

**OCTOBER 6, 2022**

**2108 HIGHWAY 81**

**ZONE CHANGE**

<b>From:</b> B-4 General Business	
<b>To:</b> I-1 Light Industrial	
<b>Proposed Use:</b>	Fencing Contractor
<b>Acreage:</b>	0.688
<b>Applicant:</b>	KV LLC (2210.2232)
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> I-1, A-R	<b>South:</b> B-4
<b>East:</b> I-1	<b>West:</b> A-R

**Proposed Zone & Land Use Plan**

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

**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 map dated March 6, 1990.
- It appears that this property is designated as prime farmland per the US Department of Agriculture Soil Conservation Service map dated March 1980.
- The subject property is not located in a special flood hazard area per FIRM Map 21059CO256D.
- 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**

Electricity, water and gas are available to the subject property. Sanitary sewage disposal is accomplished by an on-site septic system.

**Development Patterns**

The subject property is a 0.688 acre parcel of land located near the Old Lyddane Bridge Road/Highway 81 intersection, is currently zoned B-4 General Business, and contains an existing building with a gravel parking area. The applicant intends to redevelop the property to utilize the site for a fencing company, requiring the proposed I-1 Light Industrial zoning. If approved, the aforementioned gravel surface will be addressed as the property redevelops, as all vehicular use areas shall be paved and any remaining gravel areas shall be considered outdoor storage and screened by a 6-foot tall solid wall or fence.

There are a variety of zones and uses in the immediate vicinity. To the west is a large farm tract that is zoned A-R Rural Agriculture. To the north is a smaller residential lot, also zoned A-R Rural Agriculture. As the subject property redevelops, the industrial site shall be screened from the residential use by a 10-foot wide landscaping easement consisting of a 6-foot tall solid wall or fence and 1 tree per 40-linear feet, and any proposed buildings shall maintain a 20-foot building setback from this shared property line.

Additionally, to the east (across Highway 81) is existing I-1 Light Industrial zoning and uses. The adjoining property to the north (2024 Highway 81) is currently vacant and was rezoned to I-1 in July 2021 in order to operate a fencing company, much like that of this proposal, and is owned by the applicant of this requested zoning change.

The potential utilization of the adjoining lot is important to acknowledge because, in this vicinity, Highway 81 is classified as a Minor Arterial roadway with a 75-foot building setback and a 40-foot roadway buffer, each measured from the centerline of Highway 81. Minor Arterial roadways also require a 500-foot spacing standard.

As such, access to the subject property shall comply with the access management manual. In the event that the subject property develops independent from the adjoining property, then the subject property shall be limited to a single access point. However, if the two properties are developed together (either through a final development plan or through a consolidation plat and site plan), then the two properties shall share a single access point.

Prior to any development of the subject 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**

The applicant's proposal is in compliance with the community's adopted Comprehensive Plan. The proposal conforms to the criteria for Nonresidential Development, as well as the criteria associated with Buffers for Outdoor Storage Yards. Additionally, the proposed I-1 Light Industrial zoning is a logical expansion of existing I-1 zoning to the north and east. At 0.688 acres, the expansion of the I-1 zoning will not significantly increase the extent of the industrial uses in the vicinity, nor will the proposal overburden the capacity roadways and other necessary urban services that are available in the affected area.

#### **Planning Staff Recommendations**

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

##### **Condition:**

Access to Highway 81 shall be in compliance with the access management manual.

##### **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 an Industrial Plan Area where Light Industrial Uses are appropriate in general locations;
3. The proposed use, a fencing contractor, conforms to the criteria for Nonresidential Development and the site shall comply with the requirements associated with Buffers for Outdoor Storage Yards;
4. The proposed I-1 Light Industrial zoning is a logical expansion of the I-1 zoning to the north and east; and,
5. At 0.688 acres, the proposal shall not significantly increase the extent of the industrial uses within the vicinity, nor shall the request overburden the capacity of roadways and other necessary urban services that are available in the affected area.