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**MEETING DATE:** March 26, 2024

**STAFF:** Joshua Garrett, Planner

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

**CASE NUMBER/REQUEST:** **Case 24-100-05 – Rezoning – 1301 S. Noland** – A request by Carolyn Richardson to rezone the property from C-2 (General Commercial) to R-6 (Single-Family Residential)

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**APPLICANT/OWNER:** Carolyn Richardson

**PROPERTY ADDRESS:** 1301 S. Noland Road, Independence, MO 64055

**SURROUNDING ZONING/LAND USE:**

**North:** C-2 (General Commercial) / Fast-Food and Gas Station

**South:** R-6 (Single-Family Residential) / Single Family Homes

**East:** C-2 (General Commercial) / Various Businesses

**West:** C-2 (General Commercial) / Fast-Food and Strip Mall

**PUBLIC NOTICE**

- Letters to property owners within 185 feet – January 8, 2024
- Public Notice published in the Independence Examiner – January 2, 2024
- Sign posted on property – January 5, 2024

## RECOMMENDATION SUPPLEMENTAL

The originally scheduled public hearing for this case was January 23, 2024. Currently the property is being utilized as a single-family home with the applicant living at the property and operating a home business. Rezoning this property from C-2 to R-6 would correct code violations currently on hold pending the outcome of this rezoning.

Prior to the originally scheduled public hearing, the applicant decided to sell the property as C-2 zoning and locate her residence and business elsewhere. A request was made to staff to withdraw the case rather than be rezoned. Staff informed the applicant that if the case is withdrawn, the applicant will be in violation of City Code by residing at the property zoned C-2 (Generally Commercial) which does not allow for residential uses. Also, any fence on the property would need to follow the commercial fence regulations by requiring a permit and meeting the UDO section 14-400-02 for commercial fences and locations.

With this in mind, the applicant requested the application be continued while the property was listed for sale. At the January 23, 2024 Planning Commission meeting, the Planning Commission voted to continue the case to the February 27, 2024, meeting. At the February 27, 2024 meeting the case was again continued by the Commission to the March 26, 2024 meeting. The applicant has been unable to sell the subject property in this timeframe. For this reason, the applicant is requesting an additional continuance.

As outlined in Section 14-700-09 of the Unified Development Ordinance, further continuances of this case require a majority vote of the hearing body present at the meeting. “The record will indicate a reason for the continuance and any stipulations or conditions placed upon the continuance” if the body deems it appropriate.

Staff **does not** recommend granting a continuance to this case.

However, if the Planning Commission wishes to continue the case, staff recommends the following:

1. The case shall only be continued for one additional continuance to a date certain. At that date, the public hearing shall be heard.
2. The case shall be continued to the next available meeting on April 9, 2024.