

MEETING DATE: July 11, 2023

STAFF: Brian L. Harker, Planner

PROJECT NAME: Wheeler Rezoning

CASE NUMBER/REQUEST: **Case 23-100-17 – Rezoning – 1700 S M-291 Highway** – A request by Johnny Wheeler to rezone this property from I-1 (Industrial) to R-6 (Single-Family Residential).

APPLICANT/OWNER: Johnny Wheeler

PROPERTY ADDRESSES: 1700 S M-291 Highway

SURROUNDING ZONING/LAND USE:

North: I-1 (Industrial)...wooded lot

South: R-6 (Single-Family Residential)...single-family house

West: R-6 (Single-Family Residential)...single-family residential

East: R-6 (Single-Family Residential)...vacant lot and single-family residences

PUBLIC NOTICE:

- Letters to adjoining property owners – June 21, 2023
- Public Notice published in the Independence Examiner – June 23, 2023
- Signs posted on property – June 23, 2023

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on July 11, 2023 and the public hearing/second reading on August 21, 2023.

RECOMMENDATION

Staff recommends **APPROVAL** of this rezoning.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION:

Current Zoning: I-1 (Industrial)

Proposed Zoning: R-6 (Single-Family Residential)

Current Use: Single-family home

Continued Use: Single-Family Residential

Lot size: 1.129-acre

PROPERTY HISTORY:

While the title of the zoning district changed from M-1 (Industrial) to I-1 (Industrial) in July 2009, the property has been zoned industrial since May 1980. The property was zoned R-1 (Single-Family Residential) from 1965 onward. The lot's structure, built as a single-family house, has continued to be used as a residence.

PROPOSAL:

The applicant’s intended continued use for the property is single-family residential. Its legal nonconforming status can limit the property’s ability to be rebuilt if damaged substantially and thus its ability to be insured or financed. Given the lot’s relative narrowness and a location with left turns limited by a Jersey barrier, it is also unlikely to be developed for I-1 (Industrial) uses anytime soon.

PHYSICAL CHARACTERISTICS OF PROPERTY:

The 2,415-square foot white ranch house sits approximately 50 feet back on a lot abutting the M-291 Highway right-of-way. The lot narrows toward its rear where there is a stand of trees along the rear property line. Between 2018 and 2022 the property’s nonconforming gravel driveway was expanded. (New gravel driveways and parking lots are prohibited in both residential and industrial zonings). Further, aerial views and other photography indicate commercial vehicles had been improperly parked on this the property that continues to be a legal nonconforming residential use. Actions from the City’s Code division has resulted in the trucks being removed. The expanded graveled area (that wraps all around the north end of the house to the backyard) has yet to be removed. This issue is also being pursued by the City’s Codes division.

CHARACTERISTICS OF THE AREA:

This portion of the M-291 Highway corridor consists of lots with ranch houses constructed in the 1950’s and 1960’s or undeveloped lots zoned residential, commercial and industrial. In general, this area has experienced little investment over the last few decades. Immediately across the highway is a vacant lot and a lot with a residence. To the north is acreage framed by trees. A small ranch house lies quite close to the south. To the west is a subdivision of single-family homes.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

An objective of the City’s Strategic Plan is to preserve existing units and neighborhoods.

Comprehensive Plan Guiding Land Use Principles:

The Plan recommends that existing residential areas be preserved and enhanced over time. The use of R-6 zoning is in keeping with the Guiding Principle to, “improve and maintain housing stock in established neighborhoods.”

Zoning:

The proposed zoning of R-6 districts include single-family homes, home based child-care, government facilities, churches, schools, utilities, cemeteries, crops, and gardening. Allowed uses in I-1 (Industrial) allows for warehousing, wholesaling, vehicle repair, small engine repair, vehicle storage, office use, government facilities, utilities and manufacturing.

Flood Plain/Stream Buffer:

A small portion of the northwestern part of the property is located in a federally identified floodplain and in a city designated Stream Buffer.

Historic and Archeological Sites:

There do not appear to be any significant historic or archeological sites on the property.

Public Utilities:

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

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 Residential Neighborhoods uses for this area.
- 2. Conformance of the requested zoning with any adopted neighborhood or sub-area plans in which the property is located or abuts.**
There are not any neighborhood or sub-area plans for this vicinity.
- 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.**
The use the R-6 zoning and the retention of the single-family home on the lot will be in character with homes to the south along the corridor.
- 5. The suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations.**
The residential lot is not of adequate size for most I-1 uses.
- 6. The length of time the subject property has remained vacant as zoned.**
This property has been zoned for industrial use since 1980, but the residence has been occupied continuously.
- 7. The extent to which approving the rezoning will detrimentally affect nearby properties.**
Rezoning the property to R-6 will make the zoning consistent with both the adjacent zoning and uses to the west, east and 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, the current or a future owner could not rebuild or finance the legally nonconforming property.

EXHIBITS

1. Applicant's narrative
2. Application
3. Notification letter
4. Addresses

5. Affidavit
6. Aerial Photograph
7. Comp plan map
8. Zoning map