

JUNE 11, 2015

**2935 HIGHWAY 54 & 2100 BLOCK OF
HIGHWAY 603**

ZONE CHANGE

From:	A-U Urban Agriculture
To:	B-4 General Business
Proposed Use:	Commercial
Acreage:	160.583 acres
Applicant:	GW Development, Inc.; Gateway Land, LLC (1506.1929)
Surrounding Zoning Classifications:	
North:	A-U
South:	R-1A, P-1 & B-4
East:	A-U (prop. P-1/R-3MF)
West:	A-U & I-1

Proposed Zone & Land Use Plan

The applicant is seeking a B-4 General Business zone. Portions of the subject property are located in a Business Plan Area, where general business uses are appropriate in limited locations. Portions of the subject property are also located in an Urban Residential Plan Area, where general business uses are appropriate in very limited locations.

SPECIFIC LAND USE CRITERIA

- Building and lot patterns** Building and lot patterns should conform to the criteria for “**Nonresidential Development**” (D7).
- 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 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 Maps 21059CO139D & 21059CO143D.
- 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 will be extended to the site. The site will be served by RWRA, SE Daviess County Water, OMU, Kenergy and Atmos Energy.

Development Patterns

The subject property is a 160.583 acre portion of a 191.349 mixed-use development to be known as Gateway

Commons. This area comprises the majority of the development and will be the general business portion of the center, which will also have professional/service and multi-family residential components.

This portion of the development is surrounded by a wide variety of existing and proposed land uses. Properties to the east include a large residential tract zoned A-U and a vacant area zoned A-U that is proposed to be rezoned to P-1 and R-3MF as a part of the Gateway Commons development. Properties to the south include several residential parcels on Wimsatt Court zoned R-1A, Highland School zoned P-1, a State-owned facility zoned P-1 and the Walmart property zoned B-4. To the west across U.S. 60 are multiple I-1 industrial zoned properties and two large vacant A-U zoned properties. To the north across Highway 603 is a vacant property zoned A-U.

Two of the three proposed access points for the Gateway Commons development are located within this commercial portion. An internal street network will be constructed within Gateway Commons that will include an access point on the south end on Highway 54 adjacent to Aldi's as well as an access point on the north end at a redesigned Highway 603/Hayden Road intersection. The third way to access the center will be through the office/residential portion of the development via an extension of Calumet Trace which currently stubs into the subject property.

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.

In order to determine the impact the development will have on the transportation network, 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.

The Kentucky Transportation Cabinet, City of Owensboro Engineer, Daviess County Engineer, GRADD transportation planners and OMPC staff have all reviewed the TIS and have met to discuss the results. The consensus among this group is that the recommended improvements listed within the study will be acceptable to help mitigate any traffic impacts caused by the development. A condition has been added to this rezoning request that will require written approval by the Kentucky Transportation Cabinet and the City and/or County Engineer prior to preliminary plat approval. The timing of signal installation, turn lane improvements, etc. will be crucial to ensure traffic on Highway 54 flows properly.

The proposed internal street network will include a north/south collector roadway through the proposed development that will connect on the north end at a redesigned Hayden Road/Highway 603 intersection and will connect on the south end with Highway 54 adjacent to Aldi's across from a realigned Alvey Park Drive West. The

road design for the new collector roadway is a five lane cross-section with the addition of turn lanes at the major intersections.

An issue that will impact this development and its surroundings is the fact that the dramatic growth along the Highway 54 corridor has created the need for the Kentucky Transportation Cabinet to begin planning significant roadway enhancements intended to improve vehicular travel in the vicinity near this location. The timing of these State-initiated improvements to Highway 54 will certainly have to be coordinated with the developer-initiated improvements proposed in the Gateway Commons traffic impact study.

Although the current Comprehensive Plan Land Use Map (2013) shows the area in question as a combination of Business and Urban Residential plan areas, there is evidence that the vision for much of this area has been for some form of non-residential development. The 2007 Land Use Map shows a combination of Professional/Service, Business and Urban Residential plan areas on the subject properties.

A preliminary subdivision plat and final development plan will be required to be submitted in the future in order to determine the internal road network, lot configurations, building placement, access, landscaping, etc. of Gateway Commons.

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. The proposal is a logical expansion of existing B-4 zoning directly to the south as well as elsewhere along the Highway 54 corridor. Although this appears to be a rather large area to rezone, given the predominance of B-4 general business uses along the Highway 54 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. Preliminary plats and final development plans will be submitted and reviewed to ensure site design will comply with the Owensboro Metropolitan Zoning Ordinance and Subdivision Regulations. The proposed internal street network within Gateway Commons will make this a major street oriented center. In the vicinity of the subject property along Highway 54, Heartland Crossing, Highland Pointe, Walmart and Woodlands Plaza have all developed as B-4 general businesses over the past 10-12 years.

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 the initial preliminary plat 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. Portions of the subject property are located in a Business Plan Area, where general business uses are appropriate in limited locations;
3. Portions of the subject property are located in an Urban Residential Plan Area, where general business uses are appropriate in very limited locations;
4. The use of the subject property as general business will be non-residential in nature;
5. The proposal is a logical expansion of existing B-4 zoning directly to the south as well as elsewhere along the Highway 54 corridor;
6. Although this appears to be a rather large area to rezone, given the predominance of B-4 general business uses along the Highway 54 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;
7. Preliminary plats and final development plans will be submitted and reviewed to ensure site design will comply with the Owensboro Metropolitan Zoning Ordinance and Subdivision Regulations;
8. The proposed internal street network within Gateway Commons will make this area major street oriented;
9. Previous versions of the Comprehensive Plan Land Use Map envision the subject property developing as a mixed-use or non-residential center; and
10. In the vicinity of the subject property along Highway 54, Heartland Crossing, Highland Pointe, Walmart and Woodlands Plaza have all developed as B-4 general businesses over the past 10-12 years.