

ORDINANCE NO. 07-07

AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY APPROVING THE ZONE CHANGE OF NANCY LYNCH, 2005 BOONESBORO 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 made the recommendation to deny the land use change request due to the topography of the land and the change would not be harmonious;

WHEREAS, the Madison County Fiscal Court held a public hearing on Tuesday, March 27, 2007, 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 RC-7 Agriculture to RC-1 Single Family Dwelling.

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 Agriculture to RC-1 Single Family Dwelling.

SECTION I

All that a certain tract lying and being in Madison County, Kentucky, and situated on Highway 388 (now Boonesboro Road) about two and one half miles southeast of Boonesboro, Kentucky, more particularly described as follows:

TRACT NO. 1. Beginning at a point in the center of old Highway 388, a corner to Lot 7, thence with the center of said road N21°21' E 608.9 feet to a pointing the center of same, a corner to Tract 2; thence with Tract 2 and the existing fence S65°21'E 388.5 feet to a corner fence post; thence N43°01'E 341 feet to a corner fence post, a corner to Tract 2 and Tract 3; thence with Tract 3 nine calls down the southwest side of a drain and about fifteen or twenty feet therefrom, as follows, S71°31'E 160 feet to an iron pipe; thence S62°49'E 84 feet to 160 feet to an iron pipe; thence S34°44'E E 157 feet to an iron pipe with two small Walnut pointers; thence S2506'E 157 feet to an iron pipe with small Hackberry pointer; thence S24°04'E 78 feet to an iron pipe four feet south of an old fence post at the forks of the drain; thence S66°44'E 123 feet to an iron pipe with 12 inch Walnut pointer; thence S54°54°44'E 123 feet to an iron pipe with 12 inch Walnut pointer; thence S54°38'E 100 feet to an iron pipe with a 10 inch Walnut pointer; thence S38°08'E 196 feet to an 10 inch Walnut pointer; thence S38°08'E 196 feet to an iron pipe by a 10 inch Walnut at end of fence; thence S42°23'E 170 feet to an 18 inch Elm in a fence corner, a corner to Tract 3 and Smith; thence with said Smith and the existing fence five calls, S6°15'E' 110 feet; thence S1°00'W 190 feet; thence S2°05'W 98; thence

S8°46'W197 feet to a 16 inch Walnut in the fence in a drain; thence S85°00'E 396 feet to a fence corner at the forks of said drain, a corner to Smith and Jones; thence with Jones S45°45'E 530.6 feet to a point in Stoney Branch; thence up said branch with the meanders thereof six calls, S54°15'W 260 feet; S66°45'W 175.6 feet, S44°00'W 598.6 feet; S65°00'W 346.5 feet; S78°45'W 375 feet; S74°30 'W 356.4 feet to a point in Stoney Branch at the mouth of a drain; thence up said drain with the meanders thereof six calls, N41°W 127.1 feet; thence N31°W 118.8 feet; thence N61°W 132 feet; thence N44° W 165 feet; thence N34°45'W 429 feet; thence N10°E 265 feet to a corner fence post, a corner to Lynch; thence leaving the drain and with said Lynch and the existing fence N37°14'W 118.3 feet; thence N 3°49'W 179 feet to a corner fence post at the southwest corner of Lot 1; thence with the rear or east lines of Lots 1 through 7, six calls as follows, N23°35'E 350.8 feet to an iron pipe, thence N21°36'E 102.3 feet to an iron pipe; thence N26°10'E 100.9 feet to an iron pipe; thence N29°24'E 100.3 feet to an iron pipe; thence N28°36'E 100.4 feet to an iron pipe; thence N4°07'E 115.1 feet to an iron pipe at the northeast corner of Lot 7; thence with the north line of Lot 7, N56°12'W 188.8 feet to the beginning, containing an area of 96.884 acres, more or less. See Plat Book 2, Page 109, A. T. Rose Farm Addition.

There is EXCLUDED from the above described tract of land and not conveyed herewith the home and garden of GRANTORS, Stanley Rhodus and Fannie Lee Rhodus, and same will remain the estate as it had in the aforesaid deed, that as tenants by the entireties and not as GRANTORS, which EXCLUSION is as follows:

Beginning at a point in the center of old Highway 388 (now Boonesboro Road) corner to Tract 7 on the said plat, thence with the center of said highway N21°58'E 405 feet to a point in the center of said highway; thence leaving the center of the highway in a westerly direction 210 feet to the post corner, there being an existing fence from the west edge of said highway; thence in a southerly direction with the existing fence 159 feet to a new corner post; thence in an easterly direction with the existing fence 120 feet to a new corner at a post; thence in a southerly direction with an existing fence 246 feet to a new post corner and north edge of Tract No. 7; thence with an existing fence in a easterly direction with Tract 7, 90 feet to the center of said road and the point of beginning.

BEING of part of the same property conveyed to Stanley Rhodus and Fannie Lee Rhodus, husband and wife, by Deed of Conveyance from A. T. Rose, husband and wife, dated November 2, 1964, and of record in record in Deed Book 211 at Page 488, in the 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: March 27, 2007

MOTION BY: Larry Combs

SECONDED BY: Harold Botner

VOTE: YES NO

JUDGE, KENT CLARK	✓	
MAGISTRATE LARRY COMBS	✓	
MAGISTRATE ROGER BARGER		✓
MAGISTRATE WILLIAM TUDOR	✓	
MAGISTRATE HAROLD K. BOTNER	✓	

DATE OF SECOND READING: April 10, 2007

MOTION BY: William Tudor

SECONDED BY: Harold Botner

VOTE: YES NO

JUDGE, KENT CLARK	✓	
MAGISTRATE LARRY COMBS	✓	
MAGISTRATE ROGER BARGER		✓
MAGISTRATE WILLIAM TUDOR	✓	
MAGISTRATE HAROLD K. BOTNER	✓	

[Signature]
MADISON COUNTY JUDGE EXECUTIVE

Attest:

[Signature]
MADISON COUNTY CLERK

*Original
Courtroom by Fiscal*



Madison County Planning & Development

Building Inspections
Code Enforcement
Land-Use Regulations

321 N. Madison Ave.
Suite B
Richmond, KY 40475

GIS Mapping
Floodplain Management
911 Addressing

www.madisoncountky.us

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

DATE: March 22, 2007

RE: Planning Commission Recommendation
Nancy Lynch, 2005 Boonesborough Road, Richmond, KY

As a result of a public hearing held on March 20, 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.

APPLICANT'S REQUEST:

Nancy Lynch Property, 2005 Boonesborough Road, proposed to change 90 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 there have been major changes in the area that were not in the adopted agreement with the Comprehensive Plan; The land surrounding the aforementioned property is zoned AG and is used for agricultural and residential purposes. The proposed land use map amendment is in agreement with the Madison County Kentucky 2005 Comprehensive Plan because the requested zoning is similar to clusters of rural residential developments (Warriors Trace; Traditions, & Amster Woods), both north and south of the subject property. Further, the property is located in the Rural Corridor which allows for a variety of land uses.

PLANNING COMMISSION'S RECOMMENDATION:

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

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 **DENIED** and have made it a finding of fact that;

- 1) The topography of the land is better suited for large tract development.
- 2) The Comprehensive Plan calls for development to be harmonious with other development.

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
Duane S. Curry
Administrative Official

ORDER

**AN ORDER OF MADISON COUNTY, KENTUCKY DENYING THE
LAND USE CHANGE APPLICATION SUBMITTED BY NANCY LYNCH
TO THE MADISON COUNTY PLANNING COMMISSION
ON MARCH 05, 2007**

WHEREAS, an application to change the zoning from RC-7 Agricultural to RC-1 was presented to the Planning Commission on March 20, 2007 for the property 2005 Boonesborough Rd, and the Commission having recommended by vote that the change be denied.

NOW, THEREFORE BE IT RESOLVED by the Madison County Fiscal court that the recommended denial of the land-use change requested by Nancy Lynch, at the Madison County Planning Commission be denied, and the land use change application on the property located at 2005 Boonesborough Rd., recorded in plat book 412, page number 627, be denied and made a finding of fact that:

- 1) The topography of the land is better suited for large tract development.
- 2) The Comprehensive Plan calls for development to be harmonious with other development.

DATE ADOPTED:

MOTION BY:

SECONDED BY:

VOTE:

YES

NO

**Judge Kent Clark
Magistrate Larry Combs
Magistrate Roger Barger
Magistrate William Tudor
Magistrate Harold K. Botner**

Madison County Judge Executive

Attest:

Madison County Clerk