

**MADISON COUNTY, KENTUCKY FISCAL COURT
ORDINANCE NO. 2021-19**

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY,
APPROVING THE ZONE CHANGE OF 3506 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, November 16, 2021, to consider a Land Use Change Request Application from UC-7 Agriculture to UC-1 Single-Family Residential. 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. *The proper notification of this hearing was given pursuant to KRS 100.212 and KRS 424.130, et seq.*
2. *There have been major changes of an economic, physical, and social nature within the area which were anticipated in the adopted Comprehensive Plan.*
3. *That the requested zone change to UC-1 will be in conformity with the existing use and development of other property near the subject property and is appropriate.*
4. *The requested UC-1 zoning classification is consistent with the current Comprehensive Plan given the proximity of this property with I-75 and the capacity of the major roads in this area to accommodate commercial levels of traffic.*

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 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 to UC-1 classification.

SECTION I

A certain tract of land located on the west side of Lexington Road (US Hwy 25) approximately 1.7 miles north of its intersection with White Hall Shrine Road (KY Hwy 3055) and being more particularly described as follows:

BEGINNING at a point in the west right-of-way of Lexington Road (US Hwy 25), being 30 feet from the centerline; THENCE turning southward with the right-of-way of Lexington Road (US Hwy 25) and parallel to the centerline 30 feet therefrom the following six (6) calls: S 20°56'37" E, 175.19 feet to a set iron pin and cap; around a curve to the right having a chord direction of S 16°53'41" E, a chord distance of 400.35 feet, and a radius of 2,834.93 feet to a set iron pin and cap; S 12°50'44" E, 590.10 feet to a set iron pin and cap; around a curve to the right having a chord direction of S 12°15'15" E, a chord distance of 235.97 feet, and a radius of 11,429.20 feet to a set iron pin and cap; S 11°39'45" E, 464.20 feet to a set iron pin and cap; around a curve to the right having a chord direction of S 10°21'06" E, a chord distance of 129.73 feet, and a radius of 2,834.93 feet to a found Black pin, being a point in the west right-of-way of Lexington Road (US Hwy 25) and 30 feet from the centerline, also being a common corner to Tract 2-B of the "Amended Tract Division for Mr. Mike Horn" (PB 9 PG 385); THENCE leaving the west right-of-way of Lexington Road (US Hwy 25) with the line of Tract 2-B the following two (2) calls: S 78°52'46" W, 282.92 feet to a found Black pin; S 71°48'43" W, 70.38 to a set iron pin and cap, being a common corner between Tract 2-B and New Lot 3-A of the "Amended Recorded Plat for Cheryl A. Koch (Formerly Mike Horn Property Tract #1-A and Tract #3 Plat Cabinet #9, Slide #385)" (PB 18 PG 58); THENCE leaving the line of Tract 2-B with the line of New Lot 3-A the following four (4) calls: S 71°48'43" W, 39.05 feet to a set iron pin and cap; S 60°42'55" W, 101.49 feet to a set iron pin and cap; S 60°42'55" W, 80.84 feet to a set iron pin and cap; S 65°00'41" W, 38.67 to a set iron pin and cap, being a common corner between New Lot 3-A and Tract 5 of the "Amended Tract Division for Mr. Mike Horn" (PB 9 PG 385); THENCE leaving the line of New Lot 3-A with the line of Tract 5 S 65°00'41" W, 132.64 feet to a set iron pin and cap, being a common corner between Tract 5 and Tract 6 of the same; THENCE leaving the line of Tract 5 with the line of Tract 6 the following two (2) calls: S 65°00'41" W, 33.09 feet to a set iron pin and cap; S 68°52'27" W, 113.40 feet to a set iron pin and cap, being a common corner between Tract 6 and Tract 7 of the same; THENCE leaving the line of Tract 6 with the line of Tract 7 the following three (3) calls: S 68°52'27" W, 34.95 to a set iron pin and cap; S 66°37'40" W, 169.65 feet to a set iron pin and cap; S 75°46'29" W, passing a set witness pin and cap on line at 78.4 feet, in all 108.40 feet to a point in the centerline of Hine's Creek, being corner to Tract 7 and being

a point in the line of Exhibit A of Janet Hall (A.O.D.) via the Estate of Ford W. Hall (DB 739 PG 386); THENCE leaving the line of Tract 7 with the line of Exhibit A and the centerline of Hine's Creek N 29°16'54" W, leaving Hine's creek at 461.57 feet, and passing an old gate post at 595.72 feet, in all 649.98 feet to a set iron pin and cap; THENCE still with the line of Exhibit A the following three (3) calls: N 42°56'06" W, 9.90 feet to a set iron pin and cap; N 43°03'54" E, 32.30 feet to a set iron pin and cap; S84°03'54" W, 198.00 feet to a point in the centerline of Hine's Creek; THENCE still with the line of Exhibit A and again with the centerline of Hine's Creek the following four (4) calls: N 67°12'45" W, 252.56 feet to a point; around a curve to the left having a chord direction of N 74°29'07" W, a chord distance of 253.18 feet, and a radius of 1,000.00 feet to a point; N 81°45'28" W, 124.09 feet to a point; around a curve to the right having a chord direction of N 76°46'25" W, a chord distance of 86.88 feet, and a radius of 500.00 feet to a point; being a point in the centerline of Hine's Creek and in the line of Exhibit A; THENCE still with the centerline of Hine's Creek N 71°47'22" W, and passing the common corner between Exhibit A and Tract II, Parcel III of Ford W. Hall Company (DB 786 PG 322) at 67.00 feet leaving Exhibit A and with Tract II, Parcel III in all 120.71 feet to a point; THENCE continuing with the line of Tract II, Parcel III and the centerline of Hine's Creek the following thirteen (13) calls: around a curve to the right having a chord direction of N 63°31'32" W, a chord distance of 57.49 feet, and a radius of 200.00 feet to a point; N 55°15'42" W, 120.18 to a point, said point being referenced by a set witness pin and cap bearing S 84°21'48" W, 19.13 feet therefrom; around a curve to the right having a chord direction of N 44°00'55" W, a chord distance of 195.03 feet, and a radius of 500.00 feet to a point; around a curve to the left having a chord direction of N 44°20'36" W, a chord distance of 251.96 feet, and a radius of 627.89 feet to a point; around a curve to the right having a chord direction of N 48°53'19" W, a chord distance of 244.76 feet, and a radius of 1,000.00 feet to a point; N 41°51'33" W, 155.92 feet to a point; around a curve to the left having a chord direction of N 42°54'12" W, a chord distance of 72.89 feet, and a radius of 2,000.00 feet to a point, said point being referenced by a set witness pin and cap bearing S 46°03'09" W, 10.36 feet therefrom; around a curve to the left having a chord direction of N 45°18'19" W, a chord distance of 94.78 feet, and a radius of 2,000.00 feet to a point; N 46°39'47" W, 190.70 feet to a point; around a curve to the right having a chord direction of N 31°05'05" W, a chord distance of 268.56 feet, and a radius of 500.00 feet to a point; around a curve to the left having a chord direction of N 31°56'58" W, a chord distance of 157.97 feet, and a radius of 279.03 feet to a point; N 48°23'33" W, 141.97 feet to a point; around a curve to the left having a chord direction of N 51°42'07" W, a chord distance of 142.86 feet, and a radius of 1,237.37 feet to a set iron pin and cap in the centerline of Hine's Creek and being a common corner to Tract II, Parcel III and James & Carol Vaughan (DB 478 PG 327); THENCE leaving the line of Tract II, Parcel III with the line of Vaughan N 27°10'18" W, 17.87 feet to a found iron pin, being a point in the line of Vaughan and a common corner to Jeffrey Hickerson (DB 532 PG 678); THENCE leaving the line of Vaughan with the line of Hickerson N 77°35'59" E, 40.42 feet to a found iron pin, being a

common corner to Hickerson and Tract B of Janet Hall (A.O.D.) via the Estate of Ford W. Hall (DB 739 PG 403) as shown on the "Minor Plat for Dwight & Betty Wells" (PB 21 PG 14); THENCE leaving the line of Hickerson with the line of Tract B the following ten (10) calls: S 37°55'15" E, 16.51 feet to a found Black pin; S 78°42'14" E, 173.64 feet to a found Black pin; S 80°59'12" E, 175.35 feet to a found Black pin; S 78°55'52" E, 487.13 feet to a found Black pin; S 77°57'06" E, 305.32 feet to a found Black pin; S 77°57'26" E, 208.94 feet to a found Black pin; S 81°00'48" E, 469.83 feet to a found Black pin; S 80°56'20" E, 422.26 feet to a found Black pin; S 85°11'13" E, 227.14 feet to a found Black pin; S 87°55'05" E, 102.17 feet to a set iron pin and cap, being a common corner to Tract B and a point in the south right-of-way of David Lake Drive of the "Final Plat for Wells Ridge Trace, Phase II" (PB 22 PG 6); THENCE leaving the line of Tract B with the south right-of-way of David Lake Drive the following four (4) calls: S 88°00'38" E, 165.71 feet to a set iron pin and cap; S 88°00'38" E, 37.27 feet to a set iron pin and cap; N 58°47'03" E, 37.27 feet to a set iron pin and cap; N 58°47'03" E, 62.07 feet to a set iron pin and cap being a point in the southeast right-of-way of David Lake Drive and a common corner to Lot 27 of the "Minor Subdivision Plat for Avawam Enterprises, Inc." (PB 18 PG 388); THENCE leaving the southeast right-of-way of David Lake Drive with the line of Lot 27 the following two (2) calls: N 58°47'03" E, 121.84 feet to a found Black pin; N 50°57'28" E, 300.80 feet to a found Black pin, being a common corner between Lot 27 and Lot 146 of the "Minor Plat for Dwight & Betty Wells" (PB 18 PG 6); THENCE leaving the line of Lot 27 with the line of Lot 146 N 50°57'49" E, 238.64 feet to a found Black pin, being a point in the west right-of-way of Lexington Road (US Hwy 25) as incorrectly established by LS 670 and being 37.49 feet from the centerline of the same; THENCE leaving the line of Lot 146, extending the previous line of this parcel to the correct right-of-way N 50°57'49" E, 7.88 feet to the POINT OF BEGINNING, by survey performed September 30, 2021, by Abacus Engineering and Land Surveying Inc, Dwayne Wheatley LPLS #3265.

Being a portion of property conveyed to Mark Flannery, with a life estate reserved by E. Ellis Flannery (A/K/A Ellis Flannery) and Linda D. Flannery, by Deed Book 789, Page 569 dated June 23, 2020, and the property conveyed to Edwin and Gladys Flannery, by Deed Book 175, Page 492 dated November 30, 1957 minus the property conveyed to Dwight and Betty Wells in the same document, Deed Book 175, Page 492, as recorded in the Madison County, Kentucky Clerk's Office.

The above referenced property containing 104.67 acres more or less.

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: 12-14-2021

MOTION BY: Roger Barger

SECONDED BY: Ben Robinson

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

DATE OF SECOND READING: 1-11-22

MOTION BY: Barger

SECONDED BY: Botkin

VOTE:	YES	NO
Magistrate Ben Robinson III	<u>✓</u>	_____
Magistrate Roger Barger	<u>✓</u>	_____
Magistrate John Tudor	<u>✓</u>	_____
Magistrate Tom Botkin	<u>✓</u>	_____
Judge Reagan Taylor	<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
3506 Lexington Road
DA: December 6, 2021

This matter came before the Madison County Planning Commission for a hearing on November 16, 2021, on application submitted by the landowners, E. Ellis Flannery, Linda D. Flannery, and Mark Flannery to amend the official zoning map regarding a certain 104.67 +/- acre tract located at **3506 Lexington Road**, Richmond, Madison County, Kentucky from the existing zoning classification of UC-7 Agriculture to UC-1 Single-Family Residential.

Upon proper notice being given and upon hearing testimony and arguments of all parties on November 16, 2021, and upon Motion made and vote taken on November 16, 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. Kory O. Isaacs, along with the Hon. Stuart K. Olds, on behalf of a potential developer of the property at the Hearing. The Applicants' presentation of evidence included a number of Exhibits, made a part of their presentation, together with testimony of the applicant, Linda Flannery, Elliott Turner of the Northern Madison County Sanitation District, 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 since the prior designation of this property as UC-7, there have been major changes of an economic, physical and social nature within the area; that the subject property fronts on US 25 and, therefore, has adequate access for its intended use as UC-1. It is also serviced by the Madison County sewer system and Madison County water; and, therefore, has adequate water and sewer service for its intended purpose; and further that the property is included in the Northern Madison County Development Plan, an area targeted for development by the Comprehensive Plan.

One public comment was presented in relation to the application, but not in opposition.

FINDINGS OF FACTS

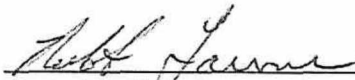
Upon considering the evidence and testimony summarized herein, the Madison County Planning Commission made the following Findings of Fact:

1. The proper notification of this hearing was given pursuant to KRS 100.212 and KRS 424.130, et seq.

2. There have been major changes of an economic, physical, and social nature within the area which were anticipated in the adopted Comprehensive Plan.
3. That the requested zone change to UC-1 will be in conformity with the existing use and development of other property near the subject property and is appropriate.
4. The requested UC-1 zoning classification is consistent with the current Comprehensive Plan given the proximity of this property with I-75 and the capacity of the major roads in this area to accommodate commercial levels of traffic.

RECOMMENDATION:

It is the RECOMMENDATION of the Madison County Planning Commission that the proposed Land Use Map amendment from UC-7 to UC-1 BE APPROVED.



Chair, Madison County Planning Commission

Robert Farmer

12-7-21

Date



Director, Madison County Planning & Development

Bert Thomas

12-7-21

Date