

ORDINANCE NO. 02-38

AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY APPROVING THE ZONE CHANGE OF JAMES & LOIS ARTHUR, U.S. HWY 52, FOR 4 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, November 19, 2002, and found that the request on this property lies within the Bybee community designation. The comprehensive plan encourages development in the communities; and therefore recommends to the County Fiscal Court that the classification of the property involved herein be change from RC-7 Rural Corridor Agricultural to RC-4 Rural Corridor 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 RC-7 Rural Corridor Agricultural to RC-4 Rural Corridor General Commercial classification:

SECTION I

A certain tract of land or parcel of land situated in Madison County, Kentucky, in the village of Bybee, Kentucky, bounded and described as follows: Beginning at a stone on the Richmond-Irvine Turnpike, Dora Grinstead's corner; thence her line to the Snowden line, thence with Snowden Line to a stone in said pike; thence with said pike to the beginning, containing four (4) acres, more or less.

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: Nov 26, 2002
MOTION BY: Billy Ray Hughes
SECONDED BY: Forniss Park

VOTE:	YES	NO
JUDGE, KENT CLARK	✓	
MAGISTRATE LARRY COMBS	✓	
MAGISTRATE FORNISS PARKS	✓	
MAGISTRATE WILLIAM TUDOR	abs.	
MAGISTRATE BILLY RAY HUGHES	✓	

DATE OF SECOND READING: December 10, 2002

MOTION BY: Larry Combs

SECONDED BY: Forniss Park

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 Hunter
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: November 20, 2002

RE: Planning Commission Recommendation
James & Lois Arthur, U.S. Hwy 52 E

As a result of a public hearing held on November 19, 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.

James & Lois Arthur, U.S. Hwy 52 E, proposal to change approximately 4 acres from its original classification of RC-7 (Agricultural) to RC-4 (General Commercial). In accordance with KRS 100.213 the applicant's justification for the request is this property lies within the Bybee community designation. The comprehensive plan encourages development in the communities.

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 RC-7 to RC-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) That this property lies within the Bybee community designation. The comprehensive plan encourages development in the communities.

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**

021-02

Date: 10/16/02

Fee: \$150.00

1. Owner(s) of Property: JAMES & LOIS ARTHUR / 215 BYRDE LOOP 369-5988

2. Property Address: STATE HIGHWAY 52 IRVINE ROAD

3. Designated Land Use: UC-7 Proposed Use: RLT

5. Acreage: 3.4 ACRES

6. Surrounding Property:	Use	Land Use Map
• North	SINGLE RESIDENTIAL BUSINESS	UC-4
• East	SINGLE RESIDENTIAL BUSINESS	UC-4
• South	FARM	UC-7
• West	SINGLE FAMILY RESIDENTIAL FARM	UC-7

7. Urban Services:	Exists	Provided By
• Sewage	NO	OWNERS
• Refuse	YES	OWNERS
• Water	YES	MADISON CO UTILITIES
• Electric	YES	KUCC
• Gas	YES	COLUMBIAN GAS
• Storm Sewers	NO	
• Fire	YES	MADISON CO
• Police	YES	MADISON CO

8. Justification for Requested Change (KRS.100.213)
 THE SOIL ON THIS PART OF MY LAND IS NOT SUITABLE FOR INTENSIVE DEVELOPMENT AND MY USE OF THE LAND IS FOR PASTURE BASED ON GRASSING PASTURE LABEL. THE OWNER WITHIN 100 FEET HAS RECENTLY CHANGED IT HIS BUSINESS FROM VERY CLOSE TO (SEE NO 12)

9. Brief Legal Description of Property: Copy of Deed
 Justification: There have been major changes in the area that makes this property more suitable for commercial!

10. Additional Information:
 THE PART OF THE VILLAGE OF BAYVIEW, KY, IN ADDITION TO THE RESTAURANT, THERE IS A GAS STATION WITH A QUICK SERVICE RESTAURANT, USED FURNITURE STORE/AUTOMOBILE SHOP, AND THE NEW KFC RESTAURANT.

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 3/1999 (date).

Date: 10/16/02 Signature(s): James Arthur
Lois Arthur

(178-1)

ADJOINING PROPERTY OWNERS

EUGENE WILSON 221 WACO LOOP 369 7164

C. E. HONAKER 3049 BRASSFIELD RD. 369 3151

TODD

BYBEE POTTERV WACO LOOP RD 369 5350

MARGRET LORETTA BARNES 616 WACO LOOP
ADDRESS 771 COLLEGE HILL RD 369 5078

BERTHA OWENS 624 WACO LOOP RD. 369 ~~50~~⁵⁶³

APPENDIX D

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

Date 10/17/02

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: Hwy 52E by
Byker Loop Road.

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

Owner of Property requesting Land Use Change: JAMES & LOIS ARTHUR

Address of Owner: 215 Byker Loop Rd.

Name of Land Use Change Applicant: SAME

Address of Land Use Change Applicant: SAME

Date of Public Hearing: NOVEMBER 19, 2002

Time and Location of Public Hearing: 6:00 PM
Madison County Courthouse
Fiscal Courtroom
101 W. Main Street
Richmond, KY 40475

Sincerely,



Duane S. Curry
Administrative Official

records of the office aforesaid.

It is covenanted that Lois Arthur and Lois G. Arthur are one and the same person.

TO HAVE AND TO HOLD the above-described property, together with all the appurtenances and privileges thereunto belonging to second parties, for and during their joint lives with remainder in fee simple to the survivor of them, his or her heirs and assigns forever.

The parties of the first part do hereby release and relinquish unto the said parties of the second part all of their right, title and interest in and to the said property and do hereby covenant to and with the parties of the second part that they are lawfully seized in fee simple of the said property and have good and perfect right to sell and convey the same as herein done; that their title hereto is clear, perfect and unencumbered; and that they will warrant generally the same.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hand this the 19th day of November, 1985.

James Arthur

JAMES ARTHUR

Lois Arthur

LOIS ARTHUR

STATE OF KENTUCKY)
) SCT.
COUNTY OF MADISON)

I, the undersigned Notary Public in and for the State and County aforesaid, do hereby certify that the foregoing deed to

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