



MINUTES OF MEETING HELD OCTOBER 10, 2023

The Common Council of the City of Somerset, Kentucky met in a regular meeting on Monday October 10, 2023, at 6:00 p.m. with the following present: Council Members Jimmy Eastham, Jerry Girdler, Robin Daughetee, 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: Jim Mitchell.

Mr. Dalton moved to approve the minutes of the regular meeting held on September 25, 2023, along with reports as mailed. Mr. Godsey seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Hunley, Mr. Minton, Mr. Godsey, Ms. Bullock, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, and Mr. Wheeldon.

Mr. Daughetee made a motion to approve the following Ordinance Number 23-11: ANNEXING BY CONSENT PROPERTY AS DESCRIBED BELOW AND IN ATTACHMENTS TO THIS ORDINANCE, ATTACHMENTS INCORPORATED IN FULL BY REFERENCE HEREIN OF 103 WILLOW DRIVE. Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Hunley, Mr. Minton, Mr. Godsey, Ms. Bullock, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, and Mr. Wheeldon.

<p align="center">ORDINANCE NUMBER 23-11</p> <p>AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, ANNEXING BY CONSENT PROPERTY AS DESCRIBED BELOW AND IN ATTACHMENTS TO THIS ORDINANCE, ATTACHMENTS INCORPORATED IN FULL BY REFERENCE HEREIN AND:</p> <p>WHEREAS, ANNEA CONDOMINIUMS FORMS HAVE BEEN CONVEYED BY THE PROPERTY OWNERS AND THE RECORDS HAVE BEEN ACCURATELY FILED WITH AND COMPLETED AND THE PROPERTY OWNERS HAVE WAIVED THE 90 DAY WAITING PERIOD BY AND FOR THE ANNEA CONDOMINIUMS FORMS SIGNED BY THE OWNER AS AN AUTHORIZED AGENT OF THE OWNER AND INCORPORATED INTO IT BY THE RECORDS AND MADE PART OF THE ATTACHMENTS TO THIS ORDINANCE; AND</p> <p>WHEREAS, ALL DOCUMENTS AND ORDINANCES TO BE PROCURED WITHIN A YEAR OF THE PROPERTY BEING TO THE CORPORATE LIMITS OF THE CITY OF SOMERSET, KY;</p> <p>WHEREAS, THIS ORDINANCE WAS SENT TO THE DISTRICT AND COUNTY ATTORNEY OF THE STATE OF KENTUCKY FOR THE FIRST READING AS NOTED UNDER THE COURSE OF DESIGNATION BY THE CITY;</p> <p>WHEREAS, THE PROPERTY MEETS ALL REQUIREMENTS FOR ANNEXATION AS TO BOUNDARIES AND ALL OTHER APPLICABLE LAW;</p> <p>NOW, THEREFORE, BE IT ENACTED BY THE CITY OF SOMERSET, KENTUCKY:</p>	<p>SECTION 1. NOTICE TO THE ASSESSOR COUNTY FISCAL COURT WAS GIVEN AS PER THE TERMS OF THE ANNEA FORMS AND AS STATED BEFORE THE SECOND READING THE PROPERTY SEEMS TO BE IN COMPLIANCE WITH THE CITY AND STATE LAWS AND THE CITY OF SOMERSET RESIDENTS WITH THE LOW GROUND CONDITIONAL VALIDITY REQUIREMENTS FOR ANNEXATION BY CONSENT BY THE ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY.</p> <p>SECTION 2. THIS ORDINANCE SHALL TAKE EFFECT AS TO THE CITY OF SOMERSET AND BEIN PUBLIC RECORD BY LAW.</p> <p>FIRST READING: AUGUST 14, 2023</p> <p>SECTION 3. THE CITY OF SOMERSET, KENTUCKY, IS HEREBY APPROVED:</p> <p align="right">APPROVED:  MAYOR CITY OF SOMERSET, KY</p> <p>SECTION 4.  CITY CLERK</p>
<p>SECTION 1. THAT THE PROPERTY IS DESCRIBED BELOW IS A FULLY DEVELOPED AND AS DESCRIBED IN ATTACHMENTS INCORPORATED IN FULL BY REFERENCE AND BEING BY ANNEXED INTO THE CITY OF SOMERSET, KY.</p> <p>SECTION 2. AS TO THE PARCELS ON WHICH THE CONDOMINIUMS ARE BEING ANNEXED ALL OF THE NEARBY CONDOMINIUMS TO 103 WILLOW DRIVE, DRAWN BY AGENT AND SURVEYING AND DATE 08/10/23.</p>	<p>SECTION 3. THE PROPERTY IS IMPROVED WITH CONDOMINIUM BOUNDARIES.</p>

ATTACHMENTS INCORPORATED IN FULL BY REFERENCE HEREIN PVA PARCEL # 102-0-1-14.3.

ORDINANCE NUMBER 2016

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

WHEREAS AN ANNEXATION REQUEST FORMS HAVE BEEN SUBMITTED BY THE PROPERTY OWNERS AND THE FORMS HAVE BEEN ACCEPTED BY THE CITY AS COMPLETED AND THE PROPERTY OWNERS ACCEPTING WAIVED THE SIXTY (60) DAY WAITING PERIOD AND FURTHER THE ANNEXATION REQUEST FORMS SIGNED BY THE OWNER AND FOR AN AUTHORIZED AGENT OF THE OWNER AND IN CONFORMANCE WITH THE BY-LAWS REFERENCED AND MADE PART OF THE ATTACHMENTS TO THIS ORDINANCE AND

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

WHEREAS THIS ORDINANCE WAS SENT TO THE CLERK EFFECTIVE AND FOR THE ATTORNEY OF THE ASKED TO SIGN AT THE FIRST READING AND NOTED UNDER SUBJECT RESOLUTION NUMBER 102-0-1-14.3 AND

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 AS ATTACHMENTS HERETO AND FURTHER ATTACHMENTS INCORPORATED IN FULL BY REFERENCE ARE HEREBY ANNEXED INTO THE CITY'S CORPORATE LIMITS

EXHIBIT A 2.27 ACRES OF A PEARL HILLED CITY OF SOMERSET ANNEXATION VALLEY OAK TRACT (A) BY APPLICABLE AND BY LINDA DAVIS FOR 30.27 SAID LAND HAVING POINT OF BEGINNING TO 102-0-1-14.3

SECTION 2 THE PROPERTY SHALL BE ZONED TO CONFORM TO THE OTHER PROPERTIES IN THE PVA AREA AND TO CONFORM TO ITS INTENDED USE

SECTION 3 NOTICE TO PULASKI COUNTY CLERK OF COURT WAS GIVEN AFTER THE FIRST READING AND 45 DAYS BEFORE THE SECOND READING. THE PROCEEDING PROCEEDS AS IF THEY ARE REQUIRED FOR THE VALLEY OAK TRACT (A) COMMERCIAL RESIDENTIAL ACTION OR SIGNATURE DEVELOPMENT BY THE PROPERTY OWNERS TO BE IN PROGRESS BY THE CITY AND NOT PROCEED IN THE CITY AND FURTHER CONSIDERED TO VALID FOR DOCUMENTS FOR ANNEXATION BEFORE JULY 27, 2016 AND JULY 27, 2016 RESOLUTION NUMBER 102-0-1-14.3

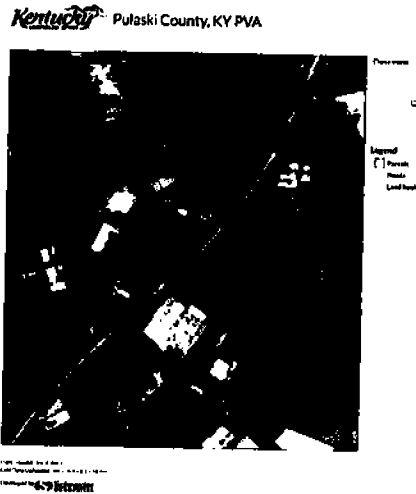
SECTION 4 THE ORDINANCE SHALL TAKE EFFECT AFTER THE PASSAGE AND APPROBATION BY LAW

FIRST READING ON 10/09/2016

SECOND READING ON 10/27/2016

APPROVED
 CLAUDE KUCK, MAYOR
 CITY OF SOMERSET, KY

ATTEST
 NICK GRABBEY, CITY CLERK



Somerset
 DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION
 Planning & Zoning Commission
 200 East Second Street, Room 200
 P.O. Box 800
 Somerset, KY 40387
 Phone: (606) 438-2314
 Fax: (606) 438-2314
 www.somersetky.gov

ANNEXATION REQUEST FORM

I, SPEDA/Clark Investment Properties, LLC hereby request annexation of the property located at Valley Oak Drive - 2.27 Acres into the City of Somerset.

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

I also request that the property be zoned I-1.

SPEDA 10/10/2023

TRACT 5A
Description 2.27 acres
City of Somerset, Kentucky Annexation
Ordinance No. _____

A certain tract or parcel of land adjoining the existing Municipal Boundary of the City of Somerset (Ordinance #21-27) Kentucky and more particularly described as follows:

The following description was prepared by Anthony G. Thompson PLS 63040-1 AGT Land Surveying Firm Permit #436. said description was based on the following recorded documents (D.B. 578 PG. 193); (D.B. 684 IN.; 694); (D.B. 1054 PG. 535); PLAT TILED VALLEY OAK TRACT TRACT 5A (PLAT CAR 10 SLIDE 277C) LOT# VALLEY OAK BUSINESS & TOWN PARK (PLAT CAR 10 SLIDE 238A) ALL OF RECORD IN THE PLUMASVILLE COUNTY CLERK'S OFFICE IN SOMERSET, KENTUCKY. The purpose of this survey is to delineate the limits of proposed annexation. It does not in any way take a determination of the individual parcel boundaries and should not be used for the purpose.

Beginning at a (previously set) 1/2" steel rebar 18" in length with an orange plastic cap stamped A.G.T. PLS 3630 having a KY State Plane angle zone coordinate of (N 3 592.214 856 E 3 791 299 516)

Thence S 36°49'53" W a distance of 324.54' to a (previously set) 5/8" steel rebar 18" in length with an orange plastic cap stamped A.G.T. PLS 3630 a corner in the line of the existing Municipal Boundary of the City of Somerset (Ordinance #21-27)

Thence with said Municipal Boundary the following two (2) calls:

1) N 65°34'38" W a distance of 98.33' to a (previously set) 5/8" steel rebar 18" in length with an orange plastic cap stamped A.G.T. PLS 3630;

2) N 21°05'57" W a distance of 407.55' to a (previously set) 5/8" steel rebar 18" in length with an orange plastic cap stamped A.G.T. PLS 3630 in the south margin of Valley Oak Drive 30' from centerline.

Thence with said Valley Oak Drive the following two (2) calls:

1) with a curve turning to the right with an arc length of 197.47'; with a radius of 169.86'; with a chord bearing of S 86°12'04" E, with a chord length of 188.55' to a (previously set) 1/2" steel rebar 18" in length with an orange plastic cap stamped A.G.T. PLS 3630;

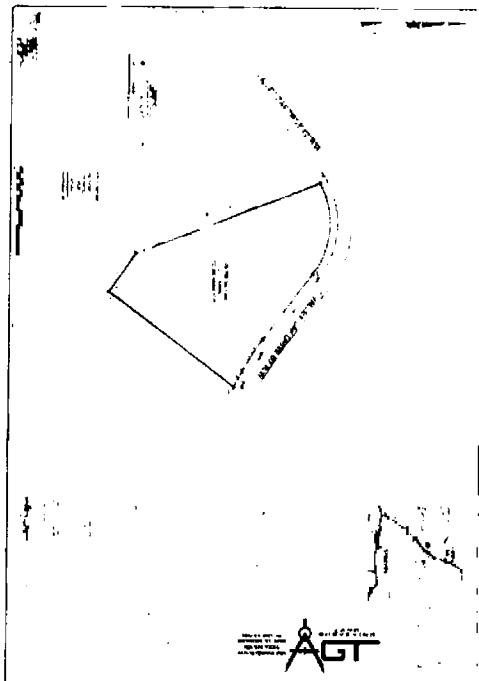
2) Thence S 83°09'47" E a distance of 178.87' to a (previously set) 5/8" steel rebar 18" in length with an orange plastic cap stamped A.G.T. PLS 3630;

3) with a curve turning to the left with an arc length of 76.40'; with a radius of 530.00'; with a chord bearing of S 87°17'20" E, with a chord length of 76.34' to a (previously set) 1/2" steel rebar 18" in length with an orange plastic cap stamped A.G.T. PLS 3630;

4) Thence S 61°25'18" E a distance of 38.35' to the point of Beginning

Said Annex Boundary having an area of (46 783) square feet or 2.27 acres

Anthony G. Thompson PLS 63040-1
 Date



First reading was given the following Ordinance Number 23-17: 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 BAORD, AND BASED ON SAID BAORD'S RECOMMENDATION OF A ZONE CHANGE OF 166 GRIFFIN AVE. FROM R-2 TO R-3.

ORDINANCE NO. 23-17
 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, National Book, as hereby amended by altering the Zoning Map in the following manner:

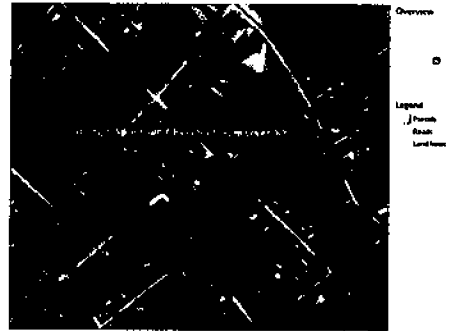
- I. By changing a boundary of land presently zoned R-2 to R-3, and perpetually described in Exhibit "A" attached hereto and incorporated herein in full by reference, located at 166 Griffin Ave, Somerset, Kentucky, and having PVA Parcel # 061-0-1-06.
- II. The City Clerk of the City of Somerset, Kentucky 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 9, 2023

SECOND READING:

Approved: Mayor
 ABCD City Clerk

Kentucky Pulaski County, KY PVA



Parcel ID	Owner	Address	Area	Value	Assessed Value	Assessed Ratio	Assessed Date
061-0-1-06	UNION APOLITE CHURCH	166 GRIFFIN AVE	0.12	1,200,000	1,200,000	100%	10/1/2023

City of Somerset, KY
 659 2310000

CITY OF SOMERSET, KENTUCKY
 PLANNING AND ZONING COMMISSION

FINDINGS OF FACT
 CONCLUSIONS AND RECOMMENDED MAP AMENDMENT

CASE NO:

Re: Zone Change - United Apostolic Church - Somerset, KY, Inc.

For Recording purposes:
 Listed below are the parties involved in the Zone Change for 166 Griffin Avenue, Somerset, Kentucky, PVA Parcel ID # 061-0-1-06.

Party Name: City of Somerset, Planning & Zoning Commission, PO Box 909, Somerset, Kentucky, 42522.
 Party Name: United Apostolic Church of Somerset, KY, Inc., 166 Griffin Avenue, Somerset, Kentucky, 42501.

The Planning and Zoning Commission having held a public hearing conducted before the Commission on the 26th day of September 2023 and based on the evidence presented the Planning and Zoning Commission votes the following FINDINGS OF FACT CONCLUSIONS AND MAP AMENDMENT.

FINDINGS OF FACT

United Apostolic Church of Somerset, KY, Inc. is the owner of record of certain tracts of land at 166 Griffin Avenue, per deed of conveyance dated the 24th of January 2019 and of record in Deed Book 991, Page 081. The present church was in place in 1972 based on historical records and a church has owned the property since 1948. There have been three churches, including the present church, at various times, the Assembly of God, the Latter Day Saints and the United Apostolic Church, the present owner.

The subject tract, Parcel 061-0-1-06, is zoned R-2, Low Moderate Density Residential (R-2).

A. Additionally, there are other structures across the street on zoned R-2, Low Moderate Density Residential (R-2).

The present site is an historic commercial use in a R-2 zone, as well as all other Residential and Industrial zones. It is a historic peak gas use in the Commercial Zones.

The present structure does not meet the setbacks, coverage, etc. along Walnut Street.

It was determined per the adoption of the present zoning regulation.

The applicant proposes to install Open Area Receivers (OAR) and/or Triple Point (containing) walls to rezone the property to R-3 Medium Density Residential.

The future use of the tract is as follows:

The zone change meets the requirements of RKN 100-211-111.

RKN 100-211-111 and the proposed map amendment. Recommendation: Before any map amendment is granted, the planning commission or the legislative body of the city must find that the map amendment is appropriate with the adopted comprehensive plan.

The applicant was asked to determine the appropriateness of RKN 100-211-111.

The applicant stated that the zoning classification is not appropriate as there has not been a willing buyer to step forward and purchase the tract in the time it has been on the market.

The applicant stated that the zoning classification is not appropriate as there has not been a willing buyer to step forward and purchase the tract in the time it has been on the market.

The property has been on the market for approximately 12 months at the time of the hearing.

The applicant stated that the zoning classification is not appropriate as there has not been a willing buyer to step forward and purchase the tract in the time it has been on the market.

There are no other physical attributes of the property that were not brought up during the meeting that may be contributing factors for re-zoning the property.

The trend for churches in the past years has been to build larger structures that are more adequate for future expansion. This is evident in the relocations of Emmanuel Baptist Church and the large Hope Church and the First Baptist Church, the United Baptist Church in South, and the First Baptist Church in North, KY, etc. and the United Apostolic Church in Somerset, KY, etc.

The location of the church at the intersection of Walnut Street and Griffin Avenue does not hinder well for future expansion.

The applicant felt that the proposed zoning is more appropriate as it is one block east of largest block of R-3 properties in the area.

The tract size is each 160 x 173 per the PVA (10.3 acres), that it could be immediate most principal use as outlined in the R-3 zoning.

The buyer plans to renovate the structure and convert the use to a boarding house or hotel principal use for up to 8 people, specifically for the residential use.

The applicant will apply for a conditional use to be received in a zoning transition.

The applicant wishes to have a capacity of 8 residents.

The applicant submitted that the initial plans were 14,000 sq ft, but upon reflection it was recognized that a number of real estate features and 16 were an unnecessary burden to the city.

The applicant further stated that if the program is a success and if expansion were a possibility that the business would be moved to another location which has not would have a site, yet features constructed in order to handle the expanded operation.

CONCLUSIONS

The requested rezoning is in agreement with the future use outlined in the comprehensive plan. Mr. Aaron (the city) in support of the purchasing center, gave a general review of the future use of the property.

While there were citizens present at the meeting, no one stood to step forward and voice an issue of or against the rezoning. There were several questions during the public hearing as well as the meeting from the board with responses that were given that adequate to answer the questions presented.


The commission voted 4-0 in favor of the rezoning with: Dugan, Floyd, Holland, Stranger and Vaughn voting in favor of the rezoning. 1 plea and 2 yea's were absent.

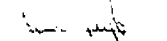
RECOMMENDED MAP AMENDMENT

It is hereby recommended by the Commission that the map amendment be granted as the rezoning is in compliance with the Comprehensive Plan, having met the requirements of KRS 100.213(1) and KRS 100.213(1)(a).

A final and correct copy of the findings of fact shall be submitted May 15, 2023, to the City of Somerset, Kentucky, for its adoption.

DONE AND ORDERED this 10th day of October 2023.


Chairman, Planning and Zoning Commission
City of Somerset
ALIST


Planning & Zoning Commission Clerk

This document was prepared by the staff of the Planning and Zoning Department under the approval of the Mayor, City Attorney.

City Attorney

Mr. Wheeldon made a motion to approve a tax refund for a 2022 Homestead Exemption for Jeff & Martha Kiser in the amount of \$52.65. Mr. J. Eastham seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Hunley, Mr. Minton, Mr. Godsey, Ms. Bullock, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, and Mr. Wheeldon.

Mr. Daughetee made a motion to go into Executive Session pursuant to KRS 61.810 (c). Mr. J. Eastham seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, 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 was adjourned at 6:50 p.m.

APPROVED: _____


MAYOR

ATTEST: _____


CITY CLERK