

CONDITIONAL USE PERMIT STAFF REPORT	City-County Planning Commission 1141 State Street Bowling Green, Kentucky 42101 (270) 842-1953
<u>Docket Number:</u> 2011-C-02 <u>Public Hearing Date:</u> August 11, 2011 <u>Pre-Application Conference:</u> June 21, 2011	<u>Property Owners:</u> Nelson and Vickie Hill <u>Address:</u> 2132 Larmon Mill Road Alvaton, KY 42122
<u>Location of Proposed Conditional Use Permit:</u> 2132 Larmon Mill Road <u>Acreage or Square Footage of Tract:</u> 5.00 Acres (217,800 Square Feet) <u>PVA Parcel Numbers:</u> 055B-20B	<u>Site District:</u> Rural Conservancy District <u>Focal Point:</u> 119 – Woodburn/Plano <u>Characteristics:</u> Agriculture/Open Space. Mostly agriculture with scattered low density single family residential. <u>Flood Plain:</u> The property is not located in the 100-year flood area according to FEMA map # 21227 CO 410 E.
<u>Traffic Considerations:</u> The property has frontage on Larmon Mill Road, a County-maintained roadway with fifty (50) feet of right-of-way and pavement width that varies.	<u>Existing Land Use:</u> Residential <u>Zoning History:</u> AG (Agriculture) is the original zoning.

DESCRIPTION OF REQUEST

The applicant is requesting a Conditional Use Permit for a lawn care service. The applicants have set the hours of operation for the proposed lawn care service (Home Occupation) to be 7:30 A.M. to 5:30 P.M., Monday through Friday. The applicants have also committed that there will be no signage on the property. (See attached maps).

ZONING ORDINANCE REFERENCE

Article: 5.2.2

RESIDENTIAL USE CATEGORIES

5.2.2.A.4.b.(7) A Conditional Use Permit is required in order to operate a lawn care service (home occupation) in the AG (Agriculture) District where the subject property is at least five (5) acres in size).

Conditions Submitted by the Applicant

1. The lawn care service will be operated from 7:30 A.M. to 5:30 P.M., Monday through Friday.
2. There will be no signage on the property.
3. No retail or wholesale sales may be conducted from the site.

5.2.2.A.5.b.(1-9) Home Occupations listed in 5.2.2.A.4.b that requires a conditional use permit shall meet the nine (9) standards listed in this referenced section of the Warren County Zoning Ordinance.

CONDITIONAL USE PERMIT FINDINGS

Section 3.8.4 of the Zoning Ordinance states that an application for a Conditional Use Permit shall be approved if, and only if, the application demonstrates for the proposed use/development that:

- A. Granting the conditional use permit does not substantially conflict with the Comprehensive Plan and the purposes of this Ordinance;
- B. Will be consistent with the "intent" statement for the district in which it is located;
- C. Will be compatible with existing uses adjacent to and near the property;
- D. Will not be hazardous, detrimental or disturbing to present surrounding land uses due to noise, glare, smoke, dust, odor, fumes, or other general nuisance;
- E. Will not otherwise adversely affect the development of the general neighborhood or of the district in which the use is proposed;
- F. Will be consistent with existing and planned pedestrian and vehicular circulation adjacent to and near the property;
- G. Will have adequate water and sewer supply, storm water facilities, transportation facilities, waste disposal and other public services;
- H. Will be developed in a way that will preserve and incorporate any important natural features of the site; and
- I. Will conform to any specific criteria or conditions specified for that use elsewhere in the Zoning Ordinance.

MOTIONS

MOTION TO **APPROVE** THE **CONDITIONAL USE PERMIT** REQUEST:

I make the motion to **approve** the Conditional Use Permit, Docket # 2011-C-02, for a lawn care service located at 2132 Larmon Mill with the following conditions:

- 1) The lawn care service will be operated from 7:30 A.M. to 5:30 P.M., Monday through Friday.
- 2) There will be no signage on the property.
- 3) No retail or wholesale sales may be conducted from the site.

The testimony presented in this public hearing has shown that the use:

- Is not detrimental to the public health, safety or welfare in the zone in which it is proposed,
- Will not contribute toward an overburdening of municipal services,
- Will not result in increased traffic congestion, additional parking problems, substantial increase in population density, environmental problems or constitute a nuisance, and
- Otherwise meets the requirements of the Zoning Ordinance.

OR

MOTION TO **DENY** THE **CONDITIONAL USE PERMIT**:

I make the motion to **deny** the Conditional Use Permit, Docket # 2011-C-02, for a lawn care service located at 2132 Larmon Mill Road:

Choose one or more appropriate finding(s).

- The use **would** be detrimental to the public health, safety or welfare in the zone in which it is proposed.
- The use **will** contribute toward an overburdening of municipal services.
- The use **will** result in increased traffic congestion, additional parking problems, substantial increase in population density, environmental problems or constitute a nuisance.
- The use **does not** meet the requirements of the Zoning Ordinance.