

ORDINANCE NO. 10-07

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-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, and the same is hereby amended by altering the Zoning Map in the following manner:

- I. By changing a boundary of land being zoned R-1 to land being zoned B-2, more particularly described as follows:

A certain tract of land in the City of Somerset, Pulaski County, Kentucky, located on Crab Orchard Road and Kentucky 80 Bypass and described more particularly as follows:

POINT OF BEGINNING at a ½" x 18" Rebar Set stamped W. Daulton (Red) Cap #2463 (hereinafter referred to as an Iron Pin Set) (Sta. 84+70, 170'R) 20' from the centerline of Crab Orchard Street and 0.5' from a Braced Galvanized Post at State Right of Way Fence of Kentucky Bypass 80 and a corner to Lot 20, LB Floyd Addition (Db 63 Pg 600) and the parent tract, Eagle Creek Properties, LLC (Db 775 Pg 569). THENCE with the Right of Way of Kentucky Bypass 80 North 57 degrees 21 minutes 17 seconds East for a distance of 93.24 feet to an Iron Pin Set (Sta. 85+50, 115'R); North 89 degrees 42 minutes 34 seconds East for a distance of 143.65 feet to an Iron pin Set (Sta.87+0, 100'R); South 75 degrees 19 minutes 05 seconds East for a distance of 75.40 feet to a 5/8" Rebar Found #1253 (hereinafter referred to as an Iron Pin Found) (Sta. 88+00, 110'R); South 77 degrees 41 minutes 20 seconds East for a distance of 196.41 feet to an Iron Pin Found (Sta. 89+96.41, 108.12'R); South 77 degrees 52 minutes 01 seconds East for a distance of 62.02 feet to an Iron Pin Set (Sta. 90+50, 105'R) 0.5' from a Braced Post at State Right of Way Fence; South 62 degrees 54 minutes 32 seconds East for a distance of 126.91 feet to an Iron Pin Set at a corner to Oaklawn Subdivision (Plat Cabinet A, Slide 080). THENCE with Oaklawn Subdivision South 81 degrees 10 minutes 52 seconds West for a distance of 257.44 feet to an Iron Pin Found in the line of Lot 9, LB Floyd Addition (Db 63 Pg 600). THENCE through Lot 9 North 15 degrees 10 minutes 49 seconds East for a distance of 67.53 feet to an Iron Pin Found in the Right of Way of Chestnut Street (30' Right of Way). THENCE with the Right of Way of Chestnut Street South 82 degrees 08 minutes 37 seconds East for a distance of 55.01 feet to an Iron Pin Found at the end of the Right of Way of Chestnut Street. THENCE with the end of the Right of Way of Chestnut Street North 09 degrees 32 minutes 14 seconds East for a distance of 29.91 feet to an Iron Pin Found at the end of the Right of Way of Chestnut Street. THENCE with the Right of Way of Chestnut Street North 81 degrees 53 minutes 30 seconds West for a distance of 201.88 feet to an Iron Pin Found; North 80 degrees 00 minutes 51 seconds West for a distance of 131.29 feet to an Iron Pin Set in the Right of Way at the intersection of Short Street (30' Right of Way). THENCE with the Right of Way of Short Street South 22 degrees 18 minutes 50 seconds West for a distance of 44.81 feet to an Iron Pin Set in the Right of Way of Chestnut Street. THENCE with the Right of Way of Chestnut Street North 80 degrees 20 minutes 58 seconds West for a distance of 139.14 feet to the POINT OF BEGINNING. Together with and subject to covenants, easements and restrictions of record. Said property contains 0.75 acres more or less, as surveyed by Weylan G. Daulton, LLS #2463 by Magnetic North on 05-06-2010.

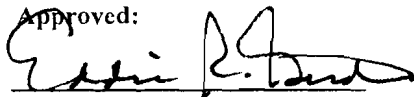
II. The source of title for this property (all of Tracts One and Two, George Garr Project) being all of the same property conveyed to Eagle Creek Properties, LLC, By Kimberly and Brittany Garr by deed dated 07-19-2009, Db 842 Pg 552; also (a part of Lots 12, 13, 16, 17 and 18, LB Floyd Addition) being a part of the same property conveyed to Eagle Creek Properties, LLC, by Kimberly and Brittany Garr by Quitclaim Deed dated 07-17-2009, Db 842 Pg 557; also (all of Parcel One, being a part of Lots 19 and 20, LB Floyd Addition and all of Parcel Two, being a part of Lot 18) being a part of the same property conveyed to Eagle Creek Properties, LLC, by Edwinna and Maurice Daulton by deed dated 12-27-2005, Db 775 Pg 569; all of which are recorded in the Pulaski County (Kentucky) Clerk's Office.

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

FIRST READING August 9, 2010

SECOND READING August 23, 2010

Approved:


Mayor

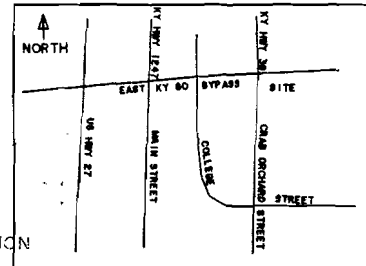
ATTEST:


City Clerk

MAGNETIC NORTH
BEARINGS TAKEN FROM
MAGNETIC NORTH 05-06-2010

NOTE: THE PROPERTY SHOWN HEREON (ALL OF TRACTS 1 & 2, GEORGE GARR PROJECT) BEING ALL OF THE SAME PROPERTY CONVEYED TO EAGLE CREEK PROPERTIES, LLC, BY KIMBERLY & BRITTANY GARR BY DEED DATED 07-19-2009, DB 842 PG 552; ALSO (PART OF LOTS 12, 13, 16, 17 & 18, LB FLOYD ADDITION) BEING A PART OF THE SAME PROPERTY CONVEYED TO EAGLE CREEK PROPERTIES, LLC, BY KIMBERLY & BRITTANY GARR BY QUITCLAIM DEED DATED 07-17-2009, DB 842 PG 557; ALSO (ALL OF PARCEL 1, BEING A PART OF LOTS 19 & 20 & ALL OF PARCEL 2, BEING A PART OF LOT 18) BEING A PART OF THE SAME PROPERTY CONVEYED TO EAGLE CREEK PROPERTIES, LLC, BY EDWINNA & MAURICE DAULTON BY DEED DATED 12-27-2005, DB 775 PG 569; ALL OF WHICH ARE RECORDED IN THE PULASKI COUNTY CLERK'S OFFICE.

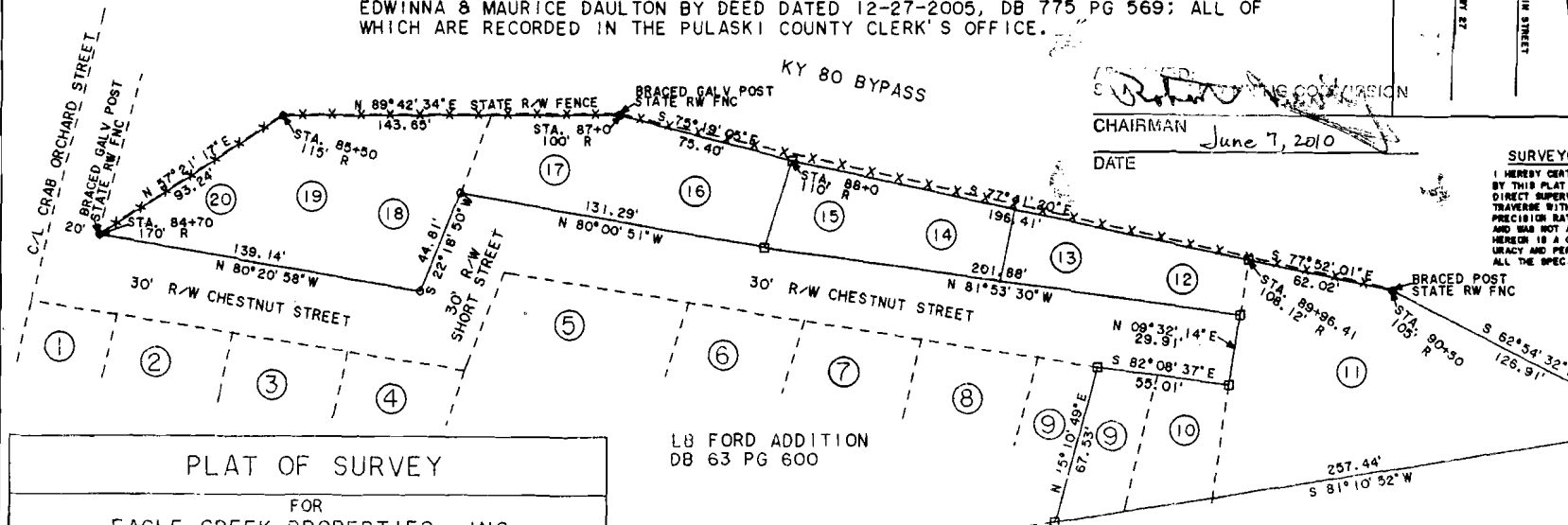
VICINITY MAP



CHAIRMAN
DATE June 7, 2010

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE SURVEY DEPICTED BY THIS PLAT WAS DONE BY PERSONS UNDER MY DIRECT SUPERVISION BY THE METHOD OF RANDOM TRAVERSE WITH SIGHTS. THE UNADJUSTED PRECISION RATION OF THE TRAVERSE WAS 1:14380 AND WAS NOT ADJUSTED. THE SURVEY IS SHOWN HEREON IS A CLASS "A" SURVEY AND THE ACCURACY AND PRECISION OF SAID SURVEY MEETS ALL THE SPECIFICATIONS OF THIS CLASS.



PLAT OF SURVEY

FOR
EAGLE CREEK PROPERTIES, INC.
1257 SOUTH HIGHWAY 27
SOMERSET, KENTUCKY 42503

PROPERTY
EAGLE CREEK PROPERTIES, INC.
KY 80 BYPASS/CRAB ORCHARD STREET
SOMERSET, PULASKI CO., KY

WEYLAN G. DAULTON
SURVEYOR
585 RINGGOLD ROAD SOMERSET, KY 42503

OFFICE (606)678-7190 HOME (606)678-1075

DATE	SCALE	TOTAL ACRES	APPROVED BY	DRAWING NO.
05-12-2010	1" = 50'	0.75	W. G. DAULTON	BK 376-S W03910 D424

LB FORD ADDITION
DB 63 PG 600

PROPERTY OWNER SIGNATURE:

NOTARY SIGNATURE:

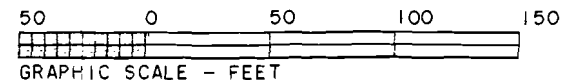
DATE:

MY COMMISSION EXPIRES:

OAKLAWN SUBDIVISION
PLAT CAB. A, SLIDE 080

NOTE: ○ = 1/2" X 18" REBAR SET
STAMPED W. DAULTON (RED) CAP H2463
(IRON PIN SET)

NOTE: □ = 5/8" REBAR FOUND #1253



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

APPLICATION NO. 2010-2

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:

NAME OF APPLICANT: Bob McAlpin, Eagle Creek Properties, LLC
MAILING ADDRESS: 1257 S Hwy 27
PHONE NUMBER (HOME): (BUSINESS) 678-8771 / Business: 679-3332 / Cell: 305-4242
PROPERTY OWNER: Eagle Creek Properties, LLC
LOCATION DESCRIPTION: Chestnut Street - Vacant lot (060-9-2-40,41&42)
PROPOSED USE: Business

PRESENT ZONING DISTRICT: R1
PROPOSED ZONING DISTRICT: B2

AS 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: 6-2-10 APPLICANT SIGNATURE: Bob McAlpin

**FOR OFFICIAL USE ONLY
(PLANNING COMMISSION)**

DATE FILED 6/2/2010 DATE OF NOTICE IN NEWSPAPER 6/9/2010 FEE PAID YES

DATE OF NOTICE TO PROPERTY OWNER 6/7/2010 DATE OF PUBLIC HEARING 6/22/2010

RECOMMENDATION OF PLANNING COMMISSION: APPROVAL ☒ DENIAL ☐

REASON FOR RECOMMENDATION: _____

DATE 6/22/2010 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.