

**MEETING DATE:** November 15, 2022

**STAFF:** Brian Harker, Planner

**PROJECT NAME:** McClain rezoning

**CASE NUMBER/REQUEST:** **Case 22-100-19 – Rezoning – 400 N. Osage Street** – A request by Colin McCain to rezone this property from C-2 (General Commercial) to R-6 (Single-Family Residential)

**APPLICANTS/OWNERS:** Colin and Kate McClain

**PROPERTY ADDRESSES:** 400 N. Osage Street

**SURROUNDING ZONING/LAND USE:**

- North:** C-2 (General Commercial) and R-6 (Single-Family Residential); single-family homes, duplexes and commercial building
- South:** C-2 (General Commercial); office building and parking structure
- West:** C-2 (General Commercial) and R-6 (Single-Family Residential); non-profit and single-family homes
- East:** C-2 (General Commercial); bank

**PUBLIC NOTICE:**

- Letters to adjoining property owners – October 18, 2022
- Public Notice published in the Independence Examiner – October 29, 2022
- Signs posted on property – October 27, 2022

**FURTHER ACTION:**

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on December 19, 2022 and the public hearing/second reading on January 3, 2023.

### RECOMMENDATION

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

### PROJECT DESCRIPTION & BACKGROUND INFORMATION

**PROJECT DESCRIPTION:**

**Current Zoning:** C-2 (General Commercial)  
Since 1965

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

**Current Use:** Unused parking lot  
**Lot size:** 0.61-acres

**Proposed Use:** Single-Family Residence

## **PROPERTY HISTORY**

This property has been zoned C-2 (General Commercial) since 1965. It has existed as a parking lot for over four decades.

## **PROPOSAL:**

Colin and Kate McClain intend to convert the under-utilized parking lot located at 400 N. Osage Street into a lot for a single-family residence. The project will eliminate a commercial lot on a block that is mostly residential in use. Of importance, its redevelopment will eliminate a blighted property at the northwest corner of White Oak Avenue and Osage Street.

## **PHYSICAL CHARACTERISTICS OF PROPERTY**

Nearly the entire lot is paved. Redevelopment will eliminate considerable pavement as well as reduce the number of street access points from three to one or two. It is a flat, level lot, so earth work will mostly consist of the removal of existing impervious surfaces. Abutting two commercially zoned properties, 15-foot-wide landscaping buffers with opaque fences will be necessary. Consisting of one plat lot already, no replatting will be necessary.

## **CHARACTERISTICS OF THE AREA**

On the remainder of the block northwest of the applicant's lot, lies properties that contain largely one and two-family houses: although there are commercial properties immediately adjacent and multiple-family residences at the corner of Spring Street and Farmer Street. The character of the properties to the southeast is commercial with office and bank buildings and a parking structure. The homes west of the property were largely constructed in the early twentieth century. The UDO's residential design standards will require that the applicant's consider the architectural context of the surroundings for their new home.

## **ANALYSIS**

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

An objective of the City's Strategic Plan is, 'Building new housing units to fill a market need.'

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

The proposed C-2 zoning for this property is consistent with the Residential Urban Neighborhood land use designation outlined by the Comprehensive Plan. The Guiding Land Use Principle most pertinent to the proposed zoning and use is to, "(f)acilitate the development of connected, mixed use neighborhoods where appropriate."

### **Sub-Area Plans:**

The site is located within the Square District sub-area plan and within the Downtown Redevelopment Area (County records indicate the property has an Abatement 353 exemption). The Square District envisions a mixture of commercial and residential uses. The redevelopment of this property would further that vision.

### **Zoning:**

The proposed R-6 (Single-Family Residential) zoning classification allows for single-family dwellings and various other uses (schools, churches, government facilities, cemeteries, home-based daycare, agriculture and others with conditions). Currently, the tract is zoned C-2 (General Commercial)

which allows for retail, office, restaurants, banks, business and personal improvement services, hotels, construction services, daycare centers, nursing homes, government facilities, churches, employment agencies, funeral and interment services, schools, colleges and universities, veterinary and animal boarding services, sports and entertainment facilities, medical services, repair services and crop agriculture.

**Historic and Archeological Sites:**

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

**Floodplain/Stream Buffer:**

There is not a floodplain or Stream Buffer zone present on the property.

**Public Utilities:**

All utility services are adjacent to the property and are operational.

**Landscaped Buffer:**

Given the property abuts two commercially zoned properties, 15-foot-wide landscaping buffers with opaque fences will be necessary.

**Public Improvements:**

Curb and guttering reconstruction will be required along Osage Street. Segments of sidewalk along both Osage Street and White Oak may need to be repaired. Removal of one of the drives on W. White Oak Street would be required with preference to both drives being removed.

**CIP Investments:**

The City does not have any capital improvements planned near this site.

**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 Neighborhoods uses for this area. The Plan calls for infill activity should aim to blend into the character of the existing neighborhood;*
- 2. Conformance of the requested zoning with any adopted neighborhood or sub-area plans in which the property is located or abuts.**  
*The site is located within the Square District sub-area plan and within the Downtown Redevelopment Area. The Square District envisions a mixture of commercial and residential uses. The redevelopment into single family would further this vision.*
- 3. The compatibility of the proposed zoning with the zoning and use of nearby property, including any overlay zoning.**  
*This site abuts one and two-family uses adjacent to the north and west. The proposed rezoning would be compatible with the surrounding zoning;*
- 4. The compatibility of the proposed zoning and allowed uses with the character of the neighborhood.**

*The proposed zoning change, with its permitted uses, should not have a negative impact on the character of the neighborhood, but eliminate blight and be compatible with adjacent and nearby residential uses;*

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

*The rezoning is appropriate for the Square area, but is not located along high-traffic commercial streets;*

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

*This property/parking lot has been underutilized from more than four decades;*

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

*It's not expected that this rezoning proposal will have any detrimental effect on nearby properties. The proposed zoning is consistent with the Residential Urban Neighborhood land use category;*

**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, the owner will be unable to construct a structure that is exclusively residential on the property (a single-family home). The gain will be the elimination of a blighted parking lot and replaced with a structure surrounded by green lawn/landscaped areas.*

**EXHIBITS**

1. Applicant's Narrative
2. Application
3. Notification letter
4. Property mailing list
5. Mailing affidavit
6. Aerial Photograph
7. Comp plan map
8. Zoning map