

APR 15 1992

REVIEW NO. _____

APPLICATION FORM

RECEIVED

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. (Check One) Boone _____ Florence _____ Walton _____ Union _____
- 2. (Check One) Conditional Use Permit _____ Variance _____ Appeal _____
Change in Non-Conforming Use _____
- 3. Applicant's Name JAMES W. NICHOLE
Phone Number H 384-1022 W- 961-1954
Applicant's Address 1158 Big Bone Rd
Union Ky 41091
City State Zip
- 4. Description of Request: DEVELOPE AND OPERATE
A SPORTING CLAY COURSE
- 5. Name of Development SHOOTERS SPORTING CLAYS
- 6. Location of Development Route 1925 Boat Dock Rd
Union Ky 41091
- 7. Acreage Under Review 40± ACRES
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
Not Applicable
- 9. Owner of Property EUGENE AND BETTY DORLIN
Phone Number 384-1154
- 10. Address of Property Owner 12463 Boat Dock Rd
Union Ky 41091
City State Zip
- 11. Proposed Use(s) On Site SPORTING CLAY Course with
10-15 STATIONS - Recreation (Outdoor) - SEE ATTACHED
LITERATURE
- 12. Total Square Footage of Existing and/or Proposed Buildings
600-800 sq. feet.
- 13. Current Zoning on Property A-1
- 14. Deed Book 129 Page No. 483 Group No. _____
- 15. Is the site subject to a zone change? NO
If yes, give date of approval _____
- 16. Have you submitted a Site Plan with this request? YES (MINOR)
- 17. Have you submitted a list of adjoining property owners with this request? YES
- 18. Applicant's Signature: X James W. Nichole
- 19. Property Owner's Signature: X Eugene Dorlin

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received 4-15-92
2. Fee Received \$ 341.00 R 7245
3. Is application complete? Yes No
4. Staff Reviewer (Ami Moore)
5. Scheduled Board Action Date June 10, 1992
6. Board Action:
 Approval
 Approved with Conditions (See #7)
 Disapproved (See #8)
7. Conditions: _____

8. Reasons for Disapproval: See minutes

STAFF REPORT

#1

DEVELOPMENT: Shooters' Sporting Clays
APPLICANT: James McHale
LOCATION: east side of Boat Dock Road (KY 1925),
Boone County, Kentucky
ZONING: Agriculture (A-1)
DATE: May 13, 1992

REMARKS:

The applicant is seeking a Conditional Use Permit to allow the development and operation of a sporting clay course. The course is to be located on the east side of Boat Dock Road (KY 1925), Boone County, Kentucky. The property is zoned Agriculture (A-1) and is owned by Eugene and Betty Doolin.

The proposed clay shooting course is to consist of an office, a parking lot containing twenty-five (25) spaces, and ten (10) sporting clay stands. Access to the site will be via an existing gravel driveway. Individuals will be required to walk from one stand to another (See attached Site Plan information).

Article 6, Section 613 of the Boone County Zoning Regulations states that one Conditional Use permitted on any site zoned A-1 is "Public and commercial recreation." (p. 27)

The following reviews the criteria that the Board must use to judge all Conditional Use Permit requests. the board may consider whether such use at the proposed location:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan, a specific corridor plan and/or the zoning order;

The Boone County Comprehensive Plan Future Land Use Map indicates the future use of the site to be Rural Lands (RL). The future land use classification of RL is described as:

"...intended for areas which should remain in a rural character and includes agricultural uses, woodlands, recreation uses, and residential uses that do not exceed one dwelling unit per two acres. The Rural Lands designation was applied to areas which are not expected to experience significant development within the twenty-five year planning horizon due to insufficient growth factors such as a lack of demand, existing or planned public or private utilities, and adequate transportation networks." (p. 198)

This area of Boone County is further described in the Element of the Comprehensive Plan as discussed below.

"...Overall, this section should experience very limited residential growth and may grow recreationally..."
(p. 209)

2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the area;

The applicant has stated that the site will remain in its natural state as much as possible. Little, if any, grading work or removal of existing vegetation will occur.

3. Will be hazardous to existing or future neighboring uses;

The applicant has indicated to Staff that private property and caution signs will be erected on the site along Boat Dock Road (KY 1925) and Big Bone Creek.

Although much of the site is surrounded by land currently used for agricultural purposes only, residential dwelling units are permitted on these properties and may be constructed in the future.

4. Will be adequately served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

All of the above services can be provided to the site with the exceptions of public water and sanitary sewer service.

5. Will create excessive additional requirements at public cost for public facilities and services and will be detrimental to the economic welfare of the community;

Staff can find no reason that the request would create such an impact.

6. Will involve uses, activities, process, materials, equipment and conditions of operations that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;

Due to the nature of the proposed activity, additional noise will be generated by the shooting of guns. The additional noise generated on the site will affect the residents of the area. Some of the shooting stations are directed toward residents or recreational water areas.

7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

The applicant intends on utilizing the existing access point from Boat Dock Road (KY 1925) for the proposed recreational use. Adequate site distance is present in both directions.

The Board must also consider specific criteria which apply to Conditional Uses in A-1 zoning districts:

- a. The activity is an integral part of the agricultural use of the land, and the activity is not of scale, nature or other character which will detract or conflict with the principal purposes of the district; or
- b. The activity is necessary to provide the specified public service for the character of the activity does not overpower, transcend or conflict with the principal purpose of the district; and
- c. Provided the arrangement of use, building or structure is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

STAFF CONCERNS:

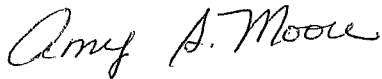
1. The Boone County Archaeological Survey Reports illustrate the general location of a prehistoric village on the property. At the time of this writing, no additional information is available concerning the archaeological site or its exact location.
2. There is currently one (1) single family dwelling on the site. The applicant is unsure if the property owner will continue to rent the house if the Conditional Use Permit is granted. Staff is concerned about the safety of the current or future residents.
3. There are several single family homes located immediately to the southwest of the site. The submitted plan indicates that the homes are approximately 450 yards from the shooter. The Board should consider the noise impact on these residents as well as the residents in the general vicinity.
4. The submitted plan indicates that shooting will occur over the creek

tributary on the north end of the site. Staff is concerned that noise and shot will impact individuals fishing or boating on the tributary or residents living across Boat Dock Road approximately 250 yards from the shooters.

5. The applicant has not indicated the type of building that will be used for the office or if any additional site improvements will be made.
6. A staff visit to a similar site in Indiana indicated a considerable build-up of shooting clays. The applicant has indicated that periodic retrieval of the clays will occur. Staff is concerned that the retrieval will occur on the site on a regular basis. In addition, Staff is concerned about the accumulation of lead shot.
7. If the requested Conditional Use Permit is granted, the applicant is aware that Site Plan Review by the Planning Commission will be required.

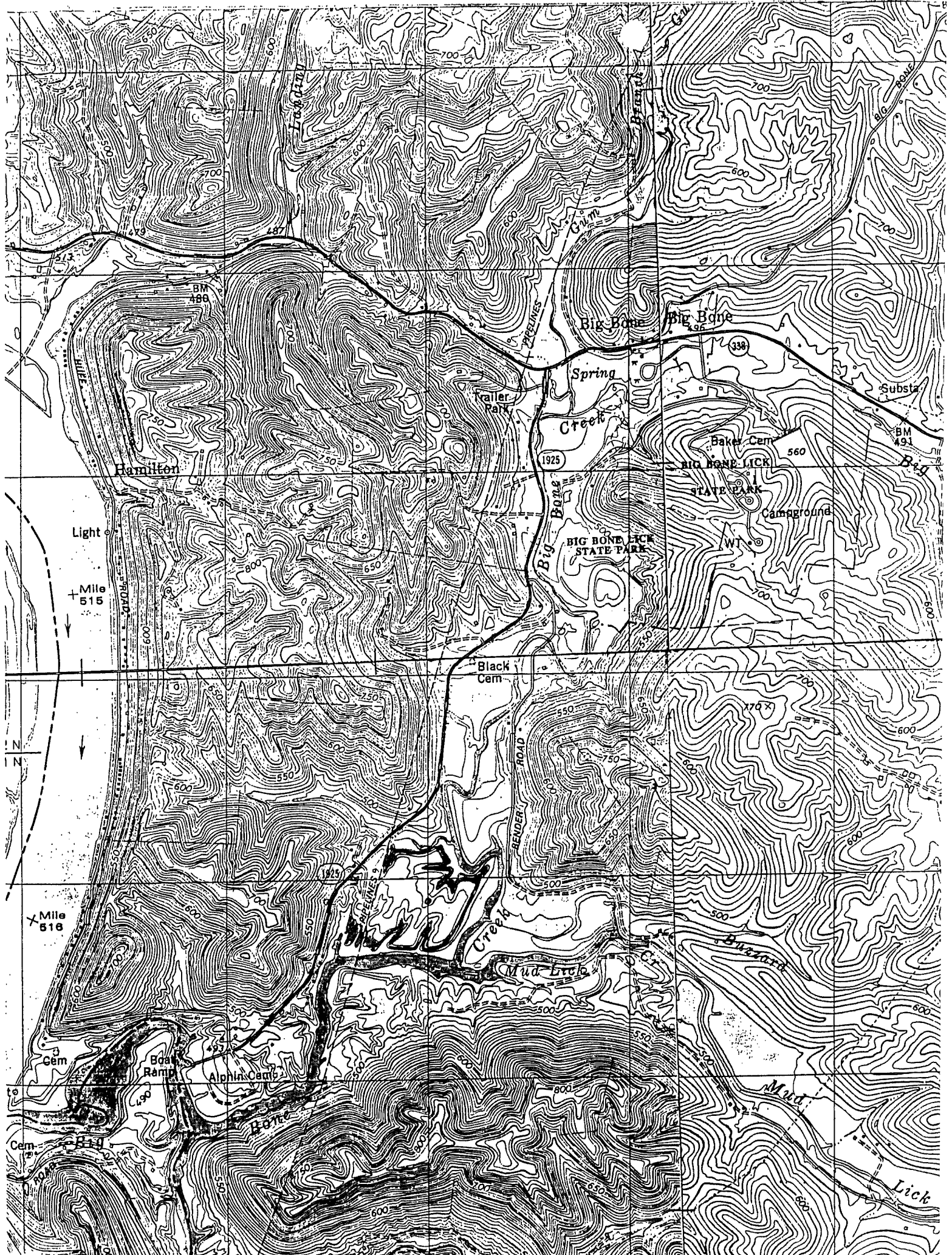
Attached to the Staff Report is a portion of a topographic map illustrating the location of the 40 acre site. A drawing of the proposed layout and a written description of the development is also included. Finally, an initial copy of the safety requirements is attached.

Respectfully submitted,

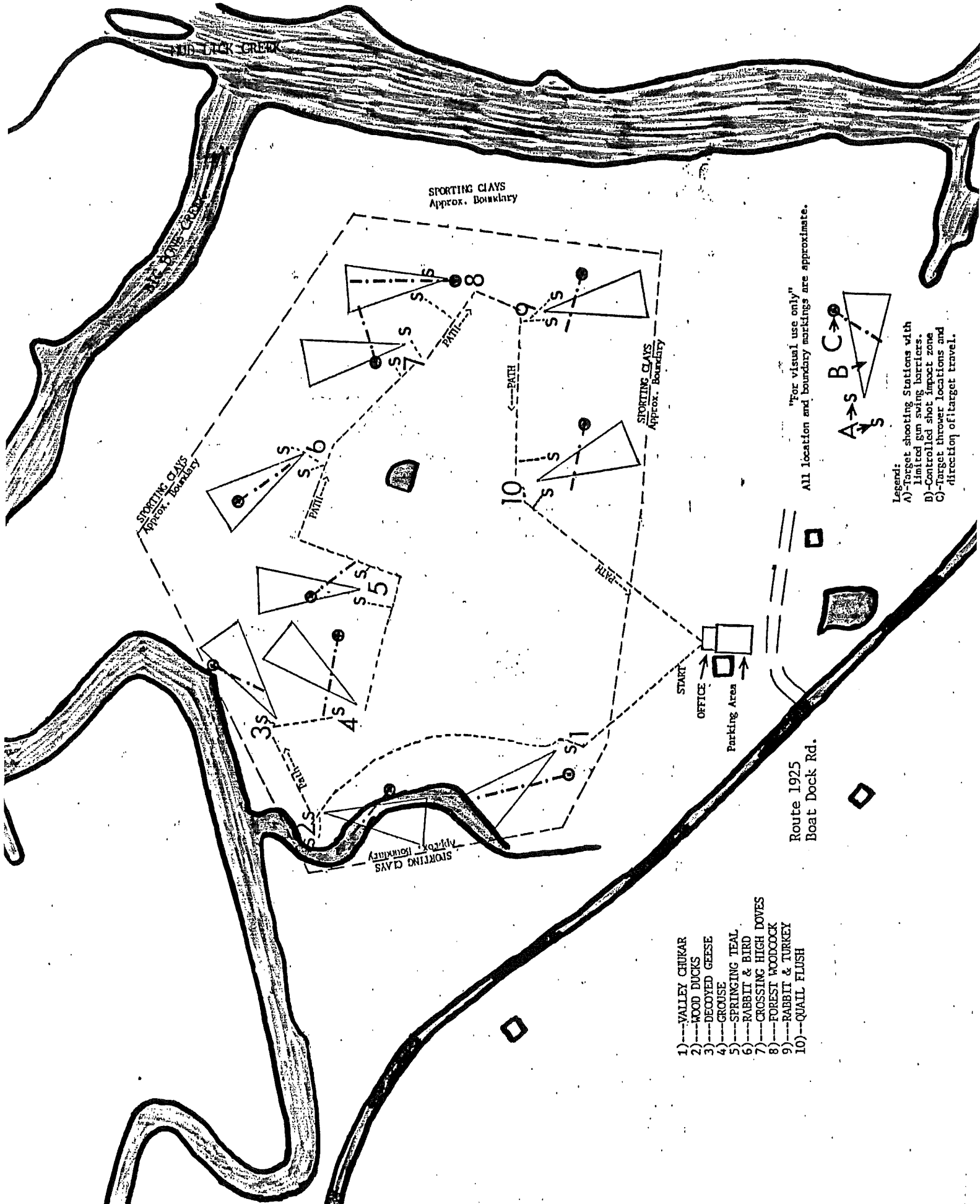


Amy S. Moore
Planner I

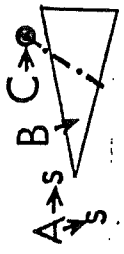
ASM:kat



SHOOTERS' SPORTING CLAY · CONDITIONAL USE PERMIT
MAY 13, 1992



"For visual use only"
All location and boundary markings are approximate.



Legend:
A) - Target shooting Stations with limited gun swing barriers.
B) - Controlled shot impact zone
C) - Target thrower locations and direction of target travel.

- 1) --- VALLEY CHUKAR
- 2) --- WOOD DUCKS
- 3) --- DECOYED GEESE
- 4) --- GROUSE
- 5) --- SPRINGING TEAL
- 6) --- RABBIT & BIRD
- 7) --- CROSSING HIGH DOVES
- 8) --- FOREST WOODCOCK
- 9) --- RABBIT & TURKEY
- 10) --- QUAIL FLUSH

SITE PLAN INFORMATION

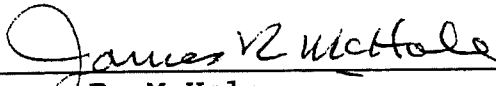
1. LOT DIMENSIONS/SIZE: The Site will consist of approximately forty (40) acres (\pm) as indicated on the attached Course Outline. This property lies directly off KY. 1925 (Boat Dock Road) approximately one and one half ($1\frac{1}{2}$) miles from KY. 338. The Site is bounded on the south, east and north by Big Bone Creek and on the west by KY. 1925.
2. SITE ACCESS: Access to the SPORTING CLAYS facility will be by private gravel access road off KY. 1925.
3. LOCATION OF EXISTING AND PROPOSED STRUCTURES: There are presently no structures located on the premises. Ten (10) Sporting Clay Stands will be constructed in the general location identified on the proposed Course Layout. The stands will be constructed of treated lumber. The general design and layout of the stands are more thoroughly described in the attached Articles.

In addition to the ten (10) Sporting Clays Stands, the Applicant intends to maintain a small office in the general location identified in the attached Course Layout. This office structure should not contain more than one thousand (1000) square feet. Immediately adjacent to the office structure will be a gravel parking lot which should accommodate approximately twenty five (25) cars.

4. PROPOSED USE: The proposed use of this Site is for the operation of a SPORTING CLAYS COURSE. Sporting Clays combines the elements of trap and skeet shooting in a natural setting. Generally, ten (10) different locations are constructed presenting ten (10) unique situations to the hunter. Detailed Articles describing what Sporting Clays is and how it operates are attached to this application. The Applicant will provide a small office structure at the Site to allow for administration; course sales; and sale of equipment and refreshments. A parking facility will be constructed for approximately twenty-five (25) automobiles. Access to the parking and office facility will be by private gravel road. One of the main concepts behind Sporting Clays is to maintain the area in as natural condition as possible. Therefore, retention of the Site in its natural state will be the ultimate goal and objective of the Applicant.
5. PROPOSED BUILDING DIMENSIONS: The proposed office will contain a maximum of one thousand (1000) square feet. This building will be no higher than one floor. It is anticipated by the Applicant that a temporary office, such as a mobile home or similar structure would be used at the Site.

6. UTILITIES: There are currently no water or sewer facilities at the Site. Accordingly, drinking water will be obtained from cistern and sanitary sewer facilities will be provided through the use of portable toilet facilities or a self contained septic system. The Site is serviced by electric and telephone.
7. GRADING REQUIREMENTS: As indicated, the ultimate goal of the Applicant is to retain the natural features of the Site as they currently exist. To that end, no grading will be constructed except for that necessary to adequately provide a suitable base for the parking facility and the access road.
8. ENVIRONMENTAL CONSIDERATIONS: Concern over the use of lead shot in hunting and Skeet Ranges has been a topic of debate throughout the past few years. In response to that debate, the National Rifle Association of America conducted an in depth study on the environmental impact of metallic "bullet" lead deposits on various indoor and outdoor firing ranges. A copy of that report is provided with this application. The final analysis indicates that metallic lead, in the form of bullets, shot or pellets does not cause any appreciable harm to the environment, either on land or in water.
9. SAFETY CONSIDERATIONS: Although Sporting Clays is a relatively new concept in the recreation industry, recreational trap and skeet shooting have been sources of recreation in the United States for many, many years. The safety considerations, rules and regulations governing trap and skeet shooting as well as Sporting Clays is of paramount concern at all times. For this reason, few, if any, accidents occur during these sporting events. This applicant has inquired of many Sporting Clays Courses in Kentucky/Ohio/Indiana and he has not been apprised of one accident that has occurred throughout their entire operation. This is a product of competent course management and concern for safety.

Applicant


James R. McHale

SHOOTERS' SPORTING CLAYS
Sign in sheet & Safety Requirements

NAME _____
ADDRESS _____
PHONE _____

Please read the following rules and requirements. Signature needed when finished. Let us know if you have any questions. You are here to enjoy yourself, but safety precautions must be observed. Thank you.

NO ALCOHOLIC BEVERAGES OR DRUGS PRIOR TO OR DURING SHOOTING.

INEXPERIENCED, NOVICE, OR UNKNOWN GUESTS MUST BE CHECKED OUT BY MANAGEMENT BEFORE SHOOTING.

PROPER EYE AND EAR WEAR MUST BE WORN BY BOTH SHOOTER AND SPECTATOR. AVAILABLE AT OFFICE.

GUN ACTION MUST REMAIN OPEN AND EMPTY AT ALL TIMES EXCEPT WHEN ON STATION READY TO SHOOT. EMPTY BREAK ACTION SHOTGUNS ARE SUBJECT TO SAME RULE EXCEPT WHEN GUN IS IN RACK.

DO NOT LOAD GUN UNTIL IN POSITION ON STATION AND READY TO SHOOT.

SHOT SIZE RESTRICTIONS ARE LIMITED TO #9, #8, and #7 1/2.

LOAD NO MORE THAN ONE SHELL FOR SINGLES, NO MORE THAN TWO SHELLS FOR DOUBLES.

WHEN DOUBLE TARGETS ARE BROKEN BY ONE SHOT-BE EXTREMELY CAUTIOUS REGARDING THE REMAINING LIVE ROUND IN YOUR GUN. KEEP GUN POINTED IN SAFE DIRECTION UNTIL EITHER THE LIVE SHELL IS REMOVED, OR AN ADDITIONAL ONE IS ADDED, DEPENDING ON THE SITUATION. TWO TARGETS BROKEN WITH ONE SHOT COUNTS AND SCORES AS TWO HITS. JUST BE CAREFUL OF THE EXTRA LIVE ROUND.

IN CASE OF MISFIRE (SHELL DOES NOT GO OFF WHEN TRIGGER IS PULLED), DO NOT OPEN GUN ACTION FOR THIRTY SECONDS, MEANWHILE KEEPING MUZZLE POINTED IN SAFE DIRECTION UNTIL SITUATION IS CORRECTED. WHEN LEAVING EACH STATION AFTER SHOOTING IS COMPLETED, CLEAR GUN AND KEEP ACTION OPEN.

IF A RED FLAG APPEARS AT TRAPPER STAND, EMPTY GUN, KEEP ACTION OPEN UNTIL ALL CLEAR IS SOUNDED. WAITING SHOOTERS AND SPECTATORS MUST STAY IN PROPER AREAS TO AVOID INTERFERENCE WITH SHOOTER'S LINE OF FIRE OR VISION.

DO NOT STRAY FROM TRAVEL PATH BETWEEN SHOOTING STATIONS.

RESPONSIBILITY: SHOOTERS' SPORTING CLAYS SPORTSMANS' CLUB ASSUMES NO RESPONSIBILITY FOR DAMAGE TO PROPERTY OR INJURY TO PERSON. SHOOTERS OR SPECTATORS PARTICIPATING DO SO ENTIRELY AT THEIR OWN RISK.

I HAVE READ THE ABOVE RULES AND REQUIREMENTS AND WILL ABIDE BY THEM FOR THE BENEFIT AND ENJOYMENT OF ALL CONCERNED.

SIGNED: _____

DATE: _____ TIME: _____