

**MARCH 10, 2022**

**3805 WEST 5<sup>TH</sup> STREET ROAD**

**ZONE CHANGE**

<b>From:</b>	A-U Urban Agriculture
<b>To:</b>	I-1 Light Industrial
<b>Proposed Use:</b>	Electric Company
<b>Acreage:</b>	114.238
<b>Applicant:</b>	Big Rivers Electric Corporation (2203.2201)
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b>	<b>B-4</b>
<b>South:</b>	<b>A-U</b>
<b>East:</b>	<b>I-1, B-4, A-U</b>
<b>West:</b>	<b>B-4, A-U</b>

**Proposed Zone & Land Use Plan**

The applicant is seeking an I-1 Light Industrial zone. The subject property is located in an Urban Residential Plan Area, where light 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).

**(f) Industrial Parks** – In Industrial, Future Urban, and Rural Preference plan areas, new and expanded locations of Light Industrial 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 modules of at least **one hundred (100) acres** in size, unless an existing Industrial Park is being expanded. Industrial Parks should be established or expanded 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 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 partially located in a wetlands area per the US Department of Agriculture Soil Conservation Service map dated March 6, 1990.
- The subject property is not located in a special flood hazard area per FIRM Maps 21059CO118D.
- It appears that the subject property is partially designated as prime agricultural farmland per the US Department of Agriculture Soil Conservation Service map dated March 1980.
- 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 114-acre farm that is zoned A-U Urban Agriculture and located along W 2<sup>nd</sup> Street (directly across from the southern terminus of Industrial Drive), and along West 5<sup>th</sup> Street Road, across from Jack C. Fisher Park.

The applicant has proposed to rezone the entire 114.238-acres of the subject property to I-1 Light Industrial as a planned Industrial Park. As a result, each resulting lot from the 114-acre tract shall be preliminarily platted prior to approval of a Final Development Plan, and shall be final platted prior to the issuance of a Certificate of Occupancy to ensure that the necessary roads, utilities, and other areas of interest are in compliance with local regulations.

If approved, this proposed rezoning will essentially be a new establishment of industrial zoning in the immediate vicinity as the 0.62 acre tract of land that is zoned I-1 Light Industrial and located northeast of the proposed development is the only adjoining industrial zoning. All other lands in the general vicinity are zoned either B-4 General Business (parcels located along W 2<sup>nd</sup> Street) or A-U Urban Agriculture (farms and parks to the east, south, and west).

The applicant intends to utilize the front half (along W 2<sup>nd</sup> Street) to operate an electric corporation. West 2<sup>nd</sup> Street, in this vicinity, is classified as a Minor Arterial roadway with a 500-foot spacing standard; as well as a 75-foot building setback and a 50-foot roadway buffer, each measured from the centerline of W 2<sup>nd</sup> Street. For the proposed electric corporation, the conceptual plan found within the submitted Traffic Impact Study illustrates that the proposed site will include office spaces, warehouses, fuel tanks, maintenance warehouses, and possibly outdoor storage areas.

The submitted Traffic Impact Study is currently under review and is strictly for the development of the electric corporation. The study shall be approved by the City and County Engineering offices, the Kentucky Transportation Cabinet, and the OMPC Planning Staff prior to the approval of any preliminary plats. Nevertheless, as submitted, the study states that the only necessary roadway improvements for the proposed electric corporation is the extension of both, Industrial Drive and GRADD Way. The Industrial Drive extension is shown connecting at the existing stoplight, running along the development’s eastern property line, and stubbing at the southern terminus of the project area, allowing future connectivity to the rear of the property.

Development of the rear portion of the subject property is unknown at this time. However, additional portions of Industrial Drive shall be constructed as each lot is developed, with the roadway stubbing along property lines to ensure that all subsequent lots created from the 114-acre subject property have access to Industrial Drive and connect to the W 2<sup>nd</sup> Street intersection. Additionally, because the submitted Traffic Impact Study is only for the proposed electric corporation, approval of a new or amended Traffic Impact Study shall be required as the rear portions develop.

Also in regards to the Industrial Drive extension, it was previously stated that the roadway is to be constructed along the eastern property line of the proposed development. As such, it should be acknowledged that the adjoining property to the east is a 27.9-acre farm that is zoned A-U Urban Agriculture, runs along the entirety of the eastern property line of the subject property, and has frontage along Fenmore Street and Baybrook Street; two residential stubs which allow for future residential growth into the 27.9-acre farm.

However, if the current proposal is approved, the establishment of industrial zoning will create an avenue for this farm to be rezoned to professional, commercial, or industrial. In which cases, the residential streets should not be used to serve the higher-intensity uses. As a result, the development of the subject property shall provide an access easement to the adjoining farm which may only be utilized if the adjoining property is rezoned for uses other than residential or agricultural activities.

Meanwhile, this portion of West 5<sup>th</sup> Street Road is classified as a Major Collector roadway with a 250-foot spacing standard plus a 60-foot building setback and 30-foot roadway buffer. It should be noted that this property has only 21.37-feet of road frontage along West 5<sup>th</sup> Street Road and so developing an access point along this frontage proves to be difficult. However, there is a platted access easement (PB 46 PG 27) leading across The Green Belt's parcel, located directly across from the entrance of Jack C. Fisher Park. Any future access from the subject property to West 5<sup>th</sup> Street Road shall be a single access point located within this easement and directly across from the park entrance.

It is possible that this single access point along West 5<sup>th</sup> Street Road, if constructed, may be required to be built as a roadway to public improvement specifications in order to serve as the terminus of the aforementioned Industrial Drive extension, providing connectivity throughout the planned Industrial Park. Such a possibility will be reviewed as the rear portions of the subject property continue to develop, and may be required within the preliminary plat process.

Prior to any activity on the property the applicant must obtain approval of a preliminary plat as well as 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 Comprehensive Plan. At over 100-acres in size, located along an arterial roadway with an existing sanitary sewer system available, the proposal meets the requirements to establish a planned Industrial Park and is large enough to establish buffers for outdoor storage yards.

#### **Planning Staff Recommendations**

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

##### **Conditions:**

1. Development of the subject property and any resulting lots created from the subject property shall each be preliminary platted prior to approval of a Final Development Plan for that lot, and shall be final platted prior to the issuance of a Certificate of Occupancy;
2. Each development shall obtain approval of a Traffic Impact Study prior to the approval of a Preliminary Plat. Any and all required improvements established within the approved Traffic Impact Study shall be installed prior to issuance of a Certificate of Occupancy for that development;
3. As the rear portion of the subject property develops, the Industrial Drive extension shall be continued, stubbing at property lines in order to ensure that all resulting lots have access to Industrial Drive connecting to the intersection along W 2<sup>nd</sup> Street;
4. An access easement shall be platted in order to provide future access to the adjoining farm to the east, which shall only be utilized if the adjoining farm is rezoned for uses other than residential or agricultural activities;
5. Access to W 2<sup>nd</sup> Street shall be in compliance with an approved Traffic Impact Study; and,
6. Access to West 5<sup>th</sup> Street Road shall be limited to a single access point directly across from the Jack C. Fisher Park entrance.

##### **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 an Urban Residential Plan Area, where light industrial uses are appropriate in very-limited locations;
3. The proposed use, an electric corporation, complies with the criteria for non-residential development and the site is large enough to provide adequate buffers for outdoor storage yards;
4. The subject property is located along W 2nd Street and, as such, is arterial-street-oriented;
5. At over 100 acres in size, the subject property is large enough to be developed as a planned Industrial Park;
6. An existing sanitary sewer system is available to the subject property; and,
7. Compliance with an approved Traffic Impact Study ensures that the proposal will not overburden the capacity of roadways or other necessary urban services that are available in the affected area.