

ORDINANCE NO. 24-34

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 **B-3** to **R-1**, said properties being more particularly described in Exhibit "A" attached hereto and incorporated herein in full by reference, located at **Undeveloped Property at the N Corner of Bourne Ave & Jarvis Ave** Somerset, Kentucky, and having PVA Parcel # **061-7-7-01**.
- 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, 2024

SECOND READING JANUARY 27, 2025

Approved: _____

Mayor

Attest: _____

City Clerk



APPLICATION FOR ZONING AMENDMENT/DEVELOPMENT PLAN APPROVAL
to the
CITY OF SOMERSET PLANNING & ZONING COMMISSION

APPLICATION NUMBER: ZC 2024-06

THE UNDERSIGNED OWNER(S) OF THE FOLLOWING LEGALLY DESCRIBED PROPERTY REQUESTS THE CONSIDERATION OF CHANGE IN ZONING CLASSIFICATION/APPROVAL OF DEVELOPMENT PLAN AS SPECIFIED BELOW:

- 1. NAME OF OWNER (APPLICANT): Leonard Lee and Terri Coffee
- 2. MAILING ADDRESS: P.O. Box 53, Eubank KY 42567
- 3. PHONE NUMBERS: HOME: 606-379-6260 BUSINESS: 606-305-5294
- 4. LOCATION DESCRIPTION: 807-815 Bourne Avenue Parcel ID# 01-7-7-01
- 5. EXISTING USE: Vacant CURRENT ZONE CLASSIFICATION: B-3
- 6. PROPOSED USE: Residential Development PROPOSED ZONE CLASSIFICATION: R-1

SUPPORT INFORMATION: ATTACH THE FOLLOWING ITEMS TO THE APPLICATION

- A. A VICINITY MAP SHOWING PROPERTY LINES, STREETS AND EXISTING ZONING. MARK THE PROPERTY YOU WISH TO HAVE REZONED WITH THE PROPOSED ZONE CLASSIFICATION
- B. COPY OF THE DEED TO THE PARCEL THAT IS REQUESTING TO BE RE-ZONED.
- C. COPY OF THE PLAT TO THE PARCEL THAT IS REQUESTING TO BE RE-ZONED.
- D. CHECK IN THE AMOUNT OF \$402 MADE PAYABLE TO THE CITY OF SOMERSET

DATE: 11/16/24 APPLICANT/OWNER SIGNATURE: Lee Coffee Terri Coffee

FOR OFFICIAL USE ONLY - DO NOT WRITE BELOW THIS LINE

DATE FILED: 11-16-24 DATE OF NOTICE TO ADJACENT PROPERTY OWNERS: 11-22-24
DATE OF NOTICE TO NEWSPAPER: 11-23-24 DATE OF PUBLIC HEARING: 11-26-24
FEE PAID: \$402 DECISION OF ZONING COMMISSION: APPROVED DISAPPROVED
IF DENIED, REASON FOR DENIAL: _____

DATE _____ CITY OF SOMERSET PLANNING & ZONING COMMISSION CHAIRMAN

FOR OFFICIAL USE ONLY - LEGISLATIVE AUTHORITY

DATE OF RECOMMENDATION RECEIVED: _____

ACTION BY LEGISLATIVE AUTHORITY: APPROVED: _____ DENIED: _____

DATE OF 1ST READING: _____ DATE OF 2ND READING: _____

DATE SIGNED _____ CLERK SIGNATURE _____ MAYOR SIGNATURE _____

NOTE: THIS FORM AND THE SUPPORTING INFORMATION MUST BE FILED WITH THE SOMERSET PLANNING COMMISSION. THE APPLICATION MUST BE RETURNED TO THE OFFICE OF P & Z (LOCATED ON 2ND FLOOR OF THE SOMERSET ENERGY CENTER) FOUR (4) WEEKS PRIOR TO THE MEETING DATE.

CITY OF SOMERSET, KENTUCKY
PLANNING AND ZONING COMMISSION

FINDINGS OF FACT,
CONCLUSIONS AND RECOMMENDED MAP AMENDMENT

CASE NO: _____

RE: Zone Change: Leonard Lee Coffee & Teresa Coffee (Me Development, LLC)

For Recording purposes,
Listed below are the parties involved in the Zone Change for
Lots at the corner of Bourne Avenue & Jarvis Avenue
Somerset, Kentucky
061-7-7-01

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

Party Two
Leonard Lee Coffee & Teresa Coffee
PO Box 53
Eubank, Kentucky, 42567

The Planning and Zoning Commission having heard testimony at a public hearing conducted before the Commission on the 26th day of November 2024 and based on the evidence presented, the Planning and Zoning Commission enters the following FINDINGS OF FACT, CONCLUSIONS AND MAP AMENDMENT.

FINDINGS OF FACT

Leonard Lee Coffee and Teresa Coffee are the owners' of record of a tract of land on Bourne Avenue at its intersection with Jarvis Avenue.

The parcel is that tract of land conveyed to Leonard Lee Coffee and Teresa Coffee by deed dated the 8th of January 2020 by Gary & Jane Perdue and of record in Deed Book 1008 Page 089.

The Perdues purchased the property from the Coffee's in 2010 (Deed Book 858 Page 654) who had bought the property in 2005 (DB 754 Page 565) when they purchased the tract from the Brown Brothers Contractors Co., Inc.

Brown Brothers Contractors Co., obtained the property through a series of transfers between July 15, 1991 and June 5, 1973.

The tract contains 4.76-acres and has 571.02 feet of road frontage along Bourne Avenue and 461.44 feet of road frontage along Jarvis Avenue (KY 769).

The track is at the road grade of Bourne Avenue and rises to the north. There is a depression at the intersection of Bourne and Jarvis Avenues that will be used as a detention basin.

The parcel is zoned B-3.

To tracts to the north are;

8 Edgewood Drive, Parcel 061-7-6-49 (W Colyer), Zone R-1,

9 Edgewood Drive, Parcel 061-7-6-45 (T Aliafari), Zone R-1,

To tracts to the east are;

503 Jarvis Avenue, Parcel 076-1-3-73 (J Hyden), Zone R-2,

504 Jarvis Avenue, Parcel 076-1-3-76 (R Dick), Zone R-2,

Jarvis Avenue, Parcel 076-1-3-75 (D Dick), Zone R-2,

508 Jarvis Avenue, Parcel 076-1-3-74 (A Cook), Zone R-2,

602 Jarvis Avenue, Parcel 076-1-3-64 (J Mackey) Zone R-2

700 Jarvis Avenue, Parcel 076-1-3-62.1 (E Walls & Kathleen Larkin) Zone R-2

To tracts to the south are:

Bourne Avenue, Parcel 076-0-0-01 (D Thompson), Zone B-2,

810 Bourne Avenue, Parcel 076-0-0-01.6 (Heritage Hope of Church of God), Zone B-2

And the tract to the west is

805 Bourne Avenue, Parcel 061-7-7-05 (T Shepherd & J Balmer, Jr), Zone R-2.

The current zone is Neighborhood Commercial B-3 and the requested zone change is to Single Family R-1.

The planned future use of the tract is Commercial.

The trend of late in Somerset is for builders to construct smaller starter homes on smaller R-1A sized lots within the City. Because of the topography, the buyer is choosing to go with bigger lots and build a slightly larger house than that being fitted on the R-1A lots.

The single-family residence that will be constructed on the lots is approximately 1350 square feet.

Alex Godsey, representing ME Development, LLC and John Ervin, member of ME Development, LLC, spoke during the public hearing regarding the use of the property if rezoned and presented a preliminary conception of the layout of the development.

Vaught, chair of the Commission, stated that the proposed zone does not meet 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.

After which he asked the applicants 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.*

Mr. Godsey stated that the tract has had no interest for commercial usage in the past nineteen years and felt that the present zoning classification was not appropriate. They felt that the proposed zone is more appropriate, as it is in line with the uses of the adjoining properties.

No other person made statements, comments, or asked questions during the public hearing.

During the meeting, several questions pertaining to the subdivision were asked from members of the board, but none pertained to the zoning of the property, just the physical characteristics of same.

CONCLUSIONS

As stated above, 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 zone dovetails with uses on adjoining properties. While not brought up in the meeting, the zoning office has had an inquiry on the possibility of rezoning Bourne Avenue, Parcel 076-0-0-01 (D Thompson), Zone B-2 into R-3, and the possibility of constructing single-bedroom apartment building(s) on that site. This site, while not as large, has better topography and appears to have not had any inquiries from the zoning office about potential uses in the commercial sector either supporting the claims of the applicants.

The board felt there were sufficient grounds to grant a zone change, voting 6-0 in favor of said change with Burgin, Floyd, Holland, Lynch, Stringer and Vaught voting in favor of the rezoning from B-3 to R-1.

RECOMMENDED MAP AMENDMENT

It is hereby recommended by this Commission that the map amendment be granted, as the present zoning (B-3) is not appropriate and the requested zoning (R-1) is more appropriate, thus meeting the requirements of KRS 100.231 (1) (a).

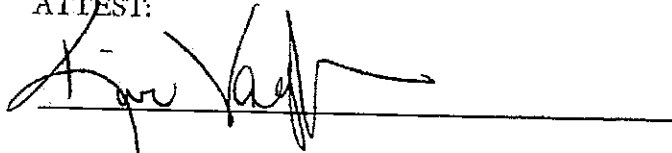
A true and correct copy of this Findings of Fact, Conclusions and Recommended Map Amendment shall be sent to the City of Somerset City Council for adoption.

DONE AND ORDERED this 27th of November 2024.



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