

SEPTEMBER 10, 2020

3000, 3050 CALUMET TRCE

ZONE CHANGE

From:	B-4 General Business & P-1 Professional/Service
To:	B-4 General Business & P-1 Professional/Service
Proposed Use:	Commercial and Assisted Living
Acreage:	16.365
Applicant:	Gateway Land, LLC (2009.2131)
Surrounding Zoning Classifications:	
North: R-3MF	South: P-1 & B-4
East: R-1C	West: B-4

Proposed Zone & Land Use Plan

The applicant is seeking a B-4 General Business and P-1 Professional/Service zone. The subject property is partially located in a Business Plan Area, where general business uses are appropriate in limited locations and professional/service uses are appropriate in very-limited locations; and partially located in a Professional/Service Plan Area, where general business uses are appropriate in limited locations and professional/service uses are appropriate in general locations.

SPECIFIC LAND USE CRITERIA

General Business Uses

- (a) **Building and lot patterns** - Building and lot patterns should conform to the criteria for “**Nonresidential Development**” (D7), 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.

Professional/Service Uses

- (a) **Building and lot patterns** – Building and lot patterns should conform to the criteria for “**Non-Residential 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. If the contiguous land is located across an intervening street, the expansion should be at least one (1) acre in size, unless it would serve as a “**buffer-use**” (D1). An expansion of this use 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 located 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 or other state and federal agencies as may be applicable.

Urban Services

All urban services, including sanitary sewers, are available to be extended to the site.

Development Patterns

The subject property is a 16.365 portion of the 191.349 acre mixed-use development known as Gateway Commons. Directly across Calumet Trace to the north is the future location of the new Daviess County Middle School. The Downs Subdivision, zoned R-1C Single Family Residential is to the east of the subject property. Walmart, zoned B-4, and the former State owned Boys Correctional Facility, zoned P-1, is located to the south of the subject property. The remainder of the Gateway Commons development, zoned B-4, is west of the subject property.

The subject property is currently split zoned with approximately half of the property zoned B-4 and half of the property zoned P-1. The applicant proposes to adjust the current zoning line, which will increase the B-4 zoned portion of the property to 11.632 acres and decrease the P-1 zoned proportion to 4.733 acres. The applicant states, if the rezoning is approved the property will be divided along the new zoning line; the P-1 portion of the subject property will be developed as an assisted living facility and the B-4 portion will be developed commercially.

An amended major subdivision preliminary plat and final plat have been submitted in conjunction with this rezoning application. The plats reflect the new proposed division line of the subject property and dedicate the right-of-way of this portion of Calumet Trace. Access to Calumet Trace shall be in compliance with the access management manual.

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. All lighting shall be directed away from the residentially zoned properties.

Prior to any activity on the property the applicant must obtain approval of a site plan or a final 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 commercial and professional/service uses conforms to the criteria for non-residential development. The proposal is a logical expansion of existing B-4 and P-1 zoning currently on the subject property and elsewhere in the vicinity. At 11.632 acres, the proposal is not a significant increase in the 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 P-1 zoning will serve as a buffer use between the commercial development to the west and residential subdivision to the east.

Planning Staff Recommendations

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

Condition:

Access to Calumet Trace shall be in compliance with the access management manual.

Findings of Fact:

1. Staff recommends approval because the proposal is in compliance with 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 professional/service uses are appropriate in very-limited locations;
3. The subject property is partially located in a Professional/Service Plan Area, where general business uses are appropriate in limited locations and professional/service uses are appropriate in general locations;
4. The use of the subject property as commercial and an assisted living facility will be non-residential in nature;
5. The proposal is a logical expansion of existing B-4 and P-1 zoning currently on the subject property and elsewhere in the vicinity;
6. At 11.632 acres, the proposed B-4 site is not a significant increase in 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; and,
7. As an assisted living facility, the P-1 portion of the site will serve as a buffer between the existing residences to the east and the proposed higher intensity commercial uses planned to the west.