

**JANUARY 8, 2009**

**1439 BOSLEY RD**

**ZONE CHANGE**

**From:** B-4 General Business

**To:** I-1 Light Industrial

**Proposed Use:** Warehouse

**Acreage:** 0.404

**Applicant:** John Maurice (0901.1733)

<b>Property Zone Existing Use</b>	<b>to North</b> B-4 Office	
<b>to West</b> I-1 Truck Repair	<b>Subject</b> B-4 ↔ I-1 Office	<b>to East</b> B-4 Sign Company
	<b>to South</b> B-4 Pharmacy	

**GENERAL LAND USE CRITERIA  
Apply, if marked below:**

*Described in Comprehensive Plan on pages 445-448*

**Environmental** ☒

- E1** Flood Plains
- E2** Steep Slope
- E3** Historical & Archaeological Sites
- E4** Soils
- E5** Plant & Animal Life

**Urban Services** ☒

- U1** Roadway Capacity
- U2** Electricity Supply
- U3** Water Supply
- U4** Stormwater Disposal
- U5** Sanitary Sewage Disposal

**Development Patterns** ❖

- D1** Land-Use Intensity, Clusters and Buffers
- D2** Land Use versus Street Function
- ❖ **D3** Intersection & Driveway Spacing
- D4** Roadway Buffer Standards
- D5** Lot Sizes & Proportions
- D6** Residential Development
- ❖ **D7** Non-Residential Development
- D8** Building Quality

**Proposed Zone & Land Use Plan**

The applicant is seeking an I-1 Light Industrial zone. The subject property is located in a Business Plan Area, where light industrial uses are 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(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.

**Applicant's Findings**

The applicant wishes to rezone the subject property from an existing zone of B-4 to a proposed zone of I-1 in order to use the property to warehouse the inventory associated with his existing pool and spa business located at 1431 Bosley Road. This rezoning is a logical expansion of the existing I-1 zone located to the west of the subject property, and is therefore in compliance with the Comprehensive Plan.

**Planning Staff Review**

The subject property is located in the 1401 block of Bosley Road. Land use criteria applicable to this proposal are reviewed below.

**GENERAL LAND USE CRITERIA**

**Environment**

According to a study prepared by the US Department of Agriculture Soil Conservation Service dated March 6, 1990, it appears that the subject property is not located in a wetlands area. The subject property is not located in a special flood hazard area per FIRM Map 21059CO120 C. Based on the preliminary FIRM maps dated July 7, 2007, the subject property is not located in a special flood hazard area per map 21059CO119 D. The developer is responsible for obtaining permits as may be required by the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

It appears that the subject property is outside the Owensboro Wellhead Protection area according to a map created by the GRADD office dated March 1999.

### Urban Services

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

### Development Patterns

The subject property is located in an area of commercial and industrial zonings. The property to the north, east and south is currently zoned B-4 General Business. Uses include a pool and spa business, Brite Way sign company, and a Rite Aid Pharmacy. The property to the west is zoned I-1 Light Industrial and is a truck repair establishment.

In the vicinity of the subject property Bosley Road is classified as a major collector roadway with a spacing standard of 250 feet. The site currently has a single access to Bosley Road which is used as a shared drive with the property to the north. No additional access to Bosley Road shall be permitted. There is a single drive on James David Court that is located too close to the intersection and should be relocated to meet the minimum 50 spacing from the right-of-way line or eliminated.

Any outdoor storage area on the site will require screening in the form of a six foot solid element around the entire perimeter of the storage area. All vehicular use areas shall be paved with appropriate vehicular use area screening installed.

### SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. There is existing I-1 Light Industrial zoning located to the west across Bosley Road. The proposed use of the site for warehouse and storage of pool and spa materials is consistent with non-residential development. The expansion should not significantly increase the extent of industrial uses that are located in the vicinity and outside of Industrial Parks. Also, the expansion should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

### Planning Staff Recommendations

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The conditions and findings of fact that support this recommendation include the following:

### Conditions:

1. Access to Bosley Road shall be limited to the existing access point. No additional access to Bosley Road shall be permitted; and,
2. The access point to James David Court shall be reconstructed to meet the minimum 50' spacing for the right-of-way or eliminated.

### Findings of Fact:

1. The subject property is located in a Business Plan Area, where light industrial uses are appropriate in limited locations;
2. The use of the property for pool and spa warehouse storage is consistent with nonresidential uses;
3. The proposal is a logical expansion of existing I-1 Light Industrial zoning located across Bosley Road to the west;
4. The expansion should not significantly increase the extent of industrial uses that are located in the vicinity and outside of Industrial Parks; and,
5. The expansion should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.