

ORDINANCE NO. 02-29

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY
APPROVING THE ZONE CHANGE OF WDEE'S MIDWAY MARKET, LLC
PROPERTY AT 1456 RICHMOND ROAD FOR 3/4 ACRE +/- 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-4 Urban Corridor General Commercial.

WHEREAS, on August 27, 2002, Mr. W.D. Palmer requested the Madison County Fiscal Court to change the requested land use designation from UC-4 Urban Corridor General Commercial to UC-3 Urban Corridor Neighborhood Commercial, due to it being more suitable and fitting that the UC-4 as approved by the Madison County Planning Commission;

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-3 Urban Corridor Neighborhood Commercial:

SECTION I

Commencing at a point, which corner and all other corners referred to herein are marked with iron pins in the east edge of said highway corner with Doyle Wilson's residence property which point is A on the plat at left (the same is not to scale), thence leaving US 25 in an easterly direction with said Wilson a distance of 31 feet and 6 inches, thence continuing with Wilson, in a southerly direction 8 feet to a new corner, thence continuing with Wilson in an easterly direction 89 feet to a corner with Wilson and west edge of Pin Oak Drive, thence in a southerly direction in with the west edge of Pin Oak Drive, a distance of 160 feet to a corner with Aubrey Wilson, thence with Aubrey Wilson in a westerly direction 179 feet and 5 inches to a point in the east edge of US 25, thence with the east edge of US 25 in a northerly direction 177 feet and 9 inches to the point of

beginning. This tract adjoins lot 1 and 9 and is a part of Lot 9 of a plat recorded in Plat Book 3 at page 149 (now Plat Cabinet 2 at slide 615).

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: William Tudor

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: Sept 10, 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 ✓

[Signature]
MADISON COUNTY JUDGE EXECUTIVE

Attest:
[Signature]
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
W'Dee's Midway Market, LLC, 1456 Richmond Road, Berea

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.

W.D. Palmer, proposal to change property of 3/4 acres +/- located at 1456 Richmond Road from UC-7 Urban Corridor Agricultural to UC-4 Urban Corridor 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.

Changed from UC 4 to UC 3 neighborhood Commercial

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-4, for the above property, be approved. The vote of the Planning Commission was as follows:

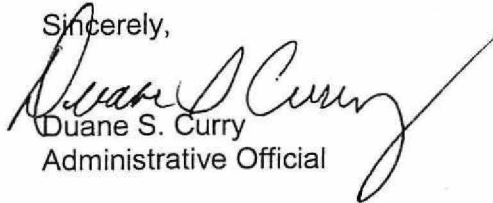
David Bohannon-Yes
Chandler Combs-Yes
James McKinney-Yes
Gary Hart-Yes
Wanda Pennington-Yes
Robert Farmer-Yes
Susan McClellan-Yes

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

ORDINANCE NO.

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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-4 Urban Corridor General Commercial classification:

SECTION I

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SECTION II

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

Application for Land Use Map Amendment
Madison County, Kentucky

016-02

Date: 7-29-02

Fee: 150.⁰⁰

1. Owner(s) of Property:

WDee's Midway Market, LLC

2. Property Address

1456 Richmond Rd. Berea, Ky. 40403

3. Designated Land Use

AC-7

4. Proposed Use

AC-4

5. Acreage: 4.0000

6. Surrounding Property:

Use

Land Use Map

- North Residential
- East Residential
- South Residential
- West Residential

7. Urban Services:

Exists

Provided By

- Sewage Septic EFJ
- Refuse 2.5 ton Southwest
- Water 1.5" John James Enger
- Electric 120V John James Enger
- Gas 1.5" John James Enger
- Storm Sewers 1.5" Madison Co.
- Fire 1.5" Madison Co. Fire Dept.
- Police 1.5" Madison Co. Sheriff's Office

8. Justification for Requested Change (KRS.100.213)

The subject land use classification is shown to be inappropriate and the proposed is appropriate to the site. This was proven before zoning was adopted.

9. Brief Legal Description of Property:

Deed Attached

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 5-31-02 (date).

Date: 7-29-02

Signature(s): W.D. Palmer

W.D. Palmer owner

Truesdell

DEED

3
12-00
300.00

PAGE #17

BOOK #44

THIS DEED, made and entered into this 31st day of May, 2002, by and between BRUFORD ANDREW and HENRIETTA ANDREW, husband and wife, of 1432 Richmond Rd, Berea, Kentucky, hereinafter GRANTORS and WDEE'S MIDWAY MARKET, LLC, of 1456 Richmond Road, Berea, Kentucky, hereinafter GRANTEE.

WITNESSETH: That for and in consideration **THREE HUNDRED THOUSAND AND 00/100 DOLLARS \$300,000.00**, cash in hand, paid, the receipt and sufficiency of which is hereby acknowledged, said Grantors have bargained and sold and do hereby grant and convey unto the Grantee, its successors and assigns, forever, all of the following described property located in Madison County, Kentucky, and which is more fully described as follows, to-wit:

Commencing at a point, which corner and all other corners referred to herein are marked with iron pins in the east edge of said highway corner with Doyle Wilson's residence property which point is A on the plat at left (the same is not to scale), thence leaving US 25 in an easterly direction with said Wilson a distance of 31 feet and 6 inches, thence continuing with Wilson, in a southerly direction 8 feet to a new corner, thence continuing with Wilson in an easterly direction 89 feet to a corner with Wilson and west edge of Pin Oak Drive, thence in a southerly direction in with the west edge of Pin Oak Drive, a distance of 160 feet to a corner with Aubrey Wilson, thence with Aubrey Wilson in a westerly direction 179 feet and 5 inches to a point in the east edge of US 25, thence with the east edge of US 25 in a northerly direction 177 feet and 9 inches to the point of beginning. This tract adjoins lot 1 and 9 and is a part of Lot 9 of a plat recorded in Plat Book 3 at page 149 (now Plat Cabinet 2 at slide 615).

AND BEING THE SAME property conveyed to Bruford Andrew and Henrietta Andrew, husband and wife, by deed of conveyance dated December 17, 1997, and of record in Deed Book 484, Page 637, in the office of the Madison County Court Clerk, Richmond, Kentucky.

TO HAVE AND TO HOLD the above described property, together with all appurtenances

thereunto belonging unto the said Grantee, it successors and assigns.

Said Grantors do hereby release and relinquish unto the said Grantee, its successors 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 Grantee, its successors 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 they will WARRANT GENERALLY the title to said property.

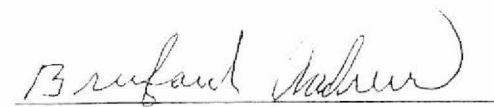
PROVIDED, HOWEVER, there is excepted from the foregoing warranty and covenants, the following:

1. The restrictive covenants of record in the Madison County Court 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 Office.

The parties hereto state the consideration reflected in this deed is the full consideration paid for the property. Grantee joins this deed for the sole purpose of certifying the consideration pursuant to KRS Chapter 382.

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

GRANTORS:



 BRUFORD ANDREW



 HENRIETTA ANDREW

Book 708 Page 111

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

Date 7/29/02

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: 1456 Richmond Road, Berea, Ky

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

Owner of Property requesting Land Use Change: WDEE's Midway Market, LLC.


Address of Owner: 1456 Richmond Road, Berea, Ky

Name of Land Use Change Applicant: Same

Address of Land Use Change Applicant: Same

Date of Public Hearing: August 20, 2002

Time and Location of Public Hearing: 6:00 pm Madison Co. Court House
Fiscal Court Room

Sincerely,

Duane S. Curry
Administrative Official

Harold Jones
1234 Main St
Springfield
MA 01101

James Smith
5678 Oak Ave
Boston, MA 02108
Phone # 617-555-1234

Doris Wilson
1462 Park St
Boston, MA 02108
Phone # 617-555-5678

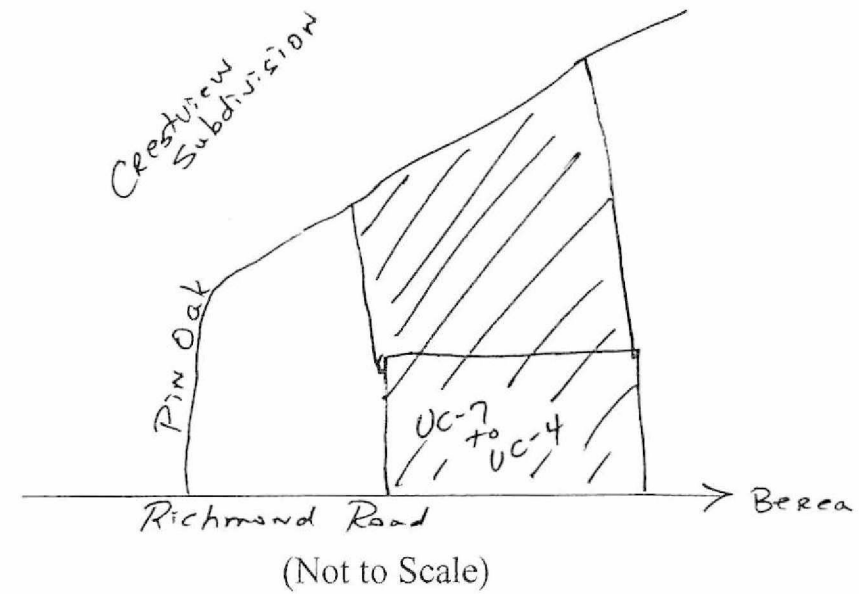
PATRICIA L. WILSON
144 Stone Meadow Lane
MADISON, RI 02878
Phone # 401-778-7884

Charles E. Clark
143 S. Main St
Boston, MA 02108
Phone # 617-555-9012

Dorothy E. Clark
234 Elm St
Boston, MA 02108
Phone # 617-555-3456

EXAMPLE OF NEWSPAPER AD

PROPOSED LAND USE CHANGE



NOTICE OF PUBLIC HEARING

There will be a public hearing of the Madison County Planning Commission on Tuesday, July 20, 2002 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 (as shown on the map above). Contact 624-4780 for questions.