



APRIL 9, 2009

2225 RAGU DR

ZONE CHANGE

From: I-1 Light Industrial		
To: B-4 General Business		
Proposed Use: Convenient Store		
Acreage: 2.239		
Applicant: Martin & Bayley, Inc.; Owensboro Daviess County Industrial Foundation, Inc. (0904.1745)		
Property Zone Existing Use	to North I-1 A-U CMC Construction, Vacant	
to West P-1, A-U Cemetery, The Spring	Subject I-1 ⇌ B-4 Vacant	to East A-U, R-1A By-Pass, Residential
	to South B-4, R-3MF Vacant, Detention Basin	

GENERAL LAND USE CRITERIA

Apply, if marked below:

Described in Comprehensive Plan on pages 445-448

Environmental ☒

- E1** Flood Plains
- E2** Steep Slope
- E3** Historical & Archaeological Sites
- E4** Soils
- E5** Plant & Animal Life

Urban Services ⌘

- ⌘ **U1** Roadway Capacity
- U2** Electricity Supply
- U3** Water Supply
- U4** Stormwater Disposal
- U5** Sanitary Sewage Disposal

Development Patterns ❖

- D1** Land-Use Intensity, Clusters and Buffers
- D2** Land Use versus Street Function
- ❖ **D3** Intersection & Driveway Spacing
- ❖ **D4** Roadway Buffer Standards
- D5** Lot Sizes & Proportions
- D6** Residential Development
- ❖ **D7** Non-Residential Development
- D8** Building Quality

Proposed Zone & Land Use Plan

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

SPECIFIC LAND USE CRITERIA

(a) Building and lot patterns - 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.

Applicant's Findings

The applicant wishes to rezone the subject property at 2225 Ragu Drive from I-1 Light Industrial to B-4 General Business in order to develop a convenient store on the subject property. The subject property is bounded to the west by Ragu Drive, to the south by KY 54 (E Parrish Avenue) and to the east by the Wendell Ford Expressway (KY 54 interchange). Access to the subject property will be limited to Ragu Drive. As support documentation the applicant has submitted a preliminary development plan under a separate application.

The subject property is located in an Industrial Plan Area where general business land uses are appropriate in very-limited locations.

Specific Land Use Criteria applicable to the B-4 rezoning are as follows:

(a) Building and lot patterns; outdoor storage areas should conform to the criteria for “Nonresidential Development” and outdoor storage yards with “buffers for outdoor storage yards.” The subject property does not adjoin any residential uses. In general the subject property adjoins professional uses, a cemetery and business uses. The applicant is aware of the zoning ordinance requirements for screening of outdoor storage areas. At this time the applicant does not propose any outdoor storage area uses on the subject property.

(b) Logical zoning expansion 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. The subject property adjoins a B-4 zoning classification to the south directly across KY 54. The adjoining B-4 zoning classification to the south is currently in the planning stages and has been named Heartland Crossings. The subject development will not overburden the services in the general vicinity. Via restricting access to Ragu Drive, the traffic from the subject property will not conflict with traffic from the developing area along KY 54.

Following approval of the rezoning application and the preliminary development plan, the applicant will prepare and submit a final development plan. The final development plan will be designed to meet all applicable zoning ordinances included but not limited to parking and landscaping requirements.

Planning Staff Review

The subject property is located in the 2201 block of Ragu Drive. Land use criteria applicable to this proposal are reviewed below.

GENERAL LAND USE CRITERIA

Environment

According to a study prepared by the US Department of Agriculture Soil Conservation Service dated March 6, 1990, it appears that the subject property is not located in a wetlands area. The subject property is not located in a special flood hazard area per FIRM Map 21059CO140 C. Based on the preliminary FIRM maps dated July 7, 2007, the subject property is not located in a special flood hazard area per map 21059CO139 D. The developer is responsible for obtaining permits as may be required by the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

It appears that the subject property is outside the Owensboro Wellhead Protection area according to a map created by the GRADD office dated March 1999.

Urban Services

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

Development Patterns

The subject property is located at the intersection of Ragu Drive and E Parrish Avenue and is the vicinity of industrial, commercial and professional land uses. The

property to the north is industrial in use and zoning while the property to the south is primarily zoned commercial and has approved plans for a commercial development. The Springs medical complex is to the southwest and a cemetery is located to the west. The Wendell Ford Expressway is on the east side of the subject property with residential development on the other side of the expressway.

The site has road frontage on both E Parrish Avenue and Ragu Drive. In the vicinity of the subject property E Parrish Avenue is classified as a principal arterial roadway with a 500 foot spacing standard. Ragu Drive is classified as a collector roadway with a 250 foot spacing standard. The preliminary development plan submitted in conjunction with the rezoning application shows no access to E Parrish Avenue and a single full access and a right-in only to Ragu Drive. The access design on Ragu Drive has been evaluated by a transportation engineer and reviewed by local agencies in regards to safety to the motoring public and maneuverability on the subject property. Although the right-in only does not meet the spacing standards, the traffic access study shows that it should not have an adverse impact on the motoring public and will allow a means of ingress to the site for the fuel trucks that will serve the convenience store. The full access to Ragu Drive is located as far away from the KY 54 intersection as possible based on the topography of the site. Based on the traffic study, it appears as though the partial and full access to Ragu Drive will benefit the site and not have a significant impact on the surrounding transportation network. Access to Ragu Drive shall be limited to the right-in only and full access as shown on the preliminary development plan submitted in conjunction with the rezoning request. No access shall be permitted to E Parrish Avenue.

All vehicular use areas on the site are required to be paved and vehicular use area landscaping is required where adjoining road right-of-way. Sidewalks shall be installed along all public rights-of-way. Outdoor storage areas will require appropriate screening; however, none is proposed at this time.

Records indicate that this property has been filled. Engineering reports will be required prior to issuance of building permits.

SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The applicant is proposing a commercial use on the corner of Ragu Drive and E Parrish Avenue with access as recommended by an independent traffic study and reviewed by local agencies. There is existing B-4 General Business zoning to the south across E

Parrish Avenue. The approximate 2.2 acre expansion of B-4 zoning should not overburden the capacity of roadways or other urban services that are available in the vicinity.

Planning Staff Recommendations

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The conditions and findings of fact that support this recommendation include the following:

Conditions:

1. No access shall be permitted to E Parrish Avenue;
2. Access to Ragu Drive shall be limited to the right-in only and full access point as shown on the preliminary development plan submitted in conjunction with the rezoning request;
3. Approval of a final development plan prior to the issuance of building permits; and,
4. Sidewalks shall be installed along all public rights-of-way.

Findings of Fact:

1. The subject property is located in an Industrial Plan Area, where general business uses are appropriate in very-limited locations;
2. The proposed use as a convenience store meets the requirements for nonresidential development;
3. The proposed zoning change is a logical expansion of existing B-4 zoning located to the south across E Parrish Avenue; and,
4. With no access to E Parrish Avenue and access on Ragu Drive evaluated by a traffic access study, the expansion of B-4 zoning should not overburden the capacity of roadway and other necessary urban services that are available in the affected area.