

JULY 10, 2008

PORTION OF 3275 HIGHLAND POINTE DR

ZONE CHANGE

From: B-4 General Business		
To: I-1 Light Industrial		
Proposed Use: Storage Yard, warehouse, parking lot		
Acreage: 2.387		
Applicant: Triple H&B Investments, LLC; Highland Pointe Holdings, LLC (0807.1719)		
Property Zone Existing Use	to North B-4 Highland Pointe	
to West B-4, R-3MF, R-1C, A-U Residential, Farmland, Vacant	Subject B-4 ➔ I-1 Vacant	to East I-1, B-4 Storage Facility, Martial Arts, Office
	to South I-2, A-U Retention Basin, Greenbelt, Soccer Complex	

**GENERAL LAND USE CRITERIA
Apply, if marked below:**

Described in Comprehensive Plan on pages 445-448

Environmental ☒

- ☒ **E1** Flood Plains
- E2** Steep Slope
- E3** Historical & Archaeological Sites
- E4** Soils
- E5** Plant & Animal Life

Urban Services ⌘

- U1** Roadway Capacity
- U2** Electricity Supply
- U3** Water Supply
- U4** Stormwater Disposal
- U5** Sanitary Sewage Disposal

Development Patterns ♦

- D1** Land-Use Intensity, Clusters and Buffers
- D2** Land Use versus Street Function
- D3** Intersection & Driveway Spacing
- D4** Roadway Buffer Standards
- D5** Lot Sizes & Proportions
- D6** Residential Development
- ♦ **D7** Non-Residential Development
- D8** Building Quality

Proposed Zone & Land Use Plan

The applicant is seeking an I-1 Light Industrial zone. The subject property is located in a Business Plan Area, where light industrial uses are appropriate in limited 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).

(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 streets. 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.

Applicant's Findings

The subject property is located in a Business Plan Area where light industrial uses are appropriate in limited locations, however, the parcel adjoins Alvey Park Drive W which is located in a Business/Industrial Plan Area where both business and light industrial uses are appropriate in general locations.

The subject parcel containing 2.387 acres is part of Lot 8H (proposed) of Highland Pointe which contains a total of 4.334 acres. Split zoning is necessary in order to construct a multi-purpose facility for Atmos Energy to include a service center servicing Iowa, Illinois, Missouri and Kentucky and an operations facility servicing five Kentucky counties. This facility will house approximately 75 employees including engineering, operations, storage, safety, compliance, human resources, accounting, IT, rates and regulatory and governmental affairs. The operation facility includes outdoor storage of equipment and materials which is to be located on the subject parcel. The proposed complex will allow Atmos Energy to consolidate multiple functions at one location.

Specific land use criteria applicable to this application are as follows:

The proposed rezoning conforms to the criteria for “Nonresidential Development” (D7). The proposed outdoor storage yard will be screened in accordance with the requirements for “Buffers for Outdoor Storage Yards” (D1).

The proposed rezoning is a logical expansion of I-1 zoning in Alvey Park and is contiguous to a Business/Industrial Plan Area which is intended for mixed use development.

The proposed rezoning complies with all applicable requirements of the Comprehensive Land Use Plan.

Planning Staff Review

The subject property is located in the 3201 block of Highland Pointe Drive. Land use criteria applicable to this proposal are reviewed below.

GENERAL LAND USE CRITERIA

Environment

According to a study prepared by the US Department of Agriculture Soil Conservation Service dated March 6, 1990, it appears that the subject property is not located in a wetlands area. The subject property is located in a special flood hazard area per FIRM Map 21059CO140 C. Based on the preliminary FIRM maps dated July 7, 2007, the subject property is located in a special flood hazard area per map 21059CO139 D. The developer is responsible for obtaining permits as may be required by the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

It appears that the subject property is outside the Owensboro Wellhead Protection area according to a map created by the GRADD office dated March 1999.

Urban Services

All urban services, including sanitary sewers, are available to the site.

Development Patterns

At present, the subject property is a portion of a large tract within the Highland Pointe subdivision at the south terminus of Highland Pointe Drive. The tract adjoins the Highland Pointe Development to the north, mixed commercial and industrial uses to the east, the Greenbelt and soccer complex to the south, and residential and commercial zoning across the Wendell Ford Expressway to the west. The portion of the subject property proposed for rezoning is immediately adjacent to I-1 Light Industrial zoning to the east along the proposed Highland Crossing Drive.

With the rezoning submission, the applicant has submitted an amended major subdivision preliminary plat. The proposed I-1 Light Industrial and B-4 General Business

split zoning for Atmos energy will on Lot 8H which is on the southeast corner of the proposed Highland Pointe Drive extension and the proposed Highland Crossing Drive intersection.

The applicant is proposing the split zoning on the subject property in order for Atmos Energy to locate a mixed-use facility on the property. The majority of the use will be appropriate within the existing B-4 General Business zone but the proposed outdoor storage area will require an I-1 Light Industrial zoning. A six foot tall solid wall or fence is required around the entire storage area for screening purposes.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the requirements of the Comprehensive Plan. The proposed rezoning is a logical expansion of existing I-1 Light Industrial zoning located immediately east of the subject property along the proposed Highland Crossing Drive and Alvey Park Drive. The industrial zoning will be an integral part of a new Atmos Energy facility that will require outdoor storage. The property will ultimately be split zoned B-4 General Business and I-1 Light Industrial.

Planning Staff Recommendations

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The condition and findings of fact that support this recommendation include the following:

Condition: A final development plan submitted and approved prior to the issuance of building permits.

Findings of Fact:

1. The subject property is located in a Business Plan Area, where light industrial uses are appropriate in limited locations;
2. The subject property will be used as an Atmos Energy facility that will be nonresidential in nature;
3. The proposed rezoning is a logical expansion of existing I-1 Light Industrial zoning located immediately east of the subject property; and,
4. The I-1 Light Industrial expansion should not significantly increase the extent of industrial uses that are located in the vicinity and outside of Industrial Parks and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.