

MEETING DATE: October 24, 2023

STAFF: Rick Arroyo, Assistant Community Development Director

PROJECT NAME: Pipes Rezoning

CASE NUMBER/REQUEST: **Case 23-100-23 – Rezoning – 420 S. Highway M-291** – A request by John Carnes to rezone these properties from C-2 (General Commercial) to I-1 (Industrial).

APPLICANT: John Carnes

OWNER: Gary and Marsha Pipes

PROPERTY ADDRESS: 420 S. Highway M-291

SURROUNDING ZONING/LAND USE:

North: I-1 and C-2...undeveloped tract with a Quonset Hut

South: C-2...undeveloped, wooded lot

East: Route Highway M-291

West: I-1...savage yard

PUBLIC NOTICE

- Letters to property owners within 185 feet – September 22, 2023
- Public Notice published in the Independence Examiner – September 9, 2023
- Sign posted on property – September 8, 2023

RECOMMENDATION SUPPLEMENTAL

After review of the 420 S M-291 site, the followings conditions have been found:

1. Sanitary Sewers are currently not available on this site. The nearest sewer infrastructure is three to five hundred feet away and relatively shallow in relation to this site. Any possible access would require access through several offsite properties. The City code provides guidance for use of septic system along with the Department of Natural Resource making a septic or lagoon system unlikely if not impossible for any typically industrial use.
2. While water is possible on the site, the closest water supply is over five hundred feet away. Connection to water would require offsite access through several private properties.
3. Access to the site off M-291 is a right-in, right-out, access only. Any access changes to the site will require MoDOT approval. The site is unlikely to ever have a full access onto M-291 making any typical industrial or commercial use unlikely. The site is also unlikely to ever have more than one access point.
4. Power service, while possible will have challenges accessing the site along this portion of M-291 Highway.
5. The site is currently surrounded to the north, south, and west with existing industrial zoned uses. A second lot adjacent to the south property line is currently zoned R-6; however, that lot is non-conforming as it has both R-6 and Industrial I-1 zoning on a single lot. The residential portion of this lot is unlikely to support residential uses in its current form with its limited access off the unfinished E Mechanic Avenue Right-of-Way.

The Code for industrial uses, I-1 industrial and I-2 industrial, are not defined as Planned Unit Development (PUD) districts. While the Business Park designation is a PUD district, it is unlikely the mixed-use office, light assembly, and manufacturing uses would be possible for this site. While staff has recommended at times the use of a PUD district for uses not allowed in the C-2 base zoning district, those uses have remained with the C-2 and C-3 commercial zonings. Attempts to use a PUD for an industrial use in a commercial zoning would not be recommend and would not be in the spirit of the zoning code for use separations.

The I-1 industrial zoning is described as a district primarily intended to accommodate low, moderate impact service industrial uses. Given the challenges and limitations of utilities on the site, the current surrounding industrial zoned uses, staff does not believe the applicants request to rezoning this property from C-2 Commercial to I-1 industrial would be detrimental to nearby properties. As such, staff recommends approval of this zoning request.