

MEETING DATE: October 10, 2023 **STAFF:** Brian L. Harker, Planner

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

Staff recommends approval of this rezoning request.

STANDARD REQUIREMENTS OF APPROVAL

1. The driving lot shall be paved in accordance with City Code requirements.
2. Stormwater detention shall be provided in the City’s adopted Design and Construction Manual.
3. A Final Plan Review must be submitted along with construction permits, engineering plans and stormwater calculations shall be provided to Community Development.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: A request by John Carnes to rezone the property at 420 S. Highway M-291 from C-2 (General Commercial) to I-1 (Industrial).

Current Zoning:
C-2 (General Commercial)

Proposed Zoning:
I-1 (Industrial)

Current Use:
Undeveloped

Proposed Use
CDL Trucking driving course

Acreage:

4.55-acres

ZONING HISTORY:

Prior to 2004: C-2 and M-1 Prior to 1980: C-3 and M-1

PROPERTY BACKGROUND:

The 4.55-acre, wooded tract, located at 420 S. Highway M-291 is not developed. It has 320-feet of frontage along Highway M-291. Until the most recent Comprehensive Plan, this corridor had been envisioned for commercial development and still has associated commercial and industrial zoning. The applicant's property has been commercially and industrially zoned since 1965.

PHYSICAL CHARACTERISTICS OF THE PROPERTY:

The heavily wooded tract abuts one right-of-way, Highway M-291. There is an existing entrance/curb cut provided along the highway. The presence of a Jersey barrier will allow for only right-in and right-out traffic. The topography is a little rough, but generally flat. Sanitary sewers are not available, and water is a few hundred feet distant away. The property is currently not platted.

CHARACTERISTICS OF THE AREA:

The area north of the tract is largely an open field and undeveloped. The property to the south is undeveloped and densely wooded. The property directly to the west to the tract is a legal nonconforming savage yard. To the east lies Highway M-291. Further to the northeast, is a single-family neighborhood.

PROPOSAL:

The applicant seeks to rezone the property from C-2 to I-1 in order to align the zoning with that of the properties adjacent to the north. The property has been undeveloped and vacant for many years and is not suitable for residential use given its location along the M-291 corridor and the use of abutting and nearby properties. The prospective buyer intends to establish a CDL truck driving course on the property. The Comprehensive Plan envisions Residential Established Neighborhoods.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

Rezoning this property would be consistent with the *Independence for All*, Strategic Plan. One of the objectives of the strategic plan include...to support development of industrial and office parks. Rezoning this property to industrial may move the City of Independence closer to achieving this objective.

Comprehensive Plan Guiding Land Use Principles:

One of the guiding principles outlined in the Comprehensive Plan is to "Foster redevelopment opportunities within the City to revitalize unused or under used property." The policies derived from this principle encourage "redevelopment or adaptive reuse of vacant or underutilized buildings and sites." Rezoning this property to I-1 (Industrial) and allowing an industrial use may foster use of this

vacant and underutilized property with limited access to utilities.

Zoning:

Section 14-302-02-C of the Unified Development Ordinance defines I-1 districts as being “intended to accommodate low to moderate impact service industrial uses activities”.

Historic and Archeological Sites:

There are no apparent historic or archeological sites located on this property.

Public Utilities:

Electric services are available along the north property line, water is an available from a few hundred feet away and sewer service is unavailable at this time.

Final Plan Review and Municipal Services Permit:

Before constructing pavement for an envisioned commercial truck driving course, a Final Plan Review must be submitted to Planning and Zoning and then permits, engineering plans and calculations must be provided to Development Services. Planned access from Highway M-291 will have to be cleared by the Missouri Department of Transportation (MoDOT) as well as the City’s traffic engineer.

Access:

Access to the tract would be from an existing drive that is only right-in and right-out given the Jersey barrier. MoDOT and Municipal Services might require a study and a modification of the entrance.

Paved Surface:

The proposed driving school course, according to the applicant, will simply be a paved surface with paint and cones. The remainder of the property will be green space, including a detention basin for storm water runoff.

Vehicle Storage:

Given the tract for the proposed driving school course is adjacent to an R-6 zoned district and near another, rather than being at least 500-feet away, vehicles cannot be stored on this lot. Any proposed equipment shed should be on the Final Plan Review and meet Nonresidential Design Requirements along with any required Building Permits.

Fencing to Enclose Property:

Without a principle structure to define the exterior and interior yards, fencing to enclose the property cannot be provided.

Landscaping and Buffer/Screen:

Street trees and Parking Lot Perimeter plantings will have to be provided per Code. A 15-foot wide residential buffer with an opaque fence and required plantings per Code must be provided as a screen abutting the R-6 zoning along the south property line.

Stormwater:

When a Final Plan Review is submitted to Planning and Zoning and a permit is applied for with Development Services, storm water detention calculations for the proposed impervious driving surface will be necessary. This property is not located in Stream Buffer Zone or federally designated

floodplain.

CIP Investments:

There are no MODOT or City CIP Investments planned for this area at this time.

REVIEW CRITERIA

Recommendations and decisions on rezoning applications must be based on consideration of all of the following criteria:

1. Conformance of the requested zoning with the comprehensive plan.

The Comprehensive Plan envisions this area to be Residential Neighborhoods.

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 recent neighborhood or sub-area plans for this area.

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

Properties along this portion of the Highway M-291 corridor are zoned R-6 (Single-Family Residential), C-1 (Neighborhood Commercial), C-2 (General Commercial) and I-1 (Industrial). Surrounding uses include: legal nonconforming salvage, tow/auto storage lots, undeveloped woodlands and fields, and single-family residences.

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

The proposed zoning, I-1 and associated industrial uses, would be compatible with some of surrounding uses (particularly west of the highway). There is a single-family subdivision northeast of this site across Highway M-291.

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

The current zoning, C-2 (General Commercial), is not well suited for this site. The Jersey barrier, eliminating left-in and left-outs, makes access problematic. Most importantly, the property lacks water, sewer and easy electrical connections. Further, properties in the area are undermined and makes building structures problematic as well.

6. The length of time the subject properties have remained vacant as zoned.

The property is mostly wooded and has never been developed.

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

Allowing this proposed zoning should not be detrimental to nearby properties.

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 were denied, the applicant would have a zoning that is not usable given the lack of utilities and site instability. If approved, the proposed use (and future industrial uses) would have minimal impact on the area.

EXHIBITS

1. Narrative
2. Application
3. Notification Letter
4. Addresses
5. Affidavit
6. Photo 1
7. Photo 2
8. Aerial Image
9. Comp Plan Map
10. Zoning Map