

MEETING DATE: December 13, 2022

STAFF: Stuart Borders, Senior Planner

PROJECT NAME: Vargas rezoning

CASE NUMBER/REQUEST: **Case 22-100-21 – Rezoning – 709 and 713 S. Willis** – A request by Maria Vargas to rezone these properties from I-1 (Industrial) to R-6 (Single-Family Residential).

APPLICANT/OWNER: Maria Vargas

PROPERTY ADDRESSES: 709 and 713 S. Willis Avenue

SURROUNDING ZONING/LAND USE:

North: I-1 (Industrial); Warehouse
South/West: R-12 (Two Family Residential); Single family homes
East: I-1 (Industrial); Vacant lots

PUBLIC NOTICE:

- Letters to adjoining property owners – November 25, 2022
- Public Notice published in the Independence Examiner – November 25, 2022
- Signs posted on property November 23, 2022

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on January 17, 2023 and the public hearing/second reading on February 8, 2023.

RECOMMENDATION

Staff recommends **APPROVAL** of the rezoning of these two properties to R-6 (Single Family Residential).

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: A request by Maria Vargas to rezone the properties at 709 and 713 S. Willis Avenue from I-1 (Industrial) to R-6 (Single-Family Residential).

Current Zoning:	I-1 (Industrial)	Proposed Zoning:	R-6 (Single-Family Residential)
Current Use:	Single family home, vacant lot	Proposed Use:	Single family homes
Lot size:	0.36 acres +/- (combined lots)		

PROPERTY HISTORY

Along with most of the lots to the north and east, these two lots have been zoned industrial since at least 1965. Many of the lots encircled South Avenue on the south, Willis Avenue on the west,

and the railroad line on the north/east were zoned industrial with the intent that the property would eventually be in industrial use, much like the former farm implement plant at 627 S. Cottage. Over the past 20 years there have been several down-zonings in this area, rezoning the property from industrial to residential. In the Fall of 2005, a City initiated rezoning changed the zoning for over 20 lots in residential use from M-1 (Manufacturing) to R-2 (Two-Family Dwelling) along South Street.

PROPOSAL:

Ms. Vargas purchased the southern lot (713) about five years ago, remodeled the house and made other improvements to the property. The northern lot (709) was purchased about two years ago after the old house on the site was demolished. She now seeks to sell the lots but because they are zoned I-1, lenders are hesitant to make real estate loans to potential buyers on a property that a house couldn't be constructed on (709) or couldn't be rebuilt if destroyed (713); the changing the zoning to R-6 would eliminate this hurdle.

PHYSICAL CHARACTERISTICS OF PROPERTY

Until it was demolished in early 2021, the northern lot, at 709, contained a single family dwelling; it's now a vacant lot where the Vargas' store some personal items. At 50 feet wide and 160+ feet deep, the lot size is typical for this area. On the southern lot, at 713, the Vargas' live in a house that they have remodeled since purchasing the property several years ago. It contains roughly the same dimensions being 45 feet wide and 160+ feet deep.

CHARACTERISTICS OF THE AREA

These two lots serve as part of the demarcation line between the industrial zoning and uses to the north and east, and the residential zoning and uses to the south and west. The property adjoining the north side of 709 contains a metal building with other warehouse-style buildings at this intersection and to the north. Homes to the south and west are primarily an assortment of single-family homes constructed in the first part of the last century with fewer newer structures built in the last 30 years. The neighborhood is served by streets without sidewalks, or curb/gutter improvements.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

This rezoning will advance an objective of the City's Strategic Plan to help stabilize and revitalize neighborhoods by allowing the lots to be used for residential use like other lots to the south and west.

Comprehensive Plan Guiding Land Use Principles:

The Plan recommends these two properties for Residential Urban Neighborhoods. These are residential areas with nearby neighborhood retail that includes a mix of housing that provide for a diverse range of housing types. The proposed R-6 would be in conformance with this land use.

Zoning:

While permitting various industrial, warehousing, manufacturing, and office uses, the current I-1 zoning doesn't allow for any residential uses. In contrast, R-6 allows only single-family homes along with some governmental and institution uses but no commercial or industrial uses.

Historic and Archeological Sites:

This property is not located within any historical district.

Public Utilities:

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

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 properties east of Willis Avenue. The proposed R-6 would be in conformance with this land use.
- 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 adopted neighborhood or sub-area plans in place here nor is the site adjacent to any planned neighborhood areas.
- 3. The compatibility of the proposed zoning with the zoning and use of nearby property, including any overlay zoning.**
This proposed residential zoning is compatible with the zoning and land uses to the south and west which are primarily in single-family use.
- 4. The compatibility of the proposed zoning and allowed uses with the character of the neighborhood.**
This residential zoning is compatible with the zoning and use of the properties to the south and west of the property but not with the industrial zoning and uses north and west of the site.
- 5. The suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations.**
These two lots are not suitable for industrial use do to their relatively small size, location, and adjacency to residential properties.
- 6. The length of time the subject property has remained vacant as zoned.**
Under the current zoning, the vacant 709 lot could only be used for I-1 uses, which is impractical when considering the lot’s size and location. Containing the applicant’s home, the same could be said of the 713 lot, which is slightly smaller.
- 7. The extent to which approving the rezoning will detrimentally affect nearby properties.**
These properties being rezoned to residential will not have any ill affects to other industrially or residentially zoned property nearby.
- 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 will hamper the owner’s ability to sell the two lots, and any potential future buyers’ ability to obtain loans and make improvements to the properties.

EXHIBITS

1. Applicant’s letter
2. Application
3. Notification letter

4. Property mailing list
5. Mailing affidavit
6. Aerial Photo
7. Comp plan map
8. Zoning map