

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 (CUP) in order to have group living utilizing a residence located at 1333 Scottsville Road

Docket Number: 2010-C-02
Public Hearing Date: April 8, 2010
Pre-Application Conference: February 17, 2010

Petitioner:
Keith Deitz
A Brighter Side, Inc.
5480 Scottsville Road
Bowling Green, KY 42104

Property Owner:
William E. Davis
2497 Mt. Olivet Road
Bowling Green, KY 42101

Site Plan: See attached maps.

Conditional Use Request: The applicants are proposing to use an existing residence for group living.

Acreage or Square Footage of Tract:
24,907 square feet (0.57 acre)

Site District: Urban Density Development District

PVA Parcel Number:
040B-37-006

Focal Point: 106-3A Greenview

Characteristics: Dominant Use Area. Shopping center, office park, and medical facilities with some residential.

Existing Land Use: Residence

Flood Plain:

Zoning History: Rezoned from R-2 to R-4 in 1970. Converted to RM-4 (Multi-Family Residential) in 2001.

The property is not located in the 100-year flood area according to FEMA map # 21227 CO 302 E & 21227 CO 306 E.

Traffic Considerations:
The property has frontage on Scottsville Road, an urban minor arterial roadway with 80' of right-of-way and 56 feet of pavement width.

Location of Proposed Conditional Use Permit:
1333 Scottsville Road

PREVIOUS CONDITIONAL USE PERMITS IN THE IMMEDIATE AREA

- 1423 Scottsville Road, First Assembly of God, Church & Day Care Center, 7/27/82/82/92/07.
- 1418 Smallhouse Road, Ray Ringham, Real Estate Sales Office, 2-26-86.
- 1227 Herrington Street, Barbara Lowe & Edith Lowe, Day Care Center, 8-25-88.

DESCRIPTION OF REQUEST

The applicants are requesting to use an existing two-story residence as a residential program for drug and alcohol treatment as defined in the Group Living category in the Zoning Ordinance (see Group Living standards below). The temporary housing facility is for up to sixteen (16) men, two (2) of which are full-time staff members that will live on the property.

ZONING ORDINANCE REVIEW

Article: 5.2.2

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 parking space (in addition to the parking requirements in each residential district) must be provided for every two 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.

ZONING ORDINANCE COMPLIANCE

<u>Zoning Ordinance Article:</u>	<u>Application:</u>
<p><u>Article 5.1</u></p> <ul style="list-style-type: none"> • Group Living 	<p>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".</p>

Items of concern:

- Total number of residents;
- Type of group living;
- Sufficient parking for the residents of the 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**.

CONDITIONAL USE PERMIT REQUEST

Docket number: 2010-C-02

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 # 2010-C-02, for group living at 1333 Scottsville Road with the following conditions:

1. Maximum of sixteen (16) men, which includes two (2) full-time staff members, living in the existing residence at any one time.
2. Maintain two (2) full-time staff members who shall be required to live at the property.
3. Sufficient parking will be provided for the use of the residence.
4. If the petitioner is no longer the operator, the CUP would become void.

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 # 2010-C-02, for group living at 1333 Scottsville Road. The testimony presented in this public hearing has shown that:

(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.