

ORIGINAL



PLANNING & ZONING MEETING Minutes of March 16, 2021

Chairperson Nick Reitman opened the regular meeting at 7:05 p.m. on the above date, with the Pledge of Allegiance and the following members answering roll call:

Present: Nick Reitman, Chair Sonny Markus Michele Nelson
 Susan Vanlandingham Sam Ruebusch

Absent: Randy Nehus Derek Moore

Also Present: Stephanie Tarter, Administrative Clerk Carol Hofstetter, Zoning Administrator
 Andy Schabell, Mayor Mike Duncan, City Attorney
 Robert Seitzinger, City Engineer

PUBLIC HEARINGS:

To hear and gather evidence and public comment regarding:

- 1.) The application of The Drees Company (a) for a Zoning Map Amendment to rezone the real estate at Timber Creek Subdivision, which is on the south side of Poplar Ridge Road, and off of East and West Timber Creek Drives, from single family residential (R-1D) to Planned Unit Development (PUD) to change the side yard setback.*

- 2.) Application of AA Family Limited Partnership for a Zoning Map Amendment to rezone the real estate at 8214 Tollgate Road, which is a parcel of land between Tollgate Road and Breckenridge Drive, from single family residential (R-1D) to Planned Unit Development (PUD) and for approval of a development plan in order to develop the real estate for an apartment project.*

Mr. Reitman opened up Public Hearing #1 at 7:07pm.

PUBLIC HEARING #1:

Mr. Duncan gave an overview of the procedure and requirements for approving or not approving the zone change. If the board votes to approve the zone change, they will make a recommendation to city council.

Matt Mains from Drees gave a presentation on the proposed zone change for the Timber Creek Subdivision. (See attached.) The reason for the PUD zone is due to the fact that some lots have already sold and homes have been built under the R-1D classification. They are seeking this zone change due to the market demand of customers wanting the larger homes that are not allowed with the current side yard setbacks. Mr. Mains pointed out the total number of homes has actually decreased from the original plat due to the changes made. Mr. Seitzinger reiterated the change is reducing the distance between the houses, so they will be closer together.

There were some questions but they were for the Breckenridge project and so residents were instructed to wait until the second public hearing to ask their questions.

MOTION: Susan Vanlandingham made a motion to approve the zoning map amendment from R-1D to PUD based on the evidence showing the current classification is inappropriate and the proposed classification is appropriate, seconded by Michelle Nelson. All in favor, the motion passed 5-0-0.

Mr. Reitman closed Public Hearing #1 at 7:22 p.m.

Mr. Reitman opened Public Hearing #2 at 7:22 p.m.

PUBLIC HEARING #2:

Mr. Reitman asked for clarification on whether this was an apartment project or a townhome project. Mr. Mains stated these will be townhomes for residents to purchase. All procedures and requirements that had to be followed and met in the previous public hearing, also pertain to this public hearing as well.

Mr. Mains gave a presentation on the proposed development at 8214 Tollgate Rd and gave a brief overview of the company and their history within the city limits. He mentioned the townhomes that are currently being built in Arcadia will be a similar footprint to the ones proposed for Riffle Ridge. The proposal is for 36 buildings resulting in 122 townhomes. He went on to explain the PUD rezone classification allows them to better utilize the natural features of the property and keep the development located to the ridges. The Comprehensive Plan was referenced by Mr. Mains who pointed out with the development only using about 1/2 or a 1/3 of the site their number of units per acre is less than what the Comprehensive Plan proposed for future use. He then spent some time talking through the site and the different aspects of the development. (See attached.) A traffic study has already been performed for the site and it concluded there was adequate site distance with no need for additional road improvements. (See attached traffic study.) Mr. Mains stated townhomes have been very successful in the area and they are just about finished with the townhomes in Arcadia.

Mr. Reitman pointed out the project is staying to ridges of the property and Mr. Mains explained that is more cost effective and keeps them out of the streams on the property. They are naming the project after the creek that flows through the property Riffle Creek.

Mr. Reitman opened up the floor to questions from the audience.

Frank Field-12 Ridge Dr: He was concerned about the Comprehensive Plan and the shaded area and wanted a bit more clarification as to what properties would be affected.

It was explained how the Comprehensive Plan is a large-scale planning tool the city uses to guide future development. The current Plan was set several years back and the city is currently working on updating the Comprehensive Plan. Mr. Duncan clarified the Comprehensive Plan has been reviewed and readopted since 2006. Mr. Reitman gave further clarification stating that the colors are not set on properties lines but rather an area that may comprise multiple properties. This is why the shading extends beyond the boundaries of the proposed property.

Dave Field-8956 Eldora Dr: His parents live on Ridge Drive and he is concerned about the increase of vehicles on Breckenridge with only one access to the property. He wanted to know if there were any plans to put a second entrance to the property on Tollgate Rd.

Someone from the audience asked if the traffic study is available for the public and it was mentioned the City has a copy and people interested in viewing the documents will have to follow any open records requirements of the city. Mr. Mains gave a brief overview of how the traffic study is performed and noted it is performed by an independent contractor. They follow the ITE traffic handbook that gives the information for trip generation based on property type and location. The traffic study was completed within the last month prior to the hearing. Mr. Mains pointed out traffic studies are typically done after a rezone hearing, but they know traffic is always an area of concern so they like to have that information prior to the meeting.

Dan LeTang- 8183 Tollgate Rd: He wanted to make sure he heard correctly in that the creek and the trees along the steep edge of Tollgate will remain intact. Mr. Mains confirmed that was true. He also wanted to know what they were going to do about the wildlife that would be displaced as a result of the development and asked them to think about it. He also pointed out the current condition and size of Tollgate Rd cannot handle any more traffic and he doesn't believe the study is accurate due to people working from home currently.

Mr. Mains explained a little about how the traffic study process works, emphasizing the engineers take the data collected from a particular day and extrapolate the data by using different formulas to generate the estimated numbers for the peak hours.

Mr. Markus shared his personal experience of living off of Poplar Ridge with the two new subdivisions being built. He had some of the same fears in regards to traffic, but he has not noticed a huge increase in traffic or having to wait longer at the lights at either end of the road as a result.

There were some concerns from the audience stating there are no stop signs on Tollgate to slow down traffic. Mr. Mains clarified the project is connecting to Breckenridge not Tollgate. In regards to traffic, it was noted the average owner of townhomes are typically empty nesters and that is taken into consideration when calculating the number of trips during peak hours.

Robert Smith-138 Breckenridge Dr: He wanted to know why Drees was not creating a second access point to the property to prevent all of the traffic from being dumped onto Breckenridge.

Mr. Mains explained the reason for not creating an access point on Tollgate due to the steep slope, and the amount of grading that would have to happen in addition to crossing a stream.

Sue Jamison- 8183 Tollgate Rd: She is concerned about the increase of heavy equipment on Tollgate. The road is narrow and there is already an issue with the equipment coming in for Arcadia.

Jerry Mounce-5 E. Boesch Dr: He gave an overview of what he understood to be true about the storm water runoff and how the residents would not see an increase in storm water runoff as a result of the development. He wanted to know what protection the residents have if they see an increase in storm water runoff in their yards? How long is that monitored?

SD1 monitors all storm water runoff before, during and after construction. Drees is required by law to ensure the surrounding properties to do have an increase of water on their property as a result of the development. If, by chance, something does happen where sediment breaks through a silt fence during development, Drees is required to fix the issue and any damage caused as a result. SD1 monitors until everything is established in the way of vegetation growth (grass, trees, etc.) to ensure there is not additional runoff.

Mr. Seitzinger gave an overview of his report (see attached). He also referenced the Comprehensive Plan and reiterated what was mentioned above about the units per acre fitting the future land use map. It was asked if there has been approval given from SD1 they have given very preliminary approval in regards to capacity and being able to tie in. If the rezone is approved, Drees will still have to go through the full site plan review and that will come with all SD1 approvals, utilities and all other approvals.

Debbie Straus-133 Breckenridge Dr: She is concerned about the additional traffic on Breckenridge as they are already seeing an increase of traffic due to Arcadia. There are many young families living there and she is seeing a lot more trash on the road as a result. She also mentioned there are a lot of concrete trucks traveling along Breckenridge to get to Arcadia and believes the weight limit for the street is 5 ton. She asked Mr. Mains why the trucks are not taking 27 to get to Arcadia.

ORIGINAL

Mr. Mains vowed to let their sub-contractors know to use US 27 to enter Arcadia and to stay off of Breckenridge. Ms. Nelson pointed out Drees is not the only builder back in Arcadia. There was a brief conversation about the route the contractors will take for the proposed development and they will take US 27 to W. Main Street and then onto Breckenridge.

Gary Straus-133 Breckenridge Dr: He asked about the location of the sewage plant and pump stations. Craig Abercrombie from Abercrombie & Associates explained where and how the sewage will be handled for the project. He explained they will use a gravity sewer to the north that has already been discussed with SD1 and has the capacity to handle the development.

Thad Bryan-121 Breckenridge Dr: He wanted to know if the rezone to a PUD gave them the ability to do whatever they wanted with the property or if they are locked in to this specific plan presented. Mr. Seitzinger explained how a PUD works and that if Drees or any other developer wanted to change the plan, they would have to come before the board for approval.

He also asked about the phasing of the project knowing Drees said it would take about 5 years to complete; would they start at the back or front? Mr. Mains said they will start out front and build toward the back as one of their big selling points is the entrance to their properties. The club house will likely be built during year two of the project and the retention basins will be built in phases as well. He spent some time explaining the phases of the roads being built as they will not all be built at the same time. Mr. Bryan was also concerned about the entrance set back and wanted to know if the 100-foot set back would be locked in as well and can there be conditions built into the approval.

Mr. Duncan explained, if the rezone is approved it is subject to the development plan which is being discussed, he went on to say conditions can be built into the approval as long as the developer agrees to them. He noted some of the possible conditions; phasing of the project, 100-foot entrance setback, protection of the undisturbed area under a conservation covenant. Mr. Mains noted that the maintenance of the landscaping and grassy areas will be done by the HOA.

Mr. Bryan acknowledge something will eventually go there but he wants to ensure the developers are held to the approved plan.

Garrett Perkins-119 Breckenridge Dr: He echoed Mr. Bryan's statements about the 100-foot set back to maintain the current look of the neighborhood and to ensure the landscape is installed early. He also committed on lighting and not ensuring it is not too bright. Other than those things he does not have an issue with the development.

Frank Field-12 Ridge Dr: He wanted to know if the proposed zone change was only for the boundary lines of the property. Mr. Reitman assured him the proposed rezone is for the specific property with the builder Drees and the specific site plan presented at the meeting. Mr. Field's son asked about the grading and whether or not the property would be raised or lowered for the site. He explained his father's and uncle's property are already pretty wet and wants to ensure there is no extra water directed to their land. Mr. Mains explained, even if the site was raised higher than the current height, Drees would have to collect or stop the water from running onto neighboring properties.

Joe Kramer-117 Breckenridge Dr: He mentioned he has seen several different proposals for this property over the years and believes this is the best one he has seen. He asked the commission to hold the developers to the 100-foot setback and landscaping.

Robert Smith-138 Breckenridge Dr: He wanted to know when construction would begin for this project. It was explained it is all contingent on the approval process but Mr. Mains believes it could start in about 4 months.

It was asked from the audience if the zone change was a done deal if approved at tonight's meeting. Mr. Reitman explained if the request for the rezone was approved, it would then go before council for their approval.

Dan LeTang-8183 Tollgate Rd: He wanted to know what will happen to the house, out building and bridge that currently exist on the property. Mr. Mains explained all of those items will be removed.

Joe McGarthy-12 E. Boesch: He wanted to know if there would be a three-way stop installed at the intersection of W. Main Street and Breckenridge as there is already a wait at that intersection currently during the morning hours. Mr. Seitzinger explained that decision would be up to the State as W. Main Street (State Route 10) is a State maintained road. He went on to say they have very stringent guidelines that must be met before they will install a light or stop sign. The city can make a recommendation to the state and they would look at the data and then make the determination.

He also wanted to know at what time of the day the traffic study was conducted. It was explained the traffic study is conducted over a 24-hour period. Mr. McGarthy believes the traffic study is not accurate from his personal experience of traveling to work in the morning on a regular basis. Mr. Mains explained the standards set for traffic studies were followed for this project and they look to see if there are any improvements that need to be made at the project entrance. He said Alexandria is turning into a big city and wanted to know when it's going to stop.

Carla Kettenacker-20 E. Boesch Dr: She wanted to know what guarantee she has that the green space will be left alone. Mr. Mains again explained the way a PUD works and stressed that staying on the ridge and leaving the trees is the most cost-effective route for this development. There were members of the audience who expressed concerns that Drees could tear down the trees at a later date or change the plan. The commission explained that under the PUD the developers have to stick to the plan that is approved and if they desire to make any changes from the plan presented this evening, they would have to come before the board for approval and the board could choose to deny that request.

There were a few more comments about trees and a request for Drees to plant trees to replace any that were removed to block the development from the existing residents. Mr. Mains reiterated they will not be removing any trees that do not need to be removed and while they will be doing landscaping throughout the project, planting large trees would take up a lot of space.

Mr. Reitman closed Public Hearing #2 at 8:39 p.m.

Mr. Duncan explained Drees is requesting a zoning map amendment from R-1D to PUD subject to the development plan and the commission must find that either the request is consistent with the Comprehensive Plan or the existing zoning is not appropriate and the proposed zoning is appropriate. If neither one of those can be established, the board could still recommend the approval if they find that there have be substantial changes of a social economic and physical nature. Drees' argument is that the proposed change is consistent with the Comprehensive Plan and there has been no testimony to the contrary. Mr. Duncan agrees with what has been outlined but it does not mean the commission has to approve it. If the decision is to approve, the board has to make one of the above findings based on the evidence presented and the development plan is not just what was presented but also any conditions that are agreed to by the developer.

MOTION: Sonny Markus made a motion to approve the zoning map amendment from R-1D to PUD based on the evidence showing the proposed change is consistent with the Comprehensive Plan with the following conditions; 100-ft setback of the entrance with the landscaping installed during Phase 1 and subsequent landscaping during each phase, the undeveloped area of the property will be

ORIGINAL

protected area and not allowed to be developed regardless of ownership with homes or roadways, seconded by Susan Vanlandingham. Mr. Mains agreed to all of those conditions noting that in the protected area, they would clear out any tree deemed unsafe. All in favor, the motion passed 5-0-0.

APPROVAL OF MINUTES – March 2, 2021

MOTION: Susan Vanlandingham made a motion to approve the minutes of March 2, 2021, seconded by Sonny Markus. All in favor, the motion passed 5-0-0.

VISITORS AND GUESTS – None

NEW BUSINESS

46 Pete Neiser Way Site Plan: Mr. Seitzinger gave an overview of the proposed site plan (see attached). The building will serve as office space as well as a warehouse for the utility line installation company. The building will be 40x40 with a parking lot and there will be no grading for the project. There was a brief conversation about outside storage of material and there would be no outdoor storage of material. Alex France and Andy France explained in further detail the types of things they will have on site in regards to equipment that will be stored inside the warehouse. As they are preparing for job sites there may be items outside but they will not be stored. This area is zoned B-1 which is Old Town and their proposed site plan is in line with the surrounding building. Ms. Hofstetter mentioned they already have their approvals from the NKY Water District, Fire Department and SD1. A comment was made about a needed alteration to the driveway and that has been addressed and fixed with the new site plan. They have met every requirement that has been requested per the guidelines of that zone and commercial site.

MOTION: Sonny Markus made a motion to approve the site plan, seconded by Michele Nelson. All in favor, the motion passed 5-0-0.

The France brothers asked what the next steps would be and they were instructed to start with Ms. Hofstetter.

UNFINISHED BUSINESS – None

INTERNAL BUSINESS

Treasurer Report: Nick Reitman presented the Treasurer's Report for March 16, 2021 prepared by Randy Nehus.

Beginning Balance \$13,546.03

Receipts

Expenses - 760.50 CT Consultants Inv. #210283-1
 -1,859.00 Ziegler & Schneider Inv. #242 & 243

Ending Balance \$10,926.53

MOTION: Sonny Markus made a motion to pay invoices as presented, seconded by Susan Vanlandingham. All in favor, the motion passed 5-0-0.

MOTION: Michelle Nelson made a motion to accept the Treasurer's Report dated March 16, 2021, seconded by Sonny Markus. All in favor, the motion passed 5-0-0.


ORIGINAL

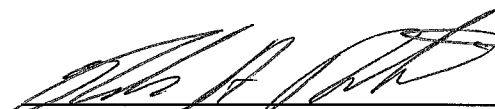
FACEBOOK QUESTIONS/COMMENTS: Mr. Reitman referenced the comments that came in from Facebook and majority of them were in regards to traffic and growth.

ADJOURNMENT

MOTION: Susan Vanlandingham made a motion to adjourn, seconded by Sam Ruebusch. All in favor, the motion passed 5-0-0. Meeting adjourned at 9:01 p.m.

Attested to and submitted by:


Jan Johannemann, City Clerk


Nick Reitman, Chair

Dated 4/7/2021

Dated 4-6-2021