

**MADISON COUNTY, KENTUCKY FISCAL COURT  
ORDINANCE NO. 20-09**

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY,  
APPROVING THE ZONE CHANGE OF 1650 BEREA ROAD, 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, February 18, 2020 to consider a Land Use Change Request Application from  
UC-1 to UC-4 Upon presentation by the Applicant and with no parties appearing 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 existing zoning classification is inappropriate and the proposed  
zoning classification is appropriate for the following reasons
  - a The changes made to the character and area of the property due to the  
condemnation action make UC-1 a non-viable use of this property,
  - b The character of the surrounding area and this property are more  
suitable for general commercial purposes as the subject property is  
within the Urban Corridor and surrounded and in close proximity to  
other properties used for general commercial purposes,

**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 UC-1 to UC-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 UC-1 to UC-4 classification

**SECTION I**

A certain lot or parcel of land located on the west side of US Highway 25, south of Richmond, Madison County, Kentucky and containing **0 58 acres** (Remainder of Lot 17, Cumberland View Subdivision) as shown by boundary survey prepared by Central Kentucky Land Surveying, LLC, dated 2-22-2019, and plat of which is recorded in Plat Cabinet 28 at page 243

**PROPERTY ADDRESS 1650 Berea Road, Richmond, Kentucky 40475**

Being the same property conveyed to Jerry Little and Wanda Little, husband and wife, from Donna Williams, unmarried, and April Wildman and Kevin Wildman, her husband, by deed dated March 18, 2019 of record in Deed Book 771, Page 133 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      February 25, 2020

MOTION BY                      John Tudor

SECONDED BY                 Tom Botkin

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

DATE OF SECOND READING March 10, 2020

MOTION BY John Tudor

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>	_____

R-30-  
MADISON COUNTY JUDGE/ EXECUTIVE

Attest

Kenny Barger  
Madison County Clerk, Kenny Barger

TO MADISON COUNTY FISCAL COURT  
FR MADISON COUNTY PLANNING COMMISSION  
RE APPLICATION FOR LAND USE MAP AMENDMENT  
1650 Berea Road  
DA February 21, 2020

This matter came before the Madison County Planning Commission for a hearing on February 18, 2020 on application submitted by the landowners, Jerry Little and Wanda Little to amend the official zoning map of regarding a certain 0.58 acre tract located at 1650 Berea Road, Richmond, Madison County, Kentucky from the existing zoning classification of UC-1 to UC-4. Upon proper notice being given and upon hearing testimony and arguments of all parties on February 18, 2020 and upon Motion made and vote taken on February 18, 2020, 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 TESTIMONY PRESENTED**

The Applicants were represented by the Hon. Kenneth Duerson at the Hearing. The Applicants' presentation of evidence included a number of Exhibits, made a part of their presentation, together with the testimony of Jerry Little and facts presented by the administrative staff of the Madison County Office of Planning and Code Enforcement which tended to show that major changes had been made to this tract due to the a right of condemnation of part of this tract by the Commonwealth of Kentucky, Department of Highways, together with changes to the nature area of the area which made the present zoning unsuitable and the proposed zoning classification appropriate. Information was present that much of the property in close proximity is zoned UC-4 or UC-5, including the tract adjacent thereto owned by the Little's.

No testimony or information was presented in opposition to the proposed map amendment.

#### **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 existing zoning classification is inappropriate and the proposed zoning classification is appropriate for the following reasons:
  - a. The changes made to the character and area of the property due to the condemnation action make UC-1 a non-viable use of this property,
  - b. The character of the surrounding area and this property are more suitable for general commercial purposes as the subject property is within the Urban

Corridor and surrounded and in close proximity to other properties used for general commercial purposes,

**RECOMMENDATION.**

It is the RECOMMENDATION of the Madison County Planning Commission that the proposed Land Use Map amendment from UC-1 to UC-4 BE APPROVED

  
\_\_\_\_\_  
Chair, Madison County Planning Commission

  
\_\_\_\_\_  
Director, Madison County Planning & Development