

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

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY,
APPROVING THE ZONE CHANGE OF A 39.6 ACRE TRACT AT 1194
GOGGINS LANE, RICHMOND, 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, October 7, 2019 to consider a Land Use Change Request Application from UC-
7 to UC-2. Upon presentation by the Applicant and by parties in opposition to the
Application, Findings of Fact were made by the Planning Commission as described in
their Summary of Evidence, Findings of Fact and Recommendation to the Fiscal Court
attached hereto and made a part hereof for all purposes, as follows:

1. That the proposed land use map amendment is in conformity with the
Comprehensive Plan for the following reasons:
 - a. The Comprehensive Plan encourages “smart growth” in growth within
the Urban Corridor;
 - b. The subject property is within the Urban Corridor;
 - c. The subject property has access to sewer, water and transportation,
which make it amenable to the “smart growth” as being encouraged in
the Urban Corridor;
 - d. The proposed land use map amendment would provide for the “array
of housing options’ encouraged within the Urban Corridor by the
Comprehensive Plan.
2. That multi-family residential use is in conformity with the use of the
surrounding property, the topography and unique position of the land and
given the availability of water and sewer should be encouraged in this area.
3. That the property was particularly suited to multi-family housing given its
topography, location access to infrastructure.
4. That the legitimate concerns of the opponents of this proposed land use map
amendment may still be addressed in the site development process.

WHEREAS, the Madison County Planning Commission upon hearing testimony made a
Motion and voted 6-1 to recommend to the Madison County Fiscal Court to approve the
Land Use change request from UC-7 to UC-2.

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 UC-7 to UC-2 classification.

SECTION I

The 39.6 acre tract as shown and marked on the topo map attached hereto as Exhibit "A"

Being a part of the same property conveyed to Evelyn Yeary Welanetz as Trustee of the Trust Agreement of Evelyn Yeary Welanetz dated July 8, 1991 from Evelyn Ross Yeary Welanetz and Ludolph F. Welanetz, wife and husband, of record in Deed Book 416, Page 741 in the Madison County Court Clerk's Office.

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: November 12, 2019

MOTION BY: Tom Botkin

SECONDED BY: Roger Barger

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

TO: MADISON COUNTY FISCAL COURT
FR: MADISON COUNTY PLANNING COMMISSION
RE: APPLICATION FOR LAND USE MAP AMENDMENT
1194 Goggins Lane 39.6 acres
DA: OCTOBER 15, 2019

This matter came before the Madison County Planning Commission for a hearing on September 17, 2019 on application submitted by the landowner, Welanetz Evelyn Ross Trust to amend the official zoning map of regarding a certain 39.6 acre tract located at 1194 Goggins Lane, Richmond, Madison County, Kentucky from the existing zoning classification of UC-7 to UC-2. Upon proper notice being given and upon hearing testimony and arguments of all parties on September 20, 2019 and upon Motion made and vote taken on October 15, 2019, the Madison County Planning Commission did make the following Findings of Fact and Recommendations regarding said Application to the Madison County Fiscal Court:

SUMMARY OF EVIDENCE AND TESIMONY PRESENTED:

The Applicant was represented by the Hon. Mike Eaves and Hon. Tyler Frazier at the Hearing. The Applicants presentation of evidence included a number of Exhibits, made a part of their presentation, which demonstrated the location of the land in question, the availability of roads, water and sewer lines to the property and the current use of the property in the vicinity of the subject property. The Applicant offered surveyor, Stuart Spencer, for testimony regarding same.

The Applicants testimony, evidence and argument tended to show that the requested map amendment was in conformity with comprehensive plan because the property was in the Urban Development Corridor, an area designated by the Comprehensive Plan for intensive development, that it joined property used for single family residences and retail businesses and had access to improved roads, sewer and water make the proposed use in conformity with the Comprehensive Plan. The presentation described the topography of this tract, which sits beneath adjacent to a high earthen/stone wall created by the development of the adjoining property, a retail business site.

In opposition to the proposed land use map amendment were several member of the community, most of whom lived nearby the subject property. Madison County citizens, Jesse Ward, Allen Engel, Paul Sowders, Norman Spain, Stephen Henderson and Thomas Proffitt provided testimony that described concerns regarding the proposed land use as being undesirable centered on increased traffic issues on Goggins Lane (it being only a two lane highway with a center turn lane, concerns regarding water flow and water retention should be development take place and concerns regarding effects on property values should the development be allowed to include multi-family housing. There were concerns expressed that the road would become overused and a traffic problem with high-density housing.

DATE OF SECOND READING: November 26, 2019

MOTION BY: Tom Botkin

SECONDED BY: John Tudor

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



 MADISON COUNTY JUDGE/ EXECUTIVE

Attest:



 Madison County Clerk, Kenny Barger


FINDINGS OF FACTS

Upon considering the evidence and testimony summarized herein, the Madison County Planning Commission made the following Findings of Fact:

1. That the proposed land use map amendment is in conformity with the Comprehensive Plan for the following reasons:
 - a. The Comprehensive Plan encourages “smart growth” in growth within the Urban Corridor;
 - b. The subject property is within the Urban Corridor;
 - c. The subject property has access to sewer, water and transportation, which make it amenable to the “smart growth” as being encouraged in the Urban Corridor;
 - d. The proposed land use map amendment would provide for the “array of housing options’ encouraged within the Urban Corridor by the Comprehensive Plan.
2. That multi-family residential use is in conformity with the use of the surrounding property and given the availability of water and sewer should be encouraged in this area.
3. That the property was particularly suited to multi-family housing given its topography, location access to infrastructure.
4. That the legitimate concerns of the opponents of this proposed land use map amendment may still be addressed in the site development process.

RECOMMENDATION:

It is the RECOMMENDATION of the Madison County Planning Commission that the proposed Land Use Map amendment from UC-7 to UC-2 BE APPROVED.



Chair, Madison County Planning Commission



Director, Madison County Planning & Development

G O G G I N S L A N E

22.4 AC.

39.6 AC.

S:\2001_Cooper's Ln\Drawings\2001EGS.dwg, 8/23/2011

