

JUNE 11, 2015

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

ZONE CHANGE

From: A-U Urban Agriculture
To: P-1 Professional/Service
Proposed Use: Professional
Acreage: 9.623 acres
Applicant: GW Development, Inc.; Gateway Land, LLC (1506.1929)
Surrounding Zoning Classifications:
North: A-U (prop. R-3MF) South: B-4
East: R-1C West: A-U (prop. B-4)

Proposed Zone & Land Use Plan

The applicant is seeking a P-1 Professional/Service zone. The subject property is located in an Urban Residential Plan Area, where professional/service uses are appropriate in limited locations.

SPECIFIC LAND USE CRITERIA

- (a) **Building and lot patterns** Building and lot patterns should conform to the criteria for “**Nonresidential Development**” (D7).
- (b) **Logical expansions** Existing areas of Professional/Service use may be expanded onto contiguous land that abuts the same street(s). An existing area of general business zone may be used as criteria to support a Professional/Service use as a logical expansion since the general business zone permits all uses within the Professional Service use category. An expansion of this use should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.
- (d) **New locations** New locations of Professional/Service use should be “**major street oriented**” (D2). Also, other than in Rural Community plan areas, a new location should be at least one acre in size unless it would serve as a “**buffer use**” (D1).

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 9.623 acre portion of a 191.349 mixed-use development to be known as Gateway Commons. This area will be the office portion of the development, which will also have general business and multi-family residential components.

This portion of the development is surrounded by a wide variety of existing and proposed land uses. To the east is The Downs single-family residential subdivision, zoned R-1C. To the south is the Walmart property, zoned B-4. To the west is an area that is currently vacant and zoned A-U, but is proposed to be rezoned to B-4 as the general business portion of the Gateway Commons development. To the north is an area that is currently vacant and zoned A-U, but is proposed to be rezoned to R-3MF as the multi-family residential portion of the Gateway Commons development.

One of the three proposed access points for the Gateway Commons development is located adjacent to the proposed office area as an extension of Calumet Trace which currently stubs into the subject property. An internal street network will be constructed within Gateway Commons that will have 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.

As professional offices, the proposed use should serve as a buffer between the proposed commercial development to the west and the existing single-family residential subdivision to the east.

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.

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, and etc. of Gateway Commons.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The proposed professional/service use conforms to the criteria for non-residential development. The proposal is a logical expansion of existing P-1 zoning to the southwest and B-4 zoning to the south and elsewhere in the vicinity. At 9.623 acres, the proposal is not a significant increase in P-1 and B-4 zoning in the vicinity and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area. The proposed internal street network within Gateway Commons will make this area major street oriented. As professional offices, the site will serve as a buffer between the existing residences to the east and the proposed higher intensity commercial uses that are planned to the west.

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. The subject property is located in an Urban Residential Plan Area, where professional/service uses are appropriate in limited locations;
3. The use of the subject property as professional/services will be non-residential in nature;
4. The proposal is a logical expansion of existing P-1 zoning to the southwest and B-4 zoning to the south and elsewhere in the vicinity;
5. At 9.623 acres, the proposal is not a significant increase in P-1 and B-4 zoning in the vicinity and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area;
6. The proposed internal street network within Gateway Commons will make this area major street oriented; and
7. As professional offices, the site will serve as a buffer between the existing residences to the east and the proposed higher intensity commercial uses that are planned to the west.