

ORDINANCE NO. 00- 12

ORDINANCE AMENDING ORDINANCE NO. 80-13, KNOWN AS THE ZONING ORDINANCE AND ALTERING THE ZONING MAP, BY CHANGING A BOUNDARY OF LAND NOW ZONED R-2 TO B-2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY:

That Ordinance No. 80-13, known as the Zoning Ordinance, Somerset, Kentucky, be and the same is hereby amended by altering the Zoning Map in the following manner:

I. By changing the following boundary of land being zoned R-2 to B-2.

TRACT #1: A certain boundary or parcel of land lying on the west side of Monticello Road, a short distance from the City of Somerset, Pulaski County, Kentucky, and being more particularly bounded and described as follows:

Beginning at an iron pipe in the west right of way line of Monticello Street (old U. S. 27) and corner of Flynn property, and running North 78 deg. 09 min. west 432.5 feet to a corner post; thence North 12 deg. 20 min. East 118 feet to a corner post and Neikirk's corner; thence with Neikirk's line, South 78 deg. 00 min. East 427.7 feet to an iron pin in the west right of way line of said street, South 10 deg. West 117 feet to the point of beginning, as shown by survey of J. H. Sturgill, Engineer, dated August 15, 1966.

TRACT #2: A certain lot of land lying and being on the west side of Monticello Street in the City of Somerset, Pulaski County, Kentucky, and more particularly described as follows:

Beginning in the right-of-way of Monticello Street 20 feet south of Kraft's corner; thence S 10° W 100 feet to corner of Grabeel lot; thence N 78° W 267.7 feet; thence N 12° 20 E 100 feet to a stake which is 20 feet from the Kraft line; thence S 78° E 264.5 feet parallel with the Kraft line and 20 feet south thereof to the point of beginning.

Property Known As: 417 Monticello Street, Somerset, Kentucky 42501

II. The City Clerk of the City of Somerset, Kentucky is hereby authorized to alter the Zoning Map to reflect said change.

III. This Ordinance shall be in full force and effect from and after adoption.

FIRST READING: May 8, 2000

SECOND READING: May 22, 2000

APPROVED:

J. P. Wiles
MAYOR

ATTEST:

Dana Halsey
CITY CLERK

APPLICATION FOR ZONING AMENDMENT/DEVELOPMENT PLAN APPROVAL
TO THE
SOMERSET PLANNING COMMISSION

APPLICATION NO. 00-02

THE UNDERSIGNED OWNER(S) OF THE FOLLOWING LEGALLY DESCRIBED PROPERTY HEREBY REQUEST THE
CONSIDERATION OF CHANGE IN ZONING DISTRICT CLASSIFICATION APPROVAL OF DEVELOPMENT PLAN AS SPECIFIED
BELOW:

1. NAME OF APPLICANT J W GRABEEL
MAILING ADDRESS 118 NORTH RICHARDSON DRIVE
PHONE NUMBER (HOME) (606) 677-2410 (BUSINESS) (606) 679-7339
PROPERTY OWNER SAME AS ABOVE
2. LOCATION DESCRIPTION BEHIND SOUTHSIDE CHURCH OF GOD OF PROPHECY ACRES 1.33
3. EXISTING USE R-2
4. PROPOSED USE B-2
5. PRESENT ZONING DISTRICT R-2
6. PROPOSED ZONING DISTRICT B-2
7. SUPPORT INFORMATION: ATTACH THE FOLLOWING ITEMS TO THE APPLICATION:
 - A. A VICINITY MAP SHOWING PROPERTY LINES, STREETS AND EXISTING AND PROPOSED ZONING.
 - B. A LIST OF ALL PROPERTY OWNERS AND THEIR MAILING ADDRESSES WITHIN, CONTIGUOUS TO, AND DIRECTLY ACROSS THE STREET FROM THE PROPOSED REZONING.
 - C. FEES AS REQUIRED
 - D. LEGAL DESCRIPTION

DATE 4/5/2000 APPLICANT/OWNER J W Grabeel

FOR OFFICIAL USE ONLY
PLANNING COMMISSION

DATE FILED _____ DATE OF NOTICE IN NEWSPAPER April 11, 2000
DATE OF NOTICE TO ADJACENT PROPERTY OWNER April 11, 2000
DATE OF PUBLIC HEARING April 25, 00 FEE PAID \$ _____
RECOMMENDATION OF PLANNING COMMISSION: APPROVAL Substantively DENIAL _____
REASON FOR RECOMMENDATION Surrounded by business - need zone change to
put business on lot. Comprehensive plan recommends B-2.

DATE 4-25-00 PLANNING COMMISSION CHAIRMAN Robert H. Hines

FOR OFFICIAL USE ONLY
(LEGISLATIVE AUTHORITY)

DATE OF RECOMMENDATION RECEIVED _____
ACTION BY LEGISLATIVE AUTHORITY APPROVED _____ DENIAL _____
IF DENIED, REASON FOR DENIAL _____

DATE _____ CLERK _____

NOTE: THREE COPIES OF THIS FORM AND SUPPORTING INFORMATION MUST BE FILED WITH THE SOMERSET PLANNING
COMMISSION. APPLICATION MUST BE RETURNED TO THE OFFICE OF CODE ENFORCEMENT 4 WEEKS PRIOR TO MEETING
DATE.

PUBLIC HEARING
SOMERSET PLANNING COMMISSION
ZONE CHANGE

AT THE REQUEST OF J W GRABEEL, A PUBLIC HEARING
WILL BE HELD AT THE SOMERSET CITY HALL, 400 EAST MT VERNON
STREET, SOMERSET, KY (COUNCIL CHAMBERS) ON APRIL 25, 2000 AT
6:00 P.M. FOR THE PURPOSE OF REZONING 1.33 ACRES BEHIND THE
SOUTHSIDE CHURCH OF GOD OF PROPHECY FROM THE PRESENT R-2 TO B-2.

A LEGAL DESCRIPTION OF THE PROPERTY IS AS FOLLOWS:

TRACT #1:

A certain boundary or parcel of land lying on the west side of Monticello Road, a short distance from the City of Somerset, Kentucky, and being more particularly bounded and described as follows:

Beginning at an iron pipe in the west right of way line of Monticello Street (old U. S. 27) and corner of Flynn property, and running North 78 deg. 09 min. west 432.5 feet to a corner post; thence North 12 deg. 20 min. East 118 feet to a corner post and Neikirk's corner; thence with Neikirk's line, South 78 deg. 00 min. East 427.7 feet to an iron pin in the west right of way line of said street, South 10 deg. West 117 feet to the point of beginning, as shown by survey of J. H. Sturgill, Engineer, dated August 15, 1966. y

TRACT #2:

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A certain lot of land lying and being on the west side of Monticello Street in the City of Somerset, Pulaski County, Kentucky, and more particularly described as follows:

Beginning in the right-of-way of Monticello Street 20 feet south of Kraft's corner; thence S 10° W 100 feet to corner of Grabeel lot; thence N 78° W 267.7 feet; thence N 12° 20' E 100 feet to a stake which is 20 feet from the Kraft line; thence S 78° E 264.5 feet parallel with the Kraft line and 20 feet south thereof to the point of beginning. y

PROPERTY KNOWN AS: 417 MONTICELLO STREET

FINDINGS OF FACT AND RECOMMENDATION OF ZONE CHANGE

**IN RE: A PIECE OF PROPERTY ZONED R-2 LOCATED BEHIND THE SOUTH
 SIDE CHURCH OF GOD OF PROPHECY ON MONTICELLO STREET**

******* ***** ***** *******

The Petitioner, J. W. Grabeel, owns a certain parcel of property located off of Monticello Street which is currently zoned R-2 and desires that it be changed to B-2. This would make a change from residential to commercial.

According to §10.6 of the City's Zoning Ordinance the Planning and Zoning Commission must find that (1) the original zoning classification given to the property was inappropriate or improper, or (2) there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the Comprehensive Plan adopted by the Planning Commission which have substantially altered the basic character of such area.

In the instant case, the Board finds that there have been major changes of an economic, physical, or social nature within the area. Specifically, in the last ten (10) years Highway 27 has grown and become busier exponentially. This has changed the area on Monticello Street dramatically. It has become a major artery leading into downtown Somerset and has become essentially a bypass for Highway 27.

This is something that the Planning and Zoning Commission has taken into account by proposing a new Comprehensive Plan. The new Comprehensive Plan has changed this area from residential to commercial. This is due to the influx of traffic on Monticello Street which has made it desirable for businesses to locate on same.

Lastly, the area has commercial area all around it. Specifically, there are businesses located both north and south of the proposed changed area. This being an art gallery and a collectible shop.

IT IS THEREFORE, the recommendation of the Planning and Zoning Commission that this area be re-zoned from R-2 to B-2.

PLANNING AND ZONING COMMISSION

ROBERT NEWBY, Chairman

VERNON TYREE, Vice-Chairman

VICKY DAVIDSON

JAMES BUCHANAN

MARK VAUGHT

JIM DORSEY