

ORDINANCE NO. 03- 10

AN ORDINANCE AMENDING ORDINANCE NO. 00-18, KNOWN AS THE ZONING ORDINANCE AND ALTERING THE ZONING MAP, BY CHANGING A BOUNDARY OF LAND NOW ZONED R-1 TO B-2.

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, be and the same is hereby amended by altering the Zoning Map in the following manner:

- I. By changing the following boundary of land being zoned R-1 to B-2.

A certain tract of parcel of land located on east side of US Highway 27 in Pulaski County, Kentucky, approximately 0.1 mile from the junction of US Highway 27 and KY Highway 1577.

Beginning on an iron pin set on the east side of Linda Lane right of way and on the south side of the Joy Drive right of way, said pin being a new corner to WBW Investments (Deed Book 636, Page 515); thence with new line of WBW Investments North 72 degrees 49 minutes 33 seconds East for a distance of 50.00 feet to an iron pin set; thence continuing with the new line of WBW Investments North 23 degrees 37 minutes 12 seconds West for a distance of 326.33 feet to an iron pin set; thence continuing with the new line of WBW Investments North 80 degrees 39 minutes 10 seconds East for a distance of 477.84 feet to an iron pin found, said pin being a corner to G & W Host, Inc. (Deed Book 569, Page 693); thence with the line of G & W Host, Inc., South 04 degrees 57 minutes 22 seconds West for a distance of 400.00 feet to an iron pin found; thence continuing with the line of G & W Host, Inc., South 85 degrees 02 minutes 38 seconds East for a distance of 330.60 feet to an iron pin set, said pin being a common corner to G & W Host, Inc., to McAlpin Hall Car Lot (Deed Book 463, Page 518 and Deed Book 600, Page 385), and to Crista

Correll (Deed Book 588, Page 553); thence with the line of Crista Correll South 69 degrees 02 minutes 22 seconds West for a distance of 208.00 feet to an iron pin set; thence continuing with the line of Crista Correll South 16 degrees 51 minutes 35 seconds East for a distance of 372.63 feet to an iron pin set on the north side of KY Highway 1577 right of way; thence with the north right of way of KY Highway 1577 South 69 degrees 45 minutes 24 seconds West for a distance of 146.22 feet to a PK nail set on said right of way; thence continuing with said right of way South 19 degrees 52 minutes 16 seconds East for a distance of 9.00 feet to a PK nail set; thence continuing with the right of way South 69 degrees 06 minutes 49 seconds West for a distance of 213.81 feet to a PK nail set on the north right of way of KY Highway 1577, said PK nail also being on the east right of way of Linda Lane; thence with the east right of way of Linda Lane North 23 degrees 37 minutes 12 seconds West for a distance of 657.05 feet to an iron pin set on the East side of Linda Lane right of way, which is the point of beginning and having an area of 8.5444 acres as surveyed by Bobby Hudson, LPLS 1253 on 12/06/2002.

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

- 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.

FIRST READING: June 9, 2003

SECOND READING: June 23, 2003

APPROVED:

J.P. Wilks
MAYOR

ATTEST:

[Signature]
CITY CLERK

JAY McSHURLEY

Lawyer

126 North Maple Street
P.O. Box 1827
Somerset, Kentucky 42501
E-Mail: jmcshurley@aol.com

JAY McSHURLEY

LL.M. Taxation
Certified Financial Planner™
Also admitted in Indiana

606/677-9014
606/677-0138

MELODY M. SIMPSON

SSD/SSI
Disability Claimant's Representative

Facsimile
606/677-0142

June 18, 2003

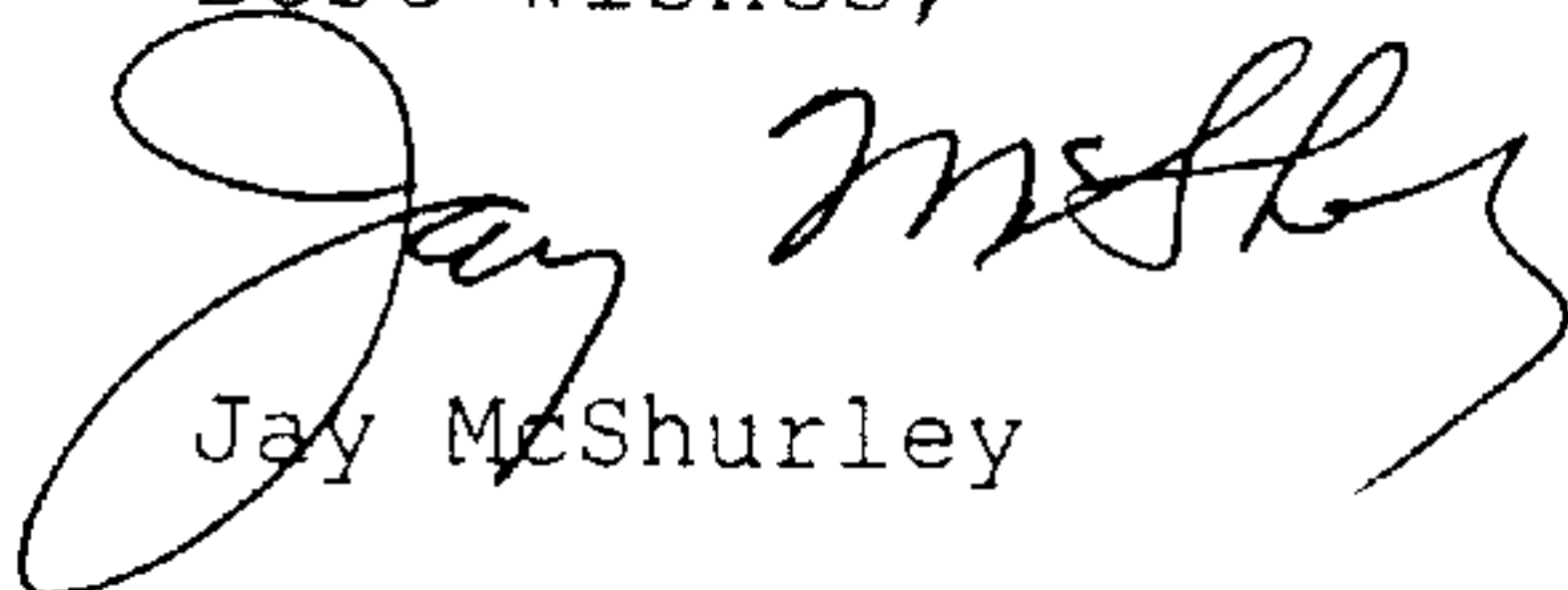
Joe Travis
P. O. Drawer 30
Somerset, KY 42502

RE: **ZONE CHANGE ON PROPERTY BEHIND LANDMARK INN**

Dear Joe:

This letter is to confirm with you that the owners of the 8½ acres of land located behind the Landmark Inn have agreed to erect a solid vinyl 8' fence before any development begins. Also, miniature trees will be planted on the west side of the fence as a sound barrier before development begins. Finally, the restrictions stated herein will be placed in the deed from the current property owners to the developers so that these requirements will be permanent and future owners will be required to maintain the fence and trees. If you have any other questions, please contact me at your convenience.

Best wishes,



Jay McShurley

JM/cw

cc: J. P. Wiles
Linda Stepp

C: jay\PERSONAL\Travis.ltr

JAY McSHURLEY

Lawyer

126 North Maple Street
P.O. Box 1827
Somerset, Kentucky 42501
E-Mail: jmcshurley@aol.com

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Disability Claimant's Representative

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April 28, 2003

3

Mayor J.P. Wiles
City of Somerset
P.O. Box 989
Somerset, Kentucky 42502

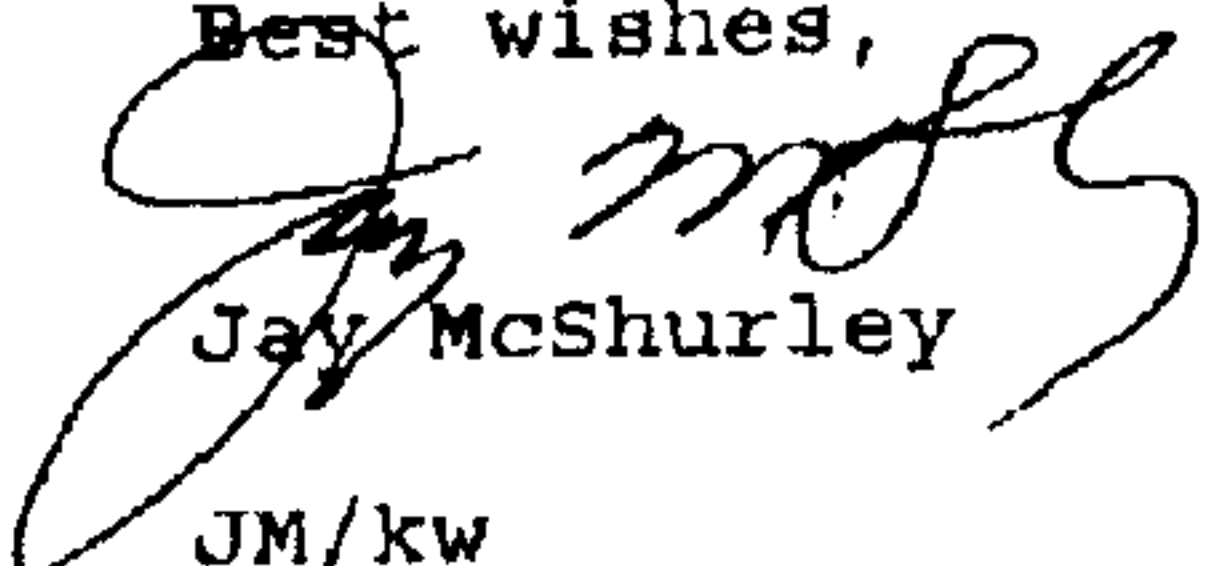
RE: SOMERSET PLANNING COMMISSION'S ZONE CHANGE DENIAL

Dear Mayor Wiles:

This letter is to notify you that I am going to appeal from the denial of a zone change which I made before the Somerset Planning Commission which was denied on April 22, 2003. This appeal is intended to be made to initiate an appeal to the City Council of Somerset, Kentucky. I am unaware of any findings of fact or conclusions of law issued by the Somerset Planning Commission with respect to the denial of the requested change. The requested change was from the present R-1 to B-2 and affects 8.5444 acres located on Oak Hill Road and behind the Landmark Inn Motel. Please notify me as to the City Council meeting at which this appeal will be heard.

Thank you for your cooperation.

Best wishes,



Jay McShurley

JM/kw

cc: Robert Newby, Chairman, Somerset Planning & Zoning Commission
Dan Yeast, Somerset Planning Commission Attorney
Joe Travis, Somerset City Attorney

my copy

FINDINGS OF FACT AND RECOMMENDATION TO DENY A
REQUEST FOR A ZONE CHANGE FILED BY JAY MCSHURLEY,
JACOB GARNER, BETTY GARNER AND ROY GARNER

This matter came before the Somerset Planning and Zoning Commission (hereinafter "Commission") on March 7, 2003 for a zone map amendment or zone change. The applicants, owners of the property, were Jay McShurley, Jacob Garner, Betty Garner and Roy Garner. The request was to change the zoning classification for a piece of undeveloped property from R-1 to B-2. A legal description of the property is attached hereto as Exhibit "A" and is incorporated as if fully reprinted herein. The proposed use for the property is business.

The findings necessary for a proposed map amendment are stated in KRS 100.213 (1)(a)(b):

- (1) Before any map amendment is granted, the planning commission or the legislative body or fiscal court must find that the map amendment is in agreement with the adopted comprehensive plan, or, in the absence of such a finding, that one or more of the following apply and such finding shall be recorded in the minutes and records of the planning commission or the legislative body or fiscal court:
 - (a) That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate; or
 - (b) That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.

To begin analyzing the merit of this application it is necessary to determine if the requested change is in conformity with the 2000 Comprehensive Plan. It is not.

The Comprehensive Plan recommends that this property remain residential. Additionally, the Comprehensive Plan speaks on the issue of residential property within the city limits. "[T]here is little undeveloped or vacant land remaining in the city limits. The conversion of residential land combined with the lack of residential land can create a situation where

Somerset's residential population will stagnate or even decline due to a lack of residential land for development." (2000 Comprehensive Plan, pg. 75)

As the applied use change is not in conformity with the Comprehensive Plan, the burden rests with the applicant to demonstrate that the current zoning classification is inappropriate and that the proposed zoning classification is appropriate or that there have been major changes of an economic, physical, or social nature within the area which were not anticipated in the Comprehensive Plan and which have substantially altered the basic character of such area. Our analysis will now turn to the issue of whether the applicants have been able to demonstrate either of the foregoing.

One of the applicants for this request is a local lawyer, Jay McShurley. The applicants at the hearing were not prepared to comply with any portion of KRS 100.213(1). In fact, the applicants were not familiar with the statute. (Planning and Zoning minutes, March 25, 2003, pg. 7)

Applicant was asked how is the current zoning status inappropriate and why is the proposed zoning classification appropriate. Applicant replied that residential zoning is not the highest and best use for the property and that a commercial zoning would increase the tax base for the city. Applicant made no other arguments. (Planning and Zoning minutes, March 25, 2003, pg. 7)

There were several residents of the neighborhood adjacent to the property in question. Residents voiced the usual concerns of safety, increased traffic flow, and the general overall need to preserve the serenity of the neighborhood. The residents also introduced a petition with sixty-seven signatures on it opposing the zone change.

Essentially, applicants argument is that there should be a zone change as it would allow for a greater profit margin for them on the use of the property. Applicant is unable to demonstrate that the current zoning is inappropriate. Profit margin should not be the sole determining factor on how property should be used.

Moreover, applicant does not refute the worries of the adjacent residents. There would be increased traffic flow, noise, and light all related to developing and operating commercial property.

Likewise, applicants argue that there have been major economic, physical, or social changes that would warrant a map amendment. The current plan was adopted was adopted in 2000. This area has simply not

changed that much during this time. In fact, the adjacent neighborhood, by all accounts, has been a pleasant and peaceful neighborhood for years.

Based upon the foregoing, the Commission sees no reason to change the zoning characteristics of this property and recommends to the City Council that applicants' request be denied.

Chairperson, Robert Newby

Vicky Davidson

James Buchanan

Jim Dorsey

Earl Duff

Mary Stringer

Mark Vaught

APPLICATION FOR ZONING AMENDMENT/DEVELOPMENT PLAN APPROVAL
TO THE
SOMERSET PLANNING COMMISSION

APPLICATION NO. 03-03

THE UNDERSIGNED OWNER(S) OF THE FOLLOWING LEGALLY DESCRIBED PROPERTY
REQUEST THE CONSIDERATION OF CHANGE IN ZONING DISTRICT CLASSIFICATION
APPROVAL OF DEVELOPMENT PLAN AS SPECIFIED BELOW:

1. NAME OF APPLICANT Jay McShirley
MAILING ADDRESS P.O. Box 1827 Somerset Ky 42502
PHONE NUMBER (HOME) _____ (BUSINESS) 606-677-9014
PROPERTY OWNER Jay McShirley, Jacob V Garner, Betty J. Garner, & Roy Garner
2. LOCATION DESCRIPTION Hwy 27
3. EXISTING USE Undeveloped Land
PROPOSED USE Develop for Business
4. PRESENT ZONING DISTRICT R-1
5. PROPOSED ZONING DISTRICT B-2

SUPPORT INFORMATION: ATTACH THE FOLLOWING ITEMS TO THE APPLICATION:

- A. A VICINITY MAP SHOWING PROPERTY LINES, STREETS, AND EXISTING PROPOSED ZONING.
- B. A LIST OF ALL PROPERTY OWNERS AND THEIR MAILING ADDRESSES WITHIN, CONTIGUOUS TO, AND DIRECTLY ACROSS THE STREET FROM THE PROPOSED REZONING.
- C. FEES AS REQUIRED
- D. LEGAL DESCRIPTION

DATE 3-7-03 APPLICANT SIGNATURE Jay McShirley

FOR OFFICIAL USE ONLY
PLANNING COMMISSION

DATE FILED _____ DATE OF NOTICE IN NEWSPAPER _____
DATE OF NOTICE TO PROPERTY OWNER _____
DATE OF PUBLIC HEARING _____ FEES PAID _____
RECOMMENDATION OF PLANNING COMMISSION: APPROVAL _____ DENIAL _____
REASON FOR RECOMMENDATION _____

DATE _____ PLANNING COMMISSION CHAIRMAN _____

FOR OFFICIAL USE ONLY
(LEGISLATIVE AUTHORITY)

DATE OF RECOMMENDATION RECOMMENDED _____
ACTION BY LEGISLATIVE AUTHORITY: APPROVED _____ DENIAL _____
IF DENIED, REASON FOR DENIAL _____

DATE _____ CLERK _____

NOTE: THREE COPIES OF THIS FORM AND SUPPORTING INFORMATION MUST BE FILED WITH THE SOMERSET PLANNING COMMISSION. APPLICATION MUST BE RETURNED TO THE OFFICE OF CODE ENFORCEMENT TWO WEEKS PRIOR TO MEETING DATE.

**PUBLIC HEARING
SOMERSET PLANNING COMMISSION
ZONE CHANGE**

AT THE REQUEST OF Jay McSHURLEY, A PUBLIC
HEARING WILL BE HELD AT THE SOMERSET CITY HALL, 400 EAST MT
VERNON STREET, SOMERSET KY (COUNCIL CHAMBERS) ON
MARCH 25, 2003 AT 6:30p.m. FOR THE PURPOSE OF
REZONING PROPERTY ON HWY 27 FROM THE PRESENT
R-1 TO B-2

A LEGAL DESCRIPTION IS AS FOLLOWS:

A certain tract of parcel of land located on east side of US Highway 27 in Pulaski County, Kentucky, approximately 0.1 mile from the junction of US Highway 27 and KY Highway 1577.

Beginning on an iron pin set on the east side of Linda Lane right of way and on the south side of the Joy Drive right of way, said pin being a new corner to WBW Investments (Deed Book 636, Page 515); thence with the new line of WBW Investments North 72 degrees 49 minutes 33 seconds East for a distance of 50.00 feet to an iron pin set; thence continuing with the new line of WBW Investments North 23 degrees 37 minutes 12 seconds West for a distance of 326.33 feet to an iron pin set; thence continuing with the new line of WBW Investments North 80 degrees 39 minutes 10 seconds East for a distance of 477.84 feet to an iron pin found, said pin being a corner to G & W Host, Inc. (Deed Book 569, Page 693); thence with the line of G & W Host, Inc., South 04 degrees 57 minutes 22 seconds West for a distance of 400.00 feet to an iron pin found; thence continuing with the line of G & W Host, Inc., South 85 degrees 02 minutes 38 seconds East for a distance of 330.60 feet to an iron pin set, said pin being a common corner to G & W Host, Inc., to McAlpin Hall Car Lot (Deed Book 463, Page 518 and Deed Book 600, Page 385), and to Crista Correll (Deed Book 588, Page 553); thence with the line of Crista Correll South 69 degrees 02 minutes 22 seconds West for a distance of 208.00 feet to an iron pin set; thence continuing with the line of Crista Correll South 16 degrees 51 minutes 35 seconds East for a distance of 372.63 feet to an iron pin set on the north side of KY Highway 1577 right of way; thence with the north right of way of KY Highway 1577 South 69 degrees 45 minutes 24 seconds West for a distance of 146.22 feet to a PK nail set on said right of way; thence continuing with said right of way South 19 degrees 52 minutes 16 seconds East for a distance of 9.00 feet to a PK nail set; thence continuing with the right of way South 69 degrees 06 minutes 49 seconds West for a distance of 213.81 feet to a PK nail set on the north right of way of KY Highway 1577, said PK nail also being on the east right of way of Linda Lane; thence with the east right of way of Linda Lane North 23 degrees 37 minutes 12 seconds West for a distance of 657.05 feet to an iron pin set on the East side of Linda Lane right of way, which is the point of beginning and having an area of 8.5444 acres as surveyed by Bobby Hudson, LPLS 1253 on 12/06/2002.

PROPERTY KNOWN AS Hwy 27

CERTIFICATE OF COMMISSION SECRETARY

I, SHERRI POYNTER, DO HEREBY CERTIFY THAT NOTICE OF THE PUBLIC HEARING FOR THE

PROPOSED ZONE CHANGE AT THE REQUEST OF Jay McShirley

FOR THE PROPERTY LOCATED ON Hwy 27 ON March 25, 2003

AT 6:30p.m. HAS BEEN MAILED BY FIRST CLASS MAIL FOURTEEN (14) DAYS IN ADVANCE OF

THE HEARING PURSUANT TO KRS 100.212. SAID NOTICES WERE MAILED TO THE FOLLOWING

ADJACENT PROPERTY OWNERS:

Mr. & Mrs. Allen Barnett
206 Ohio St
Somerset Ky 42501

Mr. & Mrs. Adrian Roth
152 Arlen Dr
Somerset Ky 42503

Ms. Linda Stepp
106 Linda Ln
Somerset KY 42503

Mr. & Mrs. Allen Branscum
104 Linda Ln
Somerset KY 42503

Mr. Albert Muse
102 Linda Ln
Somerset Ky 42503

Ms. Glenda Blevins
140 Oak Hill Rd
Somerset Ky 42503

Mr. Bob McAlpin
McAlpin-Hall Motors
1257 S Hwy 27
Somerset Ky 42503

Mr. Doug Hall
McAlpin-Hall Motors
1257 S Hwy 27
Somerset KY 42503

Ms Christa Correll
C/O L.C. Shell
P O Box 430
Somerset Ky 42502

Southern Petroleum Inc
P O Box 803
Somerset Ky 42502

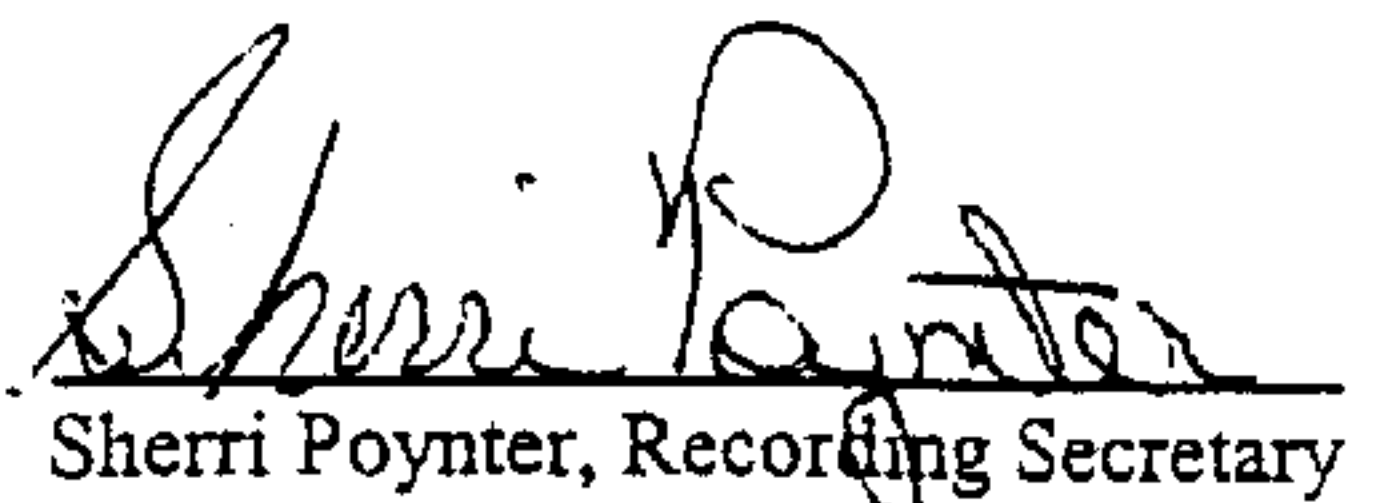
Mr. & Mrs. Brenton Hale
106 First St
Somerset Ky 42501

Mr. & Mrs. John Wilson
107 Bluebird Dr
Somerset Ky 42503

W.B.W. Investments
Attn. Cressel Thompson
P O Box 985
Somerset Ky 42502

Virginia Molden
Don Molden Pipe & Supply Inc
P O Box 816
Somerset Ky 42502

G & W Host, LLC
Attn: Jay McShurley
P O Box 1827
Somerset KY 42502


Sherri Poynter, Recording Secretary

We, the undersigned below, request that Zone Change # 0303 which is the land in front of Grandview Subdivision remain zoned as residential and NOT be zoned as business.

- | Name | Address |
|--------------------------|---------------------------------|
| 1. Allen Branscum | 104 Linda Ln., Somerset |
| 2. Emily Branscum | 104 Linda Ln. |
| 3. Albert Muse | 102 Linda Ln., Somerset |
| 4. Glene Kenham | 106 Virginia Ln., Somerset |
| 5. Albert Hall | 202 Joy Dr Somerset |
| 6. Robert Hall | 204 Joy Dr. Somerset, Ky 42503 |
| 7. Richard Tebor | 205 Joy Dr. Somerset, Ky 42503 |
| 8. Liki Phillippi | 207 Joy Dr. Somerset, Ky. 42503 |
| 9. Judy Johnson | 209 Joy Dr. Somerset, Ky 42503 |
| 10. Charles E. Hail | 216 Joy Drive Somerset Ky 42503 |
| 11. Elizabeth Ann Penney | 208 Joy Dr. Somerset, Ky 42503 |
| 12. Pat Hust | 214 Joy Dr. Somerset, Ky 42503 |
| 13. Lonnie Hust | 214 Joy Dr. Somerset, Ky 42503 |
| 14. Marie Gossers | 216 Joy Dr. Somerset, Ky 42503 |
| 15. David Gossers | 216 Joy Dr. Somerset Ky 42503 |
| 16. Daris Combs | 103 Linda Ln. Somerset Ky 42503 |
| 17. Launa Combs | 105 Linda Ln. Somerset Ky 42503 |
| 18. Ann Lewis | 101 Linda Ln. Somerset Ky 42503 |
| 19. Jennifer Linnine | 221 Joy Dr. Somerset Ky 42503 |
| 20. Mildred Cornett | 219 Joy Dr. Somerset, Ky 42503 |

We, the undersigned below, request that Zone Change # 0303 which is the land in front of Grandview Subdivision remain zoned as residential and NOT be zoned as business.

Name	Address
21. Joe Gasset	270 Jay Dr Somerset, N.Y.
22. Shellen Gasset	270 Jay Dr Somerset, N.Y.
23. Richmond Combs	205B Gill Somerset
24. Judy D. Mee	107A J. H. Dr. Somerset, N.Y.
25. Mike Mick	209 Gill D.
26. Betty White	214 Gill Dr Somerset
27. Bob White	214 Gill Dr. Somerset
28. Chuck Waters	217 Jill Dr. Somerset
29. Jane Waters	217 J. H. Dr. Somerset
30. Janet Waters	218 Jill Dr. Somerset
31. Bea Waters	218 Jill Dr. Somerset
32. Jayle Borders	111 Lisa Dr Somerset
33. Jeff Borders	111 Lisa Dr Somerset
34. Fred A. Adams	114 Lisa Dr Somerset
35. Chris Eastman	107 Lisa Dr. Somerset
36. Carol Eastman	107 Lisa Dr. Somerset
37. Tris A. Smith	218 Jylls. Somerset
38. Pat McCoy	206 Jay Dr Somerset
39. Jesse McCoy	206 Jay Dr. Somerset
40. Lona Hall	202 Jay Dr. Somerset

We, the undersigned below, request that Zone Change # 0303 which is the land in front of Grandview Subdivision remain zoned as residential and NOT be zoned as business.

- | Name | Address |
|---|---------|
| 41. <u>Dixie Hill 200 Jay Drive Somerset KY 42503</u> | |
| 42. <u>Joseph & Muriel 110 Linda Lane Somerset KY 42503</u> | |
| 43. <u>Paul & Sissy 224 Oak Hill Rd Somerset, KY 42503</u> | |
| 44. <u>Colleen A Bena 221 Oak Hill Rd Somerset, KY 42503</u> | |
| 45. <u>Jeri Johnson 190 Oak Hill Rd. Somerset, KY 42503</u> | |
| 46. <u>Virgie Barnes 105 Scenic View Dr Somerset Ky 42503</u> | |
| 47. <u>Joseph Baltimore 158 Oak Hill Rd Somerset Ky 42503</u> | |
| 48. <u>Bobby Burns 221 Jill Drive Somerset, Ky 42503</u> | |
| 49. <u>Don Pine 209 Debbie Ln Somerset, Ky 42503</u> | |
| 50. <u>Russell Pine 209 Debbie Ln Somerset, Ky 42503</u> | |
| 51. <u>Kathy Pine 205 Debbie Lane Somerset Ky 42503</u> | |
| 52. <u>Carrie Miracle 202 Debbie Lane Somerset, Ky 42503</u> | |
| 53. <u>Chris Miracle 202 Debbie Lane Somerset, Ky 42503</u> | |
| 54. <u>Chuck Eades 208 Debbie Lane Som 42503</u> | |
| 55. <u>Arita Eades " " " "</u> | |
| 56. <u>Carolyn Oney 106 Lisa Dr. Somerset, Ky 42503</u> | |
| 57. <u>Peggy L. Barnes 219 Jill Dr. Somerset KY 42503</u> | |
| 58. <u>William M. Hail 216 Jill Dr. Somerset, Ky 42503</u> | |
| 59. <u>Mrs. W.W. Correll 712 Correll St Somerset Ky 42503</u> | |
| 60. <u>W. Correll 712 Correll St Somerset Ky 42503</u> | |

We, the undersigned below, request that Zone Change # 0303 which is the land in front of Grandview Subdivision remain zoned as residential and NOT be zoned as business.

Name	Address
61. <u>Ronnie Barnes</u>	<u>219 Jill Dr. Somerset, Ky</u>
62. <u>Eva Branscum</u>	<u>354 Oak Hill Rd, Somerset Ky</u>
63. <u>Abbie Branscum</u>	<u>354 Oak Hill Rd Somerset Ky</u>
64. <u>Barbara Anderson</u>	<u>224 Jill Dr Somerset Ky</u>
65. <u>Wendell Minton</u>	<u>213 JOY DRIVE</u>
66. <u>HONNIE PILSTER</u>	<u>212 JOY DRIVE</u>
67. <u>Patty Buns</u>	<u>221 Jill Drive</u>
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03-10

APPLICATION FOR ZONING AMENDMENT/DEVELOPMENT PLAN APPROVAL TO THE SOMERSET PLANNING COMMISSION

APPLICATION NO. 03-03

OWNER(S) OF THE FOLLOWING LEGALLY DESCRIBED PROPERTY REQUESTING A REVISION OF ZONING DISTRICT CLASSIFICATION AND DEVELOPMENT PLAN AS SPECIFIED BELOW:

APPLICANT Jay McShirley
ADDRESS P.O. Box 1827 Somerset Ky 42502
PHONE (HOME) (BUSINESS) 606-677-9014
OWNER Jay McShirley, Jacob V Garner, Betty J. Garner, & Roy Garner
DESCRIPTION Hwy 27
Underdeveloped Land
Develop for Business
ZONING DISTRICT R-1
EXISTING ZONING DISTRICT B-2

ATTACH TO THE APPLICATION:
A. MAP SHOWING PROPERTY LINES, STREETS, AND EXISTING PROPOSED ZONING.

- B. A LIST OF ALL PROPERTY OWNERS AND THEIR MAILING ADDRESSES WITHIN, CONTIGUOUS TO, AND DIRECTLY ACROSS THE STREET FROM THE PROPOSED REZONING.
C. FEES AS REQUIRED
D. LEGAL DESCRIPTION

DATE 3-7-03

APPLICANT SIGNATURE

Jay McShirley

FOR OFFICIAL USE ONLY
PLANNING COMMISSION

DATE FILED DATE OF NOTICE IN NEWSPAPER
DATE OF NOTICE TO PROPERTY OWNER
DATE OF PUBLIC HEARING FEES PAID
RECOMMENDATION OF PLANNING COMMISSION: APPROVAL DENIAL
REASON FOR RECOMMENDATION

DATE PLANNING COMMISSION CHAIRMAN

FOR OFFICIAL USE ONLY
(LEGISLATIVE AUTHORITY)

DATE OF RECOMMENDATION RECEIVED
ACTION BY LEGISLATIVE AUTHORITY APPROVED DENIAL
IF DENIED, REASON FOR DENIAL

DATE CLERK

NOTE: THREE COPIES OF THIS FORM AND SUPPORTING INFORMATION MUST BE FILED WITH THE SOMERSET PLANNING COMMISSION. APPLICATION MUST BE RETURNED TO THE OFFICE OF CODE ENFORCEMENT TWO WEEKS PRIOR TO MEETING DATE.

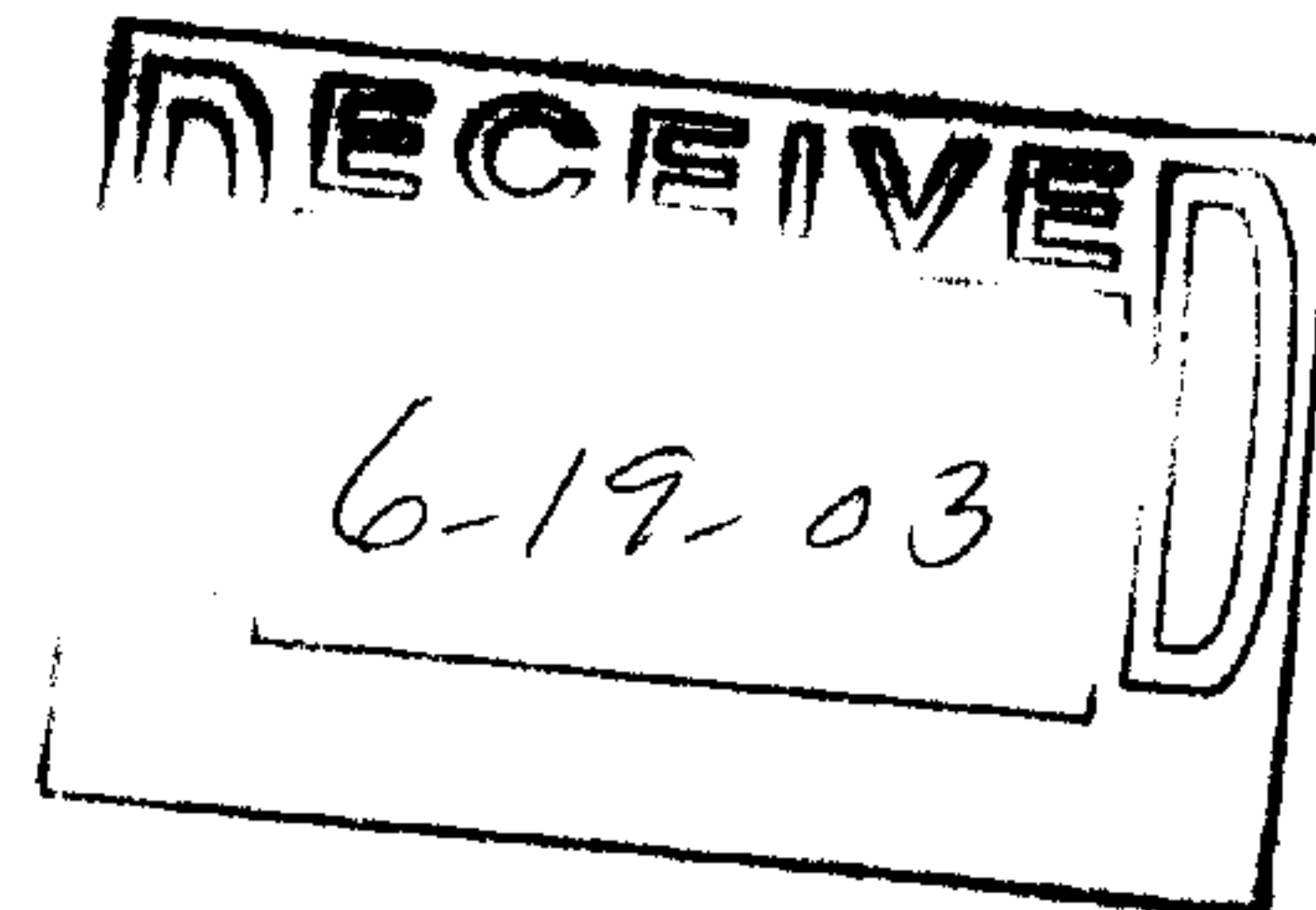
Zone Change
R-1 to B-2

Consolidated Subd

JAY McSHURLEY

Lawyer

126 North Maple Street
P.O. Box 1827
Somerset, Kentucky 42501
E-Mail: jmcsburley@aol.com



JAY McSHURLEY

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606/677-9014
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MELODY M. SIMPSON

SSP/SSI
Disability Claimant's Representative

Facsimile
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June 18, 2003

Joe Travis
P. O. Drawer 30
Somerset, KY 42502

RE: **ZONE CHANGE ON PROPERTY BEHIND LANDMARK INN**

Dear Joe:

This letter is to confirm with you that the owners of the 8½ acres of land located behind the Landmark Inn have agreed to erect a fence 8' in height before any development begins. Also, miniature trees will be planted on the west side of the fence as a sound barrier before development begins. Finally, the restrictions stated herein will be placed in the deed from the current property owners to the developers so that these requirements will be permanent and future owners will be required to maintain the fence and trees. If you have any other questions, please contact me at your convenience.

Best wishes,

A handwritten signature in black ink that reads "Jay McShurley". The signature is stylized with a large, sweeping initial "J" and "M".

Jay McShurley

JM/cw

cc: J. P. Wiles
Linda Stepp

cc: jay@PERSONAL-Travis.itr