

FEBRUARY 11, 2021

2861 LAGOON LANE & 1520 HIGHWAY 603

ZONE CHANGE

From:	A-U Urban Agriculture & B-4 General Business
To:	I-1 Light Industrial & B-4 General Business
Proposed Use:	Light Industrial & General Business Uses
Acreage:	29.736
Applicant:	Lagoon Warehouse, LLC; Mavo Group, LLC; Owensboro Land Co, LLC (2102.2151)
Surrounding Zoning Classifications:	
North: I-1 & B-4	South: I-1 & B-4
East: B-4	West: I-1

Proposed Zone & Land Use Plan

The applicant is seeking an I-1 Light Industrial and a B-4 General Business zone. The subject property is located in a Business Plan Area where light industrial and general business uses are both appropriate in limited locations.

SPECIFIC LAND USE CRITERIA

- (a) **Building and lot patterns; outdoor storage yards** - Building and lot patterns should conform to the criteria for **“Nonresidential Development” (D7)**, and outdoor storage yards, with **“Buffers for Outdoor Storage Yards” (D1)**.
- (b) **Logical expansions outside of Industrial Parks** - Existing areas of Light Industrial use that are located outside of planned Industrial Parks may be expanded onto contiguous land that generally abuts the same street(s). Such an expansion should not significantly increase the extent of industrial uses that are located in the vicinity and outside of Industrial Parks. Also, such an expansion should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

Planning Staff Review

GENERAL LAND USE CRITERIA

Environment

- It appears that the subject property may be located in a wetlands area per the US Department of Agriculture Soil Conservation Service dated March 6, 1990.
- It appears that this property is designated as prime farmland per the US Department of Agriculture Soil Conservation Service map dated March 1980.
- The subject property is partially located in a special flood hazard area per FIRM Map 21059CO139D.
- It appears that the subject property is located within the Owensboro Wellhead Protection area per the OMU map dated 2015.
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA, the EPA, the OMPC building/electrical/HVAC division or other state and federal agencies as may be applicable.

Urban Services

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

Development Patterns

The subject properties combine to total 29.736 acres of vacant land, historically used agriculturally. The first of which, 2861 Lagoon Lane, is roughly 16 acres in size and located at the southeast intersection of Highway 603 and Lagoon Lane. The applicant is currently requesting to rezone this property from A-U Urban Agriculture to I-1 Light Industrial. The second tract, 1520 Highway 603, is the neighboring lot to the east that totals about 13 acres in size and is found at the northwest intersection of Pleasant Valley Road and Highway 603. This property is currently zoned B-4 General Business. The applicant intends to leave the majority of this property as B-4, but proposes to rezone a portion of the property to I-1 Light Industrial in order to later consolidate with 2861 Lagoon Lane.

To the south, across Pleasant Valley Road, is the Cedarhurst Assisted Living facility, which is zoned B-4 General Business. The subject properties are also just north of the RWRA facility which is zoned I-1 Light Industrial; as is the neighboring facility to the west (across Lagoon Lane). In fact, all of the properties located across Lagoon Lane are accessed from Ragu Drive and are zoned I-1 Light Industrial. The adjoining properties to the north and to the east are all located across Highway 603, are vacant tracts of land, and are zoned I-1 Light Industrial and B-4 General Business.

There have been many recent developments in this area of the community including, but not limited to: Gateway Commons, the hospital, access to the Wendell Ford Expressway, and others. These developments have changed traffic patterns in the area and modified the roadways throughout the vicinity. As a result, the impact that all developments in this immediate vicinity will have on the transportation network shall be heavily reviewed.

This request to rezone the subject properties to I-1 and B-4 has been submitted in conjunction with a separate request, also to rezone property to I-1 Light Industrial. The corresponding request is located on the other side of the RWRA facility, at the western terminus of Pleasant Valley Road and the terminus of Lagoon Lane. The two requests were reviewed as one item in terms of the completion of a Traffic Impact Study. The exact uses in this area are still unknown at this time; however, the Traffic Impact Study indicates that potential uses being considered include an Industrial Park, a Mini-Warehouse, and a Gasoline Station with a Convenience Market. The Traffic Impact Study was reviewed by the City and County Engineering Offices, as well as the Kentucky Transportation Cabinet.

Following such a study, it has been determined that there are existing issues turning left from the westbound off-ramp of the Wendell Ford Expressway onto Highway 603. Throughout review of the Traffic Impact Study, additional concerns were voiced including, but not limited to, activity at the Pleasant Valley Road/Highway 603 intersection. It is possible that such concerns, including those not specifically named in this staff report, may warrant improvements as deemed necessary within the Traffic Impact Study.

Because the exact uses are unknown at this time, it is important to acknowledge that varying uses may have vastly different impacts on the transportation network. As a result, it should be noted that all developments and uses at the subject property shall be in accordance with an approved Traffic Impact Study. A requirement to update the Traffic Impact Study may be enforced as deemed necessary throughout the review of Final Development Plans.

Any development on the subject properties shall comply with the Access Management Manual, building setbacks, and requirements set forth in the Traffic Impact Study. In this vicinity, Lagoon Lane and Pleasant Valley Road are classified as a Local Roadways with 25-foot building setbacks measured from the adjoining property lines.

Meanwhile, Highway 603 is a Major Collector Roadway with a 250-foot spacing standard, as well as a 60-foot building setback and a 30-foot roadway buffer; each measured from the centerline of Highway 603. Although Highway 603 has a spacing standard of 250-feet, the Traffic Impact Study illustrates that the only proposed access point is an existing curb-curb located along the western portion of 1520 Highway 603. At this time, direct access from Highway 603 to either subject property shall be limited to this single access point. All other access to the subject properties shall stem from Lagoon Lane and Pleasant Valley Road.

Prior to any development of the subject properties the applicant must obtain approval of a final development plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage. Any outdoor storage areas shall be screened with a six foot high continuous solid wall or fence. The OMPC Building, Electrical & HVAC department shall be contacted before any construction activity takes place on the property.

Additionally, since the subject properties are located within the Owensboro Wellhead Protection area, according to OMU, if the property will have or produce anything that can contaminate the soil then they must have a wellhead protection plan. OMU should be contacted regarding such a plan.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the community's adopted Comprehensive Plan as it is located within a business plan area where Light Industrial and General Business uses are appropriate in limited locations. The proposed uses comply with the criteria for nonresidential development and any outdoor storage areas shall be screened appropriately to establish buffers for outdoor storage yards. The proposed I-1 Light Industrial zoning is a logical expansion of the I-1 zoning to the north, south, and west. Meanwhile the proposed B-4 General Business zoning is an existing zoning on the subject property and is also a logical expansion of the B-4 zoning to the north, south, and east. Compliance with an approved Traffic Impact Study ensures that the proposal should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

Planning Staff Recommendations

The planning staff recommends approval subject to the conditions and findings of fact that follow:

Conditions:

1. Approval of a Minor Subdivision Plat consolidating the portion of 1520 Highway 603 that is being rezoned to I-1 Light Industrial with 2861 Lagoon Lane, which is being entirely rezoned to I-1 Light Industrial;
2. Direct access to Highway 603 shall be limited to the single proposed access point illustrated within the Traffic Impact Study unless an updated Traffic Impact Study allowing additional access points is approved. Otherwise, all additional access points shall be limited to Pleasant Valley Road and Lagoon Lane;
3. Approval of a Final Development Plan; and,
4. The developer shall install any and all recommended improvements that the approved Traffic Impact Study deems the developer to be responsible for. Written approval of the Traffic Impact Study shall be obtained prior to the approval of a Final Development Plan. All required improvements shall be completed prior to the issuance of a Certificate of Occupancy.

Findings of Fact:

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
2. The subject properties are located within a Business Plan Area where Light Industrial Uses and General Business Uses are appropriate in limited locations;
3. The intended light industrial and general business uses conform to the criteria for nonresidential development and any outdoor storage areas shall conform to the criteria associated with buffers for outdoor storage yards;
4. The proposed I-1 Light Industrial zoning is a logical expansion of the I-1 zoning to the north, south and west;
5. The proposed B-4 General Business zoning is an existing zoning located on the subject property, and is also a logical expansion of the B-4 zoning to the north, south and east;
6. While the proposed I-1 Light Industrial zoning does encompass a large acreage, the proposal should not significantly increase the extent of the industrial zoning within the vicinity as the western portion of Lagoon Lane is exclusively zoned industrial;
7. The proposal will not significantly increase the extent of the B-4 General Business zoning in the immediate vicinity as the request is actually lessening the total acreage of the B-4 zoning within the area; and,
8. Compliance with an approved Traffic Impact Study ensures that the proposal should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.