APPLICATION FOR LAND USE MAP AMENDMENT

OFFICE OF PLANNING AND CODE ENFORCEMENT, MADISON COUNTY, KY



APPLICANT INFORMATION

Property Owner's Name Carter H. Bradenburg, Steven N. Bradenburg, Michael H. Bradenburg, Susan G. Bybee

Date 9/24/2024

Owner's Street Address

1978 Boonesboro Road, Richmond, Kentucky 40475

Apartment/Unit #

City Richmond

State Kenlucky

ZIP

Phone

E-mail Address

Address of Property Requesting Zone Change

Lot Number:

Subdivision Name:

Total Acres: 159.971 +/-

Existing Zoning Classification R-7/RC-7

Proposed Zoning Classification

Single Family Residential (UC-1)

Date Applicant Purchased Property

Deed Book / Page Number 744/408

SURROUNDING PROPERTY USE / ZONING INFORMATION

DIRECTION

CURRENT LAND USE

CURRENT ZONING CLASSIFICATION

EAST

Vacant/Farmland

RC-7

WEST

Vacant/Farmland

RC-7/R-7

NORTH

Vacant/Farmland

RC-7/R-7

SOUTH

Vacant/Farmland

RC-7/R-7

URBAN SERVICES

SERVICES PROVIDED

YES

NO

SERVICES PROVIDED BY

SEWAGE

GARBAGE DISPOSAL

WATER

POLICE PROTECTION

FIRE PROTECTION

GAS

ELECTRIC

STORM SEWERS

MUNICIPAL SEWERS

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:

Please see the attached proposed findings of fact.

- 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 9/24/24

Owner's Signature:

Attorney for Owner Applicant

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: Preston C. Worley

Attorney's Address 201 East Main Street, Lexington, Kentucky 40507

ITEM

YES

NO

COMMENTS

DEED FOR THE PROPERTY

DEED MUST REFLECT ACTUAL ACRES TO BE RE-ZONED

DEED TOK THE PROPERTY

VICINITY MAP

MAP MUST ACCURATELY DESCRIBE LOCATION OF

PROPERTY

LIST OF ADJOINING PROPERTY OWNERS NAMES/ADDRESSES PER

NAMES AND ADDRESSES MUST BE COMPLETE AND PER THE PVA RECORDS FOR ACCURACY

PVA

APPLICATION FEES PAID

APPLICATION MUST BE COMPLETED ENTIRELY AND

COMPLETED APPLICATION SIGNED BY THE PROPERTY OWNER

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 Publi	c Hearing:		
Motion made	by	to	
Motion Second	i by		
VOTE:	YES	NO	ABSTAIN
Reasons for N	O Votes:		
		FISCAL COURT DECISION	
Upheld PC Decision		Over-turned PC Decision	Order /Ordinance #
Yes	No	Yes NO	

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

Comments:

MADISON COUNTY KENTUCKY PLANNING & ZONING COMMISSION

IN RE:APPLICATION FOR ZONING MAP AMENDMENT

OWNER:

Carter H. Bradenburg Steven N. Bradenburg Michael H. Bradenburg Susan G. Bybee

PROPERTY ADDRESS: 1978 Boonesboro Road, Richmond, KY 40475

PROPOSED FINDINGS OF FACT AND CONCLUSIONS AND RECOMMENDATIONS

This matter came before a meeting of the Madison County Planning & Zoning Commission on October 15, 2024, on the application submitted by the above named Property Owner to re-zone approximately 159.971 +/- total acres of land located on Boonesboro Road, Richmond, Kentucky, as follows: from Agricultural (R-7/RC-7) to Single Family Residential (UC-1).

After having heard argument of counsel for the landowner and after having considered the application, the evidence, and the record, 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 first class mail.
- 2. The subject property is a tract of undeveloped agricultural land lying within the County limits along Boonesboro Road. The applicants have submitted a rendering which is attached hereto as **Exhibit A** reflecting the property, its proposed zoning classifications, how each tract relates to the others, and to the surrounding property.
- 3. The property fronts on Boonesboro Road. The property to the north is zoned Agricultural and currently utilized as farm land. The adjacent property to the South is zoned Agricultural. The property to the West is likewise zoned Agricultural. To the Northwest, there a cluster residential development along Old Boonesboro Road. The applicant proposes to rezone their property for multifamily residential development.
- 4. The legal justification for the requested zone change is that said change is in conformity with the Comprehensive Plan of Madison County and that the requested UC-1 classification is appropriate, given the property's location and the Comprehensive

Plan's call for this to be developed as residential.

5. This Property is located along Boonesboro Road, which per the Comprehensive Plan, is called to be developed as residential. Page 22 of the Comprehensive plan makes clear that;

Northern Madison County is the closest in proximity to Lexington and could serve as a prime location for residential growth for high-wage earners that work in Lexington but want to live in Madison County. Municipal sanitary sewer services are available in limited areas of Northern Madison County, however, expansion projects are planned for this region of the county. New development in this area should consider high-density, high-quality development that promotes upper-end housing, shopping options, and promotes 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.

- 6. The Comprehensive Plan's Future Land Use Map, located on page 19 of the Comprehensive Plan, also clearly depicts this Property as Single-Family Residential. A copy of the Future Land Use Map is attached hereto as **Exhibit B**.
- 7. The current zoning classification of the subject property is R-7/RC-7. The proposed map amendment would change the zoning classification to UC-1_which is in agreement with the comprehensive plan, particularly but not limited to:
 - Goal 1: Land Use & Development: Actively support planning and land use management as a high priority.

Update the existing land use regulations and evaluate them on a regular basis to better facilitate the ever-changing needs of the County

Goal 5: Housing: Provide a Range of housing opportunities including affordable housing options.

Encourage new residential development in areas that currently provide or are planned to provide adequate transportation access and infrastructure.

Allow a diverse range of housing types to meet housing needs such as attached single-family, multifamily, and senior housing.

Available housing stock attracts business and investment in the community. This

proposed rezoning and development will provide an attractive housing type, providing a diverse housing option while complementing existing development. Additionally, the proposed rezoning (1) is in agreement with the Comprehensive Plan, (2) the Plan's Future Land Use Map and (3) request for residential development along Boonesboro Road in Northern Madison County.

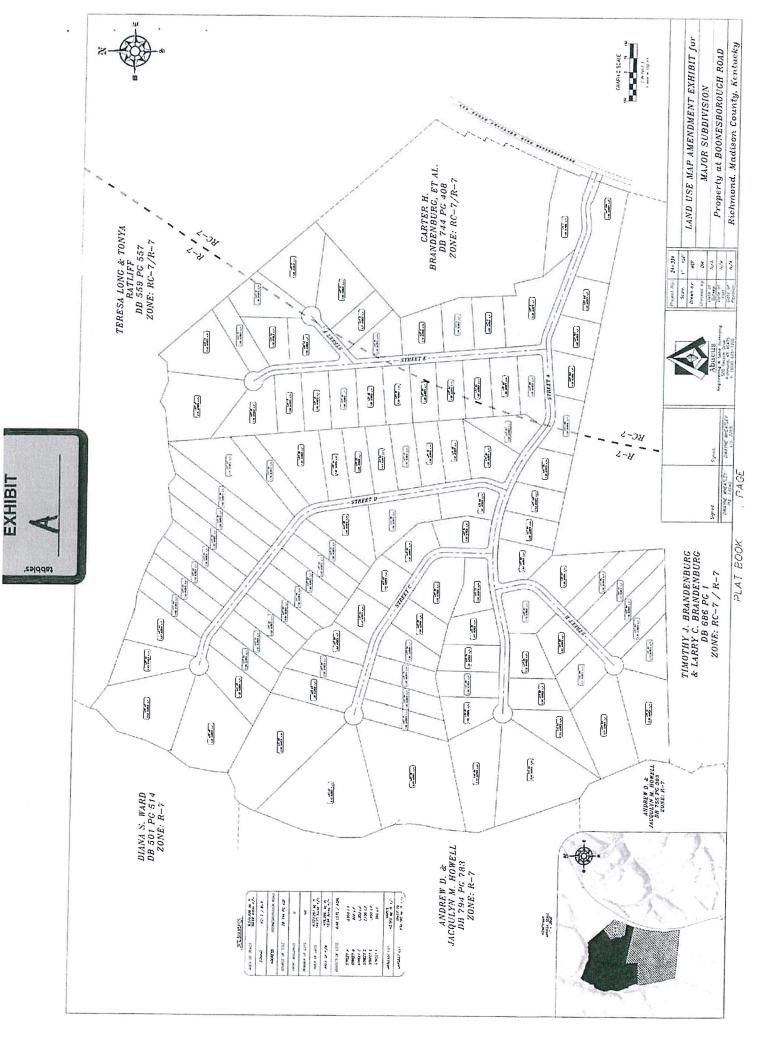
From the foregoing Findings of Fact, the Commission finds that:

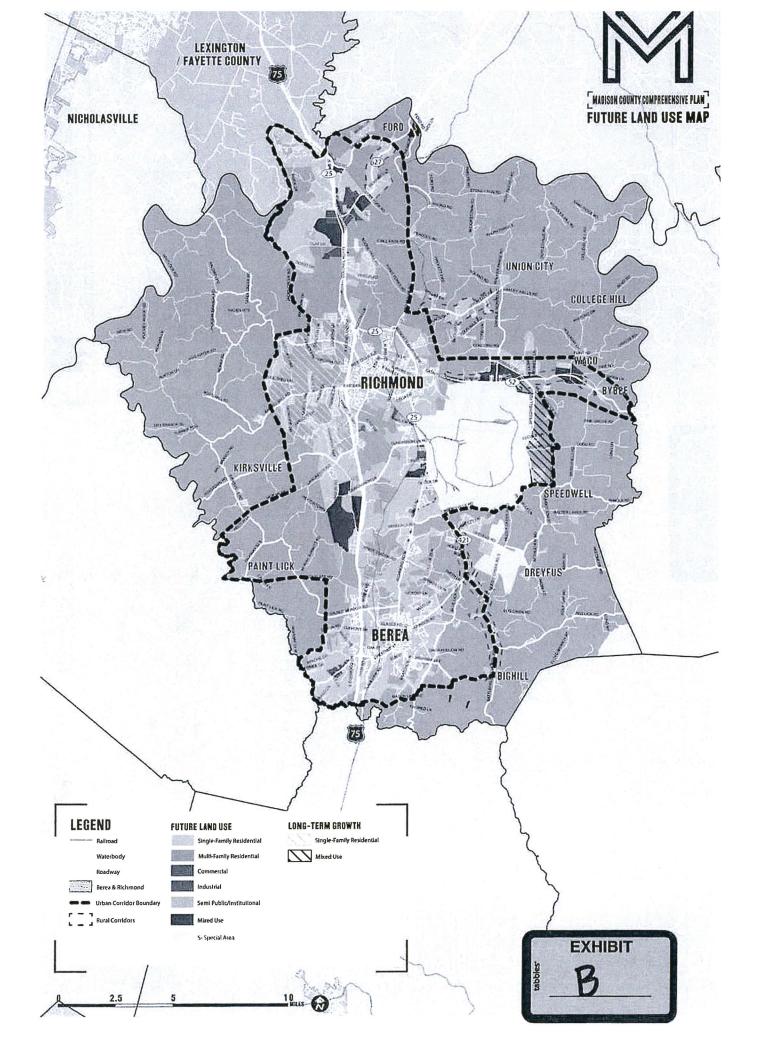
- 1. The proper notification of this hearing was given pursuant to KRS 100.212 and KRS 424.130, et seq.
- 2. The requested zone designation is in conformity with the Comprehensive Plan of Madison County.
- 3. That the requested zone designation to UC-1 will be in conformity with the existing use and development of other property near the subject property and is appropriate under the circumstances.

Based upon the foregoing, it is the conclusion of the Madison County Planning & Zoning Commission that the application of Carter H. Bradenburg, Steven N. Bradenburg, Michael H. Bradenburg and Susan G. Bybee, to rezone 159.971 +/- acres located at 1978 Boonesboro Road from RC-7/R-7 to UC-1 is consistent with the intent of the Comprehensive Plan, the Development Ordinance and with other development around and near the subject property and should thus be, and is recommended for, approval.

RECOMMENDATION

Based on the foregoing, The Madison County Fiscal Court recommends to t Madison County Fiscal Court that the subject property be zoned		
Dated:	Ву:	Chairman, Madison County Planning and Zoning Commission
4070 2470 0200 4		





After recording please return to: COY, GILBERT, SHEPHERD & WILSON 212 North Second Street P.O. Box 1178 Richmond, KY 40476-1178 Our File No. 41480 In-care-of address for property tax bill(s): C/O Carter Hogan Brandenburg Susan Gail Brandenburg Bybee Michael Hampton Brandenburg Steven Noel Brandenburg 1978 Boonesboro Road Richmond, KY 40475

DEED OF CORRECTION

This deed of conveyance dated the day of day of 2017, but effective as of October 29, 2012, by and between TIMOTHY JOE BRANDENBURG, a single man, of 1384 Boonesboro Road, Richmond, Madison County, Kentucky, 40475; LARRY CHARLES BRANDENBURG and BRENDA BRANDENBURG, spouses, of 8007 Wexford Drive, Richmond, Madison County, Kentucky, 40475; CARTER HOGAN BRANDENBURG and ANNE BRANDENBURG, spouses, of 194 Winding Creek Way, Hubert, North Carolina, 28439; SUSAN GAIL BRANDENBURG BYBEE and JACKIE BYBEE, spouses, of 196 Crutcher Pike, Richmond, Madison County, Kentucky, 40475; MICHAEL HAMPTON BRANDEBURG, a single man, of 3105 Inland Street North, Mrytle Beach, South Carolina, 29582; and STEVEN NOEL BRANDENBURG, a single man, of 3105 Inland Street North, Mrytle Beach, South Carolina, 29582, parties of the first part, and CARTER HOGAN BRANDENBURG, a married man, of 194 Winding Creek Way, Hubert, North Carolina, 28439; SUSAN GAIL BRANDENBURG BYBEE, a married woman, of 196 Crutcher Pike, Richmond, Madison County, Kentucky, 40475; MICHAEL HAMPTON BRANDEBURG, a single man, of 3105 Inland Street North, Mrytle Beach, South Carolina, 29582; and STEVEN NOEL BRANDENBURG, a single man, of 3105 Inland Street North, Mrytle Beach, South Carolina, 29582, parties of the second part,

WHEREAS, the parties hereto were conveyed certain property by deed dated October 29, 2012, and recorded in **Deed Book D686 at page 6**, in the office of the Madison County Clerk; and

WHEREAS, due to scrivener's error, said deed erroneously excluded a land-locked 35.25 acre tract of land as shown on the plat of record in Plat Book P26 at page 111, off of Tract 1 on said plat, and also failed to convey Tract 3 on said plat; and

WHEREAS, said deed should not have excluded any property off of Tract 1, it being the intention for second parties to acquire all of Tract 1 consisting of 179.971 acres, more or less, as depicted on the plat of record in Plat Book P26 at page 111; and

WHEREAS, said deed failed to include Tract 3 consisting of .721 acre, more or less, as shown on Plat Book P26 at page 111, said Tract 3 being the remainder of the original 125 acre tract, described in Deed Book 47 at page 546, Tract 3 being the property severed off the original boundary by the construction of Boonesboro Road; and

WHEREAS, the derivation of title in Deed Book D686 at page 6 was incomplete.

WHEREAS, the parties hereto wish to correct said errors in said property description and derivation of title.

WITNESSETH: That the first parties, for and in consideration of the foregoing, and for the division of jointly owned property, Timothy Joe Brandenburg and Larry Charles Brandenburg having received Tract 2 consisting of 145.444 acres, more or less, as depicted on the plat of record in Plat Book P26 at page 111, by division deed of record in Deed Book D686 at page 1, the receipt of which is hereby

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acknowledged, do hereby **BARGAIN**, **SELL**, **GRANT** and **CONVEY** unto the parties of the second part, in fee simple their heirs and assigns, the following described property, located in Madison County, Kentucky, to-wit:

All of Tract 1 described as 179.971 acres as recorded in the Virginia Hogan Brandenburg Heirs Minor Plat recorded in Plat Book P26 at page 11, in the Madison County Clerk's office, reference to which plat being hereby made for a more particular description of said property; and the improvements thereon being known and designated as 1978 Boonesboro Road, Richmond, Kentucky.

Tax map no. 0051-0000-0016

And

All of Tract 3 described as .721 acre as recorded in the Virginia Hogan Brandenburg Heirs Minor Plat recorded in Plat Book P26 at page 11, in the Madison County Clerk's office, reference to which plat being hereby made for a more particular description of said property; and being known and designated as ______ Old Boonesboro Road, Richmond, Kentucky.

Tax map no. 0051-0000-0016-C

TRACTS 1 & 3 consist of a part of the property (and all of the 125 acre tract less that portion conveyed to the Department of Highways for Boonesboro Road by deed of record in Deed Book 215 at page 1) conveyed to S. Q. Royce, by deed dated December 13, 1897, from D. C. Munday, and recorded in Deed Book 47 at page 546, in the office of the Madison County Clerk, Richmond, Kentucky.

TRACT 1 also consists of all of the 44.75 acre tract shown on Plat Book P26 at page 111, which was conveyed to Samuel Q. Royce, by deed dated April 14, 1900, from the Executor of the Estate of James W. Garrison, deceased, and recorded in Deed Book 49 at page 349, in the office of the Madison County Clerk, Richmond, Kentucky.

S. Q. Royce (a/k/a Samuel Q. Royce) died in 1919, and pursuant to the second item of his Last Will and Testament, of record in Will Book 4 at page 45, he devised all his property to his wife, Mary A. Royce.

Mary A. Royce conveyed all the property she owned on Boonesboro Road, to her daughter, Virginia Hogan, for life, with remainder to her children that she may have living at her death, by deed dated November 6, 1929, and recorded in Deed Book 106 at page 578, in the office of the Madison County Clerk. Mary A. Royce retained a life estate in said deed. Mary A. Royce (a/k/a Mary Addie Royce and Mary Adelaide Royce) died on July 16, 1952, at which time her life estate in said property was extinguished.

Virginia Hogan Brandenburg (f/k/a Virginia Hogan) died on November 13, 2009, at which time her life estate in said property was extinguished.

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Virginia Hogan Brandenburg had only two (2) children, Ralph Hampton Brandenburg and Carter Royce Brandenburg, both of whom predeceased their mother. Ralph Hampton Brandenburg died intestate on October 20, 1967, leaving as his only heirs at law, his children: Timothy Joe Brandenburg and Larry Charles Brandenburg. Carter Royce Brandenburg died intestate on September 12, 2007, leaving as his only heirs at law, his children: Carter Hogan Brandenburg, Michael Hampton Brandenburg, and Susan Gail Brandenburg Kendrick. See the Affidavit of Descent and Affidavit in Aid of Title, of record in Deed Book D667 at page 784.

TRACT 1 also consists of all of the 35.25 acre tract shown on Plat Book P26 at page 111, which was once owned by Samuel Q. Royce, but conveyed by him in 1889 to Robert Fox, and later acquired by Joe Brandenburg, by deed dated May 2, 1963, from James Mays and Ora Mays, husband and wife, and recorded in Deed Book 201 at page 403, in the office of the Madison County Clerk, Richmond, Kentucky.

Joe Brandenburg died testate, a resident of Madison County, Kentucky, in 1982, and pursuant to the First Item of his Last Will and Testament, of record in Will Book 23 at page 267, he devised all his property to his wife, Virginia H. Brandenburg.

Virginia H. Brandenburg died testate, a resident of Madison County, Kentucky, on November 13, 2009, and pursuant to Items III & IV of her Last Will and Testament, of record in Will Book W58 at page 182, she devised all her property to the child or children of her predeceased child, Carter R. Brandenburg.

Carter R. Brandenburg (a/k/a Carter Royce Brandenburg) predeceased his mother on September 12, 2007, leaving four (4) children: Michael H. Brandenburg, Carter H. Brandenburg, Steven N. Brandenburg, and Susan G. Brandenburg Kendrick, as evidenced by the Affidavit in Aid of Tile of record in Deed Book D666 at page 793, in the office of the Madison County Clerk, Richmond, Kentucky.

TO HAVE AND TO HOLD the same, together with all appurtenances thereunto belonging unto the parties of the second part, in fee simple, their heirs and assigns forever.

Said parties of the first part do hereby release and relinquish unto the said parties of the second part, their heirs and assigns, all of their right, title and interest in and to the above-described property, including homestead and all exemptions allowed by law, and hereby covenant to and with the said parties of the second part, their heirs and assigns, that they are lawfully seized in fee simple to said property and have a good right to convey the same as herein done, and that said property is free and clear of all encumbrances of whatever nature and that they will WARRANT GENERALLY the title to said property.

Provided, however, there is excepted from the foregoing warranty and covenants, the following:

- Any restrictive covenants of record in the Madison County Clerk's Office.
- 2. All conditions and/or restrictions, if any, affecting the property herein conveyed and contained on any plat of record in the aforesaid Clerk's Office.
 - 3. Zoning and building restrictions, regulations and ordinances, if any.

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4. Easements and rights-of-way of whatever nature and kind reserved and recorded in the aforesaid Clerk's Office.

CONSIDERATION CERTIFICATE: We, the undersigned, hereby certify that the consideration reflected in this deed is the full consideration paid for the property; and the fair market value of said property was \$125,000.00 on October 29, 2012. The second parties join in this instrument for the sole purpose of certifying the consideration paid.

FIRST PARTY:

1 mary 10e BrandenBurg

STATE OF KENTUCKY

COUNTY OF MADISON

The foregoing Deed and Consideration Certificate was acknowledged and sworn before me by TIMOTHY JOE BRANDENBURG, a single man, party of the first part, this the day of 201k 7

Notary Public(

My commission expires:

MADISON COUNTY

FIRST PARTY:	FIRST PARTY:
LARRYCHARLES BRANDENBURG	Branda Brandonburg BRENDA BRANDENBURG
STATE OF KENTUCKY	
COUNTY OF MADISON	
The foregoing Deed and Consideration Certific LARRY CHARLES BRANDENBURG, husband of BREND day of April 2018 7	cate was acknowledged and sworn before me by A BRANDENBURG, party of the first part, this the
	Charde Nollyne Nover 10:490601 Notary Public My commission expires: 6/24/2017
STATE OF KENTUCKY	
COUNTY OF MADISON	
The foregoing Deed and Consideration Certific BRENDA BRANDENBURG, wife of LARRY CHARLES BRANDEN OF AND STREET OF THE PROPERTY	ate was acknowledged and sworn before me by ANDENBURG, party of the first part, this the 38th
	Phoneta Mottingham Notay 10: 490 601 Notary Public My commission expires: (224/2017

FIRST PARTY/SECOND PARTY:	FIRST PARTY:
Center Hogen Brandenburg	ANNE BRANDENBURG
COUNTY OF <u>Carteret</u>	
The foregoing Deed and Consideration Certific CARTER HOGAN BRANDENBURG, husband of ANNE BE this the Straday of November, 2016.	cate was acknowledged and sworn before me by RANDENBURG, party of the first and second parts,
PATE OF BOTH TO	Attphanio Match Notary Public My commission expires: 12.06.2020
The foregoing Deed and Consideration Certification Brandenburg, wife of CARTER HOGAN BRAND of North Dec. 2016.	cate was acknowledged and sworn before me by DENBURG, party of the first part, this the day
CHARLE F MARINING OF THE PARTY	Ataphanie Amatan Motary Public My commission expires: 1.3.06.3020

Swam Ital Brandenburg Bylee Susan Gail Brandenburg Bybee (f/k/a Susan Gail Brandenburg Kendrick)	FIRST PARTY: JACKIE BYBEE JACKIE BYBEE
STATE OF KENTUCKY	
COUNTY OF MADISON	
The foregoing Deed and Consideration Consumption SUSAN GAIL BRANDENBURG BYBEE (f/k/a SUSA) BYBEE, party of the first and second parts, this the	ertificate was acknowledged and sworn before me by AN GAIL BRANDENBURG KENDRICK), wife of JACKIE and Jackie 2016.
	Chasty Kendreck #57536 Notary Publid My commission expires: 8/29/18
STATE OF KENTUCKY	
COUNTY OF MADISON	
The foregoing Deed and Consideration Ce JACKIE BYBEE, husband of SUSAN GAIL BRANDEN of, 2016.	ertificate was acknowledged and sworn before me by BURG BYBEE, party of the first part, this the day
	Chasity Kendruz #57753.6 Notary Public My commission expires: 8/29/18

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FIRST PARTY/SECOND PARTY:	
Michael 7/15 randenly MICHAEL HAMPTON BRANDENBURG	
STATE OF SOUTH CAROLINA	
COUNTY OF HORRY	
The foregoing Deed and Consideration Certif MICHAEL HAMPTON BRANDENBURG, a single man, p of	icate was acknowledged and sworn before me by arty of the first and second parts, this the //n/day
Seal:	Notary Public My commission expires:
FIRST PARTY/SECOND PARTY: Steven Moal Brandenburg STEVEN NOEL BRANDENBURG	ROBERT A. BLACKWELL Notary Public South Carolina My Comm. Expires Sept. 18, 2017
STATE OF SOUTH CAROLINA	
COUNTY OF Horry	
The foregoing Deed and Consideration Certif STEVEN NOEL BRANDENBURG, a single man, party of the work of the consideration Certification Certif	icate was acknowledged and sworn before me by of the first and second parts, this the 4th day of
Seal:	Notary Public My commission expires:
Prepared by and after recording return to: COY, GILBERT, SHEPHERD & WILSON 212 North Second Street Richmond, Kentucky 40475 (859) 623-3877	ROBERT A. BLACKWELL Notary Public South Carolina My Comm. Expires Sept. 18, 2017

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DOCUMENT NO: 2013958404
RECORDED:May 10,2017 10:47:00 AM
TOTAL FEES: \$28.00
COUNTY CLERK: KENNY BARGER
DEPUTY CLERK: BETH HUDSON
COUNTY: MADISON COUNTY
BOOK: D744 PAGES: 408 - 415

Physical Address	Owner	Mailing Address
Boonesborough Road	Teresa Long & Tonya Ratliff	P.O. Box 1027, Richmond, KY 40476
4305 Simpson Lane	Diana S. Ward	4717 North Forest, Hixson TX 37343
Simpson Lane	Andrew & Jacqulyn Howell	165 Hickory Meadows Drive, Richmond, KY 40475
4041 Simpson Lane	Andrew & Jacqulyn Howell	165 Hickory Meadows Drive, Richmond, KY 40475
Boonesborough Road	Timothy & Larry Brandenburg	1384 Boonesborough Road, Richmond, KY 40475
1986 Boonesborough Road	Rebecca & Carter Noland	1980 Boonesborough Road, Richmond, KY 40475
2015 Old Boonesborough Road No. 2	Sherrie Sparkman	2065 Old Boonesborough Road, Richmond, KY 40475
Old Boonesborough Road No. 2	Cara Sizemore & Tamra Sowers	2034 Old Boonesborough Road No. 2, Richmond, KY 40475
2022 Old Boonesborough Road No. 2	Cara & Christopher Sizemore	2022 Old Boonesborough Road No. 2, Richmond, KY 40475