

ORDINANCE NO. 25-24

AN ORDINANCE DENYING THE REQUEST TO 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:

Upon the recommendation of the Planning and Zoning Board the following application for an amendment of Ordinance No. 00-18, known as the Zoning Ordinance, Somerset, Kentucky, is hereby Denied:

- I. The denied application was to change a boundary of land presently zoned **R-2** to **R-3**, said properties being more particularly described in Exhibit "A" attached hereto and incorporated herein in full by reference, located at **204 Murrell Ave & 209 Speedway Dr** Somerset, Kentucky, and having PVA Parcel # **060-6-4-11 (parcels have been combined)**.
- II. This Ordinance shall be in full force and effect from and after adoption and publication according to law.

FIRST READING OCTOBER 27, 2025

SECOND READING NOVEMBER 10, 2025

Approved: _____

Mayor

Attest: _____

City Clerk

CITY OF SOMERSET, KENTUCKY
PLANNING AND ZONING COMMISSION

FINDINGS OF FACT,
CONCLUSIONS AND RECOMMENDED MAP AMENDMENT

CASE NO: Epperson Electric Zone Change

RE: Zone Change: Epperson Electric, a Kentucky General Partnership.

For recording purposes,
Listed below are the parties involved in the Zone Change for
209 Speedway Drive and 204 Murrell Avenue
Somerset, Kentucky
PVA Parcel 060-6-4-11

Party One

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

Party Two

Epperson Electric, A General Partnership
112 W University Drive
Somerset, Kentucky 42503

The Planning and Zoning Commission having heard testimony at a public hearings conducted before the Commission on the 24th of June 2025, the 15th of July 2025 and the 26th of August 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

Epperson Electric, A General Partnership is the owner of record of a tract of land designated as 206 Speedway Drive, Somerset, Kentucky, 42503, and further identified as PVA Parcel 060-6-4-11. The tract contains 0.53-acre per plat titled Epperson Consolidation Plat Rev 1 and of record in Plat Cabinet H Slide 016A performed by AGT Land Surveying and dated 05/02/2025.

The parcel is a double frontage lot containing 0.53-acres with 74.03 feet of frontage along Speedway Drive and 89.64 feet of frontage along Murrell Avenue. The tract has a single-family residence on both streets, with an entrance/exit onto both streets.

The parcel is that tract of land conveyed to Epperson Electric, a Kentucky General Partnership by Deed of Conveyance dated the 16th of May 2025 by Epperson Electric, a Kentucky General Partnership. The deed is recorded in Deed Book 1112 Page 539.

The purpose of the deed was to consolidate two tracts, previously conveyed to the applicant in deed Dated October 1, 2024 and of record in Deed Book 1101 Page 601, and deed dated May 1, 2025 and of record in Deed Book 1111 Page 505.

The parcel is zoned R-2.

The future use map has designated the planned use as Residential.

All properties north of the Bypass, west of College Street, east of South Main Street and south of Williams and Wilcher Street are designated as Residential, except the Meece Street Park (parks/open space).

All adjoining tracts or those tracts across from the tract are zoned R-2

The tract(s) to the east are;

213 Speedway Drive, Aaron Cruse Pingleton, Parcel 060-6-4-11.1, R-2 (Triplex).

206 Murrell Avenue, Clifford Hughes, Parcel 060-6-4-02, R-2 (Single Family Residential)

The tract(s) to the south are;

203 Murrell Avenue, Missy's Gymnastics & Dance, LLC, Parcel 060-6-3-65, R-2 (Gymnasium, Legally Nonconforming)

201 Murrell Avenue, David & Wanda Siler, Parcel 060-6-3-64, R-2 (Single Family Residential)

The tract(s) to the west are:

202 Murrell Avenue, Alice & Timothy Mobbs, Parcel 060-6-4-04, R-2 (Single Family Residential)

207 Speedway Drive, Stony & Robin Cook, Parcel 060-6-4-10, R-2 (Single Family Residential)

And the tract(s) to the north are:

206 Speedway Drive, Silver Star Properties, LLC, Parcel 060-6-3-14, R-2 (Single Family Residential)

Speedway Drive, Pingleton Contracting, LLC, Parcel 060-6-3-13, R-2 (Vacant Lot)

210 Speedway Drive, Douglas & Stephanie Larsen, Parcel 060-6-3-12, R-2 (Single Family Residential)

In the initial hearing Vaught, chair of the Commission, stated that the tract was zoned R-3 and asked the applicants to comply with those parts of *KRS 100.213 (1) (a) (That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate.)*

During the public hearing, Mr. Eugene Epperson, when asked by the commission, why do you want it rezoned, replied, “so we can build more units”. Mr. Epperson was unable to answer what was going to be built on the tract. No one came forward during the public hearing with questions or comments.

During the meeting, a question arose from the board concerning the failure to meet the minimum required frontage (80') along Speedway.

Mr. Adams was asked about this and stated that he would have to do research concerning the matter. At this time the rezoning was postponed.

On the 15th of July 2025, Mr. Greg Epperson, presented a preliminary development plan showing the planned improvements. The presented plan showed two buildings, each 112' x 34' , 3,808 square feet, with 7-units per building. The buildings were to be three story, with the first floor being garage. Gross building area was 11,424 square feet per building, total gross building area is 22,848 square feet.

During the meeting, further questions arose about the number of parking spots shown (15) and whether the garage area could be counted to meet the number of required number of parking spots (21). A comment was made about the location of the driveway abutting the east elevation (entrance) of the building and potential safety issues.

Chairman Vaught made a statement concerning the road frontage requirements, and how other planning commissions handled the situation, and how the present ordinance handled similar restrictions. Chairman Vaught also stated that double frontage lots were not allowed in the Subdivision Regulation, except in cases where no other option existed.

After the comment session during the meeting, Chairman Vaught asked if anyone wished to make a motion to approve the rezoning from R-2 to R-3. No motion was made.

Chairman Vaught then asked the board if they wished to make a motion to reject the zoning, which was made and seconded. At this time Chairman Vaught asked Epperson if he wished to withdraw his zone change and he replied yes. The motion was withdrawn, and a second motion was made and passed to table the application.

On the 26th of August 2025, Mr. Greg Epperson, presented a second preliminary development plan showing the planned improvements. The presented plan showed three buildings, two-stories with four units each.

During the meeting, further questions arose about the number of parking spots shown (15) and their location. The middle building only had three parking spots in close proximity to the building, with the majority of the parking spots clustered around the north and south building.

After a short discussion, a motion was called for, and the only motion made was to reject the proposed rezoning from R-2 to R-3. When asked by the chairman, the following reasons were given for the rejection.

- 1) The proposed buildings are incompatible with adjoining properties.
- 2) The number of units and amount of space needed to the place the improvements on the tract exceeded the capability of the tract to accommodate same in a safe manner.
- 3) The question regarding the road frontage and failure of the north portion of the tract to meet this requirement was an area of concern for several members.

A discussion was held regarding to a potential conditional use, as apartments, are a conditional use in an R-2 zone. Mr. Adams opined that apartments are a catch all description describing units found in duplexes, triplexes (both allowed in R-2 zone) and multi-family units (allowed in R-3 zone) and that density could not be altered, as *"The granting of a conditional use permit does not exempt the applicant from complying with all the requirements of building, housing and other applicable regulations.* Found in KRS 100.237 (2) (a) and repeated verbatim in Somerset Zoning Ordinance, Article 9.22 Conditional Use Permit, A. Page 80.

With no further comments from the commission or Mr. Epperson, a vote was conducted and the motion to reject the rezoning request from R-2 to R-3 was passed, 4-0, with two abstention (Rogers and Vaught)

CONCLUSIONS

The board felt that the proposed zone, while agreeable to the use designated on the future use map, is incompatible with the adjoining properties, single family residences, or triplexes.

The board felt there were insufficient grounds to adopt the requested zone (R-3) voting 4-0 in against the zone change, Burgin, Floyd, Holland, and Stringer voting aye for the rejection of the zone change, with Rogers and Vaught abstaining.

RECOMMENDED MAP AMENDMENT

It is hereby recommended by this Commission that the map amendment not be granted, as the proposed use (R-3) is not appropriate and the present zone designation (R-2) is appropriate, given the present uses of adjoining properties and other factors.

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 3rd of September 2025.



Chairman, Planning and Zoning Commission
City of Somerset

ATTEST:

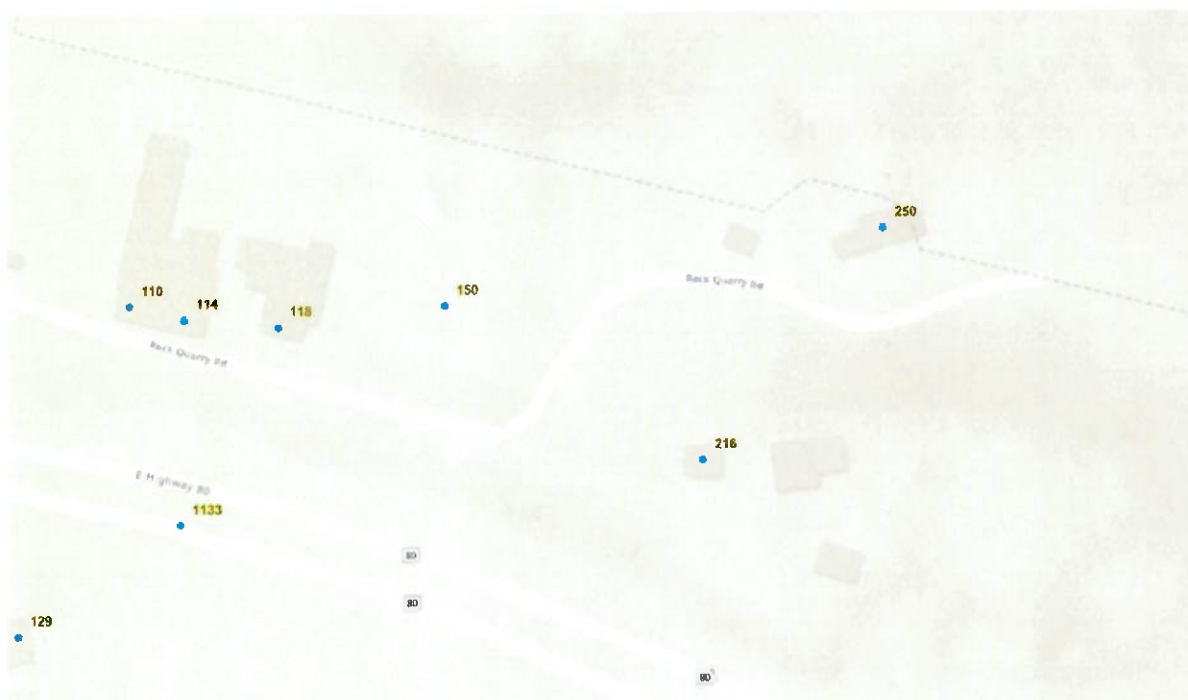
Planning & Zoning Commission Clerk

This document was prepared by the staff of the Planning and Zoning Department under the supervision of John Adams, City Attorney

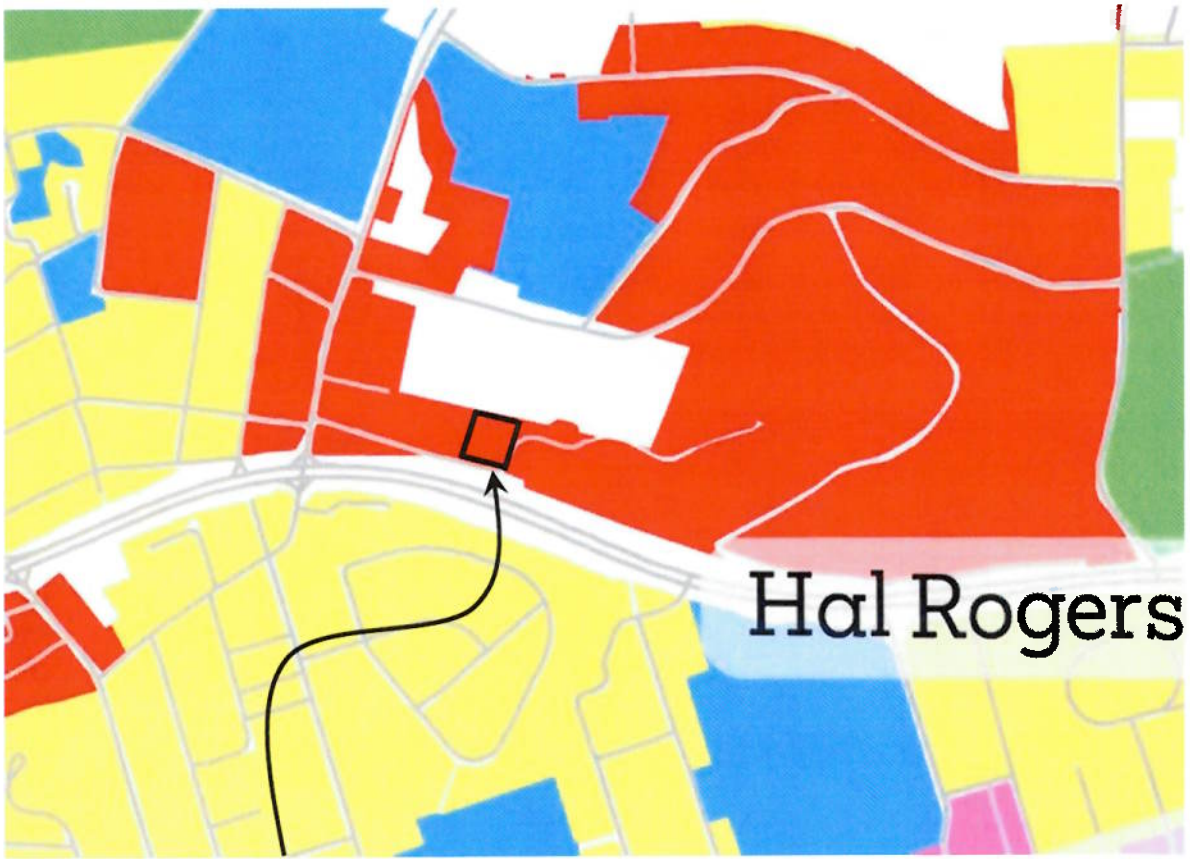
City Attorney

Exhibits

Address



Future Use Map



Subject

