

**MADISON COUNTY FISCAL COURT
MADISON COUNTY, KY
ORDINANCE 2024-10**

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY,
APPROVING THE ZONE CHANGE OF 3907 & 3911 IRVINE 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, July 16, 2024 to consider a Land Use Change Request Application from RC-7 and C-7 Agriculture to UC-4 Commercial. 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. That the existing zoning classification (RC-7 & C-7) given to the property is inappropriate and the proposed zoning classification (being UC-4) is appropriate for the following reasons:
 - a. The character of the surrounding area and this property are more suitable for UC-4 purposes as the subject property is in close proximity to other properties used for nonresidential purposes.
 - b. That Comprehensive Plan encourages business uses along roadways akin to Irvine Road and the location of the property is adequate for commercial use due to the Site and Dimensional Requirements required by the Land Use Regulations.
 - c. The proposed zone will not disrupt traffic along Irvine Road, nor will its use disrupt the surrounding properties' quiet enjoyment.
 - d. The property's existing zone RC-7 & C-7 is not appropriate.
 - e. 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 RC-7 and C-7 to UC-4; and

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 RC-7 and C-7 to UC-4 classification.

SECTION I

Tract 1:

Lot No. 1 of the Clarence Roberts Development, as shown and more particularly described in Plat Book 12 at Page 112, in the Madison County Clerk's Office. The above-described property is subject to a 30-foot-wide street easement as shown on the above-referenced plat.

Tract 2:

Lot No. 2 of the Clarence Roberts Development as shown and more particularly described in Plat Book 12, Page 112, Madison County Court Clerk's Office. The above-described property is subject to and benefits from a 30-foot-wide street easement as shown on the above-referenced plat.

Subject to any and all applicable restrictive covenants, existing easements, utility easements, rights-of-way, provisions of applicable zoning statutes and ordinances, and rules and regulation of the Department of Health if any.

Being the same property conveyed to Leonard Dyer and Billy Walters, from Dextral Horn and Wanda Horn, husband and wife, by deed dated April 7, 2023, and recorded on May 1, 2023 in Deed Book 837, Page 540, in Madison County 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:

7-23-24.

MOTION BY:

Hyler

SECONDED BY:

Bathie

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: 8-13-2024

MOTION BY: Hughes

SECONDED BY: Combs


VOTE:	YES	NO
Magistrate James Brian Combs	<u>✓</u>	_____
Magistrate Stephen Lochmueller	_____	_____
Magistrate Billy Ray Hughes	<u>✓</u>	_____
Magistrate Tom Botkin	<u>✓</u>	_____
Judge Executive 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
3907 & 3911 Irvine Road
DA: July 19, 2024

This matter came before the Planning and Zoning Commission for a hearing on July 16, 2024, on application submitted by the landowners, Leonard Dyer and Billy Walters, to amend the official zoning map of Madison County regarding certain tract located at 3907 & 3911 Irvine Road, Waco, Madison County, Kentucky, from a property currently zoned as RC-7 & C-7 Agriculture to UC-4 Commercial.

Upon proper notice being given and upon hearing testimony and arguments of all parties on July 16, 2024, and upon Motion made and vote taken on July 16, 2024, 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 Leonard Dyer, 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 (RC-7 & C-7) is inappropriate and the proposed zoning classification (being UC-4) is appropriate and the same complies with the current Comprehensive Plan.

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 (RC-7 & C-7) given to the property is inappropriate and the proposed zoning classification (being UC-4) is appropriate for the following reasons:
 - a. The character of the surrounding area and this property are more suitable for UC-4 purposes as the subject property is in close proximity to other properties used for nonresidential purposes.
 - b. That the Comprehensive Plan encourages business uses along roadways akin to Irvine Road and the location of the property is adequate for commercial use due to the Site and Dimensional Requirements required by the Land Use Regulations.

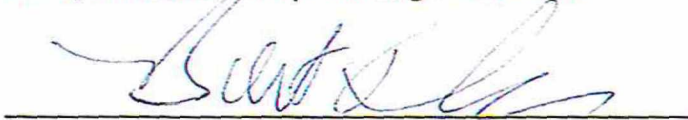
- c. The proposed zone will not disrupt traffic along Irvine Road, nor will its use disrupt the surrounding properties' quiet enjoyment.
- d. The property's existing zone RC-7 & C-7 is not appropriate.
- e. The proposed zone (UC-4) is appropriate.

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 3907 & 3911 Irvine Road, Waco, 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



- New Siren Location
- GPS Address
- Parcels
- Shields
- Roads
 - Other Road
 - State Owned
 - County Owned/Maintained
 - County Owned/Maintained (Gravel/Soil)
 - County Owned/Not Maintained
 - County Owned/Not Maintained (Gravel/Soil)
 - City Owned
 - City Owned (Gravel/Soil)
 - Private Owned
 - Private Owned (Gravel/Soil)
 - Railroad



1:2,257
 1" = 188 feet
 1" = 0.04 miles



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Area Map - Madison County, KY



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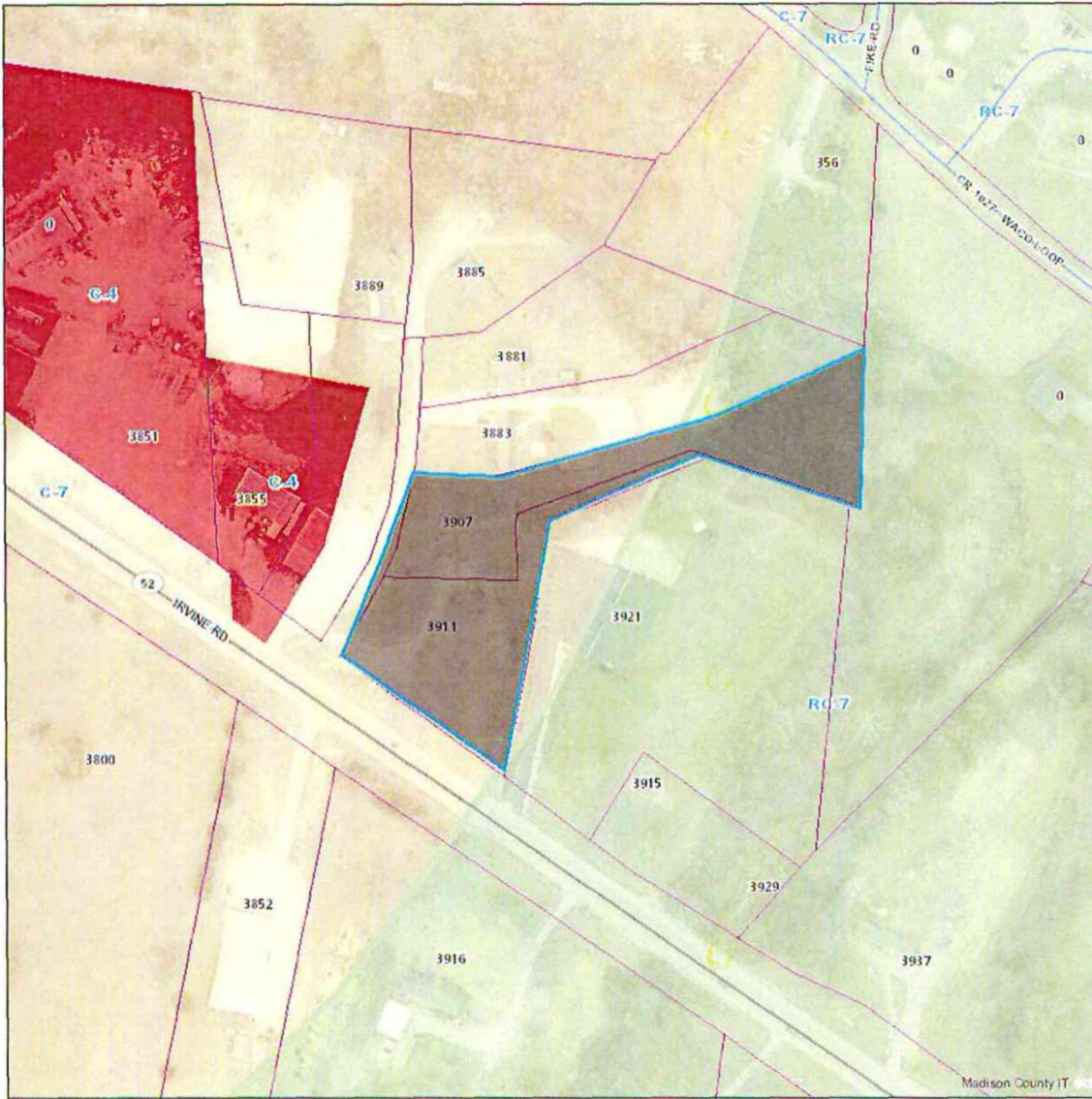
MADISON COUNTY
KENTUCKY

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- Urban Corridor Boundary
- Rural Corridor Boundary
- Zoning T Corridor



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