

MEETING DATE: June 14, 2022

STAFF: Brian Harker, Planner

PROJECT NAME: Zambelli, Lawn Care and Snow Removal

CASE NUMBER/REQUEST: Case 21-100-12– Rezoning – 10725 E. Truman Road - A request by Wayne Zambelli to rezone this property from C-2 (General Commercial) to C-3 (Service Commercial).

APPLICANT/OWNER: Wayne Zambelli

PROPERTY ADDRESS: 10725 E. Truman Road
Zambelli, Lawn Care and Snow Removal, LLC

SURROUNDING ZONING/LAND USE:

North: District C-2...Ted's Trash and All City Tow Service
West: District C-2...single-family home
East: District C-2...commercial buildings and residential
South: District C-2...vacant lot

PUBLIC NOTICE:

- Letters to adjoining property owners – May 26, 2022
- Public Notice published in the Independence Examiner – May 28, 2022
- Sign posted on property – May 27, 2022

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for a first reading by the City Council on June 14, 2022 and the public hearing/second reading on June 20, 2021.

RECOMMENDATION

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

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: Wayne Zambelli requests to rezone the property located at 10725 E. Truman Road from District C-2 (General Commercial) to District C-3 (Service Commercial).

Current Zoning: C-2 (General Commercial)

Proposed Zoning:

C-3 (Service Commercial)

Current Use: Lawn Care Business

Continued Use:

Lawn Care Business

Acreage: 0.33-acres

BACKGROUND AND PROPOSAL:

The applicant, Wayne Zambelli, requests to rezone the property I from District C-2 (General Commercial) to District C-3 (Service Commercial) to permit the existing lawn care business to have outdoor storage. A 14,320.9-square foot tract, with an existing, block, service station building sets halfway back on the property.

This property has been zoned C-2 for several decades. Over the years it has been used as a variety of commercial uses with the most recent being an auto repair business. There is a paved parking and driving surface in the front in front of the building with unimproved surfaces to the side and rear. City ordinances require all parking, driving and storage surfaces to be paved. The front parking/driving surfaces will need some repairs as well as striping and signage and striping for van-accessible parking. Further, the unimproved surfaces on the side and rear will need to be improved to City standards. Plans will need to be submitted to and approved by the City in order to ensure proper stormwater runoff and compliance with other City requirements.

The UDO requires all outdoor storage areas to be screened. This can be in the form of walls, fences, or berms in combination with a 100 percent opaque landscape screen.

If the rezoning request is approved, all departmental concerns and regulations would be ensured prior to issuing the Business License and as part of the permitting process.

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 Established Neighborhood uses for this area. A little bit to the west and east, the Comp Plan envisions Mixed Use and Neighborhood Commercial, respectively. The area is a mix of uses from a trash service and tow lot to restaurants/bars to residential.

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.

Parking and Driving Surface:

The parking and driving surfaces will need to be resurfaced to store equipment and merchandise. This will need to be done in a manner addressing the environmental concerns and regulations enforced by Community Development and Municipal Services.

Landscaping:

Landscaping improvements may be required if the value of any improvement to the site exceeds 30-percent of the market value of the property as outlined in the UDO.

Trash Enclosure:

The current trash enclosure along Truman Road will need to be screened by a trash enclosure in accordance with the UDO requirements.

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 Established Neighborhood uses for this property. To the west and east, the Plan envisions Mixed Use and Neighborhood Commercial, respectively

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

The area is designated as the Downtown Redevelopment 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 C-2 and I-1 zonings NE of this site and commercial uses along the Truman Road corridor;

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

This stretch of Truman Road contains a variety of heavier commercial and service uses such as a auto repair, trash service and tow lot. The property's use for a lawn care and landscaping business fit in with these uses. The existing building's design and layout is also compatible with others in the vicinity;

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

The property has been used for a variety of commercial uses over the year with the most recent being a auto repair business. The proposed C-3 zoning would be in keeping with the existing uses along Truman Road.

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

This property has been many commercial uses over the years with the most recent being an auto repair business.

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

With the required screening any detrimental effects could be mitigated;

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, the business would not be able to store equipment or merchandise without constructing a building. If approved, use would require improvement to the parking and driving surfaces.

EXHIBITS

1. Applicant's letter
2. Application

3. Notification Letter
4. Addresses
5. Affidavit
6. Aerial Photo
7. Certificate of Survey
8. Comprehensive plan map
9. Zoning Map