

DECEMBER 13, 2018

1738 MOSELEY STREET

ZONE CHANGE

From: I-1 Light Industrial	
To: B-4 General Business	
Proposed Use: Retail Sales	
Acreage: 0.226	
Applicant: Gene's Health Food (1812.2071)	
Surrounding Zoning Classifications:	
North: I-1	South: I-1 & B-4
East: B-4	West: B-5

Proposed Zone & Land Use Plan

The applicant is seeking a B-4 General Business zone. The subject property is located in a Business/Industrial Plan Area, where General Business uses are appropriate in general 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).

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 21059CO138 D.
- It appears that the subject property is not 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 or other state and federal agencies as may be applicable.

Urban Services

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

Development Patterns

The subject property is located in an area of mixed commercial and industrial uses and zoning. The property is currently utilized as a masonry contractor shop which requires a Business/ Industrial zoning classification or an Industrial zoning classification. However, the applicant would like to utilize this facility as a retail sales location. Typically an applicant would be encouraged to utilize the B-5 Business/Industrial zoning classification in a Business/Industrial Plan area; however the applicant intends to utilize the parking lot to the south to satisfy

their parking requirements as there are currently no parking spaces on the subject property. The aforementioned parking lot is zoned B-4 General Business and so the applicant is proposing a like zoning classification with the intent of consolidating the subject property and the parking lot into one parcel.

Plat Book 13 Page 208 that was recorded in July of 2002 illustrates a building setback line of 12.8 feet from Moseley Street. Ordinarily a classified Local Street, such as Moseley Street, would require a 25 foot building setback line; however, the lesser setback was allowed based upon an average street yard setback of neighboring structures. Similarly, the adjoining property to the south has a building setback of 19.5 feet along Moseley Street.

In the event that subject property is consolidated with the adjoining property to the south, 18th Street is classified as a major collector street with a 60 foot building setback line, 30 foot roadway buffer and a 250 foot spacing standard. However, the previous plat of these properties again utilizes the average building setback allowance and illustrates a building setback line of 43.6 feet along 18th Street. Additionally, this plat states that there shall be no direct access to E. 18th Street as all access shall be limited to Moseley Street and Guenther Alley.

All vehicular use areas shall be paved and screened with a 3 foot tall continuous element whenever adjoining public rights-of-way (excluding alleys). Prior to any redevelopment of the property, the applicant must obtain approval of a site plan or final development plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The proposed B-4 General Business zoning and proposed use of retail sales are non-residential in nature.

Planning Staff Recommendations

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

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 General Business uses are appropriate in general locations;
3. The subject property lies within an existing area of mixed general business and light industrial uses;
4. The Comprehensive Plan provides for the continuance of mixed use areas; and
5. The proposed use of retail sales conforms to the criteria for non-residential development.