

**MADISON COUNTY FISCAL COURT  
MADISON COUNTY, KY  
ORDINANCE 2022-09**

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY,  
APPROVING THE ZONE CHANGE OF *RENFRO* PROPERTY 70.27 ACRES ON  
COLLEGE HILL ROAD, WACO, 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, August 16, 2022, to consider a Land Use Change Request Application from R-7/C-7 agriculture to UC-1 single-family residential. 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 and its location within the Urban Corridor in the 2021 Comprehensive Plan;*
  - b. *The character of College Hill Road has changed since the property was originally classified R-7 to one of a more residential nature;*
  - c. *Development is desirable in the transportation corridors;*
  - d. *The subject property contains the required infrastructure needed for residential development;*
  - e. *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/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 R-7/C-7 to UC-1 classification.

## SECTION I

### PROPERTY 1:

A certain tract or parcel of land in Madison County, Kentucky, near the village of Waco on the east side of College Hill Road, and being all of Tract 1, containing 12.03 acres, more or less, as shown on a Boundary Retracement Survey of the Elizabeth Reed property, of record in Plat Book P27 at page 298, in the Madison County Clerk's office, to which reference is made for a more particular description thereof.

There is specifically excluded from this mortgage, all of Lot 1, containing 1.17 acres, as shown on the Minor Plat of record in Plat Book P29 at page 205, in the Madison County Clerk's Office, to which reference is made for a more particular description hereof; and the improvements thereon being known and designated as 220 College Hill Road, Waco, Kentucky.

Lot 1 having been conveyed to Zachery Clapper and Shalenda Clapper, husband and wife, by deed dated January 8, 2021, from Virgil Shannon Renfro and Charla K. Renfro, husband and wife, and recorded in Deed Book D800 at page 150, in the office of the Madison County Clerk, Richmond, Kentucky.

And being the remainder of the property conveyed to Virgil Shannon Renfro and Charla K. Renfro, husband and wife, by deed dated September 26, 2018, from Danny Conrad and Laura Conrad, husband and wife, and recorded in Deed Book D765 at page 11, in the office of the Madison County Clerk, Richmond, Kentucky.

Part of Tax map no. 119A-0000-013

### PROPERTY 2: (Remainder of the Turpin Tract)

Parcel 2:

A certain tract or parcel of land located in Madison County, Kentucky, on the waters of Muddy Creek about three-fourths of a mile Northeast of Waco and described as follows: The above tract of land adjoining the lands of R. H. Covington (now Ambrose Christopher), D. Zittle (now Armour Cotton), Jessie Jones (now Leroy McKinney), Jno Rhodus (now Fike Heirs), Wm. Turpin (now deceased, but formerly owned by him and now owned by Miller), George Adams and Charles Rupard (now Dixon) containing forty acres (40) more or less.

There is excluded from the above Parcel 2 any portion of said property within the bounds of Tract B (14.67 acres), as described on that certain plat of record in Plat Book P25, page 33, which was conveyed to Stephen H. Stewart and Donna L. Stewart, husband and wife, by deed dated September 2, 2008, from Virgil Shannon Renfro and Charla Renfro, husband and wife, and recorded in Deed Book D638 at page 532, in the office of the Madison County Clerk.

Tax map no. 0119-0000-0002

**PROPERTY 3: (Bush Tract)**

A certain tract of land located at the north east corner of the Harry Bush Farm and west of the Tom Foley and James R. McKinney land and being described as follows:

BEGINNING at a steel pin set in the common corner of the lands of Tom Foley and James R. McKinney and being in the east line of the Harry Bush Farm, thence with said McKinney line one call: South 10 degrees, 35 minutes, 56 seconds west, 295.23 feet to a steel pin, thence leaving said McKinney line and a new line in the Harry Bush farm 5 calls: North 76 degrees, 52 minutes, 30 seconds west, 399.24 feet to a steel pin, thence North 25 degrees, 37 minutes, 44 seconds west, 382.74 feet to a steel pin, thence North 03 degrees, 09 minutes, 22 seconds east, 49.50 feet to a steel pin, thence North 55 degrees, 50 minutes, 17 seconds west, 269.03 feet to a steel pin, thence North 79 degrees, 45 minutes, 42 seconds west, 533.79 feet to a steel pin in the M.F. Reed line, thence with said Reed line one call: North 10 degrees, 15 minutes, 02 seconds east, 419.72 feet to a steel pin in the Merle Lakes line, thence with said Lakes line one call: South 80 degrees, 59 minutes, 31 seconds east, 1378.24 feet to a steel pin the Tom Foley line, thence with said Foley line one call: South 09 degrees, 22 minutes, 22 seconds west, 640.06 feet to the BEGINNING. This tract contains 20.00 acres.

Reference is further made to a plat of said property recorded in Plat Book P16 at page 71, in the Madison County Clerk's Office for a more particular description of said property.

Tax map no. 119A-0000-0031-B

Properties 2 and 3 being the remainder of the property conveyed to Virgil Shannon Renfro and Charla Renfro, husband and wife, by deed dated September 30, 2004, from Thomas C. Foley and Melanie R. Foley, husband and wife, and recorded in Deed Book D580 at page 92, in the office of the Madison County Clerk, Richmond, Kentucky.

Properties 2 and 3 are land-locked, access to College Hill Road being via Property 1.

**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: 8/23/2022

MOTION BY: BARGER

SECONDED BY: BOTKIN

| 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 Executive Reagan Taylor | <u>✓</u>      | <u>      </u> |

DATE OF SECOND READING: 9-13-22

MOTION BY: Tudor

SECONDED BY: Botkin

| 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 Executive Reagan Taylor | <u>✓</u>      | <u>      </u> |

**Signed:**  
R-70  
Madison County Judge Executive

**Attested:**  
Kenny Barger  
Madison County Clerk, Kenny Barger

TO: MADISON COUNTY FISCAL COURT  
FR: MADISON COUNTY PLANNING COMMISSION  
RE: APPLICATION FOR LAND USE MAP AMENDMENT  
**Renfro property 70.27 acres on College Hill Road**  
DA: August 18, 2022

This matter came before the Madison County Planning Commission for a hearing on August 16, 2022 on application submitted by the landowners, Virgil Shannon Renfro and Charla Kay Renfro to amend the official zoning map of Madison County regarding a certain tract located on College Hill Road described as “70.27 acres, College Hill Road, Waco, Madison County, Kentucky” from the existing zoning classification of C-7/R-7 agriculture to UC-1 single-family residential.

Upon proper notice being given and upon hearing testimony and arguments of all parties, and upon Motion made and vote taken, 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 TESIMONY PRESENTED:**

The Applicants were represented by the Hon. Stuart Olds at the Hearing. The Applicants’ presentation of evidence included a number of Exhibits, made a part of their presentation, testimony of the Applicant, Shannon Renfro, 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 character of the surrounding area made the proposed zoning classification appropriate due to changes in the character of College Hill Road with increased residential development, the established need in the County for single family residential lots and the goal of the Comprehensive Plan to encourage new development within the subject area. It was established that the most recent 2021 Comprehensive Plan had located the subject property within the Urban Corridor, a change insinuating the property might be an area in which development was to be encouraged. Information was presented that tended to show the proposed development was located in an area with adequate infrastructure to support it and the potential for growth, consistent with the Comprehensive Plan.

There were a number of members of the public who presented testimony and statements in opposition to the proposed map amendment, expressing concerns with too much traffic from new development on College Hill Road, concerns about the quality of the development and the water run-off and wetness of the ground in the area. Testimony was elicited that tended to show that the property remained conducive to agriculture, its current land use classification.

**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 and its location within the Urban Corridor in the 2021 Comprehensive Plan;
  - b. The character of College Hill Road has changed since the property was originally classified R-7 to one of a more residential nature;
  - c. Development is desirable in the transportation corridors;
  - d. The subject property contains the required infrastructure needed for residential development;
  - e. 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/C-7 to UC-1 BE APPROVED.

  
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Robert Farmer  
Chair, Madison County Planning Commission

  
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Bert Thomas  
Director, Madison County Planning & Development