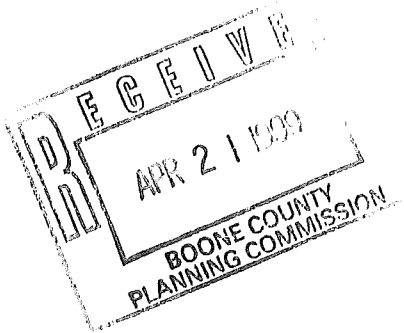


APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION



See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- 1. (Check One) Boone _____ Florence _____ Walton _____ Union _____
- 2. (Check One) Conditional Use Permit _____ Variance _____ Appeal _____
_____ Change in Non-Conforming Use _____
- 3. Applicant's Name Bonnie Goswick
Phone Number 331-3806 Fax No. 331-8683
Applicant's Address 781 Pointe Dr.
Villa Hills, KY 41017
City State Zip
- 4. Description of Request: We are opening a daycare. This was already a daycare w/a CUP for 30 children. We are seeking to obtain a CUP for 70 children. The state fire Marshall has already told us we could have 70.
- 5. Name of Development Penguin Playschool
- 6. Location of Development 7109 Hopeful Church Rd, Florence
- 7. Acreage Under Review ~~0.76~~ 0.76
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
- 9. Owner of Property Bonnie Goswick
Phone Number of Owner 331-3806 10.
Address of Property Owner 781 Pointe Dr, Villa Hills, KY 41017
City State Zip
- 11. Proposed Use(s) on Site Daycare
- 12. Total Square Footage of Existing and/or Proposed Buildings 2479
- 13. Current Zoning on Property Res. w/a CUP for 30 children
- 14. Deed Book 527 Page No. 111 Group No. 2039
- 15. Is the site subject to a zone change? no
If yes, give date of approval _____
- 16. Have you submitted a Site Plan with this request? yes
- 17. Have you submitted a list of adjoining property owners with this request? yes
- 18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: Bonnie Goswick

Property Owner's Signature: Bonnie Goswick

BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2

SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received 4-21-99 Fee Received \$506.00 R# 20229
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: _____

7. Reasons for Denial: _____

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(606) 334-2196 Phone
(606) 334-2264 Fax

NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

Site Plan Review is not granted by the appropriate Board of Adjustment.

An application consists of all fees paid in full, submitted drawings and a completed application form.

STAFF REPORT

DEVELOPMENT: Penguin Play School

APPLICANT: Bonnie Goswick

LOCATION: 7109 Hopeful Church Road, Florence, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: May 12, 1999

Proposal

The applicant is requesting a Conditional Use Permit to allow a day care center at 7109 Hopeful Church Road, Florence, Kentucky. The previous owners of the property, Maria Boland and Lisa Schneider, were granted a Conditional Use Permit for a day care center for thirty (30) children by the Boone County Board of Adjustment and Zoning Appeals on August 11, 1993. (See enclosed minutes). The conditions of this approval require a Conditional Use Permit for any increase in the number of children. Article 9, Section 933, Item 4 of the Boone County Zoning Regulations permits nursery and day care centers in an SR-1 district with a Conditional Use Permit. The proposed use will take place in the existing house, garage, and yard. The applicant has been granted approval by the State Fire Marshal for 70 children, which includes 48 children in the house, and 22 in the garage, once it is finished. The garage is to be renovated on the interior, and when finished, will have two classrooms and two bathrooms. This will provide the center with six (6) classrooms, which will accommodate infants, children ages 1 to 4, Kindergartners, and After Schoolers.

Surrounding Land Uses and Zoning

North - Single Family Homes zoned SR-1

West - Stonegate Subdivision zoned SR-1/PD

East - Jehovah's Witnesses Church zoned SR-1

South- Stonegate Subdivision and Single Family Homes zoned SR-1/PD and SR-1

The Land Use Element within the Boone County Comprehensive Plan refers to this area generally by stating, in part:

from C-4: CAMP ERNST AREA

Hopeful Road should continue to serve as a residential corridor, and no uses should occur past the KY 18 or U.S. 42 frontage properties. Undeveloped land to the west of Mall Road commercial establishments should develop as Urban Density Residential uses to provide a transition to planned and existing High Suburban Density residences along Hopeful Road. A specific study should be conducted regarding the connection of the northern half of the reconstructed Hopeful Road with Merchants Street. In addition, connections should be provided between Hopeful Road and Mall Road, particularly a connection at the approximate mid-point of Mall Road at Exchange Drive.

The large area between Hopeful Road and Oakbrook Road, south of KY 18 to Pleasant Valley Road, should develop in a Suburban Residential fashion. The area must develop with local access and limited access collector roads as a high priority. These should include the connection of Oakbrook Road to Pebble Creek Drive; Beemon Lane to Pleasant Valley Road; Cayton Road to Pleasant Valley Road; and, an east-west connector between Pleasant Valley Road, south of Stonegate Meadows. These collector road extensions should not allow parking or driveway access in order to facilitate the movement of traffic through the area, and should include multi-modal elements such as pedestrian paths and bike lanes, and bus stop areas.

The Board must also consider specific criteria which apply to Conditional Uses in an SR-1 zone:

- a) The activity is an integral and subordinate function of a permitted use;
- b) The activity will not contradict the low density character of the district;
- c) The arrangement of uses, buildings or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

Staff Concerns/Comments

1. Staff is concerned with traffic and parking issues, if approved for 70 children. The applicant is required to seek Minor Site Plan approval from the Boone County Planning Commission for the two (2) additional parking spaces proposed. Since there will be two (2) additional classrooms, two (2) additional parking spaces are required. New vehicle trips for the combined AM and PM hours on Hopeful Road generated by the day care center are estimated at 109 per day for 70 children. The stacking of vehicles from the facility onto Hopeful Road is strongly discouraged.

Respectfully Submitted,



Mark E. Jordan
Planner

MEJ\pr

Attachments

- August 11, 1993, minutes of the Boone County Board of Adjustment and Zoning Appeals meeting
- Applicant's Narrative
- Location Map
- Zoning Map
- Future Land Use Map

Staff Member Dean Niemeyer stated that at last month's meeting it was left that the applicant would get an engineer's or surveyor's drawing of the existing site. Mr. Glass has made an attempt to do this, but was not able to get the drawings completed in time for this meeting.

Mr. Glass stated that Mr. Cahill advised him that he did not get the drawings finished and they would not be ready until tomorrow afternoon.

Counselor Wilson advised that the request would not have to be readvertised and there would not be any increase in cost to the applicant. He stated that it is important for the Board to have a plat drawing on which make a decision.

Mr. Houston moved that the request be deferred to the September 8, 1993 meeting of the Board of Adjustment. Mrs. Millar seconded the motion and it carried unanimously.

2. The request of Maria Boland and Lisa Schneider for a Conditional Use Permit to allow a day care center in an existing house at 7109 Hopeful Road, Boone County, Kentucky. The property is owned by Joseph and Kathie Schamer. The property is zoned Suburban Residential One/Planned Development (SR-1/PD).

Staff Member Dean Niemeyer advised that there was a misunderstanding as to whether this request should be before the Florence Board of Adjustment or the Boone County Board of Adjustment. The property is in the county and zoned SR-1. Mr. Niemeyer presented the Staff Report which included a slide presentation (see Staff Report).

Mrs. Millar questioned what it would be to the setback requirements in regard to the parking lot when the state approves the highway. Mr. Niemeyer advised that he would have to check on this question. Counselor Wilson stated that the question is "will relocation of Hopeful Road take some land from this site, reducing its area for parking spaces?".

Lisa Schneider showed the Board a set of plans for the proposed Hopeful Road. She stated that she talked to Interstate Asphalt and they designed a parking lot for them that has nothing to do with the circular drive that is there now. The parking lot is on the extra lot on the opposite side of the detached garage. They plan 8 to 10 parking spaces. She reviewed the plans with the Board and indicated the location of the house in relation to the new roadway and the existing roadway. She indicated the extra lot and the area that will be blacktopped. She stated that she has a letter from the Highway Department indicating that the sight distance will be increased as they will be taking out the dip.

Maria Boland advised that the highway construction will not start until next year, but they want to start the day care center immediately.

Mr. Archambault questioned how they know the highway construction will start next year. Ms. Schneider asked the former owner of the property, Joe Schamer, to address this question.

Mr. Schamer stated that they would not guarantee when the construction would start, but he understands that it will be in 1994. Ms. Schneider stated that Jim Key of the Highway Department told them the road construction would start no later than August, 1994.

Mr. Archambault commented that they want to operate the day care center for a year before the road construction starts.

Ms. Boland stated that they feel they are going to draw from Hopeful Road already and to say that their customers will not live or go on Hopeful Road is not correct. Their customers are not going to be coming from new roads onto Hopeful Road. It is not fair to say that they are all going to be additional cars.

Ms. Schneider reviewed the drawings with the audience. She stated that if they are approved, they have to have city sewage and they will definitely tap in. She has a bid from James Stall. He knows the depth and checked with the city and he has it all in writing about changing over to the city sewage.

Ms. Boland stated that they will operate Monday thru Friday from 6:30 A.M. to 6 P.M.. They will not be open on the weekends or in the evening. It is structured day care -- not babysitting with the kids outside all day. There is a structured time in the morning, there will be a nap time, and free play in the afternoon outside. They have two other day care centers -- one in Villa Hills since 1984 with 148 children, and one in Fort Mitchell since 1986 with 101 children. They are at full capacity with a waiting list. She emphasized that they are experienced.

Mr. Schamer stated that he is the present owner of the house. Currently there are four churches, which are Conditional Uses, within one mile of his driveway. He has owned the house for ten years and there has been a zone change for the Colonial Heights Apartments and the Windridge Apartments. There is another day care center at the other end of Hopeful Road. All of these have traffic in and out well in excess of what the day care center would have. Hundreds of cars enter and exit all day long at Stonegate Meadows, which is the subdivision abutting his property. The reconstruction of the road will increase the sight distance. There will be a center turn lane, which will also alleviate traffic problems; and the speed limit will be reduced, according to the Highway Department. When he bought the house it was zoned Agricultural and there was farm land behind him. There are hundreds of houses back there now as a result of the zone change. The Jehovah's Witness Church is the result of a zone change since he has been there. There has never been an accident on his road frontage to his knowledge. The neighbors to the north have approached him about the rezoning of all of their lands to commercial. He stated that the state did a dye test and there are no signs of dye in any of the neighbor's yards. He stated that he has a letter from the Health Department in regard to the dye test.

Dennis Walter stated that his house will be directly behind the parking lot. He advised that he had brought up the septic tank issue and the fact that the house was in Boone County, not Florence. He stated that the Health Department told him the dye test may not surface for six months and

Water and Sewer told him to put in all the drainage pipes he wants to force the water in his yard out. He has been fighting water problems for six years. He had a test done and the fecal content of his yard is too numerous to count. The fluoride is .88. The result: Treated water/sewage contamination. If it is not Mr. Schamer's septic tank, it is something else. He questioned that if the count in his yard is that high, how high is the Schamer property. He stated that a pool company refused to put in an above ground pool because there was sewage in the ground. Another pool company put a pool in, but they also said there was sewage in the yard. He stated that the sewage has to be coming from behind his property. His youngest kid is 21 and he would not buy a house with a day care center in the back yard for property value purposes. He would prefer that a family move in. He does not want 30 kids in his back yard. They raised their own kids and want to relax in the back yard. He stated that he has been hearing for seven years that Hopeful Road is going to be done. He questioned the Hopeful Road improvements occurring.

Gary and Brenda Conyers stated that they are the adjoining neighbors on Hopeful Road to the north. He has a problem with the parking lot being next door. He is also not happy with having the children next door. Mrs. Conyers stated that originally there were to be 30 - 35 children and now they are saying 50; and a half-day school program, not a day care center.

Ms. Boland stated that they are hoping for 30 children and, if it works out, there would be 50 children maximum. There would be an after-school program for children going to other schools.

Mrs. Conyers stated that the traffic problem is horrendous.

Counselor Wilson explained that a day care center is a Conditional Use in the SR-1 Zone and requires special approval. It is not allowed automatically. The Board is here to determine if that particular location is suitable for the use.

Mrs. Conyers asked if it is a law that you have to have a fence for a day care center. Ms. Boland stated that the play area has to be fenced. She stated that they would like to work this out with the neighbors. They could put in a privacy fence.

Mrs. Conyers stated that they are concerned about property values.

Mr. Conyers stated that the traffic is a real drawback to the project. The road is dangerous. He stated that they are sandwiched between Pleasant Run and Stonegate. The Jehovah's Witnesses across the street are in and out all day long. There is a lot of traffic concentrated in the area.

Bonnie Carzolli stated that they are adjoining property owners to the rear about three doors to the south. Mr. Carzolli questioned how high the fence would be. Ms. Boland stated that she believes 4 feet is the low, but they have no problem with making the fence 5 feet or 6 feet.

Mr. Carzolli stated that their deck faces the garage and the fence. He gets home about 4:30 and goes out there to relax.

Ms. Boland stated that most parents start getting home after 2 P.M. and the kids have to be picked up by 6 P.M.. Some children have already gone home and some are inside. If it is too hot or too cold, the children are not out there.

Mr. Carzolli stated that he is opposed to the request because of the resale of his home. He stated that he would not buy a home that had a day care center behind it.

Mr. Walter questioned how they are going to direct the water from the parking lot so that there will not be more water in his yard. Mr. Houston stated that that depends on the contractor, and they have to drain it off properly.

Mr. Walter asked if there would be a privacy fence all across the back, including the parking area. Ms. Boland replied "yes, if need be".

Mr. Archambault questioned the sewage situation. Mr. Niemeyer stated that it is his understanding that they are trying to identify the problem using the dye test, but it has not been identified yet. Mr. Archambault stated that the sewage could be from some other place in the area.

Mr. Niemeyer completed the Staff Report in regard to Staff's concerns. He stated that if the request is approved, the number of children should be set. If they need to increase the number, they would have to come back.

Mr. Houston stated that they have to reapply for a license for 50 children. Ms. Boland stated that they have to get the Conditional Use Permit first, then they have to make sure they can annex into the city. She stated that she checked on the annexation and it should be fine. Then Mr. Doll puts in the city sewage. The the State Fire Marshall and the Health Department check the building, and indicate what needs to be changed. They they can apply for the license for 30 children. Mr. Houston stated that they would then have to reapply for 50 children. Ms. Boland agreed. Mr. Niemeyer stated that if they change to 50 children, they should have to come back before the Board and reapply.

There being no further discussion, Mr. Houston moved that the Conditional Use Permit be granted for 30 (thirty) children. If they want to increase the number they have to come back and apply for another Conditional Use Permit. He stated that it seems they will solve the sewer problem by going into the sanitary sewers. Water draining off the parking lot would be in the design of the lot and would be taken care of by the contractor. Mr. Archambault seconded the motion.

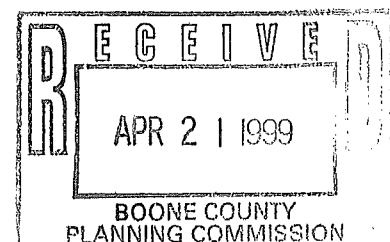
Mr. Archambault asked for a vote on the motion which found Mr. Houston and Mr. Archambault in favor. Mrs. Millar was opposed. The motion carried by a vote of 2 to 1.

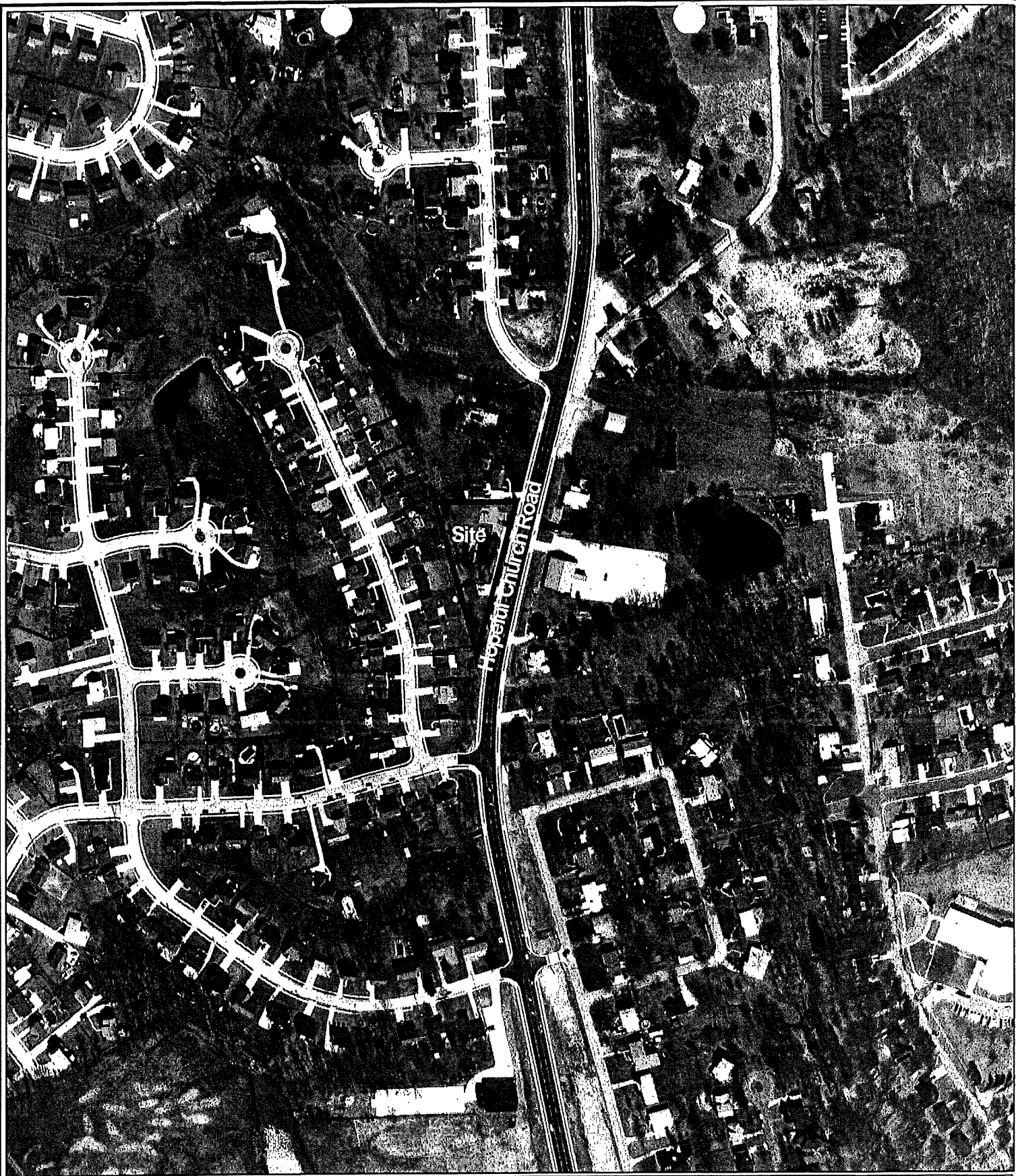
The applicants did not have copies of the plans which were discussed and they agreed to provide copies to the Staff.

We are planning on opening a daycare at 7109 Hopeful Church Road in Florence called Penguin Playschool. The State Fire Marshall has approved the site for 70 children. This number includes having 48 children in the house and 22 children in the garage once it is finished. When finished, the garage will have 2 classrooms and 2 bathrooms. This will provide Penguin Playschool with 6 classrooms (Infants, 1's, 2's, 3's, 4's, kindergartners, and afterschoolers).

Currently we have 10 parking spaces. We are in the process of adding 2 more to comply with the regulations. To add more parking spaces, we are planning on adding a 9x31 concrete pad to the existing driveway in front of the garage.

To ensure the children's safety, we are planning on installing a privacy fence flush with the house going to the left towards the driveway, then up towards the garage. The fence behind the garage going to the back property line and down the back property line is already there. We will connect to the back fence in the right corner of the property and bring the fence down the right side of the yard to 6 ft. before the parking lot, then turn left towards the house and connect to the house. We will plant a 6 ft. evergreen tree and four shrubs in the 10 ft. area between this parking pad and the sidewalk. This will give us a parking pad 36'x31'.





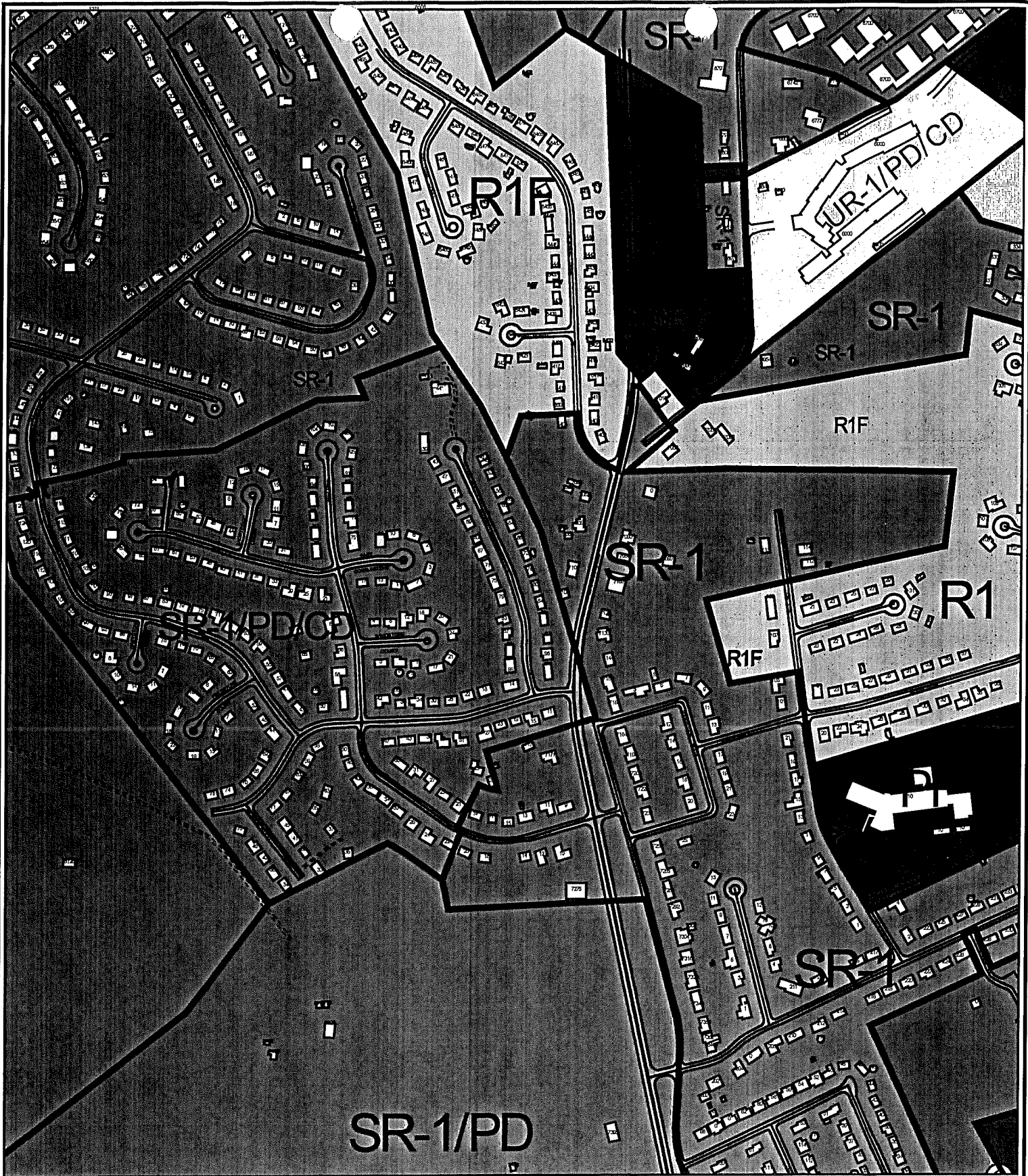
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1 inch equals 300 feet
Produced by the
Boone County Planning Commission
GIS Services Division
May 7, 1999



Location Map

7109 Hopeful Church Road



Zoning Map

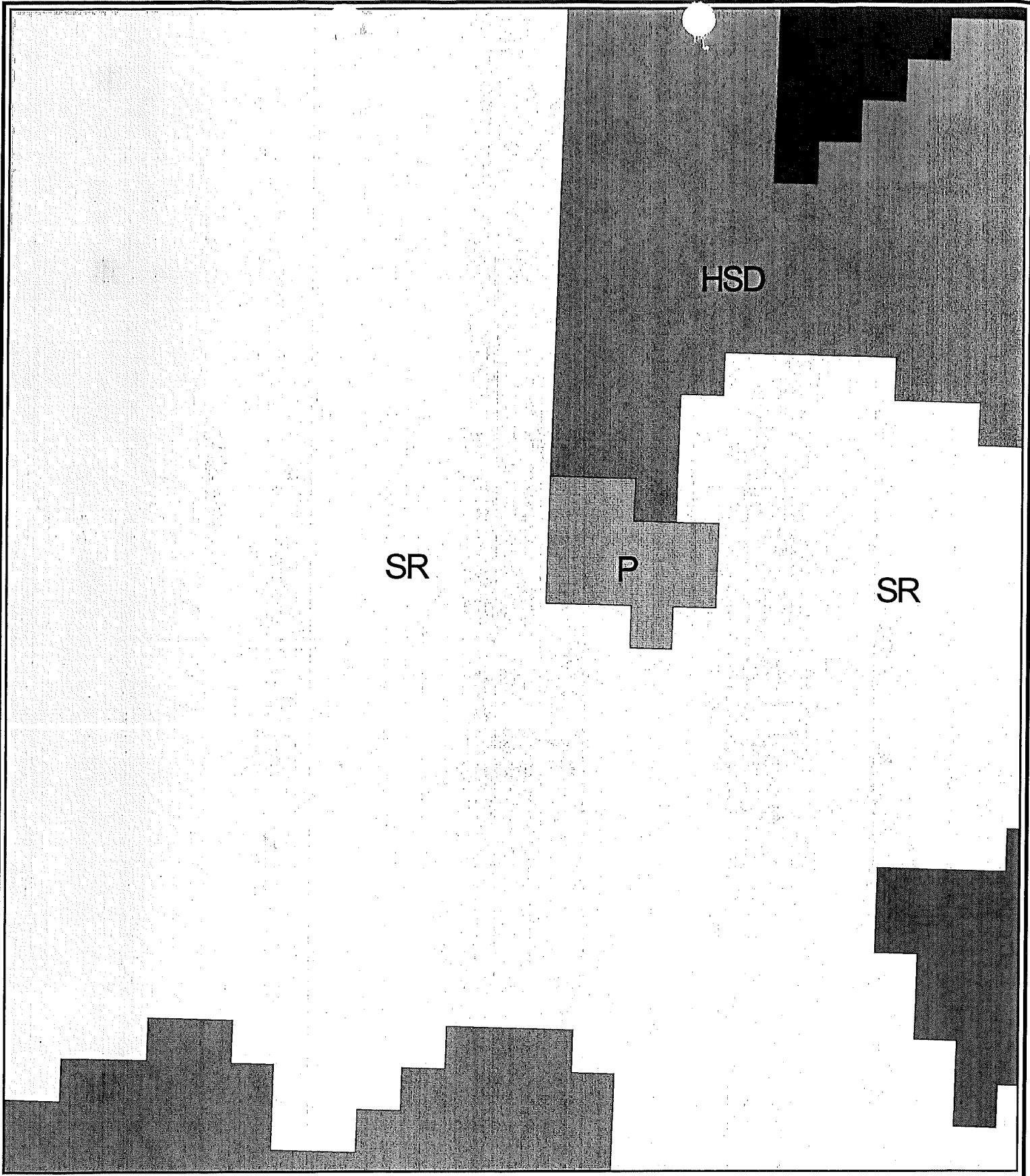
7109 Hopeful Church Road

500 0 500 Feet



1 inch equals 500 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 May 10, 1999



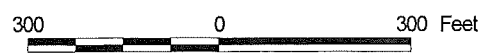


SR

HSD

P

SR



Future Land Use Map

1 inch equals 300 feet
Produced by the
Boone County Planning Commission
GIS Services Division
May 10, 1999



COPY

CLUR # 99-BCBOA-009-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Bonnie Goswick
781 Pointe Drive,
Villa Hills, Kentucky 41017

2. ADDRESS OF PROPERTY

7109 Hopefu Church Rd.
Boone County, Kentucky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Penquin Playschool

DEED BK.:527

PAGE NO.:111

GROUP NO.:2039

4. TYPE OF RESTRICTION(S) (Check all that apply)

Zoning Map Amendment:
From _____ To _____

Conditional Use Permit

Development Plan

Conditional Zoning

Subdivision Plat
(Not Recorded)

Other:

Variance

5. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005

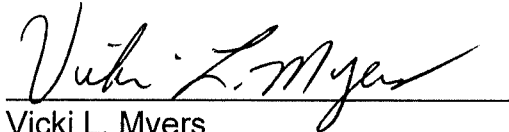

SIGNATURE OF COMPLETING OFFICIAL

Mark Jordan, Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

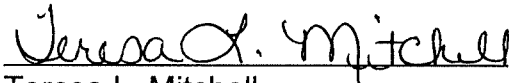
Subscribed, sworn to, and acknowledge before me by Mark Jordan, on behalf of the
Boone County Planning Commission this 2nd day of June, 1999.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires;
April 17, 2003

This instrument was prepared for recording purposes only by:



Teresa L. Mitchell
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of May 12, 1999 Certificate of Land Use Restriction (# 99-BCBOA-009-A), for Bonnie Goswick, Property Owners.

The following conditions will apply: (1): That the owners apply and comply with site plan approval. (2) That there be two additional parking spaces added.

The approved Conditional Use Permit as well as the preceding conditions apply to the property

described in: DEED BOOK 527

PAGE NO. 111

Group No. 2039