

**MEETING DATE:** January 12, 2021

**STAFF:** Brian L. Harker, Planner

**PROJECT NAME:** Miller Duplexes

**CASE NUMBER/REQUEST:** Case 21-100-01 – Rezoning – David Miller seeks to rezone 19401 E. US 24 Highway from C-1 (Neighborhood Commercial) to R-12 (Two-Family Residential)

**APPLICANT:** David Miller, AMCS

**OWNER:** Hertbert Varnell, RM

**PROPERTY ADDRESS/LOCATION:** 19401 E. US 24 Highway/US 24 Highway and Davis Road

**SURROUNDING ZONING/LAND USE:**

- North:** Unincorporated Jackson County...convenience store
- Northwest:** C-1...daycare facility
- South:** R-A...single-family residences
- East:** R-30/PUD...single-family residences
- West:** C-1...church property

**PUBLIC NOTICE:**

- Letter to adjoining property owners – December 22, 2020
- Public Notice published in the Independence Examiner – December 26, 2020
- Signs posted on property – December 23, 2020

**FURTHER ACTION:**

Following action by the Planning Commission, this rezoning request is scheduled for its first reading by the City Council on February 1, 2021 and the public hearing/second reading on February 16, 2021.

## RECOMMENDATION

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

## PROJECT DESCRIPTION & BACKGROUND INFORMATION

**PROJECT DESCRIPTION:**

David Miller, AMCS seeks to rezone this property at 19401 E. US 24 Highway from C-1 (Neighborhood Commercial) to R-12 (Two-Family Residential) to permit the development of eight duplex properties.

<b>Current Zoning:</b> C-1	<b>Proposed Zoning:</b> R-12
<b>Present Legal:</b> Davis Corner – Lot 1	<b>Proposed Lots/Tracts:</b> 8 lots and a tract
<b>Current Use:</b> Vacant field	<b>Proposed Use:</b> Duplexes
<b>Acreage:</b> Total acreage: 2.81-acres	

## **PROJECT:**

David Miller, AMCS intends to develop a nine-lot subdivision with a detention tract. Except for Lot 9 (site of an existing daycare facility), all are subject to the requested down zoning from C-1 (Neighborhood Commercial) to R-12 (Two-Family Residential). The applicant sees this property, extending considerably south of US 24 Highway, as more viable for residential than commercial uses.

The floorplan provided shows a one car garage (and thus a driveway) for each unit. There will one duplex (two-units) per lot. Because additional direct access across the US 24 Highway right-of-way and a portion of N. Davis Road is prohibited, proposed Lots 7 and 8 will need to be accessed from the southeastern portion of Lot 7.

Following the rezoning, creation of Preliminary and Final Plat are necessary before building permits can be issued.

## **ANALYSIS**

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

The proposal fulfils the Goal, "Achieve livability, choice, access, health and safety through a quality, built environment".

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

The Imagine Independence 2040 Comprehensive Plan outlines principles for providing a variety of housing options, ensuring a balance of housing types, and promoting a mix of housing types within neighborhoods.

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

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

### **Public Utilities and Fire Protection:**

The Water Department indicates there will need to be a 6-inch water main extension and fire hydrants installed along the west side of N. Davis Road from E. Davis Road to the north at a cost to the developer. A 15-foot wide easement will need to be granted for this purpose. Currently, there is a 15-foot wide easement on Lot 8 along the US 24 Highway along the right-of-way.

Sanitary sewers are accessible nearby and electrical service is readily available in the rights-of-way.

### **Detention Basin:**

A detention basin for the development will be constructed on a tract at the southeast corner of the property.

### **Public Improvements:**

Development Engineering will require half-street improvements and sidewalks along the west and north sides of N. Davis Road and E. Davis Road, south of E. Millhaven Street.

**Covenants:** The development will be required to form a Homes Association to take care of the common ground and any signage, to maintain the drainage basin and govern other things the owner's decide need controlled. A draft will be provided with the Final Plat.

## REVIEW CRITERIA

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

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

*The Comprehensive Plan envisions Residential Neighborhood 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.**

*The neighborhood is at the periphery of the Little Blue Parkway sub-plan area.*

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

*The area of the rezoning lies between commercial and residential zonings and uses; and multiple-family and single-family zonings and uses.*

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

*The proposed duplex-use will fit in well being sited between commercial uses and the highway to the north and west and the single-family residential uses laying to the south and east.*

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

*The property lies a little too far east of the commercial corridor along US 24 Highway. Further, N. Davis Road is not a major (or through) crossroad.*

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

*The existing property has been undeveloped for decades.*

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

*As this tract has been vacant, while zoned C-1 for decades, down zoning and allowing duplex development will not be detrimental to nearby commercial and single-family residential uses.*

**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 impose a hardship on the owner as it would prevent the applicant from developing the property with a more marketable use. Approval would limit the property to less intense uses than the current zoning would permit.*

## **EXHIBITS**

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