

**MEETING DATE:** October 24, 2023

**STAFF:** Brian L. Harker, Planner

**PROJECT NAME:** Regency Heights – 11<sup>th</sup> Plat Rezoning

**CASE NUMBER/REQUEST:** Case 23-100-26 – Rezoning – 1220, 1221, 1224, 1227, 1233 N. Old Mill Road – Regency Heights (and former Timber Creek Ranch lots) Rezoning – A request by Andachter-Pollard Development to rezone this property from R-4 (Single Family Residential – Low Density) to R-6 (Single Family Residential).

**APPLICANT:** James Pollard, Andachter-Pollard Development, LLC

**PROPERTY ADDRESSES:** 1220, 1221, 1224, 1227 and 1233 N. Old Mill Road

**SURROUNDING ZONING/LAND USE:**

**N/E/S:** R-4 (Single-Family Residential-Low Density)...single-family residences

**West:** R-6 (Single-family Residential)...undeveloped lots

**PUBLIC NOTICE:**

- Letters to internal and external property owners – September 22, 2023
- Public Notice published in the Independence Examiner – October 7, 2023
- Signs posted on property – October 6, 2023

**FURTHER ACTION:**

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on November 20, 2023 and the public hearing/second reading on December 4, 2023.

**RECOMMENDATION**

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

**PROJECT DESCRIPTION & BACKGROUND INFORMATION**

**PROJECT DESCRIPTION:** A request by Andachter-Pollard Development to rezone this property from R-4 (Single Family Residential-Low Density) to R-6 (Single-Family Residential).

**Current Zoning:** R-4 (Single-Family Residential Low Density)      **Proposed Zoning:** R-6 (Single-Family Residential)

**Current Use:** Vacant lots

**ZONING HISTORY:**

Prior to 2003, the property was zoned A-1 (Agricultural)

**PROPOSAL:**

The properties included in this proposed rezoning (part of Timber Creek Ranch) are undeveloped tracts that are currently zoned R-4 (Single-Family Residential Low Density). The lots need to be rezoned so these lots, and the lots from Regency Heights, can create a “seamless” connection between the two subdivisions. Regency Heights is zoned R-6. The configuration, with the least setbacks, would necessitate a Regency Heights – 11<sup>th</sup> Plat. The result will be a plat with five lots, all made from a tract of land from each existing subdivision.

**PHYSICAL CHARACTERISTICS OF PROPERTY:**

The proposed five lot plat, Regency Height – 11<sup>th</sup> Plat, has fairly flat topography. The right-of-way, with curb and gutter, running southeast to northwest and connecting two segments of Old Mill Road in each subdivision, will be dedicated to the City with this plat.

**CHARACTERISTICS OF THE AREA:**

To the east and south of the properties, in Timber Creek Ranch, set single-family houses on R-4 zoned lots. The area of Timber Creek Ranch, to the Northeast, has yet to be completed. To the west are the R-6 zoned lots of Regency Heights. Although the lots on portion of Regency Heights adjacent to the west remain undeveloped, Regency Heights is an addition that has been developing for more than a couple of decades.

**ANALYSIS**

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

The application is within keeping with the Measures for Success for, “Improved housing conditions.”

**Comprehensive Plan Guiding Land Use Principles for the Current Designation:**

The City Comprehensive Plan recommends Residential Neighborhoods uses for this site. The Guiding Principles state the need to, “facilitate the development of connected...neighborhoods.”

**Sub-Area Plans:**

The vicinity around the lot is located within the Little Blue Valley Plan Area. Residential use was envisioned with this plan.

**Zoning:**

The proposed R-6 (Single-Family Residential) zoning classification allows for one-family dwellings and various other uses (schools, churches, government facilities, cemeteries, home-based daycare, agriculture and others with conditions). Currently, the property is zoned R-4 (Single-Family Residential–Low Density) which allows for the same uses. The R-6 zoning is a better match considering the lot size and setbacks.

**Historic and Archeological Sites:**

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

**Public Utilities:**

All utility services are adjacent or nearby.

**Floodplain/Stream Buffer:**

There is not a federal designated floodplain present on the properties. While there is no stream buffer associated with this rezoning area, the Final Plat for Regency Height -11<sup>th</sup> Plat must fully delineate the stream buffer for the first order stream and must have an 85-foot wide buffer which

lies within both Lots 325 and 329. Adjacent to these properties, to the south, is a tract containing a detention basin for Regency Heights.

**Public Improvements:**

No additional public improvements would be required. The street, in the right-of-way to be dedicated, has already been constructed.

**CIP Investments:**

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

**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 for the area. A Guiding Principle of the Comprehensive Plan states the need to, “facilitate the development of connected ...neighborhoods”.*

**2. Conformance of the requested zoning with any adopted neighborhood or sub-area plans in which the property is located or abuts.**

*The lots are located within the Little Blue Valley Plan Area. This plan envisioned residential uses in this area.*

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

*There are many nearby, undeveloped R-6 lots to the west and developed and undeveloped R-4 lots to the East.*

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

*The proposed R-6 zoning is compatible with the area’s existing and planned housing densities.*

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

*The R-4 zoning prevents these lots from being solely located within the Regency Heights HOA controlled detention area.*

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

*The property has been vacant for approximately two decades since the subdivision began.*

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

*The rezoning should have no detrimental effect on area properties. The rezoning will still permit and limit the lots to single-family uses.*

**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 rezoning is denied, the replat to “bridge” the subdivisions could not be completed.*

## **EXHIBITS**

1. Applicant Narrative
2. Application
3. Notification letter
4. Address List
5. Affidavit
6. Rezoning Exhibit
7. Comprehensive Plan map
8. Zoning map