

MEETING DATE: July 12, 2022

STAFF: Stuart Borders, Senior Planner

PROJECT NAME: ACR Contractor Storage

CASE NUMBER/REQUEST: **Case 22-100-06 – Rezoning – 13001 E. US 40 Highway** – A request by Joe Bartels II to rezone this property from C-1 (Neighborhood Commercial) and C-2 (General Commercial) to C-3 (Service Commercial).

APPLICANT/OWNER: Joe Bartels II, Ambassador Corporate Renovations

PROPERTY ADDRESS: 13001 E. US 40 Highway

SURROUNDING ZONING/LAND USE:

North: R-6 (Single Family Residential), C-1, C-2; Used car lot, restaurant
South: R-6/PUD (Single Family Residential/Planned Unit Development); Duplex development, mobile home park
East: C-1, C-2; Used car lot, barber shop
West: C-1, C-2; Restaurant, manual carwash, day spa

PUBLIC NOTICE:

- Letters to adjoining property owners – June 24, 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 July 18 and the public hearing/second reading on August 1.

RECOMMENDATION

Staff does not recommend of this rezoning request for the following reasons:

1. It's not in conformance with the Comprehensive Plan's designation for the area;
2. Its close proximity to residential properties south of E. 47th Street;
3. 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 proposed shipping container and equipment storage yard.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: A request by Joe Bartels II to rezone 13001 E. US 40 Highway from C-1 (Neighborhood Commercial) and C-2 (General Commercial) to C-3 (Service Commercial).

Current C-1 (Neighborhood Commercial) **Proposed** C-3 (Service

Zoning: C-2 (General Commercial)

Zoning: Commercial)

Current Use: Flooring sales
installation company,
general contractor

Proposed Uses: Existing uses plus
outdoor contractor's
storage yard

Building Area: 33,000 square feet+/-

Property Size: 3.04 acres

Zoning History 1965 – 1980: C-1 (Neighborhood Commercial); C-3 (Commercial)
1980 – Present: C-1 (Neighborhood Commercial) C-2 (General Commercial)

PROPERTY HISTORY

The first reference found for this property in Business Licensing records indicate that the 'Strike & Spare' bowling center obtained a City license in 1964; that business retained its license until it closed in 2018. The property was vacant before the applicant started operations here in 2020. It's not known when the building was constructed but remodeling permits were taken out in 1998, 2001, and 2013.

On the November 1965 zoning map, this site was zoned a combination of C-1 (Neighborhood Commercial) and C-3 (Commercial). When the City adopted a new zoning ordinance and zoning map in May 1980 the C-3 areas were converted to C-2 (General Commercial) along with most of the C-3 designated properties due to modifications to the district's permitted uses.

PHYSICAL CHARACTERISTICS OF PROPERTY

The 33,000 SF building is positioned in the southeast corner of the site with parking areas to the west and north. It is a through lot with two driveways on both US 40 Highway and 47th Street. The property slopes down to the south from its high point along the highway. Save for a few grassy areas along the east and west property lines, this site is virtually covered in either building or parking lot.

CHARACTERISTICS OF THE AREA

This segment of US 40 Highway, between River Boulevard and Noland Road, is like most of the City's other corridors: strip commercial zoning along its frontage with a blend of office/retail zoning and businesses with some blocks having single-family homes and apartments.

PROPOSAL: Mr. Bartel operates his two businesses, 'KC Floorworx', a flooring sales and installation company, and 'Ambassador Corporate Renovations', a contracting company, on this former bowling center property in southwest Independence. He now seeks to rezone this property to C-3 (Service Commercial) to convert a portion of the west parking lot into a contractor's storage area (contractor's area). The applicant's intent is to place shipping containers as storage units for small businesses and contractors to store their materials and equipment, not for the general public. The concept plan shows 38 20-foot shipping containers and two 30-foot containers lined up along the west side of the lot. These containers will be new and of a single color for uniformity. Mr. Bartels notes that the fenced area shown on the concept plan is incorrect as the fenced area will encompass not only the containers but will extend to the building to provide outdoor storage for contractor's equipment and

materials. No utility services will be provided to the containers; however, each container will feature a solar powered internal light.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

While a strategy of the 'Independence for All' relates to supporting the redevelopment of the City's commercial corridors, this rezoning request would not be considered a redevelopment project as the applicant is seeking to add shipping containers as an additional use on the site.

Comprehensive Plan Guiding Land Use Principles:

This site, along with areas north and south of the highway between the railroad on the east and River Boulevard on the west are designated for 'Residential Neighborhoods' by the City's Comprehensive Plan. Such areas would feature a variety of single family detached homes, attached single family homes, townhomes, and multi-family dwellings. As such this proposed rezoning will be inconsistent with existing zoning along the corridor.

Historic and Archeological Sites:

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

Public Utilities:

Water, sanitary sewer, and electrical services are connected to this property.

Environmental

Provided the contractor's area is limited to equipment and material being kept primarily inside shipping containers, Municipal Services has no environmental concerns. Any equipment/machinery that is stored outside must be serviced off site; the on-site repair and washdown of such equipment is prohibited.

Site Plan/Permits Required

At this point, the proposed contractor's plan area is conceptual, its layout undoubtedly will be modified in both shape and size. At minimum, a permit will be required for the fencing, lighting inside the fenced area, and perhaps tie downs for the shipping containers. No water, sanitary sewer, or electrical service will be provided to the containers.

CIP Investments

There are no City or Missouri Department of Transportation (MoDOT) capital improvement projects (CIP) planned for this area.

Zoning

This property includes two zoning classifications: C-2 (General Commercial) on the east, south, and west sides with a rectangle of C-1 (Neighborhood Commercial) in the middle of the site. C-1 is intended primarily to provide smaller retail and light service uses in a neighborhood setting; it has a gross floor area limit of 15,000 SF per tenant space. Typical permitted uses include offices, sit-down restaurants, dog grooming, day care centers, hair salons, medical services, and banks. General Commercial (C-2) district is intended to serve the wider market of community and regional uses, with auto-related uses, with no limit on tenant space. In addition to the C-1 uses, the C-2 district permits gas/convenience stores, hospitals, taverns, drive-through restaurants, light automotive repair, hotels,

and contracting services without outdoor storage. The applicant's proposed C-3 (Service Commercial) allows for warehousing, light manufacturing, general/heavy vehicle repair, medical marijuana testing/cultivation facilities, contractors services with outdoor activities, and limited recycling centers, but prohibits hair salons, food/beverage sales, taverns, and hotels.

Parking and Driving Surface:

The site's total number of parking spaces is roughly 220 spaces with the parking surface in fair condition but needing resealing and restriping. It is not possible to estimate how many spaces will be lost to the contractor's area but the site plan will be reviewed to ensure that the number of parking spaces lost to the contractor's area will not infringe upon the number required for the main building's needs. No changes are planned to eliminate any access points onto either US 40 Highway or 47th Street.

Landscape Buffering and Screening:

As mentioned above, the fencing shown on the concept plan is inaccurate as Mr. Bartel plans to install fencing around the entire southern two-thirds of the parking lot for the contractor's area. He states that amount of fencing is necessary to secure not only the building but the parking/contractor's areas from theft and vandalism. City Code Section 14-503-10 will require 100% opaque screening of vehicle and equipment storage areas on the north, south and west sides. Staff will also require some landscaping along the south property line in addition to the fencing.

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 Neighborhood uses for this site; however, it is unlikely that this property will be used for residential uses any time soon.
- 2. Conformance of the requested zoning with any adopted neighborhood or sub-area plans in which the property is located or abuts.**
This property is not part of any adopted neighborhood or sub-area plan.
- 3. The compatibility of the proposed zoning with the zoning and use of nearby property, including any overlay zoning.**
With few exceptions, this segment of US 40 Highway east of Sterling Avenue is zoned C-2 and has been for decades. The list of businesses along the corridor include are eclectic mix of auto repair shops, restaurants, offices, a pawn shop, a couple of strip malls, and used car lots, to name a few. A contractor service yard is not compatible with this assortment of retail and light service uses.
- 4. The compatibility of the proposed zoning and allowed uses with the character of the neighborhood.**
For the most part, US 40 Highway has retained its primary uses of office, restaurant, and retail businesses. Service uses along the corridor are primarily related to vehicle service.
- 5. The suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations.**

Both the previous use of the site for indoor recreation and the current uses of a contractor's office and flooring sales are permitted in a C-2 zoning district. The design of the building and configuration of the site is more suitable for retail and light service uses typical with the current zoning than with C-3 zoning and its more intensive uses.

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

The property is now occupied but was vacant for only a short period after the bowling center closed in 2018.

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

This level of zoning and uses permitted in a C-3 could have a detrimental effect on residential properties to the south.

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 use the site for storage and base of operations for small contractors. If approved, proposed use would require improvements to the parking/driving surfaces along with screening buffering.

EXHIBITS

1. Applicant's letter
2. Application
3. Notification letter
4. Mailing list
5. Mailing affidavit
6. Concept Plan
7. Comp Plan Map
8. Zoning Map