

ORDINANCE NO. 04- 12

AN ORDINANCE AMENDING ORDINANCE NO. 00-18, KNOWN AS THE ZONING ORDINANCE AND ALTERING THE ZONING MAP, BY CHANGING A BOUNDARY OF LAND NOW ZONED I-1 TO B-2.

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

That Ordinance No. 00-18, 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 I-1 to B-2.

A certain tract or parcel of land located on the East side of Ky 1577 (Monticello Street) in Pulaski County, Kentucky at its junction with the Railroad Drive and more particularly described as follows:

Beginning on a capped iron pin set in the East Right of Way of Ky 1577; thence with the East right of way of Ky 1577 North 39° 50 Minutes 30 Seconds East for a distance of 110.72 feet to a point on the right of way; thence with the East right of way of Ky 1577 North 43° 59 minutes 38 seconds East for a distance of 39.05 feet to a point on the right of way; thence with the East right of way of Ky 1577 North 41° 48 minutes 39 seconds East for a distance of 18.67 feet to a iron pin found; thence with the East right of way of Ky 1577 North 40° 37 minutes 07 seconds East for a distance of 24.30 feet to an iron pin found; thence with the East right of way of Ky 1577 North 82° 12 minutes 19 seconds East for a distance of 10.13 feet to a PK nail found in the West Right of Railroad Drive; thence with the West right of way of Railroad Drive South 58° 39 minutes 38 seconds East for a distance of 10.89 feet to a PK Nail found; thence with the West right of way of Railroad Drive South 29° 24 minutes 52 seconds East for a distance of 11.49 feet to an iron pin found; thence with the West right of way of Railroad Drive South 06 degrees 41

minutes 26 seconds West for a distance of 58.48 feet to an iron pin found; thence with the West right of way of Railroad Drive South 00° 23 minutes 44 seconds West for a distance of 30.27 feet to a point on the right of way; thence with the West right of way of Railroad Drive South 02° 26 minutes 38 seconds East for a distance 88.75 feet to a capped iron pin set; thence with the West right of way of Railroad Drive South 00° 54 minutes 38 seconds East for a distance of 85.50 feet to a point on the right of way; thence with the West right of way of Railroad Drive South 02° 27 minutes 16 seconds West for a distance of 151.49 feet to a capped iron pin set said pin being a corner with Lake Cumberland Shell (Deed Book 436 Page 192) Thence leaving the West right of way of Railroad Drive with the line with Lake Cumberland Shell North 88° 03 minutes 33 seconds West for a distance of 227.69 feet to a point in the center of Sinking Creek; thence with the centerline of Sinking Creek of KY 1577 North 05° 56 minutes 15 seconds East for a distance of 136.17 feet to a point in the center of the creek; thence with the East right of way of Ky 1577 North 88° 42 minutes 05 seconds East for a distance of 27.13 feet to a capped iron pin set; thence with the East right of way of Ky 1577 North 17° 37 minutes 18 seconds East for a distance 100.67 feet to a capped iron pin set; thence East right of way of Ky 1577 North 17° 37 minutes 18 seconds East for a distance of 43.01 feet to an capped iron pin set which is the point of beginning.

Being the same property conveyed to Charles Stevenson and Beverly Stevenson, his wife, by Deed of Conveyance, dated the 25th day of August, 1999, and of record in Deed Book 643, Page 131, and by Deed of Conveyance dated the 25th day of August, 2000, and of record in Deed Book 663 Page 187, in the Pulaski County Court Clerk's Office, Kentucky, and having an area of 1.5343 acres as surveyed by Bobby Hudson LPLS 1253 on 03-10-2004.

This property is subject to any and all rights of way and/or easements of record or in existence at this time and regulations that may apply through planning and zoning.

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: September 13, 2004

SECOND READING: September 27, 2004

APPROVED:

J. P. Miller
MAYOR

ATTEST:

David G. Gentry
CITY CLERK

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

APPLICATION NO. 04-06

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

1. NAME OF APPLICANT Langdon Street Baptist Church
MAILING ADDRESS P O Box 33 Somerset Ky. 42502
PHONE NUMBER (HOME) _____ (BUSINESS) _____
PROPERTY OWNER Same as above
2. LOCATION DESCRIPTION Intersection of Railroad Dr. and Monticello St.
3. EXISTING USE Vacant Property with Footers
PROPOSED USE Multi Purpose Center
4. PRESENT ZONING DISTRICT I-1
5. PROPOSED ZONING DISTRICT B-2

SUPPORT INFORMATION: ATTACH THE FOLLOWING ITEMS TO THE APPLICATION:
A. A VICINITY MAP SHOWING PROPERTY LINES, STREETS, AND EXISTING
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 8-05-04 APPLICANT SIGNATURE Michael B. Cup

FOR OFFICIAL USE ONLY
PLANNING COMMISSION

DATE FILED 8-5-04 DATE OF NOTICE IN NEWSPAPER 8-10-04
DATE OF NOTICE TO PROPERTY OWNER 8-10-04
DATE OF PUBLIC HEARING 8-24-04 FEES PAID 402.00
RECOMMENDATION OF PLANNING COMMISSION: APPROVAL DENIAL _____
REASON FOR RECOMMENDATION _____

DATE 8-24-04 PLANNING COMMISSION CHAIRMAN [Signature]

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 LANGDON STREET BAPTIST CHURCH, A PUBLIC
HEARING WILL BE HELD AT THE SOMERSET CITY HALL, 400 EAST MT
VERNON STREET. SOMERSET KY (COUNCIL CHAMBERS) ON

AUGUST 24, 2004 AT 6:30P.M. FOR THE PURPOSE OF
REZONING PROPERTY AT THE INTERSECTION RAILROAD DR. & MOTICELLO ST
FROM THE PRESENT I-1 TO B-2

A LEGAL DESCRIPTION IS AS FOLLOWS:

A certain tract or parcel of land located on the East side of Ky 1577 (Monticello Street) in Pulaski County Kentucky at its junction with the Railroad Drive and more particularly described as follows:

Beginning on a capped iron pin set in the East Right of Way of Ky 1577; thence with the East right of way of Ky 1577 North 39° 50 Minutes 30 Seconds East for a distance of 110.72 feet to a point on the right of way; thence with the East right of way of Ky 1577 North 43° 59 minutes 38 seconds East for a distance of 39.05 feet to a point on the right of way; thence with the East right of way of Ky 1577 North 41° 48 minutes 39 seconds East for a distance of 18.67 feet

to a iron pin found; thence with the East right of way of Ky 1577 North 40° 37 minutes 07 seconds East for a distance of 24.30 feet to an iron pin found; thence with the East right of way of Ky 1577 North 82° 12 minutes 19 seconds East for a distance of 10.13 feet to a PK nail found in the West Right of way of Railroad Drive; thence with the West right of way of Railroad Drive South 58° 39 minutes 38 seconds East for a distance of 10.89 feet to a PK Nail found; thence with the West right of way of Railroad Drive South 29° 24 minutes 52 seconds East for a distance of 11.49 feet to an iron pin found; thence with the West right of way of Railroad Drive South 06 degrees 41 minutes 26 seconds West for a distance of 58.48 feet to an iron pin found; thence with the West right of way of Railroad Drive South 00° 23 minutes 44 seconds West for a distance of 30.27 feet to a point on the right of way; thence with the West right of way of Railroad Drive South 02° 26 minutes 38 seconds East for a distance 88.75 feet to a capped iron pin set; thence with the West right of way of Railroad Drive South 00° 54 minutes 38 seconds East for a distance of 85.50 feet to a point on the right of way; thence with the West right of way of Railroad Drive South 02° 27 minutes 16 seconds West for a distance of 151.49 feet to a capped iron pin set said pin being a corner with Lake Cumberland Shell (Deed Book 436 Page 192) Thence leaving the West right of way of Railroad Drive with the line with Lake Cumberland Shell North 88° 03 minutes 33 seconds West for a distance of 227.69 feet to a point in the center of Sinking Creek; thence with the centerline of Sinking Creek of KY 1577 North 05° 56 minutes 15 seconds East for a distance of 136.17 feet to a point in the center of the creek; thence with the East right of way

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PROPERTY KNOWN AS _____

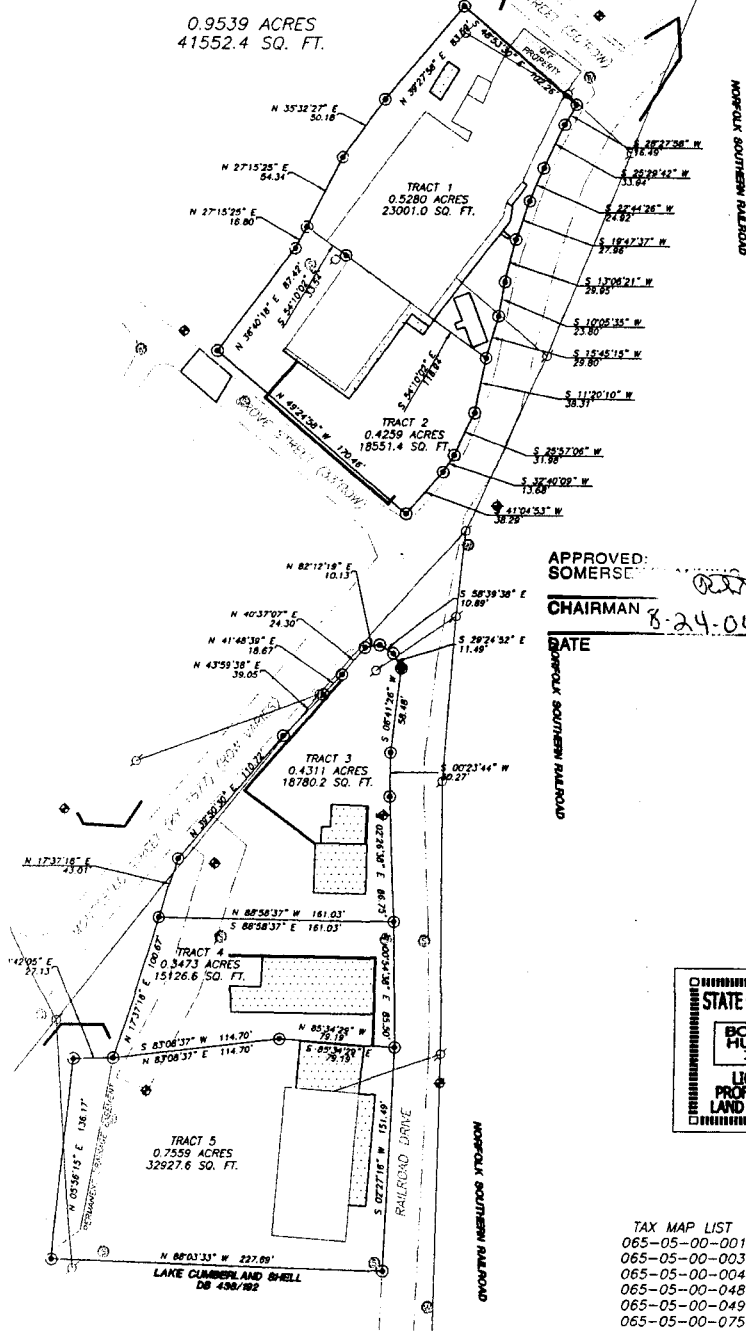
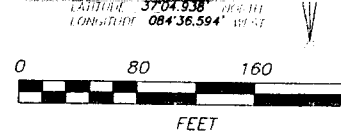
ZONING CHANGE RATIONALE

1. The existing zoning classification is inappropriate in that the lot has exhibited little use for commercial I-1 class since it has been vacant for several years and has been used to store old grain bins and other outdated farm or grain related equipment. The only demonstrated use in recent memory has been a now vacant (poorly maintained) building that was used for storage of equipment and other supplies. The lot has old footers and abandoned concrete pads that have been un-used for several years. The lot had grown up with weeds and was not consistent with its surroundings.

1A. The proposed zoning classification is appropriate since the development of the property in conjunction with church work or some other B-2 zoned endeavor would rid the community of an abandoned eyesore and ultimately provide facilities available to the public. The property is currently adjacent to (bounded on two sides) area that is designated B-2 classification. (Langdon Street Church to the north/northwest and residential houses to the south/southeast.) The proposed zone change would allow the property to be developed as a multiple use facility by Langdon Street Baptist Church if it were a B-2 classification. This would represent a contribution to the surrounding community for use and at the same time provide somewhat of a "buffer" between the predominantly residential area to the south/southwest and the commercial/industrial area to the south/southeast of the property. The zoning change proposal is appropriate because it offers a higher and better use at this location than has historically been exhibited. This contention is more appropriate now than when the area was originally zoned for the following reasons:

2. There have been major changes of physical and social nature at this location. The construction of the Monticello Street By-pass and the closing of the Monticello Street railroad under pass will drastically change the optimum use of the location of the lot. Since thru-traffic will be minimized in this section of Monticello Street, the anticipated value of this lot for I-1 zone activity will be greatly reduced. Existing businesses in the area may endure, but it seems unlikely that heightened businesses or commercial interest will be shown in the property due to reduced traffic load in the area. Certainly I-1 uses such as strip malls, large industry, etc. are highly improbable uses of this property of less than two acres. Zone B-2 use for the church or some other small individual commercial endeavor is the likely use of this property.

0.9539 ACRES
41552.4 SQ. FT.



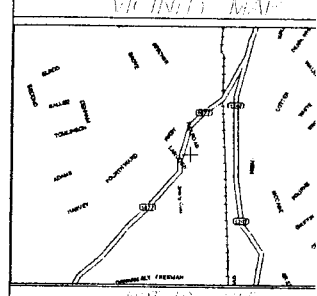
APPROVED:
SOMERSET COUNTY COMMISSION
CHAIRMAN *[Signature]*
DATE 8-24-04



TAX MAP LIST	DEED LIST
065-05-00-001	DB 643/131
065-05-00-003	DB 643/135
065-05-00-004	DB 643/141
065-05-00-048	DB 663/187
065-05-00-049	DB 637/037
065-05-00-075	

1. THE PROPERTY IS SUBJECT TO ALL EASEMENTS OR MAY NOT BE ON RECORD.
2. THE PROPERTY IS SUBJECT TO ALL EASEMENTS OR MAY NOT BE ON RECORD.
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9. THE PROPERTY IS SUBJECT TO ALL EASEMENTS OR MAY NOT BE ON RECORD.
10. THE PROPERTY IS SUBJECT TO ALL EASEMENTS OR MAY NOT BE ON RECORD.

DESCRIPTION	DATE	RECORD
DEED	03/10/2004	DB 643/131
DEED	03/10/2004	DB 643/135
DEED	03/10/2004	DB 643/141
DEED	03/10/2004	DB 663/187
DEED	03/10/2004	DB 637/037



CERTIFICATION OF MEASUREMENTS
I HEREBY CERTIFY THAT THE DIMENSIONS SHOWN ON THIS PLAT WERE MEASURED AND FOUND TO BE CORRECT AND ACCURATE.

SIGNATURE: _____
DATE: _____

CERTIFICATION OF CORRECTNESS AND BEST INTEREST
I HEREBY CERTIFY THAT THIS PLAT WAS PREPARED AND DRAWN IN ACCORDANCE WITH THE BEST INTEREST OF THE PUBLIC AND THE INTERESTS OF THE PARTIES TO THIS PLAT.

SIGNATURE OF SURVEYOR: _____
DATE: _____

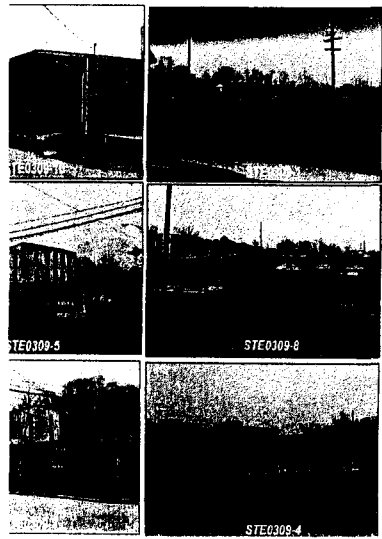
DESCRIPTION OF THIS PLAT TO BE RECORDED:
- 0.5280 ACRES TRACT 1 CONTAINING 23001.0 SQ. FT.
- 0.4259 ACRES TRACT 2 CONTAINING 18551.4 SQ. FT.
- 0.4311 ACRES TRACT 3 CONTAINING 18780.2 SQ. FT.
- 0.3473 ACRES TRACT 4 CONTAINING 15126.6 SQ. FT.
- 0.7559 ACRES TRACT 5 CONTAINING 32927.6 SQ. FT.

SURVEYOR'S CERTIFICATION
I CERTIFY THAT THE SURVEY DESCRIBED BY THIS PLAT WAS CONDUCTED IN ACCORDANCE WITH THE BEST INTEREST OF THE PUBLIC AND THE INTERESTS OF THE PARTIES TO THIS PLAT.
DATE: 03/10/2004
SIGNATURE: *[Signature]*

SURVEY PLAT
CHARLES STEVENSON PROJEC
MONTICELLO STREET SOMERSET KENTUCKY
PULASKI COUNTY SOMERSET KENTUCKY 42501

CHARLES STEVENSON
2017 PARKLAND DRIVE
SOMERSET KENTUCKY 42501
DATE: 03/10/2004
BY: B. HUDSON

Bobby Hudson Land Surveying, Inc.
840 North Highway 27
Somerset, Kentucky 42503
Phone (806) 674
Fax (806) 674



UTILITY CERTIFICATION
I, BEING A DULY AUTHORIZED AGENT OF THE CITED UTILITY COMPANY, ACCEPT THE EASEMENTS SHOWN ON THIS RECORD PLAT ON BEHALF OF MY COMPANY.

ELECTRIC COMPANY
REPRESENTATIVE _____ DATE _____

TELEPHONE COMPANY
REPRESENTATIVE _____ DATE _____

WATER COMPANY
REPRESENTATIVE _____ DATE _____

GAS COMPANY
REPRESENTATIVE _____ DATE _____

CERTIFICATION OF ROADWAY ENTRANCE
I HEREBY CERTIFY THAT AN ENTRANCE FROM THE PROPOSED DEVELOPMENT WILL BE GRANTED ONTO THE CITY STREET, COUNTY ROAD, OR STATE ROAD SHOWN ON THE PLAT DESCRIBED HEREON, HOWEVER AN ENTRANCE PERMIT FOR EACH LOT WILL BE REQUIRED AFTER STRUCTURE LOCATION IS ESTABLISHED.

SIGNATURE: _____ DATE _____
TITLE _____