

**MEETING DATE:** October 13, 2020

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

**PROJECT NAME:** S. Ralston Avenue Vicinity City Initiated Rezoning

**CASE NUMBER/REQUEST:** Case 20-100-09 – Rezoning – S. Ralston Avenue Vicinity – City of Independence requests to rezone the area properties from R-18/PUD (Medium Density Residential) to R-6 (Single Family Residential)

**APPLICANT:** City of Independence

**PROPERTY ADDRESSES:** 10416, 10530, 10612 and 10616 E. 14<sup>th</sup> Street S.; 1300, 1302, 1304, and 1331 S. Hedges Avenue; 1300, 1304, 1305, 1307, 1309, 1314, 1315, 1316, 1317, 1325, 1327, 1328, 1329, 1330 and 1335 S. Ralston Avenue; 1201, 1203, 1205, 1207, 1208, 1209, 1211, 1213, 1214, 1215, 1217, 1218, 1219, 1224, 1228 and 1234 S. Willow Avenue; 1209, 1215, 1217, 1221, 1227, 1229, 1231, 1233 and 1235 S. Hardy Avenue

**SURROUNDING ZONING/LAND USE:**

**North:** C-2 and R-18/PUD...auto repair, tow lot and multiple-family property  
**Northwest:** C-2 and R-12...carwash and single-family homes  
**South:** R-12...one and two-family homes  
**East:** Railroad right-of-way  
**West:** R-12...single-family homes

**PUBLIC NOTICE:**

- Letters to adjoining property owners – September 23, 2020
- Public Notice published in the Independence Examiner – September 26, 2020
- Sign posted on property – September 23, 2020

**FURTHER ACTION:**

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on November 2, 2020 and the public hearing/second reading on November 16, 2020.

### RECOMMENDATION

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

### PROJECT DESCRIPTION & BACKGROUND INFORMATION

**PROJECT DESCRIPTION:**

City of Independence requests to rezone 49 properties located between E. Truman Road (on the north) and E.14<sup>th</sup> Street S. (on the south), and the railroad right-of-way (on the east) and S.

Hardy Avenue (on the west) from R-18/PUD (Medium Density Residential/Planned Unit Development) to R-6 (Single-Family Residential).

**Current Use:** Single-family homes and vacant lots  
**Number of Lots:** 49

**Proposed Use:** Single-family homes

#### **BACKGROUND & HISTORY:**

Years ago, the City zoned much of the Northwest Quadrant of Independence to the two-family and multiple-family categories, given much of the newer owner-occupied single-family housing stock was constructed in the southern and eastern parts of the City. Concentrating two-family and multiple-family housing in the central and northwestern parts of the City was reflective of the fact that many older homes in the area had been divided up during World War II and the post-war housing shortage. Further, the multiple-family uses were seen as a potential “buffer” zoning between the commercial and railroad uses and the less intense residential uses to the south and west. The current legal nonconforming situation resulted in 1980 when a change in the City’s zoning ordinance eliminated “pyramid-zoning”, thus not allowing the uses of less intense zonings within districts that are more restrictive unless otherwise listed.

Recently, an owner rehabilitating a structure at 1330 S. Ralston Avenue found he could not restore a single-family residence without rezoning the property given its nonconforming status. This alerted staff of similar situations that existed throughout the three-block area. If not corrected, not only does the UDO prevent restoring existing or constructing new single-family houses in the neighborhood, but can make it difficult when taking out mortgages or refinancing in the area.

#### **ANALYSIS**

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

Downzoning these properties from R-18/PUD to R-6 will help sustain the single-family residential character of the neighborhood and allow the landowners to refinance and make improvements to their property.

##### **Comprehensive Plan Guiding Land Use Principles:**

The City Comprehensive Plan recommends Residential Neighborhood and some Mixed Uses for this three-block area. The continued use of these lots for single-family residential uses is more appropriate than the conversion of the houses into some manner of multiple-family use.

**Historic and Archeological Sites:** There are no apparent historic/archeological issues with these properties.

#### **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 and Mixed Uses for this area;*

- 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.**

*Lying to the south and to the west are one and two-family homes zoned R-12 (Two-Family Residential). This rezoning is compatible with the proposed zoning and use of those properties;*

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

*This three-block area in the vicinity of S. Ralston Avenue has mostly a single-family residential character, consisting of single-family residential properties, and two-family and multiple-family properties that will be excluded from this request;*

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

*The possibility of these area structures build as single-family residences being used as multiple-family rentals might further destabilize the neighborhood;*

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

*All the homes in the neighborhood appear to be occupied, but there are a couple of vacant lots;*

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

*The rezoning would be compatible to the R-12 zoning to the west and south and should not have any detrimental effect on the commercially zoned properties to the north;*

- 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.*

## **EXHIBITS**

1. Inner letter and mailing list
2. Outer and enclave letter and mailing list
3. Mailing affidavit
4. Letter from Ralston property owner
5. Rezoning Map
6. Future Land Use Map