

MEETING DATE: June 14, 2022

STAFF: Brian Harker, Planner

PROJECT NAME: Grand Property Enterprises, LLC

CASE NUMBER/REQUEST: Case 21-100-05–Rezoning–8712 E. Winner Road–Joseph Saitta requests to rezone the property from District C-2 (General Commercial) to District C-3 (Service Commercial)

APPLICANT/OWNER: Josph Saitta, Grand Property

PROPERTY ADDRESS: 8712 E. Winner Road

SURROUNDING ZONING/LAND USE:

North: C-2 and R-12...single-family homes
West: City of Kansas City...vacant lot
East: R-12...commercial building
South: C-2 and R-12...auto sales

PUBLIC NOTICE:

- Letters to adjoining property owners – May 17, 2022
- Public Notice published in the Independence Examiner – May 7, 2022
- Sign posted on property – May 7, 2022 and May 27, 2022

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for a first reading by the City Council on June 6, 2022 and the public hearing/second reading on June 20, 2021.

RECOMMENDATION

Staff **does not** recommend approval of this rezoning request for the following reasons.

- 1) The applicant's requested (C-3) zoning would allow a much broader array of uses (particularly intensive commercial and light industrial type uses) than just the requested heavy truck repair use and the Comprehensive Plan envisions Residential Established Neighborhood uses;
- 2) The applicant anticipates no new building construction and the applicant's intended use cannot be conditioned by the zoning to include restrictions and the needed modifications to the unimproved property . Property modifications such as but not limited to required parking, drive entrances over sidewalk, storm water mitigation, fire protection, and environmental protections required by City Code could only be enforced by a Business License permit, Change of Use permit and any other permit issued by the City.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: Joseph Saitta requests to rezone the property located at 8712 E. Winner Road from District C-2 (General Commercial) to District C-3 (Service Commercial).

Current Zoning:	C-2 (General Commercial)	Proposed Zoning:	C-3 (Service Commercial)
Current Use:	Vacant Lawn Care business	Proposed Uses:	Heavy Automotive (Truck) Repair
Square Footage:	25,042-square feet		

BACKGROUND AND PROPOSAL:

The applicant, Joseph Saitta, requests to rezone the property located at 8712 E. Winner Road from District C-2 (General Commercial) to District C-3 (Service Commercial). A 25,042-square foot tract, with an existing metal building sets at the front of the property, near the right-of-way. It has an unimproved parking surface in the front (partly in the MoDOT right-of-way) that would need to be signed and paved for van-accessible parking. Encircling most all the lot behind the building line, there is an unpaved parking and driving surface (mostly dirt) flanking the building on the West and North, accessed from a gate off Winner Road on the Kansas City portion of the property. As the applicant wishes to store for service and repair heavy trucks including semi-trucks, approved plans for the appropriate paved parking, stripping, and drive access off 24 Hwy would be required. Municipal Services will require approved plans for stormwater runoff and pollutants to be properly directed and mitigated.

According to the applicant, the heavy truck repair operation will involve diesel engine repair work. This item will involve fire and environmental reviews, inspections and regulations. Municipal Services environmental division will also require approved plans for mitigating leakage of fluids from trucks stored outside awaiting or undergoing repair.

Given no new building construction is anticipated by the applicant, and conditions cannot be placed on the Zoning Ordinance, if the rezoning request is approved, all departmental concerns and regulations would be stated as conditions of the Business License, Change of Use Permit and any other permit issued by the 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 Established Neighborhood uses for this area. The Guiding Principles state the need to, "Preserve the integrity of existing neighborhoods and facilitate the development of connected, mixed use neighborhoods where appropriate." U.S. 24 Highway serves as a major east-west transportation corridor, supporting a variety of residential neighborhoods and businesses. The area has strip commercial along the frontage surrounded by

older residential neighborhoods. U.S. 24 Highway Corridor serves as one of the gateways to the City of Independence.

Historic and Archeological Sites:

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

Public Utilities:

Water, sewer and electrical services are available to the properties.

Parking and Driving Surface:

The parking and driving surfaces would need to be constructed to store trucks waiting repair. This will need to be done in a manner addressing the environmental concerns, zoning, and regulations enforced by Municipal Services and the City's environmental division.

Landscape Buffering and Screening:

Landscaping and screening is required given the zoning of the abutting properties. The site currently has existing trees and opaque fence serving as the screening. Additional landscaping and screen may need to be improved depending on the value of any improvements.

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 Established Neighborhood uses. U.S. 24 Highway serves as a major east-west transportation corridor, with strip commercial along the frontage surrounded by older residential neighborhoods. U.S. 24 Highway serves as one of the gateways to the City of Independence.

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

The 24 Highway Corridor Study envisions Commercial uses for the area (particularly C-1 and C-2 uses). No Industrial type uses are envisioned;

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

The proposed zoning is compatible with the existing C-2 zonings and commercial uses (many auto related) along the US 24 Highway corridor;

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

The metal building's use was for a lawn care and landscaping business and fits in with the neighborhood. The existing building may be compatible with the new truck engine repair use provided it meets all building, environmental and fire codes;

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

The property could be suited for heavy truck repair with the necessary improvements;

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

Not applicable;

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

With adequate screening any detrimental effects could be mitigated;

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 business would not be able to work on truck engines. If approved, proposed use would require improvement to the parking, driving surfaces, environmental, and storm water mitigation.

EXHIBITS

1. Applicant's letter
2. Application
3. Notification letter
4. Mailing List
5. Affidavit
6. Aerial photograph and maps
7. Zoning map
8. Comprehensive plan map