

MEETING DATE: August 9, 2022

STAFF: Brian Harker, Planner

PROJECT NAME: McBee Coffee N Carwash Parking Lot

CASE NUMBER/REQUEST: **Case 22-100-14 – Rezoning – 1711 E. 23rd Street S. (after new plat 1507 E. 23rd Street S.)** – A request by Ashley Smith to rezone this property from District R-12 (Two-Family Residential) to District C-2 (General Commercial)

APPLICANT: Ashley Smith/McBee Construction Company

OWNER: Steve McBee/Steven McBee Trust

PROPERTY ADDRESS: 1711 E. 23rd Street S. (after new plat 1507 E. 23rd Street S.)

SURROUNDING ZONING/LAND USE:

- North:** Districts C-1...C-2 single-family homes
- West:** District C-2/SUP...McBee Coffee N Carwash
- East:** District R-6...Discount Tire service store
- South:** District C-2/SUP...detention pond

PUBLIC NOTICE:

- Letters to adjoining property owners – July 14, 2022
- Public Notice published in the Independence Examiner – July 23, 2022
- Sign posted on property – July 22, 2022

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for a first reading by the City Council on September 6, 2022 and the public hearing/second reading on September 19, 2022.

RECOMMENDATION

Staff recommends **APPROVAL** of the rezoning.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: A request by Ashley Smith to rezone this property from District R-12 (Two-Family Residential) to District C-2 (General Commercial).

Current Zoning: District R-12 (Two-Family Residential)

Proposed Zoning: District C-2 (General Commercial)

Current Use: vacant house

Proposed Use: parking lot

Square Footage: 8,569.35-square feet

Former Zoning Prior to 2009, from 1965 – R-2 (Two-Family Residential)

PROPERTY HISTORY

The 0.19-acre lot has had a District R-12 [or R-2](Two-Family Residential) designation since 1965 and its use has been single-family residential throughout that entire time. In earlier times, the lot had been part of a much larger tract used for agricultural uses. The house was occupied until this year. The owner on the carwash property intends to raze the home.

PHYSICAL CHARACTERISTICS OF PROPERTY

The property is the site of a small, old house and some mature trees. All these will be removed. Otherwise, the tract is a fairly flat. The property is neither in a flood plain nor near a stream requiring accompanying stream buffer zones.

CHARACTERISTICS OF THE AREA

The property is along the south side of a commercial corridor and busy MoDOT highway. A major commercial node lies to the east on both sides of the road. HyVee and Discount Tire lie immediately to the east and a developing carwash to the west. Thus, this “island” of R-12 zoning sets between large blocks of C-2 zoning. Residences lie to the north and northwest across the wide right-of-way.

PROPOSAL:

The applicant is constructing a high-end, tunnel carwash on the 50,309-square foot lot to the west. McBee is purchasing this site, now that it has become available. It is too small to be used for an additional out-lot but could be an expansion area for additional parking. This will also permit more vacuum spaces on the carwash lot. Prior to site plan and building permit approval, the property must be platted. The applicant has already made application for a Minor Subdivision, which is under review.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

The proposal is consistent with the Goal, “Increase economic prosperity of community”. It meets the strategy to, “recruit business.”

Comprehensive Plan Guiding Land Use Principles:

The proposal is consistent with the Guiding Principle, “Foster redevelopment opportunities within the City to revitalize used or underused property”. It meets the policies to, “Encourage redevelopment or adaptive reuse of vacant or underutilized buildings and sites,” and, “Encourage reinvestment in our existing neighborhoods.”

Zoning:

The applicant requests C-2 zoning for the small lot between Discount Tire and the new McBee Coffee N Carwash property. District C-2 allows; residential above the first floor and in 50-percent of the first-floor area, retail sales, restaurants, entertainment venues, government facilities, churches, schools, utilities, artist workspaces, employment and business support services, restaurants, banks,

medical services, offices, parking, personal improvement services, artisan uses, crops and gardening. The existing R-12 district for the lot allows the following uses: single and two-family housing, home based daycare, government facilities, churches, schools, utilities, cemeteries, crops and gardening.

Historic and Archeological Sites:

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

Public Utilities:

Water and electrical services are available to this lot and the already developing carwash property.

Environmental, Storm Water and Stream Buffer:

The parcel is the site of a small, old house. There is no reason to believe that the property has experienced environmental degradation. The parcel is fairly flat and featureless, except for a few trees. The property is neither in a floodplain nor near a stream requiring accompanying stream buffer zones. Lastly, the lot lies immediately north of the detention area for the surrounding development.

CIP Investments:

There are no CIP projects impacting this development.

Traffic Study:

Tran-Systems prepared a study for the proposed commercial and residential developments of McBee Landing and Windmill Estates. The study included trip generation estimates, trip distribution estimates, capacity analysis and a summary of findings. This small lot, a proposed parking lot, is not expected to impact this study as it is just an expansion of the parking lot for a use already planned and being constructed.

Driveways and Parking Lots:

The planned driveway for McBee’s Coffee N Carwash’s will be aligned with Woodbury Street and accessible from a private drive running east from a new segment of Haden Avenue to the Discount Tire and HyVee store access. The proposed parking lot expansion will connect to the carwash’s east parking lot.

Landscaping:

An administratively reviewed landscaping plan, with plantings per Code, must be provided with the expansion the parking lot.

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 Neighborhoods uses for this vicinity. However, the proposed commercial use, and the rezoning to C-2, are in keeping with the surrounding uses and planned development;

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

There are not any subarea plans that cover the vicinity around this proposed development;

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

There is not any overlay zoning. The proposed zoning is similar to that already present along the 23rd Street corridor. The proposed use is compatible with other General Commercial uses along the street;

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

Single-Family uses, zoned C-1 and C-2, lie along the north side of 23rd Street. Commercial uses, with C-2 zoning, lie adjacent to the east and west;

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

The existing R-12 zoned lot is not ideal for being immediately adjacent to the 23rd Street right-of-way, which is a heavily traveled roadway and has not any adjacent residential on the south side of the 23rd Street corridor;

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

The residence was occupied until the beginning of this year;

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

Again, the proposed zoning is similar to that already present along the 23rd Street corridor. The proposed use is compatible with other General Commercial uses along the street;

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 developer will be left with an unmarketable residential lot. If approved, the proposed use will lessen congestion in the new carwash parking lot.

EXHIBITS

1. Applicant's letter
2. Application
3. Notification letter/Addresses
4. Affidavit
5. Plat
6. Parking lot site plan
7. Development site Plan
8. Comp Plan Map
9. Zoning Map