

ORDINANCE NO. 04-34

AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY APPROVING THE ZONE CHANGE OF CHARLES BLACK, aka BLACK-BICKNELL PROPERTIES ON LOT 3A, BLOCK 1, ROLLING RIDGE EST., U. S. 25 N. BERA 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, September 25, 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-1 Urban Development Single-Family Residential to UC-4 General Commercial.

WHEREAS, the Madison Fiscal Court voted to overturn the Planning Commission's decision by denying the requested Land Use Change, and, the Applicant appealed the decision to the Madison Circuit Court.

WHEREAS, the Madison Circuit Court reversed the decision of the Madison Fiscal Court and required the property be re-zoned from UC-1 Single Family Residential 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 in accordance with the Madison Circuit Court's ruling from UC-1 Urban Development Single-Family Residential to UC-4 General Commercial.

SECTION I

A certain tract or parcel of land lying in Madison County, Kentucky, more particularly bounded and described as follows:

Lots 3, 4, 5, 6 (consolidated) Block 1 (Lot 3A) Rolling Ridge Estates U.S. 25, Madison County, Kentucky, containing approximately 6.3 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: July 13, 2004

MOTION BY: Larry Combs

SECONDED BY: Billy Ray Hughes

VOTE: YES NO

JUDGE, KENT CLARK
MAGISTRATE LARRY COMBS
MAGISTRATE ROGER BARGER
MAGISTRATE WILLIAM TUDOR
MAGISTRATE BILLY RAY HUGHES

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DATE OF SECOND READING: July 27, 2004

MOTION BY: Larry Combs

SECONDED BY: Billy Ray Hughes

VOTE: YES NO

JUDGE, KENT CLARK
MAGISTRATE LARRY COMBS
MAGISTRATE ROGER BARGER
MAGISTRATE WILLIAM TUDOR
MAGISTRATE BILLY RAY HUGHES

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Kent Clark
MADISON COUNTY JUDGE EXECUTIVE

Attest:
William E. Hubbard
MADISON COUNTY CLERK



Madison County Planning & Development

TO: Building Inspections 321 N. Madison Ave. GIS Mapping
Code Enforcement Suite B Floodplain Management
Kent Clark, Madison County Judge Executive
Madison County Fiscal Court
County Planning Commission
www.madisoncountypa.com
www.madisoncountypa.com

DATE: June 21, 2004

RE: Planning Commission Recommendation
Black-Bicknell Property, Berea Road, Berea, KY

Black-Bicknell Property, Berea Road, Berea, KY, made application on August 06, 2001 to propose a land use change of 6.3 acres +- from its original classification of UC-1 (Single Family Residential) to UC-4 (General Commercial). In accordance with KRS 100.213 the applicant's justification for the request was the existing land use classification is inappropriate and the proposed is appropriate and there have been major changes in the area that were not anticipated;

Therefore, on August 21, 2001 the Madison County Planning Commission recommended the request for land use change be **Denied** because;

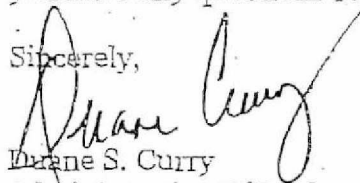
- a) Evidence was not given to prove there had been major changes that were not anticipated in the comprehensive plan;
- b) The existing land use designation was found to be appropriate and the proposed was not appropriate;

The applicant appealed the Madison Fiscal Court and Planning Commission's decision to Circuit Court. On October 29, 2003, Civil Action No. 01-CI-01250, the Madison Circuit Court overturned the decision of the Fiscal Court. This decision of the Circuit Court caused the Land Use Change Request to be approved in accordance with the application submitted.

As a result of a public hearing held on June 15, 2004 at 6:00 pm in the Fiscal Court Room, the Madison County Planning Commission heard and reviewed the Circuit Court's ruling and directives given by Mr. Chuck Hardin, Planning Commission Attorney, and recommend to the Fiscal Court the application be approved as referenced in the above Civil Action.

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