

MINUTES OF MEETING HELD OCTOBER 23, 2023

The Common Council of the City of Somerset, Kentucky met in a regular meeting on Monday October 23, 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. Daughetee moved to approve the minutes of the regular meeting held on October 9, 2023, 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. Daughetee, Mr. Hunley, Mr. Minton, Mr. Godsey, Ms. Bullock, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, and Mr. Wheeldon.

Ms. Bullock made a motion to approve the following Resolution Number 23-13: APPROVING DEBTS TO BE PAID IN FULL UPON RECEIPT OF CDBG FUNDS AS DRAWDOWN FROM THE KENTUCKY DEPARTMENT FOR LOVAL GOVERNMENT TO FAHE IN THE AMOUNT OF \$1,000. Mr. Burdine 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.

APPROVAL OF MONTHLY PAYMENTS #2
10/23/23

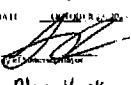
WHEREAS the City of Somerset has an annual payment of \$1,000.00 from the Commonwealth of Kentucky in the amount of \$1,000.00 and


WHEREAS the expenditure of said CDBG funds are in compliance with the Kentucky Code provisions, manual of government policies and applicable CDBG laws;

NOW, therefore, the City of Somerset hereby certifies that the amount of \$1,000.00 is being drawn down from the Kentucky Department for Local Government to FAHE in the amount of \$1,000.00 for the purpose of the following:

Account #	Payee	Amount	CDBG Code	Total Lines
100000	FAHE	\$1,000.00		
TOTAL		\$1,000.00		\$1,000.00

A total of \$1,000.00 is being drawn down from the Commonwealth of Kentucky in the amount of \$1,000.00.

By:  Alan Keck, Mayor

By:  Nick Bradley, City Clerk

10/23/23	APPROVAL OF MONTHLY PAYMENTS #2	100000	FAHE	\$1,000.00		
TOTAL				\$1,000.00		\$1,000.00

ORDINANCE NO. 23-17
AN ORDINANCE AMENDING ORDINANCE NO. 00-00 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:

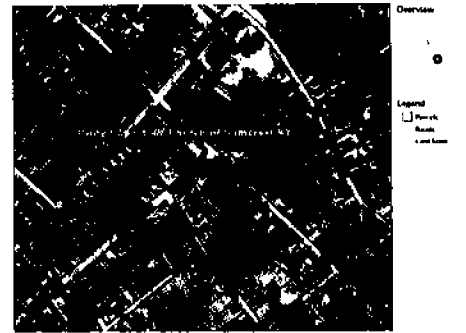
This Ordinance No. 23-17 known as the Zoning Ordinance, Somerset, Kentucky, hereinafter referred to as the Zoning Map, for the following reasons:

- I. Is changing a boundary of land presently zoned R-3 Medium Density Residential property to be more particularly described in Exhibit A attached hereto and incorporated herein in full by reference, located at 166 Griffin Ave. Somerset, Kentucky, and having PVA Parcel ID 001-0-1-06.
- II. The City Council of the City of Somerset, Kentucky is hereby authorized to alter the Zoning Map, reflecting the following:
- III. This Ordinance shall be in full force and effect from and after its adoption and publication according to law.

FIRST READING: OCTOBER 2, 2023

SECOND READING: OCTOBER 23, 2023

Approved: _____
 Mayor: _____
 Clerk: _____



Parcel ID	Address	Map	Area	Total Area	Area	Area	Area
001-0-1-06	166 Griffin Ave	R-3	0.10	0.10	0.10	0.10	0.10
001-0-1-07	168 Griffin Ave	R-3	0.10	0.10	0.10	0.10	0.10
001-0-1-08	170 Griffin Ave	R-3	0.10	0.10	0.10	0.10	0.10

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

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

CASE NO. _____

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

For recording purposes,
 I state below are the parties involved in the Zone Change for:
 166 Griffin Avenue
 Somerset, Kentucky
 PVA Parcel ID # 001-0-1-06

Party One: City of Somerset, Planning & Zoning Commission, P.O. Box 989, Somerset, Kentucky, 40362
 Party Two: United Apostolic Church of Somerset, KY Inc, 166 Griffin Avenue, Somerset, Kentucky, 40361

The Planning and Zoning Commission having heard testimony at a public hearing, conducted before the Commission on the 21st day of September 2023 and based on the evidence presented, the Planning and Zoning Commission enters the following FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATION:

FINDINGS OF FACT

United Apostolic Church of Somerset, KY Inc is the owner of record of certain tracts of land at 166 Griffin Avenue, parcel 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 been owned the property since 1958. There have been three deconsecrations of the property at various times, the Assembly of God, the Latter Day Saints, and the United Apostolic Church, in present times.

The subject tract, Parcel 001-0-1-06, is zoned R-3, Low-Moderate Density Residential (R-3).

All adjoining tracts and lots along the street are zoned R-3, Low-Moderate Density Residential (R-3).

The part use (church) is a local use in an R-3 zone, as well as for Residential and Industrial uses. It is a limited principal use in the Commercial Zones.

The present structure does not meet the setback requirements (25') along Walnut Street.

It was constructed prior to the adoption of the present zoning regulations.

The applicant's proxy (Buyer-Open Arms Recovery, LLC) and/or (Triple Point Counseling) wishes to rezone the property to R-3 Medium Density Residential.

The future use of the tract is residential.

The zone change meets the requirements of KRS 100.713(1).

KRS 100.713(1)(b) requires that the proposed map amendment: *has been determined to be in the best interests of the community, the planning commission or the legislative body of the city or county must find that the map amendment is in agreement with the adopted comprehensive plan.*

The applicant was asked to further meet the requirements of KRS 100.713(1)(a):

(a) *that the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate.*

The applicant stated that the current zoning classification is inappropriate as there has not been a willing buyer to step forward and purchase the tract at the time of the last market sale.

The property has been listed for sale multiple times in the last 10 months at the time of the hearing.

In this case, the zoning classification is inappropriate as it is a residential property.

There may be other physical characteristics of the property that were not brought up during the hearing that may be considered in the next hearing period.

The local church in the past years has been in a process to expand and is more adequate for future expansion. This is evidenced by the relocation of Lutheran Hope Church and Heritage Hope Church of God in Boone Avenue, Lutheran Church of the Leaf Lane, St. James Lutheran Church in KY 40361 and the United Apostolic Church, owner of Super Service Drive.

The location of the church at the intersection of Walnut Street and Griffin Avenue does not have a future expansion.

The applicant felt that the proposed zoning is more appropriate as it is a local use of R-3 properties in Somerset.

The map was in a P150 A1 Zoning District and the subject property was in a residential zone as shown on the map.

The building contains 2,400 SF with a full bathroom (1 bathroom). Current building area is 4,000 square feet. The size of the building is appropriate for the residential zoning district. The building is a residence, and no duplex or other structure is proposed. The subject property is in a residential zone as shown on the map.

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

The applicant is applying for a conditional use permit for the 8 person boarding house.

The applicant is also to have signage for the boarding house.

The applicant is also to have signage for the boarding house. The applicant is also to have signage for the boarding house.

The applicant further stated that the project is a residential use and is not a commercial use. The applicant further stated that the project is a residential use and is not a commercial use.

CONCLUSIONS

The requested rezoning is an appropriate use of the property and is in the public interest. The requested rezoning is an appropriate use of the property and is in the public interest.

While there were concerns expressed at the meeting, the applicant has provided and committed to address all of the concerns. The applicant has provided and committed to address all of the concerns.

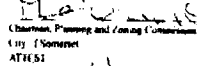
The meeting was held on 10/19/23 at 6:00 p.m. with Council Members, Staff, and the public. The meeting was held on 10/19/23 at 6:00 p.m. with Council Members, Staff, and the public.

RECOMMENDED MAP AMENDMENT

It is hereby recommended by the Commission that the map amendment be granted as the proposed zoning is in compliance with the Comprehensive Plan. Being that the subject property is in a P150 A1 Zoning District and the subject property is in a residential zone as shown on the map.

A true and correct copy of this finding of fact, conclusions and recommended map amendment shall be sent to the City of Adams City Council for adoption.

DONE AND FORWARDED this 19th day of October 2023:


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

Mr. Wheeldon made a motion to approve the following tax refunds: a 2022 Homestead Exemption for Terry & Karen Ray in the amount of \$52.65, a 2022 & 2023 Homestead Exemption for Thomas E. & Brenda S. Garner in the amount of \$112.91. 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.

There being no further business the meeting was adjourned at 6:45 p.m.

APPROVED:



MAYOR

ATTEST:



CITY CLERK