

**MADISON COUNTY, KENTUCKY FISCAL COURT
ORDINANCE NO. 2021-15**

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY,
APPROVING THE ZONE CHANGE OF 10228 BATTLEFIELD MEMORIAL
HWY, BEREA, MADISON COUNTY, 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, October 19, 2021, to consider a Land Use Change Request Application from C-
7 Agriculture to RC-4 General Commercial. 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 C-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 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 C-7 to RC-4 classification.

SECTION I

Being located on Battlefield Memorial Highway or US Highway 421 and being all of Lot 3 as described on Plat recorded in Plat Book 28, page 66 of the Madison County Clerk's office, reference to which is hereby made for a more particular description.

Being the same property conveyed to Bobby Joe McMahan by Deed dated September 26, 2019 and recorded in Deed Book 779, page 576 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.

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

DATE OF FIRST READING: 11-9-2021

MOTION BY: John Tudor

SECONDED BY: Tom Botkin

VOTE:	YES	NO
Magistrate District 1	<u>Vacant</u>	<u>Vacant</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:

11-23-2021

MOTION BY:

John Tudor

SECONDED BY:

Roger Barger

VOTE:

YES

NO

Magistrate District 1

Vacant

Vacant

Magistrate Roger Barger

~~X~~

Magistrate John Tudor

~~X~~

Magistrate Tom Botkin

~~X~~

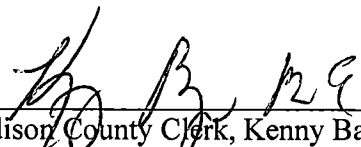
Judge Reagan Taylor

~~X~~

Signed:


Madison County Judge Executive

Attested:


Madison County Clerk, Kenny Barger

TO: MADISON COUNTY FISCAL COURT
FR: MADISON COUNTY PLANNING COMMISSION
RE: APPLICATION FOR LAND USE MAP AMENDMENT
10228 Battlefield Memorial Hwy
DA: October 28, 2021

This matter came before the Madison County Planning Commission for a hearing on October 19, 2021, on application submitted by the landowner, Bobby Joe McMahan, to amend the official zoning map of Madison County, regarding a certain tract of land located at **10228 Battlefield Memorial Hwy, Berea, Madison County, Kentucky** from the existing zoning classifications of **C-7 to RC-4**.

Upon proper notice being given and upon hearing testimony and arguments of all parties on October 19, 2021, and upon Motion made and vote taken on October 19, 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's 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 and the administrative staff of the Madison County Office of Planning and Development 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, developing transportation improvements and continuing commercial growth 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 activity and too small for agricultural purpose and that the current use of the property was appropriate.

No testimony was presented in opposition to the application.

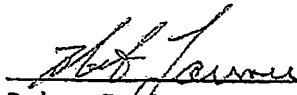
FINDINGS OF FACTS

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 C-7 to RC-4 BE APPROVED.



Robert Farmer
Chair, Madison County Planning Commission.

11-2-21
Date



Bert Thomas
Director, Madison County Planning & Development

11-2-21
Date