

**CITY OF RUSSELLVILLE, KENTUCKY
ORDINANCE NO. 2007-03**

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 NEAR THE INTERSECTION OF U.S. HIGHWAY 68 WEST AND KENTUCKY HIGHWAY 178, BEING A 6.87 ACRE TRACT OF LAND, FROM RESIDENTIAL R-3 TO COMMERCIAL B-2 , AS MORE FULLY SHOWN BY THE ATTACHED PLAT; 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, consisting of 6.87 acres of land, as shown by the attached plat, and being North of U.S. Highway 68 West and West of Kentucky Highway 178, is hereby rezoned from Residential R-3 to Commercial B-2.


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 the 3rd day of April, 2007.

SECOND READING AND PASSAGE on the 17th day of April, 2007.



PHILLIPS, CHUCK, MAYOR PRO TEM
Gene Zick (meyer)

ATTEST:



BOB RIGGS, CITY CLERK

- Ayes:** Davenport, Lanny; Jones, Russell; McPherson, Lanny; Whipple, Jack.
- Nays:** none.
- Absent:** Stratton, Mark; Zick, Gene.
- Abstaining:** Phillips, Chuck.

**LOGAN JOINT CITIES/COUNTY PLANNING COMMISSION
IN RE: APPLICATION OF WALLACE HERDON, JR. AND WIFE
JANE HERNDON, ANN ROGERS PARKER AND HUSBAND, RICKY
PARKER, KINGDOM HALL OF JEHOVAH'S WITNESSES, AND
DARREL ROGERS AND WIFE, CHIAO ROGERS**

This matter having come before the Logan Joint Cities/County Planning Commission (Commission) on March 1, 2007, on the Application of Wallace Herndon, Jr. and wife, Jane Herndon, Ann Rogers Parker and husband, Ricky Parker, Kingdom Hall of Jehovah's Witnesses, and Darrel Rogers and wife, Chiao Rogers (Applicants) for a change in the Zoning Map of the City of Russellville for the properties owned by Wallace Herndon, Jr. and wife, Jane Herndon, Ann Rogers Parker and husband, Ricky Parker, Kingdom Hall of Jehovah's Witnesses, and Darrel Rogers and wife, Chiao Rogers containing approximately SIX AND EIGHTY-SEVEN HUNDREDTHS (6.87) acres more or less located the intersection of U. S. Highway 68-80 and Highway 178 (Highland Lick Road), in Russellville, Kentucky, a legal description of which is contained in DEED(s) to Wallace Herndon, Jr. and wife, Jane Herndon, recorded in Deed Book 337, Page 026, in the Office of Logan County Court Clerk, to Ann Rogers Parker and husband, Ricky Parker, recorded in Deed Book 274, Page 154, in the Office of the Logan County Court Clerk, to Kingdom Hall of Jehovah's Witnesses recorded in Deed Book 278, Page 146, Deed Book 310, Page 444, Deed Book 243, Page 498, Deed Book 259, Page 386, and Deed Book 259, Page 389, in the Office of the Logan County Court Clerk, and to Darrel Rogers and wife, Chiao Rogers recorded in Deed Book 311, Page 291, in the Office of the Logan County Court Clerk, and further described by a Plat filed with their Application, from Residential District R-3 to Commercial B-2, and the Commission having heard a review of the Application by Bill Pearson, and finding that there were no objections to the granting of the Application, and the Commission being otherwise sufficiently advised, does hereby enter the following as its FINDINGS OF FACT:

FINDINGS OF FACT

1. Due notice of the Hearing was given and a quorum was present.

The area to be rezoned was explained in detail by Jim Riley with Riley and Son Real Estate and Bill Pearson.

Only Kim Wright, Darrel Rogers, and Brad Powell appeared regarding this matter and they supported the granting of the application. Brad Powell is the representative of Living Word Fellowship that was in the process of purchasing the property owned by Kingdom Hall of Jehovah's Witnesses.

2. Bill Pearson reported that due notice had been given to the public and to adjoining land owners and distributed plats. There is significant commercial property in the area. The Application was fully discussed by the Members. Mr. Pearson, citing reasons which the Commission accepted, stated that the existing zoning classification is inappropriate and that the proposed zoning classification is appropriate, and in any event, there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted Comprehensive Plan.

3. The Commission accepts the Application and the Plat, both of which are incorporated herein by reference.

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

On motion of Glenn McGehee, seconded by Bill Stamper, passed on roll call vote by those present, the Application for rezoning of the property was unanimously approved by those present.

RECOMMENDATION

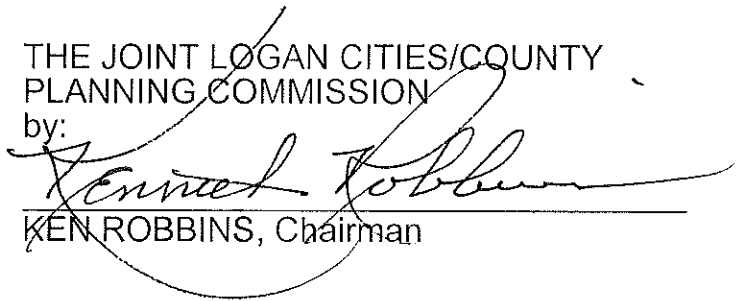
The Commission having considered the Application and the evidence presented, having on March 1, 2007, accepted the evidence offered on behalf of the

Application, having made its FINDINGS OF FACT, and having approved the Application, does hereby recommend to the City Council of the City of Russellville that the Application of Wallace Herndon, Jr. and wife, Jane Herndon, Ann Rogers Parker and husband, Ricky Parker, Kingdom Hall of Jehovah's Witnesses, and Darrel Rogers and wife, Chiao Rogers, be approved, and this is the final action of the Commission on this Application.

This 16 day of March, 2007.

THE JOINT LOGAN CITIES/COUNTY
PLANNING COMMISSION

by:



KEN ROBBINS, Chairman

Received on behalf of the
City of Russellville, Kentucky,
this 3rd day of ~~March~~, 2007.

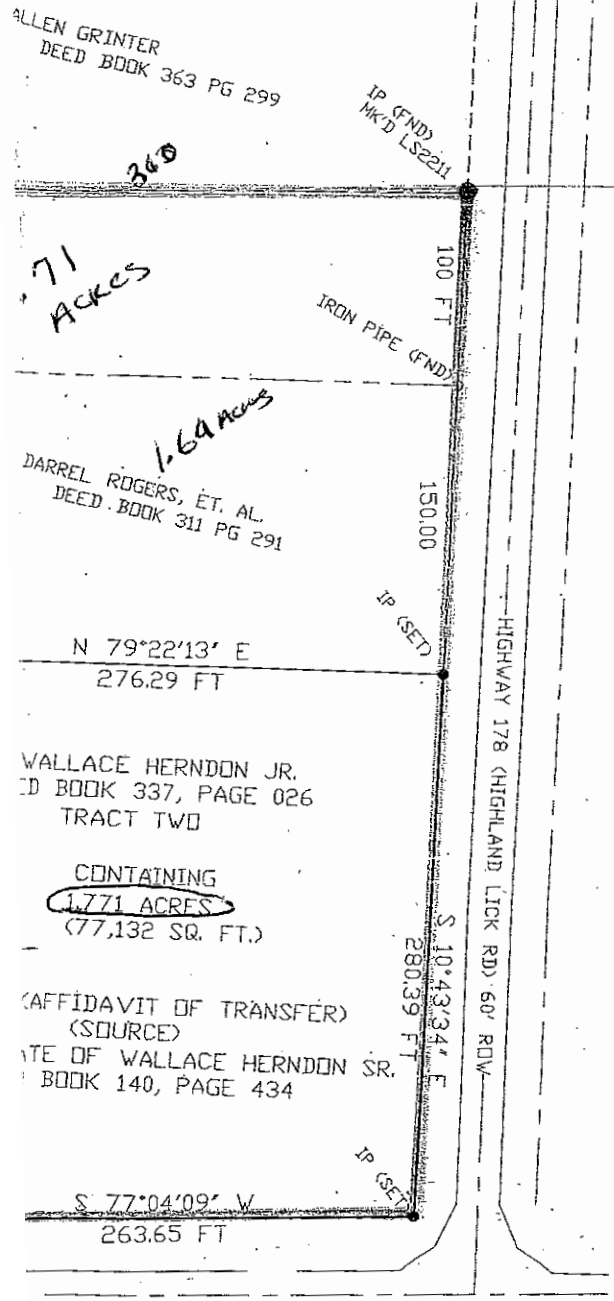
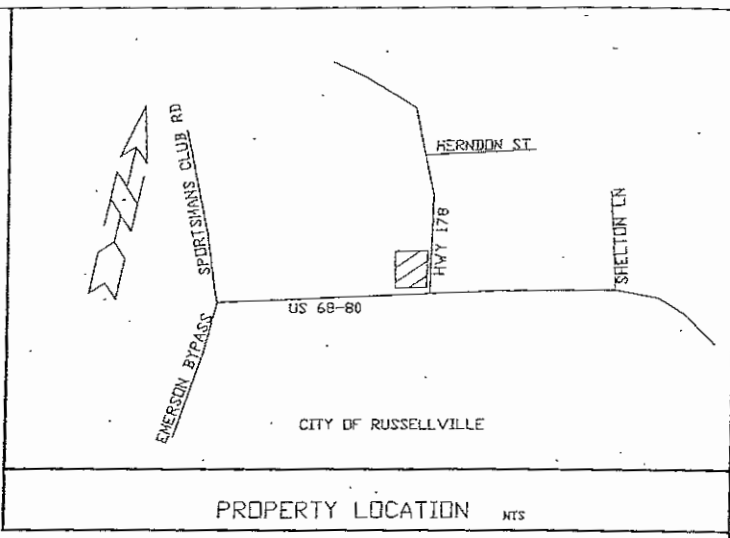
April



GENE ZICK, MAYOR
CITY OF RUSSELLVILLE

3600HERNDONFOF

WITH IP (FND)
LS2474



ALLEN GRINTER
DEED BOOK 363 PG 299

71 Acres

DARREL ROGERS, ET. AL.
DEED BOOK 311 PG 291

WALLACE HERNDON JR.
DEED BOOK 337, PAGE 026
TRACT TWO

CONTAINING
1.771 ACRES
(77,132 SQ. FT.)

(AFFIDAVIT OF TRANSFER)
(SOURCE)
STATE OF WALLACE HERNDON SR.
DEED BOOK 140, PAGE 434

- DENOTES MEANDER POINT
- X- DENOTES EXISTING FENCES
- ☒ DENOTES CONCRETE MONUMENT FOUND
- O— DENOTES OVERHEAD ELECTRICAL POWER TRANSMISSION LINE
- ⊙ DENOTES IRON PIN OR PIPE FOUND
- ⊕ DENOTES POWER POLE
- ⊗ DENOTES IP SET 5/8" REBAR AND 2" ALUMINUM CAP MARKER

STATE OF KENTUCKY
FRANK J. KONDRACKI, JR.
2474
LICENSED PROFESSIONAL LAND SURVEYOR

All bearings and distances shown are as measured in field. Bearings are rotated to approximate deed bearings as described in Deed Book 310, page 444.

--- SURVEYOR'S CERTIFICATE ---

I hereby certify that the survey shown hereon was performed under my direction, by the method of random traverse. The unadjusted precision ratio of the traverse was 1:20171 and was not adjusted. The survey shown hereon is a Class A survey and the accuracy and precision of said survey meets or exceeds all the specifications of this class for the Commonwealth of Kentucky.

Frank J. Kondracki, Jr.
Frank J. Kondracki, Jr. PLS #2474 Date *2 Nov 2006*

REVISED 31 OCTOBER, 2006 - DARREL ROGERS EXCEPTION ADDED- BY: FJK



201 NORTH MAIN STREET
RUSSELLVILLE, KY 42276
PH. (270) 726-3530
FAX NO. (270) 726-3655

PROPERTY SURVEY FOR
WALLACE HERNDON JR.
1113 BENNINGTON PLACE
FRANKLIN, KY

DESIGNED	FJK	FIELD SURVEY DATE	03/17/06	SCALE	1" = 100'	CAD #	06C052A	
DRAWN	DLA	DRAWING NUMBER	06C052A					REV.
CHK'D								0
APP'D								

LEGAL PUBLICATION OF ORDINANCE IN SUMMARY

The City Council of Russellville, Kentucky, has enacted Ordinance 2007-03 entitled "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 NEAR THE INTERSECTION OF U.S. HIGHWAY 68 WEST AND KENTUCKY HIGHWAY 178, BEING A 6.87 ACRE TRACT OF LAND, FROM RESIDENTIAL R-3 TO COMMERCIAL B-2 , AS MORE FULLY SHOWN BY THE ATTACHED PLAT; WITH REPEALER CLAUSE AND SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

In accordance with KRS 86A.060(9), the undersigned, a licensed, practicing attorney in the Commonwealth of Kentucky, summarizes this Ordinance as follows:

1. This Ordinance has been enacted to address a change in economic, social and physical conditions in the area in and surrounding a 6.87 tract of land located near the intersection of U.S. Highway 68 West and Kentucky Highway 178, located in the City of Russellville, Logan County, Kentucky.
2. This change in economic, social and physical conditions resulted in a recommendation by the Logan Joint Cities/County Planning Commission to change the zoning classification of this tract of land from Residential R-3 to Commercial B-2.
3. The recommendation of the Logan Joint Cities/County Planning Commission dated March 16, 2007, is incorporated by reference as if fully rewritten herein, and the full version is attached to the original Ordinance for public inspection.
4. A plat prepared by a licensed professional land surveyor showing the property rezoned was prepared by a licensed professional engineer and is attached to the original Ordinance for public inspection.
5. City Council has determined this Ordinance is in the best interests of the health, safety and welfare of the citizens of the City of Russellville, Kentucky.
6. Based upon the recommendation of the Logan Joint Cities/County Planning Commission, City Council has enacted this Ordinance to amend the zoning map, rezoning the this property from Residential R-3 to Commercial B-2.
7. This Ordinance contains a Severability clause and a Repealer clause.

The full text of this Ordinance, with attached Findings of Fact and Recommendation of the Logan Joint Cities/County Planning Commission and plat, is available for copying and inspection at City Hall, Russellville, Kentucky, during normal business hours.

The City Council of Russellville, Kentucky enacted this Ordinance after a first reading conducted on April 3, 2007 and a second reading conducted on April 17, 2007.

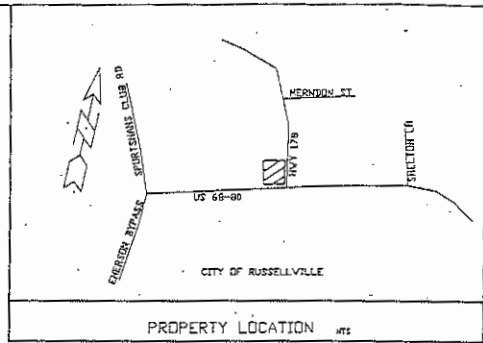
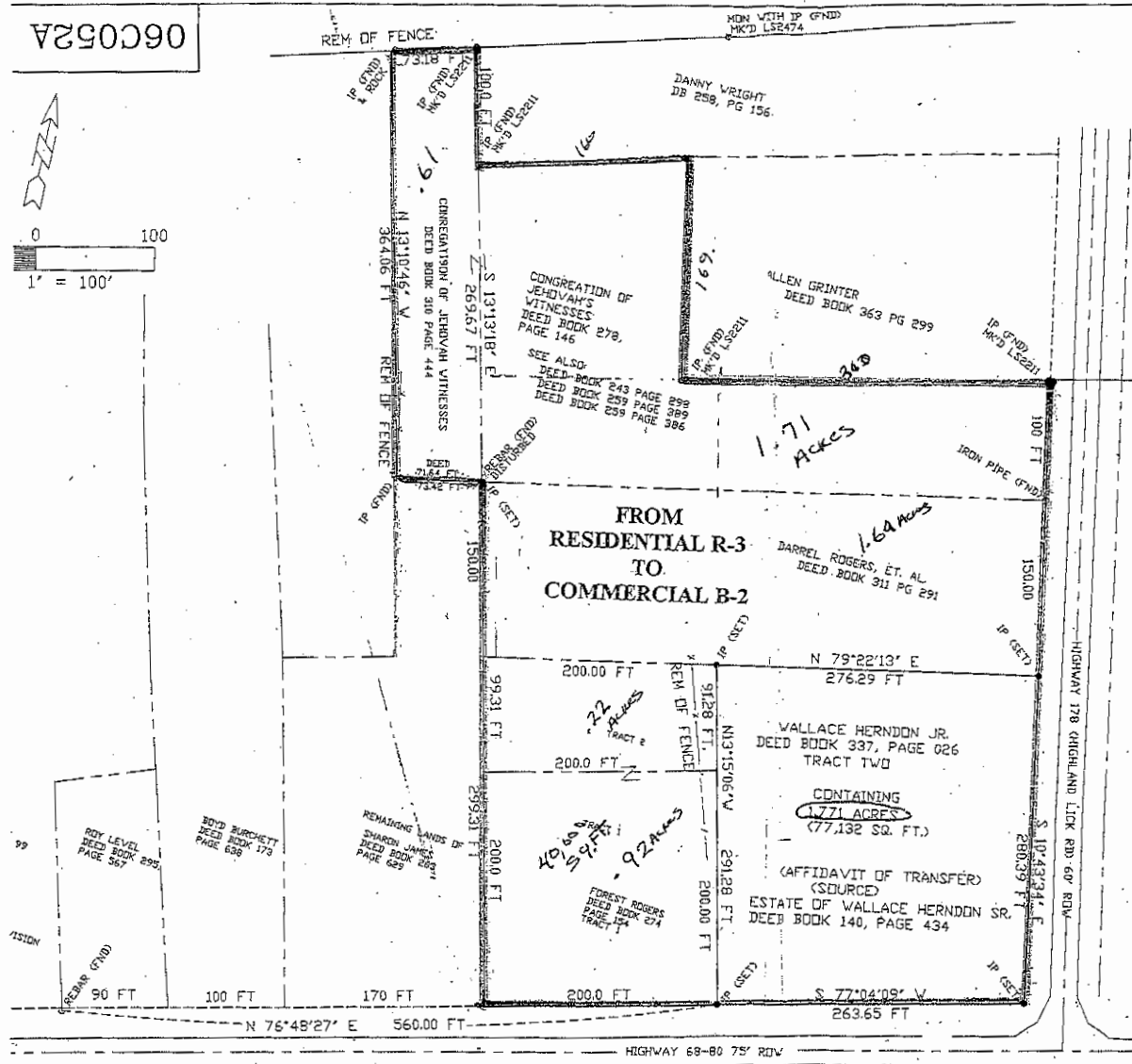
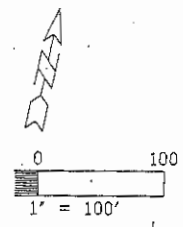
This Ordinance is in effect immediately upon publication.

CERTIFICATION OF COUNSEL

I hereby certify the foregoing is an accurate summary of City of Russellville Ordinance 2007-03.

C. Robert Hedges
Russellville City Attorney
157 West Fifth Street
P. O. Box 335
Russellville, KY 42276-0335
270-726-9604

06C052A



- DENOTES MEANDER POINT
 - x- DENOTES EXISTING FENCES
 - ⊠ DENOTES CONCRETE MONUMENT FOUND
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Frank J. Kondracki, Jr.
Date: 2/20/06
Frank J. Kondracki, Jr. PLS #2474

REVISED 31 OCTOBER, 2006 - DARREL ROGERS EXCEPTION ADDED- BY: FJK

DDI
Engineering

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