

MEETING DATE: November 17, 2020

STAFF: Stuart Borders, Senior Planner

PROJECT NAME: 1201 S. Osage Street Rezoning

CASE NUMBER / REQUEST: Case 20-100-12 – Rezoning – 1201 S. Osage Street – Steve Ipock requests to rezone this property from I-1 (Industrial) to R-12 (Two Family Residential)

APPLICANT/OWNERS: Steve Ipock, BBI Holdings, LLC

PROPERTY ADDRESSES: 1201 S. Osage Street

SURROUNDING ZONING / LAND USE:

- North:** C-2 (General Commercial), I-1 (Industrial); Auto repair, City fire station
South: R-6 (Single Family Residential), R-12 (Two Family Residential) Single- and two-family homes
East: C-2, I-1; residential property
West: R-12, I-1; Vacant property, duplex

PUBLIC NOTICE:

- Letters to adjoining property owners – October 31, 2020
- Public Notice published in the Independence Examiner – October 31, 2020
- Sign posted on property – October 29, 2020

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on December 7th and the public hearing/second reading on December 21st.

RECOMMENDATION

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

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: – Steve Ipock requests to rezone the property at 1201 S. Osage Street from I-1 (Industrial) to R-12 (Two Family Residential).

Current Zoning: I-1 (Industrial)

Proposed Zoning: R-12 (Two Family Residential)

Current Use: Vacant building

Proposed Use: Two family home

Acreage: 0.24 acres (total lot area)
8,200 SF+/- (area to be rezoned)

BACKGROUND & HISTORY:

Only the northern 60 feet of this 'L' shaped lot is zoned I-1, the remainder is zoned R-12, and has been since at least the mid-1960's. Although this building on S. Osage has been vacant for a few years, it has seen both residential and commercial usage in its past. After a recent fire in its lower level caused the building to be tagged as 'Dangerous', the applicant purchased the property with the intent to rehab it into a two-unit dwelling. The structure contains roughly 3,750 SF divided evenly among two floors. A driveway from the dead-end of S. Osage provides access to parking areas on the north and east sides of the lot. Much of the interior will be remodeled; work to the building's exterior will related to primarily maintenance and repair work.

Although this site adjoins W. 23rd Street, the road surface of the Arterial is 20+/- feet above the grade of this lot. This portion of S. Osage Street terminates in front of the property and is accessed via Southside Boulevard.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

Downzoning this property from I-1 to R-12 will help sustain the residential character of the neighborhood south of the site and allow the owner to make improvements and rent out its property.

Comprehensive Plan Guiding Land Use Principles:

The City Comprehensive Plan recommends Commercial uses for this site. However, due to the site's conditions of limited access combined with the residential character of the surrounding neighborhood, its highest and best use is for residential use; more so than the use of the structure for commercial or industrial activity.

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 Community Commercial 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.

Portions of the properties directly to the east and west are zoned I-1 but are either vacate or are in residential use. As the land to the south is zoned R-6 or R-12 and in residential use, 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.

The rezoning of the property to R-12 and the building converted into a two family dwelling is more in keeping with the character of the neighborhood than current I-1 zoning and its use as business property.

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 this property for industrial purposes is negligible due to its isolated location and smaller size.

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

The building has been vacant for several years.

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

As the proposed will be the same zoning to south and be used for residential use, it will have no detriment effect on the properties to the south, east 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 they would not be able improve the property that has minimal industrial potential.

EXHIBITS

1. Applicant's letter
2. Mailing affidavit
3. Mailing list
4. Comprehensive Plan map
5. Zoning map