

MEETING DATE: June 22, 2021

STAFF: Stuart Borders, Planner

PROJECT NAME: Cornish Rezoning

CASE NUMBERS/REQUEST: Case 21-100-07 – Rezoning – Rebecca Cornish requests to rezone part of her property from R-30/PUD (High Density Residential/Planned Unit Development) to R-6 (Single Family Residential)

APPLICANT/OWNER: Rebecca Cornish

PROPERTY ADDRESS: 218 N. Delaware Avenue

SURROUNDING ZONING/LAND USE:

North: R-6; Single family homes
South: R-6, O-1 (Office-Residential); Park Service property, hotel
East: R-30/PUD (High Density Residential/Planned Unit Development); Truman home
West: R-30/PUD, Apartment building

PUBLIC NOTICE:

- Letters to adjoining property owners – June 3, 2021
- Public Notice published in the Independence Examiner – June 5, 2021
- Sign posted on property – June 4, 2021

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on July 6, 2021 and the public hearing/second reading on July 19, 2021.

RECOMMENDATION

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

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: Rebecca Cornish requests to rezone part of her property at 218 N. Delaware Avenue from R-30/PUD (High Density Residential/Planned Unit Development) to R-6 (Single Family Residential).

Current Zoning:	R-30/PUD	Proposed Zoning:	R-6
Current/Proposed Use:	Part of a larger lot with a single-family residence	Acreage:	0.12 acres (main property) 0.006 acres (small tract)

BACKGROUND:

This application involves the rezoning of a 10-foot by 18-foot tract in the southwest corner of this property at 218 N. Delaware Avenue. The tract was originally part of the apartment property behind 218. Rebecca Cornish, the owner/applicant, states that this small tract was sold to her by the apartment building owner when they were refurbished about 15 years ago. As she plans to make some improvements to her property, its necessary to rezone this small piece to R-6 to have consistent zoning for the entire lot.

This application is part of a multi-phase process. In addition to rezoning the small tract, she is also re-platting both properties into a single lot via the minor subdivision process and will be seeking a setback variance from the Board of Adjustment in order to expand her existing garage in the rear yard. The City Heritage will also be reviewing the garage expansion request as well.

ANALYSIS

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

There are no policies in this plan to address this type of application, but this rezoning will help retain the single family residential character dominate in the area.

Comprehensive Plan Guiding Land Use Principles for the Current Designation:

The City Comprehensive Plan recommends Residential Urban Neighborhood uses for this site.

Historic and Archeological Sites:

This property is within both the Local and National Historic Districts. Approval from the Heritage Commission is required to expand the garage.

Public Utilities:

As this is a long-established property in downtown Independence, all utility services are existing.

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 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 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.

This proposed R-6 is consistent with the zoning that incorporates most of this residential area.

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

This proposed R-6 zoning with its primary permitted uses of single-family homes is quite compatible with the character of the neighborhood.

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

This R-30/PUD zoned, 180 SF tract, has no potential for multi-family use.

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

From the information available, this small tract in the southwest corner of this property, has been vacant for many years.

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 effect on the owner as she would not be able to consolidate the property, nor have the possibility to expand her garage.

EXHIBITS

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