
MEETING DATE: January 23, 2024 **STAFF:** Joshua Garrett, Planner

PROJECT NAME: Rezoning to R-6 Single-Family Residential

CASE NUMBER/REQUEST: **Case 24-100-02 – Rezoning – 625 N. Lakeview Avenue** – A request by Jesse Herfel to rezone the property from R-12 (Two-Family Residential) and R-30/PUD (High-Density Residential) to R-6 (Single-Family Residential)

APPLICANT: Jesse Herfel

OWNER: KCMO Town, LLC

PROPERTY ADDRESS: 625 N. Lakeview Avenue, Independence, MO 64050

SURROUNDING ZONING/LAND USE:

- North:** R-6 (Single-Family Residential)
- East:** R-30 (High-Density Residential) and R-12 (Two-Family Residential)
- South:** R-12 (Two-Family Residential)
- West:** R-6 (Single-Family Residential) and R-12 (Two-Family Residential)

PUBLIC NOTICE

- Letters to property owners within 185 feet – January 2, 2024
- Public Notice published in the Independence Examiner – January 2, 2024
- Sign posted on property – January 5, 2024

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on February 19, 2024, and the public hearing/second reading on March 4, 2024.

RECOMMENDATION

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

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: A request by Jesse Herfel to rezone the property from R-12 (Two-Family Residential) and R-30/PUD (High-Density Residential) to R-6 (Single-Family Residential).

Current Zoning:

R-12 (Two-Family Residential)
R-30/PUD (High-Density Residential)

Proposed Zoning:

R-6 (Single-Family Residential)

Current Use: Single-Family Home

Acreage: 0.52 Acres

Proposed Use: Single-Family Homes

Building Square Footage: 720 sq feet

BACKGROUND:

The mixed zoning of R-30/PUD and R-12 makes the existing house on the property a legal non-conforming structure. If the home was destroyed, the structure would not be able to be rebuilt as a single-family home. This has made it difficult for the property owners to secure a loan on the property. They are requesting the property be rezoned to assist them in the loan process.

The original request from the applicant was to rezone the property to R-12 (Two-Family Residential), however given the existing character of the neighborhood as primarily single-family residences, staff believed an R-6 zoning better suites the neighborhood compared to R-12. The applicant was informed that staff would support an application to rezone the property to R-6 (Single-Family Residential). The applicant agreed and amended their application to rezone this property to R-6.

PROPERTY HISTORY:

This property was platted in 1923 as part of the Highland Park plat. The current property boundaries include all of lots 12, 13, and 43. The home on the property was built in 1930. While most of the home is situated on lot 12, the structure crosses the lot boundaries into lots 13 and 43 as well. When the City introduced zoning in 1965, lots 12 and 13, along with the other lots along College Street, were designated R-4 (High-Density Residential). Lot 43, however, was designated to be R-2 (Two-Family residential). These lots retained their zoning classifications through the changes made to the City's zoning ordinance in 1980. In 2009, when the City adopted the current version of the Unified Development Ordinance, R-2 zones were reclassified as R-12 and R-4 zones were reclassified as R-30/PUD. This is how the property, containing three lots, wound up with mixed zoning.

PHYSICAL CHARACTERISTICS OF THE PROPERTY:

Lots 12 and 13 are relatively flat along the portion of the property abutting College Street. The rear portions of these lots and lot 43 have a downward slope. The topography of Lot 43 drops more than 25 feet from the west to the east property lines. The house on the property is a blue bungalow that faces Lakeview Avenue. A walkout basement is visible from Lakeview. There is no garage or driveway on the property, but there is a gravel pull-off area in front of the home. The property has several trees adjacent to the street and many more in the rear of the property. A large open green space sits at behind the property on lot 43.

CHARACTERISTICS OF THE AREA:

The surrounding area is almost entirely comprised of single-family homes of a similar age and design to the existing house on subject property.

PROPOSAL:

The applicant seeks to have this property rezoned so that the property can be used to secure a loan. Further, the applicant has expressed some interest to replat the existing lots to develop additional single-family homes.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

Rezoning this property is consistent with the *Independence for All*, Strategic Plan. One of the objectives of the plan is to “stabilize and revitalize neighborhoods.” Rezoning this property to R-6 will ensure that this neighborhood remains a stable single-family area. Further, rezoning allows for the property to be appropriately maintained if building permits are required. Lastly, the property could be subdivided in such a way to allow for additional single-family homes further strengthening the character of the neighborhood.

Comprehensive Plan Guiding Land Use Principles:

The Comprehensive plan envisions the future land use of this property and the surrounding area to be residential neighborhoods. One of the guiding principles outlined in the Comprehensive Plan is to “preserve the integrity of existing neighborhoods and the historic nature of older neighborhoods.” R-30/PUD, and apartments generally, are not compatible with the existing character of the neighborhood. That is likely one reason that the area designated as R-30/PUD has remained undeveloped despite being zoned for high-density apartments for nearly sixty years. Amending the zoning to be R-6, as opposed to R-12, ensures that this property will remain single-family and further preserve the existing character of the neighborhood.

Zoning:

Section 14-300-02 of the Unified Development Ordinance outlines the purpose of Independence’s zoning districts by stating that they “are intended to create, maintain, and promote a variety of housing opportunities for individual households and to maintain the desired physical character of existing neighborhoods.” By rezoning this property to R-6 (Single-Family Residential), the City can ensure that any future use or development on this property will be in line with single-family character of the area. If rezoned, the property would be congruent with the neighboring R-6 area to the north and west.

Historic and Archeological Sites:

There are no apparent historic or archeological sites located on these properties.

Public Utilities:

All utilities are present in the adjacent rights-of-way.

CIP Investments:

Currently there are no CIP investments in 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 this area to be Residential Neighborhoods.

- 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 recent neighborhood or sub-area plans for this area.

- 3. The compatibility of the proposed zoning with the zoning and use of the nearby property, including any overlay zoning.**

The surrounding area is almost entirely zoned for single-family and two-family residences, however the predominant use for the area is single-family. Rezoning the property to R-6 (Single-Family Residential) is compatible with the surrounding R-6 and R-12 (Two-Family Residential) districts.

- 4. The compatibility of the proposed zoning and allowed uses with the character of the neighborhood.**

The existing character of the neighborhood is that of a single-family residential neighborhood. Rezoning to R-6 (Single-Family Residential) will ensure the character of the neighborhood is retained.

- 5. The suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations.**

With the current zoning in place, single-family homes are not permitted. The existing home on the property is currently legal-nonconforming. This property is much more suited for single-family homes than high-density apartments.

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

The property has never been developed for high-density apartments, although being zoning for such for nearly sixty years. The existing home on the property has remained vacant several months.

- 7. The extent of which approving the rezoning will detrimentally affect nearby properties.**

Rezoning this property to R-6 will not have a detrimental affect on the nearby properties. If anything, the affect will be positive.

- 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, because of denial of the application.**

Denial of the rezoning will likely mean that the property remains as-is and make it difficult for investors or homeowners to clean up the property or even subdivide it and develop new single-family homes.

EXHIBITS

1. Narrative
2. Application
3. Notification Letter
4. Mailing List
5. Affidavit
6. Notice Area Map
7. Comp Plan Map
8. Zoning Map