



**JULY 8, 2004**

**5240 FREDERICA ST**

## ZONE CHANGE

<b>From:</b> B-3 Highway Business Center		
<b>To:</b> <b>B-3 Highway Business Center with revised conditions</b>		
<b>Acreage:</b> 15.72 acres		
<b>Applicant:</b> Katherine Burns (John Burns), and Cecil R. Burns Estate, Mary Katherine Burns, Executrix (0407.1561)		
<b>Property Zone Existing Use</b>	<b>to North</b> B-3, I-1 Home Depot, outlots	
<b>to West</b> B-3 Detention Basin	<b>Subject</b> B-3 ➔ B-3 Vacant	<b>to East</b> B-4 Shopping center
	<b>to South</b> 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 to the criteria for **"Nonresidential Development" (D7)**, and outdoor storage yards, with **"Buffers for Outdoor Storage Yards" (D1)**.
- (c) **Logical expansions** - Existing centers may be expanded onto contiguous land that abuts the same street(s).
- (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

Comprehensive Plan shows "Business" designation.

Property is currently zoned B-3; rezoning/map amendment to remove right-of-way dedication on property to the south of the subject site.

## Planning Staff Review

The subject property is located in the 5200 block of Frederica St immediately south of the Home Depot development.

The Planning Commission recommended approval of B-3 Highway Business Center zoning (with specific conditions attached) for the subject property in July 2001 for a larger Highway Business Center development. The rezoning became final in October 2001. After the initial zoning change, a zoning request for a portion of the larger development was approved in December 2002. This zoning change consisted of 33.20 acres, with 19.81 acres zoned to B-3 and 13.39 acres zoned to I-1. A development plan also was approved for the Home Depot, a large retention area and four out-lots. The current request for the subject property adjoins this approved development on the south and contains 15.42 acres, the remainder lot of the

Burns property. A development plan has been submitted for review in conjunction with this zoning request.

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 feet above sea level, as mapped on FIRM #2159CO260C. The subject property is located outside of a floodway. The development plan submitted indicates a finish floor elevation of 393.25 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 extension of sanitary sewers and water lines. Storm water drainage improvements have also been proposed on the development plan that accompanies this zoning request. Initial plans submitted have been reviewed and approved by RWRA, OMU, Kenenergy, Atmos and the Owensboro fire department.

**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 in conjunction with the original zoning request for the subject property. The study evaluated the traffic impact of the project and addressed access and roadway improvement needs. Recommendations were provided for improvements to Frederica St that should be implemented in order to maintain an acceptable level of service. Recommendations for improvements to accommodate the projected traffic volumes are as follows:

- ◆ Frederica St should be widened to a five-lane cross-section to the proposed Goetz Drive Extension and JR Miller Extension roadways (now named Martin Luther King, Jr Loop). Southbound right turn deceleration lanes should be provided into all three of the project driveways along Frederica St.

- ◆ 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 original traffic study was provided at the time the property to the north of the subject property requested a zoning change for the Home Depot project to occur. The recommendations for improvements to accommodate the traffic volumes for that project were as follows:

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

The original traffic study considered that a connection between the subject property and the existing Towne Square Mall would occur. The development along this area of Frederica St was originally designed to occur under one larger development, but that has not occurred. A smaller portion of the original development plan occurred with the review and approval of the Home Depot and out lots. The subject property is also a portion of the original planned Highway Business development in this area and an additional tract that is undeveloped still exists between the subject property and the proposed west segment of Martin Luther King Jr Loop. As each property develops, we need to maintain adequate capacity and look to each

development to contribute to the overall road improvements that we want to ultimately achieve on Frederica St based on the original traffic study for the development and the City of Owensboro's proposed westward construction of Martin Luther King Jr Loop.

**Developer's Commitment:** The developer has submitted a final development plan which includes plans for the widening of Frederica St to a five-lane section along the road frontage of the subject property. Access is proposed via the existing southern access constructed for the Home Depot property. The developer has committed to posting surety for the proposed widening of Frederica St with the intent to construct the improvement when the property to the south develops, so that the construction will be continuous to the Martin Luther King Jr Loop intersection. Until the property to the south of the subject property develops there are physical constraints to the construction which can be avoided if the proposed widening is constructed with the widening that will be required for the property to the south.

### Development Patterns

The subject property is located immediately south of the Home Depot 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 west is used for a detention basin for the Home Depot development and property to the south remains agricultural.

**Intersection and Driveway Spacing.** 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 has no direct access to Frederica St. Access is achieved from an entrance driveway that serves the subject property and the property immediately to the north. No new access points onto Frederica St are proposed to be constructed.

### SPECIFIC LAND USE CRITERIA

The applicant's proposal for a B-3 Highway Business Center zone is accompanied by a development plan that conforms to the criteria stated in the Comprehensive Plan. The applicant's proposal is a logical expansion of an existing arterial-street-oriented B-3 Highway Business Center.

The subject property adjoins similar uses to the north 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.

The development of 109,000 square feet of mercantile space with the Home Depot development to the north supports the viability of an adjoining Highway Business Center.

### 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 that shall limit the access to the subject property to the existing south access drive on the Home Depot development; and,
2. Surety for landscaping, storm water improvements and improvements to Frederica St shall be posted prior to the issuance of initial building permit. Improvements to Frederica St will include the widening of Frederica St to a five-lane section along the subject property frontage.

#### 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 has submitted a formal development plan;
3. The applicant's proposal is a logical expansion of the existing B-3 Highway Business Center zone to the north;
4. Proposed improvements to Frederica St will maintain traffic flow at an acceptable level of service without overburdening the capacity of the roadways in the affected area..