

MEETING DATE: January 24, 2023

STAFF: Brian L. Harker, Planner

PROJECT NAME: South Liberty Rezoning

CASE NUMBER/REQUEST: **Case 23-100-02 – Rezoning – 308 and 312 S. Liberty Street** – A request by Adrienne Hill and Andrea Villatoro to rezone 308 and 312 S. Liberty Street from I-1 (Industrial) to R-6 (Single-Family Residential).

APPLICANTS/OWNERS: Adrienne Hill and Andres Villatoro

PROPERTY ADDRESSES: 308 and 312 S. Liberty Street

SURROUNDING ZONING/LAND USE:

- North:** C-2 (General Commercial)...vacant structure
- South:** I-1 (Industrial)...commercial structure
- East:** I-1 (Industrial)...county health building
- West:** I-1 (Industrial)...vacant lot

PUBLIC NOTICE:

- Letters to adjoining property owners – December 23, 2022
- Public Notice published in the Independence Examiner – January 7, 2023
- Sign posted on property – January 5, 2023

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on February 20, 2023 and the public hearing/second reading on March 6, 2023.

RECOMMENDATION

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

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: Adrienne Hill and Andres Villatoro request to rezone 308 and 312 S. Liberty Street from I-1 (Industrial) to R-6 (Single-Family Residential).

Current Zonings:	I-1	Proposed Zonings:	R-6
Current/Proposed Uses:	Single-family residences	Acres:	0.12 and 0.09 acres

PROPOSAL:

Adrienne Hill requested to rezone the legal nonconforming, single-family house to make it more marketable. Noncash buyers that would require mortgages would have difficulty getting bank financing. Further, the residence to the south could face similar difficulties, so that property's

owner, Andres Villatoro, is joining this request as well. Rezoning both properties eliminates industrially zoned lots with legal nonconforming, single-family residential uses in a neighborhood zoned overwhelmingly for commercial and industrial uses.

PHYSICAL CHARACTERISTICS OF PROPERTIES:

Both residences appear to be in relatively good condition. The more northern house (the one to be marketed by Ms. Hill) is the smaller of the two. The southern house sets a tad closer to the street. Both have driveways along their southern property lines and no garages. The houses, formerly part of a neighborhood that decades earlier was much more residential in nature.

CHARACTERISTICS OF THE AREA:

The surrounding neighborhood has several properties with early to mid-twentieth century commercial and industrial buildings. The Jackson County Health Department, in a masonry building setting about 25 feet from the right-of-way in a grassy lawn, occupies a large tract across the street to the east. An underutilized commercial building, on a much narrower lot, abuts the northern residence its north. South of the south residence lies a masonry industrial/office/commercial building across an access drive leading to the vacate property to the west that contains some parked vehicles.

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 for the Current Designation:

The City Comprehensive Plan recommends Mixed Uses for this site. The Guiding Principles state the need to, “...maintain housing stock in established neighborhoods”.

Sub-Area Plans:

The site is located within the Square District.

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 tracts are zoned I-1 which allows for religious assembly, utility services, pet sales and grooming, animal boarding, veterinary services, stables, art spaces, building maintenance services, business equipment sales, business support services, communication services, construction services, offices, parking, repair and laundry services, indoor recreation, carwashes, heavy equipment sales, manufacturing, recycling services, self-storage, warehousing and agriculture.

Historic and Archeological Sites: There are no apparent historic issues with these properties.

Public Utilities:

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

Floodplain/Stream Buffer:

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

Public Improvements:

No public improvements would be required.

CIP Investments:

The city does not have any capital improvements planned near these sites.

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 for this area that could include residential, office and commercial uses.
- 2. Conformance of the requested zoning with any adopted neighborhood or sub-area plans in which the property is located or abuts.**
The proposed zonings and uses are consistent with the adopted Square Area plan.
- 3. The compatibility of the proposed zoning with the zoning and use of nearby property, including any overlay zoning.**
The existing Jackson County Health Department operation, and nearby small scale commercial and industrial uses, do not appear to be intrusive to the existing residential uses.
- 4. The compatibility of the proposed zoning and allowed uses with the character of the neighborhood.**
The proposed R-6 is zoning consistent with the area’s existing built environment.
- 5. The suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations.**
These I-1 zoned properties, with their single-family homes, have no industrial potential given the size of the properties and the existing development pattern.
- 6. The length of time the subject property has remained vacant as zoned.**
This is not applicable.
- 7. The extent to which approving the rezoning will detrimentally affect nearby properties.**
The rezonings should 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 owner occupiers’ ability to refinance the properties or obtain building permits.

EXHIBITS

1. Applicant’s letter
2. Application
3. Notification letter
4. Address list
5. Affidavit
6. House Image

7. Comprehensive Plan map
8. Zoning map