

**AUGUST 8, 2019**

**3156 COMMONWEALTH CT**

**ZONE CHANGE**

<b>From:</b> I-1 Light Industrial	
<b>To:</b> B-5 Business/Industrial	
<b>Proposed Use:</b>	Preparation facility & vehicle maintenance for Morris Family Homes
<b>Acreage:</b>	0.429
<b>Applicant:</b>	Wellmore Properties; K B Holdings, LLC (1908.2093)
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> A-U	<b>South:</b> B-4
<b>East:</b> B-4	<b>West:</b> B-4, I-1

**Proposed Zone & Land Use Plan**

The applicant is seeking a B-5 Business/Industrial zone. The subject property is 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 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).

**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 21059CO143D.
- It appears that the subject property is 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 sewers, are available to the site.

**Development Patterns**

The subject property sits at the end of a culd-a-sac, is currently zoned I-1 Light Industrial and is used as a storage building. The adjoining property to the west is split zoned B-4 General Business and I-1 Light Industrial with an office and a contractor shop located on the property. The adjoining property to the east is zoned B-4 General Business with a bakery located on the property. The adjoining property to the north is an A-U Urban Agriculture zoned farm. The right-of-way of Commonwealth Court is

located directly south of the subject property and is zoned B-4. Although there are not any adjoining properties with a B-5 Business/Industrial zone, all adjoining properties along Commonwealth Court are located within the Business/Industrial plan area where such uses are appropriate in general locations.

The applicant proposes to rezone the subject property from I-1 Light Industrial to B-5 Business/Industrial. The B-5 zone will offer the property owner additional flexibility by allowing both light industrial uses as well as general business uses, such as the proposed use of a preparation facility and vehicle maintenance facility.

Commonwealth Court is classified as a local street, which requires a 25' building setback line. Additionally, all vehicular use areas shall be paved and screened with a 3 foot tall continuous element whenever adjoining public rights-of-way.

Prior to any activity on the property the applicant must obtain approval of a site plan or 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 property is 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 property is located within a Business/Industrial Plan Area, where business/ industrial uses are appropriate in general locations;
3. The subject property lies 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 use of a preparation facility and vehicle maintenance facility conforms to the criteria for non-residential development.