

MEETING DATE: February 14, 2023 **STAFF:** Stuart Borders, Senior Planner

PROJECT NAME: 3300 S. Blue Ridge Cut-Off rezoning

CASE NUMBERS/REQUEST: Case 23-100-03 – Rezoning – SMJ. R. E. LLC requests to rezone a part of the property at 3300 S. Blue Ridge Cut-Off from C-1 (Neighborhood Commercial) to C-2 (General Commercial)

APPLICANT/OWNER: SMJ. R. E. LLC

PROPERTY ADDRESS: 3300 S. Blue Ridge Cut-Off

SURROUNDING ZONING/LAND USE:

- North:** R-6 (Single Family Residential), C-2; City park, cemetery, auto repair shop
- South:** C-2; Equipment sales, vacant properties, restaurants
- East:** R-6, C-2; Vacant commercial property, single family homes
- West:** R-6, C-1, C-2; Undeveloped

PUBLIC NOTICE:

- Letters to adjoining property owners – January 9, 2023
- Public Notice published in the Independence Examiner – January 7, 2023
- Revised signs posted on property – January 27, 2023

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on March 20th and the public hearing/second reading on April 5th.

RECOMMENDATION

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

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: SMJ. R. E. LLC requests to rezone a part of the property at 3300 S. Blue Ridge Cut-Off from C-1 (Neighborhood Commercial) to C-2 (General Commercial)

Current Zoning:	C-1	Proposed Zoning:	C-2
Current/Proposed Use:	Various commercial uses	Acreage:	1.87 acres +/-

PROPERTY HISTORY:

In the earliest reference to the zoning of this property is the November 1965 zoning map that shows the northern part of the lot being zoned C-1 (Neighborhood Commercial) with the

remainder zoned for residential use. On the 1980 zoning map, all the property south of this C-1 area down to the Blue Ridge Cut-Off/US 40 Highway intersection was zoned C-2 (General Commercial). This results in the 200-foot strip center building being bisected with the northern 60% of the building being zoned C-1 with the remainder, along with the gasoline canopy, being zoned C-2.

PROPOSAL:

Property owner SMJ. R. E. LLC, seeks to rezone the northern part of the site from C-1 to C-2 to establish a single zoning classification for the entire property in lieu of the site’s current C-1 (north) and C-2 (south) districts. No site or building improvements are planned for this zoning revision. The special use permit application for a body art shop in the northern part of the site has been withdrawn by the applicant.

PHYSICAL CHARACTERISTICS OF PROPERTY

This site contains two buildings: a free-standing canopy on the south end of the site covering four gasoline pumps, and a 10,500 SF +/- commercial strip adjacent to the north. It’s a brick faced single story building constructed in the early 1960’s. The center contains numerous rental spaces including a barber shop and laundromat with the convenience store anchoring the south end of the building. Three driveways onto Blue Ridge Cut-off provide access to the parking lot in front of the building. The parking lot and building consumes most of the level, 1.87-acre site with a wooded area behind the building.

CHARACTERISTICS OF THE AREA

This property is at the north end of C-2 zoned node encompassed by Pitcher Road on the north/west, the city limits on the south and the lots that front onto Blue Ridge Cut-Off on the east. Most of the businesses here are auto centric such as convenience stores, auto sales lots, and fast-food restaurants. Land to the west, north and east of the node are established neighborhoods zoned R-6 (Single Family Residential) or is undeveloped.

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 allow the property owner to increase the number of potential commercial tenants for the north half of the building that is now restricted by its C-1 zoning designation.

Comprehensive Plan Guiding Land Use Principles for the Current Designation:

The City Comprehensive Plan recommends Residential Established Neighborhoods uses for this site. However, just south of this site, at the intersection of US 40 Highway and Blue Ridge Cut-off, the Plan recommends Community Commercial uses. As being located just outside of this area, the proposed rezoning would be appropriate for the location.

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

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

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 City Comprehensive Plan envisions Residential Established Neighborhoods uses for this site. However, the Plan recommends Community Commercial uses for the long-established commercial node at the intersection of US 40 Highway and Blue Ridge Cut-off.

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.

This proposed C-2 zoning is consistent with the commercial zoning on the south half of this property, the auto repair site to the north, and other property to the south at the US 40 Highway and Blue Ridge Cut-off intersection.

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

The commercial node at US 40 Highway/Blue Ridge Cut-Off intersection is zoned C-2 save for the north half of the property. The proposed zoning, and its allowed uses would be compatible with other districts here yet not affect the residential property to the east and north.

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

The size and configuration of the units in the building are suitable for small retail, office, and personal service uses allowed in both C-1 and C-2 districts.

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

This property has contained a commercial building for over 50 years. This change would make the zoning on this parcel consistent.

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

The rezoning will have no detrimental effect on area properties as the allowed uses in C-2 are allowed on portions of this site. The same uses are also found at the commercial node to the south.

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 and this prospective tenant. The current irregular zoning of this property causes the owner to restrict the uses of a northern portion of the building while allowing such uses on its southern portion.

EXHIBITS

1. Applicant's letter
2. Application
3. Notification letter
4. Mailing affidavit
5. Address list
6. Comprehensive Plan map
7. Zoning map