

AUGUST 10, 2017

PORTION OF 3001 HIGHWAY 54

ZONE CHANGE

From: P-1 Professional/Service
To: B-4 General Business
Proposed Use: Commercial
Acreage: 0.571 acres
Applicant: Gateway Land, LLC (1708.2014)
Surrounding Zoning Classifications:
North: B-4 South: B-4 & B-3
East: B-4 West: B-4

Proposed Zone & Land Use Plan

The applicant is seeking a B-4 General Business zone. The subject property is located in a Business 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 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 21059CO139D.
- 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 will be extended to the site. The site will be served by RWRA, SE Daviess County Water, OMU, Kenegy and Atmos Energy.

Development Patterns

The subject property is a 0.571 acre portion of a larger property currently owned by the Commonwealth of Kentucky Department of Human Resources located at the northeast quadrant of Highway 54 and Hayden Road. The applicant has already obtained rights to this portion of the subject

property and intends to rezone it to B-4 General Business to consolidate it with the Gateway Commons commercial development and to be used for the widening of Hayden Road.

The developer will be required to comply with all of the recommended improvements included in the traffic impact study that was reviewed by the Kentucky Transportation Cabinet as a part of the original Gateway Commons rezoning application in 2015.

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 to the north and west. At 0.571 acres, 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 that was completed during the 2015 rezoning application process. 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.

Planning Staff Recommendations

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

Conditions:

1. Fulfillment of all the recommended improvements by the developer as outlined in the 2015 traffic impact study.
2. Approval of an Amended Major Subdivision Preliminary Plat that incorporates this 0.571 acre property with the larger Gateway Commons development.

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 Business Plan Area, where general business uses are appropriate in limited locations;
3. The use of the subject property as general business will be non-residential in nature;
4. The proposal is a logical expansion of existing B-4 zoning to the north and west;
5. At 0.571 acres, 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; and
6. 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.