

**MADISON COUNTY, KENTUCKY FISCAL COURT
ORDINANCE NO. 2021-18**

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY,
APPROVING THE ZONE CHANGE OF 2981 OLD US 25 N, 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, October 19, 2021, to consider a Land Use Change Request Application from
UC-7, R-7, RC-7 and C-7 to UC-1. Upon presentation by the Applicant and with no
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 location of the property due to residential
development in the transportation 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
transportation 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 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, R-7, RC-7 and C-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, R-7, RC-7 and C-7 to UC-1 classification.

SECTION I

Tract 4
159.26 Acres

All that certain piece, parcel or tract of land located in the community of Kingston in Madison County, Kentucky, being on the northwest side of Old US 25, and more particularly described as follows:

("Rebar set" are 1/2" x 18" rebar with a red cap stamped "Spencer, PLS 4068")

("Reference rebar set" or "found" are 1/2" x 18" rebar with a blue cap stamped "Ref Point, PLS 4068")

Beginning at a point in the center of Hays Fork Creek and in the northwesterly right of way line of Old US 25, also a corner to Battlefield Center of Kingston, LLC (DB 639, Pg 610; PB 24-285); thence with said right of way, five (5) calls: S 35°55'32" W a distance of 31.32' to a KYTC aluminum right of way disc; thence S 26°08'39" W a distance of 149.33' to a KYTC aluminum right of way disc; thence S 19°28'08" W a distance of 100.25' to a KYTC aluminum right of way disc; thence 373.56' along the arc of a curve turning to the right, having a radius of 738.08', a chord bearing S 40°17'46" W, and a chord length of 369.59', to a rebar found (LS 3505); thence S 63°02'22" W a distance of 653.85' to a 1/2" rebar found (LS 4068), a corner to Anson Scott Evans Trust (DB 805, Pg 190; PB 28-110); thence with the line of Evans N 31°52'46" W a distance of 616.39' to a 1/2" rebar found (LS 4068); thence S 56°27'23" W, passing a second tract of Anson Scott Evans (DB 765, Pg 399) and along the boundary of Berkley Hall Subdivision, Phase 1 (PB 24-198) in all a distance of 1,368.63' to a 1/2" rebar found (LS 3698); thence continuing with Berkley Hall, Phase 1, four (4) calls: N 34°58'59" W a distance of 209.44' to a 1/2" rebar found (LS 3505); thence N 62°46'46" W a distance of 83.46' to a 5/8" rebar found (LS 3698); thence N 63°10'15" W a distance of 472.86' to a 1/2" rebar set; thence S 50°29'42" W a distance of 191.42' to a 5/8" rebar found (LS 3698), a corner to Berkley Hall Phase 2 (PB 28-4); thence with Berkley Hall, Phase 2, four (4) calls: N 61°17'55" W a distance of 168.48' to a 1/2" rebar found (LS 4068); thence N 63°50'03" W a distance of 497.45' to a 1/2" rebar found (LS 4068); thence N 66°21'21" W a distance of 898.66' to a 1/2" rebar found (LS 4068), a corner to Kyle & Candice Conte (DB 792, Pg 524; PB 29-100); thence with the line of Conte, seven (7) calls: N 50°56'03" E a distance of 349.09' to a 1/2" rebar found (LS 4068); thence N 50°53'05" E a distance of 819.61' to a 1/2" rebar found (LS 4068); thence

N 51°51'03" E a distance of 693.43' to a 1/2" rebar found (LS 4068); thence N 52°27'08" E a distance of 178.48' to a 1/2" rebar found (LS 4068); thence S 33°02'07" E a distance of 330.14' to a 1/2" rebar found (LS 4068); thence N 40°28'49" E a distance of 986.57' to a 1/2" rebar found (LS 4068); thence N 46°40'55" E, passing a reference rebar found at 132.11', in all a distance of 185.90' to a point in the center of Hays Fork Creek and the line of Indigo Run, Inc., Tract 3 (DB 812, Pg 714; PB 29-278); thence with the line of Indigo Run, Inc. and others along the center of Hays Fork Creek, fifteen (15) calls:

S 60°24'04" E a distance of 78.38' to a point; thence
S 69°26'02" E a distance of 95.41' to a point; thence
S 56°07'29" E a distance of 96.42' to a point; thence
S 40°19'03" E a distance of 213.54' to a point; thence
S 50°49'39" E a distance of 155.30' to a point; thence
S 60°33'40" E a distance of 189.81' to a point; thence
S 60°33'40" E a distance of 117.12' to a point; thence
S 86°00'18" E a distance of 244.31' to a point; thence
S 70°10'48" E a distance of 189.05' to a point; thence
S 45°37'53" E a distance of 142.07' to a point; thence
S 38°45'53" E a distance of 518.90' to a point; thence
S 35°58'56" E a distance of 87.88' to a point; thence
S 28°33'26" E a distance of 148.94' to a point; thence
S 16°23'51" E a distance of 169.52' to a point; thence
S 41°52'30" E a distance of 382.74' to the Point of Beginning, having an area of 159.26 acres, as surveyed by Spencer Land Surveying (Job No. 2096) on October 25, 2021, Stuart W. Spencer, PLS 4068, as depicted on a plat recorded in Plat Book _____, Page _____, in the office of the Madison County Clerk.

Being a portion of the property conveyed 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.

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

DATE OF FIRST READING: 11/23/2021

MOTION BY: JOHN TUDOR

SECONDED BY: TOM BOTKIN

VOTE:	YES	NO
Magistrate District 1	<u>Vacant</u>	<u>Vacant</u>
Magistrate Roger Barger	<u>✓</u>	<u>_____</u>
Magistrate John Tudor	<u>✓</u>	<u>_____</u>
Magistrate Tom Botkin	<u>✓</u>	<u>_____</u>
Judge Reagan Taylor	<u>✓</u>	<u>_____</u>

DATE OF SECOND READING: 12/14/2021

MOTION BY: TOM BOTKIN

SECONDED BY: ROGER BARGER

VOTE:	YES	NO
Magistrate Ben Robinson III	<u>✓</u>	<u>_____</u>
Magistrate Roger Barger	<u>✓</u>	<u>_____</u>
Magistrate John Tudor	<u>✓</u>	<u>_____</u>
Magistrate Tom Botkin	<u>✓</u>	<u>_____</u>
Judge Reagan Taylor	<u>✓</u>	<u>_____</u>

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
2981 Old US 25 N
DA: November 18, 2021

This matter came before the Madison County Planning Commission for a hearing on October 19, 2021, on application submitted by the landowner, Indigo Run, Inc. to amend the official zoning map of Madison County regarding a certain 159.26 acre tract located at **2981 Old US 25 N**, Madison County, Kentucky from the existing zoning classification of UC-7, C-7, RC-7 and R-7 to UC-1.

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, 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. Kory O. Isaacs at the Hearing. The Applicant's presentation of evidence included a number of Exhibits, made a part of their presentation, together with testimony of the applicant, through its designated representative, 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 location of the property adjacent to property being developed for residential purposes, the identified need in the County for residential lots and the goal of the Comprehensive Plan to encourage new development within the transportation corridors. 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 residential developments, consistent therewith and with the Comprehensive Plan.

There was not any public comment.

FINDINGS OF FACTS

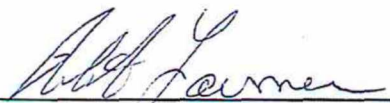
Upon considering the evidence and testimony summarized herein, the Madison County Planning Commission made the following Findings of Fact:

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

- a. The character and location of the property due to the residential development in the transportation 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 transportation 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 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, C-7, RC-7 and R-7 to UC-1 BE APPROVED.



Chair, Madison County Planning Commission
Robert Farmer

11-22-21
Date



Director, Madison County Planning & Development
Bert Thomas

11-22-21
Date