

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-04 <u>Public Hearing Date:</u> October 13, 2011 <u>Pre-Application Conference:</u> August 31, 2011	<u>Property Owner:</u> Jerome Wilson <u>Address:</u> 3358 Dye Ford Road Alvaton, KY 42122
<u>Location of Proposed Conditional Use Permit:</u> 3358 Dye Ford Road <u>Acreage or Square Footage of Tract:</u> 55.46 Acres (2,415,837.6 SF) <u>PVA Parcel Numbers:</u> 055B-67	<u>Site District:</u> Rural Conservancy District <u>Focal Point:</u> 119 Woodburn/Plano <u>Characteristics:</u> Agriculture/Open Space. Mostly agriculture but with scattered low density single family residential. <u>Flood Plain:</u> A portion of the property is located in the 100-year flood area according to FEMA map # 21227 CO 410 E, Dated May 2, 2007.
<u>Traffic Considerations:</u> The property has frontage on Dye Ford Road, a County maintained rural local roadway with fifty (50) feet of right-of-way and seventeen (17) feet of pavement width.	<u>Existing Land Use:</u> Residential <u>Zoning History:</u> AG (Agriculture) is the original zoning. A portion of the property is also in the General Flood District (F).

DESCRIPTION OF REQUEST

The applicant is requesting a Conditional Use Permit to operate a kennel on his property and sell Bird Dog pups as they become available. Dogs will be picked up at the kennel from the hours of 8:00 a.m. to 6:00 p.m., Monday through Sunday. Buyers will arrive on the property and pick up dogs on an individual basis by appointment only. No signage will be used and there will be no more than twenty (20) dogs associated with the kennel.

ZONING ORDINANCE REFERENCE

Article: 5.2.2

RESIDENTIAL USE CATEGORIES

5.2.4.F.5.a. A Conditional Use Permit is required to operate a kennel on property zoned AG (Agriculture).

- The kennel will operate from 8:00 A.M. to 6:00 P.M., Monday through Sunday by appointment only.
- No signage will be present on the property.
- There will be no more than twenty (20) dogs associated with the kennel.

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-04, for a kennel at 3358 Dye Ford Road with the following conditions:

1. The kennel will operate from 8:00 A.M. to 6:00 P.M., Monday through Sunday by appointment only.
2. No signage will be present on the property.
3. There will be no more than twenty (20) dogs associated with the kennel.

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-04, for a Kennel at 3358 Dye Ford 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.