

**MEETING
DATE:**

May 24, 2022

STAFF: Stuart Borders, Senior Planner

PROJECT NAME: W. Sea Avenue Rezoning/Planned Unit Development

CASE NUMBER/REQUEST: 22-125-06; Seth Veld seeks to rezone the property at 316 W. Sea Avenue from R-6 (Single Family Residential) to R-30/PUD (High Density Residential/Planned Unit Development) and approval of a Preliminary Development Plan.

APPLICANT/OWNER: Seth Veld

PROPERTY ADDRESSES/LOCATION: 316 W. Sea Avenue

SURROUNDING ZONING/LAND USE:

- N:** R-30/PUD (High Density Residential/Planned Unit Development); Single family homes and duplexes,
- S:** R-6 (Single Family Residential); Single family homes
- E:** R-6; Single family homes
- W:** R-6; Single family homes

PUBLIC NOTICE:

- Letters to adjoining property owners – May 3, 2022
- Public Notice published in the Independence Examiner – May 7, 2022
- Sign posted on property – May 3, 2022

FURTHER ACTION:

This rezoning request is scheduled for first reading by the City Council on June 6th, 2022 and the public hearing/second reading at its June 21, 2022 meeting.

RECOMMENDATION

Staff does not recommend approval of the rezoning request and the accompanying Preliminary Development Plan for 316 W. Sea Avenue from R-6 to R-30/PUD. If the Commission did decide to recommend approval of the R-30/PUD zoning, staff recommends the following conditions be included with the preliminary site plan consisting of the attached photographs of the site:

1. Due to the size and configuration of the lot and site improvements, the number of dwelling units on the property shall not exceed four units.
2. Replace or install a privacy fence along the north property line.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION:

Seth Veld seeks to rezone the property at 316 W. Sea Avenue from R-6 (Single Family Residential) to R-30/PUD (High Density Residential/Planned Unit Development) and approval of a Preliminary Development Plan.

Current Zoning:	R-6 (Single Family Residential)	Proposed Zoning:	R-30/PUD (High Density Residential/Planned Unit Development)
Acreage:	0.21 acres +/-	Existing/Proposed Use:	One building containing four dwelling units

BACKGROUND & HISTORY:

When Mr. Veld purchased this property in February 2018, it was already zoned R-6 (Single Family Residential). This property, along with over 200 other residential properties in the area, were down-zoned to R-6 from an assortment of R-12 (Two Family Residential), R-18 (Medium Residential) and I-1 (Industrial) properties as part of the City initiated ‘Liberty Street’ rezoning in 2009. At the time of this rezoning in 2009, 316 W Sea was identified as possibly having 2 units.

This 60-foot by 150-foot lot contains single building with a driveway on its eastern side accessing a concrete parking area in the rear of the site. The building itself contains over 3,500 SF divided into four living units: two on the ground floor with two units above. The units are accessed by one entry on the front, two on the east elevation, and a stairway leading to another doorway to the second floor on the west side of the building.

It is not known when the house was constructed; its architecture being in the ‘Folk Victorian’ style. It’s in a neighborhood of primarily older single-family homes, a few of which were converted into multi-unit structures years ago. Several lots to the north contain newer, typical side-by-side duplex buildings.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

This rezoning would allow the 4 units to be reoccupied. The reuse of this building could contribute to the Strategic Plan by allowing the property to continue in residential use.

Comprehensive Plan Guiding Principles:

The Comprehensive Plan designates this site for Neighborhood Residential uses. The proposed application can provide affordable living units options by preserving the mix of home types and density levels currently in the neighborhood. However, the Historic Preservation Master Plan has identified questionable alterations within parts of this area.

Historic and Archeological Sites:

This property is not located within an historic district. However, this area is within the South Main Street Neighborhood of the Historic Preservation Master Plan. The neighborhood consists of a wide variety of architectural styles. It was noted in the Preservation Master Plan that parts of the South Main Street Neighborhood have suffered from demolition, questionable alterations, and inappropriate infill.

Public Utilities:

The structure has long been connected to all utility services with one electrical and one water/sewer meter.

REVIEW CRITERIA

Recommendations and decisions for proposed planned unit development rezoning and its accompanying preliminary development plan must be based on consideration of the criteria listed in Section 14-703-05-H:

1. **The consistency with the Comprehensive Plan.**
The City's Comprehensive Plan reflects this Neighborhood Residential use, and it will "Protect and enhance the viability, livability, and affordability of the City's residential neighborhoods..." This area is within the South Main Street Neighborhood of the Historic Preservation Master Plan. It was noted in the Preservation Master Plan that parts of the South Main Street Neighborhood have suffered from demolition, questionable alterations, and inappropriate infill.
2. **The consistency with the PUD standards of Section 14-902, including the statement of purpose.**
This type of application is not expressly addressed in this section as its not new development but it "ensures that development can be conveniently, efficiently and economically served by existing and planned utility services."
3. **The nature and extent of Common Open Space in the PUD.**
There is no open space provided with this application.
4. **The reliability of the proposals for maintenance and conservation of Common Open Space.**
There is no open space provided with this application, the applicant will own the entire property.
5. **The adequacy or inadequacy of the amount and function of Common Open Space in terms of the densities and dwelling types proposed in the plan.**
There is no open space provided with this application.
6. **The extent to which the proposed use will adversely affect the capacity of safety portions of the street network or present parking problems in the vicinity of the property. Whether adequate provision for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation, and visual enjoyment.**
This proposed project will not adversely affect traffic or the street network in the vicinity of the project.
7. **The extent to which the proposed use will have a substantially adverse effect on adjacent property and the development or conservation of the neighborhood area.**
Other than usual impacts that come with the now vacant building being occupied, there is no substantial adverse impact on the neighborhood. However, rezoning as an R30/PUD would allow reconstruction of a higher density structure that could require additional zoning variances due to the lots limited size.
8. **Whether potential adverse impacts have been mitigated to the maximum practical extent.**
No significant impacts are expected with this application.

9. **Whether the Preliminary Development Plan represents such a unique development proposal that it could not have accomplished through use of (non-PUD) conventional zoning regulations.**

The proposed use of a fourplex would require a R-30/PUD due to the number of living units in the building in conjunction with the modest area of the property itself.

10. **The sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the PUD in the case of a plan that proposes development over a period of years.**

This project will continue to be under one ownership.

EXHIBITS

1. Applicant's letter
2. Application
3. Notification Letter
4. Affidavit and Addresses
5. City Code Section 14-800-07-C
6. Drawing Layout
7. Photos
8. Comp Plan Map
9. Zoning Map