

**MEETING
DATE:**

October 27, 2020

STAFF: Brian L. Harker, Planner

PROJECT NAME: Jacobsen Art and Design

CASE NUMBERS/REQUEST: Case 20-100-11 – Rezoning – Tim O’Neil and Amie Jacobsen seeks to rezone 1450 W. Lexington Avenue from I-1 (Industrial) and R-6 (Single-Family Residential) to C-1 (Neighborhood Commercial)

APPLICANT: Tim O’Neil and Amie Jacobsen

OWNER: James R. McQuerry

PROPERTY ADDRESS/LOCATION: 1450 W. Lexington Avenue

SURROUNDING ZONING/LAND USE:

North: I-1...railroad right-of-way
South: C-1...funeral home
East: C-2 and C-1...office and storage buildings and crematorium
West: R-6...residential homes and vacant lots

PUBLIC NOTICE:

- Letter to adjoining property owners – October 4, 2020
- Public Notice published in the Independence Examiner – October 10, 2020
- Signs posted on property – October 8, 2020

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for its first reading by the City Council on November 16th and the public hearing/second reading on December 7th.

RECOMMENDATION

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

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION:

Jacobsen Art and Design seeks to rezone this property at 1450 W. W. Lexington Avenue from I-1 (Industrial) and R-6 (Single Family Residential) to C-1 (Neighborhood Commercial) to permit an artisan manufacturing/live-work space.

Current Zoning:	I-1 (Industrial) R-6 (Single-Family Residential)	Proposed Zoning:	C-1 (Neighborhood Commercial)
Current Use:	Industrial Building	Proposed Use:	Artisan Manufacturing/Residential)

Acreage: Total acreage: 1.397-acres

BACKGROUND:

According to the applicant, 1450 W. Lexington Avenue would work well for their intended purposes, a live-work space for artisan wood working and sculpturing. The applicant's crafts/sculpturing operation would conveniently include a residential apartment. District C-1 (Neighborhood Commercial) permits artisan-manufacturing uses in the same structure as a residential living component. This zoning would also permit an onsite gallery/retail component as well.

The main floor will be a metal shop for table base and large sculptural work. The basement would serve as a wood shop for artisan wood workers. The smaller space, on the upper floor, would be the living space.

In front of the building and adjacent to the front parking and driving surface, the owners envision an area for sculptures and gardens. Further, the building permit approval will require a landscaping plan and plantings installed per code.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

The proposal relates to the Goal "Increase economic prosperity of community". It also helps the strategy to retain the city's businesses.

Comprehensive Plan Guiding Land Use Principles:

A relevant Guiding Land Use Principle for this site is that it provides affordable commercial space for small startup, new or growing businesses. It also addresses the policy to "Encourage redevelopment or adaptive reuse of vacant or underutilized buildings and sites."

Historic and Archeological Sites:

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

Public Utilities:

All utility services are readily available

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.

The area of the rezoning lies between commercial and industrial zonings and uses and single-family zonings and uses.

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

The structure and previous use were industrial in nature. The exterior of the existing building will be improved, and the proposed artisan manufacturing and residential uses will be less intense than the previous use.

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

The property's I-1 zoning is too intense for the surrounding neighborhood and a commercial/residential use more in keeping with the existing character.

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

The existing structure has been underutilized for over a decade.

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

As this site has been used for Industrial uses for decades before being vacant, down zoning and allowing artisan and residential uses will not be detrimental to nearby commercial and single-family residential 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 the rezoning is denied, it would impose a hardship on the owner as it would prevent the applicant from using an existing building that would easily function for their live/work needs. Approval would limit the property to less intense uses than the current zoning would permit.

EXHIBITS

1. Applicant's letter
2. Pictures of sample work
3. Floor plans
4. Outdoor sculpture and gardens
5. Mailing affidavit, map and mailing list
6. Rezoning plat
7. Zoning map
8. Comprehensive plan