

ORDINANCE NO. 2004-08

AN ORDINANCE AMENDING ORDINANCE NO. 84-4, "AN ORDINANCE DIVIDING THE CITY OF RUSSELLVILLE AND AREAS WITHIN ITS JURISDICTION INTO ZONES, SETTING FORTH GOALS, OBJECTIVES, AUTHORITY, THE TITLE TO WHICH THE ORDINANCE MAY BE REFERRED, GUIDELINES FOR INTERPRETATION THEREOF, AND DEFINITIONS; DIVIDING THE CITY INTO DISTRICTS AND BOUNDARIES AND PROVIDING FOR THE ZONING OF ANNEXED LANDS; STATING GENERAL PROVISIONS APPLICABLE TO ZONING DISTRICTS; DESCRIBING THE ZONING DISTRICTS AND THE BASIC REQUIREMENTS; STATING PROVISIONS APPLICABLE TO MOBILE HOMES AND MOBILE HOME PARKS; STATING PROVISIONS APPLICABLE TO PLANNED DEVELOPMENTS; STATING PROVISIONS APPLICABLE TO ZONING ADMINISTRATION; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE WITH A SEVERABILITY CLAUSE AND A REPEALER CLAUSE PROVIDING FOR THE EFFECTIVE DATE AND RECORDING OF THIS ORDINANCE AND ALL AMENDMENTS THERETO" BY AMENDING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY LOCATED AT THE INTERSECTION OF U.S. HIGHWAY 68/80 BY-PASS AND KENTUCKY HIGHWAY 178 FROM RESIDENTIAL R-3 TO COMMERCIAL B-3, AS MORE FULLY SHOWN BY THE ATTACHED PLAT WITH METES AND BOUNDS DESCRIPTION APPENDED THERETO, AND CONSISTING OF 43.49 ACRES OF LAND; WITH REPEALER CLAUSE AND SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, on March 19, 1984, the City Council in and for the City of Russellville, Kentucky, enacted Ordinance 84-4, "AN ORDINANCE DIVIDING THE CITY OF RUSSELLVILLE AND AREAS WITHIN ITS JURISDICTION INTO ZONES, SETTING FORTH GOALS, OBJECTIVES, AUTHORITY, THE TITLE TO WHICH THE ORDINANCE MAY BE REFERRED, GUIDELINES FOR INTERPRETATION THEREOF, AND DEFINITIONS; DIVIDING THE CITY INTO DISTRICTS AND BOUNDARIES AND PROVIDING FOR THE ZONING OF ANNEXED LANDS; STATING GENERAL PROVISIONS APPLICABLE TO ZONING DISTRICTS; DESCRIBING THE ZONING DISTRICTS AND THE BASIC REQUIREMENTS; STATING PROVISIONS APPLICABLE TO MOBILE HOMES AND MOBILE HOME PARKS; STATING PROVISIONS APPLICABLE TO PLANNED DEVELOPMENTS; STATING PROVISIONS APPLICABLE TO ZONING ADMINISTRATION; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE WITH A SEVERABILITY CLAUSE AND A REPEALER CLAUSE PROVIDING FOR THE EFFECTIVE DATE AND RECORDING OF THIS ORDINANCE AND ALL AMENDMENTS THERETO," more commonly known as the "Zoning Ordinance of the City of Russellville, Kentucky; and

WHEREAS, the Logan Joint Cities-County Planning Commission has made a recommendation to City Council that a certain area of land within the city limits be rezoned based upon a change in economic, social or physical conditions, and

WHEREAS, the Findings of Fact and Recommendation of the Logan Joint Cities-County Planning Commission is attached hereto and made a part hereof, and

WHEREAS, the City Council in and for the City of Russellville, Kentucky deems that this change is in the best interests of the health, safety and welfare of the citizens of Russellville, Kentucky;

NOW, THEREFORE, be it ordained by the City Council in and for the City of Russellville, Kentucky, as follows:

A. The "Zoning Ordinance of the City of Russellville, Kentucky" is hereby amended as follows:

That certain parcel of land containing 43.49 acres, as shown by the attached plat, and with being more fully described in the appended metes and bounds description, and being located at the intersection of U.S. Highway 68/80 By-Pass and Kentucky Highway 178, is hereby rezoned from Residential R-3 to Commercial B-3.

B. In the event any provision of this Ordinance is invalid for any reason, such invalidity shall not affect any other provision.

C. All portions of any ordinance or rule or regulation in conflict herewith are hereby repealed to the extent of that conflict only.

D. This Ordinance shall be effective upon its passage and publication according to law.

FIRST READING conducted on August 3, 2004.

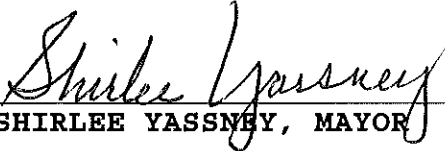
SECOND READING and passage by roll call vote the 17th day of August, 2004.

Ayes: Barrett, Ken; Bell, Patricia; Hankins, Jean; Jones, Russell; Sweatt, Marie; Wren, Howard.


Nays: none

Abstaining: none

Absent: none


SHIRLEE YASSNEY, MAYOR

ATTEST:


JAN ROBBINS, ASS'T CITY CLERK

**LOGAN JOINT CITIES/COUNTY
PLANNING COMMISSION**

In RE: The Application of Nancy Guion

FINDINGS OF FACT AND RECOMMENDATION

This matter having come before the Logan Joint Cities/County Planning Commission (Commission) on July 15, 2004, on the Application of Nancy Guion (Applicant) for a change in the Zoning Map of the City of Russellville for her property located on the intersection of U.S. Highway 68/80 By-Pass and Highway 178, a legal description and plat of which is attached hereto, from Residential R-3 to Commercial B-3, and the Commission having heard comments of the potential buyer, Site Incorporated, and of the adjoining landowners and from Bill Pearson as to the record in this case, and the Commission having considered same, and being sufficiently advised, does hereby enter the following as its FINDINGS OF FACT:

FINDINGS OF FACT

1. Due notice of the meeting was given, a quorum was present, and all interested parties appeared.
2. Site Incorporated representing the Applicant presented evidence showing that the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate, and that there have been major changes in an economic, physical, or social nature within the area involved which were not anticipated in the adopted Comprehensive Plan; that an adjoining landowner agreed to the to the granting of the Application and other landowners did not object to the granting of the Application if their subdivision and adjoining lots along Sportsman Club Road was not included; and that the Applicant agreed to amend the Application by removing that area from the Application, and did so as shown by the attached description and plat.

3. Incorporated herein by reference as if fully copied herein are the audio tapes and Minutes of the meeting.

4. On motion of Glenn McGehee, seconded by Jack Whipple, passed on roll call vote by those present, the Application for the rezoning of the property, as amended was approved.

RECOMMENDATION

The Commission, having considered the Application as amended and the evidence presented, having on July 15, 2004, accepted the evidence offered on behalf of the Application as amended, and having approved the Application as amended, and having made its FINDINGS OF FACT, does hereby recommend to the City Council of the City of Russellville that the Application as amended of Nancy Guion be approved, and this is the final action of the Commission on this Application as amended.

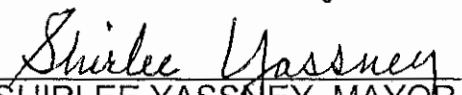
This 30 day of July, 2004.

THE JOINT LOGAN COUNTY AND
LOGAN CITIES PLANNING COMMISSION

by:


KEN ROBBINS, Chairman

Received on behalf of
City of Russellville, Kentucky,
this 30 day of July, 2004.


SHIRLEE YASSNEY, MAYOR
CITY OF RUSSELLVILLE

3600WALMART

LEGAL DESCRIPTION

SITUATED, LYING, AND BEING a certain tract of land in Logan County, Kentucky, and being more particularly bounded and described as follows to wit:

Beginning at the to a iron rod found at the intersection of the southern right of way of State Route 178 and the eastern right of way of US Highway 68, said iron rod being located $S51^{\circ}16'33"E$ 120.94 feet from the centerline intersection of State Route 178 and US Highway 68; thence with the southern right of way of State Route 178 the following two calls: 1) $S85^{\circ}16'05"E$, a distance of 141.67 feet to a iron rod found; 2) $S76^{\circ}30'57"E$, a distance of 828.18 feet to a iron rod found a common corner with Meade, thence leaving the southern right of way of State Route 178 and with the line of Meade the following two calls: 1) $S09^{\circ}14'32"W$, a distance of 160.02 feet to a iron rod found; 2) $S76^{\circ}33'46"E$, a distance of 125.07 feet to an iron rod on the new zoning line, thence leaving the line of Meade and with the new zoning line the following 2 calls: 1) thence $S09^{\circ}12'35"W$, a distance of 222.63 feet to a iron rod set; 2) $S81^{\circ}34'19"E$, a distance of 41.68 feet to a iron rod found on the line of Rolling Acres Subdivision, unrecorded; thence with the line of Rolling Acres Subdivision, unrecorded, the following 10 calls: 1) $S07^{\circ}58'35"W$, a distance of 39.83 feet to a iron rod found; 2) $S06^{\circ}59'05"W$, a distance of 89.57 feet to a iron rod found; 3) $S04^{\circ}43'22"W$, a distance of 104.73 feet to a iron rod found; 4) $S03^{\circ}01'31"W$, a distance of 106.65 feet to a iron rod found; 5) $S00^{\circ}38'57"W$, a distance of 105.69 feet to a iron rod found; 6) $S01^{\circ}24'55"E$, a distance of 95.08 feet to a iron rod found; 7) $S02^{\circ}58'55"E$, a distance of 54.50 feet to a iron rod found; 8) $S02^{\circ}54'50"E$, a distance of 36.10 feet to a iron rod found; 9) $S03^{\circ}29'49"E$, a distance of 91.01 feet to a iron rod found; 10) $S14^{\circ}36'37"E$, a distance of 2.33 feet to a iron rod found; thence leaving the line of Rolling Acres Subdivision, unrecorded, with a non tangent curve to the left, having a radius of 2,267.77 feet, an arc distance of 674.98 feet, a chord bearing of $S12^{\circ}18'19"E$, and a chord distance of 672.49 feet to a iron rod set, on the line of Bond; thence with the line of Bond $S84^{\circ}15'17"W$, a distance of 448.43 feet to a iron rod found on the line of HWH Partnership; thence leaving the line of Bond and with the line of HWH Partnership the following 3 calls: 1) $N13^{\circ}55'52"W$, a distance of 606.53 feet to a iron rod found; 2) $S79^{\circ}06'10"W$, a distance of 456.02 feet to a iron rod found; 3) $S79^{\circ}06'10"W$, a distance of 259.93 feet to a iron rod found on the eastern right of way of US Highway 68; thence leaving the line of HWH Partnership and with the eastern right of way of US Highway 68 the following 8 calls: 1) $N05^{\circ}24'39"W$, a distance of 34.88 feet to a iron rod found; 2) $N05^{\circ}24'39"W$, a distance of 10.95 feet to a iron rod found; 3) $S82^{\circ}54'28"W$,

a distance of 59.40 feet to a iron rod found; 4) $N06^{\circ}05'47''W$, a distance of 424.58 feet to a iron rod found; 5) $N07^{\circ}50'11''E$, a distance of 141.66 feet to a iron rod set; 6) $N07^{\circ}50'11''E$, a distance of 328.72 feet to a iron rod found; 7) $N15^{\circ}46'04''E$, a distance of 196.75 feet to a iron rod found; 8) $N13^{\circ}26'45''E$, a distance of 487.34 feet to the POINT OF BEGINNING.
Containing 1,894,294 square feet or 43.49 acres

