



ORDINANCE 2024-04

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 WRIGHT BROTHERS PROPERTIES, LLC REAL ESTATE LOCATED AT 1 PAUL LANE, FROM RESIDENTIAL ONE-D (R-1D) ZONE TO HIGHWAY COMMERCIAL (HC) ZONE, IN ORDER TO ALLOW FOR REDEVELOPMENT OF THE PROPERTY FOR A FUTURE APPROVED COMMERCIAL USE.

WHEREAS, Gary Hammons ('Applicant'), on behalf of Wright Brothers Properties, LLC ('Owner'), has requested the City of Alexandria to rezone the approximately 0.94-acre parcel of real estate located at and known as 1 Paul Lane, Alexandria, Kentucky, and identified as Campbell County Property Valuation Administrator PIDN 999-99-24-398.00, from Residential One-D (R-1D) zone to Highway Commercial (HC) zone, in order to allow for redevelopment of the property for a future approved commercial use. The subject real estate is hereinafter referred to as the Wright Brothers Real Estate;

WHEREAS, the Wright Brothers Real Estate is more particularly described in the Deed to Owner recorded at Deed Book 362, page 121 of the Campbell County Clerk's records, a copy of the legal description from the Deed is reprinted below in Section 2 of this Ordinance;

WHEREAS, pursuant to KRS 100.211, the Alexandria Planning Commission held a public hearing on April 16, 2024, at which time the zoning map amendment was presented, and the public was given the opportunity to be heard and make comment;

WHEREAS, the professional staff of the Alexandria Planning Commission presented and discussed their *Staff Comments, Findings, and Recommendations* ('Staff Report'), a copy of which is attached as an Exhibit to this Ordinance; and

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, according to the Staff Report and with a condition of approval which was agreed to by the Applicant and Owner; and

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. The Staff Report is hereby adopted, together with a condition of approval which was agreed to by the Applicant and Owner that

the tree line along the property line stays undisturbed as a buffer; and the City Council finds that the proposed rezoning is consistent with the Comprehensive Plan.

SECTION 2: The City does hereby change the zoning classification of the Wright Brothers Real Estate consisting of an approximately 0.94-acre parcel of real estate located at and known as 1 Paul Lane, Alexandria, Kentucky, and identified as Campbell County Property Valuation Administrator PIDN 999-99-24-398.00, deed reference Deed Book 362, page 121, from Residential One-D (R-1D) zone to Highway Commercial (HC) zone in order to allow for redevelopment of the property for a future approved commercial use. The Wright Brothers Real Estate is described as follows:

PIDN: 999-99-24-398.00
Group No. 70280/Z
Property Address: 1 Paul Lane, Alexandria, KY 41001

SITUATED IN THE ALEXANDRIA DISTRICT, CAMPBELL COUNTY, KENTUCKY AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT POINT NO. 1, A STAKE IN THE LINE OF JOE PFEFFERMAN AND A CORNER TO A. WEHMEYER; THENCE ALONG THE LINE OF PFEFFERMAN N 58° 00' E 217.5 FEET TO POINT NO. 2, A STAKE IN THE WEST RIGHT OF WAY LINE OF THE DEPARTMENT OF HIGHWAYS (U.S. HIGHWAY NO. 27) SAID POINT BEING 80 FEET WEST OF THE CENTERLINE OF SAID HIGHWAY; THENCE WITH SAID RIGHT OF WAY LINE, 80 FEET WEST AND PARALLEL TO THE CENTERLINE OF SAID HIGHWAY, S 2° 55' W 128.20 FEET TO POINT NO. 3, A STAKE IN SAID RIGHT OF WAY LINE AND BEING 80 FEET WEST OF THE CENTERLINE OF SAID HIGHWAY; THENCE AT RIGHT ANGLES, S 87° 05' E 20 FEET TO POINT NO. 4, A STAKE IN SAID RIGHT OF WAY LINE AND BEING 60 FEET WEST OF CENTERLINE OF SAID HIGHWAY, THENCE CONTINUING WITH SAID RIGHT OF WAY LINE 60 FEET WEST AND PARALLEL TO THE CENTERLINE OF SAID HIGHWAY S 2° 55' W 170.5 FEET TO POINT NO. 5, A STAKE, CORNER TO A/ WEHMEYER AND IN THE BOUNDARY LINE OF THE DEPARTMENT OF HIGHWAYS, SAID POINT BEING 60 FEET WEST OF THE CENTERLINE OF SAID HIGHWAY, THENCE LEAVING SAID RIGHT OF WAY LINE AND ALONG THE LINE OF A. WEHMEYER N 86° 30' W 145 FEET TO POINT NO. 6, A STAKE, CORNER TO WEHMEYER; THENCE ALONG ANOTHER LINE OF WEHMEYER N 14° 00' W 180.5 FEET TO THE POINT OF BEGINNING, CONTAINING 0.94 ACRES MORE OR LESS.

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.

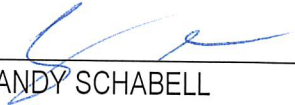
SECTION 5: All Ordinances or parts of any Ordinances in conflict herewith, to the extent of such conflict, if any, are hereby repealed.

SECTION 5: 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 6: The foregoing Ordinance was introduced by Council Member Stacey Graus, was read,

passed and adopted by the Council of the City of Alexandria, Kentucky, meeting in **regular sessions on the 2nd day of May 2024, and on the 16th day of May, 2024, with 5 yes votes, 0 no votes, and 0 abstentions**, and was thereafter approved by the Mayor and ordered published in summary according to law.

APPROVED:


MAYOR ANDY SCHABELL

ATTEST:


CITY CLERK STEPHANIE TARTER

Published: 5/20/24

March 6, 2024

City of Alexandria Planning and Zoning Commission
Staff Comments, Findings, and Recommendations

Issue to be heard: Tuesday, April 16th at 7:00pm
8236 W. Main St.
Alexandria, KY 41001

The Campbell County staff respectfully submits the attached report for review and consideration related to:

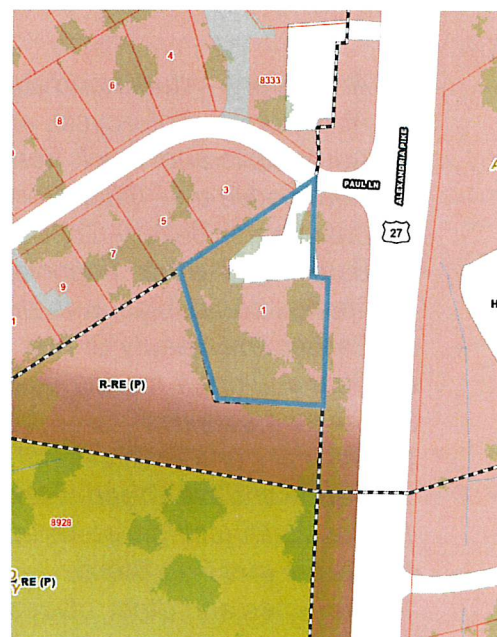
FILE NUMBER: PZ-24-009
APPLICANT: Gary Hammons
LOCATION: 1 Paul Lane, Alexandria
REQUEST: Zone Map Amendment from Residential One-D (R-1D) to Highway Commercial (HC)

Notice of public hearing was placed in the Link NKY Reader. Notice was also sent via USPS to adjoining and neighboring property owners. Information concerning these cases was available for review at the Campbell County & Municipal Planning & Zoning Office, 1098 Monmouth Street, Suite 343, Newport, KY Monday-Friday during normal business hours.

Overview:

The applicant is requesting a zone change for the 0.94-acre parcel in order to incorporate the parcel currently designated for residential use into the adjacent commercial zone. This would allow the applicant to use the lot for a future approved commercial use.

The site was previously home to a grandfathered use of a dental office.



Relevant Regulatory Considerations:

The City of Alexandria Zoning Ordinance

SECTION 4.2 CHANGES ON ZONING MAP OR MAPS

If, in accordance with the provisions of this ordinance and Kentucky Revised Statutes, changes are made in zone boundaries or other matters portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map by the Zoning Administrator promptly after the amendment to this ordinance has been approved by the legislative body. No building, structure, sign or fence permit shall be approved or issued until the Official Zoning Map indicates the proper zoning for the use intended as indicated upon the application permit.

No changes of any nature shall be made on the Official Zoning Map or matter shown thereon which are not in conformity with the procedures set forth in this ordinance.

Regardless of the existence of purported copies of the Official Zoning Map, which shall be located in the office designated by law, shall be the final authority as to the current zoning status of land, buildings and other structures in the City of Alexandria, Commonwealth of Kentucky.

The City of Alexandria Zoning Ordinance, Section 4.18 (HC) HIGHWAY COMMERCIAL ZONE identifies relevant permitted uses including (excerpted):

- 1. Art Gallery – studio and supply*
- 2. Automobile, motorcycle, and truck sales, new or used*
- 3. Automobile and Truck Rental*
- 4. Automotive and Truck Service and Repair*
- 5. Bakery and Bakery Goods Stores*
- 6. Banks and other financial institutions including savings, loan and finance companies, with drive-in windows*
- 7. Barber and Beauty Shops*
- 8. Boat and other marine equipment sales and service, new and used*
- 9. Building supplies*
- 10. Business and Professional Colleges*
- 11. Candy and Ice Cream Stores*
- 12. Car Wash (self-serve and drive-through)*
- 13. Carpet and Rug Store*
- 14. Churches and other places of religious assembly*
- 15. Clothing Repair and Alteration*

16. *Computer, Radio, Television, and Appliance Sales and Service*
17. *Convenience Store*
18. *Copy/Print Shops*
19. *Day Care Centers (Type I and Type II)*
20. *Dry Cleaners and Laundromats*
21. *Food and Grocery Stores*
22. *Funeral Homes and Mortuaries*
23. *Furniture and Upholstery Repair*
24. *Games Center, indoor and outdoor, including but not limited to bowling alleys, billiard halls and electronic gaming, miniature golf, driving ranges, etc.*
25. *Garden and Landscaping Supplies*
26. *Gas/Service Stations*
27. *Governmental Offices*
28. *Hardware Stores*
29. *Health Care – Medical, Dental, and Emergency Care*
30. *Health and Physical Fitness Studios, including karate, dance, gymnastics*
31. *Interior Decorating Supply and Services*
32. *Laboratories – medical and dental*
33. *Libraries*
34. *Locksmith*
35. *Manufactured (Mobile) Home, Trailer Sales, Rental, and Services – new and used with restrictions herein defined*
36. *Motels and Hotels*
37. *Newspaper Publishing – office and printing*
38. *Off-Street Parking Garage or Lots*
39. *Office Equipment and Supplies*
40. *Package Delivery Service Outlet*
41. *Package Liquor and Wine Stores (but not within 500' of schools and churches)*
42. *Paint and Wallpaper Stores*
43. *Pet Shop/Grooming (excluding boarding)*
44. *Pharmacies*
45. *Photography Studio*
46. *Police and Fire Stations*
47. *Post Office*
48. *Professional Offices*
49. *Restaurants*
50. *Schools*
51. *Shoe store and repair*
52. *Specialty Retail (Commercial activity selling specialized merchandise, and which employs fewer than 10 full time equivalents, or utilizes no*

more than 10,000 square feet (Example: Book, card, stationery, gift and/or stationery, and/or novelty stores, pet stores, clothing stores, consumer electronic store, hobby stores and/or antique stores, but not an Adult Entertainment establishment or book store, tattoo parlors, pawn shops or drug paraphernalia shops).

- 53. Taxi Terminal
- 54. Tavern (but not within 500') of school or churches)
- 55. Tool and Equipment Rental
- 56. Veterinarian Clinic
- 57. Video Rental Store
- 58. Microbrewery

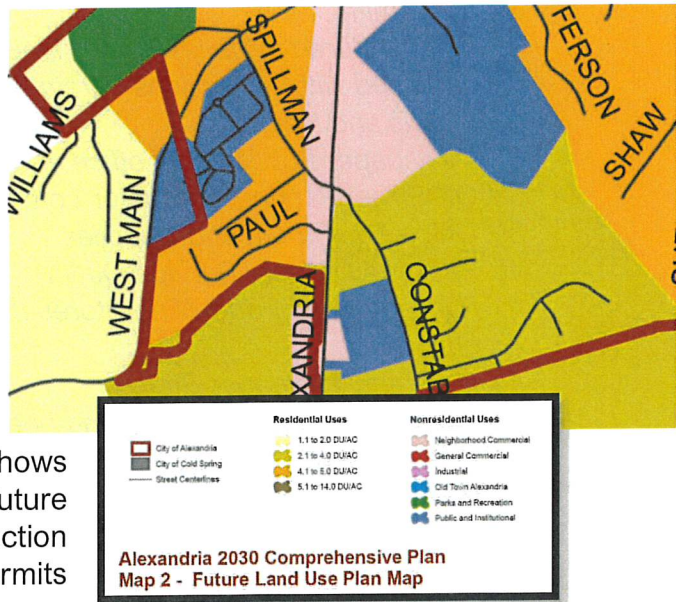
Site Overview:

The site is currently occupied by the now closed Alexandria Dental Center which operated on a grandfathered basis at this site for many years. The current zone of the property is Residential One D (R-1D). The property directly to the North is also within the R-1D zone. The properties to the east and south along Alexandria Pike are zoned Highway Commercial (HC), with some properties in this area as well as across the AA Highway falling under County Zoning and being labelled as Rural Residential Estate (R-RE).

The Future Land Use Map within the Alexandria 2030 Comprehensive Plan indicates a projected future use of the site as "Neighborhood Commercial".

Access to the site is obtained via Paul Lane. This road is maintained by the City of Alexandria and primarily serves resident sites.

Below is a generalized site plan provided by the applicant. It shows approximate locations of proposed future uses. This site plan is not for construction purposes, and all appropriate permits would be obtained prior to any construction on the site.





Summary of Applicants Request:

The applicant has submitted a request for approval of a Zone Map Amendment. The amendment would change the zone from the current Residential One D (R-1D) to Highway Commercial (HC). The HC zone would incorporate the site into the more general zoning of the area along 27, and give them the freedom to propose a future commercial use on the location.

Staff Recommendation:

To approve the Zone Map Amendment from Residential One D (R-1D) to Highway Commercial (HC).

Supporting Information / Basis for Recommendation

- Proper legal notice has been given for a Zone Map Amendment.
- The authorization of the zone change will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

If you have any questions concerning this report, please feel free to contact Campbell County Planning and Zoning at 859-292-3880. Thank you.

Respectfully submitted,

Cindy Minter

Cindy Minter, AICP
Director