

**MEETING DATE:** June 14, 2022

**STAFF:** Brian Harker, Planner

**PROJECT NAME:** Neasham Residential Rezoning

**CASE NUMBER/REQUEST:** Case #22-100-08 – Rezoning – 1131 S. Glenwood – A request by Vivian and Ray Webster to rezone this property from C-2 (General Commercial) to R-6 (Single Family Residential).

**APPLICANT:** Vivian Chery and Ray Webster

**OWNER:** Shelly Neasham

**PROPERTY ADDRESS:** 1131 S. Glenwood Avenue

**SURROUNDING ZONING/LAND USE:**

- North:** R-6 (Single-Family Residential)...single-family house  
**South:** C-2 (General Commercial)...commercial building  
**East:** C-2 (General Commercial) and R-6 (Single-Family Residential)...commercial building and single-family home  
**West:** R-30/PUD (High Density Residential/Planned Unit Development) and R-6 (Single-Family Residential)...single-family residence

**PUBLIC NOTICE:**

- Letter to adjoining property owners – May 28, 2022
- Public Notice published in the Independence Examiner – May 28, 2022
- Signs posted on property – May 27, 2022

## RECOMMENDATION

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

## PROJECT DESCRIPTION & BACKGROUND INFORMATION

**PROJECT DESCRIPTION:** Rezone an existing single family residence to 1131 S.- Glenwood Avenue from C-2 (General Commercial) to R-6 (Single-Family Residential)

**Current Zoning:** C-2 (General Commercial)  
**Current Use:** Single-Family Residence  
**Square Footage:** Total acreage – 11,828-square feet

**Proposed Zoning:** R-6 (Single-Residential)  
**Continued Use:** Single-Family Residential

## BACKGROUND:

Vivian Chery and Ray Webster request to rezone a 11,828-square foot property, containing a single-family home and accessory garage, from C-2 (General Commercial) to R-6 (Single-Family Residential). The approximately 1,635-square foot house is on Lots 35 and 36, of Rosebud Park, a subdivision of mostly 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.

## ANALYSIS

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

The application is within keeping with the Measures for Success for, “Improved housing conditions,” and to “increase median value of owner-occupied housing units”.

### **Comprehensive Plan Guiding Land Use Principles:**

The City Comprehensive Plan recommends Mixed Uses for this property and area. The Guiding Principles state the need to, “Promote a compatible mix of land uses,” and “encourage reinvestment in our existing neighborhoods;” The Mixed Use land use category was envisioned around the Truman and Winner intersections. The predominant use in the area is single family residential and the existing use plus proposed zoning would be consistent.

### **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 Mixed Uses in the area. The property contains an existing single-family residence and use. The Mixed Use land use category was envisioned around the Truman and Winner intersections. The predominant use in the area is single family residential.;*

### **2. Conformance of the requested zoning with any adopted neighborhood or sub-area plans in which the property is located or abuts.**

*The Truman+Winner Road Plan was adopted in 2016. This Plan explored ways to incorporate amenities and infrastructure to support multiple transportation options, including enhanced vehicular, bus, bicycle and pedestrian transportation. Of particular importance was enhancing pedestrian connectivity and safety for Van Horn High School and the adjacent neighborhoods, as well as increasing activity throughout this commercial node. The use does not conflict with the Truman Gateway Plan;*

**3. The compatibility of the proposed zoning with the zoning and use of nearby property, including any overlay zoning.**

*The proposed rezoning would be compatible with nearby and adjacent R-6 zonings and single-family 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 adjacent single-family uses to the north;*

**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 Truman Road 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 with the existing use, building design and residential character of the neighborhood to the north;*

**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. Notification Letter/Addresses
4. Affidavit
5. Aerial Photograph
6. Comp Plan Map
7. Zoning Map