

MEETING DATE: October 12, 2021

STAFF: Brian Harker, Planner

PROJECT NAME: Fryer Single-Family Home

CASE NUMBER/REQUEST: Case 21-100-14 – Rezoning – 1207 S. Main Street – Brandon J. Fryer requests to rezone the property from C-2 (General Commercial) to R-6 (Single-Family Residential)

APPLICANT/OWNER: Branson J. Fryer

APPLICANT/OWNER ADDRESS: 6601 Harvard, Raytown, MO 64133

PROPERTY ADDRESS: 1207 S. Main Street

SURROUNDING ZONING/LAND USE:

North: C-2...church
West: C-2...cigarette store
East: C-2...vacant retail building
South: R-6...single-family residence

PUBLIC NOTICE:

- Letters to adjoining property owners – September 21, 2021
- Public Notice published in the Independence Examiner – September 25, 2021
- Sign posted on property – September 23, 2021

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on November 1, 2021 and the public hearing/second reading on November 15, 2021.

RECOMMENDATION

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

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: Brandon J. Fryer requests to rezone the property located at 1207 S. Main Street from C-2 (General Commercial) to R-6 (Single-Family Residential).

Current Zoning:	C-2 (General Commercial)	Proposed Zoning:	R-6 (Single-Family Residential)
Current Use:	Single-Family Residence	Continued Use:	Single-Family Residence
Acreage:	0.31-acres		

BACKGROUND:

Brandon J. Fryer requests to rezone a 0.31-acre property, containing a single-family home, from C-2 (General Commercial) to R-6 (Single-Family Residential), which would be in accordance with the City's comprehensive plan (designating the area as Commercial). The approximately 1,500-square foot two-story house at 1207 S. Main Street is on Lot 20A, a replat of Hawthorne Place, an adjacent subdivision of single-family homes.

Given the current zoning, the existing residence is legal nonconforming and therefore its continued use as a residence is permitted. However, the residential structure could not be rebuilt if there was substantial damage to the house or it was destroyed completely. In short, if the costs of rehabilitation or reconstruction accounts for more than 50 percent of the market value of the property (house and land), the residential use cannot be restored. Further, it is often difficult for owner occupiers to get financing for a home that cannot be rebuilt if damaged or destroyed. If not rezoned, the property could be converted to or rebuilt as a commercial property; or might continue as an investment property and an interim residential rental.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

The application is within keeping with the Goal to, "increase (the) economic prosperity of (the) community."

Comprehensive Plan Guiding Land Use Principles:

The City Comprehensive Plan recommends Commercial uses for this property and area. The Guiding Principles state the need to, "ensure that opportunities for convenient and concentrated commercial development are provided."

Historic and Archeological Sites:

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

Public Utilities:

Water, sewer, and electrical services are available to the property.

Public Infrastructure:

No new construction is planned. There will be no change to the existing infrastructure.

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 Commercial uses in the area. The Comprehensive Plan encourages a nodal pattern of commercial development around the intersection of 23rd Street and Noland Road. However, the existing legal nonconforming residence would be made conforming with the zoning by rezoning it to R-6.

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 is compatible with nearby and adjacent R-6 zonings and residential uses.

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

The proposed R-6 zoning, and existing single-family use, are compatible with the character of the remainder of its subdivision to the south.

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

The structure could receive minor alterations like other former residences along the corridor, but the residential market for the existing residence may be more viable.

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

The property has long been used for a single-family home. Rezoning as such would be in keeping the residential character of the neighborhood.

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

The rezoning should not have any detrimental effect on area commercial or residential 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 could potentially inhibit the property owner in obtaining financing and rebuilding or making substantial improvements to the property. If approved, it will help to ensure the property's continuance as a residential investment and that it contributes to the stability of the adjacent neighborhood.

EXHIBITS

1. Applicant's letter
2. Application
3. Mailing affidavit
4. Applicant zoning map with addresses of surrounding property owners
5. Aerial Image
6. Comp Plan Map
7. Zoning Map