

ORDINANCE NUMBER 923.0

**AN ORDINANCE RELATED TO PENDLETON COUNTY ZONING ORDINANCE 920.0B
AND THE OFFICIAL ZONING MAP CHANGING THE DESCRIBED AREA FROM
RURAL (R) ZONE TO BUSINESS (B) ZONE.**

WHEREAS, on October 26, 2015 a public hearing was held by the Pendleton County Joint Planning Commission (the "Planning Commission") on an application from Phillip Turner, on behalf of Freedom Storage South, LLC, to re-zone an approximate 1.76 acre area located at 72 Melva Ln, Butler, Ky 41006, and described in deed book/page 310/766 of the Pendleton County Clerk's Office, from Rural (R) Zone to Business (B) Zone.

WHEREAS, the Planning Commission, based on the testimony at a public hearing, found that the map amendment request was in agreement with the 2012 Comprehensive Plan Update and recommended approval of the map amendment request and a development plan with a landscaping waiver as described in Exhibit A attached hereto; and


WHEREAS, a summary of the evidence presented at said public hearing, as well as, the Planning Commission's recommendation has been referred to the Pendleton County Fiscal Court, and, the Pendleton County Fiscal Court also finds that the request is in compliance with the Comprehensive Plan.

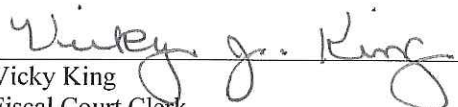
NOW THEREFORE, be it ordained by the Pendleton County Fiscal Court that the property described as 72 Melva Ln, Butler, Ky 41006, and described in deed book/page 310/766 of the Pendleton County Clerk's Office, and more particularly described by legal description in Exhibit B attached hereto, is hereby rezoned and remapped from the Rural (R) zone to the Business (B) zone.

Also adopted by reference as if fully set out herein are the findings and reasons adopted by the Pendleton County Joint Planning Commission on October 26, 2015 for the zoning map amendment, development plan and landscaping waivers, which were recommended to the Pendleton County Fiscal Court.

This Ordinance shall be in full force and effect from and after its passage, publication and recording, according to law.

Dated this 8 day of December 2015.


David S. Fields
Pendleton County Judge/Executive


Vicky King
Fiscal Court Clerk

First Reading: 11-24-15
Second Reading: 12-8-15
Passage: 12-8-15
Publication: 12-15-15

Exhibit A

Pendleton County Joint Planning Commission
Statement of Recommendation

Pendleton County Joint Planning Commission Action:

To approve the requested Zoning Map Amendment from Rural "R" to Business "B" for approximately 1.76 acres, described in deed book/page 310/766 of the Pendleton County Clerk's Office located at 72 Melva Dr, Butler, Ky 41006 in order to expand existing commercial storage units. The aforementioned Zoning Map Amendment application and submitted development plan is approved subject to the following conditions:

- a. The Pendleton County Joint Planning Commission will grant a waiver of the landscape screening regulations as stated in Section 6.11 of the Pendleton County Zoning Ordinance 920.0B on the east side property of the applicant's property.

Basis:

The proposed map amendment is consistent with the recommendations of the 2012 Pendleton County Comprehensive Plan Update and submitted Stage I Development Plan meets the minimum requirements of the Pendleton County Zoning Ordinance.

EXHIBIT B

Lying and being in Pendleton County, Kentucky on the East side of Fuqua Road and the South side of Melva Drive and more particularly described as follows to-wit:

Unless otherwise stated any monument referred to as a set iron pin is a 5/8" iron rebar 18" in length with a yellow plastic cap stamped Leach 3407. All bearings stated herein are referred to an existing survey along the South line of the tract described herein.

Beginning at a found Nail in the center of Fuqua Road a corner to Ray E. McCane (D.B. 158, Pg. 229); thence, with the center of said road, N 17°24'56" E - 52.94 feet to a found nail; thence, N 13°07'01" E - 62.16 feet to a set Mag Nail; thence, leaving said road with the South line of Melva Drive and following the edge of concrete and 5 new made lines partitioning the Grantor's property, N 70°44'04" E - 38.65 feet to a set iron pin; thence continuing with said concrete and the South line of a hereby granted 25' Ingress and Egress easement, S 81°47'42" E - 374.67 feet to a set iron pin the end of said easement; thence, leaving said drive, S 47°29'59" E - 79.86 feet to a set iron pin; thence, S 81°57'18" E - 168.44 feet to a set iron pin; thence, S 28°10'24" W - 124.40 feet to a set iron pin in the line of Jeffrey Lester (D.B. 159, Pg. 490); thence, with the line of Lester, N 67°00'22" W - 11.42 feet to a power pole; thence, N 81°42'40" W - 505.99 feet to the Place of Beginning containing 1.7645 Acres more or less exclusive of all right of ways and easements of record.

The above description is in accordance with a survey made by W. Thomas Leach on the 22nd September 2011.