

MEETING DATE: September 13, 2022

STAFF: Stuart Borders, Senior Planner

PROJECT NAME: Hinkle Rezoning

CASE NUMBER/REQUEST: **Case 22-100-15 – Rezoning –1322 E. US 24 Highway** – A request by Jeff Lovelace to rezone the property from C-2 (General Commercial) and R-6 (Single-Family Residential) to R-6 (Single-Family Residential).

Case 22-100-17 – Rezoning –1308, 1310, and 1312 E. US 24 Highway – A request by Jeff Lovelace to rezone the property from C-2 (General Commercial) and R-6 (Single-Family Residential) to C-2 (General Commercial).

APPLICANT: Jeff Lovelace, Lovelace and Associates

OWNER: Peggy Hinkle, HAREN Properties

PROPERTY ADDRESSES: 1308, 1310 1312 and 1322 E. US 24 Highway

SURROUNDING ZONING/LAND USE:

North: R-6 (Single Family Residential); single-family homes
South: C-2 (General Commercial); various commercial businesses
East: C-2; Auto repair, used car sales
West: C-2; Vacant commercial building, used car sales

PUBLIC NOTICE:

- Letters to adjoining property owners – August 24, 2022
- Public Notice published in the Independence Examiner – August 27, 2022
- Signs posted on property – August 26, 2022

FURTHER ACTION:

Following action by the Planning Commission, these rezoning requests are scheduled for first reading by the City Council on October 3, 2022 and the public hearing/second reading on October 17, 2022.

RECOMMENDATION

Staff recommends **APPROVAL** of the rezoning for 1322 E. US 24 Highway, Case #22-100-15.

Staff recommends **APPROVAL** of the rezoning for 1308, 1310, and 1312 E. US 24 Highway, Case #22-100-17.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION (1322 E. US 24 Highway):

Current Zoning:	C-2 (General Commercial)	Proposed Zoning:	R-6 (Single Family Residential)
Current Use:	Single family home	Proposed Use:	Same
Square Footage:	0.65 acres +/- (rezoning area)		

PROJECT DESCRIPTION (1308, 1310, and 1312 E. US 24 Highway):

Current Zoning:	R-6 (Single-Family Residential) (Rear 60 feet of site)	Proposed Zoning:	C-2 (General Commercial)
Current Use:	vacant (rezoning area)	Proposed Use:	Same
Square Footage:	0.33 acres (rezoning area)		

PROPERTY HISTORY

The southern 200 feet of this property has been zoned either C-2 or C-3 since at least 1965. This property, along most other properties along the US 24 Highway corridor, were strip-zoned commercial 200 feet back from the highway with the belief that they would be in business use in the future. However, the houses constructed many years ago at 1310 and 1322 remain in residential use.

PROPOSAL:

After unsuccessfully marketing their 2.33-acre tract, the landowner decided that dividing the entire tract into several smaller lots would improve its sales potential as buyers wanted only a portion of the property, not its entirety with its multiple commercial and residential buildings. A surveyor was contacted to complete a minor subdivision plat splitting the property into three lots. However, while most of the site was zoned C-2, a 60-foot strip along the rear (north) side of the lot is zoned R-6.

Rezoning the single-family home at 1322 to R-6 will correspond with its current use thus eliminating its nonconforming status. The proposed rezoning of the 60-foot strip north of the western properties will bring the proposed lots into zoning conformance yet have no impact upon their use. No changes to the site are planned in conjunction with this rezoning. A copy of the rezoning plat, with the site improvements, proposed lots, and rezoning areas shown, is attached for your review.

PHYSICAL CHARACTERISTICS OF PROPERTY

The 1322 property (proposed Lot 1) is the site of a wood frame house, with a freestanding garage and swimming pool behind the house. The house is accessed from a gravel driveway extending from the southwest corner of the lot.

The 1310/1312 property (proposed Lot 2) contains a single-family home, used as a parsonage, on the front of the site with a storage building and commercial building in the rear of the lot. The commercial building, which is used by a church, is separated from the highway by a 10+ space parking lot for parishioners.

The site improvements for 1308 (proposed Lot 3) are limited to a small commercial building (formerly a barber shop) and a small parking lot.

The northern end of the site is lawn area with a gentle slope to the northwest with little tree cover.

CHARACTERISTICS OF THE AREA

Most of the frontage along the highway consists of an eclectic mix of commercial uses, many of which are automotive related (sales, repair, parts). While uncommon, there are several occupied single-family homes at various sites along US 24 Highway, several being less than a mile from this site.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

There are no provisions in the City's Strategic Plan for a zoning realignment as proposed by the applicant.

Comprehensive Plan Guiding Land Use Principles:

The proposed zoning of R-6 for 1322 property is consistent with the recommended Residential Neighborhood land use designation outlined by the Comprehensive Plan. While only a minor revision, the C-2 proposal could be considered consistent with the principle "Foster redevelopment opportunities within the City to revitalize used or underused property". It also meets the policies to "Encourage redevelopment or adaptive reuse of vacant or underutilized buildings and sites."

Zoning:

The proposed R-6 district for 1322 allows for single family homes, home based child-care, government facilities, churches, schools, utilities, cemeteries, crops, and gardening. The rezoning of the portion of the lot where the single-family home is sited would bring the future Lot 1 into zoning conformity. District C-2 allows residential above the first floor and in 50% of the first-floor area, retail sales, restaurants, entertainment venues, government facilities, churches, schools, utilities, artist workspaces, employment and business support services, restaurants, banks, medical services, offices, parking, personal improvement services, and artisan uses.

Historic and Archeological Sites:

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

Public Utilities:

All utility services are connected to the property and are operational.

Environmental, Storm Water and Stream Buffer:

There are no reports of this property experiencing any environmental degradation. The property is neither in a floodplain nor near a stream requiring accompanying stream buffer zones.

CIP Investments:

The Missouri Department of Transportation (MoDOT) plans to modify driveway approaches along US 24 Highway reducing the number and, in some instances, adjust their alignment. Driveways to 1308/1310/1312 will be reduced from three to two and realigned; the 1322 property will retain its narrower residential driveway approach, however. A five-foot sidewalk will be added on the north side of the highway, with a ten-foot trail on the south side. MoDOT's US 24 Highway Safety Improvement project is scheduled to commence in 2023.

Driveways and Parking Lots:

Other than the new driveway approaches/sidewalk being reconstructed by MoDOT next year, no other parking lot or driveway improvements are planned.

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 Neighborhoods uses for this area. The Residential Neighborhood category does envision pockets of local commercial activity.

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 subarea plans that encompass these proposed rezonings.

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

This site is not within any overlay zoning district.

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

Due to the nature of these applications, the proposed zoning changes with their permitted uses, will not have any impact on the character of the neighborhood.

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

The rezoning of 1322 to R-6 is appropriate as it will eliminate its nonconforming status and allow the owners to rebuild the home in case of damage. The proposed C-2 zoning for the northern 60 feet of the other proposed lots is certainly more suitable than its current residential zoning.

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

Most buildings on the site are, or were recently, occupied.

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

It's not expected that these minor rezoning proposals will have any detrimental effect on nearby 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 rezonings are denied, the owner will not be able to divide and sell parts of the property.

EXHIBITS

1. Applicant's letter
2. Application
3. Notification Letter
4. Property Owner List
5. Affidavit

6. Aerial Photo
7. Rezoning Plat
8. New Drive Location
9. MoDOT 24 Hwy Pages
10. Comp Plan Map
11. Zoning Map