

STAFF REPORT

#2

REQUEST OF KINDERCARE LEARNING CENTER, INC.
FOR UTILIZATION OF AN UNDERLYING ZONE
IN PLANNED DEVELOPMENT FOR DEVELOPMENT
OF A DAY CARE CENTER AT 7424 BURLINGTON PIKE, FLORENCE, KENTUCKY

NOVEMBER 30, 1988

The applicant is requesting approval of a Concept Development Plan for development of a day care center on a 0.686 acre site which is zoned Commercial Two/Planned Development Overlay (C-2/PD). The site is located on the north side of Burlington Pike between Utz Drive and Kathryn Avenue. The property is within the Parkway Corridor Study area.

Surrounding Land Uses and Zoning

The surrounding land uses include single family residential to the north and northwest (zoned Suburban Residential Two, SR-2), east and northeast (zoned Residential One Family, R1F), an attorney's office to the west (zoned C-2/PD). South of the site, across Burlington Pike, is a convenience store, a liquor store, and a future office building in a C-2/PD zone. In addition, Glenn Street intersects Burlington Pike opposite the subject site's east property line. The Boone County Health Center, presently under construction, is located a short distance west of this proposed development on the south side of Burlington Pike.

Features of the Site

The site contains a vacant single family residence and a deteriorated garage. The remainder of the property is vacant. There is an existing driveway curb cut to Burlington Pike located approximately 75 feet from the west property line. This driveway is the only curb cut to the north side of Burlington Pike between Utz Drive and Kathryn Avenue. At the present, the majority of the site is grassed with trees and a hedge row along the east property line. The site slopes gently to the northeast toward the back of houses on the west side of Kathryn Avenue. Water, sanitary sewer, storm sewer, electric and telephone utilities are all located adjacent to Burlington Pike.

RELATIONSHIP TO COMPREHENSIVE PLAN AND PARKWAY CORRIDOR STUDY

The 1986 Future Land Use Map indicates commercial development fronting KY 18 in this area. The Goals and Objectives for the Business Activity Element stress buffering between uses and that commercial development be compact and integrated with itself and adjacent development.

In addition to the 1986 Boone County Comprehensive Plan, the subject property is within the limits of the Parkway Corridor Study. The Study's "Recommended Land Use and Zoning Plan" describes the area of the subject parcel:

3KY: C2/PD

In this district, parcels along both sides of KY 18 are designated C2/PD. The accessibility of these sites is well served by KY 18, Turfway Road, and the Parkway. Development of these sites needs to take into consideration the specific local conditions of nearby

residential areas and streets. In addition, development in this zone should also enhance pedestrian use of the area and contribute to the pedestrian network of walkways located throughout the Study area. Like the other office and commercial district in the Study area, this zone offers the potential to establish attractive ground level conditions for retail, restaurant, and other consumer and pedestrian oriented service uses.

In addition, the "Recommended Land Use and Zoning Plan" describes objectives for development of the Parkway Corridor, including:

- "- consistency with the principles and policy objectives of the Comprehensive plan
- effective accommodation of the physical characteristics and framework of the study area defined by the Parkway Corridor alignment
- the provision of a wide range of urban functions and land uses appropriate to a city center location, including attractive ground level conditions conducive to a pedestrian environment, for example, shopping, eating and drinking, service and cultural establishments; parks and plazas; and other similar people oriented activities and land uses
- the safe accommodation of auto traffic, public transit, and pedestrian movement on sufficient public right-of-way, the inclusion of a network of walkways and public open spaces for pedestrian use."

In general, the Parkway Corridor Study attempts to establish a centralized location for office and governmental functions along with an environment suited to both motor vehicle and pedestrian modes of travel. For properties on the periphery of the Study area, the Study emphasizes the need for uses and site design standards to assure that any development is compatible with adjacent residential uses. Access management along Burlington Pike is also considered important.

Proposed Concept Development Plan

The applicant has submitted a Concept Development Plan indicating the size and location of the proposed building; access, driveway, and parking areas; existing and proposed building setbacks and buffer yards; a proposed trash dumpster area; proposed fencing; a proposed storm drainage system, and utility connections.

Building setbacks for the 0.686 acre site, when reviewed under straight C-2 zoning, are 75 feet for the front yard, 50 feet for the east side yard, 50 feet for the rear yard, and 10 feet for the west side yard. In addition to the building setbacks, section 1782 of the Zoning Regulations requires 25 foot landscaped buffer yard along the north and east property lines.

The proposed building is 6260 square feet in size and is located 10 feet within the normal front yard setback, 30 feet within the east side yard setback (and 5 feet within the buffer yard), and 15 feet within the normal rear yard setback. Access to the site is proposed to be from an existing curb cut to Burlington Pike. The plan indicates 14 parking spaces located in front of the proposed building and a trash dumpster located within the parking lot. A 6 foot high

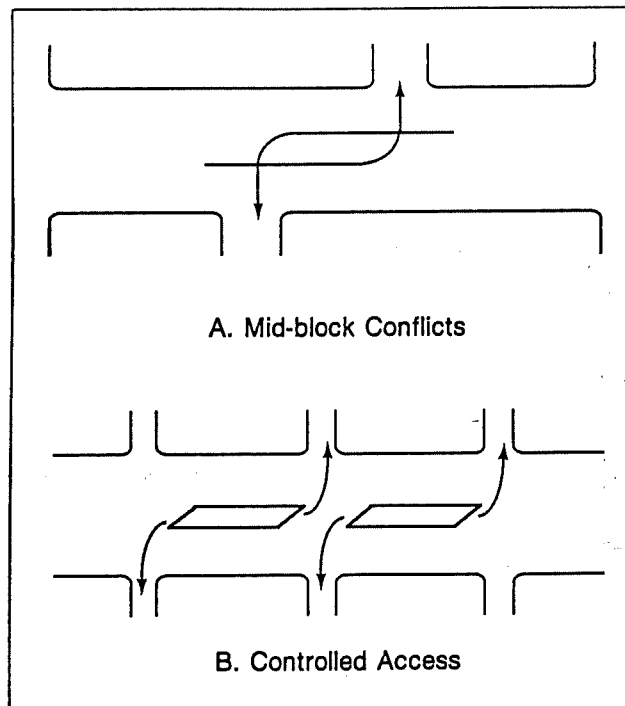
wooded fence is proposed along the north and east property lines where there now exists a hedge row and mature trees. A freestanding sign is also proposed. The applicant has not provided any details pertaining to the design and exterior appearance of the proposed building, for landscaping, for outdoor lighting or building mounted signage.

Staff Concerns:

1. Setbacks: The building, as proposed, would be placed within the front, side, and rear yard setbacks as well as the landscaped buffer yard along the east property line. However, with the current C-2 setback requirements, there is only 4150 square feet of buildable area on the 0.686 acre site. Because the site is zoned Planned Development, the Commission has discretion regarding the building setbacks. At a minimum, staff recommends that the proposed building be reduced in size so that it does not encroach into the 25 foot landscaped buffer yard along the east property line.
2. Landscaping and Buffering: The proposed plan does not indicate any landscaping on the site. In addition, the applicant is requesting a waiver of the landscaped buffer yard requirements adjacent to the residential zones. Staff is also concerned that the proposed wooden fence, as shown on the plan, will require removal of a hedge row and mature trees along the east property line. This site is adjacent to two well established single family residential neighborhoods: adequate protection in the form of buffering must be provided.
3. Building and Site Design: Any proposed development at this location should be carefully designed to be sensitive to the adjacent residential neighborhoods as well as to meet the objective of attractive ground level conditions as outlined by the Parkway Corridor Study. The applicant has provided building elevations and descriptions of building materials for review by the Commission. In addition, a landscaping and buffering plan should be provided. In general, the Commission should assess these plans with regard to the compatibility of building materials with the adjacent residential neighborhood. Staff recommends that any rooftop equipment be hidden from public view, that the proposed trash dumpster area be placed behind the front building setback, that the proposed building and parking area be kept out of the 25 foot buffer zone, that only building mounted signage be utilized, and that existing trees be maintained along the south and east property lines. In addition, stormwater runoff should not be discharged into the adjacent residential area.

4. Access Management: Staff believes that the driveway to this site should be aligned with the driveway opposite Burlington Pike. As Figure I illustrates, alignment of the driveways will reduce conflicts of vehicles making left turns.

FIGURE 1. DRIVEWAY ACCESS LOCATION




Source: Traffic Institute, *Program of Instruction for the Traffic Management of Land Development* (Evanston: Traffic Institute, Northwestern University, March 26-30, 1979), p. 3854-7.

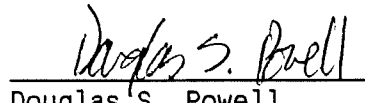
Further, staff believes that only one access point should be placed between Utz Drive and Kathryn Avenue. The distance between the two streets is approximately 450 feet. One driveway would be able to provide access to the all the properties located between these two streets. The location of this shared drive should be opposite Glen Street. As such, the driveway proposed as part of this Concept Development Plan should be designated as temporary. The proposed driveway to serve the development until such time as the property to the east or west develops. At that time it would be moved to align with Glen Street. Additionally, the applicant should be required to provide for future access to the adjacent properties.

Conclusion

The major issues regarding this request are building setbacks, landscaping and buffering, building and site design, and access management. All of these issues are relevant and should be assessed on the basis of their relationship to the Parkway Corridor Study and the objectives of Planned Development. If the Planning Commission and Florence City Council approve this request, the Parkway Corridor Study need not be amended.



Jim Sturdevant,
Plans Examiner/Planner



Douglas S. Powell,
Transportation Planner

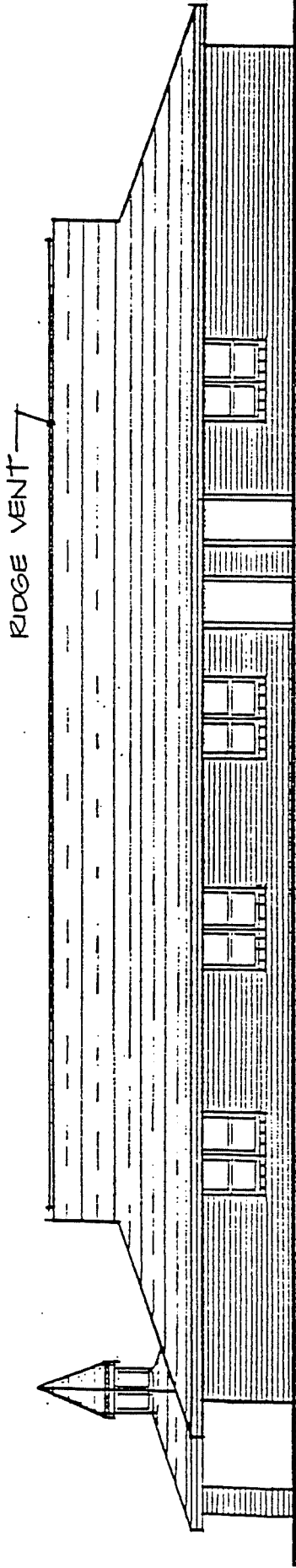
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KINDER-CARE

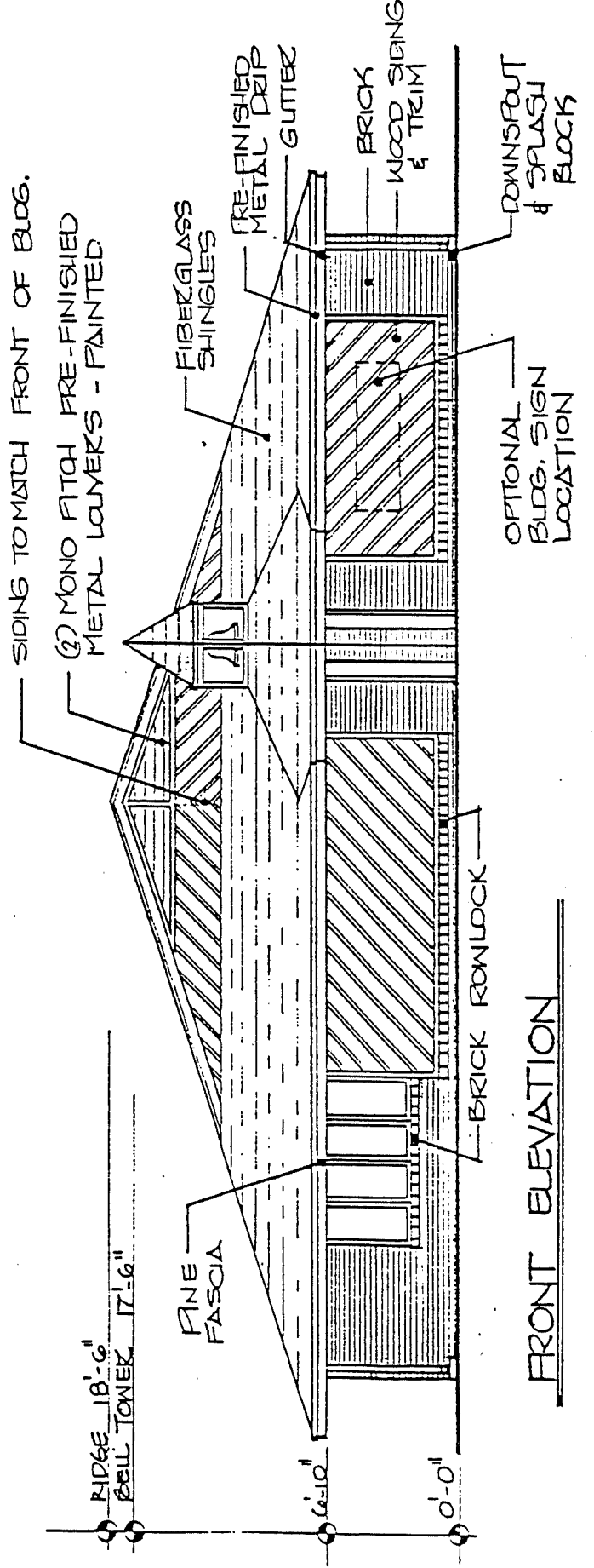
PROPOSED BUILDING

11-30-88

FIGURE IV



RIGHT SIDE ELEVATION

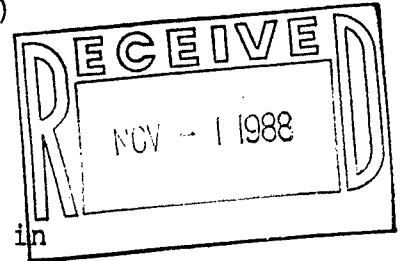


FRONT ELEVATION

APPLICATION FORM

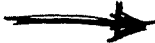
**CHANGE IN CONCEPT DEVELOPMENT PLAN
OR
THE UTILIZATION OF AN UNDERLYING ZONE IN PLANNED DEVELOPMENT**

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)



SECTION A (To be completed by applicant)

1. ~~Check One:~~



Change in Concept Dev. Plan
Utilization of an Underlying Zone in
Planned Development

2. Name of Development Kinder-Care Learning Center, Inc.

3. Location of Development 7424 Burlington Pike, Florence, KY 41005

4. Total Acreage of Site .686 acres

5. Current Zoning CP-2D

6. Date of Zone Change or Approved Concept Development Plan (if applicable) N/A

7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) N/A

8. Proposed Uses (please specify each use) DayCare - Permitted Use in zoning classification along with Variance requested on site plan.

9. Name of Applicant(s) Kindercare Learning Center, Inc./Art Best RCM
Phone Number(s) 614/755-9211

10. Address of Applicant(s) 5310 E. Main Street - Suite 101
Columbus Ohio 43213
City State Zip

11. Name of Property Owner(s) Charles L. & Linda Munson (wife)
Phone Number(s) _____

12. Address of Property Owner(s) 27 Kathryn Ave.
Florence Kentucky 41042
City State Zip

13. Proposed Building Intensities (please specify) _____
1-story - 6,250 sq. ft. - DayCare Center

14. Are there any existing buildings on the site? Yes
How many? 1-old Residential House

15. Deed Book 387 Page No. 5 Group No. (attached deed)

16. Have you had a pre-application meeting with BCPC staff? yes
Estimate November 8 Hearing

(COMPLETE OTHER SIDE OF APPLICATION)

APPLICATION FORM
 CHANGE IN CONCEPT DEVELOPMENT PLAN
 THE UTILIZATION OF AN UNDERLYING ZONE IN PLANNED DEVELOPMENT

17. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

- Boone County Water and Sewer District
- Florence Water and Sewer Commission
- Union Light Heat and Power
- Cincinnati Bell
- Owen County Rural Electric
- Boone County Road Department
- Kentucky Transportation Cabinet
- City of Florence Public Works Department
- City of Walton Public Works Department
- Northern Kentucky Health District
- U.S. Soil Conservation Service
- Local School District
- Local Fire District
- Other: Boone County Planning Commission

18. Are you also applying for:

- Conditional Use Permit
- Dimensional Variance

19. Applicant's Signature(s): Art Best
Art Best/KCLC Regional Construction Manager

20. Property Owner's Signature(s): _____

21. Have you submitted a Concept Development Plan? Yes

SECTION B (To be completed by BCPC Staff)

1. Date Received 11/1/88 J.A.G.

2. Fee Received \$385.00

3. Check what has been submitted:

- Application Fee Legal Description
- Concept Development Addresses of Adjoining
- Plan Property Owners Charles & Linda Munson

5 No. of copies of plan received**

4. Is application complete? Yes No contracted owner

5. Staff Reviewer _____

6. Committee Chairman _____

7. Scheduled Public Hearing Date 11/30/88 @ 8:PM

8. Boone County Planning Commission Action:

- Approval
- Approval With Conditions
- Disapproval

9. Other: 1

EXHIBIT "B"

Chairman Viox introduced the second item on the Agenda:

2. Applicant: Kindercare Learning Center, Inc.
Request: Concept Development Plan

The request of Kindercare Learning Center, Inc. for the Utilization of an Underlying Zone in Planned Development on property owned by Charles L. and Linda Munson. The proposed use is a daycare center on the 0.69-acre site. The current zoning is Commercial Two/Planned Development (C-2/PD).

Staff Member, Jim Sturdevant, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Viox asked if the applicant was present and wished to comment.

Mr. Art Best, Regional Construction Manager for Kindercare, stated that he had talked with Mr. Sturdevant about Staff's concerns and resolved them. He stated that their building is residential in nature and provides a buffer between the residential and commercial districts. He stated that they have no problem in aligning their curb cut with the street across from them. They have no problem in relocating the dumpster, even though they feel that the trucks coming in to empty it will tear up the parking lot. They will provide a four-foot or six-foot high fence around the three sides of the site. They believe a four-foot high chainlink fence is most acceptable. They will dispose of the dead trees along the east side and remove the undergrowth.

Chairman Viox asked if there was anyone present who wished to speak in favor of the request. There being no response, he asked if there was anyone present in opposition or having questions.

Mr. John Arnett, a property owner to the west of the site (the law office), stated that his prime concern is curb cuts on KY 18. He stated that if parking is in the rear of this project, then people will cut across his parking lot and create problems for his business. He wants assurance that such access is not allowed. He stated that the plan he was shown showed the playground adjacent to his property and it now appears to be on the opposite side. He added that he is concerned about people parking in his lot while picking up their children.

Mr. Best advised that the playground will be on all sides of the building. Parking will be in the front with a curb cut on KY 18.

Mr. Elbert Lanehart, whose property adjoins the site off of Kathryn Avenue, stated that he is concerned about the underbrush. The locust trees are growing through his fence line.

Mr. Best advised that they will remove the weeds and undergrowth. The playground will be sodded. If Mr. Lanehart wishes, they will remove the small locust trees. The larger trees will remain. Mr. Best reviewed the survey plan with Mr. Lanehart.

At this time, Mr. Sturdevant completed the Staff Report noting Staff's concerns.

Mr. Doug Powell, Transportation Planner, referred to Figure 3 attached to the Staff Report and discussed the access to the site (see Staff Report, Page 4).

Chairman Viox asked if anyone else wished to speak.

Mr. Rush noted that children will be involved with this site and questioned the sharing of access points.

Mr. Powell advised that there is a concern that the residential property may stay residential for twenty years and at that time this development may not be there. If there would be a convenient store, then Staff shares the concern that it may not be appropriate for the driveway to be shared with the daycare facility.

Mr. DeLong questioned how many children will be in the facility. Mr. Best advised that there will be about 135 children. Some of them will be picked up after school. The majority of the children will be pre-schoolers.

Mr. DeLong questioned the amount of traffic generated. Mr. Best advised that they typically pick locations that are in the flow of traffic that is already there. People come by the site and drop off their children and continue on to work. They do not increase the traffic flow. He stated that there will probably be less than 100 cars per day coming into the site, and they are prior to and after the rush hour traffic.

Mr. DeLong stated that he would like to see right-turn-in and right-turn-out only. Mr. Best stated that they could do this. However, Mr. Powell did not agree with this suggestion as there will not be that much traffic at peak times. There is a turn lane on KY 18. If the driveway is aligned, it will reduce the conflicts of people turning left. He noted that the right-turn-in and right-turn-out method usually does not work.

Mr. Collins stated that he did not agree that the dumpster should be closer to the building due to the risk of fire and the large equipment that will have to dump it. He also does not feel that the fence addresses the noise level. There needs to be a sound barrier.

Mr. Best stated that the facility does not operate at night. He stated that a six-foot high wooden fence is a good buffer and sod absorbs noise.


There being no further comments, Chairman Viox advised that this item will be on the Agenda for the Business Meeting on December 7, 1988 at 8 P.M. and closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

December 7, 1988 8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:00 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett, Vice Chairman
Mr. Fred Burch
Mrs. Rita Bushelman
Mr. Lawrence Collins
Mr. Phil Damstrom
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Rector Jones
Mr. Don McMillian
Mr. Charles Moore
Mr. Barry Neltner
Mr. Ralph Rush
Mr. Floyd Sharp
Mrs. Carol Smith
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

None

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox noted that each member had received a copy of the Minutes of the Business Meeting of November 16, 1988 and the Public Hearings of November 30, 1988 and asked if there were any comments or corrections.

Chairman Viox noted a correction to Public Hearing Item #1 in that "Lynn Baird" should be "Len Baird".

Mr. McMillian moved that the Minutes of the Business Meeting of November 16, 1988 be approved, and that the Minutes of the Public Hearings of November 30, 1988 be approved as amended. Mrs. Smith seconded the motion and it carried unanimously.

2. Concept Development Plan

The request of Kindercare Learning Center, Inc. for the Utilization of an Underlying Zone in Planned Development on property owned by Charles L. and Linda Munson. The proposed use is a daycare center on the 0.69-acre site. The current zoning is Commercial Two/Planned Development (C-2/PD).

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). He noted that the applicant has submitted a letter agreeing to the conditions.

Chairman Viox asked if there was a representative of the neighborhood present who wished to summarize their position.

Mr. John Arnett, a contiguous property owner to the west (the law office), stated that all of his questions had been answered, except for the location of the sign. He stated that he is concerned that the sign will block the view of westbound traffic.

Mr. Barnett stated that the sign was discussed at the Committee level and that he thought there was a condition in regard to the size of the sign. He noted that the Staff and Committee felt that there should be a building mounted sign at this location but, since there is a 75-foot setback, he can see that they may need a sign.

Mr. Art Best, representing Kindercare, stated that their standard sign is 4' X 12'. He stated that the ordinance requires that there be clearance and that he does not believe it will cause a vision problem. The sign is not near the road.

Mr. Barnett stated that if a free-standing sign is allowed, it should be as small as possible. Otherwise, there should be a building-mounted sign.

The Chairman asked for a five-minute recess at this time.

Following the recess, Mr. Barnett advised that the majority of the Committee did not want to impose a condition regarding the size of the sign and that 4' x 12' is agreeable. He stated that the Committee Report stands as read.

Mr. Burch advised that the location of the sign will be determined when the sign permit is issued. Mr. Newton noted that this issue is addressed in the regulations.

There being no further discussion, Mr. Jones moved by resolution to the City of Florence that the request be approved based on the Staff and Committee Reports, including the conditions. Mr. Burch seconded the motion and it carried unanimously.

EXHIBIT "C"

COMMITTEE REPORT

#2

TO: Boone County Planning Commission

FROM: Larry Barnett, Chairman

DATE: December 7, 1988

RE: Request of Kindercare Learning Center, Inc. for the Utilization of an Underlying Zone in Planned Development on property owned by Charles L. and Linda Munson. The proposed use is a day-care center on the 0.69 acre site. The current zoning is Commercial Two/Planned Development (C-2/PD).

REMARKS:

We the Committee recommend approval of the Concept Development Plan based upon the following findings of fact and with the following conditions.


FINDINGS OF FACTS

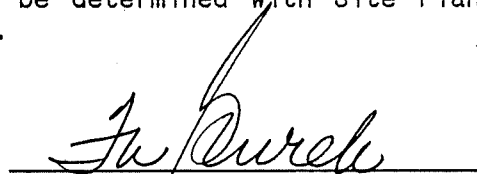
1. The proposed use of a day-care center is in conformance with the 1986 Boone County Comprehensive Plan which indicates future development of commercial for the subject property.
2. If developed in accordance with the conditions listed below, the proposed development will be in conformance with the "Recommended Land Use and Zoning Plan" of the Parkway Corridor Study which recommends service uses oriented to an office and commercial center of Florence, and which takes into consideration the specific local conditions of adjacent residential areas. In addition, the proposed plan will act as a buffer between residential and commercial areas, help provide a wide range of urban functions appropriate to a city center location, promote attractive ground level conditions, and safely accommodate pedestrian and automobile traffic. Other references to the Comprehensive Plan and Parkway Corridor Study are in the Staff Report.

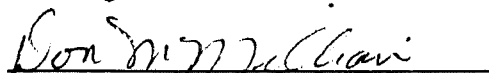
CONDITIONS

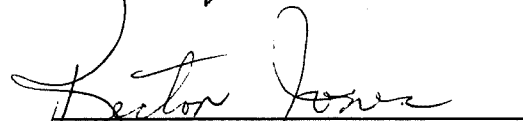
1. The proposed building shall maintain a minimum setback of 25 feet from the east property line in addition to all other setbacks as shown on the Concept Development Plan.

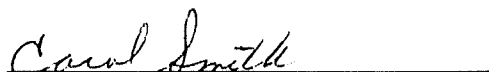
2. A single access drive to Burlington Pike will be permitted. This access point shall align with the existing access to the convenience store on the south side of Burlington Pike and shall be designated as temporary so that it may be relocated, at the property owner's/applicant's expense, to align with Glen Street if adjacent property to the east redevelops. In addition, the property owner/applicant agrees to provide access driveway connections to adjacent properties if directed by the Planning Commission in the future.
3. A six foot high wooden privacy fence shall be required along the entire perimeter of the site up to the front building setback line and to the building. The proposed trash dumpster shall be relocated out of the 25 foot landscaped buffer setback adjacent to the east property line and shall be enclosed by a similar wooden fence.
4. The applicant shall leave undisturbed any trees and vegetation along the east, west and north, property lines that are determined desirable for retention. Additional landscaping shall be required near the front of the proposed building and at the perimeter of the proposed parking lot. The specific vegetation to be saved and additional plantings required will be determined with Site Plan Review for the proposed development.


Larry Barnett, Chairman


Fred Burch


Donald McMillian


Rector Jones


Carol Smith


Barry Nettner

R-56-88

ORDINANCE NO. 0189

AN ORDINANCE ADOPTING AND APPROVING A DEVELOPMENT PLAN FOR THE USE OF AN UNDERLYING ZONE WHICH IS COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD), AND IS LOCATED ON A 0.69 ACRE SITE GENERALLY ON THE NORTH SIDE OF KENTUCKY 18 NEAR ITS INTERSECTION WITH UTZ LANE IN THE CITY OF FLORENCE, KENTUCKY. (MUNSON-KINDERCARE LEARNING CENTER, INC.)

WHEREAS, certain property consisting of approximately 0.69 acres, more particularly described in Exhibit "A", is presently zoned Commercial Two, with a planned Development Overlay (C-2/PD), and

WHEREAS, the Planned Development Overlay requires submittal of a concept development plan for review and approval in principle as to land use types and intensities under applicable zoning regulations, and

WHEREAS, The Boone County Planning Commission has reviewed the submitted concept development plan for the property described in Exhibit "A" and recommended approval in principle subject to conditions agreed to and accepted by the owner and applicant for the approval in principle to utilize the underlying zone, and

WHEREAS, the City Council of Florence, Kentucky has reviewed the Commission recommendation and presentation of the owner and applicant.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FLORENCE, KENTUCKY AS FOLLOWS:

SECTION I

That approval in principle of the concept development plan of Charles L. Munson and Linda Munson and Kindercare Learning Center, Inc. property more particularly described in Exhibit "A" to utilize the underlying zone as a child care facility shall be and the same is hereby granted, subject to the conditions, terms and provisions of the Boone County Planning Commission recommendation, including the committee report made a part of that recommendation, a copy of that recommendation and committee report being attached, marked Exhibit "B" and incorporated herein as if fully set out, such recommendation being in the form of Resolution No. R-56-88, and the committee report, both of which are dated December 7, 1988.

SECTION II

That the owner and applicant of the subject property have agreed to these conditions, terms and provisions of Exhibit "B" and made them a part of their concept development plan.

SECTION III

That this approval in principle of the concept development plan is not final approval and owners and applicant must meet and satisfy all requirements in Article 15 relating to preliminary development plan, improvement plans and final plats or site plan review where no subdivision of land is involved.

PASSED AND APPROVED ON FIRST READING THIS THE 10th DAY OF January, 1989.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS THE 24th day of January, 1989.

APPROVED:

Joseph R. Boyle
MAYOR

ATTEST:

Betsy Conrad
CITY CLERK