

MINUTES OF MEETING HELD SEPTEMBER 9, 2024

The Common Council of the City of Somerset, Kentucky met in a regular meeting on Monday September 9, 2024, at 6:02 p.m. with the following present: Council Members Jerry Wheeldon, Jimmy Eastham, Jerry Girdler, Robin Daughetee, John Minton, Jim Mitchell, David Godsey, Tom Eastham, David Burdine, Brian Dalton, Mayor Alan Keck, City Attorney John Adams, and City Clerk Nick Bradley. Absent: Patrick Hunley and Amanda Bullock.

Mr. Wheeldon made a motion to approve the minutes of the regular meeting of August 26, 2024. Mr. Dalton seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Minton, Mr. Mitchell, Mr. Godsey, Mr. T. Eastham, Mr. Burdine, and Mr. Dalton.

Mr. Burdine made a motion to approve the following Ordinance Number 24-19: ANNEXING BY CONSENT PROPERTY AS DESCRIBED BELOW AND IN ATTACHMENTS TO THIS ORDINANCE, ATTACHMENTS INCORPORATED IN FULL BY REFERENCE HEREIN OF PARCEL NUMBER 062-3-1-50. Mr. T. Eastham seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Minton, Mr. Mitchell, Mr. Godsey, Mr. T. Eastham, Mr. Burdine, and Mr. Dalton.

ORD. 24-19

ORDINANCE NUMBER 24-19

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 OWNER(S), 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 NOTICED UNDER 21 REGULAR SESSION RESOLUTION 11 (4); 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 LAND COMPRISING TRACT 48 ACRES SHOWN ON AN ANNEXATION MAP TITLED "CITY OF SOMERSET ORDINANCE, NUMBER 24-19," DATED 7/23/24 BY JD LAND SURVEYING, SAID LAND HAVING PVA LOT DESIGNATION 062-3-1-50


SECTION 2. THE SUBJECT PROPERTY SHALL BE ZONED O2 AS IT IS IMPROVED WITH AN OFFICE BUILDING ON HWY 27

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: JULY 22, 2024

SECOND READING (NOT BEFORE SEPTEMBER 5, 2024): SEPTEMBER 10, 2024

APPROVED: 
ALAN KECK, MAYOR
CITY OF SOMERSET, KY


ATTEST: 
NICK BRADLEY, CITY CLERK

EXHIBIT "A"

City of Somerset, KY, Annexation Ordinance No. 24-02

DESCRIPTION

A certain tract of land lying on the west side of U.S. Highway 27 in Somerset, Somerset County, Kentucky and is more particularly described as follows:

All bearings shown herein were correlated to 1st North Meridian 28° 10' 00" Single Mer. per GPS observations as performed on October 27th, 2016.

ENCLOSURE at a round 12" steel pipe located on the west right-of-way of U.S. Highway 27, and representing a corner to the existing City limits of Somerset. (Ordinance No. 17-01) and pipe bearing a Kentucky Single Stone Iron Pipe Conical cap of 1.9, 1000000000, No. 1000000000. There is also part with the existing City limits of Somerset, in part with Community Trust Bank (and the 22) page 2nd lot in part with Larry D. ...

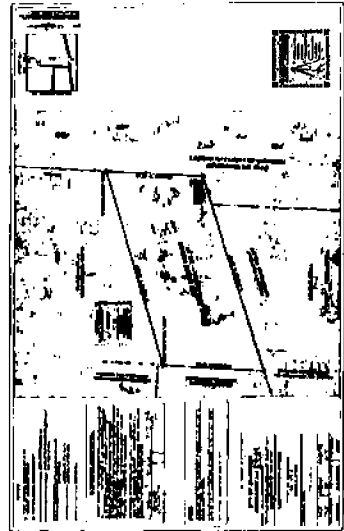
Above described property is subject to all applicable easements, right-of-way, covenants, and restrictions of record that may apply.

John C. ...

7-3-24

Date

RECEIVED



DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION

Planning & Zoning Commission
300 East Second Street
P.O. Box 899
Somerset, KY 40380
Phone: 606.638.2534
Fax: 606.677.0868
www.cityofsomerset.com

ANNEXATION REQUEST FORM

I, Stephen A. Peterson, formally request annexation

of my property located at 5165 S Hwy 27, Somerset, KY 40381

into the City of Somerset.

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

I also request that this property be zoned Commercial.

Signature

Date

DEED OF BARRISTRY

THIS DEED OF BARRISTRY made and entered this 24th day of September, 2023, by and between ROBINSON STEPHEN A & LISA, having an address of 1261 S Hwy 27, Somerset, Kentucky 40381, GRANTOR(s) and THE CITY OF SOMERSET, KENTUCKY, a Kentucky municipal corporation, of 300 East 2nd Street, Somerset, Kentucky 40381, GRANTEE.

WITNESSETH: That for and in consideration of ... the liability to be imposed from the taxing of a property owner across the property of Grantor(s), and other good and valuable considerations, the receipt of which is hereby acknowledged, GRANTOR(s) hereby give, grant and convey unto the GRANTEE, THE CITY OF SOMERSET, KENTUCKY, in maintenance and support, the right to buy, construct, operate, improve, maintain, repair, reconstruct, and use said Water, Wastewater and the appurtenances shall be a part of the utility of the CITY OF SOMERSET, KENTUCKY, and said property owner shall be of such dimension, character, and construction and to be used in such a manner as the City may determine, amend, through, under, control and upon the following described property, to-wit:

SEE EXHIBIT B: A PLAT OF SURVEY GRAPHICALLY SHOWING THE LOCATION OF THE BARRISTRY USING NORTHERN AND EASTING COORDINATES

Being the same property conveyed to ROBINSON STEPHEN A & LISA, Grantor(s), by deed of record in Deed Book 764, Page 282, Putnam County Clerk's Office, Kentucky.

Together with the right to use such additional land on either side of the above described strip of land during the time the water main is being constructed, repaired, or reconstructed and the right of ingress and egress to and upon and along said tract of land in such manner and in such points as may be necessary for the construction, maintenance and reconstruction of said main.

TO HAVE AND TO HOLD the said easement herein granted unto the GRANTEE, THE CITY OF SOMERSET, KENTUCKY, in maintenance and support, forever, with Certain Warranty of Title.

GRANTOR(s) shall have the right to use the middle of the land lying over said easement for any purposes it desires, provided upon done not in any way interfere with GRANTEE'S use, but not of the easement herein granted and provided further that no fill, no building or other structure shall be erected upon, across, over or through said strip of land without the written consent of GRANTEE. GRANTEE agrees to replace and properly to be good condition as it was when GRANTEE began construction of the subject utility.

CONSIDERATION CERTIFICATE

The parties herein state that the consideration reflected in this instrument is the true consideration for the use of the land property, and further, said property has a fair market value of _____ GRANTOR has the consent for the sale purpose of certifying the consideration present to KING Chapter 102.

BY THEFTMOY WILSON, witness the signatures of GRANTOR(S) and GRANTEE, this day and date first above written.

GRANTOR(S): ROBINSON STEPHEN A & LISA
[Signature]
 PERSON WITH ACTUAL AUTHORITY

PRINTED NAME AND TITLE

GRANTEE: CITY OF SOMMERS, KENTUCKY, GRANTEE
 BY: ALAN RECK, MAYOR

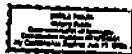
ATTNEY

NICK BRADLEY, CITY CLERK

STATE OF KENTUCKY
 COUNTY OF PULASKI, SCT

The Recipient Deed of Payment and Consideration Certificate was signed, acknowledged and sworn to before me this 20th day of September, 2022 by ROBINSON STEPHEN A & LISA, GRANTOR(S)

[Signature]
 NOTARY PUBLIC
 MY COMM. EXPIRES: June 15, 2026



STATE OF KENTUCKY
 COUNTY OF PULASKI, SCT

The Recipient Consideration Certificate was signed, acknowledged and sworn to before me this 20th day of September, 2022 by THE CITY OF SOMMERS, KENTUCKY, GRANTEE, by and through ALAN RECK, Mayor, and attested by NICK BRADLEY, City Clerk, to be the first and last deed.

NOTARY PUBLIC
 MY COMM. EXPIRES: _____

THE INSTRUMENT PREPARED
 WITHOUT THE ASSISTANCE OF A
 TITLE SEARCH BY:

JOSH ADAMS
 CITY ATTORNEY
 AND CANTARY WILSON ATTORNEY
 SOMMERS, KY 40391

LEGAL DESCRIPTION

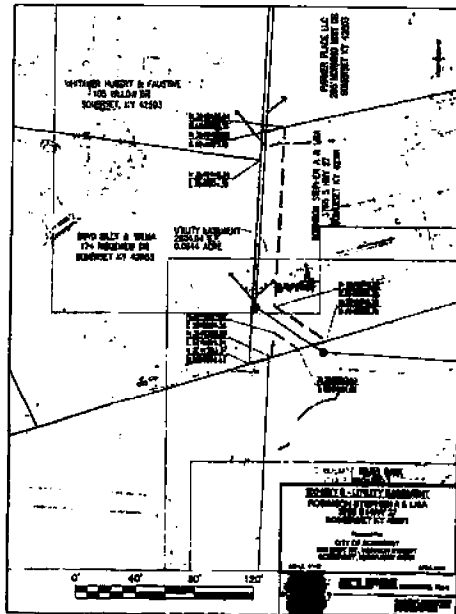
Utility Easement
 with the
 CITY OF SOMMERS
 To be situated on the address Stephen A & Lisa Property (D.B. 70, 70, 82)
 near
 Sommers, Kentucky

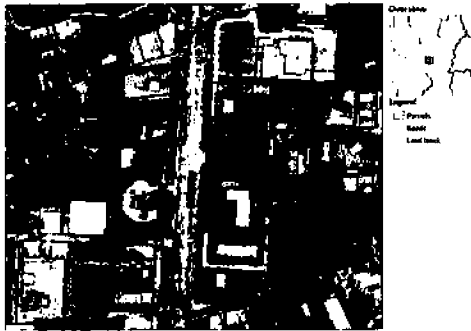
All that tract or parcel of land situated on the address Stephen A & Lisa Property near the intersection of Highway 27 and Robinson Way in Sommers, Kentucky, and which is platented by Book 11 in preparation of the Green Meadows Sanitary Sewer Collection Plant 1 and more particularly described and bounded as follows, to wit:

Subdivided Descriptions

RESIDENCES AT A POINT, on the address Stephen A & Lisa property, two near the intersection of Highway 27 and Robinson Way, said point being KY single zone location of Northing: 324020.26, Bearing: S24°02'19" E; thence, heading southeast to a point being KY single zone location of Northing: 324042.04, Bearing: S49°00'34" E; thence, heading south to a point being KY single zone location of Northing: 324042.22, Bearing: S34°00'28" E; thence, heading southeast to a point being KY single zone location of Northing: 324022.22, Bearing: S49°00'34" E; thence, heading southeast to a point being KY single zone location of Northing: 324015.03, Bearing: S24°02'19" E; thence, heading southeast to a point being KY single zone location of Northing: 324024.62, Bearing: S24°02'19" E; thence, heading south to a point being KY single zone location of Northing: 324024.62, Bearing: S49°00'34" E; thence, heading north to a point being KY single zone location of Northing: 324024.62, Bearing: S49°00'34" E; thence, heading north to the center of highway and containing an area of 204.04 square feet (0.0046 acre).

End of Legal Description





Parcel ID	062-1-0-65.3	Address	1000 N. 10TH ST. SHELBYVILLE, KY 40381	Area	0.10	Acres	0.0023
Map	1000 N. 10TH ST.	Value	\$1,200	Year	2012	Rate	0.10
Assessment	10	Address	1000 N. 10TH ST.	Parcel Count	1		
Map	1000 N. 10TH ST.	Parcel Count	1				

This parcel is located in the
 1000 N. 10TH ST. SHELBYVILLE, KY 40381
 1000 N. 10TH ST. SHELBYVILLE, KY 40381

Mr. Mitchell made a motion to approve the following Ordinance Number 24-20: ANNEXING BY CONSENT PROPERTY AS DESCRIBED BELOW AND IN ATTACHMENTS TO THIS ORDINANCE, ATTACHMENTS INCORPORATED IN FULL BY REFERENCE HEREIN OF PARCEL NUMBER 062-1-0-65.3. Mr. J. Eastham seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Minton, Mr. Mitchell, Mr. Godsey, Mr. T. Eastham, Mr. Burdine, and Mr. Dalton.

ORDINANCE NUMBER 24-20

AN ORDINANCE OF THE CITY OF SOMERSET, KENTUCKY, AMENDING 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 COMMISSION HAS ACCEPTED BY THE CITY AS COMPLETED AND THE PROPERTY OWNERS HAVE WAIVED THE SIXTY (60) DAY WAITING PERIOD BY AND THROUGH THE ANNEXATION REQUEST FORM, SIGNED BY THE OWNER AND BY 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 REFERRED TO PRECEDE WITH ANNEXATION OF THE PROPERTIES INTO THE CORPORATE LIMITS OF THE CITY OF SOMERSET, AND

WHEREAS, THIS DOCUMENT WAS SENT TO THE BOARD OF HEALTH AND COMITY AT WORKS OF PULASKI COUNTY AT THEIR FIRST READING AS NOTED UNDER 219.040 KAR 55.000 SIMONNATE DILLI, AND

WHEREAS, THE PROPERTIES MEET ALL REQUIREMENTS FOR ANNEXATION AS SET FORTH IN KAR 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 HERE TO AND BELOW ARE HEREBY ANNEXED INTO THE CITY'S CORPORATE LIMITS
SECTION 2 THE SUBJECT PROPERTY IS NOW BEING APPLIED FOR ZONING THE PREVIOUS AND ZONING HEARD HEARD

THE APPLICATION ON AUGUST 27TH, 2024 AND RECOMMEND THE D-2 ZONING TO THE CITY COUNCIL

SECTION 3 NOTICE TO PULASKI COUNTY FISCAL COURT WAS GIVEN AFTER THE FIRST READING AND 45 DAYS BEFORE THE SECOND READING. THE PROPERTY OWNER PROMISED TO ASSESS AS COSTS SHALL BE THE UTILITY AND INFRASTRUCTURE COST IN THE AREA BY THE CITY

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

FIRST READING: JULY 22, 2024

SECOND READING (NOT BEFORE SEPTEMBER 5, 2024): SEPTEMBER 9, 2024

APPROVED BY ALAN T. KERR, MAYOR CITY OF SOMERSET, KY

ATTEST: NICK DRABIN, CITY CLERK

P.O. BOX 204 100 FORTY EIGHT STANFORD, KY 40484



Phone: 606.336.1100 Fax: 606.336.1103

EXHIBIT "A"

City of Somerset Annexation Ordinance No. 24-20

A certain tract of land lying adjacent to the existing City Limits of Somerset (Ordinance No. 17-24), being on the eastern edge of right-of-way of US Hwy 27 and the southern edge of right-of-way of Stonegate Drive in Pulaski County, Kentucky and is more particularly described as follows:

Commencing at an iron nail w/ washer (P.L.S. 04048), said iron nail w/ washer being on the eastern edge of right-of-way of US Hwy 27 - Commonwealth of Ky (right-of-way varies) - State Highway Plans (FD04-100-0027-011-016), being on southern edge of right-of-way of Stonegate Drive (R/W right-of-way), being a previous center line established to the City of Somerset (Ordinance No. 17-24), having County State Plane Coordinate System - South zone (coordinates of N 1204816.35, E 1960305.43 and being the Point of Beginning for this description:

Thence continuing along the southern edge of right-of-way of Stonegate Drive (R/W right-of-way) the following one (1) curve: 89°08'00" - 250.85 feet to an iron nail w/ washer found (P.L.S. 04048), said iron being on the western edge of right-of-way of a paved road (unimproved), private road on the parent tract, does not appear to be dedicated to public for right-of-way, said a new corner being surveyed into the City of Somerset;

Thence continuing along the western edge of right-of-way of a paved road (unimproved), private road on the parent tract, does not appear to be dedicated to public for right-of-way, the following one (1) curve: a curve to the left, having a radius of 203.02', chord bearing of 102°42'00"W and chord distance of 82.29 feet to an iron pin found (P.L.S. 04048), said pin being on the western edge of right-of-way of a paved road (unimproved), private road on the parent tract, does not appear to be dedicated to public for right-of-way, said a new corner being surveyed into the City of Somerset;

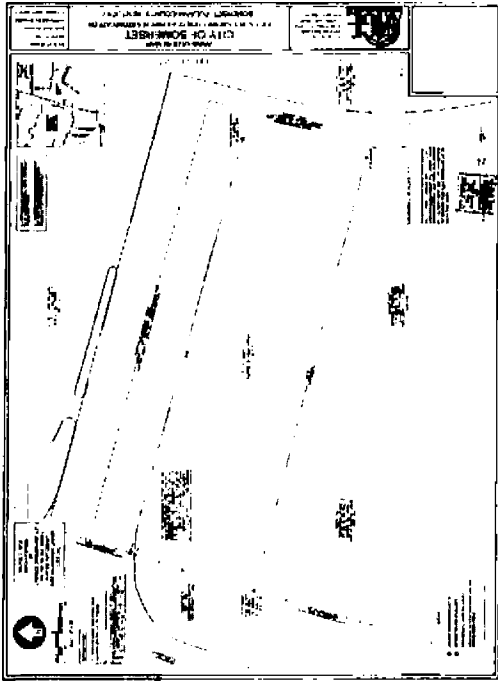
Thence leaving the western edge of right-of-way of a paved road (unimproved), private road on the parent tract, does not appear to be dedicated to public for right-of-way, and commencing along the new line being surveyed into the City of Somerset the following one (1) curve: 87°32'00"W - 389.85 feet to an iron pin found (P.L.S. 04048), said pin being on the eastern right-of-way of US Hwy 27 - Commonwealth of Ky (right-of-way varies) - State Highway Plans (FD04-100-0027-011-016) and in the line of the City of Somerset (Ordinance No. 17-24);

Thence continuing along the line of the City of Somerset (Ordinance No. 17-24), and continuing along the eastern edge of right-of-way of US Hwy 27 - Commonwealth of Ky (right-of-way varies) - State Highway Plans (FD04-100-0027-011-016), the following one (1) curve: a curve to the right, having a radius of 21372.84', chord



Bearing of N16°45'54"W and chord distance of 90.17 feet to the Point of Beginning having an area of 0.818 acres.

This annexation ordinance description was created from a combination of field survey work and recreation of deed descriptions by John Henry Fumak, AGE Engineering Services, Inc., a Professional Engineer, State of Kentucky P.E. 10008, dated the 15th day of July, 2024.



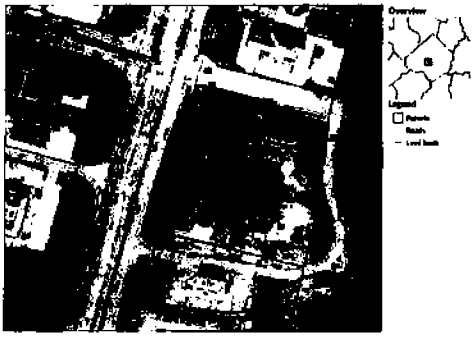
Somerset
 DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION
 Planning & Zoning Commission

ANNEXATION REQUEST FORM

Manager of
 Jerry S. Davis, Jr. *Development*
 of the property located at 5, Hwy 27, Somerset, Ky
 in the City of Somerset
 I hereby request that the following zoning period be amended
 I also request that the property be zoned

C. P. Hill
 Mayor

Kentucky Pulaski County, KY PVA



Parcel ID	Owner	Address	City/County	Area	Value	Assessed	Year	Area	Value	Assessed	Year
001-10-01-1	CONCRETE DEV. LLC	100 E RIDGE LANE SUITE 1	SOMERSET, KY 42302	1.00	1,113,978	11	2023	1.00	1,113,978	11	2023

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

CASE NO: _____

1. Zone Determination: Concrete Development, LLC
 For Recording purposes,
 Listed below are the parties involved in the Zone Determination for
 South Highway 27
 Somerset, Kentucky
 PVA Parcel 001-10-01-1

Party One: City of Somerset, Planning & Zoning Commission, PO Box 989, Somerset, Kentucky, 42302
 Party Two: Concrete Development, LLC, 105 E Ridge Lane Suite 1, Somerset, Kentucky, 42302

The Planning and Zoning Commission having heard testimony at a public hearing conducted before the Commission on the 27th day of August 2024 and based on the evidence presented, the Planning and Zoning Commission enters the following FINDINGS OF FACT, CONCLUSIONS AND MAP AMENDMENT.

FINDINGS OF FACT

Concrete Development, LLC is the owner of record of a tract of land on the west side of S US 27 bounded on the west by said US 27, on the east by Monticello Street, and on the south by Roubly Lane. The land is depicted on plot of record in Plat Cabinet P 5146 018D. That 3 is in the process of being conveyed into the City of Somerset. The tract is at the North US 27 entrance at Staphlight 16A, and is in the southeast quadrant of the entrance and intersecting roads.
 The tract is a portion of the lands conveyed to Concrete Development, LLC, per deed of conveyance dated the 30th of December 2015 and of record in Deed Book 939 Page 620 and

corrected in Deed of Correction dated December 11, 2018 and of record in Deed Book 989 Page 159

The tract is surrounded by the remaining lands of Chesapeake Development on the South (Parcel 062-1-0-65-4-1) and 2 Plat Cabover F Block 0183 and East Parcel 062-1-0-65-1-1 and 3 Plat Cabover F Block 0183.

by S Hwy 27 on the west, and to the north by Parcel 062-1-0-65-2, 1 and 2 Cumberland Bank, 2561 S Hwy 27, Town 4 & 4A Plat Cabover F Block 0183

Parcel 062-1-0-65-2, United Cumberland Bank, is in the city of Somerset and Zoned B-2.

The remaining properties are not in the City of Somerset and not zoned.

On the west side of S Hwy 27, the corners of record are

Parcel 062-1-0-70-1, Cook Out of Somerset, on 2561 S Hwy 27, Zoned M-7

Parcel 062-1-0-70-4, 1 & N Federal Credit Union, 2599 S Hwy 27, Zoned M-7

The Comprehensive Plan being developed does not designate future uses for areas outside the Corporate Boundaries of Somerset. The past Comprehensive Plan (see the map shows the planned use as Commercial.

The tract on S Hwy 27 and its site is such that it provides many uses, such as shopping centers, new or development, multi-building apartment complexes, 10,000 sq ft larger churches, schools and other endeavors that require large areas of grass space or parking.

The use in the residential field is unlikely, due to its location on a six-lane major thoroughfare.

Neighboring uses are quick service restaurants (2), banks (2), offices (1) national retailers (2) used car sales (1) new car sales (1), and special purpose properties (1) (retail).

Based on surrounding uses and its location, the property should be zoned D-2, Highway Oriented Commercial.

As this is a zone determination, this action does not have to comply with SRN 100 213.

Reggie Cheney, City Engineer, speaks on behalf of the position. No one else spoke on the zone determination. Monica Overton questioned the process and why the property was not being brought in under the Planning and Zoning Ordinance 4 17.

CONCLUSIONS


The board felt that the proposed zone designation (B-2) is appropriate, voting 5-0 in favor of said change with Hanger, Floyd, Holland, Steinger and Wright voting in favor of the rezoning. Lynch was absent.

RECOMMENDED MAP AMENDMENT

It is hereby recommended by this Commission that the map amendment be shown as B-2 when enacted.

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.

DEB AND ORDERED this 28th day of August 2024.


Chairman, Planning and Zoning Commission
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, Esq. BY Attorney

City Attorney

First reading was given the following Ordinance Number 24-24: ESTABLISHING AND IMPLEMENTING A PROGRAM TO CHARGE MITIGATION RATES FOR THE DEPLOYMENT OF EMERGENCY AND NON-EMERGENCY SERVICES BY THE FIRE DEPARTMENT FOR SERVICES PROVIDED/RENDERED BY/FOR THE CITY OF SOMERSET FIRE DEPARTMENT.

ORDINANCE NUMBER 24-25

AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, ANNEXING BY CONSOLIDATION PROPERTY AS DESCRIBED BELOW AND IN ATTACHMENTS TO THIS ORDINANCE, ALL INTERESTS 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 COMPLETE, AND THE PROPERTY OWNERS EACH HAVING WAIVED THE SIXTY (60) DAY WAITING PERIOD BY AND THROUGH THE ANNEXATION REQUEST FORM SIGNED BY THE CORNER SIGNOR 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 RELATED TO PROJECT WITH ANNEXATION OF (1)5 PROPERTIES INTO THE CORPORATE LIMITS OF THE CITY OF SOMERSET, AND

WHEREAS, THIS DOCUMENT WAS SENT TO THE CITY EXECUTIVE AND CITY ATTORNEY IN PHOENIX COUNTY AFTER THE FIRST READING AS NOTICED UNDER 22 REGULAR SESSION SENATE BILL 181, AND

WHEREAS, THE PROPERTY IS ALL BEING RETURNED TO ANNEXATION ASSET FOR THE CITY AND ALL OTHER APPROPRIATE USE

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SOMERSET, KENTUCKY

SECTION 1 NOTICE TO PHOENIX 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: SEPTEMBER 9, 2024

SECOND READING (OCTOBER 24, 2024)

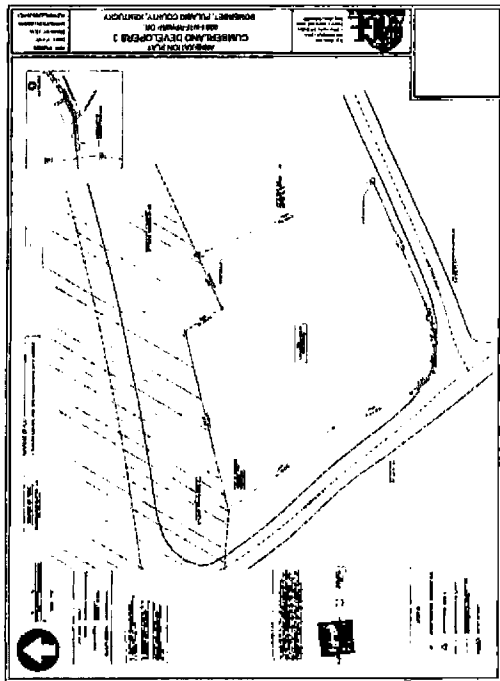
APPROVED: ALAN K. KAY, MAYOR CITY OF SOMERSET, KY

ATTEST: NICK BRADLEY, CITY CLERK

SECTION 1 THAT THE PROPERTIES DESCRIBED BELOW IN ATTACHMENTS BE TO AND BE IN FULL BY AND UNDER THE CITY'S CORPORATE LIMITS

EXHIBIT A THE DEFINED LAND COMPRISING A TOTAL OF 1.1 AND 1.223 ACRES SHOWN ON ANNEXATION MAP TITLE "ANNEXATIONS RE AT LINDSEY AND BENTLEY CREEK - 2008 SUPERSEDDED BY: DATED 01/24/24 AGENT SIGNATURE SERVICES, INC. LAND HAVING PVA LOT DESIGNATION 0014124 AND 0014123

SECTION 2 THE PROPERTY IS CURRENTLY ZONED R-1 IN VACANT AND COMES BY BY ORDINANCE AS R-1



DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION
Planning & Zoning Commission
200 East Second Street
PO Box 100
Somerset, KY 40386
Phone: 606-677-2334
Fax: 606-677-2966
www.cityofsomerset.com

ANNEXATION REQUEST FORM

I, Cumberland Developments, formally request annexation

of my property located at 600 Enterprise Dr.

into the City of Somerset.

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

I also request that this property be zoned B2.

[Signature]
Signature

09/04/2024
Date

MADE BY THE PLANNING AND ZONING BOARD, AND BASED ON SAID BOARD'S RECOMMENDATION OF A ZONE CHANGE OF PARCEL NUMBER 049-0-0-05.8 (SOUTH SIDE) FROM A-1 TO B-3.

ORDINANCE NO. 24-26

AN ORDINANCE AMENDING ORDINANCE NO. 00-18, KNOWN AS THE CITY'S ZONING ORDINANCE, AND AMENDING 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 portion of land parcels 049-0-0-05.8 and properties being more particularly described as Exhibit "A" attached hereto and incorporated herein in full reference, located at Undeveloped Property at the end of Marion Drive (South Side) Somerset, Kentucky, and having PVA Parcel # 049-0-0-05.8.
- 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 - SEPTEMBER 10, 2024

SECOND READING

Approved: _____
 Mayor

Attest: _____
 City Clerk

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

CASE NO.

APPLICANTS: Turpen Properties, LLC and Eagle Creek Development, LLC

For recording purposes,
 Attached hereto are the pictures involved in the Zone Change for
 Thurman Road
 Somerset, Kentucky
 PVA Parcel 049-0-0-042

Party One City of Somerset, Planning & Zoning Commission P.O. Box 980 Somerset, Kentucky, 42502	Party Two Turpen Holdings, Inc P.O. Box 1478 Somerset, Kentucky, 42502
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Local below are the parties involved in the Zone Change for
 Marion Drive
 Somerset, Kentucky
 PVA Parcel 049-0-0-05.8

Party One City of Somerset Planning & Zoning Commission P.O. Box 980 Somerset, Kentucky, 42502	Party Three Eagle Creek Properties, LLC 450 Old Falls Road Somerset, Kentucky, 42502
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The Planning and Zoning Commission having heard testimony at a public hearing conducted before the Commission on the 27th day of August 2024 and based on the evidence presented, the Planning and Zoning Commission enters the following FINDINGS OF FACT, CONCLUSIONS AND MAP AMENDMENT

FINDINGS OF FACT

Turpen Holdings, Inc. is the owner of record of a 6.80 acre in the City of Somerset bounded on the west by Thurman Road and on the east by Marion Drive.
 It being that tract of land conveyed to Turpen Holdings, Inc., by deed of conveyance dated the 5th of August 2023 and of record in Deed Book 889 Page 071.
 The parcel is zoned B-2 (Highway Oriented Commercial).
 The future use for the tract as shown on the current planned use map is Commercial.
 The land is vacant, with a small aspect of trees on the north and south field on the south side of PVA Parcel 049-0-0-042.

Eagle Creek Properties, LLC is the owner of record of a 10.36-acre in the City of Somerset bounded on the west by the undeveloped right-of-way of Marion Drive.
 It being that tract of land conveyed to Eagle Creek Properties, LLC, by deed of conveyance dated the 2nd of December 2022 and of record in Deed Book 1063 Page 088. The tract is shown on plan of record in Plat Cabinet G State 2273 and is titled Taylor Family Acres, LLC (Consolidation of Parcels 1 & 3).

The parcel is zoned A-1 (Agricultural).
 The tract is at the southeast of the developed section of Marion Drive. Access runs Marion Drive via the undeveloped right-of-way that runs along the west side of the tract.
 The future uses for the tract as shown on the current planned use map is Commercial.

The petitioner owns the tract as the west, and have developed the tract with commercial purposes, namely in the grocery area. The south portion of this tract (2.55-acre) is leased to an adjoining business. None of the needs that serve this tract intersect the undeveloped right-of-way of Marion Drive.

The north portion (RD-4-acre) of the land is vacant, with a seven field.
 The south portion (2.55-acre) is developed with a gravel yard that is fenced. It is leased to Curtis Quintana Barrera, who leases a building on the adjoining tract to the west, a portion of PVA Parcel 049-0-0-04.
 It is PVA Parcel 049-0-0-05.8

The two parcels above are adjoining a tract or portion of a tract for the benefit of a purchaser (City Development).

The owners of the Turpen Tract and 8.04 acres of the Eagle Creek Tract are asking that those tracts be rezoned to Medium Density Residential (B-3). A report that the remainder of the Eagle Creek Tract be rezoned to B-1 (Neighborhood Commercial) is also under consideration by the Planning and Zoning Commission and addressed in this document.

The adjoining land owners are:

- Parcel 049-0-0-32, Thurman Road, Larry Russell Light, B-2 (North of Turpen)
 - Parcel 049-0-0-36, 200 Marion Drive, Heidi Jen Bottom, B-2 (North of Turpen)
 - Parcel 049-0-0-42, 217 Marion Drive, Gary & Shikese Taylor, A-1, (East of Turpen, North of Eagle Creek)
 - Parcel 049-0-0-05, 215 Marion Drive, Melody Taylor, A-1 (East of Turpen, North of Eagle Creek)
 - Parcel 049-0-0-03, 75 Carl Floyd Rd, Polk County Fair Board, Inc, B-2 (East of Eagle Creek)
 - Parcel 049-0-0-45.4, Thurman Road, JAL Holdings, LLC, Small Parcel A-1, remainder unimproved, (South of Eagle Creek)
 - Parcel 049-0-0-04, 10 Ke Noah's Way, Eagle Creek Properties, LLC, B-2 (West of Eagle Creek)
 - Parcel 049-0-0-04.1, 50 Samandy Way, Polk County Parcel Court, B-2, (South of Turpen, West of Eagle Creek)
 - Parcel 049-0-0-38, 1285 West Hwy 40, University 1, LLC, I-1, (West of Turpen)
 - Parcel 049-0-0-11.1, Thurman Road, Eagle Creek Properties, LLC, B-2, (West of Turpen)
 - Parcel 049-0-0-31.1, 100 Chapel Dr 7, Somerset Gateway Properties, LLC, B-2, (West of Turpen).
- The majority of adjoining properties are zoned B-2, with those to the north being used as residences. As such, they are legal nonconforming. These parcels use one common, up to the point they are used as a principal use outlined in the City of Somerset Zoning Ordinance. After that they cannot remain as a residential use. The adjoining use nearby uses are varied, with the fire station to the east, and Rescue Squad (Office south of Turpen and west of Eagle Creek). There are large vehicle storage areas and a driveway on the west side of Thurman Road. The large vacant tract south of the storage is zoned Light Industrial (I-1). As stated under Citrus Uniform Services forms the south portion of the Eagle Creek Tract and adjoining tract.

The zoning for the proposed care plan is consistent with existing facility and memory care facility in the Turpin Tract, and independent senior living residences on the north portion of the Eagle Creek Tract. It will be somewhat similar to the Northwood and the adjoining residences, care facilities.

An assisted living facility and a memory care facility are considered to be residential structures. The zoning ordinance specifically locates any assisted living facility and memory care facility (specialized skilled nursing facility) in a B-3 zone and also requires a Conditional Use Permit. Along with assisted living facility and nursing home, hospital and care homes, are allowed in a B-3 with conditional use. (Nursing homes are a principal use in B-1. Hospitals are a principal use in B-2)

Multi-family residential buildings are a principal use in B-3 zones.

The future use of the property is commercial.

The hopes close these properties, due to their location, on the west side of town, in somewhat close proximity to the hospital and medical offices and close to the hospital. (17 miles). He looked at several tracts along the Southwestern Express Corridor but preferred this location.

There are several tracts that meet the criteria for the proposed use and none are closer than the subject that are in a residential zone or tract where no use is established. Turpin Rental Tract, principal William Turpin stated that he had no interest in the property, and he purchased in 2011.

For the south portion of the Eagle Creek Tract, there are basically three options for potential uses that would allow a conditional use, B-2, B-3, or I-1. A discussion was held within the Planning and Zoning office as to whether the tract and 30' or North's Lane should be rezoned to I-1, or the B-3 use tract to B-2, to match the current zoning of 30' North's Lane.

The future use for the tract as shown on the current planned map is Commercial.

The end user of the proposed B-3 tracts of the property is assumed, from a discussion, with David Thompson, speaks at length, stating that this is a need for the proposed use, and provided the current occupancy in the subject assisted living facility in Somerset, which were at the 97% plus occupancy range. He further stated that he had planned to develop in Somerset in 2020 but delayed doing so until after Hingham Senior Living is completed and open to the use.

Note: The tract for Hingham Senior Living was bought in 2016. The building was completed in 2021. Hingham Senior Living was developed on a B-2 tract in Medford West. The tract was not rezoned and the subject of a Board of Adjustments Meeting (not a conditional use board).

No adjoining property owners or others spoke on the matter during the public hearing. Ross Christensen of Design Group, owner, AEC Engineering, fielded many questions pertaining to the physical characteristics of the planned development from the commission.

Eagle Creek Properties, LLC, Member, Rob McAlpin spoke on behalf of the south portion of the Eagle Creek Properties tract, asking that it be rezoned to B-3, which conforms with the Urban Use. No adjoining property owners or others spoke on the matter during the public hearing.

CONCLUSION

Turpin Rental Tract

179-0-042

The Turpin Rental Tract is under consideration for B-3 zoning.

The Turpin Rental Tract, if rezoned, will be improved with an Assisted Living Facility, and a Memory Care Facility (new buildings). The Memory Care Facility is specifically designed for those with dementia and Alzheimer's who require more specialized care and attention. The Assisted Living Facility is for people who need help with daily care, but not as much help as a nursing home provides. Assisted living residents usually live in their own apartments or rooms and share common areas. They have access to many services, including up to three meals a day, assistance with personal care, help with medications, housekeeping, and laundry, 24-hour supervision, security, and on-site staff, and social and recreational activities. This type of property is considered to be residential, due to the limited care provided by the staff, but basically operates as a commercial endeavor, due to the staffing and the limited care provided by the staff. An assisted living facility is considered as a transition step between independent living and extended care facilities (skilled nursing facilities) (Principal use in B-1), on the other side of the spectrum of residential housing typically categorized with B-3 type housing (apartments buildings with more than three units). The plan cover of the Hingham Senior Living facility in a B-2 zone has not impacted its occupancy, as it was at 97% when completed by the end use (Christensen). One could argue that the Assisted Living Facility is more residential in nature rather than residential on the existing use.

operation is somewhat similar to skilled nursing facilities, hotels, and resorts, all principal uses in the Business Zoning.

Due to these factors, it is felt that the proposed use(s) would be suitable in a Commercial Zone, and the use would in essence fulfill the planned use. One of the other assisted living facilities in Somerset was developed on a corner tract (The Neighborhood) with a conditional use. This was developed prior to the current zoning ordinance. The Highlands at our North Cove in a residential zone, and Greenwood Assisted Living in an South Hingham Drive and is located in an I-1 zone. Both of these were developed prior to the current ordinance as well. The proposed use fits with the predominant use of the adjoining properties to the north (residential) though they are zoned commercial. As such, it is felt that the present uses are inappropriate. The tract in the immediate area is to stay residential, in defiance of current zoning. Furthermore, it is felt that the proposed improvements would fit in the area, as a transition between the residential to the north and commercial to the south, and because of this, the B-3 zone is appropriate for the Turpin Rental Tract, in this instance, given the nature of the proposed improvements, which though classified as residential, seem to be a mixed use of commercial and residential.

Eagle Creek Properties, LLC, (South Portion)
A portion of PVA Parcel 049-0-045-B

This portion of the Eagle Creek Properties, LLC tract is under consideration for B-3 zoning. The tract is situated near the developed portion of Mason Drive at the northwest corner. Access over Mason Drive would be via the undeveloped portion of Mason Drive that shares the west property line of this tract. The tract does not have frontage along a developed road.

The tract is zoned A-1 (Aggriculture).

The lack of infrastructure (roads) has limited the potential use.

The development of this tract as an accessory use of the adjoining Turpin Rental Tract is one of the potential purposes of development. One would be the outright purchase by a third party for use in the commercial sector. Mason Drive as developed is a departure to the west of developments due to its limited width and load bearing capacity.

(The other two would be the continued development by Eagle Creek Development from the west) and development from the south by the adjoining owner. This is unlikely given the extension of the

adjoining use by Eagle Creek Properties for its current (Crisis Uniform Services), which would probably limit the development of Mason Drive from the south.

It is felt that the planned use in the Commercial Sector is possible, but not in the near future, given the availability of other tracts in the city with better accessibility and infrastructure. The proposed use in the B-3 zoning as independent living in the same sector dovetails nicely with the Assisted Living Facility and Memory Care Facility on the Turpin Tract.

Due to these factors, it is felt that the present use of the planned tract are inappropriate, given the infrastructure at lack thereof. It is felt that the proposed use is more appropriate, due to the planned development on the adjoining tract and the continued use of the adjoining properties to the north in the residential sector rather than their present zone (B-2).

Eagle Creek Properties, LLC, (South Portion)
A portion of PVA Parcel 049-0-045-B

This portion of the Eagle Creek Properties, LLC tract is under consideration for B-3 zoning.

The tract is the south portion of the Eagle Creek Properties, LLC. This tract is situated on the undeveloped portion of Mason Drive that abuts the west property line of this tract. The tract does not have frontage along a developed road.

The tract is zoned A-1 (Agriculture).

The petitioner has extended a gravel drive from the original tract owned by Crisis Uniform Services to this tract. The present use is an accessory use in the B-2 and B-3 zones and a principal use in the I-1 Zone.

The petitioners have been asked to rezone the B-3 zone in this instance.

The rezoning of the original Crisis Uniform Services tract and this tract to the I-1 zone was discussed but would allow petitioners that would not compromise the zoning proposition. The rezoning of the property to match the original Crisis Uniform Services tract (B-2) would allow the development of the tract with self-storage with a conditional use permit. It is felt this possibility need not happen with the development of the north portion with Independent Source Living.

The B-3 zone conforms to the planned future use of the tract per the petitioners comprehensive plan and as stated earlier, is an accessory use in the B-3 Zone.

It is noted that one would state that such uses are appropriate for the Single Level Properties tract. The north portion should have been zoned prior to the development of the parcel map along with the rest of the tract as Business. Due to the fact that the land is owned by the same person who developed the property, and along with the Truett Rental Units, so they can be developed into an Assisted Living Facility, a Memory Care Facility, and Independent Senior Living. While the latter two are classified as residential, they are clearly a mixture of commercial and residential uses, due to the existing requirements, to meet the needs of the residents, and the use by the residents. It is felt that this is another example of the need to develop a zone with mixed commercial and residential uses, or expand the R-3 zone with more residential uses. Mixed uses or residential uses are allowed in General Business District (B-1).

RECOMMENDED MAP AMENDMENTS

Truett Rental Units
 049-0-0-05.2

It is hereby recommended by the Commission that the map amendment be granted, having met the requirements of KRS 100.213 (1)(b), that the present zoning is inappropriate and the requested zone is appropriate and that for the tract should be rezoned to Medium Density Residential (R-3).

Eight Lark Properties, LLC, (North Portion-049-0-0-05.2)
 A portion of 049-0-0-05.2

It is hereby recommended by the Commission that the map amendment be granted, having met the requirements of KRS 100.213 (1)(b) that the present zoning is inappropriate and the requested zone is appropriate and that for the tract should be rezoned to Medium Density Residential (R-3).

Single Level Properties, LLC, (South Portion - 05.2 area)
 A portion of 049-0-0-05.2

It is hereby recommended by the Commission that the map amendment be granted, having met the requirements of KRS 100.213 (1)(b) that the zoning is inappropriate and the requested zone is appropriate and that for the tract should be rezoned to Single Level Properties, LLC, (South Portion - 05.2 area) of B-3.

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

DONE AND ORDERED this 29th day of August 2024

 Chairman, Planning and Zoning Commission
 City of Evansville

 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

First reading was given the following Ordinance Number 24-27: 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 049-0-0-05.8 (NORTH SIDE) FROM A-1 TO R-3.

ORDINANCE NO. 24-27

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 as follows:

- I. By changing a boundary of land presently zoned A-1 to R-3, and properties being more specifically described as follows: A' attached hereto and incorporated herein in full by reference, located at Undeveloped Property at the end of Marian Dr (North Side), Somerset, Kentucky and having PVA Parcel - 049-0-0-05.R
- II. The City Clerk of the City of Somerset, Kentucky is hereby authorized to alter the Zoning Map to reflect said change.
- III. This Ordinance shall be in full force and effect from and after adoption and publication according to law.

FIRST READING: SEPTEMBER 9, 2024

SECOND READING:

Approved: _____
Mayor
Attest: _____
City Clerk



First reading was given the following Ordinance Number 24-28: 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 049-0-0-04.2 FROM B-2 TO R-3.

ORDINANCE NO. 24-28

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 as the following manner:

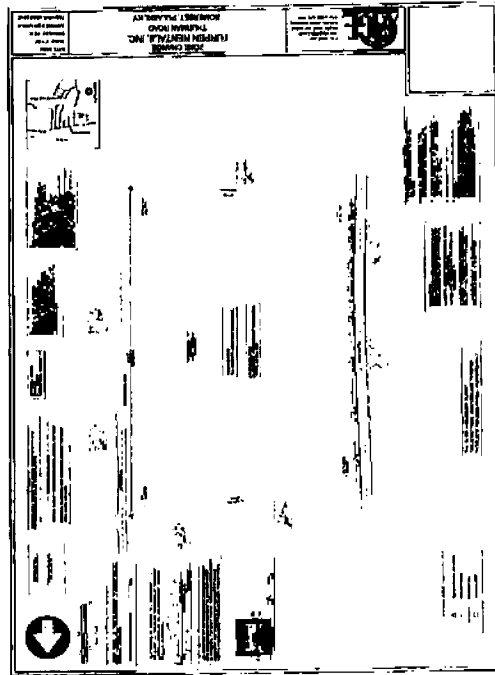
- I. By changing a boundary of land presently zoned B-2 to R-3, and properties being more particularly described as follows: "A" attached hereto and incorporated herein in full by reference, located at Undeveloped Property on Thurman Rd. Somerset, Kentucky, and having PVA Parcel # 049-0-0-04.2
- II. 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: SEPTEMBER 9, 2024

SECOND READING: _____

Approved: _____
Mayor

Attest: _____
City Clerk



There being no further business the meeting was adjourned at 6:39 p.m.

APPROVED: _____

MAYOR

ATTEST: _____

CITY CLERK