

ORDINANCE NO. 23-20

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:

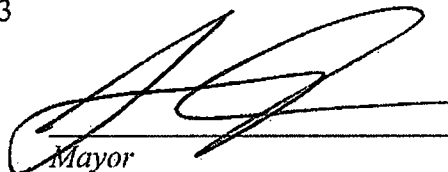
That Ordinance No. 00-18, known as the Zoning Ordinance, Somerset, Kentucky, is hereby amended by altering the Zoning Map in the following manner:

- I. By changing a boundary of land presently zoned **R-2** to **R-1**, said properties being more particularly described in Exhibit "A" attached hereto and incorporated herein in full by reference, located at **the End of Patriots Way (7 lots)**, Somerset, Kentucky, and having PVA Parcel # **061-0-0-12**.
- 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: Fab Four Properties, LLC

For Recording purposes,
Listed below are the parties involved in the Zone Change for
Patriots Way
Somerset, Kentucky
A portion of PVA Parcel 061-0-012

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

Party Two
Fab Four Properties, LLC
174 Esplanade Drive
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

Fab Four Properties, LLC is the owner of record of a 49-acre tract at the terminus of Patriots Way, a private drive off Monticello Street.

The tract is a portion of the lands conveyed to Fab Four Properties, LLC, per deed of conveyance dated the 9th of May 2023 and of record in Deed Book 1074 Page 540.

The parcel is zoned R-2.

To the south of the parent tract are the following parcels;

12 Independence Drive, Parcel 062-4-0-19.1 (Eagles Landing Senior Community), Zone R-3,
Patriots Way, Parcel 062-4-0-19 (Eagle Creek Properties, LLC and Somertown, LLC), Zone R-3,

S Hwy 1247, Parcel 062-4-0-21 (Kentucky Community & Technical College System),
55 Hyden Lane, Parcel 062-0-0-01 (John Ricky Minton), Zone R-1.

The parcel to the east is:

99 Hunt Lane, Parcel 061-0-0-13 (Howard & Wanda Hunt) (City of Ferguson)

Those parcels bordering the parent tract to the north are as follows:

Alexander Drive, Parcel 061-6-2-23 (City of Somerset), Zone R-1

Alexander Drive, Parcel 061-6-2-19.2 (Somerset Energy Refining, LLC), Zone R-2

Alexander Drive, Parcel 061-6-2-19 (City of Somerset), Zone R-2

330 Alexander Drive, Parcel 061-6-2-17 (Doris Laura Ingram), Zone R-2

310 Alexander Drive, Parcel 061-6-2-16 (Chester Ingram), Zone R-2

And the parcel bordering the parent tract to the west is:

500 Somerset Village, Parcel 061-6-2-04 (Somerset Village Apartments Kentucky, LLC), Zone R-3.

Patriots Way, (100 PR-1023) will be extended past the Eagles Landing Senior Community and be the main entry to the property with plans for eventual transfer of ownership and maintenance to the City of Somerset.

The property to be rezoned is a 23-acre tract that will be subdivided into seven lots. The lots will be in the eastern portion of the parent tract.

The applicant stated that the seven lots will be restricted to single-family residences.

They will be served by a road that will be private, with an access controlled gate.

Single family residences can be constructed in an R-2 zone.

The Planning and Zoning Commission has had situations where people wished to build a duplex on a R-2 zoned lot within a subdivision with the single-family residence restriction.

The Planning and Zoning Commission does not keep track of deed restrictions.

It is the belief of the current Chairman (Vaught) that the zoning should agree with the deed restriction so that these situations do not occur in the future, whether it be one year or fifty years.

Vaught mentioned his stance to the engineer designing the infrastructure and as a result, the zone change has been submitted.

The future use of the property is Leisure.

The proposed use is more restrictive than the current R-2 zone.

The applicant was asked to comply with KRS 100.213 (1) (a)

(a) That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate;

The applicant stated that the current zoning (R-2) is not appropriate with the planned deed restrictions and the proposed zone (R-1) dovetails with the restrictions. He further stated that a portion towards the west end of the tract may be improved with duplexes or triplexes in the next phase of the development of the property and that the area in front of the seven lots will remain green space due to its topography.

This is a typical example of development, with R-3 properties closer to the transportation artery, with a buffer of duplexes and triplex properties between the apartments and single-family residences farthest away from the transportation artery.

Several people were in attendance. A gentleman who resided in Eagles Landing Senior Community felt like the proposed road would be "too close" to the complex.

It was explained to the gentleman that the road is being constructed on private right-of-way, which is 25' wide along the Somerset Village property to the point where the parent tract adjoins the roadway, at which point it expands to 50'. The road is transitioning away from the Eagles Landing Senior Community property as much as possible to the middle of the right-of-way past Eagles Landing Senior Community. His response was "its too close".

There were several questions asked by the board during the public hearing and ensuing meeting and answered by the applicant's engineer.

CONCLUSIONS

The board felt that the proposed zone change meets the requirements of KRS 100.213 (1) (a)

(b) That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate;

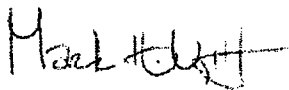
that it is more appropriate given the planned deed restrictions so as to avoid potential conflict that has occurred in other single family restricted subdivisions with R-2 zoning and voted to rezone the property from R-2 to R-1, voting 5-0 in favor of said change with Burgin, Floyd, Holland, Stringer 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, having met the requirements of KRS 100.231 (1) (a).

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.

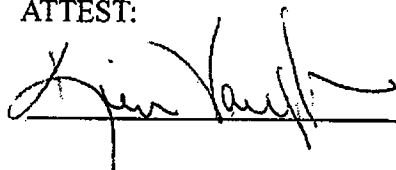
DONE AND ORDERED this 7th day of November 2023.



Chairman, Planning and Zoning Commission

City of Somerset

ATTEST:



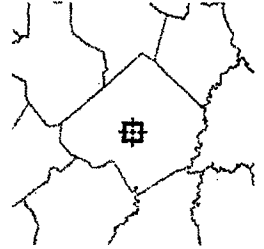
Planning & Zoning Commission Clerk

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	061-0-0-12	Mailing Address	NEIKIRK L GLEN TRUST	Total Value	\$40,000	Last 2 Sales			
Class	FARM		C/O BILL NEIKIRK			Date	Price	Reason	Qual
Taxing District	21		PO BOX 814			3/23/1992	\$40000		Q
Acres/Lot	49.4	Physical Address	SOMERSET, KY 42503						
			MONTICELLO RD						
			Somerset Cross Sect						

Brief
Tax Description 49.40 AC MONTICELLO RD
(Note: Not to be used on legal documents)

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