

**NOVEMBER 9, 2017**

**3800 FREDERICA ST**

## ZONE CHANGE

<b>From:</b>	A-U Urban Agriculture & P-1 Professional/Service
<b>To:</b>	<b>B-4 General Business</b>
<b>Proposed Use:</b>	Mixed-Use Commercial
<b>Acreage:</b>	29.6 acres
<b>Applicant:</b>	Shoppes at 3800 Frederica, LLC; Owensboro Board of Education (1711.2020)
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b>	<b>B-4, P-1, R-1A</b>
<b>South:</b>	<b>R-1C, A-U</b>
<b>East:</b>	<b>B-4, R-1B</b>
<b>West:</b>	<b>P-1, R-1B</b>

## 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** - 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 Central Residential, Urban 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.

## 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 partially located in a special flood hazard area per FIRM Maps 21059CO276D.
- It appears that the subject property is not within the Owensboro Wellhead Protection area per the GRADD map dated March 1999.
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

#### Urban Services

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

#### Development Patterns

The subject property is the former home of Texas Gas Pipeline. It is a 29.6 acre parcel located at the southwest corner of Frederica Street and Tamarack Road. There are currently several structures on the subject property, the old Texas Gas building, the old Junior Achievement building,

and two storage/garages. All of the buildings have been vacant or used for storage since Texas Gas moved its operations downtown in 2012.

The Town and Country neighborhood borders the property to the west and a partially along the southern boundary. The remainder of the southern boundary is bordered by an A-U Urban Agriculture parcel of 3 acres with a single family residence. Beyond that to the south on both sides of Frederica Street, the properties are all zoned B-4 General Business and P-1 Professional/Service. To the north, across Tamarack Road, the properties are zoned mostly B-4 General Business and P-1 Professional/Service with a mix of commercial and professional uses, there is one parcel zoned R-1A Single Family Residential on the west end of the property. The Poet area, a residential subdivision zoned R-1B, is located to the east, across Frederica Street. There is also one property zoned B-4 General Business to the northeast.

In the vicinity of subject property, Frederica Street is classified as a principal arterial roadway with a 75 foot building setback, 60 foot roadway buffer and 500 foot access spacing standard. Tamarack Road is classified as a minor arterial roadway with a 75 foot building setback line, 40 foot roadway buffer and a 500 foot access spacing standard.

In order to determine the impact the development will have on the transportation network in the area, the applicant submitted a Traffic Impact Study (TIS) in conjunction with the rezoning request. The TIS is intended to identify traffic generated by the site and ways to mitigate the impact of the increased traffic on the surrounding transportation network.

Currently there is one access point to Frederica Street and two access points to Tamarack Road on the subject property. The applicant's conceptual plan included with the TIS proposes shifting the current access point on Frederica Street north in alignment with Fairfax Drive with the possibility of installing a traffic signal in this location and adding a right in/right out only access point along Frederica Street between Tamarack Road and Fairfax Drive. Along Tamarack Road the conceptual plan shows the existing access point in alignment with Ashlawn Drive remaining, the existing access point closest to Frederica Street becoming a right in/right out only and an additional access point installed in alignment with Monticello Drive. Tamarack Road will also be restriped to include a shared left turn lane.

The Kentucky Transportation Cabinet, the City of Owensboro Engineer and OMPC staff have all reviewed the TIS and have met to discuss the results; additional information was requested at this meeting to justify some of the recommendations made by the TIS. A condition has been added to this rezoning request that will require written approval by the Kentucky Transportation Cabinet and the City Engineer prior to preliminary plat or development plan approval.

Wherever the proposed B-4 zone adjoins any residential zoning district a 10' landscape easement with 6' tall screening element plus one tree every 40' feet will be required. Proposed vehicular use areas that are adjacent

to residential areas or public rights-of-way will be required to be screened in compliance with the Owensboro Metropolitan Zoning Ordinance. Interior landscape areas within large parking lots will also be required according to the zoning ordinance.

Prior to any construction activity on the property the applicant must obtain approval of a site plan or development plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage. The OMPC Building, Electrical & HVAC department shall be contacted before any construction activity takes place on the property.

#### **SPECIFIC LAND USE CRITERIA**

The applicant's proposal is in compliance with the Comprehensive Plan. The proposed general business use conforms to the criteria for non-residential development. At 29.6 acres the proposal meets the criteria for a logical expansion across an intervening street; there is existing B-4 General Business zoning across Tamarack Road to the north as well as elsewhere along the Frederica Street corridor. Although this appears to be a rather large area to rezone, given the predominance of B-4 general business uses along the Frederica Street corridor, the proposal should not overburden the capacity of roadways and other necessary urban services that are available, or are planned to be improved, in the affected area based on the recommended improvements of the traffic impact study.

#### **Planning Staff Recommendations**

The planning staff recommends approval subject to the condition and findings of fact that follow:

##### **Condition:**

1. Written approval from the Kentucky Transportation Cabinet and City/County Engineer accepting this traffic impact study prior to the approval of site or development plans and fulfillment of all the recommended improvements as outlined in the traffic impact study by the developer.

##### **Findings of Fact:**

1. Staff recommends approval because the proposal is in compliance with community's adopted Comprehensive Plan;
2. The subject property is located in a Professional/Service Plan Area, where general business uses are appropriate in very-limited locations;
3. The proposed use of the subject property as mixed use commercial will be non-residential in nature;
4. At 29.6 acres, the proposal meets the criteria for a logical expansion across an intervening street where there is existing B-4 zoning across Tamarack Road to the north as well as elsewhere along the Frederica Street corridor; and,
5. Although this appears to be a rather large area to rezone, given the predominance of B-4 general business uses along the Frederica Street corridor, the proposal should not overburden the capacity of roadways and other necessary urban services that are available, or are planned to be improved, in the affected area based on the recommended improvements of the traffic impact study.