

APPLICATION TO BOURBON COUNTY JOINT PLANNING COMMISSION

Zoning Map Amendment

Bourbon County Joint Planning Commission
525 High Street, Paris, KY 40361 • (859) 987-2150

Office Use only:

Application No. ZMA 22-05 Fee Amount: \$ 400.00 #2117 Date Fee Received: 7/20/2022

1. APPLICANT Gambill Farm – Squire and David Gambill

MAILING ADDRESS 154 Woodmont Drive, Paris, KY 40361

PHONE NO. (859) 749-7542 (HOME) (WORK)

2. TYPE OF REQUEST: Map Amendment

3. PLEASE CIRCLE: Paris Bourbon County/ North Middletown/ Millersburg

4. LOCATION OF REQUEST: US 460 @ US 68 Bypass 941 Georgetown Road, Paris TOTAL ACREAGE: 55.619

5. EXISTING USE: Agricultural ZONING DISTRICT FROM: R TO: B-2

6. DESCRIPTION OF PROPOSAL: Owners desire to rezone parcel from residential to commercial

7. FEE: refer to Fee Schedule

8. SUPPLEMENTAL INFORMATION: (1) A legal description (or deed) of the property. (2) Any request for a zoning map amendment to any single or two family residential zone shall be required to submit a site plan; any request for a zoning map amendment to any other zone shall be required to submit a conceptual development plan in accordance with all applicable requirements of the Zoning Ordinance. (3) A narrative response to address the findings necessary for the map amendment. Before any map amendment is granted, the planning commission must find that the map amendment is in agreement with the adopted comprehensive plan, or, in the absence of such a finding, that one (1) or more of the following apply and such finding shall be recorded in the minutes and records of the planning commission or the legislative body or fiscal court: (Refer to Article 5 of the Zoning Ordinance- Amendments).

- a. That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate.
b. That there have been major changes of an economical, physical, or social nature within the area involved which were not anticipated in the adopted Comprehensive plan and which have substantially altered the basic character of such area.

CHECKLIST:

- X Attach a Legal Description of the Property
X Attach a narrative to address the necessary findings for the ZMA (as described above)
Attach a site plan or conceptual development plan
X Attach a list of adjoining property owners (name and address)
Post a notice of the ZMA on the property at least 14 days prior to the public hearing in accordance with KRS 100.212

I hereby certify that the information contained in this application and supporting attachments is true and correct. I acknowledge that the paid fee will not be returned after legal notices have been submitted.

[Handwritten Signature]

7-2022

APPLICANT SIGNATURE

DATE

Applications under zoning regulations involve legal procedures and the satisfaction of legal requirements, often complex, based up the written information in your application and the facts presented at your hearing. If you fail to comply with the procedures, or to satisfy the requirements your application will be subject to denial. Even if your application is approved it could be subject to a neighboring landowners appeal to the Circuit Court. An individual applicant may choose to have an attorney represent them. All entities must be represented by an attorney.

## GAMBILL FARM

### Zoning Map Amendment

The Owners of the Gambill Farm respectfully request an amendment of the Zoning Map for the 55.619 acre parcel located on the corner of US 460 and US 68-Bypass with an address of 941 Georgetown Road, Paris, KY 40361 from residential to commercial. In support thereof, the Owners state that the 2017 Future Land Use Map identifies the parcel as Industrial.

The existing zoning classification given to the parcel is inappropriate and that the proposed zoning classification is appropriate and there have been major changes of an economical, physical, or social nature within the area involved which were not anticipated in the adopted Comprehensive plan and which have substantially altered the basic character of such area.

The Owners are donating approximately 3 acres of the parcel to the Paris-Bourbon County Economic Development Authority to construct a road from the current Industrial Park to the US68-Bypass. As such, the significant change in the use of the property with the impact from Industrial traffic through the parcel impacts the use as a future residential development. Moreover, the parcel adjoins the current Industrial Park in part and commercial development of the adjoining parcel is preferable to residential development. Local leaders and professionals have also contacted the Owners about the need for additional commercial inventory for development of community needs, including but not limited to the need for additional hotel facilities to accommodate increased tourism.

The Commercial land use designation requested by the Owners is planned to accommodate all commercial type development from small neighborhood commercial uses to the regional high impact type uses. The retail and service opportunities provided within a community are necessary to provide for or increase the quality of life for the community's residents, citizens, and visitors.

In addition, this proposed Zoning Map Amendment is consistent with the Goals & Objectives of the Bourbon County Envision 2040 Comprehensive Plan. Specifically, Goals 1, 2 and 3 of the Economic Growth portion of the plan.

As such, the current zoning classification of the parcel as residential is inappropriate, the proposed zoning classification of the parcel as commercial is appropriate. The construction of a the road bisecting the property to be used by industrial traffic accessing the Industrial Park constitutes a major change to the parcel of an economical, physical and social nature which were not anticipated in the Comprehensive plan and which have substantially altered the basic character of the parcel.



THIS QUITCLAIM DEED, made and entered into this 31st day of July, 2015, by and between C. CLEVELAND GAMBILL A/K/A CROMWELL CLEVELAND GAMBILL AND ROSEMARIE GAMBILL, husband and wife, whose mailing address is 362 South Mill Street, Lexington, KY 40508 (collectively, "Grantors"), and WILLIAM GARLAND ESQUIRE GAMBILL, ADMINISTRATOR WITH WILL ANNEXED OF THE ESTATE OF EDWARD L. GAMBILL, JR., whose address is 154 Woodmont Drive, Paris, KY 40361 ("Grantee").

WITNESSETH:

WHEREAS, the hereinafter described property (the "Property") was devised in equal shares to Edward Little Gambill, Jr., also known as Edward L. Gambill, Jr., and Cromwell Cleveland Gambill, also known as C. Cleveland Gambill, by the joint will of their father, Edward Little Gambill, Sr. (a/k/a Dr. Edward L. Gambill and Dr. E. L. Gambill), and mother, Margaret Cleveland Gambill, dated December 30, 1965, probated as to Edward Little Gambill, Sr., who died April 24, 1972, on May 3, 1972, in the Fayette County Court and recorded in Will Book 64, at page 182, in the Fayette County Clerk's Office, and of record in Will Book AAA, page ~~622~~ in the Bourbon County Clerk's office and probated as to Margaret Cleveland Gambill, who died June 15, 1998, on October 28, 1998, in the Fayette County District Court and recorded in Will Book 197, at page 212, in the aforesaid Clerk's Office, and recorded in Will Book TT, at page 674, in the Bourbon County Clerk's Office;

WHEREAS, Edward L. Gambill, Jr., the owner of a ½ undivided interest in the Property, died June 4, 2007, and by his last will and testament dated May 29, 1999, probated in the Bourbon District Court on December 9, 2008, a copy of which is recorded in the Fayette County Clerk's

Return to:  
Richard A. Wunnelle  
STOLL KEENON OGDEN PLLC

ATTORNEYS AT LAW  
300 WEST VINE STREET, SUITE 2100  
LEXINGTON, KENTUCKY 40507-1801

Office in Will Book 332, at page 515, provided that the residuary of his estate, which included his ½ undivided interest in the Property, passed into trusts for the benefit of his three adult sons, William Garland Esquire Gambill, David Allen Gambill and Edward L. Gambill, III;

WHEREAS, a number of issues have arisen regarding the Property and the status and administration of the spendthrift trusts, and a number of claims, issues and disputes have been asserted in various litigation among the parties;

WHEREAS, in order to resolve all issues, claims and disputes, the parties entered into a Settlement Agreement dated December 20, 2014 (the "Settlement Agreement"), wherein, among other provisions, it was agreed that a Quitclaim Deed (the "Quitclaim Deed") be executed by the Edward L. Gambill, Jr. Testamentary Trust, the Estate of Edward L. Gambill, Jr., William Garland Esquire Gambill, David Allen Gambill, Edward L. Gambill, III, and the spouses of William Garland Esquire Gambill and David Allen Gambill, conveying any and all of their respective interests in the Property to the Grantee.

WHEREAS, James M. Lovell, Bourbon County Master Commissioner, was appointed to execute the Settlement Agreement and the Quitclaim Deed on behalf of the Edward L. Gambill, Jr. Testamentary Trust, by order entered on April 7, 2015, in *Gambill v. Gambill*, Bourbon Co. Civil Action No. 13-CI-00045 in the Second Division of the Bourbon Circuit Court;

WHEREAS, William Garland Gambill, also known as William Garland Esquire Gambill, was appointed Administrator with Will Annexed of the Estate of Edward L. Gambill, Jr., by order of the Bourbon District Court entered on December 9, 2008, in *In re: Estate of Edward L. Gambill, Jr.*, Bourbon Co. Probate Action No. 07-P-00079, in the Probate Division of the Bourbon District Court (the "Gambill Estate Action");

WHEREAS, AnnDru Gambill is the duly appointed and serving limited guardian and limited conservator for her son, Edward L. Gambill, III, pursuant to orders of the Bourbon District Court

entered October 22, 2014, and was authorized to execute the Settlement Agreement and the Quitclaim Deed by order entered on February 10, 2015, in the Gambill Estate Action.

NOW THEREFORE, for and in consideration of the terms of the Settlement Agreement, the receipt of which is hereby acknowledged, Grantors hereby remise, release, grant, convey and forever quitclaim unto the Grantee, in fee simple, his successors and assigns, all of their respective right, title and interest in and to those certain tracts or parcels of land located in Bourbon County, Kentucky, and being more particularly described in EXHIBIT A attached hereto and made a part hereof.

TO HAVE AND TO HOLD, the same unto the Grantee, in fee simple, his successors and assigns, by way of quitclaim. This conveyance is specifically made subject to any mortgages, easements and restrictions of record affecting said property, and taxes and assessments for the current year, which mortgages, taxes and assessments and those of succeeding years, Grantee assumes and agrees to pay.

This deed is a deed of partition and exempt from transfer tax pursuant to KRS 142.050(7)(g).

CONSIDERATION CERTIFICATE

The parties hereto state that the consideration reflected in the deed is the full consideration paid for the Property, and the estimated fair cash value of the Property is \$711,400, which is one-half (1/2) of the 2015 Bourbon County Ad Valorem Property Tax Assessment, determined by the Bourbon County PVA, for the assessed property prior to the division effectuated by this Deed. Grantee joins in this deed for the sole purpose of certifying the consideration pursuant to KRS 382.135. The tax bill for the year in which this transfer is made shall be sent in-care-of Grantee at 154 Woodmont Drive, Paris, KY 40361.

IN TESTIMONY WHEREOF, witnesseth the signatures of the parties as of the date first above written.

GRANTORS:

C. Cleveland Gambill  
C. CLEVELAND GAMBILL A/K/A  
CROMWELL CLEVELAND GAMBILL

Rosemarie Gambill  
ROSEMARIE GAMBILL

GRANTEE:

William Garland Esquire Gambill  
WILLIAM GARLAND ESQUIRE GAMBILL,  
ADMINISTRATOR WITH WILL ANNEXED  
OF THE ESTATE OF EDWARD L.  
GAMBILL, JR.

STATE OF Kentucky  
COUNTY OF Fayette

The foregoing Deed and Consideration Certificate was subscribed, sworn to and acknowledged before me this 31<sup>st</sup> day of July, 2015, by C. CLEVELAND GAMBILL A/K/A CROMWELL CLEVELAND GAMBILL, as Grantee.

My Commission expires 7-21-18

May M. Schaefer  
NOTARY PUBLIC  
Notary ID # 515661

STATE OF Kentucky  
COUNTY OF Jay

The foregoing Deed and Consideration Certificate was subscribed, sworn to and acknowledged before me this 31<sup>st</sup> day of July, 2015, by ROSEMARIE GAMBILL, as Grantee.

My Commission expires 7.21.18

May M. Schaefer  
NOTARY PUBLIC  
Notary ID # 515661

STATE OF Kentucky  
COUNTY OF Jay

The foregoing Consideration Certificate was subscribed and sworn to before me this 31<sup>st</sup> day of July, 2015, by WILLIAM GARLAND ESQUIRE GAMBILL, ADMINISTRATOR WITH WILL ANNEXED OF THE ESTATE OF EDWARD L. GAMBILL, JR., as Grantor.

My Commission expires 7.21.18

May M. Schaefer  
NOTARY PUBLIC  
Notary ID # 515661

THIS INSTRUMENT PREPARED BY:

Walter Morris  
Walter R. Morris, Jr.  
WYATT, TARRANT & COMBS, LLP  
Lexington Financial Center  
250 West Main Street, Suite 1600  
Lexington, Kentucky 40507  
859.233.2012

61375525.3  
7/27/2015 3:20 pm



EXHIBIT AParcel 1

Being all of New Tract 1 as shown by the Minor Subdivision Plat for Dr. E.L. Gambill Estate of record in Plat Cabinet C, Slide 369, in the Bourbon County Clerk's office.

Being a part of the same property conveyed by Cromwell C. Cleveland and Gene Rickey Cleveland, his wife, to Margaret C. Gambill, by deed dated August 5, 1953, of record in Deed Book 132, Page 268, in the Bourbon County Clerk's Office. Also being a part of the same property conveyed to Dr. E. L. Gambill, by deed dated June 12, 1946, of record in Deed Book 126, Page 9, in the Bourbon County Clerk's Office.

Parcel 2

Being all of New Tract 2 as shown by the Minor Subdivision Plat for Dr. E.L. Gambill Estate of record in Plat Cabinet C, Slide 369, in the Bourbon County Clerk's office.

Being a part of the same property conveyed by James Norris and Marguerite L. Norris, his wife, to Dr. E. L. Gambill and Margaret C. Gambill, his wife, by deed dated March 19, 1951, of record in Deed Book 131, Page 442, in the Bourbon County Clerk's Office. Also being a part of the same property conveyed to Dr. E. L. Gambill, by deed dated June 12, 1946, of record in Deed Book 126, Page 9, in the Bourbon County Clerk's Office.

Edward L. Gambill, also known as Edward Little Gambill, Sr., also known as Dr. E. L. Gambill, died April 24, 1972, and by his Will dated December 30, 1965, probated May 3, 1972, in the Fayette County Court and recorded in the Fayette County Clerk's Office in Will Book 64, at page 182 and of record in Will Book AAA, page 22 in the Bourbon County Clerk's office, devised one-half of his property, real or personal, to his wife Margaret Cleveland Gambill. The residue of his estate he devised to his wife for and during her natural life with the remainder devised equally to Edward Little Gambill, Jr. and Cromwell Cleveland Gambill. Margaret Cleveland Gambill died June 15, 1998, and by her Will dated December 30, 1965, probated October 28, 1998, in the Fayette County District Court and recorded in the Fayette County Clerk's Office in Will Book 197, at page 212, and of record in Will Book TT, Page 674, in the Bourbon County Clerk's office, devised all of her property equally to Edward Little Gambill, Jr. and Cromwell Cleveland Gambill. The said Edward Little Gambill, Jr., having died testate on June 4, 2007 and pursuant to Item IV of his Last Will and Testament of record in Will Book XX, Page 145, in the Bourbon County Clerk's office, fifty percent (50%) of said property was devised to his wife, Dana Gambill, should she survive him, and fifty percent (50%) or one hundred percent (100%) interest, should his wife predecease him, to a testamentary trust for the benefit of his three sons, David Allen Gambill, William Garland Esquire Gambill and Edward L. Gambill, III. The said Dana Gambill having predeceased Edward Little

Gambill, Jr. on March 4, 2005, as evidenced by her Will of record in Will Book 252, Page 319, in the Fayette County Clerk's office, and of record in Will Book ~~AAA~~ Page ~~427~~, in the Bourbon County Clerk's office, and upon the death of Edward Little Gambill, Jr. all of the interest in said property passed to a testamentary trust, for the benefit of his three sons, David Allen Gambill, William Garland Esquire Gambill and Edward L. Gambill, III. William Garland Esquire Gambill was appointed Administrator with Will Annexed of the Estate of Edward L. Gambill, Jr. by order of the Bourbon District Court entered on June 12, 2007.

State of Kentucky, County of Bourbon, Sct.  
I, RICHARD STIPP EADS, Clerk of Bourbon County  
Court, do certify that the foregoing

Deed  
was, on the 4 day of Aug, 2015  
at 9:58 A.M., lodged in my office for record, and  
that it has been duly recorded in my said office,  
together with this and the certificate thereon endorsed.  
Given under my hand.

*Richard Stipp Eads, SCC*

2015 AUG 14 AM 9:58

LOGGED FOR RECORD  
RICHARD STIPP EADS  
BOURBON COUNTY CLERK



119534  
Filed on: 09/04/2015 12:03:03 AM  
Lodge DEED Number: 258  
Pages: 295 - 291  
Richard Stipp Eads, Bourbon County  
SC: MARY TALEOT