

MEETING DATE: March 9, 2021

STAFF: Brian Harker, Planner

PROJECT NAME: Twiehaus Rezoning

CASE NUMBERS/REQUEST: Case 21-100-03 – Rezoning – 12816 E. 47th Street S. – Aaron Ford requests to rezone the property from C-1 (Neighborhood Commercial) to R-12 (Two-Family Residential)

APPLICANT/OWNER: Aaron Ford

PROPERTY ADDRESS: 12816 E. 47th Street S.

SURROUNDING ZONING/LAND USE:

North: C-1...vacant land

West: R-6...single-family residences

East: C-1...day spa

South/West: C-1 and R-6...office building and electric substation

South: R-6/PUD...duplexes and fourplexes

PUBLIC NOTICE:

- Letters to adjoining property owners – February 19, 2021
- Public Notice published in the Independence Examiner – February 20, 2021
- Sign posted on property – February 19, 2021

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on April 5, 2021 and the public hearing/second reading on April 19, 2021.

RECOMMENDATION

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

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: Aaron Ford requests to rezone the property located at 12816 E. 47th Street S. from C-1 (Neighborhood Commercial) to R-12 (Two-Family Residential).

Current Zoning: C-1 (Neighborhood Commercial)

Proposed Zoning: R-12 (Two-Family Residential)

Current Use: Single-family residential and undeveloped

Proposed Use: One or two-family residences

Acreage: 1.65-acres

BACKGROUND:

The applicant and owner, Aaron Ford, intends to split a 1.65-acre, “L” shaped property containing a single-family house and a large back yard into two lots. He wants to “fix” the property’s legal nonconforming status, making house’s residential use conforming on its new lot. Further, he wants to create a marketable duplex or single-family property with the remainder of the tract. Therefore, he is requesting to rezone the tract from C-1 (Neighborhood Commercial) to R-12 (Two-Family Residential). This would be in accordance with the City’s comprehensive plan.

Lot 2 of the Twienhaus Addition, will be platted into a 19,653.75-square foot Lot 2B containing the existing house abutting E. 47th Street S., and Lot 2A, the 52,900-square foot remainder of the property abutting S. Norfleet Road. Further, Lot 2A will continue to have the lease area at its northeast corner containing a cellular tower, associated ground equipment and fencing/screening. If zoned R-12, Lot 2A could be the site a short street and cul-de-sac with single-family homes or duplexes arranged around them.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

The application is within keeping with the Goal of, “Growth – Increase in economic prosperity.”

Comprehensive Plan Guiding Land Use Principles:

The City Comprehensive Plan recommends Residential Neighborhood uses for this site and area. The Guiding Principles state the need to, “Provide a diversity of housing options in all neighborhoods, preserve the integrity of existing neighborhoods and facilitate the development of connected, mixed use neighborhoods where appropriate.”

Historic and Archeological Sites:

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

Public Utilities:

Water, sewer and electrical services are available to the properties.

Public Infrastructure:

When the northern portion of the property is developed, half-street improvements with sidewalks will be required along S. Norfleet Road.

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. Residential uses on these two proposed lots containing a single-family house and vacant land currently makes more sense than envisioned commercial development.

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.

The proposed zoning is compatible with the existing R-6/PUD zoning and the multiple-family uses across E. 47th Street S. and the adjacent commercial zonings and uses.

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

A low-density single-family for duplex developed could be compatible with the character of the single-family residential neighborhood across S. Norfleet Road.

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

Considering its location away from US 40 Highway, and modifications required for the single-family home, C-1 zoning may not lead to the best use house and the vacant acreage to its north.

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

The property has long been used for a single-family home with a large acreage.

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

The rezoning should not have any 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 prevent the creation of a conforming single-family use for the southern lot when it is split from the remainder of the property. If approved, it would also make the northern acreage more profitable.

EXHIBITS

1. Applicant's letter
2. Mailing affidavit
3. Applicant zoning map with addresses of surrounding property owners
4. City zoning map
5. Comprehensive plan