

City of Independence

Community Development Department

Revised Staff Report

May 14, 2019

TO: Planning Commission

PREPARED BY: Community Development Department

ITEM: Case #19-100-05 – Rezoning – 15804 E. Cogan Lane and 15803 E. US 24 Highway

PROJECT DESCRIPTION

Dan Wilson, representing Wilson Homes and Construction, Inc., requests to zone 15804 E. Cogan Lane and 15803 E. US 24 Highway from R-6 (Single-Family Residential), R-18/PUD (Moderate Density Residential/Planned Unit Development) and C-2 (General Commercial) to R-6 (Single-Family Residential) and C-3 (Service Commercial).

RECOMMENDATION

Staff recommends **APPROVAL** of this Rezoning.

PROJECT INFORMATION

Applicant: Wilson Homes and Construction, Inc.

Owner: Dan Wilson

Engineer/Surveyor: Fred Byam

Existing Zoning: R-6 (Single-Family Residential)
R-18/PUD (Moderate Density Residential/Planned Unit Development)
C-2 (General Commercial)

Proposed Zoning: R-6 (Single-Family Residential)
C-3 (Service Commercial)

Proposed Use: Three commercial lots and seven residential lots

Land Area: 5.495-acres

Surrounding Zoning and Land Uses

North: C-2...retail store

South: R-6...single-family residences

East: R-6 and C-1...large lot single-family residences

West: C-2...auto repair, animal groomer, used car sales and residences

Thoroughfare Plan: US 24 Highway = highway
Cogan Lane = local street

PROJECT DESCRIPTION

Wilson Homes and Construction intends to rezone and replat two tracts of land into an eight lot subdivision consisting of a commercial lot and seven residential lots. Lot 8 (the vacant lot to the north and the northwest portion of the lot to the east with a gutted house) will be rezoned to C-3 (Service Commercial) to permit the outdoor storage of vehicles and equipment. The remainder of the lot (not given over to Lot 8) will be a residential addition, zoned R-6 (Single-Family Residential). It will consist of six 10,350 square feet lots and one 42,640 square foot lot, all with frontages along Cogan Lane.

ANALYSIS

Existing Conditions – This site is relatively flat and semi-cleared. Remaining trees are scattered about the properties and along the existing property lines. There is still an existing residential structure at 15804 E. Cogan Lane that has yet to be moved.

Street Design – The area of the rezoning abuts two rights-of-way, US 24 Highway and Cogan Lane. Half-street improvements with sidewalks will be required for the northern side of the Cogan Lane right-of-way.

Access –Development on Lot 8 will access US 24 Highway in a manner as required by MoDOT. Lots 1 through 7 will access directly onto Cogan Lane similar to other residences along this stretch of Cogan Lane.

Stormwater Management – The commercial property is responsible for its own on-site detention; however, the residential lots will drain to the detention basin on Lot 7. This will require an easement, with notation on the plat, that the owner of Lot 7 will maintain the basin.

Residential Screening – A 15-foot wide landscape buffer with a solid fence will be required along the east and south sides of Lot 8.

Historic Buildings and Sites/Archeological Sites – There are no apparent historic or archeological issues with these properties.

Public Utilities – All pertinent utilities are available in the rights-of-way or nearby easements.

Fire Protection –The Fire Department will require hydrants in the US 24 Highway and Cogan rights-of-way. The locations will be influenced by how far the commercial and residential structures on Lots 7 and 8 are off the roads.

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 Residential Neighborhood uses for this area. Lot 8 is already commercially zoned;*
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 sub-area plans for this area;*

3. The compatibility of the proposed zoning with the zoning and use of nearby property, including any overlay zoning — *The new C-3 zoning is compatible with adjacent and nearby commercial uses along the US 24 Highway corridor. The new R-6 zoning will be a down zone from an existing R-18/PUD zoning and would be compatible with the surrounding R-6 zoning;*
4. The compatibility of the proposed zoning and allowed uses with the character of the neighborhood – *The new C-3 zoning is compatible with adjacent US 24 Highway corridor uses and character. The R-6 zoning is reflective of the existing, nearby single-family residential pattern;*
5. The suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations – *The existing C-2 and R-6 zonings are suitable for the corridor. The existing R-18/PUD is more suitable for R-6 zoning given the nearby single-family neighborhood;*
6. The length of time the subject property has remained vacant as zoned – *The existing tracts have been cleared within the past year;*
7. The extent to which approving the rezoning will detrimentally affect nearby properties – *If the commercial lot is developed with the proper screening/buffering and other City Code requirements; it should have a limited impact on the residential 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 – *Existing residential development will not abut any C-3 use. Existing single-family uses will set across Cogan Lane from R-6 rather than R-18/PUD zoning.*

EXHIBITS

1. Applicant narrative
2. Zoning letter to adjacent property owners
3. Property owner list
4. Mailing affidavit
5. Rezoning plat

PUBLIC NOTICE

Letters mailed to adjoining property owners – April 24, 2019
Public notice published in Independence Examiner – April 27, 2019
Sign was posted on property

Vicinity Map

