

MEETING DATE: November 16, 2021

STAFF: Stuart Borders, Senior Planner

PROJECT NAME: 2400 S. Lee's Summit Road rezoning

CASE NUMBERS/REQUEST: Case 21-100-15 – Rezoning – GMC 2400 LLC requests to rezone a part of the property at 2400 S. Lee's Summit Road from O-1 (Office-Residential) to C-2 (General Commercial)

APPLICANT/OWNER: Scott Cox for the owner, GMC 2400, LLC

PROPERTY ADDRESS: 2400 S. Lee's Summit Road

SURROUNDING ZONING/LAND USE:

North/West: C-2; Various commercial businesses

South: R-6 (Single Family Residential); Single family homes

East: R-6; City stormwater management facility

PUBLIC NOTICE:

- Letters to adjoining property owners – October 30, 2021
- Public Notice published in the Independence Examiner – October 30, 2021
- Sign posted on property – October 29, 2021

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for first reading by the City Council on December 6th and the public hearing/second reading on December 20th.

RECOMMENDATION

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

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: GMC 2400 LLC requests to rezone the southern part of the property at 2400 S. Lee's Summit Road from O-1 (Office-Residential) to C-2 (General Commercial).

Current Zoning: O-1

Proposed Zoning: C-2

Current/Proposed Use: Office/Commercial business

Acreage: 1.18 acres +/-

BACKGROUND:

In 1985, when this property was rezoned from single family residential to commercial, the northern half of the lot was rezoned to C-2 (General Commercial) and the southern half to CR-1, now labeled O-1 (Office Residential). The southern part was zoned O-1 as it abutted residential

properties to the south. The building, constructed later, was centered in the middle of the property with the zoning line splitting the building equally between the districts. Uses in the southern part of the building have been limited to offices, personal improvement (i.e., hair salons) and other light service uses. The northern part has seen a variety of uses including a donut shop and a martial arts studio. Recently, a unit in the south half of the building was tentatively leased to a body art shop which requires it to be rezoned to C-2. The body art shop approval is being considered as a separate case with the shop owner being the applicant.

This brick commercial building features 7,500 square feet of rental space on the main level divided equally into six units, three units on either side of a central hallway. While now vacant, the roughly 3,000 SF second floor positioned in the center of the building has been used for offices. Parking is situated in front of, and to the south of, the building. Access drives connect to Lee's Summit Road on the south end of the lot, and to the private drive on the north that links the HyVee store to Lee's Summit Road.

ANALYSIS

The Proposal's Consistency with *Independence for All*, Strategic Plan:

There are no policies in this plan to address this type of application, but this rezoning will allow the property owner to increase the number of potential commercial tenants for the south half of the building that is now restricted by its O-1 zoning designation.

Comprehensive Plan Guiding Land Use Principles for the Current Designation:

The City Comprehensive Plan recommends Commercial uses for this site. This quadrant of this has had commercial zoning and uses for decades and is expected to remain as such for the foreseeable future.

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

Public Utilities: As this is a long-established commercial property, all utility services are existing.

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 Commercial uses for this site, which is consistent with the application. The larger area around the 23rd and Lee's Summit Road intersection are also envisioned as Commercial uses.

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 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 proposed C-2 zoning is consistent with the commercial zoning on the north half of this property and property to the north and west on this southwest quadrant of the intersection. The adjoining property already abuts property zoned C-2.

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

The commercial node at this 23rd Street/Lee's Summit Road intersection is zoned C-2 save for this half of the property. The proposed zoning, and its allowed uses would be compatible with other districts here yet not affect the residential property to the south.

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

The size and configuration of the units in the building are virtually the same for both sides of the building and suitable for small retail, office, and personal service uses. The building was not built with offices specifically in mind for the southern part of the building.

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

This property has contained a commercial building for over three decades. This change would make the zoning on this parcel consistent.

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

The rezoning will have no detrimental effect on area properties as the allowed uses in C-2 are allowed on portions of this site. The same uses are also found at the commercial node to the north.

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 effect on the owner and a prospective tenant. The current irregular zoning of this property causes the owner to restrict the uses of a portion of the building while providing a negligible buffer from the same uses allowed on the norther portion of this site.

EXHIBITS

1. Application
2. Applicants Letter
3. Notification Letter
4. Affidavit
5. Address List
6. Aerial Map
7. Comp Plan map
8. Zoning map