

MEETING DATE: February 14, 2023

STAFF: Brian L. Harker, Planner

PROJECT NAME: N. Main Street Area Rezoning

CASE NUMBER/REQUEST: **Case 23-100-06** – A request by the City of Independence to rezone the properties at 137 E. College Street; 110, 116, 118 and 120 E. Farmer Street; 112, 113, 116, 118, 120, 121, 125, 127, 130, 134 and 137 E. Waldo Avenue; and 501, 507, 601, 605, 609, 615, 617, 619 and 623 N. Main Street from C-2 (General Commercial) and R-30/PUD (High Density Residential/Planned Unit Development) to R-6 (Single-Family Residential).

APPLICANT: City of Independence

PROPERTY ADDRESSES: 137 E. College Street; 110, 116, 118 and 120 E. Farmer Street; 112, 113, 116, 118, 120, 121, 125, 127, 130, 134 and 137 E. Waldo Avenue; and 501, 507, 601, 605, 609, 615, 617, 619 and 623 N. Main Street

SURROUNDING ZONING/LAND USE:

- North:** C-1 (Neighborhood Commercial), C-2 (General Commercial) and R-30/PUD (High Density Residential/Planned Unit Development)...commercial buildings and single and multiple-family structures
- South:** R30/PUD (High Density Residential/Planned Unit Development) and C-2 (General Commercial)...single-family structures and vacant lots
- East:** C-2 (General Commercial)...vacant lots, single-family home and commercial buildings
- West:** R30/PUD (High Density Residential/Planned Unit Development) and O-1 (Office-Residential)...church properties and former church school properties

PUBLIC NOTICE:

- Letters to adjoining property owners – January 27, 2023
- Public Notice published in the Independence Examiner – January 28, 2023
- Signs posted on property – January 27, 2023

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on March 20, 2023 and the public hearing/second reading on April 5, 2023.

RECOMMENDATION

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

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: A request by the City of Independence to rezone the properties at 137 E. College Street; 110, 116, 118 and 120 E. Farmer Street; 112, 113, 116, 118, 120, 121, 125, 127, 130, 134 and 137 E. Waldo Avenue; and 501, 507, 601, 605, 609, 615, 617, 619 and 623 N. Main Street from C-2 (General Commercial) and R-30/PUD (High Density Residential/Planned Unit Development) to R-6 (Single-Family Residential).

Current Zonings: R-30/PUD (High Density Residential/Planned Unit Development) and C-2 (General Commercial)

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

Current/Continued

Uses: Single-family residences

PROPERTY HISTORIES:

Prior to 2009, the nomenclature for R-30/PUD was R-4. The R-4 properties had been zoned as such since 1965. Prior to 1980, the C-2 properties were zoned C-3.

PROPOSAL:

All the properties included in this proposed rezoning are part of a cluster of single-family uses that is currently zoned either C-2 or R-30/PUD. Rezoning the area to R-6 will reenforce the single-family nature of the existing neighborhood. Rezoning the legal nonconforming, single-family properties will make them more marketable because noncash buyers that require mortgages will have less difficulty getting bank financing. Further, without rezoning, existing properties could lose their single-family uses if unoccupied for more than six months.

PHYSICAL CHARACTERISTICS OF PROPERTIES:

The neighborhood is made up of a mix of architectural styles from the late 1800's and the early to middle 1900's. Most of the single-family residences appear to be in relatively good condition; however, three residences are unoccupied and/or dilapidated.

CHARACTERISTICS OF THE AREA:

To the north, the College Street corridor is a mixture of commercial and multiple-family properties zoned C-1, C-2 and R-30/PUD. On the east, abutting Noland Road, are vacant lots, previously single-family residential in use, zoned C-2 and R-30/PUD. The properties to the south are zoned R-30/PUD, but largely single-family residential in use. The area west of Liberty Street is zoned R-30/PUD and O-1 and the site of the former St. Mary's high school and other church properties.

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 Residential Urban Neighborhoods uses for this site. The Guiding Principles state the need to, "...maintain housing stock in established neighborhoods".

Sub-Area Plans:

The area is located within the Downtown Redevelopment Area.

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, some of the properties are zoned R-18/PUD (Moderate Density Residential/Planned Unit Development), a zoning classification that allows for two-family and multiple-family dwellings and various other uses (schools, churches, government facilities, cemeteries, home-based daycare, agriculture and others with conditions); and others are 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 issues with these properties.

Public Utilities:

As this is a long-established residential neighborhood, with 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 Residential Urban Neighborhoods for the area. A Guiding Principle of the Comprehensive Plan states the need to, "...maintain housing stock in established neighborhoods".
- 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 Downtown Redevelopment Area plan.
- 3. The compatibility of the proposed zoning with the zoning and use of nearby property, including any overlay zoning.**
There are many nearby single-family uses, as well as small duplexes and apartments. The nearby commercial and institutional uses are generally low-intensity 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.

The C-2 zoned properties, with their single-family homes, have little commercial potential given the size of the properties and little drive-by traffic in the area. The single-family structures in the R-30/PUD areas are generally too small for conversion to multiple-family use.

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

This is generally not applicable; but three properties are vacant; two of them for more than two years.

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

The rezonings should have no detrimental effect on area properties. The rezoning would legalize the single-family residential uses that already exist.

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 their properties or for any owner to obtain building permits.

EXHIBITS

1. Application
2. Internal and External Notification letters
3. Internal Address List
4. External Address List
5. Affidavit
6. Property Owner Notification Map
7. Comprehensive Plan map
8. Zoning map