

**STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT**

**MARC 2014-1: 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

**Acreage:** 20.15 net (20.76 gross) acres

**Location:** 8291 Old Richmond Road

**EXISTING ZONING & LAND USE**

<b><u>Properties</u></b>	<b><u>Zoning</u></b>	<b><u>Existing Land Use</u></b>
Subject Property	A-R	Outdoor Recreation (Fishing) and Private Club
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 property is located in the southeastern portion of Fayette County, along Boone Creek and the Clark-Fayette County boundary. The subject property fronts along Old Richmond Road (US 25 & 421) to the east of Interstate 75, 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 outdoor recreational facility.

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

**Storm Sewers** – The subject property is located within the Boone Creek watershed. Boone Creek, a tributary of the Kentucky River, forms the border of the subject property along the east, which is also the boundary between Fayette and Clark Counties. The property has steep slopes across the entire 20 acres 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, 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 accordance with the LFUCG Stormwater Manuals prior to commencing any development of the subject property.

**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 systems on the property are adequate to handle the proposed use. Further documentation from the Fayette County Health Department will be necessary if the requested conditional use is approved.

**Refuse** – The Urban County Government does not provide refuse collection to this portion of Fayette County because it is outside of the Urban Service Area. Private refuse collection would be necessary for any commercial use of the property.

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

**Fire/Ambulance** – Fire Station #18 is the nearest station to the subject property, as it is located at the corner of South Cleveland Road and Old Richmond Road, approximately 2 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 property is 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 property be utilized for Natural Area (NAT) land use. The 2013 Comprehensive Plan recommends updating, affirming and readopting the Rural Land Management Plan. 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 petitioner proposes to rezone the property to an Agricultural Natural (A-N) zone, and is requesting a conditional use to operate a commercial outdoor recreational facility that includes a tree canopy tour (ecotourism), welcome center, seasonal educational programs, and training for guides and builders of other zip line facilities. The petitioner also 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 20 acres of property located at 8291 Old Richmond Road.

The subject property is located a short distance north of the Old Richmond Road/Interstate 75 interchange. 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 over the past few years; most recently it has undergone some renovations to support the requested recreational facility.

The petitioner is proposing a commercial outdoor recreational facility on the subject property for a tree canopy tour on this 20 acres, which includes ziplines; sky bridges; floating staircases; a rappel; ladders; tree platforms; a viewing platform; and ground school (training) areas. The petitioner plans to re-use the former Jolly Roger Restaurant and Truck Stop for a welcome center with a caretaker’s dwelling unit. On site, the petitioner plans to have historical and educational programs, a “rescue school” for guides and wilderness rescue education, guide training, and canopy tour builder’s training. The request for a conditional use will be addressed by a separate staff report.

Based upon the 1999 Rural Land Management Plan, the subject property is recommended for a Natural Areas (NAT) land use. The Natural Areas (NAT) land use category was described in that Plan (page III-7) as a land category designed to encompass certain areas of Fayette County that are physically unique in that they are 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 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 property, should be for preservation and enhancement of the land in a natural state with minimum intrusions. The Agricultural Natural (A-N) zone was written 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).

The proposed A-N zone is the first ever requested since the zoning category was created in 2004. The staff believes that few incentives exist for a property owner to re-zone their property to this more restrictive zoning category. The A-N zone has many fewer conditional uses available compared to the existing A-R zone (12 compared to 28), and requires more information in seeking a conditional use permit related to providing adequate safeguards to ensure the least negative impact on the land, and the possibility of needing to submit an environmental assessment prepared by a qualified professional.

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 property 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 ZDP 2014-3: Boone Creek Outdoors prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission’s approval.