

<b>CONDITIONAL USE PERMIT STAFF REPORT</b>	<b>City-County Planning Commission 1141 State Street Bowling Green, Kentucky 42101 (270) 842-1953</b>
<b><u>Docket Number:</u></b> 2011-C-08  <b><u>Public Hearing Date:</u></b> December 8, 2011  <b><u>Pre-Application Conference:</u></b> February 18, 2011	<b><u>Property Owner(s):</u></b> Joshua and Lisa Winsett 3826 Glasgow Road Oakland, KY 42159
<b><u>Location of Proposed Conditional Use Permit:</u></b> 1347 Park Street  <b><u>Acreage or Square Footage of Tract:</u></b> .5 Acres (21,780 Sq Ft)  <b><u>PVA Parcel Numbers:</u></b> 040B-03-055	<b><u>Site District:</u></b> Urban Density Development District  <b><u>Focal Point:</u></b> 105 RCP Thomas Addition  <b><u>Characteristics:</u></b> Residential. Pre-1950 small lot residential; undergoing gradual conversion to multi-family in some areas. Warrants redevelopment. The property is also located in a Local Historic District. This Historic District is an overlay that was adopted in 2005.
<b><u>Traffic Considerations:</u></b> The property has frontage on Park Street, a City-maintained local roadway with forty-eight feet (48') of right-of-way and thirty feet (30') of pavement width.	<b><u>Existing Land Use:</u></b> Multi-Family Residential  <b><u>Zoning History:</u></b> <b>R-3</b> (Multi-Family Residential) is the original zoning. The property was converted to <b>RM-3</b> (Multi-Family Residential) in 2001.
<b><u>Water:</u></b> An eight inch (8") waterline is available along Park Street. The fire control standards of Bowling Green, Kentucky require 600 GPM at 20 PSI for residential uses.	<b><u>Sewer:</u></b> An eight inch (8") sewer line is available at the rear portion of the property.

### 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 fourteen (14) women, which includes two (2) full-time staff members. The applicants are proposing eight (8) paved parking spaces to the rear of the residence and four (4) existing parking spaces near the front of the residence for a total of twelve (12) parking spaces. This property is located in the College Hill Local Historic District and the applicants are required to obtain a Certificate of Appropriateness (COA) from the Bowling Green Historic Preservation Board prior to making improvements to the property such as signage, landscaping, parking, etc. It should be noted that the College Hill Local Historic District is an overlay district established to maintain and preserve the unique historic and architectural characteristics of areas and buildings that have special or distinctive features. The intent of this overlay district (College Hill), as described in the Warren County / Bowling Green Zoning Ordinance, is to promote the use of these areas and buildings to strengthen the economy of the community and enhance its attractions to residents, visitors and tourists while improving the historic values in the community as a whole. The applicants have also submitted a list of house rules that each resident must abide by. (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.

### 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. A maximum of fourteen (14) women, including two (2) full-time staff members, will reside on the property.
2. A Certificate of Appropriateness (COA) shall be obtained prior to making improvements to the property such as signage, landscaping, parking, etc.

### **Items of Concern:**

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

## **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-08, for a group living facility located at 1347 Park Street with the following condition(s):

1. A maximum of fourteen (14) women, including two (2) full-time staff members, will reside on the property.
2. A Certificate of Appropriateness shall be obtained prior to making improvements to the property such as signage, landscaping, parking, etc.

#### **{State Other Appropriate Conditions}**

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-08, for a group living facility located at 1347 Park 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.