

MINUTES OF MEETING HELD MARCH 13, 2023

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

Mr. Wheeldon moved to approve the minutes of the regular meeting held on February 27, 2023, along with reports as mailed. Mr. Mitchell seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Mitchell, Mr. Godsey, Ms. Bullock, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Hunley, and Mr. Minton.

Mr. Daughetee made a motion to approve the following Resolution Number 23-02: Supporting Submittal of An Economic Development Fund Application to The Kentucky Economic Development Cabinet by The City of Somerset on And for The Benefit of SPEDA's Efforts in Developing SPEDA Commerce Park. Ms. Bullock seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Mitchell, Mr. Godsey, Ms. Bullock, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Hunley, and Mr. Minton.

RESOLUTION NO. 23-02
A RESOLUTION OF THE CITY OF SOMERSET SUPPORTING SUBMITTAL OF AN ECONOMIC DEVELOPMENT FUND APPLICATION TO THE KENTUCKY ECONOMIC DEVELOPMENT CABINET BY THE CITY OF SOMERSET ON AND FOR THE BENEFIT OF SPEDA'S EFFORTS IN DEVELOPING SPEDA COMMERCE PARK.

WHEREAS, Somerset Pulaski County Economic Development Agency ("SPEDA", KRS 154 Economic Development Agency, is the owner of certain real property and facilities thereon located in the City of Somerset, Kentucky; and

WHEREAS, SPEDA is engaged in the development of SPEDA Commerce Park in Somerset which will bring commercial, logistic, industrial, demonstration improvements to Somerset and Pulaski County; and

WHEREAS, it is expected that the Project will have a positive impact on the local economy as conditions of unemployment will be relieved through the creation of new jobs and other economic development to Somerset and Pulaski County, all to the benefit of the citizens and residents of the City and County; and

WHEREAS, further the Project will enhance the economic position of Somerset and Pulaski County by causing new residents and income to be injected into the local economy, improving the quality of life; and

WHEREAS, the City of Somerset, for the reasons above stated, desires to support the request of SPEDA for up to \$1.5 Million in funding for the Project from the Kentucky Economic Development Cabinet through the Economic Development Fund ("EDF") program, which funding will enable SPEDA to provide substantial employment for residents of the City; and

WHEREAS, it is appropriate that this Resolution be adopted in order to evidence such support.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY CITY OF SOMERSET, KENTUCKY AS FOLLOWS:

Section 1. It is hereby found, determined, and declared that the statements of fact set forth in the preamble to this Resolution are true and accurate in all respects, and the preamble and all of the recitals therein are incorporated in this Resolution by reference, as if set forth verbatim herein.

Section 2. The City of Somerset hereby supports the request of SPEDA for funding from the Kentucky Economic Development Cabinet through the Economic Development and the City

of Somerset agrees to be responsible for administering the funds awarded from the Economic Development Fund and shall make disbursements thereof in accordance with guidelines of the Economic Development Fund.

Section 3. This resolution shall be in full force and effect from and after its adoption.

ADOPTED by the City of Somerset, Kentucky, on March 13th, 2023, signed by the Mayor, attested by the City Clerk and declared to be in full force and effect.

Attest:

Certification

I, the undersigned, do hereby certify that I am the duly qualified and acting City Clerk of Somerset Kentucky and as such I further certify that the foregoing is a true, correct and complete copy of a Resolution duly adopted by the City of Somerset at a properly convened meeting held on March 13, 2023, signed by the Mayor and now in full force and effect as appears from the official records of the City Clerk's Office in my possession and under my control.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of March, 2023.

Mr. Wheeldon made a motion to approve the following Ordinance Number 23-03: 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 Parcel Number 089-0-0-03.3 From I-2 to B-2. Mr. T. Eastham seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Mitchell, Mr. Godsey, Ms. Bullock, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Hunley, and Mr. Minton.

ORDINANCE NO. 23-03

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:

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 I-2 to B-2, said properties being more particularly described in Exhibit "A" attached hereto and incorporated herein in full by reference, so as to include property located between Barnesburg Rd and E KY Hwy 80, Somerset, Kentucky, and having PVA Parcel # 089-0-0-03.3
- 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 28, 2023

SECOND READING March 13, 2023

Approval: 

Attest: 

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

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

CASE NO. _____

Re: Zone Change GP33A1 Properties, Barnesburg Road/East Hwy 80

For Recording purposes,
Listed below are the parties involved in the Zone Change for
Barnesburg Road
Somerset, Kentucky:
A portion of PVA Parcel 089 0-0-03.3, that will be reassessed to
PVA Parcels 089 0-0-03.4, 03.5, 03.6 & 03.7

Party One City of Somerset, Planning and Zoning Commission PO Box 989 Somerset, Kentucky, 42502	Party Two SPEDA Properties I, LLC 306 East Mount Vernon Street Somerset, Kentucky, 42501
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The Planning and Zoning Commission having heard testimony at a public hearing conducted before the Commission on the 21st day of February 2023 and based on the evidence presented, the Planning and Zoning Commission enters the following FINDINGS OF FACT, CONCLUSIONS AND MAP AMENDMENT:

FINDINGS OF FACT

SPEDA Properties I, LLC is the owner of record of a tract of land bounded on the south by East KY 80 and on the north by Barnesburg Road and using Parcel 2 of Deed Book 1013 Page 180 a 22.91-acre tract on plat named Garner (Garner) Island Property # 2 as recorded in Plat Cabinet G Slide 14C. SPEDA or a predecessor entity purchased the tract in October 2019 (Deed Book 1004 Page 687) and the plat use is unchanged pasture land. The subject was annexed in 2020 (Ordinance 20-12) at which time it was zoned I-2 at the request of the owner of record, SPEDA.

The parcel lines across Bartenburg Road on the north, the remainder of Parcel 089-0-0-033, is zoned I-2 Heavy Industry.

The tract to the west, Parcel 089-0-0-032, Thomas L. & Brenda Garner Renewable Trust et al is not in the city and not zoned.

The tract to the east, Parcel 089-0-0-032, Thomas Christopher & Kirby Family Living Trust and Parcel 089-0-0-031, James Combs et al is not in the city and not zoned.

East Highway 80 is the western boundary.

The applicant wishes to rezone the property to D-2 Highway Fronted Commercial.

The planned future use for the property is Commercial, and the proposed zoning change agrees with the planned future use.

The zoning change meets IGC 233.07.

IRC 215 Findings necessary for proposed map amendments - Recommendation (2) Before any map amendment is granted, the planning commission or the legislative body or civic court must find that the map amendment is in agreement with the adopted comprehensive plan.

CONCLUSIONS

The requested rezoning is in agreement with the future use outlined in the comprehensive plan.

There were no issues present to comment in favor or against the rezoning.

The rezoning is in accordance with the zoning code, and the rezoning meets the requirements of IRC 215.07 in favor of the rezoning, and the rezoning is in agreement with the adopted comprehensive plan.

RECOMMENDED MAP AMENDMENT

It is hereby recommended by the Commission that the map amendment be granted, so the present zoning is in compliance with the Comprehensive Plan, meeting the requirements of IRC 215.07.

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

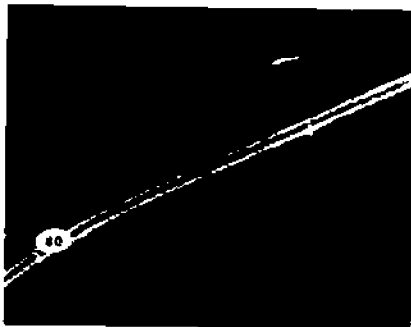
DONE AND ORDERED the 27th day of February 2023.

M. H. ...
Chairman, Planning and Zoning Commission
City of Searsville

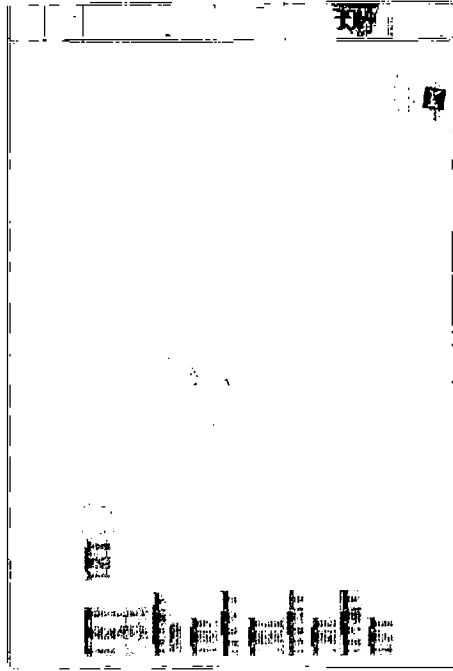
ATTEST
[Signature]
Planning/Zoning Commission Clerk

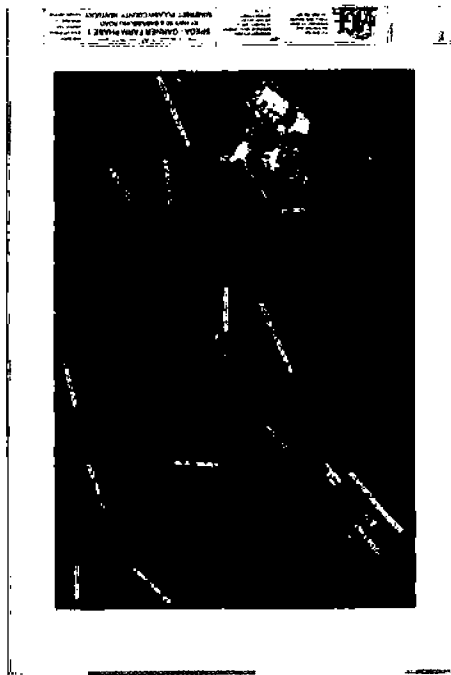
This document was prepared by the staff of the Planning and Zoning Department under the supervision of John Adams, City Attorney.

Lee ...



Legend
City Limit
Planned Use
All other uses
PLANNED USE
Commercial
Industrial
Light Industrial
Office/Assembly
Retail
Residential
Public
Water
1 in = 2,186 feet
1.5 Miles





First reading was given the following Ordinance Number 23-04: Annexing by Property as Described Below and In Attachments to This Ordinance, Attachment Incorporated in Full by Reference Herein Of 2200 Highway 461 PVA Parcel Number 102-0-2-36.

ORDINANCE NUMBER 23-04

AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, ANNEXING BY PROPERTY AS DESCRIBED BELOW AND IN ATTACHMENTS TO THIS ORDINANCE, ATTACHMENTS INCORPORATED IN FULL BY REFERENCE HEREIN, AND

FIRST READING: MARCH 13, 2023

RECORD READING: _____

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

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

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:

ATTEST:
NICK BRADLEY, CITY CLERK

SECTION 1 THAT THE PROPERTIES DESCRIBED BELOW IN ATTACHMENTS HERETO AND BELOW, ATTACHMENTS INCORPORATED IN FULL BY REFERENCE, ARE HEREBY ANNEXED INTO THE CITY'S CORPORATE LIMITS:

A PARCEL OF LAND AND AN EXISTING CONVENIENCE STORE LOCATED AT 2200 HIGHWAY 461, SOMERSET, KY 42502, AT THE SOUTH EAST CORNER OF THE INTERSECTION OF HIGHWAY 461 AND TOMMY ROAD, ENCOMPASSING 50 ACRES DESCRIBED HEREIN, AND SHOWN IN THE SURVEY TITLED "CITY OF SOMERSET ORDINANCE No. 23-01 & 23-04" AS PARCEL B, DATED 12-21-22 BY JD LAND SURVEYING, INC. THE PARCEL HAVING THE PLASKI COUNTY PVA DESIGNATION OF 10240236.

SECTION 2 THE PARCEL HAVE THE EXISTING COMMERCIAL USE OF A CONVENIENCE STORE IN PROPERTY ZONED AS B-2 HIGHWAY COMMERCIAL ON SOMERSET'S ZONING MAP.

SECTION 3 THIS ORDINANCE SHALL TAKE EFFECT AFTER ITS PASSAGE AND UPON PUBLICATION BY LAW.



DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION

Planning & Zoning Commission
500 East Mount Vernon Street
P.O. Box 999
Somerset, KY 42502
Phone: (606) 622-4214
Fax: (606) 677-6884
www.cityofsomerset.com

ANNEXATION REQUEST FORM

I, Divyesh Patel, formally request annexation of my property located at 2200 Highway 461, Somerset into the City of Somerset.

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

I also request that this property be zoned B-2

Divyesh Patel
Signature

12/22/22
Date



Mar. 1, 2023

City of Somerset, Kentucky
John Adams, Esq
PO Box 988
Somerset, KY 42502

Re: Request to Annex KY 963 (Corr. Rd. to 2200 Hwy 581)

Dear Mr. Adams

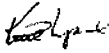
The Kentucky Transportation Cabinet has been made aware of your intent to annex a portion of KY 461 described above, and the Cabinet hereby wishes the 90 day waiting period set forth in KRS 81A.020.

The Transportation Cabinet wishes to point out that there may be electrified traffic signals located in the proposed corridor either at present or in the future, and if so, there are agreements in place whereby the City assumes responsibility for utility costs for powered traffic signals located inside city limits.

The Transportation Cabinet expects that the City of Somerset will continue to honor its agreement to assume responsibility for utility costs of any current or future powered traffic signals in this corridor, as it has in the past. With that caveat, the Transportation Cabinet views the proposed annexation as a local matter, and the Kentucky Transportation Cabinet declines to assert a position either in favor of, or against, said proposed annexation.

If you have any questions please do not hesitate to give me a call.

Sincerely,



Keith A. Spurch
Staff Attorney

There being no further business the meeting adjourned at 6:24 p.m.

APPROVED: _____

MAYOR

ATTEST: _____

CITY CLERK