

**ORDINANCE NO. 23-17**

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 **R-2** to **R-3**, said properties being more particularly described in Exhibit "A" attached hereto and incorporated herein in full by reference, located at **166 Griffin Ave**, Somerset, Kentucky, and having PVA Parcel # **061-8-1-66**.
- 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    OCTOBER 9, 2023

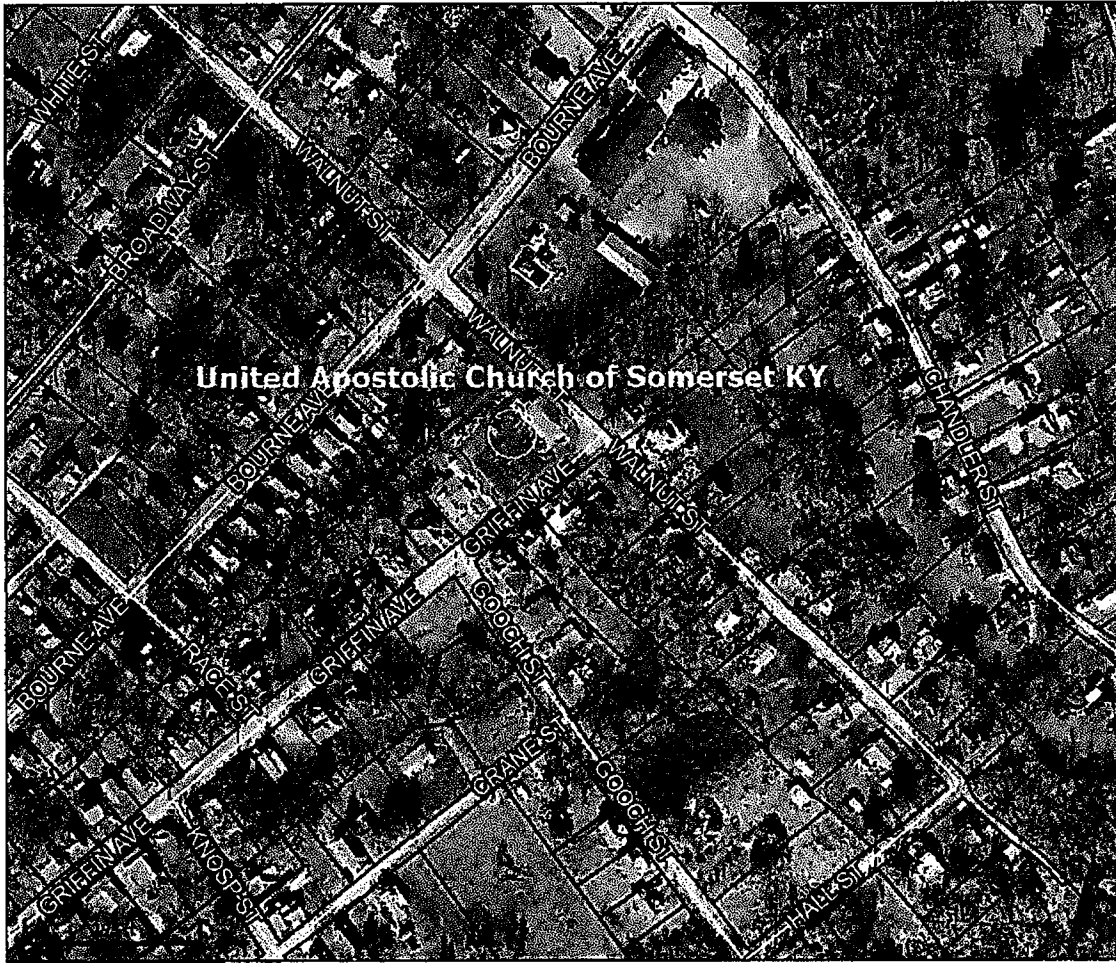
SECOND READING OCTOBER 23, 2023

Approved:

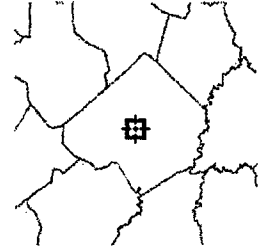
  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
City Clerk



Overview



Legend

- Parcels
- Roads
- Land hook

Parcel ID	061-8-1-66	Mailing	UNITED APOSTOLIC CHURCH OF	Total	\$65,000	Last 2 Sales			
Class	RELIGIOUS EXEMPT	Address	SOMERSET KY INC	Value		Date	Price	Reason	Qual
	PROPERTY		166 GRIFFIN AVE			1/24/2019	\$65000	E	U
Taxing	22		SOMERSET, KY 42501			4/15/1997	\$65000	E	U
District		Physical	166 GRIFFIN AVE						
Acres/Lot	1.0	Address	Somerset City						
Brief									
Tax Description	160X173 GRIFFIN AVE- CHURCH.								
	(Note: Not to be used on legal documents)								

Date created: 10/4/2023  
Last Data Uploaded: 10/3/2023 8:12:56 PM

CITY OF SOMERSET, KENTUCKY  
PLANNING AND ZONING COMMISSION

FINDINGS OF FACT,  
CONCLUSIONS AND RECOMMENDED MAP AMENDMENT

CASE NO: \_\_\_\_\_

RE: Zone Change: United Apostolic Church of Somerset, KY, Inc.

For Recording purposes,

Listed below are the parties involved in the Zone Change for:

166 Griffin Avenue  
Somerset, Kentucky  
PVA Parcel ID # 061-8-1-66

Party One

City of Somerset,  
Planning & Zoning Commission  
PO Box 989  
Somerset, Kentucky, 42502

Party Two

United Apostolic Church of Somerset, KY Inc  
166 Griffin Avenue  
Somerset, Kentucky, 42501

The Planning and Zoning Commission having heard testimony at a public hearing conducted before the Commission on the 26<sup>th</sup> day of September 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

United Apostolic Church of Somerset, KY Inc is the owner of record of certain tracts of land at 166 Griffin Avenue, per deed of conveyance dated the 24<sup>th</sup> of January 2019 and of record in Deed Book 991 Page 081. The present church was in place in 1972 based on historical aerials and a church has owned the property since 1958. There have been three denominations owning the property at various times, the Assembly of God, the Latter Day Saints, and the United Apostolic Church, the present owner.

The subject tract: Parcel 061-8-1-66, is zoned R-2, Low-Moderate Density Residential (R-2).

All adjoining tracts and tracts across the street are zoned R-2, Low-Moderate Density Residential (R-2).

The past use (church) is a conditional use in a R-2 zone, as well as all other Residential and Industrial zones. It is a listed principal use in the Commercial Zones.

The present structure does not meet the setback requirement (25') along Walnut Street.

It was constructed prior to the adoption of the present zoning regulations.

The applicant's proxy (buyer-Open Arms Recovery, LLC and/or Triple Point Consulting) wishes to rezone the property to R-3 Medium Density Residential.

The future use of the tract is residential.

The zone change meets the requirements of KRS 100.213 (1)

*KRS 100.213 Findings necessary for proposed map amendment -- Reconsideration. (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.*

The applicant was asked to further meet the requirements of KRS 100.213 (1) (a)

*(a) That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate;*

The applicant stated that the current zoning classification (use) is inappropriate as there has not been a willing buyer to step forward and purchase the tract in the time it has been on the market.

The property has been listed for approximately 10 months at the time of the hearing.

In this day and time, a residential listing over 10 months is atypical.

For a commercial property, it may or may not be on the longish side.

There may be other physical attributes of the property that were not brought up during the meeting that may be contributing factors for its longish listing period.

The trend for churches in the past years has been to locate on larger tracts that are more adequate for future expansion. This is evidenced by the relocations of Immanuel Baptist Church and Heritage Hope Church of God to Bourne Avenue, Grace Baptist Church to Oak Leaf Lane, the former Eagle Heights Church to KY 914, and the United Apostolic Church (owner) to Super Service Drive.

The location of the church at the intersection of Walnut Street and Griffin Avenue, does not bode well for future expansion.

The applicant felt like the proposed zoning is more appropriate as it is one block east of largest block of R-3 properties in Somerset.

The tract size is such (160 x 173 per the PVA (0.63-acre), that it could accommodate most principal uses outlined in the R-3 section.

The building contains 2,480 SF with a full basement (finished). Gross building area is 4,960 square feet. The size of the building is superadequate for conversion into a single-family residence, and/or duplex-triplex. The unit density would have to be greater than the maximum allowed in the R-2 zone in order to capitalize the purchase and subsequent conversion into multi-family residence.

The buyer plans to renovate the structure and change the use to a boarding house (a listed principal use for up to 8 people), specifically for the rehabilitation use.

The applicant will apply for a conditional use so to exceed the 8-person limitation. The applicant wishes to have capacity for 16 residents.

The applicant admitted that the initial plans were for 32, but upon reflection, this was too great of a number to realistically oversee and 16 was an optimum number to handle in a facility of this size.

The applicant further stated that if the program is a success and if expansion were a possibility, that the business would be moved to another location which has or would have adequate facilities constructed in order to handle the expanded operation.

#### CONCLUSIONS

The requested rezoning is in agreement with the future use outlined in the comprehensive plan. Mr. Aaron Dockery, a principal of the purchasing entity, gave a general outline on the future use of the property.

While there were citizens present at the meeting, no one chose to step forward and comment in favor of or against the rezoning. There were several questions during the public hearing as well as the meeting from the board with responses that were more than adequate to answer the questions presented.

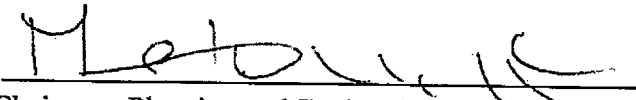
The commission voted 5-0 in favor of the rezoning, with Burgin, Floyd, Holland, Stringer and Vaught voting in favor of the rezoning. Epley and Lynch were absent.

RECOMMENDED MAP AMENDMENT

It is hereby recommended by this Commission that the map amendment be granted, as the present zoning is in compliance with the Comprehensive Plan, having met the requirements of KRS 100.213 (1) and KRS 100.213 (1) (a).

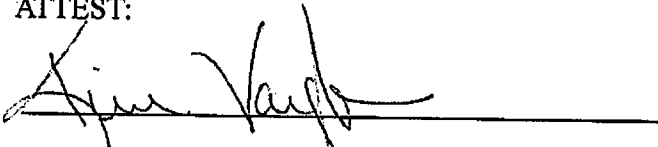
A true and correct copy of this Findings of Fact, Conclusions and Recommended Map Amendment shall be sent to the City of Somerset City Council for adoption.

DONE AND ORDERED this 3<sup>rd</sup> day of October 2023.

  
\_\_\_\_\_  
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, City Attorney

\_\_\_\_\_  
City Attorney