

NOVEMBER 11, 2010

**2501, 2531 OLD HARTFORD RD;
1421, 1427 E 26TH ST**

ZONE CHANGE

From:	R-3MF Multi-Family Residential R-1C Single-Family Residential P-1 Professional/Service
To:	P-1 Professional/Service
Proposed Use:	The Carmel Home
Acreage:	10.377
Applicant:	The Carmelite Sisters of the Devine Heart of Jesus of Missouri (1011.1790)
Surrounding Zoning Classifications:	
North: R-3MF	South: R-1C, P-1
East: R-3MF	West: R-3MF, R-1B

Proposed Zone & Land Use Plan

The applicant is seeking a P-1 Professional/Service zone. The subject property is partially located in a Professional/Service Plan Area, where professional/service uses are appropriate in general locations and partially located in an urban residential plan area where professional/service uses are appropriate in limited locations.

SPECIFIC LAND USE CRITERIA

(a) Building and lot patterns – Building and lot patterns should conform to the criteria for “**Nonresidential Development**” (D7).

(b) Logical expansions – Existing areas of Professional/Service use may be expanded onto contiguous land that abuts the same street(s). An existing area of general business zone may be used as criteria to support a Professional/Service use as a logical expansion since the general business zone permits all uses within the Professional/Service use category. An expansion of this use should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

Planning Staff Review

GENERAL LAND USE CRITERIA

Environment

- It appears that the subject property is not located in a wetlands area per the US Department of Agriculture Soil Conservation Service dated March 6, 1990.
- The subject property is not located in a special flood hazard area per FIRM Map 21059CO138 D and 21059CO139 D.
- It appears that the subject property is not within the Owensboro Wellhead Protection area per the GRADD map dated March 1999.
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

Urban Services

All urban services, including sanitary sewers, are available to the site.

Development Patterns

The subject property is The Carmel Home and the applicant proposes and expansion of the existing use. There are currently three zonings on the subject property along with several tracts that the applicant proposes to consolidate into a single tract with a single zoning. The general land uses in the vicinity are single-family residential dwellings and a cemetery.

The proposed building expansion is to the southwest of the existing structure and will cross an existing property line and zoning line which necessitated the rezoning request from the applicant. The applicant proposes a P-1 Professional/Service zone for the entire property and the current use is conditionally permitted within a P-1 Professional/Service zone. The applicant has submitted a minor subdivision plat to consolidate all tracts into a single tract but it cannot be approved until such time that uniform zoning is present on the property.

In the vicinity of the subject property, both Old Hartford Road and E 26th Street are classified as major roadways. Old Hartford Road is classified as a minor arterial roadway with a 500 foot drive spacing standard, a 75 foot building setback from the centerline of the road and a 40 foot roadway buffer from the centerline. E 26th Street is classified as a major collector roadway with a 250 foot driveway spacing standard, a 60 foot building setback, and a 30 foot roadway buffer. There are currently three access points on Old Hartford Road to the subject property, two to the Carmel Home building and one to the residence at 2531 Old Hartford Road. A site plan submitted for the building expansion shows the access to the residence at 2531 Old Hartford road to be closed while the two existing access points to the Carmel Home remain. On E 26th Street a single access is present. Access on Old Hartford Road shall be limited to the two existing access points serving the Carmel Home and access on E 26th Street shall be limited to the single existing access point.

SPECIFIC LAND USE CRITERIA

The applicant’s proposal is in compliance with the Comprehensive Plan. The proposal is a logical expansion of P-1 Professional/Service zoning since a portion of the subject property is currently zoned P-1 Professional/Service. The current use is conditionally permitted within a P-1 Professional/Service zone and the applicant is aware that a Conditional Use Permit is required for the proposed building expansion. The proposed building expansion should not overburden the capacity of roadway and other necessary urban services that are available in the affected area.

Planning Staff Recommendations

The planning staff recommends approval subject to the condition and findings of fact that follow:

Condition: Access to Old Hartford Road shall be limited to the two access points currently serving the Carmel Home and access to E 26th Street shall be limited to the existing access point.

Findings of Fact:

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
2. The subject property is partially located in a Professional/Service Plan Area, where professional/service uses are appropriate in general locations and partially located in an urban residential plan area where professional/service uses are appropriate in limited locations;
3. The proposal is a logical expansion of existing P-1 Professional/Service zoning located on the subject property; and,
4. The proposal is not a significant increase in P-1 Professional/Service use in the vicinity and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.