

MINUTES OF MEETING HELD OCTOBER 24, 2022

The Common Council of the City of Somerset, Kentucky met in a regular meeting on Monday October 24, 2022, at 6:00 p.m. with the following present: Council Members; Jimmy Eastham, Jerry Girdler, Robin Daughetee, John Minton, David Godsey, Amanda Bullock, David Burdine, Brian Dalton, Jerry Wheeldon, Mayor Alan Keck, City Attorney John Adams, and City Clerk Nick Bradley. Absent: Patrick Hunley, Jim Mitchell, and Tom Eastham.

Mr. Wheeldon moved to approve the minutes of the regular meeting held on October 10, 2022, along with reports as mailed. Ms. Bullock seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Minton, Mr. Godsey, Ms. Bullock, Mr. Burdine, Mr. Dalton, and Mr. Wheeldon.

Mr. J. Eastham asked to go on record in support of finding a location to host a local chapter of the Down Syndrome Association of Central Kentucky. No objection.

Mr. Wheeldon made a motion to approve 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. Ms. Bullock seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Minton, Mr. Godsey, Ms. Bullock, Mr. Burdine, Mr. Dalton, and Mr. Wheeldon.

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 the zoning of land presently zoned R-2 to B-3 and as such being more particularly described as Parcel "A" attached hereto and incorporated herein by reference located at 225 Langdon St, Somerset, Kentucky, and having PVA Parcel # **061-4-2-08**.
- II. The City of Somerset, Kentucky is hereby authorized to alter the Zoning Map to reflect said change.
- III. This Ordinance shall be of force and effect from and after the date of its adoption according to law.

FIRST READING October 10, 2022

SECOND READING October 24, 2022

Approved: 

Absent: 

**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

Party One	Party Two
City of Somerset, Planning and Zoning Commission 187 Maindown Drive Somerset, Kentucky, 42502	Donald & Margaret Burns 187 Maindown Drive Somerset, Kentucky, 42503

The Planning and Zoning Commission having heard testimony at a public hearing conducted before the Commission on the 4th 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 17th of July 2018 and of record in Deed Book 891 Page 212. The property has been in the Burns Family since 1964. The tract is zoned R-2 but does not meet the following planning and zoning dimensional requirements: minimum lot coverage (60%). The tract is 50' wide with a depth of 155' per the PVA. As stated previously the tract is zoned R-2, so are the tracts to the south, 225 1/2 Langdon Street (Parcel 061-4-2-07b), east, 103 Lombard 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 061-4-2-54) is zoned B-2. A tract at 223 Langdon Street (Parcel 061-4-2-06) is also zoned B-2 having been rezoned in August 2010 from R-2 to B-2 (Ordinance 10-18). The Comprehensive Plan has the future use of the tract as Residential. In 2007 there were six residences between Highland Avenue and Lombard Drive. In 2022, there are two residences, three vacant lots, and one commercial building.

CONCLUSIONS

The requested rezoning is in agreement with the future use outlined in the comprehensive plan. The applicant's representative Phil Hays (hereinafter "the applicant") states 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 (2017) and prior to the present comprehensive plan (as was taken into account of the present plan). The single family residence on Parcel 061-4-2-54 (224 Langdon Street) was razed and improved with a dental medical office in 2007. The residence on the site was razed rather than rehabilitated and there has not been an owner on the site as a single family residential use. The single family residence at 223 Langdon Street (Parcel 061-4-2-55), was razed in the 2014-2015 period and remains vacant for. The applicant feels that the more appropriate zoning is B-3 Neighborhood Commercial Zoning. It would appear that there is a need for the rezoning, as the existing building costs in the recent past may not allow for the new facility due to the depreciation brought by Hurricane Ian in Florida. The small size of this tract and other tracts 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 phenomenon may be short term (3-5 years) but could be prolonged if another hurricane strikes an east coast or gulf coast area in the near future.

There were no citizens present in concert in favor or against the rezoning. The Commission appears to be in agreement with the assessment of the applicant's representative (Mr. Hays) that the present zoning (B-2) is inappropriate and the requested zoning (B-3) is more appropriate having stated "I do in favor of the rezoning."

NOTE

Properties like this in the past were typically rezoned B-2 as evidenced by the rezoning of the tract across the street and 223 Langdon Street (Parcel 061-4-2-55). The owners (Katherine, Mark Knight, and Cary Eugene), Reggie (father), had like rezoning such as that should be allowed in B-3, Neighborhood Commercial, as this is more appropriate zoning rather than B-2 Highway Commercial. They feel that the only reason that should be rezoned to B-2 is the future should be restricted to the largest state mandated rezoning, such as C-2 and C-3.

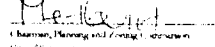
RECOMMENDED MAP AMENDMENT

It is hereby recommended by the Commission that the map amendment 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

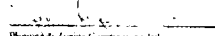
recent past and foreseeable future.

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

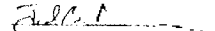
DOSE AND GORDON | October 27, 2022


City of Somerset

ATTEST:

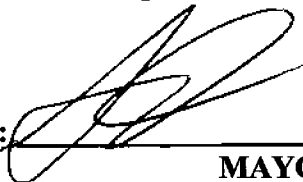

Planning & Zoning Commission Clerk

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


City Attorney

Mr. Daughetee made a motion to go approve the following tax refunds: Ron & Jennifer Swartz 2022 Homestead Exemption \$52.65, Mary Ann Flynn 2021 Homestead Exemption \$52.65, Bret A., Jerry, Melissa, Dennis R. & Coranne Smitley 2021 & 2022 Homestead Exemption \$105.30, Donna Wilson 2022 Homestead Exemption \$52.65, Jeff L. & Sara Ellen Perkins 2021 Homestead Exemption \$52.65, Howard Fam Rev Liv Tr 2021 & 2022 Homestead Exemption \$105.30. Mr. J. Eastham seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Minton, Mr. Godsey, Ms. Bullock, Mr. Burdine, Mr. Dalton, and Mr. Wheeldon.

There being no further business the meeting adjourned at 6:56 p.m.

APPROVED: 
MAYOR

ATTEST: 
CITY CLERK