

ORDINANCE NO. 23-19

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:

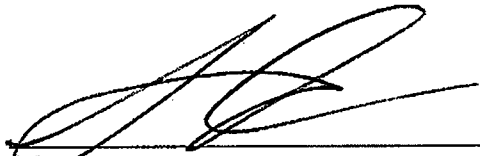
That Ordinance No. 00-18, known as the Zoning Ordinance, Somerset, Kentucky, is hereby amended by altering the Zoning Map in the following manner:

- 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 **2 Undeveloped Lots on Hansel's Way**, Somerset, Kentucky, and having PVA Parcel # **061-4-3-56.1 & 061-4-3-57.1**.
- 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 November 13, 2023

SECOND READING December 11, 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: Hansel Enterprises, LLC

For Recording purposes,
Listed below are the parties involved in the Zone Change for
Hansel Way
Somerset, Kentucky
PVA Parcels 061-4-3-56.1 & 061-4-3-57.1

Party One
City of Somerset,
Planning & Zoning Commission
PO Box 989
Somerset, Kentucky, 42502

Party Two
Hansel Enterprises, LLC,
106 Park Avenue
Somerset, Kentucky, 42501

The Planning and Zoning Commission having heard testimony at a public hearing conducted before the Commission on the 24th day of October 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

Hansel Enterprises, LLC is the owner of record of two tracts of land on Hansel Way, a private drive off Park Avenue.

Parcel 061-4-3-56.1 was conveyed to Hansel Enterprises, LLC, per deed of conveyance dated the 28th of February 2022 and of record in Deed Book 1050 Page 530.

Parcel 061-4-3-57.1 was conveyed to Hansel Enterprises, LLC, per deed of conveyance dated the 17th of August 2022 and of record in Deed Book 1061 Page 535.

Parcel 56.1 contains 0.32-acre. Parcel 57.1 contains 0.76-acre.

The two parcels are zoned R-2.

To the south are;

702 West Columbia St, Parcel 061-4-3-55 (Computer Information Systems, Inc.), Zone R-2,
704 West Columbia St, Parcel 061-4-3-56 (Darlene Mitchener), Zone R-2,
706 West Columbia St, Parcel 061-4-3-57 (Computer Information Systems, Inc.), Zone R-2,
706 West Columbia St, Parcel 061-4-3-57.2 (Stevie & Jessica Rose), Zone R-2, and
708 West Columbia St, Parcel 061-4-3-59 (Bruce McKnight), Zone R-2.

To the east are:

104 Park Avenue, Parcel 061-4-3-52 (Hansel Enterprises, LLC), Zone R-2,
102 Park Avenue, Parcel 061-4-3-53 (James & Michelle Adkins), Zone R-2,

To the north and west are

106 Park Avenue, Parcel 061-4-3-51 (Hansel Properties, LLC) Zone R-3.

The two parcels are “landlocked” with no public road frontage. It is the desire of Pat Hansel, member of Hansel Properties, LLC and Hansel Enterprises, LLC to combine the two tracts with Parcel 061-4-3-51, a tract containing 5.83-acres and improved with a single-family residence, as well as seven apartment buildings so as to have public road frontage for these two parcels. In addition, Mr. Hansel is requesting the zone change so he can construct a 3-story apartment building that will house twenty-one one-bedroom apartments.

Mr. Hansel wishes to keep Hansel Way a private drive. As such, it is felt that the tracts must be combined with the larger tract so that the tracts are no longer “landlocked”. In order to be homogeneous with Parcel 061-4-3-51, the property needs to be rezoned to R-3 as well.

The future use of the tract is residential.

The requested zone change and planned improvements are similar to other properties along Park Avenue or nearby.

105 & 107 Park Avenue (Parcel 061-4-3-64) (Zoned R-2) are improved tracts of land that has three buildings housing eighteen apartments that contain approximately 13,300 square feet.

509-539 Park View Court, (Parcels 061-4-3-45 through 50) (Zoned R-2 & B-2) are a series of duplexes (Zoned R-2) and triplexes (Zoned B-2) that owned by various members of the Kempter Family.

100 Lincoln Street/603 West Columbia Street (Parcel 061-4-7-31) (Zoned R-2) is an improved tract of land that has three buildings housing twenty apartments that contain approximately 11,300 square feet.

105 & 107 Park Avenue and 100 Lincoln Street/603 West Columbia Street are owned by Hansel Properties, LLC, a sister entity to the applicant. They were purchased in 2018 and have undergone extensive remodeling since purchase. They were in poor shape prior to the 2018 purchase.

105 & 107 Park Avenue and 100 Lincoln Street/603 West Columbia Street and 530-538 Parkview Court and 533-539 Parkview Court were constructed prior to the current zoning ordinance and adoption of current map and these situations are considered to be “legal nonconforming” and addressed in Article 3 of the City of Somerset Planning Ordinance (00-18) pages 40-42.

The two parcels are the rear portions of lots whose improvement face West Columbia Street. The tracts are wooded, and the site improvements will be placed on the lots to preserve a sufficient amount of the trees to the south so as to provide a vegetative barrier between the new building and improvements on the parent tracts and other adjoining tracts along West Columbia Street.

The future use of the tract is residential.

Alex Godsey, the project engineer spoke for Mr. Hansel and answered several questions from the board regarding the property and proposed improvements and their relationship with the existing property owned by Mr. Hansel and his entities.

The zone change meets the requirements of KRS 100.213 (1)

KRS 100.213 Findings necessary for proposed map amendment -- Reconsideration. (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.

CONCLUSIONS

There were several citizens at the public hearing but no one came forward during the comments session of the public hearing concerning this property.

The board felt that the proposed use is similar to the other properties in the immediate vicinity were sufficient to grant a zone change, voting 5-0 in favor of said change with Burgin, Floyd, Holland, Stringer and Vaught voting in favor of the rezoning. Epley and Lynch were absent.

RECOMMENDED MAP AMENDMENT

It is hereby recommended by this Commission that the map amendment be granted, as the present zoning is in compliance with the Comprehensive Plan, having met the requirements of KRS 100.231 (1).

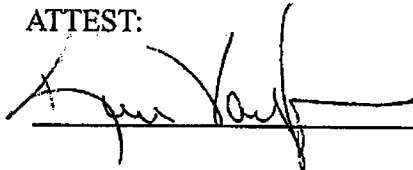
A true and correct copy of this Findings of Fact, Conclusions and Recommended Map Amendment shall be sent to the City of Somerset City Council for adoption.

DONE AND ORDERED this 7th day of November 2023.



Chairman, Planning and Zoning Commission
City of Somerset

ATTEST:



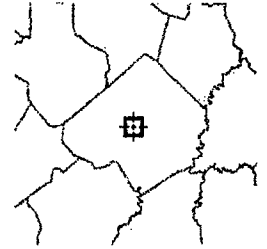
Planning & Zoning Commission Clerk

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

City Attorney



Overview



Legend

- Parcels
- Roads
- Land hook

Parcel ID	061-4-3-57.1	Mailing Address	HANSEL PROPERTIES LLC	Total Value	\$18,000	Last 2 Sales			
Class	RESIDENTIAL		150 HANSELS WAY			Date	Price	Reason	Qual
Taxing District	22		SOMERSET, KY 42501			8/17/2022	\$18000	A	U
Acres/Lot	0.76	Physical Address	W COLUMBIA ST			11/22/2013	\$15000	E	U
			Somerset City						

Brief Tax Description PAR A HABITAT FOR HUMANITY (W COLUMBIA ST) .76 AC
(Note: Not to be used on legal documents)

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