

**MEETING DATE:** May 16, 2023

**STAFF:** Stuart Borders, Senior Planner

**PROJECT NAME:** Blue Ridge Industrial Park rezoning

**CASE NUMBER/REQUEST:** **Case 23-100-14 – Rezoning – 9400 E. 23<sup>rd</sup> Street** – A request by Lance Houston and David Ford to rezone property from R-6 (Single Family Residential), R-12 (Two-Family Residential) and C-2 (General Commercial) to I-1 (Industrial)

**APPLICANTS/OWNERS:** Houston Excavating and Demolition, Integrity Operations

**PROPERTY ADDRESSES:** 9400 E. 23<sup>rd</sup> Street

**SURROUNDING ZONING/LAND USE:**

- North:** R-12 (Two Family Residential), I-1 (Industrial); undeveloped
- South:** R-12; C-2 (General Commercial); undeveloped, single family homes
- West:** R-12, I-1; undeveloped property, single family homes
- East:** R-12, C-2; Single family homes, small businesses

**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 27, 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 the rezoning of this site to I-1 (Industrial).

### PROJECT DESCRIPTION & BACKGROUND INFORMATION

**PROJECT DESCRIPTION:**

<b>Current Zoning:</b>	R-6 (Two-Family Residential) R-12 (Two Family Residential) C-2 (General Commercial)	<b>Proposed Zoning:</b>	I-1 (Industrial)
<b>Current Use:</b>	Vehicle storage, undeveloped	<b>Proposed Use:</b>	Industrial Park/Vehicle Storage

**Rezoning** 19.49 acres +/-  
**property size:**

**PROPERTY HISTORY:**

Generally, the four land areas which comprise this application consist of: 1) 11 vacant lots of Blue Ridge Orchard, an undeveloped subdivision platted in 1916, which front onto the unpaved Blue Ridge Terrace (now zoned R-12); 2) four now vacant lots along Blue Ridge Boulevard (now R-12); the southern part of the unplatted land adjoining the east of Houston’s current location (also R-12); and finally, the larger tracts which front onto 23<sup>rd</sup> Street which are zoned a combination of C-2 for the southern third, and R-6 for the remainder of the lot.

Until mid-2006, the properties comprising this application were zoned either R-2 (now R-12) or C-2 (General Commercial) since the mid-1960’s. In July 2006, a portion of the site was rezoned for residential use in conjunction with a preliminary plat which laid out 31 residential lots abutting the larger commercial tract fronting onto 23<sup>rd</sup> Street; it was never developed.

In 2015, Houston rezoned approximately 45 acres of vacant ground north of 23<sup>rd</sup> Street east of Blue Ridge. Since this rezoning Houston has been filling and grading the site with the goal to make the property suitable for industrial development.

**PROPOSAL:**

This rezoning tract is in two ownerships: Houston Excavating and Demolition (Houston) and Integrity Operations (Integrity) which both seek to use the rezoned land for their business operations.

Houston seeks to expand its business operations onto this property from its current location north of this site. Houston’s plans to grade and fill portions of the site with road construction materials from various road projects around the metro area. After the site is properly filled and leveled, it will be topped with soil and prepared for future development like the adjacent property to the north. The main tenant presently on its northern site is a truck driving school. Houston has furnished a natural resources preservation plan illustrating how its portion of the site will be prepared for future development.

Integrity’s operations on its property on 23<sup>rd</sup> Street have been limited to the parking and storage of its company vehicles and materials at night and on weekends. During the day, Integrity cleans up the exterior of residential lots and the interior of homes. Activities range from the removal of foundation lumber to final debris clean up. All debris are transported to various recycling and disposal sites in the metro area; if material is brought to the site, it is taken to drop-off locations the next business day. The company will improve its lot to current City design standards.

**PHYSICAL CHARACTERISTICS OF PROPERTY:**

While the rezoning area encompasses numerous parcels they are undeveloped. Much of the rezoning area has considerable tree cover and has a slope with a fall of 80 feet+/- from the west/southwest to the northeast corner of the site. Lots along Blue Ridge Boulevard which formerly contained homes, are now vacant. The only current business activity is parking of service vehicles by Integrity on the C-2 zoned property.

## **CHARACTERISTICS OF THE AREA:**

Partly due to the physical characteristics of the land north of 23<sup>rd</sup> Street (south) between Glenwood Avenue (east) and Blue Ridge Boulevard (west), development has been limited to properties abutting the surrounding roads. The lots along both Blue Ridge and Glenwood are older single-family homes with properties on 23<sup>rd</sup> in a mix of residential with small commercial uses. Land to the north is property owned and being developed by Houston for a future industrial park.

## **ANALYSIS**

### **Consistency with *Independence for All*, Strategic Plan:**

A strategy of the City's Strategic Plan is to 'Support development of an industrial park.'

### **Comprehensive Plan Guiding Land Use Principles:**

The Plan recommends 'Business Park' uses for this site along with Houston's existing development to the north. Once the filling and site grading is complete, Houston plans to develop these sites into an industrial park.

### **Zoning:**

The three current zoning designations for the site include R-6, R-12, and C-2. The R-6 zoning allows for single family homes, home based child-care, government facilities, churches, schools, utilities, cemeteries, crops, and gardening; the R-12 classification adds two-family dwellings to that mix. District C-2 permits retail sales, restaurants, entertainment venues, government facilities, churches, schools, employment and business support services, banks, gasoline stations, medical services, offices and residential above the first floor.

The I-1 classification permits pet sales and grooming, animal boarding, veterinary services, stables, art spaces, building maintenance services, business equipment sales, communication services, construction services, offices, indoor recreation, carwashes, heavy equipment sales, manufacturing, recycling services, self-storage, warehousing and agriculture.

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

**Public Utilities:** Access to water and sanitary sewer service is limited here. Water mains are located along the west side of Blue Ridge Boulevard and on the south side of E. 23<sup>rd</sup> Street. A sanitary sewer main crosses the extreme north end of the rezoning area; a main extension available on the north side of E. 23<sup>rd</sup> Street in the extreme southeast corner of site.

### **CIP Investments:**

The Missouri Department of Transportation (MoDOT) nor the City 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 Business Park uses for this rezoning property along with Houston's adjacent land to the north.*

**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 site.*

**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.**

*Except for residential properties on the east and west sides of the site, the character of the neighborhood on the north side of 23<sup>rd</sup> Street between Glenwood and Blue Ridge Boulevard has been altered from vacant, undeveloped land to that for business and industrial use.*

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

*Due to the physical limitations of the site and lack of utility services, the use of the area for residential and commercial uses is unlikely.*

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

*Most of the rezoning area has been vacant for decades with the site's rough terrain and lack of utility services be the contributing factor.*

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

*Probably the properties which could be negatively affected by this rezoning application are those along Blue Ridge Boulevard to the west. On its attached natural resource plan, Houston shows a landscaped buffer on the north and east side of the those homes.*

**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 this rezoning application is denied, the owners will be unable to use the land as they propose for their business operations.*

**EXHIBITS**

1. Applicant's letters
2. Applications
3. Notification letter
4. Mailing affidavit, property owners list
5. Rezoning plat
6. Natural resources plan
7. Comp plan map
8. Zoning map