

ORDINANCE NO. 02-02

AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY APPROVING THE ZONE CHANGE OF JUDITH PINEUR DEES and THOMAS S. DEES PROPERTY AT 3575 COLONEL ROAD 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 Tuesday, December 18, 2001, and found that the existing zoning classification given to the property is inappropriate and that the proposed zoning classification of is appropriate; the proposed land use change is in conformance with the adopted comprehensive plan; and there was evidence that there had been major changes of an economic, physical, or social nature in the area that was not anticipated in the adopted comprehensive plan; and therefore recommend to the County Fiscal Court that the classification of the property involved herein be change from UC-7 Urban Agricultural to UC-4 General Commercial.

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 Urban Agricultural to UC-4 General Commercial.

SECTION I

The following described property located in Madison County, Kentucky:

Tract 1B as shown in plat of record in Plat Book 10, Page 6, Madison County Court Clerk's Office, reference to which is hereby made for a more particular description of said property.

Being a part of the same property conveyed to Donald E. Pineur by Deed of Conveyance dated November 26, 1980, and of record in Deed Book 338, page 265, Madison County Court Clerk's Office.

Grantor reserves the right of ingress and egress over and across the existing roadway from Colonel Road to the mobile home now located on Tract 1A as shown on the plat aforesaid.

This conveyance is subject to all easements as shown on the plat aforesaid.

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: 1-8-02

MOTION BY: Forniss Parks

SECONDED BY: Larry Combs

VOTE: YES NO

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

DATE OF SECOND READING: Jan 22-02

MOTION BY: Forniss Parks

SECONDED BY: Billy Ray Hughes

VOTE: YES NO

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

Kent Parks
MADISON COUNTY JUDGE EXECUTIVE

Attest:

Mary Jane Winter
MADISON COUNTY CLERK

**MADISON COUNTY
PLANNING and DEVELOPMENT**

**321 North Madison Avenue
RICHMOND, KENTUCKY 40475
859-624-4734 / 624-4780
Fax # 859-624-4736**

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

DATE: December 18, 2001

RE: Planning Commission Recommendation
Judith Pineur Dees and Thomas S. Dees Property
3575 Colonel Road, Richmond, KY

As a result of a public hearing held on December 18, 2001 at 6:00pm 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.

Judith Pineur Dees and Thomas S. Dees, 3575 Colonel Road, proposed to change 2.18 acres +/- from its original classification of UC-7 (Agricultural) to UC-4 (General Commercial). In accordance with KRS 100.213 the applicant's justification for the request was that the original land use classification was inappropriate and the proposed classification is appropriate.

Therefore, the Madison County Planning Commission recommends the request for land use change be **APPROVED**:

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

1) The Planning Commission felt that the property was originally zoned improperly.

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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Grantor reserves the right of ingress and egress over and across the existing roadway from Colonel Road to the mobile home now located on Tract 1A as shown on the plat aforesaid.

This conveyance is subject to all easements as shown on the plat aforesaid.

SECTION II

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MOTION BY: Forniss Parks

SECONDED BY: Larry Combs

VOTE: YES NO

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

DATE OF SECOND READING: _____

MOTION BY: _____

SECONDED BY: _____

VOTE: YES NO

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

Kent Parks
MADISON COUNTY JUDGE EXECUTIVE

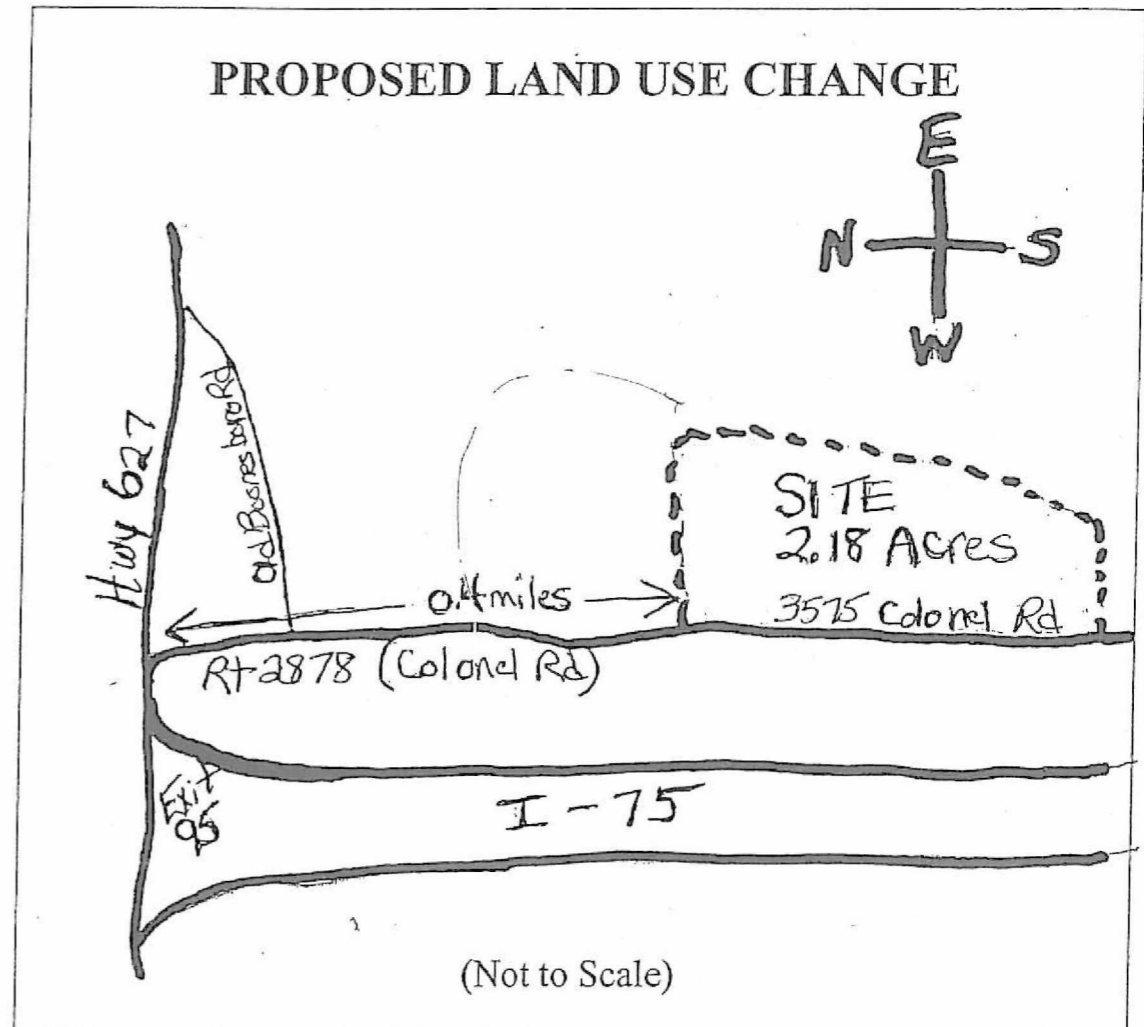
Attest:

MADISON COUNTY CLERK

for Dec 1, 2001
Richmond Register
11/29/01 9:30 AM

Copy to
Planning & Dev. of
11/29/01

EXAMPLE OF NEWSPAPER AD



(Not to Scale)

NOTICE OF PUBLIC HEARING

There will be a public hearing of the Madison County Planning Commission on Tuesday, December 18, 2001 at 6:00p.m. in the Fiscal Court Room of the Madison County Court House. The purpose is to consider a land use change from UC-7 Agricultural to UC-4 General Commercial for the Judith and Thomas Dees (as shown on the map above).

Application for Land Use Map Amendment
Madison County, Kentucky

Date: 12/18/01

Fee: \$150.-

1. Owner(s) of Property:

Judith Pineur Dees & Thomas S. Dees

2. Property Address

3575 Colonel Road

3. Designated Land Use UC-7

4. Proposed Use UC-4

5. Acreage: 2.18 Acres

6. Surrounding Property:

Use

Land Use Map

• North

UC-4 - Commercial

• East

UC-7 - Ag.

• South

UC-7 - Church

• West

UC-7 - Ag

7. Urban Services:

Exists

Provided By

• Sewage

Septic

• Refuse

BFI

• Water

Mad. Co. Utilities

• Electric

KU

• Gas

N/A

• Storm Sewers

N/A

• Fire

Mad. Co.

• Police

KSP / Mad. Co.

8. Justification for Requested Change (KRS.100.213)

There has been major changes in the area with
the rezoning of the Williams property immediately north of
this property and the existing zoning is inappropriate due to property
having been used for commercial purposes.

9. Brief Legal Description of Property:

Copy of Deed

10. Additional Information:

11. The following items must accompany application:

- Copy of Deed
- Vicinity Map of Area request amendment
- List of all adjoining property owners, names, addresses of property, addresses of owners, telephone numbers of owners.

12. 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 Owner of this property, since 6/1997 (date).

Date: 11/5/01

Signature(s):

Judith K. Dees

Thomas S. Dees

EXAMPLE OF NEWSPAPER AD

PROPOSED LAND USE CHANGE

(Not to Scale)

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for Dec 1, 2001
Richmond Register
11/29/01 9:30 AM

Copied to
Planning & Dev. Div.
11/29/01

EXAMPLE OF NEWSPAPER AD

PROPOSED LAND USE CHANGE

(Not to Scale)

NOTICE OF PUBLIC HEARING

There will be a public hearing of the Madison County Planning Commission on Tuesday, December 18, 2001 at 6:00p.m. in the Fiscal Court Room of the Madison County Court House. The purpose is to consider a land use change from UC-7 Agricultural to UC-4 General Commercial for the Judith and Thomas Dees (as shown on the map above).

APPENDIX D

Madison County Planning Commission
C/O Madison County Planning & Development Office
321 N. Madison Avenue, Suite B
Richmond, KY 40475

Cer: Ad Letter - 11/29/01

2:20pm

Date 12/01/01

Dear Property Owner:

The Madison County Planning Commission would like to inform you of a land use change request by a property owner in your neighborhood. We will hold a public hearing on this matter in order to provide county residents with an opportunity to support or object to the requested change. All pertinent information is listed below. If you need additional information, please contact the Administrative Official at the Madison County Planning & Development Office located at 321 N. Madison Avenue, Suite B (859) 624-4780.

Address of Property requested for Land Use Change: _____
3575 Colonel Road

Land Use Change Requested: From: UC-7 To: UC-4

Owner of Property requesting Land Use Change: Judith and Thomas Dees

Address of Owner: 127 Redwood Drive, Richmond, Ky 40475


Name of Land Use Change Applicant: Judith and Thomas Dees

Address of Land Use Change Applicant: Same

Date of Public Hearing: December 18, 2001

Time and Location of Public Hearing: Madison County Court House
6:00pm

Sincerely,


Duane S. Curry
Administrative Official

Judith and Thomas Dees
127 Redwood Drive
Richmond, KY 40475
859-624-5486

RE: Property change from UC-7 to UC-4
location - 3575 Colonel Rd., Richmond
Ky. 40475

Adjoining property owners:

North - David Williams - owner of
603 West Main St. 3585 Colonel Rd.
Richmond, KY. 40475

East - Emily McCord Estate
c/o John D. Robertson
1100 Old Daniel Boone Rd.
Richmond, KY. 40475

South - Whitehall Holiness Church
3561 Colonel Road
Richmond, KY. 40475

letter also sent to Pastor
Whitehall Holiness Church
Pastor Rev. Ray Northern
3547 Lexington Rd
Richmond, KY. 40475

West - Interstate I-75

Letters to be mailed today 11/29/01

**MADISON COUNTY
PLANNING & DEVELOPMENT**

321 N. Madison Avenue
Richmond, Kentucky 40475
606-624-4780 / 624-4734
Fax – 606-624-4736

MEMORANDUM

TO: Planning Commission Members

FROM: Duane Curry, Administrative Official



DATE: December 14, 2001

RE: Land Use Change Applications

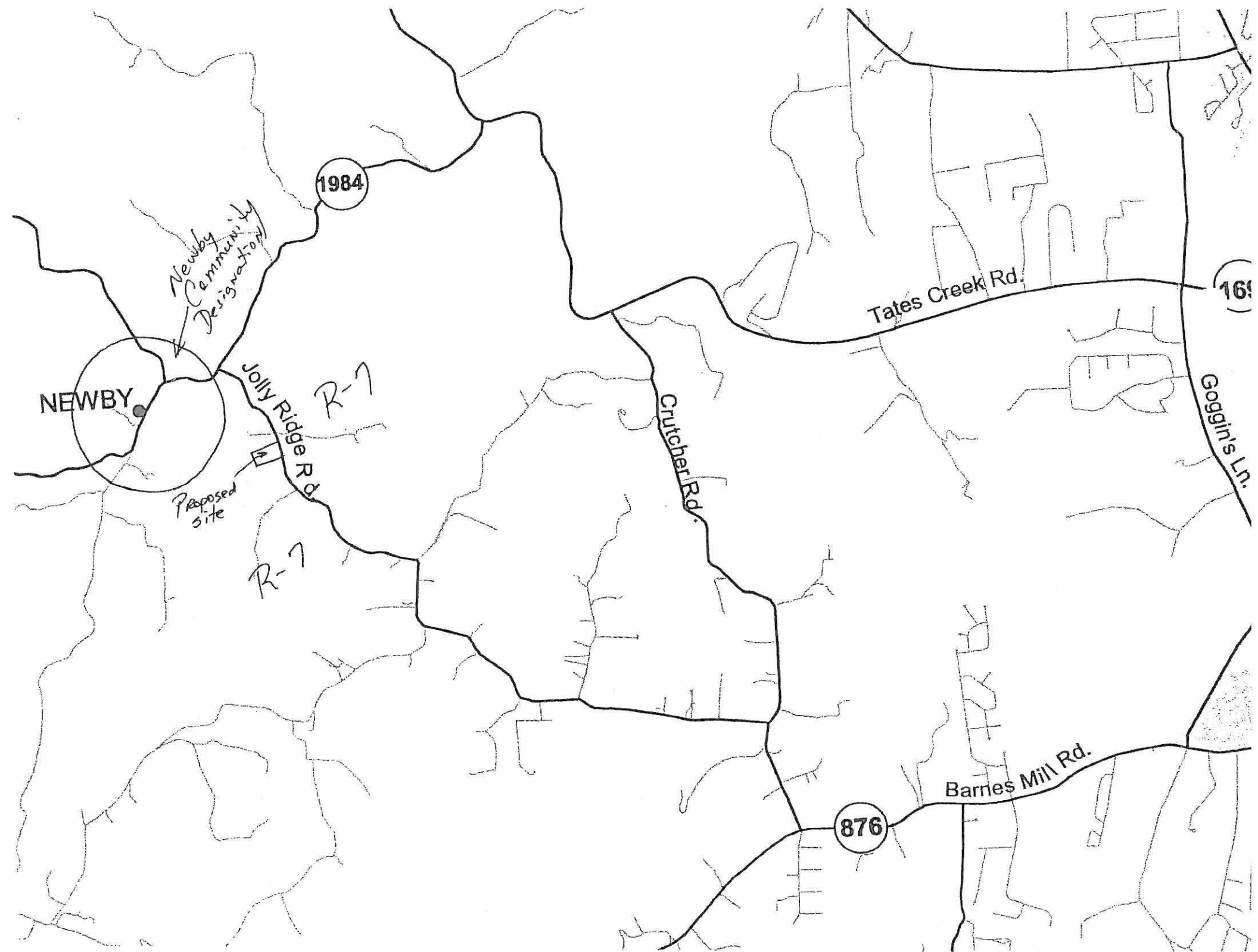
Following is a brief summary of information that may be beneficial for you as you determine if a land use change is appropriate for the following applications. If you have any questions or need additional information, please call.

Judith & Thomas Dees – 3575 Colonel Road – UC-7 Ag to UC-4 General Commercial

This property is currently being used as a mobile home sales lot and is located on Colonel Road. This property adjoins the David Williams property that was re-zoned in October 2001 from UC-7 to UC-4 as well. It appears to me that the property was zoned improperly when the zoning map was established as the property has been used as commercial for many years. The property consists of 2.18 acres and is bounded between another commercial piece of property on the north, a church on the south side, I-75 on the west side and agricultural property on the east side. The property is located approximately ½ mile from the intersection of Colonel Road and Highway 627.

Cloyd Short Property – 303 Jolly Ridge Road – R-7 Ag to R-3 Neighborhood Commercial

This property is located approximately 3 miles from Barnes Mill Road via Crutcher Pike / Mule Shed Lane. The property owner desires to construct a convenience type food store on his property. The property is located North of Newby Baptist Church and is surrounded by agricultural land. The property is not within the Community designation shown on the Land Use Map. There is another store within the Community designation that is within approximately 1 mile from this property. That store offers gas pumps and general convenience and variety type goods and has been established for several years. It appears to be a thriving business for the community.



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DEED OF CONVEYANCE

THIS DEED OF CONVEYANCE made and entered into by and between DONALD E. PINEUR, a single person, of 3585 Colonel Road, Richmond, Madison County, Kentucky 40475, hereinafter GRANTOR, and JUDITH PINEUR DEES and THOMAS S. DEES, her husband, of 3575 Colonel Road, Richmond, Madison County, Kentucky 40475, hereinafter GRANTEES.

WITNESSETH: That for and in consideration of the sum of TWENTY-TWO THOUSAND AND NO/100 DOLLARS (\$22,000.00), cash in hand paid, the receipt of which is hereby acknowledged, GRANTOR does hereby BARGAIN, GRANT, SELL and CONVEY unto GRANTEES, for and during their joint lives and at the death of one the fee to the survivor of them, his, her or their heirs and assigns forever, the following described property located in Madison County, Kentucky:

Tract 1B as shown in plat of record in Plat Book 10, Page 6, Madison County Court Clerk's Office, reference to which is hereby made for a more particular description of said property.

BEING A PART OF the same property conveyed to Donald E. Pineur by Deed of Conveyance dated November 26, 1980, and of record in Deed Book 338, Page 265, Madison County Court Clerk's Office.

GRANTOR reserves the right of ingress and egress over and across the existing roadway from Colonel Road to the mobile home now located on Tract 1A as shown on the plat aforesaid.

This conveyance is subject to all easements as shown on the plat aforesaid.

TO HAVE AND TO HOLD the above described property, together with all the rights, privileges and appurtenances thereunto belonging unto said GRANTEES, for and during their joint lives and at the death of one the fee to the survivor of them, his, her or their heirs and assigns forever, with covenants of GENERAL WARRANTY; and the GRANTOR does hereby release unto the GRANTEES the every right, title and interest of the GRANTOR in and to the above described property, including curtesy, dower, homestead exemption and all other exemptions allowed by law.

Consideration Certificate: The parties hereto state that the consideration reflected in this deed is the full consideration paid for the property. The GRANTEES join this deed for the sole purpose

RECEIVED
JAN 8 3 20 PM '97
KENTUCKY
COUNTY CLERK

LIBER 477 PAGE 365

22.00
6-6-97

Janice Clever

of certifying the consideration pursuant to KRS 382.

IN TESTIMONY WHEREOF, witness the signatures of GRANTOR and GRANTEES on this the _____ day of _____, 1997.

GRANTOR:

GRANTEES:

Donald E. Pineur
Donald E. Pineur

Judith Pineur Dees
Judith Pineur Dees

Thomas S. Dees
Thomas S. Dees

STATE OF KENTUCKY
SCT
COUNTY OF MADISON

The foregoing Deed and Consideration Certificate was subscribed, acknowledged and sworn to before me this 2nd day of June, 1997, by DONALD E. PINEUR, a single person, GRANTOR.

Debrai Taylor
Notary Public, Kentucky State at Large

My Commission Expires: 12/29/99.

STATE OF KENTUCKY
SCT
COUNTY OF MADISON

The foregoing Consideration Certificate was acknowledged, subscribed and sworn to before me this 2nd day of June, 1997, by JUDITH PINEUR DEES and THOMAS S. DEES, her husband, GRANTEES.

Debrai Taylor
Notary Public, Kentucky State at Large

My Commission Expires: 12/29/99

PREPARED BY:

SWORD, FLOYD, MOODY, BOHANNON,
EAVES, FERNANDEZ & OLDS

By: David L. Bohannon

ADDRESS: 218 West Main Street
Post Office Box 300
Richmond, Kentucky 40476-0300
Telephone: 606-623-3728

LIBER 477 PAGE 366

Recorded this the 6 day of June 1997

Madison County Clerk MARY JANE GINTER

By Jamie Alton D.C.

O:\WP51\DATA\DEEDS\PINEUR-D.DEE
5/22/97 3:30pm Thu