

MEETING DATE: December 13, 2022

STAFF: Brian Harker, Planner

PROJECT NAME: Salcedo rezoning

CASE NUMBER/REQUEST: **Case 22-100-23 – Rezoning – 9607 E. US 24 Highway** – A request by Francisco Salcedo to rezone this property from District R-30/PUD (High Density Residential/Planned Unit Development) and District R-12 (Two-Family Residential) to District R-6 (Single-Family Residential)

APPLICANT/OWNER: Francisco Salcedo
FS Modern House

PROPERTY ADDRESSES: 9607 E. US 24 Highway

SURROUNDING ZONING/LAND USE:

- North:** District R-30/PUD (High Density Residential/Planned Unit Development)...single-family and multiple-family houses
- South:** District R-12 (Two-Family Residential)...railroad right-of-way and one and two-family houses
- West:** District R-30/PUD (High Density Residential/Planned Unit Development) and District R-12 (Two-Family Residential)...railroad right-of-way
- East:** District-30/PUD (High Density Residential/Planned Unit Development) and District R-12 (Two-Family Residential)...one, two and multiple-family houses

PUBLIC NOTICE:

- Letters to adjoining property owners – November 23, 2022
- Public Notice published in the Independence Examiner – November 29, 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 6, 2023.

RECOMMENDATION

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

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION:

Current Zoning: R-30/PUD (High Density Residential/Planned Unit

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

Development) and R-12 (Two-Family Residential)

Current Use: Underutilized Residential Property

Proposed Use: Single-Family Residences

Tract Size: 0.65-acres

PROPERTY HISTORY:

This property has been zoned District R-30/PUD (High Density Residential/Planned Unit Development) and District R-12 (Two-Family Residential) since 2009. From 1965 to 2009, the nomenclature was District R-4 (High Density Residential) and District R-12 (Two-Family Residential).

PROPOSAL:

Francisco Salcedo requests to rezone the property from R-30/PUD and R-12 to R-6 to split the lot into two to rehab two existing structures into single-family homes.

PHYSICAL CHARACTERISTICS OF PROPERTY AND THE AREA:

The property is somewhat secluded from US 24 Highway, only reaching it at its northwest corner, mostly separate by a mix of vacant and occupied lots, with both small, single-family pre-World War II homes and a three-building apartment complex. Currently, a gravel drive divides the property at that northwest point, accessing an accessory building to the south and the “shell” of a house on the property’s eastern edge. Wedged in by the rail line running diagonal along the southwest property line, the eastern and southeastern sides of the property are abutting mostly single-family residences.

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 R-6 zoning for this property is consistent with the Residential Neighborhoods land use designation outlined by the Comprehensive Plan. The Guiding Land Use Principle most pertinent to the proposed zoning and use is to, “Improve and maintain housing stock in established neighborhoods.”

Sub-Area Plans:

The site is located within the 24 Highway sub-area plan and within the Downtown Redevelopment Area. The 24 Highway Plan Area envisions a mixture of commercial and residential uses. The redevelopment of this property will 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 R-30/PUD (which allows the above, and two-family and multiple-family housing, but not single-family homes) and R-12 (which allows the above and two-family homes).

Replatting:

To construct two single-family homes on the property as planned, a Minor Subdivision will be necessary to split the tract into two residential lots. Given little available frontage, the Minor Subdivision approval would require a variance. This plat will be required to be recorded with the Jackson County Recorder's Office prior to the issuance of any building permits.

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 proposed west lot. Private utility easements to the proposed east lot would need to be created on the plat.

Property Access:

A cross-access easements to the east lot through the west lot would be necessary and must be provided in conjunction with the new Minor Subdivision. The shared driveway would have to be paved.

Public Improvements:

No public improvements will be required in the US 24 Highway right-of-way.

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 Neighborhood uses for this area. The Plan calls for infill activity that should 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 24 Highway sub-area plan and within the Downtown Redevelopment Area. The 24 Highway envisions a mixture of commercial and residential uses. The redevelopment into single-family uses 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 is near one, two and multiple-family uses to the east and south. The proposed rezoning would be compatible with the nearby 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 would 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 neighborhood abutting this portion of the US 24 Highway corridor;

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

This property has been underutilized for a few years;

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 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 single-family structures on the property. The gain will be the elimination and rehabilitation of blighted, dilapidated structures.

EXHIBITS

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