

APRIL 9, 2009

1411 BOSLEY RD

ZONE CHANGE

From: B-4 General Business

To: I-1 Light Industrial

Proposed Use: Mini Storage Warehouses

Acreage: 0.337+/-

Applicant: Hagan Construction Company;
Charles D. & Laura J. Hagan
(0904.1742)

Property Zone Existing Use	to North B-4, R-3MF Retail Sales, Cemetery	
to West I-1 Fence Fabrication Ice Maker, Residential	Subject B-4 ⇌ I-1 Vacant	to East B-4 Residential
	to South B-4 Retail Sales	

**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 - 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 zoning 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 Comprehensive Plan recommends an industrial land use for this site as a “General” appropriate use.

Applicable specific criteria are:

- a) The 0.34 acre consolidated lot size is non-residential in shape, size and historical use for the neighborhood.
- b) The rezoning is a logical expansion that abuts the same street (i.e. existing light industrial zone and use on the west side of Bosley Road in the 1400 block face).

Property located at 1439 Bosley Road was recommended to be rezoned I-1 Light Industrial at the January 8, 2009, Planning Commission meeting.

All urban services are available to serve the site if necessary.

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, industrial and residential zonings. Retail sales, industrial fabrication, and residential uses are all found in the vicinity of the subject property.

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 indirect access to Bosley Road through an access easement with the property to the south. No new access is proposed to Bosley Road. Access to Calhoun Street is currently open with gravel to the property line. Access to Calhoun Street shall be brought into compliance with defined access points with all vehicular use areas paved. Vehicular use area landscaping is required where adjoining road right-of-way.

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. Any lighting on the site shall be directed away from the residential uses that adjoin the property to the east.

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 mini storage warehouses 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. No direct access to Bosley Road shall be permitted;
2. Access to Calhoun Street shall be brought into compliance with zoning ordinance requirements and be located a minimum of 50' from the property line; and,
3. Sidewalks shall be installed along the Bosley Road rights-of-way.

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 mini storage warehouse 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.