

ORDINANCE NO. 06-16

AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY APPROVING THE ZONE CHANGE OF KENT CLARK, AT 1835 MCKEE 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, July 18, 2006, and heard and reviewed the following application for an amendment to the land use management map. In accordance with KRS 100.213, Kent Clark made a request that the proposed land use map amendment is in agreement with the adopted comprehensive plan for the following reasons:

The property lies within the Rural Corridor and adjoins another Residential Subdivision. Page #11 of the Adopted Comprehensive Plan recommends that major subdivisions should take place in the Urban and Rural Corridors.

WHEREAS, the Madison County Planning Commission recommended to the Madison County Fiscal Court that the classification of the property involved herein be approved the change from RC-7 Agricultural to RC-1 Single Family Residential.

NOW, THEREFORE BE IT ORDAINED AND ENACTED, by the Madison County Fiscal Court that the land use classification of the following described property be changed by this ordinance from RC-7 Agricultural to RC-1 Single Family Residential.

SECTION I

A certain tract or parcel of land lying in Big Hill, Madison County, Kentucky, more particularly bounded and described as follows (based upon a June 1997 survey performed by Berea Land Surveying P.L.S. # 2914):

Beginning at an iron pin with cap set in the easterly right-of-way of Highway 421 at a corner common to Lot 20 of Stevie's Way subdivision; thence with the line of Stevie's Way subdivision for eight (8) calls:

N 85° 41' 12"E, 244.67 feet to an iron pin with cap set at a corner to Lot 13; thence with the line of Lot 13, S 04°18'48"E, 119.75 feet to an iron pin with cap set at a corner common to Lot 12; thence with the line of Lot 12 for two (2) calls: S 04°18'48"E, 145.27 feet to a set iron pin with cap; N 85° 41'12"E, 54.06 feet to a set iron pin with cap at a corner to Lot 11; thence N 85° 41'12"E, 266.09 feet to an iron pin with cap at a corner common to Lot 10; thence with the line of Lot 10, N 71° 40'31"E, 376.89 feet to an iron pin with cap at a corner common to Lot 9; thence with Lot 9 for two (2) calls: N 71° 40'31"E, 44.72 feet to a set iron pin with cap; N 54° 46'09"E, 294.93 feet to an iron pin with cap set at corner common to Lot 8: thence with the line of Lot 8, N 54° 46'09"E,

228.72 feet to an iron pin with cap set at a corner common to Shelton; thence with the line of Shelton for seven (7) calls:

S 23° 37'59"E, 126.48 feet to a set iron pin with cap; S 32° 07'59"E, 263.19 feet to a set iron pin with cap; S 33° 07'59"E, 171.47 feet to a set iron pin with cap; S 33° 52'59"E, 199.39 feet to a set iron pin with cap; S35° 07'59"E 199.39 feet to a set iron pin with cap; S 13° 22'59"E, 165.49 feet to a 20" Poplar S 42° 04'45"E, 256.53 feet to a point in the centerline of the creek near a water gap at a corner common to Shelton & Hymer; thence with the line of Hymer for four (4) calls:

S 46° 00'21" W, passing through a witness pin with cap at 15.00 feet, also passing through a witness pin with cap at 1432.30 feet, in all 1470.14 feet to a point in the centerline of the creek for three (3) calls:

S 68° 48'26" W, 190.95 feet to a point; S 70° 26'24"W, 137.58 feet to a point; N 89° 30'40"W, 47.35 feet to a point at a corner common to Hendricks: thence with the line of Hendricks, and the centerline of the creek for eight (8) calls:

N 78° 57'17"W, 75.00 feet to a point; N 56° 31'09"W, 45.55 feet to a point; N 52° 31'49"W, 149.08 feet to a point; N 59° 21'55"W, 89.98 feet to a point: N 31° 32'12"E, 65.82 feet to a point; N 51° 11'36"W, 45.37 feet to a point in the centerline of the creek at its intersection with a drainage ditch; S 44° 04'49"W, 114.14 feet to a point in the centerline of the ditch; S 25° 09'29"W, 66.76 feet to a point at the intersection of the ditch and the easterly right-of-way of U.S. Highway 421; thence with said right-of way for two (2) calls:

593.47 feet along a 1115.95 foot radius curve to the right said curve bearing N 19° 32'55"W, 586.51 feet to a point; N 04° 18'48"W, 1418.48 feet to the point of beginning and containing 71.54 acres.

Being a portion of the property conveyed to Mataline Clark and of record in Deed Book 162, Page 109 in the office of the Madison County Court Clerk.

And being a part of the same property conveyed to John Robinson by Reubin Cox and Mary F. Cox, his wife, by deed dated September 20, 1891, and of record in deed Book 40, Page 179 in the Madison County Clerk's Office, the said John Robinson dies testate a resident of Madison County, Kentucky, in the year 1906, and devised all his property to his daughter, Nannie E. Lewis, subject to a life estate in portion thereof of his widow, Nancy Robinson, now deceased, as shown in Will Book 3, Page 20, in the Madison County Court Clerk's Office, the said Nannie E. Lewis died intestate a resident of Madison County, Kentucky in the year 1910, leaving surviving her as her only child and heir at law Mataline Lewis, now Mataline Clark, and her husband, Whit F. Lewis who died in the year 1912, all as shown by Affidavit of Descent in Deed Book 160, Page 334, in the Office of the Madison County Court Clerk.



Madison County Planning & Development

Building Inspections
Code Enforcement
Land-Use Regulations

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

DATE: July 21, 2006

RE: Planning Commission Recommendation
Kent Clark Property, 1865 Big Hill Road, Berea, KY

As a result of a public hearing held on July 18, 2006 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.

APPLICANTS REQUEST:

Kent Clark Property, 1865 Big Hill Road, Berea, KY, proposed to change 71.54 acres +/- from its original classification of RC-7 (Agricultural) to RC-1 (Single Family Residential). In accordance with KRS 100.213 the applicant's justification for the request was that the proposed land use map amendment is in agreement with the adopted Comprehensive Plan because the property lies within the Rural Corridor where development is encouraged and adjoins other single residential zones.

PLANNING COMMISSION'S RECOMMENDATION:

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

Motion was made, seconded and approved with a unanimous vote of 6 YES to recommend to the Fiscal Court that the request to change the land use from RC-7 (Agricultural) to RC-1 (Single Family Residential), for the above property, be **APPROVED** and have made it a finding of fact based upon evidence presented that;

1. The request is in agreement with the adopted comprehensive plan and lies within the Rural Corridor;
2. This property adjoins other property currently zoned for single family residential;
3. The property is in close proximity with the Big hill Community.

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 black ink, appearing to read "Duane S. Curry". The signature is fluid and cursive, with a long, sweeping tail that extends to the right.

Duane S. Curry
Administrative Official