

MINUTES OF MEETING HELD NOVEMBER 13, 2023

The Common Council of the City of Somerset, Kentucky met in a regular meeting on Monday November 13, 2023, at 6:00 p.m. with the following present: Council Members Jerry Girdler, Robin Daughetee, Patrick Hunley, John Minton, Jim Mitchell, David Godsey, Amanda Bullock, Tom Eastham, David Burdine, Brian Dalton, Jerry Wheeldon, Jimmy Eastham, Mayor Alan Keck, City Attorney John Adams, and City Clerk Nick Bradley.

Mr. Daughetee moved to approve the minutes of the regular meeting held on October 23, 2023, along with reports as mailed. Mr. Dalton seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Girdler, Mr. Daughetee, Mr. Hunley, Mr. Minton, Mr. Mitchell, Mr. Godsey, Ms. Bullock, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, and Mr. J. Eastham.

Mr. Daughetee made a motion to make the following recognitions a part of the official minutes. Mr. T. Eastham seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Girdler, Mr. Daughetee, Mr. Hunley, Mr. Minton, Mr. Mitchell, Mr. Godsey, Ms. Bullock, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, and Mr. J. Eastham. Officer Caleb Haynes is awarded the Life Saving Medal. Officer Danielle Strickland is the 2023 Kentucky Women’s Law Enforcement Network Officer of the Year.

First reading was given the following Ordinance Number 23-18: ANNEXING BY CONSENT PROPERTY AS DESCRIBED BELOW AND IN ATTACHEMENTS TO THIS ORDINANCE AND ATTACHMENTS ARE INCORORATED IN FULL BY REFERENCE OF A UTILITY EASEMENT IN VALLEY OAK.

Ordinance Number 23-18

AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, ANNEXING BY CONSENT CERTAIN PROPERTY WHICH IS A UTILITY EASEMENT BETWEEN VALLEY OAK DRIVE AND NEW OAK DRIVE AS DESCRIBED BELOW AND IN ATTACHEMENTS TO THIS ORDINANCE.

Whereas, annexation requests forms have been submitted by the property owners and the same have been accepted by the city and the property owners each having received a copy of the annexation request and the city's annexation request form signed by the owner of the property and the same and the request is full here-by referred to, and made part of the annexation request forms on file;

Whereas, all the lots are within the city limits of the city of Somerset, Kentucky;

Whereas, this annexation is referred to the Judge Executive and City Attorney of Somerset, Kentucky, for their reading and advice under 23rd paragraph of Section 1, Bill 141; and

Whereas, the property meets all requirements of annexation as set forth in KRS 122.020, other applicable laws;

Now, therefore, be it ordained by the city of Somerset, Kentucky:

Section 1. That the property as described below in this Ordinance and in the attachments incorporated in full by reference are hereby annexed to the city of Somerset, Kentucky.

Section 2. That the property as described below in this Ordinance and in the attachments incorporated in full by reference are hereby annexed to the city of Somerset, Kentucky.

Section 3. That the property as described below in this Ordinance and in the attachments incorporated in full by reference are hereby annexed to the city of Somerset, Kentucky.

Section 4. That this Ordinance shall take effect after its passage and upon publication by the City Clerk.

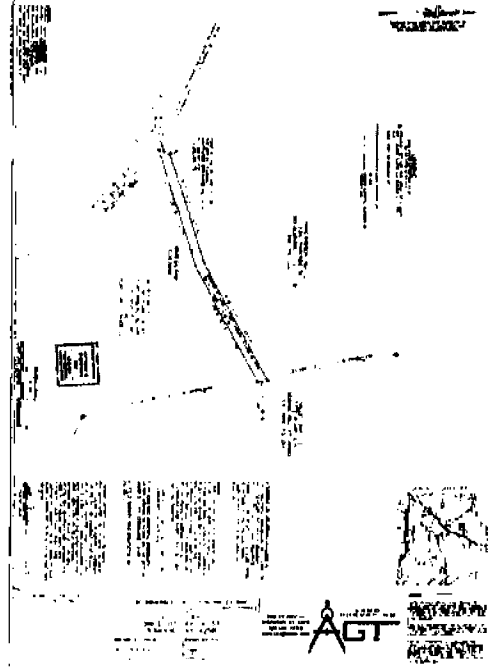


DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION
 Planning & Zoning Commission
 100 State Street
 Somerset, NJ 08856
 Phone: 609.426.1111
 Fax: 609.426.1100
 www.somersetnj.com

ANNEXATION REQUEST FORM

I, SPEDA formally request annexation
 of my property located at Sewer Line Easement as shown by
Survey
 into the City of Somerset.
 I also request that the 30 day waiting period be waived.
 I also request that this property be zoned R-2

C. J. P. E. 11/6/2023



First reading was given the following Ordinance Number 22-19: 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 PARCEL NUMBERS 061-4-3-56.1 AND 061-4-3-57.1 FROM R-2 TO R-3.

ORDINANCE NO. 23-19

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 SUBURST, KENTUCKY:

That Ordinance No. 00-18 known as the Zoning Ordinance, Suburst, Kentucky, is hereby amended by altering the Zoning Map as follows:

I. The City Council shall amend the zoning map to change the zoning classification of the property located at the intersection of Highway 100 and Highway 101, Suburst, Kentucky, from R-2 (Residential Single-Family) to R-1 (Residential Single-Family).

II. The City Council shall amend the zoning map to change the zoning classification of the property located at the intersection of Highway 100 and Highway 102, Suburst, Kentucky, from R-2 (Residential Single-Family) to R-1 (Residential Single-Family).

III. This Ordinance shall be in full force and effect from and after adoption and publication according to law.

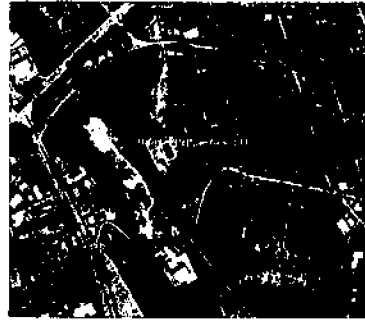
FIRST READING: November 13, 2023

SECOND READING:

Approved: Mayor

Attest: Clerk

Kentucky Pulaski County, KY PVA



Parcel ID	Address	County	State	Assessed Value	Land Value	Land Use	Area	Area	Area
011-0-5-96-1-001-4-5-5-1	100 N. Main St.	Pulaski <td>KY</td> <td>\$1,200,000</td> <td>\$1,200,000</td> <td>R-1</td> <td>1.0</td> <td>1.0</td> <td>1.0</td>	KY	\$1,200,000	\$1,200,000	R-1	1.0	1.0	1.0

Prepared by: GIS Services
 Date: 11/13/2023
 Pulaski County, KY

CITY OF SOMERSET, KENTUCKY
 PLANNING AND ZONING COMMISSION
 RECOMMENDED MAP AMENDMENT
 PLANNING AND ZONING COMMISSION

CASE NO. _____

RT Zone Change (Hazel Properties)

For Recording purposes,
 Listed below are the parties involved in the Zone Change for
 Hazel Way
 Somerset, Kentucky
 PVA Parcels 061-4-1-50 & 061-4-1-51

Party Use	Party Two
City of Somerset	Hazel Enterprises, LLC
Planning & Zoning Commission	100 Park Avenue
Case # 22-01	Somerset, Kentucky 40501

The Planning and Zoning Commission has held a public hearing conducted before the Commission on the 14th day of November 2022 and has received the Planning and Zoning Commission report on the following: **FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATION**

FINDINGS OF FACT

Hazel Enterprises, LLC is the owner of record of two lots of land on Hazel Way, a private drive off Park Avenue.
 Parcel 061-4-1-50 was conveyed to Hazel Enterprises, LLC per deed of conveyance dated the 28th of February 2012 and of record in Deed Book 1861 Page 530.
 Parcel 061-4-1-51 was conveyed to Hazel Enterprises, LLC per deed of conveyance dated the 17th of August 2022 and of record in Deed Book 1861 Page 118.
 Parcel 501 is shown in Parcel 57, Somerset, Kentucky.
 The two parcels are zoned R-2.

To the south are:
 702 West Columbia St, Parcel 061-4-1-55 (Computer Information Systems, Inc.), Zone R-2,
 704 West Columbia St, Parcel 061-4-1-56 (United Machine), Zone R-2,
 706 West Columbia St, Parcel 061-4-1-57 (Computer Information Systems, Inc.), Zone R-2,
 708 West Columbia St, Parcel 061-4-1-57.1 (Shelby & Jessica Rose), Zone R-2, and
 710 West Columbia St, Parcel 061-4-1-59 (Bruce McKnight), Zone R-2.
 To the east are:
 104 Park Avenue, Parcel 061-4-1-52 (Hazel Enterprises, LLC), Zone R-2,
 107 Park Avenue, Parcel 061-4-1-51 (Hazel Enterprises, LLC), Zone R-2.
 To the north and west are:
 100 Park Avenue, Parcel 061-4-1-51 (Hazel Properties, LLC), Zone R-2.

The two parcels are "undeveloped" with no public road frontage. If the lots of Parcel 061-4-1-50 and Parcel 061-4-1-51 are rezoned to Hazel Enterprises, LLC, it will combine the two tracts with Parcel 061-4-1-51, a tract containing 8.8 acres and improved with a single family residence, as well as two apartment buildings as to have public road frontage on these two parcels. In addition, Mr. Hazel is requesting the zone change so he can construct a 3 story apartment building that will house twenty-one one-bedroom apartments.

Mr. Hazel wishes to keep Hazel Way a private drive. As such, it is felt that the tracts must be combined with the larger tract so that the tracts are no longer "back-to-back". In order to be homogeneous with Parcel 061-4-1-51, the property needs to be rezoned to R-1 as well.

The future use of the tract is residential

The requested zone change and planned improvements are similar to other properties along Park Avenue in nearby
 103 & 107 Park Avenue (Parcel 061-4-1-64) (Parcel 2) are improved tracts of land that has three buildings housing eighteen apartments that contain approximately 13,000 square feet.

100 110 Park View Court, (Parcels 061-4-1-43 through 50) (Zoned R-1 & R-2) are a series of duplexes (Zoned R-1) and triplexes (Zoned R-2) that owned by various members of the Krueger Family.

100 Lincoln Street 600 West Columbia Street (Parcel 061-4-7-31) (Zoned R-2) is an improved tract of land that has three one-bedroom one-story apartment that contain approximately 11,500 square feet.

105 & 107 Park Avenue and 100 Lincoln Street 600 West Columbia Street are owned by Hazel Properties, LLC, a water entity in the applicant. They were purchased in 2018 and have existing no restrictive remodeling zone prohibitions. They were in joint sale prior to the 2018 purchase.

103 & 107 Park Avenue and 100 Lincoln Street 600 West Columbia Street and 530-538 Parkview Court and 433-539 Parkview Court were purchased prior to the current zoning ordinance and before the current map and these activities are considered to be "legal non-conforming" and addressed in Article 11 of the City of Somerset Planning Ordinance (00-18) pages 48-49.

The two parcels and the rear portions of lots when improvement face West Columbia Street. The tracts are wooded, and the site improvements will be placed on the lots to preserve a sufficient amount of the trees so as to provide a vegetative barrier between the new building and improvements on the parent tracts and other adjoining tracts along West Columbia Street.

The future use of the tract is residential.
 Also, Conley, the project engineer spoke to Mr. Hazel and answered several questions from the board regarding the property and proposed improvements and their relationship with the existing property owned by Mr. Hazel and his estate.

The same change meets the requirements of KAS 100.211 (1)
KAS 100.211 Findings necessary for proposed map amendment. Reconsideration 111 Before any map amendment is granted, the planning commission or the legislative body, or formal court must find that the map amendment meets or approximates the adopted comprehensive plan.

CONCLUSIONS

There were several attendees at the public hearing but no one came forward during the comments section of the public hearing concerning this property.

The board felt that the proposed use is similar to the other properties in the immediate vicinity were sufficient to grant a zone change. Young 5-0 as to have of said change with design, flood, flood, drainage and height issues in favor of the rezoning. Equity and economic development.

RECOMMENDED MAP AMENDMENT

It is hereby recommended by the Commission that the map amendment be granted as the project complies with the City of Somerset's Public Health and the requirements of KRS 100.211 (1).

A true and correct copy of this Finding of Fact, Conclusions and Recommended Map Amendment shall be sent to the City of Somerset, Kentucky, to be used for the public hearing.

DONE AND ORDERED this 7th day of November 2022

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

ATTN:
[Signature]

Planning and Zoning Commission Clerk

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

City Attorney

First reading was given 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 PARCEL NUMBER 061-0-0-12 FROM R-2 TO R-1.

ORDINANCE NO. 23-20

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:

The Ordinance is hereby known as the Zoning Ordinance of Somerset, Kentucky, and hereby amended by changing the zoning map as follows:

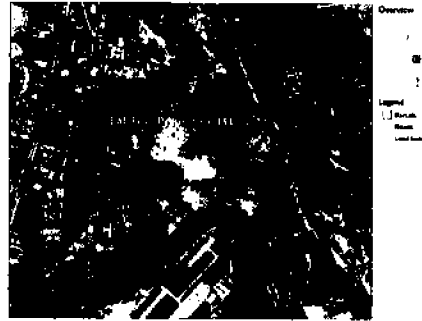
- I. By changing a portion of the zoning map of R-2 to R-1 and proposing being in particular the parcel which is located between the corner of Main Street and the East of Patton Way (7 lots) Somerset, Kentucky and having PVA Parcel # 061-0-0-12.
- II. The City Clerk of the City of Somerset, Kentucky, is hereby authorized to amend 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 - November 13, 2023

SECOND READING -

Approved: _____
Mayor
Attest: _____
City Clerk

Kentucky Pulaski County, KY PVA



Parcel # 061-0-0-12
Tax Map # 1888
Zoning District # R-1
Area # 0.12
Address # 1247
Parcel # 061-0-0-12
Tax Map # 1888
Zoning District # R-1
Area # 0.12
Address # 1247
Parcel # 061-0-0-12
Tax Map # 1888
Zoning District # R-1
Area # 0.12
Address # 1247

**CITY OF SOMERSET, KENTUCKY
PLANNING AND ZONING COMMISSION
FINDINGS OF FACT
CONCLUSIONS AND RECOMMENDED MAP AMENDMENT**

Case No. _____

RE: Zone Change for Four Properties, LLC

For reporting purposes, I used below are the parties involved in the Zone Change for Parcel # 061-0-0-12
Somerset, Kentucky
A portion of PVA Parcel 061-0-0-12

Party One City of Somerset, Planning & Zoning Commission PO Box 989 Somerset, Kentucky, 40382	Party Two Fab Four Properties, LLC 174 Eysenhardt Drive Somerset, Kentucky, 40380
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The Planning and Zoning Commission having held testimony at a public hearing conducted before the Commission on the 24th day of November, 2023 and based on the evidence presented, the Planning and Zoning Commission makes the following FINDINGS OF FACT, CONCLUSIONS AND MAP AMENDMENT:

FINDINGS OF FACT

- Fab Four Properties, LLC is the owner of record of a 40-acre tract at the terminus of Patton Way, a private drive off Main Street.
- The tract is a portion of the lands conveyed to Fab Four Properties, LLC, per deed of conveyance dated the 9th of May 2023 and recorded in Deed Book 1074 Page 549.
- The parcel is zoned R-2.
- To the north of the parcel tract are the following parcels:
12 Independence Drive, Parcel 062-4-0-19 (Lugies Lunning Senior Community), Zone R-1.
Patton Way, Parcel 062-4-0-19 (Eagle Creek Properties, P.L.C. and Somerset, LLC), Zone R-1.

5 Hwy 1247, Parcel 062-4-0-21, Kentucky Community & Technical College System;
55 Hyde Lane, Parcel 062-0-0-0, (John Ricky Mission), Zone R-1;
The parcel to the east is:

- 99 Hart Lane, Parcel 061-0-0-13 (Harward & Wanda Hunt) (City of Ferguson)
- Those parcels bordering the parcel tract to the north are as follows:
Alexander Drive, Parcel 061-0-2-11 (City of Somerset), Zone R-1
Alexander Drive, Parcel 061-0-2-10 2 (Somerset Energy Refining, LLC), Zone R-2
Alexander Drive, Parcel 061-0-2-19 (City of Somerset), Zone R-2
333 Alexander Drive, Parcel 061-0-2-17 (Davis Lewis Ingram), Zone R-2
510 Alexander Drive, Parcel 061-0-2-16 (Chester Farms), Zone R-2
A-2 the parcel bordering the parcel tract to the west is:
500 Somerset Village, Parcel 061-0-2-04 (Somerset Village Apartments Kentucky, LLC), Zone R-1

Patton Way (100 PR-1022) will be extended past the Lugies Landing Senior Community and to the north end of the property with plans for eventual transfer of ownership and easement to the City of Somerset.

The property to be rezoned is a 23-acre tract that will be subdivided into seven lots. The lots will be in the eastern portion of the parcel tract.

The applicant stated that the seven lots will be restricted to single-family residences. They will be served by a road that will be private, with an access-controlled gate.

Single family residences can be constructed in an R-2 zone.

The Planning and Zoning Commission has had situations where people wished to build a duplex on a R-2 zoned lot within a subdivision with the single-family residence restriction.

The Planning and Zoning Commission does not keep track of deed restrictions. It is the belief of the current Chairman (Vaughn) that the zoning should agree with the deed restriction so that these situations do not occur in the future, whether it be one year or fifty years. Vaughn mentioned his name to the request regarding the subdivision and as a result the zone change has been submitted.

The future use of the property is to ensure the proposed use is more restrictive than the existing R-2 zoning. The applicant was asked to comply with KRS 100.211(1)(a) that the existing zoning is more restrictive than the proposed use and that the proposed use is more restrictive than the existing zoning.

The applicant stated that the proposed use (R-2) is not appropriate with the planned land restrictions and the proposed use (R-2) is not appropriate with the planned land restrictions. The applicant stated that a parking area to the west end of the tract may be required with disputes or inquiries in the past phase of the development of the property and that the area of the parcel is to be used as a green space for the neighborhood.

The applicant stated that the proposed use (R-2) is not appropriate with the planned land restrictions with a buffer of adjacent and nearby properties between the apartments and single family residences further away from the proposed use.

Several people were interviewed. A gentleman who resides in Eagle Landing Home Community for the proposed use stated that the proposed use is not appropriate with the planned land restrictions. He stated that the proposed use is not appropriate with the planned land restrictions. He stated that the proposed use is not appropriate with the planned land restrictions. He stated that the proposed use is not appropriate with the planned land restrictions.

The board felt that the proposed use change meets the requirements of KRS 100.211(1)(a) that the existing zoning is more restrictive than the proposed use and that the proposed use is more restrictive than the existing zoning.

RECOMMENDED MAP AMENDMENT

It is hereby recommended by the City Attorney that the map amendment be adopted, having met the requirements of KRS 100.211(1)(a).

A true and correct copy of the findings of fact, conclusions and recommended Map Amendment shall be sent to the City of Somerset City Council for adoption.

DONALD FORG RKD (on 7th day of November 2023)

Donald Forg
 Chairman, Planning and Zoning Commission
 City of Somerset
 KY 40381


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. Mitchell made a motion to approve the following tax refunds: a 2023 Homestead Exemption for Jerry D. & Tammy Muse in the amount of \$60.26, a 2023 Homestead Exemption for Acton Fam Limited Partnership c/o Jane Action in the amount of \$60.26, a 2022 Homestead Exemption for James A. & Patricia M. Smith in the amount of \$52.65, a 2022 Homestead Exemption for Ronald E. & Lucreta A. Turpin in the amount of \$50.96, a 2022 & 2023 Homestead Exemption for Roger D. & Sandra L. Toohey in the amount of \$112.91, a 2022 Homestead Exemption for Robert Douglas Claunch in the amount of \$52.65, a 2023 Homestead Exemption for Rosetta & John R. Abney in the amount of \$58.60, and a 2022 & 2023 Homestead Exemption for Darrell C. & Corina M. Stearns in the amount of \$112.91. Mr. Daughetee seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Girdler, Mr. Daughetee, Mr. Hunley, Mr. Minton, Mr. Mitchell, Mr. Godsey, Ms. Bullock, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, and Mr. J. Eastham.

There being no further business the meeting was adjourned at 6:59 p.m.

APPROVED: 
 MAYOR

ATTEST: 
 CITY CLERK