



**JULY 9, 2009**

**2611 SUNRISE DR**

## ZONE CHANGE

<b>From:</b> R-1C Single-Family Residential		
<b>To:</b> B-4 General Business		
<b>Proposed Use:</b> Private School		
<b>Acreage:</b> 0.225		
<b>Applicant:</b> Sonrise Chapel, LLC (0907.1756)		
<b>Property Zone Existing Use</b>	<b>to North</b> B-4 Sonrise Chapel School	
<b>to West</b> R-1C Residence	<b>Subject</b> R-1A → B-4 Residence	<b>to East</b> B-4 Sonrise Chapel School
	<b>to South</b> R-1C Residence	

## 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 B-4 General Business zone. The subject property is located in an Urban Residential Plan Area, where general business uses are appropriate in very-limited locations.

## SPECIFIC LAND USE CRITERIA

**(a) Building and lot patterns; outdoor storage yards -** Building and lot patterns should conform to the criteria for “Urban Residential Development” (D6) and outdoor storage yards, with “Buffers for Outdoor Storage Yards” (D1).

**(b) Logical zoning expansions of proportional scope -** Existing General Business zones may be expanded onto contiguous land that generally abuts the same street(s). The expansion of a General Business zone should not significantly increase the extent of the zone in the vicinity of the expansion and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

## Applicant's Findings

The proposed rezoning is in compliance with the Comprehensive Plan. The proposed rezoning:

- Will be a logical expansion of the existing B-4 zone
- When consolidated with the current Sonrise Chapel, LLC parcels will not be residential in character nor size
- Will be compatible with the current mixed-use neighborhood

All urban services, except sanitary sewer, are available to the site.

The residential structure is planned to remain on the site and converted to a school/children care facility consistent with and compatible with the current Sonrise Chapel land use.

A series of adjoining lots were rezoned from R-1C to B-4 in February 2006 (2600, 2624 and 2626 New Hartford Road).

## Planning Staff Review

The subject property is located in the 2601 block of Sunrise Drive. 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 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 the subject property is outside the Owensboro Wellhead Protection area according to a map created by the GRADD office dated March 1999.

**Urban Services**

Electricity, water and gas are available to the subject property. Sanitary sewage disposal is accomplished by an on-site septic system.

**Development Patterns**

The subject property is located on Sunrise Drive adjacent to the existing Sunrise Chapel private school. The blockfront where the subject property is located is primarily residential in nature. The property to the east along New Hartford Road is zoned commercial.

As stated by the applicant, adjoining property to the east was rezoned from residential to commercial in 2006 and is occupied by the Sunrise Chapel private school. The applicant proposes to use the subject property as part of their school, including use as a child care facility for school related children. The property will not be used as a daycare for children unrelated to the use of the property as a private school. Amended final development plan and consolidation plats have been submitted for the subject property.

Screening, with a 10 foot landscape easement, a six foot element and one tree every 40 linear feet, is required where the commercially zone property will adjoin residential property to the south.

**SPECIFIC LAND USE CRITERIA**

The applicant's proposal is in compliance with the Comprehensive Plan. The proposed rezoning is a logical expansion of existing B-4 zoning located to the north and east. The limited expansion for school related purposes should not overburden the capacity of roadways and other necessary 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 condition and findings of fact that support this recommendation include the following:

**Condition:** Approval of an amended final development plan and consolidation plat.

**Findings of Fact:**

1. The subject property is located in an Urban Residential Plan Area, where general business uses are appropriate in very-limited locations;
2. The proposed use of the property for school related activities is nonresidential in nature;
3. The proposed zoning change is a logical expansion of existing B-4 zoning located to the north and east; and,
4. The proposed expansion of B-4 zoning should not overburden the capacity of roadways and other urban services that are available in the affected area.