

**MADISON COUNTY, KENTUCKY FISCAL COURT
ORDINANCE NO. 2021-03**

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY,
APPROVING THE ZONE CHANGE OF 2713 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, April 20, 2021 to consider a Land Use Change Request Application from 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. This area was 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 consistent
with its actual and best use;
 - c. That the property was within an area and had been well used in a
manner that made the proposed classification appropriate and the
existing classification inappropriate;
 - d. That the proposed classification would allow this tract to conform to
the surrounding tracts and was consistent with the Comprehensive
Plan.

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-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-3 to RC-4 classification.

SECTION I

A certain tract of parcel of land lying and being on the north side of the Irvine-Richmond Road in Madison County, Kentucky:

BEGINNING at a point where the east line of Elba Tackett intersects the said Irvine-Richmond Road, and continuing with said road and east a distance of approximately 90 feet to the line of George R. Jones, thence north and with Jones a distance of approximately 150 feet, corner and thence west and still with Jones approximately 45 to 50 feet, more or less, to the land of Elba Tackett, thence south and with Tackett a distance of approximately 150 feet to the point of beginning, said property is thus bounded on the north and east by the Irvine-Richmond Road, and on the west by Elba Tackett.

Being the same property conveyed to Elite Ventures, LLC, a Kentucky limited liability company, from The Estate of James McGarr, et al., by deed dated February 12, 2020 and of record in Deed Book 784, Page 443 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: May 11, 2021

MOTION BY: John Tudor

SECONDED BY: Paul Reynolds

VOTE:	YES	NO
Magistrate Paul Reynolds	<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: May 25, 2021

MOTION BY: John Tudor

SECONDED BY: Paul Reynolds

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

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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
2713 Robbinsville Loop
DA: April 22, 2021

This matter came before the Madison County Planning Commission for a hearing on April 20, 2021 on application submitted by the landowner, Elite Ventures, LLC, to amend the official zoning map of Madison County regarding a certain tract of land located at **2713 Robbinsville Loop, Richmond, Madison County, Kentucky** from the existing zoning classifications of RC-3 to RC-4.

Upon proper notice being given and upon hearing testimony and arguments of all parties on April 20, 2021 and upon Motion made and vote taken on April 20, 2021, 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 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, through its representative, Anthony Lombardi, and the administrative staff of the Madison County Office of Planning and Code Enforcement which tended to show 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 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 consistent with its actual and best use, and that the property was within an area and had been well used in a manner that made the proposed classification appropriate and the existing classification inappropriate. The evidence presented was that the tract was of adequate size and possessed adequate infrastructure to support commercial structures.

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:

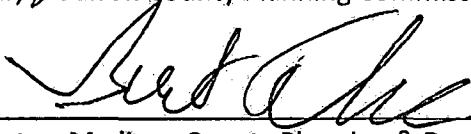
1. That the existing zoning classification is inappropriate and the proposed zoning classification is appropriate for the following reasons:
 - a. This area was one of increasing economic activity with several adjoining or proximate properties being zoned similarly to the classification proposed by the Applicant;
 - b. The use of this property as it was presently zoned was not consistent with its actual and best use;
 - c. That the property was within an area and had been well used in a manner that made the proposed classification appropriate and the existing classification inappropriate;
 - d. That the proposed classification would allow this tract to conform to the surrounding tracts and was consistent with the Comprehensive Plan.

RECOMMENDATION:

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



Chair, Madison County Planning Commission



Director, Madison County Planning & Development