

MEETING DATE: June 9, 2020

STAFF: Stuart Borders, Senior Planner

PROJECT NAME: Powell CWM Rezoning

CASE NUMBERS/REQUEST: Case 20-100-06 – Rezoning – 603 – 611 E. US 24 Highway and 909 N. Emery Street – Powell CWM seeks to rezone this property from R-6 (Single Family Residential) and C-2 (General Commercial) to C-3 (Service Commercial)

APPLICANT: Powell/CWM

OWNER: NRG Properties

PROPERTY ADDRESS/LOCATION: 603 to 611 E. US 24 Highway, and 909 N. Emery Street

SURROUNDING ZONING / LAND USE:

- North:** C-2; Dental office, high school, other commercial properties
- South:** R-6; Vacant property, single family homes
- East:** R-6, C-2; Vacant property, single family homes
- West:** C-2; Commercial strip center

PUBLIC NOTICE:

- Letter to adjoining property owners – May 19, 2020
- Public Notice published in the Independence Examiner – May 22, 2020
- Signs posted on property – May 21, 2020

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for its first reading by the City Council on July 6st and the public hearing/second reading on July 20th.

RECOMMENDATION

Staff recommends **APPROVAL** of this rezoning request.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: Powell CWM seeks to rezone this property at 603/611 E. US 24 Highway and 909 N. Emery Street from R-6 (Single Family Residential) and C-2 (General Commercial) to C-3 (Service Commercial)

Current Zoning: R-6 (Single Family Residential)
C-2 (General Commercial) **Proposed Zoning:** C-3 (Service Commercial)

Current Use: Several repair shops, vacant lot **Proposed Use:** Same
Acreage: Total acreage: 0.89 +/- (both lots)

BACKGROUND:

According to the owner, this site at 603/611 E. 24 Highway was purchased in 1974 and has been in commercial use since then. It contains two concrete block structures: the eastern building of about 3,800 square feet with three rental units, and the western building with roughly 6,800 SF with four rental spaces. The two buildings face each other across a central paved parking area. The adjoining vacant property to the south on Emery was purchased a few years later and has been used to park vehicles being repaired.

Over the last 45+ years, the 603/611 property has been used for an assortment of automotive business including body shops, transmission repair, tire and brake service, and muffler work. The site's also been home to machine shops, woodworkers and contracting services.

With the adoption of the Unified Development Ordinance in 2009, vehicle service was segregated into two use groups: Limited Motor Vehicle Repair and General Motor Vehicle Repair. The former group encompassed more basic work (oil changes, brake jobs, glass installation, detailing) with the latter group consisting of more complicated, heavier repair (body work and painting, engine overhauls, transmission repair). Limited Repair is allowed in both C-2 and C-3 districts while General Repair is permitted only in C-3.

The owner believes that 603/611 will continue to attract tenants that are more akin to the General Repair group; when combined with potential heavy service tenants, it's fitting to rezone the property to C-3. This rezoning would also allow the 909 N. Emery property to be used legally, albeit with some site improvements made such as paving and screening along its south property line.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

The proposal relates to the Goal "Increase economic prosperity of community". It also helps the strategy to retain the city's businesses.

Comprehensive Plan Guiding Land Use Principles:

A relevant Guiding Land Use Principle for this site is that it provides affordable commercial space for small startup, new or growing businesses. It also addresses the policy to "Encourage redevelopment or adaptive reuse of vacant or underutilized buildings and sites."

Historic and Archeological Sites:

There are no apparent historic/archeological issues with this property.

Public Utilities:

Both buildings are connected to all utility services.

REVIEW CRITERIA

Recommendations and decisions on rezoning applications must be based on consideration of all of the following criteria:

1. Conformance of the requested zoning with the Comprehensive Plan.

The Comprehensive Plan envisions Commercial uses for this site.

2. Conformance of the requested zoning with any adopted neighborhood or sub-area plans in which the property is located or abuts.

There are no recent neighborhood or sub-area plans for this area.

3. The compatibility of the proposed zoning with the zoning and use of nearby property, including any overlay zoning.

While US 24 Highway includes commercial zoning along virtually its entire length, very little of it is zoned C-3. That said, with the proper site improvements and screening, this could be an acceptable zoning here.

4. The compatibility of the proposed zoning and allowed uses with the character of the neighborhood.

Auto related businesses have a significant presence on US 24 Highway, and this area is no different with a vehicle sales/repair businesses directly to the west of this site and another auto repair shop to the northeast across the highway.

5. The suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations.

The property could continue to be utilized for automotive repair and service uses, albeit in a more restricted manner.

6. The length of time the subject property has remained vacant as zoned.

Only the 909 N. Emery property is vacant, and has been since at least the late 1970's.

7. The extent to which approving the rezoning will detrimentally affect nearby properties.

As this site has been used for this type of business operations for 40+ years, it's doubtful this rezoning will have a detrimental effect on nearby properties.

8. The gain, if any, to the public health, safety and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.

If the rezoning is denied it, would have a negative financial effect on the owner as it would restrict the number and type of tenants that could occupy the premises.

EXHIBITS

1. Applicant's letter
2. Mailing affidavit and mailing list
3. Rezoning plat
4. Zoning map
5. Comprehensive plan