

City of Independence

Community Development Department

February 12, 2019

TO: Planning Commission
PREPARED BY: Community Development
RE: Case #19-100-02 – Rezoning – 2116 S. Sterling Avenue

PROJECT DESCRIPTION

Chao Vang requests to rezone the property at 2116 S. Sterling Avenue from O-1 (Office Residential) to R-6 (Single Family Residential).

RECOMMENDATION

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

PROPERTY INFORMATION

Owners: Non Vang
Applicant: Chao Vang
Comp Plan Class: Neighborhood Commercial (southern 1/3); Residential Neighborhood (northern 2/3)
Current Zoning: O-1 (Office Residential)
Proposed Zoning: R-6 (Single Family Residential)
Site Acreage: 0.73 acres +/-
Current Use: Vacant office building

Surrounding Zoning and Land Use

North/South/West: R-12 (Two Family Dwellings); single family homes
East: R-12; single family homes, former banquet hall

Thoroughfare Plan: Sterling Avenue is considered an Arterial Street by the City's Thoroughfare Plan.

BACKGROUND

In the past, this site has been home to a dental office and most recently, a construction services office. However, since Mr. Vang's purchase of this property about a year ago, he has been unsuccessful in leasing or selling it. The site contains a roughly 3,740 square foot brick office building on the south side of the lot with 29 space parking lot comprising the northern part of the

site. If rezoned, the owner will convert the structure into a single family home, renovating the office space into living space.

ANALYSIS

Current/Proposed Zoning: Currently, the tract is zoned O-1, an appropriate zoning for the office building. This zoning classification allows for apartments, churches, child care operations, hair salons, banks, artist studios, and food/beverage sales. This property has been zoned this way going back to 1965. As expected, the R-6 classification is more restrictive prohibiting virtually all retail, office, and service uses but allowing single family homes, church and schools.

Comprehensive Plan: This property lies in the periphery of the 23rd Street commercial node, the southern quarter of the lot is designated for Neighborhood Commercial, with the remainder designated as Residential Neighborhood. The Winner Road corridor to the north is selected for Residential Urban Neighborhoods. The area between 23rd Street commercial node and the Winner Road Residential Urban Neighborhood is designated as Residential Neighborhood.

Adjacent Land Use and Zoning: While the surrounding properties are zoned R-12 (Two Family Dwelling), they are actually single family homes.

Public Utilities: As this is an existing commercial building, all public utilities are available. The Public Works Department indicates there's a sanitary sewer main on the west side of the building. The removal of much of the parking lot will reduce stormwater run-off in addition to giving the site a less commercial appearance.

Historic and Archeological Sites: There are no apparent historic issues with this property.

Review Criteria: Recommendations and decisions on rezoning applications must be based on consideration of all of the following criteria:

1. Conformance of the requested zoning with the Comprehensive Plan – *The Comprehensive Plan envisions a combination of Neighborhood Commercial/Residential Neighborhood uses for this site. Rezoning this property to R-6 would be in keeping with the Residential Neighborhood land use designation.*
2. Conformance of the requested zoning with any adopted neighborhood or sub-area plans in which the property is located or abuts – *There are not any sub-area plans for this site.*
3. The compatibility of the proposed zoning with the zoning and use of nearby property, including any overlay zoning — *The proposed zoning classification and use is compatible with nearby properties.*
4. The compatibility of the proposed zoning and allowed uses with the character of the neighborhood – *Although this neighborhood is zoned R-12, the bulk of the lots in the neighborhood contain single family homes. This proposed R-6 allows for only single family homes and would be compatible with the character of the surrounding neighborhood.*
5. The suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations – *The current zoning of the site is O-1 which prohibits single family homes. The owner/applicant has been unsuccessful marketing the property for commercial use.*

6. The length of time the subject property has remained vacant as zoned – *The building has been vacant for several years.*
7. The extent to which approving the rezoning will detrimentally affect nearby properties – *This proposed down zoning action is unlikely to have a detrimental effect on nearby property.*
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 – *After the conversion of the building and site to single family home, the owner will have a greater chance to sell or lease the property than with the current property zoning and use. If denied, there would be no gain to the public health, safety, and welfare to the public.*

EXHIBITS

1. Applicant's letter
2. Notification letter
3. Mailing affidavit
4. List of surrounding property owners

PUBLIC NOTICE

Letters mailed to adjoining property owners – January 7, 2019
Public notice published in Independence Examiner – January 12, 2019
Sign was posted on property

