

MEETING DATE: June 14, 2022

STAFF: Stuart Borders, Senior Planner

PROJECT NAME: E. Lexington Avenue Rezoning

CASE NUMBERS/REQUEST: Case 21-100-11 – Rezoning – 8905/8907/8909 E. Lexington Avenue - A request by Matthew Coburn to rezone these properties from C-1 (Neighborhood Commercial) to R-12 (Two Family Residential).

APPLICANT/OWNER: Matthew Coburn

PROPERTY ADDRESS: 8905, 8907 and 8909 E. Lexington Avenue

SURROUNDING ZONING/LAND USE:

- North:** C-1 (Neighborhood Commercial); Commercial building and US 24 Highway
- South:** R-12 (Two Family Residential); Single family homes
- East:** C-1; Vacant property, auto repair shop
- West:** R-12, C-1; Single family homes, vacant lots

PUBLIC NOTICE:

- Letters to adjoining property owners – May 26, 2022
- Public Notice published in the Independence Examiner – May 28, 2022
- Sign posted on property – May 27, 2022

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on July 5, 2022 and the public hearing/second reading on July 18, 2022.

RECOMMENDATION

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

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: Matthew Coburn requests to rezone the property at 8905, 8907 and 8909 E. Lexington Avenue from C-1 (Neighborhood Commercial) to R-12 (Two Family Residential).

Current Zoning:	C-1	Proposed Zoning:	R-12
Current/Proposed Use:	Single- and two-family houses	Acreage:	0.39 acres +/- (combined acreage)

BACKGROUND:

Matt Coburn has owned these three lots along Lexington Avenue for a few years and now seeks to rehab a home on one of the lots. While 8905 contains a vacant, up/down duplex, the two other

lots contain occupied single-family homes. To obtain permits to refurbish 8905, the property must be rezoned residentially from its current C-1 zoning. The northern two-thirds of 8905 is zoned C-1 (at an angle) and includes the structure, with the remaining lot area being zoned R-12. As virtually all the land area of 8907 and 8909 is zoned C-1, it was decided to rezone these tracts as well.

This strip commercial zoning is a characteristic along many of the City's thoroughfares. The conversion of this property's zoning will resolve issues relating to obtaining a real estate loan, rehabbing the structures, and making improvements to the properties itself.

When US 24 Highway was constructed, the street layout south of the highway was altered here with the original Lexington Avenue being eliminated, restricting access to the lots to a narrow, paved alley on their south side.

ANALYSIS

The Proposal's Consistency with *Independence for All*, Strategic Plan:

The proposed rezoning could help to stabilize the otherwise residential character of the area.

Comprehensive Plan Guiding Land Use Principles for the Current Designation:

The City Comprehensive Plan recommends Residential Urban Neighborhood uses for this site.

Historic and Archeological Sites: There are no apparent historic issues with this property.

Public Utilities:

As this is a long-established residential neighborhood, all utility services are existing.

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 Residential Urban 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.**
The US 24 Highway Corridor Plan identified this area as residential. The Plan noted the existing neighborhoods are one of the area's biggest assets whereby these areas can be enhanced by improving housing conditions.
- 3. The compatibility of the proposed zoning with the zoning and use of nearby property, including any overlay zoning.**
This proposed R-12 zoning and its uses is consistent with the surrounding residential properties to the south.
- 4. The compatibility of the proposed zoning and allowed uses with the character of the neighborhood.**
This proposed R-12 zoning with its permitted use of single- and two- family dwellings, is compatible with the character of the neighborhood.
- 5. The suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations.**

These C-1 zoned tracts, with their existing residential use, extremely limited access, and no exposure to US 24 Highway, have little potential commercial value.

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

The houses have existed on these lots for several decades.

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

The rezoning will have no detrimental effect on area 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, would have a negative effect on the current owner and his attempts to rehab the houses.

EXHIBITS

1. Applicant's letter
2. Application
3. Notification Letter
4. Address List
5. Affidavit
6. Location Map
7. Aerial
8. Comprehensive Plan map
9. Zoning map