

**MADISON COUNTY, KENTUCKY FISCAL COURT  
ORDINANCE NO. 19-15**

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY,  
APPROVING THE ZONE CHANGE OF 5120 BATTLEFIELD MEMORIAL  
HIGHWAY, BEREA, KENTUCKY, AND AUTHORIZING THE AMENDMENT  
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, August 20, 2019 to consider a Land Use Change Request Application from RC-  
7, Agriculture to RC-4, General Commercial. The applicants' request stated that their  
justification for the proposed change being that the existing zoning classification given to  
the property is inappropriate and the proposed zoning classification is appropriate and in  
keeping with the Comprehensive Plan. Findings of fact were made by the Commission  
that the property's size and location make it unsuitable for agricultural purposes; and  
further, it is located in close proximity to other RC-4 property, and in an area amenable to  
commercial property, in keeping with the Comprehensive Plan; and further, with the  
improvements to the roadway made in recent times that the property is amenable to  
general business uses.

**WHEREAS**, the Madison County Planning Commission upon hearing testimony made a  
Motion with unanimous consent to recommend to the Madison County Fiscal Court to  
approve the Land Use change request from RC-7 to RC-4.

**WHEREAS**, the Madison County Fiscal Court has reviewed said Findings and  
Recommendation of the Madison County Planning Commission and being otherwise  
sufficiently advised and does hereby adopt the findings of fact made thereby;

**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 RC-7, Agriculture to RC-4, General Commercial  
classification.

**SECTION I**

Being all of tract 2A as shown on Plat Book 28, Page 310 and being more  
particularly described as follows:

Beginning at an iron pin found stamped PLS #3265 (as typical of all iron  
pins found in this survey) located 30 feet from the centerline of US HWY 421  
along the western edge of right-of-way (R/W) at a corner common to James

and Virginia Lovins (DB 739 PG 480, Tract 3) being in the community of Bobtown, Madison County, Kentucky, and being approximately 10.3 miles southeast of Richmond, Madison County, Kentucky said pin being the Point of Beginning for this description; Thence running with the US HWY 421 R/W following a curve to the left with a radius of 9886.53 feet, arc length of 304.48 feet, chord length of 304.47 feet, and a chord bearing S02°16'42"W to an iron pin found at a corner common to Lovins (DB 739 PG 480, Tract 3); Thence with Lovins (DB 739 DB 480) for the following six (6) courses: N57°10'22"W – 286.78 feet to an iron pin found, N57°10'22"W – 30.60 feet to an iron pin set (5/8 " x 18" steel rebar with aluminum survey cap stamped PLS #3816, as is typical of all pins set in this survey), N34°47'55"E – 220.52 feet to an iron pin set, S51°47'16"E – 30.64 feet to an iron pin found, S51°47'16" – 41.47 feet to an iron pin found, and S87°26'13"E – 96.39 feet to the Point of Beginning and containing 1.292 acres by survey.

Being a part of the same property conveyed to James Lovins and Virginia Lovins, husband and wife, from the Estate of Geneva Bengé Ray, by and through Carol Ray Perkins, personal representative by deed dated December 16, 2016 and of record in Deed Book 739, Page 480 in the Madison County Court Clerk's Office.

PVA map # - part of #0085-0000-0029

**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: 09/10/2019

MOTION BY: Tom Botkin

SECONDED BY: Roger Barger

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

DATE OF SECOND READING: 09/24/2019

MOTION BY: Tom Botkin


SECONDED BY: Roger Barger

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>

*Absent*

  
MADISON COUNTY JUDGE/ EXECUTIVE

Attest: '

  
Madison County Clerk, Kenny Barger