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COUNTY: MADISON COUNTY  
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**MADISON COUNTY, KENTUCKY FISCAL COURT  
ORDINANCE NO. 2021-13**

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY,  
APPROVING THE ZONE CHANGE OF 1270 MOBERLY 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, June 15, 2021 to consider a Land Use Change Request Application from R-7 to  
R-1. Upon presentation by the Applicant and with a 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 area from Concord Road to Moberly on Highway  
52 East, including a new residential development that was approved by  
the Fiscal Court in October of 2020 for a property that is adjacent to  
this property;
  - b. Development is desirable in the transportation corridors;
  - c. The subject property contains the required infrastructure, including  
sewer on site, needed for residential development;
  - d. 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 R-7 to R-1.

**WHEREAS**, the Madison County Fiscal Court has reviewed said Findings and  
Recommendations 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 R-1 classification.

**SECTION I**

A certain tract of real property located on Old Irvine Road/Moberly Road in Madison County Kentucky, identified as Tract 2, consisting of 80.42 acres, more or less, being more particularly described by Boundary Retracement Survey dated March 4, 2009, recorded in Plat Book 28, page 259, recorded in the Madison County Clerk's office.

BEING a part of the same property conveyed to DS & JV Properties, LLC, a Kentucky limited liability company, by Deed dated the 26th day of March, 2019, and of record in Deed Book 772, page 63, in the Madison County Clerk's Office.

AND

Being all of Tract A, consisting of 3.61 acres, more or less, more particularly described by Boundary Survey – Minor Plat, Charlie Norris Rd./Moberly Road, dated the 17th day of June, 2019 and recorded in Plat Book 28, page 306, in the Madison County Clerk's Office, reference to which is hereby made for a more particular description.

BEING the same property conveyed to DS & JV Properties, LLC, a Kentucky limited liability company, by Deed dated the 9th day of July, 2019 and of record in Deed Book 775, at page 609, in the Madison County Clerk's Office.

Note, Plat Book 28, page 306, consolidated the above described 3.61 acre tract with the above described 80.42 acre tract; with both parcels identified as Parcel # 0094-0000-0001.

**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.

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

DATE OF FIRST READING: July 13, 2021

MOTION BY: Tom Botkin

SECONDED BY: Paul Reynolds

VOTE:	YES	NO
Magistrate Paul Reynolds	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Magistrate Roger Barger	<input type="checkbox"/>	<input type="checkbox"/>
Magistrate John Tudor	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Magistrate Tom Botkin	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judge Reagan Taylor	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DATE OF SECOND READING: July 27, 2021

MOTION BY: Paul Reynolds

SECONDED BY: Tom Botkin

VOTE:	YES	NO
Magistrate Paul Reynolds	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Magistrate Roger Barger	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Magistrate John Tudor	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Magistrate Tom Botkin	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judge Reagan Taylor	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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  
1270 Moberly Road  
DA: June 15, 2021

This matter came before the Madison County Planning Commission for a hearing on June 15, 2021 on application submitted by the landowner, DS & JV Properties, LLC to amend the official zoning map of Madison County regarding a certain tract located at 1270 Moberly Road, Richmond, Madison County, Kentucky from the existing zoning classification of R-7 to R-1.

Upon proper notice being given and upon hearing testimony and arguments of all parties on June 15, 2021 and upon Motion made and vote taken on June 15, 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 Applicants were represented by the Hon. Valerie Himes at the Hearing. The Applicant's presentation of evidence included a number of Exhibits, made a part of their presentation, together with testimony of a number of real estate professionals and a residential lending professional, 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 the character of the surrounding area made the 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 subject area. 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 the potential for growth, consistent with the Comprehensive Plan.

There was public comment presented in opposition to the proposed map amendment from nearby land owners that expressed concerns with the water run-off and wetness of the ground in the area and too much traffic from new development.

**FINDINGS OF FACTS**

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

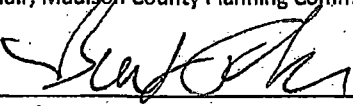
1. That the proposed zoning classification is appropriate as it is consistent with the Comprehensive Plan for the following reasons:

- a. The character and area of the property due to the residential development in the area from Concord Road to Moberly on Highway 52 East, including a new residential development that was approved by the Fiscal Court in October of 2020 for a property that is adjacent to this property;
- b. Development is desirable in the transportation corridors;
- c. The subject property contains the required infrastructure, including sewer on site, needed for residential development;
- d. 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 R-7 to R-1 BE APPROVED.

  
\_\_\_\_\_  
Robert Farmer  
Chair, Madison County Planning Commission

  
\_\_\_\_\_  
Bert Thomas  
Director, Madison County Planning & Development

# **ZONE CHANGE REQUEST**

**PRESENTED TO**

**MADISON COUNTY FISCAL COURT**

**OF**

**80.42 ACRES, MOBERLY ROAD  
MADISON COUNTY KENTUCKY**

**CURRENT ZONE - R-7 RURAL AGRICULTURE  
REQUESTED ZONE - R-1 SINGLE FAMILY RESIDENTIAL**

**UNANIMOUSLY APPROVED BY THE MADISON COUNTY PLANNING & ZONING COMMISSION JUNE 18, 201**



P.B. 27, PG. 147  
MERIDIAN SHOWN

CARROLL & GREEN  
DB. 417, PG. 287  
P.B. 9, PG. 304

TRACT A  
DEBORAH BREWER  
DB. 737, PG. 460  
P.B. 21, PG. 292

CORNELISON, STEVENSON & BOGGS  
DB. 644, PG. 81

BRANDI BALLARD  
DB. 758, PG. 474

OLIVER WINBURN  
DB. 288, PG. 500

CARL GREEN  
DB. 201, PG. 71

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S)  
OF THE PROPERTY SHOWN AND DESCRIBED HEREON  
AND THAT I (WE) DO HEREBY ADOPT THIS SURVEY  
WITH MY (OUR) FREE CONSENT.

OWNER \_\_\_\_\_

DATE \_\_\_\_\_

DWG : J.V.

CKD : J.V.

DATE : 3-4-2019

SCALE : NO SCALE

FIELD SURVEY : 2-7-2019

REVISED :

TITLE : B  
TH

LOCATION

OWNER : JS  
SE  
SD

**CENT  
LAND**

213 PAULIN  
PHONE (81

MOBERLY ROAD  
SOURCE OF TITLE NOT FOUND, SEE P.B. 9, PG. 304  
R/W 33' FROM CENTER

SOURCE OF TITLE

D.B. 509, PG. 001  
TRACT 2

80.42 Acres

CERTIFICATES OF ACCURACY AND ADEQUACY

I HEREBY CERTIFY THAT THE SURVEY DEPICTED BY THIS  
PLAT WAS DONE BY ME, OR PERSONS UNDER MY DIRECT  
CONTROL AND SUPERVISION, BY METHOD OF CLOSED  
TRAVERSE WITH RADIAL TIES TO EXISTENT MONUMENTS,  
CORNERS, AND EVIDENCE OF CORNERS, AND RADIAL  
STAKE-OUT OF SET CORNERS. THE UNADJUSTED  
PRECISION RATIO OF THE TRAVERSE WAS 1:20,392 THE  
TRAVERSE WAS NOT ADJUSTED. THE SURVEY AS  
SHOWN HEREON IS AN URBAN SURVEY AND THE  
ACCURACY AND PRECISION OF SAID SURVEY MEETS ALL  
THE SPECIFICATIONS OF THIS CLASS.

CENTRAL KENTUCKY LAND SURVEYING, INC.  
JAY WEBB LS 3505

MADISON COUNTY FAIR & HORSE SHOW, INC.  
DB. 732, PG. 671  
P.B. 14, PG. 198

TRACT 2  
RONNIE SMITH  
DB. 719, PG. 780  
P.B. 26, PG. 596

CERTIFICATES OF ACCURACY AND ADEQUACY

I HEREBY CERTIFY THAT THE SURVEY DEPICTED BY THIS PLAT WAS DONE BY ME, OR PERSONS UNDER MY DIRECT CONTROL AND SUPERVISION, BY METHOD OF CLOSED TRAVERSE WITH RADIAL TIES TO EXISTENT MONUMENTS, CORNERS, AND EVIDENCE OF CORNERS, AND RADIAL STAKE-OUT OF SET CORNERS. THE UNADJUSTED PRECISION RATIO OF THE TRAVERSE WAS 1:20,392 THE TRAVERSE WAS NOT ADJUSTED. THE SURVEY AS SHOWN HEREON IS AN URBAN SURVEY AND THE ACCURACY AND PRECISION OF SAID SURVEY MEETS ALL THE SPECIFICATIONS OF THIS CLASS.

CENTRAL KENTUCKY LAND SURVEYING, INC.  
JAY WEBB LS 3505

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) DO HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) FREE CONSENT, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, AND DEDICATE ALL STREETS, ALLEYS WALKS, PARKS, AND OTHER PUBLIC LANDS SHOWN HEREON TO PUBLIC USE, AND HEREBY GRANT TO THE COUNTY OF MADISON ALL EASEMENTS FOR PUBLIC UTILITIES AS SHOWN UPON THIS PLAT.

OWNER \_\_\_\_\_ DATE \_\_\_\_\_

CERTIFICATE OF APPROVAL FOR RECORDING

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS FOR MADISON CO., WITH THE EXCEPTIONS OF SUCH VARIANCES, IF ANY, AS ARE ATTACHED TO THIS PLAT AND AS ARE NOTED IN THE MINUTES OF THE PLANNING COMMISSION AND THAT IT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE COUNTY CLERK.

APPROVING AGENT, MADISON CO. PLANNING COMMISSION \_\_\_\_\_ DATE \_\_\_\_\_

MONUMENTATION

② - SET STEEL PIN - 1/2" (#4) REBAR-18" LONG WITH YELLOW PLASTIC CAP STAMPED CKLS WEBB LS 3505.

EASEMENT NOTE

Please note this plat depicts all visible easements and easements of record only as discovered during the course of this survey and does not warrant the depiction of all easements and/or encroachments.

UTILITY NOTE

All utilities should be field verified before any construction begins any contractor, owner or designer using the information shown hereon is hereby forewarned that any excavation upon this site may result in the discovery of additional underground utilities not shown hereon.

THE PURPOSE OF THIS PLAT IS TO DIVIDE TRACT A FROM GREEN, AND CONSOLIDATE TRACT A WITH DS & JV PROPERTIES, LLC, AS SHOWN.

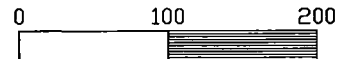
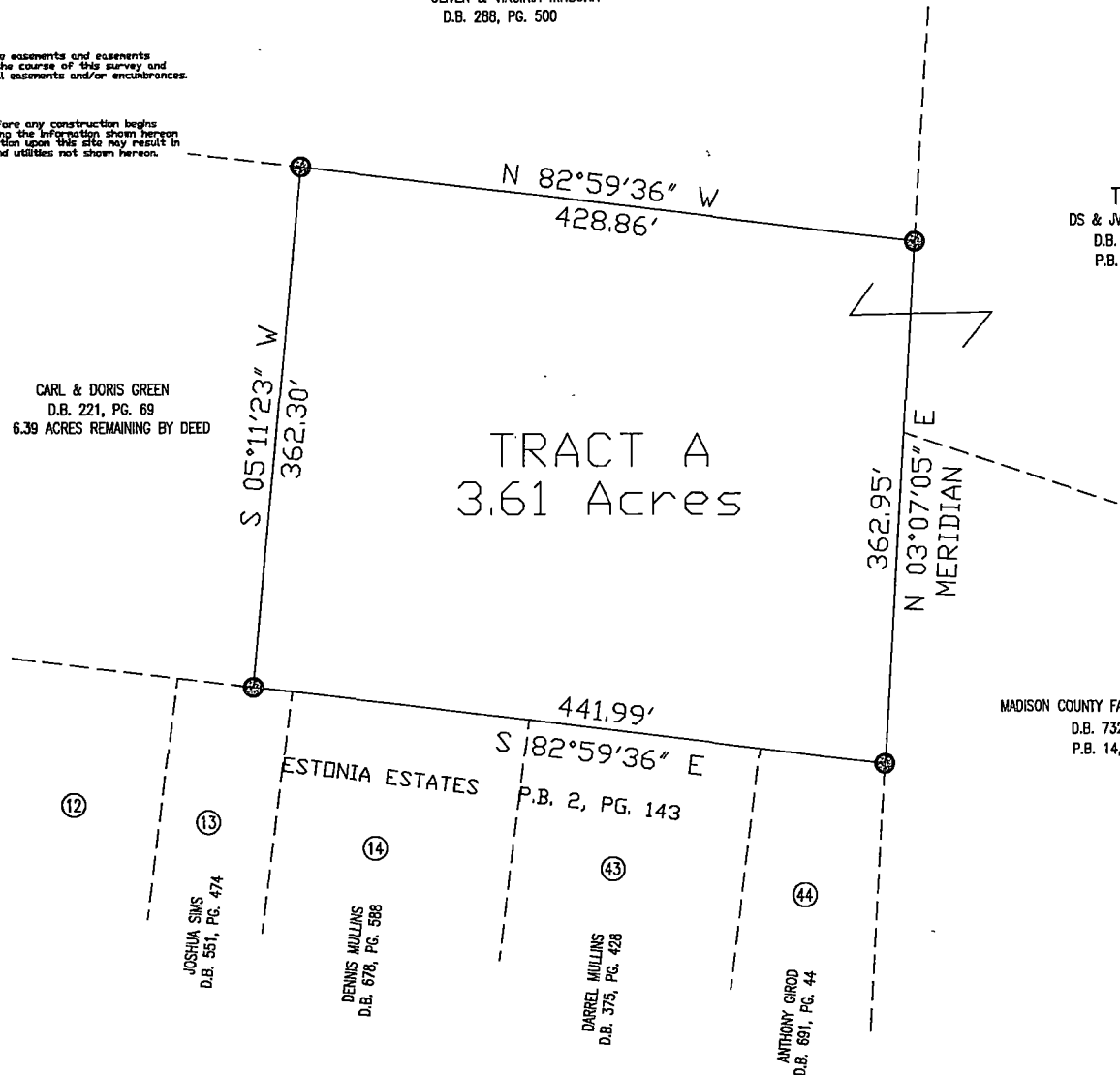
OLIVER & VIRGINIA WINBURN  
D.B. 288, PG. 500

TRACT 2  
DS & JV PROPERTY  
D.B. 772, PG.  
P.B. 28, PG. 2

CARL & DORIS GREEN  
D.B. 221, PG. 69  
6.39 ACRES REMAINING BY DEED

TRACT A  
3.61 Acres

MADISON COUNTY FAIR & HOR  
D.B. 732, PG. 671  
P.B. 14, PG. 198



Scale: 1" = 100'

SOURCE 0

CARL & DOI  
D.B. 221,

BEFORE U DIG: CALL (811) 48 HOURS IN ADVANCE



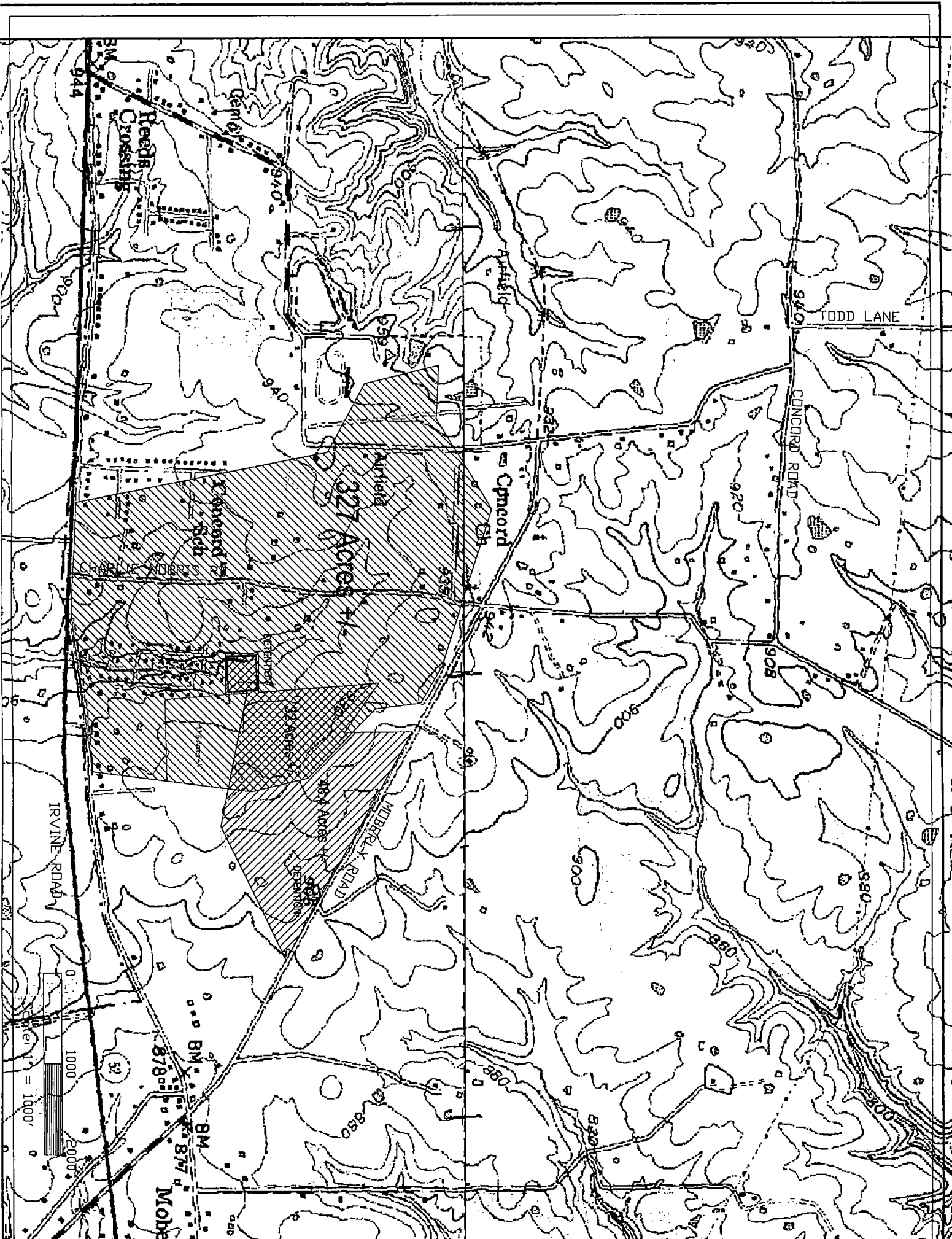
1997

4991 ft

© 2018 Google

Imagery Date 6/6/2010 at 37.754220° lon 84.208142° elev 933 ft eye alt

Google E



Reed's Crossing

TODD LANE

CONCORD ROAD

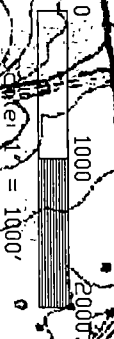
Concord

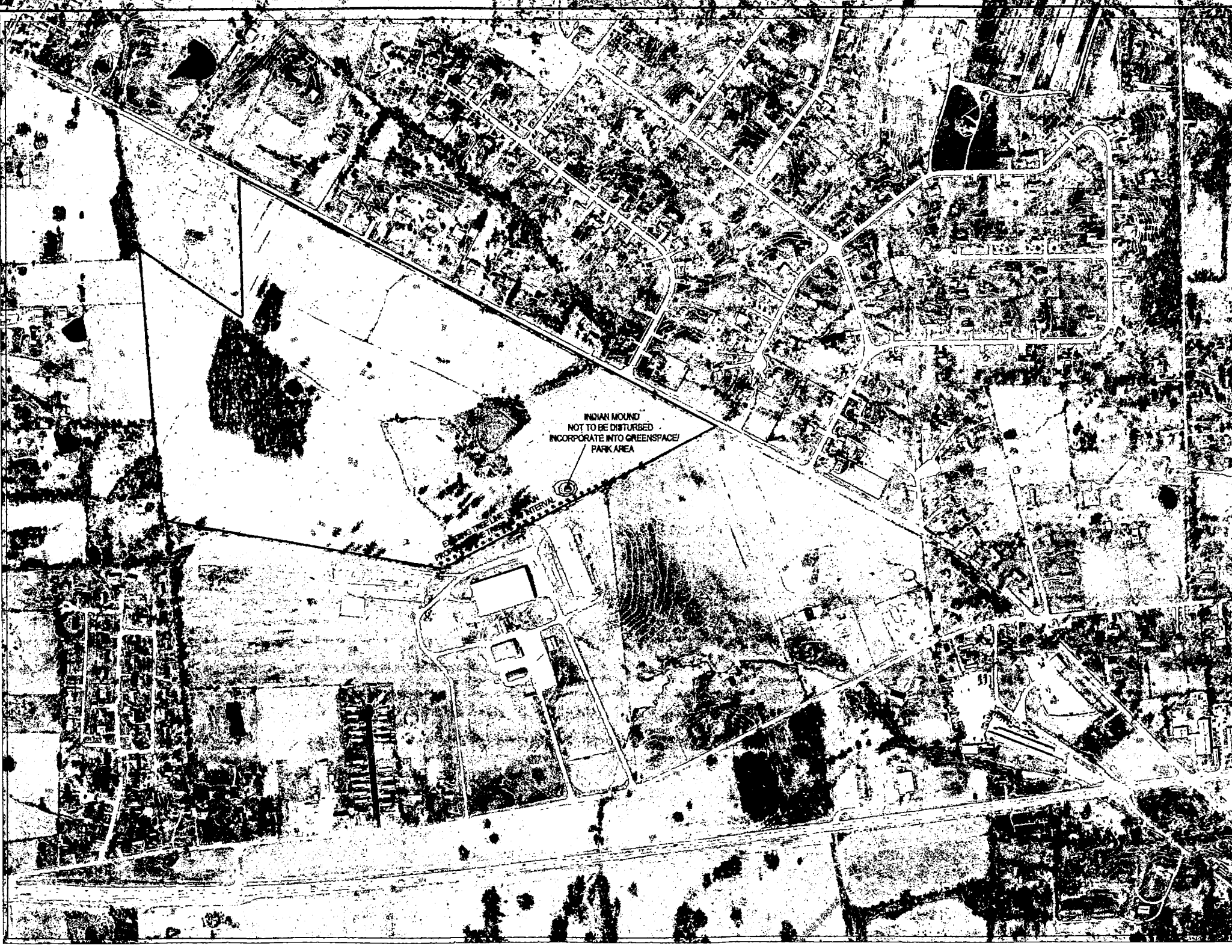
327 ACRES

MILBERK ROAD

IRVINE ROAD

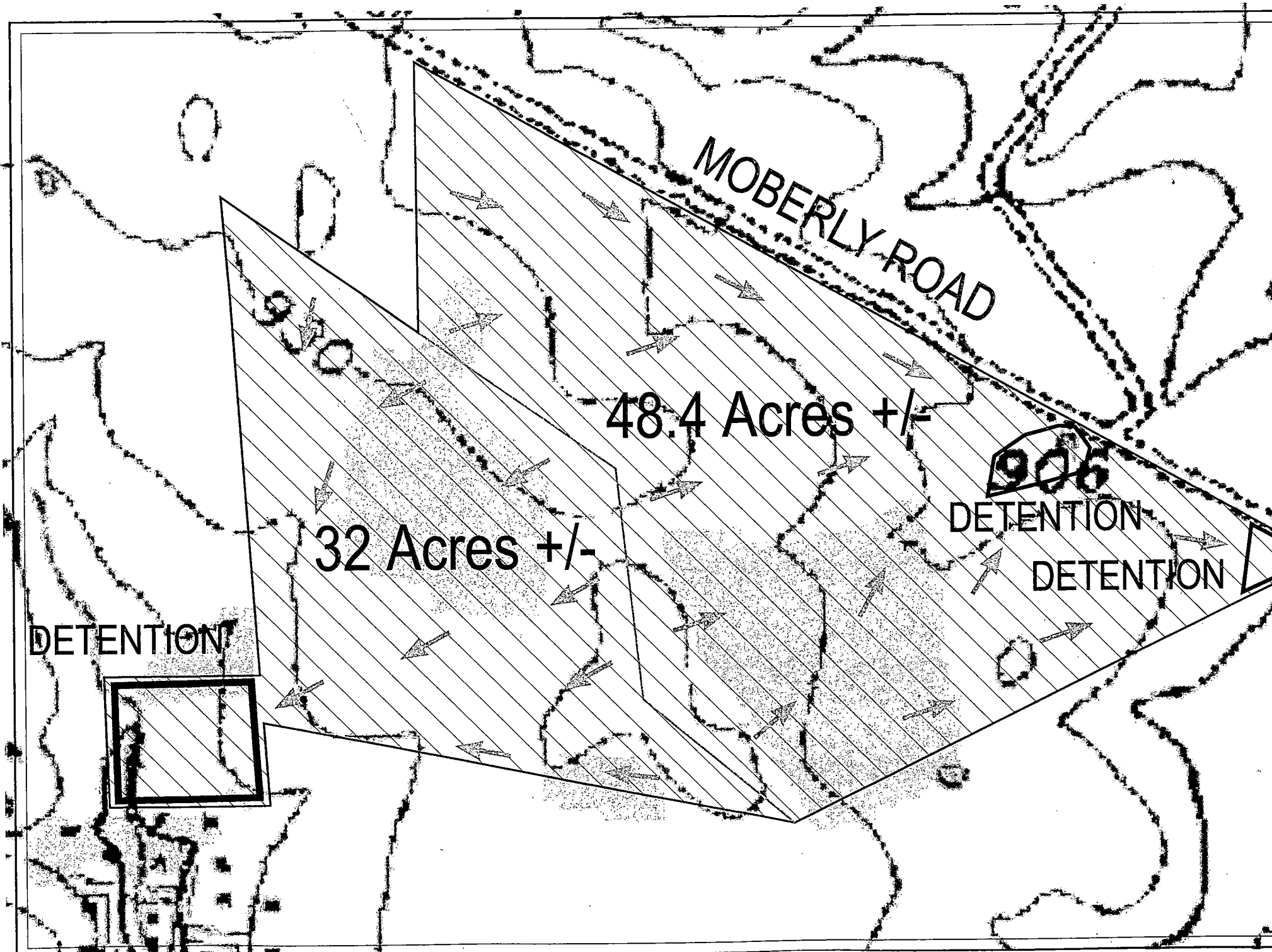
Milberk





INDIAN MOUND  
NOT TO BE DISTURBED  
INCORPORATE INTO GREENSPACE/  
PARK AREA

INDIAN MOUND  
INTERVAL



MOBERLY ROAD

48.4 Acres +/-

32 Acres +/-

906

DETENTION

DETENTION

DETENTION

