

**MADISON COUNTY, KENTUCKY FISCAL COURT
ORDINANCE NO. 2023-14**

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY,
APPROVING THE ZONE CHANGE OF 479 MT. VERNON ROAD (PIDN #B003-
0003-0006), 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, August 15, 2023 to consider a Land Use Change Request Application from UC-1 Residential, to UC-4 General Commercial. Upon presentation by the Applicant and limited 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 existing zoning classification is inappropriate, and the proposed zoning classification is appropriate for the following reasons:
 - a. The property is located within the Urban Corridor and adjacent to other general commercial property where general commercial development is encouraged by the Comprehensive Plan.
 - b. The character of the property is more suitable for commercial purposes as the subject property is in close proximity to other properties used for business purposes.
 - c. That the long-established usage of the property makes transition to residential use impractical and undesirable.
 - d. The property has never served as a residential facility and has only served an auxiliary general commercial purpose.
 - e. That small residential lots along major roadways are discouraged by the Comprehensive Plan.
 - f. The property's existing zone (UC-1) is not appropriate.
 - g. The proposed zone (UC-4) is appropriate.

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 UC-1 to UC-4.

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 UC-4 classification.

SECTION I

TRACT NO. III: A certain tract or parcel of land located on the east side of U.S. Highway No. 25 about one mile south of Bera, in Madison County, Kentucky, bounded and described as follows:

Beginning at a post, a corner to the Slate Lick Road and the L & N Railroad Company right-of-way; thence westwardly with the edge of the Slate Lick Road 392 feet to the east edge of U.S. Highway No.25; thence northwardly with the east edge of U.S. Highway No. 25 a distance of 586 feet to a post corner to the Coffey place; thence eastwardly with the Coffey and Johnson lines 463 feet to a post in the L & N Railroad right of way line; thence southwardly with the L & N Railroad right of way line, 587 ½ feet to the beginning.

There is excluded from the above boundary a strip of land ten feet in width of the west side thereof which has been conveyed to the Kentucky State Department of Highways.

AND BEING the same property as Tract No. III conveyed to James E. Lunsford and his wife, Ruth M. Lunsford by deed dated the 8th day of April, 1994, from Virgil W. Cook and his wife, Maybelle M. Cook, et ux., which is recorded in Madison County Clerk's office, at Richmond, Kentucky, in Deed Book 443 at page 291.

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: 9-12-2023

MOTION BY: Combs

SECONDED BY: Botkin

VOTE:	YES	NO
Magistrate James Brian Combs	<u>✓</u>	_____
Magistrate Stephen Lochmueller	<u>✓</u>	_____
Magistrate Billy Ray Hughes	<u>✓</u>	_____
Magistrate Tom Botkin	<u>✓</u>	_____
Judge Executive Reagan Taylor	<u>✓</u>	_____

DATE OF SECOND READING: 9-26-2023

MOTION BY: Botkin

SECONDED BY: Combs

VOTE:	YES	NO
Magistrate James Brian Combs	<u>✓</u>	_____
Magistrate Stephen Lochmueller	<u>✓</u>	_____
Magistrate Billy Ray Hughes	<u>A</u>	_____
Magistrate Tom Botkin	<u>✓</u>	_____
Judge Executive Reagan Taylor	<u>✓</u>	_____

Signed:
[Signature]
Madison County Judge Executive

Attested:
[Signature]
Madison County Clerk, Kenny Barger

TO: MADISON COUNTY FISCAL COURT
FR: MADISON COUNTY PLANNING COMMISSION
RE: APPLICATION FOR LAND USE MAP AMENDMENT
479 Mt. Vernon Road
DA: August 18, 2023

This matter came before the Planning and Zoning Commission for a hearing on August 15, 2023, on application submitted by the landowner, to amend the official zoning map regarding a certain tract located at 479 Mt. Vernon, Berea, Madison County, Kentucky, from a property currently zoned as UC-1 to UC-4.

Upon proper notice being given and upon hearing testimony and arguments of all parties on August 15, 2023, and upon Motion made and vote taken on August 15, 2023, the Madison County Planning and Zoning 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 number of Exhibits, made a part of its presentation, together with testimony of 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 the existing zoning classification given to the property (UC-1 Residential) is inappropriate and the proposed zoning classification (UC-4 commercial) is appropriate and the same complies with the current Comprehensive Plan. Specifically, although the property had always been classified under the zoning map for single-family residential, it had not been used as such and had been used for various general commercial uses for at least the past twenty (20) years, mainly auxiliary to adjacent general commercial uses by the landowner. The testimony established that the property had multiple points of egress and ingress, was within the Urban Corridor and was contiguous with at least one other UC-4 property.

A member of the public presented testimony consisting of concern that the property was on a state highway where traffic tended to travel too fast.


FINDINGS OF FACTS

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

1. That the existing zoning classification (UC-7) given to the property is inappropriate and the proposed zoning classification (being UC-4) is appropriate for the following reasons:
 - a. The property is located within the Urban Corridor and adjacent to other general commercial property where general commercial development is encouraged by the Comprehensive Plan.
 - b. The character of the property is more suitable for commercial purposes as the subject property is in close proximity to other properties used for business purposes.
 - c. That the long-established usage of the property makes transition to residential use impractical and undesirable.
 - d. The property has never served as a residential facility and has only served an auxiliary general commercial purpose.
 - e. That small residential lots along major roadways are discouraged by the Comprehensive Plan.
 - f. The property's existing zone (UC-1) is not appropriate.
 - g. The proposed zone (UC-4) is appropriate.

RECOMMENDATION:

It is the RECOMMENDATION of the Madison County Planning and Zoning Commission that the application to amend the Madison County Land Use Map applicable to the real property located at 479 Mt. Vernon Road, Berea, Madison County, Kentucky BE APPROVED, and the above-described property be zoned as UC-4.



Robert Farmer
Chair, Madison County Planning Commission



Bert Thomas
Director, Madison County Planning & Development

Area Map - Madison County, KY



GPS Address

▭ Parcels

— Shields

— Interstate

— Major Road

— Local Road

— Railroad



1:2,257

1" = 188 feet

1" = 0.04 miles



Although attempts are made to ensure the accuracy of this map, Madison County does not warrant or assume any liability for errors or omissions. No responsibility is assumed for any use of the information contained herein. ©2004 Madison County GIS Department