

CONDITIONAL USE PERMIT STAFF REPORT	City-County Planning Commission 1141 State Street Bowling Green, Kentucky 42101 (270) 842-1953
<p><u>Docket Number:</u> 2011-C-06</p> <p><u>Public Hearing Date:</u> November 10, 2011</p> <p><u>Pre-Application Conference:</u> September 21, 2011</p>	<p><u>Petitioner(s):</u> Eddie Johnson & George L. Hampton 1031 Kentucky Street Bowling Green, KY 42101</p> <p><u>Property Owner(s):</u> Eddie Johnson / C & H Rental, LLC. P.O Box 51188 Bowling Green, KY 42102</p>
<p><u>Location of Proposed Conditional Use Permit:</u> 1031 Kentucky Street</p> <p><u>Acreage or Square Footage of Tract:</u> .21 Acres (9,147.6 SF)</p> <p><u>PVA Parcel Numbers:</u> 039A-11-052</p>	<p><u>Site District:</u> Urban Density Development District</p> <p><u>Focal Point:</u> 101 Downtown Bowling Green</p> <p><u>Characteristics:</u> Dominant Use Area. Traditional Central Business District including Fountain Square and several government administrative buildings with associated office and professional uses. Residential, including College Hill Historic District, and several large early 20th century single family dwellings, some in transition to mixed density housing and offices. Some areas warrant clearance and redevelopment.</p>
<p><u>Traffic Considerations:</u> The property has frontage on Kentucky Street, a State maintained urban minor arterial street with forty-six feet (46') of right-of-way and twenty-nine feet (29') of pavement width.</p>	<p><u>Existing Land Use:</u> Multi-Family Residential</p> <p><u>Zoning History:</u> R-4 (Multi-Family Residential) is the original zoning. The property was converted to RM-4 (Multi-Family Residential) in 2001.</p>
<p><u>Water:</u> A 4" water line providing 692 GPM with a static pressure of 66 PSI and residential pressure of 14 PSI is available along Kentucky Street. There is also an 8" water line providing 979 GPM with a static pressure of 48 PSI and a residual pressure of 28 PSI available along E. 11th Avenue. This meets the fire control standards of Bowling Green.</p>	<p><u>Sewer:</u> An 8" sewer line is available along Kentucky Street.</p>

DESCRIPTION OF REQUEST

The applicants are requesting a Conditional Use Permit in order to operate a group living facility. The existing residence will be used as temporary housing for up to eight (8) men, which includes two (2) full-time staff members that are the Director and Assistant Director. The applicants are proposing six (6) paved parking spaces to the rear of the residence. The applicants have also submitted a list of house rules that each resident must abide (See attached).

ZONING ORDINANCE REFERENCE

Article 5.1

Group Living: A Conditional Use Permit is required for residential occupancy of a structure by a group of people who do not meet the definition of "Household Living".

5.2.2.B Group Living

1. **Characteristics.** Group Living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of Household Living. The size of the group may be larger than the average size of a household. Tenancy is arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents. The residents may receive care, training or treatment, as long as the care givers also reside at the site.

2. **Accessory Uses.** Accessory uses commonly associated with Group Living are recreational facilities and parking of vehicles for occupants and staff.

3. **Examples.** Examples of Group Living include dormitories; fraternities and sororities; monasteries and convents; nursing and convalescent homes; group homes for the physically or mentally disabled; some residential programs for drug and alcohol treatment; and alternative or post-incarceration facilities; and rooming/boarding houses.

5.2.2.B.5.a

Specific Use Standards: One (1) parking space (in addition to the parking requirements in each residential district) must be provided for every two (2) rooms available for boarding.

8.2 Defined Terms

Group Living: The residential occupancy of a structure by a group of people who do not meet the definition of Household or Family, but which share a common eating area, such as a rooming or boarding house.

Condition(s):

1. Maximum of eight (8) men shall reside on the premises, which includes two (2) full-time staff members that are the Director and Assistant Director.

Items of Concern:

- Total number of residents;
- Sufficient parking for the residents of the property.

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-06, for a group living facility located at 1031 Kentucky Street with the following condition(s):

1. Maximum of eight (8) men shall reside on the premises, which includes two (2) full-time staff members that are the Director and Assistant Director.

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-06, for a group living facility located at 1031 Kentucky Street:

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.