

MINUTES OF MEETING HELD JANUARY 9, 2023

The Common Council of the City of Somerset, Kentucky met in a regular meeting on Monday January 9, 2023, at 6:00 p.m. with the following present: Council Members; Patrick Hunley, John Minton, Jim Mitchell, David Godsey, Amanda Bullock, Tom Eastham, David Burdine, Brian Dalton, Jerry Wheeldon, Jimmy Eastham, Jerry Girdler, Robin Daughetee, Mayor Alan Keck, City Attorney John Adams, and City Clerk Nick Bradley.

Mr. Mitchell moved to approve the minutes of the regular meeting held on December 12, 2022, along with reports as mailed. Mr. Daughetee seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Hunley, Mr. Minton, Mr. Mitchell, Mr. Godsey, Ms. Bullock, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, and Mr. Daughetee.

Mr. T. Eastham made a motion to approve the following Ordinance Number 22-20: 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 of 509 Bourne Ave. Parcel # 061-8-3-45 from B-3 to R-3. Ms. Bullock seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Hunley, Mr. Minton, Mr. Godsey, Ms. Bullock, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, and Mr. Daughetee. "No": Mr. Mitchell and Mr. Girdler. Motion passed.

ORDINANCE NO. 22-20

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 B-3 to R-3, said property being more particularly described in Exhibit "A" attached hereto and incorporated herein in full by reference, located at 509 Bourne Ave, Somerset, Kentucky, and having PVA Parcel # 061-8-3-45.
- 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: December 12, 2022

SECOND READING: January 9, 2023

Approved:



Attest:



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

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

CASE NO. _____

RE: Zone Change: Slide Properties & Development, LLC, 509 Bourne Avenue

For Recording purposes,
Land below are the parties involved in the Zone Change for
509 Bourne Avenue
Somerset, Kentucky
PVA Parcel 061-8-3-45

Party One	Party Two
City of Somerset, Planning and Zoning Commission	Slide Properties & Development, LLC
PO Box 900	109 Jasper Street
Somerset, Kentucky, 42502	Somerset, Kentucky, 42501

The Planning and Zoning Commission having heard testimony at a public hearing conducted before the Commission on the 22nd day of November 2022 and based on the evidence presented, the Planning and Zoning Commission enters the following FINDINGS OF FACT, CONCLUSIONS AND MAP AMENDMENT:

FINDINGS OF FACT

Slide Properties & Development, LLC, is the owner of record of a tract of land at 509 Bourne Avenue, per deed of conveyance dated the 20th of April 2022 and of record in Deed Book 1054 Page 074. The seller purchased the house in January 2015 (Deed Book 928 Page 349) and the past use during his ownership is unknown, (presumed to be residential in nature). The seller bought the tract from the estate of Allene Sherrer Ramsey, who received the tract as a beneficiary of the Barton L. Ramsey, Jr. Trust in 1988. Dr. Ramsey was an obstetrician who passed in 1969 and his widow, (Allene Sherrer Ramsey) was living in the house in June 2014. Mr. Sherrer passed on December 3, 2014. The house was built in 1950 based on comments in an article in 2014. A portion of the present improvements were in place in 1951. The present structure appears to be in place based on an aerial

photo taken in 1996. The building was used as a residence, office for Dr. Ramsey up till his passing in 1969. The present owner stated that there are still medical records in the building.

The subject tract, Parcel 061 8-3-45, is zoned B-3, Neighborhood Commercial.
The tract to the east, Parcel 061 8-4-25, is zoned B-2 Highway Commercial.
The tract to the south, Parcel 061 8-3-46, is zoned B-3 Neighborhood Commercial.
The tract to the west, Parcel 061 8-3-44, Lake County Health Department is zoned B-3 Neighborhood Commercial.
The tracts across the street, Parcel 001 8-1-42 & 43, City of Sumner Parks, Parcel 001 8-1-41, Roy Nade (Single Family Residence) and Parcel 001 8-1-40 Palaska (City of Health Department), are all zoned B-3 Neighborhood Commercial.

The applicant wishes to rezone the property to R-3 Medium Density Residential. The applicant stated in a pre-application interview that he plans to renovate the structure and change the use to a boarding house, a lot of people refer to it as a boarding house. The applicant will then apply for a conditional use so as to exceed the 8 person limitation. The applicant neither stated that he does not plan on building additional building(s) on the parcel. The applicant stated that the absence of sanitary sewage outside the city limits is why he has chosen this tract to meet the needs of his vision. The applicant stated that this is a short term remedy and after additional purchases and construction, he may return this tract to its original zoning.

The planned future use for the property is residential, and the proposed zoning change agrees with the planned future use.

The zoning change meets 100-213(c):
100-213 Findings necessary for proposed map amendment - Rezoning: (c) Because the map amendment is granted, the planning commission or city legislative body shall find that the map amendment is in agreement with the adopted comprehensive plan.

CONCLUSIONS

The requested rezoning is in agreement with the future use outlined in the comprehensive plan. Mr. Josh Collins, a principal of State Properties & Development, LLC, spoke and gave a general outline on the future use of the property.

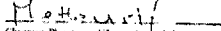
There were no citizens present to comment in favor or against the rezoning.
The commission voted 6-1 in favor of the rezoning, with Boggs, Epley, Floyd, Holland, Strang and Vaughn voting in favor of the rezoning, and Lynch opposing said rezoning.


RECOMMENDED MAP AMENDMENT

It is hereby recommended by the Commission that the map amendment be granted, as the present zoning is in compliance with the Comprehensive Plan, meeting 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 Sumner City Council for adoption.

DOONE AND ORDINERD this 23rd day of November 2022.


Chairman, Planning and Zoning Commission
City of Sumner

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

First reading was given the following Ordinance Number 23-01: Annexing by Property as Described Below and In Attachments to This Ordinance, Attachments Incorporated in Full by Reference A Corridor of Hwy 461 From Pin Oak Drive to Tommy Road.

ORDINANCE NUMBER 23-01

AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, ANNEXING BY PROPERTY AS DESCRIBED BELOW AND IN ATTACHMENTS TO THIS ORDINANCE, ATTACHMENTS INCORPORATED IN FULL BY REFERENCE HEREIN, AND

APPROVED: ALAN L. KUK, MAYOR
CITY OF SOMERSET, KY

WHEREAS, ALL DOCUMENTS AND RECORDS NEEDED TO PROCEED WITH ANNEXATION OF THE PROPERTIES INTO THE CORPORATE LIMITS OF THE CITY OF SOMERSET, AND

ATTEST: NICK BRADLEY, CITY CLERK

WHEREAS, THE PROPERTIES MEET ALL REQUIREMENTS FOR ANNEXATION AS SET FORTH IN KRS AND ALL OTHER APPLICABLE LAW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SOMERSET, KENTUCKY:

SECTION 1. THAT THE PROPERTIES DESCRIBED BELOW IN ATTACHMENTS HERETO AND BELOW, ATTACHMENTS INCORPORATED IN FULL BY REFERENCE, ARE HEREBY ANNEXED INTO THE CITY'S CORPORATE LIMITS:

A CORRIDOR OF HIGHWAY 461, SOMERSET, KY 40362, FROM PIN OAK DRIVE TO TOMMY ROAD ENCOMPASSING 31.94 ACRES DESCRIBED HEREIN, AND SHOWN IN THE SURVEY TITLED "CITY OF SOMERSET ORDINANCE 75-23-01" DATED 12-21-12 BY JD LAND SURVIVING, INC.

SECTION 2. THIS ORDINANCE SHALL TAKE EFFECT AT THE TIME OF ITS PASSAGE AND PUBLICATION BY LAW.

FIRST READING: January 9, 2023

SECOND READING:



DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION
Planning & Zoning Commission
300 East Mount Vernon Street
P.O. Box 100
Somerset, KY 40362
Phone: 606-339-4214
Fax: 606-339-4288
www.cityofsomerset.com

ANNEXATION REQUEST FORM

I, Dixey Patel, formally request annexation
of my property located at 2200 Highway 461, Somerset
into the City of Somerset.

I also request that the 60-day waiting period be waived.

I also request that this property be zoned B-2

Dixey Patel 12/29/22
Signature Date



Parcel A R 1/4 Sec 1 From Coles Rd to Tommy Rd
Parcel B Parcel 233 1st-2nd-3rd



City of Somerset, KY, Annexation Ordinance No. _____

DESCRIPTION-PARCEL A

A certain tract or parcel of land lying in the community of Shopville, County of Pulaski, on R. Highway 461, and located at the intersection of Pine Oak Drive and continuing to the Northeastern intersection of Tommy Road and lying on the waters of Buck Creek and more particularly described as follows:

All bearings shown hereon were correlated to Grid North Kentucky APC (1400) Single Zone, per GPS observations as observed on 04-26-2021.

Beginning at a found 1/2" rebar (no cap) located on the west right-of-way of Kentucky Highway 461, said rebar having a Kentucky Single Zone State Plane Coordinates of North: 3,591,220.66, East: 5,293,066.58; Thence with the east right-of-way of Kentucky Highway 461 the following (1) call: S 30°54'04" W a distance of 492.82' to a point; Thence S 15°05'08" W a distance of 108.05' to a point; Thence S 34°35'21" W a distance of 240.89' to a point; Thence S 38°45'19" W a distance of 415.31' to a point; Thence S 47°41'48" W a distance of 406.77' to a point; Thence S 19°14'45" W a distance of 34.00' to a point; Thence S 70°56'11" W a distance of 390.46' to a point; Thence crossing the east right-of-way of Kentucky Highway 461, S 23°19'16" W a distance of 631.74' to a point located on the east right-of-way of Kentucky Highway 461; Thence following the following (1) call: S 45°13'11" W a distance of 1,100.14' to a point; Thence S 51°31'02" W a distance of 151.20' to a point; Thence S 45°23'24" W a distance of 11.50' to a point being a corner to the existing city limits of Somerset (Ordinance No. 21-26); Thence crossing the right-of-way of Kentucky Highway 461 and with the existing city limits of Somerset the following (2) call: S 63°51'05" W a distance of 298.82' to a point; Thence N 21°17'50" W a distance of 70.27' to a point; Thence S 60°51'49" E a distance of 129.14' to a point; Thence on the west right-of-way of Kentucky Highway 461 the following (3) call: S 81°42'18" E a distance of 72.46' to a point; Thence S 41°53'42" E a distance of 342.74' to a point; Thence S 40°07'08" E a distance of 638.60' to a point; Thence N 50°10'45" E a distance of 57.82' to a point; Thence N 74°14'42" E a distance of 203.70' to a point; Thence crossing the right-of-way of Kentucky Highway 461, N 17°18'48" E a distance of 218.45' to a point; Thence continuing with the west right-of-way of Kentucky 461 the following (4) call: S 81°56'33" E a distance of 211.30' to a point; Thence N 12°51'40" E a distance of 180.28' to a point; Thence N 47°33'15" E a distance of 741.64' to a point; Thence N 50°21'38" E a distance of 220.42' to a point; Thence N 20°18'06" W a distance of 81.01' to a point; Thence N 32°17'09" E a distance of 294.19' to a point; Thence N 1°17'36" E a distance of 195.70' to a point; Thence S 30°49'38" E a distance of 865.57' to a point; Thence N 46°22'58" E a distance of 446.48' to a point; Thence crossing Kentucky Highway 461, S 40°41'56" E a distance of 119.21' to an existing concrete right-of-way marker located on the west right-of-way of Kentucky Highway 461; Thence with the west right-of-way of Kentucky Highway 461, S 20°48'18" W a distance of 241.40' to the corner of the annexation described hereon and having an area of 31.84 acres, according to a field survey completed on 12-01-2022 and

performed under the direct supervision of Jody Dagley PLS 3138, with JD Land Surveying, Inc.

Above described annexation is subject to all easements, exceptions, right-of-ways, covenants, and restrictions of record or that may apply.

Jody Dagley
for C. Dagley

12-21-22
Date



City of Somerset, KY, Annexation Ordinance No. _____

DESCRIPTION-PARCEL B

A certain tract or parcel of land lying in the community of Shopville, County of Pulaski, State of Kentucky, on Highway 461 at the intersection of Tommy Road and lying on the waters of Buck Creek and more particularly described as follows:

All bearings shown hereon were correlated to Grid North Kentucky SMC (1600) Single Zone, per GPS observations as observed on 04-26-2021.

Beginning at a found 1/2" rebar, (no cap) located on the east right-of-way of Kentucky Highway 461, said rebar bears S 82°56'27" W a distance of 4,439.88' to a point being a corner to the existing city limits of Somerset (Ordinance No. 21-26) and rebar having a Kentucky Single Zone State Plane Coordinates of North: 3,593,220.66, East: 5,293,066.58; Thence with the east right-of-way of Kentucky Highway 461, N 70°54'04" E a distance of 241.62' to an existing concrete right-of-way marker on the west right-of-way of Tommy Road; Thence with the west right-of-way of Tommy Road the following (2) call: S 12°16'53" E a distance of 121.48' to an existing concrete right-of-way marker; Thence S 109°21'10" W a distance of 211.48' to an existing concrete right-of-way marker; Thence N 39°18'40" W a distance of 184.18' to the point of beginning, having an area of 0.89 acres 23872.88 sq. ft. of the annexation described hereon, according to a field survey completed on 12-01-2022 and performed under the direct supervision of Jody Dagley PLS 3138, with JD Land Surveying, Inc.

Above described annexation is subject to all easements, exceptions, right-of-ways, covenants, and restrictions of record or that may apply.

Jody Dagley
for C. Dagley

12-21-22
Date



First reading was given the following Ordinance Number 23-02: 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 of Undeveloped Property at The End of Early & Conley Dr.

ORDINANCE NO. 23-02

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-3 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 at the end of Early & Conley Dr, Somerset, Kentucky, and having PVA Parcel # 061-8-3-46
- 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 January 9, 2023

SECOND READING _____

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: Slade Properties & Development, LLC, Conley Drive

For Recording purposes (if applicable),
 Listed below are the parties involved in the Zone Change for
 Conley Drive
 Somerset, Kentucky
 PVA Parcel 061-8-3-46

Party One City of Somerset, Planning and Zoning Commission PO Box 589 Somerset, Kentucky, 42502	Party Two Slade Properties & Development, LLC 109 Jasper Street Somerset, Kentucky, 42501
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The Planning and Zoning Commission having heard testimony at a public hearing conducted before the Commission on the 27th day of December 2022 and based on the evidence presented, the Planning and Zoning Commission enters the following FINDINGS OF FACT, CONCLUSIONS AND MAP AMENDMENT:

FINDINGS OF FACT

Slade Properties & Development, LLC is the owner of record of a tract of land at Conley Drive, per deed of conveyance dated the 20th of April 2022 and set record in Deed Book 11754 Page 150. The seller purchased the tract in January 2015 (Deed Book 925 Page 349) and the part site during his ownership is unchanged vacant land. The seller bought the tract from the estate of Aileen Shearer Ramsey, who in turn purchased the tract in 1984. (Aileen Shearer Ramsey) was living in the adjoining house in June 2014. Ms. Shearer passed on December 5, 2014. The adjoining house was built in 1970 based on comments in an article in 2014. The subject tract, Parcel 061-8-3-46, is zoned B-3, Neighborhood Commercial. The tract to the east, Parcel 061-8-4-25, Somersetwoods is zoned B-2 Highway Commercial and Parcel and Parcel 061-8-4-15 (Dopp) is zoned R-2 Low-Moderate Density Residential.

The tract to the south, Parcel 061-8-3-47, Dopp (Nash), is zoned R-2 Low-Moderate Density Residential
 The tracts to the west,
 Parcel 061-8-3-44, Lake Cumberland District Health Department is zoned B-3 Neighborhood Commercial.
 Parcel 061-8-3-43, Harmon is zoned B-3 Neighborhood Commercial
 Parcel 061-8-3-42, Christopher is zoned P-3 Neighborhood Commercial
 The tract to the north 061-8-3-45 is zoned R-3 Medium Density Residential

The applicant wishes to rezone the property to R-3 Medium Density Residential.
 The planned future use for the property is residential, and the proposed zoning change agrees with the planned future use.
 The zone change meets 100.211(1):
 100.211 Findings necessary for proposed map amendment. Recommendation: (1) Before any map amendment is granted, the planning commission or the legislative body, or final court order (and that the map amendment is in agreement with the adopted comprehensive plan.

CONCLUSIONS

The requested rezoning is in agreement with the future use outlined in the comprehensive plan. Mr. Jack Collins, a principal of Slade Properties & Development, LLC spoke and gave a general outline on the future use of the property. There were various points for comments and their greater concern was the planned development. Members of the board expressed concerns about an topography and drainage. The commission voted 5-0 in favor of the rezoning, with Burges, Floyd, Holland, Bennett and Vaughn voting in favor of the rezoning, and Epley and French absent.

RECOMMENDED MAP AMENDMENT

It is hereby recommended by the Commission that the map amendment be granted, in the present rezoning in compliance with the Comprehensive Plan, meeting the requirements of KRS 100.231(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 28th day of December 2022:

[Signature]
 Chairman, Planning and Zoning Commission,
 City of Somerset

ATTEST:
[Signature]
 Planning and 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

Mr. Burdine made a motion to go approve the following tax refunds: Tim Short Motors LLC 2022 Tangible Refund \$110.56, Darrell & Vicki Goode 2021 Homestead Exemption \$52.65, Monticello Banking Co 2020 & 201 Tangible Amendment \$12.72. Mr. Godsey seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Hunley, Mr. Minton, Mr. Mitchell, Mr. Godsey, Ms. Bullock, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, and Mr. Daughetee.

There being no further business the meeting adjourned at 6:42 p.m.

APPROVED:



MAYOR

ATTEST:



CITY CLERK