

MINUTES OF MEETING HELD DECEMBER 9, 2024

The Common Council of the City of Somerset, Kentucky met in a regular meeting on Monday December 9, 2024, at 6:00 p.m. with the following present: Council Members Robin Daughettee, Patrick Hunley, John Minton, Jim Mitchell, David Godsey, Amanda Bullock, Tom Eastham, David Burdine, Brian Dalton, Jimmy Eastham, Jerry Girdler, Mayor Alan Keck, City Attorney John Adams, and City Clerk Nick Bradley. Absent: Jerry Wheeldon.

Mr. Mitchell made a motion to approve the minutes of the regular meeting of November 11, 2024. Mr. Godsey seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Daughettee, Mr. Hunley, Mr. Minton, Mr. Mitchell, Mr. Godsey, Ms. Bullock, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, Mr. J. Eastham, and Mr. Girdler.

A presentation of the FY 2024 Audit was delivered by Kevin Fisher of RFH CPAs and Consultants, PLLC.

First Reading was given the following Ordinance Number 24-32: ANNEXING BY CONSENT PROPERTY AS DESCRIBED BELOW AND IN ATTACHMENTS TO THIS ORDINANCE, ATTACHMENTS INCORPORATED IN FULL BY REFERENCE HEREIN OF A GAS EASEMENT ON THURMAN RD.

ORD. 24-32

ORDINANCE NUMBER 24-32

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

WHEREAS, 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 EACH HAVING WAIVED THE SIXTY (60) DAY WAITING PERIOD, BY AND THROUGH THE ANNEXATION REQUEST FORM, SIGNED BY THE OWNER AND/OR AN AUTHORIZED AGENT OF THE OWNER AND INCORPORATED IN FULL HEREIN BY REFERENCE, AND MADE PART OF THE ATTACHMENTS TO THIS ORDINANCE; AND

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

WHEREAS, THIS DOCUMENT WAS SENT TO THE JUDGE EXECUTIVE AND COUNTY ATTORNEY OF PULASKI COUNTY AFTER THE FIRST READING AS NOTICE UNDER 23 REGULAR SESSION SENATE BILL 141, 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 2. THE PROPERTY IS COMMERCIAL SITED BUT IS VACANT AND COMES IN BY ORDINANCE AS R-1.
- SECTION 3. NOTICE TO PULASKI COUNTY FISCAL COURT WAS GIVEN AFTER THE FIRST READING AND 45 DAYS BEFORE THE SECOND READING
- SECTION 4. THIS ORDINANCE SHALL TAKE EFFECT AFTER ITS PASSAGE AND UPON PUBLICATION BY LAW.

FIRST READING: DECEMBER 9, 2024
SECOND READING (NOT BEFORE JANUARY 21, 2025):

APPROVED: ALAN L. KECK, MAYOR
CITY OF SOMERSET, KY

ATTEST: NICK BRADLEY, CITY CLERK

SECTION 1. THAT THE PROPERTIES DESCRIBED BELOW IN ATTACHMENTS HERETO AND BELOW ARE HEREBY ANNEXED INTO THE CITY'S CORPORATE LIMITS

EXHIBIT A THE DELINEATED STRIP OF LAND COMPRISING A TRACT OF .28 ACRES SHOWN ON ANNEXATION MAP TITLED "CITY OF SOMERSET ORDINANCE 24-32" DATED 11/04/24 BY JD LAND SURVEYING, INC. THE PROPERTY IS A UTILITY EASEMENT CONTROLLED BY THE CITY OF SOMERSET AND IS BEING ANNEXED TO CONNECT ANOTHER PROPERTY.

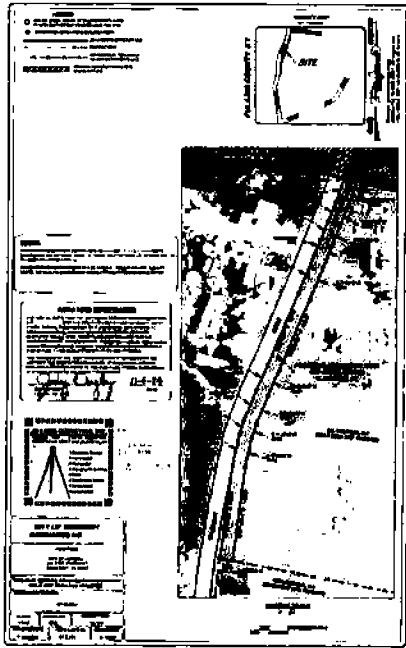


EXHIBIT "A"
 City of Somerset, KY. Resolution Ordinance No. 24-32

DESCRIPTION
 A certain tract or parcel of land lying on the east side of Thomas Road in Somerset, Kentucky, County of Pulaski and is more particularly described as follows:

There is stated otherwise, any monument referred to herein as "pin and cap" is a cast 3/8" diameter steel rod, eighteen (18") inches in length, with a red plastic survey cap stamped "A.C.D. THE 2185". All bearings shown herein were correlated to both NAD83 Kentucky SPD (1600) Single Zone, per GPS observations as observed on October 15th, 2014.

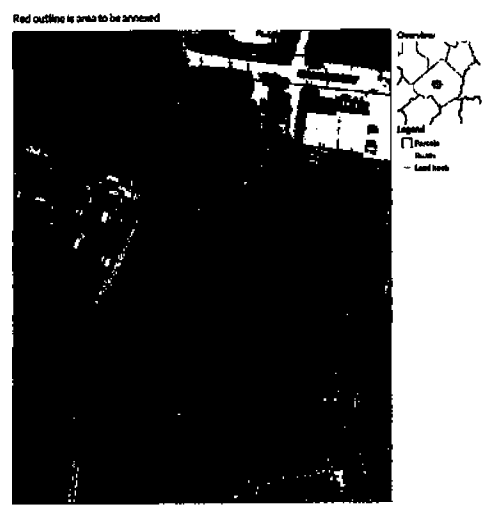
COMMENCE at a point located on the east side of right-of-way of Thomas Road (no road front issue); said point being a corner to the line of the existing City limits of Somerset (Ordinance No. 24-30) and having a Kentucky Single Zone State Plane coordinates of N 3,936,356.69, E 3,249,460.71; thence with the existing City limits of Somerset, S 75°59'41" E a distance of 20.15' to a point; thence leaving the existing City limits of Somerset and crossing All Holdings, Inc (road front 1007, page 108) the following (11) callouts: S 30°03'00" E a distance of 40.42' to a point; thence S 22°07'45" E a distance of 33.45' to a point; thence S 27°18'16" E a distance of 27.77' to a point; thence N 22°04'00" E a distance of 27.33' to a point; thence S 27°23'10" E a distance of 43.54' to a point; thence S 23°54'41" E a distance of 33.67' to a point; thence N 24°10'43" E a distance of 43.46' to a point; thence S 21°18'18" E a distance of 41.94' to a point; thence S 18°58'25" E a distance of 21.83' to a point; thence N 12°12'41" E a distance of 41.11' to a point; thence S 01°22'41" E a distance of 142.72' to a point; thence N 10°20'23" E a distance of 20.96' to "pin and cap" located on the east right-of-way of THOMAS ROAD; thence with the east right-of-way of Thomas Road the following (11) callouts: S 01°22'41" E a distance of 142.60' to a point; thence N 10°18'25" E a distance of 21.03' to a point; thence N 10°18'25" E a distance of 41.83' to a point; thence N 24°10'43" E a distance of 42.63' to a point; thence N 23°08'41" E a distance of 120.18' to a point; thence N 22°53'11" E a distance of 61.22' to a point; thence N 23°04'00" E a distance of 27.58' to a point; thence N 20°18'18" E a distance of 27.15' to a point; thence N 22°07'45" E a distance of 33.15' to a point; thence N 20°03'00" E a distance of 37.45' to the POINT OF COMMENCEMENT of the property being annexed herein, having an area of 0.48 acres and/or 20,942.42 sq. ft.

Above described property is subject to all easements, encroachments, right-of-ways, covenants, and restrictions of record or that may apply.

John D. [Signature]
 City Engineer

11-4-24

J. G. GABLEY
 City Clerk



Date printed: 12/12/2024
 Last time published: 12/12/2024
 Created by: [Signature]

First Reading was given the following Ordinance Number 24-33: ANNEXING BY CONSENT PROPERTY AS DESCRIBED BELOW AND IN ATTACHMENTS TO THIS ORDINANCE,

ATTACHMENTS INCORPORATED IN FULL BY REFERENCE HEREIN OF PVA PARCEL #049-0-0-5.7 ON THURMAN RD.

ORD. 24-11

ORDINANCE NUMBER 24-11

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

WHEREAS, 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 EACH HAVING WAIVED THE SIXTY (60) DAY WAITING PERIOD, BY AND THROUGH THE ANNEXATION REQUEST FORM, SIGNED BY THE OWNER AND/OR AN AUTHORIZED AGENT OF THE OWNER AND INCORPORATED IN FULL HEREIN BY REFERENCE, AND MADE PART OF THE ATTACHMENTS TO THIS ORDINANCE, AND

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

WHEREAS, THIS DOCUMENT WAS SENT TO THE JUDGE EXECUTIVE AND COUNTY ATTORNEY OF PULASKI COUNTY AFTER THE FIRST READING AS NOTICE UNDER 23 REGULAR SESSION SENATE BILL 141; 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 IN ATTACHMENTS HERETO AND BELOW ARE HEREBY ANNEXED INTO THE CITY'S CORPORATE LIMITS:

EXHIBIT A THE DELINEATED PARCEL OF LAND COMPRISING A TRACT OF 2.70 ACRES SHOWN ON ANNEXATION MAP TITLED "CITY OF SOMERSET ORDINANCE 24-11" DATED 11/09/24 BY D.L. AND SURVEYING, INC. THE PROPERTY IS LOCATED ON THURMAN ROAD AND HAS THE PVA PARCEL #049-0-0-5.7.
- SECTION 2 THE PROPERTY IS COMMERCIAL, SUITED BUT IS VACANT AND COMES IN BY ORDINANCE AS R-1.

SECTION 3. NOTICE TO PULASKI COUNTY FISCAL COURT WAS GIVEN AFTER THE FIRST READING AND 45 DAYS BEFORE THE SECOND READING.

SECTION 4. THIS ORDINANCE SHALL TAKE EFFECT AFTER ITS PASSAGE AND UPON PUBLICATION BY LAW.

FIRST READING: DECEMBER 9, 2024
SECOND READING (NOT BEFORE JANUARY 23, 2025)

APPROVED: ALAN L. KICK, MAYOR
CITY OF SOMERSET, KY

ATTEST: NICK BRADLEY, CITY CLERK

Somerset
DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION
Planning & Zoning Coordination
201 E. Highland Avenue
P.O. Box 1000
Somerset, KY 40367
Phone: 606-425-5334
Fax: 606-677-0400
www.ky.gov/somerset

ANNEXATION REQUEST FORM

I, Mick Farm LLC, formally request annexation of my property located at 1418 Thurman Rd. Somerset, KY 40365 (provide the parcel ID per GIS Department Building 1077) into the City of Somerset.
I also request that the 60-day waiting period be waived.
I also request that the property be zoned R-1.

Signature Date



MADE BY THE PLANNING AND ZONING BOARD, AND BASED ON SAID BOARD'S RECOMMENDATION OF A ZONE CHANGE OF PVA PARCEL #061-7-7-01 FROM B-3 TO R-1.

ORDINANCE NO. 24-34

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:

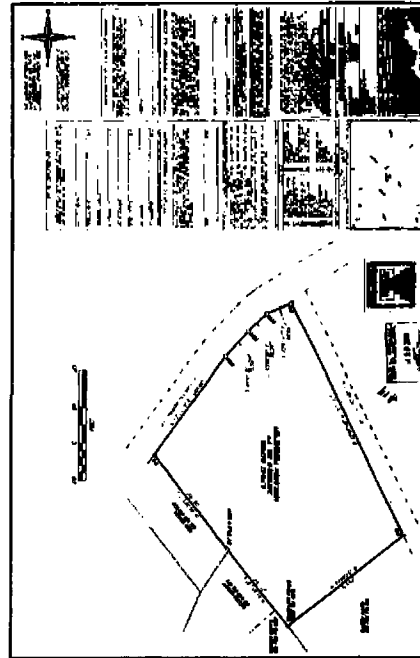
That Ordinance No. 00-18, known as the Zoning Ordinance, Somerset, Kentucky, is hereby amended by altering the Zoning Map in the following manner:

- I. By changing a boundary of land presently zoned B-3 to R-1, said property being more particularly described in Exhibit "A" attached hereto and incorporated herein in full by reference, located at Undeveloped Property at the N. Corner of Bourne Ave & Jarvis Ave Somerset, Kentucky, and having PVA Parcel # 061-7-7-01
- 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: DECEMBER 9, 2024

SECOND READING: _____

Approved: _____ Mayor
Attest: _____ City Clerk



Page 4 of 24-06

Somerset

APPLICATION FOR ZONING AMENDMENT/DEVELOPMENT PLAN APPROVAL
to the
CITY OF SOMERSET PLANNING & ZONING COMMISSION

APPLICATION NUMBER: 2024-06

THE UNDERSIGNED OWNER(S) OF THE FOLLOWING LEGALLY DESCRIBED PROPERTY REQUESTS THE CONSIDERATION OF CHANGES IN ZONING CLASSIFICATION/APPROVAL OF DEVELOPMENT PLAN AS SET FORTH BELOW:

- 1. NAME OF OWNER (APPLICANT): Leonard Lee and Teresa Coffee
- 2. MAILING ADDRESS: P.O. Box 15, Somerset, KY 40387
- 3. PHONE NUMBER: HOME: 502-754-2520 BUSINESS: 502-754-2520
- 4. LOCALITY DESCRIPTION: JARVIS & BOURNE AVENUE, PARCEL #061-7-7-01
- 5. EXISTING USE: Vacant
- 6. PROPOSED USE: Residential Development
- 7. EXISTING ZONE CLASSIFICATION: B-3
- 8. PROPOSED ZONE CLASSIFICATION: R-1

- SUPPORT INFORMATION: ATTACH THE FOLLOWING ITEMS TO THE APPLICATION
- A. A VICINITY MAP SHOWING PROPERTY LINES, STREETS AND EXISTING ZONING. MARK THE PROPERTY LINES TO BE HIGHLIGHTED WITH THE PROPOSED ZONE CLASSIFICATION.
 - B. COPY OF THE DEED TO THE PARCEL THAT IS SUBJECTIVE TO BE RE-ZONED.
 - C. COPY OF THE DEED TO THE PARCEL THAT IS SUBJECTIVE TO BE RE-ZONED.
 - D. CHECK IN THE AMOUNT OF \$60.00 MUST BE PAYABLE TO THE CITY OF SOMERSET.

DATE: 11/14/24 APPLICANT/OWNER SIGNATURE: *Leonard Lee*

DATE FILED: 11/14/24 DATE OF NOTICE TO ADJACENT PROPERTY OWNERS: 11/21/24
DATE OF NOTICE TO NEWSPAPER: 11/28/24 DATE OF PUBLIC HEARING: 11/28/24

FOR OFFICIAL USE ONLY - DO NOT WRITE BELOW THIS LINE

DATE OF RECOMMENDATION RECEIVED: _____
ACTION BY LEGISLATIVE AUTHORITY APPROVED: _____ DENIED: _____
DATE OF SET HEARING: _____

DATE SERVED: _____ CLERK SIGNATURE: _____ MAYOR SIGNATURE: _____

NOTE: This form and the supporting information shall be filed with the Somerset Planning Commission, and approval shall be returned to the office of the City Clerk on the 1st business day of the month following the date of the hearing on the application.

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

CASE NO.:

RE: Zone Change Leonard Lee Coffee & Teresa Coffee (No Development, LLC)

For Remanding purposes,
Leonard Lee and Teresa Coffee are the owners of the parcel involved in the Zone Change for
Lots at the corner of Bourne Avenue & Jarvis Avenue
Somerset, Kentucky
061-7-7-01

Party One: City of Somerset, Planning & Zoning Commission, PO Box 999, Somerset, Kentucky, 40387
Party Two: Leonard Lee Coffee & Teresa Coffee, PO Box 15, Dubuck, Kentucky, 42067

The Planning and Zoning Commission having found testimony in a public hearing conducted before the Commission on the 30th day of November 2024 and based on the evidence presented, the Planning and Zoning Commission concurs the following FINDINGS OF FACT, CONCLUSIONS AND MAP AMENDMENT.

FINDINGS OF FACT

Leonard Lee Coffee and Teresa Coffee are the owners of record of a tract of land on Bourne Avenue at its intersection with Jarvis Avenue.

The parcel is that tract of land conveyed to Leonard Lee Coffee and Teresa Coffee by deed dated the 0th of January 2024 by Gary & Jean Pugh and of record in Deed Book 1008 Page 085.

The Pughes purchased the property from the Coffees in 2010 (Deed Book 858 Page 654) who had bought the property in 2005 (DB 754 Page 563) when they purchased the tract from the Brown Brothers Construction Co., Inc.

Brown Brothers Construction Co., Inc. obtained the property through a series of transfers between July 13, 1991 and June 3, 1975.

The tract contains 4.76 acres and has 171 sq. feet of road frontage along Bourne Avenue and 463.44 feet of road frontage along Jarvis Avenue (CV No. 767).

The track is at the road grade of Bourne Avenue and front to the south. There is a driveway at the intersection of Bourne and Jarvis Avenues that will be used as a driveway lane.

The parcel to be used is:

To tract to the north are:

- 8 Ridgewood Drive, Parcel 061-1-6-09 (W Colyer), Zone R-1,
- 9 Ridgewood Drive, Parcel 061-1-6-05 (T. Mihalak), Zone R-1.

To tract to the east are:

- 585 Jarvis Avenue, Parcel 076-1-3-71 (J. Hyland), Zone R-2,
- 504 Jarvis Avenue, Parcel 076-1-3-78 (R. DeS), Zone R-2,
- Jarvis Avenue, Parcel 076-1-3-75 (J. DeS), Zone R-2,
- 508 Jarvis Avenue, Parcel 076-1-3-74 (A. Cook), Zone R-2,
- 600 Jarvis Avenue, Parcel 076-1-3-64 (J. Mackey), Zone R-2,
- 700 Jarvis Avenue, Parcel 076-1-3-62 (P. White & Kathleen Linton), Zone R-2.

To tract to the south are:

- Bourne Avenue, Parcel 076-0-0-01 (D. Thompson), Zone R-2,
- 810 Bourne Avenue, Parcel 076-0-0-01 (Heritage Hope of Church of God), Zone R-2.

And the tract to the west is:

- 805 Bourne Avenue, Parcel 061-7-7-05 (F. Shaghad & J. Belmont, Jr.), Zone R-2.

The current zone is Neighborhood Commercial B-3 and the requested zone change is to Single Family R-1.

The planned future use of the tract is Commercial.

The tract of lots in proposed is for builders to construct smaller starter homes on smaller R-1A sized lots within the City. Because of the irregularity, the buyer is seeking to get much bigger lots and build a slightly larger house than that being tried on the R-1A lots.

The single-family condition that will be contemplated on the lots is approximately 1,950 square feet.

Alan Conroy, representing ME Development, LLC and John Evin, member of ME Development, LLC, spoke during the public hearing regarding the use of the property if rezoned and presented a preliminary concept of the layout of the development.

Vaughn, chair of the Commission, stated that the proposed zone does not meet the requirements of KRS 100.213 (1) (b).

KRS 100.213 Findings necessary for proposed map amendment. Recommendation: (1) Before any map amendment is granted, the planning commission or the legislative body or final court must find that the map amendment is in agreement with the adopted comprehensive plan.

After which he asked the applicant to comply with KRS 100.213 (1) (b) that the zoning commission shall give to the property a map amendment and that the proposed zoning classification is appropriate.

Mr. Conroy stated that the tract has had no interest for commercial usage in 4-6 past thousand years and felt that the present zoning classification was not appropriate. They felt that the proposed zone is more appropriate, as it is in line with the rest of the adjoining properties.

No other person made statements, comments, or asked questions during the public hearing.

During the meeting, several questions pertaining to the individual were asked from members of the board, but none pertained to the zoning of the property, just the physical characteristics of same.

CONCLUSIONS

As stated above, there were several citizens at the public hearing, but no one came forward during the comments session of the public hearing concerning the property.

The board felt that the proposed zone J-overstate with uses on adjoining properties. While not brought up in the hearing, the zoning office has had an inquiry on the possibility of rezoning Bourne Avenue, Parcel 076-0-0-01 (D. Thompson), Zone R-2 into R-5, and the possibility of constructing single bedroom apartment building(s) on that site. This site, while not so large, but better topography and appears to have not had any inspection from the zoning office about potential uses in the commercial zoning office regarding the claims of the applicants.

The board felt there were sufficient grounds to grant a zone change, voting 6-0 in favor of said change with Burgin, Floyd, Holland, J. York, Reinger and Vaughn voting in favor of the rezoning from R-2 to R-1.

RECOMMENDED MAP AMENDMENT

It is hereby recommended by the Commission that the map amendment be granted, as the present zoning (B-3) is not appropriate and the proposed zoning (R-1) is more appropriate, thus meeting the requirements of KRS 100.213 (1) (b).

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

DONE AND ORDERED this 27th of November 2024.

M. D. ...
Chairman, Planning and Zoning Commission
City of Somerset

ATTEST:
[Signature]
Planning and 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. Daughettee made a motion to approve a tax refund for a Homestead Exemption in the amount of \$120.52 to Deidre L. & Jerry J. Duke; a Disability Exemption in the amount of \$60.26 to Randall S. & Devan Smith; and a Homestead Exemption in the amount of \$60.26 to Teresa Ann

Carmichael & Gary Epperson. Mr. Godsey seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Daughetee, Mr. Hunley, Mr. Minton, Mr. Mitchell, Mr. Godsey, Ms. Bullock, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, Mr. J. Eastham, and Mr. Girdler.

There being no further business the meeting was adjourned at 6:46 p.m.

APPROVED:



MAYOR

ATTEST:



CITY CLERK