

MEETING DATE: August 22, 2023

STAFF: Josh Garrett, Planner

PROJECT NAME: Pulperia La Tia Tati - Rezoning

CASE NUMBER/REQUEST: **Case 23-100-22 – Rezoning – 625 W. 23rd Street S.** – A request by Jimmy Mejia Chirinos to rezone this property from O-1 (Office-Residential) to C-1 (Neighborhood Commercial).

APPLICANT: Jimmy Mejia Chirinos

OWNERS: Ralph E.

PROPERTY ADDRESS: 625 W. 23rd Street South

SURROUNDING ZONING/LAND USE:

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

E/S/W: R-6 (Single-Family Residential)

PUBLIC NOTICE:

- Letters to adjoining property owners – August 2, 2023
- Public Notice published in the Independence Examiner – August 5, 2023
- Sign posted on property – August 2, 2023

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for its first reading by the City Council on September 18, 2023 and the public hearing/second reading on October 2, 2023.

RECOMMENDATION

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

STANDARD REQUIREMENTS OF APPROVAL

1. The parking lot shall be striped in accordance with Section 14-501 of the UDO.
2. At least one (1) accessible parking space shall be provided in accordance with Section 14-501-11. In addition, the accessible parking space shall be identified with the appropriate sign and markings.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: – Jimmy Mejia Chirinos requests to rezone the property located at 625 W. 23rd Street S. from O-1 (Office-Residential) to C-1 (Neighborhood Commercial).

Current Zoning: O-1
(Office- Residential)

Proposed Zoning: C-1
(Neighborhood Commercial)

Current/Proposed Use: Small
Neighborhood Grocery Store

Acreage: 0.22-acres

BACKGROUND:

The property located at 625 W. 23rd Street S. is currently zoned O-1 (Office-Residential). Located at the corner of 23rd Street and Delaware Street, this location was used as a hair salon or barber shop for many years. Looking back to 1965 when zoning was established for the City of Independence, this property had been zoned R-1 (Single-Family Residential), similar to all of the neighboring property south of 23rd Street. By 1980, the property had become zoned CR-1 (Limited Commercial and Residential). In 2009 the zoning was updated to O-1 (Office-Residential). The property has remained O-1 since this last change.

The O-1 District is primarily intended to accommodate low-intensity office uses and buildings containing a mix of office uses and residential. The proposed C-1 District is primarily intended to accommodate neighborhood-serving retail sales and service uses.

The applicant seeks use the existing building on the property to operate a small neighborhood grocery store. While obviously not big enough to operate a traditional grocery store, the applicant intends to sell food and ingredients commonly found in Mexican and other Latin American cuisine. The name of the proposed business, Pulperia La Tia Tati, translates to “Aunt Tati’s Grocery Store” in English.

The Comprehensive Plan envisions the future land use of this property to be residential. However, the plan also places emphasis on cultural diversity and mixed-use neighborhoods. Rezoning this property to C-1 (Neighborhood Commercial) will not significantly alter the existing character of the neighborhood. Rezoning to accommodate this small business will reinforce the City of Independence’s community identity as a unique and culturally diverse city.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan: The application is within keeping with the Goal of, “Growth – Increase in economic prosperity.”

Comprehensive Plan Guiding Land Use Principles: The City Comprehensive Plan recommends residential uses for this site. However, it also encourages “small-scale retail integrated into neighborhoods.”

Historic and Archeological Sites: There are no apparent historic/archeological issues with these properties.

Public Utilities: All utilities are present in adjacent rights-of-way.

Parking, Access, and On-Site Circulation: The parking lot on the property is accessible from Delaware Street and provides an adequate amount of parking. However, the parking does not have defined parking spaces as required by the UDO. As such, there is not a defined space for accessible parking, nor is there the required accessible parking signage. Striping the parking lot, including at least one accessible space, and erecting the related signage will be required.

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 uses for these parcels but also promotes “small scale-residential retail integrated into neighborhoods.

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.

Across the street, on the North side of 23rd Street are two properties zoned C-2 (General Commercial). One block to the west of the property is a larger commercial area zoned C-2 as well.

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

The use will be unique to the neighborhood but will not negatively impact its existing character. The C-1 District is primarily intended to accommodate neighborhood-serving retail sales and service uses.

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

Given the volume of traffic along 23rd street and the neighboring land use, C-1 (Neighborhood Commercial) is an appropriate zoning classification for this property.

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

The property has not been vacant and has housed as a business for many years in the existing zoning designation.

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

Rezoning this property to C-1 (Neighborhood Residential) from O-1 (Office-Residential) will not detrimentally affect 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 were denied, it would have a negative financial effect on the landowner, as she would not be able to operate her business at this location.

EXHIBITS

1. Narrative
2. Application
3. Notification Letter
4. Mailing List
5. Affidavit
6. Aerial View
7. Comp Plan Map
8. Zoning Map