

STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT

PLN-MAR-16-00013: BOONE CREEK PROPERTIES, LLC, DBA BOONE CREEK OUTDOORS

DESCRIPTION

Zone Change: From an Agricultural Rural (A-R) zone
To an Agricultural Natural (A-N) zone

Acreeage: 41.74 net (43.44 gross) acres

Location: 8291 & 8385 Old Richmond Road, and 8385 Durbin Lane

EXISTING ZONING & LAND USE

<u>Properties</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Subject Properties	A-R	Outdoor Recreation (Fishing) and Private Club, Agriculture
To North	A-R	Agriculture
To East	Clark County	Boone Creek and Agriculture
To South	A-R	Agriculture
To West	A-R	Agriculture

URBAN SERVICES REPORT

Roads – The subject properties are located in the southeastern portion of Fayette County, along Boone Creek and the Clark-Fayette County boundary. The subject properties front along Old Richmond Road (US 25 & 421) and Durbin Lane, just to the east of Interstate 75, and a short distance north of Exit 99. Roadway improvements may be required by the Kentucky Transportation Cabinet for Old Richmond at the entrances to the proposed agritourism and ecotourism uses.

Curb/Gutter/Sidewalks – These urban improvements are not present, nor are they planned along Old Richmond Road or Durbin Lane within the Rural Service Area.

Storm Sewers – The subject properties are located within the Boone Creek watershed. Boone Creek, a tributary of the Kentucky River, forms the border of the site along the east, which is also the boundary between Fayette and Clark Counties. The property has steep slopes across a majority of the property, and falls off toward Boone Creek to form the palisades area of the Kentucky River. A portion of the property along the Creek is located within a FEMA Special Flood Hazard Area (100-year floodplain), according to the D-FIRM, with a 1% chance of flooding in any year. Stormwater detention and water quality are issues that must be addressed in urban areas in accordance with the LFUCG Stormwater Manuals. They may also need to be reviewed prior to commencing any new development of the subject properties.

Sanitary Sewers – The subject property is located within the Rural Service Area; therefore, no sanitary sewers exist in this area. However, the petitioner has stated that the existing septic system on the property is will utilized for the proposed ecotourism and agritourism uses. Further documentation from the Fayette County Health Department will be necessary if the requested conditional use is approved by the Planning Commission.

Refuse – The Urban County Government does not provide refuse collection to the Rural Service Area. Private refuse collection would be necessary for any commercial use of the properties.

Police – The closest police station to the subject properties is the East Sector Roll Call Center, located off Centre Parkway in the Gainesway area, about 12 miles to the northwest of the site.

Fire/Ambulance – Fire Station #18 is the nearest station to the subject site. It is located at the corner of South Cleveland Road and Old Richmond Road, approximately two miles to the northwest.

Utilities – All utilities, including electric, gas, water, telephone, and cable service are available to serve the property.

COMPREHENSIVE PLAN AND PROPOSED USE

The subject properties are located within the Rural Service Area, which encompasses 200 square miles and about 70% of Lexington-Fayette County. The 1999 Rural Land Management Plan was developed to guide resource management and planning for this portion of the County, and the Plan recommends the subject properties be utilized for Natural Area (NAT) land use.

The 2013 Comprehensive Plan's mission statement is to "provide flexible planning guidance to ensure that development of our community's resources and infrastructure preserves our quality of life, and fosters regional planning and economic development." The mission statement notes that this will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World. The 2013 Comprehensive Plan recommends updating, affirming and readopting the Rural Land Management Plan.

The petitioner proposes to rezone the properties to an Agricultural Natural (A-N) zone, and is also requesting a conditional use to operate agritourism and ecotourism activities, including 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 in size). The petitioner plans to maintain the existing conditional use permit for an outdoor recreational facility – the Boone Creek Angler's Club – which was approved as a private club by the Board of Adjustment in 2000.

CASE REVIEW

The petitioner has requested a zone change from an Agricultural Rural (A-R) zone to an Agricultural Natural (A-N) zone for approximately 41.5 acres of property located along Old Richmond Road.

The subject properties are located a short distance north of the Old Richmond Road/Interstate 75 interchange (Exit 99). The property is bounded on three sides by A-R zoning (north, south and west), and to the east by Boone Creek itself and Clark County. An outdoor recreational facility was established on the subject property following Board of Adjustment approval for fishing and a private club, which is an allowable conditional use in the A-R zone. The site was formerly the location of the "Jolly Roger" restaurant and truck stop many years prior. That building, which remains on the site near the roadway, has been used as a single family residence for a caretaker of the site over the past few years; and has undergone some renovations to support the requested activities.

The petitioner is proposing agritourism, and ecotourism activities, including: 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 in size). The heart of the proposed activities is a tree canopy tour, which includes ziplines; sky bridges; a floating staircase; a rappel station; ladders; and platforms located in the trees.

The petitioner plans to re-use the former Jolly Roger Restaurant and Truck Stop for a welcome center. On site, the petitioner plans to have historical and educational programs, some specifically highlighting the 1787 mill on the site. The request for a conditional use will be addressed by a separate staff report.

A portion of the subject site (about half) was proposed for re-zoning more than two years ago by the petitioner. The requested zone change was recommended for approval by the Planning Commission in September, 2014; but after a lengthy public hearing, the associated conditional use was neither approved nor disapproved due to a tie vote. Although the petitioner could have proceeded with the zone change, they elected to withdrawal the request in order to allow the local government to address some of the concerns brought forward during the hearing through a text amendment to the Zoning Ordinance for recreational and tourism land uses (ZOTA 2014-4). The text amendment was adopted in June 2016 to define and regulate agritourism and ecotourism land uses. Another text amendment to address environmentally sensitive areas in Fayette County is also relevant to the requested conditional use requested (ZOTA 2016-1).

Based upon the 1999 Rural Land Management Plan, the subject properties are all recommended for a Natural Areas (NAT) land use. The Natural Areas (NAT) land use category, as described in that Plan (page III-7), is designed to encompass certain areas of Fayette County that are physically unique and important for preservation, but not primarily for their association with traditional agriculture. Lands in this land use category exhibit a combination of characteristics including an association with the Kentucky River and its tributaries, steep slopes, forested areas and woodlands, poorer/thinner soils, and floodplain/riparian areas. The Rural Land Management Plan states that "although agriculture can and does occur in portions of this area, it is not the predominant character of the area as a whole." The policy emphasis for land in this land use category, including the subject properties, should be for preservation and enhancement of the land in a natural state with minimum intrusions. The Agricultural Natural (A-N) zone was written in 2004 based upon the content of the Rural Land Management Plan and the more specific recommendations listed on page III-9.

The 2013 Goals and Objectives also encourage the development of appropriate attractions and supporting uses that promote and enhance tourism (Theme C, Goal 1, Objective e), support the agricultural economy, horse farms, general agricultural farms, and the rural character of the Rural Service Area (Theme E, Goal 2), and protect the environment (Theme B).

This request for A-N zoning is now the second such ever requested since the zoning category was created in 2004. The first request was for a portion of the subject properties, but withdrawn by the applicant prior to the Urban County Council taking action on the request. The recent revisions approved to the A-N zoning category removed a number of conditional uses that were not necessarily desired in this portion of the county or that were not compatible with the intent of the zone to conserve and preserve these lands. The A-N zone has many fewer conditional uses available compared to the existing A-R zone (11 compared to 31), and requires more information in seeking a conditional use permit. The Board of Adjustment, and the Planning Commission when serving in such capacity, shall require the submission of an environmental assessment prepared by a qualified professional, consider mitigation of environmental impacts over time, consider the operational plan of any proposed agritourism or ecotourism activities, and consider requiring certification for any proposed ecotourism activities. These requirements and safeguards will help to ensure the least negative impact on the land in this environmentally sensitive area of Fayette County.

The requested A-N zone is in agreement with the Rural Land Management Plan and the 2013 Comprehensive Plan, based upon the historic land use designation and the Goals and Objectives as set forth by the Comprehensive Plan when adopted in November 2013.

The Staff Recommends: **Approval** for the following reasons:

1. The requested Agricultural Natural (A-N) zoning for the subject properties is in agreement with the Rural Land Management Plan's recommendations for Natural Areas (NAT) land use at this location.
2. The 2013 Goals and Objectives also encourage the development of appropriate attractions and supporting uses that promote and enhance tourism (Theme C, Goal 1, Objective e), support the agricultural economy, horse farms, general agricultural farms, and the rural character of the Rural Service Area (Theme E, Goal 2), and protect the environment (Theme B).
3. This recommendation is made subject to approval and certification of PLN-MJDP-16-00029: Boone Creek Properties and H.G. Early-Snyder Family Farm, LLC Property prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

TLW/JM/WLS

10/4/2016

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