



**NOVEMBER 13, 2003**

**1121 SCHERM RD**

## ZONE CHANGE

<b>From:</b> R-1B Single-Family Residential		
<b>To:</b> P-1 Professional/Service		
<b>Acreage:</b> 0.263 acres		
<b>Applicant:</b> Thomas W. Hulsey, Patricia B. Clark, Trustee Patricia B. Powell Revocable Trust (0311.1539)		
<b>Property Zone Existing Use</b>	<b>to North</b> R-1B Single-Family Residences	
	<b>Subject</b> R-1B ⇌ P-1 Single-Family Residence	<b>to East</b> R-1B Single-Family Residence
	<b>to South</b> P-1 College	

## GENERAL LAND USE CRITERIA Apply, if marked below:

*Described in Comprehensive Plan on pages 445-448*

### Environmental ☒

- E1** Flood Plains
- E2** Steep Slope
- E3** Historical & Archaeological Sites
- E4** Soils
- E5** Plant & Animal Life

### Urban Services ☒

- U1** Roadway Capacity
- ☒ **U2** Electricity Supply
- ☒ **U3** Water Supply
- ☒ **U4** Stormwater Disposal
- U5** Sanitary Sewage Disposal

### Development Patterns ❖

- D1** Land-Use Intensity, Clusters and Buffers
- D2** Land Use versus Street Function
- ❖ **D3** Intersection & Driveway Spacing
- ❖ **D4** Roadway Buffer Standards
- D5** Lot Sizes & Proportions
- D6** Residential Development
- ❖ **D7** Non-Residential Development
- D8** Building Quality

## Proposed Zone & Land Use Plan

The applicant is seeking a P-1 Professional/Service zone. The subject property is 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** 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). If the contiguous land is located across an intervening street, the expansion should be at least **one (1) acre** in size, unless it would serve as a “buffer-use” (D1). An expansion of this use should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

## Applicant's Findings

Subject property is located in an Urban Residential Plan Area, where professional/service uses are appropriate in limited locations. The property is contiguous to a Professional/Service Plan Area immediately to the west.

Applicant purchased the old fire station #5 property from the City of Owensboro on January 10, 2003. This property is zoned P-1 Professional/Service and the building has been converted to a dental office. The applicant intends to purchase the subject property and construct additional parking spaces to the rear. A conceptual site plan is submitted herewith showing the proposed parking addition. Sufficient parking is being provided on the subject lot to allow conversion of the existing residence to a Professional/Service use.

Access to the residence on the subject property is currently provided by a single driveway located on the right side of the lot. This driveway is to remain in service until such time as the residence is converted to Professional/Service use. Once the use has been converted, this drive is to be removed. Access to the parking facilities at the rear of the lot shall be limited to the existing entrance serving the dental office.

Land use criteria applicable to this application are as follows:

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

proposed rezoning is a limited expansion of existing nonresidential zoning and use.

- (b) The proposed rezoning is a logical expansion of existing P-1 use onto contiguous land that abuts the same street.
- (d) Not applicable. This application does not create a new location of Professional/Service use.

The proposed rezoning is in compliance with all applicable criteria of the comprehensive land use plan.

### Planning Staff Review

The subject property is located in the 1101 block of Scherm Rd. Land use criteria applicable to this request are reviewed below.

### GENERAL LAND USE CRITERIA

#### Environment

No important environmental criteria apply to the subject property.

#### Urban Services

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

#### Development Patterns

The subject property is located immediately to the east of existing P-1 Professional/Service zone and use (dentist's office). Property across Scherm Rd is also zoned P-1 Professional/Service and is used as a college campus. The applicant wants to provide excess parking for the dentist's office to the west as well as parking for future P-1 use on the subject property. There are proposed nine additional parking spaces to be located on the subject property. Based on the square footage of the existing residence on the subject property, four parking spaces would be required if the residence were converted to an office use. A medical or dental office would require 8 spaces if the existing residence were to be converted for that use. If the subject property changes use to a professional/service use, the parking requirement for that use can be met on the lot. The adjacent dental office currently meets its parking requirement within its lot boundary. Properties to the east and north of the subject property are zoned R-1B Single-Family Residential.

### Intersection & Driveway Spacing

Scherm Rd is classified as a major collector roadway with a 250' access spacing standard. The subject property and the applicant's property to the west both have individual driveway access to Scherm Rd. The driveway on the subject property should be closed and a shared access established at the existing driveway on 1123 Scherm Rd. The applicant has committed to closing the driveway access on the subject property once the use changes from a residential use.

### SPECIFIC LAND USE CRITERIA

Limited expansions of existing non-residential uses and areas should be accommodated where they reasonably satisfy a set of "logical" criteria. The subject property is located immediately adjacent to and across the street from existing areas of P-1 Professional/Service zones and uses. This request is a logical expansion of existing professional/service use. Due consideration should be given to the concerns of neighboring residents with respect to the established lot patterns in their neighborhoods.

### Planning Staff Recommendations

Staff recommends approval because the request is in compliance with the community's adopted Comprehensive Plan. This recommendation is made subject to the condition and findings of fact that follow:

#### Condition:

1. Close the existing driveway access to Scherm Rd on the subject property and establish a shared access on 1123 Scherm Rd.

#### Findings of Fact:

1. The subject property is located in an Urban Residential Plan Area, where professional/service uses are appropriate in limited locations;
2. The subject property is immediately adjacent to P-1 Professional/Service zone and use to the west and to the south across Scherm Rd
3. The applicant's request is a logical expansion of existing P-1 Professional/Service zone in the area and will not overburden the capacity of roadways and other necessary urban services that are available in the affected area.