

ORDINANCE NO.

12-08

AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY APPROVING THE ZONE CHANGE OF BOBBY & MARILYN GARRETT, 2410 BIG HILL ROAD, FOR 1.5 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, May 15, 2012 to consider a Land Use Change Request Application from C-7 Rural Community Agricultural to C-4 Rural Community General Commercial. The applicant's request stated their justification for the proposed change is the property is zoned improperly due to the fact it has been used for commercial property since before the adoption of the County's Land Use Regulations by virtue of an auto salvage yard being located on the property; further, the Comprehensive Plan encourages development of this property as General Commercial because it lies within the Big Hill Community designation; and therefore recommends to the County Fiscal Court that the classification of the property involved herein be change from C-7 Rural Community Agricultural to C-4 Rural Community General Commercial.

WHEREAS, the Madison County Planning Commission upon hearing testimony made a motion with unanimous vote to recommend to the Madison County Fiscal Court to approve the Land Use change request from C-7 Rural Community Agricultural to C-4 Rural Community General Commercial making a finding of fact that the property does lie within the Rural Community designation and has been used as commercial property since prior to the adoption of the Land Use Regulations for Madison County and feel the request is in agreement with the adopted Comprehensive Plan. Vote was 7 yes, unanimous.

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 C-7 Rural Community Agricultural to C-4 Rural Community General Commercial:

SECTION I

TO BE PROVIDED ON ORDINANCE SECOND READING

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: Wed. May 23rd 2012

Motion By: Larry Combs

Second By: Roger Barger

VOTE: YES NO

Judge, Kent Clark
Magistrate Larry Combs
Magistrate Roger Barger
Magistrate Greg King
Magistrate Billy Ray Hughes

✓
✓
✓
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✓

Date of Second Reading: Tuesday June 12, 2012

Motion By: Larry Combs

Second By: Roger Barger

Vote: YES NO

Judge, Kent Clark
Magistrate Larry Combs
Magistrate Roger Barger
Magistrate Greg King
Magistrate Billy Ray Hughes

✓
✓
✓
✓
✓



Madison County Judge Executive

Attest:
Henry Bann, Jr.
MADISON COUNTY CLERK

GARRETT PROPERTY ZONE CHANGE REQUEST
FINDINGS OF FACT

Bobby and Marilyn Garrett Property, 2410 Big Hill Road, Berea KY

Proposed Zone Change from C-7 Agricultural (Big Hill Community) to C-4 General Commercial

The proposed 1 acre tract of land lies within the Rural Community of Big Hill and is proposed to be used for the construction of a Dollar General Store. The property has been used as Commercial and Industrial property since before the adoption of the County's Zoning Regulations with an auto salvage business being located on the highest part of the property. The site is located fronting onto Big Hill Road which is adequate in width to accommodate the proposed development. This proposal is also in agreement with the adopted Comprehensive Plan as outlined below.

Comprehensive Plan, Page 89 –

The County has continued to encourage all development to occur within either, the Urban Corridor, Rural Corridors or the Rural Community designated areas where it has been demonstrated that there is community need.

The property located at 2410 Big Hill Road is located in the Rural Community Designation of Big Hill as shown on the adopted Zoning Map.



Comprehensive Plan, Page 95, Key Issues in the 2010 Comprehensive Plan –

13) Continue to pay special attention to proposed development to ensure smart growth patterns continue by concentrating growth to those areas within the Urban Corridor, Rural Corridors and Rural Community designated boundaries.

Comprehensive Plan, Pages 144 -145, Rural Community Revitalization –

In the 2005 and 2010 Comprehensive Plans it was recommended and called for programs that would assist the small rural communities to be revitalized to serve the small growth centers to provide the surrounding rural communities with basic convenience goods and services.