

NOVEMBER 14, 2002

5140, 5200 & 5300 BLOCKS FEDERICA ST

ZONE CHANGE

| | | |
|---|---|---------------------------------------|
| From: B-3 Highway Business Center | | |
| To: B-3 Highway Business Center | | |
| Acreage: 19.81 acres | | |
| Applicant: Rodd Hansen, Greenberg Farrow Architecture, Rodney & Mary Kay Burns (0211.1500) | | |
| Property Zone Existing Use | to North B-4 Towne Square Mall | |
| to West A-U Agriculture | Subject B-3 ➔ B-3 Vacant | to East B-4 Retail Shops |
| | to South B-3 Vacant | |

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-3 Highway Business Center zone. The subject property is located in a Business Plan Area, where highway business uses are appropriate in general locations.

SPECIFIC LAND USE CRITERIA

- (a) **Development plan:** Highway Business Centers should be initiated and expanded as integral units, according to formal development plans. Once a new center or expansion is proposed, submission of plans and the initiation of construction should occur in a timely manner. Building and lot patterns should conform with the criteria for “**Nonresidential Development**” (D7), and outdoor storage yards, with “**Buffers for Outdoor Storage Yards**” (D1)
- (b) **New locations** of Highway Business Centers should be sited in Business or Industrial plan areas, and should be “**arterial-street-oriented**” (D2) and at least **fifteen (15) acres** in size, not counting any proposed accessory light industrial uses which may be included as per criteria for Light Industrial uses (12).
- (d) **Adequate market demand:** Highway Business Centers should not be established or expanded unless adequate market demand exists to support a viable center.

Applicant's Findings

The zoning request from B-3 to B-3 is required to amend the conditions attached to the original rezoning request for this project. The Planning Commission found in the original approval on July 12, 2001 that the proposal is in compliance with the adopted Comprehensive Plan. The findings in support of the request were as follows:

- The subject property is located within a Business Plan area, where highway business uses are appropriate in general locations;
- The applicant's proposal is an integral light industrial component of a larger planned Highway Business Center;
- The applicant's request will be initiated as an integral unit according to a formal development plan;
- The applicant's proposal is “arterial-street-oriented: and is greater than 15 acres in size;
- Contiguous land uses are similar in nature to those permitted in Highway Business Center zone and constitute a logical expansion of existing uses in the immediate vicinity; and,
- Proposed improvements to Frederica Street and

connection to Towne square Mall will allow maintenance of an acceptable level of service without overburdening the capacity of the roadways in the affected area.

The above findings of fact previously approved by the Planning Commission are still applicable to the current request for the development of this property.

Planning Staff Review

The subject property is located in the 5100, 5200 and 5300 blocks of Frederica St immediately south of the existing Towne Square Mall.

The Planning Commission recommended approval of B-3 Highway Business zoning (with specific conditions attached) for the subject property in July of 2001 and a development plan was approved in September 2001 for a larger Highway Business Center Development. The rezoning became final in October of 2001. The current request reduces the acreage within the proposed development from 98.639 acres to 33.20 acres, with 19.81 acres proposed for B-3 zoning and 13.39 acres proposed for I-1 Light Industrial zoning. Because the project has reduced in size, the request must be submitted again for rezoning in order to revise conditions placed on the previous request. The subject property was rezoned to B-3 Highway Business Center. The proposed overall development now consists of a larger tract to be occupied by a Home Depot Store (zoned I-1) and a large retention area and four out-lots (to be zoned B-3). A development plan has been submitted for review for the amended shopping center proposal.

Land use criteria applicable to this proposal are reviewed below.

GENERAL LAND USE CRITERIA

Environment

The property is located in a floodplain area (zone AE) with a base flood elevation of 392.4 feet above sea level, as indicated on FIRM map # 21059C0260C. The subject property is located outside of a floodway. The development plan submitted requires a finish floor elevation for buildings within this center of 394.5 feet above sea level.

No other important environmental criteria apply to the subject property.

Urban Services

Electricity and gas are available to the site. The developer proposes sanitary sewage disposal extension, water line extension and storm water drainage improvements. Initial plans submitted for the sanitary sewer improvements received approval by the Regional Water Resource Agency, and water supply by OMU. The applicant must obtain all off-site easements necessary for water line and sanitary sewer improvements in order to construct the improvements. Storm water drainage facilities are subject to approval by the City Engineer.

Roadway Capacity: According to the Comprehensive Plan's General Land Use Criteria on roadway capacity (U1), a proposed development should not be approved if it would overburden the capacities of existing roadways or would create congestion at intersections, unless appropriate improvements are currently planned or are committed to by the developer. New development along this principal arterial must take into account the capacity of Frederica St and the level of service provided. RPM & Associates, from Brentwood, TN, prepared a traffic study for Dial Properties for the previous submittal. The study evaluated the traffic impact of the project and addressed access and roadway improvement needs. Recommendations were provided for improvements to Frederica St. The following recommendations were proposed for the original development.

- The southern driveway to the project site should intersect Frederica St at a place that allows for a potential future westbound approach. The southern driveway should include separate eastbound left and right turn lanes. Furthermore, the northbound approach of Frederica St should include a left turn lane approximately 150 feet in length. The southbound approach should include a right turn lane approximately 200 feet in length.
- The intersection of Frederica St and the Goody's Driveway/Project access should be signalized. The project driveway should consist of a separate eastbound left turn lane and through/right turn lane.
- The project driveway to the north along Frederica St across from the Target driveway should also include a separate eastbound left turn lane and through/right turn lane. The northbound and southbound approaches along Frederica St should include turn lanes into the project driveway approximately 200 feet in length.
- The intersection of Southtown Blvd and Frederica St should be improved to include a left turn lane, a through lane, and a through/right turn lane on the eastbound approach.

- The intersection of Frederica St and the US 60 Bypass westbound exiting ramp should be improved to include a dual left turn lane on the westbound approach. (This has been completed.)

An amendment to the traffic study was provided for the subject property by Traffic Engineering, Inc. that incorporates the revised site plan for the development. Recommendations for improvements to accommodate the projected traffic volumes are as follows:

1. Each entrance should include two exit lanes.
2. Left and right turn lanes should be constructed along Frederica Street for each entrance.
3. The five-lane section should be extended, at least, to the south entrance at Goody's.

The original traffic study considered that a connection between the subject property and the existing Towne Square Mall would occur. The recommendations that are produced as results of the study are made with the assumption that access will be provided from Towne Square Mall. A connection between the Towne Square Mall and the subject property is necessary, whether it occurs through the front vehicular use area, the extension of Back Square Dr, or both.

Developer's Commitment: The developer has submitted a final development plan that proposes the widening of Frederica St to a five-lane section extending to south of the Goody's entrance and the construction of the above described turn lanes, deceleration lanes and project driveways for the two proposed shopping center entrances. The developer does not propose improvements to the intersection of Southtown Blvd and Frederica St. However, the widening of Southtown Blvd is under preliminary design by the Kentucky Transportation Cabinet. The intersection will be reviewed in conjunction with the widening project. To date, the developer has been unable to obtain a commitment from the proper entities to allow access from Towne Square Mall. The City of Owensboro has made a commitment to attempt to make the connection through condemnation proceedings that would obtain public access easements through the Towne Square Mall property or obtain right-of-way for extension of Back Square Dr.

Development Patterns

The subject property is located immediately south of Towne Square Mall and across Frederica St from a shopping center with retail uses, including Target. All surrounding developed property in the vicinity is nonresidential in nature, consisting mainly of retail and

food services. Property to the south and west remain in agricultural use.

Intersection & Driveway Spacing Standards

Newly developed land should conform to the specifications of the "**Intersection and Driveway Spacing Standards**". Frederica St is classified as a principal arterial street with a spacing standard of 500 feet. The development plan submitted for this proposal meets the spacing criteria established for the functional classification of Frederica St. There will be no direct access from Frederica St to the proposed out-lots or to the remaining Burns Property.

SPECIFIC LAND USE CRITERIA

The applicant's proposal for a B-3 Highway Business Center zone is accompanied by a development plan in conformance with the criteria stated in the Comprehensive Plan. The proposal is arterial-street-oriented and greater than 15 acres in size, conforming to the criteria for new locations in Business Plan Areas, where highway business uses are appropriate in general locations.

The subject property adjoins similar uses to the north (Town Square Mall) and to the east across Frederica St. The applicant's proposal is to develop the subject property as an integral unit, according to a formal development plan, in compliance with the adopted Comprehensive Plan.

A portion of the development will contain an I-1 Light Industrial component for the construction of a Home Depot store, which demonstrates a commitment to 109,000 square feet of mercantile space, supporting the viability of an adjoining Highway Business Center zone.

Planning Staff Recommendations

Staff recommends approval because the proposal is in compliance with the adopted Comprehensive Plan. This recommendation is made subject to the conditions and findings of fact that follow:

Conditions:

1. Submission of a final development plan that shall limit access points on Frederica St to the two, proposed project entrance driveways. The proposed out-parcels and the remaining Burns property shall have no direct access to Frederica St or to the project entrance driveways;
2. Surety for storm water retention basins and improvements to Frederica St shall be submitted prior to final plat approval or issuance of initial building

permit, whichever comes first. Improvements will include the widening of Frederica St to a five-lane cross section with southbound right-turn and northbound left-turn deceleration lanes at both project entrance driveways; and

3. Necessary public utility easements shall be obtained for the construction of sanitary sewer and water line improvements.

Findings of Fact:

1. The subject property is located in a Business Plan Area, where highway business uses are appropriate in general locations;
2. The applicant's proposal will be initiated as an integral unit according to a formal development plan;
3. The applicant's proposal is "arterial-street-oriented" and greater than 15 acres in size;
4. Contiguous land uses are similar in nature to those permitted in a Highway Business Center zone, therefore, the proposal constitutes a logical expansion of existing uses in the immediate vicinity; and
5. Proposed improvements to Frederica St and connection to Towne Square Mall will maintain traffic flow at an acceptable level of service without overburdening the capacity of the roadways in the affected area.