

JULY 13, 2017

**PORTION OF 3149 & PORTION OF 3155
COMMONWEALTH CT**

ZONE CHANGE

From:	I-1 Light Industrial
To:	B-4 General Business
Proposed Use:	Commercial/Retail
Acreage:	0.40
Applicant:	Pedley Rental Properties, LLC (1707.2011)
Surrounding Zoning Classifications:	
North:	A-U
South:	B-4
East:	I-1 & B-4
West:	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 zoning expansions of proportional scope** – Existing General Business zones may be expanded onto contiguous land that generally abuts the same street(s). The expansion of a General Business zone should not significantly increase the extent of the zone in the vicinity of the expansion and 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 is not located in a wetlands area per the US Department of Agriculture Soil Conservation Service dated March 6, 1990.
- The subject property is not located in a special flood hazard area per FIRM Map 21059CO143 D.
- It appears that the subject property is 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 site.

Development Patterns

The subject properties are a 0.40 portion of two different properties totaling approximately 1.5 acres. The properties along the east side of Commonwealth Court are zoned B-4 General Business. The properties along the west side of

Commonwealth Court are zoned I-1 Light Industrial with the exception of an approximately 0.2 acre parcel zoned B-4 General Business immediately to the south of the subject properties.

The applicant proposes to rezone the subject properties from I-1 to B-4. The rezoning application indicates the proposed land use as commercial/retail. The remainder of the subject properties will continue to be zoned I-1 Light Industrial and used as storage.

If approved, prior to occupancy of 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.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The proposed general business use conforms to the criteria for nonresidential development. The proposed B-4 General Business zoning is a logical expansion of B-4 General Business zoning to the south. At 0.40 acres, the proposal does not significantly increase the extent of B-4 zoning in the area and 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 condition and findings of fact that follow:

Condition:

1. Approval of a final development plan for 3149 and 3155 Commonwealth Court.

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 proposed use of the property as commercial/retail conforms to the criteria for nonresidential development; and,
4. At 0.40 acres the proposal does not significantly increase the extent of the B-4 zone in the vicinity and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.