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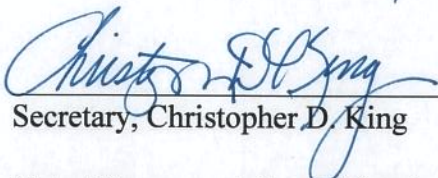
RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

IN RE: MARC 2014-1: BOONE CREEK PROPERTIES, LLC, DBA BOONE CREEK OUTDOORS - petition for a zone map amendment from an Agricultural Rural (A-R) zone to an Agricultural Natural (A-N) zone, for 20.15 net (20.76 gross) acres, for property located at 8291 Old Richmond Road. A conditional use was also requested with this zone change. (Council District 12)

Having considered the above matter on **September 25, 2014**, at a Public Hearing, and having voted **10-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL** of this matter 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).

ATTEST: This 10th day of October, 2014.


Secretary, Christopher D. King

MIKE OWENS
CHAIR

Note: The requested conditional use permit was not approved by the Planning Commission on September 25, 2014.

Note: The corollary development plan, ZDP 2014-3: Boone Creek Outdoors, was indefinitely postponed by the Planning Commission on September 25, 2014.

K.R.S. 100.211(7) requires that the Council take action on this request by December 24, 2014.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Richard Murphy, attorney.**

OBJECTORS

- Don Todd, attorney
- Cabby Boone, 1451 Walnut Hill Road
- Marquette Gardner Piersawl, 1816 Gerald Drive
- Dr. Mike Hanley, 1400 Munch's Corner
- Sandy Shafer, 206 Vista Street
- Tom Lowery, 823 Munch's Corner
- Jim Lurton, 7098 Turner Station Road
- Helen Powell, 629 Sayre Avenue
- Joan Meyer, Clark County
- Alston Kerr, 5660 Old Richmond Road
- Charles Martin, 7416 Grimes Mill Road
- Betty Webb, 145 Chenault Road
- Carolyn King, 2470 Grimes Mill Road
- Keith Moorman, 999 Boone Ridge Lane, Clark County

OBJECTIONS

- He was present representing the Boone Creek and Old Richmond Road Neighborhood Associations, who oppose the proposed conditional use.
- She is concerned that the petitioner might add unapproved uses to the property in addition to the requested conditional use.
- Her daughter was severely injured on a portable zipline, and she does not believe that any additional zipline facilities should be approved until regulations are in place to control them.
- He is concerned that the emergency services would have difficulty accessing the subject property in the event of an accident.
- She is opposed to commercial recreational uses in the historic Boone Creek area.
- He believes, as an engineer, that the zipline structures are "frightening."
- He does not believe that a zipline is substantially similar to any of the permitted uses in the requested A-N zone.
- She is concerned that the proposed canopy tour facility could have a negative impact on the Boone Creek National Historic District.
- She believes that tourists on the subject property could have a negative impact on her farm.
- She is concerned that the square footage of the structures on the subject property exceed the 10,000 square-foot maximum in the A-R and A-N zones.
- He is concerned that the proposed canopy tour cannot be incorporated into the rural area without significant negative impact on the subject and surrounding properties.
- She believes that the Boone Creek area is pristine, and should remain as it is.
- She is concerned that approval of the requested conditional use could set a precedent for other such development in the rural area.
- He is concerned about emergency services' ability to access the subject property, and that they might need to use his property to do so.

- Julie Goodman, 3898 Athens-Boonesboro Road
- Melissa King, 195 Ashley Woods Road
- Graham Wilson, 2300 Abbeywood Road
- Jon Larson, 783 Robin Road
- Mary Diane Hanna, 6398 Old Richmond Road
- She believes that the petitioner is not in compliance with the 2000 conditional use permit for the property, and should not be issued an additional conditional use permit.
- She is concerned that there is not enough parking on the subject property for the proposed conditional use.
- He believes that the petitioner's request does not comply with the Zoning Ordinance, since no tree inventory map or tree protection plan was filed prior to the construction of the canopy tour.
- He believes that an effort should be made to obtain input from surrounding communities prior to issuance of the requested conditional use permit.
- She does not believe that commercial ventures are allowed in the agricultural zones.

VOTES WERE AS FOLLOWS:

AYES: (10) Berkley, Cravens, Drake, Mundy, Owens, Penn, Plumlee, Richardson, Smith, and Wilson

NAYS: (0)

ABSENT: (1) Brewer

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for APPROVAL of MARC 2014-1 carried.

Enclosures: Application
Plat
Staff Report
Applicable excerpts of minutes of above meeting