

Rec'd by \_\_\_\_\_

Date: \_\_\_\_\_

**RECOMMENDATION OF THE**  
**URBAN COUNTY PLANNING COMMISSION**  
**OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY**

**IN RE: PLN-MAR-24-00007: KURT R. VOLK EXEMPT FAMILY SHARE TRUST** – a petition for a zone map amendment from an Agricultural Rural (A-R) zone to Agricultural Buffer (A-B) zone, for 144.84 net (147.14 gross) acres for property located at 8200 Tates Creek Road. (Council District 12)

Having considered the above matter on **July 25, 2024**, at a Public Hearing, and having voted **7-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **DISAPPROVAL** of this matter for the following reasons:

1. The proposed rezoning does not follow the Rural Land Management Plan (RLMP) goal of providing a compatible transition from more intense land uses in Fayette County as the land surrounding the property is natural or agricultural in nature (Protection Policies # 2 and 4 in the RLMP).
2. The request does not comply with the 2045 Comprehensive Plan as the request to create a buffer zone does not provide transition from core agricultural land and incompatible land uses in Fayette County, and is surrounded by agricultural and natural lands, and therefore does not safeguard rural land in Fayette County. (Theme E, Goals #1.b and #2.a)
3. The request does not comply with the intent of the RLMP by creating undesirable tracts of less than 40 acres in the rural service area.
4. The proposal does not comply with the intent of the RLMP because there are no more intense residential or commercial uses adjoining this parcel across the county line that would justify the need for an agricultural buffer (Protection Policy #4 in the RLMP).

ATTEST: This 16<sup>th</sup> day of August, 2024.

  
Secretary, Jim Duncan *by Traci Wade*

LARRY FORESTER  
CHAIR

K.R.S. 100.211(7) requires that the Council take action on this request by October 23, 2024

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Nick Nicholson, applicant's attorney.**

**OBJECTORS**

- Frank Penn, 4741 Mt. Horeb Road.
- Brittany Roethemeier, President of Fayette Alliance.

**OBJECTIONS**

- Stated that he thought this was made to circumvent the 40 acre rule, and thought the A-B zone was made to buffer Jessamine County.
- Stated that the RLMB should be asked if this application meets their own standards for the intent of the A-B zone.

VOTES WERE AS FOLLOWS:

AYES: (6) Barksdale, Zach Davis, Michler, Owens, Wilson, and Worth  
NAYS: (0)  
ABSENT: (3) Johnathon Davis, Forester, and Nicol  
ABSTAINED: (1) Pohl  
DISQUALIFIED: (0)

Motion for **DISAPPROVAL** of **PLN-MAR-24-00007** carried.

Enclosures: Application  
Justification  
Legal Description  
Plat  
Development Snapshot  
Staff Reports  
Applicable excerpts of minutes of above meeting