

---

**MEETING DATE:** July 12, 2022

**STAFF:** Brian Harker, Planner

**PROJECT NAME:** Grand Property Enterprises, LLC

**CASE NUMBER/REQUEST:** Case 22-100-05–Rezoning–8712 E. US 24 Highway/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. US 24 Highway/Winner Road

**SURROUNDING ZONING/LAND USE:**

**North:** C-2 and R-12...single-family homes

**West:** B2 Neighborhood Business 2 and R2 Res. 2.5 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 and May 27, 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 August 1, 2022 and the public hearing/second reading on August 15, 2022.

**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. US 24 Highway/Winner Road from District C-2 (General Commercial) to District C-3 (Service Commercial).

<b>Current Zoning:</b>	C-2 (General Commercial)	<b>Proposed Zoning:</b>	C-3 (Service Commercial)
<b>Current Use:</b>	Vacant Lawn Care business	<b>Proposed Uses:</b>	Heavy Automotive (Truck) Repair
<b>Square Footage:</b>	25,042-square feet		
<b>Former Zoning</b>	Prior to October 1982, zoned R-2 (Two-Family Residential) <i>{now called R-12}</i> From October 1982 onward, zoned C-2 (General Commercial)		

### PROPERTY HISTORY

The tract was up-zoned from R-2 (*now called R-12*) to C-2 in 1982. Aerial photography indicates that the metal building the applicant intends to use for his business has existed since at least 2010. It was an addition to an adjacent building with a different address. The oldest business license with the address 8712 (a.k.a. 8708) E. US 24 Highway did not appear until August 13, 2013. It was for an auto repair stop. Most recently, the property was the site of a lawncare business, with a license initiated on May 21, 2015.

### PHYSICAL CHARACTERISTICS OF PROPERTY

The 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, is an unpaved parking and driving surface (mostly dirt) flanking the building on the West and North, accessed from a gate off Us 24 Highway/Winner Road on the Kansas City portion of the property.

### CHARACTERISTICS OF THE AREA

The area is a mix commercial corridor with some remaining single-family homes. Those homes to the east of this site are actually in keeping with the Comprehensive Plan that envisions the continued presence and restoration of single-family uses in the vicinity.

### 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).

According to the applicant, the heavy truck repair operation will involve diesel engine repair work. The UDO describes General Motor Vehicle Repair as auto body repair and painting, engine overhaul and replacement, transmission repair and replacement, and the repair or servicing of commercial vehicles or heavy equipment. Customers generally do not wait on the premises for the repair to be completed, and vehicles are usually left over night. This use is not allowed in the C-2 District thus the applicant seeks to rezone the property to C-3 where the use is allowed.

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.

## 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. This land use category is intended for existing residential areas that will be preserved and enhanced over time. Additionally, the character of existing neighborhoods should be protected when new development is proposed in order to preserve the quality of life for existing residents.

The Guiding Principles state the need to, “Preserve the integrity of existing neighborhoods and facilitate the development of connected, mixed use neighborhoods where appropriate.”

This property is also located in the US 24 Highway Corridor Study area. The study envisioned Commercial uses for the area (particularly C-1 and C-2 uses). No Industrial type uses are envisioned, 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.

### **Zoning:**

The proposed C-3 district is intended to accommodate "heavier" commercial activities and limited warehousing and manufacturing operations that are typically not found in or compatible with mixed-use or neighborhood-oriented environments. Staff is not supportive of the rezoning request as the proposed zoning and use would not be compatible with the existing uses and character of the area.

### **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.

### **Building Permit**

The applicant has indicated no construction activity will take place within the building. The City's adopted Building Codes require a Change of Use permit to establish the new occupancy in this building. As part of this process, the use will be required to comply with the City's adopted Fire Code for sprinklers, fire alarms, emergency lighting and exiting, etc.

### **Parking and Driving Surface:**

The UDO Section 14-501 requires compliance with the parking and loading requirements given the new use established. As such, the parking and driving surfaces would need to be constructed to store trucks awaiting 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.

## Environmental

Chapter 20 of the City Code provides regulations regarding the mitigation of leaking fluids from trucks stored outside awaiting or undergoing repair. Municipal Services environmental division will also require approved plans to ensure the parking, loading and storage areas comply with Chapter 20 of the City Code.

### Landscape Buffering and Screening:

The UDO Section 14-503 requires landscaping and screening given the zoning of the abutting properties. The site currently has existing trees and opaque fence serving as the screening. Additional landscaping and screening 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. Drawing
7. Aerial photograph
8. Zoning map
9. Comprehensive plan map
10. US 24 Hwy Plan (excerpts)
11. Indep Comp Plan (excerpts)