

ORDINANCE NO. 23-05

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;

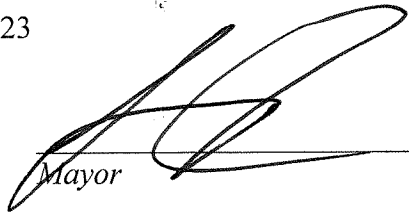
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY:


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-2** to **R-3**, said properties being more particularly described in Exhibit "A" attached hereto and incorporated herein in full by reference, located at **220 Jacksboro St**, Somerset, Kentucky, and having PVA Parcel # **061-6-3-53**.
- 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 April 10, 2023

SECOND READING April 24, 2023

Approved:  _____
Mayor

Attest:  _____
City Clerk

**CITY OF SOMERSET, KENTUCKY
PLANNING AND ZONING COMMISSION**

**FINDINGS OF FACT,
CONCLUSIONS AND RECOMMENDED MAP AMENDMENT**

CASE NO: _____

RE: Zone Change Brown Builders, LLC, 200 Jacksboro Street

For Recording purposes,

Listed below are the parties involved in the Zone Change for
200 Jacksboro Street
Somerset, Kentucky
PVA Parcel 061-6-3-53

Party One

City of Somerset, Planning and Zoning Commission
PO Box 989
Somerset, Kentucky, 42502

Party Two

Brown Builders, LLC
139 Barrington Dr
Somerset, Kentucky, 42503

The Planning and Zoning Commission having heard testimony at a public hearing conducted before the Commission on the 28th day of March 2023 and based on the evidence presented, the Planning and Zoning Commission enters the following FINDINGS OF FACT, CONCLUSIONS AND MAP AMENDMENT.

FINDINGS OF FACT

Brown Builders, LLC is the owner of record of a tract of land at 200 Jacksboro Street, per deed of conveyance dated the 12th of October 2022 and of record in Deed Book 1063 Page 689. . The tract is zoned R-2 and is of sufficient size that multiple buildings can be accommodated on the site. The tract has over 240 feet of road frontage along Jacksboro Street. The tract has additional road frontage along Garrett Street, approximately 110 feet. There is a single-family residence on site and is located on the northern portion of the tract, at its intersection with Farmer Street.

As stated previously the tract is zoned R-2,

Those tracts to the the east;

110 Farmer Street (Parcel 061-6-3-54) and

106 Garrett Street (Parcel 061-6-3-70), which is across Garret Street from the subject are zoned R-2.

There is one tract to the north across Farmer Street from the subject ; 134 Jacksboro Street, (Parcel 061-5-9-14), that is also zoned R-2

The five tracts to the west across Jacksboro Street from the subject

143 Jacksboro Street (Parcel 061-5-9-12),

201 Jacksboro Street (Parcel 061-6-3-03),

203 Jacksboro Street (Parcel 061-6-3-04),

205 Jacksboro Street (Parcel 061-6-3-05),

207 Jacksboro Street (Parcel 061-6-3-06) are all zoned R-2.

The lone exception is the tract to the south; Parcel 061-6-3-51, which is zoned R-3 and owned by the applicant. It has two triplexes on site, 206 Jacksboro Street and 107 Garrett Street.

The Comprehensive Plan has the future use of the tract to remain residential which in essence agrees with *KRS 100.213 (1) Before any map amendment is granted, the planning commission or the legislative body or fiscal court must find that the map amendment is in agreement with the adopted comprehensive plan.*

The commission also asked the applicant to comply with *KRS 100.213 (1) (a) That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate;*

It would seem that the present improvements do not meet the highest and best use of the land as there is more than sufficient land to accommodate the existing building. The permitted uses of the land would permit an additional single-family residence, duplexes, or triplexes. As there has not been any single-family residential construction along Jacksboro Street in the past five to ten years, and what construction that has been completed in the same time period is multi-family sector, one would assume that due to economic factors that any additional construction on the tract it would be of the multi-family type and those allowed in in the zoning ordinance are duplexes or triplexes.

The applicant's argument that a single apartment building housing six units is more economical to construct than two triplexes with the same number of units is readily provable by multiple construction cost sources.

As such, the requested zone change due to the atypical lot size (larger and superadequate road frontage) and the tracts ability to accommodate a building, such as the planned construct, with ample grounds remaining, would seem that the requested zone (R-3) is within reason and more appropriate than the present zoning.

CONCLUSIONS

The requested rezoning is in agreement with the future use outlined in the comprehensive plan. The site size does make the appropriateness of the present zoning somewhat in doubt when one factors in the economic factors that would make the planned improvements more economically feasible.


There were no citizens present to comment in favor for or against the rezoning. The commission appears to be in agreement with the assessment of the applicant that the present zoning (R-2) is inappropriate, and the requested zoning (R-3) is more appropriate having voted 5-0 in favor of the rezoning.

RECOMMENDED MAP AMENDMENT

It is hereby recommended by this Commission that the map amendment be granted, as the present zoning is deemed inappropriate, due to the site's superadequacy in terms of size and road frontage and the requested zone change is more appropriate due to the economic saving the applicant will reap which will make the construction financially feasible.

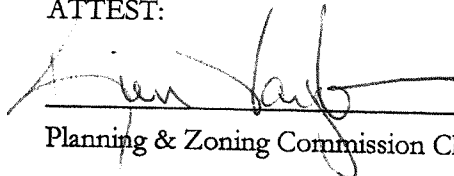
A true and correct copy of this Findings of Fact, Conclusions and Recommended Map Amendment shall be sent to the City of Somerset City Council for adoption.

DONE AND ORDERED this 3rd day of April 2023.



Chairman, Planning and Zoning Commission
City of Somerset

ATTEST:



Planning & Zoning Commission Clerk

This document was prepared by the staff of the Planning and Zoning Department under the supervision of John Adams, City Attorney

City Attorney