

**MINUTES OF MEETING HELD FEBRUARY 14, 2022**

The Common Council of the City of Somerset, Kentucky met in a regular meeting on Monday February 14, 2022, at 6:00 p.m. with the following present: Council Members; John Minton, Jim Mitchell, David Godsey, Amanda Bullock, Tom Eastham, David Burdine, Brian Dalton, Jerry Wheeldon, Jimmy Eastham, Jerry Girdler, Robin Daughetee, Patrick Hunley, Mayor Alan Keck, City Attorney John Adams, and City Clerk Nick Bradley.

Mr. Mitchell moved to approve the minutes of the regular meeting held on January 24, 2022, along with reports as mailed. Mr. T. Eastham seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Minton, Mr. Mitchell, Mr. Godsey, Ms. Bullock, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, and Mr. Hunley.

Mr. Burdine made a motion to approve the following Resolution Number 22-02: Transferring the Vacant Lot at 202 Bourne Avenue for Nominal Consideration and Paying Off Other Entity Tax Liens Up To \$3,500 Is Proper in Purpose and Act as Economic Development. Ms. Bullock seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Minton, Mr. Mitchell, Mr. Godsey, Ms. Bullock, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, and Mr. Hunley.

**RESOLUTION 22-02  
OF  
SOMERSET CITY COUNCIL**

WHEREAS, the City of Somerset owns a vacant lot at 202 Bourne Avenue, the real property was acquired by the City because it was surrendered as a nuisance by its prior owners;

WHEREAS, the local chapter of Habitat for Humanity, a non-profit, wants to build housing through its owner assistance program and thereby causing the lot to become tax producing;

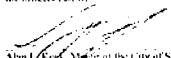
WHEREAS, City of Somerset wishes converting the lot from an "inactive economic liability" to a tax producing home to economic development;

WHEREAS, back taxes are owed to County of Pulaski and Somerset City Schools in these entities are legally limited in "paying real property taxes" in the approximate amount of \$3,500;


NOW, THEREFORE, BE IT RESOLVED, that the Somerset City Council finds transferring the real property for nominal consideration and paying all other entity tax liens up to \$3,500 is proper in purpose and act as economic development;

BE IT FURTHER RESOLVED, that the Mayor of Somerset is hereby authorized, directed, and empowered to execute, for and on behalf of the City and in its name, all documents required in connection with the transfer of the property, including but not limited to purchase agreements and escrow closing documents, and instruments of conveyance; and

Motioned and Voted Successfully on the day of February 14, 2022 as proven and if executed by the officers below.

  
Alan L. Keck, Mayor of the City of Somerset

And Attested by:

  
Nick Bradley, Clerk of the City of Somerset

Mr. Wheeldon made a motion to approve the following Ordinance Number 22-01: Annexing Property as Described Below and In the Attachments to This Ordinance and Known as A Utility Easement from Highway 461 At and Along Pin Oak Drive to Dahl Road. Mr. Daughetee





Somerset

DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION  
Planning & Zoning Commission  
308 East Mount Vernon Street  
P.O. Box 988  
Somerset, KY 42502  
Phone: (606) 426-5214  
Fax: (606) 677-0880  
www.cityofsomerset.com

ANNEXATION REQUEST FORM

I, Chris Girdler as Specimen formally request annexation  
of my property located at Utility Easement from Hwy 461 to Dahl Road (See Attached Survey)  
into the City of Somerset.

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

I also request that this property be zoned I-2

Chris Girdler \_\_\_\_\_  
Signature Date

Mr. Wheeldon made a motion to approve the following Ordinance Number 22-02: Annexing Property as Described Below and In Attachments to This Ordinance and Known as The Appharvest Somerset Facility. Mr. T. Eastham seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Minton, Mr. Mitchell, Mr. Godsey, Ms. Bullock, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, and Mr. Hunley.

Ordinance Number 22-01

AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, ANNEXING PROPERTY AS DESCRIBED BELOW, AND IN ATTACHMENTS TO THIS ORDINANCE, AND KNOWN AS THE APPHARVEST SOMERSET FACILITY.

Whereas, annexation request forms have been submitted by the property owner, and the forms have been accepted by the City of Somerset as completed, and the property owner, 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, the City of Somerset has all documents and records needed to proceed with annexation of the properties into the corporate limits of the City of Somerset.

Whereas, the property is being improved with a commercial greenhouse and related facilities by Appharvest, Inc., an agricultural company, and the same represents an expansion of the industrial uses near the property, and the intended use being agricultural in nature proper and meeting the "special provisions for agricultural areas" under the Somerset Zoning Ordinance, it is proper to be classified under the City of Somerset Zoning Ordinance as I-1, but subject to the agricultural area provisions of 4.13 of the City of Somerset's Zoning Ordinance.

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:

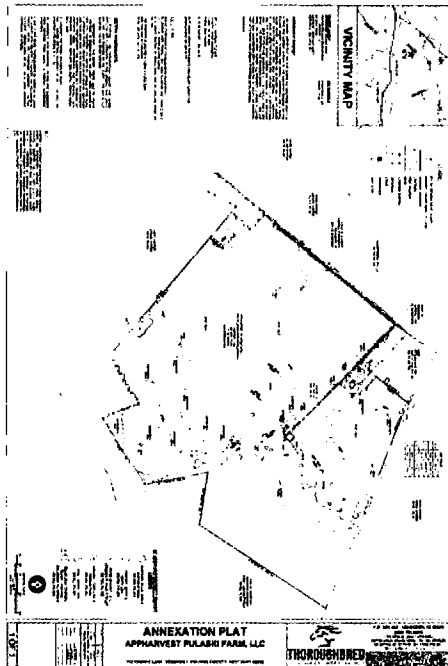
- Section 1. That the property described in attachments hereto and below, attachments incorporated in full by reference, are hereby annexed into the City's corporate limits.  
 Exhibit A, Plat titled "Annexation Plat, Appharvest Palakivi" by Devoighred Design, Engineering, Consulting, Dated 5/11/2022, said land having 171.02 acres.  
 said Property's PVA designation is Parcel number 102-0-2-127.
- Section 2. The property shall be Zoned I-2, but subject to the Agricultural Area provisions of 4.13 of the Somerset Zoning Ordinance.
- Section 3. This ordinance shall take effect after its passage and upon publication by law.

First Reading: January 10, 2022

Second Reading: February 14, 2022

Approved: *[Signature]*  
 Mattie Cook, Mayor  
 City of Somerset, Ky

Attest: *[Signature]*  
 Nick Bradley, City Clerk



Parcel A Annexation

A certain tract of land lying in Pulaski County, Kentucky at the intersection of Dehl Road and Wright Lane and being more particularly described as follows:

Beginning at the intersection of Dehl Road and Wright Lane, said point being on the east side of Dehl Road and the south side of Wright Lane, said point being monumented by an iron pin (set) with cap stamped "LS3870";

Thence with the south side of Wright Lane, South 46°33'04" East a distance of 531.87 feet to a point monumented by an iron pin (set) with cap stamped "LS3870";

Thence crossing Wright Lane to the north side, North 45°02'51" East a distance of 15.53 feet to a point monumented by an iron pin (set) with cap stamped "LS3870", said point being common to Harb (now or formerly);

Thence with the north side of Wright Lane, South 40°45'57" East a distance of 362.71 feet to an iron pin (set) with cap stamped "LS3870";

Thence leaving the north side of Wright Lane and through the property for two (2) calls:  
 North 40°47'31" East a distance of 147.25 feet to an iron pin (set) with cap stamped "LS3870";

Thence North 46°23'10" West a distance of 359.91 feet to an iron pin (found) with cap stamped "3138", said point being common to Price (now or formerly);

Thence leaving with Price (now or formerly), North 39°41'02" East a distance of 517.69 feet to a post, said point being common to Harper (now or formerly);

Thence with Harper (now or formerly) for the following two (2) calls:  
 South 57°48'41" East a distance of 90.84 feet to a point;  
 Thence South 68°18'50" East a distance of 2,571.25 feet to a point monumented by an iron pin (set) with cap stamped "LS3870", said point being common to Harbord (now or formerly);

Thence with Harbord (now or formerly) for the following seven (7) calls:  
 South 33°25'48" West a distance of 1,567.44 feet to an iron pin (found) with cap stamped "3138";  
 Thence North 81°06'30" West a distance of 501.11 feet to an iron pin (set) with cap stamped "LS3870";  
 Thence South 11°32'30" East a distance of 656.99 feet to an iron pin (found) with cap stamped "3138";  
 Thence South 57°56'54" West a distance of 814.71 feet to an iron pin (found) with cap stamped "3138";  
 Thence North 21°59'33" West a distance of 358.63 feet to an iron pin (found) with cap stamped "3138";  
 Thence South 60°33'40" West a distance of 585.79 feet to an iron pin (set) with cap stamped "LS3870";

Thence North 50°06'12" West a distance of 1,924.21 feet to an iron pin (set) with cap stamped "LS2870", said point being common to Simpson (now ex Somerset),

Thence with Simpson (now or formerly) for the following two calls.

North 42°49'53" East a distance of 263.23 feet to an iron pin (set) with cap stamped "LS2870",

Thence North 66°55'08" West a distance of 703.10 feet to an iron pin (set) with cap stamped "LS2870", said point being on the east side of Dahl Road;

Thence along the east side of Dahl Road, North 39°31'25" East a distance of 1,776.96 feet to the point of beginning and having an area of 172.80 acres.

The above description was prepared by Keith W. Hester, PLS 3470, Thornburghland, P.O. Box 481, Lexington, KY 40506.



DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION

Planning & Zoning Commission  
306 East Mount Vernon Street  
P.O. Box 988  
Somerset, KY 40362  
Phone: (606) 438-4314  
Fax: (606) 877-0088  
www.dhbsomerset.com

ANNEXATION REQUEST FORM

I, APPHARTEET PULASKI FARM, LLC (70%)/A PULASKI LAND DEVELOPMENT COMPANY, LLC, A DELAWARE LIMITED LIABILITY COMPANY, formally request annexation

of my property located at DAHL ROAD, BEING PARCEL A AS SHOWN ON PLAT CABINET G, SLIDE 123D, SEE DEED BOOK 1034, PAGE 90 (PVA PARCEL # 102-9-2-12.3)

into the City of Somerset.

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

I also request that this property be zoned L-2 (subject to agricultural use exception and special provisions for agricultural areas)

Signature

1/10/22  
Date

First reading was given the following Ordinance Number 22-03: 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 107 Losey Street From B-2 to R-3.

ORDINANCE NO. 22-03

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 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-2 to B-3, said property being more particularly described in Exhibit "A" attached hereto and incorporated herein in full by reference, located at 107 Lacey Street, Somerset, Kentucky, and having PVA Parcel # 001-1-4-02 & 001-1-4-08.
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: February 14, 2022

SECOND READING:

Approved: Mayor
Attest: City Clerk

CITY OF SOMERSET, KENTUCKY
Planning and Zoning Commission
FINDINGS OF FACT,
CONCLUSIONS OF LAW AND RECOMMENDED ORDER

CASE NO. Cumberland Lake Rentals

RE: Re-zoning 107 Lacey Street, Parcels 001-1-4-02 & 001-1-4-08
For Rezoning purposes.
Listed below are the parties involved in the Zoning Change for
Subject Property
107 Lacey Street
Somerset, Kentucky
PVA Parcel 001-1-4-02 & 001-1-4-08

Party One: City of Somerset, Planning & Zoning Commission, Cumberland Lake Rentals, LLC, PVA Parcel 001-1-4-02
Party Two: 536 Red Oak Drive, Norton, Kentucky 42568

The Somerset Planning and Zoning Commission having heard testimony at a public hearing conducted before the Commission on the 9th day of February, 2022 and based on the evidence presented, the Somerset Planning and Zoning Commission issues the following FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER.

FINDINGS OF FACT

The tract has frontage along both Lacey Street and Todd Street. The applicant has the property under control from the corner of second. Aerial View Page of 001-1-4-02 is improved with a single family residence, garage and outbuilding. Parcel 001-1-4-08 is unimproved. Both tracts are zoned B-2. The applicant plans to tear the present improvements and construct a small apartment building on site, with as many as 8 units. The tract is bounded by three other landowners. The tract to the west is zoned B-2 and unimproved. The tract to the east on Lacey Street is zoned B-1 and is unimproved. The tract to the east on Todd Street is zoned B-2 and also unimproved. The tracts across the street on Lacey are zoned B-1 and B-2. The B-1 tract is improved with a single family residence. The B-2 tract is unimproved, and has additional frontage along West Columbus Street. The properties across the street on Todd Street are zoned B-2 and B-1. All are improved with single family residences. The tract at the corner of Todd Street and Eagle Street is improved with an apartment complex, and there are two duplexes on Todd Street to the east of the apartment complex. The Commission has had this tract, as well as all nearby properties in the Second Zone. The proposed use may or may not meet requirements of RES-100.213 (1) that the map amendment is in agreement with the adopted

comprehensive plan), the chairman asked the Cumberland Lake Rentals representative Todd Harris, to expand on other 100.213 (1) (a) that the zoning map classification goes to the property is appropriate and the proposed zoning change is appropriate, or 100.213 (1) (b) that there have been changes of the economic, physical or social nature within the area involved which were not anticipated.

Mr. Harris felt that the proposed use is more in line with other properties in the immediate area, since the commercial properties have developed along Eagle Street and West Columbus, and that a residential use would be more appropriate than those allowed on the B-2 designation.

No other persons came forward to speak on the matter, and the public hearing was closed.

After the public hearing and during the discussion of the zone change, Commission Member Richard Buchanan stated that he did not know why the area would be zoned business and that it may have been a coding mistake when the map was brought up to date. He felt that the area should be zoned residential. The general consensus of the commission was that the proposed zone change is more in line with adjoining properties than the present zoning. The zone change was presented to the board for vote, with all members voting yes.

CONCLUSIONS OF LAW

The Commission believes that proposed zoning (B-3) is more appropriate for the tract based on its location and the surrounding properties rather than the current B-2. It is felt that this is sufficient cause for the zone change to meet the requirements of 100.213 (1).

ORDER

It is hereby recommended by the Commission that the Rezoning be granted.

A true and correct copy of the findings of fact, Conclusions of Law and Recommendation (under shall be sent to the Mayor and by certified mail, return receipt requested and filed with the Pulaski County Clerk.

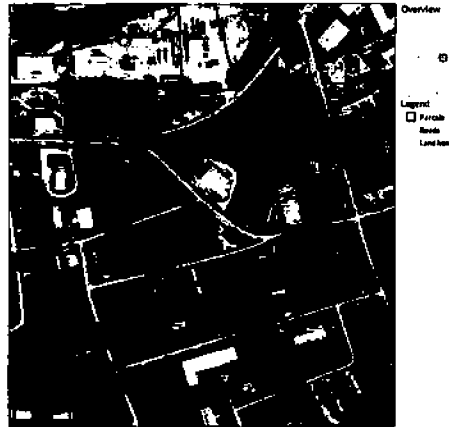
DONE AND ORDERED this 9th day of February, 2022.

Mayor
Chairman
Planning and Zoning Commission
City of Somerset

ATTEST:
Secretary (Clerk, etc)

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

qPublic.net Pulaski County, KY PVA



Downloaded 2/14/22
Last Date Modified: 2/14/2022 11:40:08 PM
Downloaded by: [Name]

There being no further business the meeting adjourned.

APPROVED:



\_\_\_\_\_

MAYOR

ATTEST:



\_\_\_\_\_

CITY CLERK