

**MADISON COUNTY FISCAL COURT
MADISON COUNTY, KENTUCKY
ORDINANCE NO. 2023-08**

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY,
APPROVING THE ZONE CHANGE OF 3502 & 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, May 16, 2023 to consider a Land Use Change Request Application from UC-1 to PUD, UC-11. 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. The proper notification of this hearing was given pursuant to KRS 100.212 and KRS 424.130, et seq.
2. The subject property fronts on US 25 and, therefore, has adequate access for its intended use as PUD, UC-11. 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.
3. The property is included in the Northern Madison County Development Plan which provides as follows:

Purpose. To guide future growth and development in Northern Madison County so as to most effectively utilize public and private resources in enhancing the quality of life for citizens in that area.

- I. Concentration. To find the urban core and fringe areas. Focus the majority of growth and development within the core area.
- II. Differentiation. Within the Urban Corridor provide for at least two (2) levels of development, the core area around the I-75 interchanges with the 627 highway exit being the largest area of development. This area would provide for diversity of land uses with a planned regional, commercial, and light industrial center at the core surrounded by residential land uses (multi-family, single family going from center to fringes). The property in question is between the 627 interchange at exit 95 and the US 25 interchange at exit 97; and is, therefore, part of the area in which residential land uses are proposed to be developed as part of the County's Comprehensive Plan.

4. The requested PUD, UC-11 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.

Further, modification to PUD, UC-11 zoning will allow for diversity of use as anticipated and deemed desirable by the Comprehensive Plan.

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-1 to PUD, UC-11.

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-1 to PUD, UC-11 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; THENCE leaving the line of Exhibit A, across the lands of J.A.R. Development, LLC (DB 818 PG 272) the following seven (7) calls, a new line: N 43°03’54” E, 32.30 feet to a set iron pin and cap; N 52°04’13” E, 353.06 feet to a set iron pin and cap; N 75°37’22” E, 688.68 feet to a set iron pin and cap; N 12°50’44” W, 807.30 feet to a set iron pin and cap; N 36°47’24” W, 157.60 feet to a set iron pin and cap; N 30°52’39” W, 50.27 feet to a set iron pin and cap; N 36°47’24” W, 122.40 feet to a set iron pin and cap, being a point in the line of Lot 27 of “Minor Subdivision Plat for Avawam Enterprises, Inc.” (PB 18 PG 388); THENCE leaving the new line with the line of Lot 27 N 50°57’28” E, 239.66 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 J.A.R. 25 Development, LLC, a Kentucky limited liability company, from E. Ellis Flannery, a/k/a/ Ellis Flannery and Linda D. Flannery, husband and wife, by deed dated February 8, 2022 and of record in Deed Book 818, Page 272, as recorded in the Madison County, Kentucky 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.

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

DATE OF FIRST READING: 5-23-23

MOTION BY: Combs

SECONDED BY: Hughes

VOTE:	YES	NO
Magistrate James Brian Combs	<input checked="" type="checkbox"/>	_____
Magistrate Stephen Lochmueller	<input checked="" type="checkbox"/>	_____
Magistrate Billy Ray Hughes	<input checked="" type="checkbox"/>	_____
Magistrate Tom Botkin	<input checked="" type="checkbox"/>	_____
Judge Executive Reagan Taylor	<input checked="" type="checkbox"/>	_____

DATE OF SECOND READING: 6-13-23


MOTION BY: Combs

SECONDED BY: Botkin

VOTE:	YES	NO
Magistrate James Brian Combs	<input checked="" type="checkbox"/>	_____
Magistrate Stephen Lochmueller	<input checked="" type="checkbox"/>	_____
Magistrate Billy Ray Hughes	<input checked="" type="checkbox"/>	_____
Magistrate Tom Botkin	<input checked="" type="checkbox"/>	_____
Judge Executive Reagan Taylor	<input checked="" type="checkbox"/>	_____

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
3502 & 3506 Lexington Road
DA: May 18, 2023

This matter came before the Madison County Planning Commission for a hearing on May 16, 2023 on application submitted by the landowners, J.A.R. 25 Development, LLC to amend the official zoning map of regarding a certain 31.95 +/- acre tract located at **3502 & 3506 Lexington Road**, Richmond, Madison County, Kentucky from the existing zoning classification of UC-1 to PUD, UC-11 and on being remanded for Hearing upon action of the Madison County Fiscal Court upon the previous recommendation of the Commission due to concerns of proper notice being given to the public of said Application.

Upon proper notice being given and upon hearing testimony and arguments of all parties on May 16, 2023 and upon Motion made and vote taken on May 16, 2023, 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. Stuart K. Olds. The Applicants' presentation of evidence included a number of Exhibits, made a part of their presentation, together with testimony of the applicant, the testimony of Dwayne Wheatly, surveyor for the Applicant, 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 location of the property was in the Urban Corridor along I-75, an area designated for mixed use development by the Comprehensive Plan; that the subject property fronts on US 25 and is in an area of growth with a need for mixed use development, and has adequate access, utilities and resources for its intended use as PUD, UC-11. It is 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.

Substantial public comment and testimony from residents of the area was presented in opposition to the proposed land use map amendment. A large group of those in opposition to the application were represented by the Hon. Bruce Simpson, who had succeeded the Hon. Walt Ecton as Counsel for said group. The objections tended to center on issues with traffic and resources in the area, especially around Lower Hines Creek Road as well as general objections to "out of control" growth and opposition to multi-family housing being developed in the area. Much concern was expressed as to the adequacy of the fire station service within five (5) miles of the property, as required by the Regulations for PUD development. Opposition was also expressed due to "increased population density straining public service resources" and

describing the proposed land use map amendment as being “incongruent with the adjacent property and area.”

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. The subject property fronts on US 25 and, therefore, has adequate access for its intended use as PUD, UC-11. 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.
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4. The requested PUD, UC-11 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.


Further, modification to PUD, UC-11 zoning will allow for diversity of use as anticipated and deemed desirable by the Comprehensive Plan.

RECOMMENDATION:

It is the RECOMMENDATION of the Madison County Planning Commission that the proposed Land Use Map amendment from UC-1 to PUD, UC-11 BE APPROVED.



Robert Farmer
Chair, Madison County Planning Commission



Bert Thomas
Director, Madison County Planning & Development