

MEETING DATE: January 25, 2022

STAFF: Brian Harker, Planner

PROJECT NAME: Shamir Bhakta

CASE NUMBER/REQUEST: Case #22-100-01 – Rezoning – 4535 S. Herman Court from O-1 (Office-Residential) to C-2 (General Commercial)

APPLICANT/OWNER: Shamir Bhakta

PROPERTY ADDRESS: 4335 S. Herman Court

SURROUNDING ZONING/LAND USE:

North: O-1 (Office-Residential)...dental office
South: R-30/PUD (High-Density Residential/Planned Unit Development)...parkland
East: C-2 (General Commercial)...hotel
West: O-1 (Office-Residential)...apartment complex

PUBLIC NOTICE:

- Letter to adjoining property owners – January 10, 2022
- Public Notice published in the Independence Examiner – January 8, 2022
- Signs posted on property – January 7, 2022

RECOMMENDATION

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

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: Rezone vacant land located at 4535 S. Herman Court from O-1 (Office-Residential) to C-2 (General Commercial) to construct a long-term stay hotel

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|------------------------|------------------------------------|-------------------------|--------------------------|
| Current Zoning: | O-1 (Office-Residential) | Proposed Zoning: | C-2 (General Commercial) |
| Current Use: | Undeveloped | Proposed Use: | Hotel |
| Acreage: | Total acreage – 84,267-square feet | | |

BACKGROUND:

Shamir Bhakta requests to rezone an 84,267-square foot tract at 4535 S. Herman Court from O-1 (Office-Residential) to C-2 (General Commercial) to build a long-term stay, Marriott brand hotel. The flat, vacant lot is wedged between the cul-de-sac of Herman Court and Trace Park Court. There are four additional hotels located along the Valley View Parkway corridor and all are zoned C-2.

Public Improvements: No right-of-way improvements will be required.

Utilities: All utilities are available in the Herman Court right-of-way and the Trace Park Court cross-access and general utility easement. However, as indicated on the site layout shown on Page 1 of the document named, “Previous Site Sketches,” an existing 8-inch diameter water main that runs east to west through the property may be too close to the building as proposed. No buildings are to be constructed over water mains so the site engineer and/or surveyor will need to field verify the water main location and make building adjustments as necessary.

Fire Protection: There are fire hydrants west of the Herman Court cul-de-sac and south of Trace Park Court along the existing Candlewood Suites fire lane.

Storm Water: This property is adjacent to the Little Blue Trace Park and the Little Blue River and thus is eligible for payment in lieu of detention instead of providing on site stormwater detention.

Flood Plain: A corner of this parcel appears to be in a flood zone AE (100-yr/1% Annual Flood Chance) and will require a Floodplain Development Permit and elevation certificate.

Historic and Archeological Sites: There are no historic or archeological issues with this property.

Preliminary Sketch. The applicant submitted a preliminary sketch for the property showing a potential four-story hotel with 114 rooms. The Final Site Plan will require full elevations showing materials and a design that meets the Non-Residential Design Standards of the Unified Development Ordinance (UDO). The Final Site Plan must include a detailed Landscaping Plan, per Code, created by an architect or landscape architect with scientific names indicated. Requirements include street trees, parking lot and endcap plantings, and green space and plantings around the building. Note: Given the Little Blue Trace Park to the south is zoned R-30/PUD, 15 feet of landscaped buffer is needed adjacent to the south property line.

The hotel parking lot, which will encircle the building, will be accessible from Herman Court and Trace Park Court. The building’s main entrance will be off Herman Court providing access to the building’s drive-up canopy and main doors. With 134 parking spaces on two lots, there appears to be enough parking. (The applicant may attempt to acquire a portion of the dental office property to the north for additional parking or use the space for a dual brand hotel). Compliance with these requirements will be checked at the final site plan stage.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

The most relevant of the City’s Strategic Plan’s Growth Strategy states, “Promote hotel/motel industry best practices to ensure quality guest facilities that attract community visitors.”

Comprehensive Plan Guiding Land Use Principles:

The Imagine Independence 2040 Comprehensive Plan identifies the area as Mixed Use. This category is intended to accommodate a mix of medium and high-density housing with office, commercial and institutional uses. A guiding principle of the Comprehensive Plan is to, “Ensure that opportunities for convenient and concentrated commercial development are provided to support both the local and

regional market.” The proposed hotel use would be in addition to four other hotels in the area along the Valley View Parkway corridor providing quality facilities to visitors to nearby attractions.

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 plan recommends Mixed Uses for this site; this corridor contains a mixture of medium-density residential, office, retail, restaurant and hotel uses.

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

The use is also in conformance with the Little Blue Valley and US 40 Plan Areas.

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

There are a variety of uses in the area, including multi-family residential, office, retail, restaurant and hotel uses. The proposal is to rezone the property to C-2, which is intended to accommodate a broad variety of commercial uses. Generally, commercial properties in the area are zoned O-1 and C-2 and used accordingly. The C-2 zoning is compatible with the zoning of the surrounding properties.

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

The proposed zoning and C-2 uses is compatible with the current zoning and uses in Eastland Center.

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

The current O-1 zoning doesn't allow for hotel uses; the proposed C-2 zoning is the only 'C' district that allows for hotel uses.

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

The property has remained vacant since it was cleared for development over two decades ago.

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

Development of this hotel is not expected to have any detrimental effect and may increase the value of neighboring 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 property is rezoned to the desired C-2 zoning and a hotel is constructed, it could have a positive impact on the public health, safety, and welfare by providing quality accommodations to visitors and enhancing a vacant lot in Eastland Center. If denied, the property could continue to remain vacant for some time.

EXHIBITS

1. Applicant's Letter
2. Application
3. Affidavit
4. Mailing List
5. Previous Site Sketches
6. Comp Plan Map
7. Zoning Map