

# 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 & Dywalt Properties, LLC Date

Owner's Street Address P.O. Box 144

Apartment/Unit #

City Waco

State Kentucky

ZIP 40385

Phone 859-893-2345

E-mail Address Kory@IsaacsLawKy.com

Address of Property

Requesting Zone Change ~~C-7~~ 226, 220 & 230 Waco Loop, Waco, Kentucky

Lot Number:

Subdivision Name:

Total Acres: 1.2

Existing Zoning Classification C-7 Rural Community Agricultural

Proposed Zoning Classification UC-4 Community General Commercial

Date Applicant Purchased Property 1/18/24, 7/13/2022  
& 4/12/2024

Deed Book / Page Number 847-797, 826-220 & 863-600

## SURROUNDING PROPERTY USE / ZONING INFORMATION

DIRECTION	CURRENT LAND USE	CURRENT ZONING CLASSIFICATION
EAST	Vacant and Undeveloped	C-7 Rural Community Agricultural
WEST	Residential & Vet Clinic	C-7 Rural Community Agricultural
NORTH	Storage & General Store	C-4 & C-7
SOUTH	Gas Station	C-4 Community General Commercial

## URBAN SERVICES

SERVICES PROVIDED	YES	NO	SERVICES PROVIDED BY
SEWAGE	Yes		Richmond Utilities
GARBAGE DISPOSAL	Yes		
WATER	Yes		Madison County Utility District
POLICE PROTECTION	Yes		Madison County Sheriff & KSP
FIRE PROTECTION	Yes		Madison County and Waco Volunteer
GAS		No	
ELECTRIC	Yes		Kentucky Utilities
STORM SEWERS		No	
MUNICIPAL SEWERS		No	

### 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:
- 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:

See Attached Exhibit A.

*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

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 218 West Main Street, Richmond, Kentucky 40475

ITEM	YES	NO	COMMENTS
DEED FOR THE PROPERTY	Exhibit B		DEED MUST REFLECT ACTUAL ACRES TO BE RE-ZONED
VICINITY MAP	Exhibit C		MAP MUST ACCURATELY DESCRIBE LOCATION OF PROPERTY
LIST OF ADJOINING PROPERTY OWNERS NAMES/ADDRESSES PER PVA	Exhibit D		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.

**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 with the Rural Corridor between Waco Loop and Irvine Road, an east-west connector highway, and contain approximately 2.3 acres currently zoned as C-7 ( Rural Community Agricultural). The Petitioner requests the property be rezoned to General Business (GB)

The Comprehensive Plan predicts this area Waco will undergo new growth and development, thus these properties are located within the “Mixed Use Area” dedicated by the Future Plan to specifically permit commercial uses. The area surrounding the properties has already experienced commercial expansion, including storage facilities, a general store, veterinarian clinic, gas station and bank. Furthermore, the property has limited connections to residential properties and adequate access from Waco Loop and 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 Waco Loop and 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 the requested change complies with the Comprehensive Plan’s Future Land Use.





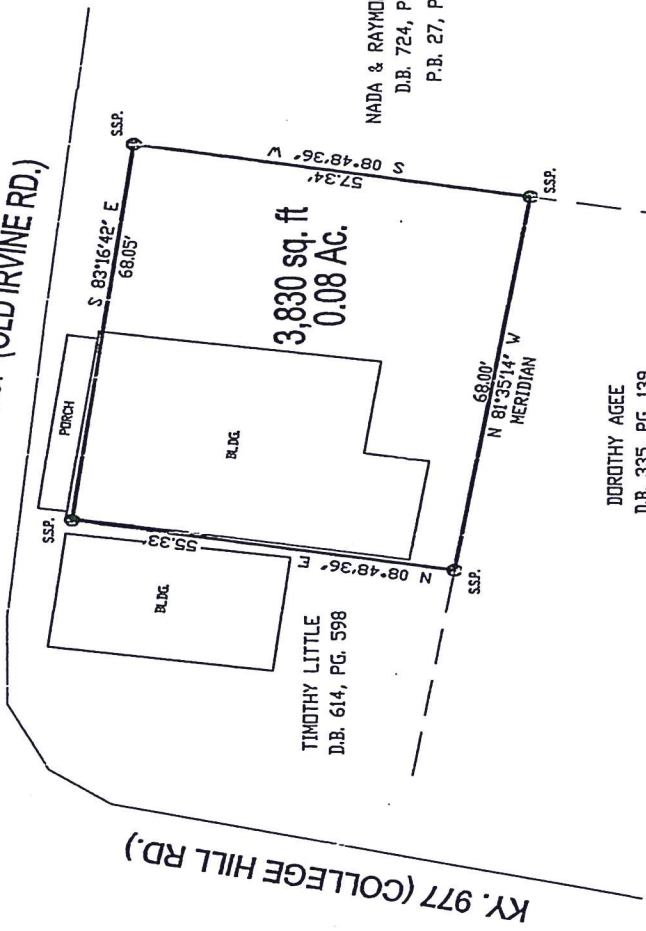
CENTRAL KENTUCKY  
LAND SURVEYING, LLC  
JAY WEBB, LS 3505  
113 PAULINE DR. HERB, KENTUCKY 40403  
PHONE (859) 985-9272 / FAX (859) 985-0979

REVISED	FILED SURVEY	3-4-2022
SCALE	1" = 20'	
DATE	3-4-2022	
CDL	J.W.	
PDG	J.W.	

TITLE	BOUNDARY RETRACEMENT SURVEY THREE SURVEY COMPLEX WITH 88 64 139
LOCATION	198 VACO LOOP MADISON CO., KY.
CLIENT/OWNER	FRANK DYER & BILLY WALTERS VACO, KY. 40085

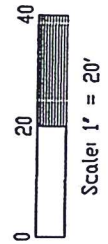
MONUMENTATION  
SSP. ① - SET STEEL PIN - 1/2" (4) REBAR-18" LONG  
WITH YELLOW PLASTIC CAP STAMPED CCLS WEBB LS 3505.  
P.B. 27, PG. 67  
MERIDIAN SHOWN

R/W 20' FROM CENTER  
SEE KDOT PLAN SP76-31-14  
WACO LOOP (OLD IRVINE RD.)



DOCUMENT NO: 2014091748  
RECORDED May 12, 2022 12:51:00 PM  
TOTAL FEES: \$50.00  
COUNTY CLERK: KENNY BARGER  
DEPUTY CLERK: CODY MC CLOTHUN  
COUNTY: MADISON COUNTY  
BOOK: 150 PAGES: 129 - 129

SOURCE OF TITLE  
LEONARD FRANKLIN DYER  
BILLY EUGENE WALTERS  
D.B. 821, PG. 644

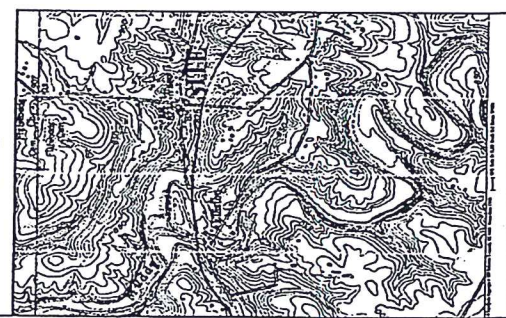


CERTIFICATE NOTE  
Please note this plat depicts all visible elements and elements of record only as discovered during the course of this survey and does not warrant the depiction of all elements and/or encumbrances.  
UTILITY NOTE  
All utilities should be field verified before any construction begins. Any construction, owner or designer using the information shown herein may be responsible for any damage or injury resulting from the discovery of additional underground utilities not shown herein.  
BEFORE U DIG CALL (811) 48 HOURS IN ADVANCE

CERTIFICATES OF ACCURACY AND ADEQUACY  
I HEREBY CERTIFY THAT THE SURVEY DEPICTED BY THIS PLAT WAS DONE BY ME, OR PERSONS UNDER MY DIRECT CONTROL AND SUPERVISION, BY METHOD OF CLOSED TRAVERSE WITH RADIAL TIES TO EXISTENT MONUMENTS, CORNERS, AND EVIDENCE OF CORNERS, AND RADIAL STAKE-OUT OF SET CORNERS. THE UNADJUSTED PRECISION RATIO OF THE TRAVERSE WAS 1:37,810 THE TRAVERSE WAS NOT ADJUSTED. THE SURVEY AS SHOWN HEREON IS AN URBAN SURVEY AND THE ACCURACY AND PRECISION OF SAID SURVEY MEETS ALL THE SPECIFICATIONS OF THIS CLASS.  
JAY WEBB LS 3505  
5-4-2022

CERTIFICATE OF OWNERSHIP AND INDICATION  
I (WE) HEREBY CERTIFY THAT I (AM ONE AND THE OWNERS) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) DO HEREBY ADOPT THIS SURVEY WITH MY (OUR) FREE CONSENT.  
Leonard Dyer 5-12-22  
DATE

-VICINITY SKETCH-  
NO SCALE



## **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 198, 2020 & 230 Waco Loop, Waco, Madison County, Kentucky, from a property currently zoned as C7 to General Business (GB).

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) is inappropriate and the proposed zoning classification (GB) 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) given to the property is inappropriate and the proposed zoning classification (GB) is appropriate for the following reasons:
  - a. The area is described by the Comprehensive Plan's Future Land Use as a Mixed Area suitable for commercial growth.
  - b. The character of the surrounding area and this property are more suitable for GB purposes as the subject property is in close proximity to other properties used for nonresidential purposes.
  - c. That Comprehensive Plan encourages businesses uses along roadways akin to Waco Loop and 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.
  - d. The proposed zone will not disrupt traffic along Waco Loop and Irvine Road, nor will its use disrupt the surrounding properties quite enjoyment.
  - e. The property's existing zone C7 is not appropriate.
  - f. The proposed zone (GB) 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 198, 220 & 230 Waco Loop, Waco, Madison County, Kentucky BE APPROVED, and the above-described property be zoned as GB.

\_\_\_\_\_  
Chair, Madison County Planning and Zoning

\_\_\_\_\_  
Director, Madison County Planning & Development