

FEBRUARY 12, 2004

4000 FREDERICA ST

ZONE CHANGE

From: B-4 General Business with conditions

To: B-4 General Business

Acreage: 1.85 acres

Applicant: Moore Properties c/o Don P. Moore, III
(0402.1546)

Property Zone <i>Existing Use</i>	to North A-U <i>Existing residence</i>	
to West R-1C <i>Residences</i>	Subject B-4 → B-4 <i>Vacant</i>	to East R-1B, P-1 <i>Residences, church</i>
	to South B-4 <i>Retail center</i>	

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-4 General Business zone. The subject property is located in a Professional/Service Plan Area, where general business uses are appropriate in very-limited locations.

SPECIFIC LAND USE CRITERIA

- (a) Building and lot patterns; outdoor storage yards**
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) Logical zoning expansions of proportional scope**
Existing General Business zones may be expanded onto contiguous land that generally abuts the same street. The expansion of a General Business zone should not significantly increase the extent of the zone in the vicinity of the expansion and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

Applicant's Findings

The property is currently zoned B-4. Applicant does not seek to change the land use zoning classification for this property. Applicant seeks to have removed certain conditions, which the Owensboro Metropolitan Planning Commission (OMPC) imposed as part of the rezoning of this property in 1997. Specifically, that the following conditions be removed:

- Access to Frederica Street shall be limited to a single driveway located on the northern end of the subject property;
- The adjoining property to the north (Goetz property) shall be given an access easement across the subject property by plat for vehicular access to and from Frederica Street;
- Installation of a left turn deceleration/storage land on Frederica Street for northbound traffic.

The current owner of the subject property also owns the adjoining Sherwood Plaza Shopping Center located immediately to the south which is zoned B-4. Existing general business areas may be expanded onto contiguous land that generally abuts the same streets. Since the subject property is already zoned B-4, the applicant’s proposal to retain the B-4 zoning classification without conditions will not significantly increase the extent of the zone in the vicinity of the expansion and will not overburden the capacity of the roadways and other

necessary urban services that are available in the affected area.

The conditions imposed in the Commission's January 9, 1997 rezoning of this property pertaining to access from Frederica Street, and installation of a left turn deceleration/storage lane on Frederica Street for north bound traffic are no longer applicable.

Separate access from Frederica Street to this site is not longer required. Sherwood Plaza Shopping Center has access to Frederica Street that can and will provide adequate access to the subject property. This eliminates the need for a separate access to Frederica Street which was required by the former owner of the subject site. This accordingly also eliminates the need for installation of a left turn deceleration/storage lane for northbound traffic.

The applicant has no objection to providing the adjoining property to the north (Goetz property) with access across its property for vehicular access to and from Frederica Street as per the development plan filed with this application.

Planning Staff Review

The subject property is located at 4000 Frederica Street, adjacent to the existing Sherwood Plaza Shopping Center. Land use criteria applicable to this proposal are reviewed below.

GENERAL LAND USE CRITERIA

Environment

No important environmental criteria apply to the subject property.

Urban Services

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

Development Patterns

The subject property is immediately adjacent to the existing Sherwood Plaza shopping center located to the south. To the north is an existing single-family residence in an Urban Agriculture zone. To the east across Frederica Street are single-family residences in an R-1B zone and a church related facility in a P-1 zone.

The applicant proposes to incorporate the subject property within the Sherwood Plaza shopping center. The applicant

has submitted a development plan that would consolidate the majority of the subject property to the shopping center property with one out-lot being created for a restaurant use. The development plan proposes improvements to the existing shopping center property to bring it into conformance with the current requirements of the Zoning Ordinance. Perimeter and interior landscaping are proposed.

Intersection & Driveway Spacing

With the applicant's proposal to consolidate the subject property with the existing shopping center located to the south, a separate access point for the subject property is not warranted. Access to the subject property can be achieved via the existing shopping center access points, more closely matching the intent of the access management standards. The Goetz property to the north is anticipated to develop professionally or commercially in the future, so access to the Goetz property should be provided via an access easement across the subject property. The applicant's development plan has planned and provided for future access to the Goetz property.

Roadway Buffer Standards

A roadway buffer of 60 feet from the street centerline is applicable to the subject property, which is contained within the right-of-way of Frederica Street. It should be noted that the proposed development plan for the subject property and the adjacent Sherwood Plaza proposes to remove pavement currently located within the street right of way and establish a perimeter landscape element at the property line in accordance with current zoning regulations. The existing sidewalk on the subject property will be extended across the existing Sherwood Plaza property extending the pedestrian way on Frederica Street.

The existing property is currently zoned B-4 with conditions agreed to by the applicant at that time regarding a single access point to the subject property. With the proposed elimination of the access point, the other conditions relating to that access point regarding a turn lane and access easement become irrelevant. The proposed development plan achieves better conformance with the access management standards and rehabilitates a shopping center created prior to the current regulations, bringing it into compliance with the adopted Zoning Ordinance.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is a logical expansion of an existing general business area because the property is contiguous to an existing General Business zone and the subject property has been previously zoned B-4 General Business with conditions. The applicant has proposed a

new development plan which would eliminate the need for the previous conditions and be in closer compliance with the access management standards. The applicant's proposal would not increase the extent of the general business zone in the area as the subject property has been previously approved for B-4 General Business zoning. The applicant's proposal would not overburden roadway capacity and other necessary urban services that are available or planned in the affected area.

Planning Staff Recommendations

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

Conditions:

1. Approval of a final development plan;
2. No direct access from Frederica Street to the subject property shall be permitted. Access to the subject property from Frederica Street shall be through the adjoining shopping center to the south of the subject property as shown on the submitted development plan; and,
3. Provide access easement to the Goetz property to the north of the subject property.
4. Submission and approval of a consolidation/property division plat combining the subject property with the existing Sherwood Plaza shopping center and creating one out-lot as depicted on the final development plan.

Findings of Fact:

1. The subject property is located in a Professional/Service Plan Area, where general business uses are appropriate in very limited locations;
2. The subject property is currently zoned B-4 General Business with conditions;
3. The subject property is adjacent to existing B-4 General Business zoning to the south; and
4. The applicant's proposal will not increase the extent of B-4 General Business zoning within the area and will not overburden roadway capacity or other necessary urban services that are available or planned in the affected area.