

CITY OF RUSSELLVILLE, KENTUCKY
ORDINANCE NO. 2019- 05

AN ORDINANCE ADOPTING THE ZONING MAP AMENDMENT RECOMMENDED BY THE LOGAN JOINT CITIES/COUNTY PLANNING COMMISSION REGARDING A ZONING CHANGE OF A 36.93 ACRE PARCEL AND A 0.67 ACRE PARCEL ON HERNDON ROAD AND THE NEW RUSSELLVILLE SOUTH BYPASS FROM RESIDENTIAL R-3 TO BUSINESS B-3

WHEREAS, John Cates and Robert Cates, applied to the Logan Joint Cities/County Planning Commission (hereinafter "LJCCPC") for a change in the Zoning Map of the City of Russellville, Kentucky, from Residential R-3 to Business B-3, regarding certain realty consisting of a 36.93 acre parcel and a 0.67 acre parcel located on Herndon Road and the new Russellville South Bypass; and

WHEREAS, on February 6, 2019, the LJCCPC held a public hearing on said application and, after making certain written findings of fact, made a written recommendation to the City Council of Russellville that said application be approved; and

WHEREAS, the City Council and the Mayor, on behalf of the City of Russellville, deem said zoning change as beneficial to the City of Russellville, and that all legal requirements have been met in order to proceed with said zoning change.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL IN AND FOR THE CITY OF RUSSELLVILLE, KENTUCKY AS FOLLOWS:

- (1) The written "Findings of Fact and Recommendation" of the LJCCPC dated February 6, 2019, attached hereto as Exhibit "A", is hereby adopted and approved by the City of Russellville and is incorporated herein as if set forth in its entirety.
- (2) The Zoning Map of the City of Russellville, Kentucky, shall be and is hereby amended such that the 36.93 acre parcel and the 0.67 acre parcel located on Herndon Road and the new Russellville South Bypass, in Russellville, Kentucky, shall be changed from

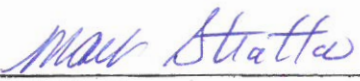
Residential R-3 to Business B-3. Said property is more particularly described in the application of John Cates and Robert Cates, and is reflected on the attached Zoning Map, labeled as Exhibit "B".

- (3) In the event any provision of this Ordinance is invalid for any reason, such invalidity shall not affect any other provision.
- (4) All portions of any ordinance or rule or regulation in conflict herewith are hereby repealed to the extent of that conflict only.
- (5) This Ordinance shall be effective upon its passage and publication according to law.

FIRST READING conducted on the 20 day of August, 2019.


SECOND READING conducted and PASSAGE on the 03 day of September, 2019.

APPROVED BY:



Mark Stratton
Mayor

ATTEST:



Robert Nishibun
City Clerk

At a meeting of the City Council of the City of Russellville, Kentucky, held on September 3, 2019, the foregoing ordinance was adopted, after full discussion, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAINING:

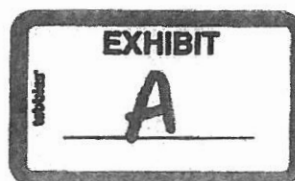
Jimmy Davenport
Pat Bell
Sandra Kinser
Diane Walker
Larry Wilcutt
Darlene Gooch

**LOGAN JOINT CITIES/COUNTY
PLANNING COMMISSION**

In RE: The Application of John Cates and Robert Cates

FINDINGS OF FACT AND RECOMMENDATION

This matter came before the Logan Joint Cities/County Planning Commission (Commission) on February 6, 2019, on the Application for Zoning District Map Amendment (Application) of John Cates, 376 W. H. Brown Road, Russellville, Kentucky, 42276, and Robert Cates, 1229 Herndon Road, Russellville, Kentucky 42276, (Applicant), for an Amendment to the Zoning Map of the City of Russellville for 36.93 acres more or less adjacent to Herndon Road and NEW RUSSELLVILLE SOUTH BYPASS (South Bypass) from Residential R-3 to Highway Business B-3. The Commission finds that by NOTICE OF PUBLIC HEARING, the public was duly notified of the Hearing. The Commission further finds that all fees have been paid. Bill Pearson explained the contents of the record, including but not limited to, the Application, and the entire record is 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 additional FINDINGS OF FACT:



FINDINGS OF FACT

1. Due notice of the meeting was given. A Hearing was held, and a quorum was present.

2. Bill Pearson explained the purpose of the Application, and the contents of the record, including but not limited to, the Application adopted by reference and made a part of these Findings, and the Commission considered same. The members of the Commission that were present were R. V. Woodward, Clarence Gamble, Dwight Cockrill, Justin Hopkins, Roger Martin, and John Cates. Gary Dunning and James Milam were also present at the meeting.

3. The evidence shows as follows:

a. There have been major changes in the economic, physical, or social nature within the area involved which were not anticipated in the adopted Comprehensive Plan among which are the extension of the North Bypass to what is the South Bypass, the location of many businesses on U. S. Highway 79 near this property including, Fast Pace Urgent Care, commercial businesses within Logan Plaza Shopping Center and along U. S. 79, W. 9th Street, into the City of Russellville beyond the intersection of U. S. 431 South, the expansion of Russellville Middle, High School, and the diminution of agricultural related activities;

b. No objection was made to the granting of the Application;

- c. Evidence presented confirmed all the contents of the Application and other filings;
- d. The proposed zoning classification is appropriate; and
- e. Granting of the Application is in the best interest of the City of Russellville and, in particular, the area involved.

4. Also incorporated herein by reference as if fully copied herein is the Minutes of the Hearing.

5. On motion of R. V. Woodward, seconded by Justin Hopkins, passed unanimously on a roll call vote by those present, the Application for the rezoning of the property hereinabove referred to from Residential R-3 to Highway Business B-3, was approved.


RECOMMENDATION

The Commission, having considered the Application and the evidence presented, having on February 6, 2019, accepted the evidence offered on behalf of the Applicant, and noting that due notice was given, those in attendance did not object, and therefore 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 of John Cates and Robert Cates be approved with proper statutory notice, and this is the final action of the Commission on this Application.

This 24 day of February, 2019.

THE JOINT LOGAN COUNTY AND
LOGAN CITIES PLANNING COMMISSION

by:

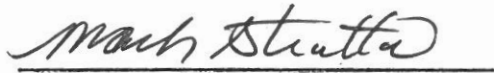


JOHN CATES, Chair



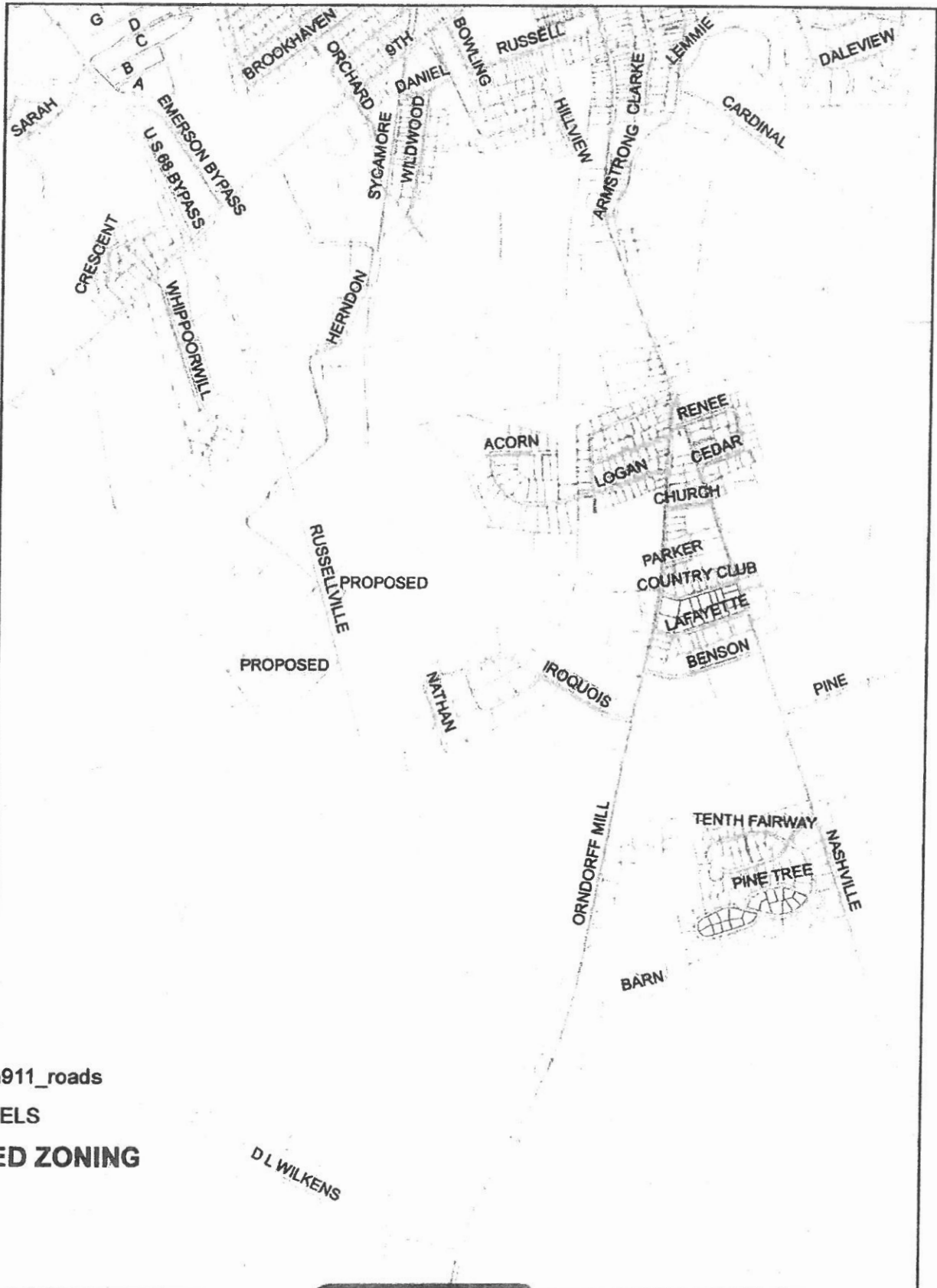
JIM TRIMBLE, Vice-Chair

Received on behalf of
City of Russellville, Kentucky,
this 13 day of FEB, 2019.



MARK STRATTON, MAYOR
CITY OF RUSSELLVILLE

3600CATES



Legend

- Logan911_roads
- PARCELS
- PROPOSED ZONING**
- Code
- PR

EXHIBIT
B

briggs@russellvilleky.org

To: Elizabeth Teel; Mark Stratton
Cc: briggs@russellvilleky.org
Subject: RE: Zoning Ordinance for First Reading

Thank you, this Ordinance will be 2019-05.
Bob and Robert

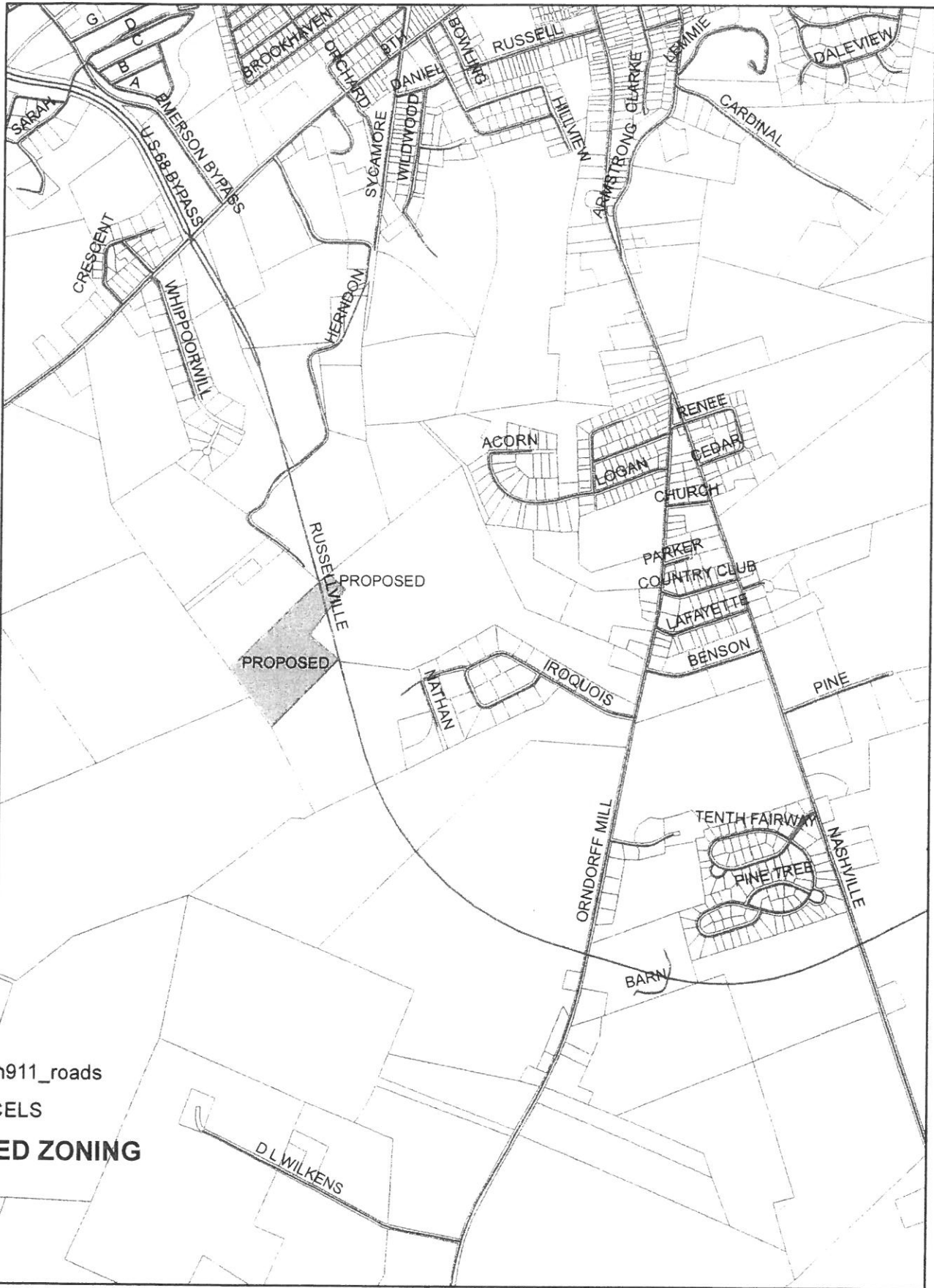
From: Elizabeth Teel <elizabethteel.law@gmail.com>
Sent: Monday, August 12, 2019 10:35 AM
To: Mark Stratton <mstratton@russellvilleky.org>; Bob Riggs <briggs@russellvilleky.org>
Subject: Zoning Ordinance for First Reading

Please find attached the ordinance with attachments I have drafted for the zoning change that was previously passed. Let me know if you need anything else on this before next week's meeting.

Thanks!

Elizabeth Teel
Assistant Logan County Attorney
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P.O. Box 905
Russellville, Kentucky 42276
Tel: (270) 726-8999
Tel: (270) 726-7800
Fax: (270) 726-8458
elizabethteel.law@gmail.com

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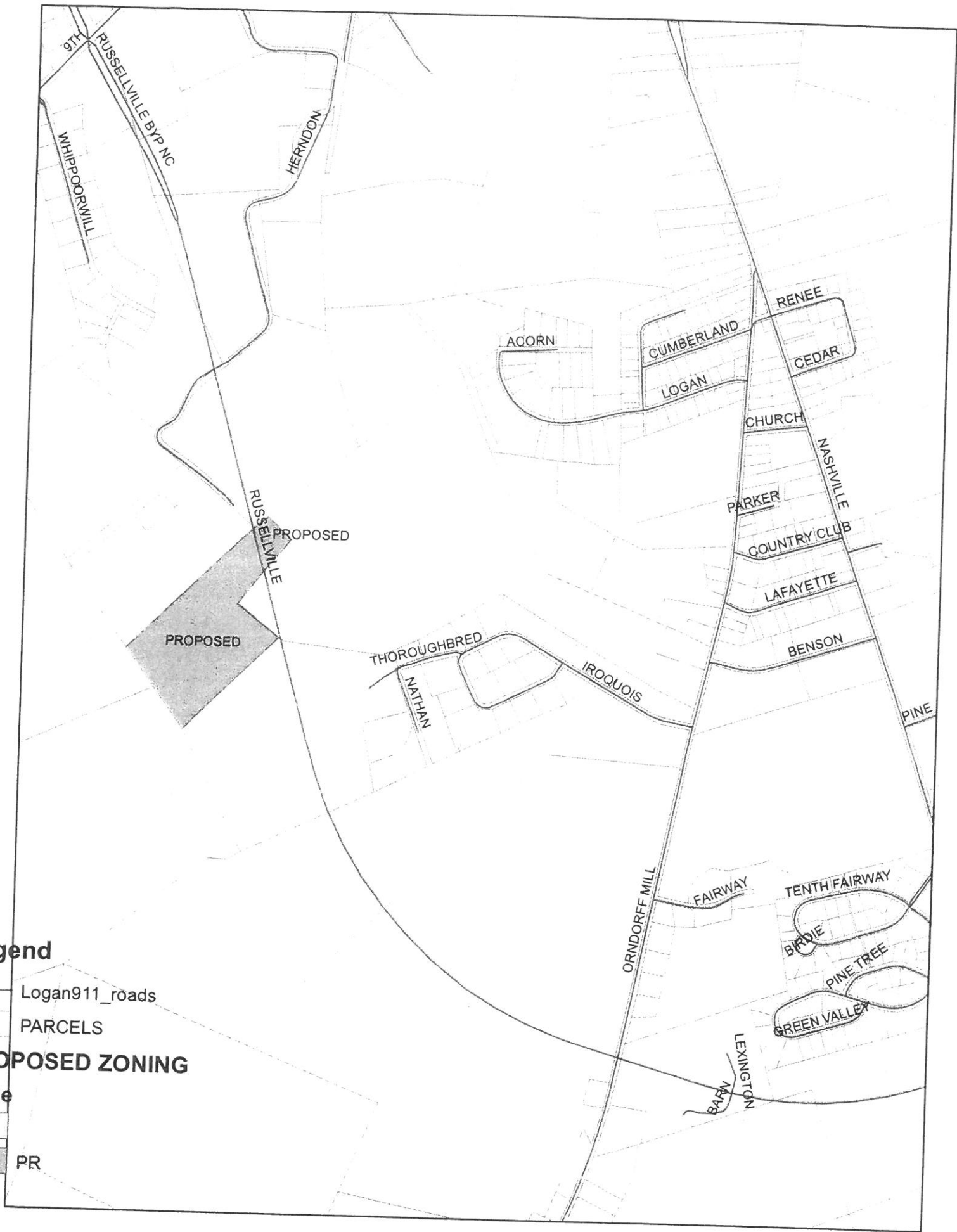
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