
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)

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

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.

STANDARD REQUIREMENTS OF APPROVAL

1. A change of use permit application shall be submitted and approved to change the occupancy classification from Office to Residential.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: A request by Carolyn Richardson to rezone the property from C-2 (General Commercial) to R-6 (Single-Family Residential).

Current Zoning: C-2 (General Commercial)

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

Current Use: Single-Family Home

Proposed Use: Single-Family Homes

Acreage: 0.52 Acres

Building Square Footage: 720 sq feet

BACKGROUND:

The applicant purchased this property in 2019 and has been living in the building, in addition to operating her business. According to the applicant, there have been several security issues on the property. To address this, the applicant applied for a building permit for a commercial fence. The fence, as proposed, was not approved because of the limitations placed on commercial fences per Section 14-400-02-C of the Unified Development Ordinance. Although not approved, the applicant began erecting a fence on the property. A stop-work-order was placed on the property on November 27th, 2023. After receiving the order, the applicant came to City Hall to discuss the options available to continue to erect the fence and to use the property as a residence. Rezoning the property to R-6 (Single-Family Residential) will allow the applicant to continue to live on the property and build a fence in accordance with the residential fencing standards.

The applicant will be able to continue to operate her business as a “minor home business” as it meets all the requirements outlined in Section 14-400-03-G of the Unified Development Ordinance.

PROPERTY HISTORY:

This property was platted in 1887 as part of the Walnut Park subdivision. The history of the property is difficult to determine. Jackson County’s parcel viewer map does not have information regarding year that the structure was built. However, it has clearly been on the property for several decades and is residential in its appearance. In 1965 when zoning was introduced, this property was designated as R-1 (Single-Family Residential). A city-wide rezoning was initiated in 1980. At this time this property was rezoned to C-2 (General Commercial). Throughout the 80s and 90s this property was an office building for The International University – Missouri, a Christian ministry and non-traditional higher-education institution. In 2009, with the adoption of the current version of the Unified Development Ordinance, this property remained C-2 (General Commercial.) The property remained vacant and for-sale for several years. The applicant purchased the property in 2019 at began living and operating her business at the property.

PHYSICAL CHARACTERISTICS OF THE PROPERTY:

The subject property has the appearance of a single-family home with a garage in the rear. The primary structure on the property is a large building with a stone façade that faces Noland Road. The front yard of the property is raised a few feet with a retaining wall adjacent to the sidewalk. A two-car garage faces Fair Street on the north side of the property. The size of the property is just shy of a quarter acre at 0.225 acres.

CHARACTERISTICS OF THE AREA:

The properties along Noland are almost entirely commercial properties. A small park sits on the northwest corner of the Noland and Fair intersection. McDonalds and QuikTrip operate on the properties north of Fair Street. Taco Bell, Pizza Hut, and a variety of business in a strip map operate on the west side of Noland. The Chop Shop, a clothing apparel store and Captain D’s lie directly south of the subject property. East of the property is primary Residential. A small apartment complete lies on the northeast corner of Fair and Dogion. The other properties to the east are mostly single-family

residences.

PROPOSAL:

The applicant seeks to have this property rezoned to R-6 (Single-Family Residential) so that she can continue to live at this location and construct a fence in accordance with the residential fencing standards.

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 “increase the perception of safety.” One of the primary reasons that applicant has applied for the property to be rezoned, is so that a six-foot privacy fence can be built in accordance with the residential fencing standards. The applicant has indicated that having such a fence will help her feel safe in her home.

Comprehensive Plan Guiding Land Use Principles:

The Comprehensive plan envisions the future land use of this property and the surrounding area to be Community Commercial. However, the property, in its current state, is not well suited for commercial use. The existing structures are better suited for residential functions.

Zoning:

If rezoned, the property would be congruent with the neighboring R-6 area to the east and southeast.

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 Community Commercial. This might be the ideal case; however, exceptions may need to be made to solve specific problems.

- 2. Conformance of the requested zoning with any adopted neighborhood or sub-area plans in which the property is located or abuts.**

This property is within the Noland Road Community Improvement District. Rezoning this

property is not in alignment with the CID Corridor Improvement Plan.

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

If rezoned, the property would be congruent with the neighboring R-6 area to the east and southeast.

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

The existing character of the neighborhood to the east is that of a single-family residential neighborhood. Rezoning to R-6 (Single-Family Residential) is not compatible with other properties on Noland Road.

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. Further, the residential fence that the applicant intends to build is not allowed. By rezoning to R-6, the applicant will be able to continue to live on the property and build the fence to the residential fencing standards.

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

Prior to the applicant purchasing the property in 2019, the property sat vacant for many years.

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. This is because the use of the property will not change. The applicant has been using this property as a single-family home since 2019.

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 this zoning will require the applicant to find a new location to live. This will place a significant difficulty upon the applicant.

EXHIBITS

1. Narrative
2. Application
3. Notification Letter
4. Mailing List
5. Affidavit
6. Notification Area Map
7. Aerial View

8. Comp Plan Map
9. Zoning Map