

**MADISON COUNTY FISCAL COURT
MADISON COUNTY, KY
ORDINANCE 2024-18**

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY,
APPROVING THE ZONE CHANGE OF 2319 UNION CITY 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, August 20, 2024 to consider a Land Use Change Request Application from RC-7 Agriculture to RC-1 Single-Family Residential. Upon presentation by the Applicant and public comment and testimony, Findings of Fact were made on September 17, 2024 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. Proper notification of this hearing was given pursuant to KRS 100.212 and KRS 424.130, et. seq., by notices published in the Richmond Register and the Berea Citizen, by posting signs on the subject property, and by the Secretary of the Commission notifying the adjoining property owners by certified mail.
2. The subject property is part of the Madison County Rural Corridor, an area in the county which has previously been determined by the Planning Commission and the Madison County Fiscal Court to have sufficient infrastructure to accommodate low-density residential growth in the county.
3. The subject property fronts on both Union City Road and Dunbar Lane, and therefore has adequate access for its intended use as a single-family residential development. It is serviced by the Madison County water system; which the applicant's engineer testified has sufficient capacity to allow the development of the subject property into a single-family residential development.
4. The County's Comprehensive Plan reflects that the county's population grew from 82,916 people in 2010 to 92,701 in 2020; a growth of approximately 11.8%. It is anticipated that it will continue to grow through 2040 to a total of 106,301 people, for an additional 14.7%, Therefore, the County needs to provide sufficient areas to accommodate housing for the anticipated growth.
5. Additionally, the Comprehensive Plan contains provisions which encourage infill and new development near existing developed areas (the property is located between two existing developments) and to focus low-density residential growth in the rural corridors

which currently provide or are scheduled to be updated to provide adequate transportation access and infrastructure, which the property in question does.

6. Dunbar Lane in its current state does not meet the County's regulations to allow it to be used for development. However, it was a testimony of the applicant that he would be required to, and would, reconstruct and widen Dunbar Lane to the necessary width for the length of the development. The reconstruction and widening of Dunbar Lane would be a benefit to all residents in the area.
7. The Commission has considered the objections filed herein by local residents that the development will increase flooding which occurs on Union City Road. After consulting with the County and a review of the County's regulations, the Commission finds that the regulations require that as part of the development and the applicant's development plan, there be sufficient drainage systems and retention basins included to retain any water on-site which is produced on-site. Therefore, the Commission finds that the development in question may assist in local flooding since the property currently has no retention areas and, certainly, will not increase flooding in the area.
8. The Commission also considered the objector's position that the development would increase traffic in the area beyond the capacity of Union City Road. The Commission finds that the property is part of the Rural Corridor and after having examined the property and considering the Rural Corridor status, believes that Union City Road has sufficient capacity to provide for the development as proposed.
9. The Commission finds that the applicant's request for ultimate approval of 40 Lots on the 73.5 acres would not alter the rural character of the area and meets the requirements of the Development Ordinance which requires small-scale, low-density development in the area.
10. The requested SF-LD zoning classification is consistent with the County's current Comprehensive Plan in that it will allow new development to accommodate the county's anticipated current and future growth in an area already partially developed, therefore providing infill.

WHEREAS, the Madison County Planning Commission upon hearing testimony made a Motion to recommend to the Madison County Fiscal Court to approve the Land Use change request from RC-7 to RC-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 RC-7 to RC-1 classification.

SECTION I

TRACT NO.2: Situated in Madison County, Kentucky consisting of 73 ½ acres more or less, 5 miles north of Richmond on the Union and Doylesville Road and more particularly described as follows: BEGINNING at a point in the center of the Union Pike and corner to Charles Johnson; thence with the line of Johnson, South 32 W 197 poles corner to Richard Tevis; thence with the Tevis line North 88 degrees W 39.3 poles to the fence of the Dunbar line; thence leaving the land and with line of W.P. Dunbar, North 1 degree West 107.8 poles, continuing with Dunbar's line, South 70 degrees W 42.5 poles to the line of the Dunbar Lane; thence with lane North 38 degrees W 63 poles to the center of the Union Pike; thence with the center of said pike, North 63 degrees East 38.7 poles, North 57 degrees East 25 poles, thence North 76 degrees East 44 Poles; thence North 59 degrees East 25 poles to the place of the BEGINNING.

THERE IS EXCLUDED THE FOLLOWING PROPERTIES which has been previously conveyed and should have been included in the prior Deeds:

EXCLUSION 1:

Parcel No. 1. All that part of said tract or tracts which lie within a distance of 40 feet on the right or south side of the centerline of said proposed public road between the west property line at approximate station -0+67 and the end of project at approximate station 13+86. Also, all that part of said tract or tracts which lie within a distance of 40 feet on the left or north side of the centerline of said proposed public road between approximate stations 5+50 and 11+00. As more particularly described in Deed for Highway Purposes conveyed to The Commonwealth of Kentucky for the use and benefit of the Department of Highways, from H.R. Harris and Margaret Harris, dated June 8, 1955, of record in Deed Book 162 at Page 296, Madison County Clerk's Office.

EXCLUSION 2:

Parcel No. 2: Consisting of 0.822 acres or 35,804 square feet of which 0.272 acres of 11,833 square feet is existing right of way, being more particularly described in said Deed. Being the same property conveyed to the Commonwealth of Kentucky for the use and benefit of the Department of Highways, from Ernest Leo Harris and Dorothy Harris, his wife, by Deed dated March 7, 1974, of record in Deed Book 276 at Page 271, Madison County Clerk's Office.

EXCLUSION 3:

Parcel No. 31. Consisting of 0.023 acres or 1023 square feet, and 0.283 acres or 12317 square feet, being more particularly described in said Deed. Being the same property conveyed to the Commonwealth of Kentucky, Transportation Cabinet, Department of Highways, from Madison County Master Commissioner, by Deed of Correction dated September 29, 1987, of record in Deed Book 387 at Page 254, correcting Deed between the parties of record in Deed Book 386 at Page 189,

Madison County Clerk's Office.

EXCLUSION 4:

Parcel No. 26. Consisting of 0.36 acres or 15705 square feet, and 0.22 acres or 9772 square feet, being more particularly described in said Deed. Being the same property conveyed to the Commonwealth of Kentucky, Transportation Cabinet, Department of Highways, from Madison County Master Commissioner, by Deed of Correction dated September 29, 1987, of record in Deed Book 387 at Page 494, correcting Deed between the parties of record in Deed Book 386 at Page 194, Madison County Clerk's Office.

Being a part of the same property conveyed to Victory Lane Development, INC. from Amanda Harris (aka Amanda Lee Harris) and Kelly Harris Brown and Levi Brown by Deed dated June 20, 2024, of record in Deed Book 854 at Page 187 in the 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: 10-8-24

MOTION BY: Combs

SECONDED BY: Lochmueller

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

DATE OF SECOND READING: 10-22-2024

MOTION BY: Combs

SECONDED BY: Botkin

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

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
2319 Union City Road, Richmond, Kentucky 40475
DA: September 22, 2024

This matter came before the Planning and Zoning Commission for a hearing on August 20, 2024, on application submitted by the landowners, Victory Lane Development, Inc., to amend the official zoning map of Madison County regarding certain tract located at **2319 Union City Road, Richmond, Madison County, Kentucky 40475**, from a property currently zoned as RC-7 Agriculture to RC-1 Single-Family Residential.

Upon proper notice being given and upon hearing testimony and arguments of all parties on August 20, 2024, and upon Motion made and vote taken on September 17, 2024 (the matter having been tabled at the August 20, 2024 meeting of the Commission), 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. Stuart Olds at the Hearing. The Applicant's presentation of evidence included a number of Exhibits, made a part of its presentation, together with testimony of a representative of the applicant and applicant's engineer, 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) is inappropriate and the proposed zoning classification (being RC-1) is appropriate and the same complies with the current Comprehensive Plan.

There was considerable testimony made in opposition to the map amendment by a number of community members which centered on issues with traffic congestion, water run-off, concerns with septic system use, whether the applicant's development plan was "low-density" as contemplated by the Comprehensive Plan for land in the Rural Corridor and resource management.

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. Proper notification of this hearing was given pursuant to KRS 100.212 and KRS 424.130, et. seq., by notices published in the Richmond Register and the Berea Citizen, by posting signs on the subject property, and by the Secretary of the Commission notifying the adjoining property owners by certified mail.
2. The subject property is part of the Madison County Rural Corridor, an area in the county which has previously been determined by the Planning Commission and the Madison

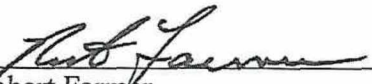
County Fiscal Court to have sufficient infrastructure to accommodate low-density residential growth in the county.

3. The subject property fronts on both Union City Road and Dunbar Lane, and therefore has adequate access for its intended use as a single-family residential development. It is serviced by the Madison County water system; which the applicant's engineer testified has sufficient capacity to allow the development of the subject property into a single-family residential development.
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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 2319 Union City Road, Richmond, Kentucky 40475 BE APPROVED, and the above-described property be zoned as RC-1.



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

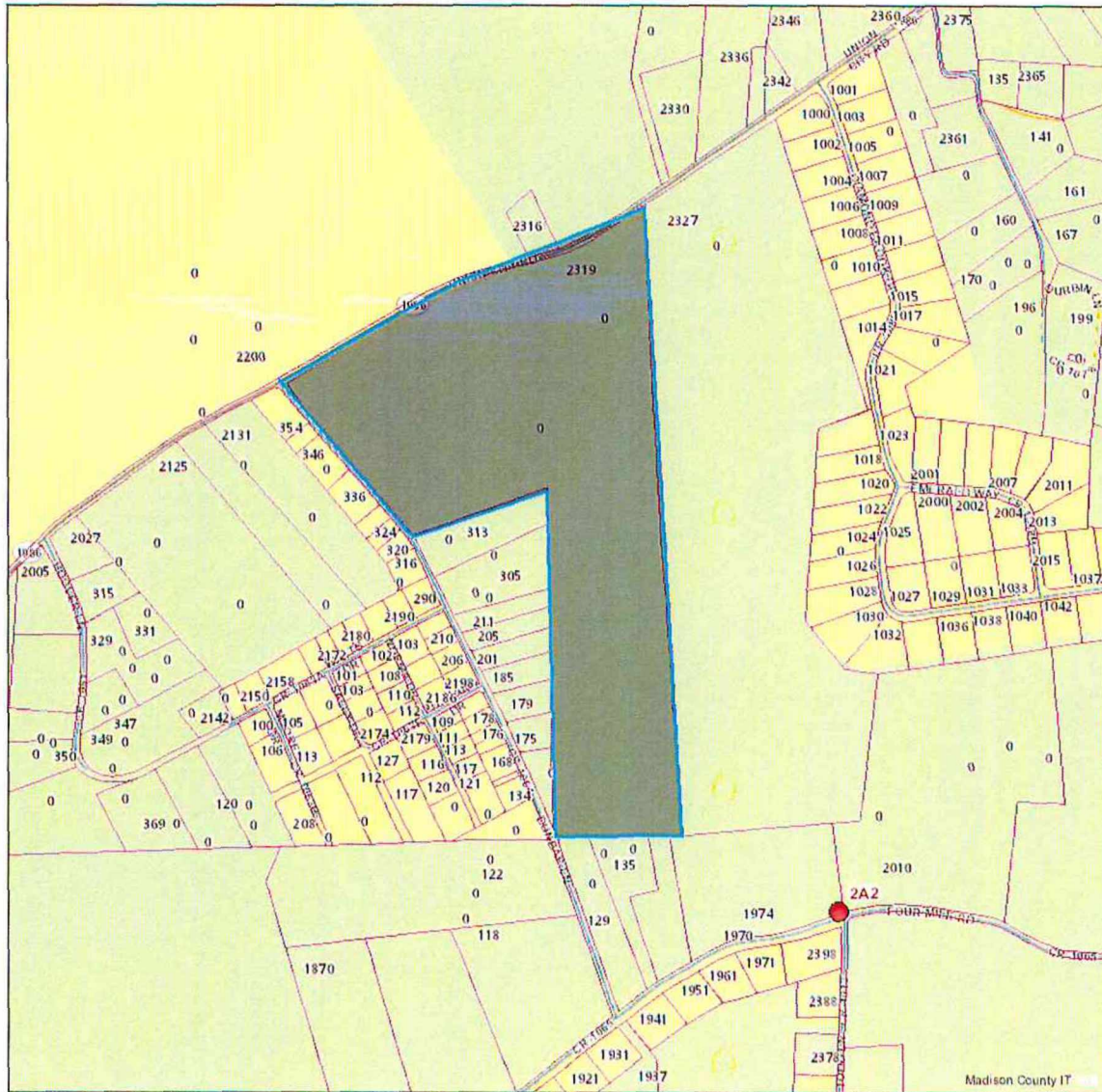
MADISON COUNTY
KENTUCKY

1:9,028
1" = 752 feet
1" = 0.14 miles



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 - City Owned
 - City Owned (Gravel/Soil)
 - Private Owned
 - Private Owned (Gravel/Soil)
- Railroad
- Urban Corridor Boundary
- Zoning Fill
 - 1 - Single Family Residential
 - 2 - Multi-Family Residential
 - 3 - Neighborhood Business
 - 4 - General Business
 - 5A - Light Industrial
 - 5B - Heavy Industrial
 - 6 - Public/Semi-Public
 - 7 - Agricultural
 - 8 - Resource Extraction
 - 9 - Manufactured Home Park
 - 10 - Planned Unit Development
 - S - Special Area

MADISON COUNTY
KENTUCKY

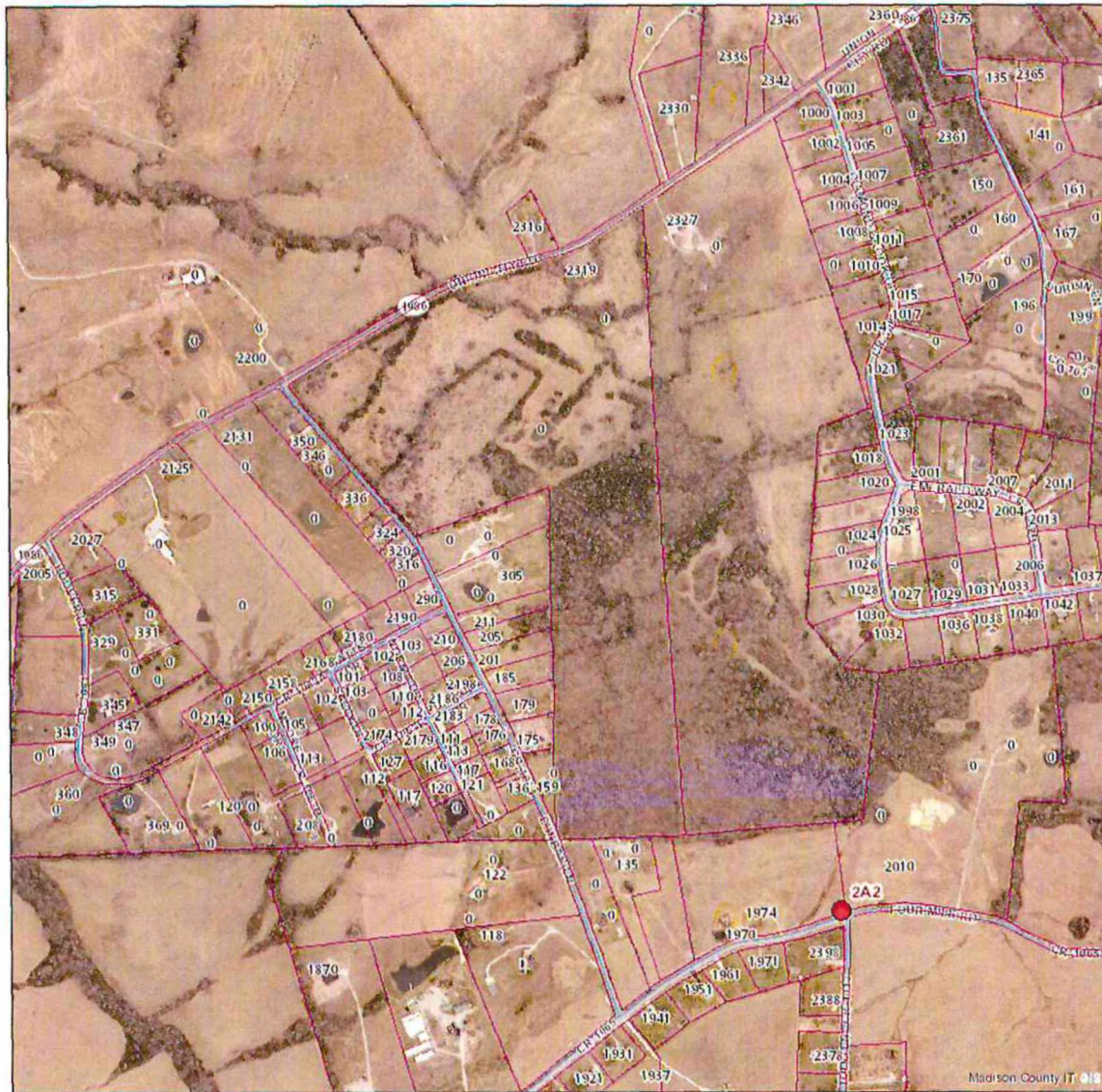
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Madison County IT



Area Map - Madison County, KY



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