

## ORDINANCE NO. 05-16

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY APPROVING THE ZONE CHANGE OF WILLIE D. AND MARY JOHNSON, LOCATED AT LOT 1-C, SHERRY LANE CONTAINING APPROXIMATELY 2.2+- 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, June 21, 2005, and found that the proposed land use map amendment is in agreement with the adopted Comprehensive Plan in that;

1. There have been major changes in the area in that the property is surrounded now by new subdivisions, roads and water lines are adequate to support the development.
2. The proposed zone change is in agreement with the adopted comprehensive plan.

**WHEREAS**, the Madison County Planning Commission recommends to the Madison County Fiscal Court that the classification of the property involved herein be changed from RC-7 Rural Agricultural to RC-4 General Commercial, containing approximately 2.2+- 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 RC-7 Rural Agricultural to RC-4 General Commercial:

**SECTION I**

A certain tract or lot of land situated in Madison County, Kentucky, on the waters of Otter Creek bounded and described by survey as follows:  
Beginning at a point in the center of the Richmond-Irvine Pike, a corner to Mrs. Collins' 18-foot driveway, thence with the center of the pike S 86 ½ E 4.79 chains to a point in the center of said pike, a stake in the fence on the north side a corner to Tract No. 2, of the J. W. Adams land as subdivided September, 1946, thence leaving the pike with a line of Tract No. 2, N 6 ¼ E 12.39 chains to a stake, a corner to Tract No. 2, in Line of Tract No. 3 of the J. W. Adams land as subdivided September 1946, thence with a line of Tract No. 3, N 86 ½ W 4.00 chains to a post, corner to Mrs. Collins lines, S 6 ¼ W 9.66 chains, N 86 1/2 W 0.79 chains, S 6 ¼ W 2.71 chains to the point of beginning, containing five and 25/100 (5.25) acres, and being **TRACT NO. 1** in said John W. Adams land. For a more particular description see plat of John W. Adams land which is duly recorded in Plat Book 1 at Page 96, Madison County Clerk's Office to which reference is hereby made.

**HOWEVER, THERE IS EXCEPTED FROM THE ABOVE DESCRIBED PROPERTY** that certain tract conveyed by Leslie T. Jones and Mattie C. Jones, husband and wife to John H. Chasteen and Margaret Chasteen, husband and wife; by deed dated February 24, 1962, and of record in Deed Book 195 at page 439, and said tract being more particularly described as follows:

A certain tract or lot of land situated in Madison County, Kentucky, on the waters of Otter Creek and on the North side of Highway 52 about 3-1/2 miles East of Richmond, Madison County, Kentucky, and bounded and described as follows:

Bounded on the North by the other lands of L.T. Jones and Mattie C. Jones, on the East by Richard McIntosh, on the South by the centerline of Highway 52 and on the West by the other lands of Leslie T. Jones and Mattie C. Jones. This is a lot of land that is 75 feet wide and runs back in parallel lines a distance of 263 feet, which begins in the centerline of Highway 52 or the Richmond-Irvine Pike and extends back the said distance of 263 feet and is 75 feet wide in the rear and the front is part of the eastern portion of the first parties' property.

**FURTHER, EXCEPTED**, tract conveyed to Commonwealth of Kentucky, Department of Highways, by deed dated October 2, 1959, from L. T. Jones and Mattie Jones, husband and wife, and of record in Deed Book 183 at Page 99, in the Madison County Clerk's Office.

**BEING** the same property conveyed to William E. Denny and Shirley G. Denny, husband and wife, and Herman Ross and Pearl Ross, husband and wife, by Deed of Conveyance from Johnny V. Jones, et al, recorded October 28, 1994, in Deed Book 449 at Page 414; **ALSO** by Deed of Conveyance from Johnny V. Jones, Executor of the Estate of Mattie M. Jones, deceased, recorded October 28, 1994, in Deed Book 449 at page 421, Madison County Clerk's Office.

## 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 12, 05

MOTION BY: Billy Ray Hughes

SECONDED BY: William Tudor

VOTE: YES NO

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

✓  
✓  
✓  
✓  
✓

DATE OF SECOND READING: August 9, 2005

MOTION BY: Billy Ray Hughes

SECONDED BY: Roger Barger

VOTE: YES NO

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

✓  
✓  
✓  
✓  
✓  


MADISON COUNTY JUDGE EXECUTIVE

Attest:  
  
MADISON COUNTY CLERK



## *Madison County Planning & Development*

Building Inspections      321 N. Madison Ave.      GIS Mapping  
Code Enforcement      Suite B      Floodplan Management  
Land-Use Regulations      Richmond, KY 40475      911 Addressing

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

DATE: May 20, 2005

RE: Planning Commission Recommendation  
Willie & Mary Johnson Property  
Lot 1-C Sherry Lane

As a result of a public hearing held on June 21, 2005 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.

Willie & Mary Johnson Property, proposed to change property located at Lot 1-C Sherry Lane from RC-7 Rural Agricultural to RC-4 General Commercial. In accordance with KRS 100.213 the applicant's justification for the request was that there have been major changes in the area that were not anticipated in the adopted comprehensive plan, in that Highway 52 is being widened to a 4 lane highway and property directly adjacent to this has been recently re-zoned to 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 RC-7 to RC-4, for the above property, be approved. The vote of the Planning Commission was as follows:

Vote was unanimous to approve.

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

- 1) There have been major changes in the area in that the property is surrounded now by new subdivisions, roads and water lines are adequate to support the development.
- 2) The proposed zone 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

\DC