



MARCH 10, 2005

3050 FAIRVIEW DR

ZONE CHANGE

From: I-2 Heavy Industrial		
To: P-1 Professional/Service		
Acreage: 6.553 acres		
Applicant: Envision Contractors, Gulfstream Development, LLC (0503.1586)		
Property Zone Existing Use	to North I-1 & R-1A Single-Family Residence, Steel Fab. / Mechanical Cont. / Office	
	to West I-2 Proposed Soccer Complex & Green River Electric	to East A-U Agricultural Land & Single-Family Residential
	Subject I-2 ➔ P-1 Former Atmos Maintenance Facility	
	to South I-2 & R-1C Single-Family Residential & Abandoned RR Right-of-Way	

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 Industrial 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.”

(d) New locations – New locations of Professional/Service use should be “major-street oriented.” Also, other than in Rural Community plan areas, a new location should be at least **one (1) acre** in size unless it would serve as a “buffer-use.”

(e) New locations in Industrial areas – If new locations of Professional/Service use are established in Industrial plan areas, they should be sited on the fringes of such areas where they would serve as “buffer-uses.” New locations may also serve the same buffer function as part of a planned “Industrial Park.”

Applicant's Findings

Applicant is requesting a P-1 Professional/Service zoning classification. Subject property is located in an Industrial plan area where Professional/Service uses are appropriate in limited locations.

The applicant proposes to develop a professional office complex to include eight (8) office buildings. Submitted herewith is a conceptual plan showing the proposed layout with access from Fairview Drive aligned with the existing entrance to Kenergy as recommended by Keith Harpole, Associate Director for Transportation Planning, GRADD. The developer proposes to widen Fairview Drive to provide a left turn lane as recommended.

The requested zoning change is in compliance with the Comprehensive Land Use Plan and meets all applicable land use criteria as set out for Professional/Service Uses, as follows:

(7) Professional/Service Uses include offices, parks, industrial building, and other places where people assemble for professional, medical, clerical, recreational, religious, cultural or similar purposes.

Specific Criteria:

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

The proposed development is in a mixed use business/industrial area. The comprehensive plan states that existing areas that contain a mixture of business and light industrial uses should be allowed to continue as mixed use areas. The proposed use is a logical expansion of existing professional office use (Koger Properties and Kenergy).

(b) Logical expansions – Existing areas of Professional/Service Uses may be expanded onto contiguous land that abuts the same street.

The proposed development is a logical expansion of existing professional office use to the north (Koger Properties) and to the west across Fairview Drive (Kenergy). This development will serve as a “buffer-use” between existing industrial uses and single-family residential development (The Brooks).

(d) New locations of Professional/Service Use.

Although the proposed development is not a new location of Professional/Service Use, all criteria are met in that the development exceeds one (1) acre in size and is “major-street oriented.”

(e) New locations in Industrial Areas.

Although the proposed development is not a new location of Professional/Service Use, this development will serve as a “buffer-use” as indicated above.

Considering the proposed left turn lane into the project the proposed development will not overburden the capacity of existing highways.

All urban services are available to the property. Applicant proposes to install appropriate landscape buffers in accordance with local requirements.

Planning Staff Review

The subject property is located in the 3000 block of Fairview 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 in a wetlands area. The subject property does not appear to be in a special flood hazard area per FIRM Map 21059CO285 C. A LOMR was issued on October 1, 2001, that removed

the property from the floodplain. It appears that the subject property is not designated as prime agricultural land according to the “Important Farmlands” map created by the US Department of Agriculture Soil Conservation Service dated March 1980. 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

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

Development Patterns

The subject property is located in an area of mixed industrial and residential uses. Although the applicant indicates that office use occurs in the vicinity, the property is not located in a Business/Industrial Plan Area. Office uses present in the area are associated with existing industrial uses. Since there are no adjacent P-1 Professional/Service zonings, the zoning proposal is considered a new location within an Industrial Plan Area.

Kenergy has an office and other related industrial uses to the west of the subject property. The property to the north includes steel fabrication and mechanical contractor uses with accessory office use. A single-family residence is also located north of the property. The Brooks subdivision is located south of the subject property. The property to the east is primarily agricultural in use with some single-family residential.

There is an abandoned railroad right-of-way along the south of the property. As part of The Brooks subdivision development, the abandoned railroad right-of-way has been dedicated for extension of the Greenbelt.

Intersection & Driveway Spacing

According to access management criteria, driveway spacing along a minor arterial roadway such as Fairview Drive should be 500 feet. The property must be granted access but due to the number of curb cuts along Fairview Drive the drive spacing requirement cannot be met. There are currently two curb cuts to the subject property and they are being consolidated to a single curb cut located across the street from the main Kenergy entrance.

Fairview Drive, classified as a minor arterial roadway in this location, will serve as the only point of access for the development. Based on comments from Keith Harpole, Associate Director for Transportation Planning with the GRADD office, the drive should be located across from the main Kenergy Drive.

Roadway Capacity

As an arterial roadway, some improvements will be required along Fairview Drive to mitigate the impact the development will have on the transportation network. After reviewing the project, Mr. Harpole also recommended the installation of a left turn lane along Fairview Drive at the entrance to the development. According to commitments made by the applicant, a left turn lane will be installed by the applicant as part of this project.

SPECIFIC LAND USE CRITERIA

According to the Comprehensive Plan, a new location of Professional/Service use within an Industrial Plan Area should be a minimum of one acre in size, be major street oriented, and serve as a buffer. The proposed professional office complex meets all of these requirements.

The subject property is over 6.5 acres in size and is large enough to accommodate a significant amount of new office space for the community.

The proposed office complex will also serve as a buffer between the primarily industrial uses in the vicinity and agricultural and developing residential property to the east and south.

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. Submittal of a final development prior to the issuance of any building permits.
2. Installation of a left turn lane on Fairview Drive at the entrance to the proposed development.

Findings of Fact:

1. The subject property is located in an Industrial Plan Area, where Professional/Service uses are appropriate in limited locations;

2. The subject property will be nonresidential development;
3. The subject property is larger than one acre, is major street oriented and will serve as a buffer as required for new locations of Professional/Service in an Industrial Plan area; and,
4. With the installation of a left turn lane on Fairview Drive, the subject property will not overburden the capacity of roadways and other necessary urban services in the affected area.