

TAYLOR MILL BOARD OF ADJUSTMENTS

JULY 25, 1994

7:00 PM

Mrs. Doggett called the meeting to order at 7:10 PM.

The minutes of the last meeting were not prepared at this time, so Mrs. Doggett saw no need for action upon them. There being no old business to be considered, Mrs. Doggett opened Public Hearing Number One. Mrs. Doggett asked the applicant to identify themselves:

Applicant: Chip Malley, 201 Penwood, lakeside Park, represented by Mr. Thomas Nienaber, 226 Main, Florence.

Mrs. Doggett reviewed the format of the meeting, and called upon Mr. Nienaber to make his presentation.

Mr. Nienaber began by presenting a package of materials to all parties, regarding the Little Red School House presentation. Mr. Nienaber provided an overview of the Little Red School House (LRS) organization, including purpose and history. LRS employs degreed teachers, it is not a baby-sitter service. Proposed enrollment for Taylor Mill is 80-99 students at capacity. The plan is for approx. 6000 square feet, one-story, with a fenced play area. All of the LRS facilities take their enrollment from the immediate community; Taylor Mill is growing and needs this type of service in the area. LRS is a weekly operation, daytime hours only, with no traffic after hours or on the weekends. At other LRS sites, the peak travel periods in AM and PM show 53 vehicles during 2 hour periods, otherwise traffic is light and dispersed throughout the day.

Mr. Nienaber presented a letter from the Ky. Department of Transportation (KYDOT), in which Mr. Rankin states that he sees no problem with the additional traffic and no need for a deceleration lane on the site. Mr. Nienaber also stated that he felt all of the problems from the 5/12/94 meeting have been addressed through significant changes to the site plan. Including the removal of parking areas, and the addition of "stacking" space for the access road. Additional landscaping has also been added, and the need for side-yard variances removed as well. The application well exceeds the 3:1 green space ratio for the building site. Mr. Nienaber quoted the Kenton County Comprehensive Plan with respect to future plans for Taylor Mill Road, and the need for additional types of goods/services.

Mrs. Doggett recognized that the staff report had been omitted, and asked Mr. Meece and Mr. Bowling to provide that report at this time.

Mr. Bowling reviewed the technical aspects of the zoning ordinance, lot size, and setbacks. Mr. Bowling stated that the buildings' square feet would bear an occupant load of 99. The application, as submitted, does meet full compliance with the zoning ordinance. Mr. Meece then reviewed his memorandum of 7/7/94, discussing the important site plan changes between the two applications. Mr. Meece also stated that since the last LRS application he had received substantial comment from citizens, and three city commissioners, with opposition/concerns to the project. These concerns primarily deal with the issue of traffic in the area. Mr. Meece also presented a traffic count performed by the Taylor Mill Public Works Department, identifying the traffic patterns on the 11,14,20th of July, on Taylor Mill Road.

Mrs. Doggett stated for the record that two board members have excused themselves from the hearing due to a conflict of interest, and one board member not present but excused.

Mr. Flischel asked what percentage of the school population will be coming from the south of TM road. Mr. Nienaber that he believed a large majority of the enrollment will be coming from the south direction, on their way to work; traditionally, people don't leave an interstate, and come this far in, to access daycare services. Mr. Flischel calculated the expected traffic patterns to result in 45 left outs and left ins (turns) daily, this presents a negative impact on the traffic flow of the 2-lane road. In terms of the Board's criteria this represents "detrimental to the safety and health of the people working and living in the vicinity". Mr. Nienaber agreed with the amount of left turns, but stated that volumes fall within the limits of every traffic manual with regard to the amount of turns being generated, and that a multi-family residential /commercial site would create much more problems for the area. KYDOT does not stipulate any concerns with this access, and the service is desperately needed in this area. However, sight clearance is excellent both ways and no nighttime traffic.

Mrs. Doggett asked Mr. Meece in regard to the KYDOT "curb-cut" approval. Mr. Meece stated that the letter from KYDOT is a pre-application and not formal approval from KYDOT to allow for a "curb-cut". T.M. Road is a Class One Arterial, and must be signed off by Frankfort. Mrs. Doggett also asked about the trees height/size. Mr. Malley stated that zoning requires 8-10 foot trees, and LRS would be open to as many as needed. Mr. Meece stated that the zoning ordinance does require the trees to be a minimum height of ten (10) feet when planted, and no farther than 10 feet apart. Mr. Malley also mentioned that the building has been moved substantially back on the lot to provide more relief to the neighbors.

Mrs. Doggett opened the Public Comment section of the meeting, by calling for a show of hands of all those wishing to speak. There being 9 people to speak, Mrs. Doggett set a 5 minute time limit for each speaker:

Public Comment:

Gary Linhoffer, 5214 Taylor Mill Road- It takes a long time to exit my driveway in the AM and PM, with a lot of accidents. This will increase the potential for problems and accidents.

Jeanie Linhoffer, same- Is there a location with the correct zoning in the area? Mr. Bowling that this a correct zone for the daycare. Mr. Meece stated that the choice of the site is really up to Mr. Malley. Mr. Lucas asked if this use would fit into another zone without coming before the BOA ? Mr. Meece stated that the daycare is a permitted use in an NSC zone. Mr. Malley said that he had investigated several pieces of property within the city, none of which were available for purchase.

Gary Dugan, 5212 Taylor Mill Road- I have had to turn right to turn left, traffic is bad. The traffic is going to be a bad situation. Mr. Nienaber clarified that the building is 120 feet from the road, and the building further back.

Pam Dugan, same- Uses such as churches are at low traffic times, not during the peak.

Keith Rodgers, 5204 Taylor Mill Road- The PVA has advised me that my property values will go down with this development. This will also make traffic worse. Mr. Rodgers also presented

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petitions against the project, totaling 69 residents. Mrs. Doggett asked that the petitions be made part of the official record, and Mr. Meece agreed to do so. All of these people know the traffic will get worse, especially with this many more people, said Mr. Rogers.

Bert Boone, 5205 Taylor Mill Road- Traffic is bad.

Mark Boone, same- The headlights will be facing into the front of our home. Rear end collisions are prominent, and this will make it worse.

Rosie Boone, same- This will be in front of our driveway, and it won't be safe.

Homer McMillian, 5223 Taylor Mill Road- I have 37 years of city commission experience, and traffic is our biggest worry. Businesses have always been kept on this side of the highway. The life squad sees more accidents in this area than anywhere else.

Geraldine Culbertson, 5217 Taylor Mill Road- My problem is that I can't get out of my driveway as it is, this will make it worse. Travel off of I-275 will happen. I also don't understand how many cars will be involved, and whether there will be buses dropping off children.

Richard Kennedy, 520 Montpelier, Fort Wright- I built the Dugans' home, and I did not sell the lot for any type of commercial development. Also, Mr. Finnell says that any one who says he showed Mr. Malley this as a potential lot is a liar. Mr. Kennedy also stated that the option on the other land wasn't even a consideration at the previous hearing. Getting out of the property during the day is difficult, all these people live in this area and know how difficult it is. I had intended to do a commercial development of the land, but was advised against it by Mr. Finnell. Mr. Kennedy said that there is not a question of need, if it is a bad spot.

Mr. Lucas asked Mr. Nienaber to explain how the board can grant the conditional use, given the criteria of the board, and the history of the zoning patterns in Taylor Mill. Mr. Nienaber responded that the LRS is a "fit" to a residential zone, and allowed on this road. The LRS is a desirable service for the community, Mr. Malley is going where the need is for the service. The LRS is an additional 45 cars at peak periods of time, regardless of the side of the road it is on for commercial development. The churches are an example because their lots serve as RIDESHARE lots, and one church has a daycare, as well as other commercial development. This site does not generate new people, it gives a service to existing people. Mr. Malley explained that not all of the enrollees come in separate vehicles, many carpool or have several members in a family. Mr. Malley also stated that the arrivals/departures are staggered across the day. Mr. Malley also stated that if it is a concern, LRS would stipulate that there would not be an after school bus drop-off. Mr. Nienaber also said that the building would meet all pertinent codes and regulations; more people living out here need this service.

Ms. Rodgers asked about what services will be utilized by the LRS. This additional traffic? Mr. Malley stated that food is delivered once every two weeks, and the cleaning service comes on the weekends but the majority of the cleaning is done by staff during the day.

Mr. Kennedy- Does this board have to start at exactly 7:00? If so, this meeting is invalid. I have problem with a person being called who wasn't present and being called because she was partial to voting for the issue. Mr. Meece stated that he called Mrs. Tretter to see if she was coming, and see if the meeting was going to be held. Mrs. Tretter said she was coming. I also

called Mr. Darpel and he stated that he was removing himself for a conflict of interest. Mrs. Doggett called for a break in the meeting to allow Mr. Meece to review the boards by-laws.

Mr. Doggett reconvened the meeting and stated that did not appear to be any violation of the by-laws with the delayed start time of the meeting. Mr. Lucas made a motion that the board reject the application of the LRS for a Conditional Use, based on the finding that there is reason to believe that this building will be detrimental to the safety of those living and working in the area. Mr. Flischel seconded the motion.

Mr. Meece then took a roll call vote:

Mrs. Tretter- N
Mr. Flischel- Y
Mr. Lucas- Y
Mrs. Doggett- N

The motion failed without a majority.

Mr. Nienaber asked that all materials presented be made a part of the permanent record. Mrs. Doggett agreed. Mr. Lucas made a motion to adjourn. Mr. Flischel seconded.

Mrs. Tretter- Y
Mr. Flischel -Y
Mr. Lucas- Y
Mrs. Doggett- Y.

The meeting adjourned at approximately 8:40 PM.