

FEBRUARY 10, 2011

2404, 2412 E PARRISH AV

ZONE CHANGE

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| From: | B-4 General Business with conditions R-1C Single-Family Residential R-3MF Multi-Family Residential |
| To: | B-4 General Business |
| Proposed Use: | Commercial Development |
| Acreage: | 66.708 acres |
| Applicant: | Heartland Crossing, LLC; Phil Riney (1102.1798) |
| Surrounding Zoning Classifications: | |
| North: B-4, A-U | South: R-1C |
| East: B-4, R-1A | West: P-1, R-1C, R-3MF |

Proposed Zone & Land Use Plan

The applicant is seeking a B-4 General Business zone. The subject property is partially located in a Business Plan Area, where general business uses are appropriate in 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 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. 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.

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 21059CO139 and 277 D.
- 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, including sanitary sewers, are available to the site.

Development Patterns

The subject property is located on the south side of E Parrish Avenue between Byers Avenue and the Wendell Ford Expressway. The zonings and land uses surrounding this large tract are varied and include a medical office complex, senior housing, single-family residences, a convenience store with fuel pumps, and other commercial development.

The majority of the subject property was rezoned to B-4 General Business with conditions in April 2007. The applicant submitted a Traffic Impact Study with the rezoning request and the recommendation for approval included specific conditions in regards to required roadway improvements necessary to mitigate the traffic generated by the site development. The applicant now proposes to rezone a small strip of land that is currently zoned R-1C Single-Family Residential and a small portion of R-3MF Multi-Family Residential zoning in the northwest corner of the property to B-4 General Business. Since the site was not developed in a timely matter, the Kentucky Transportation Cabinet requested that the TIS be updated and based on the changes to the TIS the previously approved conditions are not all still applicable.

The applicant requested a pre-development meeting in regards to a proposed use within the development in 2010. At the meeting, the KYTC requested that the TIS be updated. The state was in the process of a corridor analysis along KY 54/E Parrish Avenue in order to determine what roadway improvements might improve traffic flow along the corridor. Through negotiations between KYTC engineers, the City Engineer, the developer and the developer’s traffic engineer, many changes have been made not only to traffic flow on the development site but also along the KY 54 corridor. Access to KY 54 for the development remains in the same location in alignment with the ramp for the Wendell Ford Expressway; however, the new proposal eliminates the traffic signal at the E Byers Avenue/Ragu Drive intersection on KY 54. The signal will be relocated to the intersection of the by-pass ramp and site access. A median is proposed along KY 54 to prevent left turn movements at the E Byers Avenue/Ragu drive intersection. E Byers Avenue traffic will be rerouted through the proposed development to the signal. There is one main access to E Byers Avenue and a roundabout is proposed within the development to facilitate continuous flow of traffic through the development between E Byers Avenue and the traffic signal. Two other access points are proposed on E Byers Avenue as part of the development. All proposed access

points meet the minimum 250 foot access spacing standard for a major collector roadway. One access is proposed in alignment with Friendship Drive and was approved as part of the previous rezoning process. The second access point will serve two outlots in the northwest corner of the development.

Based on the results of the traffic impact study and review by local agencies, the following is a list of recommended conditions:

1. Access to KY 54 shall be limited to a single access in alignment with the Wendell Ford Expressway ramps and access to E Byers Avenue shall be limited to a maximum of three access points as shown on the preliminary development plan.
2. The traffic signal at the E Byers Avenue/Ragu Drive intersection on KY 54/E Parrish Avenue shall be relocated to the intersection of the site access (Road #3) and Wendell Ford Expressway ramps.
3. A barrier median shall be installed on KY 54 from a point 150 feet west of the E Byers Avenue/Ragu Drive intersection to the intersection with the site access/southbound Wendell Ford Expressway ramps.
4. Concrete channelized islands shall be constructed on the approaches of E Byers Avenue and Ragu Drive at KY 54 to direct only right-in/right-out movements to KY 54.
5. On KY 54/E Parrish Avenue a westbound right-turn lane and dual eastbound left-turn lanes shall be installed at Access #3 to accommodate traffic entering the site built to KYTC specifications.
6. Road #3 shall include separate left, thru and right-turn lanes for traffic existing the site to KY 54/E Parrish Avenue built to KYTC and/or City of Owensboro specifications.
7. Road #3 shall include two receiving lanes for the eastbound dual left turn lanes and one receiving lane for the westbound right-turn lane built to KYTC and/or City of Owensboro specifications.
8. The southbound ramp approach from the Wendell Ford Expressway shall be restriped to designate a left-turn lane and a thru-right lane per KYTC specifications.
9. Install a roundabout at the intersection of Road #1 and Road #3 in the development. The roundabout should have a minimum 70 foot diameter, one 15-foot circulation lane, and a bypass lane for southbound traffic turning right.
10. A southbound left turn lane shall be installed on Road #3 at access Road #2 to alleviate traffic utilizing the roundabout.
11. A proposed access point on Road #3 to serve Lots 1 & 2 shall be a minimum of 250 feet from the KY 54/E Parrish Avenue intersection and shall be

channelized to allow right-in/right-out traffic movements only.

12. The internal sidewalk/pedestrian network shall connect to the existing sidewalks/greenbelt trail along E Byers Avenue.

Although not applicable as a condition of zoning, the TIS mentions the need to consult with local transit officials regarding the changes to E Byers Avenue. The location for a bus stop in the vicinity should be explored for the Green transit route. The study also mentions the need for additional northbound left-turn capacity on the northbound Wendell Ford Expressway exit ramp. A condition on the previous zoning change required the developer to post surety for a percentage of the cost for the improvement. However, the ramp improvements have been included as part of Phase 2 of the by-pass extension project that is anticipated for letting in May 2011 so the Kentucky Transportation Cabinet is no longer requiring the developer to post surety for ramp improvements.

The preliminary development plan submitted in conjunction with the rezoning request is a conceptual lay out of the site and how it may develop. A preliminary plat detailing all public improvements is required prior to any construction activity. A final plat is required to transfer property and surety must be posted at the time of final platting for all public improvements that are not complete.

The subject property does adjoin residential property to the south and east. The zoning ordinance requires a 10 foot landscape easement with a six foot tall solid element and one tree every 40 linear feet. The applicant also proposes a 100 foot wide area along the entire boundary with the Heartland Subdivision which limits activity within that area to professional office use only.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The overwhelming majority of the subject property is currently zoned B-4 General Business with a limited expansion of the zoning proposed in the northwest corner. Conditions were placed upon the previously approved zoning change to B-4 based on the finding presented in a Traffic Impact Study. Since the site did not develop quickly, the Kentucky Transportation Cabinet asked the developer to update the TIS in conjunction with analysis the state gathered from their own research. The result is a plan that both the KYTC and city engineering office encouraged the developer to explore as a means to accomplish mitigation of traffic generated by the proposed development and to improve traffic flow and safety along the KY 54/E Parrish Avenue corridor.

The KYTC has the authority to alter the KY 54 corridor without the need for any form of rezoning. The City of Owensboro can alter local roadway traffic patterns without

a rezoning hearing. In this instance, the need for change along the corridor has coincided with the proposed development. The original traffic impact study submitted for the subject property at the time of initial zoning in April 2007, provided for an internal street network, access to KY 54 at a signalized intersection with the by-pass ramp, and the signal at E Byers Avenue to remain. According to the original TIS, capacity analysis for the southbound by-pass ramp/site access intersection on KY 54 was projected to operate at Level of Service (LOS) C during both the AM and PM peak. The E Byers Avenue/Ragu Drive intersection on KY 54 was projected to operate at LOS B during the AM peak and LOS D during the PM peak. The LOS calculations were based on 2012 future traffic projections with roadway improvements as required in the TIS. The planning commission staff was involved in the review of the original TIS and the roadway network proposed as part of the development. However, staff was not involved at all in the negotiations for the proposal as presented and cannot endorse the proposal. Planning Staff understands that discussion took place regarding the realignment of Byers Avenue to align with the Wendell Ford Expressway ramp which would seem to be a more logical alignment from a planning land use perspective. While planning staff defers to the design professionals and review engineers in regards to the proposed transportation network, we are concerned that the proposed design may present obstacles to traffic movement in the vicinity. A complete realignment of Byers Avenue would eliminate extra turns and potential confusion for motorists. As Byers Avenue is extended west, traffic is anticipated to increase along the corridor which will be diverted through this site. The potential for an increase in cut-through traffic in the Springs development seems likely, especially for motorists heading west into the city since a signal has been installed at the development access on KY 54. The internal drive design within the Springs development was not designed to public street standards and may not be able to accommodate increased traffic. Motorists will also have to be educated on the new traffic patterns since the roundabout will be the first of its kind in the community and the roadway between KY 54 and the roundabout is multi-lane in each direction.

Based on the proposal submitted and the TIS, many roadway improvements are stipulated in order to mitigate traffic generated by the development. Engineering review by both the Kentucky Transportation Cabinet and the City of Owensboro has tied this development to the relocation of a traffic signal on the KY 54 corridor to the by-pass ramps in alignment with the proposed site entrance and other corridor improvements. An alternative to the proposed recommendations of the TIS is the elimination of the connection between needed changes on the KY 54 corridor and the developer's proposal in the form of conditions to the rezoning. By requiring a median be installed on KY 54, channelized islands be installed on E

Byers Avenue and Ragu Drive at KY 54, and the relocation of the traffic signal from the E Byers Avenue and KY 54 intersection, the developer, the state and the city all lose flexibility in the event that future changes are needed that are not addressed in the current traffic impact study.

The current TIS points out that some of the roadway improvements are not required until a certain threshold of traffic is achieved on-site. Menard's is currently in discussion with the applicant to locate on the subject property but that is the only known use at this time. Since the ultimate build-out for the development may not be for 10 or 20 years, and the traffic increase on KY 54 will not be instantaneous, a possibility is to leave the existing signal at E Byers Avenue/Ragu Drive and KY 54 and install the new signal at the proposed site access/by-pass ramp intersection which currently meets signal warrants. As the site develops over time and traffic on KY 54 increases, the ultimate plan of eliminating signals, installing medians and channelized islands along the KY 54 corridor can be evaluated at a future time. At that point, the city or state can alter roadway patterns and install improvements as needed. If traffic conditions do warrant the installation of a median on KY 54, the option of installing a median to prevent left-turns from KY 54 to E Byers Avenue may be feasible while keeping the signal in place and allowing left turns from KY 54 to Ragu Drive and from the minor approaches onto KY 54. The residents of the Heartlands subdivision would then be required to turn left at the signal at the by-pass ramp/development access while maintaining the current signal at the E Byers Avenue and KY 54 intersection.

The intent of the TIS is to mitigate traffic generated by the development on the existing roadway network. While the current proposal does indeed mitigate site traffic, it is done so, to the detriment of the general motoring public. The entire roadway system in the vicinity should not be bent towards a single development in total disregard for the existing development and traffic. With the intent of the TIS still intact in regards to mitigating traffic, the planning commission staff recommends approval of the zoning change with some alterations to the conditions as set forth in the traffic impact study. The recommended conditions include all improvements necessary to mitigate traffic generated by the site. However; the recommendation does not include conditions regarding corridor improvements to KY 54. It is the feeling of the planning commission staff that a new signal should be installed at the intersection of the proposed development access/by-pass ramp while the existing signal at E Byers Avenue and KY 54 remains until such time that traffic counts and flow dictate the need to install traffic control devices. The city and state, at that time, can evaluate the needs and install what is required without tying the improvements to the developer and the proposed rezoning. If left-turn queues conflict for

eastbound traffic turning left onto the by-pass and westbound traffic turning left onto E Byers Avenue, the possibility of installing a median to prevent westbound left turns to E Byers Avenue should be explored. Traffic entering the Heartlands Subdivision would have to turn one signal earlier and route through the proposed development, but the remaining left turn movements at the E Byers Avenue and KY 54 intersection would still be possible while not compromising traffic turning left onto the by-pass.

Planning Staff Recommendations

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

Conditions:

1. Access to KY 54 shall be limited to a single access in alignment with the Wendell Ford Expressway ramps and access to E Byers Avenue shall be limited to a maximum of three access points as shown on the preliminary development plan;
2. On KY 54/E Parrish Avenue an eastbound right-turn lane and dual westbound left-turn lanes shall be installed at Access #3 to accommodate traffic entering the site built to KYTC specifications;
3. Road #3 shall include separate left, thru and right-turn lanes for traffic existing the site to KY 54/E Parrish Avenue built to KYTC and/or City of Owensboro specifications;
4. Road #3 shall include two receiving lanes for the westbound dual left turn lanes and one receiving lane for the eastbound right-turn lane built to KYTC and/or City of Owensboro specifications;
5. The southbound ramp approach from the Wendell Ford Expressway shall be restriped per KYTC specifications;
6. Install a roundabout at the intersection of Road #1 and Road #3 in the development per KYTC and/or City of Owensboro specifications;
7. A southbound left turn lane shall be installed on Road #3 at access Road #2 to alleviate traffic utilizing the roundabout;
8. A proposed access point on Road #3 to serve Lots 1 & 2 shall be a minimum of 250 feet from the KY 54/E Parrish Avenue intersection and shall be channelized to allow right-in/right-out traffic movements only; and,
9. The internal sidewalk/pedestrian network shall connect to the existing sidewalks/greenbelt trail along E Byers Avenue.

Findings of Fact:

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
2. The subject property is partially located in a Business Plan Area, where general business uses are appropriate in limited locations and partially located in an Urban Residential Plan Area where general

business uses are appropriate in very-limited locations;

3. The majority of the subject property is currently zoned B-4 General Business and the proposed expansion in the northwest corner of the subject property is a logical expansion; and,
4. With the roadway improvement conditions to the rezoning, the development should not overburden the capacity of roadways and other necessary urban services that are available in the affected area while allowing flexibility for future changes to the KY 54 corridor if deemed necessary by the KYTC and the City of Owensboro.