

**MADISON COUNTY, KENTUCKY FISCAL COURT
ORDINANCE NO. 17-01**

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY,
APPROVING THE ZONE CHANGE OF 1411 BARNES MILL ROAD AND 1413
BARNES MILL ROAD, RICHMOND, KENTUCKY AND AUTHORIZING THE
CHANGE OF 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, December 20, 2016 to consider a Land Use Change Request Application from UC1 to UC3 and thereafter further deliberated and voted on said Land Use Change Request Application in a public business meeting on January 17, 2017. The applicant's request stated that the justification for the proposed change is that there have been major changes in the area economically and socially and the proposed change is in keeping with the Comprehensive Plan. After the conclusion of testimony Findings of Fact were proposed by Motion that that there have been major changes of the economic, physical, but mainly social nature within the area involved, which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of the area based upon the following specific factors.

1. The property due west of the proposed property has been acquired by Uniya Mataja Temple. Testimony was given by Mr. Sizemore and I quote. "They came in with some kind of conception drawing and discussed the size and the parameters that they would have to meet as setbacks and so on. They gave every intention that they were going to do it but I don't have anything that has been officially submitted."
2. There is an existing UC3 property located to the east of the proposed property that adjoins it that is a thriving business, this could be one reason why Mr. Switzer has had such difficulty selling this property as a residential property.
3. Mr. Switzer has marketed the property for 10 years now as residential and has no interest from the public to purchase.
4. Testimony from David Frazier stated that lighting pollution from the existing UC3 neighboring property affects a relative that is located approximately 300 yards away. I can only imagine how a residential lot located right next door would suffer with such lighting pollution.
5. Mr. Switzer made his intentions clear from the inception of the development that lots 37 and 38 could possibly be brought before the planning commission in the future for rezoning, as recorded in the Madison County Clerks' office in the Covenants, conditions and restrictions of Tuscan Development, Book 223, Page 712;

WHEREAS, the Madison County Planning Commission upon hearing testimony made a Motion to recommend to the Madison County Fiscal Court to approve the Land Use change request from UC1 to UC3 do to said findings described herein above; said Motion carrying by a vote of 5 in favor and 1 opposed;

NOW, THEREFORE BE IT ORDAINED AND ENACTED BY THE FISCAL COURT OF THE COUNTY OF MADISON, COMMONWEALTH OF KENTUCKY, that the land use classification of the following described property be changed by this ordinance from UC1 to UC3 classification.

SECTION I

Lots 37 and 38 of Tuscany Development, a plat of which is of record in Plat Book, 24 at Page 217, of the records of the Madison County Court Clerk's Office, to which reference is hereby made for a more particular description.

Being a part of the same property conveyed to Tuscany Development, LLC a Kentucky limited liability company, from Robert Giles, Jr. and Jenny W. Giles, husband and wife, by deed dated April 4, 2006 and of record in Deed Book 605, Page 105 in the Madison County Court Clerk's Office.

Also being a part of the same property conveyed to Tuscany Development, LLC a Kentucky limited liability company, from Johanna Giles Hall and Scott Hall, husband and wife, by deed dated June 5, 2006 and of record in Deed Book 607, Page 742 in the Madison County Court Clerk's Office.

Also known as 1411 Barnes Mill Road, Richmond, Madison County, Kentucky and 1413 Barnes Mill Road, Richmond, Madison County, Kentucky.

SECTION II

That the Madison County GIS Coordinator 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 Kentucky Revised Statutes.

DATE OF FIRST READING: January 24, 2017

MOTION BY: Larry Combs

SECONDED BY: John Tudor

VOTE:	YES	NO
Magistrate Larry Combs	<u>✓</u>	<u> </u>
Magistrate Roger Barger	<u> </u>	<u>✓</u>
Magistrate John Tudor	<u>✓</u>	<u> </u>
Magistrate Tom Botkin	<u> </u>	<u>✓</u>
Judge Reagan Taylor	<u>✓</u>	<u> </u>

DATE OF ^{2nd} FIRST READING: February 28, 2017

MOTION BY: Larry Combs

SECONDED BY: John Tudor

VOTE:	YES	NO
Magistrate Larry Combs	<u>✓</u>	<u> </u>
Magistrate Roger Barger	<u> </u>	<u>X</u>
Magistrate John Tudor	<u>✓</u>	<u> </u>
Magistrate Tom Botkin	<u>✓</u>	<u> </u>
Judge Reagan Taylor	<u>✓</u>	<u> </u>

RJD
MADISON COUNTY JUDGE/ EXECUTIVE

Attest:
Kenny Barger
Madison County Clerk, Kenny Barger