

ORDINANCE NO. 05-21

AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY APPROVING THE ZONE CHANGE OF ANN POTTS OVERBEY PROPERTY ON 3607 BEREA ROAD 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 20, 2005, and found that the existing zoning classification given to the property is inappropriate and that the proposed zoning classification of is appropriate; because the property has been used for commercial catering since before the adoption of County-wide zoning; 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.

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

TRACT I:

A certain tract of land located near the east side of U.S. 25 about 5 miles south of Richmond in Madison County, Kentucky, and being bounded by survey and described as follows:

BEGINNING at a point in the west line of Doty, said point being common with the extreme northeast corner of Lot 1 of the West Kingston Subdivision, a common corner to Paul Vaughn in the center of an old county road; thence with the centerline of the old county road and line of Doty S 07° 48' 59" W 25.63 feet to an iron pin, a new corner to Paul Vaughn; thence continuing with said centerline S 08° 02' 38" W 630.88 feet to an iron pin, a corner to Russell Doty; thence leaving the old county road with the lines of Doty (said lines being new lines) for 3 calls as follows: N 74° 33' 11" E 232.06 feet to an iron pin beside a small cedar bush; N 25° 14' 50" E 357.40 feet to an iron plate beside a 14" sycamore at a gate N 08° 46' 33" E 286.16 feet to an iron plate beside a steel post in the line of Herndon; thence leaving Doty and running with the line of Herndon N 22° 42' 22" W 557.40 feet to an iron pin in the centerline of an old county road, a corner to Herndon; thence with the centerline of said road two calls S 36° 59' 28" W 85.14 feet to an iron pin; thence S 07° 48' 59" W 468.10 feet to an iron pin; thence S 07° 48' 59" W 468.10 feet to an iron pin (southeast corner of Patton) at the extreme northeast corner of the West Kingston Subdivision and point of BEGINNING and containing 6.39 acres.

Being the same property conveyed to James W. Howe and Anne Potts Howe (n/k/a Ann Potts Overbey), husband and wife, by deed of Conveyance from Lorene Doty, a widow, dated the, 14th day of September, 1971, and of record in Deed Book 258, page 678, Madison County Clerk's Office.

TRACT II:

A certain tract of land located on the east side of U.S. 25 about 5 miles south of Richmond and being a portion of Lot 1 of the West Kingston Subdivision in Madison County, Kentucky, and being bounded by survey and described as follows:

BEGINNING at an iron pin in the east line of U.S. 25, a corner to Patton and being the extreme northwest corner of Lot 1; thence with the east line of U.S. 25 S 21° 22' 50" W 25.00 feet, a new corner to Paul Vaughn; thence leaving said road with the line of Vaughn, a new line, S 73° 58' 48" E 189.60 feet to an iron pin in the center line of an old county road; thence with said centerline S 07° 48' 59" W 25.63 feet to an iron pin at the northeast corner of Lot 1, a corner to Patton; thence with the line of Patton N 73° 57' 12" W 182.00 feet to an iron pin in the east line of U.S.25, a corner to Patton and the northwest corner of Lot 1 and point of BEGINNING and containing .11 acres.

Being the same property conveyed to James W. Howe and Anne Potts Howe (n/s/a Ann Potts Overbey), husband and wife, by Deed of Conveyance from Paul Vaughn and Beverly Vaughn, husband and wife, dated the 14th day of September, 1971, and of record in Deed Book 258, Page 680, Madison County Clerk's Office.

James W. Howe departed this life a resident of Richmond, Madison County, Kentucky, on July 11, 1990. Pursuant to the survivorship clauses in the above referenced Deeds, Anne Potts Howe (n/k/a Ann Potts Overbey) became the sole owner of Tracts I & II, above.

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: Sept 27, 2005

MOTION BY: Larry Combs

SECONDED BY: Billy Ray Hughes

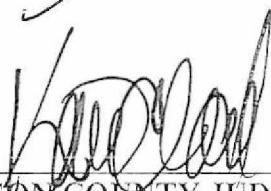
VOTE:	YES	NO
JUDGE, KENT CLARK	✓	
MAGISTRATE LARRY COMBS	✓	
MAGISTRATE ROGER BARGER	✓	
MAGISTRATE WILLIAM TUDOR	✓	
MAGISTRATE BILLY RAY HUGHES	✓	

DATE OF SECOND READING: October 11, 2005

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. Hubbard
MADISON COUNTY CLERK



Madison County Planning & Development

Building Inspections 321 N. Madison Ave. GIS Mapping
Code Enforcement Suite B Floodplain Management
TO: Kent Clark, Madison County Judge Executive 911 Addressing
Land Use Regulations, Richmond, KY 40475
Madison County Fiscal Court countyplanning.com

DATE: September 20, 2005

RE: Planning Commission Recommendation
Ann Potts Overbey, 3607 Berea Road, Richmond

As a result of a public hearing held on September 20, 2005 at 6:00pm 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.

Ann Potts Overbey Property, 3607 Berea Road, proposed to change 6.5 acres +/- from its original classification of UC-7 (Agricultural) to UC-4 (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, and presented a finding of fact that the property was being used for a commercial catering business for many years prior to the adoption of zoning in Madison County.

Therefore, the Madison County Planning Commission recommends the request for land use change be **APPROVED**:

Motion was made, seconded and approved to recommend to the Fiscal Court that the request to change the land use from UC-7 (Agricultural) to UC-4 (General Commercial), for the above property, be approved and have made it a finding of fact that;

- 1) The original zoning classification given to the property was inappropriate and the proposed is appropriate due to the property being used for general commercial purposes for several years prior to the adoption of zoning in the County. The property owner has operated a commercial catering business from this location for years.

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,

A handwritten signature in cursive script, appearing to read "Duane Curry".

Duane S. Curry
Administrative Official