

**MEETING DATE:** March 28, 2023

**STAFF:** Stuart Borders, Senior Planner

**PROJECT NAME:** Carter R-6 rezoning

**CASE NUMBER/REQUEST:** **Case 23-100-08 – Rezoning – 10103 E. Kentucky Road** – A request by Chris Carter to rezone this property from C-1 (Neighborhood Commercial) to R-6 (Single Family Residential)

**APPLICANT/OWNER:** Christopher Carter for Milewide Inc.

**PROPERTY ADDRESSES:** 10103 E. Kentucky Road

**SURROUNDING ZONING/LAND USE:**

- North:** O-1 (Residential-Office), C-1; Single family homes, triplex, school site
- South:** R-12 (Two Family Residential), C-1; Single family homes
- West:** C-1; Single and multi-family homes
- East:** R-6 (Single family residential), C-1; Single family homes, vacant lot

**PUBLIC NOTICE:**

- Letters to adjoining property owners – March 9, 2023
- Public Notice published in the Independence Examiner – March 11, 2023
- Signs posted on property – March 10, 2023

**FURTHER ACTION:**

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on May 1, 2023 and the public hearing/second reading on May 15, 2023.

### RECOMMENDATION

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

### PROJECT DESCRIPTION & BACKGROUND INFORMATION

**PROJECT DESCRIPTION:**

**Current Zoning:** C-1 (Neighborhood Commercial)

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

**Current Use:** Single family home

**Proposed Use:** Single family home

**Lot size:** 0.11 acres +/-

**PROPERTY HISTORY:**

The November 1965 zoning map shows a small neighborhood commercial area at the intersections of Kentucky Road and Cedar and Huttig Avenues. This commercial node included about 25 lots and was zoned C-1. With few exceptions, the properties are now in residential use, even those

originally constructed for commercial use. Since that time, three of the lots have been rezoned: two to residential use (R-6/R-12) and the other to office (O-1). The neighboring building at 10101 was in commercial use with a small business on the first floor with a dwelling unit above.

**PROPOSAL:**

Along with the adjoining property to the west, Milewide Inc. (Milewide) purchased this property in November of last year to use as a rental property. After discovering both properties were zoned C-1, Milewide decided to rezone both lots to the level of residential zoning to match the property's actual use. As this 10103 property contains a single family, R-6 is the requested zoning classification.

**PHYSICAL CHARACTERISTICS OF PROPERTY:**

The property is small, being only 50 feet by 100 feet (5,000 SF) in size and contains one, single family home. Milewide states the house is a two-bedroom structure containing about 900 SF, above a crawl space. It's a light blue, wood frame structure featuring a covered front porch. Behind the house is an open yard area; between the house and Kentucky is consumed by an asphalt parking area.

**CHARACTERISTICS OF THE AREA:**

This area of northwest Independence consists of mostly older homes on average to small sized lots constructed in the middle of the last century. Except for the commercial node which this lot is part of, the zoning in the vicinity is R-12. Even within this C-1 node here at the Kentucky/Huttig/Cedar crossroads, most of the commercial buildings have been converted into residential use.

**ANALYSIS**

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

The rezoning of this property for its residential use will help stabilize this neighborhood, an objective of the Strategic Plan.

**Comprehensive Plan Guiding Land Use Principles:**

The Plan recommends that existing residential areas be preserved and enhanced over time. The proposed R-6 zoning here will follow that objective.

**Zoning:**

The current C-1 zoning permits offices, restaurants, personal services, small retail, uses but not single-family homes, duplexes, or apartments. The R-6 zoning classification allows for one, single-family home per lot with nonresidential uses limited to home-based child-care, government facilities, churches, schools, utilities, cemeteries, crops, and gardening.

**Historic and Archeological Sites:**

There are no apparent historic/archeological issues with this property.

**Public Utilities:**

Water, sanitary sewer, and electrical services are connected to this property.

**CIP Investments:**

There are no City capital improvement projects (CIP) planned for this area.

**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 Established Neighborhoods uses for this area. The proposed rezoning is in conformance with the Comp Plan.*
- 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 neighborhood or sub-area plans that include this site.*
- 3. The compatibility of the proposed zoning with the zoning and use of nearby property, including any overlay zoning.**  
*The proposed R-6 zoning is akin to most of the area's R-12 (Two Family Residential) zoning and the use of the property for a single-family home is compatible with other residential properties in the area.*
- 4. The compatibility of the proposed zoning and allowed uses with the character of the neighborhood.**  
*The proposed R-6 zoning, and the existing single-family home will be in character with this older neighborhood in the northwest part of the city.*
- 5. The suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations.**  
*Due to the property's relatively small size and being sited in this now primarily residential area, the property has minimal potential commercial use.*
- 6. The length of time the subject property has remained vacant as zoned.**  
*This property has contained one single-family home for decades.*
- 7. The extent to which approving the rezoning will detrimentally affect nearby properties.**  
*Changing the zoning of the site to R-6 will have no detrimental affect on nearby 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 could negatively affect any future sale of financing of the lot; the proposed zoning change is unlikely to have significant effect on those other issues.*

#### **EXHIBITS**

1. Applicant's letter
2. Application
3. Notification Letter
4. Mailing List
5. Affidavit
6. House photo
7. Comp plan map
8. Zoning map