

ORDINANCE NO. 17-21

AN ORDINANCE OF THE CITY OF RICHMOND, KENTUCKY CHANGING THE ZONE FOR PROPERTY AT EAST OF SOUTH POINTE SUBDIVISION AT PUNKIN RUN ROAD IN THE CITY LIMITS

WHEREAS, Richmond Dev. Co. LLC, Larry and Beth Jones, Millard and Joyce Jones, Pamila Price, and Candice and Brian O’Dea, Owners, has filed with the Richmond Planning and Zoning Commission an Application for a Zoning Map Amendment for the property at East of South Point Subdivision at Pumpkin Run Road; and

WHEREAS, the 36.14-acre property in question is currently zoned AG (Agriculture) and the applicant requested that it be rezoned to R1-B (Single-Family Residential Medium Lots); and

WHEREAS, the Planning and Zoning Commission conducted a public hearing on the requested zone change on June 29, 2017 in the course of which it received evidence and testimony from persons in favor of and opposed to the requested zone change; and

WHEREAS, at the conclusion of the public hearing, the Planning and Zoning Commission voted to recommend that the zone change be granted; and

WHEREAS, the Planning and Zoning Commission, at its meeting, adopted written Findings of Fact as to the zone change, and the issue is now before the Board of Commissioners for final determination; and

WHEREAS, the Board of Commissioners believes it to be in the public interest that it adopts the recommendation of the Planning and Zoning Commission in accordance with the Findings of Fact adopted by that body;

NOW, THEREFORE, BE IT ORDAINED that:

SECTION I

The Board of Commissioners does hereby adopt the recommendation of the Richmond Planning and Zoning Commission as to the requested zone change.

The tract of land as to which the zone change shall apply is a tract of 36.14 acres of land as is depicted on the map submitted by the applicant along with its zone change application. The said 36.14 acre tract shall be, and hereby is, re-zoned from AG (Agriculture) to R1-B (Single-Family Residential Medium Lots). The property is described as followed:

A certain tract of land located to the east of Lower South Pointe, 0.80 miles south of the intersection of Berea Road and the Eastern Bypass (Ky Hwy 876), and situated between said subdivision and the lands of Gibson Bay golf course, being more particularly described as follows:

BEGINNING at a set iron pin and cap, being a point in the line of the lands of Millard Jones (DB 146 PG 10) as shown on the "Retracement Survey for Larry Jones et al." (not recorded), also being in the line of Tract 2 of the Fairy Coy property (DB 325 PG 89 & DB 325 PG 94); THENCE with the lines of Jones and Coy N 51°47'32" W, 44.05 feet to a found iron pin and cap, being the common corner to the lands of Richmond Dev. Co., LLC (DB 743 PG 575 & DB 743 PG 463); THENCE leaving the line of Coy with the line of Richmond Dev. Co, LLC the following four (4) calls: N 52°40'08" W, 161.84 feet to a found iron pin and cap; N 55°31'04" W, 227.06 feet to a found iron pin and cap; N 55°02'43" W, 563.51 feet to a found iron pin and cap; N 48°47'05" W, 103.74 feet to a found iron pin and cap, being a common corner to Richmond Dev. Co., LLC and the "Final Plat for South Pointe" (PB 24 PG 204); THENCE leaving the line of Richmond Dev. Co, LLC with the line of South Pointe the following two (2) calls: N 48°44'01" W, 400.88 feet to a found iron pin and cap; N 49°14'09" W, 276.35 feet to a found iron pin and cap, being a common corner to South Pointe and also a point in the right-of-way of Punkin' Run Road; THENCE leaving the line of South Pointe with the line of said right-of-way the following two (2) calls: around a curve to the right having a chord direction of N 69°30'43" E, a chord distance of 36.38 feet, and a radius of 124.56 feet to a found iron pin and cap; N 77°54'31" E, 6.83 feet to a found iron pin and cap; THENCE leaving the right-of-way of Punkin' Run Road N 32°01'11" W, crossing the centerline of Punkin' Run Road at 13.48 feet, in all 26.95 feet to a found iron pin and cap, being a point in the line of the "Final Plat of Bay View Subdivision" (PB 15 PG 160); THENCE along the line of Bay View the following three (3) calls: N 71°49'10" E, 3.97 feet to a found iron pin and cap; N 52°36'53" E, 351.89 feet to a found iron pin and cap; N 54°49'08" E, 344.97 feet to a found iron pin and cap, being a common corner to Bay View and the "Final Plat of Bay Colony Subdivision" (PB 17 PG 55); THENCE leaving the line of Bay View with the line of Bay Colony N 55°19'57" E, 132.60 feet to a found iron pin and cap, being a point in the line of Bay Colony, and being a point in the line of Gibson Bay golf course; THENCE leaving the line of Bay Colony with the line of Gibson Bay the following seven (7) calls: S 54°58'30" E, 682.69 feet to a found iron pin and cap; S 26°58'17" E, 15.14 feet to a found iron pin and cap; S 26°58'17" E, 15.14 feet to a found iron pin and cap; around a curve to the right having a chord direction of N 80°06'21" E, a chord distance of 75.24 feet, and a radius of 493.55 feet to a found iron pin and cap; around a curve to the right having a chord direction of N 88°50'57" E, a chord distance of 75.24 feet, and a radius of 493.55 feet to a found iron pin and cap; S 85°35'59" E, 20.32 feet to a found iron pin and cap; S 78°57'16" E, 502.81 feet to a set iron pin and cap, being a point in the line of the Gibson Bay golf course; THENCE leaving the line of the golf course and striking a new line across the lands of Jones the following five (5) calls: S 9°19'16" W, 131.61 feet to a set iron pin and cap; S 4°42'19" W, 162.03 feet to a set iron pin and cap; S 35°39'30" W, 269.04 feet to a set iron pin and cap; S 26°40'41" W, 386.93 feet to a set iron pin and cap; S 33°27'29" W, 309.42 feet to the POINT OF BEGINNING, containing 36.13 acres +/- by survey performed May 4, 2017, by Abacus Engineering and Land Surveying Inc, Dwayne Wheatley LPLS #3265 and being part of the same property conveyed to Millard Jones, December 13, 1950 by deed recorded in Deed Book 146, Page 10 of the Madison County, Kentucky Clerk's Office.

The Board of Commissioners does hereby adopt the written Findings of Fact adopted by the Planning and Zoning Commission as its Findings of Fact as to the zone change.

SECTION II

The Director of Planning and Zoning shall make the appropriate changes to the official map of the City of Richmond, Kentucky.

SECTION III

This Ordinance shall be effective immediately upon its enactment following second reading, and publication in accordance with the requirements of applicable Kentucky law.

DATE OF FIRST READING: July 25, 2017

MOTION BY: Commissioner Morgan

SECONDED BY: Commissioner Blythe

VOTE	YES	NO
Commissioner Blythe	x	
Commissioner Eaves	absent	
Commissioner Morgan	x	
Commissioner Newby	x	
Mayor Barnes	x	

DATE OF SECOND READING: August 08, 2017

MOTION BY: Commissioner Morgan

SECONDED BY: Commissioner Blythe

VOTE	YES	NO
Commissioner Blythe	x	
Commissioner Eaves	absent	
Commissioner Morgan	x	
Commissioner Newby	x	
Mayor Barnes	x	



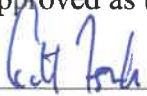
Mayor Barnes

ATTEST:



City Clerk

Approved as to form:



City Attorney, Garrett Fowles