

APPLICATION TO PLANNING COMMISSION
Conditional Use Permit/ Home Occupation

Bourbon County Joint Planning Commission
525 High Street, Paris, KY 40361 • (859) 987-2150 • Fax (859) 987-2136

Office Use only:

Application No. CUP 20-06 Fee Amount: \$ 250⁰⁰ Date Fee Received: _____

1. APPLICANT: Justin and Susan Menke Owner (if different): John Combs (property is under contract to be sold to applicant)

MAILING ADDRESS: 8126 Pleasant Valley Road, Florence, KY 41042

PHONE NO. (859) 547-8249 (Justin's cell)

2. PLEASE CIRCLE: Paris / Bourbon County / Millersburg / North Middletown

Location: 161 Levy Road

3. SUBDIVISION N/A

4. EXISTING USE Farm and residence ZONING DISTRICT A-1 Agricultural

5. DESCRIPTION OF REQUEST Per Section 3.22 items "H" and "X" of the Zoning Ordinance, we request permission to operate a retail facility ("farm gift shop") as a part of seasonal agritourism activities such as u-pick produce (e.g. pumpkins, blueberries), hay wagon rides, corn maze, farm animal interactions, and a play area.

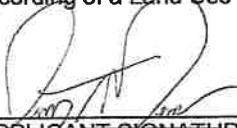
7. SUPPORTING INFORMATION:

CONDITIONAL USE PERMIT– Attach a plan for the proposed use showing the location of buildings, parking and loading areas, traffic access and circulation drives, open space, landscaping, utilities, signs, yards and refuse and service areas. Also attach a narrative statement relative to the above requirements and also explain any economic, noise, glare or odor effects on adjoining property and the general compatibility with other properties in the district.

CHECKLIST:

- Attach a Legal Description of the Property
- Attach a plan of the proposed use (as described above)
- Attach a narrative of the proposed use (as described above)
- Attach a narrative describing any prior actions taken by the Board of Adjustment on this property
- Attach a list of adjoining property owners (name and address)

I hereby certify that the information contained in this application and supporting attachments is true and correct. I acknowledge that the paid fee will not be returned after legal notices have been submitted. The filing fee covers the cost of public notice and the recording of a Land Use Restriction at the County Clerk's Office.



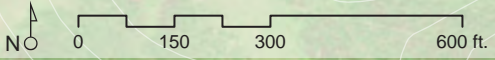
APPLICANT SIGNATURE

12/28/2020

DATE

Applications under zoning regulations involve legal procedures and the satisfaction of legal requirements, often complex, based up the written information in your application and the facts presented at your hearing. If you fail to comply with the procedures, or to satisfy the requirements your application will be subject to denial. Even if your application is approved it could be subject to a neighboring landowners appeal to the Circuit Court. You are not required to employ an attorney but you are encouraged to do so.

Family Farm at 161 Levy Road



Family Farm (name to-be-determined) at 161 Levy Road

Justin and Susie Menke

Summary Narrative:

We are proposing seasonal agritourism activities at the historic Levy Road property just northeast of North Middletown. In the North Middletown Future Land Use Plan, this parcel is designated as "Future Park/Open Space." Our proposed use for agritourism is consistent with this suggested designation. Additionally, agritourism is a well-established use in agricultural areas with over 500 agritourism destinations throughout the state (see www.KentuckyFarmsAreFun.com).

Agritourism is defined by the KY Department of Agriculture as "The act of visiting a working farm or any agricultural, horticultural, or agribusiness operations for the purpose of enjoyment, education or active involvement in the activities of the farm or operation" (www.kyagr.com). Our proposed activities include u-pick produce (e.g. pumpkins, blueberries), hay wagon rides, a corn maze, farm animal interactions, a play area, and tours of the historic farmhouse.

To accommodate visitors to the farm, we will provide a two-way access drive to a small paved parking area within a larger open field parking area adjacent to a small retail facility. We will provide associated necessities such as bathrooms and trash receptacles. The facilities are concentrated on the interior of the site with wide separation from surrounding properties.

The proposed use has the potential for significant positive economic impact for Bourbon County and North Middletown by employing local people and attracting visitors to spend money at local businesses.

Additional Information:

- **Building:** The proposed retail facility is located at the existing silo. If feasible, the existing silo itself will be repurposed as the retail facility with an additional space created from repurposing materials from the existing barn down hill from the silo. The interior of the retail facility will include a checkout and information counter, produce and crafts sourced primarily from local and KY farmers and makers, seating, food, and non-alcoholic drinks. Longer-term, permanent bathroom facilities are anticipated (see "waste" below). The "gift shop" portion of the retail facility (excluding bathrooms, seating, etc.) will be under 500 square feet (the existing silo is approximately 600 square feet).
- **Traffic:** A two-lane width drive will be constructed from Levy Road to the retail facility (anticipated length of approx. 800 feet). The width allows two-way traffic to move freely and the long length prevents vehicles from backing up onto Levy Road. An attendant will help direct vehicles on site.
- **Entry:** A paved entry will be located and designed per encroachment permit requirements of the Kentucky Transportation Cabinet. The anticipated location is shown on the attached concept plan.
- **Parking:** A limited amount of gravel parking (approx. 20-30 spaces) will be provided adjacent to the retail facility. The remaining parking will be provided on an open field. Temporary fencing will

indicate parking bays and attendants will help direct traffic. The designated parking field is flat to gently sloped.

- **Play area:** An outdoor play area will be installed from primarily natural and agriculturally based materials. Some of the play structures will be temporary/re-erected seasonally (e.g. hay/straw bales, corn box). The play area is anticipated near the retail facility (see site plan).
- **Utilities:** Overhead electric is already run to the proposed location of the retail facility (the existing silo). Water and a septic system are anticipated longer-term to provide for bathrooms.
- **Noise:** The retail facility is approximately 380 feet from the nearest adjacent property boundary and approximately 700 feet from the nearest residence, providing substantial noise (and visual) separation. Activities will be seasonal, primarily on the weekends, and kept below the maximum permissible sound level of 60/55 dB(A) (day/night).
- **Hours:** Activities will be seasonal (initially with the Fall season, with other seasons potentially in the future), primarily on the weekends and during daylight hours. For example, fall activities are anticipated for 6-8 weekends Friday afternoon to dusk, and Saturday and Sunday dawn to dusk.
- **Waste:** An adequate number of trash receptacles will be provided and maintained. For human waste, an adequate number of temporary portalets will be provided and maintained; longer-term, permanent bathrooms with plumbing and a septic system are anticipated adjacent to the retail facility to supplement or replace the need for portalets.
- **Liability:** “KY State Law, KRS 247.8091 provides KY agritourism destinations with limited liability protection. The law requires agritourism venues to warn visitors that they are assuming the risk of participating in the activities of the operation” (source: www.kyagr.com). Additionally, liability insurance will be obtained.
- **Economic impact:** The farm will bring visitors from out-of-county and potentially out-of-state, introducing people to North Middletown/Bourbon County. They will buy gas and food and patronize local shops and restaurants. This potentially significant economic impact would help support existing and future businesses—and thus the people those businesses support.
- **Employment:** We will require seasonal help with farm and agritourism operations. Ideally many of these workers would come from North Middletown and the surrounding area, providing a potentially significant source of supplemental income.
- **Collaborations:** We are excited to network with local farmers and makers interested in direct marketing their products. We are also interested in engaging with North Middletown Elementary to host field trips to the farm and other educational and recreational opportunities for the students.

Applicant Qualifications:

Justin: I was raised on a Kentucky farm and have experience operating and maintaining a farm. As a licensed landscape architect, I have designed parks and other public spaces—and will bring this professional experience to the design of the farm facilities. I have a Master of Business Administration degree that will help me successfully run a small business. Additionally, I have experience as an educator and intend the farm to be, in part, an opportunity for people to learn about the historic property, North Middletown, Central Kentucky, and agriculture more generally. More personally, my wife and I have two young children that we will raise on the farm—and so we will be engaged with the community and invested in its success.

List of adjoining property owners

Clockwise order, beginning at the school and water tower:

Physical Address 301 COLLEGE RD - N M'TOWN
Mailing Address BOURBON COUNTY BD OF EDUCATION
3343 LEXINGTON RD
PARIS KY 40361

Physical Address LEVY RD
Mailing Address KENTUCKY-AMERICAN WATER COMPANY
2300 RICHMOND RD
LEXINGTON KY 40502

Physical Address 343 COLLEGE RD
Mailing Address SONNER BENJAMIN & JULIE
343 COLLEGE RD
PARIS KY 40361

Physical Address 332 COLLEGE RD
Mailing Address BLACKBURN UDELLA & D COOK JR
P O BOX 502
N MIDDLETOWN KY 40357

Physical Address 245 LEVY RD
Mailing Address SHELLEY MARY
245 LEVY RD
PARIS KY 40361

Physical Address 216 LEVY RD
Mailing Address LEHMANN FREDERICK & MARY C
216 LEVY RD
PARIS KY 40361

Physical Address 180 LEVY RD
Mailing Address GOODWIN SAMUEL J JR & JANA L
493 LEVY RD
PARIS KY 40361

Physical Address 160 LEVY RD
Mailing Address MILES WOODROW JR & HAZEL
202 STONE RD
PARIS KY 40361

Physical Address LEVY RD - N M'TOWN
Mailing Address EVANS AGNES
N MIDDLETOWN KY 40357

Physical Address LEVY RD - N M'TOWN
Mailing Address RANSOM MINA
N MIDDLETOWN KY 40357

Physical Address 158 LEVY RD
Mailing Address MCCARTY DEBRA A
158 LEVY RD
PARIS KY 40361

Physical Address LEVY RD - N M'TOWN
Mailing Address RANSOM THOMAS EST
RT 2
PARIS KY 40361

Physical Address LEVY RD - N M'TOWN
Mailing Address RANSOM BETTY
RT 4
PARIS KY 40361

Physical Address LEVY RD - N M'TOWN
Mailing Address STRAUDER JANIE
726 N BROADWAY
LEXINGTON KY 40508

Physical Address LEVY RD
Mailing Address ASHER JAMES EST
726 N BROADWAY
LEXINGTON KY 40508

Physical Address LEVY RD - N M'TOWN
Mailing Address MCCARTY JEFF & DEBRA
158 LEVY RD
PARIS KY 40361

Physical Address 141 LEVY RD - N M'TOWN
Mailing Address JTS CONSTRUCTION LLC
6041 PARIS RD
WINCHESTER KY 40391

Physical Address 234 WILSON ST - N M'TOWN

Mailing Address KENNEY WILLIAM E
P O BOX 135
N MIDDLETOWN KY 40357

Physical Address 228 WILSON ST - N M'TOWN

Mailing Address FAULKNER GRACE BRANHAM
PO BOX 219
N MIDDLETOWN KY 40357

Physical Address WILSON ST - N M'TOWN

Mailing Address VILLANUEVA GINA
12 CAMERON ST
PARIS KY 40361

Physical Address 221 WILSON ST - N M'TOWN

Mailing Address GEORGE JASON D & MELINDA P
P O BOX 229
N MIDDLETOWN KY 40357

Physical Address 316 LIBERTY ST - N M'TOWN

Mailing Address LONG GENEVA IRREVOCABLE FAMILY TRUST
P O BOX 133
N MIDDLETOWN KY 40357

Physical Address 157 WILSON ST - N M'TOWN

Mailing Address BRYANT EMILY
704 SWOPE RD
OWENTON KY 40359

Physical Address 149 WILSON ST - N M'TOWN

Mailing Address HONAKER VEDA
P O BOX 144
N MIDDLETOWN KY 40357

13 FEB 19 11:10:28

RICHARD STIPP EACS, BCC
 DATE 2/19/13 BY maurice bc
 AMOUNT 223.50

DEED

THIS DEED OF CONVEYANCE made and entered into on this 18th day of February, 2013 by and between Linda C. Keever AKA Linda Chamberlain Keever signing personally and as Executrix of the Estate of Belva Bates Chamberlain and Michael B. Keever, wife and husband, of 526 Golfview Drive, Peachtree City, GA 30296, Patsy Parr AKA Patsy Chamberlain Parr, wife of John Parr, of P.O. Box 26, North Middletown, KY, 40357, John Parr, husband of Patsy Parr AKA Patsy Chamberlain Parr, of 1000 Park Lane, Irvington, Ky 40314 hereinafter referred to as the Grantors. To John Combs and Stephanie Combs, husband and wife, of 13013 Austin Road, Spokane, WA 99229-8257, hereinafter, referred to as the Grantees.

13013 Austin Road, Spokane, WA 99229-8257 is the in-care-of address to which the property tax bill for 2013 may be sent.

WITNESSETH:

For and in consideration of the sum of \$223,500.00, cash in hand paid by Grantees to Grantors the receipt of all of which is hereby acknowledged, the Grantors have bargained, sold, aliened, and conveyed, and do by these presents bargain, sell, alien, and convey, unto the Grantees, for and during their joint lives, remainder in fee simple to the survivor and unto his or her heirs and assigns forever, a certain tract of real estate more of them, fully described as follows:

Beginning at an iron post, this being the southwest corner of the fence around the North Middletown water tower; thence with the line of the North Middletown School property, S 82 deg. 37' E 217 ft. to a post in the west margin of a twenty foot passway; thence with the west margin of said passway, S 5 1/4 deg. W 304-1/2 ft. to the north margin of Wilson Avenue (designated on the plat hereinafter mentioned as "Caywood Street"); thence with the margin of said avenue, 20 ft., to a post corner to John Stuart's heirs; thence with their line, N 5 1/4 deg. E 304 1/2 ft., a post corner to same; thence S 82 deg. 37' E 195 ft. to a post corner to Prewitt; thence with Prewitt's line N 10 1/2 deg. E 192 ft., to a post corner to

same; thence in an easterly direction, 65 ft. to a post, corner to same this being the Northeastern corner of Lot #10, Block H of Fairview Addition, a plat of which is of record in Deed Book 105, Page 260, in the Bourbon County Clerk's Office; thence S 63 3/4 deg. E along the northeasterly line of Lot numbers 11 through 15, (Wilson's Heirs) to a post corner to Wilson's Heirs and Lot #15, a distance of 475 ft., more or less; thence with the western line of Lot #1, Block G of said Addition, shown on said plat to be 335 ft.; thence with the southern line of Lot numbers 1 through 17 of Block G, shown on said plat to be 513 ft., 3 inches, to the eastern point of said Lot #17 and the center of the Levy Pike; thence with the center of said pike, N 60 deg. 40' E 576 ft., N 44 deg E 417 ft. to a corner to Gilkey; thence with Gilkey's line 51 deg. W 1953 ft., more or less, to a post corner to Robert Gilkey and John Gilkey; thence with John Gilkey's line S 31 3/4 deg. W 1197 ft., more or less, to a post corner to John Gilkey (this being the corner of Charlton Lowe in Mrs. Dick Skillman's line, one and the same person as Laura Talbott, as shown in Deed Book 109, Page 470); thence west with John Gilkey N 83 1/4 deg. W 34 ft. to said school property; thence with the line of the school property S 5 1/2 deg. W 260 ft. to the beginning.

This property is subject to an easement to the City of North Middletown, Ky., 60 ft. x 60 ft. for a water tower and the right of ingress and egress thereto, as shown of record in said Clerk's Office in Deed Book 120, Page 346.

Being the same property conveyed to Belva B. Chamberlain, single, by deed from Belva B. Chamberlain, Trustor and Trustee of the Belva B. Chamberlain Revocable Living Trust, dated January 5, 2004, and of record in Deed Book 254, Page 393, in the office of the Bourbon County Clerk. Belva Bates Chamberlain (a/k/a Belva B. Chamberlain) died May 18, 2006 and by the terms and conditions of her Last Will and Testament, of record in Will Book V V, Page 507, appointed Linda Chamberlain Keever to be Executrix with full power and authority to sell property. Pursuant to the provisions of the Will of Belva Bates Chamberlain a portion of the property described above was devised to Linda Chamberlain Keever and another portion was devised to Patsy Chamberlain Parr. See The Last Will and Testament of Belva Clay Bates Chamberlain Item III, 1. and 2..

EXCEPTION:

There is excepted from the above described property a 0.230 acre tract conveyed to the City of North Middletown from Belva Chamberlain, single, by a deed dated May 2, 1994 and filed in Deed Book 219 Page 147 of the Bourbon County Clerk.

It is agreed and understood by and between the parties hereto that all ad valorem taxes due and payable upon the above described real estate for and during the current calendar year shall be prorated between the Grantors and Grantees as of the date of this Deed of Conveyance, and that all such taxes due and payable for and during all succeeding calendar years shall be paid by Grantees, and that possession of the subject real estate shall accompany delivery of this Deed of Conveyance.

TO HAVE AND TO HOLD, the above described tract of real estate, together with the improvements thereon and the appurtenances thereunto appertaining, aforementioned, unto the Grantees, for and during their joint lives, remainder in fee simple to the survivor of them, and unto his or her heirs and assigns forever, with Covenant of General Warranty of Title; **SUBJECT, HOWEVER**, to all covenants and restrictions of record, conditions or restrictions on a plat affecting the property, zoning and building restrictions, regulations, and ordinances, if any, and any rights- of -way or easements of record.

IN THIS CONSIDERATION CERTIFICATE, the parties hereto do hereby certify, pursuant to KRS Section 382.135, that the above stated consideration in the sum of \$223,500.00, is the true, correct, and full consideration paid for the property herein conveyed. We further certify our understanding that falsification of the stated consideration or sale price of the property is a Class D felony, subject to one to five years imprisonment and fines up to \$10,000.00.

IN TESTIMONY WHEREOF, witness the hands of the Grantors and the Grantees herein, all on this the day and year first above written.

Linda C. Keever
Linda C. Keever AKA Linda Chamberlain
Keever, personally and as Executrix of the
Estate of Helva Bates Chamberlain

Michael B. Keever
Michael B. Keever

Patsy Parr AKA Patsy Chamberlain Parr
Patsy Parr AKA Patsy Chamberlain Parr

John Parr
John Parr

Grantors

John Combs 2/10/13
John Combs

Stephanie Combs 2/18/13
Stephanie Combs

Grantees

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF BOURBON)

The undersigned, a Notary Public within and for the Commonwealth of Kentucky, County of Bourbon does certify that on this the 15th day of February 2013 the foregoing Deed of Conveyance and Consideration Certificate was produced to me and was sworn to, acknowledged and delivered by, Linda C. Keever AKA Linda Chamberlain Keever and Michael B. Keever , Grantors.



Notary Public

My Commission Expires: 9/30/2015

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF BOURBON)

The undersigned, a Notary Public within and for the Commonwealth of Kentucky, County of Bourbon does certify that on this the 15th day of February 2013 the foregoing Deed of Conveyance and Consideration Certificate was produced to me and was sworn to, acknowledged and delivered by, Patsy Parr AKA Patsy Chamberlain Parr, a Grantor.



Notary Public

My Commission Expires: 9/30/2015

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF BOURBON)

The undersigned, a Notary Public within and for the Commonwealth of Kentucky, County of Bourbon does certify that on this the 15th day of February 2013 the foregoing Deed of Conveyance and Consideration Certificate was produced to me and was sworn to, acknowledged and delivered by, John Parr, a Grantor.

Sarah H. Jones
Notary Public

My Commission Expires: 9-16-2015

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF BOURBON)

The undersigned, a Notary Public within and for the Commonwealth of Kentucky, County of Bourbon, does certify that on this 18th day of February 2013 the foregoing Deed of Conveyance and Consideration Certificate was produced to me and was sworn to, acknowledged and delivered by John Combs and Stephanie Combs, Grantees.

S. West
Notary Public

My Commission Expires: 9/30/2015

This instrument prepared by:

S. West
Stephen A. West
Attorney-at-Law, PLLC.
202 Vimont Lane
Paris, KY 40361

State of Kentucky, County of Bourbon, Sct.
I, RICHARD STIPP EADS, Clerk of Bourbon County
Court, do certify that the foregoing

²⁹⁰
was, on the 19 day of July, 2013
at 10:28 A.M., lodged in my office for record, and
that it has been duly recorded in my said office,
together with this and the certificate thereon endorsed.
Given under my hand.

Richard Stipp Eads, CC



189545
Filed on: 02/19/2013 12:00:00 AM
Book: DEED Number: 290
Pages: 195 - 201
Richard Stipp Eads, Bourbon County
DC: MARY TALBOT