

ORDINANCE NO. 04-37

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY APPROVING THE ZONE CHANGE OF DANNY PERKINS, BILL CURTIS, AND ANDREW JOHNSON PROPERTIES, LOCATED ON TATES CREEK ROAD AND CRUTCHER PIKE, APPROXIMATELY 170 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, July 20, 2004, and found that the proposed land use map amendment is in agreement with the adopted Comprehensive Plan in that;

1. The property fronts on Tates Creek Road and is located near the boundaries of the urban corridor, making it suitable for more intensive use than farming;
2. Comprehensive Plan page 43 states that "Land used for residential purposes should be given high priority." Property lies within a reasonable distance to the public services and schools, and the infrastructure is adequate to support residential development.
3. There have been major changes in the area such as the widening of Goggins Lane, upgrade of water line to 6 inch line and Tates Creek Road will be widened from Main Street to Goggins Lane.

Therefore, the Madison County Planning Commission recommends to the Madison County Fiscal Court that the classification of the property involved herein be changed from R-7 Agricultural to R-1 Single Family Residential, containing approximately 170 acres.

**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 R-7 Agricultural to R-1 Single Family Residential:

**SECTION I**

**Bill Curtis property at 946 Crutcher Pike (Deed Book 267, Page 538)**

Lying, situated and being in Madison County, Kentucky on the waters of Tates Creek and bounded and described as follows:

Beginning at a plum tree in line to Robert Tudor, and corner to lot No. 3 thence a new line with lot No. 3 N 16 W 18 2/10 poles, to a locust tree, on a ridge, thence N 15 ¼ E 32 poles, to a ...at the forks of a drain corner to Lot No. 2 thence with the line of lot No. 2 N 8 E 22 8/10 poles to a stake near top of hill thence down the hill N 84 ¾ E 16 6/10 poles to a stake in the center of Tates Creek, thence down the Creek, N 12 ¼ W 49 8/10 poles, to a stake in the center of the creek, thence N 37 ½ W 15 poles, N 79 W 17 ½ poles, thence N 84 W 17 poles to the

end of a stone wall, on the south side of the Tates Creek Pike, thence with the south side of said pike S 64 W 20 poles S 82 W 40 poles, thence leaving the pike S 3 W 2 poles, to a stake S 61 W 10 poles, to a stake S 76 ½ W 38 poles, to a stake on the north bank of Tates Creek, thence crossing the creek S 35 E 18 ½ poles to a stake on the north side of a road, thence along the north side of road S 58 ½ E poles, S 50 ½ E 13 poles, S 43 1/4 E 9 4/10 poles, S 17 ½ E 15 poles, S 32 ½ E 28 poles, to a stake in the branch S 9 E 5 4/10 poles, S 15 W 10 poles to a stake at the mouth of a drain corner to Robert Tudor thence up said drain S 71 ½ E 36 poles, corner to same 67 E 9 ½ poles to a fence post thence N 83 E 36 poles to the beginning, containing 80 acres.

The following described tract of land has been sold off this tract of land and is not included herewith:

Being in Madison County, Kentucky, on the waters of Tates Creek and containing about four (4) acres, more or less, and bounded naturally as follows: Commencing at the North end of the Bridge across Tates Creek in front of the house where the first party lives, thence with the North bank of said Creek in a westerly direction to the land of said Creek in a westerly direction to the land now owned by B. Johnson, thence with Johnson's line North to the Tates Creek Pike, thence with the Tates Creek Pike in an easterly direction to where the passway coming from the first party's residence strikes the highway, thence in a southerly direction to the North end of the Bridge, the point of beginning.

**2. Danny Perkins property located on Tates Creek Road (Deed Book 117, Page 508):**

Second Tract: Beginning at a large elm tree on the north bank of Tates Creek, corner to D. C. Griggs; thence N 25 E 3.4 poles to a point in the fence on the south side of Tates Creek Pike; thence with the south side of said pike N 64 W 52 poles; S 51 W 7.1 poles to a telephone pole, a new corner to a part of Lot No. 2 in the division of the Foster land; thence leaving the pike with said Lot No. 2 S 37 W 17 poles to a small sycamore at mouth of a drain on the south side of Tates Creek; thence up said drain S 44 W 14 poles to a young black walnut at the forks of drain; thence up the right hand prong N 71 W 7.4 poles; N 77 ½ W 10 poles to a stake at its fork, corner to Lots No. 1 and 2 in said division; thence with the line of Lot No. 1 S 15 1/4 W 32 poles to a locust tree on a ridge; thence S 16 E 18 ¼ poles to a wild plum tree, in line to Robert Tudor; thence S 81 ¼ E 11 poles to a stone; thence S 73 E 57 poles to a stake in a drain; thence down said drain N 23 ¾ E 18 poles; N 25 E 42.4 poles to the beginning, containing 30 ¾ acres.

**3. Andrew Johnson property located at 789 Crutcher Pike (Deed Book 116, Page 16):**

A certain tract of land in Madison County, Kentucky, on the waters of Tates Creek and bounded as follows: BEGINNING at a stake in the McKinzie's Branch corner to Foster and up said branch S 2 3/4 W 5.70 chains near water gap, thence along and with retaining wall of pike and line to William Hall S 4 1/2 E 3.07 chains, S 7 W 3.90 chains S 2 W 2.32 chains to a stake on West side of said branch and in line to Hall, thence crossing branch and with William Whitaker (now F. J. Whitaker) line and up a drain S 67 1/2 E 11.75 chains S 76 E 8.50 chains S 67 1/2 E 5.50 chains S 51 E 3.00 chains N 86 E 2.27 chains and corner to George Deatherage (now D. C. Griggs) thence with his line N 87 E 2.75 chains N 46 1/2 E 4.15 chains East 3.50 chains N 12 W 3.50 chains N 8 1/2 E 7.50 chains N 30 W 2.50 chains N 18 1/2 W 3.50 chains to a stake in branch and corner to Foster, thence up the hill with Foster's line N 74 3/4 W 14.15 chains N 83 W 2.75 chains S 80 1/2 W 8.92 chains N 67 W 2.00 chains N 73 1/2 W 9.30 chains to the beginning containing 66.71 acres by survey of J. W. Moore, October 31, 1910.

**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 causes this ordinance to be published in accordance with the appropriate Kentucky Revised Statutes.

DATE OF FIRST READING: July 27<sup>th</sup> 2004

MOTION BY: William Tudor

SECONDED BY: Billy Ray Hughes

VOTE:	YES	NO
JUDGE, KENT CLARK	✓	
MAGISTRATE LARRY COMBS	✓	
MAGISTRATE ROGER BARGER		✓
MAGISTRATE WILLIAM TUDOR	✓	
MAGISTRATE BILLY RAY HUGHES	✓	

DATE OF SECOND READING: August 10, 2004

MOTION BY: Larry Combs

SECONDED BY: Billy Ray Hughes

VOTE:

YES

NO

JUDGE, KENT CLARK

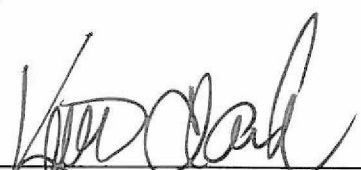
MAGISTRATE LARRY COMBS

MAGISTRATE ROGER BARGER

MAGISTRATE WILLIAM TUDOR

MAGISTRATE BILLY RAY HUGHES

✓  
✓  
✓  
✓  
✓



MADISON COUNTY JUDGE EXECUTIVE

Attest:

William E. Joback  
MADISON COUNTY CLERK

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

DATE: July 20, 2004

RE: Planning Commission Recommendation  
Danny Perkins, Bill Curtis, Andrew Johnson Property, Tates Creek  
Road and Crutcher Pike, Richmond, KY

As a result of a public hearing held on July 20, 2004 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.

Danny Perkins, Bill Curtis and Andrew Johnson Property, Tates Creek Road and Crutcher Pike, Richmond, KY, proposed to change 170 acres +/- from its original classification of R-7 (Agricultural) to R-1 (Single Family Residential). In accordance with KRS 100.213 the applicant's justification for the request was the proposed land use change is in agreement with the adopted comprehensive plan in that;

1. The property fronts on Tates Creek Road and is located near the boundaries of the urban corridor, making it suitable for more intensive use than farming;
2. Comprehensive Plan page 43 states that "Land used for residential purposes should be given high priority." Property lies within a reasonable distance to the public services and schools, and the infrastructure is adequate to support residential development.
3. There have been major changes in the area such as the widening of Goggins lane; upgrade of water line to 6-inch line and Tates Creek Road will be widened from Main Street to Goggins Lane.

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 R-7 (Agricultural) to R-1 (Single Family Residential), for the above property, be **approved** and have made it a finding of fact that;

The proposal is in agreement with the adopted comprehensive plan for the above stated reasons.

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: 6/13/04

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

- 1. Owner(s) of Property: Danny Perkins Bill Curtis Andrew Johnson
- 2. Property Address: 724 Tates Creek Rd
- 3. Designated Land Use: R-7      4. Proposed Use: UC-1
- 5. Acreage: 170 +/-

Surrounding Property:	Use	Land Use Map
▪ North	<u>Ag</u>	<u>R-7</u>
▪ East	<u>Single Family</u>	<u>UC-1</u>
▪ South	<u>Ag</u>	<u>R-7</u>
▪ West	<u>Ag</u>	<u>R-7</u>

Urban Services:	Exists	Provided By
▪ Sewage	<u>YES</u>	<u>Septic</u>
▪ Refust	<u>YES</u>	<u>Mad Co Sanitation</u>
▪ Water	<u>YES</u>	<u>Madison Co. Utilities</u>
▪ Electric	<u>YES</u>	<u>Blue Grass PCC</u>
▪ Gas	<u>YES</u>	<u>Tennessee GAS</u>
▪ Storm Sewers	<u>NO</u>	<u>N/A</u>
▪ Fire	<u>YES</u>	<u>Madison Co</u>
▪ Police	<u>YES</u>	<u>Madison Co Sheriff</u>

8. Justification and stated reasons for the Requested Change (KRS 100.213) **YOU MUST CHOOSE ONE OF THE FOLLOWING WITH STATED REASONS:**
- a. The proposed land use map amendment is in agreement with the adopted comprehensive plan for the following reasons: \_\_\_\_\_
  - b. That the existing zoning classification give to the property is inappropriate and the proposed zoning classification is appropriate for the following reasons: \_\_\_\_\_
  - c. There have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area based upon the following reasons: \_\_\_\_\_

9. Brief legal description of property: \_\_\_\_\_

10. Additional information: \_\_\_\_\_



04-012

Aaron Thomas  
1744 Barnes Mill Road  
Richmond, KY 40475

Adjoining prop  
owners

Tim Hamilton  
1316 Tates Creek Road  
Richmond, KY 40475

Hugh Harrison  
P.O. Box 1715  
Richmond, KY 40475

Bill Curtis  
946 Crutcher Pike  
Richmond, KY 40475

Andrew Johnson  
P.O. Box 562  
Richmond, KY 40475

Randall & Sharon Daughtery  
1355 Tates Creek Road  
Richmond, KY 40475

Brent Marcum  
920 villa Drive  
Richmond, KY 40475

TEDET, LTD  
205 Savanna Drive  
Richmond, KY 40475

Wagers & Wagers  
2162 Reson Road  
Fairfield, Ohio 45014

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

Date June 13, 2004

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 Officials at the Madison County Planning and Development Office located at 321 N. Madison Avenue, Suite B (859) 624-4780.

Address of Property requested for Land Use Change: **Directly west of the intersection of Hidden Point Drive and Tates Creek Road**

Land Use Change Requested: **From R-7 to UC-1**

Owner of Property requesting Change: **Danny Perkins, Bill Curtis, Andrew Johnson**

Name of Land Use Change Applicant: **A.D. Grant**

Address of Owner: **728 Tates Creek Road**

Date of Public Hearing: **July 20, 2004**

Time and Location: **6:00 PM at the Madison County Court House, Fiscal Court Room**

**NOTICE: PROPOSED ZONE CHANGE  
R-7 AGRICULTURAL TO UC-1 SINGLE-FAMILY  
RESIDENTIAL**

**NOTICE OF PUBLIC HEARING**

THERE WILL BE A PUBLIC HEARING OF THE RICHMOND CITY PLANNING COMMISSION ON TUESDAY, JULY 29, 2008 AT 6:00 P.M. IN MADISON COUNTY FISCAL COURT. THE PURPOSE IS TO CONSIDER A LAND USE CHANGE FROM R-7 AGRICULTURAL TO UC-1 SINGLE-FAMILY RESIDENTIAL (AS SHOWN ON THE MAP ABOVE). CONTACT 824-4780 FOR QUESTIONS.

Madison County Planning Commission  
C/O Madison County Planning and Development Office  
321 North Madison Ave, Suite B  
Richmond, KY 40475

June 13,2004

Mr. Curry,

This letter is to inform you that A.D. Grant has requested a hearing for Land Use Change. Enclosed you will find a copy of the following:

- A list of surrounding property owners
- A copy of the letter sent to each surrounding landowner
- An Application for Land Use Map Amendment
- A deed to the property
- A vicinity map of area requesting amendment, which will also appear in the newspaper

Please call me when the sign is ready and we will have it in place by July 5, 2004. I will also send a tear sheet of the notice appearing in the newspaper once it becomes available. All return receipt requests from the post office will be sent to your office. Please contact my office with any questions.

Thank You,

Dwayne Wheatley

321 North Madison Avenue  
Suite B  
Richmond, Kentucky 40475

**Madison County  
Planning and  
Development**

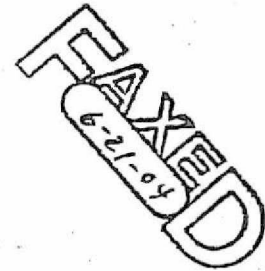
# Fax

<b>To:</b>	Jim	<b>From:</b>	Duane Curry
<b>Fax:</b>	625-1194	<b>Pages:</b>	1
<b>Phone:</b>	624-4780	<b>Date:</b>	June 21, 2004
<b>Re:</b>	Planning Commission	<b>CC:</b>	

Urgent     For Review     Please Comment     Please Reply     Please Recycle

Please make a sign for the following:

LAND USE CHANGE  
R-7 to R-1  
PUBLIC HEARING SCHEDULED  
6:00 PM Tuesday, July 20, 2004  
Madison County Court House  
Fiscal Court Room



For More Information Call Duane Curry 624-4780

Please make a sign for the following: LAND USE CHANGE

R-7 to R-3  
PUBLIC HEARING SCHEDULED  
6:00 PM Tuesday, July 20, 2004  
Madison County Court House  
Fiscal Court Room

For More Information Call Duane Curry 624-4780

Jim, Is it possible to have this sign to us by noon on Wednesday, June 23, 2004? Thanks, Duane

**EMMONS, LUXON, PUCKETT & SHANNON, P.S.C.**

ATTORNEYS AT LAW

114 NORTH SECOND STREET, RICHMOND, KENTUCKY 40475

Phone: (859) 623-0092 Fax: (859) 623-7910

ALISON LOBB EMMONS  
allobb@emmonsfluxon.com

SUSAN DABNEY LUXON  
sdluxon@emmonsfluxon.com

GREGORY K. PUCKETT  
gkpuckett@emmonsfluxon.com

JAMES J. SHANNON, JR.  
Of counsel

TELECOPY TRANSMITTAL

TO: Duane Curry  
Madison County Planning Commission

FAX NUMBER: 624-4736

FROM: Jennifer Fletcher

DATE: July 9, 2004

RE: Application for Land Use Map Amendment  
724 Tates Creek Road

COMMENTS:

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This telecopy contains 2 pages. If you did not receive all the pages, please call (859)623-0092 as soon as possible.

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**APPLICATION FOR LAND USE MAP AMENDMENT  
724 TATES CREEK ROAD**

a. The proposed land use map amendment is in agreement with the adopted comprehensive plan for the following reasons:

This property (approximately 170 acres) fronts on Tates Creek Road. The current land use designation is R-7 (agricultural). The property is located within or near the boundaries of the Urban Corridor, making it suitable for a use that is more intensive than farming. (See chart in Comprehensive Plan, page 92).

Land "used for residential purposes should be given a high priority". (Comprehensive Plan, page 43). This property is within reasonable proximity of a fire station, schools, recreational areas, medical services and shopping areas. There is an adequate level of services to support a single-family residential development. (Comprehensive Plan, page 43). The plan discourages the patterns of widely dispersed residential development that occurred prior to the adoption of the current land use management system. (Comprehensive Plan, page 66).

c. There have been major changes in the area, since the adoption of the Plan. The water line has been upgraded to six inches. Goggins Lane has been upgraded to three lanes, providing easier access to services on the Eastern ByPass. Tates Creek will soon be upgraded to four lanes, from Main Street to Goggins. Hidden Point Subdivision is located adjacent to and east of this property. Another 80 acre R-1 development on Tates Creek within the vicinity of this property was approved by this Commission last year. There is a market demand for residential housing in the Tates Creek area.