

MEETING DATE: June 9, 2020

STAFF: Stuart Borders, Senior Planner

PROJECT NAME: JWP Properties Rezoning

CASE NUMBERS/REQUEST: Case 20-100-05 – Rezoning – 2415 S. R. D. Mize Road – JWP Properties request to rezone its property from C-2 (General Commercial) to R-6 (Single Family Residential)

APPLICANT/OWNER: JWP Properties

PROPERTY ADDRESS: 2415 S. R. D. Mize Road

SURROUNDING ZONING / LAND USE:

- North:** R-30/PUD (High Density Residential/Planned Unit Development), C-2; Fitness park, City facilities
- South:** R-6, C-2; Church, vacant land, residential properties
- East:** R-6; vacant residential property, elementary school
- West:** C-2; landscaping business, hair salon, single family home

PUBLIC NOTICE:

- Letters to adjoining property owners – May 4, 2020
- Public Notice published in the Independence Examiner – April 25, 2020
- Sign posted on property – April 22, 2020

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on July 6th and the public hearing/second reading on July 20th.

RECOMMENDATION

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

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: JWP Properties requests to rezone its property at 2415 S. R. D. Mize Road from C-2 (General Commercial) to R-6 (Single Family Residential).

Current Zoning: C-2 (General Commercial)

Proposed Zoning: R-6 (Single Family Residential)

Current Use: Single family home

Proposed Use: Single-Family Residence

Acreage: Total acreage: 0.31 +/-

BACKGROUND:

In January 2018, property owner Jason Palmer rezoned this entire tract from R-6 (Single-Family Residential) to C-2 (General Commercial). This property abutting R. D. Mize Road contains a parking lot, a small house and church building. At that time, Mr. Palmer sought to rezone the property and convert the church building into a banquet hall, to be used for anniversary parties, banquets, and wedding receptions; however such plans have not come to fruition. Recently he received an offer to sell the house independently of rest of the property. To this end, he is in the process of replatting this property to create a lot for the house and rezoning it to R-6.

The occupied house is a white, two-story, wood frame structure resting close to the street with a driveway on its northern side.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

Downzoning the part of this underutilized property from C-2 to R-6 will help sustain the residential character of the neighborhood on the east side of R. D. Mize Road.

Comprehensive Plan Guiding Land Use Principles:

The City Comprehensive Plan recommends Residential Neighborhood uses for this site. The continued use of the site for residential property is more appropriate here than the conversion of the house into small office or retail space.

Historic and Archeological Sites:

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

Public Utilities:

Both the house, and the adjoining church, are served independently by all public utilities.

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 site.

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 nearby property, including any overlay zoning.

Adjacent to the north and across the street to the west are park and commercial uses zoned R-30/PUD, C-1 and C-2, respectively. The residential zoning, to the south and east, feature the rear yards of deep single-family lots and an elementary school.

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

This area on the east side of R. D. Mize has a more residential character, consisting of a church (now zoned C-2), school and residential properties to the east and south. On the west side of the street however all properties are zoned some level of commercial and generally in commercial use.

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

While this small house could be converted into an office or small retail use, it was designed and constructed as a single family home and use that way for decades.

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

The house is currently occupied as a residence.

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

The rezoning would be compatible with zoning to the east and south and will have no detriment effect on the multi-family and commercially zoned properties to the north and west.

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 it, would have a negative financial effect on the owner as he would not be able to convey the property for use as a single family home.

EXHIBITS

1. Applicant Narrative
2. Mailing affidavit
3. Applicant's letter
4. Notice to surrounding property owners
5. Rezoning map
6. Zoning map
7. Comprehensive plan