



ORDINANCE 2021-05

AN ORDINANCE OF THE CITY OF ALEXANDRIA, IN CAMPBELL COUNTY, KENTUCKY, APPROVING A RECOMMENDATION OF THE ALEXANDRIA PLANNING COMMISSION TO APPROVE A ZONING MAP AMENDMENT FOR THE AA FAMILY LIMITED PARTNERSHIP/DREES COMPANY REAL ESTATE AT 8214 TOLLGATE ROAD, WHICH IS A PARCEL OF LAND BETWEEN TOLLGATE ROAD AND BRECKENRIDGE DRIVE, FROM RESIDENTIAL ONE-D (R-1D) ZONE TO PLANNED UNIT DEVELOPMENT (PUD) ZONE, IN ORDER TO DEVELOP THE REAL ESTATE FOR A TOWNHOME COMMUNITY ACCORDING TO THE SUBMITTED DEVELOPMENT PLAN AND SUBJECT TO THE AGREED-UPON CONDITIONS.

WHEREAS, the AA Family Limited Partnership, owner of real estate at 8214 Tollgate Road, which is a parcel of land between Tollgate Road and Breckenridge Drive, Alexandria, Kentucky, has made application and has requested the City to rezone its property from Residential One-D (R-1D) zone to Planned Unit Development (PUD) zone, in order for the Drees Company to develop the real estate for a townhome community;

WHEREAS, pursuant to KRS 100.211, the Alexandria Planning Commission held a public hearing on March 16, 2021, at which time the zoning map amendment was presented, and the public was given the opportunity to be heard and make comment;

WHEREAS, once the record of the public hearing was officially closed, the Alexandria Planning Commission considered the evidence presented, discussed the issues, and then voted to recommend approval of the zoning map amendment, subject to the submitted development plan, and to agreed-upon conditions; and

WHEREAS, Chairman Reitman of the Alexandria Planning Commission has prepared a report and recommendation containing the basis for the Planning Commission's recommendation in favor of the proposed zoning, subject to the submitted development plan and the agreed upon conditions, in order for the Drees Company to develop the real estate for a townhome community. The report and recommendation is attached hereto and incorporated herein by reference as an Exhibit to this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ALEXANDRIA, CAMPBELL COUNTY, KENTUCKY, AS FOLLOWS:

SECTION 1: The recommendation of the Alexandria Planning Commission, as evidenced by the record

developed in this case, is hereby adopted and approved; and the materials constituting the record of the Planning Commission and the City Council are incorporated herein by reference.

SECTION 2: The City does hereby change the zoning classification of the AA Family Limited Partnership/Drees Company real estate at 8214 Tollgate Road, which is a parcel of land between Tollgate Road and Breckenridge Drive, Alexandria, Kentucky, from Residential One-D (R-1D) zone to Planned Unit Development (PUD) zone, subject to the submitted development plan which was reviewed at the public hearing, in order for the Drees Company to develop the real estate for a townhome community; and subject to the following conditions which are agreed to by the developer: Signs shall be placed at any entrance and exit to the development notifying all workers, suppliers, contractors, builders and subcontractors to turn left out of the development, and developer shall so notify the foregoing that construction traffic shall not turn right onto Breckenridge Drive and drive through the Horizon Hill Subdivision; 100-ft setback of the entrance with the landscaping installed during Phase 1 and subsequent landscaping during each phase; and the undeveloped area of the property shall be protected area and not allowed to be developed regardless of ownership with homes or roadways.

SECTION 3: The Zoning Map of the City of Alexandria shall be amended accordingly.

SECTION 4: This Ordinance shall be effective upon its adoption and approval according to law, and publication thereafter.

SECTION 5: All Ordinances or parts of any Ordinances in conflict herewith, to the extent of such conflict, if any, are hereby repealed.

SECTION 6: If any sentence, clause, section or part of this ordinance or the application thereof to any particular situation is, for any reason, found to be unconstitutional, illegal or invalid, the invalidity of any provision of this Ordinance shall not affect the validity of any other provisions hereof, and such other provisions shall remain in full force and effect as long as they remain valid in the absence of that provision determined to be invalid.

SECTION 7: The foregoing Ordinance was introduced by Council Member Shinkle, was read, passed and adopted by the Council of the City of Alexandria, Kentucky, meeting in **regular sessions on the 1st day of April, 2021, and on the 15th day of April, 2021, with 5 yes votes, -0- no votes, and -0- abstentions (Vanlandingham recused)**, and was thereafter approved by the Mayor and ordered published in summary according to law.

APPROVED:


MAYOR ANDY SCHABELL

ATTEST:


CITY CLERK JAN JOHANNEMANN

Published: 4/22/21



CITY OF ALEXANDRIA PLANNING AND ZONING COMMISSION

PUBLIC HEARING

DATE- MARCH 16, 2021

FILE NUMBER -PZ2021-01

LOCATION – 8214 TOLLGATE ROAD

APPLICANT – AA FAMILY LIMITED PARTNERSHIP

**REQUEST – A proposed Zoning Map amendment from Single Family (R-1D)
to Planned Unit Development (PUD)**

OVERVIEW:

The property under review consists of 49.46 acres in the City of Alexandria off of Tollgate Road but also adjoins Breckenridge Dr

The proposed development consists of 123 Townhouses.

There will be access through Breckenridge Dr. only

The applicant has supplied a traffic impact study with the site plan.

Notice of this Public Hearing was published in the Campbell County Recorder and signs were posted on this property in accordance with Article 14 of the City of Alexandria's Zoning Ordinance.

Considerations:

- 1) The site is currently zoned Single Family (R-1D)
- 2) The zoning for the properties adjacent to this property are Residential to the North, South, East & West.
- 3) To the North-NorthEast the apartments on Tollgate are zoned R-3
- 4) Although not adjoining, the Shopping center at 8109 Alexandria Pike is zoned Highway Commercial.

Article 14 of the City of Alexandria Zoning Ordinance states before any map amendment granted, the Planning and Zoning Commission must:

Find that the amendment is in agreement with the comprehensive plan

Or

That the existing zoning classification is inappropriate for this use 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.

**CITY OF ALEXANDRIA PLANNING COMMISSION
RECOMMENDATION TO CITY COUNCIL
FINDINGS OF FACT AND SUMMARY OF EVIDENCE
Rezoning 8214 Tollgate Road**

The City of Alexandria Planning Commission held a Public Hearing on Tuesday, March 16, 2021, for the purpose of hearing and collecting evidence, and of reviewing and receiving public comment regarding the following application:

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-1D (R-1D) to Planned Unit Development (PUD) and for approval of a development plan in order to develop the real estate for a townhome project.

The public hearing was conducted according to Kentucky State Law and Alexandria City Ordinances. All interested persons were welcomed to attend and give verbal comments and/or written comments prior to or at the public hearing.

At the outset, 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.

The City Attorney provided information regarding the legal issues involved with this re-zoning application.

Mr. Matt Mains from Drees gave a presentation on the proposed development at 8214 Tollgate Road and gave a brief overview of the company and their history within the city limits. They are naming the project after the creek that flows through the property - Riffle Creek. 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 explained that the PUD rezone classification allows them to better utilize the natural features of the property and keep the development located to the ridges. Staying to ridges of the property is more cost effective and keeps them out of the streams on the property. 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. Mr. Mains then spent some time talking through the site and the different aspects of the proposed development plan. 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. Mr. Mains stated townhomes have been very successful in the area and they are just about finished with the townhomes in Arcadia.

Several citizens spoke on the proposal and posed questions and concerns about traffic and drainage. Mr. Mains addressed the questions and concerns on these subjects, and stated that there would be no entrance or exit on Tollgate, only on Breckenridge, thus making it likely that the traffic patterns would use Main Street instead of Tollgate and through the existing subdivision. He referenced the traffic impact study. Mr. Mains testified that the drainage would be controlled by compliance with SD1 regulations, the creek and the trees along the steep edge of Tollgate will remain intact, and the water would continue to flow as it does now naturally.

Zoning Administrator Carol Hofstetter presented her staff report (copy attached). She outlined the proposal, and gave the Commission information regarding all of the uses in the surrounding area, as well as the findings necessary to support a zoning map amendment.

City Engineer Robert Seitzinger presented his comments on the application. Mr. Seitzinger gave an overview of his report. 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.

Mr. Duncan explained, if the rezone is approved it is subject to the development plan which is being discussed. He went on to say that conditions can be built into the approval and become binding parts of the development plan as long as the applicant 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.

Local engineer Joe Kramer, who lives nearby at 117 Breckenridge Drive, stated that 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.

Upon conclusion of all of the testimony and evidence, the public hearing was closed and the Planning Commission deliberated. After discussing the issues involved, a motion was made to recommend to City Council to re-zone the property from residential One-D (R-1D), to Planned Unit Development (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

EXHIBIT TO ORDINANCE 2021-05

landscaping during each phase, and the undeveloped area of the property will be protected area and not allowed to be developed regardless of ownership with homes or roadways. Mr. Mains agreed to all of those conditions noting that in the protected area, they would clear out any tree deemed unsafe. The Motion was seconded and passed unanimously

The recommendation of the Planning Commission shall be forwarded to Alexandria City Council for further consideration according to law.

Respectfully submitted,
/SS/ **Nick Reitman**
Nick Reitman, Chairman
Alexandria Planning Commission