

OCTOBER 14, 2021

2076 ENDEAVOUR COURT

ZONE CHANGE

From:	A-R Rural Agriculture
To:	I-1 Light Industrial
Proposed Use:	Self-Storage Facility
Acreage:	4.559
Applicant:	Owensboro Self Storage, LLC; Frederick Family, LLC (2110.2187)
Surrounding Zoning Classifications:	
North: B-1	South: A-R
East: A-R, A-U	West: A-U, B-1

Proposed Zone & Land Use Plan

The applicant is seeking an I-1 Light Industrial zone. The subject properties are located in a Business Plan Area, where light industrial uses are deemed 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 street. Such an expansion should not significantly increase the extent of industrial use in the vicinity and outside of Industrial Parks. Also, such expansion should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.
- (d) **New locations in Highway Business Centers –** New locations of Light Industrial use should be established in Business plan areas only as integral components of planned **"Highway Business Centers" (D7)**. Such a light industrial component should be **"arterial street oriented" (D2)** and provide for particular higher-intensity uses that may be desirable in close proximity to highway businesses, such as wholesale-type businesses, self-storage mini-warehouses, etc. Such a light industrial component should be relatively small in size compared to the overall size of the business center and should be developed in keeping with the design theme of the larger center.
- (f) **Industrial Parks –** In Industrial, Future Urban, and Rural Preference plan areas, new and expanded locations of Light Industrial use should be developed as elements of planned **"Industrial Parks" (D7)**. These provisions also apply where existing Industrial Parks are expanded into adjoining non-industrial plan areas that contain undeveloped land. Such Industrial Parks should be **"arterial-street-oriented" (D2)** and

planned in modules of at least **one hundred (100) acres** in size, unless an existing Industrial Park is being expanded. Industrial Parks should be established only where sanitary sewer systems exist or may be expanded or where new systems may be properly established. Light Industrial uses should be located near the fringes of a park that includes Heavy Industrial uses, to serve as **"buffer-uses" (D1)** adjoining incompatible plan areas or land uses.

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.
- It appears that the subject property may be designated as prime agricultural farmland per the US Department of Agriculture Soil Conservation Service map dated March 1980.
- The subject property is partially located in a special flood hazard area per FIRM Map 21059CO257D.
- 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 subject property.

Development Patterns

The subject property is a 4.559 acre tract of land located at the intersection of Todd Bridge Road and Endeavour Court. This property, zoned A-R Rural Agriculture, has been primarily utilized as farmland in conjunction with the adjoining farm to the south, east and west.

However, as shown on an approved preliminary subdivision plat and a recorded final plat, this property has also been tied to the commercial lots to the north, zoned B-1 Neighborhood Business Center, as the subject property hosts the drainage basin(s) for the commercial development. As such, any modifications to the subject property which impact the drainage patterns shall require an amended preliminary and final plat for the area.

The previously approved plats also limited most access to the subject property to Endeavor Court. The only approved access point to Todd Bridge Road consists of a maintenance easement for drainage control purposes.

In addition to drainage control, the subject property has a unique connection to the commercial lots to the north. When the three adjoining lots were rezoned to B-1 Neighborhood Business Center in 2008, they reached the capacity for the maximum acreage of B-1 zoning in the area. As such and based on the criteria of the Comprehensive Plan, it was assumed that commercial redevelopment of the area (including that of the subject property) would be directed to the B-3 Highway Business Center zone.

With that in mind, there were specific conditions placed on the subdivision plats pertaining to the subject property. Such conditions are typically tied to requirements within the B-3 zoning and include the necessity for a marketing study and a traffic impact study to be performed prior to development of the subject property.

Nevertheless, the B-3 zoning has yet to come to fruition as anticipated and, at this time, the applicant is requesting to rezone the subject property from A-R Rural Agriculture to I-1 Light Industrial in order to construct and operate a self-storage facility. Upon research and conversations with the City Engineering Office and the Kentucky Transportation Cabinet, the OMPC staff believe that if the property is rezoned to I-1 and if the activity on the site consists solely of a self-storage facility (including accessory offices), then:

- The OMPC could accept amended subdivision plats eliminating the requirement for a Market Study; and
- The OMPC could accept amended subdivision plats modifying the condition to state that a traffic impact study is not required for a self-storage facility, as proposed; however, any other use of the property may require a traffic impact study as deemed necessary by the Kentucky Transportation Cabinet, the City Engineering Office, and/or the OMPC Planning Staff.

Regardless of such possible concessions, it should be noted that **the proposed I-1 Light Industrial zoning is not in compliance with the community's adopted Comprehensive Plan** because:

- The proposal is not a logical expansion of existing industrial zoning;
- The subject property is not located within a planned "Highway Business Center" where new locations of light industrial zoning are considered appropriate; and,
- The subject property is not located within an existing or proposed industrial park where new locations of industrial zoning are considered appropriate.

As a result, **the OMPC staff recommends denial** of this request to rezone the subject property from A-R Rural Agriculture to I-1 Light Industrial. However, **if approved, the following conditions should be included:**

1. The Major Subdivision Preliminary Plat and Major Subdivision Final Plat shall each be amended to:
 - a. Address any modifications in drainage;
 - b. To eliminate the requirement for a Market Study on the subject property; and,
 - c. To modify the condition pertaining to the required Traffic Impact Study to state that a Traffic Impact Study is not required to operate a Self-Storage Facility on the

subject property; however, any other use of the property may require a Traffic Impact Study as deemed necessary by the Kentucky Transportation Cabinet, the City Engineering Office, and/or the OMPC Planning Staff.

2. Direct access to Todd Bridge Road shall be limited to the existing maintenance easement as shown on past plats. No additional access to Todd Bridge Road shall be permitted; and,
3. Obtain approval of a Site Plan or Final Development Plan.

If approved, prior to any activity on the property, the applicant shall obtain approval of a site plan or 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

Although the proposed self-storage facility is non-residential in nature and the site is large enough to conform to the criteria associated with Buffers for Outdoor Storage Yards, the proposal is not in compliance with the community's adopted Comprehensive Plan because the site is not a logical expansion of existing industrial zoning and is not deemed to be an appropriate location for new industrial zoning as it is not located within a planned Highway Business Center, an existing Industrial Park, or a proposed Industrial Park.

Planning Staff Recommendations

The planning staff recommends denial subject to the findings of fact that follow:

Findings of Fact:

1. Staff recommends denial because, although the proposed self-storage facility is non-residential in nature and the site is large enough to conform to the criteria associated with Buffers for Outdoor Storage Yards, the proposal is not in compliance with the community's adopted Comprehensive Plan;
2. The proposed I-1 Light Industrial zoning is not a logical expansion of existing industrial zoning;
3. The subject property is not located within a planned Highway Business Center where new locations of light industrial zoning are deemed appropriate; and,
4. The subject property is not located within an existing or proposed Industrial Park where new locations of light industrial zoning are deemed appropriate.