

MADISON COUNTY FISCAL COURT
MADISON COUNTY, KY
RESOLUTION 2021-73

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A RESOLUTION TO AFFIRM A RECOMMENDATION FROM THE
MADISON COUNTY PLANNING COMMISSION FOR 2725 LEXINGTON ROAD,
RICHMOND, MADISON COUNTY, KENTUCKY

WHEREAS, the Madison County Planning Commission received an application for a Land Use Map Amendment; and

WHEREAS, the application request was to amend the official zoning map for a certain 4.03 acre tract located at 2725 Lexington Road, Richmond, Madison County, Kentucky from the existing zoning classifications of UC-3 to UC-2; and

WHEREAS, the Madison County Planning Commission recommends the proposed Land Use Map Amendment from UC-3 to UC-2 not be approved; and

WHEREAS, the Madison County Fiscal Court does hereby affirm the recommendation of the Madison County Planning Commission to not approve the Land Use Map Amendment from UC-3 to UC-2 for 2725 Lexington Road, Richmond, Madison County, Kentucky.

NOW, THEREFORE, BE IT RESOLVED THAT THE FISCAL COURT DOES HEREBY APPROVE THIS RESOLUTION AND AUTHORIZES THE JUDGE EXECUTIVE TO EXECUTE SAME ON BEHALF OF THE COUNTY.

Motion made by John Tudor, seconded by Paul Reynolds.

Vote:	Yes	No
Judge Reagan Taylor	<u>X</u>	<u> </u>
Magistrate Paul Reynolds	<u>X</u>	<u> </u>
Magistrate John Tudor	<u>X</u>	<u> </u>
Magistrate Roger Barger	<u>X</u>	<u> </u>
Magistrate Tom Botkin	<u>X</u>	<u> </u>

Signed:
R-29
Reagan Taylor
Madison County Judge Executive

Attested:
Kenny Barger
Kenny Barger
Madison County Clerk

TO: MADISON COUNTY FISCAL COURT
FR: MADISON COUNTY PLANNING COMMISSION
RE: APPLICATION FOR LAND USE MAP AMENDMENT
2725 Lexington Road

DA: May 25, 2020

This matter came before the Madison County Planning Commission for a hearing on May 18, 2021 on application submitted by the landowner, Rona Comley, *via* prospective purchaser, Jacob Grant, to amend the official zoning map of regarding a certain 4.03 acre tract located at **2725 Lexington Road, Richmond, Madison County, Kentucky** from the existing zoning classifications of **UC-3 to UC-2**.

Upon proper notice being given and upon hearing testimony and arguments of all parties on May 18, 2021 and upon Motion made and vote taken on May 18, 2021, the Madison County Planning Commission did make the following Findings of Fact and Recommendation to DENY regarding said Application to the Madison County Fiscal Court:

SUMMARY OF EVIDENCE AND TESIMONY PRESENTED:

The Applicant was represented by the Hon. Preston Worley at the Hearing. The Applicant's presentation of evidence included a topographical map of the property and surrounding area that included the existing land use classifications for the property and surrounding properties, made a part of their presentation, together with the argument of counsel; no testimony was presented for the Board, other than the statements made by the administrative staff of the Madison County Office of Planning and Development. The applicant's presentation attempted to show that the proposed zoning classification was appropriate and in conformity with the Comprehensive Plan and, due to a purchase opportunity, was the highest and best use of the property. Information was presented that tended to show that this area was one of increasing economic activity and was suitable to multiple uses within the Urban Corridor.

There was discussion between the applicant and members of the Board and Administrative Staff regarding the lack of any other adjacent UC-2 land use designations and concerns with "spot zoning" were raised and discussed by Counsel for the applicants.

It was brought out that the property designated for land use change was less than the five (5) acre minimum lot size required by the Madison County Land Use Regulations for UC-2 designation with the Applicant submitting that a Waiver from that regulation was appropriate. Further discussion centered on the fact that the property designated for land use change had been the subject of a Land Use Change in November, 2020 at which time its land use designation was changed to the existing classification and at which

time the Applicant had testified "that its proximity to Interstate 75 and the resulting noise level made residential use less desirable."

Finally information was presented that showed that the property did not have existing sewer access, though sewer was available nearby and could be brought to the property within the confines of a site development plan.

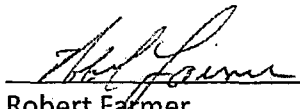
FINDINGS OF FACTS

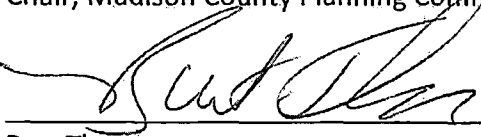
Upon considering the evidence and testimony summarized herein, the Madison County Planning Commission made the following Findings of Fact:

1. That the existing zoning classification is appropriate and the proposed zoning classification is inappropriate for the following reasons;
 - a. A finding was made in November, 2020, urged by the Applicant, that the present land use classification was appropriate;
 - b. The surrounding area is one of properties classified as UC-3 , UC-1 and U7 with no nearby UC-2 designations making spot zoning of concern;
 - c. The property does not meet the five (5) acre minimum lot size for the proposed land use classification;
 - d. There is not currently sewer service on site as would be required for the proposed land use classification;
 - e. Making land use classification changes in such close temporal proximity based upon offers to purchase can be inconsistent with good planning and not in conformity with the general goals of the Comprehensive Plan

RECOMMENDATION:

It is the RECOMMENDATION of the Madison County Planning Commission that the proposed Land Use Map amendment from UC-3 to UC 2 NOT BE APPROVED.


Robert Farmer
Chair, Madison County Planning Commission


Bert Thomas
Director, Madison County Planning & Development