

MEETING DATE: July 13, 2021

STAFF: Brian L. Harker, Planner

PROJECT NAME: S. Canterbury Place City Initiated Rezoning

CASE NUMBER/REQUEST: Case 21-100-09 – Rezoning – S. Canterbury Place – City of Independence requests to rezone properties from C-1 (Neighborhood Commercial) to R-12 (Two-Family Residential)

APPLICANT: City of Independence

OWNER: Marsha Ann Rubin

PROPERTY ADDRESSES: 3806/3808, 3810/3812, 3816/3818, and 3820/3822 S. Canterbury Place

SURROUNDING ZONING/LAND USE:

North: R-6...parking lot and single family homes
South: R-6 and C-2...single-family homes and drug store
East: R-6 and R-12...single and two-family dwellings
West: C-2...drug store and strip mall

PUBLIC NOTICE:

- Letters to adjoining property owners – June 28, 2021
- Public Notice published in the Independence Examiner – June 26, 2021
- Sign posted on property – June 25, 2021

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first a reading by the City Council on August 2nd and the public hearing/second reading on August 16th.

RECOMMENDATION

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

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION:

City of Independence requests to rezone four residential lots on the northwest corner of S. Canterbury Place and E. 39th Street S. from C-1 (Neighborhood Commercial) to R-12 (Two-Family Residential).

Current/Proposed Use: Two-family dwellings

Acreage: Four lots containing 0.72-acres

BACKGROUND:

The owner of 3806/3808 and 3810/3812 S. Canterbury Place, Marsha Ann Rubin, is marketing the properties to a buyer who called the Community Development Department to verify the lots' zoning. He was informed of their legal nonconforming status as two-family residential structures located on property zoned C-1 (Neighborhood Commercial). Concerned about being able to rebuild on the properties in case of catastrophic loss of the structures, the buyer requested to have them rezoned. The owner also owns two additional properties to the north, 3816/3818 and 3820/3822 S. Canterbury Place, that need to be correctively rezoned as well. Therefore, the City as applicant, is requesting that all four properties be rezoned at the same time to eliminate this zoning anomaly. (From our understanding of past history with this property, it was thought that the commercial property to the west of the duplexes presently containing a CVS Pharmacy, and previously a carwash, was not deep enough for a viable business property, so the corridor of commercial zoning along S. Noland Road was extended east to S. Canterbury Place).

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

Downzoning these properties from C-1 to R-12 will help sustain the residential character of the street and allow the landowner to sell, refinance, and make improvements to his/her properties.

Comprehensive Plan Guiding Land Use Principles:

The City Comprehensive Plan recommends Community Commercial uses for these lots. The continued use of these lots for two-family residential uses is more appropriate here than the conversion of the houses into some manner of commercial use.

Historic and Archeological Sites: There are no apparent historic/archeological issues with these properties.

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 these lots;

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.

Lying to the east are one and two-family homes zoned R-6 and R-12. This rezoning is compatible with the proposed zoning and use of those properties; to the west are properties zoned commercial and in commercial use;

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

In the vicinity of these duplexes on S. Canterbury Place, the character of the neighborhood is of one and two-family residences;

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

The properties contain existing duplexes located along a local, residential street and thus are not suitable for commercial uses;

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

All of the four of the subject lots contain an occupied two-family dwelling;

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

The rezoning would be compatible to the nearby R-6 zoning to the north and R-6 and R-12 zoning to the east and should not have any detrimental effect on the commercially zoned properties to the 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 or rebuild the residences.

EXHIBITS

1. Inner letter and mailing list
2. Outer and enclave letter and mailing list
3. Mailing affidavit
4. Rezoning Map
5. Future Land Use Map