

**MADISON COUNTY FISCAL COURT
MADISON COUNTY, KY
ORDINANCE 20-24**

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY,
APPROVING THE ZONE CHANGE OF 2761 & 2725 LEXINGTON 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, November 17, 2020 to consider a Land Use Change Request Application from UC-7 to UC-3. 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. This area is one of increasing economic activity with several adjoining or proximate properties being zoned similarly to the classification proposed by the Applicant;
 - b. The use of this property as it was presently zoned was not feasible given the tract's small size being too small for agriculture;
 - c. The property was within the urban development corridor with supporting infrastructure and economic development as contemplated by the comprehensive plan that made UC-3 the most appropriate zoning classification for the 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 UC-7 to UC-3.

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-3 CLASSIFICATION.

SECTION I

Two certain tracts of land lying on Lexington Road in Madison County, Kentucky and known as Lot 2 containing 2.00 acres and Lot 3 containing 4.03 acres as shown on plat recorded in Plat Cabinet 25, as Slide 60, in the Madison County Clerk's Office, reference to which is hereby made for a more particular description.

Being the same property conveyed to Rona R. Comley from Donnie Kearns and Mary Lois Kearns, husband and wife, by deed dated October 6, 2009 and of record in Deed Book 650, Page 419 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.

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

DATE OF FIRST READING: December 15, 2020

MOTION BY: Roger Barger

SECONDED BY: John Tudor

VOTE:	YES	NO
Magistrate Larry Combs	<u>Absent</u>	<u>Absent</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: January 12, 2021

MOTION BY: Roger Barger

SECONDED BY: John Tudor

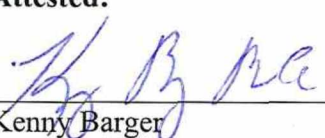
VOTE:	YES	NO
Magistrate Larry Combs (Deceased 12/25/2020)	<u>Vacant</u>	<u>Vacant</u>
Magistrate Roger Barger	<u>X</u>	_____
Magistrate John Tudor	<u>X</u>	_____
Magistrate Tom Botkin	<u>X</u>	_____
Judge Reagan Taylor	<u>X</u>	_____

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
2761 & 2725 Lexington Road
DA: November 18, 2020

This matter came before the Madison County Planning Commission for a hearing on November 17, 2020 on application submitted by the landowner, Rona Comley, to amend the official zoning map of Madison County, KY, regarding a certain 6.03 acre tract located at **2761 & 2725 Lexington Road, Richmond, Madison County, Kentucky** from the existing zoning classifications of **UC-7 to UC-3**.

Upon proper notice being given and upon hearing testimony and arguments of all parties on November 17, 2020 and upon Motion made and vote taken on November 17, 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 Applicant was represented by the Hon. Kory O. Isaacs at the Hearing. The Applicant presentation of evidence included a topographical map of the property and surrounding area that included the existing land use classifications for the properties, made a part of their presentation, together with the argument of counsel and facts presented by the property owner, Rona Comley 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 existing zoning classification unsuitable and the proposed zoning classification appropriate. Information was presented that tended to show that this area of the was one of increasing economic activity with several adjoining or proximate properties being zoned similarly to the classification proposed by the Applicant; that the use of this property as it was presently zoned was not feasible given the tract's small size being too small for agriculture, that its proximity to Interstate 75 and the resulting noise level made residential use less desirable; and that the property was within the urban development corridor with supporting infrastructure and economic development that made UC-3 the most appropriate zoning classification for the property.

No testimony was presented in response to the application.

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. This area is one of increasing economic activity with several adjoining or proximate properties being zoned similarly to the classification proposed by the Applicant;
 - b. The use of this property as it was presently zoned was not feasible given the tract's small size being too small for agriculture;
 - c. The property was within the urban development corridor with supporting infrastructure and economic development as contemplated by the comprehensive plan that made UC-3 the most appropriate zoning classification for the property.

RECOMMENDATION:

It is the RECOMMENDATION of the Madison County Planning Commission that the proposed Land Use Map amendment from UC7 to UC-3 BE APPROVED.



Chair, Madison County Planning Commission



Director, Madison County Planning & Development