

**MEETING
DATE:**

October 27, 2020

STAFF: Brian L. Harker, Planner

PROJECT NAME: St. Maya's Auto Repair

CASE NUMBERS/REQUEST: Case 20-100-10 – Rezoning – Manual Garzona seeks to rezone 1026 W. 23rd Street S. from C-2 (General Commercial) to C-3 (Service Commercial) to do general (heavy) motor vehicle repair

APPLICANT: St. Maya's Auto Repair

OWNER: Manual Garona

PROPERTY ADDRESS/LOCATION: 1026 W. 23rd Street S.

SURROUNDING ZONING/LAND USE:

North: C-2 and R-12...woodland and undeveloped fields
South: C-2...church property
East: C-2 and R-12...vacant lots
West: C-2...light auto repair

PUBLIC NOTICE:

- Letter to adjoining property owners – October 9, 2020
- Public Notice published in the Independence Examiner – October 10, 2020
- Signs posted on property – October 8, 2020

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for its first reading by the City Council on November 16th and the public hearing/second reading on December 7th.

RECOMMENDATION

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

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION:

St. Maya's Repair seeks to rezone this property at 1026 W. 23rd Street S. from C-2 (General Commercial) to C-3 (Service Commercial) to permit general motor vehicle repair.

Current Zoning: C-2 (General Commercial)

Proposed Zoning: C-3 (Service Commercial)

Current Use:	Limited motor vehicle repair	Proposed Use:	General motor vehicle repair
Acreage:	Total acreage: 2.05-acres		

BACKGROUND:

The applicant, Manual Garzona, requests a change in zoning for an existing limited (light) motor vehicle repair business located at 1026 W. 23rd Street S. to permit general (heavy) motor vehicle repair. Specifically, the applicant has been doing light repair work on mid-sized work trucks (i.e. F-150's, etc.) and would like to do heavy repair work to the same kind of vehicles.

With the adoption of the Unified Development Ordinance (UDO) in 2009, vehicle service was segregated into two use groups: Limited Motor Vehicle Repair and General Motor Vehicle Repair. The former group encompassed more basic work (oil changes, brake jobs, glass installation, detailing) with the latter group consisting of more complicated, heavier repair (large truck repair, bodywork and painting, engine overhauls and transmissions). Limited Repair is allowed in both C-2 and C-3 districts while General Repair is permitted only in a C-3 district.

The more intense automotive use would be compatible with the existing development pattern and existing automotive uses along the 23rd Street corridor. Numerous automotive repair locations are along the corridor including the light automotive use immediately to the West.

The site sets back from W. 23rd Street S. and the area is flanked by woods and a railroad right-of-way. With proper screening and landscaping, the use should not be intrusive.

The shop will not see any new construction, however previously approved landscaping, standard parking and handicapped parking plans must continue to be met. Any missing landscaping or signage will need to be replaced.

ANALYSIS

A heavily wooded property lies to the north. A deep, vacant lot partially zoned C-2 lies to the East. A sizable light automotive repair business sits adjacent to the west. A church property lies across the roadway. Given the applicant's operation sets far back on the lot and given the nature of the uses listed above, the intense uses possible in a C-3 district should not be intrusive to the area.

Consistency with *Independence for All*, Strategic Plan:

The proposal relates to the Goal "Increase economic prosperity of community". It also helps the strategy to retain the city's businesses.

Comprehensive Plan Guiding Land Use Principles:

A relevant Guiding Land Use Principle for this site is that it addresses the policy to "Encourage redevelopment or adaptive reuse of vacant or underutilized buildings and sites."

Historic and Archeological Sites:

There are no apparent historic/archeological issues with this property.

Public Utilities:

All utility services are readily available

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 Urban Neighborhood uses for this site; however this automotive related use is consistent with existing patterns along the 23rd Street corridor.

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

There are no recent neighborhood or sub-area plans for this area.

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

While the 23rd Street corridor includes commercial zoning along virtually its entire length, very little of it is zoned C-3. That said, with proper screening maintained, this could be an acceptable zoning here. There are also natural buffers (railroad and trees) between this property and adjacent uses.

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

Auto repair businesses have a significant presence on the 23rd Street corridor. The property adjacent to the west has a significant limited motor vehicle repair operation.

5. The suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations.

The property could continue to be utilized for motor vehicle repair and service uses, albeit in a more restricted manner.

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

There is a currently a limited motor vehicle repair operation on the site.

7. The extent to which approving the rezoning will detrimentally affect nearby properties.

As this site is currently being used for a motor vehicle repair operation, it is doubtful this rezoning will have a detrimental effect on nearby properties.

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 the rezoning is denied, it would have a negative financial effect on the owner as it would restrict the manner in which the business is evolving.

EXHIBITS

1. Applicant's letter
2. Mailing affidavit and mailing list
3. Drawings of existing conditions

4. Zoning map
5. Comprehensive plan