

**MEETING DATE:** June 23, 2020

**STAFF:** Stuart Borders, Senior Planner

**PROJECT NAME:** Shrout Trust Rezoning

**CASE NUMBERS/REQUEST:** Case 20-100-07 – Rezoning – 2000 N. Elsea Smith Road – Shrout Trust requests to rezone part of this property from C-1 (Neighborhood Commercial) to R-A (Residential Agriculture)

**APPLICANT/OWNER:** Martin D. Shrout Trust

**PROPERTY ADDRESS:** 2000 N. Elsea Smith Road

**SURROUNDING ZONING / LAND USE:**

**North:** C-1, C-2 (General Commercial); undeveloped

**South:** R-A; Undeveloped

**East/West:** R-A; Large lot single family homes, farm land

**PUBLIC NOTICE:**

- Letters to adjoining property owners – May 29, 2020
- Public Notice published in the Independence Examiner – May 22, 2020
- Sign posted on property – June 4, 2020

**FURTHER ACTION:**

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

## RECOMMENDATION

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

## PROJECT DESCRIPTION & BACKGROUND INFORMATION

**PROJECT DESCRIPTION:** The Martin D. Shrout Trust requests to rezone the northern portion its property at 2000 N. Elsea Smith Road from C-1 (Neighborhood Commercial) to R-A (Residential Agriculture).

**Current Zoning:** R-A (Residential Agriculture).  
C-2 (General Commercial)

**Proposed Zoning:** R-A (Residential Agriculture).

**Current Use:** Undeveloped

**Proposed Use:**

Single Family Residence

**Acreeage:** Rezoning area - 2.01 acres +/-  
Total lot area – 37.69 acres+/-

## **BACKGROUND:**

During the process of selling this 37+ acre property on N. Elsea Smith Road, it was discovered that the roughly northern 100 feet of the lot is zoned C-1 (Neighborhood Commercial) and has been since at least May, 1980 when the City adopted a new zoning ordinance and zoning map. In older aerial photographs, there's evidence that the commercially zoned land north of this lot was used for some manner of business activity. As City policy is that properties must have a single zoning classification, and to avoid potential land title issues in the future, it was decided to rezone this northern strip to R-A, the zoning of the remainder of the lot, and most other land in the area.

The entire lot has 400 feet of frontage along N. Elsea Smith Road, and is 1,270 feet deep at its greatest point. Used as farmland for decades, the tract is reasonably level and contains no areas of floodplain or stream buffer.

## **ANALYSIS**

### **Consistency with *Independence for All*, Strategic Plan:**

There are no policies in this plan to address this type of issue.

### **Comprehensive Plan Guiding Land Use Principles:**

The City Comprehensive Plan recommends Agricultural uses for this site. This rezoning action supports a policy of the Plan to retain the agriculture character of the area.

### **Historic and Archeological Sites:**

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

### **Public Utilities:**

Water and electrical service are available to the property, a septic system must be installed for sewer needs.

## **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 Agricultural use 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 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.**

*Except for the undeveloped commercial properties to the north, the proposed zoning is compatible with all nearby properties.*

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

*This area consists of land in agriculture use or has been divided into large lots for residential use.*

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

*Considering its size and location, it has no potential commercial use.*

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

*The property has long been used for agricultural purposes.*

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

*The rezoning will have no detrimental effect on area 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 he would not be able to convey the property for use as a single family home.*

**EXHIBITS**

1. Applicant's letter
2. Mailing affidavit
3. Notice to surrounding property owners
4. Rezoning map
5. Zoning map
6. Comprehensive plan