

DECEMBER 13, 2007

**635, 815 TRIPLETT ST; 715, 719, 721, 801 E
9TH ST; 800, 804, 805, 810, 814 E 7TH ST;
616, 618, 620, 708-728 CENTER ST**

ZONE CHANGE

From:	B-4 General Business P-1 Professional/Service R-4DT Inner-City Residential	
To:	P-1 Professional/Service	
Proposed Use:	Wendell Foster Campus	
Acreage:	10.271	
Applicant:	Wendell Foster's Campus for Developmental Disabilities, Inc. (0712.1703)	
Property Zone Existing Use	to North R-4DT Residential	
to West R-4DT, B-4, I-1 Residential, Auto Sales	Subject B-4, P-1, R-4DT ⇄ P-1 Wendell Foster Campus	to East R-4DT Residential, Church
	to South P-1 Hospital Parking	

**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 majority of the property is located in a Professional/Service Plan Area, where professional/service uses are appropriate in general locations. Two small portions of the subject property are located in other plan areas. A single tract is located in a Business/Industrial Plan Area, where no criteria are applicable for a professional/service use. Another small portion is located in a Central 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 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

The application is in compliance with the Comprehensive Plan in that said property is primarily located in a Professional/Service Plan Area with limited areas extending into Business/Industrial and Central Residential Plan Areas. Applicable criteria:

- a. In the Central Residential Plan Area, existing areas of Professional/Service use may be expanded onto contiguous land that abuts the same street and qualifies as a logical expansion of an existing zone.
- b. In the Business/Industrial Plan Area, there are no criteria. However, with the closure of 7th Street, the property located at 635 Triplett Street is contiguous to P-1 zoning and Professional/Service Plan Area. The applicant owns the property at 635 Triplett Street and plans to make it part of the Professional/Service Plan Area.

Planning Staff Review

The subject property is located in the 600-800 blocks of Triplett Street, the 800 block of E 7th Street, the 701-801 blocks of E 9th Street and the 600-700 blocks of Center Street. Land use criteria applicable to this proposal are reviewed below.

GENERAL LAND USE CRITERIA**Environment**

According to a study prepared by the US Department of Agriculture Soil Conservation Service dated March 6, 1990, it appears that the subject property is not located in a wetlands area. The subject property is not located in a special flood hazard area per FIRM Map 21059CO140 C. Based on the preliminary FIRM maps dated July 7, 2007, the subject property is not located in a special flood hazard area per map 21059CO138 D. The developer is responsible for obtaining permits as may be required by the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

It appears that a portion of the subject property is within the Owensboro Wellhead Protection area according to a map created by the GRADD office dated March 1999.

Urban Services

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

Development Patterns

The subject property is located in an area of mixed residential, commercial, professional/service and industrial zoning. Land uses in the vicinity are primarily residential with auto sales lots, a church, hospital parking and various other uses.

All portions of the subject property are owned and used as part of the Wendell Foster Campus. The majority of the subject property is currently zoned P-1 Professional/Service which is appropriate for the use of the facility. Small portions of the property are zoned R-4DT and a single lot is zoned B-4. Based on meetings with the applicant, the goal is to consolidate all the individual tracts and have a single Conditional Use Permit and zoning for the entire Wendell Foster Campus. A Conditional Use Permit application was heard at the December 6, 2007, Board of Adjustment meeting. If the zoning is approved, a revised final development plan and consolidation plat shall be submitted.

In the vicinity of the subject property Triplett Street is classified as a principal arterial roadway with a 500 foot spacing standard and a 40 foot roadway buffer. E 9th Street is classified as a minor arterial with a 500 foot spacing standard and a 40 foot roadway buffer.

Triplett Street is one-way with traffic moving from north to south. A final development plan was approved in April 2002, at which time access was reviewed. The result of the plan shows access on Triplett Street limited to E 7th Street, which has been vacated by the City, and an existing

parking area. There are several access points along E 9th Street that were shown to be consolidated into a single access point. The conceptual plan submitted in conjunction with the rezoning reflects the access as approved on the final development plan in April 2002. Access to both Triplett Street and E 9th Street shall be limited to the locations as shown on the final development plan approved in April 2002.

SPECIFIC LAND USE CRITERIA

The proposed rezoning is in compliance with the Comprehensive Plan. The majority of the subject property is currently zoned P-1 Professional/Service and within a Professional/Service plan area. With the majority of the property zoned P-1, the few parcels that are zoned B-4 or R-4DT are logical expansions of the existing zoning and land use within the Wendell Foster Campus. With access to Triplett Street and E 9th Street in compliance with a previously approved final development plan, the expansion of the P-1 zoning should not overburden the capacity of the roadways or other urban services that are available in the affected area.

Planning Staff Recommendations

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The conditions and findings of fact that support this recommendation include the following:

Conditions:

1. Access to Triplett Street and E 9th Street shall be limited to the access points as approved on the final development plan dated April 2002. No additional access to Triplett Street or E 9th Street shall be permitted;
2. Approval of a final development plan for the entire campus; and,
3. Approval of a consolidation plat to consolidate the entire subject property into a single tract.

Findings of Fact:

1. The majority of the property is located in a Professional/Service Plan Area, where professional/service uses are appropriate in general locations;
2. The majority of the subject property is currently zoned P-1 Professional/Service and the remaining portions that are not qualify as logical expansions of the existing P-1 zoning; and,
3. With access as approved on the April 2002, final development plan, the proposed rezoning should not overburden the capacity or roadways and other necessary urban services that are available in the affected area.