

MEETING DATE: July 27, 2021

STAFF: Stuart Borders, Senior Planner

PROJECT NAME: S. Oxford City Rezoning, Part 2

CASE NUMBER / REQUEST: Case 21-125-02 – Rezoning – West side of S. Oxford Avenue between Blue Ridge Boulevard and E. 35th Street – City of Independence requests to rezone the property from C-2 (General Commercial) to R-30/PUD (High Density Residential/Planned Unit Development), and approve a preliminary development plan

APPLICANT: City of Independence

OWNER: Fonteinstad 2, LLC

PROPERTY ADDRESSES: 3312/3314/3316/3318/3320 S. Oxford Avenue

SURROUNDING ZONING / LAND USE:

- North:** R-6 (Single Family Residential), C-2 (General Commercial); Apartment complex, vacant lot, single family homes
- South:** C-2; various commercial uses
- East:** R-18/PUD (Medium Density Residential/Planned Unit Development); Single-, two-family, and multi-family homes
- West:** C-2; various commercial uses

PUBLIC NOTICE:

- Letters to adjoining property owners – July 9, 2021
- Public Notice published in the Independence Examiner – July 10, 2021
- Sign posted on property – July 9, 2021

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on August 16th and the public hearing/second reading on September 7th.

RECOMMENDATION

Staff recommends **APPROVAL** of this rezoning request and preliminary development plan with no conditions.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: – City of Independence requests to rezone a property on the west side of S. Oxford Avenue from C-2 (General Commercial) to R-

30/PUD (High Density Residential/Planned Unit Development) and approve a preliminary development plan.

Current Zoning: C-2 (Neighborhood Commercial)

Proposed Zoning: R-30/PUD (High Density Residential/Planned Unit Development)

Current/Proposed Use: Fourplex apartment buildings

Acreage: 0.76 acres +/-

BACKGROUND & HISTORY:

This 0.76-acre tract just south of Blue Ridge Boulevard consists of three residential buildings in a 'U' configuration facing a central courtyard. The northern (3312/3314) and southern (3318/3320) structures contain two adjoining fourplexes with each fourplex accessed by central entry to internal hallway which provides access to all four units. The western building (3316) is a single fourplex. The center courtyard is a grass covered open area free of any outdoor furniture or play equipment. The buildings are brick, two story structures, believed to be built sometime in the mid-1960's. Tenant parking is available on the north, south and west perimeters of the site, with driveways onto S. Oxford on the north and south ends of the property.

As the building and site improvements are existing and no significant changes are expected, the aerial photographs of the site along with photographs of the buildings will serve as the preliminary development plan. As changes to the site or building may require a revised site plan/building plan.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

Downzoning these properties from C-2 to R-30/PUD will help sustain the residential character of the neighborhood east of the true commercial property along Blue Ridge Cut-off and allow the landowners to refinance and make improvements to their property.

Comprehensive Plan Guiding Land Use Principles:

The City Comprehensive Plan recommends Residential Established Neighborhood uses for this site. The continued use of the site for residential use 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 this property.

Public Utilities: All utilities are present on the site and operational.

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 Residential Established 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 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.

Across S. Oxford to the east are single- and two- and multi-family homes zoned R-18/PUD (Medium Density Residential/Planned Unit Development). This rezoning is compatible with the zoning and use of those properties.

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

This area of S. Oxford between Blue Ridge Boulevard and E. 35th Street contains a mixture of residential properties from single family homes to fourplexes.

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

While closer to Blue Ridge Cut-off than the duplex lots to the south, there's other properties along the Cut-off which are vacant or under-utilized with more commercial potential than this site.

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

The lot currently contains five, occupied four-plex buildings.

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

The rezoning would be similar to the zoning to the east and north will have no detriment effect on the commercially zoned properties to the south and 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 landowners as they would not be able improve or rebuild houses on the lots and the properties have minimal commercial potential.

EXHIBITS

1. Aerial photographs showing property to be rezoned
2. Four photographs of the site comprising the Preliminary Development Plan
3. Letters to interior/external property owners
4. Mailing lists for internal/external property owners
5. Mailing Affidavit
6. Comprehensive Plan Map
7. Zoning Map