

ORDINANCE NO. 02-17

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY
APPROVING THE ZONE CHANGE OF KENNETH WILDER PROPERTY AT
3327 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, April 23, 2002, 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 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 Agricultural to UC-4 General Commercial classification:

SECTION I

A certain tract of land located off the east side of the I-75 Service Road, approximately 1060 feet south of Three Forks Road in Madison County, Kentucky, and being bounded by survey made June 13, 1990, by Charles E. Black, a licensed land surveyor (L.S. 760) and further described as follows:

Parcel 1

Beginning at a steel pin in the line of Tract 3-A (Evelyn Horn) and the south line of a 30' access easement, said pin being located S 83 degrees 58' E 220.00 feet from the east right of way line of the I-75 Service Road; thence with the line of Tract 3-A S 83 degrees 58' E, and passing at 110.00 feet the line of Tract 3-A, and the end of said 30' access easement, and continuing with the line of Tract 3-B, in all, 489.70 feet to a steel pin in the line of Tommy McMullin: Thence leaving the line of Tract 3-B with the line of McMullin, two calls, S 04 degrees 39' W 99.0 feet and S 04 degrees 32' W 209.00 feet to a steel pin and common corner to Tract 4-A (James L. Dye); thence leaving the line of McMullin with the line of Tract 4-A N 72 degrees 19' 00" W 508.01 feet to a steel pin and common corner to Tract 4-C (Richard Horn); thence leaving the line of Tract 4-A with the line of Tract 4-C N 06 degrees 02' E 205.38 feet to the point of beginning and containing 2.90 acres, and known as Tract 4-B as shown on Plat Book 9, Page 208.

Parcel 2

Tract 4-C, containing 1.01 acres, situated on the east side of the I-75 Service Road, south of its intersection with Three Forks Road, approximately five miles north of Richmond in Madison County, Kentucky, as shown on plat recorded in the Madison County Clerk's Office in Plat Book 7, Page 170, reference to which is hereby made for a more particular description. The property is further shown on Plat Book 9, Page 208 in the office of the aforesaid clerk.

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: May 14, 2002

MOTION BY: Forniss Park

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: May 30, 2002

MOTION BY: Forniss Park

SECONDED BY: William Tudor

VOTE: YES NO

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

Kent Clark
MADISON COUNTY JUDGE EXECUTIVE

Attest:

Mary Jane Ginter
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: April 26, 2002

RE: Planning Commission Recommendation
Kenneth Wilder Property
3327 Colonel Road, Richmond, KY

As a result of a public hearing held on April 23, 2002 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.

Kenneth Wilder, 3327 Colonel Road, proposed to change 3.91 acres from its 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 with one abstaining, to recommend to the Fiscal Court that the request to change the land use from for the above property from UC-7 (Agricultural) to UC-4 (General Commercial) 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

\DC

**Application for Land Use Map Amendment
Madison County, Kentucky**

Date: 3/27/02

Fee: _____

1. **Owner(s) of Property:**

Kenneth Wilder

2. **Property Address**

3327 Colonel Road, Richmond, KY 40475

3. **Designated Land Use** UC-7 4. **Proposed Use** UC-4

5. **Acreage:** 3.91

6. **Surrounding Property:**

<u>Use</u>	<u>Land Use Map</u>
• North Residential	UC-7
• East Agricultural	UC-7
• South Commercial	UC-7
• West I-75 (Interstate)	UC-7

<u>Urban Services:</u>	<u>Exists</u>	<u>Provided By</u>
• Sewage	X	Septic System
• Refuse	X	West Management
• Water	X	Madison Co. Utilities
• Electric	X	Kentucky Utilities
• Gas		
• Storm Sewers		
• Fire	X	Madison Co. Fire Dept.
• Police	X	Kentucky State Police/Madison Co. Sheriff

8. **Justification for Requested Change (KRS.100.213)**

The proposed amendment is in agreement with the adopted comprehensive plan and/or the existing land use classification is inappropriate and the proposed land use classification is appropriate.

9. **Brief Legal Description of Property:**

Copy of Deed attached

10. **Additional Information:**

This property has been used for general commercial purposes for approx. 10-15 years, including trucking, roofing, general contracting, wholesale/retail trade, construction and landscaping. Adjoining owners

11. **The following items must accompany application:** are listed on attachment.

- 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 OCTOBER 2000 (date).

Date: 3/27/02

Signature(s): Kenneth Wilder

Walter G. Ecton, Jr.

Attorney-at-Law

125 South Third Street

P.O. Box 479

Richmond, Kentucky 40476-0479

(859)624-2252

Fax (859)623-9501

Paralegals

Gena Greer

Marilyn Z. Nash

Walter G. Ecton, Jr.

March 29, 2002

Madison County Planning Commission
C/O Duane Curry
Madison County Planning and Development Office
321 N. Madison Avenue, Suite B
Richmond, Kentucky 40475

RE: Application of Kenneth Wilder

Dear Commissioners:

I represent Kenneth Wilder as it involves his request for a land use change from UC7 to UC4. Mr. Wilder paid \$150.00 with his application for Land Use Map Amendment. We respectfully request the Planning Commission to consider waiving the fee. The basis for this request is that the property was used as a UC4 (commercial) at the time the Land Use Management Map was adopted. I believe the map inadvertently failed to take into account that there was a UC-4 use at the location herein and this request is consistent with the instructions in paragraph 1 of the filing of application in the packet coming out to applicants and in accordance with this Commission's Rules and Regulations.

Thanking you in advance for your consideration.

Very truly yours,



WALTER G. ECTON, JR.

WGE/as

Subject Property is Map 53-0000-0033

Property to South is Map 53-0000-0033-C

Owned by Little Sack Grocery, Inc.

Address of owner is 3325 Colonel Road, Richmond, KY 40475

Telephone # (859)623-5113

Property to East is Map 53-0000-0031

Owned by Sallie Marcum Trust

Address of owner is 226 Stratford, Richmond, KY 40475

Telephone # unknown

Property to North is Map 53-0000-0033-D and 53-0000-0033-E

Owned by Donald and Joyce Derham

Address of owner is 3325 Colonel Road, Richmond, KY 40475

Telephone # (859)623-8873

No property to West - Interstate 75 runs on the West side of property.

EXAMPLE OF NEWSPAPER AD

Proposed land use change

UC-7 TO UC-4

Site
3327
COLONEL ROAD

Colonel Road

I-75 Interstate

U.S. 25

← **North**

(Not to Scale)

NOTICE OF PUBLIC HEARING

There will be a public hearing of the Madison County Planning Commission on Tuesday, April 16, 2002 at 6:00 p.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 Kenneth Wilder Property (as shown on the map above.)

10/26/00
CS

17.0
400.00

4

THIS DEED, dated this 24th day of October, 2000, by and between THOMAS STEIER AND TRACY STEIER, HIS WIFE, parties of the first part, whose mailing address is 131 Caleast Road, Richmond, Kentucky, 40475, and KENNETH WILDER, A SINGLE PERSON, party of the second part, whose mailing address is

525 Shivesky Parkway, Lexington, KY 40509

WITNESSETH:

That for and in consideration of the sum of FOUR HUNDRED THOUSAND DOLLARS AND 00/100— (\$400,000.00), cash in hand paid by second party to first parties the receipt of all of which is hereby acknowledged, said parties of the first part have Bargained and Sold and do hereby Grant and Convey unto the party of the second part, his heirs and assigns, forever, all the following described property located in Richmond, Madison County, Kentucky, and more fully described on Exhibit A attached hereto and made a part hereof.

TO HAVE AND TO HOLD in the above described property, together with all appurtenances thereunto belonging unto the said party of the second part, his heirs and assigns, forever.

Said parties of the first part do hereby release and relinquish unto the said party of the second part, his 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 party of the second part, his 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 whatsoever nature and that they will WARRANT GENERALLY the title to said property.

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

1. The 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.
4. Easements and rights-of-way of whatsoever nature and kind reserved and recorded in the aforesaid Clerk's

RETURN TO:

McBRAYER, MCGINNIS, LESLIE
& KIRKLAND, PLLC
163 W. SHORT ST., STE. 300
LEXINGTON, KY 40507

BOOK 522

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Office.

The party of the second part assume and agree to pay all 2000 City, County, State, and School District ad valorem taxes for the year 2000 and further agree to pay all 2000 sewer charges assessed against the aforesaid property.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands this the day and year first above written.

Thomas Steier
 Thomas Steier
Tracy Steier
 Tracy Steier

STATE OF KENTUCKY)
COUNTY OF FAYETTE)

The foregoing instrument was acknowledged before me this 24TH day of October, 2000, by Thomas Steier and Tracy Steier, his wife.

My Commission Expires: 11-11-2001
[Signature]
 NOTARY PUBLIC, STATE OF KENTUCKY

CONSIDERATION CERTIFICATE

We, the undersigned, hereby certify that the consideration reflected in this deed is the full consideration paid for the property.

Thomas Steier
 Thomas Steier
Tracy Steier
 Tracy Steier
Kenneth Wilder
 Kenneth Wilder

BOOK SEE

STATE OF KENTUCKY)
COUNTY OF FAYETTE)


The foregoing instrument was acknowledged and sworn to before me this 24th day of October, 2000, by Thomas Steier and Tracy Steier, his wife, and by Kenneth Wilder, a single person..

My Commission Expires: 11-11-2001

NOTARY PUBLIC, STATE OF KENTUCKY

THIS INSTRUMENT PREPARED BY:

McBRAYER, McGINNIS, LESLIE & KIRKLAND, PLLC

By: 
MARY ESTES HAGGIN
163 W. Short St., Suite 300
Lexington, KY 40507
(606) 231-8780

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EXHIBIT A

PARCEL 1

A certain tract of land located off the east side of the I-75 Service Road, approximately 1060 feet south of Three Forks Road in Madison County, Kentucky, and being bounded by survey made June 13, 1990, by Charles E. Black, a licensed land surveyor (L.S. 670) and further described as follows:

Beginning at a steel pin in the line of Tract 3-A (Evelyn Horn) and the south line of a 30' access easement, said pin being located S 83 degrees 58' E 220.00 feet from the east right of way line of the I-75 Service Road; thence with the line of Tract 3-A S 83 degrees 58' E, and passing at 110.00 feet the line of Tract 3-A, and the end of said 30' access easement, and continuing with the line of Tract 3-B, in all, 489.70 feet to a steel pin in the line of Tommy McMullin; Thence leaving the line of Tract 3-B with the line of McMullin, two calls, S 04 degrees 39' W 99.0 feet and S 04 degrees 32' W 209.00 feet to a steel pin and common corner to Tract 4-A (James L. Dye); thence leaving the line of McMullin with the line of Tract 4-A N 72 degrees 19' 00" W 508.01 feet to a steel pin and common corner to Tract 4-C (Richard Horn); thence leaving the line of Tract 4-A with the line of Tract 4-C N 06 degrees 02' E 205.38 feet to the point of beginning and containing 2.90 acres, and known as Tract 4-B as shown on Plat Book 9, Page 208.

Also conveyed herewith is any and all ingress and egress easements which parties of the first part were entitled to use including the following:

Also conveyed herein is the right of ingress and egress over a 30' access easement as shown on Plat Book 9, page 208 in the office of aforesaid Clerk.

Also conveyed herein is that certain easement, a strip of land, 15 feet in width, and running parallel with the north boundary of line of Tract 4-C, from Colonel Road to Tract 4-B, reference being made to that plat of record in Plat Book 7, Page 170 in the Madison County Clerk's, Richmond, Kentucky. And being a 15 foot strip for the purpose of ingress and egress.

Being the same property conveyed to Thomas Steier and Tracy Steier, his wife, by deed dated the 15th day of January, 1997, and of record in Deed Book 472, page 794 in the office of the Madison County Clerk.

Parcel 2

Tract 4-C, containing 1.01 acres, situated on the east side of the I-75 Service Road, south of its intersection with Three Forks Road, approximately five miles north of Richmond in Madison County, Kentucky, as shown on plat recorded in the Madison County Clerk's Office in Plat Book 7, Page 170, reference to which is hereby made for a more particular description. The property is further shown on Plat Book 9, Page 208 in the office of the aforesaid Clerk.

Being the same property conveyed to Thomas R. Steier and David Lynn Ratliff, by deed dated the 24th day of November, 1993, and of record in Deed Book 439, page 642 in the office of the Madison County Clerk; David Lynn Ratliff, single, conveyed all right, title and interest to Thomas R. Steier, by deed dated the 18th day of January, 1995, and of record in Deed Book 452, Page 23 in the office of the Madison County Clerk.

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DOCUMENT NO: 247975
RECORDED ON: OCTOBER 24, 2000 02:09:34PM
TOTAL FEES: \$14.00
TRANSFER TAX: \$400.00
COUNTY CLERK: MARY JANE GINTER
COUNTY: MADISON COUNTY
DEPUTY CLERK: JANICE ALEXANDER

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