

**MADISON COUNTY FISCAL COURT
MADISON COUNTY, KY
ORDINANCE 2024-19**

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY,
APPROVING THE ZONE CHANGE OF 1978 BOONESBOROUGH 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, October 15, 2024 to consider a Land Use Change Request Application from R-7 and RC-7 Agriculture to UC-1 Single-Family Residential. 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. 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 Berea Citizen, by posting signs on the subject property, and by the Secretary of the Commission notifying the adjoining property owners by mail.
2. The subject property is a tract of undeveloped agricultural land lying within the County limits along Boonesborough Road.
3. The property fronts on Boonesborough Road. The property to the North is zoned Agricultural and currently utilized as farmland. The adjacent property to the South is zoned Agricultural. The property to the West is likewise zoned Agricultural. To the Northwest, there are cluster residential developments along Old Boonesborough Road. The applicant proposes to rezone their property for single residential development.
4. The legal justification for the requested zone change is that said change is in conformity with the Comprehensive Plan of Madison County and that the requested UC-1 classification is appropriate, given the property's location and the Comprehensive Plan instructions that these locations are suitable for development.
5. This Property is located along Boonesborough Road, which per the Comprehensive Plan, is suitable to be developed as residential. Page 22 of the Comprehensive Plan makes clear that; Northern Madison County is the closest in proximity to Lexington and could serve as a prime location for residential growth for high-wage earners that work in Lexington but want to live in Madison County. Municipal sanitary

sewer services are available in limited areas of Northern Madison County; however, expansion projects are planned for this region of the county. New development in this area should consider high-density, high-quality development that promotes upper-end housing, shopping options, and promotes walkability. Low-density residential and pockets of neighborhood commercial uses would be most appropriate along Rural Corridors that extend from Northern Madison County at the I-75 interchange to Boonesborough and Clark County.

6. The Comprehensive Plan's Future Land Use Map, located on page 19 of the Comprehensive Plan, also clearly depicts this Property as Single-Family Residential.
7. The current zoning classification of the subject property is R-7/RC-7. The proposed map amendment would change the zoning classification to UC-1, which is in agreement with the Comprehensive Plan, particularly but not limited to, that the existing zoning classification (R-7 and RC-7) given to the property is inappropriate and the proposed zoning classification (UC-1) is appropriate for the following reasons:
 - a. The requested zone designation is in conformity with the Comprehensive Plan of Madison County.
 - b. That the requested zone designation to UC-1 will be in conformity with the existing use and development of other property near the subject property and is appropriate under the circumstances.

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 RC-7 to UC-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 R-7 and RC-7 to UC-1 classification.

SECTION I

A certain tract of land located on the west side of Boonesborough Road Kentucky Route 627 in Madison County, Kentucky.

Beginning at a ½" iron pin and cap stamped "ABACUS LPLS #3265" said point located in the west right-of-way of said Boonesborough Road being (60' from the centerline), said point also being the southeast corner of "New" Tract 1A (PB 31,

PG 225) and (DB 744, PG 408). Thence along a curve concaved to the southeast subtended by a Radius of 4,524.70'; Tangent distance of 60.76'; Arc distance of 121.51'; Chord distance of 121.51' and Chord Bearing of S21°38'00"W to a point. Thence continuing along said west right-of-way S69°08'09"E a distance of 10.00' to a point. Thence along a curve concaved to the southeast subtended by a Radius of 4,514.70'; Tangent distance of 136.85'; Arc distance of 273.61'; Chord distance of 273.51' and Chord Bearing of S19°07'40"W to a point at the northeast corner of the property of Timothy J. Brandenburg and Larry C. Brandenburg (DB 686, PG 001); Thence departing said west right-of-way of Boonesborough Road along the north line of Brandenburg N79°07'24"W a distance of 1950.07' to a point. Thence S03°55'00"E a distance of 604.41' to a point; Thence continuing along the property of Brandenburg S87°35'14"W a distance of 1125.74' to a point in the approximate centerline of Calloways Creek passing through an iron pin witness at 1099.62'; said pin is 26.12' witness from said centerline. Thence departing said north property line of Brandenburg along the meandering centerline of Calloway Creek and the east property line of Andrew D. Howell et ux., described in (DB 755, PG 303) the following courses: Thence N07°17'39"E a distance of 124.34' to a point; Thence N23°05'05"W a distance of 332.05' to a point; Thence N55°54'53"W a distance of 90.56' to a point at the southeast corner of the property of Andrew D. Howell et ux., described in (DB 794, PG 783). Thence continuing along the east line of Brandenburg along the meandering centerline of Calloway Creek the following courses: N19°26'54"W a distance of 557.03' to a point; N04°31'36"E a distance of 179.25' to a point; N11°16'20"E a distance of 109.00' to a point; N06°45'41"E a distance of 74.14' to a point; N03°52'23"W a distance of 87.71' to a point; N22°13'07"W a distance of 179.57' to a point; N00°35'49"W a distance of 116.98' to a point; N10°44'23"E a distance of 193.10' to a point; N21°32'13"E a distance of 310.37' to a point; N29°37'55"E a distance of 57.58' to a point; N49°33'57"E a distance of 39.24' to a point in the east line of the property of Diana S. Ward described in (DB 501, PG 514).). Thence continuing along the east line of Ward along the meandering centerline of Calloway Creek the following courses: S88°06'06"E a distance of 46.15' to a point; N64°21'50"E a distance of 89.98' to a point; N05°39'32"E a distance of 93.12' to a point; N10°06'40"E a distance of 115.49' to a point; N36°16'27"E a distance of 135.19' to a point; N25°02'33"E a distance of 132.29' to a point; N17°23'21"E a distance of 158.00' to a point; N46°02'33"E a distance of 154.05' to a point; N11°09'59"E a distance of 35.20' to the of the northeast corner of the property being described herein and the southwest corner of the property of Tonya Ratliff described in (DB 559, PG 557). Thence departing from said meandering centerline of Calloways Creek along the south property line of Ratliff and our north property line the following courses: S53°44'28"E a distance of 147.68' to a point; S71°49'23"E a distance of 436.34' to a point; S85°05'20"E a distance of 65.60' to a point; S71°51'42"E a distance of 122.76' to a point; S66°47'55"E a distance of 164.94' to a point; S53°39'04"E a distance of 73.73' to a point; S60°35'05"E a distance of 67.23' to a point; N82°22'40"E a distance of 195.15' to a point; S53°25'20"E a distance of 64.23' to a point; N74°04'28"E a distance of 142.02' to a point; N83°33'05"E a distance of 208.04' to a point; N55°38'31"E a distance of 53.50'

to a point; S68°09'38"E a distance of 116.02' to a point; N83°28'44"E a distance of 100.65' to a point; N38°49'00"E a distance of 59.15' to a point; S40°58'38"E a distance of 1075.32' to a ½" iron pin and cap stamped "ABACUS LPLS #3265" said iron pin being the northwest corner of "New" Tract 1A (PB 31, PG 225) and (DB 744, PG 408). Thence departing said south property line of Ratliff along the west line of "New" Tract 1A S47°49'09"E a distance of 676.32' to a ½" iron pin and cap stamped "ABACUS LPLS #3265"; Thence S19°20'21"E a distance of 329.59' to a ½" iron pin and cap stamped "ABACUS LPLS #3265"; Thence S02°37'22"E a distance of 297.60' to a ½" iron pin and cap stamped "ABACUS LPLS #3265"; Thence N78°49'18"E a distance of 63.04' to a ½" iron pin and cap stamped "ABACUS LPLS #3265"; Thence S14°51'49"E a distance of 153.75' to a ½" iron pin and cap stamped "ABACUS LPLS #3265"; S85°48'01"E a distance of 391.10' to a ½" iron pin and cap stamped "ABACUS LPLS #3265"; Thence S76°56'23"E a distance of 187.80' to a ½" iron pin and cap stamped "ABACUS LPLS #3265" and the point of beginning; containing 160.7 acres +/- . AND BEING A PORTION of the property described as "Tract 1" Virginia Hogan Brandenburg Heirs Minor Plat shown on (PB26, PG 111).

Being a part of the same property conveyed to Carter Hogan Brandenburg, Susan Gail Brandenburg Bybee, Michael Hampton Brandenburg and Steven Noel Brandenburg by deed dated April 28, 2017 and of record in Deed Book 744, Page 408 in the Madison County Court 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:	<u>11-12-24</u>	
MOTION BY:	<u>Combs</u>	
SECONDED BY:	<u>Batips</u>	
VOTE:	YES	NO
Magistrate James Brian Combs	<u>✓</u>	_____

Magistrate Stephen Lochmueller
Magistrate Billy Ray Hughes
Magistrate Tom Botkin
Judge Executive Reagan Taylor

✓ _____

✓ _____
✓ _____

Abstain

DATE OF SECOND READING:

12-17-2024

MOTION BY:

Lochmueller

SECONDED BY:

Combs

VOTE:

YES

NO

Magistrate James Brian Combs
Magistrate Stephen Lochmueller
Magistrate Billy Ray Hughes
Magistrate Tom Botkin
Judge Executive Reagan Taylor

✓ _____
✓ _____

✓ _____
✓ _____

Abstain

Signed:

R-79
Madison County Judge Executive

Attested:

Kenny Barger
Madison County Clerk, Kenny Barger

TO: MADISON COUNTY FISCAL COURT
FR: MADISON COUNTY PLANNING COMMISSION
RE: APPLICATION FOR LAND USE MAP AMENDMENT
1978 Boonesborough Road, Richmond, Kentucky 40475
DA: November 5, 2024

This matter came before the Planning and Zoning Commission for a hearing on October 15, 2024, on application submitted by the landowners, Carter H. Brandenburg, Steven N. Brandenburg, Michael H. Brandenburg and Susan G. Bybee, to amend the official zoning map of Madison County regarding a certain tract located at 1978 Boonesborough Road, Richmond, Madison County, Kentucky 40475, currently zoned as R-7 and RC-7 Agriculture to UC-1 Single-Family Residential.

Upon proper notice being given and upon hearing testimony and arguments of all parties, and upon Motion made and vote taken on October 15, 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. Preston Worley at the Hearing. The Applicant's presentation of evidence included a number of Exhibits, made a part of its presentation, together with testimony of Andrew Luxon, contracting party in interest, Dwayne Wheatley, Surveyor for Applicant and Jihad Hallany, traffic 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 (R-7 and RC-7) is inappropriate and the proposed zoning classification (being UC-1) 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. 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 mail.
2. The subject property is a tract of undeveloped agricultural land lying within the County limits along Boonesborough Road.
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zoned Agricultural. The property to the West is likewise zoned Agricultural. To the Northwest, there are cluster residential developments along Old Boonesborough Road. The applicant proposes to rezone their property for single-family residential development.

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 - a. Plan instructions that these locations are suitable for development.
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 - a. The requested zone designation is in conformity with the Comprehensive Plan of Madison County.
 - b. That the requested zone designation to UC-1 will be in conformity with the existing use and development of other property near the subject property and is appropriate under the circumstances.

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 1978 Boonesborough Road, Richmond, Kentucky 40475 BE APPROVED, and the above-described property be zoned as UC-1.

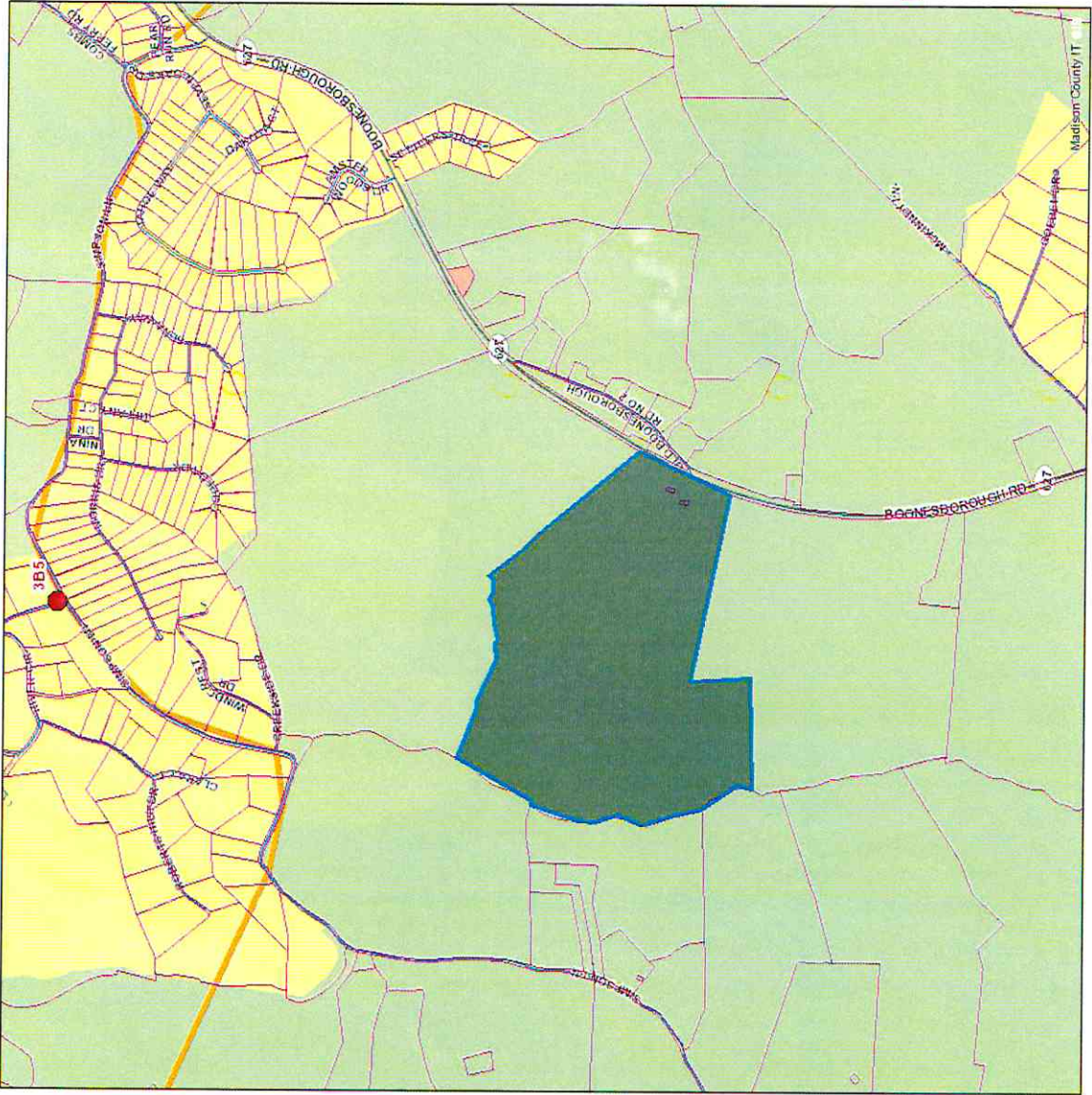


Robert Farmer
Chair, Madison County Planning Commission



Bert Thomas
Director, Madison County Planning & Development

Area Map - Madison County, KY



- New Shen Location
- 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
- 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

1:18,056
 1" = 1,505 feet
 1" = 0.28 miles

Madison County, Kentucky
 Planning Department
 1000 Madison County Parkway
 Madison, KY 40351
 (502) 261-1000
 www.madisoncountync.gov