

MEETING DATE: May 24, 2022

STAFF: Stuart Borders, Senior Planner

PROJECT NAME: Dyer Rezoning

CASE NUMBERS/REQUEST: **Case 22-100-07 – Rezoning** – A request by Samuel Dyer III to rezone 1311 E. US 24 Highway from R-6 (Single Family Residential) and C-2 (General Commercial) to C-3 (Service Commercial).

APPLICANT/OWNER: Samuel Dyer III

PROPERTY LOCATION: 1311 E. US 24 Highway

SURROUNDING ZONING/LAND USE:

North: R-6, C-2; Small residential and commercial uses

South: R-6; Vacant property

East/West: R-6, C-2; Small residential and commercial uses

PUBLIC NOTICE:

- Letters to adjoining property owners – April 28, 2022
- Public Notice published in the Independence Examiner – May 7, 2022
- Signs posted on property – May 3, 2022

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on June 6th and the public hearing/second reading on June 21st.

RECOMMENDATION

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

PROJECT DESCRIPTION/BACKGROUND INFORMATION

PROJECT DESCRIPTION: A request by Samuel Dyer III to rezone 1311 E. US 24 Highway from R-6 (Single Family Residential) and C-2 (General Commercial) to C-3 (Service Commercial).

Current Zoning: R-6, C-2

Proposed Zoning: C-3

Proposed Use: Contractor service

Acres: 1.21 acres +/-

BACKGROUND:

Mr. Dyer seeks to lease this property on US 24 Highway east of Noland Road to a new tenant, a contractor that buries communications cables (i. e., fiber optic) via a Ditch Witch and similar equipment.

Rezoning this property to C-3 is necessary as the contracting company seeks to store work equipment and materials outdoors. The northern 200 feet+/- of the property is zoned C-2, while the southern 200 feet is zoned R-6. It was the City's development policy several decades ago to strip-zone the first 200 feet of the lots along most of commercial corridors to C-2 with the remainder of the lot retaining its original zoning.

This 1.21 acre tract features a roughly 3,500 SF single-story rectangular building with parking/drive areas on its east, west, and south sides. It's primarily a brick structure with multiple garage doors on its east/west elevations. The owner indicates that no changes are planned for the building or site at this time.

ANALYSIS

The Proposal's Consistency with *Independence for All*, Strategic Plan:

There are no policies in this plan to address this type of application, but this rezoning will help retain the service/commercial character established along this segment of the corridor.

Comprehensive Plan Guiding Land Use Principles for the Current Designation:

While the City's Comprehensive Plan recommends Residential Urban Neighborhood uses here, this proposed rezoning will not be inconsistent with existing zoning along the corridor and provides an economic development opportunity for a new small business.

Public Utilities: As this is a long-established commercial property, all utility services are existing.

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

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 Urban Neighborhood uses for this site, but the proposed rezoning will provide an economic development opportunity for a new small business. It is unlikely this lot would be used for residential urban neighborhood uses anytime soon.

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.

With few exceptions, this segment of US 24 Highway between Noland Road and M-291 Highway is zoned C-2 and has been for decades. The list of businesses along the corridor include are eclectic mix of auto repair shops, a grocery store, dental office, a car wash, a church, and a few used car lots, to name a few. A contractor service will be compatible with this assortment of uses.

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

As mentioned previously, this proposed C-3 zoning and possible land uses are in keeping with other properties along US 24 Highway.

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

Previously the site had been used for light auto repair; this and other similar uses is permitted in a C-2 zoning district. The design of the building and configuration of the site is suitable for service uses which are more typical in the proposed C-3 zoning.

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

This property contains a commercial building which has been used for various purposes for the last number of years.

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 effect on the owner as it would prohibit a prospective tenant from locating there.

EXHIBITS

1. Applicant Letter
2. Application
3. Notification letter
4. Mailing affidavit/ Addresses
5. Aerial Photo
6. Comprehensive Plan map
7. Zoning map