

**MAY 12, 2022**

**PORTION OF 1520 HIGHWAY 603**

**ZONE CHANGE**

<b>From:</b> I-1 Light Industrial
<b>To:</b> B-4 General Business
<b>Proposed Use:</b> General Business
<b>Acreage:</b> 0.645
<b>Applicant:</b> Hayson, LLC (2205.2210)
<b>Surrounding Zoning Classifications:</b>
<b>North:</b> I-1 & B-4 <b>South:</b> I-1 & B-4
<b>East:</b> B-4 <b>West:</b> I-1

**Proposed Zone & Land Use Plan**

The applicant is seeking a B-4 General Business zone. The subject property is located in a Business Plan Area where general business uses are 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 map dated March 6, 1990.
- It appears that the subject 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 area is a 0.645-acre portion of land that is currently zoned I-1 Light Industrial. The subject property, 1520 Highway 603, totals to be nearly 14-acres in size and is currently split-zoned B-4 General Business and I-1 Light Industrial. Zoning in the immediate vicinity includes B-4 General Business zoning to the north (across Highway 603) and to the east (across Pleasant Valley Road). To the south and west is I-1 Light Industrial zoning which includes undeveloped lands and an RWRA facility.

The split zoning on the subject property was created in February 2021 whenever a portion of the property was rezoned to I-1 Light Industrial in conjunction with several other properties in the immediate vicinity. All aforementioned properties were reviewed simultaneously throughout traffic impact studies and a preliminary plat. Both, the traffic impact study and the preliminary plat, have since been approved.

The preliminary plat shows that this property was to be divided into multiple tracts, eliminating the existing split-zoning. However, to date, the Major Subdivision Final Plat has yet to be submitted. A final plat shall be submitted, approved, and recorded prior to the occupancy of any use at any of the properties shown on the approved preliminary plat; including the subject property.

The proposed zoning change involves the shifting of property lines from those shown on the aforementioned preliminary plat. In order to prevent split-zoning as the lots are final platted, the applicant is proposing to rezone the 0.645-acre subject area from I-1 Light Industrial to B-4 General Business. Submitted in conjunction with this rezoning was an application for a Conditional Use Permit in order to operate an Individual Storage Facility from a portion of 1520 Highway 603. This portion includes the 0.645-acre subject area as well as the land to the rear with road frontage along Pleasant Valley Road.

The the previous rezoning stated that although Highway 603 is a Major Collector Roadway with a 250-foot spacing standard, the Traffic Impact Study illustrates only a single access point along Highway 603. As a result, a condition was placed on the rezoning stating that any additional access points to the subject property shall be limited to Pleasant Valley Road unless the Traffic Impact Study is appropriately amended. Such a condition shall remain with the current proposed zoning change.

Prior to any development of the subject property, the applicant shall 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. The OMPC Building, Electrical & HVAC department shall be contacted before any construction activity takes place on the property.

Pertaining to future uses located within the entirety of the subject property, 1520 Highway 603, it should be mentioned that the previously approved Traffic Impact Study was completed utilizing assumptions of how the properties would develop as definitive uses were unknown. As a result, the previous rezoning stated that a requirement to update the Traffic Impact Study may be enforced as deemed necessary throughout the review of Final Development Plans. Additionally, if an approved Traffic Impact Study determines that any roadway improvements are necessary, such improvements shall be installed prior to the issuance of a Certificate of Occupancy for that use.

The proposed use of an individual storage facility will not warrant an updated traffic impact study; however, the future uses that will locate within the remainder of the subject property are still unknown, and so the developer should remain aware that such a requirement is a possibility as those lands develop.

Lastly, because the subject property is 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 General Business uses are appropriate in limited locations. The proposed use complies with the criteria for nonresidential development and any outdoor storage areas shall be screened appropriately, creating buffers for outdoor storage yards. The proposed B-4 General

Business zoning is an existing zoning on the subject property and is 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 Final Development Plan;
2. Direct access to Highway 603 shall be limited to a single access point, as illustrated within the approved 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,
3. Prior to the issuance of a Certificate of Occupancy for any use, the property shall be recorded on an approved Major Subdivision Final Plat.

#### **Findings of Fact:**

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
2. The subject property is located within a Business Plan Area where General Business Uses are appropriate in limited locations;
3. The intended general business use conforms 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 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;
5. At 0.645-acres, the proposal will not significantly increase the extent of the B-4 General Business zoning in the immediate vicinity; and,
6. Compliance with the previously 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.