

**OCTOBER 10, 2002**

**1123 SCHERM RD, PORTION OF 2603  
MAYFAIR DR, PORTION OF 1121 SCHERM  
RD, PORTION OF 1126 SPENCER DR**

## ZONE CHANGE

<b>From:</b>	P-1 Professional/Service, R-1B Single-Family Residential	
<b>To:</b>	<b>P-1 Professional/Service</b>	
<b>Acreage:</b>	0.341 acres	
<b>Applicant:</b>	City of Owensboro, Patricia Powell Clark, Gordon & Anna Greene, and Ronald & Juanita Schwartz (0210.1496)	
<b>Property Zone Existing Use</b>	<b>to North</b> R-1B Residential	
<b>to West</b> P-1 Church	<b>Subject</b> P-1, R-1B ⇌ P-1 Fire station, residential	<b>to East</b> R-1B Residential
	<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. A portion of the subject property is located in a Professional/Service Plan Area, where professional/service uses are appropriate in general locations. A portion of the 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 “Non-residential 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

Subject property is located primarily in a Professional/Service Plan Area, with a small area extending into an Urban Residential Plan Area. Professional/Service uses are appropriate in general locations within the Professional/Service Plan Area and in limited locations within the Urban Residential Plan Area.

Lot 119 of the Wesleyan Park Subdivision is currently owned by the City of Owensboro and currently houses Fire Station No. 5. Once the new station on South Griffith Avenue is placed in service, this property will be declared surplus by the City. Over the course of time, encroachments in the form of paving and curb have occurred on the three (3) adjoining properties. The City has entered into agreement with the adjoining owners to purchase in fee simple these encroachment areas. See division and consolidation plat for details. In order to consolidate the three small parcels being acquired with the existing fire station lot, the zoning must be amended from R-1B to P-1.

Land use criteria applicable to this application are as follows:

- (a) Building and lot patterns should conform to the criteria for “Non-residential Development” (D-7). The proposed rezoning is a limited expansion of existing non-residential zoning and use.

- (b) The proposed rezoning is a logical expansion of

existing P-1 use onto contiguous land that abuts the same streets.

- (d) Not applicable. This application does not create a new location of Professional/Service use.

## Planning Staff Review

The subject property is located in the 1101 block of Scherm Rd, at the intersection of Scherm Rd and Mayfair Av. Land use criteria applicable to this proposal 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.

#### Development Patterns

The subject property is largely comprised of the existing Fire Station No. 5 property owned by the City of Owensboro. Portions of 2603 Mayfair Av, 1123 Scherm Rd and 1126 Spencer Dr are included in this rezoning request. The reason for the request is to clear up existing encroachments that have occurred over the years on these properties adjacent to the fire station. The City of Owensboro is preparing to sell 1123 Scherm Rd as surplus property once the new fire station is in use. Portions of the lot paving have encroached onto existing residential lots located at 1126 Spencer Dr, 1121 Scherm Rd and 2603 Mayfair Av. The owners of these properties have joined in this application in order to have these pieces rezoned to P-1 Professional/Service so that they may be purchased by the City of Owensboro and consolidated to the property located at 1123 Scherm Rd.

The majority of the property is presently zoned P-1 Professional/Service. Properties across Scherm Rd are zoned P-1 Professional/Service and contain professional /service uses. Properties to the north, west and east are zoned R-1B Single-Family Residential.

Vehicular use areas adjoining street right-of-way shall be landscaped with a three-foot high continuous element and one tree per 40 linear feet of vehicular use area boundary

### Intersection & Driveway Spacing

Scherm Rd is classified as a major collector, with an access spacing standard of 250 feet for new development. The subject property currently utilizes two driveway access points onto Scherm Rd. The access closest to Mayfair Dr on Scherm Rd is to be closed in order to maintain adequate spacing standards.

### SPECIFIC LAND USE CRITERIA

The majority of the property is currently zoned P-1 Professional/Service. The small portions of 1121 Scherm Rd, 2603 Mayfair Av and 1126 Spencer Av are proposed to be rezoned in order to consolidate these pieces to 1123 Scherm Rd. This is a logical expansion of the P-1 Professional/Service zone that will 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. This recommendation is made subject to the condition and findings of fact that follow:

### Conditions:

1. The driveway access point on Scherm Rd closest to Mayfair Av shall be closed; and,
2. Vehicular use areas shall be screened from the street right-of-way with a 3- foot high continuous element and one tree per 40 linear feet of vehicular use area boundary.

### Findings of Fact:

1. The subject proerpty is partially located in a Professional/Service Plan Area, where professional/service uses are appropriate in general locations;
2. The subject property is partially located in an Urban Residential Plan Area, where professional/service uses are appropriate in limited locations; and,
3. The applicant's proposal is a logical expansion of existing P-1 Professional/Service zone that will not overburden the capacity of roadways and other necessary urban services available in the affected area.