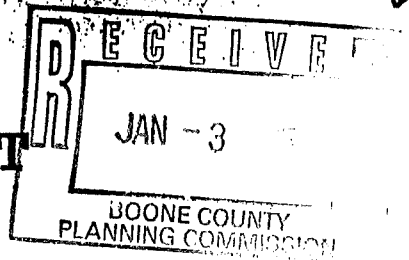


APPLICATION FORM  
**ZONING MAP AMENDMENT**

BOONE COUNTY PLANNING COMMISSION  
(See Boone County Zoning Regulations)



SECTION A (To be completed by applicant)

1. Name of Project DOLWICK RT. 8 RIVERFRONT 12+/- AC.
2. Location of Project NEAR RT 20 - RT 8 INTERSECTION CONSTANCE, KY.
3. Total Acreage of Site 12-15 ACRES APPROXIMATELY
4. Current Zoning of Site SRI-15C
5. Proposed Zoning (Classification being requested) "R"  
RECREATIONAL
6. Proposed Uses (please specify each use) MARINA, RESTAURANT, STORE AND SUPPORT FACILITIES SUCH AS FUEL SALES, BOAT + MOTOR SALES AND BOAT REPAIR SERVICES
7. Names of Applicant(s) MELVIN, CARLTON + LEROY DOLWICK  
Phone Number 530-5821 Fax No.
8. Address of Applicant(s) 8750 WELLERSTATION DR.  
CINCINNATI OHIO 45249  
City State Zip
9. Name of Property Owner(s) MELVIN, CARLTON + LEROY DOLWICK  
Phone Number 530-5821 Fax No.
10. Address of Property Owner(s) 8750 WELLERSTATION DR.  
CINCINNATI OHIO 45249  
City State Zip
11. Proposed Building Intensities (please specify) WE WANT THE BUILDINGS NECESSARY TO SUPPORT A MARINA DESCRIBED IN POINT #6 ABOVE. EXAMPLES: BOAT DOCK, STORE, RESTAURANT, BOAT REPAIR + STORAGE FACILITIES AND THE LIKE...
12. Are there any existing buildings on the site? ONE OLD BARN + ASHED.  
How many? 2
13. Deed Book 148 Page No. 502 Group No. 2014-A
14. Are you also applying for:  
YES Conditional Use Permit  
NO Dimensional Variance
15. Have you submitted a Concept Development Plan? NO
16. Have you had a pre-application meeting with BCPC Staff? YES
17. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

\_\_\_\_\_ Boone County Water and Sewer District  
\_\_\_\_\_ Florence Water and Sewer Commission  
\_\_\_\_\_ Union Light Heat and Power  
\_\_\_\_\_ Cincinnati Bell  
\_\_\_\_\_ Owen County Rural Electric  
\_\_\_\_\_ Boone County Public Works Department  
(over)

EXHIBIT "A"

## STAFF REPORT

Request of Melvin Dolwick, Carlton Dolwick, and Leroy Dolwick (owners) for a Zoning Map Amendment and Conditional Use Permit for an approximately 15 acre site locate near the KY 20/KY 8 intersection, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One/Small Community (SR-1/SC) to Recreation (R) in order to allow a marina and related support facilities.

February 22, 1995

The applicant is proposing to rezone the property from Suburban Residential One/Small Community (SR-1/SC) to Recreation (R) to allow the property owners to market the property for a marina use. In addition, the applicant is requesting a Conditional Use Permit which would allow the sale of fuel, boats and boat equipment, boat repair services, and a restaurant. The applicants to do not have a Concept Development Plan prepared for the site. The site is located on the north side of River Road and west of the Constance Boat Landing (See Sheet #1 & #2).

### Surrounding Zoning and Land Uses (See Sheet #3)

North: Ohio River

South: Single-family homes zoned Suburban Residential One/Small Community (SR-1/SC)

East: Abandon building and the Constance Boat Landing zoned Suburban Residential One/Small Community (SR-1/SC)

West: Interstate Asphalt zoned Suburban Residential One/Small Community (SR-1/SC)

### Site Characteristics

The applicant's site which is located just west of the community of Constance and the Anderson Ferry is currently used for agricultural purposes. The approximately 15 acre site has around 1,600 feet of road frontage along River Road (KY 8) and approximately 1,000 feet of Ohio River frontage. The site is also bordered on the west by a large creek which empties into the Ohio River. The site contains several old buildings and is located almost entirely within the Intermediate Regional Flood Zone or 100 year flood plain. The 1937 Ohio River Flood which is the largest flood on record covered the applicant's site in approximately six (6) feet of water (See Sheet 4 & 5). Any development which occurs upon this site would have to be located out of the 100 year flood plain. This could require raising some structures as much as ten (10) feet.

Access to the applicant's site from Boone County is by River Road which is a undulating, narrow, and bumpy road which has many areas with poor sight distance. There are three (3) different roads which access River Road from Boone County. These three include KY 20, KY 237, and Tanners Road. The site is served by public sanitary sewer, but does not have public water.

The topography of the applicant's site is generally flat with a farm field making up most of the site. There are mature trees which line the Ohio River frontage and the creek to the west. In addition, there is an approximately one acre wooded area in the northeast corner of the site. The site does drop down approximately ten (10) feet from KY 8 and a additional fifteen (15) feet to the Ohio River. The Ohio River's normal pool elevation is 454 feet which is 33 feet lower than the middle elevation of the applicant's site which is 487 feet.

#### Relationship to the Comprehensive Plan

The applicant's site is not in agreement with the adopted 1990 Boone County Comprehensive Plan Future Land Use Map which indicates the applicant's site as Rural Lands and Suburban Density (See Sheet #6). These land use designations would allow the development of one dwelling unit per acre and four dwelling units per acre. The Text of the Comprehensive Plan indicates that:

The river bottoms in this section have very limited development potential, and should remain largely residential and agricultural in character, with occasional local commercial development. The Anderson Ferry service should continue as a small scale service to automobile traffic, and represents a historic resource for Boone County. This area has been identified as a possible site for a new bridge over the Ohio River; however, the physical constraints of the river valley and relationship to Boone county's road network combine to make this an inappropriate location for a bridge. The expansion of mining or terminal activities in this section should be discouraged because of the limited capacity of the existing road system to handle associated traffic. For the same reason, new sites for barge and tug services on the river frontage should likewise be discouraged.

The Recreation Element on page 158, indicates that:

Boone County's Ohio River shoreline and numerous creeks should be utilized to a greater extent to provide needed boating and fishing access. Proposed private shoreline developments should provide public river access or contribute land to the county or other organization for public access.

### Concept Development Plan

The applicants do not have a Concept Development Plan which indicates how the site will be developed. The applicants are trying to market the property for a marina and supporting facilities. The supporting facilities could include boat repairs and sales, fuel sales, and a restaurant/banquet facility. It is impossible to tell how the marina would develop. There are several types of marinas which could be constructed. One method would be to develop the marina along the bank and out into the river. This method would require minor amounts of grading and would limit the number of boat slips which could be created because of the constraints created by river traffic. A second method would be to dredge a channel deep enough to construct an inland harbor. If an inland harbor were to be constructed access from the river would most likely come from the creek along the west side of the site. To develop an inland harbor it would be necessary to have the harbor depth the same or below the normal pool elevation of the river. To reach this elevation would require substantial grading and dredging which can create many environmental impacts. The least expensive alternative would be to construct a boat ramp or ramps and have the boats dry docked on the level portion of the site. This type of marina would require limited site preparations, but would most likely create the most significant visual impact to the area.

### Staff Concerns

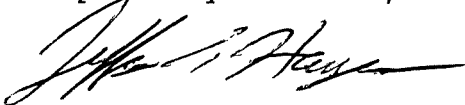
1. Depending on the size of the marina and supporting facilities the traffic impact could be substantial, especially because of the generally poor condition of River Road. It is unclear where access would be to the site or how many vehicle trips could be generated per day because the size of the marina and the restaurant facility are unknown. The marina itself will have a seasonal impact, but the restaurant use could be a year round impact. Any restaurant use would most likely include banquet facilities for weddings, and parties which could generate heavy volumes of traffic.
2. There are fifteen uses which are principally permitted within the Recreation zone. Staff believes that these uses as well as the conditional uses should be explored to determine the appropriateness of each use. (See Exhibit A).
3. Staff believes that restriction should be established on the type and operations of the marina if the Zoning Map Amendment is recommended for approval. Areas such as boat storage, and boat repair could dramatically change the character of the area and could result in the area looking like a boat junk yard.
4. Because the type of marina is unknown and the potential developers are unknown, staff believes that severe environmental impacts could result if an inland harbor is developed. These impacts could be very similar to the problems created by the Captains Cove Marina along KY 20 and Woolper Creek. Therefore, staff would recommend against the inland harbor because of the unknowns as to how and who will be developing the site.

5. Boone County Historic Preservation Review Board is preparing to submit River Road to the Kentucky Transportation Cabinet as a Scenic Highway. Therefore, special consideration should be given to how this particular use appears from the roadway and the hilltops which surround the area. Landscaping and buffering will be essential to create an attractive appearance from the roadway. In addition, staff believes that whenever possible the existing trees should be retained on the site.
6. Staff questions whether there will be any amenities provided by this site which will serve the general public? In addition, will there be any public river access?
7. Staff believes that access to the site should be located at the eastern end of the site because of the curve and bridge on the west end.
8. If the Zoning Map Amendment and Conditional Use Permit is approved by the Boone County Fiscal Court, the applicants will still be required to follow all State and Federal laws regarding development within a flood plain and along a public waterway.

#### Conclusion

This request is not in agreement with the 1990 Boone County Comprehensive Plan Future Land Use Map which indicates the area as Rural Lands and Suburban Density. The Planning Commission must consider the finding of fact necessary to recommend a Zoning Map Amendment as well as the criteria for issuing a Conditional Use Permit. Should the Planning Commission recommend, and the Boone County Fiscal Court approve, this request for a Zoning Map Amendment and Conditional Use Permit, the Boone County Comprehensive Plan Future Land Use Map will need to be updated.

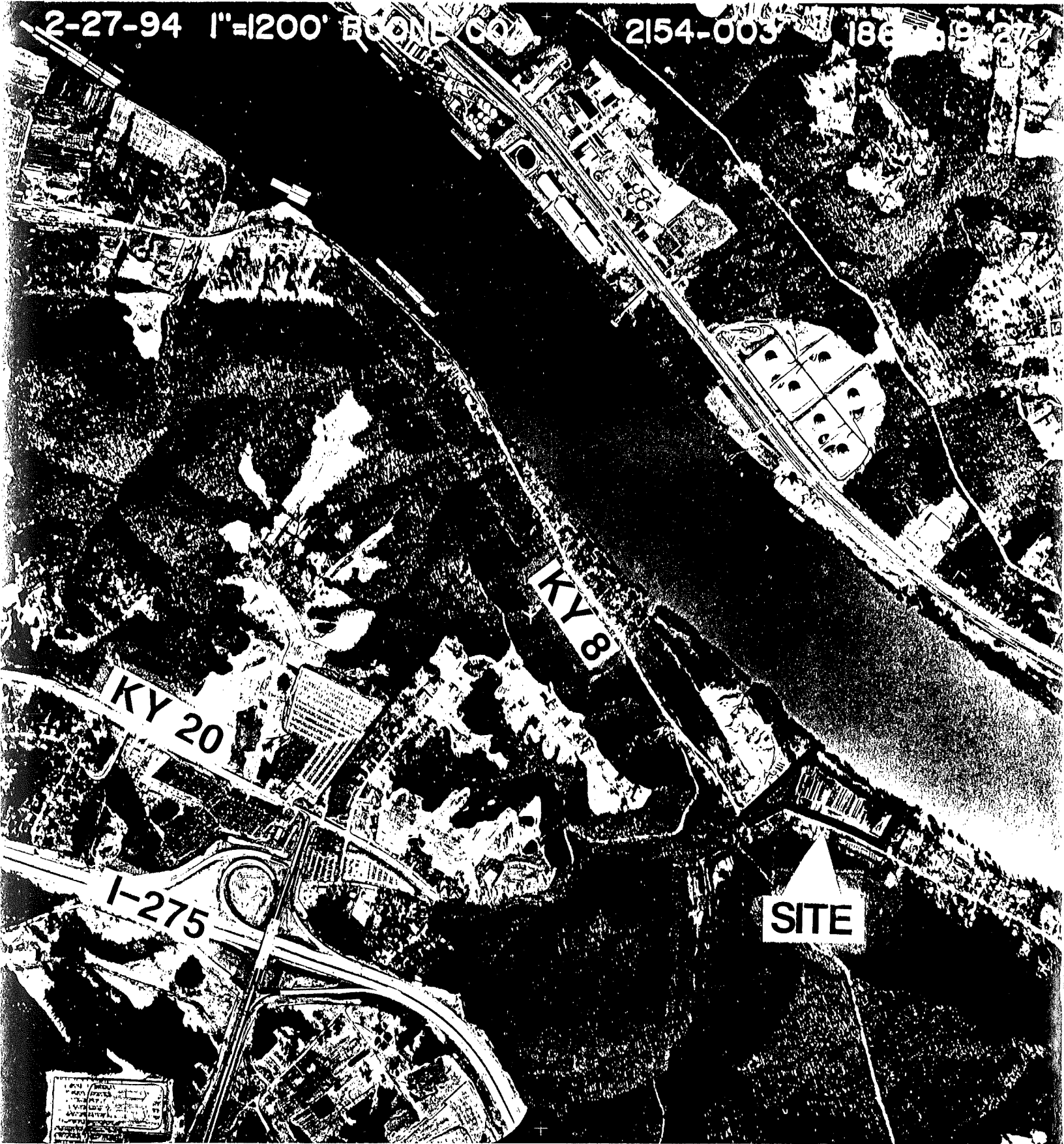
Respectfully Submitted,



Jeffrey F. Hayes  
Planner

JFH/par

2-27-94 1"=1200' BOONVILLE CO. 2154-003 186 19 27



SHEET # 1

LOCATION MAP



SHEET # 2

TOPOGRAPHY

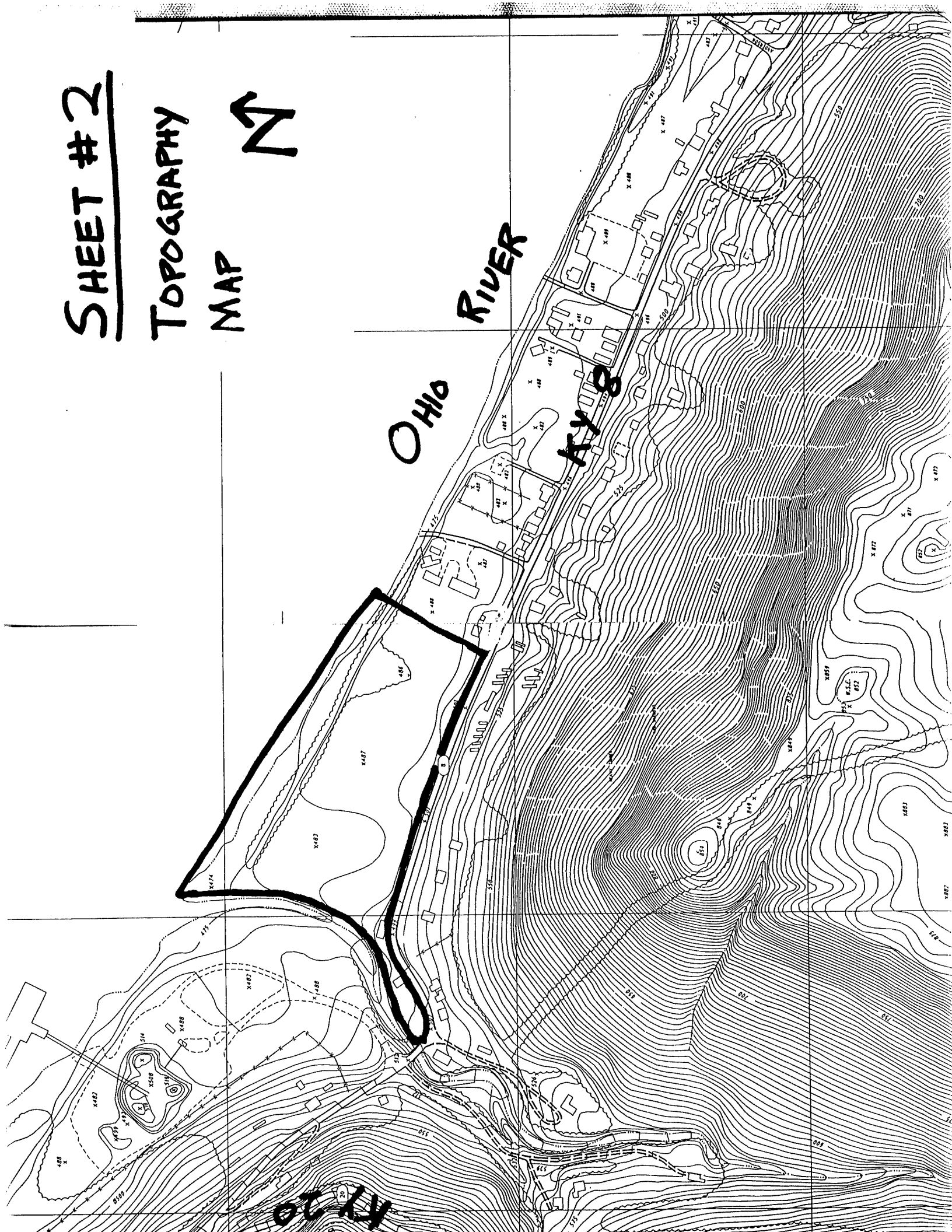
MAP



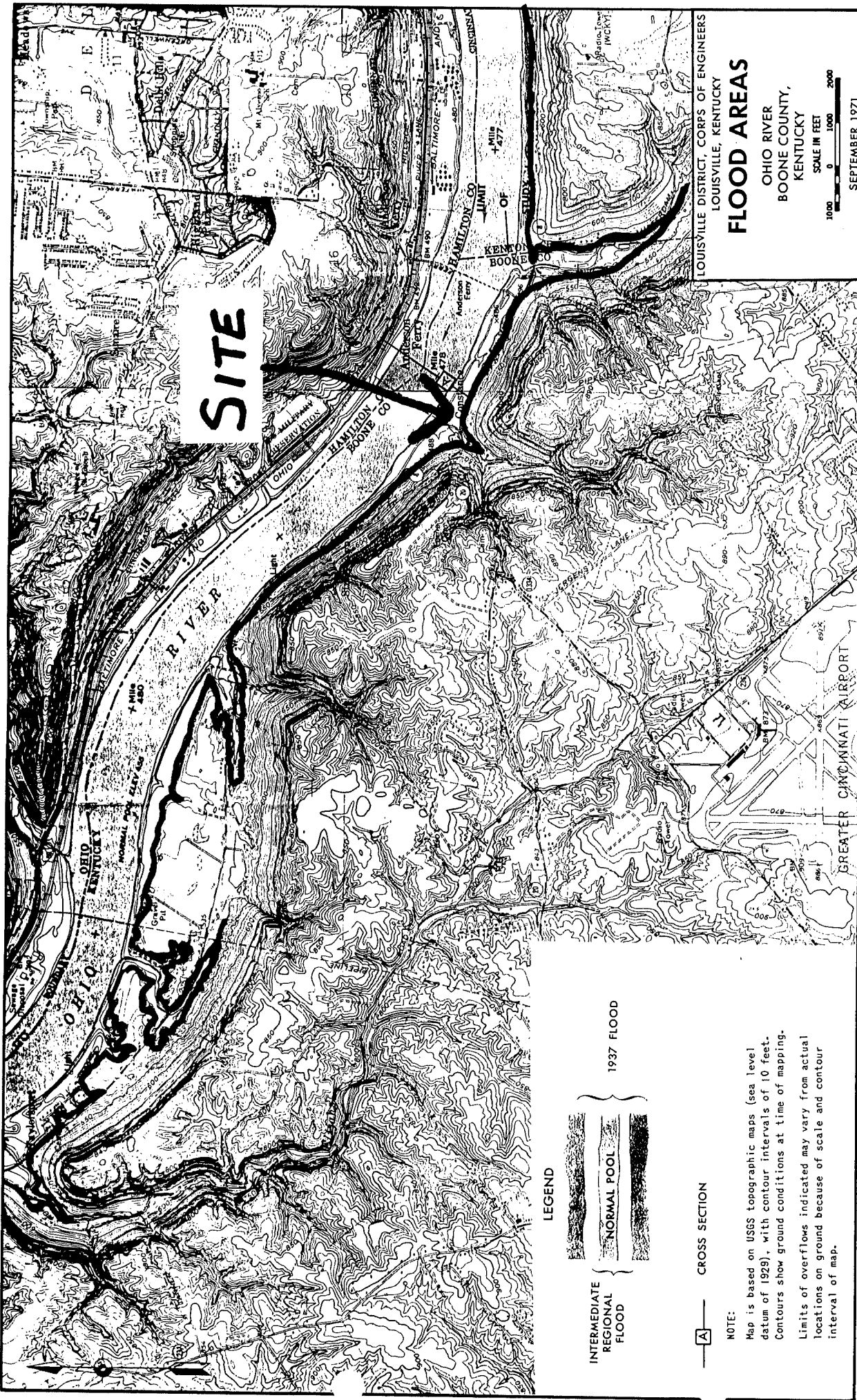
OHIO RIVER

KY 8

KY 20

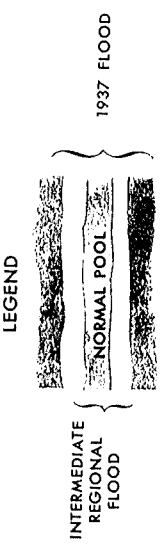






**SITE**

LOUISVILLE DISTRICT, CORPS OF ENGINEERS  
 LOUISVILLE, KENTUCKY  
**FLOOD AREAS**  
 OHIO RIVER  
 BOONE COUNTY,  
 KENTUCKY  
 SCALE IN FEET  
 1000 0 1000 2000  
 SEPTEMBER, 1971



**NOTE:**  
 Map is based on USGS topographic maps (sea level datum of 1929), with contour intervals of 10 feet. Contours show ground conditions at time of mapping. Limits of overflows indicated may vary from actual locations on ground because of scale and contour interval of map.

PLATE 5



**SHEET # 4**

# SHEET # 5

- LEGEND
- 1937 FLOOD
  - - - INTERMEDIATE REGIONAL FLOOD
  - NORMAL POOL

NOTE:  
Sections taken looking downstream

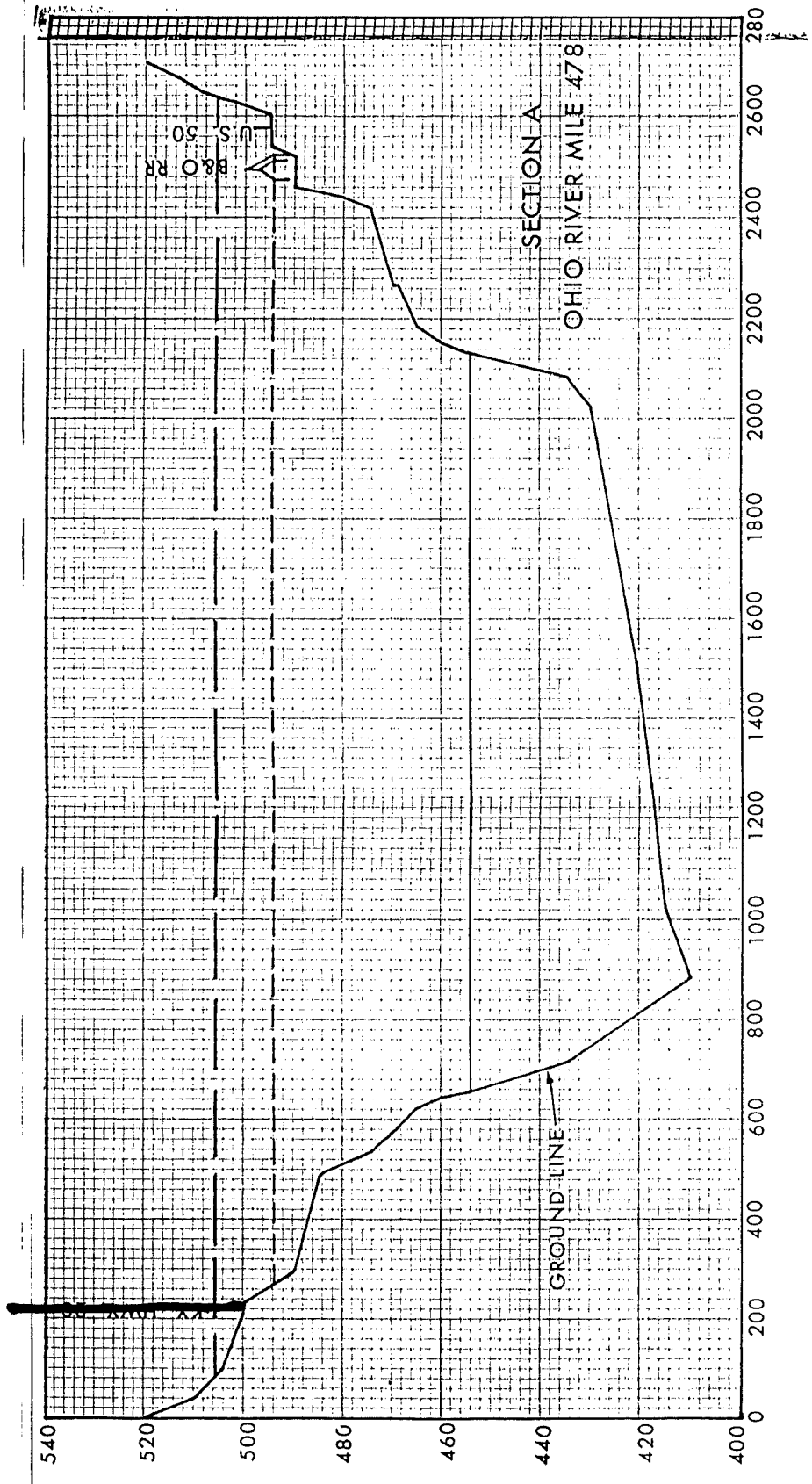
LOUISVILLE DISTRICT, CORPS OF ENGINEERS  
LOUISVILLE, KENTUCKY

## CROSS SECTIONS

OHIO RIVER  
BOONE COUNTY  
KENTUCKY

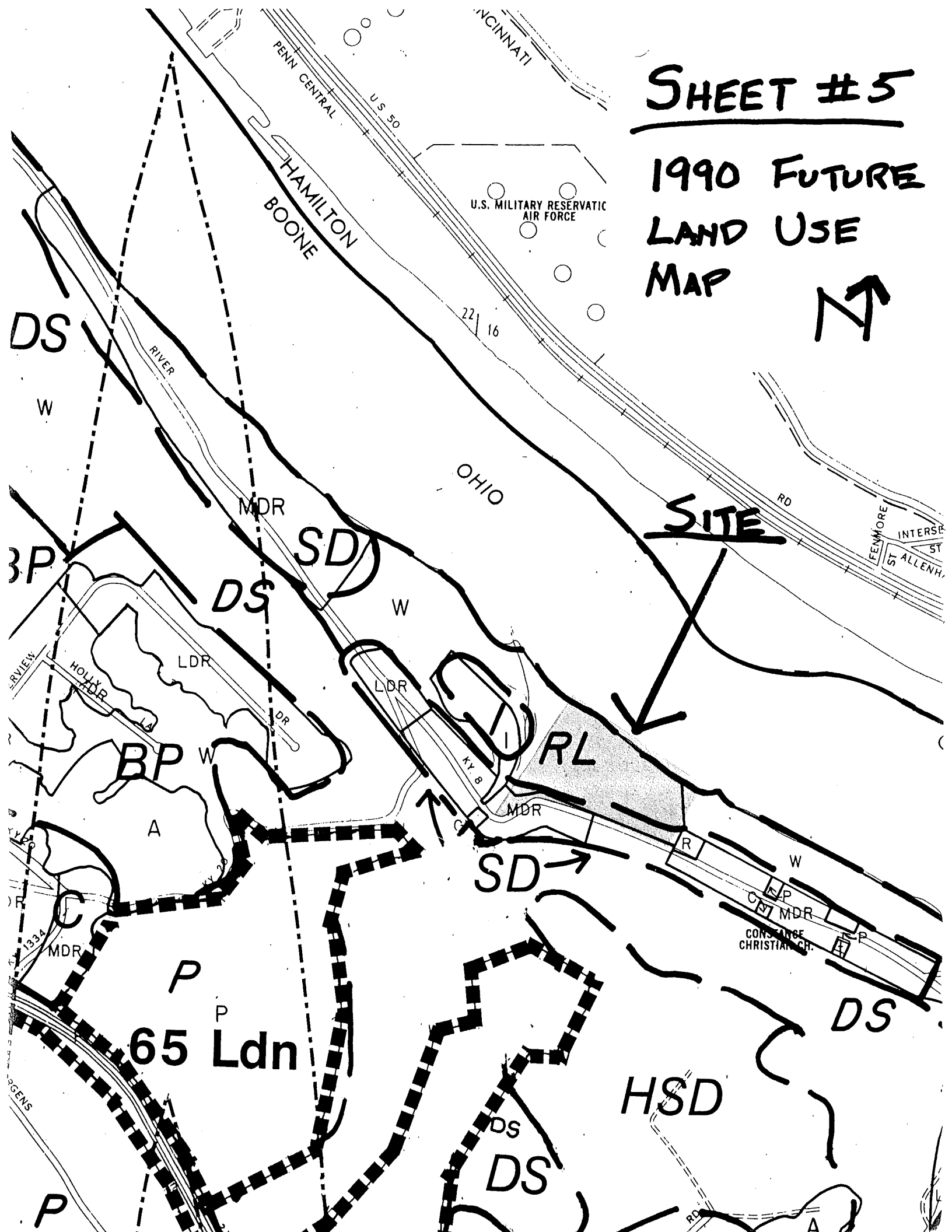
SEPTEMBER 1971

478



# SHEET #5

## 1990 FUTURE LAND USE MAP



# EXHIBIT A

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## ARTICLE

7

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## RECREATION DISTRICT

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### SECTION 700 RECREATION (R)

The purpose of the Recreation district is to identify, protect, and provide for public, semipublic, and commercial use of lands and structures for recreation activities. The purpose is further to ensure a harmonious relationship between the scale, extent, character, and location of these uses and the character and form of urban development, local needs for recreation facilities, environmental suitabilities, and the limits of supporting infrastructure.

### SECTION 711

#### Principally Permitted Uses

The following public, semi-public or commercial recreation uses are permitted:

1. Libraries, museums, art and craft galleries, conservatories and other cultural exhibits;
2. Planetaria, aquariums, botanical gardens and arboretums, zoos, nature preserves, wildlife habitats and other natural exhibitions;
3. Historic sites, structures, monuments and other exhibits available for public viewing;
4. Amphitheaters, motion picture theaters, playhouses and other entertainment assemblies;
5. Auditoriums, exhibition halls and other places of public or general assembly;
6. Fairgrounds, amusement parks, miniature golf, arcades, golf driving ranges, batting cages, go-cart tracks and other amusement centers;
7. Golf courses, tennis courts, ice skating, roller skating, riding stables, bowling, skiing and tobogganing and other sports activities;
8. Play lots or tot lots, playgrounds, playfields or athletic fields, recreation centers, gymnasiums, clubs and other athletic uses and structures;

32 ARTICLE 7

9. Swimming beaches and swimming pools;
10. Yachting, boat rentals, boat access sites and other marina activities;
11. Camping, picnicking, hiking areas, trails and other recreational uses;
12. Dude ranches, health resorts, ski resorts, hunting grounds, fishing lakes and fishing lake access, indoor and outdoor target ranges and other resorts;
13. General, leisure, ornamental and other parks, spaces, trails bikeway systems and similar uses;
14. Recreational vehicle and trailer camps provided such living arrangements are of transient or seasonal use and such facility meets the requirements of K.R.S. Section 219.310 through Section 219.410. Permits as required under K.R.S. 219.310 through 219.410 shall be included with an application for Site Plan Review;
15. Day care centers or nursery schools.

**SECTION 712**

Accessory Uses

Such uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

1. Dwelling units (subject to SR-2 zoning district standards) of the family of the owner-operator and/or resident manager including:
  - a. private garages and parking;
  - b. structures such as fences and walls;
  - c. buildings such as storage sheds, private greenhouses and gazebos;
  - d. storage of a recreational vehicle or unit;
  - e. private swimming pools, saunas, bathhouses and similar accessories;
  - f. Private recreational courts, complexes, or similar recreational activities;
  - g. private stables or other keeping and use of pets and animals;
2. Directional and incidental signage (see Article 34);
3. Parking (see Article 33);
4. Temporary buildings incidental to construction;
5. Dwellings or rooming houses for persons employed on the premises on a permanent or seasonal basis to operate, maintain, administer or protect the leisure activity;
6. Country clubs, clubhouses, lodges and similar places of assembly or entertainment;
7. Boarding stables, boat moorage and storage, other vehicle, equipment and personal storage services or lockers and related services;

8. Utility generation, production, storage, treatment and disposal;
9. Emergency medical clinics and similar out-patient services.

### SECTION 713

#### Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is of integral relation to and directly in support of the recreation activity, or b) the use, building or structure is subservient to and not of scale, nature advertisement, trade or other character which will compete, detract or conflict with the principal purpose of the district; c) the activity is necessary to serve the specified public or membership engaged in the principal purpose 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 or immediate environs surrounding; and d) provided the arrangement of use, building or structure is mutually compatible with the organization or permitted and accessory uses to be protected in the district:

1. Any principally permitted uses of Agriculture (A-1) numbered 1-10;
2. Appropriate protective functions and related services like police and fire;
3. Water parks;
4. Special training and schooling activities, including target shooting ranges;
5. Churches, synagogues, temples and other places of religious assembly for worship;
6. Cemeteries including mausoleums;
7. Drive-in theaters;
8. Stadiums, arenas, field houses, race tracks for horse, car, motorbike, or other vehicles and other sports assembly uses and structures;
9. Retail sales or service of gasoline, oil marine craft and accessories, grocery items, confectionery, drug and proprietary, art and craft products, books and stationery, antiques, sporting and athletic goods, bait, fuel and ice, bottled gas, cigars and cigarettes, newspapers and magazines, photographic supplies, gifts, novelties, souvenirs and similar products;
10. The operation of eating and drinking establishments including alcoholic beverages;
11. Bed and Breakfast Inns.

### SECTION 714

#### Intensity

There are no minimum or average intensities common to recreational uses; rather the intensity or use in a recreational district shall be based on the performance standards determined unique to each use and its affected lands.

### SECTION 715

#### Minimum Size

There are no minimum size or extent of land common to recreational uses or districts; rather a recreational district may include a single private or public lot of record if the general performance of the specific use and its affected lands so merits.

**SECTION 716**

Minimum Standards

The following standards shall apply to any permitted, accessory or conditional use and structure in this district:

1. The operation of any accessory or conditional use shall be pursuant and subservient to the purposes of the normal permitted recreational activity;
2. No use shall include the feeding, sheltering or penning of animals or fowl or the storage of refuse or compost within one hundred (100) feet of any residential district or any adjacent residential use;
3. All uses in a Recreation zone shall be conducted in conformance with Article 30 - Site Plan Review;
4. See Article 31 for dimensional standards.

PUBLIC HEARING ITEM NO. 2:

Commission members present: Mrs. Arnett, Mr. Bailey, Mr. Damstrom, Mr. Kirby, Jr., Mr. McMillian, Mr. Millay, Mr. Neltner, Mr. Ries, Mr. Rush, Mrs. Schaffer, Mrs. Smith - Secretary/Treasurer, and Mr. Viox - Chairman.

Chairman Viox introduced the second item on the Agenda:

2. Applicant: Melvin Dolwick, Carlton Dolwick, and Leroy Dolwick (owners)  
Request: Zoning Map Amendment

The request of Melvin Dolwick, Carlton Dolwick, and Leroy Dolwick (owners) for a Zoning Map Amendment for an approximate 15-acre site located near the KY 20/KY 8 intersection, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One/Small community (SR-1/SC) to Recreation (R) in order to allow a marina. The applicants are also requesting a Conditional Use Permit to allow related support facilities.

Staff Member Jeff Hayes presented the Staff Report which included a slide presentation (see Staff Report). Mr. Hayes noted a correction to the Staff Report, which indicates on Page 2 that the site is not served by public water. He stated that public water and sewer were recently installed in this area.

Chairman Viox asked for the applicant's presentation.

Mr. Bob Gillespie, representing Remax Affiliates Realty, who is marketing the property for the Dolwick family, distributed booklets entitled "Dolwick Landing Zone Correction" to the Commission. He stated that they are in agreement with most of the items in the Staff Report and may ask for more restrictions so that the property develops in a suitable manner. The reason for the request is that the property is currently zoned SR-1 and in the past it was used commercially for a landing, a store, and possibly a post office. In an SR-1 Zone the Army Corps of Engineers would not issue a permit for home building, so the property is zoned incorrectly. He stated that they sat down with the Staff to come up with an idea that would be suitable to the people of Constance and the county, and would be a productive use of the riverfront. He stated that the proper action would be to allow recreational zoning.

Mr. Gillespie stated that they compare this property to the upscale Watertown Yacht Club in Dayton. They do not want a junkyard for boats on the river and on a road that may be designated as a scenic route. Their purpose is to see the property develop in a proper manner and to help the county place proper restrictions on the development of the site so that the develop occurs as it is approved. He spoke with Mr. Woods at the Army Corps of Engineers, who thought the site would be good for a marina, but could not approve it until there is a proposal.

Mr. Gillespie stated that they feel they would have a chance to market the property if it is zoned correctly. He noted a picture of the Dayton Marina in the booklet and passed around larger pictures to the

Commissioners. He stated that they want to wait until the Committee Meeting to discuss if it should be a flat land marina or docks where boats can pull up in a slip. They do not know if they should eliminate one option or the other until they have an engineering report, but they want to place the proper restrictions on the site so that there will not be mistakes like those that have been made in other marinas in the county. The owners are interested in doing this properly and will cooperate with the Committee.

Mr. Gillespie stated that the site is a pretty long distance away from the river. He stated that there is a section of Route 8 that is pretty straight and less susceptible to sliding. They envision access to the property not just from three sites in Boone County, as there is also Villa Hills and Anderson and that area, and people from the west side of Cincinnati will cross on the Anderson Ferry and could be customers of the boat docks and restaurant. There might be six ways to get to the property and maybe one-sixth of the people that come will come from each direction. Mr. Gillespie noted a map in the back of the booklets which gives an idea of how the property might work out designed like the Dayton Marina. He stated that they want suggestions from the Committee and from people in Constance.

Chairman Viox asked if there was anyone else present who wished to speak in favor of the request.

Miss Susan Cabot, Country Historic Preservation Planner, speaking on behalf of the Historic Preservation Review Board, was not in favor of or opposed to the request. She stated that this is an important site from an historic preservation point of view. Route 8 is a well-known area for its scenic and agricultural values. It is one of the most popular bike routes in the tri-state area. She stated that they are planning to nominate this road as a "Scenic Highway".

Miss Cabot stated that the main structure on the property was the first post office for Constance in 1853, and it was also a store. The building is large and has become dilapidated. She stated that they have historic photographs of the building from the inside when it was a general store. The counter and shelving are currently intact, even though the building has been open and has been vandalized. They have spoken with the applicant and he was very agreeable to working with them in regard to salvaging reusable items from the building. It may be possible for the whole building to be taken apart, moved, and reused, and the applicant was agreeable to working with them in this regard. As the building is in the flood plain, there is a good possibility that there are pre-historic archaeological sites on the property and the applicant is willing for them to do an initial archaeological survey of the site. If it were to become a main site, it would be reviewed by the Army Corps of Engineers for potentially negative impact on historic sites. She would like to see the Committee and Staff work with the applicant carefully on the use of the site as there are some uses in the Recreational Zone that may not be appropriate for the site. She stated that the buffering, landscaping, and the views from the road and the river are important.

Chairman Viox asked if there was anyone else present who wished to speak. There being no response, he asked if there were any comments or questions from the Commission.

Mr. Neltner asked if the Army Corps of Engineers will issue a permit to build commercial structures like a restaurant and sales area if they will not issue a permit to build houses. Mr. Hayes advised that permits for residential are issued by the Building Inspector, not the Army Corps of Engineers. He stated that the requirement is that the structure be raised out of the flood plain, which may require fill of 5 feet, 10 feet, 20 feet, etc.. The Army Corps of Engineers and the Division of Water would review the restaurant and sales area and there is a process to be followed. If the applicant cannot meet the requirements, a permit would not be issued. Mr. Neltner asked if a commercial building would also have to be elevated. Mr. Hayes stated that it would have to be elevated out of the flood plain. He stated that if the building is used for storage and things can be moved out of the building if a flood is coming, that can be accommodated. If it is a non-residential use, it has to be reviewed by the Army Corps of Engineers and the Division of Water and may not require a permit. Chairman Viox noted that there could be a floating restaurant.

Mr. Damstrom stated that he is concerned about granting a zone change without a user and without seeing a concept. It is not known what will happen when the property is sold.

Mr. Gillespie stated that their thought is to be very restrictive. He stated that the Dolwicks have a lot of relatives in the area.

Mr. McMillian asked if the site could be put in a PD Zone. Mr. Hayes stated that a Concept Plan would be required. He noted that the applicant has not applied for a PD, but could do so. It was mentioned to them in their meeting with the Staff before they applied, but they did not have a user and could not prepare a Concept Plan.

Mr. McMillian noted that the booklet says that only 20% of the boats would be used at one time. Mr. Gillespie stated that they are estimating that on a Wednesday afternoon most of the boats are sitting in a slip, but are more used on weekends from April to October. He stated that on any given day, 20% of the boats might be in use, unless it is the Fourth of July or a special day.

Mr. McMillian asked how many slips or boats they intend to have. Mr. Gillespie stated that they do not know. He stated that they are trying to market the site as a marina and have it restrictive enough so that the buyer would have to come to them with a Site Plan and get approval from the Army Corps of Engineers. The buyer would have to pass inspection from federal and county agencies. If the Site Plan did not show a logical use for the site, they would not issue a permit. Mr. McMillian stated that getting approved by a realtor does not take much. Mr. Gillespie stated that he is not part of the approval process. He stated that they are trying to change a zone that is incorrect for the site because it is zoned for houses and they would have to be built on stilts -- which would not be in the best interest of the site or the neighbors.

Mr. Kirby noted that the applicant stated that they might be willing to restrict some of the recreational uses.

Mr. Gillespie stated that they will work with the Committee in the next phase to set the restrictions. He stated that they encourage people who live in Constance, the Staff, and other parties to give suggestions. He stated that they have to be able to market the site and need it zoned correctly.

Mr. Kirby referred to Staff Concern #4 and stated that it sounds like the Staff is opposed to an inland marina. He stated that Captain's Cove is a bad kind of deal, but that does not mean this development has to be that way. He questioned what would make the Staff more comfortable. He noted that an inland marina does not have to deal with all of the trash from the river.

Mr. Gillespie stated that they are not sure they completely understand the Staff Concerns, but believe they will be addressed. He stated that when someone is going through the approval process, there would be wording in the contracts or whatever is necessary to make sure all the important things are taken care of as they do not want to see something happen like what happened at Wolper Creek. They do not want it said that they cannot do an inland marina as someone else messed theirs up.

Mr. Damstrom stated that many times a property is marketed as "potential for" and this request seems to be the cart before the horse. He noted that the applicant keeps saying they will work with the Committee in regard to restrictions -- but it is difficult to put restrictions on a general concept. It is difficult to place restrictions when it is not known how the site will develop. He stated that he will have a problem with this at the Committee level.

Mr. Gillespie stated that they went through a process like this on the Levi Strauss property, which is owned by the same family members, and they eliminated a lot of possible uses. He believes the Commission will find that they are more restrictive on the use of their property than most people. They have not gotten an offer on the property by marketing it the other way for three years. They have gone through a long process of trying to market a riverfront piece of property with the wrong zoning.


Counselor Wilson stated that the text for a zone change is not simply arguing that the current zoning is wrong. The text is that the current zoning is inappropriate and the proposed zoning is appropriate. The applicant has the burden of proving what is proposed is appropriate. He stated that the Committee will have to struggle with this.

Mr. Hayes stated that the applicant is applying for a Conditional Use Permit and a zone change. The Conditional Use Permit would allow the sale of fuel, boat repair, and a restaurant. The zone change is just for the marina. He stated that it is possible to deny the Conditional Use Permit and approve the zone change, which would relieve a lot of the concerns the Staff has -- particularly in regard to traffic.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on March 6, 1995 in the second floor conference room of the Administration Building. This item will be on the Agenda for the Business Meeting on March 15, 1995 at 8 P.M. on the third floor of the Administration Building.

The Chairman closed this Public Hearing.

APPROVED:

  
\_\_\_\_\_  
William R. Viox, Chairman

Attest:

  
\_\_\_\_\_  
Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION  
BUSINESS MEETING  
BOONE COUNTY ADMINISTRATION BUILDING  
March 15, 1995  
8:00 P.M.

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Mr. William Viox, Chairman, called the meeting to order at 8:00 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett  
Mr. Fred Burch, Vice Chairman  
Mr. Phil Damstrom  
Mr. Robert Kirby, Jr.  
Mr. Don McMillian  
Mr. Bob Millay  
Mr. Barry Neltner  
Mr. Ralph Rush  
Mrs. Linda Schaffer  
Mrs. Carol Smith, Secretary/Treasurer  
Mr. William Viox, Chairman  
Mr. Earl White

COMMISSION MEMBERS NOT PRESENT:

Mr. William Bailey  
Mr. Robert Ries

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director  
Mr. Dave Geohegan, AICP  
Mr. Jeff Hayes  
Ms. Jan Hancock, Secretary  
Mr. Mitch Light  
Mr. Kevin Wall

Mrs. Schaffer stated that the commercial being the same would be more consistent. She noted that the majority of Plantation Pointe is in Florence, which is different than Union, and she does not want to start something in Union -- which needs to be considered.

Counselor Wilson advised that the Commission's action is a recommendation to the City of Union. The City of Union can go along with the recommendation or override. He advised those present to follow up with the City of Union.

Chairman Viox asked the applicant to sign and date the plan before leaving the meeting.

The Chairman asked for a roll call vote on the motion made by Mrs. Smith, which found Mrs. Arnett, Mr. Burch, Mr. Damstrom, Mr. Kirby, Mr. Millay, Mr. McMillian, Mr. Neltner, Mr. Rush, Mrs. Smith, Mr. White, and Chairman Viox in favor. Mrs. Schaffer was opposed. The motion carried by a vote of 11 to 1.

3. Zoning Map Amendment

The request of Melvin Dolwick, Carlton Dolwick, and Leroy Dolwick (owners) for a Zoning Map Amendment for an approximate 15-acre site located near the KY 20/KY 8 intersection, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One/Small Community (SR-1/SC) to Recreation (R) in order to allow a marina. The applicants are also requesting a Conditional Use Permit to allow related support facilities.

Staff Member Jeff Hayes presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). The applicant has signed the letter agreeing to the conditions.

Mr. Kirby moved by resolution to the Boone County Fiscal Court that the request be approved based on the Staff and Committee Reports. Mr. Burch seconded the motion.

Mr. Kirby referred to Condition #3 and stated that it sounds like the Zone Change Committee is taking on the Site Plan Review. He questioned how thoroughly a Design Review can be done at the concept stage. He asked if the Zone Change Committee will follow up on the Design Review and if both Committees will have a Design Review role -- will the Site Plan Committee need to follow up on the Design Review or will it be settled at the Zone Change Committee level?

Mr. Burch, Committee Chairman, advised that the Committee is recommending approval of the zone change now, but reserving the right to look at the Concept Development Plan before sending it to the Site Plan Committee. The Site Plan Committee will still look at it, as they would any Site Plan Review.

Counselor Wilson advised that from the condition it appears that the Zone Change Committee will be reviewing a Concept Plan and, as part of that

review, the Committee will be looking at the Design Review. Once it gets to the Site Plan stage, it would go to the Site Plan Committee. Mr. Burch stated that that was the Committee's intent. He suggested taking the word "site" out of "concept site plan".

Mr. Kirby asked if the Site Plan Committee will see the Design Review. Mr. Costello advised that the Zone Change Committee is very familiar with the project and may have a lot of concerns. He noted that there was a lot of scrutiny of Rivershore Farms Subdivision and a condition was built into that approval giving the Zone Change Committee the authority to review any changes. The intent was to have one committee that was familiar with the original request look at the concept and the design features of the proposed use. He stated that the Zone Change Committee wants to give their approval and then turn it over to the Plan Review Committee for their review of the Site Plan only. Mr. Kirby stated that the only Design Review will be at the Zone Change Committee. Mr. Costello agreed. He advised that "Concept Site Plan" should be "Concept Plan".

Mr. Wall advised that "Concept Site Plan" was specifically chosen in order not to be confused with a Concept Development Plan. Mr. Costello advised that there is no definition of "Concept Site Plan" and the term "Concept Plan" should be used.

Counselor Wilson stated that if this becomes a zone change, the applicant will submit a Concept Plan and a Design Review Plan to the Zone Change Committee. After that, the matter will go to the Site Plan Committee. The Site Plan Committee's authority is not being reduced and they will conduct their review as they would any other Site Plan Review, and they may include some design questions. Mr. Burch stated that this is his understanding. Mr. Millay agreed. Counselor Wilson asked if this is also the applicant's understanding. The applicant responded "yes".

There being no further discussion, Chairman Viox asked for a vote on the motion made by Mr. Kirby and it carried unanimously.

5. Utilization of Underlying Zone

The request of Ping T. Lee (owner by contract) for the Utilization of an Underlying Zone in a Planned Development on a 1.66-acre site located on Burlington Pike. The request is to allow a 4,500 to 5,000 square foot restaurant on a site located on the south side of Burlington Pike near Utz Drive, Florence, Kentucky. The site is located in a Commercial Two/Planned Development (C-2/PD) Zone.

Staff Member Kevin Wall presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). He advised that the applicant has signed the letter agreeing to the conditions.

Mr. Kirby moved by resolution to the City of Florence that the request be approved based on the Staff and Committee Reports. Mr. Neltner seconded the motion.

**EXHIBIT "B"**

## COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Fred Burch, Chairman

DATE: March 15, 1995

RE: Request of Melvin Dolwick, Carlton Dolwick, and Leroy Dolwick (owners) for a Zoning Map Amendment for an approximately 15 acre site located near the KY 20/KY 8 intersection, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One/Small Community (SR-1/SC) to Recreation (R) in order to allow a marina. The applicants have also requested a Conditional Use permit to allow related support facilities.

### REMARKS:

We, the Committee, recommend approval of the above referenced request based upon the following findings of fact and with the following conditions:

### FINDINGS OF FACT

1. The Committee has concluded that the site in question is unsuitable and undesirable for residential development. Because of this fact, coupled with the fact that the site has usable frontage along the Ohio riverfront and there are no marinas of a significant scale in the immediate area, the Committee has concluded that the existing zoning designation is inappropriate and the requested zoning is appropriate.
2. The Committee has concluded that the proposed Conditional Use of the sale of fuel, boats and boat equipment, boat repair services and a restaurant in support of a marina fulfill the criteria stated in Section 713 "Conditional Uses and Criteria" of the Boone County Zoning Regulations.
3. Because no specific proposal or Concept Development Plan has been submitted with this request, the Committee has concluded that the attached conditions are necessary to achieve consistency with the Boone County Comprehensive Plan and to mitigate any foreseeable community impacts that may result from the proposed zoning designation. The applicants have signed a letter agreeing to the recommended conditions.

CONDITIONS

1. The following uses shall be eliminated from the list of Principally Permitted Uses:

Planetaria, aquariums, art and craft galleries, conservatories and other cultural exhibits;

Fairgrounds, amusement parks, miniature golf, arcades, golf driving ranges, batting cages, go-cart tracks and other amusement centers;

Golf courses, tennis courts, ice skating, roller skating, riding stables, bowling, skiing, tobogganing and other sports activities;

Dude ranches, health resorts, ski resorts, hunting grounds, fishing lakes and fishing lake access, indoor and outdoor target ranges and other resorts;

Recreational vehicle and trailer camps provided such living arrangements are of transient or seasonal use and such facility meets the requirements of KRS Section 219.310 through Section 219.410. Permits are required under KRS 219.310 through 219.410 shall be included with an application for Site Plan Review.

2. The following uses shall be eliminated from the list of Conditional Uses:

Appropriate protective functions and related services like police and fire;

Water parks;

Special training and schooling activities, including target shooting ranges;

Churches, synagogues, temples and other places of religious assembly for worship;

Cemeteries including mausoleums;

Drive-in theaters;


Stadiums, arenas, field houses, race tracks for horse, car, motorbike, or other vehicles and other sports assembly uses and structures;

Bed and Breakfast Inns.

*Amended at March 15, 1995  
Committee Meeting*

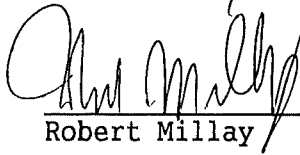
3. A concept ~~site~~ plan shall be subject to review and approval by the Planning Commission's Zone Change Committee prior to the submission of a Site Plan application; the concerns expressed in the Staff Report for this zone change should be addressed by the concept ~~site~~ plan. The ~~site~~ <sup>concept</sup> plan arrangement and features, and the design of all structures, shall be subject to design review by the Planning Commission's Zone Change Committee. The review of the concept ~~site~~ plan and the design review of the site plan and any proposed structures may occur concurrently.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.



Fred Burch, Chairman

William Bailey



Robert Millay

  
Phil Damstrom

Barry Neltner

  
Donald McMillian

PUBLIC HEARING ITEM NO. 2:

Commission members present: Mrs. Arnett, Mr. Bailey, Mr. Damstrom, Mr. Kirby, Jr., Mr. McMillian, Mr. Millay, Mr. Neltner, Mr. Ries, Mr. Rush, Mrs. Schaffer, Mrs. Smith - Secretary/Treasurer, and Mr. Viox - Chairman.

Chairman Viox introduced the second item on the Agenda:

2. Applicant: Melvin Dolwick, Carlton Dolwick, and Leroy Dolwick (owners)  
Request: Zoning Map Amendment

The request of Melvin Dolwick, Carlton Dolwick, and Leroy Dolwick (owners) for a Zoning Map Amendment for an approximate 15-acre site located near the KY 20/KY 8 intersection, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One/Small community (SR-1/SC) to Recreation (R) in order to allow a marina. The applicants are also requesting a Conditional Use Permit to allow related support facilities.

Staff Member Jeff Hayes presented the Staff Report which included a slide presentation (see Staff Report). Mr. Hayes noted a correction to the Staff Report, which indicates on Page 2 that the site is not served by public water. He stated that public water and sewer were recently installed in this area.

Chairman Viox asked for the applicant's presentation.

Mr. Bob Gillespie, representing Remax Affiliates Realty, who is marketing the property for the Dolwick family, distributed booklets entitled "Dolwick Landing Zone Correction" to the Commission. He stated that they are in agreement with most of the items in the Staff Report and may ask for more restrictions so that the property develops in a suitable manner. The reason for the request is that the property is currently zoned SR-1 and in the past it was used commercially for a landing, a store, and possibly a post office. In an SR-1 Zone the Army Corps of Engineers would not issue a permit for home building, so the property is zoned incorrectly. He stated that they sat down with the Staff to come up with an idea that would be suitable to the people of Constance and the county, and would be a productive use of the riverfront. He stated that the proper action would be to allow recreational zoning.

Mr. Gillespie stated that they compare this property to the upscale Watertown Yacht Club in Dayton. They do not want a junkyard for boats on the river and on a road that may be designated as a scenic route. Their purpose is to see the property develop in a proper manner and to help the county place proper restrictions on the development of the site so that the develop occurs as it is approved. He spoke with Mr. Woods at the Army Corps of Engineers, who thought the site would be good for a marina, but could not approve it until there is a proposal.

Mr. Gillespie stated that they feel they would have a chance to market the property if it is zoned correctly. He noted a picture of the Dayton Marina in the booklet and passed around larger pictures to the

Commissioners. He stated that they want to wait until the Committee Meeting to discuss if it should be a flat land marina or docks where boats can pull up in a slip. They do not know if they should eliminate one option or the other until they have an engineering report, but they want to place the proper restrictions on the site so that there will not be mistakes like those that have been made in other marinas in the county. The owners are interested in doing this properly and will cooperate with the Committee.

Mr. Gillespie stated that the site is a pretty long distance away from the river. He stated that there is a section of Route 8 that is pretty straight and less susceptible to sliding. They envision access to the property not just from three sites in Boone County, as there is also Villa Hills and Anderson and that area, and people from the west side of Cincinnati will cross on the Anderson Ferry and could be customers of the boat docks and restaurant. There might be six ways to get to the property and maybe one-sixth of the people that come will come from each direction. Mr. Gillespie noted a map in the back of the booklets which gives an idea of how the property might work out designed like the Dayton Marina. He stated that they want suggestions from the Committee and from people in Constance.

Chairman Viox asked if there was anyone else present who wished to speak in favor of the request.

Miss Susan Cabot, Country Historic Preservation Planner, speaking on behalf of the Historic Preservation Review Board, was not in favor of or opposed to the request. She stated that this is an important site from an historic preservation point of view. Route 8 is a well-known area for its scenic and agricultural values. It is one of the most popular bike routes in the tri-state area. She stated that they are planning to nominate this road as a "Scenic Highway".

Miss Cabot stated that the main structure on the property was the first post office for Constance in 1853, and it was also a store. The building is large and has become dilapidated. She stated that they have historic photographs of the building from the inside when it was a general store. The counter and shelving are currently intact, even though the building has been open and has been vandalized. They have spoken with the applicant and he was very agreeable to working with them in regard to salvaging reusable items from the building. It may be possible for the whole building to be taken apart, moved, and reused, and the applicant was agreeable to working with them in this regard. As the building is in the flood plain, there is a good possibility that there are pre-historic archaeological sites on the property and the applicant is willing for them to do an initial archaeological survey of the site. If it were to become a main site, it would be reviewed by the Army Corps of Engineers for potentially negative impact on historic sites. She would like to see the Committee and Staff work with the applicant carefully on the use of the site as there are some uses in the Recreational Zone that may not be appropriate for the site. She stated that the buffering, landscaping, and the views from the road and the river are important.

Chairman Viox asked if there was anyone else present who wished to speak. There being no response, he asked if there were any comments or questions from the Commission.

Mr. Neltner asked if the Army Corps of Engineers will issue a permit to build commercial structures like a restaurant and sales area if they will not issue a permit to build houses. Mr. Hayes advised that permits for residential are issued by the Building Inspector, not the Army Corps of Engineers. He stated that the requirement is that the structure be raised out of the flood plain, which may require fill of 5 feet, 10 feet, 20 feet, etc.. The Army Corps of Engineers and the Division of Water would review the restaurant and sales area and there is a process to be followed. If the applicant cannot meet the requirements, a permit would not be issued. Mr. Neltner asked if a commercial building would also have to be elevated. Mr. Hayes stated that it would have to be elevated out of the flood plain. He stated that if the building is used for storage and things can be moved out of the building if a flood is coming, that can be accommodated. If it is a non-residential use, it has to be reviewed by the Army Corps of Engineers and the Division of Water and may not require a permit. Chairman Viox noted that there could be a floating restaurant.

Mr. Damstrom stated that he is concerned about granting a zone change without a user and without seeing a concept. It is not known what will happen when the property is sold.

Mr. Gillespie stated that their thought is to be very restrictive. He stated that the Dolwicks have a lot of relatives in the area.

Mr. McMillian asked if the site could be put in a PD Zone. Mr. Hayes stated that a Concept Plan would be required. He noted that the applicant has not applied for a PD, but could do so. It was mentioned to them in their meeting with the Staff before they applied, but they did not have a user and could not prepare a Concept Plan.

Mr. McMillian noted that the booklet says that only 20% of the boats would be used at one time. Mr. Gillespie stated that they are estimating that on a Wednesday afternoon most of the boats are sitting in a slip, but are more used on weekends from April to October. He stated that on any given day, 20% of the boats might be in use, unless it is the Fourth of July or a special day.

Mr. McMillian asked how many slips or boats they intend to have. Mr. Gillespie stated that they do not know. He stated that they are trying to market the site as a marina and have it restrictive enough so that the buyer would have to come to them with a Site Plan and get approval from the Army Corps of Engineers. The buyer would have to pass inspection from federal and county agencies. If the Site Plan did not show a logical use for the site, they would not issue a permit. Mr. McMillian stated that getting approved by a realtor does not take much. Mr. Gillespie stated that he is not part of the approval process. He stated that they are trying to change a zone that is incorrect for the site because it is zoned for houses and they would have to be built on stilts -- which would not be in the best interest of the site or the neighbors.

Mr. Kirby noted that the applicant stated that they might be willing to restrict some of the recreational uses.

Mr. Gillespie stated that they will work with the Committee in the next phase to set the restrictions. He stated that they encourage people who live in Constance, the Staff, and other parties to give suggestions. He stated that they have to be able to market the site and need it zoned correctly.

Mr. Kirby referred to Staff Concern #4 and stated that it sounds like the Staff is opposed to an inland marina. He stated that Captain's Cove is a bad kind of deal, but that does not mean this development has to be that way. He questioned what would make the Staff more comfortable. He noted that an inland marina does not have to deal with all of the trash from the river.

Mr. Gillespie stated that they are not sure they completely understand the Staff Concerns, but believe they will be addressed. He stated that when someone is going through the approval process, there would be wording in the contracts or whatever is necessary to make sure all the important things are taken care of as they do not want to see something happen like what happened at Wolper Creek. They do not want it said that they cannot do an inland marina as someone else messed theirs up.

Mr. Damstrom stated that many times a property is marketed as "potential for" and this request seems to be the cart before the horse. He noted that the applicant keeps saying they will work with the Committee in regard to restrictions -- but it is difficult to put restrictions on a general concept. It is difficult to place restrictions when it is not known how the site will develop. He stated that he will have a problem with this at the Committee level.

Mr. Gillespie stated that they went through a process like this on the Levi Strauss property, which is owned by the same family members, and they eliminated a lot of possible uses. He believes the Commission will find that they are more restrictive on the use of their property than most people. They have not gotten an offer on the property by marketing it the other way for three years. They have gone through a long process of trying to market a riverfront piece of property with the wrong zoning.


Counselor Wilson stated that the text for a zone change is not simply arguing that the current zoning is wrong. The text is that the current zoning is inappropriate and the proposed zoning is appropriate. The applicant has the burden of proving what is proposed is appropriate. He stated that the Committee will have to struggle with this.

Mr. Hayes stated that the applicant is applying for a Conditional Use Permit and a zone change. The Conditional Use Permit would allow the sale of fuel, boat repair, and a restaurant. The zone change is just for the marina. He stated that it is possible to deny the Conditional Use Permit and approve the zone change, which would relieve a lot of the concerns the Staff has -- particularly in regard to traffic.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on March 6, 1995 in the second floor conference room of the Administration Building. This item will be on the Agenda for the Business Meeting on March 15, 1995 at 8 P.M. on the third floor of the Administration Building.

The Chairman closed this Public Hearing.

APPROVED:

  
\_\_\_\_\_  
William R. Viox, Chairman

Attest:

  
\_\_\_\_\_  
Jan Hancock, Recording Secretary

## SUPPORTING INFORMATION

## BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005  
606-334-2196 FAX 606-334-2264

March 13, 1995

Messrs. Melvin, Carlton, and Leroy Dolwick  
8750 Wellerstation Drive  
Cincinnati, OH 45249

RE: Recommended Conditions of Approval for Dolwick Zoning Map Amendment to Recreation (R) and Conditional Use Permit for Supplemental Uses (retail sales/service as Specified in the Zoning Regulations and Eating/Drinking Establishments including Alcoholic Beverages), Near KY 20 and KY 8, Boone County, Kentucky

Dear Messrs. Dolwick:

The following represents the conditions of approval as agreed by the Boone County Planning Commission's Zone Change Committee. If you, as the owners will agree to the following conditions, please indicate so by signing at the space provided at the end of this letter and returning it to the Planning Commission office by 4:00 p.m., Wednesday, March 15, 1995.

Conditions of Approval

1. The following uses shall be eliminated from the list of Principally Permitted Uses:

Planetaria, aquariums, art and craft galleries, conservatories and other cultural exhibits;

Fairgrounds, amusement parks, miniature golf, arcades, golf driving ranges, batting cages, go-cart tracks and other amusement centers;

Golf courses, tennis courts, ice skating, roller skating, riding stables, bowling, skiing, tobogganing and other sports activities;

Dude ranches, health resorts, ski resorts, hunting grounds, fishing lakes and fishing lake access, indoor and outdoor target ranges and other resorts;

Recreational vehicle and trailer camps provided such living arrangements are of the highest of general use and such facility meets the requirements of KRS 219.310 through Section 219.315. Permits are required.

Messrs. Melvin, Carlton, and Leroy Dolwick  
March 13, 1995  
Page 2

under KRS 219.310 through 219.410 shall be included with an application for Site Plan Review.

2. The following uses shall be eliminated from the list of Conditional Uses:

Appropriate protective functions and related services like police and fire;

Water parks;

Special training and schooling activities, including target shooting ranges;

Churches, synagogues, temples and other places of religious assembly for worship;

Cemeteries including mausoleums;

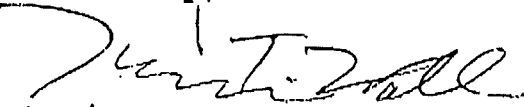
Drive-in theaters;

Stadiums, arenas, field houses, race tracks for horse, car, motorbike, or other vehicles and other sports assembly uses and structures;

Bed and Breakfast Inns.

3. A concept site plan shall be subject to review and approval by the Planning Commission's Zone Change Committee prior to the submission of a Site Plan application; the concerns expressed in the Staff Report for this zone change should be addressed by the concept site plan. The site plan arrangement and features, and the design of all structures, shall be subject to design review by the Planning Commission's Zone Change Committee. The review of the concept site plan and the design review of the site plan and any proposed structures may occur concurrently.

Sincerely,



Kevin T. Wall, AICP CDT  
Director, Zoning Services

KTW/vlm

FROM: BOONE CO PLANNING COMM TO: 6063445759 MAR 13, 1995 4:09PM #980 P.03

Messrs. Melvin, Carlton, and Leroy Dolwick  
March 13, 1995  
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Agreement

We, the applicants, agree to the above listed conditions of approval for the requested Zoning Map Amendment and a Conditional Use Permit for supplemental uses (retail sales/service as specified in the Zoning Regulations and eating/drinking establishments including alcoholic beverages), for the approximately 15 acre tract located near KY 20/KY 8, Boone County, Kentucky.

Melvin Dolwick March 14 1995  
Melvin Dolwick, Owner Date

Carlton Dolwick March 14 1995  
Carlton Dolwick, Owner Date

Leroy Dolwick March 15 1995  
Leroy Dolwick, Owner Date

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**May 23, 1995**  
**5:30 P.M.**

**SURPLUS PROPERTY**

Commissioner Campbell moved, seconded by Commissioner Patrick, to declare the photo lab equipment and polygraph machine (outlined and attached to these minutes as an exhibit) as Surplus Property. Exhibit "F"

**JUVENILE DETENTION AGREEMENT**

Commissioner Melhaus moved, seconded by Commissioner Patrick, to authorize the County Judge/Executive to enter into an agreement with Mason County Fiscal Court for the placement of juveniles pending resolution of their cases in the appropriate court provided space is available. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "G"

**ELIJAH CREEK ROAD**

Commissioner Patrick moved, seconded by Commissioner Melhaus, to authorize Request for Proposals (RFP) for the reconstruction of Elijah Creek Road. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE.

**ITEM VIII.**

**ORDINANCES & RESOLUTIONS**

**ORDINANCE NO. 920.304 - DOLWICK**

Judge Lucas declared a Public Hearing open at 5:50 p.m. relative to Ordinance No. 920.304. Bob Gillespie presented an overview of the Zoning Map Amendment request. Hearing no objection, Judge Lucas declared the Public Hearing closed at 5:58 p.m.

Commissioner Patrick moved, seconded by Commissioner Melhaus, to approve on Second Reading Ordinance No. 920.304, an ordinance of the Boone County Fiscal Court to consider the request of Melvin, Carlton and Leroy Dolwick (Owners) for a Zoning Map Amendment and Conditional Use Permit, such Zoning Map Amendment being a zone change from Suburban Residential One/Small Community (SR-1/SC) to Recreation (R) for an approximate 15 acre site generally located near the KY 20/KY 8 Intersection, Boone County, Kentucky, as recommended unanimously by the Boone County Planning Commission via Resolution R-95-009-A. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "H"

**ORDINANCE NO. 920.305 - GRAMMAS DEVELOPMENT/FIRST CHURCH OF CHRIST**

Judge Lucas declared a Public Hearing open at 6:00 p.m. relative to Ordinance No. 920.305. Mr. Paul Grammas presented an overview of the Zoning Map Amendment request. Hearing no objection, Judge Lucas declared the Public Hearing closed at 6:04 p.m.

Commissioner Campbell moved, seconded by Commissioner Melhaus, to approve on Second Reading Ordinance No. 920.305, an ordinance of the Boone County Fiscal Court to consider the request of Grammas Development (Applicant) for First Church Of Christ (Owner) for the utilization of an underlying zone in a Planned Development in a Commercial Two/Planned Development (C-2/PD) zone on a 3.5 acre site located at 11176 U.S. 42, Boone County, Kentucky as recommended unanimously by the Boone County Planning Commission via Resolution No. R-95-010-A. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "I"

**ORDINANCE NO. 920.306 - RUNION**

Judge Lucas declared a Public Hearing open at 6:05 p.m. relative to Ordinance No. 920.306. Hearing no discussion, Judge Lucas declared the Public Hearing closed at 6:06 p.m.

Commissioner Melhaus moved, seconded by Commissioner Campbell, to approve on Second Reading Ordinance No. 920.306, an ordinance of the Boone County Fiscal Court to consider the request of L. T. Runion (Owner) for a Zoning Map Amendment, such Zoning Map Amendment being a zone change from Recreation (R) to Suburban Residential Two/Planned Development (SR-2/PD) for a 2.06 acre site, generally located on