

ORDINANCE NO. 25-20

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:

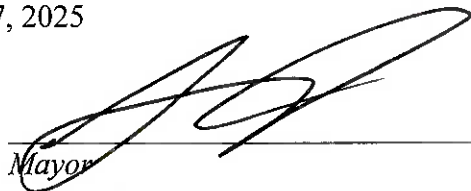
That Ordinance No. 00-18, known as the Zoning Ordinance, Somerset, Kentucky, is hereby amended by altering the Zoning Map in the following manner:

- I. By changing a boundary of land presently zoned **R1** to **R3**, said properties being more particularly described in Exhibit "A" attached hereto and incorporated herein in full by reference, located at **Undeveloped Parcels on Parkers Mill Way** Somerset, Kentucky, and having PVA Parcel #'s: **062-3-7-64 thru 062-3-7-67**.
- 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.

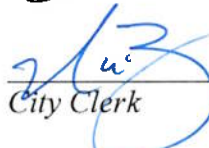
FIRST READING OCTOBER 13, 2025

SECOND READING OCTOBER 27, 2025

Approved: _____


Mayor

Attest: _____


City Clerk

CITY OF SOMERSET, KENTUCKY
PLANNING AND ZONING COMMISSION

FINDINGS OF FACT,
CONCLUSIONS AND RECOMMENDED MAP AMENDMENT

CASE NO: ZC-2025-07

RE: Zone Change: Metcalf Tracts

For Recording purposes,

Listed below are the parties involved in the Zone Change for

Parkers Mill Way

Somerset, Kentucky

PVA Parcels 062-3-1-64, 062-3-1-65, 062-3-1-66, & 062-3-1-67

Party One

City of Somerset,
Planning & Zoning Commission

PO Box 989
Somerset, Kentucky 42502

Party Two

Barry Metcalf & Jim Metcalf

PO Box 2281
Danville, Kentucky 40423

The Planning and Zoning Commission having heard testimony at a public hearing conducted before the Commission on the 30th day of September 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

Barry Metcalf and Jim Metcalf, are the owners of record of four parcels of land on the north side of Parkers Mill Way, more specifically being those tracts of land conveyed to Barry Metcalf by Deed of Conveyance dated the 31st of August 2020 by Lanis Ford and of record in Deed Book 1019 Page 277.

Barry Metcalf in turn conveyed a ½ interest to Jim Metcalf by Deed of Conveyance dated the 14th of June 2023 and of record in Deed Book 1078 Page 506.

The properties are:

- 1) Lots 19A & 19B of Southland Park Center as evidenced by plat of revision of Lot 19 recorded in Plat Cabinet D Slide 319 and in Plat Cabinet E Slide 281 and being PVA Parcel 062-3-1-64.
- 2) Lots 16, 17 & 18 pf Southland Park Center as evidenced by Revised Plat in Plat Cabinet E Slide 281, and renamed to Lots 7, 8 & 9 in the aforesaid plat,
Lot 16 is Tract 9 on the revised plat, and is PVA Parcel 062-3-1-67,
Lot 17 is Tract 8 on the revised plat, and is PVA Parcel 062-3-1-66,
Lot 18 is Tract 7 on the revised plat, and is PVA Parcel 062-3-1-65.

The tracts are on Parkers Mill Way on the west side of S Hwy 27 at stoplight 22.

The tract to the east of the parcel subject to the rezoning is:

3865 S Hwy 27, Pulaski County School District Financial Corporation, PVA Parcel 062-3-1-53. The tract is improved with a former shopping center now used for education purposes. The property is in the unincorporated area of Pulaski County and not subject to zoning regulations.

The tracts to the north are:

100 Family Fun Drive, 100 Family Fun Drive, LLC, PVA Parcel 062-3-1-55.3, zoned B-2
Present use is a conditional use allowed per Article 4.8 Highway Oriented Commercial

D. Conditional Uses

- 4) Outdoor recreational facilities including go-car tracks, archery courts, skate board, and roller skate tracks, firearm ranges, swimming pools, water slides and other similar uses.

1 Nasim Way, Green Diamond, LLC, PVA Parcel 062-3-1-55.6, The tract is improved with eight duplexes. The property is in the unincorporated area of Pulaski County and not subject to zoning regulations.

The tracts to the west are:

Eltons Place, Rok Miremami, PVA Parcels 062-3-1-68 & 062-3-1-69, These two tracts are improved with five fourplexes, and a sixth building that is either an office or laundry. The property is in the unincorporated area of Pulaski County and not subject to zoning regulations.

138 Charlottes Place, Rok Miremami, PVA Parcel 062-3-1-70, This tract is improved with four fourplexes and is an extension of the complex on PVA Parcel 062-3-1-71, which has five fourplexes. The property is in the unincorporated area of Pulaski County and not subject to zoning regulations.

The tracts to the south (across Parkers Mill Way) are:

165 Parkers Mill Way, Hibra LLC, PVA Parcel 062-3-1-82, This tract is improved with a commercial building, housing Eye Health of Somerset. The property is in the unincorporated area of Pulaski County and not subject to zoning regulations.

233 Parkers Mill Way, JSM Estates, LLC, PVA Parcel 062-3-1-80, This tract is improved with a commercial building, the former Tracks Way Inn, a 3-story limited service motel with 92 rooms. The motel is used by Protea, and houses rehabilitation patients.

The property is in the unincorporated area of Pulaski County and not subject to zoning regulations.

Parkers Mill Way, Barry Metcalf, PVA Parcels 062-3-1-77, 062-3-1-78, & 062-3-1-79, vacant land. The property is in the unincorporated area of Pulaski County and not subject to zoning regulations.

Eltons Place, 138 Charlottes Place, 165 Parkers Mill Way, 233 Parkers Mill Way, Metcalf's three vacant tracts, Parcels 062-3-1-77, 062-3-1-78, & 062-3-1-79, as well as the tracts subject to the rezoning, are in the Southland Park Center Development, and subject to deed restrictions as well as setback lines along the front of the lots on Parkers Mill Way shown on the plat.

Note: The City of Somerset does not enforce the deed restrictions or setback lines shown on the plat placed by others.

During the Public Hearing, Chairman Vaught asked Barry Metcalf a series of questions that established the following facts.

- 1) Mr. Metcalf purchased the property on August 30, 2020.
- 2) Mr. Metcalf requested the property be annexed on January 14, 2021, at which time he requested the property be zoned R-3.
- 3) Mr. Metcalf was aware of the restrictions within the deed, and said restrictions did not prohibit him from constructing the buildings he has started.
- 4) That after the property was annexed into the City of Somerset, with the second reading of the ordinance occurring on March 22, 2021, that the property was brought in as R-1, in accordance with Article 3.14 of the Somerset Zoning Ordinance. The Ordinance was received and filed by the Secretary of State's Land Office on April 12, 2021.
- 5) Mr. Metcalf was unaware of the official zoning, having not been informed by the City that the tract was zoned R-1.
- 6) Mr. Metcalf operated on the assumption that the Property was zoned R-3 from April 2021 until he was issued a stop order by the City of Somerset's building inspector (August 2025). After the issuance of the stop order, Mr. Metcalf requested a zone change on August 28, 2025, which was heard on the 30th of September 2025.
- 7) Mr. Metcalf obtained a building permit prior to the initiation of construction and showed Mr. Joe Lyons the plans during the process.

The Planning and Zoning Office was unaware that the property was zoned something other than the requested R-3, as the official zoning map is kept in the City Clerk's office and the designation is made by the City Clerk. Furthermore the map on the website has not been updated to show the zoning of the parcels subject to this rezoning, or the adjoining tract at 100 Family Fun Drive.

During the public hearing, three people made comments.

- 1) Nasim Noorazar, real estate agent, and wife of Rok Miremami, made the statement "That once construction started, you cannot change the zoning. It is set in stone."
- 2) Rok Miremami, owner of the adjoining tract to the west, spoke twice during the public hearing. His initial comment concerning the quality of the building being constructed on the tract was stopped by Chairman Vaught, who stated we (the Commission) have no say over the quality of the building. He then started to make a comment on the apartments on Hwy 80 and "the cheaper, type of cheaper" when he was stopped by Chairman Vaught and admonished not to use those words. He stated he called asked about the zoning and the office admitted that a mistake had occurred, that the zone was thought to be R-3.
- 3) Doctor Tamela Brown-Murray, owner of 165 Parkers Mill Way and operator of Eye Health of Somerset. Dr Brown-Murray stated that "when we purchased the property that it was zoned R-1" and switching the zoning to R-3 would negatively affect her property. She bought the property in 2011 and constructed the building prior to the annexation, when the tract was vacant and not zoned.
- 4) Mr. Miremami, spoke at the end of the public hearing stating that he was going to buy the property prior to Mr. Metcalf's purchased and that the city would not allow him to build apartments on the property. He then accused Mr. Metcalf of changing the zone to R-1 to obtain approval to have sewer and water extended to the site. Ms. Noorazar, also stated this premise.

The parcel is zoned R-1. The future use of the property is Commercial.

The requested use is not agreement with the future use. The planned use was established in the drafting of the new comprehensive plan by the consultants and was not brought up during the drafting process.

From the intersection of Family Fun Drive to the terminus of Parkers Mill Way, there are four commercial endeavors; 1) the Eye Clinic, 2) the former motel, 3) FTCC car care, and climate-controlled storage. There are four multi-family developments on Parkers Mill Way or Mercury Boulevard. There are four vacant tracts.

As such it is felt that the future use could have could easily be residential as the area developed with multi-family residential properties (8.7-acres) is more than that developed with commercial properties (3.9-acres).

There are no single-family residences along Mercury Boulevard or Parkers Mill Way.

Ms. Holland and Mr. Burgin both made comments during the regular meeting that the proposed use is more in line with the immediate area than the present zoning. Based on the comments, the adjoining and nearby improvements, and lack of single family residences in the Southland Park Center, it is obvious that the initial and present zone designation is inappropriate, and the requested zone designation is appropriate, thus complying with

KRS 100.213 (1) b) That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate;

CONCLUSIONS

The board felt that the proposed zone change meets the requirements of and KRS 100.213 b) and voted to rezone the property from R-1 to R-3, voting 7-0 in favor of said change with Burgin, Floyd, Holland, Lynch, Rogers, Stringer and Vaught voting in favor of the rezoning.

RECOMMENDED MAP AMENDMENT

It is hereby recommended by this Commission that the map amendment be granted, having met the requirements of KRS 100.231 (1) b).

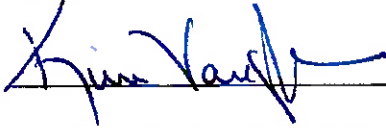
A true and correct copy of this Findings of Fact, Conclusions and Recommended Map Amendment shall be sent to the City of Somerset City Council for adoption.

DONE AND ORDERED this 6th day of October 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