

ORDINANCE NO. 25-26

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 Mercury Blvd Somerset, Kentucky**, and having PVA Parcel #: **062-3-1-61.1**.
- 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: Cecil Philips Memorial LLC Tract

For Recording purposes,

Listed below are the parties involved in the Zone Change for

Mercury Boulevard
Somerset, Kentucky
PVA Parcels 062-3-1-61.1

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

Party Two
Cecil Phillips Memorial, LLC
127 Old Monticello St Suite 1
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

At the onset of the public hearing, the Chair (Vaught) stated that he, upon the initial examination of the property he felt the property should be B-3 Neighborhood, rather than the original request of B-2. They change their application.

During the research into the preliminary finding of fact, it became apparent the tract should be rezoned to the original request Zone B-2 due to the adjoining properties.

Chairman Vaught then requested that the property be rezoned to the original B-2 zone.

The City Attorney, John Adams, asked if the applicant was queried concerning this change, to which Vaught explained that the original request was for B-2 and the owner's representative then stated that they were fine with either zone.

At this time the request was changed to B-2 to be compatible with the zoning of the adjoining properties if they were ever annexed.

Zone Change
FINDINGS OF FACT, CONCLUSIONS AND MAP AMENDMENT
Cecil Phillips Memorial, LLC
Mercury Boulevard, Somerset, Kentucky, 42503

The chair continued and listed the adjoining properties, see below.

The tracts to the north are:

385 Parkers Mill Way, Somerset Place Apartments, LLC, PVA Parcel 062-3-1-55,

The 3-acre tract is improved with two apartment buildings each containing 41,184 square feet and housing 36 units (82,386 SF GBA & 72 apartments)

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

371 Parkers Mill Way, One Way Rentals, LLC, PVA Parcel 062-3-1-75, The tract is improved with a 9,181 square foot building, that houses climate-controlled storage units (86).

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

Parkers Mill Way, One Way Rentals, LLC, PVA Parcel 062-3-1-76, The tract is unimproved.

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

Parkers Mill Way, Barry Metcalf, PVA Parcel 062-3-1-78, The tract is unimproved.

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

The tracts to the east, across Mercury Boulevard is:

180 Mercury Blvd, Deborah Lynn Fowler, PVA Parcel 062-3-1-60.3. This tract is improved with a one-story office building containing 14,400 square feet.

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

And adjoining the property along the east property line is:

185 Mercury Blvd, Whitmor, LLC, PVA Parcel 062-3-1-60.5. This tract is improved with a one-story office building containing 6,384 square feet.

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

The following tract adjoins the property along the south and west property line:

Shearwood Drive, John W Tuttle III and Mary Tuttle, PVA Parcel 062-3-1-63, The tract is unimproved.

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

Parcel 050-9-2-19, 241 Magnolia Avenue, has a common corner with the properties northwest corner. The parcel is owned by Chester Stevens, and is improved with a single-family residence containing 5,228 square feet and has two detached garages containing 3,420 square feet.

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

The owner's representative, Lucas Mullins, Employee, AGE Engineering Services, Inc. was then asked why he felt the present zoning (R-1 Single Family Residential) was inappropriate.

His reply was:

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

And the Chair then asked why is the requested zone (B-2) was appropriate.

The planned use of the property (offices) is more compatible with the adjoining properties, which are business in nature, and if the properties were in the City of Somerset, would be zoned B-2.

The following facts pertaining to the subject were read by Chairman Vaught.

- 1) Cecil Phillips Memorial, LLC, is the owner of record of a parcel of land on the west side of Mercury Boulevard south of its intersection with Parkers Mill Way. The subject is that tract of land conveyed to Cecil Phillips Memorial, LLC by Deed of Conveyance dated the 5th of January 2023 by and between Mercury Development, LLC and of record in Deed Book 1068 Page 533.
- 2) Cecil Phillips Memorial, LLC requested the property be annexed on June 11, 2024, at which time the petitioner (Cecil Phillips Memorial, LLC) did not request a specific zone.
- 3) Since the property was unimproved, the property was brought in as R-1, in accordance with Article 3.14 of the Somerset Zoning Ordinance.
- 4) The Ordinance was received and filed by the Secretary of State's Land Office on September 11, 2024.
- 5) The property was annexed into the City of Somerset, with the second reading being on the 26th of August 2024.
- 6) The tract contains 5.258-acres, per plat of annexation.



Vaught then went on and listed the adjoining properties and listed the most probable zone if annexed.

- 1) the Eye Clinic,
- 2) the former motel,
- 3) FTCC (vehicle repair), and
- 4) climate-controlled storage.

And then explained what zones those properties would be found.

- 1) The Eye Clinic is a principal use in B-2 and a conditional use in B-3

- 2) The former motel is used to accommodate rehab patients, and if in the City would be zoned R-3 with a conditional use due to the number of residents (more than 8). If it was to return to its prior use as a hotel, it would be a principal use in B-2 but prohibited in B-3. The use as a boardinghouse is also prohibited in B-3.
- 3) FTCC is allowed in I-1 and I-2
- 4) **371 Parkers Mill Way** Is allowed in B-2 with a conditional use

And then explained what the adjoining properties would be zoned if annexed into the city.

180 Mercury Blvd is a larger office, and would be more suitable in a B-2 zone.

185 Mercury Blvd is a modest sized office building and would be suitable in a B-2 or B-3 zone.

100 Mercury Blvd, Somerset Cinemas 8 is a principal use in B-2 zone.

The public hearing was open for comments, questions or statement from the public.

Mr. Chester Stevens, adjoining owner, Parcel 050-9-2-19, 241 Magnolia Avenue, asked if there was a map that he could see to determine where the property was in relation to his. He was shown where the property is located by the Chair, and the owner's representative and once he found out that the property to his south was not part of the property, he stated I have no problem and sat down.

No other citizens came forward and the public hearing was closed.

As this property was annexed during the drafting of the present comprehensive plan, it does not have a future use. Those properties nearby that are in the City of Somerset are zoned B-2 and their future use is Commercial.

Based on the use of the adjoining properties the probable zoning designation if they were ever annexed would be zoned B-2.

Due to a lack of single-family residences in the subject's development, and the adjoining Southland Park Center and the use of adjoining and nearby properties, 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;

Preliminary findings of facts may include a recommendation of approval or disapproval.

See KRS 100.211 2. (b) (2).

A recommendation that the property be B-2 was made in this instance to correct Chairman Vaught's initial recommendation that it be zoned B-3.

During the meeting phase of the zone change, Mr. Burgin asked for a clarification on why the property should be B-2 instead of B-3. Chairman Vaught and City Attorney Adams delved into the differences between the two zones, with comments by Holland and explained why the appropriate zone was B-2 instead of B-3.

Based on the comments, the adjoining and nearby improvements, and lack of single-family residences in the immediate area, it is obvious that the initial and present zone designation (R-1) is inappropriate, and the requested zone designation B-2 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 KRS 100.213 b) and voted to rezone the property from R-1 to B-2, voting 6-0 in favor of said change with Burgin, Floyd, Holland, Lynch, Stringer and Vaught voting in favor of the rezoning. Rogers was absent.

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).

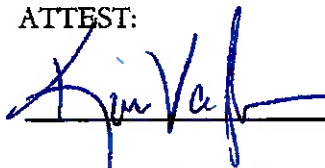
A true and correct copy of this Findings of Fact, Conclusions and Recommended Map Amendment shall be sent to the City of Somerset City Council for adoption.

DONE AND ORDERED this 3rd day of November 2025.



Chairman, Planning and Zoning Commission
City of Somerset

ATTEST:



Planning & Zoning Commission Clerk

Zone Change
FINDINGS OF FACT, CONCLUSIONS AND MAP AMENDMENT
Cecil Phillips Memorial, LLC
Mercury Boulevard, Somerset, Kentucky, 42503

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

City Attorney