

MEETING DATE: May 16, 2023

STAFF: Brian Harker, Planner

PROJECT NAME: Emmer Welding and Manufacturing Rezoning

CASE NUMBER/REQUEST: **Case 23-100-12 – Rezoning – 23500 E. US MO 78 Highway** – A request by Emmert Welding to rezone this property from R-6/PUD (Single Family Residential/Planned Unit Development) to I-1 (Industrial).

APPLICANT/OWNER: Emmert Real Estate, LLC – Emmert Welding and Manufacturing
Mark Mclelland

PROPERTY ADDRESS: 23500 E. US MO 78 Highway

SURROUNDING ZONING/LAND USE

- North:** District I-1 (Industrial)...undeveloped/cultivated land
South: District R-6/PUD (Single-Family Residential/Planned Unit Development)...undeveloped/cultivated land
West: District I-1 (Industrial)...undeveloped/cultivated land
East: District I-1 (Industrial)...county park

PUBLIC NOTICE:

- Letters to adjoining property owners – April 24, 2023
- Public Notice published in the Independence Examiner – April 28, 2023
- Signs posted on property – April 28, 2023

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on June 20, 2023 and the public hearing/second reading on July 3, 2023.

RECOMMENDATION

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

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION:

Current Zoning:	R-6/PUD (Single-Family Residential/Planned Unit Development)...After July 2009 R-1b/PUD (Single-Family Residential/Planned Unit Development)...After July 2007	Proposed Zoning:	I-1 (Industrial)
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M-1 (Industrial)...Since 1965

Current Use: Manufacturing Facility

Continued Use: Manufacturing Facility

Lot Size: 11,200-square feet

PROPERTY HISTORY:

This property has been zoned R-6/PUD (Single-Family Residential/Planned Unit Development) or R-1b/PUD (Single-Family Residential/Planned Unit Development) since July 2007. Prior to that it was zoned M-1 (Industrial). (The property was developed into a manufacturing facility in the 1980's). The previous owner, the Community of Christ Church, let the industrial property get rezoned with the rest of its surrounding properties when they were rezoned R-1b/PUD for the proposed Harmony development. More recently, the adjacent properties to the north and west were rezoned to I-1 for the new Northpointe Development.

PROPOSAL:

Emmert Welding and Manufacturing is requesting that the parcel, identified as 23500 E. M 78 Highway, be rezoned from R-6/PUD (Single-Family/Planned Unit Development) to I-1 (Industrial). The rezoning is necessary as the applicant intends to expand the footprint of the existing manufacturing operation.

PHYSICAL CHARACTERISTICS OF PROPERTY:

The small, flat industrial property is mostly green space, with trees around much of its perimeter, and a large metal building at its center. Paved driving and parking lie to the south and west of the existing 11,200-square foot manufacturing structure with a driveway running out to Highway M-78 along the southwest property line. A fenced-in paved storage area lies to the north. Northwest of the existing building is the site of the proposed 7,820-square foot new, metal building.

CHARACTERISTICS OF THE AREA:

This property lies north of Highway M-78 and abuts the Little Blue Trace Park on its east. To the south, across Highway M-78, and adjacent to the west and north are open, flat, cultivated farm fields.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

An intention of the City's Strategic Plan is to enhance economic development and job creation.

Comprehensive Plan Guiding Land Use Principles:

The Plan recommends this property for Mixed uses. The subject property is adjacent to undeveloped and contiguous with industrial zoned properties to the north and west, residentially zoned property to the south across the highway. A Guiding Principle of the plan is to, "Promote growth, innovation, investment and opportunity."

Sub-Area Plans:

The site is located within the Little Blue Valley Plan area and envisioned for Mixed uses. As part of the rezoning for the Northpoint development, the land use category for the surrounding properties were changed to industrial.

Zoning:

The proposed I-1 (Industrial) allows; churches, government facilities, animal services, artist workspaces, building maintenance services, business equipment sales, employment agencies, communication services, repair and laundry services, offices, carwashes, motor vehicle service and sales, manufacturing, recycling services, mini-storage and warehousing. Currently, the tract is zoned R-6/PUD (Single-Family Residential/Planned Unit Development) which permits; single-family homes, home based child-care, government facilities, churches, schools, utilities, cemeteries, crops, and gardening.

Historic and Archeological Sites:

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

Floodplain/Stream Buffer:

Portions of the property are in the floodplain, but not where the applicant's new building is planned. The Stream Buffer zone for the Little Blue River is the same as the county park property to the east.

Public Utilities:

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

Landscaping/Open Spaces:

Even with the new building, most of the property will remain green space. The applicant has five street trees, six parking lot trees and numerous other trees on the property's perimeter. Two trees and additional shrubbery will be added.

Parking:

The property on the existing paved surfaces will continue to be adequate amount of parking for the I-1 use. The parking lot shall be striped with handicapped spaces and have handicapped signage installed.

Trash Enclosure:

As part of any construction activities, any dumpster will be required to be screened with a masonry trash enclosure.

Public Improvements:

No public improvements would be required.

CIP Investments:

The City does not have any capital improvements planned near this site.

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 Mixed uses for this area. Surrounding areas are envisioned to be industrial;

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 located within the Little Blue Valley Plan area and envisioned for Mixed uses;

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

This site abuts and is near industrial zonings, but agricultural uses to the north and west; and residential zoning and agricultural uses across the highway to the south. However, industrial zoning with a county park lays to the east;

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

The proposed zoning change, with its existing use continued, will not have a negative impact on the character of the adjacent properties;

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

The existing zoning is inappropriate for the current use of the property, and inconsistent with the surrounding industrial zonings;

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

This is not applicable;

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

This proposal should not have a negative impact on nearby agricultural properties. The small property generates minimal negative 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 expand this use or improve his property.

EXHIBITS

1. Applicant's Letter
2. Application
3. Notification letter
4. Addresses
5. Affidavit
6. Survey
7. Proposed Landscaping
8. Current Zoning
9. Comp Plan Map
10. Zoning Map