

**BOONE COUNTY BOARD OF ADJUSTMENT
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
BUSINESS MEETING
JUNE 8, 2016
6:00 P.M.**

Mr. Whitton called the meeting to order at 6:00 P.M.

BOARD MEMBERS PRESENT:

Mr. George Whitton, Chairman
Mrs. Sherry Hempfling
Mr. Bradley Shipe

BOARD MEMBERS ABSENT:

Mr. Richard Miller
Mr. Frank Bednar

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

APPROVAL OF MINUTES

Mr. Whitton stated that the Board members received copies of the minutes of the Boone County Board of Adjustment meeting of March 9, 2016. He asked if there were any comments or corrections? There being no changes, Mrs. Hempfling moved that they be approved as written and Mr. Shipe seconded the motion. Mr. Whitton called for the vote and it carried unanimously.

ACTION ON REVIEWS

- 1. Request of James W. Berling for (1) a Conditional Use Permit to allow the construction of a ferry boat ramp and (2) a Variance to reduce the landscaping buffer yard requirements along the northeast property line in a Recreation ® zoning district. The approximate 1.29 acre site is located on the northwest side of Lower River Road and is northeast of 8637 Lower River Road, northwest of 8542 Lower River Road, and southeast of the Ohio River, Boone County, Kentucky.**

Staff Member, Todd K. Morgan, presented the Staff Report which included a PowerPoint presentation (see Staff Report). During his presentation, he added the applicant had submitted a Traffic Impact Study and that the full document was part of the record (see Exhibit 1). He also stated that he had received emails from Scott Pennington, County Engineer, and Joan Booth regarding the request and they were part of the record (see Exhibits 2 and 3).

Mr. Whitton asked who would like to speak on behalf of the application?

Mr. Alex Stolyar, with Full House Resorts, introduced the applicants team (see applicants team PowerPoint presentation). He said Mr. Daniel Lee, CEO of Full House Resorts, would speak first and give an overview of ferry boats and their plan.

Mr. Daniel Lee said he lived in Nevada and has been the CEO of Full House Resorts for about a year and a half. Full House Resorts is a public company and is traded on the NASDAQ Exchange. He said the idea for the ferry started when they were visiting Rising Star Resort and looked across the river at Rabbit Hash. They asked their workers about Rabbit Hash and most of them indicated they had never been there. He drove over to the Rabbit Hash General Store and was surprised it took an hour to get there because it is only 2,000 feet away. He realized the general store was a tourist attraction and there would be logic in tying the two places together. There are about 1,000 ferry boats in the country and most of them carry from 1 to 10 cars. The first local one is the Anderson Ferry and Augusta Ferry is not too far away. Anderson Ferry has been in operation since 1817. At that time, they used horses on treadmills to turn paddle wheels because steam engines were not invented until later in the 1800's. Anderson Ferry can accommodate 10 vehicles and they shuttle back and forth across the river quickly. He has been on Anderson Ferry many times. Sometimes they are busy and other times he has been the only passenger. Ferry boats only go about 10 mph. However, with the 2,000 foot distance it would only take 3 minutes to cross the river. It would actually take longer to load the vehicles than to cross the river. He researched ferry boats in and near Boone County. There used to be one that operated for 150 years between Rising Sun and Rabbit Hash. There were others that operated by Belterra Park (Coney Island Area), Petersburg/Lawrenceburg, Aurora/Petersburg, Warsaw, Vevay, and Madison. In the book, A History of Rabbit Hash, Kentucky, it states the first ferry boat in the area got a bond to operate at the mouth of Middle Creek in 1813. So the first ferry boat in Boone County was located very close to or at their proposed site. In 1842, a ferry boat started out of Rabbit Hash itself and went across to Rising Sun. Apparently the reason for it was that the water was shallower on the Kentucky side and the bigger river boats couldn't get into Kentucky. The farmers needed to get their crops across the river. The two towns used to be very connected. The children in Rabbit Hash went to school in Rising Sun and people went to church on one side or the other. That ferry boat sank in 1945 and was never replaced. By 1945, farmers had trucks and wagons and it was pretty easy to drive up to Aurora where there was a bigger ferry. He indicated that some ferry operations closed because of competition and others closed after the bridge was built. He said there is now 40 miles of river that doesn't have a crossing and they are located in the middle of the 40 miles. This seems to be the logical spot for a crossing. Other than I-275 to the northwest, the entire western boarder of Boone County doesn't have a crossing. As a result, both towns were largely passed by and have become historical. They will benefit by providing the ferry boat because it will probably bring more customers to the casino.

Mr. Lee indicated that the ferry would not go all the way to the casino. Fortunately, they own the land directly across from the proposed ferry site. There is an existing road that goes through their golf course and ends at a house that they own. They would extend the road approximately $\frac{1}{3}$ of a mile so it aligns with the proposed ferry boat operation on the other side of the river. The ferry will not operate 24 hours a day. He does not want to provide any parking on the Boone County side because he does not want anyone to be stranded at the casino. Their intent has always been for it to be a car ferry on both sides. They can add parking if needed. Some people in Rabbit Hash have indicated they are looking forward to taking to ferry across the river so they can visit the casino, IGA, or restaurants.

Mr. Lee said Staff pointed out that the Recreation zone does permit ferry boat landings as a Conditional Use. The property has been zoned Recreation since 1980. As a result, it has been anticipated the site could be used as a ferry boat landing. They also found it interesting that legalized gambling is also listed as a Conditional Use, in the event that Kentucky ever legalizes casinos. He showed the proposed plans and indicated that they feel that adding a wall in the landscaping buffer would be complicated because the property is located in a flood plain. The neighboring property also contains a mature line of trees. He hopes the Variance is acceptable. A sound study was conducted at the Anderson Ferry and readings were taken from 800', 900', and 1,600' away. At 800' noise readings from the ferry boat could not be detected.

Mr. Mark Brueggemann, with CT Consultants, said his firm prepared the Traffic Impact Study. His first PowerPoint slide indicates the existing AM and PM peak hour traffic and turning movement counts at the Lower River Road/McVille Road intersection. The second slide shows the traffic that is proposed to be generated from the ferry operation. This traffic generation forecast was based on the Cave-In-Rock Ferry located in Crittenden County, Kentucky. It's a very similar ferry operation in terms of the size of the boat and distance across the river. His next slide shows the total traffic (existing traffic and proposed traffic generated from the development). The combined traffic is a very low volume. From this data, they ran the highway capacity analysis of the Lower River Road/McVille Road intersection for both the AM and PM peak hour periods and the results indicate the levels of service at the intersection for the built level of service do not change from the existing condition. Therefore, the proposed ferry development will not adversely affect the adjoining Level of Service at the intersection. The built traffic volumes are well below the minimums that would be required for the addition of turn lanes. The projected traffic is low because the ferry only has a 10 car capacity and it takes about 20 minutes for it to make a round trip. The Lower River Road/McVille Road intersection is operating at Level of Service A in both the existing and developed condition.

Mr. Lee said the proposed ferry would fix the access problem on the western side of Boone County. The access issue has ramifications that go well beyond the casino. It would allow people on one side of the river to get a job on the other side of the river. He also believes it would improve real estate values on each side of the river. He comes to the casino frequently and it is almost as easy for him to fly into Indianapolis then it is for him to fly into Cincinnati. The ferry could change that. The ferry is much like a new highway or bridge. The Cave-In-Rock Ferry averages about 2.5 cars per trip but yet they carry 100,000 cars a year. Someone who lives on one side and works on the other will use it 200 times a year. One of the things they worry about is that a whole group of people could try to drive down on a Saturday and that 30 cars are already waiting in line to use the ferry. This is not in anybody's best interest because it will create traffic and cause people to wait 45 minutes to get across the river. It would have been faster for them to use I-275. One of their plans to remedy this is to use reservations for half the positions on the boat. These reservations will be made on their website. This will allow people to leave their house with a guarantee that they will take the ferry at a given time. This should stop their customers from being angry. Most of the population base that will use the ferry is on the Kentucky side. People that live in Florence will get to Rising Sun faster if they use I-275 and people that live in Burlington are in the cusp. In addition, the ferry will not be free. It will be \$5.00 per car, each way, round trip tickets will be \$8.00, and a coupon book could bring down the cost more. The ferry is really connecting two rural areas. They do not believe they will be generating huge traffic volumes. However, each car makes a difference.

In summary, they believe the ferry will augment tourism to Rabbit Hash and allow people from Boone County to come to Rising Sun to enjoy festivals. It will also provide new residential customers to existing businesses. For example, some people in Rabbit Hash may want to use the IGA in Rising Sun. There is potential employment in both directions and this would reduce driving times for some residents. They currently have 30 employees that reside in Boone County. Some of the employees may use the ferry if it's available. They also believe it will increase real estate values. It will also connect bicycle routes. The use does comply with the current zoning. Lastly, ferries are normally run and paid for by governments. They are willing to do this because they believe it will benefit their casino. However, they are not restricting it to their casino customers. They will be providing a government-like benefit without once cent of government money.

Mr. Stolyar said they received a lot of positive and negative feedback from the community. They would like to submit some of the positive feedback they received. First they have been working with the Rabbit Hash Historical Society. They have been working with them on their rebuilding fund for the general store. They had an event at the casino last week and hosted their Boone County customers. They informed them about the ferry plan and their intent. Two hundred and fifty-seven (257) Boone County residents signed a petition in support of the ferry at this event (see Exhibit 4). They also have twenty-four letters in support of the ferry that have been signed by their employees that live in Boone County (see Exhibit 5). He also supplied some letters from other residents and local business that are in support of the ferry (see Exhibit 6).

Mr. Whitton asked if the anybody else in the audience wanted to speak in favor of the proposal?

Mr. Robert Schroder said he is not a resident of the community but his family has had a house in Rabbit Hash for over 50 years. His family travels to Rabbit Hash frequently and he is also involved with River Ridge Park. He is also speaking on behalf of River Ridge Park. They are in support of the ferry because it will open up easier travel opportunities between Boone County and Rising Sun. They do have a golf course over there and the ferry will make it more convenient to use it. He remembers his family using a ferry from the general store to Rising Sun. He also remembers using a row boat to cross the river. He also submitted a letter of support from Dona Mason, President of River Ridge Park (see Exhibit 7).

Mr. Don Clare said he was the President of the Rabbit Hash Historical Society. He read off a letter that he prepared (see Exhibit 8). As Mr. Lee said, people in Rabbit Hash went to school, church, and were even buried in Rising Sun and visa versa. Rabbit Hash used to have two family doctors and a lot of patients came from Rising Sun. The river used to have much lower water levels and sometimes you could wade across it. Many people in Rabbit Hash had jobs over in Rising Sun because they had a big vegetable canning facility. Both towns were avoided the railroad. They depended on the river and had river economies. This is what supported the ferry for so long between Rabbit Hash and Rising Sun. At one time, there were two ferry boats running between the towns. The reason why is that there is a huge sand bar on their side of the river. The packet boats could not pull in. As a result, the farmers used to have to ferry their produce across the river to the big boats. This is why families with the same names live on both sides of the river.

He has a letter he wrote on March 25, 1981 introducing himself to Judge Ferguson as the President of the Rabbit Hash Historical Society. It was a newly formed organization. The owner of Rabbit Hash at that time, Louie Scott, bought the whole town one parcel at a time. In 1978 the buildings were all falling in and were in disrepair and in 1979 he bought the general store. He did this because he wanted to save the town. Ever since then Louie kind of appointed him to the preservation of the town. About 10 or 15 years ago he put the town up for sale and it made national attention. Louie realized they he could have made money but it was not what he had originally intended. He wanted it to serve as a reminder as a small river town in Boone County. With his lawyers he decided how he could donate it to the Rabbit Has Historical Society without paying a lot of taxes. They bought the town from Louie Scott to continue its preservation. Rabbit Hash General Store has been a Boone County, Kentucky, and national icon. It is on the National Register of Historic Places. The town is surrounded by 40 acres and it is a National Register District.

He said in order to survive, Rabbit Hash will need to promote heritage tourism. Heritage tourism does not leave garbage or pollution and the visitors go home at night. This is what drives their little town. It is very hard to get young people interested in history and heritage. To him, history and heritage is a quality of life issue. He has been in communication with the Mayor of Rising Sun and the Director of the Ohio County Historical Society and they agree that they need to have functions that promote our history and heritage. He believes the best way to do that is to have this ferry boat. The ferry isn't just for people to go to the casino. It can be used by people to go wherever they want. He added their Board is in full support of the project.

Mrs. Rachel Fugate said she has been a Boone County resident all of her life and in the last month she has gained employment with Rising Star Casino. At this point, she drives 2 hours a day to get to and from work. She has three children and would like to spend more time with her family. She believes the ferry will help her do this. She also believes it will help her enjoy Rabbit Hash and Rising Sun.

Somebody from the audience asked where she lived? Mrs. Fugate responded that she lives in Hebron and it takes her 45 to 50 minutes to get to and from work.

Mr. Whitton asked if anybody in the audience wanted to add more information in support? There was no response. Mr. Whitton asked if somebody wanted to speak in opposition to the request?

Mr. Patrick Raverty said he lived at 8037 McVile Road, Burlington, KY. He also owns the corner property on Lower River Road. He read through a 5 page letter which included accompanying exhibits (see Exhibit 9). Mr. Raverty also read a Facebook post that was written by Mark "Nipdawg" Knipfer and a letter that was written by Susanne Hanks (see Exhibits 10 and 11). He added that when the casino did their presentation in front of the Chamber they indicated that the ferry access would be off of McVile Road. As a result, some of the information that has been going around the community is not accurate.

Mr. Whitton asked if anybody else in the audience wanted to speak in opposition to the request that has something new to say?

Ms. Julie Threadgill said she lives at 9400 Lower River Road and is a full time resident. She is very concerned about the ferry because of the road size and traffic. She is a school teacher at Kelly Elementary. They have 6 school busses that go up and down the road

each day (3 in the morning and 3 in the afternoon). The school buses should be a consideration in the traffic study because they take up the entire roadway and are full of children. The increase in traffic between the ferry and general store is problematic in of itself. But the problem will be worse if the increased traffic meets up with buses because there is no where for the traffic to go.

Mr. Jeff Hansel said he lives at 9844 Lower River Road. He submitted a letter, petition, and photos into the record (see Exhibit 12). Most of his points were addressed by Mr. Raverty, so he will jump to those points that weren't covered. Back last summer, they were surprised to hear that there was an effort to put a casino ferry boat in Rabbit Hash. So a group of people that lived in the Lower River Road area organized a community meeting. They posted notice at the Rabbit Hash General Store and asked people to attend if they wanted to express an opinion or share information. They had a pretty good turnout and the majority of people were vehemently opposed to the ferry boat because of the traffic and safety issues that exist on Lower River Road and the general store area. They had a petition signed by 164 people. Most people are not opposed to it for gambling reasons, they are opposed to it because of the traffic and safety issues. He said Staff showed a good group of photos of the road. However, those pictures did not show two vehicles trying to pass one another. A number of people up and down the road experience property damage because of people driving off the road. An increase in traffic will be catastrophic. The applicant's team says that most people will not travel down Lower River Road towards Rabbit Hash after they use the ferry boat. However, he believes that a significant number of ferry boat users will do this because the road is so scenic. This will cause a lot more strain on the area. Recently, a motorcycle hit a car during a high traffic time in the area and there was a fatality. He said you would be amazed at the congestion when driving down to the general store area on a sunny Saturday or Sunday. An addition to this traffic will be a serious detriment to the public well being. He appreciates the heritage of Rabbit Hash. He has lived there for 30 years and he used to own the general store until the flood of 1997. He loves the building as much as the Historical Society people do. They want to preserve it for the next generation. They urge the Board of Adjustment to deny the requested usage of the land for a ferry boat landing. He believes a gravel pit or an area in Petersburg would be better suited because there is a landing that would accommodate a ferry boat.

Mr. Troy Schadler said he lived at 9129 Lower River Road. He said he has a gorgeous view of the gaming boat, golf course, and Rising Sun from his property. He feels that he has a piece of paradise and most of his neighbors would agree with him. They are concerned about traffic and safety. He submitted a letter and pictures into the record and addressed some points from it (see Exhibit 13). He is Chairman of the Board for the Belleview McVile Fire District. He has served as a Board Member since 2000. They are located in the far western part of the county and are far from hospitals when there is an emergency situation. The department's emphasis is the EMT service for strokes, heart attacks, accidents, etc. They have brought the service up to an ALS rating, which means they can administer drugs at the scene. Before they met this standard, they had to meet Burlington Fire and they are over 20 minute drive away. They are a volunteer district and sometimes they miss runs because it is getting harder and harder to find volunteers. When they miss a run, Union or Burlington Fire have to pick it up for them. His concern representing the Belleville McVile Fire District is the additional traffic. The ambulance and fire trucks do routine runs and he took pictures of them passing other vehicles. The pictures show the ambulance taking over the road. It is very dangerous because there are some blind curves. They are worried about additional traffic going either way. He feels

they will be inadequate to take on the additional wrecks that could happen. He said Mr. Raverty did a great job and asked the Board to consider the community that lives there and the Comprehensive Plan.

Ms. Cheryl Hondorf said she is a camper in River Ridge. The property was sold as a compromise to save the campground. Her campground site is right against the proposed ferry site. She believes the ferry will be very disruptive to the camp and is objecting to the request. It does not fit in with the community or the standards to grant a Conditional Use.

Mr. John Misheff said he lives at 9540 Lower River Road and he and his wife are opposed to the ferry. Full House Resorts knew there was no access to Boone County when they bought the casino. Why should the residents pay now with a decreased quality of life and increased noise and traffic to subsidize the casino just because their profits are down? The proposed ferry would destroy, not promote, the historic element and peaceful atmosphere of the area. Mr. Lee made the best comment against the ferry. If it's faster for the vast majority of Boone County to use I-275 then what is the point of the request? Is this really going to generate enough business to provide a substantial economic benefit to the casino. He thinks not.

Mr. Richard Broeg said he and his wife Mary live at 8850 Lower River Road. They have lived there for about 13 years. It is located about 1 block down river from the proposed ferry site. He reviewed a letter that he had prepared and it included exhibits A-L (see Exhibit 14). Mr. Broeg made the following statements which were not found in his letter. The Traffic Study that was submitted was done on April 21st for three hours in the morning and three hours in the afternoon. Picking this date and time is like measuring Mall Road Christmas shopping traffic at 3 AM in the morning rather than on Saturdays and Sundays before Christmas. If you live in the Rabbit Hash area, you know that Lower River Road has very heavy traffic, primarily on weekends, during the Spring, Fall, and Summer months. If the applicant had conducted their study the weekend before they would have measured a Saturday motorcycle ride that had 1,800 participants that went on Lower River Road and through to the General Store. There was another ride that was done earlier that had 474 participants. He does not feel the Traffic Study is representative of the traffic that they see.

Mr. Shawn Grueser said he lives at 8542 Lower River Road. The ferry will be right up against the property he lives at. He got out of the Army in 2005 after several combat tours. He was diagnosed with Post Traumatic Stress Disorder and has several wounds. His doctor recommended that he live on Lithium the rest of his life or find a place in the country to live. He thanks God that he found an ad on Craig's List from his landlords. He has lived on the property for four years. For four years, he has been medication free because of the peace and quiet. There is some occasional motorcycle traffic or campground noise but it is manageable. He said that out of every "no" the Board has heard today his should be the loudest. He fought for the flag and for freedoms and now he feels like he is fighting for his personal freedom. He said he has written a four page letter and it is written from his heart. He submitted it into the record (see Exhibit 15).

Mr. Ken Roeller said he lived at 8744 Lower River Road. He submitted a letter and photos into the record (see Exhibit 16).

Mr. Randy Cochran said he lives at 6830 Rabbit Hash Hill Road and has some comments. The first is the consultant compared the proposed ferry boat to another one in Crittenden

County, Kentucky. He has used the Cave-In-Rock ferry. The comparison is a bad one because the populations of Boone County and Crittenden County are far different. His second comment is regarding traffic. The proposed plan shows how many cars can be accommodated in the parking lot. He questioned what would happen on a Saturday afternoon when there is excessive traffic on Lower River Road and they exceed the parking capabilities in the lot. He said there will be traffic jams on Lower River Road and at the KY 20/Lower River Road intersection. The CEO mentioned earlier that they have been working with the Rabbit Hash Historical Society. The Rabbit Hash Historical Society has been working hard to rebuild the store. He questioned if the people from the casino would be making a contribution to that project.

Mr. Broeg said Jennifer Warner asked him to read her letter into the record (see Exhibit 17). He read a portion of it into the record. He also indicated that some of his neighbors would like to submit letters into the record (see Exhibits 18 and 19).

Mrs. Julie Reymond said she and her husband, Sean, own the property adjacent to the proposed ferry. They have already heard from the tenant that rents their house. She said most of the community isn't behind the ferry. She thinks the issue is the infrastructure and road impacts. She hopes the application is not approved. But if it is she proposes the long term impact should be analyzed (traffic now versus 5 years from now).

Mr. Whitton said he was closing the testimony at this time.

Mr. Kevin Costello, Executive Director of Boone County Planning Commission, said he received a letter from Vince Fallis while other people were talking (see Exhibit 20).

Mr. Shipe said he had a couple questions. He said the ferry can accommodate a maximum of 10 vehicles and with the round trip 30 cars could be transported from Boone County to Indiana in a hour. He asked how many bicycles could be accommodated? Mr. Lee said they got the data on most of the other ferries in Kentucky and a phenomenal number of bicycles could be accommodated. He thinks 7 or 8 bicycles would replace a single car. He added that he has been accused of not talking to the community. He has been talking to the community for over a year and has hung out in the general store and heard the issues. That is why they aren't proposing the ferry in Rabbit Hash. They are trying to locate to the north of Rabbit Hash, closer to KY 18, on a piece of land that is zoned appropriately. They have commissioned scientific studies versus here say studies.

Mr. Shipe asked Mr. Lee if the ferry Staff would park on the Indiana side? Mr. Lee said their business is in Indiana and they have plenty of land to accommodate the parking.

Mr. Broeg started to ask a question. Mr. Costello said he would like to make a point of order. The Board has heard public testimony and the Board is discussing things among themselves. They may direct a question to the applicant or someone else in the audience. Mr. Whitton said he agreed. Mr. Broeg said he understood.

Mr. Shipe said he understands the roads here may be narrower than in some other areas. He asked if the county needed to address the maintenance of the road? He said the pictures of the road, cracks, and weeds growing caught his attention because weeds don't normally grow on a heavily traveled roads. He heard that weekends are the busiest traffic times and property damages can occur. He said the pictures of all the bikers are astounding to him. He has never been to Rabbit Hash and questions if he wants to go if

it's that busy. He wonders if anybody else in his neighborhood would want to travel down there to take a ferry when it's so busy. Despite the heavy testimony regarding the congestion, damage, and rude people that come into Rabbit Hash on motorcycles, he wants to address it from the rules of approving a Conditional Use Permit and Variance. He said that a maximum of 570 cars would leave Boone County if the ferry operated for 18 hours (6 am to midnight) on Fridays and Saturdays. As a result, he would like to make a motion to approve the proposal for one ferry boat and that all landscaping buffer yard requirements be met. He said this approval would be based on the findings listed in Section 251 and 262 of the Boone County Zoning Regulations. A second ferry boat could not be operated without the issuance of another Conditional Use Permit from this Board.

Mr. Morgan asked Mr. Shipe if he heard his motion correctly? He said the Variance would be moot if the wall, berm, or fence is being required in the buffer yard because the buffer yard would meet code. The Variance would not be needed. Mr. Shipe confirmed that he was requiring the wall, berm, or fence to be added. Mr. Morgan said the Variance would not be approved with that condition. Mr. Shipe agreed.

Mrs. Hempfling said she understands that employees will park on the Indiana side of the river. She asked where the ferry would be docked when it wasn't operational and where maintenance work would take place? Mr. Lee said in Indiana. He added that they have a large operation and lot of property in Indiana and just a small sliver of land in Boone County.

Mrs. Hempfling asked Mr. Lee if he could explain the access to the ferry in more detail? Mr. Lee asked if she ever had been to the Anderson Ferry? It will simply be a ramp that goes from land to the boat. They are proposing three separate lanes going to the boat to make sure traffic doesn't back up onto Lower River Road. He doesn't believe they would ever overflow the lot. They have hired to best experts they could find to look it. Based on the demand, they believe that approximately 30 cars of queuing will be adequate. They also have a fourth lane for cars to come off the ferry. He said they are not talking about a great deal of traffic. With 570 cars a day they would be talking about less than 1 car a minute. Mrs. Hempfling said the Anderson Ferry in Constance, KY will start running a second ferry if they get backed up. Mr. Lee said he understands they would have to come back if they wanted a second ferry boat and they would probably need to submit another traffic study. At that time, a decision could be made if the road needed to be widened or not. He sees this ferry differently from other ferries because there is an alternative to take the bridge. If you live in Florence, you will likely take the bridge and if you live half way between Florence and the river you will likely take the ferry. However, if there is a long wait time for the ferry, customers likely will not take it a second time.

Mr. Whitton said they indicated earlier that they would have a reservation system. He asked how these customers would get to the boat if the 3 lanes were already full? Mr. Lee said one lane will be for reservation customers and the other two will be for standby customers. Mr. Lee said there is no appropriately zoned land for a ferry along KY 18 until you get all the way up to the gravel pit. The I-275 bridge is located close to the gravel pit. They are at the center of the 40 mile stretch without a bridge. He said if any spot would work for the ferry, this would be it. The ferry will help the casino business and that is why they are willing to subsidize it.

Mrs. Hempfling asked if there have ever been any serious inquiries about widening Lower River Road? Some people from the audience said they didn't want that. Mr. Costello said

the County did some work on the road awhile ago. However, he is not aware of any detailed study or analysis to widen the road. The road couldn't simply be widened. The County would have to own the land and geotechnical analyses would have to be performed. Mr. Shipe stated that is why he wanted to limit an approval to one boat. Market forces and common sense will dictate how much it's used. If you get down there and see 40 cars waiting you will not use it again. He wants to limit the operation to one boat based on the traffic study and common sense.

Mr. Whitton said there has been a motion but it hasn't been seconded.

Mr. Morgan asked for one more clarification to Mr. Shipe's motion. He asked if the condition would limit to ferry boat to being a 10 vehicle ferry boat? Mr. Shipe responded that it would because that was the proposal.

Mr. Whitton asked Mrs. Hempfling if she needed more time to look over the material? Mrs. Hempfling said there is a lot of material. She said it might be in their best interest to table request at this time. Mr. Costello asked when the Board would like to meet again? He said the Board normally meets the second Wednesday of each month. That meeting would be on July 13, 2016 at 6:00 PM. The Board could also look at having a special meeting. He also asked if Staff needed to provide any additional information to the Board? Mrs. Hempfling said a lot of the information was pretty detailed and they are seeing it for the first time this evening.

Mrs. Hempfling made a motion to table the request to their next meeting and Mr. Shipe seconded the motion. Mr. Whitton called for the vote and it carried unanimously. Mr. Costello said that next meeting will take place on July 13, 2016 at 6:00 PM in this room. Mr. Morgan added that there will not be any more legal notice and the sign will be removed from the property. People are welcome to call him a day or two before the meeting to see if the meeting is still on. Mr. Whitton stated the Board will not be taking any more testimony at that meeting. Mr. Morgan said this item will be first on the July 13th agenda.

- 2. Request of Viox and Viox, Inc. for a Conditional Use Permit to allow Refuge Holiness Tabernacle to construct a parking lot addition to the west of the existing church in a Suburban Residential Two/Small Community Overlay (SR-2/SC) zoning district. The approximate 0.7 acre site is located at 5949 Jefferson Street, Boone County, Kentucky.**

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

Mrs. Hempfling asked if there was a sign indicating the existing stalls on Gallatin Street are for "church parking only". Mr. Marc Gloyeske, with Viox & Viox, replied there was not such a sign. Mr. Whitton said he lives in the area and there is very little traffic on Gallatin Street.

Mr. Gloyeske submitted a revised preliminary plan and landscaping plan into the record (see Exhibit 21). He said the plan was revised so they would meet the landscaping buffer yard requirement along the front property line. The plan revision reduced the overall number of parking stalls from 21 to 19. They also revised the landscaping plan to contain the Evergreen hedge that was recommended by Staff. The comment about eliminating the existing parking that is within 25' of the Gallatin Street/Jefferson Street intersection

concerns them because they just eliminated two spots to meet the buffer yard requirements. The owner was hoping to get 30 spaces in the new lot but with the regulations they can only get 19. They would like to keep the three spots on Gallatin Street that are recommended to be eliminated. He said that people that visit the Tousey House often park in these stalls. Eliminating the three stalls will cause the Tousey House customers to park further down Gallatin Street. They will also lose another stall because of the handicapped parking requirements. He said they would be happy to provide sight distance profiles if they are required by Staff. He believes there is adequate site distance at the intersection. He said they are adding 2/10 of an acre of impervious area. They are proposing to handle storm water in the northwest corner of the lot and will meet all regulations. They will talk with the adjoining property owner about storm water. The only problem with piping the storm water is that there is a sanitary sewer line behind the houses. They would probably need the property owners and Sanitation District No. 1 to work with them to pipe the water. Mr. Whitton asked if he was confident that the storm water could be addressed on site? Mr. Gloyeske said they are going to use a rain garden/detention pond combination. They will use a sandy soil mix to allow much of the storm water to percolate into the ground. They will also use a 6" perforated pipe, buried in the ground, to handle the outlet flows at a slow controlled released rate. He offered to answer any questions.

Mr. Whitton asked if the Board had any questions for the applicant? There was no response.

Mr. Whitton said nobody else was present in the audience.

Mr. Whitton said he didn't have a problem with the church keeping the 3 stalls. There is hardly any traffic on that street. He also knows that this engineering firm will take care of the storm water.

Mr. Whitton asked for a motion. Mrs. Hempfling made a motion to approve the request with the following conditions:

- A. No additional exterior lighting shall be provided.**
- B. Seating for services or other church events shall be limited to one hundred (100) seats.**
- C. All applicable "Landscaping Along Street Frontages" requirements in Section 3620 of the Boone County Zoning Regulations (10' minimum width and planting standards) shall be met along Gallatin Street where the new improvements adjoin the street.**
- D. A continuous row of evergreen trees shall be added to the landscape plan along the north and west boundaries of the new parking area.**
- E. Normal church operations shall occur only between the hours of 9:00 am and 9:00 pm, and are permitted to occur on every day of the week.**

Mr. Shipe seconded the motion.

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

ADJOURNMENT

Mr. Whitton asked for motion to adjourn the meeting. Mr. Shipe made a motion to adjourn and Mrs. Hempfling seconded the motion. Mr. Whitton called for the vote and the meeting was adjourned by unanimous consent at 8:54 p.m.

APPROVED

Mr. George Whitton, Chairman

ATTEST:

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

Exhibits

1. Traffic Impact Study
2. 5/29/16 Email from Scott Pennington
3. 6/7/16 Email from Joan Booth
4. Petition Submitted by Alex Stolyar
5. Letters Signed by Casino Employees that reside in Boone County
6. Letters from Todd Johnson (Greater Cincinnati Golf Association) and Brian Bush
7. Letter from Dona Mason
8. Letter Submitted by Don Clare
9. Letter and Exhibits Submitted by Patrick Raverty
10. Facebook Post Written by Mark "Nipdawg" Knipfer
11. Letter Written by Susanne Hanks
12. Letter, Petition, and Photos Submitted by Jeff Hansel
13. Letter and Photos Submitted by Troy Schadler
14. Letter and Attachments Submitted by Richard Broeg
15. Letter Submitted by Shawn Grueser
16. Letter and Photos Submitted by Ken Roeller
17. Letter From Jennifer Warner (Submitted by Richard Broeg)
18. Letter From Andre J. Zehenni
19. Letter From Robert DePue and Family
20. Letter Submitted by Vince Fallis
21. Revised Plans Submitted by Marc Gloyeske