

JANUARY 12, 2023

6025 US HIGHWAY 231

**ZONE CHANGE**

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| <b>From:</b>                               | B-4 General Business with Conditions   |
| <b>To:</b>                                 | <b>B-4 General Business with Amended Conditions</b>                                |
| <b>Proposed Use:</b>                       | Commercial   |
| <b>Acreage:</b>                            | 5.218  |
| <b>Applicant:</b>                          | Equity Trade and Relocation Company; Marnic, LLC; ASN Investments, LLC (2301.2246) |
| <b>Surrounding Zoning Classifications:</b> |  |
| <b>North: A-R</b>                          | <b>South: B-4</b>  |
| <b>East: A-R</b>                           | <b>West: A-R</b>   |

**Proposed Zone & Land Use Plan**

The applicant is seeking a B-4 General Business zone. The subject property is located in a Rural Community 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).

**(f) New locations in Rural Communities** – In Rural Community plan areas, new locations of General Business zones should be “major-street-oriented” (D2) and should be sited at corners of intersecting streets if located in close proximity to existing dwellings.

**Planning Staff Review**

**GENERAL LAND USE CRITERIA**

**Environment**

- It appears that the subject property is not located in a wetlands area per the US Department of Agriculture Soil Conservation Service map dated March 6, 1990.
- The subject property is partially located in a special flood hazard area per FIRM Maps 21059CO285 D.
- A portion of the property is designated as prime agricultural farmland per the US Department of Agriculture Soil Conservation Service map dated March 1980.
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA 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 property is currently a vacant tract of ground located along US Highway 231. In 2012, the subject property was rezoned to B-4 General Business for a shopping center, which created a new location of B-4 zoning within the Rural Community of Masonville. A Traffic Impact Study submitted with the proposal required a series of roadway improvements which were then established conditions within the approved rezoning. These requirements included:

- Access Management concerns;
- The installation of turn lanes; and,
- Additional roadway improvements to mitigate traffic for the commercial development, such as the widening of US Highway 231.

The proposed shopping center never came into fruition and so the applicant now intends to utilize the property for individual storage units; a Conditionally Permitted use in the B-4 General Business zone when located within unincorporated Daviess County.

As a result, the applicant is requesting to amend the previous conditions in order to allow the proposed individual storage facility without requiring the aforementioned roadway improvements. Rather, the applicant has requested the following conditions:

- Direct access to US Highway 231 shall be limited to a single access point located approximately 530-feet from the intersection of US Highway 231 and Hill Bridge Road; and,
- The proposed access point shall be approved by KYTC through a required encroachment permit.

Because the proposal is expected to generate less traffic than the previously anticipated shopping center, KYTC has agreed to allow reduced conditions without warranting an amended Traffic Impact Study. KYTC approval of the reduced conditions is specific to the proposed use of an individual storage facility with accessory uses (such as an office). Any other uses shall be reviewed by KYTC, the County Engineer, and the OMPC staff; all of which reserve the right to require an updated Traffic Impact Study and/or roadway improvements if deemed necessary.

It should be stated that this proposal is strictly to eliminate the need for the previously required roadway improvements. If applicable, approval of this proposal does not constitute as approval of the intended individual storage facility. A Conditional Use Permit application has been submitted to the OMPC office and the proposed use will be heard by the Owensboro Metropolitan Board of Adjustment at a regularly scheduled OMBA meeting.

Prior to any construction activity on the properties 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 properties.

#### **SPECIFIC LAND USE CRITERIA**

The applicant's proposal is in compliance with the Comprehensive Plan. The proposed use for an individual storage facility conforms to the criteria for nonresidential development and an approved final development plan will ensure compliance with the criteria for buffers for outdoor storage yards. The subject property is major-street oriented and review from KYTC, the County Engineer, and the OMPC staff shall ensure that development on the subject property will 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. Development of the subject property shall require an approved Final Development Plan;
2. The proposed reduction in required roadway improvements shall be limited to the intended use, an individual storage facility;
3. An individual storage facility shall require approval of a Conditional Use Permit prior to the approval of a Final Development Plan;
4. In the event that any other uses are proposed to operate from the subject property, the proposed use shall be reviewed by the Kentucky Transportation Cabinet, the County Engineer, and the OMPC staff – all of which reserve the right to require an updated Traffic Impact Study and/or roadway improvements if deemed necessary;

5. For the intended use, direct access to US Highway 231 shall be limited to a single access point which shall be located no closer than 500-feet to the intersection of US Highway 231 and Hill Bridge Road; and,
6. The proposed access point shall be approved by KYTC prior to the approval of a Final Development Plan.

##### **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 in a Rural Community Plan Area where general business uses are appropriate in limited locations;
3. The proposed use, individual storage facility, complies with the criteria for Nonresidential Development;
4. An approved Final Development Plan will ensure compliance with the criteria for Buffers for Outdoor Storage Yards;
5. The proposal is major-street oriented with frontage on US Highway 231; and,
6. The proposed use, an individual storage facility, should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.