

**JULY 10, 2008**

**1313 MOSELEY ST**

**ZONE CHANGE**

<b>From:</b> I-1 Light Industrial		
<b>To:</b> B-5 Business/Industrial		
<b>Proposed Use:</b> Commercial		
<b>Acreage:</b> 0.794		
<b>Applicant:</b> Robert Higdon (0807.1721)		
<b>Property Zone Existing Use</b>	<b>to North</b> I-1 Masonry Contractor	
<b>to West</b> I-2 Electrical Supply	<b>Subject</b> I-1 ➔ B-5 Vacant	<b>to East</b> I-1 Construction/ Industrial Supply
	<b>to South</b> I-1 Vacant, Office/Showroom, Contractor Supply	

**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 a B-5 Business/Industrial zone. The subject property is located in a Business/Industrial Plan Area, where business/industrial uses are appropriate in general 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).

**Applicant's Findings**

The subject property is located in a Business/Industrial Plan Area where general business and light industrial uses are appropriate in general locations. The property is located at 1313 Moseley Street, on the corner of E 14<sup>th</sup> Street and Moseley Street. The site is the former site of Ward's Trend House Furniture which was destroyed by fire in 2007. Demolition work has been completed and the applicant intends to rebuild the property and/or market the property to another party for use as a business or light industrial business appropriate within the proposed zone.

All adjoining properties are zoned I-1 Light Industrial or I-2 Heavy Industrial. The area is generally a mixed use area with a variety of uses, both industrial and general business. The B-5 zoning classification allows more flexibility to redevelop the property and optimize the potential for productive use.

The proposed rezoning conforms to the criteria for “Nonresidential Development” (D7). If future development includes provision for an outdoor storage yard, requirements for “Buffers for Outdoor Storage Yards” (D1) shall be complied with.

Submitted herewith is a consolidation plat whereby the existing five parcels of record are being consolidated into a single lot containing 0.794 acres.

The proposed zoning complies with all applicable requirements of the Comprehensive Land Use Plan.

**Planning Staff Review**

The subject property is located in the 1301 block of Moseley Street. 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 21059CO140 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 21059CO139 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 primarily industrial uses. All surrounding properties are either zoned I-1 Light Industrial or I-2 Heavy Industrial. Uses in the area include contractor shops and supply companies. There are both B-4 General Business and B-5 Business/Industrial zonings within the vicinity of the subject property. A furniture store was on the property until a fire destroyed it in 2007. The structure destroyed by the fire has been removed from the site and the property is currently vacant. The applicant plans to redevelop the site or market the property for commercial or light industrial use.

As the site redevelops, some modifications must be made to the site to bring it into compliance with current zoning regulations. At present, the site is paved all the way to the curb along both E 14<sup>th</sup> Street and Moseley Street. Pavement within the road right-of-way shall be removed and the grass strip between the curb and sidewalk shall be replaced which will also help define curb cuts on the property. Curb cuts cannot be located any closer than 50 feet from the intersection and may not account for more than 40% of the total road frontage. All vehicular use areas are required to be paved and traffic must circulate on-site with no backing into the street permitted. Vehicular use area screening shall be installed when adjoining road right-of-way. The vehicular use area screening shall include a three foot element with one tree every 40 linear feet.

**SPECIFIC LAND USE CRITERIA**

The subject property is appropriate for the B-5 Business/Industrial zoning because it is within an area identified as appropriate for mixed business and light industrial uses and lies within the Business/Industrial Plan Area as identified by the Land Use element of the Comprehensive Plan.

**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. All pavement within the road right-of-way shall be removed and the grass strip between the curb and sidewalk shall be replaced;
2. Curb cuts cannot be located closer than 50 feet to the property line at the intersection of Moseley Street and E 14<sup>th</sup> Street;
3. Vehicular use area screening shall be installed when adjoining road right-of-way to include a three foot element and one tree every 40 linear feet; and,
4. All vehicular use areas must be paved and traffic shall circulate on-site with no backing into the street permitted.

**Findings of Fact:**

1. The subject property is located within a Business/Industrial Plan Area, where general business and light industrial uses are appropriate in general locations;
2. The subject property lies within an existing area of mixed industrial and commercial land uses;
3. The Comprehensive Plan provides for the continuance of mixed use areas; and,
4. The proposed land use for the subject property is in compliance with the criteria for a Business/Industrial Plan Area and a B-5 Business/Industrial zoning classification.