

APRIL 13, 2023

**1621 & 1633 MOSELEY STREET,
1602 – 1624 SWEENEY STREET,
1640 SWEENEY STREET
& 400 – 416 E 16TH STREET**

ZONE CHANGE

From:	B-4 General Business, I-1 Light Industrial & I-2 Heavy Industrial
To:	I-2 Heavy Industrial
Proposed Use:	Concrete Plant
Acreage:	3.703
Applicant:	IMI Southwest Inc. c/o Irving Material Inc.(2303.2255)
Surrounding Zoning Classifications:	
North: I-1	South: B-5, I-1
East: B-4, I-1	West: I-1

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 map 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 properties consist of 12 lots that take up the majority of the 1600-blocks of Moseley Street and Sweeney Street; the lone exceptions being an existing development zoned I-1 Light Industrial and located at the corner of E 16th Street and Sweeney Street, and an existing church zoned B-4 General Business that is near the intersection of E 17th Street and Sweeney Street. All other adjoining properties are zoned I-1 Light Industrial or B-5 Business/Industrial.

The 12 lots total 3.703 acres in size and are all owned by the applicant. The applicant operates an existing concrete plant from several of the subject properties, which are zoned I-1 Light Industrial or I-2 Heavy Industrial. Having recently acquired the remaining subject properties, the applicant intends to rezone all of the subject properties to I-2 Heavy Industrial in order to consolidate and expand the operation as necessary.

Approval of the request will result in 3.703 acres of I-2 Heavy Industrial zoning, an increase from the existing 0.62-acres located at 1621 Moseley Street (the main facility for the existing operation). Although this will be a significant increase in I-2 zoning, it should be noted that the current operation includes four of the subject properties, which total approximately 2.275-acres in size, so the proposal is not a significant increase of the proposed industrial operation.

With 3.703 acres adjoined primarily by industrial zoning, the development appears capable of complying with the criteria associated with buffers for outdoor storage yards and the required building setbacks when adjoining unlike zones. Nevertheless, in conjunction with this rezoning application, the applicant has submitted a variance application to reduce the required buffers to provide more development flexibility as they expand the operation and continue to utilize existing site features.

Prior to any activity on the property the applicant must obtain approval of a final development plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage. To limit the impact of building setbacks, it is recommended that the applicant consolidate all subject properties associated with the concrete plant. 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 and the proposal shall not significantly increase the extent of the industrial uses within the area, nor should the expansion overburden the capacity of roadways and other necessary urban services that are available in the affected area. At 3.703-acres in size, adjoined primarily by I-1 Light Industrial zoning, the development appears capable of complying with all criteria associated with buffers for outdoor storage yards and with all setbacks between unlike zones, if deemed necessary.

Planning Staff Recommendations

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

Condition:

1. Obtain approval of a 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, a concrete plant, conforms to the criteria for non-residential development;
4. At 3.703-acres in size and adjoined primarily by I-1 Light Industrial zoning, the development appears capable of complying with the criteria associated with buffers for outdoor storage yards and with all setbacks between unlike zones;
5. The proposal is a logical expansion of existing I-2 Heavy Industrial zoning already on one of the subject properties; and,
6. At 3.703-acre, the proposed expansion will not significantly increase the extent of industrial uses in the immediate vicinity and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.