

**MEETING DATE:** April 13, 2021

**STAFF:** Stuart Borders, Senior Planner

**PROJECT NAME:** Mygatt Rezoning

**CASE NUMBERS/REQUEST:** Case 21-100-06 – Rezoning – Joshua Mygatt requests to rezone property from C-2 (General Commercial) to R-12 (Two Family Residential)

**APPLICANT/OWNER:** Joshua Mygatt

**PROPERTY ADDRESS:** 16403 E. 3<sup>rd</sup> Street N.

**SURROUNDING ZONING/LAND USE:**

**East:** R-6 (Single-Family Residential); Single-family residences

**N/S/W:** C-2 (General Commercial); Small commercial businesses

**PUBLIC NOTICE:**

- Letters to adjoining property owners – March 21, 2021
- Public Notice published in the Independence Examiner – March 27, 2021
- Sign posted on property – March 25, 2021

**FURTHER ACTION:**

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on May 3, 2021 and the public hearing/second reading on May 17, 2021.

### RECOMMENDATION

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

### PROJECT DESCRIPTION & BACKGROUND INFORMATION

**PROJECT DESCRIPTION:** Joshua Mygatt requests to rezone the property at 16403 E. 3<sup>rd</sup> Street N. from C-2 (General Commercial) to R-12 (Two Family Residential).

**Current Zoning:** C-2 (General Commercial)

**Proposed Zoning:** R-12 (Two Family Residential)

**Current Use:** Undeveloped

**Proposed Use:** Two family dwelling

**Acreage:** 0.35 acres+/-

**BACKGROUND:**

Mr. Mygatt recently obtained this lot and seeks to rezone it to construct a single, two-family dwelling (duplex) as a rental property. The 100 foot by 153-foot lot has been zoned commercial since the mid-1960's but has been vacant for more than 20 years. He feels the property has no commercial value due to its smaller size. The lot is relatively level, with slight slope to the east; its grass covered with a few trees along its southern edge.

There are restaurants to the west, south and north (across E. 3<sup>rd</sup> Street) from the lot, and single-family homes to the east.

## ANALYSIS

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

This rezoning, and the subsequent development of a duplex, would help fill a market need for new housing units in the city.

### **Comprehensive Plan Guiding Land Use Principles for the Current Designation:**

The City Comprehensive Plan recommends Residential Neighborhood for this site. The plan mentions that residential neighborhoods may consist of a mixture of single-family homes, attached homes, townhomes, condominiums, and multifamily units.

### **Historic and Archeological Sites:**

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

### **Public Utilities:**

Water, sanitary sewer, and electrical service are either on, or available to, the property.

## 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 Neighborhood Residential 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 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 can serve as a segue between the commercial property on the north, south, and west and the single-family homes to the east.*
4. **The compatibility of the proposed zoning and allowed uses with the character of the neighborhood.**  
*The proposed zoning and its corresponding uses of single- and two-family residential uses is more compatible here than most commercial uses with the 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.**  
*Considering its location along a side street, and its modest size, it has little potential commercial use which is evident by its long period of vacancy.*
6. **The length of time the subject property has remained vacant as zoned.**  
*The property has been vacant for over 20 years due in part to its locale on a non-thoroughfare street.*
7. **The extent to which approving the rezoning will detrimentally affect nearby properties.**

*This specific rezoning classification will have minimal negative 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 he will not be able to construct a duplex on the site as planned.*

#### **EXHIBITS**

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