

OCTOBER 14, 2021

101, 115, 125, 135 & 155 SALEM DRIVE

ZONE CHANGE

From: B-4 General Business
To: B-5 Business/Industrial
Proposed Use: Professional Office/Self-Storage
Acreage: 4.654
Applicant: Crandalls Bypass, LLC: Kenneth L. Crandall (2110.2188)
Surrounding Zoning Classifications:
North: B-4 & R-3MF South: B-4
East: B-4 West: B-4

Proposed Zone & Land Use Plan

The applicant is seeking a B-5 Business/Industrial zone. The subject properties are located in a Business/Industrial Plan Area, where business/industrial uses are appropriate in general locations.

SPECIFIC LAND USE CRITERIA

(a) Building and lot patterns; outdoor storage areas – Building and lot patterns should conform to the criteria for “**Nonresidential Development**” (D7), and outdoor storage yards, with “**Buffers for Outdoor Storage Yards**” (D1).

Planning Staff Review

GENERAL LAND USE CRITERIA

Environment

- It appears that the subject properties are not located in a wetlands area per the US Department of Agriculture Soil Conservation Service, dated March 6, 1990.
- The subject properties are not located in a special flood hazard area per FIRM Map 21059C0276D.
- It appears that the subject properties are not 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 sewer, are available to the subject properties.

Development Patterns

The subject properties consist of five tracts of land located along Salem Drive, bordered by JR Miller Boulevard to the east and the Wendell Ford Expressway to the north. The subject properties total 4.654 acres in size. Of the five lots, four are undeveloped and the fifth (135 Salem Drive) is a veterinarian office.

The applicant intends to rezone all five subject properties to B-5 Business/Industrial in order to construct a self-storage facility on the properties and to allow the veterinarian office use to continue at 135 Salem Drive. All adjoining properties are zoned B-4 General Business with the exception of a series of apartments located on the other side of the Wendell Ford Expressway, which are zoned R-3MF Multi-Family Residential.

JR Miller Boulevard in this location is classified as a minor arterial roadway with a 75-foot building setback line and 50-foot roadway buffer. Additionally, the subject property must comply with the special access control policy for JR Miller Boulevard adopted by the Green River Area Development District (GRADD) Transportation Advisory Committee (TAC) on October 24, 1985, which includes the provision that no lot of record will be permitted direct access to the boulevard where marginal access may be provided by a frontage street along the boulevard. As such, all access to the subject properties shall be limited to Salem Drive. No direct access to JR Miller Boulevard shall be permitted.

Salem Drive, in this vicinity is classified as a major collector roadway with a 250-foot spacing standard. However, the existing development patterns on adjoining properties along Salem Drive do not currently comply with the required 250-foot separation distance between access points. Most notably, across Salem Drive at 100 & 130 Salem Drive, the two properties have three existing access points, each closer than 250-feet to the next. In addition to the existing access points across the street, subject property 135 Salem Drive (the veterinarian office) currently has a single access point that is approximately 180-feet from the nearest aforementioned access point at 130 Salem Drive.

Due to the existing site conditions along Salem Drive, it is impossible for the subject properties to maintain full compliance with the access management manual. As a result, ingress and egress to the subject properties shall be limited to the following:

- Access to the subject properties currently addressed as 101, 115, 125 and 155 Salem Drive shall be limited to access points directly across Salem Drive from the three existing access points located at 100 & 130 Salem Drive.
- Access to 135 Salem Drive shall be limited to the existing single access point. No additional direct access to Salem Drive shall be permitted.

In the event that the existing activity at 135 Salem Drive ceases operation and the site’s permitted use begins to function in conjunction with any of the adjoining subject properties, then the existing access point at 135 Salem Drive shall be closed and access to the site shall be limited to the access points approved for the remaining subject

properties, unless it is demonstrated that 135 Salem Drive can support an access point that is in compliance with the access management manual.

All five of the subject properties, including 135 Salem Drive, shall be granted access to at least one of the three possible access points that are located along Salem Drive and directly across from the three existing access points at 100 & 130 Salem Drive. This may be accomplished by direct access or by a platted ingress/egress easement. All proposed access points and resulting ingress/egress easements shall be illustrated on an approved Minor Subdivision Plat. When possible, the development shall be constructed in a manner which incorporates the ingress/egress easements as shared drive aisles in order to promote internal connectivity throughout the development.

In addition to the spacing standards, because Salem Drive is classified as a major collector roadway, the development shall comply with the required 60-foot building setback and a 30-foot roadway buffer; each measured from the centerline of Salem Drive.

Prior to any changes to 101, 115, 125 and/or 155 Salem Drive, 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. Prior to any changes to the existing development at 135 Salem Drive, the applicant must obtain approval of an amended site plan. In the event that this site begins to operate in conjunction with any activity on the adjoining subject properties, it shall be incorporated into a shared final development plan with that property. In all situations, the OMPC Building, Electrical and HVAC Department shall be contacted before any construction activity takes place on the properties.

SPECIFIC LAND USE CRITERIA

The subject properties are appropriate for the B-5 Business/Industrial zoning because it is within an area identified as appropriate for mixed general business and light industrial uses and lies within the Business/Industrial Plan Area as identified by the Land Use element of the Comprehensive Plan.

Planning Staff Recommendations

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

Conditions:

1. Any development located at 101, 115, 125 and/or 155 Salem Drive shall be subject to approval of independent or shared Final Development Plans, depending on site characteristics;

2. Any changes to 135 Salem Drive shall require an amended Site Plan, unless any activity at the site begins to operate in conjunction with any activity on the adjoining subject properties, in which case 135 Salem Drive shall be reflected on that property's Final Development Plan;
3. Access to all five subject properties shall be limited to Salem Drive. No direct access to JR Miller Boulevard shall be permitted;
4. The subject properties currently addressed as 101, 115, 125 & 155 Salem Drive shall be limited to a maximum of three total access points – each possible access point shall be located along Salem Drive and directly across from the existing access points at 100 & 130 Salem Drive;
5. All five subject properties, including 135 Salem Drive, shall be granted access to at least one of the three possible access points by way of direct access or by a platted ingress/egress easement;
6. Direct access to 135 Salem Drive shall be limited to the existing single access point so long as the use remains independent of the adjoining subject properties. In the event that the permitted use of 135 Salem Drive begins to function in conjunction with any of the adjoining subject properties, then direct access to Salem Drive shall be closed unless it is illustrated that the property can support an access point that is in compliance with the Access Management Manual; and,
7. All proposed access points and resulting ingress/egress easements shall be illustrated on an approved Minor Subdivision Plat.

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 in a Business/Industrial Plan Area where Business/Industrial uses are appropriate in general locations;
3. The subject properties lie within an area that has been identified as appropriate for mixed general business and light industrial uses;
4. The Comprehensive Plan provides for the continuance of mixed use areas; and,
5. The proposed uses, professional office and self-storage, conform to the criteria for non-residential development.