

JUSTIFICATION FOR REQUESTED CHANGE

The Applicant, Boone Creek Properties, LLC, is requesting your approval of a zone change from the agricultural rural (A-R) to the agricultural natural area (A-N) zone for 41.74 acres of land located at 8291 and 8385 Old Richmond Road and 8385 Durbin Lane. We are also requesting your approval of a conditional use permit for ecotourism and agritourism activities in the A-N zone.

The proposed A-N zoning is in agreement with the Comprehensive Plan. This property has been anticipated to be placed in the A-N zone at least since the 1999 Rural Land Management Plan. That plan pointed out that along the tributaries to the Kentucky River, land is not suitable for traditional farming activities. As the plan stated, "Compared to other areas of the Rural Service Area, the land generally contains steeper slopes, forested areas, poor/thinner soils and similar characteristics. Portions of the area are recognized as historic/scenic areas, and are known as habitat for rare and unusual flora and fauna. Approximately 90% of the land has a high degree of environmental sensitivity, including flood plain/riparian areas, steep slopes and woodlands." (RLMP Page III-7). That description applies to this property. There is a small flat area along Old Richmond Road, but the property slopes steeply to Boone Creek. The plan advocates that these areas be considered for greater public recreation. (Page IV-42).

After the adoption of the Rural Land Management Plan, the 2007 Comprehensive Plan map placed this property in the "natural" area.

This proposal also agrees with the 2013 Comprehensive Plan. The Goals & Objectives call for increasing small business development (Objective C-2a) and providing the quality of life that will attract young professionals to the community (Objective C-2d). The Goals & Objectives also call for updating and affirming the Rural Land Management Plan (Objective E-2a). The 2013 plan itself states: "Lexington is well-situated to capitalize on opportunities for ecotourism, agritourism and cultural tourism, which are the fastest growing segments of the tourism marketplace." Also, "tourism in Fayette County is significant and can become an even stronger component of economic development." (Chapter 5, Pages 63-64.)

This proposal, which includes ecotourism and agritourism, will allow a limited use of the property for recreation, educational and instructional purposes. It is fully in keeping with the Comprehensive Plan and all plans which this community has adopted in the last 15 years.

CONDITIONAL USE APPLICATION

We are also requesting your approval of a conditional use permit for ecotourism and agritourism activities. (Please note also that the existing conditional use for the Anglers Club will continue on the property).

Ecotourism and agritourism activities will include a tree canopy tour, guided hiking trails, equine trails, canoeing and kayaking launch sites with recreational outfitters, environmental and agricultural education classes, historic and active farm tours, and a farm gift shop (limited to 500 square feet). The canopy tour will be an entirely tree-based canopy tour featuring zip lines, sky bridges, a floating staircase, a rappel station, ladders and platforms located in the trees. The course was built using state of the art equipment systems located entirely in the trees using no permanent structures. The equipment is designed to allow for the uninhibited continuing growth of the trees as well as encouraging proactive forestry management. The course begins in a blue ash tree and traverses to a chinquapin oak, red oak, white oak, red cedar, white ash, tulip poplar and white ash and red oak again. In addition, buckeye, walnut, basswood, shagbark hickory, black oak, chestnut oak, elm, sycamore, coffee, paw-paw and many other native species of trees will be encountered on the tour. Tour guests will also be educated about invasive species currently threatening the survival and regeneration of these hardwoods in the Palisades such as emerald ash borer, wintercreeper, bush honeysuckle and burning bush. The tour will educate about these threats as well as showing the results of mitigation efforts on the property.

Participants will arrive at the welcome center, which is a repurposed use of the former Jolly Roger Restaurant and Truck Stop. Parking will be on the paved area once used in conjunction with the service station. All guests will receive safety orientation before proceeding to "ground school", where they will be trained on necessary protocol for continuing on the course. At least two guides will accompany every group with radios for communication with each other and the "ground monitor" located at the welcome center. The canopy tour will be operated in conformance with the safety guidelines of the Association for Challenge Course Technology (ACCT). In addition, the Kentucky General Assembly has recently adopted safety statutes for aerial recreational facilities and inspection standards. Please note also that an affiliated entity of the applicant is currently operating the canopy tour at Pine Mountain State Park in Kentucky.

Other aspects will include a guided hiking trail which will be highlighted by the old wagon road which leads to the 1787 mill on the property. There will be tours of the operating and historic farm, equine trails, environmental and agricultural education classes, as well as a canoe and kayak launch site with outfitters. There will be a small gift shop limited to 500 square feet.

This will be a sustainable design which will emphasize recreation and education to preserve and sustain the Palisades ecosystem. For further information, please see accompanying materials submitted with this application.

This property has direct access to US Route 25 (Old Richmond Road) and is located at Exit 99 on Interstate 75. An existing septic system will be utilized.

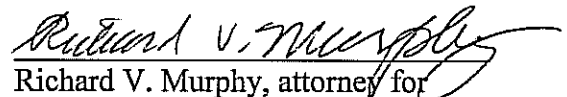
Thus, we are requesting your approval of the conditional use permit for the following reasons:

1. Ecotourism and agritourism activities are allowed as conditional uses in the A-N zone.

2. Ecotourism and agritourism activities will not harm the public health, safety or welfare, and will not impair the integrity and character of this zone or adjoining zones because the number of visitors and intensity of use will be carefully limited to preserve the character of the area. The majority of the property will remain open, without buildings, and the topography of the land will be preserved along with the plants and wildlife of the area. The Comprehensive Plan recognizes that the A-N zoned areas are appropriate for ecotourism and agritourism and similar activities.

3. All public facilities which are needed are available and adequate to the site. This property has direct access to Old Richmond Road, and close access to Interstate 75. Septic facilities are available and adequate to the site. All needed public utilities are available and already present at the site. Police and fire protection are excellent in this portion of Fayette County.

Thank you for your consideration of this zone change and conditional use permit application.


Richard V. Murphy, attorney for
applicant