

ORDINANCE NO. 22-17

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 **B-3**, said properties being more particularly described in Exhibit "A" attached hereto and incorporated herein in full by reference, located at **225 Langdon St**, Somerset, Kentucky, and having PVA Parcel # **061-4-2-08**.
- 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 October 10, 2022

SECOND READING October 24, 2022

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 Donald Burris, 225 Langdon Street

For Recording purposes,
Listed below are the parties involved in the Zone Change for
225 Langdon Street
Somerset, Kentucky
PVA Parcel 061-4-2-28

Party One

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

Party Two

Donald & Margaret Burris
147 Waitsboro Drive
Somerset, Kentucky, 42503

The Planning and Zoning Commission having heard testimony at a public hearing conducted before the Commission on the 4th day of October 2022 and based on the evidence presented, the Planning and Zoning Commission enters the following FINDINGS OF FACT, CONCLUSIONS AND MAP AMENDMENT.

FINDINGS OF FACT

Mr. Burris is the owner of record of a tract of land at 225 Langdon Street, per deed of conveyance dated the 17th of July 2018 and of record in Deed Book 983 Page 212. The property has been in the Burris Family since 1984. The tract is zoned R-2 but does not meet the following planning and zoning dimensional requirement; minimum lot frontage (60'). The tract is 50' wide with a depth of 155 per the PVA. As stated previously the tract is zoned R-2, as are the tracts to the south; 225 ½ Langdon Street (Parcel 061-4-2-070), east; 103 Lookout Street, (Parcel 061-4-2-12), and north; 227 Langdon Street. (Parcel 061-4-2-09). The tract across the street, 224 Langdon Street (Parcel 061-4-2-54) is zoned B-2. A tract at 223 Langdon Street (Parcel 061-4-2-06) is also zoned B-2 having been rezoned in August 2010 from R-2 to B-2 (Ordinance 10-18). The Comprehensive Plan has the future use of the tract as Residential. In 2007 there were six residences between Highland Avenue and Lookout Drive. In 2022, there are two residences, three vacant lots, and one commercial building.

CONCLUSIONS

The requested rezoning is not in agreement with the future use outlined in the comprehensive plan. The applicant's representative Phil Hayes (buyer) feels that the present use is inappropriate due to the changes of physical and economic nature that have occurred since the adoption of the present comprehensive plan (2012) and prior to the present comprehensive plan that was not taken into account of the present plan. The single-family residence on Parcel 061-4-2 54 (224 Langdon Street) was razed and improved with a dental/medical office in 2007. The residence on this tract was razed rather than remodeled and there has not been any desire for the tract as a single-family residential site. The single-family residence at 229 Langdon Street (Parcel 061-4-2-10), was razed in the 2014~2015 period and remains a vacant lot. The applicant feels that the more appropriate zoning is B-3, Neighborhood Commercial Zoning. It would appear that there is a basis for this reasoning, as the soaring building costs in the recent past may not abate in the near future due to the devastation brought by Hurricane Ian in Florida. The small size of this tract and other tracts along Langdon Street and in the City of Somerset, along with the high cost of building materials, has reduced the marketability of these small lots for single family residential development. This phenomenon may be short term (2-3 years) but could be prolonged if another hurricane ravages an east coast or gulf coast state in the near future.

There were no citizens present to comment in favor for or against the rezoning. The commission appears to be agreement with the assessment of the applicant's proxy (Mr. Hays) that the present zoning (R-2) is inappropriate, and the requested zoning (B-3) is more appropriate having voted 7-0 in favor of the rezoning.

NOTE

Properties like this in the past were typically rezoned B-2, as evidenced by the rezoning of the tract across the street and 223 Langdon Street (Parcel 061-4-2-06). The current Chairman, Mark Vaught, and City Engineer, Reggie Chaney, feel like properties such as this should be rezoned to B-3, Neighborhood Commercial, as this is a more appropriate zoning rather than B-2 Highway Commercial. They feel that the only tracts that should be rezoned to B-2 in the future should be restricted to the larger state maintained roadways, such as US 27 and Hwy 80.

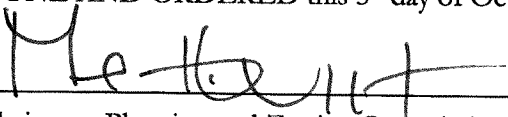
RECOMMENDED MAP AMENDMENT

It is hereby recommended by this Commission that the map amendment be granted, as the present zoning is deemed inappropriate, due to changes of the physical and economic nature in the immediate area, as well as economic changes in the City of Somerset and the Commonwealth of Kentucky in the

recent past and foreseeable future.


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 5th day of October 2022.



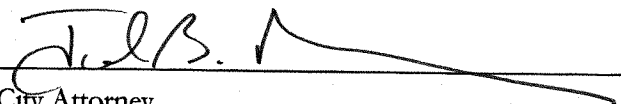
Chairman, Planning and Zoning Commission
City of Somerset

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