

AUGUST 12, 2021

1702 MOSELEY STREET

**ZONE CHANGE**

<b>From:</b> I-1 Light Industrial
<b>To:</b> B-5 Business/Industrial
<b>Proposed Use:</b> Business
<b>Acreage:</b> 0.207
<b>Applicant:</b> Mark & Anne Carlisle (2108.2181)
<b>Surrounding Zoning Classifications:</b>
<b>North:</b> I-1 <b>South:</b> I-1
<b>East:</b> I-1 <b>West:</b> I-1

**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).

**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 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 subject property.

**Development Patterns**

The subject property is 0.207 acre tract of land that is located at the southwest intersection of Moseley Street and E. 17<sup>th</sup> Street. The property has historically been used as office and storage space by Habitat for Humanity.

All surrounding properties are zoned I-1 Light Industrial; however, the adjoining properties to the east (across Moseley Street), the north (across E. 17<sup>th</sup> Street), and to the west (across Guenther Alley) are all vacant tracts of land. To the south is two properties that, although zoned I-1 Light Industrial, appear to be legal non-conforming residential uses. The only apparent industrial use on the adjoining properties is located at the northeast corner of the street intersection and is a long existing concrete plant.

In this vicinity, Moseley Street and E. 17<sup>th</sup> Street are both classified as local roadways in which building setbacks are 25-feet from the front property lines and access points shall be located no closer than 50-feet to the street intersection.

In this situation, the existing structure appears to be located less than 25-feet from the property line along Moseley Street and also less than 25-feet from the property line along E. 17<sup>th</sup> Street. This is an existing structure that predates the zoning ordinance and is considered to be legal non-conforming. In the event that the property is drastically redeveloped, progression towards compliance with the building setbacks shall be required.

In terms of access management and parking, this site has long utilized the rear of the property for screened-in outdoor storage and has utilized the asphalt pad in the front of the building (along Moseley Street) for their parking spaces. These parking spaces, located less than 50-feet from the street intersection and backing into the public right-of-way are also legal non-conforming site conditions. With this rezoning, the property should correct these issues and bring the site into compliance with the current regulations by utilizing the rear of the property for required parking. Access to this parking area can be obtained from E. 17<sup>th</sup> Street and/or from Guenther Alley. In doing so, the existing access point along Moseley Street shall be closed.

Prior to any changes to the subject property, the applicant must obtain approval of a site plan or 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 and HVAC Department shall be contacted before any construction activity takes place on the property.

**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 general 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**

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

**Conditions:**

1. Obtain approval of a Site Plan or Final Development Plan; and,
2. The existing access point along Moseley Street shall be closed.

**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 Business/Industrial uses are appropriate in general locations;
3. The subject property lies within an area that has been identified as appropriate for mixed general business and light industrial uses;
4. The Comprehensive Plan provides for the continuance of mixed use areas; and,
5. The proposed use, business, conforms to the criteria for non-residential development.