

REQUEST OF AMERICAN HERITAGE MARINE (APPLICANT) FOR  
DOUBLE "D" RANCH, INC., DONALD STRECK AND  
JAMIE ENTERPRISE, INC. (OWNERS) FOR A  
ZONING MAP AMENDMENT FROM AGRICULTURE (A-1)  
TO URBAN RESIDENTIAL ONE/COMMERCIAL TWO/RECREATION/PLANNED  
DEVELOPMENT (UR-1/C-2/R/PD)  
STAFF REPORT  
JULY 22, 1987

The applicant is requesting a Zoning Map Amendment on a 234.24 acre site located on both sides of KY 20, south of Petersburg, north of Belleview, Boone County, Kentucky. More specifically, the site is located east of the Ohio River, north of Stonecreek Estates Subdivision, and on both sides of Woolper Creek west of KY 20. The request is to rezone the property from Agriculture (A-1) to Urban Residential One/Commercial Two/Recreation/Planned Development (UR-1/C-2/R/PD). The planned use is Captain's Cove Marina, a mixed use residential, commercial, and recreational development.

SURROUNDING LAND USES AND ZONING

The surrounding land uses consist of farming or agricultural related uses and woodland to the north and south. West of the site is the Ohio River, while on the east side of KY 20 are residential (Stonecreek Estates Subdivision) and woodland uses. The surrounding zoning in all four directions is Agriculture (A-1).

NATURAL FEATURES OF THE SITE

Topography

The marina site is located generally on the cut-bank side of the Ohio River at the mouth of Woolper Creek. The approximate difference in elevation between the highest and lowest areas of the site is 150 feet. The Woolper Creek stream bed is back-flooded by the Ohio River, which has a normal pool elevation of 455 feet above mean sea level. The ordinary high water level is 460.2 feet; on the average once every 100 years, the water level can be expected to reach an elevation of 486 feet, but the maximum recorded river level is 510 feet (1937). Several significant portions of the site lie below the 100 year flood plain boundary.

Streams

From its mouth at the Ohio River, upstream to KY 20, Woolper Creek forms two large meandering loops, giving the creek a form similar to a large "S" curve. Most of the land area within these meandering loops lies below the flood stage elevation of 460.2 feet. This portion of the creek is fed by several small drainage swales and one intermittent stream. These drainage swales have very steep slopes and are heavily wooded.

### Geology and Soils

The area surrounding the marina site is underlain by seven distinct geological formations. Six of these formations consist of silty to gravelly material that has been deposited by either streams, lakes, wind, or glacial action. A significant portion of the proposed commercial area on the east side of KY 20 is underlain by a bedrock formation known as the "Kope Formation". The Kope Formation is very unstable and prone to slumping and landslides when exposed by road cuts or subject to poor drainage.

Overlying the above noted geological formations are as many as 13 distinct soil types, ranging in slope from zero percent to 50 percent. The majority of these soil types present severe limitations to development of roads, embankments, and building foundations. Common problems include frequent flooding, poor drainage, shallow depth, and general instability due to high plasticity and slopes.

### HISTORICAL SIGNIFICANCE

At the mouth of Woolper Creek is the glacial formation that is referred to as Split Rock. This natural history site has been mentioned in such books as Warwick on the Knobs by John Uri Lloyd and Kentucky History by Collins. Its significance lies in the fact that it was formed as the result of the last glacier to reach and leave deposits in Kentucky. The Boone County Historic Preservation Review Board has recognized this historic area as being worthy of preservation and protection.

### RELATIONSHIP TO COMPREHENSIVE PLAN

The proposed zone change request is being examined in relation to the 1986 Boone County Comprehensive Plan. The general area is referred to in a number of ways.

#### Future Land Use Map

- Rural Lands (agricultural uses, flat areas located near Woolper Creek near KY 20)
- Developmentally Sensitive (located close to Woolper Creek and the Ohio River and on the east side of KY 20)

#### Boone County Comprehensive Plan Text

Page L-8 describes the Belleview Road/Woolper Creek area and recommends potential uses.

"Like other sections, the river bottoms in this section contain prime agricultural land and gravel pit sites. This land

will continue in this capacity with limited low density residential growth along KY 20 and Commissary Road. The hillside areas are, and will remain, mostly wooded while the more level areas - especially along the creek bottoms - will continue to support agriculture. A favorable location for a recreation area is at the mouth of Woolper Creek. This site would address the county's need for water-related activities. Should this area become a park, minor subdivisions could occur just south of this area. Overall, this section will undergo very slow growth because of its isolation from major transportation routes and urban services."

The "Environment Element" of the Boone County Comprehensive Plan recognizes the need to pay close attention to the natural conditions of Woolper Creek and Ohio River. This section of the Comprehensive Plan highlights the importance of natural surface drainage (streams and tributaries), flood zones, soil conditions, and slope stability. Equally important are agricultural lands along the Ohio River, woodlands, wildlife habitat, and bottom lands which may have some type of historical or archeological value.

Page T-7 states the need to make county road improvements in the future as development occurs. KY 20 is classified as a rural major collector.

"The current network of roads in the rural areas tend to radiate mainly from Burlington. Also, plans to straighten and upgrade KY 20 east of Petersburg, will provide better access to the western edge of the county and will eventually lure new development."

Page B-16 mentions the river bottom areas as the potential for future development in Petersburg and Belleview.

"The river bottom areas, especially the Petersburg and Belleview areas, will continue to support extractive industries such as sand and gravel pits, along with agriculture. These areas generally have poor accessibility by road, although industries involved in processing bulk products could locate there to make use of barge transportation."

Page H-21 states the housing projections in the west river area.

"This area contains both wooded hills and flat agricultural river bottoms. Because of its relative inaccessibility, it is projected to experience very little population growth. The flat lands also are highly valued as agricultural or industrial land,

and with the exceptions of the towns of Petersburg and Belleview-McVille, they should be preserved for those purposes. The Belleview area will experience some residential growth due to the construction of Kelly Elementary School."

The "Recreation Element" describes the role of semi-public and private recreational facilities. These type of facilities currently meet a large percentage of the county's need. However, there is still a need to provide additional recreational opportunities in Boone County due to the shortage of public recreation sites. The 234.24 acre site is located in Zone 3.

"Zone 3 offers many scenic areas suitable for larger parks. A second Seven Hills Neighborhood Houses Incorporated property on Big Bone Church Road is available, although, it lies close to Big Bone Lick State Park and the possible county park site on Camp Ernst. The rest of the sparsely populated central southern Zone 3 is well endowed with private recreation facilities and includes Big Bone Lick State Park."

The "Recreation Element" also stresses the need to preserve significant natural features.

"Open undeveloped areas for passive outdoor recreation use are a necessary part to maintain in a recreation/park system. Passive activities include hunting, fishing, hiking, cross-country skiing, natural education, etc. These activities are compatible with agricultural and woodland uses and do not require construction of facilities."

"As development continues at a high rate within the county, public access to streams, farmlands, and woodland decreases. While undeveloped open space appears plentiful today, open space is decreasing, and planning for its preservation for the future is necessary now."

On page A-7, there is discussion pertaining to future development in agricultural areas.

"New residential developments in agricultural areas should be closely correlated to adequate infrastructure. When this type of development does occur, compact efficient land use development patterns should be encouraged to assure the availability of lands in the county for agricultural use.

In summary, as long as agricultural land is productive in terms of crops and economics for the property owner, it should be encouraged to remain. Any large developments in prime agricultural areas should be of clustered nature to make more

efficient use of the land and to permit adjacent agricultural land uses to continue."

In the "Goals and Objectives" section of the Comprehensive Plan, the document states the need to provide a broad range of housing opportunities in order to meet the needs and desires of household types. Residential development shall also have proper connections to utilities. Furthermore, there is also a need to preserve historically significant sites, excessive sloped areas and flood prone areas. In addition, recreational centers shall be close to established and developing residential areas. Finally, the mixture of commercial and non-commercial uses shall occur in planned developments in order to minimize harmful environmental influences.

In summary, both the Comprehensive Plan text and Future Land Use Map suggest that the area be developed for recreational and agricultural purposes. More specifically, the Plan recognizes the unique natural features and qualities of the area and future development should protect those features by allowing low density development and compatible land uses.

CAPTAIN'S COVE MARINA CONCEPT DEVELOPMENT PLAN

The applicant has submitted a Concept Development Plan involving the following uses and building intensities.

<u>Use</u>	<u>Intensity</u>	<u>Location</u>
1. Marina (restrooms, showers, fuel facilities, play- grounds, parking lots, and roadways)	350 boat slips (250 private boatominiums) (100 public boat slips)	Woolper Creek
Public Fuel Station/Dock		Woolper Creek
Clubhouse	Utilize existing single-family house	KY 20
2. Single-family attached condominiums	Maximum 400 units (50 acres - 8 units per acre)	North and south of Woolper Creek
3. Specialty shops/retail	Maximum 70,000 square feet	West side of KY 20

(Continued)

(Use, Intensity, Location - Continued)

- |  |          |  |
|--|----------|--|
| 4. Boat sales, service and indoor/outdoor storage facilities (possibly other C-3 uses) | 22 acres | East side of KY 20 and north of Stonecreek Estates Subdivision |
|--|----------|--|

In addition, the applicant has stated that water service will be provided by a private self-contained system with drilled wells. Sanitary sewage will be disposed of by treatment plants constructed on the site. All open areas, roadways, parking lots will be owned and maintained by a Homeowners Association. The applicant anticipates that the project will be completed in three to four years. The phasing or time schedule will be Phase I for the marina (beginning in the fall and completed on May 1, 1988). Phases II and III will involve the commercial and residential portions of the site and both will begin in 1988. Finally, the applicant has submitted a letter to our office (see attached copy) and a copy of the Army Corps of Engineers permit application has been submitted as part of this application.

#### FEDERAL AND STATE PERMIT PROCEDURE

##### U.S. Army Corps of Engineers

The applicant is required to obtain permits from the Army Corp of Engineers, the Kentucky Environmental Protection Agency (Division of Water), and the Kentucky Transportation Cabinet. The permit from the Army Corp of Engineers is required by the River and Harbor Act of 1899 and the Clean Water Act for activities in or affecting navigable waters. Activities covered include dredging, budes, and alterations to the course of the waterway within the mean highwater level of 460.2 feet. The applicant has indicated that the dredging at the mouth of Woolper Creek will be done by dragline and all dredged material, approximately 2000 C.Y. will be retained behind earth dikes constructed on the adjacent land located at the north side of Woolper Creek and on the east side of the Ohio River. The material excavated from between the 0.21 mile mark and the 1.25 mile mark will be placed in the ravines located north of Woolper Creek and east of Kentucky Highway 20, estimated at 600,000 cubic yards. Dredged material taken from Woolper Creek between the 0.21 and 1.25 mile marks, approximately 40,000 cubic yards, will be placed in the ravines previously described and retained by earth dikes. All dredging and excavation will be done by excavation equipment and there will be no pumping of dredged material.

As part of their permit procedure, the Army Corp distributes notice of the proposed activity to the owners of adjacent properties,

other government agencies, interested citizen groups, and the media to determine if a Public Hearing will be held based upon sufficient public demand.

Kentucky Environmental Protection Agency, Division of Water

The Division of Water (KEPA) has the responsibility of reviewing projects which will occur between the mean highwater level of 460.2 feet and the 100 year flood level of 486 feet. A Flood Plain Construction Permit is required through, KRS 151, for any excavation, fill, or construction activity within this zone.

The Division of Water also provides a Water Quality Certificate, assessing the impact of the proposed project upon water quality, to the Army Corps. The Corps must receive this certification from the State, as required by Section 404 of the Clean Water Act, before the Corps can issue a permit for activity in a navigable waterway.

The Division of Water is also the regulating agency which reviews plans and issues permits for construction of waste water treatment facilities, and for the discharge of such facilities under the Kentucky Pollutant Discharge Elimination System (KPDES).

The Division of Water also coordinates one other important activity as part of the Section 404 Water Quality Certification process: the Coordinated State Response for 404 Permits. This activity coordinates the responses of various state agencies (such as Fish and Wildlife, Soil Conservation Service, and the Kentucky Heritage Council) about the potential impacts or problems of a proposed development.

Other

The applicant will be required to obtain permits from the Kentucky Transportation Cabinet, District 6 Office in Crescent Springs, for access to the proposed development from KY 20. In addition, the applicant must obtain zoning approval and building permits from the county.

Navigation aids and controls, such as no wake zones and channel markers, must be permitted by the U.S. Coast Guard. It is the responsibility of the applicant to obtain permits for these and similar items. Enforcement of navigation controls and regulations can be through the Coast Guard and/or the Water Safety Patrol, Kentucky State Police.


STAFF CONCERNS


1. Intensity of Development - While it may seem that the overall density of the proposed project is low considering the 234 acre tract, the Staff has a general concern about the development's intensity given the location of the site and its potential impact in the short term. The site has a rural setting as most of the western portion of Boone County. The 1980 Census population for Zone 897 (which includes both Belleview and Petersburg) was 1,024. OKI projections indicate that by the year 2000, the population of this same zone will be increased by only 120 persons or for a total of 1,144. If this project was developed at 400 housing units, we would expect the population to significantly rise at least 800 persons during the next five years. This dramatic increase in an area that traditionally has grown slowly will impact on public services (fire and police protection) and utility service. In addition, the Staff is concerned about the number of boat slips and its impact on affecting the present natural setting of Woolper Creek. Three hundred fifty boat slips will significantly change the serene setting of Woolper Creek. Woolper Creek may not be able to adequately accommodate at a minimum 350 boats due to the expected high channel traffic.
2. Water and Sanitary Sewer Service - The site and proposed planned community has no public sanitary sewer service and water service. A private system will have to be developed to support the recreational, commercial and residential uses.
3. Condition of KY 20 - The Staff is concerned about the condition of KY 20 or the downhill portion, which leads to Petersburg. With the influx of new residents from this project, it becomes more important to approach State officials about straightening the existing curve. Some minor intersection improvements to KY 20 from the site may also have to be made if the zone change is approved.
4. Preservation of Topography, Vegetation, Natural Setting and History of the Site - The preservation of the existing topography, vegetation, natural setting and history of the site is a paramount concern to the staff. Because the site is still in its undeveloped stage, any proposed development especially the marina and residential portions should respect the existing topography and vegetation. If this zone change was approved, one suggestion is to clearly mark both on future development plans and in the field, those areas to be disturbed and areas not to be disturbed.

5. Public Access - The Staff recognizes the desire of the applicant to build and maintain an exclusive community. However, public access to Woolper Creek should never be denied for individuals using the waterway for fishing or boating purposes. Presently, there are two public boat launching facilities in Boone County (Big Bone State Park and in Constance) and one in Gallatin County (Sugar Creek). Perhaps an area can be designated to allow fishing and canoe launching.

CONCLUSION

In conclusion, the proposed project and zone change is the first attempt to undertake a planned development with three types of uses on the western side of Boone County. The Planning Commission should evaluate this request in terms of meeting the objectives of Planned Development and the requirements of Article 3, Boone County Zoning Regulations. If the Boone County Planning Commission and the Boone County Fiscal Court approve this request, both the Future Land Use Map and Zoning Map would need to be amended.

  
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Kevin P. Costello  
Asst. Director/Sr. Planner

  
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Jim Sturdevant  
Plans Examiner/Planner

  
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Patty Hayden  
Historic Preservation Planner

# Raymond Erpenbeck Consulting Engineers

ENGINEERS • SURVEYORS • PLANNERS

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July 15, 1987

Kevin Costello, Asst. Director  
Boone County Planning Commission  
P.O. Box 697  
Burlington, Ky. 41005

**RECEIVED**

**JUL 16 1987**

Re: American Heritage Marine, Inc.  
Captain's Cove Marina

Dear Mr. Costello:

I am in receipt of your letter of July 13, 1987 concerning the Zoning Map Amendment for the subject project and I am pleased to provide you with a more general outline of the proposed Captain's Cove Marina.

- 1) Captain's Cove will contain approximately 350 boat slips of various sizes, of which approximately 250 will be boatominiums. The commerical area will contain speciality shops and a restaurant. Residential units will be low rise condominiums.
- 2) Water service will be provided by a private self contained system. Wells will be drilled to provide the water supply. Sewage will be disposed of by treatment plants constructed on site.
- 3) The developer will retain as much of the natural features as possible. He has placed great emphasis on the need to retain as much of the natural features as possible.
- 4) Captain's Cove Marina will be located on the backwater of the Ohio River. Pool elevation for the Ohio River is 455, ordinary high water is 460.2, the 100 year flood level is 486 and the maximum recorded flood is 510 (1937 flood). The Army Corp of Engineers controls all operations below the ordinary high water mark of 460.2 and we must obtain a permit for construction. I am attaching a copy of the permit application which we submitted today. In addition, a Flood Plain Permit is required from the Kentucky Division of Water for all operations between the ordinary high water line and the 100 year flood line. The application is being prepared and a copy will be forwarded to you at the time of submittal.
- 5) All open area, roadways, parking lots etc will be owned and maintained by a Home Owners Associations.

6) The developer anticipates that the total project will be completed within 3-4 years. The marina will be Phase 1 with construction beginning this fall and the marina being in operation on May 1, 1988. Phase 2 will be the commercial section and Phase 3 the condominiums with both phases 2 & 3 beginning development in 1988.

7) The prime access to Captain's Cove Marina will be via I-275 and Ky 20. This route provides the most direct access to the Cincinnati area and southeast Indiana. We believe that this project will not have any major impact upon the highways servicing it.

8) This development will be totally private except for the commercial area which will be open to the public via both water and highway.

In conclusion, we believe that this zone change should be granted on the basis that it conforms the Comprehensive Plan as adapted by the Boone County Fiscal Court.

If you have any further questions, please call.

Sincerely,

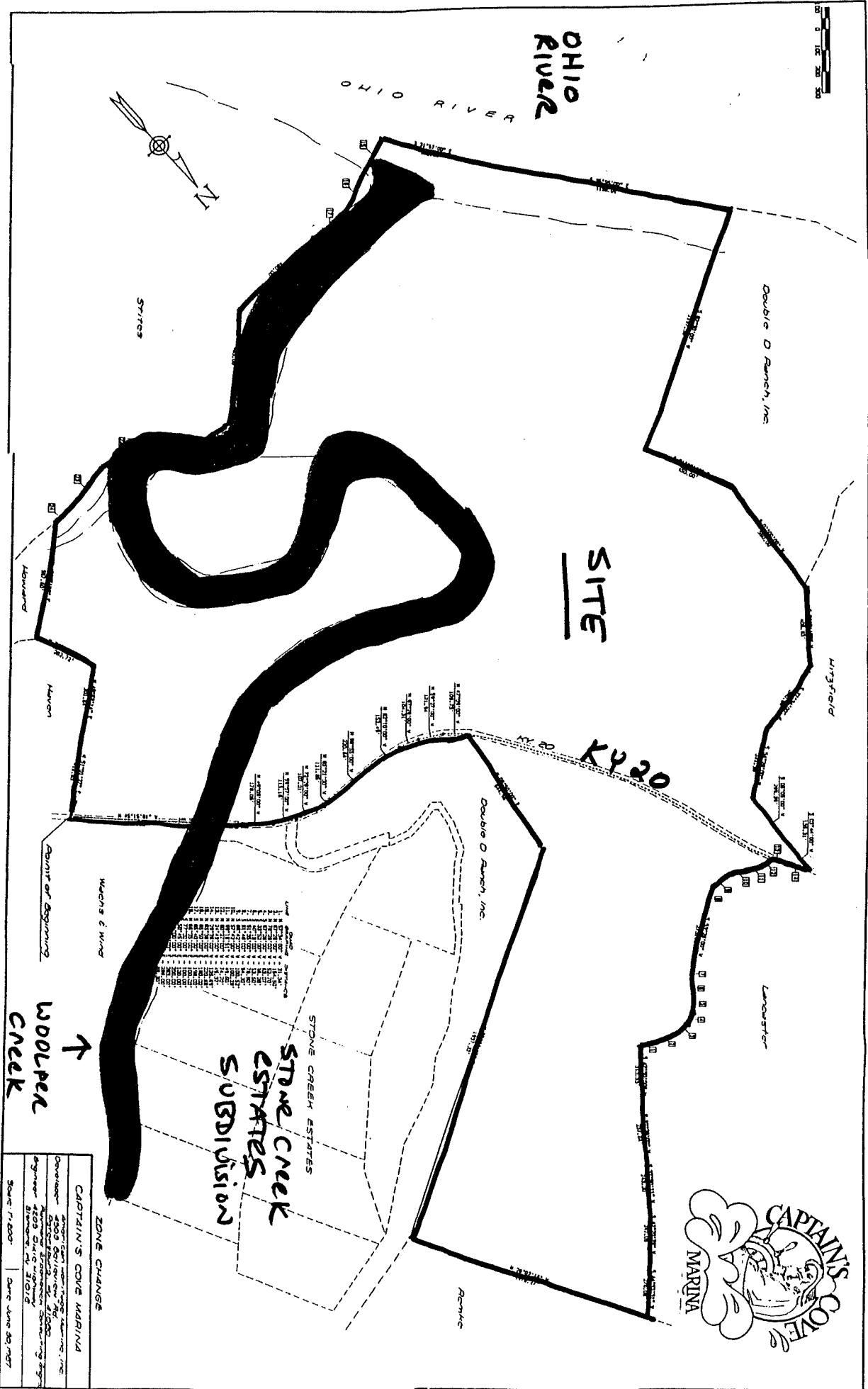
Raymond Erpenbeck, P.E.

RHE/mke

cc: American Heritage Marine, Inc.



**CAPTAIN'S COVE MARINA  
ZONING MAP AMENDMENT  
7/22/87**



<b>ZONE CHANGE</b>	
CAPTAIN'S COVE MARINA	
Project No.	2008 06/10/07 07/22/87
Author	James B. Johnson, Planning Dept.
Drawn	James B. Johnson, Planning Dept.
Scale	1" = 600'
Date	June 29, 1987

EXHIBIT "A"

LEGAL DESCRIPTION  
ZONE CHANGE REQUEST  
AMERICAN HERITAGE MARINE, INC.

Situated in Boone County in the State of Kentucky and being on both sides of Kentucky Highway No. 20 at Woolper Creek and being more particularly described as follows:

Beginning at a point in the centerline of Kentucky Highway No. 20, said point being a common corner between the properties of William D. & Cheryl A. Haven's 5.34 Acre tract and Jamie Enterprises 31.10 acre tract; thence along the centerline of Kentucky Highway No. 20.

N 45° 15' 01" W, 637.65 feet; thence

N 44° 22' W, 141.41 feet; thence

N 49° 05' W, 178.05 feet; thence

N 59° 57' W, 113.16 feet; thence

N 72° 26' W, 107.21 feet; thence

N 85° 21' W, 111.85 feet; thence

N 88° 55' W, 220.64 feet; thence

N 82° 10' W, 152.49 feet; thence

N 67° 26' W, 104.31 feet; thence

N 59° 27' W, 121.94 feet, thence

N 47° 09' W, 109.73 feet, thence leaving said highway

N 9° 50' E, 644.58 feet; thence

N 60° 57' E, 1937.33 feet to a point; thence along the east property line of Double D Ranch, Inc. N 28° 02' 16" W, 1178.27 feet to a point; thence leaving said east line and along the north line of Double D Ranch, Inc.

S 44° 52' 31" W, 276.08 feet; thence

S 42° 20' 39" W, 247.05 feet; thence

S 37° 50' 11" W, 243.20 feet; thence  
S 37° 28' W, 237.04 feet; thence  
S 42° 50' W, 313.55 feet; thence  
N 57° 34' W, 31.34 feet; thence  
N 67° 28' W, 154.5 feet; thence  
N 78° 28' W, 52.70 feet; thence  
S 67° 28' W, 63.07 feet; thence  
S 33° 52' W, 96.28 feet; thence  
S 40° 18' W, 53.50 feet; thence  
S 51° 35' W, 78.60 feet; thence  
S 53° 28' W, 275.49 feet; thence  
S 61° 46' W, 84.30 feet; thence  
S 86 ° 42' W, 100.52 feet; thence  
N 57° 42' W, 100.38 feet; thence  
N 69° 18' 51" W, 49.60 feet; thence  
N 80° 27' W, 74.70 feet to a point in the centerline of Kentucky  
Highway No. 20; thence along said centerline  
N 24° 43' W, 45.37 feet; thence  
N 29° 36' W, 135.69 feet to a common corner with Double D Ranch, Inc.  
and Hitzfield 63.5 acre tract; thence leaving Kentucky Highway No. 20  
and with the division line of said parties  
S 3° 44' W, 136.31 feet; thence  
S 5° 05' W, 299.39 feet; thence  
S 54° 28' W, 321.98 feet; thence  
S 77 ° 34' W, 340.64 feet; thence  
S 39° 01' W, 406.83 feet to a point; thence leaving said division line  
S 7° W, 550.00 feet; thence  
S 21 ° 30' E, 450.00 feet; thence

S 62° 30' W, 1197.38 feet to a point in the Ohio River, said point being on the west property line of Double D Ranch Inc.; thence along said west property line and with the Ohio River  
S 35° 55' E, 1158.01 feet; thence  
S 31° 57' E, 532.84 feet to a point, said point being a common corner between Double "D" Ranch, Inc. and Stites 256 acre tract; thence with the division line of said parties  
N 65° 38' E, 220.88 feet; thence  
N 65° 50' E, 180.00 feet; thence  
S 85° 40' E, 198.00 feet; thence  
N 87° 55' E, 480.00 feet; thence  
N 46° 40' E, 465.00 feet; thence  
N 66° 35' E, 100.00 feet; thence  
S 77° E, 100.00 feet; thence  
S 50° 45' E, 100.00 feet; thence  
S 41° E, 200.00 feet; thence  
S 86° 47' E, 263.00 feet; thence  
N 80° 30' E, 288.00 feet; thence  
S 88° 40' E, 69.30 feet to a point, said point being the southwest property corner of Howard's 12 acre tract; thence with Howard's west line N 49° 55' E, 557.60 feet to a point, said point being a common corner to Haven's 5.34 acre tract; thence with Haven's west line  
N 20° 25' W, 282.72 feet; thence  
N 49° 53' 14" E, 301.64 feet; thence  
N 51° 01' 27" E, 412.83 feet to the point of beginning and containing 234.24 acres.

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

July 22, 1987

PUBLIC HEARINGS

Mr. David Martin, Vice Chairman, called the meeting to order at 8:15 P.M..

Mr. Gerald Newton, Director, stated that the request of Eaton Asphalt Paving Company (applicant) for Water Reclamation, Inc. (owner) for approval of a Concept Development Plan has been withdrawn. The applicant has submitted a request for Site Plan Review for another location in the same general area, which is zoned Industrial Two (I-2). The request will be on the agenda for the Business Meeting on August 5, 1987.

Vice Chairman Martin welcomed those who were present for the Public Hearings this evening and advised that no action would be taken tonight. At the close of each hearing, the date and time for action on the request will be announced.

Vice Chairman Martin introduced the first item on the agenda:

1. Applicant: American Heritage Marine, Inc. for Double "D" Ranch, Inc., Donald Streck and Jamie Enterprise, Inc. (owners)  
Request: Zoning Map Amendment

This was a Public Hearing on a request of American Heritage Marine, Inc. (applicant) for Double "D" Ranch, Inc., Donald Streck, and Jamie Enterprise, Inc. (owners) for a Zoning Map Amendment on a 234.24-acre site located on the west side of KY 20 and Woolper Creek in Boone County, Kentucky. The request is to rezone the site from Agriculture (A-1) to Urban Residential One/Commercial Two and Recreation/Planned Development (UR-1/C-2/R/PD). The planned use is a mixed use residential, commercial, and marina development.

Staff Member, Jim Sturdevant, presented slides of the site and surrounding areas.

Vice Chairman Martin asked the applicant for his presentation at this time.

Mr. Donald Streck stated that he represents American Heritage Marine, Double "D" Ranch, and Jamie Enterprises. They are requesting this zone change in order to create the planned development indicated by the Staff's slide presentation. He stated that they have dedicated 234 acres to the project and wish to improve the area, keeping the natural serenity. They have worked for twenty-four months on the project.

Mr. Ron Erpenbeck, architect for the project, presented an aerial photograph of the area and noted the boundary lines of the development. He noted the proposed location of the commercial area, which will be basically comprised of specialty shops. In order to separate the public boating area and yet provide access to the shops, they will build a bridge. Mr. Erpenbeck stated that there are now 15 acres of water which will become over 45 acres of water when the development proceeds. He stated that they will comply with the requirements of the Corps of Engineers. He indicated the locations where condominiums will be built and noted that many will overlook the river and most will have a view of water. They have designated an area on the east side of KY 20 for commercial sales and storage of boats. He also noted the locations of the boataminiums. They are asking for a density of eight units per acre maximum for the residential area. He indicated the proposed location for the Clubhouse. Mr. Erpenbeck stated that there will be a new point of ingress/egress for the condominiums and indicated its location on the plan.

Mr. Ray Erpenbeck, engineer for the project, discussed the topography and indicated steep hillside conditions adjacent to the property and within the site. The trees will be retained on the hillside areas within the site. The 234-acre site has been a farm for many years, but would not be classified as top-grade farmland. The peninsulas are not suitable for farming at this time as they flood easily. He noted the location of "Split Rock" about one-half mile north of the mouth of the creek. He stated that all activities will be more than three-quarters of a mile from "Split Rock" and nothing will be done that will adversely affect it. He added that the area directly above "Split Rock" is not part of this zone change request. The condominiums are located well above the 100-year flood mark and the 1937 flood mark. He noted the proposed utilities for the project and stated that a privately owned sewage and water system will be developed. He noted that a dumping station will be required for the boats, which will also be the fueling area. Mr. Erpenbeck noted the Goals and Objectives of the recently adopted Comprehensive Plan address the need for recreational areas and these types of facilities in the Woolper Creek area. He stated that this will be a private marina and the boat slips will be privately owned and maintained. There are no tax dollars involved, but there will be a high return to the County and school districts. They anticipate that this will be primarily a weekend-type of activity catering to the needs of middle-aged adults. It will generate approximately \$185,000 per year in property taxes. He stated that there will be approximately \$85,000 per year in tax revenue to the school district and probably no additional school children.

There being no further comments from the applicant at this time, Vice Chairman Martin asked for the Staff's report.

Staff Members, Jim Sturdevant and Kevin Costello, presented the Staff Report (see Staff Report).

Vice Chairman Martin asked if there were any comments or questions from the floor. He advised that the Staff and the developer may be contacted directly if a question needs further clarification than is provided this evening.

Mr. Rick Meyer, attorney for Mr. and Mrs. Remke, adjoining property owners to the east of the proposed development, stated that he had several questions and comments. He questioned the economic feasibility of the project and what controls would be used to ensure its completion, the phasing of the development, whether there will be boaters and fishermen paying to use the services of the project, if proof of financial stability would be furnished, if the applicant has a history of developing other projects, if there would be a limit to the number of residential units, what controls there would be on the sewage facility, and what limitations there would be on the commercial use of the project. He asked what the applicant proposes for the area east of the project where the boat storage and sales facilities will be located as this is the area near his clients' property.

Vice Chairman Martin noted the questions raised by Mr. Meyer and gave him a copy of the Staff Report.

Mr. Wade Summers, 5679 Snyder Lane, an adjacent property owner, stated that his family is concerned about the discharge of sewage and treated water into the creek. He stated that there is stagnant backwater approximately two miles upstream from the bridge, and there is not much movement of water above that area this time of year. He stated that there needs to be concern for wildlife in the area. He stated that they are not opposed to the development, provided it is done carefully and the environment is protected. He stated that he would be concerned about obstacles in the creek, such as old bridge abutments, creating a hazard for water traffic. He noted that access to the creek at the bridge has been eliminated, which has been beneficial in controlling litter, but has limited the access of the community residents to the creek.

Mr. Don Stites, 4977 Belleview Road, indicated the location of his property. He asked if the boat slips will all be private, what specific dredging of the creek is planned, where the channels will be located, and whether or not the gravel truck situation on KY 20 has been considered.

Mr. Albert Wind, 4826 Belleview-Petersburg Road, stated that his family owns 160 acres in the southeastern quadrant of the intersection of KY 20 and Woolper Creek and additional acreage in the southwestern quadrant. He noted his concerns for wildlife in the area. He stated that he does not believe that the creek can handle such a large project and maintain its present qualities. Mr. Wind stated that they have lived in the area over 35 years and are concerned about the effect of the project on hunting and raising crops.

Mr. Albert Wind, Sr., 4826 Belleview-Petersburg Road, asked Mr. Erpenbeck to indicate the location of an existing road that they intend to use.

Mrs. Wind, 4826 Belleview-Petersburg Road, asked if there was any possibility of their property being zoned to a classification other than Agricultural in the future.

Vice Chairman Martin advised Mrs. Wind that their property was not a part of this zone change request. He advised her that she could request a rezoning of her property, or it could be rezoned through the Comprehensive Plan Update. Mr. Martin discussed this process for her information.

Vice Chairman Martin asked if there were any further comments or questions from the floor. There being no further discussion, he asked Ray Erpenbeck to address the questions raised.

Mr. Ray Erpenbeck commented on the feasibility of the project and stated that a feasibility study done by one of the top harbor building companies in the United States indicated a tremendous need for a project of this type and that it will be successful in this location. They have commitments from at least sixty people to buy boat slips at this time. The developer has a loan commitment for the project. Mr. Erpenbeck next discussed the phasing of the project. He stated that the first phase will be the marina, which they hope to be started this year. The boat slips will be available in Spring, 1988. Phase II will be the commercial area, followed by a section of the condominium development (he indicated the location on the Development Plan). He stated that they anticipate a time frame of five years for completion of all the condominium units. They do not intend to provide a public boat launching ramp as they would have to provide a huge parking lot which would not be in keeping with the type of development they plan. The condominium units will be in the \$150,000 to \$200,000 range. The waters will be public. They have gone to Frankfort to determine how they can enhance the wildlife in the area. Mr. Erpenbeck indicated the proposed location of the boat storage area in relation to the Remke's property -- which will be 1,200 to 1,500 feet from their property and separated by a steep hillside. He stated that the density of the project will be very low, overall, not exceeding eight units per acre for the residential area. Mr. Erpenbeck stated that he cannot precisely locate the sewage plant at this time.

He noted that a permit from the Division of Water is required and they will look closely at the water flow within the development. He added that the creation of the channels will cause a natural water flow to help keep the water fresh. Mr. Erpenbeck stated that the developer does not want the area polluted. Final decision regarding the number of boat slips is made by the Corps of Engineers as part of the permit process. The application has been submitted and a decision is expected in 60 - 90 days. The developer anticipates the approval of 350 slips. Mr. Erpenbeck stated that dredging of the creek falls under the control of the Corps of Engineers and the Division of Water. He then addressed the comments made by Mr. Wind regarding hunting and stated that hunting by the general public would not be permitted on the site. They do not expect the development to generate large amounts of automobile or boat traffic. He added that many of the boats are used mostly on weekends, and many are not taken out of the slips. He indicated the location of an old farm road for Mr. Wind and advised him that it is not visible on the aerial photograph as it was under water. The commercial area will be comprised of specialty shops and a restaurant in a "Nashville, Indiana style". He noted that none of the condominium units can be occupied before the sewage system is in place.

Vice Chairman Martin asked if there were any comments or questions from the Commission members.

Mr. McMillian questioned exactly what the developer intended to have completed in five years and questioned the use of the property that lies below the flood plain.

Ray Erpenbeck advised him that, depending on the market and economic conditions, it may take a minimum of five years to sell all the condominium units. He added that there will be no living spaces below the flood plain and that a large portion of the area within the flood plain will be part of the marina.

In response to a question from Mr. Neltner, Ray Erpenbeck advised that the feasibility study had been done by Marine Concepts, Inc. in Maryland. A copy had not been provided to the Staff.

Mr. Neltner noted that the boat slips will be privately owned, but that the public has the right to use the water. He asked why, if someone owns the property, they do not have the right to use it privately.

Ray Erpenbeck explained that the purchaser owns the land under the water, but the government has control of the navigable waters and the public has the right to use them. Therefore, the public can come into the bay, even though there is private ownership of the boat slips.

Mr. Neltner asked if any of the partners involved in the development had experience with this type of project.

Ray Erpenbeck stated that, to the best of his knowledge, they did not.

Mr. Collins requested clarification of the ownership of the land in the area of Split Rock.

Mr. Ray Erpenbeck stated that the Corps of Engineers had purchased a flooding easement which is recorded in the County Clerk's Office. He will provide a copy to the Staff.

Mr. Don Stites stated that they have a lawsuit pending in the Boone County Circuit Court against Double "D" Ranch, Inc. involving the boundary line of the creek. He stated that they are not opposed to development in the Woolper Creek area but are concerned about, (1) dredging on what they consider to be their side of the creek, or dredging on one side only which would affect the other, (2) erosion on the bank, (3) the excessive number of boat slips creating a waterway version of I-75, (4) the excessive number of condominium units, (5) the prediction of older adults occupying the project may be incorrect and there may be problems for the schools, (6) activities not being completed within the approved specifications, and (7) adequate protection for the environment and lives of others. Mr. Stites suggested that specific phasing be required and that surety bonds be considered. He requested that action not be taken on this zone change request until the boundary line dispute is resolved.

In response to a request from Vice Chairman Martin, Mr. Pat Schuh, attorney for the project, stated that the Case Number for litigation is 87C1333 in the Boone County Circuit Court.

Mr. Ray Erpenbeck noted on a map the area which is the subject of the lawsuit and stated that the entire development is outside the limits of the disputed area.

Mr. Summers questioned Ray Erpenbeck regarding the dredging of the creek and Ray Erpenbeck advised him that there was no dredging planned east of the bridge.

Vice Chairman Martin asked if there were any additional comments or questions regarding this request. There was no further discussion.

Mr. Martin stated that this request will be placed on the agenda for the Business Meeting on August 5, 1987. He encouraged interested parties to attend.

Hearing no further comments or questions, Mr. Martin closed this Public Hearing.

BUSINESS MEETING AGENDA

OLD BUSINESS:

1. Zoning Map Amendment

A request of American Heritage Marine, Inc. (applicant) for Double "D" Ranch, Inc., Donald Streck and Jamie Enterprise, Inc. (owners) for a Zoning Map Amendment on a 234.24 acre site located on the west side of KY 20 and Woolper Creek, Boone County, Kentucky. The request is to rezone the site from Agriculture (A-1) to Urban Residential One/Commercial Two and Recreation/Planned Development (UR-1/C-2/R/PD). The planned use is a mixed use residential, commercial, and marina development.

Mr. Gerald Newton, Director, read the Committee Report which recommended approval, subject to conditions, based on the representations at the Public Hearing and Committee Meeting, and the findings of facts (see Committee Report).

The Chairman asked the applicant for his comments at this time.

Mr. Ron Erpenbeck, representing the applicant, stated that they were basically in agreement with the Committee Report, but would like to clarify a few items. Mr. Erpenbeck stated that the Report omitted the recreational clubhouse and entertainment center to be located at the top of one of the peninsulas, and indicated their proposed location on a drawing (see Condition #2 of the Committee Report). Mr. Erpenbeck then referred to Condition #6 and stated that the Corps of Engineers required that they submit a statement indicating their excavation plans. Their statement indicated that they intend to fill the ravines adjacent to the Marina and west of KY 20. Mr. Erpenbeck stated that Condition Nos. 6, 9, and 12 go together and indicated the green area to be retained on a drawing. He added that, with the above statements noted, they are in total agreement with the Report and accept all the conditions.

Mr. Viox, Chairman of the Technical Committee, noted Mr. Erpenbeck's comments and requested that they be included in the Committee Report.

Counselor Wilson stated that at the Public Hearing on July 22, 1987, Mr. Stites requested that action not be taken on this request until the boundary line dispute is resolved (see Minutes of the Public Hearing, July 22, 1987, Page 6). Counselor Wilson asked the applicant for his comments regarding this requested deferral.

Mr. Jim Poston, speaking in behalf of the applicant, stated that the currently pending lawsuit is independent of this request. He asked that the Commission take action on the request at this time.

For the record, Counselor Wilson advised the Chairman and the public that the Planning Commission was not forcing action on this request. Rather, the applicant wanted the Planning Commission to proceed with the request and make a decision.

The Chairman asked if there were any further comments from the applicant or if there were any comments or questions from the audience.

Mr. Don Stites, 4977 Belleview Road, referred to the Army Corps of Engineers statement and described the area the applicant proposes to dredge. He stated that a significant portion of this area is within the disputed area and that permission should be required to allow this dredging. He then referred to Condition #3 of the Committee Report which says the Marina shall be constructed in the first phase of development. He asked if one phase has to be completed before the next is started. He noted that the applicant will have to submit permits and asked if the zone change will be granted if those permits are not produced.

Counselor Wilson advised Mr. Stites that if such permits were a condition of a zone change and were not provided, then the applicant would not have complied with the condition. In such instance, the Committee can insist that the condition be met and, if it were not, then the zone change could be reverted and the previous zoning reestablished following a Public Hearing. He noted that reversion of the zone change would not be automatic and that another Public Hearing would be required.

Mr. Newton stated that there is no land use proposed for the disputed area. He noted that dredging is not considered a land use. He indicated the proposed timetable for the phases of the development, with Phase I scheduled to begin in the Fall of 1987 and completed by May 1, 1988. He noted that it is necessary to start one phase before starting the next, but it is not necessary to complete one phase before the next phase. Mr. Newton stated that if the phasing is not being done properly, it will be brought to the attention of the Committee for review.

Mr. Ron Erpenbeck stated that Mr. Newton's comments were basically correct and noted that on their application to the Corps of Engineers they had applied for maintenance dredging at the mouth of the river. They intend to dredge only their immediate area.

Chairman Kroger asked if there were any comments or questions from the Commission.

There being no further discussion, Mr. Viox moved by resolution that the request be granted as recommended in the Committee Report and subject to the conditions noted, based on the applicant's agreement to those conditions. Mr. Jones seconded the motion and it carried unanimously

Chairman Kroger noted that the recommendation of approval will be forwarded to the Boone County Fiscal Court for their action.

EXHIBIT "C"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: William Viox, Chairman

DATE: August 5, 1987

RE: Request of American Heritage Marine, Inc. (applicant)  
for Double "D" Ranch, Inc., Donald Streck and Jamie  
Enterprise, Inc. (owners) for a Zoning Map Amendment on  
a 234.24 acre site located on the west side of KY 20  
and Woolper Creek, Boone County, Kentucky. The request  
is to rezone the site from Agriculture (A-1) to Urban  
Residential One/Commercial Two and Recreation/Planned  
Development (UR-1/C-2/PD). The planned use is amixed  
use residential, commercial, and marina development.

REMARKS:

We, the Committee, recommend approval based upon the representations at the Public Hearing and Committee meeting, the following findings of fact, and subject to the conditions below.

FINDINGS OF FACT

1. The proposed zoning classification is consistent with the objectives and intent of Planned Development and is in agreement with the 1986 Boone County Comprehensive Plan text, which recommends recreational uses at the mouth of Woolper Creek and would address the county's need for water-related recreation activities.
2. Furthermore, the submitted Concept Development Plan and the applicant's presentation recognizes the natural conditions (e.g. sloped areas and flood prone areas) of the site and the need to be sensitive of these conditions while developing portions of the entire 234.24 acre site.
3. The 234.24 acre site is no longer being used for its primary use of farming or agriculture. The request offers a variety of land uses (residential, recreational, and commercial) which are compatible in a planned development. The proposed planned development is innovative and will be unique to the western portion of Boone County.

4. There has been some change in the immediate area since the adoption of the Boone County Comprehensive Plan with the development of Stone Creek Estates Subdivision. The emphasis of development in this area is becoming more residential and less oriented towards agricultural and extractive uses.

#### CONDITIONS

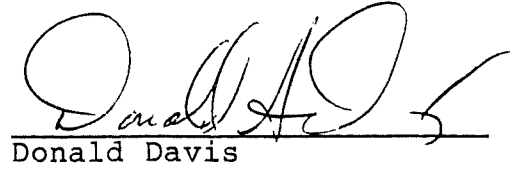
The applicant is being asked to agree to include these items as part of the Concept Development Plan in order to clarify the plan presented at the July 22, 1987 Public Hearing. Further, these conditions are intended to clarify the suitable uses and development for the presented plan.

1. The Committee is aware of a pending lawsuit in Boone County Circuit Court between one of the adjacent property owners and the applicant regarding a boundary or survey dispute. The Committee feels that this suit is a private matter and it is not the role of the Planning Commission to determine or predict the outcome. The Committee's recommendation is based upon land use reasons and is in accordance with Article 3, Boone County Zoning Regulations, and other applicable law including Chapter 100 of Kentucky Revised Statutes. The applicant has submitted a legal description and a survey for this request. The Committee's recommendation or the new zoning classification and zoning district boundary will reflect the outcome of the pending lawsuit before Boone County Circuit Court or any future appellate court. The zoning map will reflect the property boundary as determined by any subsequent court action. The Committee does recognize the fact that no use is being proposed in the area subject to the lawsuit.
2. The applicant shall be limited to the following uses and maximum intensities:
  - a. Marina 350 boat slips  
(250 private boatominiums)  
(100 public boat slips)
  - b. Public Fuel Station/Dock
  - c. Clubhouse (existing single-family house)
  - d. Condominiums (400 units)
  - e. Specialty shops/retail (70,000 square feet)
  - f. Boat sales and service (22 acres)  
and other commercial uses (see minutes)
  - g. Recreational clubhouse & entertainment center (amended 8/5/87)The location of these uses are described in the Staff Report and Concept Development Plan.

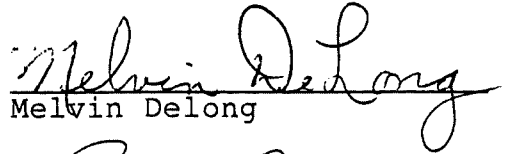
3. The recreational use or marina shall be constructed in the first phase of development.
4. The residential portion shall be phased with a maximum of 200 units being constructed in the first five (5) years of the project followed by the remaining 200 units.
5. The mix of private and public boat slips shall be developed at a ratio of approximately 70 percent (private) and 30 percent (public).
6. The commercial section located on the east side of KY 20 shall be limited to the area designated on the Concept Development Plan. The remaining amount of open space which exists between the proposed commercial use and the adjacent property located to the east shall be maintained.
7. The applicant shall be required to submit a copy of all federal and state permits regarding the construction of the marina.
8. The applicant shall be required to contact the Kentucky Transportation Cabinet and request their commitment to make improvements to the downhill hairpin curve on KY 20 leading into Petersburg. Other intersection improvements to the KY 20 and this development will be reviewed at subsequent reviews.
9. Since the site is still in its undeveloped stage, the Committee wishes to emphasize the importance of being sensitive to the existing topography and vegetation in the development of the marina, residential and commercial portions of this project. The applicant shall be required designate on future development plans and in the field those areas to be distrubed and not to be disturbed.
10. The applicant shall be required to provide or designate a location for some type of foot path (pedestrian) public access for fishing and canoe launching at subsequent reviews.
11. The applicant shall be required to submit Homeowners Association documents for private maintenance agreements.
12. Any change in the submitted Concept Development Plan or conditions in the Committee Report will be evaluated by the Zone Change Request Committee to determine whether it is a minor or major change. If the Committee determines the change to be major, then a new application and Public Hearing will be required.

Committee Report - Double "D" Ranch  
August 5, 1987  
Page Four

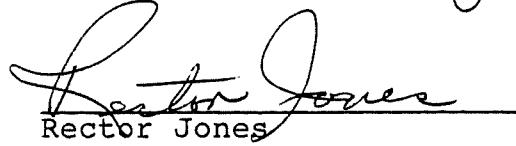
  
William Viox, Chairman

  
Donald Davis

\_\_\_\_\_  
Larry Barnett

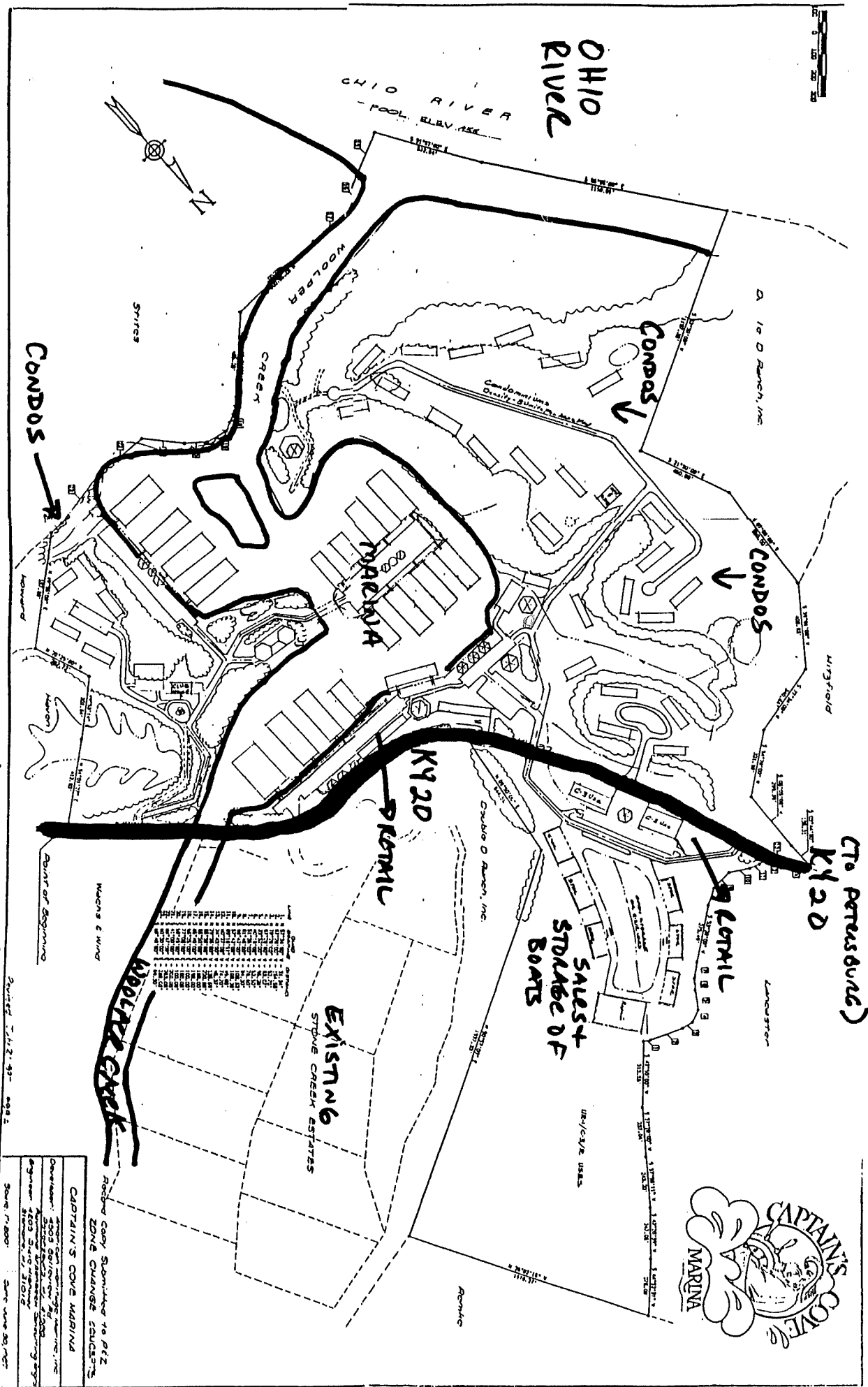
  
Melvin DeLong

  
Fred Burch

  
Rector Jones

jdh

AMERICAN HEALTHCARE MARINE, INC.  
 CAPTAIN'S COVE MARINA  
 ZONING MAP AMENDMENT  
 7/22/87



(To Petersburg)  
 KY2D

(To Revere)  
 ↓

Received Copy Submitted to PIZ  
 ZONING CHANGE CAUSING  
 CAPTAIN'S COVE MARINA  
 Drawn: 4/25/87  
 Checked: 4/25/87  
 Approved: 4/25/87  
 Date: 7/20/87

ORDINANCE 920.129

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT ADOPTING A MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY, ZONING MAP SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURE (A-1) TO URBAN RESIDENTIAL ONE/COMMERCIAL TWO/RECREATION/PLANNED DEVELOPMENT (UR-1/C-2/R/PD) FOR A 234.24 ACRE TRACT GENERALLY LOCATED ON THE WEST SIDE OF KY 20 AND WOOLPER CREEK, BOONE COUNTY, KENTUCKY AS REQUESTED BY AMERICAN HERITAGE MARINE, INC. (APPLICANT) FOR DOUBLE "D" RANCH, INC., DONALD STRECK AND JAMIE ENTERPRISE, INC. (OWNERS) AS RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING & ZONING COMMISSION VIA RESOLUTION NO. R-45-87.

WHEREAS, the Boone County Planning Commission received a request for approval for a Zoning Map Amendment to the Boone County zoning map requested by American Heritage Marine, Inc. (applicant) for Double "D" Ranch, Inc., Donald Streck and Jamie Enterprise, Inc. (owners) and such Zoning Map Amendment being a zone change from Agriculture (A-1) to Urban Residential One/Commercial Two/Recreation/Planned Development (UR-1/C-2/R/PD) for a 234.24 acre tract generally located on the west side of KY 20 and Woolper Creek, Boone County, Kentucky which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for unincorporated Boone County was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval of the zone change request.

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY PLANNING COMMISSION AS FOLLOWS:

SECTION I

That the zone change for the real estate which is more particularly described below shall be and is hereby recommended for approval, this Zoning Map Amendment being a zone change from Agriculture (A-1) to Urban Residential One/Commercial Two/Recreation/Planned Development (UR-1/C-2/R/PD) for a 234.24 acre tract generally located on the west side of KY 20 and Woolper Creek, Boone County Kentucky. The real estate which is the subject of this zone change recommendation is more particularly described in attached "Exhibit A."

SECTION II

That as a basis for the recommendation of approval and adoption of the zone change request the findings of fact of the Boone County Planning and Zoning Commission as set forth in its Minutes and official records for this zone change request, and the finding of facts of the Boone County Fiscal Court, if any, and any conditions and/or stipulations mandated by the Boone County Fiscal Court, if any, as set forth in its Minutes and

The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and marked as "Exhibit C."

SECTION III

This recommended zoning classification is subject to the Committee Report setting forth certain terms or conditions as part of a Concept Development Plan which, to be enforceable, should be agreed upon and to by the property owner.

SECTION IV

That a copy of this Resolution recommending approval of a Zoning Map Amendment for a zone change from Agriculture (A-1) to Urban Residential One/Commercial Two/Recreation/Planned Development (Ur-1/C-2/R/PD) for a 234.24 acre tract generally located on the west side of KY 20 and Woolper Creek, Boone County, Kentucky shall be forwarded to the Boone County Fiscal Court, Burlington, Kentucky having jurisdiction over the property for its action on the recommendation of the Boone County Planning Commission.

THAT, this Ordinance shall take effect and be in full force when passed, published and recorded to law.

Introduced, seconded and given First Reading on the 24<sup>th</sup> day of August, 1987.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 8<sup>th</sup> day of Sept., 1987, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the Boone County Fiscal Court Clerk and declared to be in full force and effect.

ATTEST:

R. Scott Kimmich  
R. Scott Kimmich  
Fiscal Court Clerk

9 Sept 87  
DATE

Bruce Ferguson  
BRUCE S. FERGUSON  
BOONE COUNTY JUDGE/EXECUTIVE

SUBMITTED BY:

Larry Crigler  
LARRY CRIGLER  
COUNTY ATTORNEY



BRUCE FERGUSON  
County Judge - Executive

ROBERT C. MARTIN  
Director of Administration  
(606) 334-2200

R. SCOTT KIMMICH  
Administrative Assistant  
(606) 334-2242

OFFICE OF  
THE COUNTY JUDGE-EXECUTIVE  
BOONE COUNTY, KENTUCKY

P.O. Box 900  
Burlington, KY 41005

September 11, 1987

Mr. Don Stites  
P.O. Box 174  
Burlington, KY 41005

Dear Mr. Stites,

Below you will find the wording, as I understood it, of the motion which was seconded and passed at the meeting of the Boone County Fiscal Court on September 8, 1987. This cannot serve as a certified copy of the minutes until after the Fiscal Court minutes are approved.

"approve with stipulation that any future site development plan that is modified by planning and zoning is also brought back before this court for approval and that this approval is contingent upon Captain's Cove receiving all necessary permits, including but not limited to those necessary from the division of water and the Army Corps of Engineers.

As always, I remain

Sincerely,

R. Scott Kimmich  
Fiscal Court Clerk

RSK:rs