

**MEETING DATE:** March 9, 2021

**STAFF:** Brian Harker, Planner

**PROJECT NAME:** Twiehaus Rezoning

**CASE NUMBERS/REQUEST:** Case 21-100-03 – Rezoning – 12816 E. 47<sup>th</sup> 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. 47<sup>th</sup> 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. 47<sup>th</sup> 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. 47<sup>th</sup> 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. 47<sup>th</sup> 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