

MEETING DATE: July 28, 2020

STAFF: Stuart Borders, Senior Planner

PROJECT NAME: S. Northern Boulevard City Rezoning

CASE NUMBER / REQUEST: Case 20-100-08 – Rezoning – 711 and 715 S. Northern Boulevard – City of Independence requests to rezone the property from I-1 (Industrial) to R-6 (Single Family Residential)

APPLICANT: City of Independence

OWNERS: 711 S. Northern Boulevard – Kenneth and Rebecca Jennings, Trustees
715 S. Northern Boulevard – Jeremy Deutscher, Mid-America Investment Group

PROPERTY ADDRESSES: 711 and 715 S. Northern Boulevard

SURROUNDING ZONING / LAND USE:

North: R-12 (Two Family Residential); duplexes, single family homes
South: I-1; Industrial supply company, other industrial uses
East: I-1; undeveloped
West: R-12; church property, single family homes

PUBLIC NOTICE:

- Letters to adjoining property owners – July 10, 2020
- Public Notice published in the Independence Examiner – July 11, 2020
- Sign posted on property – July 10, 2020

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on August 17th and the public hearing/second reading on September 8th.

RECOMMENDATION

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

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: – City of Independence requests to rezone the property at 711 and 715 S. Northern Boulevard from I-1 (Industrial) to R-6 (Single Family Residential).

Current Zoning: I-1 (Industrial)

Proposed Zoning: R-6 (Single Family Residential)

Current Use: Single family homes

Proposed Use: Single family homes

Acreage: 0.77 acres (combined lots)

BACKGROUND & HISTORY:

Years ago it was City practice to zone portions of the city to either C-2 (General Commercial) or I-1 (Industrial) with the idea that pre-emptive rezoning these areas would encourage economic development. Most of the City's thoroughfares were strip zoned commercial for future retail use while areas along rail lines were zoned industrial. As much of this land has failed to develop as non-residential use as desired, the property has remained in residential use or undeveloped. Over the past decade, the City has rezoned several hundred properties from commercial and industrial zoning to residential zoning. This particular case concerns two such I-1 zoned lots in residential use between Truman Road on the south and US 24 Highway to the north. A few months ago the owner of the 715 property approached the City to help to rezone 715 in order to refinance it; the 711 lot was later added to the request. Banks will generally not make loans on property containing a nonconforming use due to the financial risk so it is necessary to rezone the site to the proper zoning.

These lots are trapped between lands to the south also zoned I-1 but actually in industrial use and lots to the north which are zoned R-12 (Two Family Residential) and contain single family homes or duplexes. The 711 property contains a small, older, wood frame single family home while the 715 property contains a similar style house that was converted into a two family dwelling many years ago. With the proposed R-6 zoning, the owner of 715 is aware that if the duplex is destroyed, only a single family home may be reconstructed on the site.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

Downzoning these properties from I-1 to R-6 will help sustain the residential character of the neighborhood north of the true industrial property and allow the land owners to refinance and make improvements to their property.

Comprehensive Plan Guiding Land Use Principles:

The City Comprehensive Plan recommends Residential Urban Neighborhood uses for this site. The continued use of the site for residential use is more appropriate here than the conversion of the houses into some manner of industrial use.

Historic and Archeological Sites: There are no apparent historic/archeological issues with this property.

Public Utilities: All utilities are present on the site and operational.

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 Urban 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 single and two family homes and church property zoned R-12 (Two Family Residential). This rezoning is compatible with the zoning and use of those properties.

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

This area of S. Northern Boulevard just north of the actual industrial uses, has a residential character, consisting of a church and residential properties to the east and north to near E. 24 Highway.

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

The possible use of these two small residential lots for industrial purposes is negligible, as both of the houses have limited floor area, and the size of both of the lots combined is less than an acre.

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

The houses are currently occupied as a residences.

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

The rezoning would be similar to the zoning to the west and north will have no detriment effect on the industrially zoned properties to the south and east.

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 owners as they would not be able improve or rebuild houses on the lots and the property has minimal industrial potential.

EXHIBITS

1. Letter from property owners
2. Mailing Affidavit
3. Mailing List
4. Comprehensive Plan Map
5. Zoning Map