

MEETING DATE: March 26, 2024 **STAFF:** Brian Harker, Senior Planner

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

CASE NUMBER/REQUEST: **Case 24-100-08 – Rezoning – 9519 E. Truman Road** – A request by Elevated Spaces LLC to rezone the property from C-2 (General Commercial) and R-12 (Two Family Residential) to R-6 (Single Family Residential).

APPLICANT/OWNER: April Mote

PROPERTY ADDRESS: 9519 E. Truman Road

SURROUNDING ZONING/LAND USE:

- North:** C-2...automotive repair
- East:** C-2 and R-12...restaurant and single-family residences
- South:** R-12...single-family residences
- West:** C-2 and R-12...undeveloped lot and single-family residences

PUBLIC NOTICE

- Letters to property owners within 185 feet – February 26, 2024
- Public Notice published in the Independence Examiner – March 6, 2024
- Sign posted on property – March 8, 2024

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on May 6, 2024, and the public hearing/second reading on May 20, 2024.

RECOMMENDATION

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

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: A request by April Mote to rezone the property from C-2 (General Commercial) and R-12 (Two-Family Residential) to R-6 (Single-Family Residential).

Current Zoning: C-2 (General Commercial) and R-12 (Two-Family Residential)

Prior to 2009: R-12 was R-2 (Two-Family Residential)

Prior to 1980: C-2 was C-3 (Commercial)

Current Use: Single-Family Home

Acreage: 1.89-acres

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

Proposed Use: Single-Family Home

Building Square Footage: 1,368-square feet

BACKGROUND:

The applicant recently purchased this dilapidated and vacant commercial/residential property and wants to rezone to permit the property to be rehabilitated for residential use. The north 225 feet of this 570-foot-deep lot is zoned C-2 (General Commercial) and the remainder is zoned R-12 (Two-Family Residential). The vacant house, a usable accessory structure, and a portion of a dilapidated commercial structure is on the commercially zoned portion of the property. The remainder of that commercial structure and four other dilapidated accessory structures are on the southern residentially zoned portion of the property. It is believed in the past, a machine shop existed on the property. In contemporary times, the site has been used to store assorted junk and vehicles.

NECESSARY IMPROVEMENTS FOR A BUILDING PERMIT:

The applicant will need to take care of three major issues before any building permits are issued. First, the property will need to be rezoned from two to one single zoning district (being addressed with this application). Second, the gravel driveway must be paved, and any portion of the driveway (dirt or gravel) not improved must be eliminated. Third, except for the northern most accessory building, all other accessory structures (which are dilapidated and/or commercial in nature) will need to be removed.

Additionally, all code violation issues need to be addressed or enforcement actions may be initiated.

PHYSICAL CHARACTERISTICS OF THE PROPERTY:

The subject property sets on higher ground to the south of Truman Road. At the top of the embankment, approximately 50 feet back from the roadway, sets the two-story pink house. Access to the property is via an existing gravel driveway along the east side of the property passing the house and leading to a loop that is not only unimproved, but simply dirt in place and is flanked by dilapidated commercial/industrial/buildings and sheds. Large shade trees are spaced throughout the property.

CHARACTERISTICS OF THE AREA:

The Truman Road corridor across the street to the north and going eastward along the street have long been commercial. (There is a high school property as well). Many of the brick and wood buildings, most with very little setback from the road, have been there for decades. The buildings to the north were either built or modified for automotive uses. The blocks immediate to the west and northwest along Truman Road have been either undeveloped or contain single-family residences. Single-family lots flank the south and most of the east and west sides of the property.

REQUEST:

The applicant seeks to have this property rezoned to R-6 (Single-Family Residential) so that this property containing a house with two zonings can be rehabilitated for single-family residential use.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

Rezoning this property is consistent with the *Independence for All*, Strategic Plan. The application is

within keeping with the Measures for Success for, “Improved housing conditions.”

Comprehensive Plan Guiding Land Use Principles:

The Comprehensive plan envisions the future land use of this property and the surrounding area to be Mixed Use.

Zoning:

If rezoned, the single-residential zoning would be consistent with the surrounding single-family uses neighboring to the west, south and east.

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 Mixed Use. However, rezoning would support a continued attempt to reverse the creation of “stripped-out” commercial along the corridor and instead encourage commercial to be concentrated in nodes at major intersections.

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 located within the Truman-Winner Road sub-area plan area. This purpose of this plan was to explore ways to incorporate amenities and infrastructure to support multiple transportation options including enhanced vehicular, bus, bicycle, and pedestrian transportation. Of particular importance was enhancing pedestrian transportation.

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, west and south.

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

The existing character of the surrounding neighborhood is that of a single-family residential neighborhood.

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, the existing single-family home along Truman Road is not permitted. By rezoning the entirety of the property to R-6, the applicant will be able to use the property for residential uses.

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

The property (residential and commercial) has sat vacant for a number of 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 effect on the nearby properties. This is because the residential use of the property will not be all that different from what has already existed there before and currently exists in the surrounding neighborhoods.

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 rezoning will prevent this property from being used at all because you cannot have two zonings on the same property.

EXHIBITS

1. Narrative
2. Application
3. Notification/Addresses/Affidavit
4. Aerial Photo
5. Site Plan
6. Comp Plan Map
7. Zoning Map