

**MADISON COUNTY, KENTUCKY FISCAL COURT
ORDINANCE NO. 2021-11**

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY,
APPROVING THE ZONE CHANGE OF 1449 & 1479 BARNES MILL 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, May 18, 2021 to consider a Land Use Change Request Application from UC-7
to UC-1. Upon presentation by the Applicant and with public comment, 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 zoning classification is appropriate as it is consistent with
the Comprehensive Plan for the following reasons:
 - a. The character and area of the property due to the residential
development in the Urban Corridor where new development is
encouraged;
 - b. The character of the surrounding area and this property are more
suitable for residential purposes as the subject property is within the
Urban Corridor and in close proximity to other properties used for
residential purposes, and contains the required infrastructure for
residential development;
 - c. There is an established need for single family residential lots in the
County at this time;

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

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-1 classification.

SECTION I

TRACT 1:

A certain tract of land situated on the south side of Barnes Mill Road, west of the city limits of Richmond, Kentucky in Madison County, Kentucky, bounded and described by survey (B.H. Luxon, III, Civil Engineers, April, 1977) as follows:

Beginning at a point in the center of Barnes Mill Road, a corner to Earl Price, thence with the center line of Barnes Mill Road S 81° - 41' E 585.75 feet to a point and new corner to Mrs. Francis Long, thence leaving the road, a new line with Mrs. Long, S 15° 15' W 242.8 feet to a post and new corner to Mrs. Long, thence continuing a new line with Mrs. Long S 01° - 45' E 354.1 feet to an iron pin and corner, thence N 84° - 55' W 605.7 feet to a post and corner, thence N 07° - 03' E 622.6 feet to the beginning, containing 7.99 acres.

There is excluded and not conveyed therewith a 1.79 acre tract conveyed to William R. Whittaker and Carolyn Whittaker, husband and wife, by deed from Mary Long, an unremarried, widow, recorded the 19th day of July, 1985 and of record in Deed Book 370, Page 281, Office of the Madison County Clerk.

This conveyance is subject to a Utility Agreement with Kentucky Utilities dated July 29, 1997 and of record in Deed Book 479, page 539, Office of the Madison County Clerk and a Utility Agreement with Kentucky Utilities dated July 29, 1997 of record in Deed Book 479, page 544, Office of the Madison County Clerk.

TRACT II:

A certain tract of land situated on the south side of Barnes Mill Road, approximately two miles west of the city limits of Richmond, Kentucky, bounded and described as follows:

Beginning at a point in the center of Barnes Mill Road, a corner to Earl Price, thence leaving said Barnes Mill Road with Price's line S 7° - 09' W 240.8 feet to a post in the east line of Wil-O-Mac Subdivision, thence with the line of Wil-O-Mac Subdivision S 6° - 09' W 383.2 feet to a post and corner to John D. Long, thence with John D. Long's line S 85° - 17' E 159.8 feet to an iron pin and new corner to Mrs. Francis Long, thence a new line with Mrs. Long N 1° - 47' E 363.0 feet to an iron pin and new corner with Mrs. Long, thence continuing a new line with Mrs. Long N 88° - 06' W 69.9 feet, N 11° - 34' E 96.8 feet, S 85° - 01' E 51.7 feet, N 3° - 19' E 167.5 feet to a point in the center of Barnes Mill Road, a corner, thence with the center line of Barnes Mill Road N 81° - 41' W 111.4 feet to the beginning containing 1.79 acres.

This conveyance is subject to a Utility Agreement with Kentucky Utilities dated August 4, 1997 and of record in Deed Book 479, page 546, Office of the Madison County Clerk and a Utility Agreement with Kentucky Utilities dated July 29, 1997 of record in Deed Book 481, page 200, Office of the Madison County Clerk.

Being the same property conveyed to John David Long II by Deed dated July 14, 2020 of record in Deed Book 791, page 547, Office of the Madison County Clerk.

TRACT NO. 1:

Beginning at a sugar tree, corner to A.B. Willis, thence with his line N $\frac{1}{4}$ W 34 poles to a stone, corner to B.J. White, thence with his line S $75\frac{1}{2}$ W 59.2 poles to a stone, due west $42\frac{1}{2}$ poles to a stone and branch where an elm did stand, corner to B.J. White and John Duerson, thence down said branch S $20\frac{1}{2}$ W 12 poles, S $9\frac{1}{2}$ E 29 poles, S $\frac{3}{4}$ E 17.7 poles to a stone, thence S $77\frac{1}{2}$ E 4.8 poles to a stone, S $3\frac{1}{2}$ W 28.2 poles to a stone on west section of branch to A.B. Willis, thence N $89\frac{1}{2}$ E 10.3 poles to a stake where a beech tree stood, thence N $74\frac{1}{4}$ E 43.4 poles to a hickory, thence S $72\frac{1}{2}$ E 53.6 poles to a stake where large walnut stood, thence N 32 E 20 poles to a stone or a chain, thence S $87\frac{1}{4}$ E $24\frac{1}{2}$ poles to a stake on west side of branch, thence a new line N 9 E 6.3 poles to an elm, N 25 W 20 poles to a stone, N 31 E 23.2 poles to a sugar tree snag, corner to A.B. Willis' line, thence with said line N 63 W 62 poles to the beginning, a sugar tree corner, containing 81 acres, 3 roods and $31\frac{1}{2}$ poles.

TRACT NO. 2:

Being the west half of the Willis farm on the Barnes Mill Pike, beginning at a point in the center of said pike, a new corner to the east half of the original tract, a hackberry sprout pointer in fence on line, thence with the center of the pike N 86 W .76 chains (76 links) N $84\frac{3}{8}$ W 9.78 chains to a corner of the school house lot, thence with the school house line and with line of Brutus White S $4\frac{1}{8}$ W 16.11 chains, S $5\frac{3}{8}$ W 15.13 chains to a corner of Brutus White and another tract of land belonging to Harris White, thence with the line of Harris White's other land S $\frac{3}{4}$ W 8.5 chains, S $67\frac{3}{4}$ E 15.57 chains to a corner to John X. Todd, thence Todd's line S $63\frac{1}{2}$ E 5.25 chains to a new corner to the east and west original tract, a small stone in fence near a walnut sapling pointer, thence a new division line N $48\frac{3}{4}$ W 11.84 chains to a ten-inch stone on a hillside, N $1\frac{1}{2}$ E 21.34 chains to a stake near a flat stone in the rear garden fence, N $\frac{1}{2}$ E 8.87 chains to the beginning, containing 59.86 acres.

There is excluded and not conveyed herein, the following tract of land:

A certain tract of land situated on the south side of Barnes Mill Road, west of the city limits of Richmond, Kentucky in Madison County, Kentucky, bounded and described by survey (B.H. Luxon, III, Civil Engineers, April, 1977) as follows:

Beginning at a point in the center of Barnes Mill Road, a corner to Earl Price, thence with the center line of Barnes Mill Road S 81° - 41' E 585.75 feet to a point and new corner to Mrs. Francis Long, thence leaving the road, a new line with Mrs. Long, S 15°0 15' W 242.8 feet to a post and new corner to Mrs. Long, thence continuing a new line with Mrs. Long S 01° - 45' E 354.1 feet to an iron pin and corner, thence N 84° - 55' W 605.7 feet to a post and corner, thence N 07° - 03' E 622.6 feet to the beginning, containing 7.99 acres.

Being the same property conveyed to John David Long, by Deed dated May 2, 2013 of record in Deed Book 690, Page 583, in the Madison County Clerk's Office.

A certain tract of land situated on the south side of Barnes Mill Road in Madison County, Kentucky, bounded and described by survey as follows:

Beginning at a point in the center of the Barnes Mill Road, said point being located 686.85 feet east of the northwest corner of the W.F. Long property, said northwest corner being a corner to John Prive, thence with the center of Barnes Mill Road S 85° - 00' E 266.4 feet to a point and corner to W.F. Long, thence with Long's line, following an existing fence, S 17° - 11' W 230.0 feet, S 03° - 41' W 49.5 feet, S 04° - 49' E 193.0 feet to a post and corner to W.F. Long, thence continuing with Long's line and fence N 83° - 49' E 49.0 feet to a post and corner to Long, thence S 06° - 02' E 171.3 feet to a post and corner to Long, thence S 89° - 58' W 284.85 feet to a post and corner to Long, thence N 00° - 40' E 651.7 feet to the beginning, containing 3.43 acres. As per survey made by B.H. Luxon III, Civil Engineer, December 24, 1964.

Being the same property conveyed to John David Long II by deed dated May 2, 2013 of record in Deed Book 690, at Page 579, and by Deed dated June 12, 2017 and of record in Deed Book 746, Page 110 in 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.

DATE OF FIRST READING: June 8, 2021

MOTION BY: Paul Reynolds

SECONDED BY: Tom Botkin

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

DATE OF SECOND READING:

June 22, 2021

MOTION BY:

Tom Botkin

SECONDED BY:

John Tudor

VOTE:

YES

NO

Magistrate Paul Reynolds

X

Magistrate Roger Barger

X

Magistrate John Tudor

_____ Abstained

Magistrate Tom Botkin

X

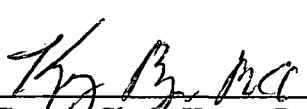
Judge Reagan Taylor

X

Signed:


MADISON COUNTY JUDGE EXECUTIVE

Attest:


Madison County Clerk, Kenny Barger

TO: MADISON COUNTY FISCAL COURT
FR: MADISON COUNTY PLANNING COMMISSION
RE: APPLICATION FOR LAND USE MAP AMENDMENT
1449 & 1479 Barnes Mill Road
DA: May 25, 2021

This matter came before the Madison County Planning Commission for a hearing on May 18, 2021 on application submitted by the landowner, John David Long, II to amend the official zoning map of regarding a certain 144.29 acre tract of land located at **1449 & 1479 Barnes Mill Road**, Richmond, Madison County, Kentucky from the existing zoning classification of UC-7 to UC-1.

Upon proper notice being given and upon hearing testimony and arguments of all parties on May 18, 2021 and upon Motion made and vote taken on May 18, 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 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 testimony of the applicant and an expert for the applicant, the argument of counsel and facts presented by the administrative staff of the Madison County Office of Planning and Development which tended to show that character of the surrounding area made proposed zoning classification appropriate due to the need in the County for single family residential lots and the goal of the Comprehensive Plan to encourage new development within the Urban Corridor. Information was presented that tended to show the proposed development was located in an area with adequate roads, water and other infrastructure to support it and was nearby other single family development, consistent therewith and with the Comprehensive Plan.

There was considerable public comment presented in opposition to the proposed map amendment from nearby landowners, that, expressed concerns with too much traffic from a new development. It appeared that much of the public comment and concerns conflated this proposed map amendment with a development now being proposed with the City of Richmond and not related hereto.

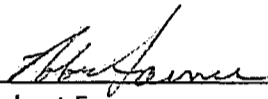
FINDINGS OF FACTS

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

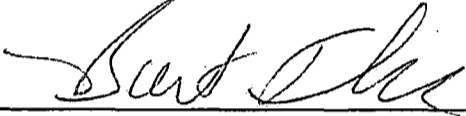
1. That the proposed zoning classification is appropriate as it is consistent with the Comprehensive Plan for the following reasons:
 - a. The character and area of the property due to the residential development in the Urban Corridor where new development is encouraged;
 - b. The character of the surrounding area and this property are more suitable for residential purposes as the subject property is within the Urban Corridor and in close proximity to other properties used for residential purposes, and contains the required infrastructure for residential development;
 - c. There is an established need for single family residential lots in the County at this time;

RECOMMENDATION:

It is the RECOMMENDATION of the Madison County Planning Commission that the proposed Land Use Map amendment from UC-7 to UC-1 BE APPROVED.



Robert Farmer
Chair, Madison County Planning Commission



Bert Thomas
Director, Madison County Planning & Development