

CONDITIONAL USE PERMIT STAFF REPORT

City-County Planning Commission
1141 State Street
Bowling Green, Kentucky 42101
(270) 842-1953

Summary: The applicants are requesting a Conditional Use Permit in order to have a commercial building with greater than 6,000 square feet on property that is less than 5 acres.

Docket Number: 2009-C-07

Public Hearing Date: November 12, 2009

Pre-Application Meeting Date: October 23, 2009

Property Owners:

Garland Richardson & Odell Sparks
P. O. Box 88
Woodburn, KY 42170

Applicant:

Susan Cox Development, LLC
23 Weatherford Sq.
Jackson, TN, 38305

Site Plan: See attached maps.

Conditional Use Permit Request:

The applicant is proposing to build a 9,100 square foot commercial building on 3.20 acres. The property is served by a septic system. The property is in the Rural Village Overlay District.

Acreeage or Square Footage of Tract:

3.20 Acres

PVA Parcel Number:

032B-01-001

Site District: Rural Density Development

Focal Point: 119-2B Woodburn

Characteristics: Rural Village. Incorporated sixth class city. Traditional rural service center, mostly low density residential but with small commercial center. Focal Point Plan and Future Land Use Plan adopted.

Existing Land Use: Residential

Zoning History: AG (Agriculture) was the original zoning. In 2005, a Text Amendment re-established the base zoning and this site was converted to GB (General Business).

Flood Plain:

The property is not located in the 100 year flood area according to FEMA map #21227C0385E.

Traffic Considerations:

The property has frontage on Nashville Road (U.S. 31-W), a rural major collector roadway, with 100' of right-of-way and 22' of pavement.

Location of Proposed Conditional Use Permit:

11770 Nashville Road, approximately 425' to Woodburn-Allen Springs Road (KY Hwy 240).

Items of concern:

- None

Previous CUP Requests in the Immediate Area

- 250 Woodburn-Allen Springs Road, Fairview Missionary Baptist Church, Church Building, 08-27-87.

ZONING ORDINANCE REVIEW	SANITARY PROVISIONS
<p align="center">Article: 1.12.2.A.3.(c)</p>	<p><u>1.12.2 Not Within 1,500 Feet of Sewer.</u></p> <p>A Conditional Use Permit is required in order to have between 6,000 and 10,000 square feet of structures on a site with at least three acres for commercial use.</p>
<p align="center">ZONING ORDINANCE COMPLIANCE</p>	
<p>Zoning Ordinance Article:</p>	<p>Application:</p>
<p align="center"><u>Article 1.12.2</u></p>	<p>The applicants are proposing to demolish the existing building on the property and build a commercial building not to exceed 10,000 square feet.</p>

CONDITIONAL USE PERMIT REQUEST

Docket number: 2009-C-07

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.
- Section 1.12.2.A.3.(c), requires a Conditional Use Permit in order to have between 6,000 and 10,000 square feet of commercial building area with at least three acres of property.

STAFF REVIEW AND RECOMMENDATION

The Staff finds that the proposed **Conditional Use Permit** is in compliance with KRS 100.237. Staff recommends that the Conditional Use Permit request be **APPROVED**.

MOTIONS

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

I make the Motion to **approve** the Conditional Use Permit, Docket # 2009-C-07, in order to build a commercial structure up to 10,000 square feet on property located at 11770 Nashville Road.

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.

(Choose appropriate findings and specific items)

OR

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

I make the Motion to **deny** the Conditional Use Permit, Docket # 2009-C-07, in order to build a commercial structure up to 10,000 square feet on property located at 11770 Nashville Road:

(Choose appropriate findings and specific items)

- 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.
- is **not** in agreement with the Zoning Ordinance of Warren County and with several Warren County Comprehensive Plan Policies