

## ORDINANCE NO. 25-09

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 **R-3**, said properties being more particularly described in Exhibit "A" attached hereto and incorporated herein in full by reference, located at **Undeveloped Property on Monticello St**, Somerset, Kentucky, and having PVA Parcel # **061-8-1-66 (Portion of the Parcel)**.
- 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*

CITY OF SOMERSET, KENTUCKY  
PLANNING AND ZONING COMMISSION

FINDINGS OF FACT  
FOR  
ANNEXATION NO: 25-

RE: Zone Determination: **Stonebrook Development, LLC, PVA Parcels 062-4-0-22 and 062-4-0-23** former Coalition for Higher Education in Southern Kentucky, Inc. tracts on Monticello Street, Somerset Kentucky.

For Recording purposes,

Listed below are the parties involved in the zone determination of the aforementioned Pulaski PVA Parcels on Monticello Street, Somerset, Kentucky being annexed into the corporate limits of the City of Somerset.

PVA Parcels 062-4-0-22 and 062-4-0-23

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

Party Two  
Stonebrook Development, LLC  
  
460 Country Club Drive  
Somerset, Kentucky, 42502

The Somerset Planning and Zoning Commission has been asked to zone two (2) tracts of land on Monticello Street (KY 2292) south of its intersection with Somerset Community College Drive (KY 2297).

The Planning and Zoning Commission having heard testimony at a public hearing conducted before the Commission on the 11<sup>th</sup> 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.

The two tracts are to be combined in one parcel that contains 1.965-acres. The tract is approximately 150 feet south of the intersection of Hwy 2292 (Monticello Street) and KY 2297 (Somerset Community College Drive).

The tract was purchased by the petitioner at Master Commissioner Auction conducted on the 26<sup>th</sup> of June 2024. The sales was confirmed by the Circuit Court on the 16<sup>th</sup> of July 2024 and a Commissioners Deed was made and recorded in Deed Book 1098 Page 31. The sales was the result of Civil Action 23-CI-01080 Division II styled Kentucky Tax Company, LLC vs Coalition for Higher Education in Southern Kentucky, Inc. et al.

The petitioner has requested that this tract be zoned Medium Density Residential (R-3).

The 2010 comprehensive plan has this tract as social.

The recently adopted comprehensive plan does not include any tracts outside the City Limits of Somerset.

The property is surrounded by the Kentucky Community and Technical College System on the north, east and south. Those sections of the KCTC System Tracts within the City of Somerset are zoned Low to Moderate Density Residential (R-2).

The tract across Monticello Street (Pulaski Parcel 062-1-0-65(Creekside Development, LLC)) is not in the City of Somerset and not zoned. It is vacant.

The latest construction along the Monticello Street corridor was the Foothills Academy residential units at the intersection of Monticello Street and Wallace Avenue (Parcel 062-4-0-01). It is Zoned Low-Moderate Density Residential (R-2).

Along the Monticello Street Corridor there are four apartment complexes, the previously mentioned Foothills Academy complex, 758 Monticello Street, Eagle Creek Apartments, a 36 unit apartment complex at 2049 Monticello Street (Parcel 062-1-0-79, unincorporated), Magnolia Apartments, 16 unit apartment complex at 750 Monticello Street (Parcel 061-6-2-01) and zoned Highway Oriented Commercial (B-2) and Somerset Village Apartments (eleven buildings-132 units- Parcel 061-6-2-04) zoned R-2, off Monticello Street near its intersection with E Washington Drive.

There is a Senior Living Community- Eagles Landing, (Parcel 062-4-0-19.1) Zoned R-3, on Patriots Way, to the south of Somerset Village Apartments.

In addition, there are two duplexes at the Monticello Street/Ford Drive intersection (804 Monticello Street & 100 Ford Drive), and two fourplexes on Ford Drive (114 & 116). These four tracts are zoned Low-Moderate Density Residential (R-2).

Somerset Village Apartments is an older complex that was in place prior to the adoption of the current zoning ordinance (00-18) and is legal nonconforming. The property would be zoned R-3 if it was to be developed in the present.

Monticello Street (KY 2292) is a secondary north-south artery that is used by traffic headed to or from the Downtown Business District to bypass the heavily traveled S US 27 to the west. Monticello Street was the main artery for north-south traffic prior to the construction of US 27 in the early 60's. The former businesses along Monticello Street have been repurposed or razed. There are several single-family residences intermingled amongst the businesses along Monticello Street and the Community College, and Rural Economic Development Center.

While the tract is almost two acres in size, and has 280 feet of frontage along Monticello Road, there are topographical issues that make a portion of the tract unusable. Allen Branch runs through or near the south property line resulting in sloping that makes a portion unsuitable for development.

The traffic has been cited in a past zone change of a 3-bedroom single-family residence (R-2) on Monticello Street into a B-2 zone as the reason why they are having trouble renting the property. Tenants did not like the volume of traffic and raising their children in close proximity to same. The owner petitioned it be rezoned so they could use the house as real estate offices for a company he owned/operated.

While the corridor has high traffic counts, it appears that this has not corresponded to a high demand for properties along this stretch of the Monticello Street corridor. The only construction along the corridor seems to have been expansion of businesses located on larger tracts that have direct access onto US 27 as well as secondary access onto Monticello Street (Alton Blakely Ford, First & Farmers Bank, Don Franklin Nissan, and Courtyard Somerset).

A major issue is the topography, as the immediate area is in the transition zone from the slightly rolling topography north of the Monticello Street/ Somerset Community College Drive intersection to the rugged drainage area along Allen Branch that intersects Monticello Street to the south. After crossing Monticello Street/ Somerset Community College Drive intersection, Monticello Street drops 30 feet to Allen Branch (600 feet) and then rises continuously for ½ mile before intersecting S Hwy 27 at stoplight 19. The road rises approximately 100 feet in this stretch. Much of the adjoining property is above or below the road grade making development costly or requiring larger tracts so that the entrance can be lengthened to overcome the differences in grade. This is very apparent on the west side of Monticello Street through this stretch, so much so that one of the larger tracts on the west side of Monticello Street was developed with US 27 access as a key feature instead with no ingress and egress onto Monticello Street.

The tract has been vacant for over 35 years. There was a building on the site from the mid 50's to the late 80's. It appears to have been a service station based on a past owner.

It is presumed that the property has been listed for sale by the current owner for a sufficient time so that the Kentucky Community and Technical College System would have had knowledge of the availability and had enough time to approach and tender an offer for the property.

Since it appears that purchase by the KCTC System for assemblage with the campuses is not a possibility, one must examine alternate uses.

Based on its location or size, the following uses are improbable:

Single-Family Residential (R-1); due to heavy volume of traffic and the tracts limited depth. Highway Oriented Commercial (B-2) Retail, or Office is possible, but improbable due to its proximity to S Hwy 27 and the amount of rental units available along same and the cost of constructing a commercial building. In addition, there are better sites to the north that are off Monticello Street that would be better suited for these uses, one of which is under construction.

Agricultural uses are not physically possible.

Light Industrial may be possible, but the amount of usable area on the site may preclude the use in this sector. SPEDA owned two larger tracts on E Bourbon Road for light industrial development but had no offers during their ownership period (2005-2020-15 years) so the use in this sector is improbable as well.

The applicants requested zoning; Medium Density Residential, develops the property to the maximum extent and could be considered the highest and best use of the tract. The proposed use and its location abutting the Campus of the Somerset Community College are ideal for R-3 type buildings. This is further exemplified by the number of R-2 and R-3 type buildings cited above that are found along tracts on and off the Monticello Street Corridor.

Colton Ping, member, Stonebrook Development, LLC represented the LLC at the meeting. He made a brief presentation.

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

#### 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 is appropriate, as it is similar to uses along the Monticello Street corridor and Ford Drive, a feeder street off Monticello Street that also serves as the north entrance to Somerset Community College.

The board felt there were sufficient grounds to grant the requested zone designation, voting 6-0 in favor of said change with Burgin, Floyd, Holland, Lynch, Stringer and Vaught voting in favor of the zoning to Medium Density Residential R-3.

#### RECOMMENDED MAP AMENDMENT

It is hereby recommended by this Commission that the map amendment be granted, that the requested zoning (R-3) is appropriate. This hearing was conducted per Article 10.3 of the City of Somerset Zoning Ordinance (00-18) as well as the guidelines and/or requirements of KRS 100.209. The property came into the city unzoned, and did not have to meet the requirements of KRS 100.213 (1).

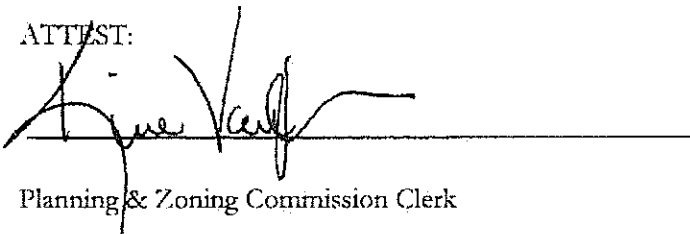
A true and correct copy of this Findings of Fact, Conclusions and Recommended Map Amendment shall be sent to the City of Somerset City Council for adoption.

DONE AND ORDERED this 17<sup>th</sup> 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

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City Attorney

STONEBROOK  
DEVELOPMENT, LLC  
D.B. 1098, PG. 031

CITY OF SOMERSET  
PROPOSED ANNEXATION  
1.965 ACRES

STONEBROOK  
DEVELOPMENT, LLC  
D.B. 1098, PG. 027

IPS PLS #4048  
30' FROM  
C-LINE

WEATHERED  
IPF ID CAP IN  
C/L OF BRANCH

IPF PLS  
#2933

409.20'  
S10°18'04"E

128.36'  
N77°35'24"W

138.27'  
N52°57'44"W

89.31'  
N79°05'49"W

IPS PLS #4048  
30' FROM  
C-LINE

73.95'  
N17°12'05"E

41.90'  
N14°08'06"E

40.91'  
N12°39'22"E

MONTICELLO ST.