

NOVEMBER 9, 2023

3133, 3149, 3155 COMMONWEALTH CT

ZONE CHANGE

From:	B-4 General Business & I-1 Light Industrial
To:	B-5 Business/Industrial
Proposed Use:	Office/Residence, Storage Buildings/Offices, Beauty Salon
Acreage:	1.575
Applicant:	Pedley Rental Properties, LLC (2311.2274)
Surrounding Zoning Classifications:	
North:	A-U
South:	B-4
East:	B-5 & B-4
West:	I-1

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 Map dated March 6, 1990.
- The subject properties are not located in a special flood hazard area per FIRM Map 21059CO143 D.
- It appears that the subject properties are not 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 subject properties.

Development Patterns

The subject properties are three different parcels totaling approximately 1.5 acres. The properties along the east

side of Commonwealth Court are zoned B-4 General Business. All other properties along Commonwealth Court are zoned B-4 General Business or B-5 Business/Industrial. The property to the west, which has frontage on Highway 54 is zoned I-1 Light Industrial and the property to the north is a large farm tract zoned A-U Urban Agriculture.

The applicant proposes to rezone the subject properties from I-1 and B-4 to B-5 in order to create a single zoning classification on all the properties and then consolidate the properties. The rezoning application indicates the proposed land uses will remain unchanged at this time.

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

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 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 findings of fact that follow:

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/Industrial Plan Area, where business/industrial uses are appropriate in general locations;
3. The subject properties lie within an existing area of mixed general business and light industrial uses;
4. The Comprehensive Plan provides for the continuance of mixed-use areas; and,
5. The proposed uses of offices, storage buildings and a beauty salon conform to the criteria for non-residential development.