

**MEETING DATE:** July 27, 2021

**STAFF:** Stuart Borders, Senior Planner

**PROJECT NAME:** S. Oxford City Rezoning, Part 1

**CASE NUMBER / REQUEST:** Case 21-100-08 – Rezoning – West side of S. Oxford Avenue between Blue Ridge Boulevard and E. 35<sup>th</sup> Street – City of Independence requests to rezone the property from C-2 (General Commercial) to R-12 (Two Family Residential)

**APPLICANT:** City of Independence

**OWNERS:** Various owners

**PROPERTY ADDRESSES:** 3324/3326, 3328/3330, 3332/3334, 3404/3406, 3408/3410, 3412/3414, 3416/3418, 3420/3422, 3424/3426, 3428/3430, 3436/3438  
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 16<sup>th</sup> and the public hearing/second reading on September 7<sup>th</sup>.

## RECOMMENDATION

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

## PROJECT DESCRIPTION & BACKGROUND INFORMATION

**PROJECT DESCRIPTION:** – The City of Independence requests to rezone multiple properties on the west side of S. Oxford Avenue from C-2 (General Commercial) to R-12 (Two Family Residential).

**Current Zoning:** C-2 (General Commercial)  
**Current/Proposed Use:** Two family dwellings (duplexes)

**Proposed Zoning:** R-12 (Two Family Residential)  
**Acreage:** 2.95 acres+/- (all lots combined)

### **BACKGROUND & HISTORY:**

City staff became aware of this residential area which is commercially zoned after receiving phone calls from appraisal and mortgage companies enquiring about the legal nonconforming status of a couple of duplexes in this row of residential properties on the west side of S. Oxford Avenue between Blue Ridge Boulevard and E. 35<sup>th</sup> Street. Potential buyers were having trouble finding a mortgage company willing to finance the sale as a duplex could not be rebuilt if destroyed greater than 50% of its market value due to the land's current commercial zoning. After reviewing the zoning of this segment of S. Oxford, staff proposed that these 11 duplex lots, and the larger adjoining multi-family lot adjoining to the north, were prime candidates for a city-initiated rezoning. This rezoning to R-12 action is Part 1; Part 2, the rezoning of the apartment property adjoining the north end of these lots to R-30/PUD, is another case. The change of the zoning of these properties will resolve issues relating to obtaining a real estate loan, rebuilding the structures in case of catastrophe, and making improvements to the properties.

The 11 lots encompassed by this R-12 rezoning are in different ownerships with each lot containing about a ¼ acre with a single duplex facing S. Oxford Avenue (East). The buildings are 'raised ranch' in style with a single car at street level with the living area above. They are partially or completely brick with various colors of lap siding around the upper level.

## **ANALYSIS**

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

Downzoning these properties to R-12 will help sustain the residential character of the neighborhood here 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 duplexes into some manner of commercial use.

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

**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 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. 35<sup>th</sup> 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.**

*There's little possibility of commercial use of these duplex lots as the buildings have limited floor area and are not designed for commercial use. The number and size of the individual lots further reduces its commercial development potential.*

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

*All of the lots currently contain an occupied two-family dwelling.*

- 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 photograph showing property to be rezoned
2. Letters to interior/external property owners
3. Mailing lists for internal/external property owners
4. Mailing Affidavit
5. Comprehensive Plan Map
6. Zoning Map