

APPLICATION FOR LAND USE MAP AMENDMENT

OFFICE OF PLANNING AND CODE ENFORCEMENT, MADISON COUNTY, KY



APPLICANT INFORMATION

Property Owner's Name **The Robert Day Revocable Trust / Melissa & Elizabeth Day Trust** Date _____

Owner's Street Address **1377 Boonesborough Road**

Apartment/Unit # _____

City **Richmond**

State **Kentucky**

ZIP **40475**

Phone **859-623-3728**

E-mail Address **olds@eavesolds.com**

**Address of Property
Requesting Zone Change**

Lot Number: **N/A**

Subdivision Name: **N/A**

Total Acres: **132**

Existing Zoning Classification **Agriculture**

Proposed Zoning Classification **Sf - UC-1**

Date Applicant Purchased Property **May 2, 2000**

Deed Book / Page Number **516/57 , 742/123 , 816/336**

SURROUNDING PROPERTY USE / ZONING INFORMATION

DIRECTION	CURRENT LAND USE	CURRENT ZONING CLASSIFICATION
EAST	Single Family	
WEST	School - Farm	
NORTH	Agricultural	
SOUTH	Agricultural	

URBAN SERVICES

SERVICES PROVIDED	YES	NO	SERVICES PROVIDED BY
SEWAGE	X		
GARBAGE DISPOSAL	X		Various Private
WATER	X		Madison County Utilities
POLICE PROTECTION	X		Sheriff / State Police
FIRE PROTECTION	X		Madison County Fire Department
GAS			
ELECTRIC	X		
STORM SEWERS		X	
MUNICIPAL SEWERS	X		Madison County Sewer District

FINDINGS OF FACT, KRS 100.213

In accordance with KRS 100.213 before any map amendment is granted, the planning commission or legislative body or fiscal court must find the proposed map amendment is in agreement with the adopted Comprehensive Plan, or in the absence of such a finding, that one (1) or more of the following apply and such finding shall be recorded in the minutes and records of the planning commission or Fiscal Court.
It is the applicant's responsibility to determine and present evidence to support the specific findings of fact.

a) The proposed land use map amendment is in agreement with the adopted comprehensive plan for the following reasons:

See Attached Exhibit A

b) The existing zoning classification given to the property is inappropriate and the proposed zoning classification is appropriate for the following reasons:

c) There have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area based upon the following reasons:

Please attach additional pages if more space is needed..

Applicant's Signature: I do hereby certify that, to the best of my knowledge and belief, all application materials are herewith submitted and the information is true and correct. I further certify that I am the owner of this property, since (mo. / year)

DATE 6-18-2024
6-19-2024

Owner's Signature: *Melissa Day Trustee*
Elizabeth Day Trustee

ADDITIONAL INFORMATION REQUIRED

The following items are required to be provided by the applicant before the application can be considered for placement on the Planning Commission Agenda:

Applicant's Attorney's Name: **Stuart K. Olds**

Attorney's Address **218 West Main Street, Richmond, Kentucky 40475**

ITEM	YES	NO	COMMENTS
DEED FOR THE PROPERTY			DEED MUST REFLECT ACTUAL ACRES TO BE RE-ZONED
VICINITY MAP			MAP MUST ACCURATELY DESCRIBE LOCATION OF PROPERTY
LIST OF ADJOINING PROPERTY OWNERS NAMES/ADDRESSES PER PVA			NAMES AND ADDRESSES MUST BE COMPLETE AND PER THE PVA RECORDS FOR ACCURACY
COMPLETED APPLICATION			APPLICATION MUST BE COMPLETED ENTIRELY AND SIGNED BY THE PROPERTY OWNER
APPLICATION FEES PAID			ALL ASSOCIATED FEES SHALL BE PAID IN FULL AT THE TIME OF MAKING APPLICATION

A conceptual drawing/site plan, describing the proposed use of the property in question, must be attached to the application. 12 copies of the plan must be submitted for review by the Planning Commission as part of their deliberation of the proposed land use change. This is not intended to relieve the applicant, or any future owner, of the requirement to submit a complete site development plan as required by Section 401.3 and Appendix G of the Madison County Land Use Regulations, prior to starting any construction.

THIS SECTION FOR OFFICIAL USE ONLY

Date of Public Hearing:

Motion made by

to

Motion Second by

VOTE: YES

NO

ABSTAIN

Reasons for NO Votes:

FISCAL COURT DECISION

Upheld PC Decision

Over-turned PC Decision

Order /Ordinance #

Yes

No

Yes

NO

Comments:

**Madison County Office of Planning and Code Enforcement
321 North Madison Avenue
Richmond, Kentucky 40475
859-624-4780
www.madisoncountky.us**

MADISON COUNTY PLANNING & ZONING COMMISSION

IN RE: APPLICATION FOR ZONING MAP AMENDMENT

OWNER: The Robert Day Revocable Trust, and The Melissa & Elizabeth Day Trust

ADDRESS: 1377 Boonesborough Road (approximately 132 acres)

PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATIONS

This matter having come before a meeting of the Madison County Planning and Zoning Commission on _____, 2024, on the application submitted by the landowners, The Robert Day Revocable Trust and The Melissa & Elizabeth Day Trust, for the property at 1377 Boonesborough Road, to rezone approximately 132 acres from its present classification as UC-7 (Agricultural) to SF-MD (single family – Moderate Density).

After having heard argument of counsel for the landowner, having considered the application, the evidence, and the record, and having conducted a public hearing, the Commission, with a quorum sitting, makes the following FINDINGS OF FACT:

1. Proper notification of this hearing was given pursuant to KRS 100.212 and KRS 424.130, et. seq., by notices published in the Richmond Register, by posting signs on the subject property, and by the Secretary of the Commission notifying the adjoining property owners by Certified mail.
2. The subject property is part of the Madison County urban corridor, an area in the county which has previously been determined by the Planning Commission and the Madison Fiscal Court to have sufficient infrastructure to accommodate the anticipated future growth in the county.
3. The subject property fronts on KY-627 and Lost Fork Road, and therefore has adequate access for its intended use as a single-family residential development. It is also serviced by the Madison County sewer system and Madison County water system; both of which have submitted letters indicating that their services provide sufficient capacity to allow the development of the subject property into a single-family residential development.

4. The County's Comprehensive Plan reflects that the County's population grew from 82,916 people in 2010 to 92,701 in 2020; a growth of approximately 11.8%. It is anticipated that it will continue to grow through 2040 to a total of 106,301 people, for an additional 14.7%, and approximately 50% of that growth is expected to be within the bounds of the urban corridor. Therefore, the County needs to provide sufficient areas to accommodate housing for the anticipated growth.
5. Additionally, the Comprehensive Plan contains provisions which encourage infill and new development near existing developed areas and to focus that development near the cities and the urban corridor, of which the property is a part, in areas which currently provide or are scheduled to be updated to provide adequate transportation access and infrastructure, which the property in question does.
6. A review of the County's proposed land use map reflects that the property in question is to be utilized for mixed-use, encouraging a combination of residential and commercial purposes to provide for the residents in the area. The property will be a convenient location for the parties living and or working in either Richmond, Winchester, or Lexington, and with its quick access to Interstate 75, it could even provide access to parties living or working at greater distances.

For the foregoing Findings of Fact, the Commission finds that:

1. The proper notification of this hearing was given pursuant to KRS 100.212 and KRS 424.130, et. seq.
2. The requested SF-MD zoning classification is consistent with the County's current Comprehensive Plan in that it will allow new development to accommodate the County's anticipated current and future growth in an area already partially developed, therefore providing infill. Additionally, it has sufficient capacity for water and sewer to provide for the proposed residential development, and the roads in the area are sufficient to accommodate the proposed levels of traffic.

Based upon the foregoing, it is the conclusion of the Madison County Planning & Zoning Commission that the application of the Robert Day Revocable Trust and the Melissa and Elizabeth Day Trust, to re-zone approximately 132 acres located at 1377 Boonesborough Road, Richmond, Madison County, Kentucky from UC-7 (Agricultural) to SF-MD (single family – Moderate Density) is consistent with the intent of the County's Comprehensive Plan and its development ordinance; is consistent with the County's proposed future land use development map, and would not be detrimental to other property surrounding or near the subject property, and should thus be, and is hereby, approved.

RECOMMENDATION

Based on the foregoing, the Madison County Planning & Zoning Commission recommends to the Madison County Fiscal Court that the subject property be re-zoned Single Family – Moderate Density (SF-MD).

DATED: _____

BY: _____

Chairman, Madison County Planning
& Zoning Commission

EXHIBIT A

The property in question is part of the County's urban corridor, laying along Highway 627 between Boonesborough Elementary School and Lost Fork Road. The County's Comprehensive Plan adopted on November 23, 2021, contains the following excerpts related to the development in the area.

Page 4 Madison County's population grew from 82,916 in 2010 to 92,701 in 2020; a growth of approximately 11.8%.

Page 5 Based on data gathered by the Kentucky State Data Center, Madison County's population is expected to grow through 2040 to a total of 106,301, or an additional 14.7%.

Page 6 Approximately 50% of the growth in the County is expected to be largely within the bounds of the urban corridor and the I-75 – US-25 corridor. To account for that growth, the County has adopted the following goals and objectives.

Page 11 Of the Comprehensive Plan #5 provides that land use and development (#5 encourages infill and new development near existing development areas) and #6 focuses on urban development and density near Richmond, Berea, and in the urban corridor.

Page 13 paragraph #2 provides and encourages new residential development in areas that currently provide or are planned to provide adequate transportation access and infrastructure.

The property in question fronts on both Kentucky Highway 627 and Lost Fork Road, therefore, has adequate road access. It is serviced by the Madison County Utilities District for water, and a letter from the Madison County Utilities District certifying that the service adjacent to the premises should provide sufficient flow and capacity for the proposed development is attached. Also attached is a letter from Elliott Turner from the Madison County Sewer District stating that the property is served by Municipal Sewers who provide sufficient capacity to provide for the intended development.

Housing paragraph #3 goals provided allow for a diverse mix of housing types to meet housing needs.

Page 22 provides that "Northern Madison County is the closest in proximity to Lexington and can serve as a prime location for residential growth for highway journeyers who work in Lexington but want to live in Madison County. Municipal Sanitary Sewer Services are available. New development in this area should consider high-density, high-quality development that promotes upper-end housing, shopping options, and walkability. Low-density residential and pockets of neighborhood commercial uses would be most appropriate along rural corridors that extend from northern Madison County at the I-75 interchange to Boonesborough and Clark County."

NORTHERN MADISON COUNTY SANITATION DISTRICT
P.O. BOX 674, RICHMOND, KY 40476-0067
PHONE (859) 626 -0431

June 18, 2024

To All: Madison County Planning and Zoning, Madison County Fiscal Court and Steve Chokski.

RE: Property at the Day farm on Highway 627 Boonesborough Rd

I have been asked to confirm that the collection system and the waste water treatment facility that would service the above-mentioned area has adequate capacity. The answer is yes, as of June 18, 2024, the amount of flow estimated from a development of a potential 300 residential home development can easily be handled at the treatment plant and the collection system.

In a growing area of the county the available flow on both the collection lines and treatment facility is always changing, therefore this letter indicating that we have adequate flow may only be good for 1 year from date of letter.


Sincerely,

Elliott Turner
Manager, NMCS D

6

ENTERED 1

50

AOC - 806 Rev. 12-03 Page 1 of 1 Commonwealth of Kentucky Court of Justice www.kycourts.net KRS Chapters 394 and 395	Doc. Code: OWF 12/30/2019 11:46 AM Ver. 1.01	 JAN 07 2020 MADISON DISTRICT COURT DAVID FERNANDEZ, CLERK	Case No. <u>20 PC</u> District Probate County <u>Madison</u> <input checked="" type="checkbox"/>
ORDER PROBATING WILL AND APPOINTING EXECUTOR/EXECUTRIX			

IN RE: Estate of Janis Day

Decedent's Date of Death: _____ SSN: _____

The Petition for probate of the Will of the above-named Decedent and for appointment of an Executor/Executrix came on for hearing on _____, 2 _____. The Will was produced in open court and was self-proved under KRS 394.225 OR proved by _____.

IT IS THEREFORE ORDERED that the Will be, and it is, hereby admitted to probate as the Last Will and Testament of the Decedent. IT IS FURTHER ORDERED that Melissa Day with an address of 1373 Boonesborough Rd. Richmond, KY 40475

be and is, hereby appointed Executor/Executrix of said estate. The Court fixes bond in the sum of \$ 1,000,000

WHEREUPON said Executor/Executrix took the oath prescribed by law and entered into and acknowledged the above-mentioned bond with approved Surety OR Surety having been waived.

Date: 1-7, 2020. _____ Judge

NOTICE OF ENTRY WAIVED:

Petitioner's OR Attorney's Signature

DOCUMENT NO: 2014005243
RECORDED: January 10, 2020 12:12:00 PM
TOTAL FEES: \$50.00
COUNTY CLERK: KENNY BARGER
DEPUTY CLERK: DAVID GREENE
COUNTY: MADISON COUNTY
BOOK: W74 PAGES: 577 - 582

CERTIFICATION

I, David M. Severely, Clerk of the Madison District Court, do certify this constitutes a true and correct copy of the Order Admitting Will to Probate and Appointing Executor/Executrix, as recorded in my office.

Date: 1-7, 2020

By: David M. Severely, Clerk, D.C.

Distribution:
Original - Court File (with certified copy of Will)
Copies - Executor/Executrix
Revenue Cabinet (Inheritance Tax Section)
Certified Copy - County Clerk (with original of Will); Petitioner is responsible for recording fee.

MADISON COUNTY
W74 PG577

APPLICATION FOR LAND USE MAP AMENDMENT

OFFICE OF PLANNING AND CODE ENFORCEMENT, MADISON COUNTY, KY



APPLICANT INFORMATION			
Property Owner's Name Justin Fritts			Date 06/21/2024
Owner's Street Address 256 Evansdale Avenue		Apartment/Unit #	
City Richmond	State Kentucky		ZIP 40475
Phone 859-248-4686	E-mail Address dwdrums40385@gmail.com		
Address of Property Requesting Zone Change 2021 Berea Rd, Richmond, Ky 40475			
Lot Number: 1, 2 & 3	Subdivision Name: Clarksville	Total Acres:	
Existing Zoning Classification UC-7			
Proposed Zoning Classification UC-4 General Business			
Date Applicant Purchased Property 06/13/2024		Deed Book / Page Number 853/579	

SURROUNDING PROPERTY USE / ZONING INFORMATION		
DIRECTION	CURRENT LAND USE	CURRENT ZONING CLASSIFICATION
EAST	Residential	UC-1
WEST	Agricultural	UC-4
NORTH	Commercial	UC-4
SOUTH	Commercial	UC-7

URBAN SERVICES			
SERVICES PROVIDED	YES	NO	SERVICES PROVIDED BY
SEWAGE	X		Northern Madison Sewage
GARBAGE DISPOSAL	X		Rumpke
WATER	X		Madison County Utilities
POLICE PROTECTION	X		Madison County Sheriff
FIRE PROTECTION	X		Madison County
GAS	X		Delta Natural Gas
ELECTRIC	X		Kentucky Utilities
STORM SEWERS		X	
MUNICIPAL SEWERS		X	

FINDINGS OF FACT, KRS 100.213

In accordance with KRS 100.213 before any map amendment is granted, the planning commission or legislative body or fiscal court must find the proposed map amendment is in agreement with the adopted Comprehensive Plan, or in the absence of such a finding, that one (1) or more of the following apply and such finding shall be recorded in the minutes and records of the planning commission or Fiscal Court.

It is the applicant's responsibility to determine and present evidence to support the specific findings of fact.

a) The proposed land use map amendment is in agreement with the adopted comprehensive plan for the following reasons:

See Attached

b) The existing zoning classification given to the property is inappropriate and the proposed zoning classification is appropriate for the following reasons:

See Attached

c) There have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area based upon the following reasons:

Please attach additional pages if more space is needed...

Applicant's Signature: I do hereby certify that, to the best of my knowledge and belief, all application materials are herewith submitted and the information is true and correct. I further certify that I am the owner of this property, since 06/2024 (mo. / year)

DATE

6/21/24

Owner's Signature:

Justin Fritts
Justin Fritts

ADDITIONAL INFORMATION REQUIRED

The following items are required to be provided by the applicant before the application can be considered for placement on the Planning Commission Agenda:

Applicant's Attorney's Name: Stuart K. Olds

Attorney's Address 218 W Main Street, Richmond, Ky 40475

ITEM	YES	NO	COMMENTS
DEED FOR THE PROPERTY	X		DEED MUST REFLECT ACTUAL ACRES TO BE RE-ZONED
VICINITY MAP			MAP MUST ACCURATELY DESCRIBE LOCATION OF PROPERTY
LIST OF ADJOINING PROPERTY OWNERS NAMES/ADDRESSES PER PVA	X		NAMES AND ADDRESSES MUST BE COMPLETE AND PER THE PVA RECORDS FOR ACCURACY
COMPLETED APPLICATION			APPLICATION MUST BE COMPLETED ENTIRELY AND SIGNED BY THE PROPERTY OWNER
APPLICATION FEES PAID			ALL ASSOCIATED FEES SHALL BE PAID IN FULL AT THE TIME OF MAKING APPLICATION

A conceptual drawing/site plan, describing the proposed use of the property in question, must be attached to the application. 12 copies of the plan must be submitted for review by the Planning Commission as part of their deliberation of the proposed land use change. This is not intended to relieve the applicant, or any future owner, of the requirement to submit a complete site development plan as required by Section 401.3 and Appendix G of the Madison County Land Use Regulations, prior to starting any construction.

THIS SECTION FOR OFFICIAL USE ONLY

Date of Public Hearing:

Motion made by

to

Motion Second by

VOTE:

YES

NO

ABSTAIN

Reasons for NO Votes:

FISCAL COURT DECISION

Upheld PC Decision

Over-turned PC Decision

Order /Ordinance #

Yes

No

Yes

NO

Comments:

**Madison County Office of Planning and Code Enforcement
321 North Madison Avenue
Richmond, Kentucky 40475
859-624-4780
www.madisoncountyky.us**

- a) The proposed land use map amendment is in agreement with the adopted comprehensive plan for the following reasons:

The property lies along US 25 just past its split with US 421. It is directly across the street from Madison County Memorial Gardens; adjacent to the old motel which has been converted to apartments; and in an area which is generally used for business purposes. According to the attached zoning map for Madison County all the property between the US 25/421 split and Clarksville Drive and the property to the West of US 25 along that split are currently zoned UC-4, with the exception of a small section of UC-6, which the County owns. Just past the property in question there is an additional section of UC-4 for general business. All of the remaining properties fronting on the US 25 in the block between the split and East Rice Lane are currently utilized for commercial purposes. For all the foregoing reasons the request to re-zone the subject property from UC-7 general agricultural to UC-4 general business is in fact in compliance with a comprehensive plan and should be approved by the Madison County Planning Commission.

- b) The existing zoning classification given to the property is inappropriate and the proposed zoning classification is appropriate for the following reasons:

The property is currently zoned agricultural (UC-7) as shown by the attached exhibit. For at least 50 plus years this property has been used for some form of commercial purposes. No agriculture production has occurred on the property for many years therefore modification from UC-70 to UC-4, which is what the surrounding property is zoned would be appropriate.

**LIST OF ADJOINING PROPERTY OWNERS
2021 BERE A ROAD, RICHMOND**

2021

East:

Elvia & Brenda Horn
1124 Park Lane
Richmond, Ky 40475
Map# 070A-0003-0002

West:

Eva Clark, wife of James Clark, deceased WB50/638
2016 Berea Rd
Richmond, Ky 40475
Map# 0070-0000-0009

North:

County of Madison
208 Clarksville Ln
Richmond, Ky 40475
Map# 070A-0001-0005

South:

The Brian E. Charles Living Trust
2023 Berea Rd
Richmond, Ky 40475
Map# 070A-0003-0014

MADISON COUNTY PLANNING & ZONING COMMISSION

IN RE: APPLICATION FOR ZONING MAP AMENDMENT

OWNER: Justin Fritts

ADDRESS: 2021 Berea Road, Richmond, Kentucky 40475 (3 lots)

PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATIONS

This matter having come before a meeting of the Madison County Planning and Zoning Commission on July 16, 2024, on the application submitted by the landowner, Justin Fritts, for the property at 2021 Berea Road, to rezone 3 lots from its present classification as UC-7 (Agricultural) to UC-4 (General Business).

After having heard argument of counsel for the landowner, having considered the application, the evidence, and the record, and having conducted a public hearing, the Commission, with a quorum sitting, makes the following FINDINGS OF FACT:

1. Proper notification of this hearing was given pursuant to KRS 100.212 and KRS 424.130, et. seq., by notices published in the Richmond Register, by posting signs on the subject property, and by the Secretary of the Commission notifying the adjoining property owners by certified mail.
2. The subject property is part of the Madison County urban corridor, an area in the county which has previously been determined by the Planning Commission and the Madison Fiscal Court to have sufficient infrastructure to accommodate the anticipated future growth in the county.
3. The subject property fronts on US-25 and therefore has adequate access for its intended use as a general business.
4. The property is currently zoned agricultural but has been utilized for commercial purposes for many years. No agricultural production has occurred on the premises for many years and therefore modification of the zoning from UC-7 (agricultural) to UC-4 (general business) would be appropriate.
5. The property has sufficient water to provide for its intended purpose.

For the foregoing Findings of Fact, the Commission finds that:

1. The proper notification of this hearing was given pursuant to KRS 100.212 and KRS 424.130, et. seq.
2. The requested zoning classification is UC-4 would be consistent with the County's current Comprehensive Plan and would be consistent with the zoning of property surrounding the subject property and is therefore appropriate.
3. Zoning classification of UC-7 (agricultural) is not appropriate and therefore modification of that zoning to a more appropriate zone of UC-4 which is consistent with surrounding property is appropriate.

Based upon the foregoing, it is the conclusion of the Madison County Planning and Zoning Commission that the application of Justin Fritts to rezone three lots at 2012 Berea Road, Richmond, Madison County, Kentucky from UC-7 (agricultural) to UC-4 (general business) is consistent with the intent of the County's Comprehensive Plan and its development ordinance and is consistent with the zoning of surrounding properties: the modification of the zoning from UC-7 to UC-4 would not be detrimental to other properties surrounding or near the this subject property all of which is utilized for commercial purposes and thus should be and is hereby, APPROVED.

RECOMMENDATION

Based on the foregoing, the Madison County Planning & Zoning Commission recommends to the Madison County Fiscal Court that the subject property be re-zoned to UC-4 (general business).

DATED: _____

BY: _____

Chairman, Madison County Planning
& Zoning Commission

APPLICATION FOR LAND USE MAP AMENDMENT

OFFICE OF PLANNING AND CODE ENFORCEMENT, MADISON COUNTY, KY



APPLICANT INFORMATION			
Property Owner's Name RPMD, LLC & Tudor Holdings, LLC			Date
Owner's Street Address P.O. Box 1597		Apartment/Unit #	
City Richmond	State Kentucky	ZIP 40476	
Phone 859-893-2345	E-mail Address Kory@IsaacsLawKy.com		
Address of Property Requesting Zone Change 1700 Red House Road			
Lot Number:	Subdivision Name:	Total Acres: 72.8 acres	
Existing Zoning Classification UC-7 Agriculture			
Proposed Zoning Classification Single-Family, Low Density (SF-LD) UC-1			
Date Applicant Purchased Property November 29, 2023 Deed Book / Page Number 846/314			

SURROUNDING PROPERTY USE / ZONING INFORMATION		
DIRECTION	CURRENT LAND USE	CURRENT ZONING CLASSIFICATION
EAST	Residential	R-1 & UC-7
WEST	Agricultural	UC-7
NORTH	Agricultural and Residential	R-1 & UC-7
SOUTH	Agricultural & Residential	UC-7

URBAN SERVICES			
SERVICES PROVIDED	YES	NO	SERVICES PROVIDED BY
SEWAGE		X	Septic
GARBAGE DISPOSAL	X		Waste Management
WATER	X		Madison County Utility District
POLICE PROTECTION	X		MSO and KSP
FIRE PROTECTION	X		Madison County Fire Department
GAS		X	
ELECTRIC	X		Kentucky Utilities
STORM SEWERS		X	
MUNICIPAL SEWERS		X	

FINDINGS OF FACT, KRS 100.213

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It is the applicant's responsibility to determine and present evidence to support the specific findings of fact.

a) The proposed land use map amendment is in agreement with the adopted comprehensive plan for the following reasons:

See Attached.

b) The existing zoning classification given to the property is inappropriate and the proposed zoning classification is appropriate for the following reasons:

c) There have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area based upon the following reasons:

Please attach additional pages if more space is needed...

Applicant's Signature: I do hereby certify that, to the best of my knowledge and belief, all application materials are herewith submitted and the information is true and correct. I further certify that I am the owner of this property, since _____ (mo. / year)

DATE *June 13, 2024*

Owner's Signature: *David Frazier member / Trustee*

ADDITIONAL INFORMATION REQUIRED

The following items are required to be provided by the applicant before the application can be considered for placement on the Planning Commission Agenda:

Applicant's Attorney's Name: **Kory Odell Isaacs**

Attorney's Address **Isaacs Law Office 306 West Main Street, Richmond, Kentucky 40475**

ITEM	YES	NO	COMMENTS
DEED FOR THE PROPERTY			DEED MUST REFLECT ACTUAL ACRES TO BE RE-ZONED
VICINITY MAP			MAP MUST ACCURATELY DESCRIBE LOCATION OF PROPERTY
LIST OF ADJOINING PROPERTY OWNERS NAMES/ADDRESSES PER PVA			NAMES AND ADDRESSES MUST BE COMPLETE AND PER THE PVA RECORDS FOR ACCURACY
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Motion made by

to

Motion Second by

VOTE: YES

NO

ABSTAIN

Reasons for NO Votes:

FISCAL COURT DECISION

Upheld PC Decision

Over-turned PC Decision

Order /Ordinance #

Yes

No

Yes

NO

Comments:

**Madison County Office of Planning and Code Enforcement
321 North Madison Avenue
Richmond, Kentucky 40475
859-624-4780
www.madisoncountky.us**



Physical Address 1700 RED HOUSE RD
Mailing Address RPN D LLC & TUOCH HOLD NGS LLC
1401 BARNES MILL RD
RICHMOND KY 40475-9827

Land Value \$1,524,200
Improvement Value \$40,200
Total Value \$1,564,400
Living Area 0

Last 25 Sales
Date Price Reason Qual
n/a 0 n/a n/a
n/a 0 n/a n/a



VICINITY MAP
1" = 300'

CERTIFICATE OF OWNERSHIP
I, _____, OWNER OF THE PROPERTY SHOWN ON THIS PLAT AND HEREBY CERTIFY THAT THIS PLAT IS CORRECT.

CERTIFICATE OF APPROVAL
I HEREBY CERTIFY THAT THE FINAL SUBDIVISION PLAT HAS BEEN APPROVED BY THE JUDICIAL COUNCIL OF THE COMMONWEALTH OF KENTUCKY AND THE LANDS OFFICE OF THE COMMONWEALTH OF KENTUCKY AND THE KENTUCKY STATE PLANNING COMMISSION.

APPROVED BY

DEPARTMENT	DATE
MUSKOGEE COUNTY UTILITIES DISTRICT	
MUSKOGEE COUNTY FIRE DEPARTMENT	
MUSKOGEE COUNTY ROAD DEPARTMENT	
RECREATION UTILITIES	
SPECTRUM CABLE	

LINE TABLE

LINE	BEARING	DISTANCE
1	N 89° 15' 00" W	10.00
2	S 89° 15' 00" E	10.00
3	S 00° 00' 00" E	10.00
4	N 89° 15' 00" W	10.00
5	S 89° 15' 00" E	10.00
6	S 00° 00' 00" E	10.00
7	N 89° 15' 00" W	10.00
8	S 89° 15' 00" E	10.00
9	S 00° 00' 00" E	10.00
10	N 89° 15' 00" W	10.00
11	S 89° 15' 00" E	10.00
12	S 00° 00' 00" E	10.00

LEGEND

- 1" = 300' SCALE
- BY 3/15/2014
- 1" = 300' SCALE

--- PRELIMINARY ---
NOT FOR RECORDING
OR TRANSFER OF LAND

FLOOD NOTE
THIS DEVELOPMENT IS LOCATED WITHIN THE FLOOD PLAIN OF THE MUSKOGEE RIVER AS SHOWN ON THE FLOOD HAZARD MAP OF THE COUNTY OF MUSKOGEE, ALABAMA, DATED 1997. THE FLOOD PLAIN IS A DANGER TO LIFE AND PROPERTY AND SHOULD BE AVOIDED AS MUCH AS POSSIBLE. THE ALICE, FLOODPLAIN COMMISSIONERS SHOULD BE CONTACTED FOR FURTHER INFORMATION ON FLOODING ACTIVITIES WITHIN THE FLOODPLAIN.

NOTES
1. THIS REPRESENTS A BOUNDARY SURVEY AND CORNER WITH 2011 BAR MEASUREMENTS MADE USING THE CASE AND SET OR EXTENDED THE ORIGINAL BOUNDARY POSITIONAL ACCURACY OF ABOUT 1/100 TH OF AN INCH PER FOOT. THE BOUNDARY SURVEY IS BASED ON THE KENTUCKY STATE PLANE COORDINATE SYSTEM (GARS), SINGLE ZONE AND HORIZONTAL DATUM CLASSIFICATION: UTM.
2. SOURCE OF TITLE: DEB 544, PG 314 (TRACT 1).
3. BEARING SET AND 1/2" BEARING, 1/4" LONG, WITH BEEL CAP STAMPED "SPENCER PLAS" AND "VOLUME 88, PG 314 (TRACT 1)".
4. THE COUNTY DEPARTMENT OF FORESTRY PLAN, 1/4" = 1" SCALE, DATED 11/20/11, SHOWS THIS TRACT AS BEING IN MUSKOGEE COUNTY. ROAD DEPARTMENT RECORDS SHOULD BE USED IN ADDITIONAL TO THE COUNTY DEPARTMENT RECORDS TO DETERMINE THE BOUNDARY WITH LOT 11, RESULTING IN 25' FROM CENTER OF THE ROAD.



LOT 17 6.83 AC
LOT 18 4.01 AC
LOT 19 4.32 AC
LOT 20 4.49 AC
LOT 21 12.25 AC
LOT 22 24.19 AC
LOT 23 24.83 AC

FINAL RECORD PLAT
THREE FORKS DEVELOPMENT
A PORTION OF THE LANDS DESCRIBED IN DB 846, PG 314 (TRACT 1)

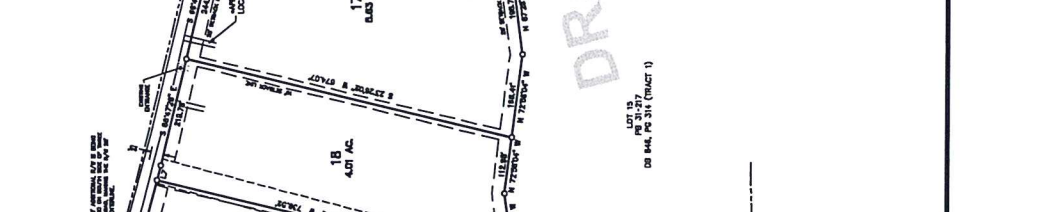
1000 RED HOUSE RD
MUSKOGEE COUNTY, KENTUCKY

21 E. 3rd Street
PO Box 1000
800-888-4788
www.spencerplasma.com

DB 846, PG 314 (TRACT 1)

1000 RED HOUSE RD
MUSKOGEE COUNTY, KENTUCKY

--- PRELIMINARY ---
NOT FOR RECORDING
OR TRANSFER OF LAND



VICINITY MAP
1" = 300'

APPROVED BY

DEPARTMENT	DATE
MUSKOGEE COUNTY UTILITIES DISTRICT	
MUSKOGEE COUNTY FIRE DEPARTMENT	
MUSKOGEE COUNTY ROAD DEPARTMENT	
RECREATION UTILITIES	
SPECTRUM CABLE	

LINE TABLE

LINE	BEARING	DISTANCE
1	N 89° 15' 00" W	10.00
2	S 89° 15' 00" E	10.00
3	S 00° 00' 00" E	10.00
4	N 89° 15' 00" W	10.00
5	S 89° 15' 00" E	10.00
6	S 00° 00' 00" E	10.00
7	N 89° 15' 00" W	10.00
8	S 89° 15' 00" E	10.00
9	S 00° 00' 00" E	10.00
10	N 89° 15' 00" W	10.00
11	S 89° 15' 00" E	10.00
12	S 00° 00' 00" E	10.00

LEGEND

- 1" = 300' SCALE
- BY 3/15/2014
- 1" = 300' SCALE

--- PRELIMINARY ---
NOT FOR RECORDING
OR TRANSFER OF LAND

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811
Know what's below.
Call before you dig.

SCALE: 1" = 120'

0 120 240 360

a) The proposed land use map amendment is in agreement with the adopted comprehensive plan for the following reasons:

The Future Land Use Map should be referenced during zone map changes to determine if the proposed use and its location aligns with the Comprehensive Plan. The Future Land Use Map identifies the location of the applicant's property to lay along the Urban Corridor Boundary, meaning it has been selected as an area where new development is most likely to occur based on recent growth, access, utilities and existing developments.

Single-Family, Low-Density zones are intended to serve as transitions between suburban development and agricultural areas. The applicant's property meets the need for transitions between suburban development and agricultural areas as it is bordered to the south by Overlook Farm Subdivision and a cluster of single-family residences, and it is bordered to the north by farmlands. The site contains adequate service connections to provide all necessary utilities and the property size will allow for appropriate development which will meet all site dimensions and development requirements. Furthermore, the requested change will not interrupt the surrounding residences and agricultural activities, as the applicant's property, as divided, is accessible from Three Forks Road by way of Red House Road, which the Comprehensive Plan classed as a "urban major collector street" capable and adequate to support additional residential development.

Single-family residences are necessary to service the continuing growth of Madison County. The requested amendment will not only support and facilitate continued growth as directed by the adopted Comprehensive Plan, but it will also facilitate orderly and harmonious development of the property in accordance with the same.

PROPOSED FINDINGS

TO: MADISON COUNTY FISCAL COURT
FR: PLANNING COMMISSION
RE: APPLICATION FOR LAND USE MAP AMENDMENT

DATE:

This matter came before the Planning and Zoning Commission for a hearing _____, on application submitted by the landowner, RPMD, LLC and Tudor Holdings, LLC to amend the official zoning map of regarding a certain tract described as _____ and located 1700 Red House Road, Richmond, Madison County, Kentucky, from a property currently zoned as UC-7 to Single-Family, Low Density (SF-LD)

Upon proper notice being given and upon hearing testimony and arguments of all parties on _____, and upon Motion made and vote taken on _____, the Madison County Planning and Zoning Commission did make the following Findings of Fact and Recommendations regarding said Application to the Madison County Fiscal Court:

SUMMARY OF EVIDENCE AND TESIMONY PRESENTED:

The Applicant was represented by the Hon. Kory O. Isaacs at the Hearing. The Applicant's presentation of evidence included a number of Exhibits, made a part of its presentation, together with testimony of the applicant, the argument of counsel and facts presented by the administrative staff of the Madison County Office of Planning and Code Enforcement which tended to show the existing zoning classification given to the property (UC-7) is inappropriate and the proposed zoning classification (being SF-LD) is appropriate and the same complies with the current Comprehensive Plan.

FINDINGS OF FACTS

Upon considering the evidence and testimony summarized herein, the Madison County Planning and Zoning Commission made the following Findings of Fact:

1. That the existing zoning classification (UC-7) given to the property is inappropriate and the proposed zoning classification (being SF-LD) is appropriate for the following reasons:
 - a. The character of the surrounding area and this property are more suitable for residential purposes as the subject property is in close proximity to other properties used for the same.
 - b. That Comprehensive Plan encourages residential uses along roadways akin to Red House Road and the location of the property is adequate for residential use due to the Site and Dimensional Requirements of single-family residences.
 - c. The proposed zone (SF-LD) will not disrupt traffic along Red House Road, nor will its use disrupt the surrounding properties quite enjoyment.
 - d. The property's existing zone UC-7 is not appropriate.
 - e. The proposed zone (SF-LD) is appropriate.

RECOMMENDATION:

It is the RECOMMENDATION of the Madison County Planning and Zoning Commission that the application to amend the Madison County Land Use Map applicable to the real property described as _____ and located at 1700 Red House Road, Richmond, Madison County, Kentucky BE APPROVED, and the above-described property be zoned as Single-Family, Low Density (SF-LD).

Chair, Madison County Planning and Zoning

Director, Madison County Planning & Development

APPLICATION FOR LAND USE MAP AMENDMENT

OFFICE OF PLANNING AND CODE ENFORCEMENT, MADISON COUNTY, KY



APPLICANT INFORMATION

Property Owner's Name Leonard Dyer and Billy Walters		Date
Owner's Street Address 301 Ben Reeves Road		Apartment/Unit #
City Waco	State Kentucky	ZIP 40385
Phone 859-893-2345	E-mail Address Kory@IsaacsLawKy.com	
Address of Property Requesting Zone Change 3907 & 3911 Irvine Road, Waco, Kentucky		
Lot Number: 1 & 2	Subdivision Name: Clarence Roberts Development	Total Acres: 2.3
Existing Zoning Classification RC-7 & C-4		
Proposed Zoning Classification UC-4		
Date Applicant Purchased Property April 7, 2023		Deed Book / Page Number 837/540

SURROUNDING PROPERTY USE / ZONING INFORMATION

DIRECTION	CURRENT LAND USE	CURRENT ZONING CLASSIFICATION
EAST	Church & Residential	RC-7
WEST	Storage Units	C-4
NORTH	Residential	RC-7 & C-7
SOUTH	residential and Fire Department	RC-7 & C-7

URBAN SERVICES

SERVICES PROVIDED	YES	NO	SERVICES PROVIDED BY
SEWAGE		X	Septic; however, sewer is available
GARBAGE DISPOSAL	X		Waste Management
WATER	X		Madison County Utility District
POLICE PROTECTION	X		KSP and MCSO
FIRE PROTECTION	X		Waco Volunteer Fire Department and Madison County
GAS		X	
ELECTRIC	X		Kentucky Utilities
STORM SEWERS		X	
MUNICIPAL SEWERS		X	

FINDINGS OF FACT, KRS 100.213

In accordance with KRS 100.213 before any map amendment is granted, the planning commission or legislative body or fiscal court must find the proposed map amendment is in agreement with the adopted Comprehensive Plan, or in the absence of such a finding, that one (1) or more of the following apply and such finding shall be recorded in the minutes and records of the planning commission or Fiscal Court. **It is the applicant's responsibility to determine and present evidence to support the specific findings of fact.**

a) The proposed land use map amendment is in agreement with the adopted comprehensive plan for the following reasons:

See Attached.

b) The existing zoning classification given to the property is inappropriate and the proposed zoning classification is appropriate for the following reasons:

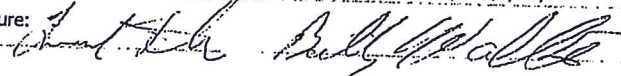
c) There have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area based upon the following reasons:

Please attach additional pages if more space is needed...

Applicant's Signature: I do hereby certify that, to the best of my knowledge and belief, all application materials are herewith submitted and the information is true and correct. I further certify that I am the owner of this property, since _____ (mo. / year)

DATE 6-13-24

Owner's Signature:



ADDITIONAL INFORMATION REQUIRED

The following items are required to be provided by the applicant before the application can be considered for placement on the Planning Commission Agenda:

Applicant's Attorney's Name: Kory Odell Isaacs

Attorney's Address Isaacs Law Office 306 West Main Street, Richmond, Kentucky 40475

ITEM	YES	NO	COMMENTS
DEED FOR THE PROPERTY			DEED MUST REFLECT ACTUAL ACRES TO BE RE-ZONED
VICINITY MAP			MAP MUST ACCURATELY DESCRIBE LOCATION OF PROPERTY
LIST OF ADJOINING PROPERTY OWNERS NAMES/ADDRESSES PER PVA			NAMES AND ADDRESSES MUST BE COMPLETE AND PER THE PVA RECORDS FOR ACCURACY
COMPLETED APPLICATION			APPLICATION MUST BE COMPLETED ENTIRELY AND SIGNED BY THE PROPERTY OWNER
APPLICATION FEES PAID			ALL ASSOCIATED FEES SHALL BE PAID IN FULL AT THE TIME OF MAKING APPLICATION

A conceptual drawing/site plan, describing the proposed use of the property in question, must be attached to the application. 12 copies of the plan must be submitted for review by the Planning Commission as part of their deliberation of the proposed land use change. This is not intended to relieve the applicant, or any future owner, of the requirement to submit a complete site development plan as required by Section 401.3 and Appendix G of the Madison County Land Use Regulations, prior to starting any construction.

THIS SECTION FOR OFFICIAL USE ONLY

Date of Public Hearing:

Motion made by

to

Motion Second by

VOTE:

YES

NO

ABSTAIN

Reasons for NO Votes:

FISCAL COURT DECISION

Upheld PC Decision

Over-turned PC Decision

Order / Ordinance #

Yes

No

Yes

NO

Comments:

**Madison County Office of Planning and Code Enforcement
321 North Madison Avenue
Richmond, Kentucky 40475
859-624-4780
www.madisoncountky.us**

LEGAL JUSTIFICATION FOR CHANGE TO UC-4

The existing zoning classification given to the property is inappropriate and the proposed zoning classification is appropriate for the following reasons:

The properties are located along Irvine Road, an east-west connector highway, contain approximately 2.3 acres and are currently zoned RC-7 and C-7. The Future Land Use Map indicates that the subject property is appropriate for Mixed Use and dictates that new commercial growth is appropriate within the area of the applicant's property.

The requested change will allow for a range of commercial activities that are convenient for frequent, small-scale purchases, require a relatively small consumer base, and can be acquired with very little travel time. The small-scale retail goods and services businesses within this district are typically located adjacent to residential uses, which precisely describes the relevant property.

Furthermore, the property has limited connection to residential properties and adequate access to Irvine Road. The requested zone complies with the adopted Comprehensive Plan as it defines the appropriate relative location, type of commercial area, necessary dimensions of the front, side and rear boundaries. Importantly, due to the access to Irvine Road, customer access and travel will not interfere with the effective flow of traffic, nor will the requested change burden current or future residential or agricultural uses and complies with the Comprehensive Plan.

PROPOSED FINDINGS

TO: MADISON COUNTY FISCAL COURT
FR: PLANNING COMMISSION
RE: APPLICATION FOR LAND USE MAP AMENDMENT

DATE:

This matter came before the Planning and Zoning Commission for a hearing _____, on application submitted by the landowners, Leonard Dyer and Billy Walters, to amend the official zoning map of regarding real property located at 3907 & 3911 Irvine, Road, Waco, Madison County, Kentucky, from a property currently zoned as C7 and RC-7 to UC-4.

Upon proper notice being given and upon hearing testimony and arguments of all parties on _____, and upon Motion made and vote taken on _____, the Madison County Planning and Zoning Commission did make the following Findings of Fact and Recommendations regarding said Application to the Madison County Fiscal Court:

SUMMARY OF EVIDENCE AND TESIMONY PRESENTED:

The Applicant was represented by the Hon. Kory O. Isaacs at the Hearing. The Applicant's presentation of evidence included a number of Exhibits, made a part of its presentation, together with testimony of the applicant, the argument of counsel and facts presented by the administrative staff of the Madison County Office of Planning and Code Enforcement which tended to show the existing zoning classification given to the property (C7 & RC-7) is inappropriate and the proposed zoning classification (UC-4) is appropriate and the same complies with the current Comprehensive Plan.

FINDINGS OF FACTS

Upon considering the evidence and testimony summarized herein, the Madison County Planning and Zoning Commission made the following Findings of Fact:

1. That the existing zoning classification (RC-7 & C-4) given to the property is inappropriate and the proposed zoning classification (UC-4) is appropriate for the following reasons:
 - a. The character of the surrounding area and this property are more suitable for UC-4 purposes as the subject property is in close proximity to other properties used for nonresidential purposes.
 - b. That Comprehensive Plan encourages businesses uses along roadways akin to Irvine Road and the location of the property is adequate for commercial use due to the Site and Dimensional Requirements required by the Land Use Regulations.
 - c. The proposed zone will not disrupt traffic along Irvine Road, nor will its use disrupt the surrounding properties quite enjoyment.
 - d. The property's existing zone C7 & RC-7 is not appropriate.
 - e. The proposed zone (UC-4) is appropriate.

RECOMMENDATION:

It is the RECOMMENDATION of the Madison County Planning and Zoning Commission that the application to amend the Madison County Land Use Map applicable to the real property described as _____ and located at 3907 & 3911 Irvine Road, Waco, Madison County, Kentucky BE APPROVED, and the above-described property be zoned as UC-4.

Chair, Madison County Planning and Zoning

Director, Madison County Planning & Development