

ORDINANCE NO. 25-08

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-1** to **B-2**, said properties being more particularly described in Exhibit "A" attached hereto and incorporated herein in full by reference, located at **Undeveloped Property in 400-500 Block of Thurman Rd** Somerset, Kentucky, and having PVA Parcel # **049-0-0-05.7 (portion of)**.
- 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.

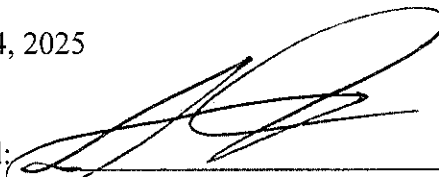
FIRST READING

MARCH 24, 2025

SECOND READING


APRIL 14, 2025

Approved:



Mayor

Attest:



City Clerk

EXISTING CITY LIMITS OF SOMERSET
(ORDINANCE NO. _____)

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	550.00'	146.64'	146.21'	N 01°19'58" E

LINE TABLE

LINE	BEARING
L1	N 08°58'16" E
L2	N 07°48'22" E
L3	N 04°08'03" E
L4	N 06°34'53" E
L5	S 28°23'10" W
L6	S 29°06'21" W
L7	S 28°18'59" W
L8	S 32°20'22" W
L9	S 30°55'17" W
L10	S 38°38'04" W
L11	S 41°48'12" W
L12	S 55°17'51" W
L13	S 62°21'13" W
L14	S 66°44'41" W

JAL HOLDINGS, INC
(DEED BOOK 1067, PAGE 108)

PROPOSED ANNEXATION AREA
8.70 ACRES

S 79°20'23" E 1,286.44'

N 79°20'23" W 788.42'

MENLO FARMS, LLC
(DEED BOOK 1071, PAGE 211)

N 10°39'37" E 284.63'

S 00°15'27" W 368.34'

75.06
71.74

CITY OF SOMERSET, KENTUCKY
PLANNING AND ZONING COMMISSION

FINDINGS OF FACT, CONCLUSIONS
AND RECOMMENDED MAP AMENDMENT

CASE NO: _____

RE: Zone Changes: Menlo Farms, LLC

For recording purposes,

Listed below are the parties involved in the Zone Change for

630 Thurman Road

Somerset, Kentucky

8.7-acres and being a portion of PVA Parcels 049-0-0-05.7, and 049-0-0-06.1, as well as all of parcels 049-0-0-06.2 and 049-0-0-06.3.

Party One

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

Party Two

Menlo Farms, LLC

502 N Main Street
Somerset, Kentucky, 42501

The Planning and Zoning Commission having heard testimony at a public hearing conducted before the Commission on the 11th day of March 2025 and based on the evidence presented, the Planning and Zoning Commission enters the following FINDINGS OF FACT, CONCLUSIONS AND MAP AMENDMENT.

FINDINGS OF FACT

Menlo Farms, LLC is the owner of record of an 8.70 acre that is in the process of being annexed into the City of Somerset.

The tract is on the east side of Thurman Road.

It is a portion of the lands conveyed to **Menlo Farms, LLC**, by deed of conveyance dated the 15th of February 2023 and of record in Deed Book 1071 Page 211.

The parcel is zoned R-1 (Low Density Residential) in accordance with Article 4.17.

The recently adopted comprehensive plan's future use map does not include any tracts outside the City Limits of Somerset.

The land is improved, with a small commercial building and barn.

It is a portion of PVA Parcels 049-0-0-05.7, and 049-0-0-06.1, as well as all of parcels 049-0-0-06.2 and 049-0-0-06.3.

The tract started as a 19.39-acre tract. The annexed portion contains 8.70-acres.

There remains 10.69-acres in the county. The distillery is located on that portion of Parcel 049-0-0-05.7 remaining in the county.

The parcel to the north 049-0-0-05.5, Thurman Road, JAL Holdings, LLC 20.31-acres, is in the unincorporated & not zoned.

The parcels to the west across Thurman Road are:

Thurman Road, Parcel 049-0-0-08, Tradeway, 163-acres, unincorporated & not zoned.

Thurman Road, Parcel 049-8-1-04, Darrell Dick, 0.20-acre, unincorporated & not zoned.

589 Thurman Road, Parcel 049-8-1-05, Robert Wayne Foster, residence, 0.4-acre, unincorporated & not zoned.

605 Thurman Road, Parcel 049-8-1-05.2, Katrica Hughes, residence, 0.57-acre, unincorporated & not zoned.

The parcels belonging to Menlo Farms to the south are:

Thurman Road, Parcel 049-0-0-06, Menlo Farms, LLC, 0.76-acre, unincorporated & not zoned.

500 Thurman Road, Parcel 049-0-0-05.7 (remainder), Menlo Farms, LLC, unincorporated & not zoned.

And these residences in Highland Trails adjoin the annexed parcel along the south boundary.

182 Ridge Hill Trail, Parcel 049-8-2-57, Cromer, unincorporated & not zoned.

200 Ridge Hill Trail, Parcel 049-8-2-56, Harness, unincorporated & not zoned.

224 Ridge Hill Trail, Parcel 049-8-2-55, Stickler, unincorporated & not zoned.

250 Ridge Hill Trail, Parcel 049-8-2-54, Sealy, unincorporated & not zoned.

270 Ridge Hill Trail, Parcel 049-8-2-53, Russell, unincorporated & not zoned.

290 Ridge Hill Trail, Parcel 049-8-2-52, Ridner, unincorporated & not zoned.

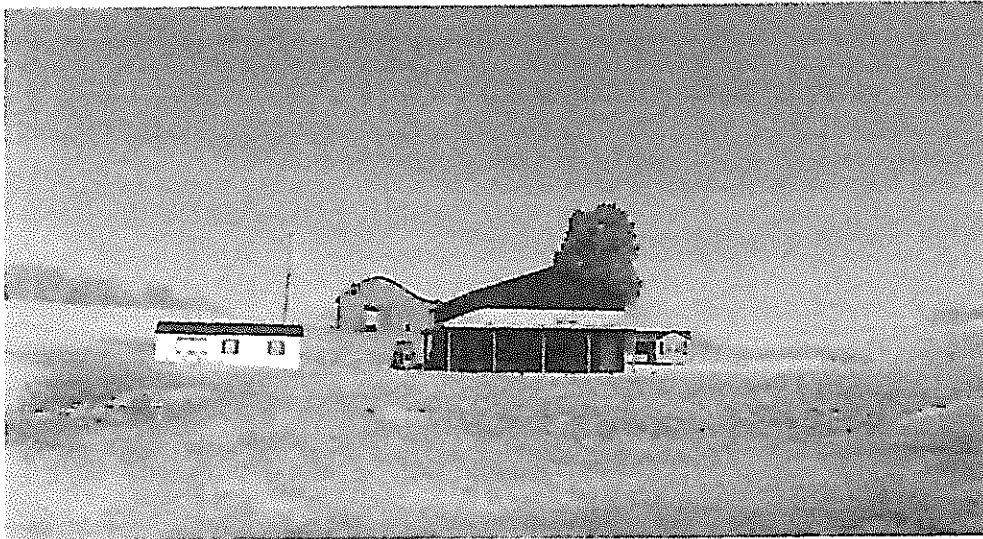
308 Ridge Hill Trail, Parcel 049-8-2-51, Golden, unincorporated & not zoned.

As one can see, all adjoining tracts are in the county and not zoned.

During the public hearing, Mr. Richard Van Damme, principal of Menlo Farms, LLC stated the property was improved and should have been brought in as commercial due to the current policy that the property should have been brought in as its current use. Mr. Adams, city attorney, stated that the property was brought in under R-1 because the current improvements are non-functioning.

Mr. Van Damme countered that the property has been functioning as a commercial property since its construction in 2024.

Chairman Vaught asked why it was requested as B-2 (Highway Commercial) instead of B-3 (Neighborhood Commercial). After a short discussion, Chairman Vaught asked if the petitioner would change his request to B-3, to which the petitioner readily agreed after Mr. Adams stated that this would not affect the rezoning and the B-3 was more appropriate for the property due to the type of road upon which the tract is situated (county feeder road).



White Building and Black Building are remaining in county, tan building and barn are on annex property.

During the Public Hearing, Mr. Larry Abbott, 664 Summer Shade Drive, asked the following questions,

1. Q. This is going to be a distillery, and they are going to sell alcohol in that little building that he built, that little barn. Is that what I am understanding?
A. Van Damme stated that they have already distilling and selling liquor in Kroger's and all local liquor stores for several years.
2. Q. Does he have a liquor license for this location?
A. Vaught Yes, he's got to. Van Damme Yes
3. Q. Does he have a liquor license for this building that you all are bringing into the city?
4. Q. How can he get a liquor license because the (Pulaski) County is not wet?
A. Vaught, he can produce but not sell.
Q Vaught Can you produce and not sell (directed to Van Damme)
A Van Damme. I can produce and sell, it is under the three licenses. I can sell direct to consumer, I can sell to distributor.
5. Q. So, does that mean anybody in Pulaski County get them a liquor license and sell?
A. Vaught If they had a distillery.

At this point Mr. Abbot spoke for several minutes concerning the distillery and its impact on the adjoining house values and the consequences of producing liquor and the associated fungi. He stated that I assume you are the gentleman (Van Damme) that moved in the mobile homes, at which point Chairman Vaught and Mr. Van Damme both stated that that was not so. Abbot then stated "I assumed that you guys made them move that back out", to which Vaught answered, that is in county and we have no jurisdiction over that. Van Damme stated that he asked the landowner to move the mobile homes.

At this point Mr. Abbott returned to the distillery building. Mr. Van Damme stated that he had been producing and selling at that location for over two years.

5. Q. You've been producing at that location, in that little building?
A. Van Damme, yeah, I'll give you a tour if you want.

At this time Mr. Abbott stated Yeah, I don't think that is a good plan folks, it needs to be... At this point Vaught stated that it was in the county and we (city) have no jurisdiction over that. Mr. Abbott talked about the building (distillery) for several minutes and finally understood that the building in question was in the county. He then asked why the sign was at the driveway. Before getting an answer, Mr. Abbott asked several questions about selling liquor from the distillery, to which Vaught and Burgin stated that it was in the county and that would have to be brought up with the state or county.

A discussion was held about licenses held by the applicant. It was finally clarified that sales were via mail-order and no sales were occurring within the distillery.

After this discussion, the issue became the sign, Mr. Abbot, asked that the sign be corrected and placed on the tract and the meeting continued to a later date. Mr. Adams stated that the sign had served its purpose, and it had given proper notice to any passersby.

After this, Mr. Abbott was concerned about the zone change. Mr. Abbott asked that the meeting be continued since the zoning was changed from that advertised. Mr. Adams stated that changing it during the meeting was not an issue because it was in the same category and more restrictive than that requested and that the zone requested was not appropriate due to the road fronting along the subject tract. A question was asked by Burgin, and Mr. Adams expanded on this issue by stating that had it been from a B to a R zone, then it would need to be resigned and continued at another date. Mr. Abbott then stated that the meeting should be continued since the adjoining owners were not aware that the zoning had been changed. Mr. Abbott was informed that letters had been sent to all adjoining landowners in accordance with the required laws. Upon further questioning, it was stated that 20 letters were sent out, including those owners with property adjoining the Menlo Farms tract. Chairman Vaught stated that it seemed that no adjoining owners had shown up. After this issue was resolved, Mr. Abbott continued to ask about the distillery directly to Mr. Van Damme and the Chairman asked him to step aside and pursue his concerns in private so the meeting could continue. Mr. Abbott had spoken on this matter for 19 minutes.

No adjoining property owners were in attendance and no others spoke on the matter during the public hearing.

CONCLUSIONS

As stated above, there were several citizens at the public hearing, however, no adjoining property owners were present. Mr. Abbott was the only one who spoke during the hearing as outlined above. The board felt that the proposed zone request (revised) is appropriate as it allows the continued use of the property prior to its annexation.

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 R-1 to B-3.

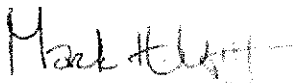
RECOMMENDED MAP AMENDMENTS

Parcels 049-0-0-06.2, 049-0-0-06.3 and portions of PVA Parcels 049-0-0-05.7, and 049-0-0-06.1.

It is hereby recommended by this Commission that the map amendment be granted, having met the requirements of KRS 100.213 (1) (a), that the present zoning is inappropriate and the requested zone is appropriate and therefore the tract should be rezoned to Neighborhood Commercial (B-3).

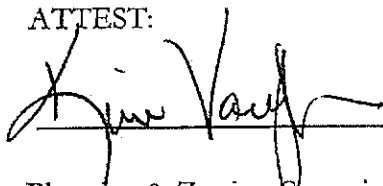
A true and correct copy of this Findings of Fact, Conclusions and Recommended Map Amendment shall be sent to the City of Somerset City Council for adoption.

DONE AND ORDERED this 17th day of March 2025.



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