

**MADISON COUNTY, KENTUCKY FISCAL COURT  
ORDINANCE NO. 2021-14**

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY,  
APPROVING THE ZONE CHANGE OF 3276, 3278, 3280 & 3292 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, July 20, 2021, to consider a Land Use Change Request Application from UC-  
4IC (Urban Corridor-Interstate Commercial) and UC-1 (Urban Corridor-Single-Family  
Residential) to UC-11 (Planned Unit Development). 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 continued residential  
and commercial development in the Urban Corridor where new  
development is encouraged;
  - b. That PUD, of which this would be the first approved in Madison  
County, are an encouraged form of development in the Urban Corridor  
on properties that possess the proper infrastructure and other  
characteristics, as this property does;
  - c. There have been major changes of an economic, physical, or social  
nature within the area involved which were not anticipated in the  
adopted Comprehensive Plan which have substantially altered the  
basic character of such area based upon the continued growth within  
the Urban Corridor and the provision of sewer to the area.

**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-4IC (Urban Corridor-Interstate Commercial) and UC-1  
(Urban Corridor-Single-Family Residential) to UC-11 (Planned Unit Development).

**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;

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**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-4IC (Urban Corridor-Interstate Commercial) and UC-1 (Urban Corridor-Single-Family Residential) to UC-11 (Planned Unit Development) classification.

### **SECTION I**

TRACT 1: Beginning at a point in the center of the Richmond and Lexington pike, comer to George Phelps, now Brandenburg, thence with said Phelps line N86 3/4 W 90 1/2 poles to the post; thence N 4 1/2 E 18 1/2 poles; N 86 W 58 poles to a post comer to Mrs. Jake White; thence her line N 5 1/2 E 61 poles to a stake, comer to Tract No. 2, herein described; thence a new line with same S 83 3/4 E 121.6 poles to a point in the center of the Richmond and Lexington pike; thence with the center of said pike S 14 1/2 E 77 3/4 poles to the beginning, containing 60 acres.

TRACT 2: Beginning at a stake in the center of the Richmond and Lexington pike, comer to Tract No. 1, above described; thence with line of same N 83 3/4 W 121.6 poles to a stake in the line of Mrs. Jake White; thence her line N 5 1/2 E 37 poles to a stake, comer to P.H. Gumm; thence his line S 85 E 109 1/2 poles to a point in the center of Richmond and Lexington pike; thence with the center of same S 15 E 25.8 poles; S 14 1/2 E poles to the beginning, containing 25 1/5 acres.

There is excluded from the above two tracts that certain tract deeded from Lee J. Owsley, et ux, to the Commonwealth of Kentucky, Department of Highways, by deed dated April 14, 1954, and recorded in Deed Book 158 at Page 21, Madison County Court Clerk's Office, and another tract comprising of approximately 27.1 acres which was deeded by Anna D. Daugherty and William S. Daugherty, her husband to Louis Pineur by deed dated December 31, 1969, which is recorded in Deed Book 247 at Page 288, 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.

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

DATE OF FIRST READING: August 10, 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: August 24, 2021

MOTION BY: John Tudor

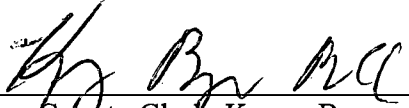
SECONDED BY: Roger Barger

VOTE:	YES	NO
Magistrate Paul Reynolds	_____	_____
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  
**3276, 3278, 3280 & 3292 Lexington Road**  
DA: August 3, 2021

This matter came before the Madison County Planning Commission for a hearing on July 20, 2021 on application submitted by the landowners, Willie Haney, et al., to amend the official zoning map of Madison County regarding a certain 58+/- acre tract of land located at **3276, 3278, 3280 & 3292 Lexington Road**, Richmond, Madison County, Kentucky from the existing zoning classification of UC-4IC (Urban Corridor-Interstate Commercial) and UC-1 (Urban Corridor-Single Family Residential) to UC-11 (Planned Unit Development).

Upon proper notice being given and upon hearing testimony and arguments of all parties on July 20, 2021, and upon Motion made and vote taken on July 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 Applicants were represented by the Hon. Preston Worley at the Hearing. The Applicants' presentation of evidence included a number of Exhibits, made a part of their presentation, together with testimony of the developer, Allen Grant, 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 planned combination development in appropriate locations 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 consistent therewith, and with the Comprehensive Plan. The site is adjacent to adequate roads and sewer is available on site. The area is already developing with a mix of residential and commercial uses and the PUD classification would provide for an efficient, controlled, and organized development of the property.

There was some public comment presented in regard to sewer capacity and questions regarding Section 8 housing.

**FINDINGS OF FACTS**

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

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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 continued residential and commercial development in the Urban Corridor where new development is encouraged;
  - b. That PUD, of which this would be the first approved in Madison County, are an encouraged form of development in the Urban Corridor on properties that possess the proper infrastructure and other characteristics, as this property does;
  - c. There have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted Comprehensive Plan which have substantially altered the basic character of such area based upon the continued growth within the Urban Corridor and the provision of sewer to the area.

**RECOMMENDATION:**

It is the RECOMMENDATION of the Madison County Planning Commission that the proposed Land Use Map amendment from UC-4IC (Urban Corridor-Interstate Commercial) and UC-1 (Urban Corridor-Single-Family Residential) to UC-11 (Planned Unit Development) BE APPROVED.

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

8-3-21  
Date

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

8-3-21  
Date