

MEETING DATE: October 12, 2021

STAFF: Brian Harker, Planner

PROJECT NAME: Take 5 Oil Change

CASE NUMBER/REQUEST: Case 21-100-10 – Rezoning – Northeast corner of Highways M-291 and M-78 (E. 23rd Street S.) – Hank Hopkins requests to rezone properties from C-1 (Neighborhood Commercial) to C-2 (General Commercial)

APPLICANT: Hank Hopkins/Driven Assets, LLC

OWNERS: Ralph E. Eames and Forty Highway Properties, LLC

PROPERTY ADDRESSES: 16912 and 16914 E. 23rd Street S. and 2221 S. M-291 Highway

SURROUNDING ZONING/LAND USE:

- North:** C-1 (Neighborhood Commercial)...undeveloped field/tract
- South:** C-1 and C-2 (General Commercial)...strip center
- East:** R-6 (Single-Family Residential)...single-family homes
- West:** C-2 (General Commercial)...big box/shopping center

PUBLIC NOTICE:

- Letters to adjoining property owners – August 27, 2021
- Public Notice published in the Independence Examiner – August 28, 2021
- Sign posted on property – August 27, 2021

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for its first reading by the City Council on November 1st and the public hearing/second reading on November 15th.

RECOMMENDATION

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

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: – The City of Independence requests to rezone the properties located at 16912 and 16914 E. 23rd Street S. and 2221 S. M-291 Highway from C-1 (Neighborhood Commercial) to C-2 (General Commercial).

Current Zoning: C-1 (Neighborhood Commercial)

Current/Proposed Use: oil changing operation

Proposed Zoning: C-2 (General Commercial)

Acreage: 1.752-acres (all lots combined)

BACKGROUND:

The properties located at 16912 and 16914 E. 23rd Street S. and 2221 S. M-291 Highway are currently zoned C-1 (Neighborhood Commercial) and will be rezoned to C-2 (General Commercial). The properties are at a major intersection and envisioned in the Comprehensive Plan as an important node for commercial activity. The more intense commercial zoning is thus supported by the Comprehensive Plan. Current uses include a payday loan in a small building occupying two tracts with minimal improvements and a larger surrounding undeveloped lot.

The three existing parcels (with a total of 1.752-aces) will be replatted into two lots. The lot closest to the intersection, and site of the existing payday loan, will be redeveloped later possibly as a restaurant or convenience store. The eastern lot will be the location of a proposed, "Take 5 Oil Change," facility.

The 1,415-square foot Take 5 Oil Change will have three drive-through bays. Customers will remain in their cars while being serviced. There will not be a waiting room or other accommodations for customers.

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 Commercial uses for this site. It also 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 these properties.

Landscaping Plan: A detailed Landscaping and Screening Plan indicating plantings per Code will be provided with the Final Plan Review application and the building permit. The plans will be reviewed in accordance with Section 14-503 Landscaping, Bufferyards and Screening.

Building Elevations: Building elevations will be provided with the Final Plan Review and the building permit. The building elevations will be reviewed in accordance with Section 14-506 Nonresidential Design Standards.

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

Parking, Access and On-Site Circulation: Access to the two new properties will be from the southwest corner of the east lot and across to the northwest corner of the west lot. Both accesses will be right-in and right-outs limited by the existing medians. The south access will be off 23rd Street and the north access off Highway M-291. The customers will enter the oil change bays from the north side of the building or they and employees will park in the five-space parking lot. Then customers will exit to the south. From the access drive, two entrances will be provided to access the western lot.

Traffic Study: The traffic study considered two scenarios; one with a 1,415-square foot lubrication operation and a 3,751-square foot restaurant, and the other with the same lubrication operation and a 4,200-square foot, six-pump convenience store. The properties' existing access points will be removed and the two right-in right-out accesses mentioned above will be installed. Additionally, a deceleration lane will be added for existing northbound Highway M-291.

The study has a matrix of trip generation and queuing scenarios. In short, the study states, “The number of vehicles expected to access the proposed site from northbound M-291 or westbound 23rd Street is low enough that the throat length will be sufficient to handle peak hour traffic and no adverse effects on the adjacent roadways.”

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 Commercial uses for these parcels.
- 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.**
This portion of the Highway M-291 and M-78 corridors is zoned C-2 and has uses as permitted in such a district.
- 4. The compatibility of the proposed zoning and allowed uses with the character of the neighborhood.**
The proposed use and structure will be similar to others along the corridor.
- 5. The suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations.**
The intersection of Highway M-291 and 23rd Street is a high traffic commercial node; C-2 zoning is more appropriate there than C-1 zoning.
- 6. The length of time the subject property has remained vacant as zoned.**
The undeveloped lot (of the three) has been undeveloped for many years.
- 7. The extent to which approving the rezoning will detrimentally affect nearby properties.**
The properties to be rezoned abut an existing single-family residential neighborhood located to the east.
- 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 he would not be able to market them as easily. However, the neighboring residents' enjoyment of their rear yards might be more enhanced if the commercial lots remain undeveloped.

EXHIBITS

1. Applicant Letter
2. Affidavit
3. Notification Letter
4. Mailing List
5. Site Plan and Lot and Easement Detail
6. Comp Plan Map
7. Zoning Map
8. Traffic Study