

MEETING DATE: October 25, 2022

STAFF: Stuart Borders, Senior Planner

PROJECT NAME: Belbeisi rezoning

CASE NUMBER/REQUEST: **Case 22-100-18 – Rezoning – 9300 E. US 24 Highway** – A request by Jenni Belbeisi to rezone this property from R-12 (Two-Family Residential) to C-2 (General Commercial).

APPLICANT/OWNER: Jenni Belbeisi

PROPERTY ADDRESSES: 9300 E. US 24 Highway

SURROUNDING ZONING/LAND USE:

North: R-30/PUD (High Density Residential/Planned Unit Development); Single family homes, apartment building; C-2, church

South/West: R-12; Mount Washington Cemetery property, contractor office

East: R-12, R-18/PUD; Single family homes; C-2; Commercial buildings

PUBLIC NOTICE:

- Letters to adjoining property owners – October 6, 2022
- Public Notice published in the Independence Examiner – October 8, 2022
- Signs posted on property – October 7, 2022

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on November 21, 2022 and the public hearing/second reading on December 5, 2022.

RECOMMENDATION

Staff recommends **APPROVAL** of the rezoning of this application.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION:

Current Zoning: R-12 (Two-Family Residential) **Proposed Zoning:** C-2 (General Commercial)

Current Use: Gasoline station **Proposed Use:** Same

Lot size: 0.37 acres +/-

PROPERTY HISTORY

When staff discussed making improvement to this property at 9300 E. US 24 Highway with the owner, it was discovered the site was still zoned residential, R-12 (Two Family Residential). The

zoning maps from November 1965 and May 1980 were carefully reviewed to verify that indeed the property was still zoned R-12.

PROPOSAL:

This gasoline station has been operating on this 0.37-acre tract at the intersection of US 24 Highway and Independence Avenue for over 50 years. Jenni Belbeisi recently purchased this property and approached City staff wanting to remodel and modernize the store on the east side of the site. After discovering the property was still zoned R-12, they were advised that it was necessary to rezone the property to C-2.

PHYSICAL CHARACTERISTICS OF PROPERTY

This triangular shaped site adjoins Independence Avenue on the north and US 24 Highway on the south/west. A roughly 25-foot by 36-foot retail building sets on the east side of the site with three gas pumps west of the store. The flat site is virtually covered and with pavement save for a few grass areas around its perimeter. Access is provided to US 24 Highway via two curbcuts; most of the property’s frontage along Independence Avenue is open to traffic flow.

CHARACTERISTICS OF THE AREA

The most dominate element along this segment of US 24 Highway is the Mount Washington Cemetery property which encompasses multiple acres of land south of the highway on the west side of Brookside Avenue. Other properties south of the site, along the Brookside and Winner Road corridors are residential in use. Properties on the north side of the highway are an eclectic mix of small retail businesses, service uses, a church, mixed in with older, single-family homes.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

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

Comprehensive Plan Guiding Land Use Principles:

While the proposed zoning of C-2 for this property is inconsistent with the recommended Residential Neighborhood land use designation outlined by the Comprehensive Plan, realistically it’s unlikely to be used for residential purposes. This property is also noted in the 2006 US 24 Highway Corridor Study as part of a site for a ‘Redevelopment Opportunity’ and sandwiched between ‘Mt. Washington Gateway’ area and the ‘Winner Road/Highway 24 Intersection Revitalization’ location.

Zoning:

The existing R-12 zoning allows for single family homes, two-family dwellings, home based child-care, government facilities, churches, schools, utilities, cemeteries, crops, and gardening. The proposed 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, gasoline stations, medical services, offices, parking, personal improvement services, and artisan uses. The proposed rezoning will “correct” the zoning for the continued use.

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.

CIP Investments:

The City does not have any capital improvements planned near this area; MoDOT's 24 Hwy Phase 3 sidewalk/driveway project ends east of Wilson Rd.

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 Neighborhoods uses for this area. This 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.

The site is within the 2006 US 24 Highway Corridor Study and is discussed above.

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 application, the proposed zoning change with its permitted uses, will have minimum 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 is appropriate as it will eliminate its nonconforming status and allow the owners to improve their property.

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

This business has been in continuous operation for over 50 years with the same residential zoning.

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

It's not expected that this rezoning proposal will have any detrimental effect on nearby properties. The Residential Established Neighborhood land use category does envision pockets of local commercial activity.

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 owner will not be able to make the desired improvements to the property.

EXHIBITS

1. Applicant's letter
2. Application
3. Notification letter
4. Property mailing list
5. Mailing affidavit
6. Aerial photo
7. Comp plan map
8. Zoning map