

MEETING DATE: July 25, 2023

STAFF: Brian L. Harker, Planner

PROJECT NAME: Main Street Rezoning

CASE NUMBER/REQUEST: **Case 23-100-18 – Rezoning – 923, 924, 925 and 926 N. Main Street – A** request by the City of Independence to rezone these properties from C-2 (General Commercial) to R-6 (Single-Family Residential).

APPLICANT: City of Independence

PROPERTY ADDRESSES: 923, 924, 925 and 926 N. Main Street

SURROUNDING ZONING/LAND USE:

North/West/East: C-2 (General Commercial) and C-2/SUP (General Commercial/Special Use Permit)...used car lots, strip center and single-family homes

South: R-12 (Two-Family Residential)... single-family homes

PUBLIC NOTICE:

- Letters to internal and external property owners – July 5, 2023
- Public Notice published in the Independence Examiner – July 7, 2023
- Signs posted on property – July 7, 2023

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on July 25, 2023 and the public hearing/second reading on September 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 923, 924, 925 and 926 N. Main Street from C-2 (General Commercial) to R-6 (Single-Family Residential).

Current Zoning:	C-2 (General Commercial)	Proposed Zoning:	R-6 (Single-Family Residential)
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Current/Continued Uses:	Single-Family Residences
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PROPERTY HISTORIES:

Prior to 1980, the C-2 properties were zoned C-3 (Commercial).

PROPOSAL:

The properties included in this rezoning are part of a cluster of single-family uses abutting commercial uses along the US 24 Highway corridor that are currently zoned C-2 (General Commercial). Rezoning the area to R-6 will re-enforce 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 middle 1900's. The single-family residences appear to be in relatively good condition.

CHARACTERISTICS OF THE AREA:

To the north of the properties, are used car lots and a former motorcycle shop and are zoned C-2. Abutting to the west is a strip center zoned C-2 as well. The area generally south of US 24 is residential in nature.

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 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 properties 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 federal flood zone or Stream Buffer zone present on these 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 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. The nearby commercial 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;
- 6. The length of time the subject property has remained vacant as zoned.**
This is not applicable to structures in the area to be rezoned;
- 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 will 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 owner occupiers' ability to refinance their properties or for any owner to obtain building permits.

EXHIBITS

1. Narrative
2. Application
3. Internal Notification letters
4. External Notification letters

5. Internal Address List
6. External Address List
7. Affidavit
8. Letter of support
9. Main Street rezoning map
10. Comprehensive Plan map
11. Zoning map