

ORDINANCE NO. 00-04

AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY APPROVING THE ZONE CHANGE OF TRAVIS TIMBROOK PROPERTY LOCATED ON LEXINGTON ROAD (U.S. 25) AND AUTHORIZING THE CHANGE ON THE OFFICIAL ZONING MAP OF MADISON COUNTY, KENTUCKY.

WHEREAS, the hereinafter described land is located in Madison County, Kentucky and

WHEREAS, the Madison County Planning Commission held a public hearing on February 15, 2000, and found that the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate, and therefore recommend to the County Fiscal Court that the classification of the property involved herein be change from UC-7 Agriculture to UC-4 General Commercial, with a Certificate of Land Use Restriction filed to restrict only for Landscape/Commercial Nursery Use only, a copy of which will be filed in the Madison County Clerk's Office.

NOW, THEREFORE BE IT ORDAINED AND ENACTED, by Madison County Fiscal Court that the land use classification of the following described property be changed by this ordinance from UC-7 Agriculture to UC-4 General Commercial classification:

SECTION I

A certain tract of land located in Madison County, Kentucky, containing 3.99 acres, and consisting of all of the property of record in Deed Book 234 at page 118 and a part of the property of record in Deed Book 398 at page 121, and being more particularly described on the survey completed August 29, 1996, by Rick Isaacs, R.L.S. 3205, of record in Plat Cabinet 14 at page 16, in the office of the Madison County Clerk, Richmond, Kentucky.

And being a part of the same property conveyed to Donald Hortman, married, by deed dated April 30, 1996, from Jane Deatherage Hortman and Donald Hortman, wife and husband and recorded in Deed Book 465 at page 719, in the office of the Madison County Clerk, Richmond, Kentucky.

SECTION II

That the Director of Planning and Development make the appropriate changes to the Official Zoning Map of Madison County, Kentucky.

SECTION III

That the County Clerk cause this ordinance to be published in accordance with the appropriate Kentucky Revised Statutes.

DATE OF FIRST READING: 2-22-2000

MOTION BY: William Tudor

SECONDED BY: Billy Ray Hughes

VOTE: YES NO

JUDGE KENT CLARK ✓
MAGISTRATE LARRY COMBS absent
MAGISTRATE FORNISS PARKS ✓
MAGISTRATE WILLIAM TUDOR ✓
MAGISTRATE BILLY RAY HUGHES ✓

DATE OF SECOND READING: 3-14-2000

MOTION BY: Forniss Parke

SECONDED BY: William Tudor

VOTE: YES NO

JUDGE KENT CLARK ✓
MAGISTRATE LARRY COMBS ✓
MAGISTRATE FORNISS PARKS ✓
MAGISTRATE WILLIAM TUDOR ✓
MAGISTRATE BILLY RAY HUGHES ✓

[Signature]
MADISON COUNTY JUDGE EXECUTIVE

Attest:

Mary Jane Winter
MADISON COUNTY CLERK

**MADISON COUNTY
PLANNING and DEVELOPMENT**

503 S. Keeneland Drive
RICHMOND, KENTUCKY 40475
606-624-4734 / 624-4780
Fax # 606-624-4736

TO: Kent Clark, Madison County Judge Executive
Madison County Fiscal Court

DATE: February 17, 2000

RE: Planning Commission Recommendation
Travis Timbrook Property, 2635 Lexington Road

As a result of a public hearing held on February 17, 2000 at 6:30pm in the Fiscal Court Room, the Madison County Planning Commission heard and reviewed the following application for an amendment to the Land Use Management Map.

Travis Timbrook Property, 2635 Lexington Road, proposed to change 3.99 acres +/- from its original classification of UC-7 (Agricultural) to UC-4 (General Business). In accordance with KRS 100.213 the applicant's justification for the request was that the present land use classification is inappropriate and that the proposed land use classification is appropriate.

Therefore, the Madison County Planning Commission recommends the request for land use change be **APPROVED** with conditions, based upon the following:

Motion was made, seconded and approved to request to the Fiscal Court that the request to change the land use from UC-7 to UC-4, for the above property, be approved and have made it a finding of fact that;

- 1) The original land use classification for the property was inappropriate because the property is currently used as a landscaping business;
- 2) This is in agreement with the adopted Comprehensive Plan.

The conditions for the approval are:

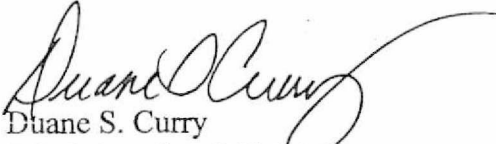
- 1) A certificate of Land Use Restriction be filed with the property restricting the commercial use for the property to be only Landscape, horticulture related business.
- 2) A development plan will be required to be submitted to the Planning Commission for their review and approval prior to the issuance of any building permits or major changes of the property.
- 3) An approved landscape buffer be provided to adequately separate the adjoining residential property located on the North and South property lines.
- 4) Per the regulations, all driveways, parking and loading areas are required to be paved.

A copy of the Certificate of Land Use Restriction is attached.

Planning Commission Recommendation
Travis Timbrook Property, 2635 Lexington Road
February 17, 2000

Copies of the actual minutes from the public hearing are available upon request. Should you have any questions regarding this request, please call this office.

Sincerely,



Duane S. Curry
Administrative Official

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CERTIFICATION OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Travis Timbrook, 2635 Lexington Road, Richmond, Kentucky 40475

2. ADDRESS OF PROPERTY

2635 Lexington Road, Richmond, KY

3. NAME OF SUBDIVISION/DEVELOPMENT

N/A

4. TYPE OF RESTRICTION(S)

(Check all that apply):

Zoning Map Amendment
to UC-4 Zone

Conditional Zoning Condition

Development Plan

Other

specify Restricted for Landscape / Horticulture /

Commercial Nursery business only.

Unrecorded Subdivision Plat

Variance

Conditional Use Permit

5. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF
ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH
MAINTAINS THE ORIGINAL RECORDS CONTAINING THE
RESTRICTION

Madison County Planning Commission
503 S. Keeneland Drive
Richmond, Kentucky 40475

6. DATE : 02/17/2000

Prepared by:



Marc Robbins
Attorney at Law
214 N. Third Street
Richmond, Kentucky 40475
606-623-4595


Signature of Completing Official

Duane S. Curry, Administrative Official
Name and Title of Completing Official
(Type or print)