

**MEETING DATE:** April 25, 2023

**STAFF:** Brian Harker, Planner

**PROJECT NAME:** 907 & 907½ S. Chrysler Avenue Zoning

**CASE NUMBER/REQUEST:** Case 22-100-09 – Rezoning – 907 & 907½ S. Chrysler Avenue – A request by Jose Prieto, to rezone the property from District I-1 (Industrial) to District C-1 (Neighborhood Commercial).

**APPLICANT/OWNER:** Top Properties, LLC - Jose Prieto

**PROPERTY ADDRESS:** 907 & 907½ S. Chrysler Avenue

**SURROUNDING ZONING/LAND USE**

- North:** District I-1 (Industrial)...vacant lot
- South:** District C-1 (Neighborhood Commercial)...retail store
- West:** District I-1 (Industrial) and District R-12 (Two-Family Residential)...single-family- house and vacant lot
- East:** District R-12 (TWO-Family Residential)...single-family houses

**PUBLIC NOTICE:**

- Letters to adjoining property owners – March 3, 2023
- Public Notice published in the Independence Examiner – April 8, 2023
- Signs posted on property – April 7, 2023

**FURTHER ACTION:**

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on June 5, 2023 and the public hearing/second reading on June 20, 2023.

**RECOMMENDATION**

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

**PROJECT DESCRIPTION & BACKGROUND INFORMATION**

**PROJECT DESCRIPTION:**

<b>Current Zoning:</b>	I-1 (Industrial)...Since 2009 M-1 (Industrial)...Since 1965	<b>Proposed Zoning:</b>	C-1 (Neighborhood Commercial)
<b>Current Use:</b>	Retail strip center	<b>Continued Use:</b>	Retail strip center
<b>Lot Size:</b>	11,856.9-square feet		

**PROPERTY HISTORY:**

This property has been zoned I-1 (Industrial) or M-1 (Industrial) since 1965. The property was developed with a retail strip center in the 1960's.

**PROPOSAL:**

Jose Prieto requests to rezone the property at 907 and 907½ S. Chrysler Avenue from I-1 (Industrial) to C-1 (Neighborhood Commercial) because it is the site of a small, two-unit strip center, on a relatively small lot, and thus is not adequate for most uses listed under the industrial category of the Unified Development Ordinance (UDO). Further, the applicant may have to turn away a potential tenant who is interested in selling herbs and essential oils from one of the units.

**PHYSICAL CHARACTERISTICS OF PROPERTY:**

The small, blond strip center sets 35 to 40 feet off the street across a concrete driving/parking surface. The parking lot is unmarked and contiguous with the street nearly the entire width of the property's frontage. The paved surface runs back along the north side of the building leading to an even larger paved surface behind the building. In short, the lot is made up of almost entirely impervious surfaces.

**CHARACTERISTICS OF THE AREA:**

This property lies at a transition point between single-family residential uses to the northwest, north and east and commercial and industrial uses to the south and southwest. Small scale retail here, as well as to the south at the Dollar General to the south, provide a traditional corner neighborhood shopping and service potential, within walking distance, for the surrounding residential neighborhood.

**ANALYSIS****Consistency with *Independence for All*, Strategic Plan:**

An intention of the City's Strategic Plan is to improve area neighborhood conditions.

**Comprehensive Plan Guiding Land Use Principles:**

The Plan recommends this property for Residential Neighborhoods uses. These are residential areas with nearby neighborhood (i.e., small scale) retail that includes a mix of housing. The subject property is adjacent to contiguous single-family neighborhoods to the north and east.

**Sub-Area Plans:**

The site is not located within any sub-area plan areas.

**Zoning:**

The proposed C-1 (Neighborhood Commercial) allows for small scale retail, offices, restaurants, banks, business and personal improvement services, daycare centers, government and civic facilities, churches, schools, animal grooming, artist spaces, repair services and artisan manufacturing. Currently, the tract is zoned I-1 (Industrial) which permits; churches, government facilities, animal services, artist workspaces, building maintenance services, business equipment sales, employment agencies, communication services, repair and laundry services, offices, carwashes, motor vehicle service and sales, manufacturing, recycling services, mini-storage and warehousing.

**Historic and Archeological Sites:**

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

**Floodplain/Stream Buffer:**

There is not a floodplain or Stream Buffer zone present on the property.

**Public Utilities:**

All utility services are adjacent to the property and are operational.

**Landscaping/Open Spaces:**

The property is almost entirely made up of impervious surfaces. Landscaping may be necessary only if there are major improvements in the future.

**Parking:**

The property has an adequate amount of parking for potential C-1 uses. With tenant remodels and new businesses, the parking lot shall be striped with standard and handicapped spaces and handicapped signage.

**Trash Enclosure:**

Any improvements to the outside of the building may necessitate a masonry trash enclosure.

**Public Improvements:**

No public improvements would be required.

**CIP Investments:**

The City does not have any capital improvements planned near this site.

**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 Residential Neighborhood uses for this area. However, the small, existing structure dictates uses that are more compatible for commercial uses rather than residential uses;*

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

*The site is not located within any sub-area plan area;*

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

*This site abuts and is near two-family zonings and single-family uses to the northwest, north and east. However, commercial and industrial zonings and uses are located to the south and southwest;*

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

*The proposed zoning change, with its permitted uses, should not have a negative impact on the character of the adjacent single-family neighborhoods, but could help better utilize an existing underutilized structure;*

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

*The existing zoning is inappropriate for the size and nature of this building;*

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

*This small strip center has been underutilized for many years;*

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

*This proposal should not have a negative impact on nearby single-family properties. The small property does, and should continue, to generate minimal activity;*

- 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, the owner may have difficulty leasing the space. Denial may protect the existing single-family zoned neighborhood from busier uses.*

#### **EXHIBITS**

1. Applicant's Narrative
2. Application
3. Notification letter
4. Property mailing list
5. Mailing affidavit
6. Photographs
7. Comprehensive Plan map
8. Zoning map