

MEETING DATE: August 9, 2022

STAFF: Stuart Borders, Senior Planner

PROJECT NAME: Peerman rezoning

CASE NUMBER/REQUEST: **Case 22-125-10 – Rezoning/PUD – 8718, 8718 ½, 8720 and 8720 ½ E. US 24 Highway** – A request by Tim Peerman to rezone the property from R-12 (Two-Family Residential) to R-18/PUD (Moderate Density Residential/Planned Unit Development) and approve a Preliminary Development Plan.

APPLICANT/OWNER: Tim Peerman

PROPERTY ADDRESS: 8718, 8718½, 8720 and 8720½ E. US 24 Highway

SURROUNDING ZONING/LAND USE:

North: R-12 (Two-Family Residential); single family homes

South: R-30/PUD (High Density Residential/Planned Unit Development), C-1 (Neighborhood Commercial), C-2 (General Commercial); undeveloped property

East: R-12 (Two Family Residential); single- and two-family homes

West: C-2; Commercial building

PUBLIC NOTICE:

- Letters to adjoining property owners – July 18, 2022
- Public Notice published in the Independence Examiner – July 23, 2022
- Sign posted on property – July 20, 2022

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for a first reading by the City Council on September 6 and the public hearing/second reading on September 19.

RECOMMENDATION

Staff recommends **APPROVAL** of this rezoning request with the following conditions be included with the preliminary site plan consisting of the attached photographs of the site:

1. Extend the existing fence further north another four sections to add screening to the east side of the lot.
2. The number of dwelling units in the existing buildings is limited to four units; the addition of another building on the site shall require preliminary development plan approval.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: – A request by Tim Peerman to rezone the property at 8718, 8718 ½, 8720 and 8720 ½ E. US 24 Highway from R-12 (Two-Family Residential) to R-18/PUD (Moderate Density Residential/Planned Unit Development) and approve a Preliminary Development Plan.

Current Zoning:	R-12 (Two-Family Residential)	Proposed Zoning:	R-18/PUD (Moderate Density Residential/Planned Unit Development)
Current Use:	Fourplex	Proposed Use:	Fourplex
Building Area:	2,680 square feet+/-	Property Size:	0.59 acres

Zoning History 1965 – July 2009: R-2 (Two-Family Dwelling)
July 2009 – Present: R-12 (Two-Family Residential) via a change in district title

PROPERTY HISTORY

Information on this property is limited with the first reference being the setting of a master water meter in July 1963. Later data noted the installation of meters for electrical and sub-meters for water for all four dwelling units in the building. On the November 1965 zoning map, this site was zoned R-2 (Two Family Dwelling). When the City adopted a new zoning ordinance July 2009, the district title was revised to R-12 (Two Family Residential); the permitted uses within the district remained essentially unchanged.

PHYSICAL CHARACTERISTICS OF PROPERTY

The all-brick building is positioned in the southwest corner of the site with a small parking area in front of the building. It is a two-story building containing two, two bedroom/single bath units on the upper floor and two, studio-style apartments on the ground floor. Each of the four units contain roughly 675 SF. Access to the upstairs units is via a central door on the front elevation accessing an interior staircase to the upper floor. All four of dwelling units retains its own utility services, trash service is provided by roll-out containers for each unit. A small storage building is attached to the northeast corner of the structure. The remainder of the site is undeveloped, covered in grass or trees, with a severe slope to the north.

CHARACTERISTICS OF THE AREA

On the north side of the highway, from this site east to Anderson Avenue, is a mix of single-family homes along with some duplexes; to the west, it's commercial uses in Kansas City. On the south side of the highway exist a combination of commercial automotive uses, vacant land, and a single-family subdivision without access to the highway.

PROPOSAL: After purchasing the property in October 2021, Mr. Peerman now seeks to rezone this property to R-18/PUD to bring the site into conformance with the zoning code. He states he has no plans to further develop the site with more buildings/dwelling units. As the applicant plans no improvements to the site at this time, the preliminary development plan to be approved with the

rezoning consists of the attached aerial photograph along with photographs of the building and property.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

An objective of the Independence for All Strategic Plan is 'Build new housing units to fill a market need'. Although this application does not build more housing units, it does remove any nonconforming use barriers for the four units so they can be repaired and leased, or the structure to be rebuild in case of damage.

Comprehensive Plan Guiding Land Use Principles:

This site, along with properties along this US 24 Highway corridor is designated for 'Residential Neighborhoods' by the City's Comprehensive Plan. Such areas would feature a variety of single family detached homes, attached single family homes, townhomes, and multi-family dwellings. As such, this proposed rezoning will be consistent with existing residential uses and zoning along the corridor. This property is within the US Highway 24 Corridor Study area and 'would involve stabilizing the existing housing stock.'

Historic and Archeological Sites:

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

Public Utilities:

Water, sanitary sewer, and electrical services are connected to this property.

Environmental:

Provided there is no changes made to the site relating to new construction or use of the existing open areas, Municipal Services has no environmental concerns.

CIP Investments:

There are no City or Missouri Department of Transportation (MoDOT) capital improvement projects (CIP) planned for this area.

Zoning:

As noted previously, this site has been zoned for a two-family dwelling since at least 1965. Permitted R-12 uses include single family homes, duplexes, churches, schools, home-based child-care centers, government buildings, parks, cemeteries, home gardens, and field crops. Being a Planned Unit Development (PUD) district, there is some flexibility in the types of land uses but generally the district permits duplexes, apartments, multi-unit houses, and townhomes, but not single-family homes. Non-residential uses are generally the same as those for R-12 districts. Special Use Permit approval is required for homeless shelters, substance abuse treatment homes and domestic violence shelters.

Parking and Driving Surface:

A total of six pull-in parking spaces are provided in a small, paved lot in good condition in front of the building along US 24 Highway. The Code requires one space per dwelling unit.

Buffering and Screening:

The rough terrain and existing vegetation serve as the screen/buffer on the northern part of the property. The commercial property to the west maintains a seven-foot metal fence. The applicant's site has a wooden privacy extending from the building to the east property then turning north for two fence sections; this fence along the east property line should be extended to provide more screening.

REVIEW CRITERIA

Recommendations and decisions for proposed planned unit development rezoning and its accompanying preliminary development plan must be based on consideration of the criteria listed in Section 14-703-05-H:

1. **The consistency with the Comprehensive Plan.**
The City's Comprehensive Plan reflects this Neighborhood Residential use, and it will "Protect and enhance the viability, livability, and affordability of the City's residential neighborhoods..."
2. **The consistency with the PUD standards of Section 14-902, including the statement of purpose.**
This type of application is not expressly addressed in this section as its not new development but it "ensures that development can be conveniently, efficiently and economically served by existing and planned utility services."
3. **The nature and extent of Common Open Space in the PUD.**
There is no open space provided with this application.
4. **The reliability of the proposals for maintenance and conservation of Common Open Space.**
There is no open space provided with this application, the applicant will own the entire property.
5. **The adequacy or inadequacy of the amount and function of Common Open Space in terms of the densities and dwelling types proposed in the plan.**
There is no open space provided with this application.
6. **The extent to which the proposed use will adversely affect the capacity of safety portions of the street network or present parking problems in the vicinity of the property. Whether adequate provision for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation, and visual enjoyment.**
This proposed project will not adversely affect traffic or the street network in the vicinity of the project.
7. **The extent to which the proposed use will have a substantially adverse effect on adjacent property and the development or conservation of the neighborhood area.**
As this property has been used for four dwelling units for many years, it's not expected this corrective rezoning will have any adverse impacts on the neighboring properties.
8. **Whether potential adverse impacts have been mitigated to the maximum practical extent.**
No significant impacts are expected with this application.
9. **Whether the Preliminary Development Plan represents such a unique development proposal that it could not have accomplished through use of (non-PUD) conventional zoning regulations.**
The proposed use of a fourplex would require a R-18/PUD due to the number of living units in the building in conjunction with the area of the property itself.

10. **The sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the PUD in the case of a plan that proposes development over a period of years.**

This project will continue to be under one ownership.

EXHIBITS

1. Applicant's letter
2. Application form
3. Notification letter
4. Mailing list
5. Notification map
6. Mailing affidavit
7. Aerial photograph of site
8. Site Photos
9. Comprehensive plan map
10. Zoning map