

JUNE 9, 2016

1601 & 1611 FREDERICA ST

ZONE CHANGE

From: P-1 Professional/Service
To: B-4 General Business
Proposed Use: Restaurant/Office
Acreage: 1.151
Applicant: Tristate Pizza, LLC; Ashley Worth Rentals, LLC (1606.1957)
Surrounding Zoning Classifications:
North: P-1 South: R-4DT
East: R-4DT West: P-1

Proposed Zone & Land Use Plan

The applicant is seeking a B-4 General Business zone. The subject property is located in a Central Residential Plan Area where General Business uses are appropriate in limited locations.

SPECIFIC LAND USE CRITERIA

(a) Building and lot patterns; outdoor storage yards – Building and lot patterns should conform to 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(s). 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 services that are available in the affected area.

(c) Expansions across intervening streets – In Central Residential, Future Urban, 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.

(d) New locations in Central Residential plan areas – In Central Residential plan areas, new locations of General Business should be at least **one-and-one-half (1.5) acres** in size, “arterial-street-oriented” (D2), and sited at corners of intersecting streets if located in close proximity to existing dwellings.

Planning Staff Review

GENERAL LAND USE CRITERIA

Environment

- It appears that the subject property is not located in a wetlands area per the US Department of Agriculture Soil Conservation Service dated March 6, 1990.
- The subject property is not located in a special flood hazard area per FIRM Map 21059CO138 D.
- It appears that the subject property is not within the Owensboro Wellhead Protection area per the OMU map dated 2015
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA, the EPA, the OMPC building/electrical/HVAC division or other state and federal agencies as may be applicable.

Urban Services

All urban services, including sanitary sewer, are available to the subject properties.

Development Patterns

The subject properties are two parcels that total 1.151 acres in size and are located along a segment of Frederica Street that consists mostly of professional/service and residential land uses. The properties to the north and west are office uses, zoned P-1 Professional/Service. The properties to the east and south are single-family residential, zoned R-4DT Inner-City Residential. The closest B-4 zoned property along Frederica Street to the north is approximately 760 feet away just north of 14th Street. The closest B-4 zoned property along Frederica Street to the south is approximately 250 feet away between 17th & 18th Streets.

The subject properties were rezoned in 2010 from R-4DT to P-1. A final development plan for both parcels was also approved in 2010 depicting two office buildings and their required parking areas. The office building located at 1601 Frederica Street was subsequently constructed while the proposed office building planned for 1611 Frederica Street was never constructed.

A consolidation plat approved in 2010 restricts the access to 1611 Frederica Street to the existing alley between 1601 & 1611 Frederica Street. No additional access to Frederica Street will be allowed however this property is developed in the future.

Frederica Street in this location is classified as a principal arterial roadway with a 500 foot driveway spacing standard, a 75 foot building setback and a 60 foot roadway buffer, although a variance was granted in 2010 to reduce the roadway buffer to 40 feet.

If this property is successfully rezoned, all site improvements including drives and parking areas shall be paved and appropriate vehicular use area screening shall be installed. Since the proposed zoning for the subject property is B-4, buffer screening along the south property line where abutting residential zoning will be required consisting of a ten foot wide landscaping easement and a six foot tall solid element with one tree every forty feet. Due to the proximity to existing residences, all site lighting shall be directed away from the residential uses.

If this property is successfully rezoned, the applicant must obtain approval of an amended final development plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage prior to occupancy of the property.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is not in compliance with the Comprehensive Plan. The proposed general business use conforms to the criteria for non-residential development. However, the proposal is not a logical expansion of existing B-4 zoning in the area. This proposal is not an expansion of existing B-4 zoning across an intervening street. There is no commercial zoning within this block and the nearest commercial zoning to the north and south is located several hundred feet away and across streets. The proposal does not meet the 1.5 acre minimum requirement for a new location of general business zoning in a Central Residential plan area, although it is arterial street oriented. At 1.151 acres, the proposal would be a significant increase in B-4 zoning in the immediate vicinity and may overburden the capacity of roadways and other necessary urban services that are available in the affected area. B-4 uses typically generate more traffic than P-1 type uses. Although located at the corner of intersecting streets, the existing use is appropriate in the P-1 zone. The proposed commercial use is mid-block and adjoins residential property.

Planning Staff Recommendations

The planning staff recommends denial subject to the findings of fact that follow:

Findings of Fact:

1. Staff recommends denial because the proposal is not in compliance with the community's adopted Comprehensive Plan;
2. The subject property is located in a Central Residential Plan Area where general business uses are appropriate in limited locations;
3. The proposed general business use conforms to the criteria for non-residential development;
4. The proposal is not a logical expansion of existing B-4 zoning in the area;
5. This proposal is not an expansion of existing B-4 zoning across an intervening street;
6. There is no commercial zoning within this block and the nearest commercial zoning to the north and south is located several hundred feet away and across streets;
7. The proposal does not meet the 1.5 acre minimum requirement for a new location of general business zoning in a Central Residential plan area, although it is arterial street oriented;
8. At 1.151 acres, the proposal would be a significant increase in B-4 zoning in the immediate vicinity and may overburden the capacity of roadways and other necessary urban services that are available in the affected area;
9. B-4 uses typically generate more traffic than P-1 type uses;
10. Although located at the corner of intersecting streets, the existing use is appropriate in the P-1 zone; and
11. The proposed commercial use is mid-block and adjoins residential property.