

**JULY 10, 2025**

**3010 HIGHWAY 81**

**ZONE CHANGE**

<b>From:</b> A-R Rural Agriculture	
<b>To:</b> I-1 Light Industrial	
<b>Proposed Use:</b> General Contractor Office	
<b>Acreage:</b> 42.571	
<b>Applicant:</b> Murphy Investments; Lee A. & Teresa L. Mitchell (2507.2321)	
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> A-R	<b>South:</b> A-R & R-1A
<b>East:</b> A-R	<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 a Rural Preference plan area where light industrial uses are appropriate in limited 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. Such an expansion should not significantly increase the extent of industrial use 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.
- (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 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 a park that includes Heavy Industrial uses, to serve as “**buffer-uses**” (D1) adjoining incompatible plan areas or land uses.
- (h) **Large Industrial Reserve** – In Future Urban and Rural Preference plan areas, new and expanded locations of Light Industrial use may be developed

as part of a planned “**Large Industrial Reserve**” (D7), which may also contain Heavy Industrial uses. Such a reserve should be “**major-street-oriented**” (D2), at least five hundred (500) acres in size, and be focused around a large industry. Plans for such a reserve should include substantial provisions to assure compatibility with adjoining land uses and the environment, and to assure the adequacy of necessary transportation and utility facilities.

**Planning Staff Review**

**GENERAL LAND USE CRITERIA**

**Environment**

- It appears that a portion of the subject property may be 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 21059CO256E.
- It appears that the subject property is designated as prime agriculture 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 or other state and federal agencies as may be applicable.

**Urban Services**

All urban services, including sanitary sewers, are available to the subject property.

**Development Patterns**

The subject property is a 42.571-acre farm with a single family residence and detached accessory structures on the lot. With the exception of existing single family homes to the south (which are zoned R-1A Single Family Residential), the subject property is surrounded on all sides by A-R Rural Agriculture zoning; which does include the Daviess County Government Operations Center to the north, and the Owensboro-Daviess County Regional Airport to the east (across Highway 81).

At this time, the applicant is proposing to rezone the subject property to I-1 Light Industrial to construct a General Contractor Office. Per information provided by the applicant, the applicant anticipates this operation to serve an excavating company, including 30 employees and 20 commercial trucks. The expected shop and office will total approximately 12,000 square feet in size. Per the Kentucky Transportation Cabinet, the development as described will not require a Traffic Impact Study; although OMPC staff assumes that, at 42-acres in size, future expansions would need to be reviewed accordingly.

In the application, the applicant concedes that the proposal is not in compliance with the community's adopted Comprehensive Plan. The proposal is not a logical expansion of existing industrial zoning and does not meet the size requirements for an industrial park or for an industrial reserve.

However, the applicant contends that the proposal is an expansion of industrial uses and, as a result, the proposed I-1 Light Industrial zoning is appropriate. The cited industrial uses are as follows:

**1. The Daviess County Government Operations Building to the north.**

The OMPC staff contends that, while the Daviess County Government Operations site does house construction equipment, trucks, and materials, the property itself is zoned A-U Urban Agriculture and also includes many office uses. Furthermore, the Comprehensive Plan acknowledges all activities at the Operations Building while also recognizing the recent expansion of industrial activity within the area.

To clarify: Due to recent industrial developments south of Old Lyddane Bridge Road, the current land use map (2023) placed everything between Old Lyddane Bridge Road and the Daviess County Government Operations site within an Industrial plan area. Meanwhile, everything south of the Operations Building (such as the subject property) remained in a Rural Preference plan area.

The Daviess County Government Operations site, however, remained in a Professional/Service plan area in order to separate the Rural Preference plan area to the south and the recently established Industrial plan area to the north.

**2. The Owensboro-Daviess County Regional Airport to the east, across Highway 81.**

The OMPC staff contends that, although the subject property is located across Highway 81 from the airport's property, the airport is zoned A-R Rural Agriculture, matching the zoning of the subject property. Furthermore, although located on the airport's property, the activity directly across Highway 81 appears to be approximately 100-acres of farmland with a single family residence, all zoned A-R Rural Agriculture. As a result, the nearest airport activity appears to be approximately 1200-feet from the subject property.

In any event, if approved, the applicant should be aware that Highway 81, 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 40-foot roadway buffer, each measured from the centerline of Highway 81. Due to the access spacing standard and the site's proximity to the existing access point to the north and an existing passway to the south, development of the subject property shall be limited to a single access point. The location of this access point shall be defined on an amended subdivision plat for the subject property prior to approval of a Final Development Plan.

Prior to any construction activity on the property the applicant shall 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. 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 not in compliance with the community's adopted Comprehensive Plan. The proposal complies with the criteria associated with nonresidential development and the site is large enough ensure compliance with the criteria associated with buffers for outdoor storage yards; however, the proposal is not a logical expansion of existing I-1 Light Industrial zoning. Additionally, at only 42.571-acres the subject property is not large enough to meet the size requirements to establish an industrial park or a large industrial reserve.

**Planning Staff Recommendations**

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

**Findings of Fact:**

1. Staff recommends denial because the proposal is not in compliance with the community's adopted Comprehensive Plan;
2. The subject property is located in a Rural Preference plan area where light industrial uses are appropriate in limited locations;
3. The proposed use, a General Contractor Office, complies with the criteria associated with nonresidential development and, at 42.571 acres, the site is large enough to ensure compliance with the criteria associated with buffers for outdoor storage yards;
4. The I-1 Light Industrial zoning is not a logical expansion of existing I-1 zoning, as all adjoining properties are zoned A-R Rural Agriculture or R-1A Single Family Residential;
5. At 42.571-acres, the proposal does not conform to the criteria associated with Industrial Parks, which requires a minimum of 100-acres in size in order to establish a new location of industrial zoning; and,
6. At 42.571-acres, the proposal does not conform to the criteria associated with Large Industrial Reserves, which requires a minimum of 500-acres in size in order to establish a new location of industrial zoning.