

SEPTEMBER 11, 2008

**3300 FREDERICA ST; 930 COLLEGE DR;
923, 933 HERMITAGE DR**

ZONE CHANGE

From: R-1A Single-Family Residential		
To: B-4 General Business		
Proposed Use: Commercial		
Acreage: 2.98+/-		
Applicant: 3300 Frederica, LLC; Walnut Memorial Baptist Church (0809.1726)		
Property Zone Existing Use	to North P-1 College open space, parking	to East B-4 Commercial
	to West R-1A Residential	
	to South R-1A Residential	

**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 partially located in a Professional/Service Plan Area, where general business uses are appropriate in very-limited locations and partially located in an Urban Residential Plan Area, where general business uses are appropriate in very-limited locations.

SPECIFIC LAND USE CRITERIA

(a) Building and lot patterns; outdoor storage areas - 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) Expansions across intervening streets - In Urban Residential and Professional/Service plan areas, the expansion of an existing General Business zone across an intervening street should be at least **one-and-one-half (1.5) acres** in size, but should not occur if this would significantly increase the extent of the zone in the vicinity.

Applicant's Findings

The rezoning is in compliance with the community’s Comprehensive Plan. General Business land use is recommended in very-limited locations.

The site consists of nearly 3 acres and is located across Frederica Street from the Fountain Square commercial area. Approval of this rezoning request will be a logical expansion of said existing commercial land use.

The property is major-street-oriented along Frederica Street (US Highway 431). The property lot pattern is non-residential in configuration and use. A lot consolidation is in the process of being prepared.

All urban services are currently provided to the site. The expansion to general business will not overburden the existing capacity of Frederica Street (principal arterial roadway).

Planning Staff Review

The subject property is located in the 3300 block of Frederica Street, the 900 block of College Drive and the 901 block of Hermitage Drive. Land use criteria applicable to this proposal are reviewed below.

GENERAL LAND USE CRITERIA

Environment

According to a study prepared by the US Department of Agriculture Soil Conservation Service dated March 6, 1990, it appears that the subject property is not located in a wetlands area. The subject property is not located in a special flood hazard area per FIRM Map 21059CO280 C. Based on the preliminary FIRM maps dated July 7, 2007, the subject property is not located in a special flood hazard area per map 21059CO276 D. The developer is responsible for obtaining permits as may be required by the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

It appears that the subject property is outside the Owensboro Wellhead Protection area according to a map created by the GRADD office dated March 1999.

Urban Services

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

Development Patterns

The subject property is approximately three acres in size and current uses on the property include the Walnut Memorial Baptist Church, church offices, and residential. The property to the north is zoned P-1 Professional/Service and is part of the Kentucky Wesleyan College campus. The property to the east, across Frederica Street, is zoned B-4 General Business and consists of many commercial and retail uses. The property to the south and west is zoned R-1A Single-Family Residential and consists of single-family residences.

The church in appearance and use is non-residential. However, the additional properties that are being rezoned with this proposal that stretch into the residential neighborhood along Hermitage Drive and College Drive still maintain structures that are residential in appearance. The inclusion of these properties in a commercial zoning application does promote the encroachment of commercial zoning into a residential neighborhood. The compatibility of commercial uses adjacent to the established residential blockfront may not be congruent with the character of the neighborhood.

At present, access to the subject property for the various uses is from Hermitage Drive and College Drive. The site has frontage on Frederica Street but there is no direct access to Frederica Street. In the vicinity of the subject property, Frederica Street is classified as a principal arterial roadway with an access spacing standard of 500 feet and a roadway buffer of 60 feet from the street

centerline. Since there is not sufficient road frontage to meet the spacing standard, no access to Frederica Street shall be permitted. College Drive is classified as a major collector roadway with an access spacing standard of 250 feet and a roadway buffer of 30 feet from the street centerline. Hermitage Drive is classified as a local street.

Hermitage Drive is a local street that is narrower than the 34 foot standard for a street serving commercial traffic. College Drive appears to not meet the requirement either. Since it is unknown what type of development will take place on the property, the type of roadway improvements needed to mitigate the traffic generated by the site cannot be evaluated. At approximately three acres, the subject property has the potential to generate a significant amount of traffic depending on the use of the property. Since there are no specific plans for the property at this time, the need for right-turn lane improvements on Frederica Street cannot be fully evaluated at this time. Also, without a development there is no assurance that site development requirements can be adequately addressed on site. Meeting required parking, interior landscaping, access, drainage and other similar requirements could be constraints on the site depending on the proposed use. Based on the size of the existing structures on the property, a change in parking calculations from one per five seats in the main sanctuary to one space per 200 or 300 hundred square feet would dramatically change the required parking for the site. A development plan for a proposed use on the site would address all of these issues and ensure that there is sufficient parking available for the proposed use on the property.

If rezoned, the commercial zoning on the subject property will adjoin residential zoning to the west. A ten foot landscape buffer with a six foot element and one tree every 40 linear feet will be required along the entire boundary between the commercial and residential zoning. All vehicular use areas shall be paved and vehicular use area screening consisting of a three foot easement with a three foot continuous element and one tree every 40 linear feet will be required where parking adjoins road right-of-way. Also, due to the proximity to residential structures, all lighting for the subject property should be directed away from the residential structures to reduce the impact of the commercial light and glare onto the residential property.

Currently there are sidewalks along Frederica Street but no sidewalks along College Drive and Hermitage Drive. Sidewalks shall be installed along both College Drive and Hermitage Drive if the property redevelops.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is not in compliance with the requirements of the Comprehensive Plan. Although the

application does conform to some criteria for expansion of B-4 zoning across an intervening street, there are other elements that are not addressed. Land use changes in established residential neighborhoods should not occur unless the changes are acceptable to neighboring residents. When encroachment of non-residential use expands to lots originally developed for residential use, potential conflicts with neighboring areas can occur and can best be avoided by respecting the pattern of lots along existing blockfronts. Even when the specific criteria cited by the Comprehensive Plan would allow non-residential uses to be located or expanded in a built up neighborhood, due consideration should be given to the concerns of neighboring residents with respect to the established lot patterns in their neighborhood. Building should be designed so as not to become irritants within the neighborhood. Without a proposed use for the property and a development plan detailing how the site will function, it is difficult to determine the best location for access points, screening, roadway improvements and other site development issues. The extension of the property along both Hermitage Drive and College Drive includes structures that are residential in appearance which could potentially impact the character of the surrounding neighborhood. Until such time that a proposal for the development of the property is available, the speculative rezoning of the property is premature in that it cannot address several key site development issues.

requirements based on the intended use of the property; and,

5. Although the site does meet some criteria for expansion of B-4 General Business zoning across an intervening street, without a proposed use for the property the rezoning is premature.

Planning Staff Recommendations

Staff recommends denial because the proposal is not in compliance with the community's adopted Comprehensive Plan. The findings of fact that support this recommendation include the following:

Findings of Fact:

1. The subject property is partially located in a Professional/Service Plan Area, where general business uses are appropriate in very-limited locations and partially located in an Urban Residential Plan Area, where general business uses are appropriate in very-limited locations;
2. The proposal promotes the encroachment of commercial zoning into an established residential neighborhood and blockfront along both Hermitage Drive and College Drive;
3. The site may require auxiliary turn lanes and other roadway improvements that cannot be addressed at this time due to a lack of information about the proposed use on the property;
4. A development plan submitted with the rezoning request would address site development