

**MADISON FISCAL COURT
MADISON COUNTY, KENTUCKY
ORDINANCE 2025-006**

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY,
APPROVING THE ZONE CHANGE OF 70.27 ACRES ON COLLEGE HILL ROAD/
FIKE 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, March 18, 2025, to consider a Land Use Change Request Application from R-7/C-7 Agriculture to UC-1 Single-Family Residential. Upon presentation by the Applicant and with a 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 proposed zoning classification is appropriate as it is consistent with the Comprehensive Plan for the following reasons:
 - a. 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 first-class mail.
 - b. The character and area of the property, due to the residential development in the area and its location within the Urban Corridor in the 2023 Comprehensive Plan was suitable for development.
 - c. The property fronts primarily on College Hill Road. The property to the North and the South is zoned C-7 and R-7 and is currently utilized as farmland. The property to the East is zoned R-7 and is used as farmland. The property to the West and across College Hill Road is zoned C-1 and R-1 and consists of a single-family residential neighborhood. The applicant proposes to rezone their property for single-family residential development.
 - d. The proposed map amendment is in conformity with the Comprehensive Plan of Madison County adopted September 12, 2023, and that the requested UC-1 classification is appropriate, given the property's location and the Comprehensive Plan's placing the Property inside the Urban Corridor suggesting it to be suitable for development.
 - e. This portion of College Hill Road has transformed from a primarily agricultural community to a substantial residential community as is acknowledged by the most recent Comprehensive Plan.
 - f. The Property enjoys access to the County's sewer expansion in the area making it the type of property identified for residential development in the Comprehensive Plan (i.e. access to sewer, water, and fire protection).
 - g. Development is desirable in the Transportation Corridors.

- h. The subject property contains the required infrastructure needed for residential development.
- i. There is an established need for single-family residential lots in the county at this time.

WHEREAS, the Madison County Planning Commission upon hearing testimony made a Motion and voted to recommend to the Madison County Fiscal Court to approve the Land Use Change request from R-7/C-7 to UC-1; 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 R-7/C-7 to UC-1 classification.

SECTION I

PROPERTY 1:

A certain tract or parcel of land in Madison County, Kentucky, near the village of Waco on the east side of College Hill Road, and being all of Tract 1, containing 12.03 acres, more or less, as shown on a Boundary Retracement Survey of the Elizabeth Reed property, of record in Plat Book P27 at page 298, in the Madison County Clerk's office, to which reference is made for a more particular description thereof.

There is specifically excluded from this mortgage, all of Lot 1, containing 1.17 acres, as shown on the Minor Plat of record in Plat Book P29 at page 205, in the Madison County Clerk's Office, to which reference is made for a more particular description hereof; and the improvements thereon being known and designated as 220 College Hill Road, Waco, Kentucky.

Lot 1 having been conveyed to Zachery Clapper and Shalenda Clapper, husband and wife, by deed dated January 8, 2021, from Virgil Shannon Renfro and Charla K. Renfro, husband and wife, and recorded in Deed Book D800 at page 150, in the office of the Madison County Clerk, Richmond, Kentucky.

Part of Tax map no. 119A-0000-013

PROPERTY 2: (Remainder of the Turpin Tract)

Parcel 2:

A certain tract or parcel of land located in Madison County, Kentucky, on the waters of Muddy Creek about three-fourths of a mile Northeast of Waco and described as follows:

The above tract of land adjoining the lands of R. H. Covington (now Ambrose Christopher), D. Zittle (now Armour Cotton), Jessie Jones (now Leroy McKinney), Jno Rhodus (now Fike Heirs), Wm. Turpin (now deceased, but formerly owned by him and now owned by Miller), George Adams and Charles Rupard (now Dixon) containing forty acres (40) more or less.

There is excluded from the above Parcel 2 any portion of said property within the bounds of Tract B (14.67 acres), as described on that certain plat of record in Plat Book P25, page 33, which was conveyed to Stephen H. Stewart and Donna L. Stewart, husband and wife, by deed dated September 2, 2008, from Virgil Shannon Renfro and Charla Renfro, husband and wife, and recorded in Deed Book D638 at page 532, in the office of the Madison County Clerk.

Tax map no. 0119-0000-0002

PROPERTY 3: (Bush Tract)

A certain tract of land located at the north east corner of the Harry Bush Farm and west of the Tom Foley and James R. McKinney land and being described as follows:

BEGINNING at a steel pin set in the common corner of the lands of Tom Foley and James R. McKinney and being in the east line of the Harry Bush Farm, thence with said McKinney line one call: South 10 degrees, 35 minutes, 56 seconds west, 295.23 feet to a steel pin, thence leaving said McKinney line and a new line in the Harry Bush farm 5 calls: North 76 degrees, 52 minutes, 30 seconds west, 399.24 feet to a steel pin, thence North 25 degrees, 37 minutes, 44 seconds west, 382.74 feet to a steel pin, thence North 03 degrees, 09 minutes, 22 seconds east, 49.50 feet to a steel pin, thence North 55 degrees, 50 minutes, 17 seconds west, 269.03 feet to a steel pin, thence North 79 degrees, 45 minutes, 42 seconds west, 533.79 feet to a steel pin in the M.F. Reed line, thence with said Reed line one call: North 10 degrees, 15 minutes, 02 seconds east, 419.72 feet to a steel pin in the Merle Lakes line, thence with said Lakes line one call: South 80 degrees, 59 minutes, 31 seconds east, 1378.24 feet to a steel pin the Tom Foley line, thence with said Foley line one call: South 09 degrees, 22 minutes, 22 seconds west, 640.06 feet to the BEGINNING. This tract contains 20.00 acres.

Reference is further made to a plat of said property recorded in Plat Book P16 at page 71, in the Madison County Clerk's Office for a more particular description of said property.

Tax map no. 119A-0000-0031-B

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.

THIS DOCUMENT WAS FIRST INTRODUCED AND GIVEN FIRST READING IN SUMMARY at a duly convened meeting of the Fiscal Court of Madison County, Kentucky, held on the 13TH day of May 2025.

THIS DOCUMENT WAS GIVEN SECOND READING AND ADOPTED at a duly convened meeting of the Fiscal Court of Madison County, Kentucky, held on the 27TH day of May 2025.

MOTION BY: Combs

SECONDED BY: Lochmueller

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

Signed:
R-Taylor
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
70.27 acres on College Hill Road/Fike Road
DA: April 11, 2025

This matter came before the Madison County Planning Commission for a hearing on March 18, 2025, on application submitted by the landowners, College Hill Investments, LLC to amend the official zoning map regarding a certain tract described as 70.27 acres, College Hill Road/Fike Road, Waco, Madison County, Kentucky, from the existing zoning classification of C-7/R-7 to UC-1.

Upon proper notice being given and upon hearing testimony and arguments of all parties on March 18, 2025, and upon Motion made and vote taken on March 18, 2025, the Madison County Planning 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 Applicants were represented by the Hon. Preston C. Worley at the Hearing. The Applicants' presentation of evidence included a number of Exhibits, made a part of their presentation, testimony of the Applicant's representative, the argument of counsel and facts presented by the administrative staff of the Madison County Office of Planning and Development which tended to show that the character of the surrounding area made the proposed zoning classification appropriate due to changes in the character of College Hill Road with increased residential development, the established need in the county for single-family residential lots and the goal of the Comprehensive Plan to encourage new development within the subject area, the Urban Corridor.

It was established that the most recent 2023 Comprehensive Plan had located the subject property within in a Transportation Corridor, a designation insinuating the property might be an area in which development was to be encouraged. Information was presented that tended to show that the proposed development was located in an area with adequate infrastructure to support it, including the availability of sewer near the property and the potential for growth, consistent with the Comprehensive Plan.

The Applicant's exhibits included a Traffic Impact Study prepared by Vision Engineering and letters from Northern Madison County Sanitation District and Madison County Utilities District which buttressed the Applicant's position regarding the availability of infrastructure and the suitability of the property for development. Further testimony regarding the contemplated move of Waco Elementary School from the area was offered in regard to concerns regarding increased congestion in the area.

There were a number of members of the public who presented testimony and statements in opposition to the proposed map amendment, expressing concerns with too much traffic from new

development on College Hill Road. Much of the testimony regarded traffic concerns in the Moberly area and was not directly related to the subject property.


FINDINGS OF FACTS

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


1. That the proposed zoning classification is appropriate as it is consistent with the Comprehensive Plan for the following reasons:
 - a. 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 first-class mail.
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RECOMMENDATION:

It is the RECOMMENDATION of the Madison County Planning Commission that the proposed Land Use Map amendment from R-7/C-7 to UC-1 BE APPROVED.

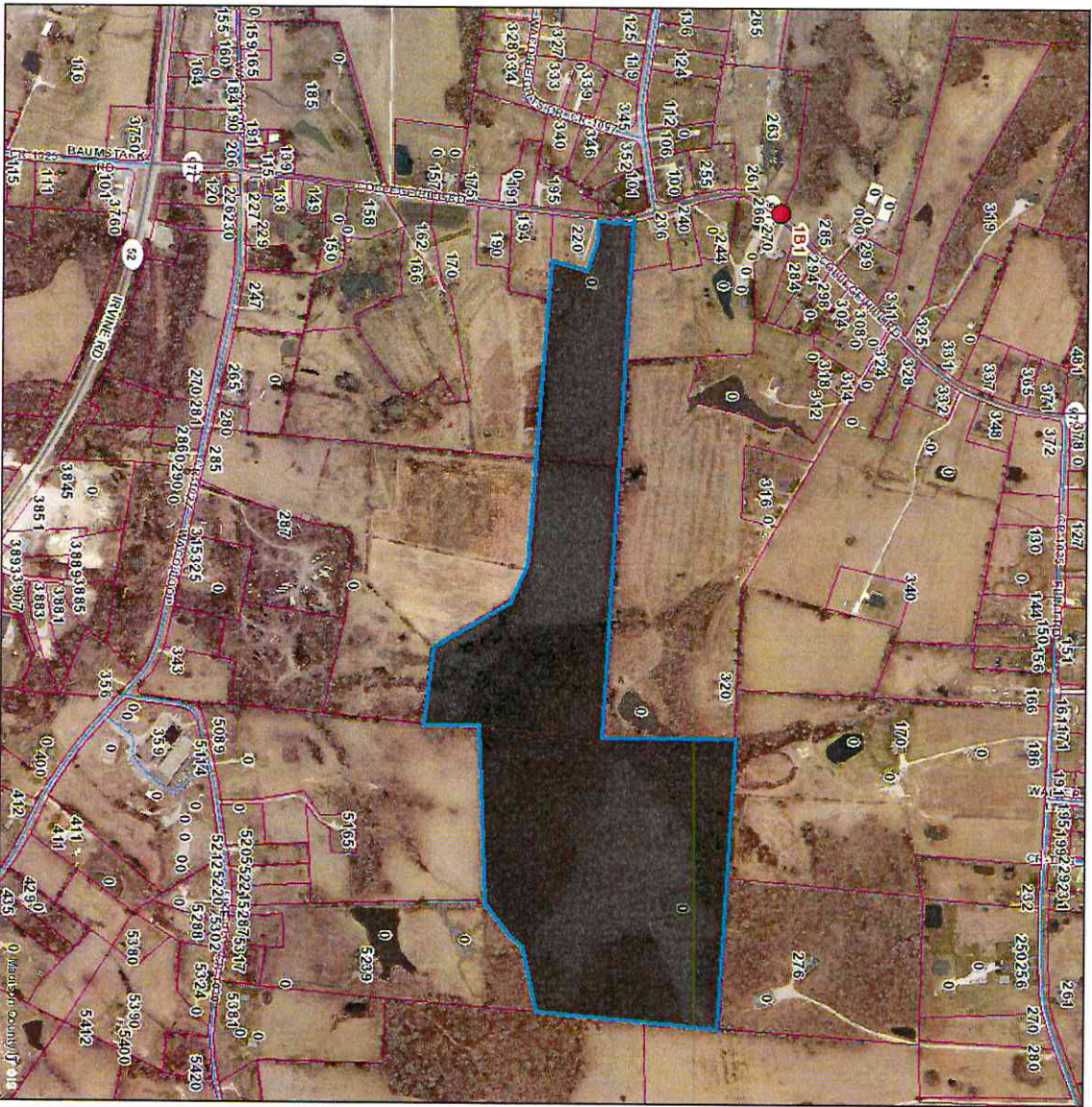


Robert Farmer
Chair, Madison County Planning Commission



Bert Thomas
Director, Madison County Planning & Development

Area Map - Madison County, KY



Legend

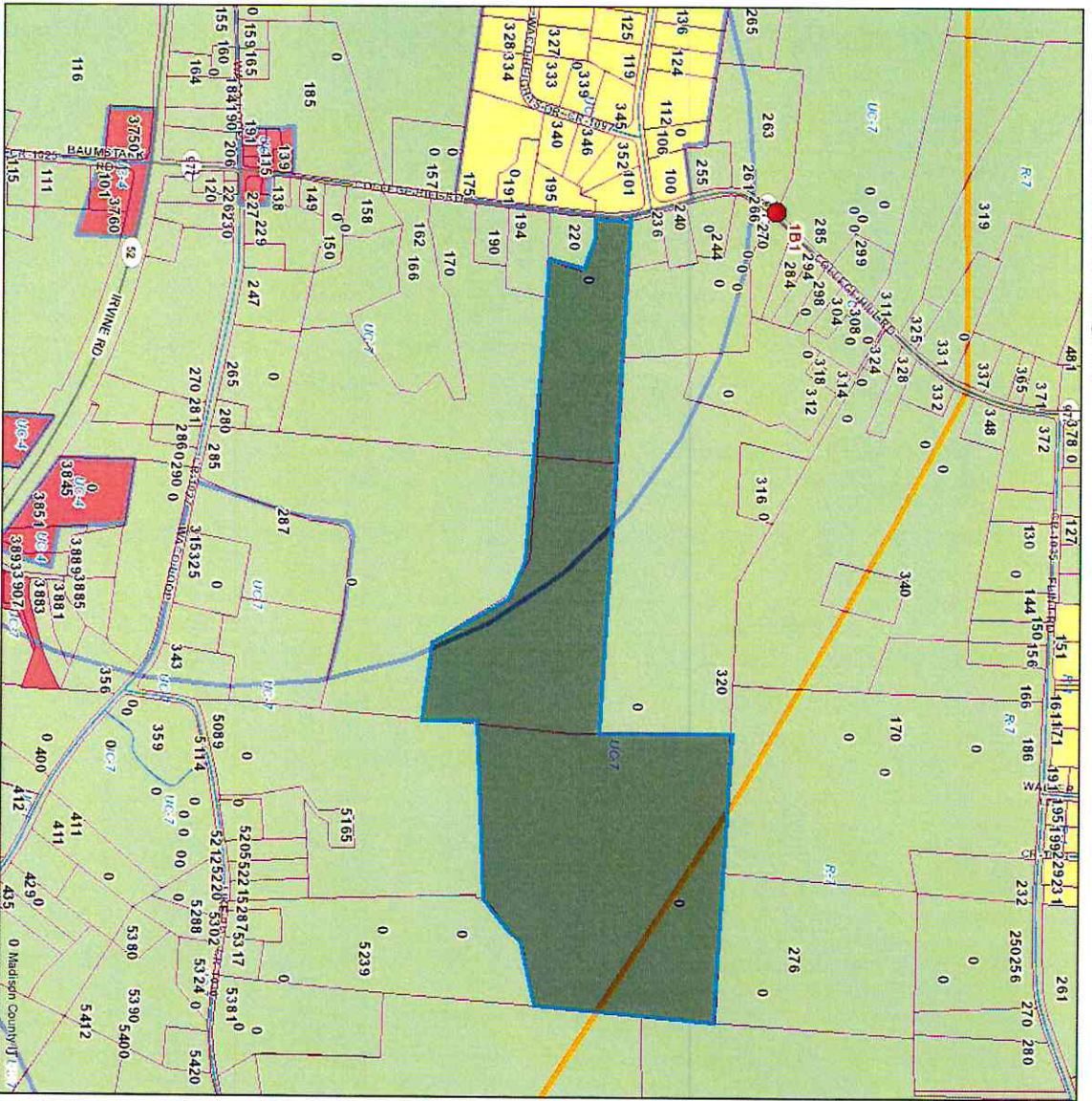
- New Siren Location
- GPS Address
- Parcels
- ▬ Shields
- Roads**
- Other Road
- State Owned
- County Owned/Maintained
- County Owned/Maintained (Gravel/Soil)
- County Owned/Not Maintained
- County Owned/Not Maintained (Gravel/Soil)
- City Owned
- City Owned (Gravel/Soil)
- Private Owned
- Private Owned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

MADISON COUNTY
KENTUCKY

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

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Area Map - Madison County, KY



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- Private Owned
- Private Owned (Gravel/Soil)
- Railroad
- Urban Corridor Boundary
- Rural Community
- Rural Corridor
- Madison_Parcels_2024

MADISON COUNTY
KENTUCKY

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