

**MADISON COUNTY, KENTUCKY FISCAL COURT
ORDINANCE NO. 2021-12**

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY,
APPROVING THE ZONE CHANGE OF 2300 BATTLEFIELD MEMORIAL
HIGHWAY, BEREA, 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 R-7 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 of the county was one of increasing economic activity with
access to two (2) state highways, fire-flow and adequate infrastructure for
development;
 - (b) The use of this property as it was presently zoned was not ideal due to
changing economic activity within the area;
 - (c) The property was within the rural development corridor with supporting
infrastructure and economic development as contemplated by the
comprehensive plan that made RC-4 the most appropriate zoning
classification for the property.

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 R-7 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 R-7 to RC-4 classification.

SECTION I

Tract 3
23.655 Acres

All that certain piece, parcel or tract of land located in Madison County, Kentucky, lying at the southwest intersection of Crooksville Road (KY Hwy 499) and Battlefield Memorial Highway (US 421) in the community of Kingston, and more particularly described as follows:

("Rebar set" are 1/2" x 18" rebar with a red cap stamped "Spencer, PLS 4068")
("Reference rebar" are 1/2" x 18" rebar with a blue cap stamped "Ref Point, PLS 4068", unless stated otherwise)

Beginning at a rebar set at the intersection of the southerly right of way line of Crooksville Rd (KY 499) and the westerly right of way line of Battlefield Memorial Highway (US 421); thence running with Battlefield Memorial Highway, 50' from the centerline, 231.08' along the arc of a curve turning to the left, having a radius of 1,482.40', a chord bearing S 35°25'43" E, and a chord length of 230.84', to a rebar set; thence S 39°53'40" E a distance of 307.25' to a rebar set; thence 136.93' along the arc of a curve turning to the right, having a radius of 3,770.00', a chord bearing S 38°51'14" E, and a chord length of 136.93', to a rebar set; thence S 37°48'48" E a distance of 555.65' to a point witnessed by a 1/2" rebar found (LS No. 3505) N 53°28'54" E a distance of 1.56' and being a corner to Nancy Leach (DB 533, Pg 601); thence leaving the right of way with the line of Leach S 53°42'10" W, passing a 1/2" rebar found (LS No. 3505) on line at 471.48', in all a distance of 495.43' to a point in the center of Hays Fork Creek; thence leaving Leach with a new line and the center of said creek six (6) calls: N 60°33'40" W a distance of 189.81' to a point; thence N 50°49'39" W a distance of 155.30' to a point; thence N 40°19'03" W a distance of 213.54' to a point witnessed by a reference rebar set N 4°00'43" E at a distance of 27.61'; thence N 56°07'29" W a distance of 96.42' to a point; thence N 69°26'02" W a distance of 95.41' to a point; thence N 60°24'04" W a distance of 78.31' to a point being a corner to Kyle & Candice Conte (DB 792, Pg 521; PB 29-100) and witnessed by a reference rebar found S 46°40'56" W at a distance of 53.84'; thence continuing with the center of the creek and with the line of Conte six (6) calls: N 53°56'24" W a distance of 162.94' to a point; thence N 21°02'00" W a distance of 238.34' to a point witnessed by a reference rebar found S 14°46'52" W at a distance of 46.89'; thence N 42°31'59" W a distance of 213.00' to a point; thence N 49°49'03" W a distance of 211.57' to a point; thence N 41°31'14" W a distance of 146.62' to a point witnessed by a reference rebar found S 55°56'09" W at a distance of 33.39'; thence leaving the creek N 11°48'32" E, passing a 1/2" rebar found (LS No. 3505) on line at 139.90', in all a distance of 143.34' to a point in the southerly right of way line of Crooksville Road (30' R/W); thence with said right of way six (6) calls: S 81°29'31" E a distance of 93.79' to a rebar set; thence S 84°35'01" E a distance of 327.92' to a rebar set; thence S 85°10'28" E a distance of 130.02' to a rebar set; thence S 88°01'53" E a distance of 155.77' to a rebar set; thence S 00°58'39" W a distance of 15.00' to a rebar set; thence

S 89°01'21" E a distance of 189.77' to the Point of Beginning, having an area of 23.655 acres, as surveyed by Spencer Land Surveying (Job No. 2400) on February 19, 2021, Stuart W. Spencer, PLS No. 4068, as depicted on a plat recorded in Plat Book 29, Page 278, in the office of the Madison County Clerk.

Being a portion of the same land conveyed by Robert C. Moody, Trustee of the Robert C. Moody Trust to Indigo Run, Inc. on July 31, 2019, by deed recorded in Deed Book 776, Page 674, in the office of the Madison County Clerk.

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: John Tudor
SECONDED BY: Roger Barger

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: June 22, 2021

MOTION BY: John Tudor

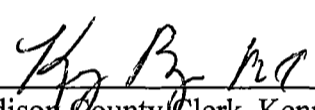
SECONDED BY: Paul Reynolds

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>	_____

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
2300 Battlefield Memorial Highway

DA: June 2, 2021

This matter came before the Madison County Planning Commission for a hearing on May 18, 2021 on application submitted by the landowner, Indigo Run, Inc., to amend the official zoning map of Madison County regarding a certain 23.655 acre tract located at **2300 Battlefield Memorial Highway, Berea, Madison County, Kentucky** from the existing zoning classifications of **R-7 to RC-4**.

Upon proper notice being given and upon hearing testimony and arguments of all parties, and upon Motion made and vote taken, 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 representative and the administrative staff of the Madison County Office of Planning and Development 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 county was one of increasing economic activity within the Rural Corridor and with access to two (2) state highways; 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.

No testimony or comments from the public were presented in response to the application.

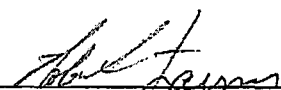
FINDINGS OF FACTS

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 of the county was one of increasing economic activity with access to two (2) state highways, fire-flow and adequate infrastructure for development;
 - b. The use of this property as it was presently zoned was not ideal due to changing economic activity within the area;
 - c. The property was within the rural development corridor with supporting infrastructure and economic development as contemplated by the comprehensive plan that made RC-4 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 R-7 to RC-4 BE APPROVED.



Robert Farmer
Chair, Madison County Planning Commission



Bert Thomas
Director, Madison County Planning & Development