

ORDINANCE NO. 02-26

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY APPROVING THE ZONE CHANGE OF ROBERT GILES PROPERTY AT 1000 CURTIS PIKE FOR 14 ACRES +/- 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, August 20, 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 Urban Corridor Agricultural to UC-1 Urban Corridor Single-Family Residential.

**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 Corridor Agricultural to UC-1 Urban Corridor Single-Family Residential classification:

**SECTION I**

A certain tract of land situated at the intersection of Barnes Mill Road with the Curtis Pike in Madison County, Kentucky, bounded and described as follows:

Beginning at a point at the intersection of the south right-of-way line of Barnes Mill Road with the west right-of-way line of Curtis Pike, a corner, thence with the west right-of-way line of Curtis Pike, 2 calls, S 11 degrees-22'44" W 173.74 feet, S 78 degrees-26'25" E 30.00 feet to a point in the center line of Curtis Pike, a corner, thence with the center line of the Curtis Pike, 3 calls, S 10 degrees-36'-09" W 443.21 feet, S 09 degrees-01'00" W 328.99 feet, S 11 degrees-12'41"W 424.34 feet to a point and corner to Tract III, thence leaving the Curtis Pike with Tract III N 80 degrees-22'34" W 475.24 feet to a point and corner to Tract II, thence with Tract II N 09 degrees-37'-26" e 1379.48 feet to a point in the south right-of-way line of Barnes Mill Road, a corner, thence with said south right-of-way line, 2 calls, S 79 degrees-37'-21" E 225.47 feet, S 79 degrees-03'-24" E 241.02 feet to the beginning containing 15.219 acres.

**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: Aug 27, 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 ✓

DATE OF SECOND READING: Sept 10, 2002

MOTION BY: Billy Ray Hughes

SECONDED BY: Larry Combs

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**

**321 N. Madison Ave., Suite B  
RICHMOND, KENTUCKY 40475  
859-624-4734 / 859-624-4780  
Fax # 859-624-4736**

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

DATE: August 21, 2002

RE: Planning Commission Recommendation  
Bob Giles Property, 1000 Curtis Pike, Richmond, KY

As a result of a public hearing held on August 20, 2002 at 6:00 pm 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.

Bob Giles, proposal to change property of 14 acres +/- located at 1000 Curtis Pike from UC-7 Urban Corridor Agricultural to UC-1 Urban Corridor Single Family Residential. 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 request to the Fiscal Court that the request to change the land use from UC-7 to UC-1, for the above property, be approved. The vote of the Planning Commission was as follows:

David Bohannon-Yes  
Chandler Combs-Yes  
James McKinney-Yes  
Gary Hart-Yes  
Wanda Pennington-Yes  
Robert Farmer-Yes  
Susan McClellan-Yes

The Planning Commission has made it a finding of fact that;

- 1) The original land use classification for the property was inappropriate and that the proposed land use classification was appropriate;
- 2) That the proposed change is in agreement with the adopted Comprehensive Plan.

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

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

Date: 7/10/02

Fee: \_\_\_\_\_

1. Owner(s) of Property: Bob Giles

2. Property Address: 1000 Curtis Pike

3. Designated Land Use UC-1 4. Proposed Use UC-1

5. Acreage: 14 Acres +/-

6. Surrounding Property: Use		Land Use Map
• North	Commercial	Ag R-7
• East	Residential	Res. UC-1
• South	Ag	R-7
• West	Ag	R-7

7. Urban Services: Exists		Provided By
• Sewage	Septic	Developer
• Refuse	Yes	BFI
• Water	Yes	Kirksville Water
• Electric	Yes	KM
• Gas	Yes	Delta Gas
• Storm Sewers	None	
• Fire	MC	MCFD
• Police	MC/RSP	MCS/RSP

8. Justification for Requested Change (KRS.100.213)  
There have been major changes of a physical, social and economic nature in the area w/ widening of Curtis Pike, Barnes Mill Road and numerous subdivisions being developed in the area.

9. Brief Legal Description of Property:  
See Deed

10. Additional Information:  
 \_\_\_\_\_  
 \_\_\_\_\_

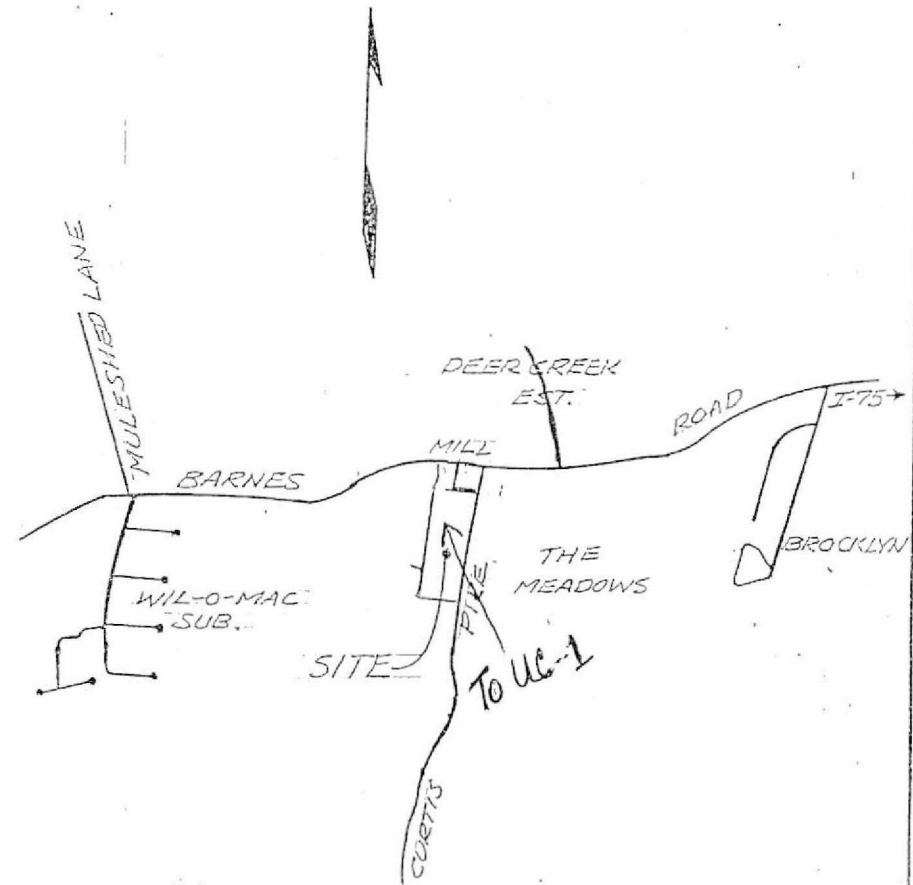
11. The following items must accompany application:
- Copy of Deed
  - Vicinity Map of Area request amendment
  - List of all adjoining property owners, names, addresses of property, addresses of owners, telephone numbers of owners.

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 \_\_\_\_\_ (date).

Date: 7-10-02 Signature(s): Bob Giles

\_\_\_\_\_  
 \_\_\_\_\_

PROPOSED LAND USE CHANGE



NOTICE OF PUBLIC HEARING

There will be a PUBLIC HEARING of the Madison County Planning Commission on Tuesday, August 20, 2002 at 6:00 PM In the Fiscal Court Room of the Madison County Courthouse. The purpose is to Consider a proposed Land Use Change (from UC-7 to UC-1 for the property on Curtis Pike belonging to Bob Giles (as shown on The drawing above).

**APPENDIX D**

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

Date 7-25-02

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: 1000 Curtis Pike

Land Use Change Requested: From: UC-7 To: UC-1

Owner of Property requesting Land Use Change: Bob Giles

Address of Owner: 429 Breck Ave. Richmond, Ky 40475

Name of Land Use Change Applicant: Bob Giles

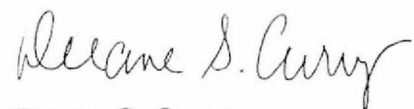
Address of Land Use Change Applicant: 429 Breck Ave.  
Richmond, Ky 40475

Date of Public Hearing: Aug. 20, 2002

Time and Location of Public Hearing: 6:00 P.M.

MADISON Co. Fiscal Courtroom  
MADISON Co. Courthouse

Sincerely,



Duane S. Curry  
Administrative Official

TIM & JILL NUNEZ 623-3576

X 3012 WOODFIELD CIRCLE

RICHMOND, KY 40475

X CHUCK & AMY CURRY 328-2505

3016 WOODFIELD CIRCLE

RICHMOND, KY 40475

X LEAKE MANAGEMENT CORP. 623-1350

147 S. ESTILL AVE.

RICHMOND KY 40475

X THE MEADOWS DEVELOPMENT INC.

c/o ROBERT LOCKER 624-2875

501 FARMINGTON CT.

RICHMOND, KY 40475

X THE MEADOWS DEVELOPMENT INC.

c/o JOE LILLIS 623-3826

125 BROOKVIEW DR.

RICHMOND, KY 40475

GINNEY STEPHENS 623-5036

301 ANGLEWOOD COURT

RICHMOND, KY 40475

BOB GILES 623-8833

429 BRECK AVE

RICHMOND, KY, 40475

DAVID FRAZIER 624-0399

X 304 FAYE CT.

RICHMOND KY 40475

X LARRY DIXON 626-1457

300 ANGLEWOOD CT.

RICHMOND, KY, 40475

LOUIS LOWERY 623-4516

1375 BARNES MILL RD.

RICHMOND, KY, 40475

X VERNON SOWERS 623-9470

1390 BARNES MILL RD.

RICHMOND, KY, 40475

X BRETT MORRIS 623-1451

3004 WOODFIELD CIRCLE

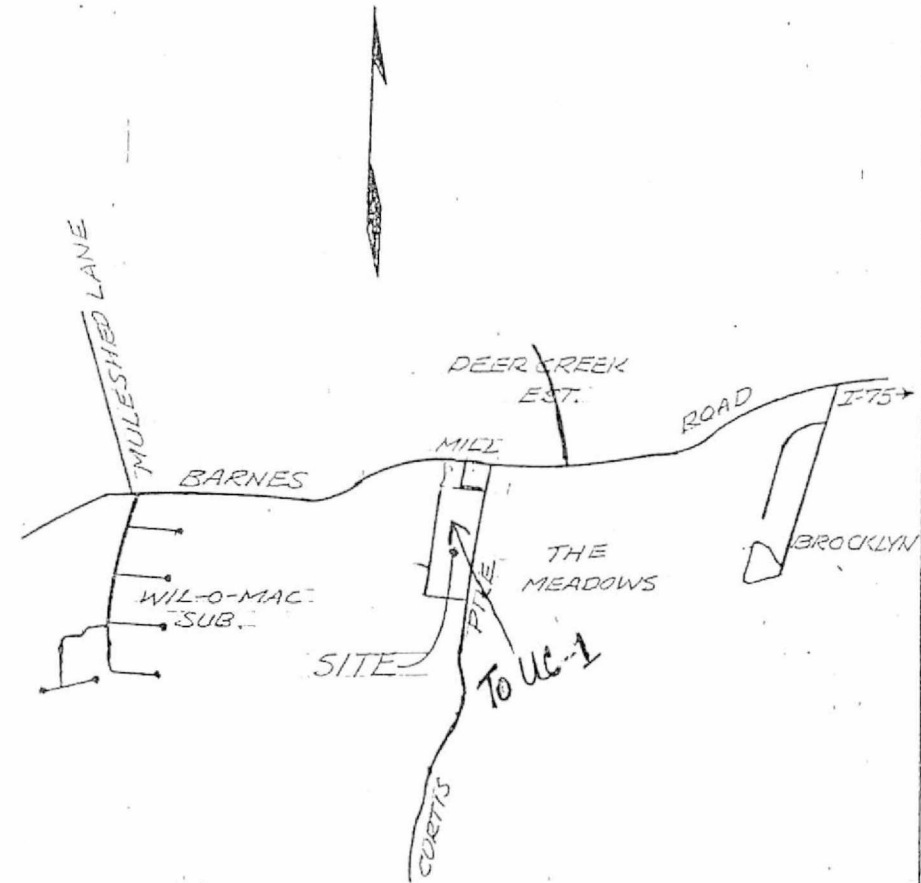
RICHMOND, KY, 40475

X BRYON JONES 626-5582

3008 WOODFIELD CIRCLE

RICHMOND, KY, 40475

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12-93  
Mailed  
Branter  
by [initials]

DEED

THIS DEED this day made and entered into by and between IRENE GILES, an unmarried widow, 319 Logan Avenue, Richmond, Kentucky, 40475, party of the first part, and ROBERT GILES, JR., 729 Breck Avenue, Richmond, Kentucky, 40475, party of the second part,

WITNESSETH: That for and in consideration of LOVE AND AFFECTION BETWEEN MOTHER AND SON, the receipt of which is hereby acknowledged, the party of the first part does hereby BARGAIN, SELL, GRANT and CONVEY unto the party of the second part, his heirs and assigns, forever, in fee simple, the following described real property located in Madison County, Kentucky, to-wit:

A certain tract or parcel of land situated in Madison County, Kentucky, bounded and described by survey prepared by CHW/Luxon Engineers, Inc., June 19, 1991, and as shown as TRACT I on Plat recorded in the Madison County Clerk's Office in Plat Book 9 at Page 350.

TRACT I:

A certain tract of land situated at the intersection of Barnes Mill Road with the Curtis Pike in Madison County, Kentucky, bounded and described as follows:

BEGINNING at a point at the intersection of the south right-of-way line of Barnes Mill Road with the west right-of-way line of Curtis Pike, a corner, thence with the west right-of-way line of Curtis Pike, 2 calls, S 11 degrees-22'-44" W 173.74 feet, S 70 degrees-26'-25" E 30.00 feet to a point in the center line of Curtis Pike, a corner, thence with the center line of the Curtis Pike, 3 calls, S 10 degrees-36'-09" W 443.21 feet, S 09 degrees-01'-00" W 328.99 feet, S 11 degrees-12'-41" W 424.34 feet to a point and corner to Tract III, thence leaving the Curtis Pike with Tract III N 80 degrees-22'-34" W 475.24 feet to a point and corner to Tract II, thence with Tract II N 09 degrees-37'-26" E 1379.48 feet to a point in the south right-of-way line of Barnes Mill Road, a corner, thence with said south right-of-way line, 2 calls, S 79 degrees-37'-21" E 225.47 feet, S 79 degrees-03'-24" E 241.02 feet to the beginning containing 15.219 acres.

AND BEING a part of the same property conveyed to Irene Giles, by deed from Robert Giles, Jr., et ux., Irene Giles, an unmarried widow, and Ruth Ann Giles Nicholson, et vir., dated September 28, 1991, and recorded in Deed Book 418, at Page 748, in the Office of the Madison County Court Clerk, Richmond, Kentucky.

300 431 653

RECEIVED  
MARY HUGH CENTER  
FEB 10 9 58 AM '93  
MADISON CO. CLERK  
KENTUCKY

The 1993 taxes on said property will be prorated.

Possession to said property shall be given to second party upon execution of deed.

TO HAVE AND TO HOLD the above-described tract of land, together with all the privileges and appurtenances thereunto belonging unto the party of the second part, his heirs and assigns, forever, in fee simple; provided, however, this conveyance is made subject to all easements and restrictions of record.

IN TESTIMONY WHEREOF, witness the signature of the party of the first part, this 10<sup>TH</sup> day of February, 1993.

Irene Giles  
IRENE GILES

STATE OF KENTUCKY  
COUNTY OF MADISON

The foregoing instrument was acknowledged before me by IRENE GILES, an unremarried widow, to be her act and deed in due form of law, on this the 10<sup>TH</sup> day of February, 1993.

Norm? Fagan  
NOTARY PUBLIC, State-at-Large, KY  
My commission expires: 1/14/96

500 431 651

12-93  
Mailed  
Grantee  
by CJ

DEED

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