

**MEETING  
DATE:**

February 23, 2021

**STAFF:** Stuart Borders

**PROJECT NAME:** S. Glenwood Rezoning/Planned Unit Development

**CASE NUMBER/REQUEST:** 21-125-01; Travis Thonen seeks to rezone the property at 2301 S. Glenwood from C-2 (General Commercial) to R-6 (Single Family Residential); and, rezone 9401 E. 23<sup>rd</sup> Street from C-2 (General Commercial) to R-30/PUD (High Density Residential/Planned Unit Development) and approval of a Preliminary Development Plan.

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**APPLICANT/OWNER:** Travis Thonen

**PROPERTY ADDRESSES/LOCATION:** 2301 S. Glenwood Avenue and 9401 E. 23<sup>rd</sup> Street

**SURROUNDING ZONING/LAND USE:**

**N:** C-2 (General Commercial); Single family homes

**S:** R-6 (Single Family Residential); Single family homes

**E:** C-2; Single family homes

**W:** C-2; Undeveloped

**PUBLIC NOTICE:**

- Letter to adjoining property owners – January 27, 2021
- Public Notice published in the Independence Examiner – February 6, 2021
- Sign posted on property – February 8, 2021

### RECOMMENDATION

*Note - The Planning Commission must vote on each rezoning application separately.*

Staff recommends **approval** of the rezoning request for 2301 S. Glenwood Avenue from C-2 to R-6.

Staff recommends **approval** of the rezoning request and the accompanying Preliminary Development Plan for 9401 E. 23<sup>rd</sup> Street from C-2 to R-30/PUD with the following condition:

1. Due to the size and configuration of the site improvements, the number of dwelling units on the site shall not exceed four units.

### PROJECT DESCRIPTION & BACKGROUND INFORMATION

**PROJECT DESCRIPTION:**

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Travis Thonen requests to rezone 2301 S. Glenwood from C-2 (General Commercial) to R-6 (Single Family Residential); and, rezone 9401 E. 23<sup>rd</sup> Street from C-2 (General Commercial) to R-30/PUD (High Density Residential/Planned Unit Development) and approval of a Preliminary Development Plan.

<b>Current Zoning:</b>	C-2 (General Commercial)	<b>Proposed Zoning:</b>	R-6 (Single Family Residential); R-30/PUD (High Density Residential/Planned Unit Development)
<b>Acreage:</b>	0.35 acres +/-	<b>Existing/Proposed Use:</b>	Two residential buildings containing a total of five dwelling units

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

While this rental property at the southeast corner of S. Glenwood Avenue and E. 23<sup>rd</sup> Street has been owned by the applicant's family for decades, Travis Thonen recently acquired it via inheritance. The 0.35 acre +/- lot, is zoned C-2 (General Commercial) and contains a fourplex facing E. 23<sup>rd</sup> Street (addressed as 9401 E. 23<sup>rd</sup> Street) and a single-family home fronting onto S. Glenwood (addressed as 2301 S. Glenwood). When he applied for minor subdivision approval to subdivide the parcel into two lots, one for each structure, City staff advised him that he needed to rezone the property to residential with the fourplex being rezoned to R-30/PUD and the single family home to R-6.

2301 S. Glenwood Avenue (to R-6) - A single family home is sited on the proposed southern parcel and faces S. Glenwood. It's a roughly 1,700 SF ranch style house constructed of red brick. Its double wide garage door is accessed by a concrete driveway.

9401 E. 23<sup>rd</sup> Street (to R-30/PUD) - The proposed northern lot contains a tan brick fourplex building facing E. 23<sup>rd</sup> Street. Three of the four units face E. 23<sup>rd</sup> Street with the fourth unit being accessed from the rear of the building. The units range in size from 500 to 1,000 SF. Off-street parking is provided via two garage spaces accessing S. Glenwood and a gravel parking area for at least two vehicles on the east side of the building. As the building and site improvements are existing and no changes are planned, the applicant's site plan of the property along with photographs of the buildings will serve as the plan for the R-30/PUD parcel; changes to the site or building may require a revised site plan/building plans.

#### **ANALYSIS**

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

This proposed rezoning could contribute to the Strategic Plan by helping to stabilize this residential neighborhood by allowing the properties continue in residential use if they are damaged or destroyed.

##### **Comprehensive Plan Guiding Principles:**

The Comprehensive Plan designates this site for Neighborhood Residential uses. The proposed application could enhance the viability of the neighborhood by providing affordable dwellings options by preserving the mix of home types and density levels currently in place.

**Historic and Archeological Sites:**

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

**Public Utilities:**

Both structures are connected to all utility services with each of the fourplex units and the house maintaining its own electrical and water service.

## **REVIEW CRITERIA**

Recommendations and decisions on a rezoning/preliminary development plan 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 area. A principle of Imagine Independence 2040 is to preserve the mix of home types and density levels currently in place.

**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 sub-area plans for this site.

**3. The compatibility of the proposed zoning with the zoning and use of nearby property, including any overlay zoning.**

While there are a few commercial properties along E. 23<sup>rd</sup> Street, most of this segment of the corridor from S. Maywood Avenue to the west city limits is zoned for, and in, residential use.

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

Rezoning this property to residential zoning is more compatible and in character with the existing neighborhood than uses permitted current C-2 zoning.

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

This lot, sought to be divided into two parcels, is not large enough to support commercial uses, and is much more suitable for the existing residential use.

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

According to the applicant, the properties have been continuously occupied for many years.

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

The rezoning would allow for the residential use that has existed here for decades and are actively rented. As such, this request is not expected to have a detrimental effect on nearby 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 denied, the applicant could still rent out the legal nonconforming properties for residential use, however the current C-2 zoning will affect the owner's ability to refinance the land and will prevent the residential structures from being rebuilt if damaged beyond 50% of their market value.

#### **EXHIBITS**

1. Applicant's letter
2. Mailing affidavit, adjoining property owners
3. Site plan
4. Zoning map
5. Comprehensive Plan map
6. Photographs of fourplex building