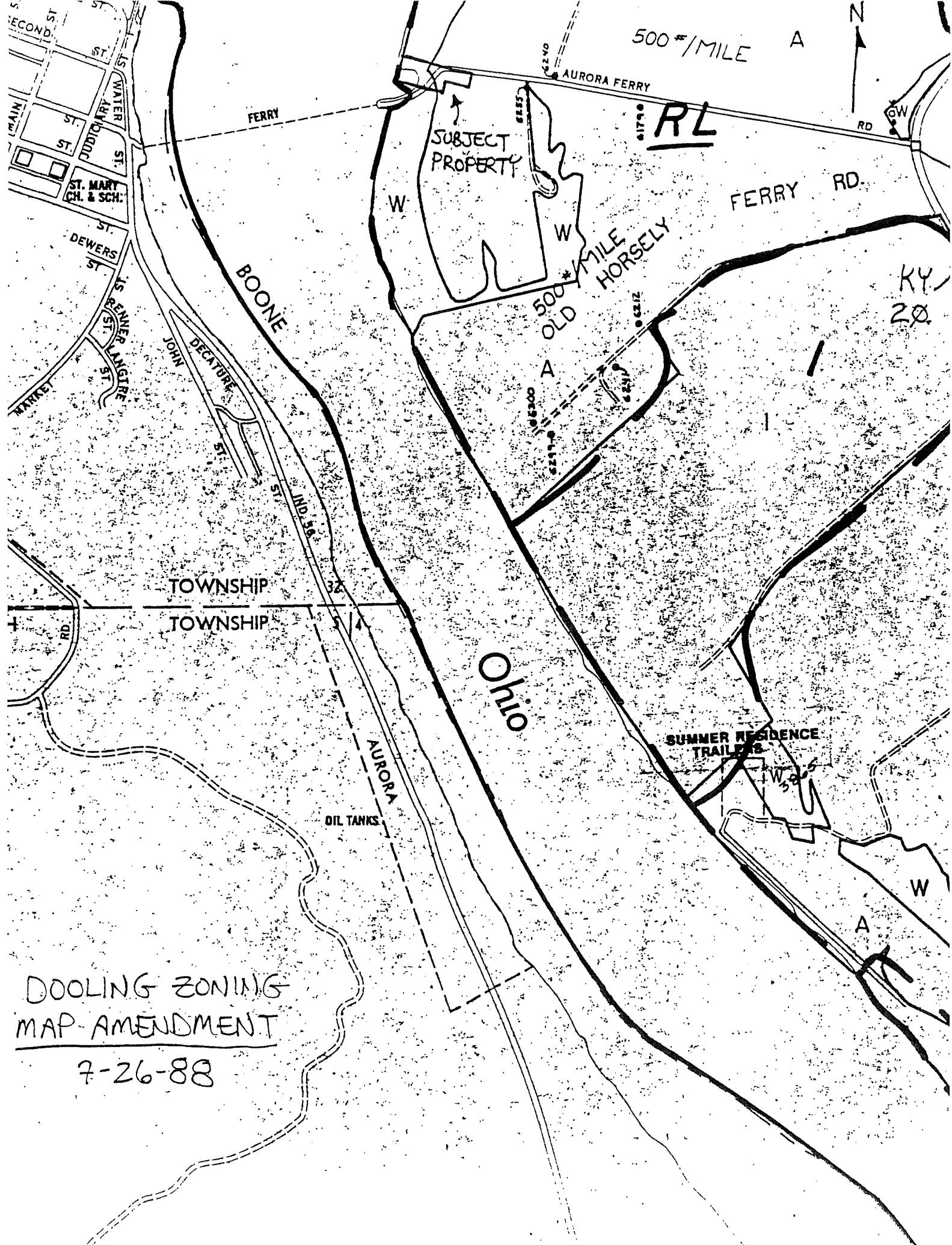
2. The section of Aurora Ferry Road leading to the subject property and contained within the subject property is in need of improvement. The proposed use will increase the traffic flow on the road, with a significant number of vehicles towing recreational boats. Staff is concerned that without improvements, this road will be insufficient to handle the increased traffic.

Conclusion

Should the Planning Commission recommend, and the Fiscal Court ultimately approve, this Zoning Map Amendment, the 1986 Boone County Comprehensive Plan would not need to be amended. Attached is a copy of a report on the Concept Development Plan supplied by the applicant which includes Findings of Fact.



Paul R. Miller
Plans Examiner/Planner



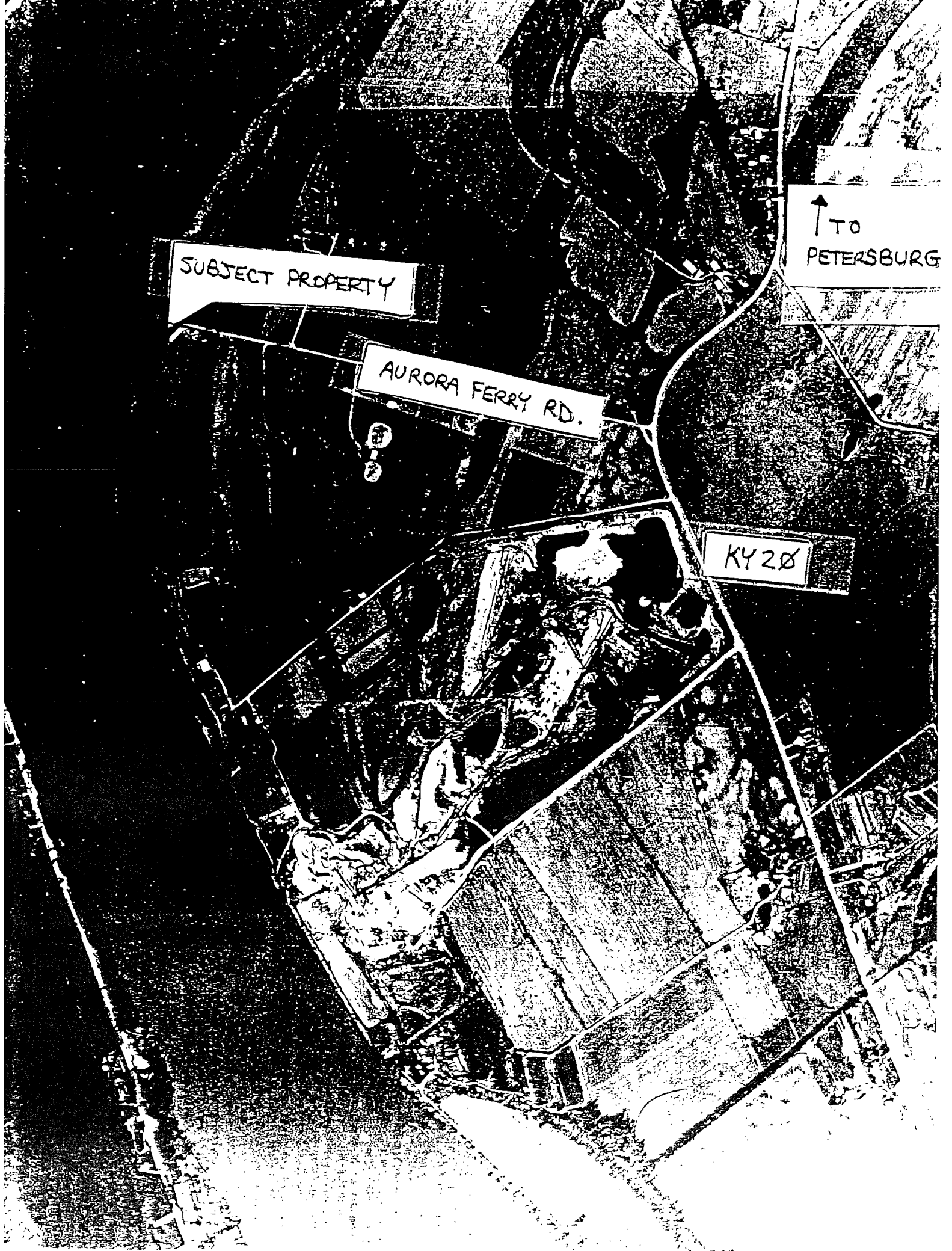
DOOLING ZONING
MAP AMENDMENT
7-26-88

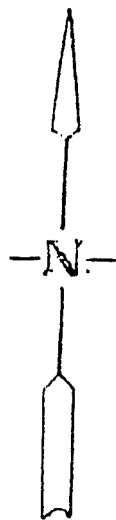
SUBJECT PROPERTY

AURORA FERRY RD.

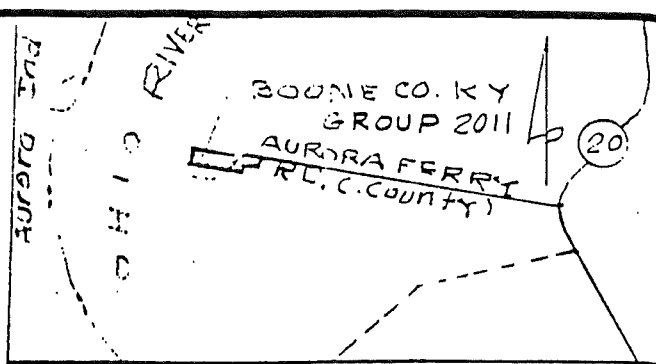
↑ TO
PETERSBURG

KY 20





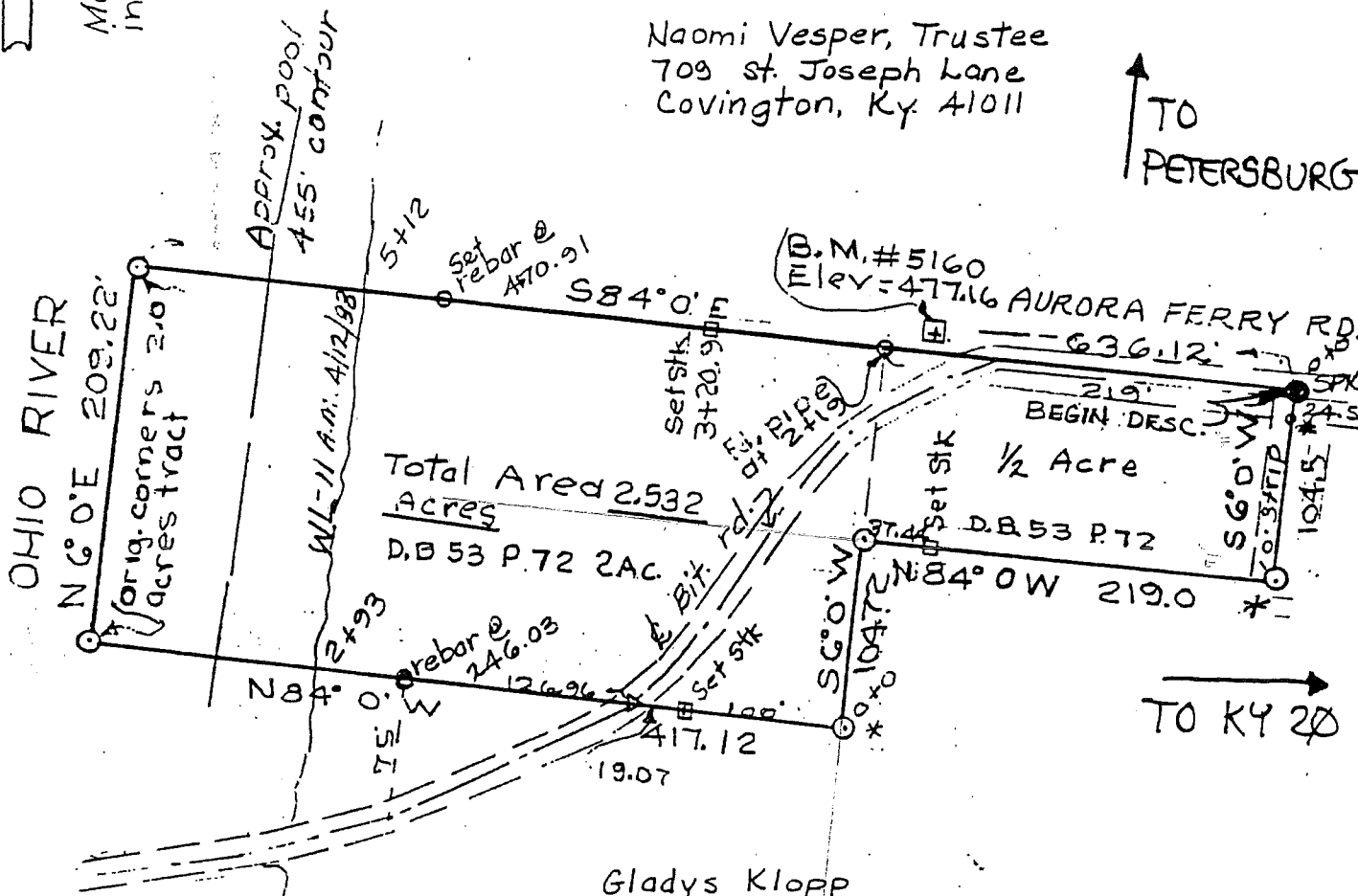
Meridian of less. 3 acres
in D.B. 53 P. 72



DOOLING ZONING MAP AMENDMENT 7-27-88

Naomi Vesper, Trustee
709 St. Joseph Lane
Covington, Ky. 41011

↑ TO
PETERSBURG

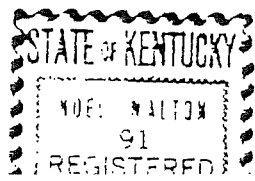


Total Area 2.532
Acres

D.B. 53 P. 72 2AC.

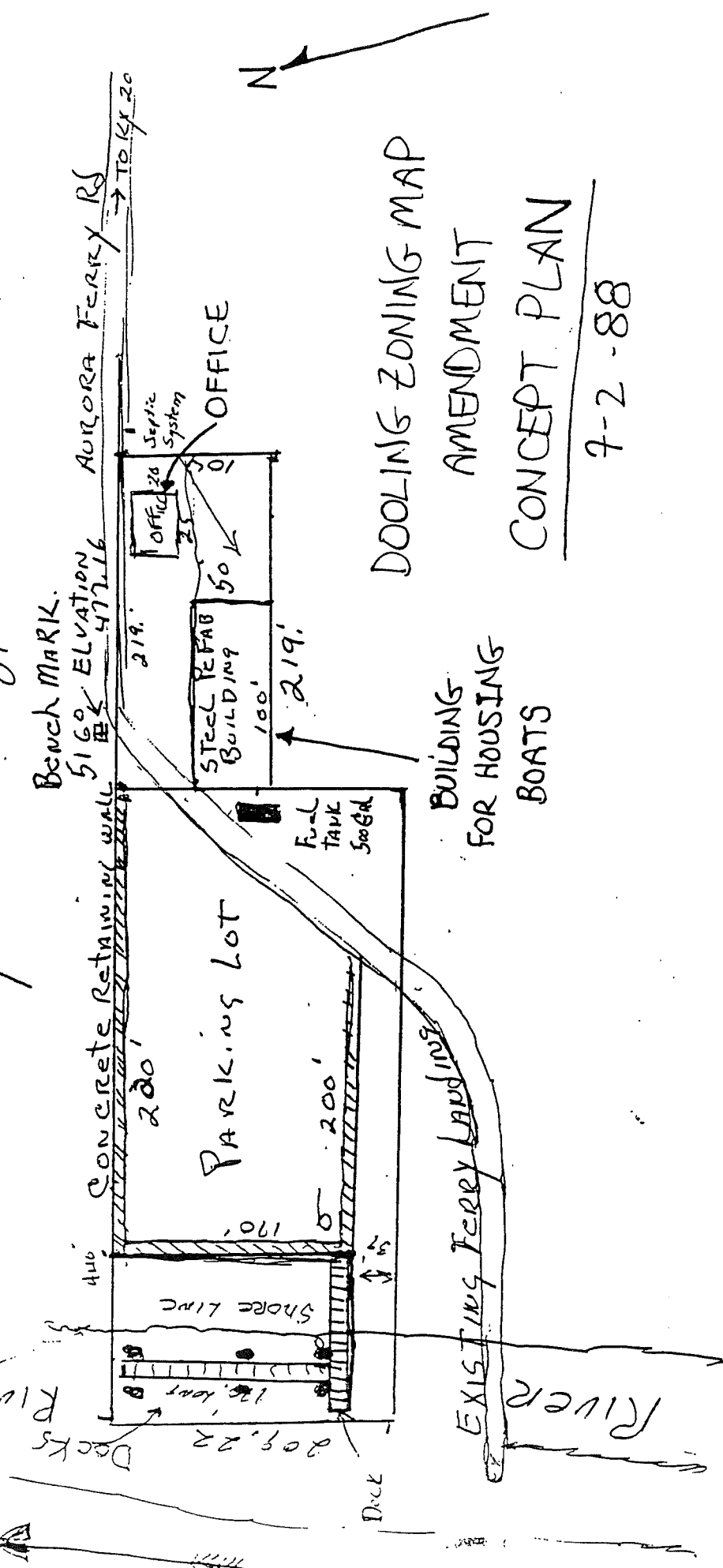
Gladys Klopp
6255 Aurora Ferry Rd.
Petersburg, Ky. 41080

Present Zone - I-3



General Lay-out of Proposed Aurora Ferry MARINA

OHW = 460.



DOOLING ZONING MAP
 AMENDMENT
 CONCEPT PLAN
 7-2-88

BUILDING
 FOR HOUSING
 BOATS

APPLICATION No 88 NY 073

SCALE 1" = 100 FT

CONCEPT DEVELOPMENT PLAN
OF
PROPOSED AURORA FERRY MARINA

1. General Site Characteristics:

Ownership: The property is presently owned by The Aurora Ferry Company (Charles Farrar Estate).

Topography: To be provided.

Soils: Sand and gravel.

Drainage: To be provided.

Vegetation and other physical characteristics:

The property is heavily vegetated as it borders the Ohio River. Surrounding property is well maintained as agricultural property except for Klopps Athletic Field which is located on the left as one would approach the entrance of the property. The property is subject to a flowage easement granted to the United States of America for permanent and occasional flooding caused by the construction of the Markland Dam and Locks.

2. Transportation Patterns:

Kentucky Highway 20 is the main road that will be traveled by users of the marina approaching from Petersburg and Rabbit Hash. Users will then exit Kentucky Highway 20 to Aurora Ferry Road, a State Road, to the main entrance of the Marina. Users will also approach the Marina by traveling by boat on the Ohio River.

The applicant will maintain that portion of the road which crosses his property.

3. LAND USE CHARACTERISTICS:

The subject property is presently not in use. It has historically been used for a commercial ferry business.

There is an existing ramp and 8 foot dock adjacent to the subject property.

The proposed use is a small public marina with docking space for 30 boats, a floating dock, boat storage building, and parking lot. It is anticipated that once approval has been granted by the Department of Army, that dredging will begin and the entire project will be completed

by June 1, 1989. For detailed specifications see attachments A through E -1.

4. UTILITIES AND INFRASTRUCTURE:

Electrical power will be supplied by Owen County Rural Electric Company Cooperative. A 400 Amp single phase service will be used. A water well will be drilled on the site of 150 feet with a 6 inch casing. A 1500 gallon septic tank will be placed for sewage disposal.

5. RELATIONSHIP OF PROPOSED ZONE CHANGE WITH COMPREHENSIVE PLAN:

A. The map amendment is in agreement with the adopted comprehensive plan.

The subject property is located in the Petersburg Area, A-2 County Section. The Boone County Comprehensive Plan adopted by the Boone County Planning Commission on September 17, 1986 states, " Petersburg, itself, will need to work to maintain itself. Its isolation from the urban service areas of the county, loss of an elementary school, and poor winter months accessibility may cause a further erosion of this important town. The school building should be examined for its feasibility to become a community center. Eventually tourism of Petersburg could occur if preservation measures are taken soon." (page L-8)

The property is presently zoned Industrial. The primary industry conducted upon the properties in the vicinity of the subject property is extraction of gravel. The Comprehensive Plan states, " The extraction of gravel in this area along the Ohio River will continue but should not be encouraged north of PetersburgGravel pits to the south of Petersburg will enlarge as resources are taken out of the area. It is respectfully submitted that the continued extraction of resources would prohibit the promotion of tourism of Petersburg. Allowing the property to be used for recreation would encourage tourism and promote water transportation. There will be very little alteration topographical surface of the land. Thus, the proposed amendment would also preserve the historic use of the land as a public access to the Ohio River.

It is respectfully submitted that a zone change to recreational would compliment the existing athletic field located on the adjoining property owned by the Klopps.

The Comprehensive Plan sets out the need for

more recreational facilities in Boone County. Recreational use of this property would fulfill a portion of that need.

B. The existing zoning classification is inappropriate in that it does not promote the development of the comprehensive plan. The continued extraction of gravel from the area will deplete the resources of the County and the heavy use of the County Roads by gravel trucks will discourage residential growth.

The proposed zoning classification for a recreational zone is appropriate in that it would promote the implementation of the Comprehensive Plan with regard to increased recreational facilities and preservation of historical sites.

C. There have been major changes of a physical and social nature not anticipated in the adopted comprehensive plan that substantially alter the areas character.

This Honorable Commission has recently approved a major project submitted by American Heritage, Inc., an owner of land along Woolper Creek. The project included a request for a zone change to allow a large marina for public and private use. The approval of that application substantially alters the physical and social nature of the areas' character in that the area comprising Rabbit Hash and Petersburg will be more suitable and desirable for residential and recreational growth than industrial growth.

It is respectfully submitted that the requested zone change and condition use should be approved for the reasons set out above.

ESTIMATED COST

\$250,000.00

ESTIMATED EMPLOYMENT:

4 employees
one mechanic
one gas attendant
one maintenance man
one manager

ESTIMATED COMPLETION:

Spring of 1989

PROJECTED PROJECTS:

Retail Boat Sales
Maintenance and Repair of Boats
Retail sales of boating and personal supplies
30 boat slips in the water
Storage for 32 boats (This storage of boats is known as the stack concept, i.e., the stacking of boats in racks one on top of the other in one building with the use of a large tow motor. It is very adaptable to small area.

TO:

- Boone County Planning Commission
- City of Florence Board of Adjustment
- Boone County Board of Adjustment
- City of Union Board of Adjustment
- City of Walton Board of Adjustment
- Zoning Enforcement Officer

FOR:

- Zoning Text Amendment
- Comprehensive Plan Change
- Preliminary Plat Review
- Conditional Use Permit
- Concept Development Plan Change
- Preliminary Development Plan
- Change of Non-Conforming Use
- Design Review Board and Certificate of Appropriateness
- Zoning Map Amendment
- Planned Development Overlay Change
- Improvement Plat Review
- Final or Deed Plat Review
- Site Plan Review
- Historic District Overlay
- Appeal or Variance
- Sign or Zoning Permit

Applicant: Michael Dooling Owner Agent

Address: 1282 Susquehanna Rd Port Deposit, MD 21904

Telephone: 301-378-3503

Location: Aurora Ferry Rd south of Petersburg, Boone County, KY

Name of Property Owner: Jessie M. Farrar

Address of Property Owner: 212 Donna Drive Aurora, Ind. 47001

Zoning District: _____ Area in Acres: 2.532 ACRES

Deed Book: 53 Page Number: 72 Group Number: 2011

Description of Request: Requesting change from Industrial to Recreational
for the purpose of establishing a small Marina and Conditional

Use Permit § 122 (10) (11)

Applicant's Signature: Michael Dooling

Property Owner's Signature: Jessie M. Farrar, Secy. - Inc.

Application Fee: \$383 FOR PLANNING COMMISSION USE ONLY Date Received: 7-6-88 By: [Signature]

Referred To: _____ Meeting Date: Newbusiness 7-6-88

Action Taken: _____ Date of Action: _____

EXHIBIT "A"

CONSOLIDATED DESCRIPTION OF 3 PARCELS-2.532 ACRES-AURORA
FERRY COMPANY (CHARLES FARRAR PROPERTY)

Located generally in Boone County Group #2011, on the South side of the Aurora Ferry Road at its intersection with the Ohio River and described thus; BEGINNING at a spike in the centerline of the Aurora Ferry Road, which is the common corner therein of the property of Gladys Klopp and the Aurora Ferry Company property (Charles Farrar-D.B. 53 page 72); thence with lines of said Gladys Klopp property, S 6-0 W 104.5 feet to a rebar, N 84-0 W 219.0 feet to a rebar, S 6-0 W 104.72 feet to a rebar, N 84-0 W, passing a rebar at 246.03 feet, a total distance of 417.12 feet to a point in the Ohio River; thence up said river, N 6-0 E 209.22 feet; thence running with the projection of the centerline of the original Aurora Ferry Road location, S 84-0 E 636.12 feet to the place of beginning containing 2.532 acres and subject to legal highways and legal easements of record and in existence. The above described parcel is specifically subject to a flowage easement granted to the United States of America for permanent and occasional flooding caused by the construction of the Markland Dam and Locks.

Also granted herewith are such rights of use accruing to the grantor of a strip of road running off the West end of the Aurora Ferry Road at the intersection of the existing road with the South property line of the above described parcel. The centerline of said strip of road is described as follows; BEGINNING at a point in the South line of the above described parcel, which is S 6-0 W 104.5 feet, N 84-0 W 219.0 feet, S 6-0 W 104.72 feet and N 84-0 W 119.07 feet from the point of beginning of the above described parcel; thence in a Southwestwardly direction along the centerline of the existing

DESCRIPTION OF 2.532 ACRES-AURORA FERRY CO. (FARRAR PROPERTY)-Pg. 2

roadway as used for connection to the Aurora Ferry landing, a distance of 250 feet or sufficient to reach the Ohio River at the existing permanent pool stage line.

The above described boundary comprises and encloses 3 parcels of land which were conveyed to the Aurora Ferry Company by a deed recorded in D.B. 53 at page 72, Group #2011 of the Boone County Clerk's records at Burlington, Kentucky.

This description was prepared by Noel Walton, Ky. Reg. P.E. & L.S., April 18, 1988, from surveys made by David G. Walton, Ky. Reg. P.E. & L.S.

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #3
July 27, 1988 - 8:00 P.M.

Page 1

The Chairman introduced the third item on the Agenda:

3. Applicant: Michael Dooling (owner by option)
Request: Zoning Map Amendment and Conditional Use Permit

This was a Public Hearing on the request of Michael Dooling (owner by option) for a Zoning Map Amendment and Conditional Use Permit to allow development of a marina and related service and sales facilities. The 2.532-acre site is presently zoned Industrial Three (I-3) and is proposed to be rezoned Recreation (R). The site is located at Aurora Ferry Road and the Ohio River, Boone County, Kentucky.

Ms. Ann Ruttle, an attorney representing Mr. Dooling, stated that the request is in compliance with the Comprehensive Plan. This will be a small public marina with about thirty boats and related sales. There is an athletic field adjacent to the property. The site will be left wooded to conceal the boat storage building and for a rustic flavor. His sister owns the Loder House, a landmark in Petersburg. He has submitted an application to the Army Corps of Engineers and they ask that it not be resubmitted until after the zone change is approved. Mr. Dooling intends to fix up and maintain the road on his property. The marina will not cause the amount of traffic that would be caused by an industrial use, which would be more damaging to the road.

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

Mr. Lee McNealy, of Huntington National Bank, stated that he has environmental concerns in regard to this project. There is a wealth of wildlife habitat that would suffer from the marina. He discussed the various species of birds, some of which are rare, in the area. He stated that Aurora Ferry Road is one of the top five areas in Boone County for wildlife observation. He noted that there is documented damage to the Wolper Creek area due to the marina there. Mr. McNealy stated that areas like this need to be preserved.

Chairman Viox asked if anyone else wished to comment.

Mrs. Eileen Dooling stated that Petersburg is a small, economically depressed, community and the marina would help generate employment.

Mr. Barnett noted that the I-3 Zone is just for the extraction of gravel, which could have significant impact on the area.

In response to a question from Mrs. Smith, Mrs. Ruttle stated that the sales facility will be for sales incidental to the marina. There will be a fuel dock and the sale of food. Mr. Dooling added that there may be boat sales.

In response to a question from Mr. McMillian, Mr. Dooling stated that the fuel storage tank is located above the high water mark. It will be in a depression in the ground with a fence around it and it will be exposed. He stated that it could be moved further north.


Mr. McMillian asked if the road was dedicated and how much of it would be upgraded.

Mr. Dooling stated that he will maintain what he owns. He stated that the property is accessed by Aurora Ferry Road, which is a dedicated road. In response to a question from Mr. Collins, he added that he may put a gate across after business hours for security reasons. Mr. Collins advised that he may be cutting off a dedicated road.

Mr. Dooling stated that he was told at the courthouse that they were responsible for 1,700 feet of the road.

Chairman Viox asked if there were any further comments or questions. There being none, he advised that this item will be on the agenda for the Business Meeting on August 3, 1988 at 8 P.M. and closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

ATTEST:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

August 3, 1988

8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:40 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett, Vice Chairman
Mr. Fred Burch
Mrs. Rita Bushelman
Mr. Lawrence Collins
Mr. Phil Damstrom
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Rector Jones
Mr. Don McMillian
Mr. Charles Moore
Mr. Barry Neltner
Mr. Ralph Rush
Mr. Floyd Sharp
Mrs. Carol Smith
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

None.

LEGAL COUNSEL PRESENT:

Mr. Charles Moore

Mr. Viox noted that each member had received a copy of the Minutes of the Business Meeting of July 20, 1988 and the Public Hearings of July 27, 1988 and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. McMillian moved that they be approved as mailed. Mr. Damstrom seconded the motion and it carried unanimously.

Mr. Cain stated that he is agreeable to the conditions in the Committee Report.

There being no discussion, Mr. Barnett moved that the request be approved by resolution to the Boone County Fiscal Court. Mr. Jones seconded the motion and it carried unanimously.

5. Zoning Map Amendment and Conditional Use Permit

The request of Michael Dooling (owner by option) for a Zoning Map Amendment and Conditional Use Permit to allow development of a marina and related service and sales facilities. The 2.532-acre site is presently zoned Industrial Three (I-3) and is proposed to be rezoned Recreation (R). The site is located at Aurora Ferry Road and the Ohio River, Boone County, Kentucky.

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report).

The Chairman asked if there was a representative of the applicant present.

Ms. Ann McBee, attorney for the applicant, stated that Mr. Dooling was agreeable to the conditions and willing to comply. She noted that Mr. Dooling was present.

There being no discussion, Mr. Barnett moved by resolution to the Boone County Fiscal Court that the request be approved based on the Committee Report, including the conditions. Mr. Jones seconded the motion and it carried unanimously.

6. Zoning Text Amendment

The request of Michael Bryant (dba Delightful Days RV Center) for a Zoning Text Amendment to allow the sale of recreational vehicles as a Conditional Use in Commercial Two (C-2) zoning districts.

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the request based on the findings of fact (see Committee Report).

Mr. Ray Faust, representing the applicant, stated that they had no comments to make.

There being no discussion, Mr. Barnett moved that the request be approved by resolution to the cities of Walton, Union, Florence, and the county. Mrs. Smith seconded the motion and it carried unanimously.

EXHIBIT "C"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Donald McMillian, Chairman

DATE: August 3, 1988

Re: Request of Michael Dooling (owner by option) for a Zoning Map Amendment and Conditional Use Permit to allow development of a marina and related service and sales facilities. The 2.532 acre site is presently zoned Industrial Three (I-3) and is proposed to be rezoned to Recreation (R). The site is located at the termination of Aurora Ferry Road, at the Ohio River, Boone County, Kentucky.

REMARKS:

We, the Committee, recommend approval of this Zoning Map Amendment and Conditional Use Permit application based on the following findings of fact and subject to the following conditions.

Findings of Fact

1. The proposed use is in agreement with the 1986 Boone County Comprehensive Plan, which encourages development of a recreational nature in the general area of which the subject property is a part. Specifically, the Plan's Future Land Use Map designates this property as Rural Lands, which includes recreation uses that are harmonious with a rural environment. The Land Use Element makes the following statement about the general area:
"Petersburg, itself, will need to work to maintain itself. It's isolation from the urban service areas of the county, loss of an elementary school, and poor winter months accessibility may cause a further erosion of this important Kentucky town. The school building should be examined for its feasibility to become a community center. Eventually tourism of Petersburg could occur if preservation measures are taken soon." (p) L-8)

The Committee feels the proposed development would be of benefit to this area.

2. The proposed zoning classification and uses, if properly designed and maintained, would preserve the existing natural features of the site as opposed to the impacts likely to be produced by a heavy industrial use.

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CONDITIONS OF APPROVAL

1. Due to the narrow width of Aurora Ferry Road, the Committee recommends as a condition of approval that the applicant improve the portion of the road contained on his property to its termination at the river. Further, the applicant shall participate actively with the County in widening and improving Aurora Ferry Road from his property to KY 20.
2. The applicant shall submit to the Planning Commission copies of all necessary State and Federal permits for construction of the proposed buildings and marina as part of the formal Site Plan Review application.
3. Any changes of the submitted Concept Development Plan shall be reviewed by the Technical Committee. If the change is determined to be a major change, a new application must be submitted and a new Public Hearing held.

The Committee also recommends approval of the Conditional Use Permit request for sales and services related to the marina based upon the following findings:

1. The sale of items supporting the marina would be harmonious and in accordance with the general and specific objectives of the Comprehensive Plan.
2. Sales of items supporting the marina as proposed in the submitted Concept Development Plan with this application would 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 would not change the essential character of the same area.
3. Sales of items supporting the marina would not be hazardous to existing or future neighboring uses.
4. The facilities need to sell items supporting the marina would be served adequately by essential public facilities and services.
5. The sales of items in support of the marina would not create excessive additional requirements at public cost for public facilities and services and would not be detrimental to the economic welfare of the community.

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6. Sale of items in support of the marina would not involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare.
7. The sales of items related to the marina is of integral relation to and directly in support of the marina.
8. The sale of items in support of the marina is necessary to serve the specified public engaged in the principal purpose and the activity would not overpower, transcend, or conflict with the principal purpose of the district or immediate environs surrounding.
9. The arrangement of the sales would be mutually compatible with the organization or permitted and accessory uses to be protected in the district.



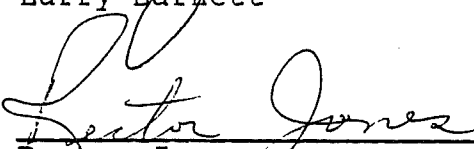
Donald McMillian, Chairman



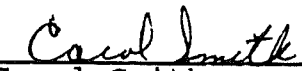
Larry Barnett



Fred Burch



Rector Jones



Carol Smith

PRM:kat

ORDINANCE 920.162

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT ADOPTING A MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY, ZONING MAP, SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM INDUSTRIAL THREE (I-3) TO RECREATION (R) FOR A 2.532 ACRE SITE GENERALLY LOCATED AT AURORA FERRY ROAD AND THE OHIO RIVER, BOONE COUNTY, KENTUCKY, AS REQUESTED BY MICHAEL DOOLING (OWNER BY OPTION) AND BEING RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING & ZONING COMMISSION VIA RESOLUTION R-42-88.

WHEREAS, the Boone County Fiscal Court received a request for a Conditional Use Permit and a Zoning Map Amendment to the Boone County zoning map and such Zoning Map Amendment being a zone change from Industrial Three (I-3) to Recreation (R) for a 2.532 acre site generally located at Aurora Ferry Road and the Ohio River, Boone County, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as due process trial-type hearing and made findings recommending approval for the zoning map amendment and conditional use permit.

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY FISCAL COURT AS FOLLOWS:

SECTION I

That the zoning map amendment for the real estate which is more particularly described below shall be and is hereby recommended for approval, this Zoning Map Amendment being a zone change from Industrial Three (I-3) to Recreation (R) for a 2.532 acre site generally located at Aurora Ferry Road and the Ohio River, Boone County, Kentucky. The real estate which is the subject of this zoning map amendment recommendation for approval is more particularly described in attached "Exhibit A."

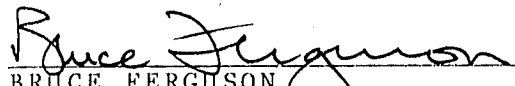
SECTION II

That as a basis for the recommendation of approval and adoption of the zone change request the findings of fact of the Boone County Planning and Zoning Commission as set forth in its Minutes and official records for this zone change request, and the finding of facts of the Boone County Fiscal Court, if any, and any conditions and/or stipulations mandated by the Boone County Fiscal Court, if any, as set forth in its Minutes and official records for this zone change request, shall be and are hereby incorporated by reference as if fully set out in the Ordinance (ATTACHED - EXHIBITS "B" AND "C")

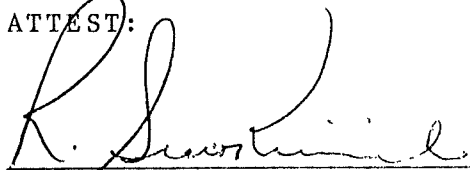
That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

Introduced, seconded and given First Reading on the seventh day of September, 19 88.

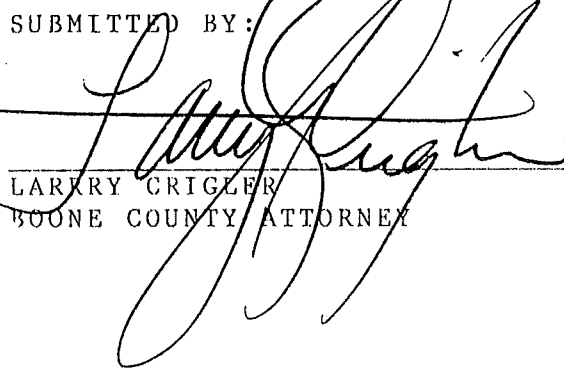
Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the twentieth day of September, 19 88, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the County Fiscal Court Clerk and declared to be in full force and effect.



BRUCE FERGUSON
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:


R. SCOTT KIMMICH
FISCAL COURT CLERK

SUBMITTED BY:


LARRY CRIGLER
BOONE COUNTY ATTORNEY

DATE PUBLISHED