

**MADISON COUNTY, KENTUCKY FISCAL COURT
ORDINANCE NO. 20-23**

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY,
APPROVING THE ZONE CHANGE OF 107, 115 & 117 GREENS CROSSING &
2707 ROBBINSVILLE LOOP, 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, September 15, 2020 to consider a Land Use Change Request Application from RC-1 & RC-3 to RC-4. Upon presentation by the Applicant and with no opposing view presented 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. There have been major changes of an economic and physical nature within the area involved that were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of the area based upon the economic development of the surrounding area and of the 52 E rural corridor and the development of the infrastructure and traffic patterns that make RC-4 a more appropriate zoning classification for this property.

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-1 & RC-3 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-1 & RC-3 to RC-4 classification.

SECTION I

Lot # 1 of the Minor Plat of Noah Johnson, Sr. Estate as shown on plat dated April 12, 2003, and of record in Plat Book 21, Slide 224, in the Madison County Clerk's Office, reference to which is hereby made for a more particular description of the property.

Being the same property conveyed to Thomas M. Fassas and Robbin Fassas from Jimmy Joe Chatman, single, by Deed dated June 3, 2020, and of record in Deed Book 788, Page 553, of the Madison County Clerk's office.

AND

Parcel I

Tract 11-A of the Minor Plat of Noah Johnson, Sr. Estate as shown on plat dated April 12, 2003, and of record in Plat Book 21, Slide 224, in the Madison County Clerk's Office, reference to which is hereby made for a more particular description of the property.

Parcel II

A certain tract or parcel of land located and being in Madison County, Kentucky, and bounded and described as follows:

A certain tract of land on the North side of Richmond and Irvine Pike about four miles east of Richmond in Madison County, Kentucky, BEGINNING at the north edge of Richmond and Irvine Pike at corner of G.C Howell; thence west with Highway 121 feet to a stake; thence a new line in a northerly direction 111 feet to an ash tree; thence in an easterly direction 142 feet to a stake in G.C. Howell line; thence with the G.C. Howell line south 104 feet to the point of beginning.

Being the same property conveyed to Thomas M. Fassas and Robbin Fassas, from Elaine Blair and Jerry Blair as Co-Executors of the Estate of James McGarr, et al by Deed dated June 3, 2020, and of record in Deed Book 788, Page 556, of the Madison County 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.

THIS ORDINANCE SHALL BECOME EFFECTIVE ON THE DATE OF THE SECOND READING AND ADOPTION.

DATE OF FIRST READING: September 22, 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>	_____

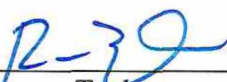
DATE OF SECOND READING: October 13, 2020

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>	_____

Signed:



Reagan Taylor
Madison County Judge Executive

Attested:



Kenny Barger
Madison County Clerk

TO: MADISON COUNTY FISCAL COURT
FR: MADISON COUNTY PLANNING COMMISSION
RE: APPLICATION FOR LAND USE MAP AMENDMENT
107, 115 & 117 Greens Crossing & 2707 Robbinsville Loop
DA: September 16, 2020

This matter came before the Madison County Planning Commission for a hearing on September 15, 2020 on application submitted by the landowners, **Thomas M. Fassas and Robin Fassas** to amend the official zoning map of Madison County, KY, regarding a certain 5.15 acre tract located at **107, 115 & 117 Greens Crossing & 2707 Robbinsville Loop**, Richmond, Madison County, Kentucky from the existing zoning classifications of RC-1 & RC-3 to RC-4.

Upon proper notice being given and upon hearing testimony and arguments of all parties on September 15, 2020 and upon Motion made and vote taken on September 15, 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 TESIMONY PRESENTED:

The Applicants were represented by the Hon. Michael R. Eaves at the Hearing. The Applicants presentation of evidence included a number of Exhibits, made a part of their presentation, together with the argument of counsel and facts presented by the property owner, Thomas M. Fassas and the administrative staff of the Madison County Office of Planning and Code Enforcement which tended to show that changes to the character of the surrounding area made the present zoning classifications unsuitable and the proposed zoning classification appropriate. Information was presented that tended to show that this area of the rural corridor was one of increasing economic activity and changing character with increasing general commercial usages being developed; that the use of this property, largely, had been abandoned and had fallen into severe disrepair and misuse due, in part, to its inappropriate zoning classification and was an eyesore and nuisance to the surrounding community; and that the property was within the rural development corridor with supporting infrastructure and economic development that made RC-4 the most appropriate zoning classification for the property. The property owner provided detailed testimony as to his proposed use of the property if the application was granted that tended to show that the development of the property as an RC-4 classification would benefit the community.

One phone call was presented in response to the application from a community member that tended to support the evidence that the property and community would benefit from the development of the property as proposed.

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. There have been major changes of an economic and physical nature within the area involved that were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of the area based upon the economic development of the surrounding area and of the 52 E rural corridor and the development of the infrastructure and traffic patterns that make RC-4 a more appropriate zoning classification for this property.

RECOMMENDATION:

It is the RECOMMENDATION of the Madison County Planning Commission that the proposed Land Use Map amendment from RC-1 & RC-3 to RC-4 BE APPROVED.

A handwritten signature in cursive script, appearing to read "Alan J. ...", is written above a horizontal line.

Chair, Madison County Planning Commission

A handwritten signature in cursive script, appearing to read "Scott ...", is written above a horizontal line.

Director, Madison County Planning & Development