

**MINUTES OF MEETING HELD OCTOBER 10, 2022**

The Common Council of the City of Somerset, Kentucky met in a regular meeting on Monday October 10, 2022, at 6:00 p.m. with the following present: Council Members; Jimmy Eastham, Jerry Girdler, Patrick Hunley, John Minton, David Godsey, Amanda Bullock, Tom Eastham, David Burdine, Brian Dalton, Jerry Wheeldon, Mayor Alan Keck, City Attorney John Adams, and City Clerk Nick Bradley. Absent Robin Daughetee and Jim Mitchell.

Mr. Wheeldon moved to approve the minutes of the regular meeting held on September 26, 2022, along with reports as mailed. Mr. Dalton seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. J. Eastham, Mr. Girdler, Mr. Hunley, Mr. Minton, Mr. Godsey, Ms. Bullock, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, and Mr. Wheeldon.

First reading was given the following Ordinance Number 22-17: 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 225 Langdon St. from R-2 to B-3.

**ORDINANCE NO. 22-17**

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-2 to B-3, said properties being more particularly described in Exhibit A attached hereto and incorporated herein in full by reference, located at 225 Langdon St., Somerset, Kentucky, and having PVA Parcel # **061-4-2-08**.
- 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 10, 2022

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 Donald Burns, 225 Langdon Street

For Recording purposes,  
Listed below are the parties involved in the Zone Change for  
225 Langdon Street  
Somerset, Kentucky  
PVA Parcel 061-4-2-08

<b>Party One</b>	<b>Party Two</b>
City of Somerset, Planning and Zoning Commission 183 Dixie 909 Somerset, Kentucky, 42502	Donald R. Margaret Burns 347 Waindown Drive Somerset, Kentucky, 42502

The Planning and Zoning Commission having heard testimony at a public hearing conducted before the Commission on the 4<sup>th</sup> day of October 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**

Mr. Burns is the owner of record of a tract of land at 225 Langdon Street, per deed of conveyance dated the 1<sup>st</sup> of July 2018 and of record at Deed Book 981 Page 212. The property has been in the Burns family since 1984. The tract is zoned R-2 but does not meet the following planning and zoning dimensional requirements, minimum lot coverage (60%) The tract is 90' wide with a depth of 155' per the PVA. As stated previously the tract is zoned R-2, as are the tracts to the south, 225 1/2 Langdon Street (Parcel 061-4-2-07), east, 103 Luskens Street, (Parcel 061-4-2-12), and north, 227 Langdon Street (Parcel 061-4-2-09). The tract across the street, 224 Langdon Street (Parcel 061-4-2-14) is zoned B-3. A tract at 223 Langdon Street (Parcel 061-4-2-06) is also zoned B-3 having been rezoned in August 2010 from R-2 to B-2. (Ordinance 10-18). The counterpart who has the future use of the tract as Residential. In 2007 there were six residences between Highland Avenue and Luskens Drive. In 2022, there are two residences, three vacant lots, and one commercial building.

**CONCLUSIONS**

The requested rezoning is not in agreement with the future use outlined in the comprehensive plan. The applicant's representative (Phil Davis) feels that the present use is inappropriate due to the changes of physical and economic nature that have occurred since the adoption of the present comprehensive plan (2012) and now to the present comprehensive plan that was not taken into account of the present plan. The single family residence on Parcel # 01-2-24-224 applied in 2017 was razed and replaced with a dental medical office in 2017. The residence on the tract was razed rather than remodelled and there has not been any desire for the tract as a single family residential use. The single family residence at 2231 Langdon Street (Parcel # 01-2-24-223), was razed in the 2014-2015 period and remains vacant lot. The applicant feels that the more appropriate zoning is B-3 Neighborhood Commercial Zoning. It would appear that there is a basis for this rezoning, as the zoning building costs in the recent past may not show in the next future due to the depreciation brought by Hurricane Ian in Florida. The small size of lots and other factors along Langdon Street and in the City of Somerset, along with the high cost of building materials, has reduced the marketability of these small lots for single family residential development. This rezoning may be in effect for 2-3 years but could be prolonged if another hurricane major or even more so, gets into the area in the future.

There were no citizens present in consent or favor nor in opposition to the rezoning. The Commission appears to be in agreement with the assessment of the applicant (Mr. Davis) that the present zoning (R-3) is inappropriate, and the requested zoning (B-3) is more appropriate being a good fit in terms of the rezoning.

**NOTE:**

Properties like this in the past were typically zoned B-2, as indicated by the rezoning of the tract across the street and 2231 Langdon Street (Parcel # 01-2-24-226). The current business, Mark Vaughn, sold in 2019 to Wayne W. Raper. Raper's fee had properties such as one should be rezoned as B-3 Neighborhood Commercial, as this is a more appropriate zoning rather than B-2 Highways Commercial. They feel that the city needs that should be rezoned to B-3 in the future as well be contacted to the largest vacant unimproved tracts, such as 2231 and 2233.

**RECOMMENDED MAP AMENDMENT**

It is hereby recommended by the Commission that the map amendments be granted, as the present zoning is deemed inappropriate, due to changes of the physical and economic nature of the immediate area, as well as economic changes in the City of Somerset and the Commonwealth of Kentucky, in the

recent past and foreseeable future.

A true and correct copy of this Language of Intent, Commission and Recommended Map Amendment shall be sent to the City of Somerset Public Works Department.

DONE AND FOR THE RELEASE OF THE CITY OF SOMERSET, KY

*Heather Johnson*  
Commission, Planning and Zoning Department  
City of Somerset

ATTEST:

*Michelle*  
Planning & Zoning Department Clerk

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

City Attorney

Mr. Burdine made a motion to go into Executive Session under KRS 61.810 (G). Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. J. Eastham, Mr. Girdler, Mr. Hunley, Mr. Minton, Mr. Godsey, Ms. Bullock, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, and Mr. Wheeldon.

No action taken in Executive Session

There being no further business the meeting adjourned at 7:22 p.m.

APPROVED:

*[Signature]*  
MAYOR

ATTEST:

*[Signature]*  
CITY CLERK