

MARCH 11, 2021

1726 HALL STREET	
ZONE CHANGE	
From:	B-4 General Business
To:	I-2 Heavy Industrial
Proposed Use:	Storage
Acreage:	0.204
Applicant:	Brett Lovins; Old School Investments, LLC (2103.2156)
Surrounding Zoning Classifications:	
North: I-2	South: B-4
East: I-2	West: B-4

Proposed Zone & Land Use Plan

The applicant is seeking an I-2 Heavy Industrial zoning classification. The subject property is located in a Business/Industrial Plan Area, where Heavy Industrial uses are appropriate in very 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). Furthermore, any building or outdoor storage, loading or working areas (except for accessory parking areas) should be located at least three-hundred (300) feet from any urban residential area and one-hundred (100) feet from any other area except those containing light industrial or agricultural/forestry uses.

(b) Logical expansions outside of Industrial Parks

Existing areas of Heavy Industrial use that are located outside of planned Industrial Parks may be expanded onto contiguous land that generally abuts the same street. Such an expansion should not significantly increase the extent of industrial use in the vicinity and outside of Industrial Parks. Such expansion should not overburden the capacity of roadways and other necessary urban services that are available in the affected area. Also, such an expansion should be of adequate size and shape to provide the separation from incompatible uses cited in criteria (a) above.

**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 21059C0138D.
- 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 sewer, are available to the site.

Development Patterns

The subject property is a 0.204 acre parcel that is zoned B-4 General Business and is currently a vacant tract of land. This area is made up a variety of business and industrial uses as the property to the south is zoned B-4 General Business, as are the adjoining properties to the rear (along Breckenridge Street). The adjoining property to the north is zoned I-2 Heavy Industrial, as is the entirety of Hall Street between the subject property and E.17th Street.

The adjoining property to the east (across Hall Street) is zoned I-2 Heavy Industrial, owned by the owner of the subject property, and utilized by the applicant of this request. The existing structure on this lot is where Lovins Concrete operates from and is considered their contractor shop of special trades. The applicant has requested to rezone the subject property to I-2 Heavy Industrial in order to expand the Lovins Concrete operation. Based upon the site plan that was submitted in conjunction with this rezoning, it appears that the intent of the expansion is to use the subject property strictly for warehouse storage of construction materials; not for the storage of company vehicles.

In the event that the subject property is utilized for the storage of company vehicles, or in the event that Lovins Concrete moves entirely to the subject property, then the use of the property will no longer be considered warehouse storage and will be considered a contractor shop of special trades. This potential change in use would not impact the proposed I-2 zone, but the applicant should be made aware that the two potential uses do have different parking requirements which shall be maintained in order to remain in compliance with the zoning ordinance.

Hall Street is classified as a local roadway with a 25-foot building setback measured from the front property line. Local roadways do not have required roadway buffers, nor is access management regulated on such roads. However, the total driveway width on the subject property shall not exceed 40% of the lot's width.

Specific Land Use Criteria (a) calls for much more severe building setbacks than those described above. However, the zoning ordinance only requires such setbacks for specific industrial uses; which does not include the storage of construction materials. Nevertheless, should the storage use evolve to become a storage facility of hazardous materials (as defined by the Kentucky Building Code), or any of the other more extreme heavy industrial uses, then the setbacks stated within the Land Use Criteria should be re-evaluated throughout review of a Site Plan or Final Development Plan (and possibly through the review of a Conditional Use Permit). To ensure compliance, the OMPC building staff should be consulted prior to the storage of materials within this facility to ensure that such materials are considered to be non-hazardous in nature.

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 applicant's proposal is in compliance with the community's adopted Comprehensive Plan. The proposal is a logical expansion of the I-2 Heavy Industrial zone within the area and the limited expansion of the zone should not significantly increase the extent of industrial uses in the vicinity, nor should the expansion overburden the capacity of roadways and other necessary urban services that are available in the affected area. Due to the non-hazardous nature of the materials being stored on the subject property, the subject property is large enough to conform to the criteria for "nonresidential development" and "buffers for outdoor storage yards."

Planning Staff Recommendations

The planning staff recommends approval subject to the condition and findings of fact that follow:

Condition: Approval of a Site Plan or 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 Business/Industrial Plan Area, where Heavy Industrial uses are appropriate in very limited locations;
3. The proposed use, storage, is nonresidential in nature;
4. Due to the non-hazardous nature of the materials being stored, the subject property is large enough to conform to the criteria for nonresidential development and buffers for outdoor storage yards;
5. The proposal is a logical expansion of existing I-2 Heavy Industrial zoning to the north and east; and,
6. At 0.204 acres in size, the proposed expansion of the I-2 Heavy Industrial zone will not significantly increase the extent of industrial zoning in the immediate vicinity and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.