

**MEETING
DATE:**

February 23, 2021

STAFF: Brian Harker, Planner

PROJECT NAME: Main Street Rezoning

CASE NUMBERS/REQUEST: Case 21-100-02 – Rezoning – 1327 and 1329 S. Main Street – Carolyn McCarthy requests to rezone properties from C-2 (General Commercial) to R-6 (Single-Family Residential)

APPLICANT/OWNER: Carolyn McCarthy

PROPERTY ADDRESS: 1327 and 1329 S. Main Street

SURROUNDING ZONING/LAND USE:

North/West: R-6 (Single-Family Residential)...single-family residences

South/East: C-2 (General Commercial)...undeveloped and restaurants

PUBLIC NOTICE:

- Letters to adjoining property owners – January 22, 2021
- Public Notice published in the Independence Examiner – February 6, 2021
- Sign posted on property – February 5, 2021

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on March 15, 2021 and the public hearing/second reading on April 5, 2021.

RECOMMENDATION

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

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: Carolyn McCarthy requests to rezone the properties at 1327 and 1329 S. Main Street 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: Residential and undeveloped

Proposed Use:

Single-family residence
vacant lot

Acreage: Martha's Vineyard Lot 52 –
9,381-square feet
Martha's Vineyard Lot 51 –
9,506-square feet

BACKGROUND:

The applicant and owner, residing at 1329 S. Main Street, intends to refinance her home. However, this property, and a vacate lot she owns adjacent to the north, are zoned C-2 (General Commercial). The existing structure has always been a single-family residence and both lots have been zoned C-2 (or C-P-2) since 1978. The Comprehensive Plan envisions commercial uses for both lots. Further, the property was envisioned as part of a redeveloped effort to build a shopping center along the west side of the Noland Road corridor that never came to fruition.

The properties to the north and across N. Main Street are zoned R-6 (Single-Family Residential) and have had single-family residential uses for decades.

ANALYSIS

The Proposal's Consistency with *Independence for All*, Strategic Plan:

There are no policies in this plan to address this type of issue. This rezoning would help to preserve diverse residential housing options.

Comprehensive Plan Guiding Land Use Principles for the Current Designation:

The City Comprehensive Plan recommends Commercial uses for this site. As mentioned above this area was envisioned to be part of a commercial development that never came together. Preserving this residential structure currently makes the most sense.

Historic and Archeological Sites:

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

Public Utilities:

Water, sewer and electrical services are available to the properties.

REVIEW CRITERIA

Recommendations and decisions on rezoning applications must be based on consideration of all the following criteria:

1. Conformance of the requested zoning with the Comprehensive Plan.

The Comprehensive Plan envisions Commercial uses for this site however residential at this site currently makes more sense as the proposed commercial development never happened.

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 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 proposed zoning is compatible with the existing single-family residential properties in the vicinity along Main Street.

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

This existing residence is a single-family home of similar design to those nearby.

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

Considering its location along a side street, it has little potential commercial use.

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

The property has long been used for residential purposes.

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

The rezoning will have no detrimental effect on area properties.

- 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 she would not be able to refinance the property.

EXHIBITS

1. Applicant's letter
2. Mailing affidavit
3. Aerial map
4. Zoning map
5. Comprehensive plan map