

NOVEMBER 14, 2002

5150 FREDERICA ST

ZONE CHANGE

From:	B-3 Highway Business Center & I-1 Light Industrial	
To:	I-1 Light Industrial	
Acreage:	13.39 acres	
Applicant:	Rodd Hansen, Greenberg Farrow Architecture, Rodney & Mary Kay Burns (0211.1501)	
Property Zone Existing Use	to North B-4 Towne Square Mall	
to West A-U Agriculture	Subject I-1 ➔ I-1 Vacant	to East B-4 Retail Uses
	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 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; outdoor storage areas:** 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 in Highway Business Centers:** New locations of Light Industrial use should be established in Business plan areas only as integral components of planned “**Highway Business Centers**” (D7). Such a light industrial component should be “**arterial-street-oriented**” (D2) and provide for particular higher-intensity uses that may be desirable in close proximity to highway business uses, such as wholesale-type business, self-storage mini-warehouses, etc. Such a light industrial component should be relatively small in size compared to the overall size of the business center and should be developed in keeping with the design theme of the larger center.

Applicant's Findings

The zoning change request from I-1/B-3 to I-1 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 this request were as follows;

- The subject property is located within a Business Plan Area, where light industrial uses are appropriate in limited locations;
- The applicant's proposal is an integral light industrial component of a larger planned Highway Business Center;
- The light industrial component is arterial-street – oriented and is a use desirable in close proximity to highway business uses;
- The applicant's proposal is to be developed in accordance with a formal development plan in keeping with the design theme of the larger highway business center; 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 block of Frederica St within a proposed shopping center south of Town Square Mall.

A development plan has been submitted with this rezoning application. The applicant proposes to construct a shopping center that would be comprised of three large tracts and several out parcels along Frederica St. An accessory light industrial component is proposed for one of the three larger lots, which is the subject of this request.

Land use criteria applicable to this proposal are reviewed below.

GENERAL LAND USE CRITERIA

Environment

The property is located in a flood plain (Zone AE) with a base flood elevation of 392.4 feet above sea level, as indicated on FIRM map # 21059C0260C. The 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 sanitary sewer and water line 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.

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 to at least 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 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 (Target) containing retail uses. 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 the Frederica St. There will be no direct access from Frederica Street to the proposed out lots or to the remaining Burns Property.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is consistent with the criteria of the Comprehensive Plan because this I-1 Light Industrial element is to be developed as an integral component of a planned Highway Business Center. The proposed use of this site is for a home improvement/lumber store, which would not be a permitted use in a B-3 Highway Business Center zone, but would be desirable to be located in close proximity to highway business uses. A formal development plan has been submitted that shows

development of the light industrial component in keeping with the design theme of the entire center. The light industrial use is arterial-street-oriented and represents only 13.39 acres of 33.20 acres.

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 within a Business Plan area, where light industrial uses are appropriate in limited locations;
2. The applicant's proposal is an integral light industrial component of a larger planned Highway business Center;
3. The light industrial component is arterial-street-oriented and is a use desirable in close proximity to highway business uses; and
4. The applicant's proposal is to be developed in accordance with a formal development plan in keeping with the design theme of the larger highway business center; 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.