

ORDINANCE NO. 05- 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 R-2 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 R-2 to B-2.

TRACT V (Owsley Property)

One certain parcel of land located in Somerset, Pulaski County, Kentucky, off Monticello Street and bounded as follows:

BEGINNING on Mary Denham's S.E. corner in said road; thence south course with said road 142 feet to S.A. Newell's corner, thence with S.A. Newell's line 438 feet to Fannie Denham's line; thence her line a northeast course 142 feet to a stone in same; thence to Mary Denham's southeast corner; thence her line to the beginning.

THERE IS EXPECTED from the foregoing that part sold to Clint Canada and Alien Canada, January 6, 1949, and recorded in Deed Book 163, Page 154, Pulaski County Court Clerk's Office, Kentucky, which is bounded as follows:

A certain tract of land lying and being in Pulaski County, City of Somerset, Kentucky and bounded as follows:

BEGINNING on the north side of Monticello Street at the SE corner of Witt Lee property; thence a northern direction and with his line 145 feet to a stone; thence at

right angles 142 feet more or less to a stone in J.P. Sear's line; thence a southern direction with J.P. Sear's line 155 feet more or less to a stone at the north edge of Monticello Street; thence a western direction with Monticello Street 142 feet more or less to the beginning.

TRACT VIII (Roy Property)

A certain tract or parcel of land located and being in Somerset, Pulaski County, Kentucky, and bounded and described as follows, to-wit:

BEGINNING at a stone at the corner of the Fred Burns lot on Monticello Street, and running thence with said lot to the Silvers' line; thence with the Silvers' line to the Silvers' northeast corner; thence west with Silvers' line and the James Roy line to Dr. Scott line; thence with the Scott line to a 16 foot alley; thence eastward with said alley to the Burns' line; thence with the Burns' line to the beginning.

TRACTS I, II, III, IV, V, VI, VII, & VIII being the same property conveyed to Stewart Development, Inc. a Kentucky corporation, by Deed of conveyance dated the 30th day of July, 2001 from Dean Stewart (a/k/a R. Dean Stewart) and Carolyn F. Stewart, husband and wife, and Stewart Development, Inc. a Kentucky corporation, of Record in Deed Book 682, Page 218, Pulaski County Court Clerk's Office, Kentucky.

TRACT X (Kordenborck Property)

Two certain tracts or parcels of land lying and being in Somerset, Pulaski County, Kentucky on the west side of Monticello Street, the same lying together and constituting one boundary of land, but individually described as follows:

Beginning at W.D. Hail's northeast corner, a stone in the Somerset and Monticello Street or road, and running northeast to a gate post, corner to Gilbert Waddle lot; thence with his line to a stone in Fanny Denham's line; thence her line to W.D. Hail's corner; thence with his line to the beginning.

ALSO:

A certain strip of land lying next to the house and lot of Fred Burns on Monticello Street in Somerset, Kentucky said strip of land 10 feet in width and beginning at a point 10 feet from the property formerly owned by W. L. Brown and running; thence to the rear end of the property formerly owned by said Brown at which end it is in width 1 ½ feet from the corner of said property and thence with the divisional line between property formerly owned by said Brown and Fred burns at their corner; thence 10 feet to the beginning, said 10 feet in width on Monticello Street and 1 1/2 feet at the rear of the lot formerly owned by the said Brown and the line so called for herein shall conform to said width at front and back of said lot.

THERE IS EXCLUDED from the above tract of land that portion which has been deeded to the Kentucky Transportation Cabinet (Kentucky Highway Department), of Record in road Deed Book 20, Page 214, Pulaski County Court Clerk's Office, Kentucky.

BEING the same property, conveyed to Stewart Development, Inc. a Kentucky corporation, by Deed of Conveyance dated the 31st day of December 2003, from Dean Stewart and Carolyn F. Stewart, husband and wife, of Record in Deed Book 729, Page 697, Pulaski County Clerk's Office, Kentucky.

TRACT XI (Garrett Property):

A certain lot or parcel of land lying and being in the City of Somerset, Pulaski County, on the west side of Monticello Street, and fronting on Monticello Street 80 feet and running back 147 feet, and bounded as follows, to wit:

BEGINNING on the west side of Monticello Street at Schuyler Hail's corner, running southwardly with said street 80 feet to Luroy's corner; thence her line 147 ½ feet to a stake; thence northwardly parallel with the first line 80 feet to Schuyler Hail's lot; thence 147 /12 feet

eastwardly to the beginning.

BEING the same property conveyed to Stewart Development, Inc., a Kentucky corporation, by Deed of Conveyance dated the 23rd day of June, 2003 from Samantha Garrett, a single woman, et al, of Record in Deed Book 718, Page 295, Pulaski County Court Clerk's Office, Kentucky.

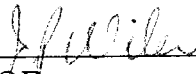
II. The City Clerk of the City of Somerset, Kentucky is hereby authorized to alter the Zoning Map to reflect said change.

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


FIRST READING: October 24, 2005

SECOND READING: November 14, 2005

APPROVED:


MAYOR

ATTEST:


CITY CLERK

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

APPLICATION NO. 05-09

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: Stewart Development
MAILING ADDRESS: 345 Monticello St.
2. PHONE NUMBER (HOME): _____ (BUSINESS) _____
3. PROPERTY OWNER: Same as above
4. LOCATION DESCRIPTION: Monticello Street
5. EXISTING USE: Vacant Land
6. PROPOSED USE: Commercial Property
4. PRESENT ZONING DISTRICT: R-2
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 RE-ZONING.
- C. FEES AS REQUIRED
- D. LEGAL DESCRIPTION.

DATE: 9/13/05 APPLICANT SIGNATURE: Dean Stewart

FOR OFFICIAL USE ONLY
PLANNING COMMISSION

DATE FILED 9-13-05 DATE OF NOTICE IN NEWSPAPER _____ FEE PAID 402.00
DATE OF NOTICE TO PROPERTY OWNER 9-13-05 DATE OF PUBLIC HEARING 9-27-05
RECOMMENDATION OF PLANNING COMMISSION: APPROVAL _____ DENIAL ☒
REASON FOR RECOMMENDATION: _____

DATE 9-27-05 PLANNING COMMISSION CHAIRMAN Bob Humphrey

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 STEWART DEVELOPMENT, A PUBLIC HEARING WILL BE
HELD AT THE SOMERSET CITY HALL, 400 EAST MT VERNON STREET, SOMERSET, KENTUCKY
(COUNCIL CHAMBERS) ON SEPTEMBER 27, 2005 AT 6:30 P.M. FOR THE
PURPOSE OF RE-ZONING ON MONTICELLO STREET AND UNION STREET
FROM THE PRESENT R-2 TO B-2.

A LEGAL DESCRIPTION IS AS FOLLOWS:

TRACT V (Owsley Property)

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