

ORDINANCE NO. 25-25

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 **B2**, said properties being more particularly described in Exhibit "A" attached hereto and incorporated herein in full by reference, located at **Undeveloped Property on 461 Somerset, Kentucky, and having PVA Parcel #: 102-0-1-44.1.**
- 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.

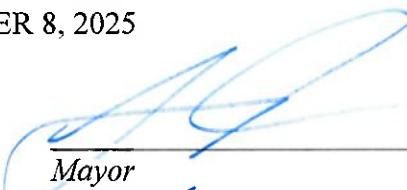
FIRST READING

NOVEMBER 10, 2025

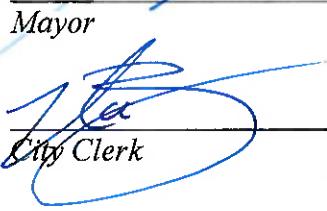
SECOND READING

DECEMBER 8, 2025

Approved:


Mayor

Attest:


City Clerk

**CITY OF SOMERSET, KENTUCKY
PLANNING AND ZONING COMMISSION**

**FINDINGS OF FACT,
CONCLUSIONS AND RECOMMENDED MAP AMENDMENT**

CASE NO: _____

RE: Zone Change: 815 Somerset KY LLC Tract

For Recording purposes,

Listed below are the parties involved in the Zone Change for

815 Hwy 461

Somerset, Kentucky

PVA Parcels 102-0-1-44.1

Party One

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

Party Two

815 Somerset KY LLC
100 Public Square
Somerset, Kentucky 42501

The Planning and Zoning Commission having heard testimony at a public hearing conducted before the Commission on the 28th day of October 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

815 Somerset KY LLC, is the owner of record of a parcel of land on the west side of Hwy 461 opposite its intersection with Babe Boulevard.

- 1) The subject is that tract of land conveyed to 815 Somerset KY, LLC by Deed of Conveyance dated the 22nd of April 2022 by and between Barnesburglers, LLC and of record in Deed Book 1053 Page 712.
- 2) 815 Somerset KY LLC requested the property be annexed on October 15, 2024, at which time the petitioner requested that the property be zoned B-2 (Highway Commercial). A prior request to annex the property was provided by the property owner and was dated August 16, 2022 with the with a zone request of R-1. For some reason this request was withdrawn.
- 3) The property was annexed into the City of Somerset, with the second reading being on the 10th of February 2025.
- 4) The Ordinance was received and filed by the Secretary of State's Land Office on March 4, 2025.

- 5) Since the property was unimproved, the property was brought in as R-1, in accordance with Article 3.14 of the Somerset Zoning Ordinance.
 - 6) The tract contains 15.516-acres, per plat of annexation.

As stated earlier, the property is also identified as Pulaski Parcel 102-0-1-44.1

The tracts to the south (in red) of the parcel subject to the rezoning are:

4051 Barnesburg Road, Richard & Shaun Dyer, PVA Parcel 102-0-1-42.

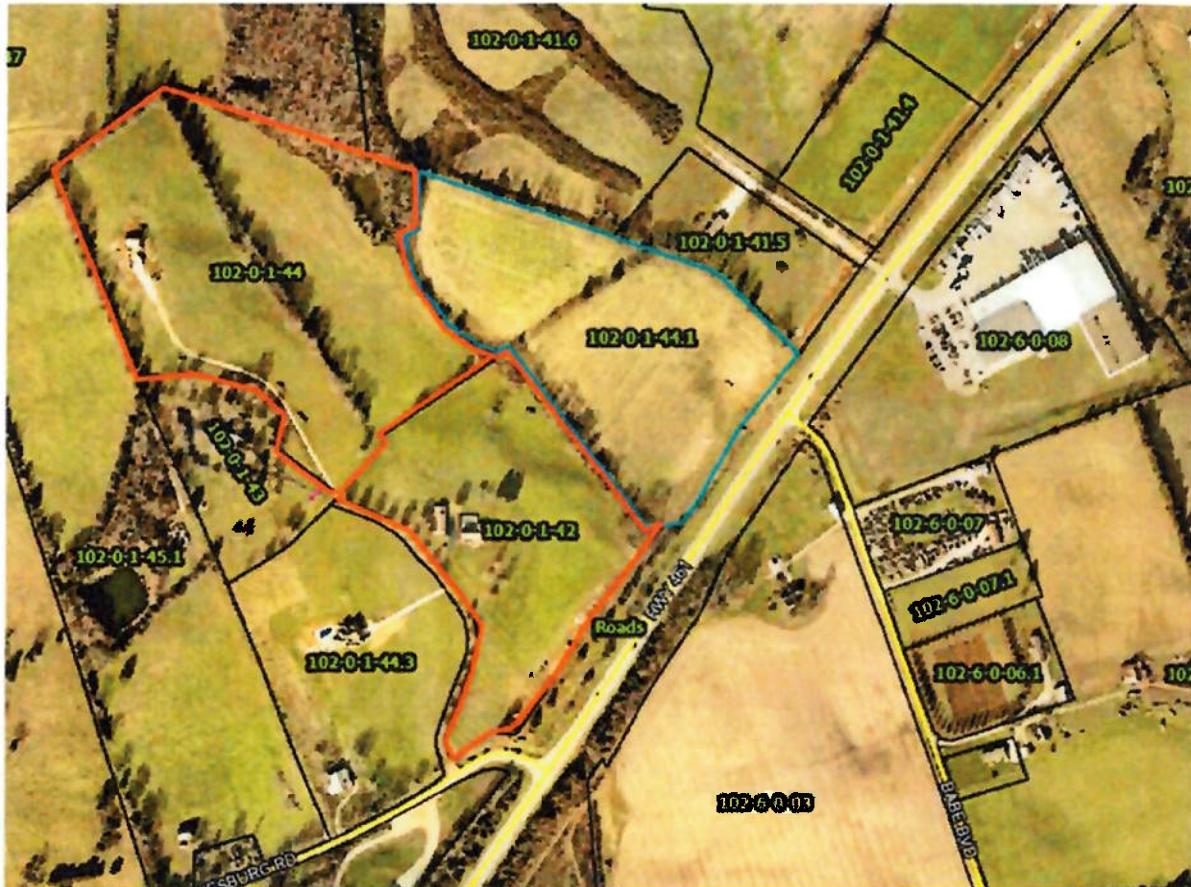
The tract is improved with a single-family residence on a 12.570-acre tract.

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

4075 Barnesburg Road, Stephen & Angela Gabbard, PVA Parcel 102-0-1-44.

The tract is improved with a single-family residence on a 22.14-acre tract.

The property is in the unincorporated area of Pulaski County and not subject to zoning regulations. This tract also forms the west boundary of the tract.



The tracts to the north (in red) are:

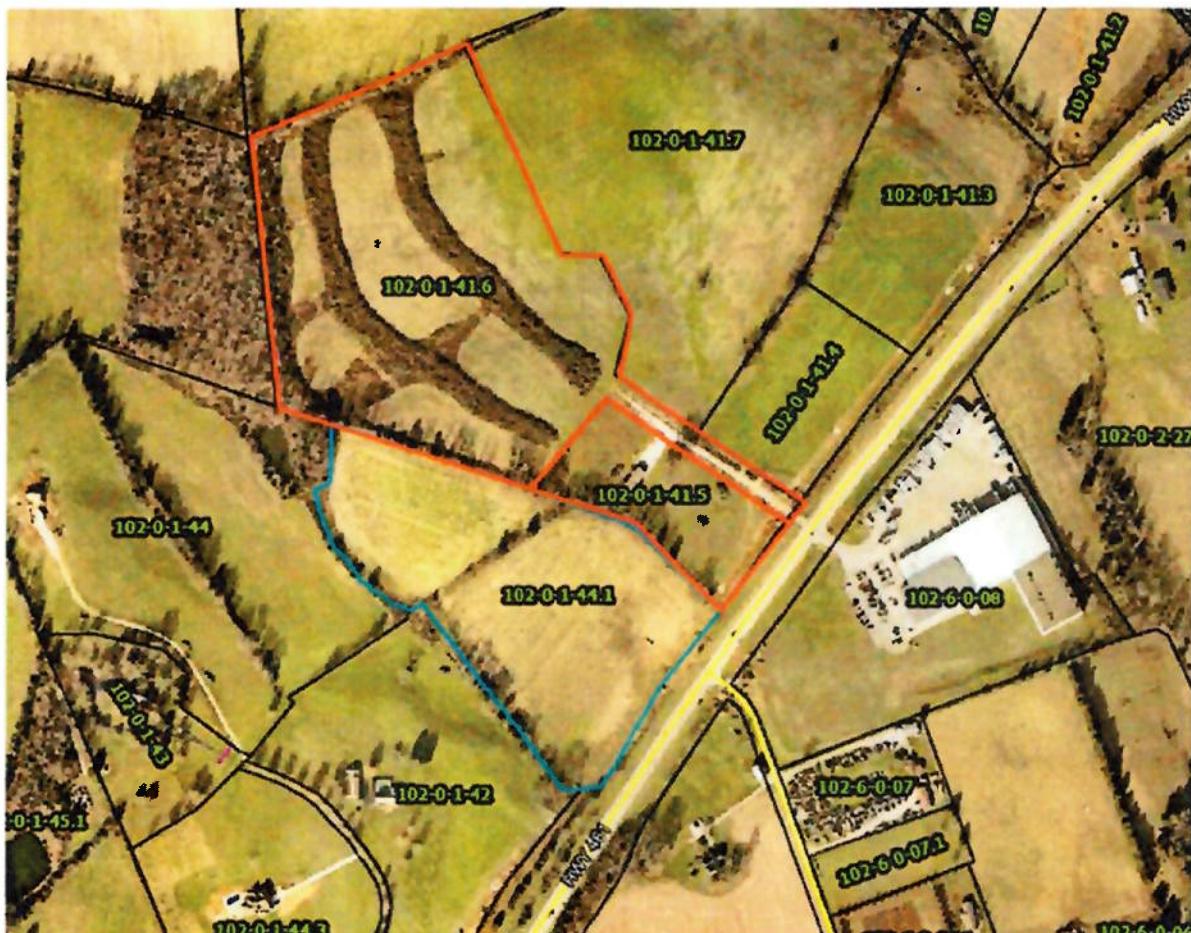
907 Hwy 461, Gregory Pugh, Keith & Lisa Chambers, Shannon Glehorn, PVA Parcel 102-0-1-
The tract is improved with a single-family residence on a 4.69-acre tract.

The property is in the unincorporated area of Pulaski County and not subject to zoning regulations.
This tract also forms the west boundary of the tract.

Old Mt Vernon Road, Country Boys, LLC, Parcel 102-1-41.6

The tract is unimproved.

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



Hwy 461 forms the east boundary of the tract.

The tracts to the east, across Hwy 461 are:

93 Babe Blvd, Gilbert Edwards, Jr & Charity Edwards, PVA Parcel 102-6-0-03

The tract is improved with a single-family residence on a 33.14-acre tract.

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

910 Hwy 461, Performance Food Group, Inc., PVA Parcel 102-6-0-08

The tract is improved with a distribution warehouse with freezers and coolers containing 76,784 square feet per PVA. The property contains 15.66-acres.

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



The parcel is a 15.516-acre tract of land on the west side of Hwy 461 opposite its intersection with Babe Boulevard. The tract has 650.5 feet of road frontage along KY 461.

The tract is slightly above the road grade of KY 461 and rises to the west before cresting and then falling. The front portion of the tract has slopes of 1.5% to 2.5% over the majority of the area, with more intense sloping as it nears properties lines. There are slopes exceeding 20% nearing the property lines. The back portion slopes from the north to the south with slopes in the 5% to 10% range from the most part.

The front portion has approximately 9.5 acres of which 7.7 to 8.0-acres is usable. This is based on aerial photo analysis. The remainder of the tract is surplus land and contains approximately 6-acres.

KY 461 is a four-lane asphalt road along the frontage. There is a turning lane along the entire length as well. There is one entrance/exit onto the site. Visibility is adequate and ingress and egress should not be a problem during normal traffic flow. It may be problematic at time due to nearby factory traffic or weekend and holiday lake bound traffic during the summer.

The Commonwealth of Kentucky maintains Ky 461 (100-KY-0461). There are no streetlights, sidewalks, curbs or gutters along KY 461. There are paved shoulders.



Public Hearing

Lucas Mullins, employee of AGE Engineering Services, Inc. introduced himself and gave a brief rundown on the request.

Chairperson Vaught asked him questions concerning items 1-6 on pages 1 & 2.

And then proceeded to give a brief description of the subject and adjoining properties.

Chairperson Vaught then asked why the present zoning was incorrect, at which time Mullins stated that the property was more appropriate for commercial uses rather than residential uses.

At this time several persons spoke on the matter.

Janice Thomas wife of Michael D. Thomas spoke first. The Thomas' reside at 490 Mark Welborn Road, Parcel 102-0-1-47 and Parcel 102-0-1-45.3, unzoned, 104 acres, improved with single family residences and various barns and sheds. The property is in the unincorporated area of Pulaski County and not subject to zoning regulations.

She made the statement that they adjoined the tract to the east, having received a letter. It appears that their property abuts The Country Boys, LLC tract (Parcel 102-0-1-41.6) rather than the subject property. They are approximately 175 feet from the subject property. The rear portion of their tract that adjoins County Boys, LLC is wooded, and with the woods varying in depth between 500 feet on the south side of the tract and 300 feet on the north tract. The patch of woods contains approximately 7-acres.

The Thomas's also adjoin Gabbard, Stephen & Angela, 4075 Barnesburg Road, Gabbard, PVA Parcel 102-0-1-44, who also adjoin the subject tract.



Ms. Thomas stated that the rezoning opened them up to "some very negative impacts on agricultural" those being noise pollution, runoff, increase noise pollution, traffic, light pollution, and safety concerns, linked to businesses permitted in the B-2 District. Her concerns were general speculation rather than specific details on how the improvements would impact her property.

Chairman Vaught stated that the overall impact on the property should be minimal as this was a retail business that drew from existing traffic and would attract little additional traffic to the area. He speculated that it may decrease the traffic by being a closer source of meals for workers from the nearby factories who now travel to Eastway for same.

Ms. Thomas also asked what impact this property would have on her ability to hunt doves and turkeys on her property.

Chairman Vaught stated that none whatsoever as they are in the county.

Ms. Thomas also raised concerns about the retention basin that would be constructed on the rear tract and if it held water and would be the source of mosquitos. She was assured that the water would drain in a matter of hours and would not retain water.

Richard Dyer, 4051 Barnesburg Road, PVA Parcel 102-0-1-42, spoke next, raising concerns about the stability of the tract as it was a swampy area prior to the construction of KY 461. The question was redirected to Mullins, who stated that core drilling had been conducted and the ground was suitable for the type of improvements planned. He was also concerned about the water runoff, also handled by Mullins. He voiced his displeasure over the type of business that was to be located upon the tract.

Stephen Gabbard 4075 Barnesburg Road, , PVA Parcel 102-0-1-44. spoke next, asked why the property was annexed if the property could be improved with a convenience store without being annexed, to which Vaught stated yes, to which he replied "then you can see what I am getting, then why did they annex it" to which Vaught replied, "so they can sell adult beverages". Mr. Gabbard Stated he wanted that on the record.

Mr. Gabbard raised concerns about the water from the rear tract and if the "existing water from the water structure would still empty into the existing basin". Lucas Mullins was unaware of the structure and stated that there were no plans to dismantle said structure.

Mr. Gabbard stated that this would bring "light pollution" to their side of KY 461 and that there was only one security light on 500 acres on their side. Vaught advised them to address their concerns of the light pollution with Mr. Chaney, who would be reviewing and approving the site development plans.

The subject tract contains a little over 15 acres, or 3% of the aforementioned 500-acres. Phase one encompasses 3 acres or 20% of the 15 acres or 0.6% of the 500-acres. Phase two also contains 3-acres increasing the amount developed to 1.2% of the 500-acres. Vaught asked Lucas Mullins,

employee of AGE Engineering Services, Inc., if the trees between the subject and Dyer, 4051 Barnesburg Road, and Gabbard, 4075 Barnesburg Road would be removed, to which he replied very few if any.

The nine acres in the front and the 6-acres to the rear are separated by trees as shown by the pictures at the end of this report.

During the meeting phase of the zone change, a motion made was made to rezone the property from R-1 to B-2, based on comments made by Lucas Mullins, that the present zoning (R-1) is inappropriate and the proposed zoning is appropriate, despite the concerns raised by adjoining and nearby property owners.

CONCLUSIONS

The board felt that the proposed zone change meets the requirements of and KRS 100.213 b) *KRS 100.213 (1) b) That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate;*

and voted to rezone the property from R-1 to B-2, voting 4-1 in favor of the zone change. One member did not vote.

Those voting in favor were, Burgin, Floyd, Holland, and Stringer. Lynch voted no, and Vaught did not vote. Vaught stated early in the public hearing that he would not be voting in this matter, having appraised this property twice in the present year. He asked the board if they wanted him to step down, and after no reply, asked the City Attorney if he had any objections. Mr. Adams stated that he could conduct the meeting as long as he did not proffer any recommendations in regards to the zoning.

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).

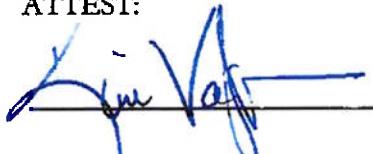
A true and correct copy of this Findings of Fact, Conclusions and Recommended Map Amendment shall be sent to the City of Somerset City Council for adoption.

DONE AND ORDERED this 3rd day of November 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

Zone Change - FINDINGS OF FACT, CONCLUSIONS AND MAP AMENDMENT

815 Somerset KY, LLC

815 Hwy 461, Somerset, Kentucky, 42503

Picture April 2025 to the south (a portion of Dyer house can be seen behind evergreen tree)



Picture July 2025



The trees seen in this picture separate the front tract and rear tract.
There may be a few removed to construct a retention basin on the south (left) side of the property.
(July 2025)



Picture taken from the middle of the front tract to the southwest corner.
This shows the vegetation separating the front and rear tract.



April 2025 Gabbard house can be seen on left side of picture.

