

**MINUTES OF MEETING HELD DECEMBER 9, 2019**

The Common Council of the City of Somerset, Kentucky met in a regular meeting on Monday December 9, 2019 at 6:00 p.m. with the following present: Council Members; Mike New, Donna Hunley, John Minton, Jim Mitchell, David Godsey, Amanda Bullock, Tom Eastham, David Burdine, Brian Dalton, Jerry Wheeldon, Jimmy Eastham, Jerry Girdler, Mayor Alan Keck, City Attorney John Adams, and City Clerk Nick Bradley.

Mr. Wheeldon moved to approve the minutes of the regular meeting held on November 25, 2019 along with reports as mailed. Mr. Godsey seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Godsey, Ms. Bullock, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, and Mr. Girdler.

First Reading was given the following Ordinance Number 19-35: An Ordinance Changing the City Designation of Kentucky Highway 2297 from "UK Drive" to "SCC Drive".

<p><b>ORDINANCE NO. 19-35</b></p> <p>AN ORDINANCE CHANGING THE CITY DESIGNATION OF KENTUCKY HIGHWAY 2297 FROM "UK DRIVE" TO "SCC DRIVE"</p> <p><b>WHEREAS</b>, Kentucky Highway 2297 currently designated as "University of Kentucky Drive" or "UK Drive", Somerset Kentucky runs from Kentucky Highway 27 East to Monticello Street and then makes a horseshoe around the Somerset Community College - KC TCS Campus;</p> <p><b>WHEREAS</b>, the Kentucky Community and Technical College System was technically separated from the University of Kentucky by the Kentucky Postsecondary Education Improvement Act ("House Bill 1") of the 1998 Kentucky Legislative Session;</p> <p><b>WHEREAS</b>, Kentucky Highway 2297 is the main roadway serving Somerset Community College - KC TCS Campus;</p> <p><b>NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY,</b></p> <p>The City Council finds, based upon the above, that changing the designation of "University of Kentucky Drive" or "UK Drive" to "Somerset Community College Drive" or "SCC Drive" is proper in purpose and intent and causes no hardship on any adjoining land owner. And therefore, now changes the designation of Kentucky Highway 2297 to "Somerset Community College Drive" or "SCC Drive".</p> <p>This Ordinance shall be in full force and effect from and after adoption and publication according to law.</p>	<p>FIRST READING: <u>DECEMBER 9, 2019</u></p> <p>SECOND READING: _____</p> <p>APPROVED _____ Mayor</p> <p>ATTEST: _____ City Clerk</p>
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First Reading was given the following Ordinance Number 19-36: An Ordinance Amending Ordinance No. 00-18, Known as the City's Zoning Ordinance, and Altering the Zoning Map to Reflect said Amendment, Based on the Findings of Fact made by the Planning and Zoning Board, and Based on Said Board's Recommendation of a Zone Change (119 Young Street Parcel # 075-3-1-55 from R-1 to R-3).

**ORDINANCE NO. 19-36**  
 AN ORDINANCE AMENDING ORDINANCE NO. 00-18, KNOWN AS THE CITY'S ZONING ORDINANCE, AND ALTERING THE ZONING MAP TO REFLECT SAID AMENDMENT, BASED ON THE FINDINGS OF FACT MADE BY THE PLANNING AND ZONING BOARD, AND BASED ON SAID BOARD'S RECOMMENDATION OF A ZONE CHANGE.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE <sup>CITY</sup> CITY OF SOMERSET, KENTUCKY:

That Ordinance No. 00-18, known as the Zoning Ordinance, Somerset, Kentucky, is hereby amended by altering the Zoning Map in the following manner:

- I. By changing a boundary of land presently zoned R-4 to R-3 said properties being more particularly described in Exhibit "A" attached hereto and incorporated herein in full by reference, located at 119 Young Street, Somerset, Kentucky, and having PVA Parcel # 075-3-1-55.
- II. The City Clerk of the City of Somerset, Kentucky is hereby authorized to alter the Zoning Map to reflect said changes.
- III. This Ordinance shall be in full force and effect from and after adoption and publication according to law.

FIRST READING: December 9, 2019

SECOND READING: \_\_\_\_\_

Approved: \_\_\_\_\_  
 Mayor

Attest: \_\_\_\_\_  
 City Clerk



**FINDINGS OF FACT AND RECOMMENDATIONS OF THE CITY OF SOMERSET PLANNING & ZONING COMMISSION**

OWNER: TRISON GROUP HOLDINGS, LLC (Joel Patton)  
 ADDRESS: 119 Young Street  
 PARCEL #: 075-3-1-55

On November 26<sup>th</sup>, 2019, the Planning & Zoning Commission of the City of Somerset convened for a regularly scheduled meeting and public hearing and, at such meeting, made findings of fact as to the property described in the plat and zone change application attached hereto and incorporated herein in full by reference.

The Planning & Zoning Commission believes that the recommendation as set forth below is proper according to law and **MEETS** the requirements for a zone change from **R-3** to **R-3** due to the following findings of fact:

**DUE TO THE SOCIAL AND ECONOMIC CHANGES IN THE IMMEDIATE AREA, THE PRESENT ZONING IS INAPPROPRIATE AND THE PROPOSED ZONING IS APPROPRIATE FOR THE PROPERTY.**

WHEREFORE, the Planning & Zoning Commission via a majority vote agree to **RECOMMEND** to the Common Council of the City of Somerset that the subject property be re-zoned from **R-3** to **R-3** based on the above findings of fact.

\_\_\_\_\_  
 Administrative Official

\_\_\_\_\_  
 Chairman, Planning & Zoning Commission

Counsel for Planning & Zoning Commission  
 (Sign only if legal assistance was sought by the Commission)

DISCLAIMER  
 This form was prepared by the City Attorney for administrative purposes only. All findings and/or recommendations stated on this form shall be verified in the notes provided by the Chairman of the Commission or other authorized Personnel, and are strictly the decision of the Planning & Zoning Commission as permitted under the authority of all applicable law.

\_\_\_\_\_  
 John Adams, City Attorney

**EXHIBIT "A"**



Mr. Mitchell made a motion to approve the following Ordinance Number 19-33: An Ordinance to the City of Somerset, Kentucky, Annexing by Property as Described Below and in

Attachments to this Ordinance, Attachments Incorporated in Full by Reference Herein (2700 Highway 27, Currently known as "Taco Johns", PVA Parcel 062-1-0-65.5). Mr. T. Eastham seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Godsey, Ms. Bullock, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, and Mr. Girdler.

ORDINANCE NUMBER 19-33

AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, ANNEXING BY PROPERTY AS DESCRIBED BELOW AND IN ATTACHMENTS TO THIS ORDINANCE, ATTACHMENTS INCORPORATED IN FULL BY REFERENCE HEREIN, AND

WHEREAS, ANNEXATION REQUEST FORMS HAVE BEEN SUBMITTED BY THE PROPERTY OWNERS, AND THE FORMS HAVE BEEN ACCEPTED BY THE CITY AS COMPLETE, AND THE PROPERTY OWNERS EACH HAVING WAIVED THE SIXTY (60) DAY WAITING PERIOD, BY AND THROUGH THE ANNEXATION REQUEST FORM, SIGNED BY THE OWNER AND/OR AN AUTHORIZED AGENT OF THE OWNER AND INCORPORATED IN FULL HEREIN BY REFERENCE, AND MADE PART OF THE ATTACHMENTS TO THIS ORDINANCE, AND

WHEREAS, ALL DOCUMENTS AND RECORDS NEEDED TO PROCEED WITH ANNEXATION OF THE PROPERTIES INTO THE CORPORATE LIMITS OF THE CITY OF SOMERSET, AND

WHEREAS, THE PROPERTIES MEET ALL REQUIREMENTS FOR ANNEXATION AS SET FORTH IN KRS AND ALL OTHER APPLICABLE LAW,

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SOMERSET, KENTUCKY

SECTION 1. THAT THE PROPERTIES DESCRIBED BELOW IN ATTACHMENTS HERETO AND BELOW, ATTACHMENTS INCORPORATED IN FULL BY REFERENCE, ARE HEREBY ANNEXED INTO THE CITY'S CORPORATE LIMITS

SEE THE ATTACHED LEGAL DESCRIPTION AND SURVEY. THE PROPERTY IS ADDRESSED AS 2700 HIGHWAY 27, AND CURRENTLY KNOWN AS "TACO JOHNS" (NEW PVA PARCEL 062-1-0-65.5)

SECTION 2. THIS ORDINANCE SHALL TAKE EFFECT AFTER ITS PASSAGE AND UPON PUBLICATION BY LAW.

FIRST READING: November 15, 2019

SECOND READING: December 9, 2019

APPROVED:   
ALAN E. KRICK, MAYOR  
CITY OF SOMERSET, KY

ATTEST:   
NICK BRADLEY, CITY CLERK



Lot at 444 Enterprise Drive, known as "AM-VETS Denver Adams Post or Post 125, PVA Parcel 062-3-4-31). Mr. Godsey seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Godsey, Ms. Bullock, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, and Mr. Girdler.

ORDINANCE NUMBER 19-34

AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, ANNEXING BY CONSENT PROPERTY AS DESCRIBED BELOW AND IN ATTACHMENTS TO THIS ORDINANCE, ATTACHMENTS INCORPORATED IN FULL BY REFERENCE HEREIN; AND

WHEREAS, ANNEXATION REQUEST FORMS HAVE BEEN SUBMITTED BY THE PROPERTY OWNERS, AND THE FORMS HAVE BEEN ACCEPTED BY THE CITY AS COMPLETED AND THE PROPERTY OWNERS EACH HAVING WAIVED THE SIXTY (60) DAY WAITING PERIOD, BY AND THROUGH THE ANNEXATION REQUEST FORM SIGNED BY THE OWNER AND/OR AN AUTHORIZED AGENT OF THE OWNER AND INCORPORATED IN FULL HEREIN BY REFERENCE, AND MADE PART OF THE ATTACHMENTS TO THIS ORDINANCE; AND

WHEREAS, ALL DOCUMENTS AND RECORDS NEEDED TO PROCEED WITH ANNEXATION OF THE PROPERTIES INTO THE CORPORATE LIMITS OF THE CITY OF SOMERSET; AND

WHEREAS, THE PROPERTIES MEET ALL REQUIREMENTS FOR ANNEXATION AS SET FORTH IN KRS AND ALL OTHER APPLICABLE LAW;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SOMERSET, KENTUCKY

SECTION 1. THAT THE PROPERTIES DESCRIBED BELOW IN ATTACHMENTS HERETO AND BELOW, ATTACHMENTS INCORPORATED IN FULL BY REFERENCE, ARE HEREBY ANNEXED INTO THE CITY'S CORPORATE LIMITS.

EXHIBIT A - 46 ACRE LOT WITH BUILDING, ADDRESSED AS 444 ENTERPRISE DRIVE, SOMERSET, KY, KNOWN AS "AM-VETS DENVER ADAMS POST OR POST 125", PVA 062-3-4-31

SECTION 2. THIS ORDINANCE SHALL TAKE EFFECT AFTER ITS PASSAGE AND UPON PUBLICATION BY LAW.

FIRST READING: November 13, 2019

SECOND READING: December 9, 2019

APPROVED:   
ALAN L. KECK, MAYOR  
CITY OF SOMERSET, KY

ATTEST:   
KIRK BRADLEY, CITY CLERK



DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION

Planning & Zoning Commission

360 East Mount Vernon Street
P.O. Box 980
Somerset, KY 40362
Phone: (606) 425-2314
Fax: (606) 421-2668
www.cityofsomerset.net

ANNEXATION REQUEST FORM

I, David Lloyd Derosselt, formally request annexation

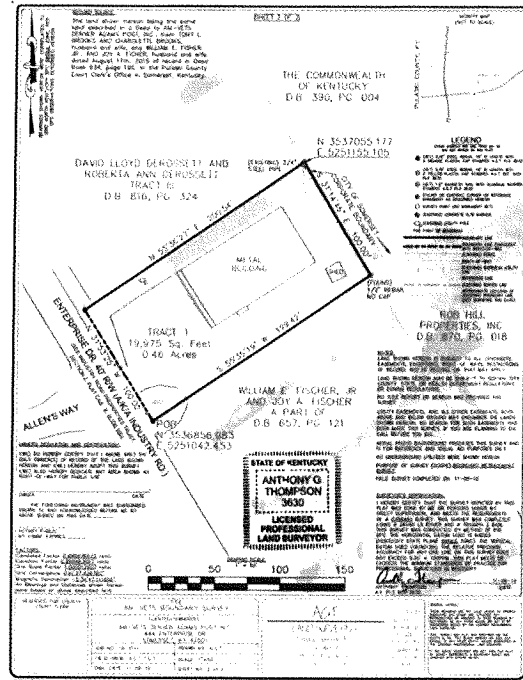
of my property located at Enterprise Drive at the Allen's Way intersection

into the City of Somerset

I also request that the 60-day waiting period be waived

I also request that this property be zoned R-1

Signature: David Lloyd Derosselt
Date: 11-19-19



Sheet 1 of 2
Description
TRACT 1
0.46 Acres

A certain tract or parcel of land located in Pulaski County, Kentucky and being on the east side of Enterprise Drive at the Allen's Way intersection, being more particularly described as follows:

Unless stated otherwise any monument referred to herein as "pin and cap" is a set 5/8" diameter steel rebar, eighteen (18) inches in length, with an orange plastic cap stamped "A.G.T. PLS 3630"; any monument referred to as "magnail" is a set magnetic nail (1 5/8") in length with Aluminum washer stamped PLS 3630; any monument referred to as "reference monument" is a set 5/8" diameter steel rebar, eighteen (18) inches in length, with a yellow plastic cap stamped "A.G.T. PLS 3630 REF. MONUMENT". All bearings and distances stated herein were correlated to Grid North KY SPC Single Zone.

Beginning on a "pin and cap" in the east right-of-way of Enterprise Drive (AKA Industry Road 40' right-of-way, see Industry Road Properties Trust, section 2 (Plat Cat. B, Side 660), being a corner to William E. Fischer, Jr. and Joy A. Fischer (D.B. 657, pg. 121), said rebar having a Kentucky State Plane Single Zone Coordinate of N: 3 538 856 883 E: 5 251 045 453

Thence with the right-of-way of said Enterprise Drive N 31°53'28" W, 100.00' to a "pin and cap" corner to David Lloyd Derosselt and Roberta Ann Derosselt (D.B. 816, pg. 324).

Thence with said David Lloyd Derosselt and Roberta Ann Derosselt N 55°36'27" E, 200.54' to an "existing" 3/4" steel pipe, in the line of The Commonwealth of Kentucky (D.B. 360, pg. 004)

Thence with said The Commonwealth of Kentucky and in part Rob Hill Properties, Inc. (D.B. 670, pg. 018) S 31°14'48" E, 100.00', to a "found" 1/2" rebar with no cap, corner to William E. Fischer, Jr. and Joy A. Fischer (D.B. 657, pg. 121)

Thence with said William E. Fischer, Jr. and Joy A. Fischer S 55°35'19" W, 199.42' to the Point of Beginning

Said tract being 19,975 square feet or 0.46 acres, as surveyed under the direct supervision of Anthony Thompson, PLS 3630, with AGT Land Surveying, field work completed on 11-08-19

The land described herein being the same land described in a Deed to AM-VETS DENVER ADAMS POST, INC. from TONY L. BROOKS AND CHARLOTTE BROOKS, husband and wife and WILLIAM E. FISHER, JR. AND JOY A. FISHER, husband and wife, dated August 17th, 2015 of record in Deed Book 834, page 196, in the Pulaski County Court Clerk's Office in Somerset, Kentucky.



Signature: Anthony Thompson
Date: 11-08-19
Anthony Thompson, PLS 3630

There being no further business the meeting adjourned.

APPROVED:



A large, stylized handwritten signature in black ink, consisting of several overlapping loops and curves, positioned above a horizontal line.

MAYOR

ATTEST:



A smaller, more compact handwritten signature in black ink, positioned above a horizontal line.

CITY CLERK