

MINUTES OF MEETING HELD SEPTEMBER 27, 2004

The Common Council of the City of Somerset, Kentucky met in regular session on Monday, September 27, 2004 at 7:00 p.m. with the following present: Mayor: J.P. Wiles, Council Members: Earl Owens, Pat Bourne, Jerry Burnett, Peggy Dugger, Joann Norfleet, Clarence Floyd, Jerry Wheeldon, Mark Beasley, Jerry Girdler, Charles New, and Donna Hunley. City Attorney Dan Yeast and City Clerk David Godsey. Absent: City Council Member John Minton.

Mr. Wheeldon moved to approve the minutes of the last regular meeting held on September 13, 2004 and the reports be approved as delivered. Mr. Bourne seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Owens, Mr. Bourne, Mr. Burnett, Mrs. Dugger, Mrs. Norfleet, Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, and Mrs. Hunley.

Second reading was given the following Ordinance:

<p>ORDINANCE NO. 04-12</p> <p>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.</p> <p>BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY:</p> <p>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:</p> <p>I. By changing the following boundary of land being zoned I-1 to B-2.</p> <p>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:</p> <p>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 62° 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</p>	<p>minutes 26 seconds West for a distance of 56.48 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.</p> <p>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 surveyed by Bobby Hudson LPLS 1253 on 03-10-2004.</p> <p>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.</p>
<p>II. The City Clerk of the City of Somerset, Kentucky is hereby authorized to alter the Zoning Map to reflect said change.</p> <p>III. This Ordinance shall be in full force and effect from and after adoption.</p> <p>FIRST READING: <u>September 13, 2004</u></p> <p>SECOND READING: <u>September 27, 2004</u></p> <p>APPROVED: _____</p> <p>MAYOR</p> <p>ATTEST: _____</p> <p>CITY CLERK</p>	<p>APPLICATION FOR ZONING AMENDMENT/DEVELOPMENT PLAN APPROVAL TO THE SOMERSET PLANNING COMMISSION</p> <p>APPLICATION NO. <u>04-06</u></p> <p>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:</p> <p>1. NAME OF APPLICANT <u>London Street Baptist Church</u> MAILING ADDRESS <u>P.O. Box 11 Somerset Ky 40502</u> PHONE NUMBER (HOME) _____ (BUSINESS) _____ PROPERTY OWNER <u>Same as above</u></p> <p>2. LOCATION DESCRIPTION <u>Intersection of Railroad Dr. and Monticello St.</u></p> <p>3. EXISTING USE <u>Vacant Property with Forest</u> PROPOSED USE <u>Multi Purpose Center</u></p> <p>4. PRESENT ZONING DISTRICT <u>I-1</u></p> <p>5. 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</p> <p>DATE <u>8-25-04</u> APPLICANT SIGNATURE <u>Michael B. Cup</u></p> <p>FOR OFFICIAL USE ONLY PLANNING COMMISSION</p> <p>DATE FILED <u>8-5-04</u> DATE OF NOTICE IN NEWSPAPER <u>8-10-04</u> DATE OF NOTICE TO PROPERTY OWNER <u>8-10-04</u> DATE OF PUBLIC HEARING <u>8-24-04</u> FEES PAID <u>400.00</u> RECOMMENDATION OF PLANNING COMMISSION: APPROVAL <input checked="" type="checkbox"/> DENIAL <input type="checkbox"/> REASON FOR RECOMMENDATION _____</p> <p>DATE <u>8-24-04</u> PLANNING COMMISSION CHAIRMAN <u>D. K. Smith</u></p> <p>FOR OFFICIAL USE ONLY (LEGISLATIVE AUTHORITY)</p> <p>DATE OF RECOMMENDATION RECEIVED _____ ACTION BY LEGISLATIVE AUTHORITY: APPROVED _____ DENIAL _____ IF DENIED, REASON FOR DENIAL _____</p> <p>DATE _____ CLERK _____</p> <p>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.</p>

<p align="center">PUBLIC HEARING SOMERSET PLANNING COMMISSION ZONE CHANGE</p> <p>AT THE REQUEST OF <u>LANGDON STREET BAPTIST CHURCH</u>, A PUBLIC HEARING WILL BE HELD AT THE SOMERSET CITY HALL, 400 EAST MT VERNON STREET, SOMERSET KY (COUNCIL CHAMBERS) ON <u>AUGUST 24, 2004</u> AT <u>6:30PM</u> FOR THE PURPOSE OF <u>REZONING PROPERTY AT THE INTERSECTION RAILROAD DR & MONTICELLO ST</u> FROM THE PRESENT <u>I-1</u> TO <u>B-2</u>.</p> <p>A LEGAL DESCRIPTION IS AS FOLLOWS:</p>		<p align="center">ZONING CHANGE RATIONALE</p> <p>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 new 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.</p> <p>1A. The proposed zoning classification is appropriate since the development of the property in conjunction with church work or some other B-2 sound 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/southeast and the commercial/industrial area to the north/northwest 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:</p> <p>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.</p>
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Mr. New moved to approve the above Ordinance on its second reading. Mr. Bourne seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Owens, Mr. Bourne, Mr. Burnett, Mrs. Dugger, Mrs. Norfleet, Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, and Mrs. Hunley.

A Proclamation declaring October 2004 as Roadside Pride Month was given by Mayor Wiles.

Proclamation

By
Kenneth J.P. Wiles
 Mayor of the City of Somerset, Kentucky

To Designate the Month of October 2004 as
 Roadside PRIDE Month:

Whereas, the PRIDE initiative encourages residents of southern and eastern Kentucky to take personal responsibility for keeping the region's environment clean, thereby improving the region's quality of life; and

Whereas, the annual Roadside PRIDE cleanup campaign is an opportunity for residents to demonstrate personal responsibility by volunteering to pick up litter along roadsides in their communities; and

Whereas, the City of Somerset is participating in the Roadside PRIDE campaign by recruiting volunteers to pick up litter along the city's streets and roadways; and

Whereas, the residents of the City of Somerset are encouraged to volunteer during the city's Roadside PRIDE cleanup events;

Be It Resolved that I, J.P. Wiles, do hereby proclaim the month of October 2004 to be Roadside PRIDE Month in the City of Somerset.

I call attention to seven years of the PRIDE initiative and encourage all citizens of the City of Somerset to get involved in keeping our communities clean.

Given under my hand this 27th day of Sept. 2004.

J.P. Wiles
 J.P. Wiles, Mayor, City of Somerset

Mr. Beasley moved to approve the above Proclamation. Mr. Burnett seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Owens, Mr. Bourne, Mr. Burnett, Mrs. Dugger, Mrs. Norfleet, Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, and Mrs. Hunley.

APPROVED J. P. Wilson
MAYOR

ATTEST: Dana J. [Signature]
CITY CLERK