

**MADISON COUNTY FISCAL COURT
MADISON COUNTY, KY
ORDINANCE 2024-03**

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY,
APPROVING THE ZONE CHANGE OF 1072 TATES CREEK ROAD,
RICHMOND, KENTUCKY, (PIDN: 0041-0000-0017) 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, March 19, 2024 to consider a Land Use Change Request Application from R-7 and UC-7 to UC-1. Upon presentation by the Applicant and public comment and testimony, 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 Map Amendment request and proposed use is in accord with the Land Use & Development goal to actively support planning and land use management set forth in the Comprehensive Plan because it fosters the following objectives and statements set forth in the Plan:
 - i. The proposed development is located between two existing, single-family developments, minimizing potential land use conflicts (Plan at pg. 11, Land Use & Development Objective #4).
 - ii. The proposed development fosters the Plan's call for infill development near existing developed areas as the majority of the Property is located within the Urban Corridor Boundary next to two existing single-family developments (Plan at pg. 11, Land Use & Development Objectives #5 & #6).
 - iii. The proposed development is compatible with adjoining uses in terms of both intensity of use and density (Plan at pg. 20).
 - iv. The Future Land Use Map designates this Property for the development of single-family homes as is proposed by the Map Amendment Request (Plan at pg. 19).

2. The Map Amendment request and proposed use is in accord with the Housing Goal of providing a range of housing opportunities including affordable housing options set forth in the Comprehensive Plan because it fosters the following objectives and statements set forth in the Plan:
 - i. The proposed development provides housing in an area with existing infrastructure including water, electric, garbage and

- adequate transportation via direct access to Tates Creek Road and within 4 miles of I-75 (Plan at pg. 13, Housing #2).
- ii. The proposed development is located in an area in high demand for housing and the development will help to meet the housing needs of the community (Plan at pg. 13, Housing #3).
 - iii. The proposed development is within the Urban Corridor where future single-family development is anticipated by the Plan (Plan at pg. 61, Housing).

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 R-7 and UC-7 to UC-1 and to move the boundary of the Urban Corridor Boundary to the property line of the subject property to avoid the property having more than one zoning classification.

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 and UC-7 to UC-1 classification.

SECTION I

Beginning at a stone in the line of W.H. Park, a corner to the 130.45 acre dower designated at Tract No. 2; thence with lines of said Park S 5-3/8 W 39.32 chains to a point in the north line of the L. & A. R. R. right of way, 33 feet at right angles from the center line of the tract; thence with said north line of the right of way and 33 distant from the said center line of the tract S 78-1/2 W 13.64 chains to a stone in said line of right of way, a corner to the 133.1 acres designated as Tract No. 5, passing a small sycamore on the south side in a lot at 12.12 chains; thence new lines with said 133.1 acres and leaving the railroad N 6-1/8 W 35.22 chains to a stone in a hollow below a barn; N 2-3/4 W 8.36 chains to a stone on top of a hill, a corner to the 130.45 acre dower, thence a new line with same S 86-5/8 E 22.43 chains to the beginning, containing 75 acres by survey made on March 24, 1914, and also the old railroad right of way of 5.04 acres described in Deed Book 111, at Page 180.

THERE IS EXCLUDED FROM THE ABOVE and not conveyed herein the following described property conveyed to Randall G. Curry and Brenda J. Curry, husband and wife, by deed dated the 3rd day of June, 1986, being duly recorded in Deed Book 377, at Page 71, Madison County Clerk's Office:

A certain tract of land located on Tates Creek Road approximately three miles east from the intersection of Main Street in Richmond, Madison County, Kentucky and bounded and described as follows:

BEGINNING at a fence post, said post located in the north Right-of-Way line of Tates Creek Road, and being 190.07 Linear Feet east of the westerly property line of Ovie Curry, and running; thence North 18 degrees 45 minutes 00 seconds East a distance of 48.25 to a fence post; thence North 16 degrees 30 minutes 00 seconds East a distance of 164.45 to an iron pin; thence North 83 degrees 10 minutes 00 seconds East a distance of 130.66 to an iron pin, thence North 82 degrees 08 minutes 00 second East a distance of 83.83 feet to a telephone pole; thence South 05 degrees 38 minutes 00 seconds West a distance of 64.80 to an iron pin; thence South 07 degrees 37 minutes 00 seconds West a distance of 64.80 to an iron pin; thence South 83 degrees 27 minutes 00 seconds West a distance of 254.54 feet to the POINT OF BEGINNING, and containing 45840.01 square feet or 1.0523 acres of land, more or less. See Plat Book 7 at Page 387, Madison County Clerk's Office.

ALSO EXCLUDED FROM THE ABOVE and not conveyed herein the following described property conveyed to Randall Curry by deed dated the 22nd day of November, 2005, being duly recorded in Deed Book 599, at Page 504, Madison County Clerk's Office:

Being all the property (.70 acres), designated as Tract 2 on the plat recorded in Plat Cabinet 23, Slide 191, in the office of the Madison County Court Clerk.

There is further conveyed and Quitclaimed to GRANTEE, without warranty of title, all of the GRANTOR's right title and interest, if any, in and to that certain easement for ingress and egress from the Tates Creek Road as reserved by first parties predecessors in title in that deed dated June 3, 1986 of record in Deed Book 377, Page 71, in the Madison County Clerk's Office, as shown on the plat of record in Plat Cabinet 7, Page 387, in said clerk's office.

Being the same property conveyed to AMCG Properties, LLC., a Kentucky limited liability company, from Ousley Real Estate, LLC, a Kentucky limited liability company, by deed dated October 17, 2019, of record in Deed Book 780, page 162, Madison County Clerk's office.

SECTION II

That the Urban Corridor Boundary is relocated to the northern boundary of the real property described herein.

SECTION III

That the Madison County GIS Coordinator make the appropriate changes to the Official Zoning Map of Madison County, Kentucky.

SECTION IV

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: April-9-2024

MOTION BY: Bathin

SECONDED BY: Combs

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: April 23-2024

MOTION BY: Combs

SECONDED BY: Lochmueller

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>	_____

Signed:

Madison County Judge Executive, Reagan Taylor

Attested:

Madison County Clerk, Kenny Barger

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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 1072 Tates Creek Road, Richmond, Madison County, Kentucky BE APPROVED, and the above-described property be zoned as UC-1.



Robert Farmer

Chair, Madison County Planning Commission



Bert Thomas

Director, Madison County Planning & Development

