

MEETING DATE: June 27, 2023

STAFF: Joshua Garrett, Planner

PROJECT NAME: CSL Rezoning

CASE NUMBER/REQUEST: **Case 23-100-15 – Rezoning – 140 E. Farmer Street** – A request by W. Benjamin Kasey to rezone this property from C-2 (General Commercial) to R-6 (Single-Family Residential).

APPLICANT: W. Benjamin Kasey

PROPERTY ADDRESS: 140 E. Farmer Street

SURROUNDING ZONING/LAND USE:

- North:** C-2 (General Commercial)...vacant lots.
- South:** C-2 (General Commercial)...vacant lot and CSL property.
- East:** C-2 (General Commercial)...automobile repair shop.
- West:** C-2 (General Commercial), R-6 (Single Family)...single family home and vacant lot.

PUBLIC NOTICE:

- Letters to internal and external property owners – May 23, 2023
- Public Notice published in the Independence Examiner – June 10, 2023
- Signs posted on property – June 9, 2023

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on August 7, 2023 and the public hearing/second reading on August 21, 2023.

RECOMMENDATION

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

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: A request by the W. Benjamin Kasey to rezone the property at 140 E. Farmer Street from C-2 (General Commercial) to R-6 (Single-Family Residential).

Current Zonings: C-2 (General Commercial) **Proposed Zonings:** R-6 (Single-Family Residential)

Current/Continued Uses: Vacant Land

PROPERTY HISTORY:

Prior to 1980, the C-2 property was zoned C-3.

PROPOSAL:

The property included in this proposed rezoning is a vacant lot that is currently zoned as C-2. Rezoning the property to R-6 will re-enforce the single-family nature of the neighborhood. Rezoning this vacant lot will allow CSL to develop it into three separate lots to be used for single-family homes and increase the value of neighboring properties. Further, without rezoning, the existing property is likely to remain vacant.

PHYSICAL CHARACTERISTICS OF PROPERTY:

The property is a vacant lot with a total are of 18,321 square feet. The north portion of the property is primarily grass, apart from an 8x60 foot concrete slab and a gravel driveway that appears to be used by the occupants of the property to the west. The south portion of the property has two large trees that sit atop a small increase in elevation.

CHARACTERISTICS OF THE AREA:

To the north of the property lies a mixture of vacant land, single family residential homes, and commercial businesses along College street. These properties are primarily zoned C-2 and R-30/PUD. On the east, abutting Noland Road, are a mix of commercial and industrial businesses, zoned C-2 and I-1 respectively. The properties to the south are zoned C-2 and R-30/PUD, but are a mixture of vacant lots and single-family residences. Further south, along White Oak Street is the Second Baptist Church and Community Services League building. The area to the west is zoned R-30/PUD and is a mix of vacant lots and single-family residential homes.

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, the property is 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 are expected.

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 residences. The nearby commercial and institutional uses are generally low-intensity uses. The rezoning to single family residential will be in keeping with the nearby neighborhoods.

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.

This C-2 zoned property, located outside of the commercial area of the Square, is unlikely to develop commercially in the near future. Further being adjacent to an existing residential neighborhood, this rezoning would help stabilize the area. The property has 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 were part of a City initiated rezoning.

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

This tract has been vacant for over two decades.

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 allow for construction of single-family residential uses that will improve the area by filling in vacant lots.

- 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.**

The property is not suitable for commercial uses. If the rezoning is denied, it would limit the ability to redevelop the residential neighborhood.

EXHIBITS

1. Applicant Narrative
2. Application
3. Notification letter
4. Address List
5. Affidavit
6. Community Services League Image
7. Comprehensive Plan map
8. Zoning map