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Shelby looks at reining in growth Effect on schools may be considered

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SHELBYVILLE, Ky. -- Shelby County's newest elementary school opened in August, but already it has more students than it was designed to handle.

The county's population rose about 11.6 percent, or 3,880 residents, between 2000 and 2004 as it became a bedroom community of Louisville.

Now Shelby County residents and elected officials are debating a proposed ordinance that would help ensure that population growth doesn't outstrip the capacity of the county's schools.

Shelby County Magistrate Jim Robertson has proposed an ordinance that would allow zoning officials to consider a proposed project's impact on schools as grounds for rejection, just as a project's impact on traffic is already grounds for denial.

"We need to slow the growth," Robertson said. "And we need to allow residential growth that can come in at a pace that won't mean raising taxes or diminishing services. Nobody wants to pay higher taxes for a service that is diminishing."

The ordinance is modeled after one in Oldham County that was adopted in 2004. The ordinance makes a project's impact on school crowding something planning and zoning officials must consider. It also allows the developer to offer incentives to the school district -- such as including land for a new school as part of the proposal -- to mitigate the impact.

Similar proposals have been debated in Spencer and Boone counties, but have not been voted on, said a spokesman for the Kentucky School Boards Association.

Kathy Bruner, who has two fifth-graders at Clear Creek Elementary, a new school that opened in August, said she supports the Shelby County idea.

"This is my kids' last year before middle school. What happens when all these kids hit middle, where are they going to put all of them?" she asked.

District officials said the most immediate need will be for a sixth elementary school,

though they acknowledge that a third middle school may eventually be needed as well.

But Chuck Kavanaugh, executive vice president of the Home Builders Association of Louisville, said builders oppose the law in Oldham County, and do not think Shelby County should adopt one.

He said the law gives the Oldham school district too much say in whether projects are approved, and helps remove the pressure on the district to find funds to meet growth-related expenses from state lawmakers or another source.

He said that by focusing on new homes, officials would ignore other growth in the county, including growth caused by families with children who move to Shelby County and rent or buy existing homes.

"There really is no accountability of the school system," Kavanaugh said. "There are a lot of folks that want to live in Shelby County and live in Oldham County, and the folks building the houses aren't making them do that."

So far, Robertson has failed to win the support of any other Shelby County magistrate that he would need to put his ordinance on the agenda for a vote.

He said yesterday that he has scheduled a public forum at 7 p.m. Nov. 9 to try to build support for the idea among voters.

Oldham's experience

Former Oldham County schools Superintendent Blake Haselton said he supported that county's law because schools were being overrun.

"I would say that it is working for the schools," said Haselton, now executive director of the Kentucky Association of School Superintendents.

He said the district no longer has over-capacity schools, but said the ordinance has not been the sole factor in that change. About the same time the ordinance was passed, voters approved a bond package that allowed the district to build new schools, he said.

Louise Allen, planning administrator for Oldham County, said the ordinance has forced developers to offer ways to lessen the impact on schools.

Two recent projects included plans that would provide land for a new school, she said. One was approved, and the other was rejected for traffic-related reasons.

But Kavanaugh said the ordinance gives the school district too much control. For instance, he said, the school district won't certify that a project is acceptable unless its new homes are phased in at a rate of just 40 homes a year.

That's too slow, he said, noting that some developments have hundreds of homes and would require many years to develop under those rules.

"I think in the case of Oldham County, there was a rush to judgment to throw this thing on the books," he said. "And in Shelby County, there is a definitely a rush to judgment from one individual magistrate who wants to see this done."

Robertson said he wouldn't want such a limit in Shelby County because it would give too much input to the school district.

Mary Mayrose, 47, supports giving schools more say in Shelby County's growth.

The district has been trying to build schools to accommodate enrollment since her daughter, a high school freshman, was in kindergarten, she said. "We've been dealing with large classrooms all the way through."

This year at Clear Creek Elementary, a larger-than-expected enrollment forced the district to hire new teachers and aides at the last minute and reschedule some classes weeks after the start of the year.

Shelby's reservations

Magistrate Tony Carriss said he is leaning against supporting the proposal.

"We have already got responsible bodies to consider these things," he said.

Judge-Executive Rob Rothenburger said he is concerned about the pace of development, but said the ordinance gives the school district too much power over planning and zoning.

Although final decisions on projects would be made by Fiscal Court, the planning and zoning board would ask the school district whether schools can handle the extra students and could recommend denial if school officials say no.

Bobby Hudson, a member of the board of the economic development agency that recruits businesses to Shelby County, said the availability of new homes is a draw for companies that want to relocate.

"Of course they want to see if you do have houses for sale. If you do, they'll feel better about bringing 25 to 50 people in," Hudson said.

Hudson said industry has helped Shelby County schools avoid some of the problems seen in Oldham, where homeowners pay a far greater share of property taxes than in Shelby County.

Robertson said his ordinance wouldn't give the school board a final say in anything, but

would make the board part of the discussion earlier in the process.

"It offers protection to the Shelby County taxpayer and keeps them from having to subsidize a lot of new development that is increasing the capital expenditures by the county and the schools," he said.

"The schools might as well hang a 'no vacancy' sign out, and yet we've seen our developments go from dozens of homes to hundreds of homes."

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