

**MEETING DATE:** March 14, 2023

**STAFF:** Brian L. Harker, Planner

**PROJECT NAME:** Snedeger Rezoning

**CASE NUMBER/REQUEST:** **Case 23-100-07 – Rezoning – 617 N. Hocker Avenue** – A request by Phil and Lisa Snedeger to rezone this property from I-1 (Industrial) to R-6 (Single-Family Residential)

**APPLICANT/OWNER:** Phil and Lisa Snedeger

**PROPERTY ADDRESSES:** 617 N. Hocker Avenue

**SURROUNDING ZONING/LAND USE:**

- North:** R-6 (Single-Family Residential)...vacate lot
- South:** I-1 (Industrial)...single-family house
- West:** R-12 (Two-Family Residential)...vacant lot
- East:** R-6 (Single-Family Residential)...wooded lot

**PUBLIC NOTICE:**

- Letters to adjoining property owners – February 24, 2023
- Public Notice published in the Independence Examiner – February 25, 2023
- Signs posted on property – February 24, 2023

**FURTHER ACTION:**

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on March 14, 2023 and the public hearing/second reading on May 1, 2023.

### RECOMMENDATION

Staff recommends **APPROVAL** of this rezoning.

### PROJECT DESCRIPTION & BACKGROUND INFORMATION

**PROJECT DESCRIPTION:**

<b>Current Zoning:</b> I-1 (Industrial)	<b>Proposed Zoning:</b> R-6 (Single-Family Residential)
<b>Current Use:</b> Single-family home	<b>Continued Use:</b> Single-Family Residential
<b>Lot size:</b> 0.15-acres/6,629-square feet	

**PROPERTY HISTORY:**

While the title of the zoning district changed from M-1 to I-1 in July 2009, the property has been zoned industrial since at least November 1965. The lot's structure, built as single-family house, had been used as a residence until losing its legal non-conforming status.

In July 2021, the building was tagged as a dangerous structure due to structural issues. As this building has been vacant for more than 6 months, the structure has lost its legal non-conforming status. Staff has been working with the property owner to bring the structure into compliance with City codes.

**PROPOSAL:**

The applicants want to repair the existing residential structure on the property currently zoned industrial. To restore the structure to single-family residential use, the property must first be rezoned. Otherwise, the structure will likely be torn down. Given the dimensions and location of the property, it is not likely to be developed for I-1 (Industrial) uses. Lastly, the applicants own the lot adjacent to the north, already zoned R-6 (Single-Family Residential).

**PHYSICAL CHARACTERISTICS OF PROPERTY**

The 1,222-square foot tan bungalow sits on a 6,629-square foot lot with a narrow 5-foot wide southern side yard. The neighbor’s small ranch, to the south, is quite close. The property does not have a garage or paved driveway. Significant gravel has been added as a drive to the north of the structure along with a graveled area in the rear. Storage units have also been placed at the rear of the property. Both storage units and the gravel will have to be removed.

**CHARACTERISTICS OF THE AREA**

This neighborhood has an assortment of early twentieth century houses, vacant lots and some recent construction. But generally, it is a neighborhood that has experienced significant disinvestment over the last few decades.

**ANALYSIS**

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

An objective of the City’s Strategic Plan is ‘Building new housing units (or preserving existing units) to fill a market need.’

**Comprehensive Plan Guiding Land Use Principles:**

The Plan recommends that existing residential areas be preserved and enhanced over time. The use of R-6 zoning is in keeping with the Guiding Principle to, “improve and maintain housing stock in established neighborhoods.”

**Zoning:**

The proposed zoning of I-1 (Industrial) allows for warehousing, wholesaling, vehicle repair, small engine repair, vehicle storage, office use, government facilities, utilities and manufacturing. Allowed uses in R-6 districts include single-family homes, home based child-care, government facilities, churches, schools, utilities, cemeteries, crops, and gardening.

**Flood Plain/Stream Buffer:**

The property is not located in any federally identified floodplain, nor is it in a city designated Stream Buffer.

**Historic and Archeological Sites:**

There do not appear to be any significant historic or archeological sites on the property.

**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 Neighborhoods uses for this area.*
- 2. Conformance of the requested zoning with any adopted neighborhood or sub-area plans in which the property is located or abuts.**  
*There are not any neighborhood or sub-area plans for this vicinity.*
- 3. The compatibility of the proposed zoning with the zoning and use of nearby property, including any overlay zoning.**  
*This site is not within any overlay zoning district.*
- 4. The compatibility of the proposed zoning and allowed uses with the character of the neighborhood.**  
*The use the R-6 zoning and the retention of the single-family home on the lot will be in character with the Hocker Heights neighborhood.*
- 5. The suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations.**  
*The small residential lot is not of adequate size for most I-1 uses.*
- 6. The length of time the subject property has remained vacant as zoned.**  
*This property has been zoned for industrial use since 1965, but the residence had been occupied until about a decade ago.*
- 7. The extent to which approving the rezoning will detrimentally affect nearby properties.**  
*Rezoning the property to R-6 will make the zoning consistent with both the adjacent zoning to the north and nearby single-family uses.*
- 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 not be able to rehabilitate the site's existing single-family home.*

**EXHIBITS**

1. Applicant's letter
2. Application
3. Notification letter
4. Mailing Affidavit
5. Addresses
6. Aerial Photograph
7. Zoning Area

8. Comp plan map
9. Zoning map