

City of Independence

Community Development Department

February 12, 2019

TO: Planning Commission
PREPARED BY: Community Development
RE: Case #19-100-03 – Rezoning – 1917/1919 S. Scott Avenue

PROJECT DESCRIPTION

Lynette Woods requests to rezone the property at 1917/1919 S. Scott Avenue from R-12 (Two Family Dwelling) to R-18/PUD (Moderate Density Residential – Planned Unit Development) and approve a preliminary development plan.

RECOMMENDATION

Staff recommends **DENIAL** of this application.

PROPERTY INFORMATION

Owner: Sergio Sais
Applicant: Lynette Woods
Comp Plan Class: Residential Neighborhood
Current Zoning: R-12 (Two Family Dwelling)
Proposed Zoning: R-18/PUD (Moderate Density Residential – Planned Unit Development)
Site Acreage: 0.26 acres +/-
Current Use: Two family dwelling

Surrounding Zoning and Land Use

North/South: R-12; Single and two family dwellings
East/West

Thoroughfare Plan: S. Scott Avenue is a Minor Street.

BACKGROUND

On behalf of the owner, Lynette Woods seeks to rezone this property on S. Scott Avenue from R-12 to R-18/PUD in order to retain a third dwelling unit in the building. This property has been zoned R-12 and contained a two family dwelling for several decades. The structure had a 1917 and 1919 S. Scott Avenue address for many years. However, according to utility billing records, in 2017 the previous owner somehow established a 1917-B S. Scott address and set up a utility account. In 2017, an electrical permit was issued to upgrade the electric service at 1917 and 1919 S. Scott. However, according to building permit records going back over 20 years, no permits were applied

for or issued to change the existing duplex into a triplex. A few months ago, staff became aware of the upstairs dwelling unit and advised the applicant that this unit could not be occupied as it was not legally established. The Multiple Listing Service for this property identifies it not only as a triplex but also states that additional income opportunity exists by renting the detached 3 car garage on the property.

The duplex is a red and white wood frame structure with matching halves of the building. In addition to the main building, the site also contains a free-standing garage for two vehicles in the rear yard, along with a small shed. On the north side of the property is single-wide driveway that extends nearly the depth of the property, about 120 feet, and can parking for at least five cars, over the minimum required by Code.

A preliminary development plan is required in conjunction with this type of rezoning application. In this case, as the building and site improvements are existing, and no changes are planned, the aerial photograph of the property along with a photograph of the building will serve as the plan. As changes to the site or building may require a revised site plan.

ANALYSIS

Current/Proposed Zoning: The current R-12 zoning permits one and two family dwellings along with churches, schools and a few other related uses. R-18/PUD allows for duplexes, apartments, multi-unit houses, churches and schools also, and an assortment of group living situations with a Special Use Permit.

Comprehensive Plan: The City's new *Imagine Independence 2040* Comprehensive Plan envisions 'Residential Neighborhood' for the vicinity. One of the guiding principles of the Comprehensive Plan is to preserve the integrity of existing neighborhoods. Changing the zoning to allow a higher density would start changing the character of the neighborhood.

Adjacent Land Use and Zoning: The site is surrounded by R-12 zoning on all sides, with all the properties containing mostly single family residence with the exception of 4-plexes at the southwest corner of Linden and Norton.

Public Utilities: As the site contains an occupied structure, all public utilities are available on the site.

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

If it is decided that this application warranted rezoning and preliminary development plan approval, staff recommends the following items be conditions of approval:

1. The use of the property is limited to only three dwelling units: two units in the main floor of the building and one dwelling above the main floor.
2. The water service curb box needs to be raised to ground level and the top section replaced. Contact the City Water Department for further details.
3. All proper permits must be taken out to allow for future construction work on the property, as required by the City Building Codes.

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 Residential Neighborhood uses for this area. A guiding principle of Imagine Independence 2040 is to preserve the integrity of existing neighborhoods. This rezoning would begin to change the character of the neighborhood.*
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 of the site, as proposed by the applicant, is not consistent with nearby properties. The area is mostly single family residences, many of which are owner-occupied. The R-18/PUD zoning would allow other uses that would not be compatible with single family residential.*
4. The compatibility of the proposed zoning and allowed uses with the character of the neighborhood – *This multi-family residential zoning is not compatible with the neighborhood. This rezoning would begin to change the character of the neighborhood by allowing additional density (with the potential to increase even more by converting the detached 3 car garage).*
5. The suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations – *Until recently, the site contained a two family dwelling, which was consistent with the property’s R-12 (Two Family Dwelling) zoning classification. The current property owner would be allowed to continue this use.*
6. The length of time the subject property has remained vacant as zoned – *For the most part, the two main units in the building have been continuously occupied. It was recently converted into a triplex without obtaining the necessary building permits.*
7. The extent to which approving the rezoning will detrimentally affect nearby properties – *The rezoning would increase density in an otherwise single family neighborhood, but also introduce other uses that would not be compatible with single family residences.*
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 – *If denied, the structure could still be utilized as a duplex as it had for many years and would not begin to change the character of the neighborhood. The previous owner converted the structure into a triplex without obtaining the necessary permits.*

EXHIBITS

1. Applicant’s letter
2. Mailing affidavit and mailing list
3. Photographs of the site and building serving as the preliminary development plan

PUBLIC NOTICE

Letters mailed to adjoining property owners – January 24, 2019
Public notice published in Independence Examiner – January 26, 2019
Sign was posted on property

Vicinity Map

