

CITY OF GEORGETOWN  
ORDINANCE NO. 10-012

AN ORDINANCE RELATED TO CHANGING THE ZONE OF CERTAIN REAL PROPERTY CONTAINING A TOTAL OF 91.87 ACRES, MORE OR LESS, OWNED BY PAUL AND EMMA KLEINHENZ SITUATED ALONG THE GEORGETOWN BYPASS AND LEMONS MILL ROAD, FROM AGRICULTURAL (A-1) TO RESIDENTIAL (R-3 PUD) AND COMMUNITY COMMERCIAL (B-4 PUD) IN THE CITY OF GEORGETOWN, SCOTT COUNTY, KENTUCKY.

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WHEREAS, the application of Amerson Anderson, LLC, whose address is 1720 Sharkey Way, Suite 100, Lexington, KY 40511 (pursuant to a Sale and Purchase Contract with the owners, Paul and Emma Kleinhenz, whose address is 101 Josie Trail, Georgetown, Kentucky 40324) having been filed with the Georgetown-Scott County Planning Commission on or about the 1<sup>st</sup> day of December, 2009, requesting a zoning classification change of certain real property consisting of a total of 91.87 acres lying along the Georgetown Bypass and Lemons Mill Road from Agricultural (A-1) to Residential (R-3 PUD) and Community Commercial (B-4 PUD) in the City of Georgetown, Scott County, Kentucky; and

WHEREAS, the matter having been heard publicly by the Planning Commission on the 11<sup>th</sup> day of March, 2010, pursuant to notice according to law and with a quorum present and voting; and

WHEREAS, after taking testimony on the application and fully considering same, the Planning Commission failed to reach a majority vote to either recommend approval or disapproval of the application, thereby not providing a recommendation to the Georgetown City Council; and

WHEREAS, the City Council, after fully considering the application, Staff Report, record and recommendation of neither approval or denial by the Planning Commission, conducted a public hearing on said application (which included hearing arguments on behalf of the applicant, and hearing arguments from interested property owners in the area) and voted by majority vote of the entire Council to approve the application for zone change on the basis of (1) the proposed R-3 (PUD) and B-4 (PUD) zoning is in substantial compliance with the 2006 Georgetown-Scott County Comprehensive Plan, (2) the zoning of Agricultural (A-1) is inappropriate and improper and Residential (R-3 PUD) and Community Commercial (B-4 PUD)

is appropriate, thereby granting the requested zoning classification changes for the subject property.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL,  
GEORGETOWN, KENTUCKY, AS FOLLOWS:**

SECTION I – That the Georgetown-Scott County Zoning Ordinance be amended to show a change in the zoning classification for certain real property consisting of a total of 91.87 acres lying along the Georgetown Bypass and Lemons Mill Road from Agricultural (A-1) to Residential (R-3 PUD) and Community Commercial (B-4 PUD) in the City of Georgetown, Scott County, Kentucky; all in accordance with the application for same, said properties being more fully described as follows:

SEE LEGAL DESCRIPTION OF PROPERTY WHICH IS THE SUBJECT OF THESE ZONING CLASSIFICATION CHANGES, ATTACHED HERETO, INCORPORATED HEREIN, AND MADE A PART HEREOF BY REFERENCE AS EXHIBIT “A”.

The subject property is further identified by the drawing attached as EXHIBIT “B”

SECTION II – That the Georgetown-Scott County Planning Commission is hereby directed to show these zoning classification changes on the official zone map and to make reference to the number of this Ordinance.

SECTION III. EFFECTIVE DATE: This Ordinance shall become effective upon its publication on the 24th day of June, 2010.

WHEREUPON, the foregoing Ordinance was read for the first time on the 24<sup>th</sup> day of May, 2010, read for the second time, passed and approved on the 14th day of June, 2010.

  
KAREN TINGLE-SAMES  
Mayor

ATTEST:

  
SUE LEWIS, City Clerk  
Georgetown, Kentuck

STATE OF KENTUCKY)  
( SCT.  
COUNTY OF SCOTT )

I, Clerk of the City of Georgetown, Kentucky, and as such custodian of the Seal and all the records of or pertaining to said City, do hereby certify the foregoing to be a true and accurate copy of Ordinance No. 10-012 relating to changing the zoning classification of certain real property consisting of a total of 91.87 acres lying along the Georgetown Bypass and Lemons Mill Road from Agricultural (A-1) to Residential (R-3 PUD) and Community Commercial (B-4 PUD) in the City of Georgetown, Scott County, Kentucky.

IN TESTIMONY WHEREOF, witness my hand, the Seal of said City, on this the 24th day of June, 2010.

  
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SUE LEWIS, City Clerk  
Georgetown, Kentucky

112877.135377/3850427.2

EXHIBIT "A"

Legal Description  
Page 1 of 2

That certain tract or parcel of land situated in Scott County, Kentucky, one mile east of Georgetown, Kentucky, on the Lemons Mill Pike, more particularly described as follows:

Beginning at a point in the center of the said turnpike, corner to George Carley; thence with the center of said pike south 67 degrees east 864 feet to corner to land conveyed by Stone Bradley, etc. to Z. J. Amerson; thence with said Amerson's line south 23-3/4 degrees west 4334 feet to corner to Amerson; thence north 66 degrees 30 minutes west 11 feet to the corner of McCann; thence with McCann's line south 25 degrees 30 minutes west 782 feet to another corner of McCann in the right-of-way of the Cincinnati Southern Railway; thence with the line of said Railway property north 20 degrees 40 minutes west 1124 feet to a stone in said right-of-way corner to Carley; thence with Carley for two lines north 23 degrees 50 minutes east 1538 feet to an original stone in Carley's line; thence north 23 degrees 30 minutes east 2775 feet to the point of beginning, containing 91.87 acres.

Being the same property (91.87 acres) conveyed to S. S. Amerson and Emma Addie Amerson, his wife, by deed from H. C. Robinson and Irma Robinson, his wife, dated May 1, 1919, and of record in Deed Book 48, Page 601, in the Scott County Clerk's Office, Scott County, Kentucky; further, the said S. S. Amerson and the said Emma Addie Amerson, his wife, conveyed the undivided one-half (1/2) interest of the said Emma Addie Amerson in said property to W. P. Amerson by deed dated July 7, 1926, and of record in Deed Book 55, Page 328, in said Clerk's Office; further, the said W. P. Amerson and Sammie Amerson, his wife, conveyed the undivided one-half (1/2) interest of the said W. P. Amerson in said property to the said S. S. Amerson by deed dated June 9, 1927, and of record in Deed Book 62, Page 406, in said Clerk's Office, thereby vesting sole ownership of said property (91.81 acres) in the said S. S. Amerson; further, the said S. S. Amerson conveyed all of his right, title and interest in said property (91.81 acres) to the said Emma Addie Amerson, his wife, by deed dated September

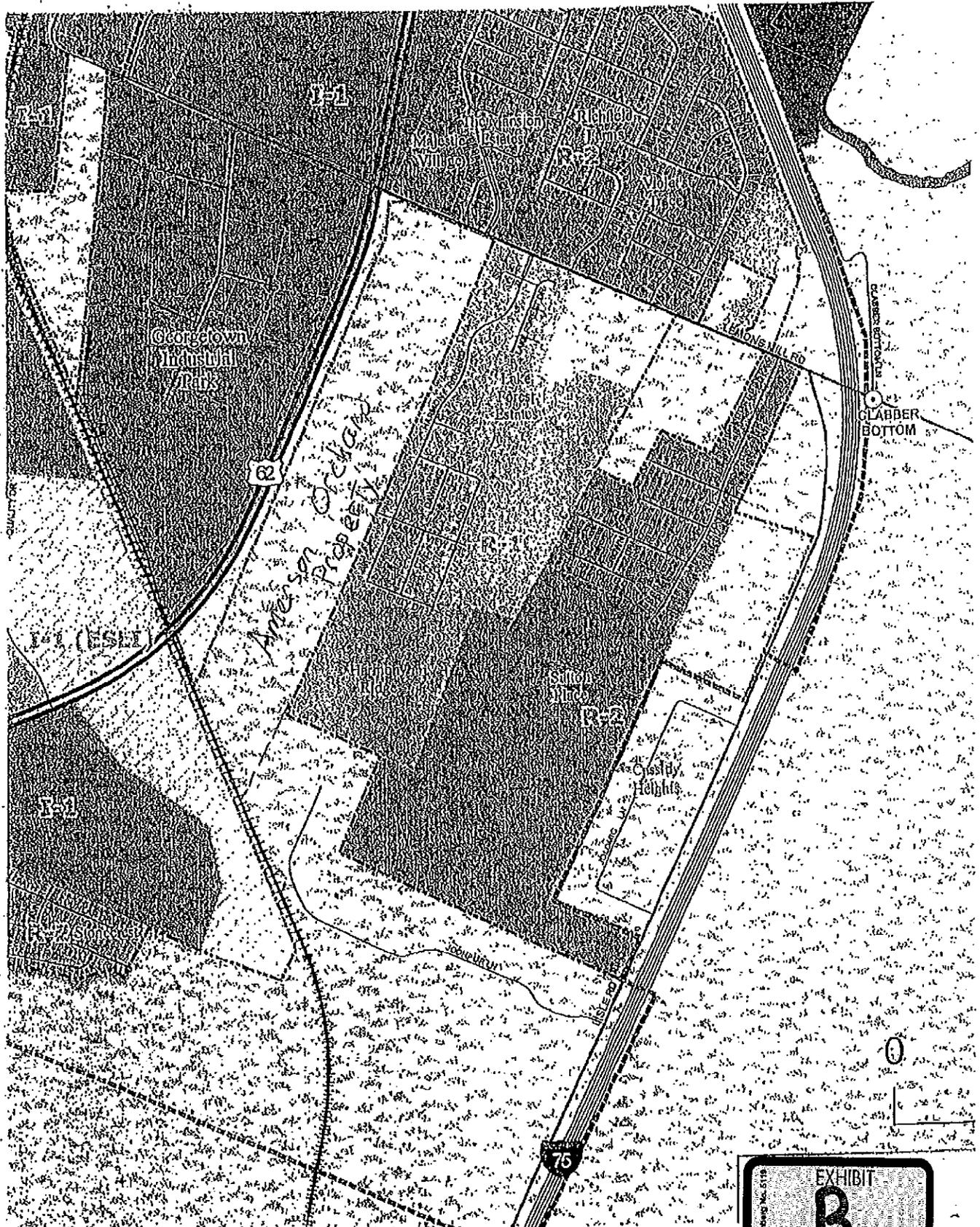


EXHIBIT "A" Cont'd.

Legal Description  
Page 2 of 2

11, 1931, and of record in Deed Book 62, Page 407 (see also corrected deed dated December 22, 1956, and of record in Deed Book 84, Page 431), in said Clerk's Office, thereby vesting sole ownership of said property in the said Emma Addie Amerson; further, the said Emma Addie Amerson (aka Addie Emma Amerson) died testate on March 4, 1974, and pursuant to her will of record in Will Book 1, Page 146, in said Clerk's Office, devised all of her remaining property to her three (3) children, namely, Willye Ramona Amerson, Thomas Liston Amerson and Samuel Edward Amerson, in equal shares, thereby vesting in each child a one-third (1/3) interest in said property (91.81 acres); further, the said Thomas Liston Amerson (aka T. L. Amerson) died testate on August 18, 1981, and pursuant to his Last Will and Testament of record in Will Book 3, Page 117 (as re-recorded in Will Book 3, Page 302), in said Clerk's Office, devised his undivided one-third (1/3) interest in said property to Johnsie P. Amerson, his wife; further, the said Johnsie P. Amerson, a widow, conveyed all of her undivided one-third (1/3) interest in said property (91.81 acres) in equal shares to Willye R. Amerson, single, and Edward Amerson, who is the same person as Samuel Edward Amerson, by deed dated April 23, 1982, and of record in Deed Book 151, Page 570, in said Clerk's Office; further, the said Willye R. Amerson (aka Willye Ramona Amerson) died testate on January 29, 1990, and pursuant to her will of record in Will Book 6, Page 94, in said Clerk's Office, devised all of her property to the said Samuel Edward Amerson, her brother, thereby vesting sole ownership of said property (91.81 acres) in the said Samuel Edward Amerson; and further, the said Samuel Edward Amerson (aka Edward Amerson) died testate on March 11, 1992, and pursuant to his Last Will and Testament of record in Will Book Page 754, in said Clerk's Office, devised all of his real property to Emma Lou Kleinhenz, his daughter, the said Emma Lou Kleinhenz, hereby vesting sole ownership of said property in the said Emma Lou Kleinhenz. See also Affidavits of record in Misc. Book 7, Pages 599 and 601, in said Clerk's Office.

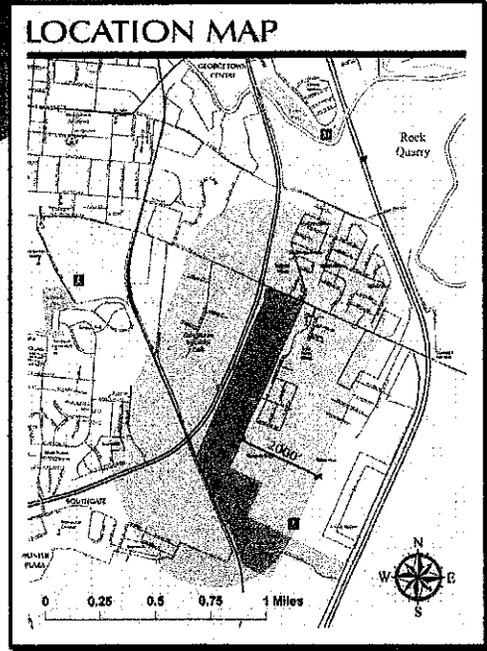
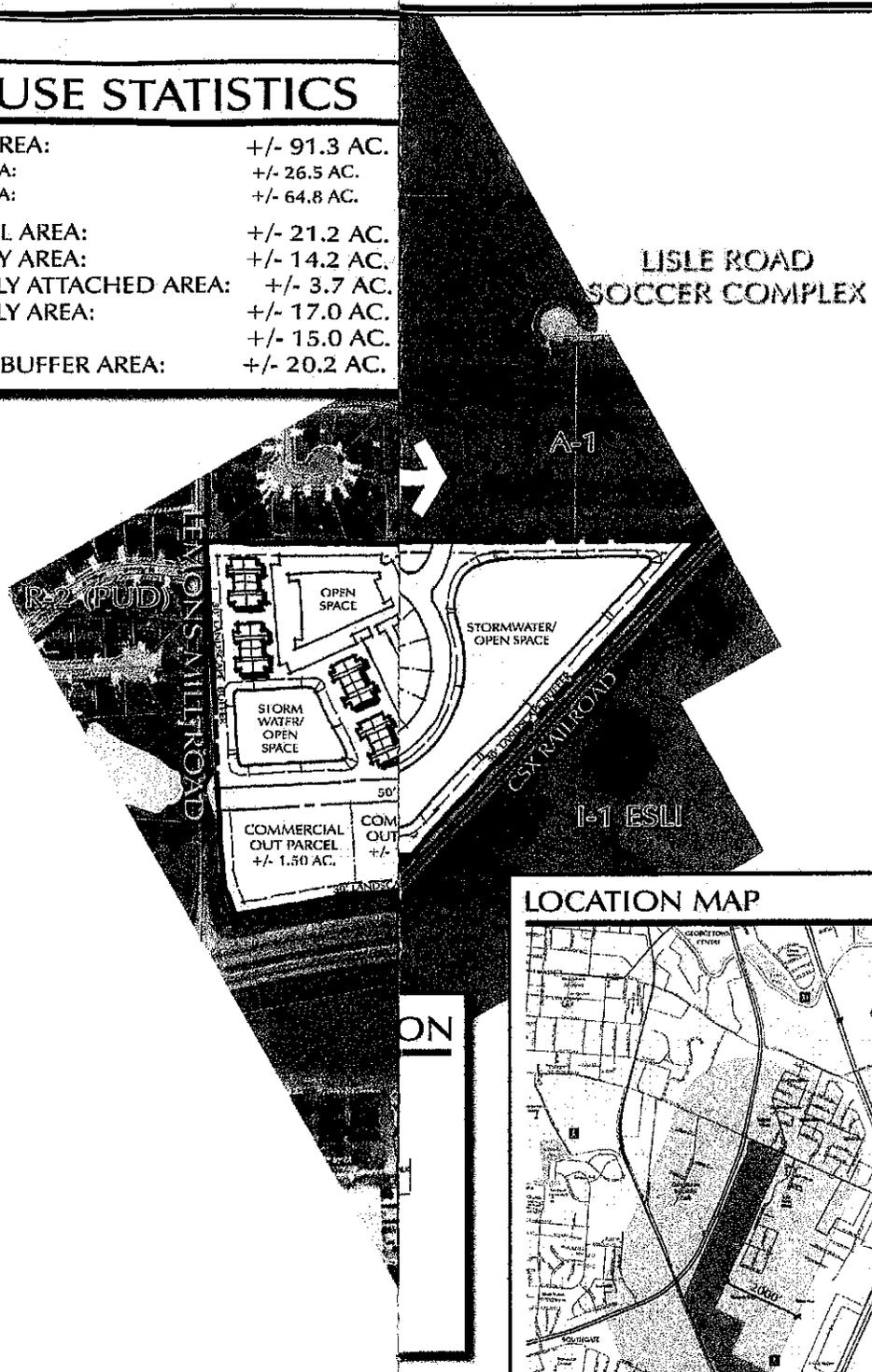
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COUNTY CLERK: DONNA B. PENNY  
COUNTY: SCOTT COUNTY  
RECORD CLERK: SARAH ELLENBERG  
BOOK: 775  
PAGE: 768 - 775





# LAND USE STATISTICS

TOTAL SITE AREA:	+/- 91.3 AC.
B-4 (PUD) AREA:	+/- 26.5 AC.
R-3 (PUD) AREA:	+/- 64.8 AC.
COMMERCIAL AREA:	+/- 21.2 AC.
MULTI-FAMILY AREA:	+/- 14.2 AC.
SINGLE FAMILY ATTACHED AREA:	+/- 3.7 AC.
SINGLE FAMILY AREA:	+/- 17.0 AC.
R.O.W. AREA:	+/- 15.0 AC.
OPEN SPACE/BUFFER AREA:	+/- 20.2 AC.



ON  
 REPRESENTS  
 CABLE  
 PLAN OR  
 PARANTEE

ZONING SOURCE DATA:  
 GEORGETOWN-SCOTT COUNTY PLANNING COMMISSION - CIS ZONING MAP DATED: 12/12/2009

# Amerson Farm P COMMUNITIES

## Conceptual Site Plan TOWN, KENTUCKY

SCALE: IN FEET  
 0 100 200 400

DATE: 20 JANUARY, 2010  
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Kimley-Horn  
 and Associates, Inc.

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