

COMMONWEALTH OF KENTUCKY
MASON FISCAL COURT
ORDINANCE NO. 19-01

AN ORDINANCE AMENDING THE LAND USE ORDINANCE FOR MASON COUNTY, KENTUCKY, CODIFIED AT MASON FISCAL COURT ORDINANCE NO. 02-07, IN ORDER TO RECLASSIFY AND REZONE A 10.1 ACRES LOCATED AT THE INTERSECTION OF AA HIGHWAY (KY 9) AND KY 3161 FROM A-2 AGRICULTURAL TO C COMMUNITY AND AMENDING THE MAP INCORPORATED IN SUCH ORDINANCE TO REFLECT SUCH CHANGE.

WHEREAS, the Mason Fiscal Court adopted a Land Use Ordinance, by virtue of its Ordinance No. 02-07, such Ordinance, as amended, establishing zones which establish permitted uses for property within Mason County, Kentucky; and

WHEREAS, Kenneth Meadows applied to the Maysville-Mason County Joint Planning Commission for a map amendment to reclassify and rezone 10.1 acres located at the intersection of AA Highway (KY 9) and KY 3161, Mason County, Kentucky, from A-2 Agricultural to C Community; and

WHEREAS, held a duly noticed Public Hearing on October 3, 2018, to consider the proposed map amendment from A-2 to C; and

WHEREAS, the Maysville-Mason County Joint Planning Commission considered the application and conducted a public hearing on same, and entered Findings of Fact, Conclusions of Law and Recommendations, recommending that the application for a map amendment be granted, and the subject property reclassified and rezoned (SEE Exhibit A hereto); and

WHEREAS, the matter has been brought before the Mason Fiscal Court in accordance with the provisions of KRS 100.211(1) as to the proposed map amendments, and such Fiscal Court having limited its consideration of the proposed map amendments to the official record of the Public Hearing held before the Joint Planning Commission to make the legislative determination of the appropriateness of the Map Amendment to reclassify the subject property from A-2 to C, and having adopted the Findings of Fact, Conclusions of Law and Recommendations of the Joint Planning Commission.

NOW THEREFORE, the Fiscal Court of Mason County, Kentucky, does hereby enter the following Findings of Fact and Ordains as Follows:

FINDINGS OF FACT

1. That the Fiscal Court considered the testimony, exhibits and official record from the Planning Commission's Public Hearing of October 3, 2017, and did not conduct further hearing

or permit further testimony or evidence.

2. That the application indicated that the property is located along the AA Highway (KY 9), which the Mason Count Comprehensive Plan indicates is an urban corridor. KY 3161 was constructed after the adoption of Ordinance No. 02-07, and such roadway is suitable for commercial development. The proposed classification change is consistent with uses of other property in the area. The findings of the Planning Commission indicate that the property was along an urban corridor and the change in classification is consistent with surrounding land uses, as is indicated by the adoption of another map amendment upon an earlier application from Kenneth Meadows. SEE Ordinance No. 17-07.

3. That the only presentation before the Joint Planning Commission was from the applicant, and no person presented an objection to the proposed map amendment.

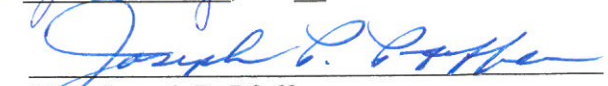
4. That the Joint Planning Commission found that the proposed map amendment is consistent with the Comprehensive Plan, and the Mason Fiscal Court concurs and so finds.

5. That the Planning Commission's Findings of Fact, Conclusions of Law and Recommendations are hereby adopted, as appended hereto as Exhibit A.


IT IS FURTHER ORDAINED the application of Kenny Meadows for a map amendment to reclassify and rezone 10.1 acres at the intersection of AA Highway (KY 9) and KY 3161 from A-2 Agricultural to C Community is hereby **APPROVED**, and the Findings of Fact, Conclusions of Law and Recommendations are hereby **ADOPTED**, as appended hereto as Exhibit A, and Ordinance No. 02-07 is hereby **AMENDED**, and an amended map shall be appended thereto upon adoption, and is incorporated herein by reference.

Given first reading this 11th day of December, 2018.

Thereafter, given second reading, and unanimously adopted, after publication in accordance with KRS Chapter 424 this 15th day of January, 2019.


Hon. Joseph P. Pfeffer
Judge, Mason Fiscal Court

ATTESTED BY:


Stephanie Schumacher,
Mason County Clerk

MASON COUNTY JOINT PLANNING COMMISSION
PUBLIC HEARING
October 3, 2018
5:30 P.M.

Exhibit **A**

IN RE: Zoning Map Amendment from Kenneth Meadows to re-zone property at the intersection of the AA Highway and KY 3161 from A-2 to C.

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
and
RECOMMENDATION

In accordance with the Maysville Code Of Ordinances and KRS Chapter 100, the Mason County Joint Planning Commission (hereinafter "Commission") conducted a public hearing at Maysville Municipal Building, 216 Bridge Street, Maysville, Mason County, Kentucky on October 3, 2018 at 5:30 P.M. regarding the application of Kenneth Meadows as owner for a zoning map amendment for a 10.1 acre parcel located at the intersection of the AA Highway and KY 3161 from A-2 Agricultural to C Rural Community.

The meeting was called to order with a quorum in attendance. Commission members present were Tim Teegarden, Tom Coe, Jean Everett, Tommy Stanfield, Bob Biddle, Joe Brannen, Xandy Stewart, and David Reed.

At the conclusion of the public hearing, a quorum being present, and upon a unanimous vote of the members present, the Commission adopted the following Findings of Fact, Conclusions of Law, and Recommendation

FINDINGS OF FACT

A. The notice requirements of KRS Chapters 100 and 424 were complied with, written notice of the public hearing having been provided to the public by written notification sent certified mail return receipt requested to adjoining property owners, placement of a sign on

the property sought to be re-zoned and by publication in the Ledger-Independent newspaper, as evidenced by the documents submitted for the record by the staff.

B. That administrative officer George Larger introduced the application to the Commission and stated that in his professional opinion the application as submitted was in compliance with the Comprehensive Plan. Specifically, as noted in his letter to the Commission prior to the hearing, the property is located along the AA Highway, which is an urban corridor on the Mason County Comprehensive Plan. The Comprehensive Plan provides for commercial development for unincorporated rural communities, and pursuant to the Plan Map, the property is within the sphere of influence of the Rectorville community. Furthermore, the surrounding area has undergone physical changes substantially altering its basic character, as KY 3161, a roadway suitable for commercial development, was constructed after zoning was adopted in Mason County. Other commercial uses have been established along KY 3161, including a previous rezoning from Mr. Meadows. Finally, in his opinion, the re-zoning should not have significant adverse effects on neighboring properties. Although one adjoining property is zoned agricultural, it is being for neither agricultural nor residential purposes. The remaining adjoining properties are used as commercial land, a public utility location, and a residence.

C. The Applicant, who was represented at the hearing by attorney Andrew W. Wood, addressed the Commission directly. Mr. Wood informed the Commission that the application involved the same type of request this Commission recommended two years earlier for the Applicant. Mr. Wood argued that the change was consistent with the Comprehensive Plan, because the property is located along an urban corridor, and the use of much of the surrounding property has changed since the adoption of zoning.

D. No members of the public spoke.

E. The public hearing was closed and the Commission discussed in open session the proposed map amendment. The Commission discussed specifically the Applicant's previous application and its similarity to the present application. The Commission further discussed the location of the property along an urban corridor as well as compatibility with similar surrounding land uses.

CONCLUSIONS OF LAW

1. That the Mason County Joint Planning Commission is empowered by KRS Chapter 100 and the Code Of Ordinances to conduct public hearings regarding land use matters, and are, in fact, required by law to conduct such hearings. Further, the Mason County Joint Planning Commission is empowered by KRS 100.211 and the Code of Ordinances to conduct public hearings regarding applications to amend the zoning map.


2. That the proposed zoning map amendment is recommended at this time due to its agreement with the Comprehensive Plan.

RECOMMENDATION

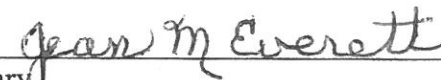
WHEREFORE, the Mason County Joint Planning Commission respectfully recommends to the Maysville City Commission that the application to amend the zoning map be granted.

Motion made by Tom Coe and seconded by Bob Biddle. Motion passed 8-0.

MASON COUNTY JOINT PLANNING COMMISSION


Tim Teegarden
Chairman

Attest:


Secretary