

CITY OF RUSSELLVILLE, KENTUCKY
ORDINANCE NO. 2008-12

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 HIGHLAND LICK ROAD, FROM RESIDENTIAL R-3 TO COMMERCIAL B-2 , AS MORE FULLY SHOWN BY 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, as shown by the attached plat, and being located at the intersection of U.S. Highway 68-80 By-Pass and Highland Lick Road, is hereby rezoned from Residential R-3 to Commercial B-2.

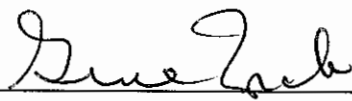
B. In the event any provision of this Ordinance is invalid for any reason, such invalidity shall not affect any other provision.

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 the 22nd July, 2008.

SECOND READING and passage on the 5th day of August, 2008.



GENE ZICK, MAYOR

ATTEST:



BOB RIGGS, CITY CLERK

Ayes: Davenport, Jimmy; Jones, Russell; Philips, Chuck; Stratton, Mark; Whipple, Jack.

Nays: none.

Absent: McPherson, Lanny.

Abstaining: none.

**LOGAN JOINT CITIES/COUNTY
PLANNING COMMISSION**

In RE: The Application of Nancy S. Guion, David A. Guion, and Jane Guion Bronigan

FINDINGS OF FACT AND RECOMMENDATION

This matter having come before the Logan Joint Cities/County Planning Commission (Commission) on July 3, 2008, on the Application of Nancy S. Guion, David A. Guion, and Jane Guion Bronigan (Applicants) for a change in the Zoning Map of the City of Russellville for their property located at the intersection of U.S. Highway 68/80 By-Pass and Highland Lick Road, a legal description and plat of which is attached hereto, from Residential R-3 to Commercial B-2, and the Commission having heard comments of an owner, David Guion, and from Bill Pearson as to the record in this case, the contents of which, including, but not limited to, the Application are adopted by reference and made a part of these Findings, 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 interested parties appeared.

2. The Applicants 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 no adjoining landowner objected to the granting of the Application.

3. Incorporated herein by reference as if fully copied herein are the audio

tapes and Minutes of the meeting.

4. On motion of Dwight Cockrill, seconded by Gerald Hildabrand, passed on roll call vote by those present, with Jim Trimble abstaining, 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 3, 2008, accepted the evidence offered on behalf of the Application, and having approved the Application, 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 S. Guion, David A. Guion, and Jane Guion Bronigan be approved, and this is the final action of the Commission on this Application as amended.

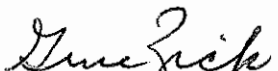
This 11 day of July, 2008.

THE JOINT LOGAN COUNTY AND
LOGAN CITIES PLANNING COMMISSION

by:

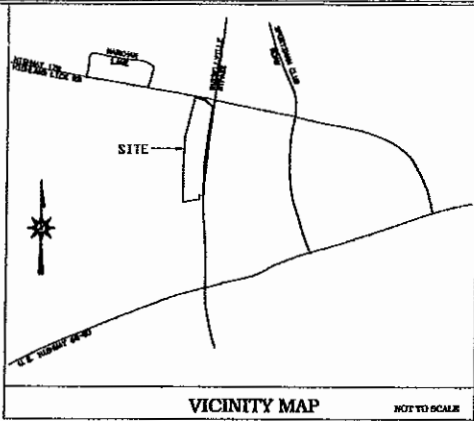
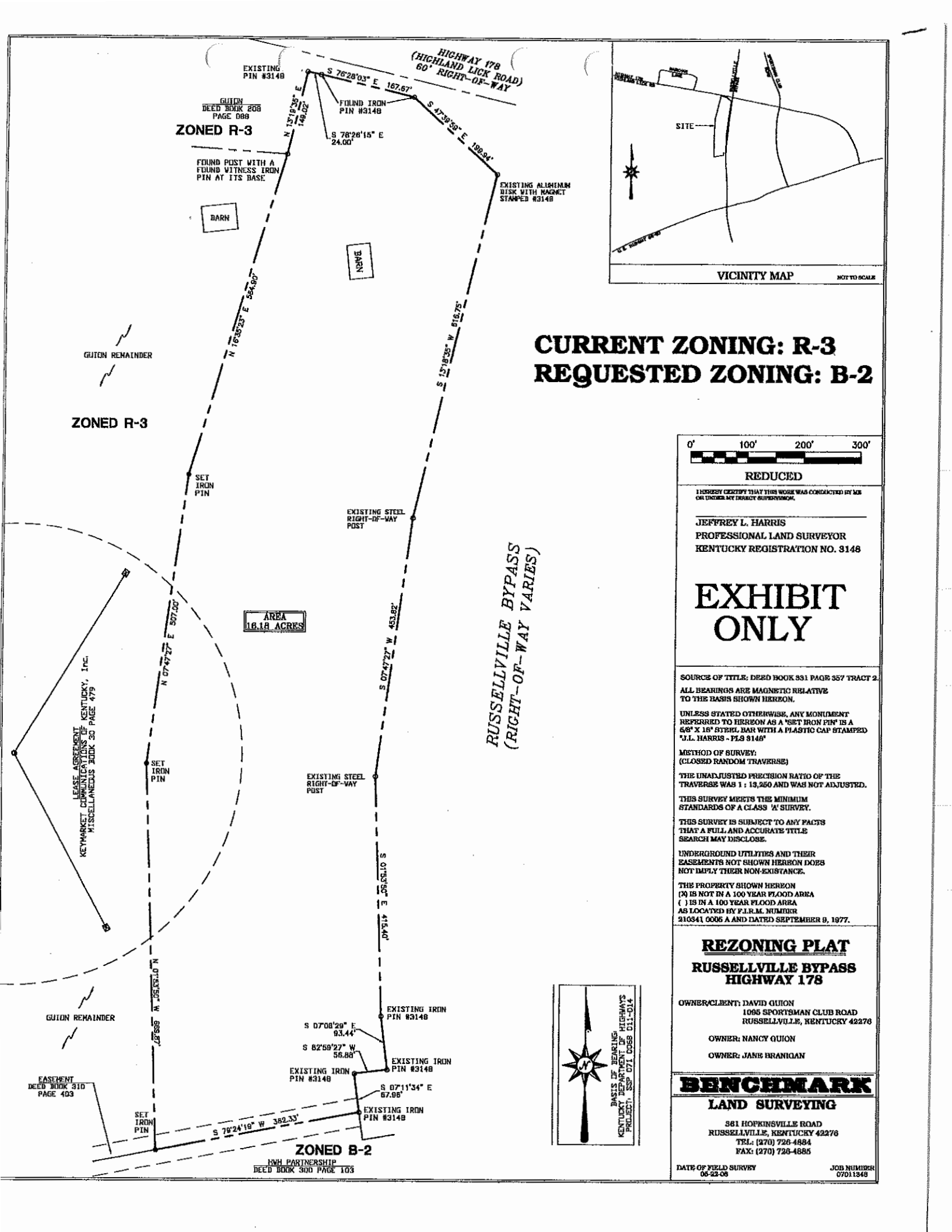

KEN ROBBINS, Chairman

Received on behalf of
City of Russellville, Kentucky,
this 14 day of JULY, 2008.

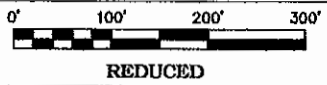


GENE ZICK, MAYOR
CITY OF RUSSELLVILLE

3600GUIONFOF



CURRENT ZONING: R-3
REQUESTED ZONING: B-2



I HEREBY CERTIFY THAT THIS WORK WAS CONDUCTED BY ME OR UNDER MY DIRECT SUPERVISION.

JEFFREY L. HARRIS
 PROFESSIONAL LAND SURVEYOR
 KENTUCKY REGISTRATION NO. 3148

EXHIBIT ONLY

SOURCE OF TITLE: DEED BOOK 331 PAGE 357 TRACT 2.
 ALL BEARINGS ARE MAGNETIC RELATIVE TO THE BASIS SHOWN HEREON.

UNLESS STATED OTHERWISE, ANY MONUMENT REFERRED TO HEREON AS A "SET IRON PIN" IS A 3/8" X 1/8" STEEL BAR WITH A PLASTIC CAP STAMPED "J.L. HARRIS - PLS 3148"

METHOD OF SURVEY: (CLOSED RANDOM TRAVERSE)

THE UNADJUSTED PRECISION RATIO OF THE TRAVERSE WAS 1 : 13,260 AND WAS NOT ADJUSTED.

THIS SURVEY MEETS THE MINIMUM STANDARDS OF A CLASS 'A' SURVEY.

THIS SURVEY IS SUBJECT TO ANY FACTS THAT A FULL AND ACCURATE TITLE SEARCH MAY DISCLOSE.

UNDERGROUND UTILITIES AND THEIR EASEMENTS NOT SHOWN HEREON DOES NOT IMPLY THEIR NON-EXISTENCE.

THE PROPERTY SHOWN HEREON (X) IS NOT IN A 100 YEAR FLOOD AREA () IS IN A 100 YEAR FLOOD AREA AS LOCATED BY F.R.M. NUMBER 210341 0006 A AND DATED SEPTEMBER 9, 1977.

REZONING PLAT
RUSSELLVILLE BYPASS
HIGHWAY 178

OWNER/CLIENT: DAVID GUION
 1095 SPORTSMAN CLUB ROAD
 RUSSELLVILLE, KENTUCKY 42276

OWNER: NANCY GUION
 OWNER: JANE BRANIGAN

BENCHMARK
LAND SURVEYING

361 HOPKINSVILLE ROAD
 RUSSELLVILLE, KENTUCKY 42276
 TEL: (270) 726-4884
 FAX: (270) 726-4885

DATE OF FIELD SURVEY: 06-22-08
 JOB NUMBER: 07011348



EASEMENT
 DEED BOOK 310
 PAGE 403

LEASE AGREEMENT
 KEYMARKET COMMUNITY CENTERS OF KENTUCKY, Inc.
 MISCELLANEOUS BOOK 30 PAGE 479

ARBA
 16.18 ACRES

RUSSELLVILLE BYPASS
 (RIGHT-OF-WAY VARIES)

GUION
 DEED BOOK 208
 PAGE 088

FOUND POST WITH A
 FOUND WITNESS IRON
 PIN AT ITS BASE

BARN

SHED

EXISTING ALUMINUM
 DISK WITH MAGNET
 STAMPED #3148

EXISTING STEEL
 RIGHT-OF-WAY
 POST

EXISTING STEEL
 RIGHT-OF-WAY
 POST

EXISTING IRON
 PIN #3148

EXISTING IRON
 PIN #3148

EXISTING IRON
 PIN #3148

S 07°11'34" E
 87.96'

S 79°24'19" W
 382.33'

ZONED B-2

HWH PARTNERSHIP
 DEED BOOK 300 PAGE 103

GUION REMAINDER

ZONED R-3

EXISTING
 PIN #3148

S 76°28'03" E
 167.67'

FOUND IRON
 PIN #3148

S 78°26'15" E
 24.00'

N 17°19'35" E
 149.02'

HIGHWAY 178
 (HIGHLAND LICK ROAD)
 60' RIGHT-OF-WAY

S 47°30'39" E
 189.94'

N 16°35'23" E
 584.90'

S 17°18'35" W
 816.75'

N 07°47'27" E
 307.00'

S 07°47'27" W
 453.82'

SET
 IRON
 PIN

SET
 IRON
 PIN

SET
 IRON
 PIN

N 35°45'10" N
 475.88'

S 07°33'52" E
 415.40'

S 07°08'29" E
 93.44'

S 82°58'27" W
 56.88'

S 07°11'34" E
 87.96'

LEGAL PUBLICATION OF ORDINANCE IN SUMMARY

The City Council of Russellville, Kentucky, has enacted Ordinance 2008-12 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 AT THE INTERSECTION OF U.S. HIGHWAY 68-80 BY-PASS AND HIGHLAND LICK ROAD, FROM RESIDENTIAL R-3 TO COMMERCIAL B-2 , AS MORE FULLY SHOWN BY 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 16.18 acre tract of land located at 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 July 11, 2008, 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 July 22, 2008 and a second reading conducted on August 5, 2008.

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 2008-12.

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

