

MEETING DATE: June 27, 2023

STAFF: Brian Harker, Planner

PROJECT NAME: Ramos Properties Rezoning/Planned Unit Development

CASE NUMBER: **Case 23-125-05 – Rezoning/PUD – 15621 E. US 24 Highway** – A request by Karla Ramos to rezone this property from C-2 (General Commercial) & R-6 (Single Family Residential) to C-2/PUD (General Commercial/Planned Unit Development) and approve a preliminary development plan.

APPLICANT/OWNER: Ezequiel Ramos and Karla Ramos/Ramos Properties, LLC

PROPERTY SITUSES: 15621 and 15641 E. US 24 Highway

PROPERTY ADDRESSES: 15621, 15631 and 15631 E. US 24 Highway

SURROUNDING ZONING/LAND USE:

- North:** C-2...automotive repair
- South:** C-2...commercial property
- East:** R-6...park and residences
- West:** C-1 and C-2...library office and vacant lot

PUBLIC NOTICE:

- Letter to adjoining property owners – May 5, 2023
- Public Notice published in The Kansas City Star – May 26, 2026
- Signs posted on property – May 26, 2023

FURTHER ACTION:

- Following action by the Planning Commission, this rezoning request is scheduled for a first reading by the City Council on August 9, 2023 and the public hearing/second reading on August 21, 2023.

RECOMMENDATION

Staff recommends **APPROVAL** of this rezoning request and the accompanying Preliminary Development Plan with the following conditions:

1. The permitted uses on the properties will include all uses permitted in C-2 (General Commercial) districts and a landscaping business with outdoor storage.
2. The landscape material bins shall be covered with dust canopies.
3. The two new lots must be properly replatted through the Minor Subdivision process (before Certificate of Occupancy) and include a cross-access agreement between them and cross-access and parking easements for access to the adjacent park;

4. With the Final Development, engineering and calculations for the impervious surfaces and storm water detention must be completed;
5. With the Final Development Plan, include four-sided elevations for all buildings and the trash enclosure;
6. With the Final Development Plan, provide a tree preservation/landscape plan for the project showing new plantings and how the existing tree lines along the north and east sides of the site. Plantings must include required street trees, parking lot perimeter plantings, interior parking lot plantings placed at the end of parking aisles, a landscaped area with plantings that consists of 20 percent of 20 feet around all structures;
7. Prior to Final Development Plan approval, the applicant must complete a Traffic Analysis as required by MoDOT and the City Engineer; any access points not permitted by MoDOT shall be removed; any access point not meeting City specifications shall be modified to comply with City specifications.
8. The applicant will provide stormwater detention for this development. The applicant has indicated on-site detention in an area southeast of the property that may be part of a land swap with the City's Park Department if engineering analysis requires it. This must be completed before the rezoning ordinance goes before the City Council;
9. With the Final Development Plan, indicate parking spaces for three bicycles;
10. The unit numbers will be assigned during the Final Development stage.

PROJECT DESCRIPTION & ZONING HISTORY INFORMATION

PROJECT DESCRIPTION & ZONING HISTORY:

Ezequiel and Karla Ramos seek to rezone the property located at 15621 E. US 24 Highway from R-6 (Single-Family Residential) and C-2 (General Commercial) to C-2 (General Commercial/Planned Unit Development) and approval of a Preliminary Development Plan.

Current Zonings:	R-6 (Single-Family Residential) C-2 (General Commercial)	Proposed Zoning:	C-2/PUD (General Commercial/Planned Unit Development)
Prior to the UDO:	R-1b (Single-Family Residential) C-2 (General Commercial)		
Prior to 1980:	R-1 (General Commercial) C-2 (General Commercial)		
Acreage:	4.65-acres	Existing Use:	Undeveloped
		Proposed Use:	Landscaping, retail and office

HISTORY:

Like many major arterials in the city, the portion of the applicant's property within 290 feet of the US 24 Highway right-of-way has been zoned commercial since at least November 1965. Land east of the

commercial strip was zoned R-1 (Single-Family Residential) prior to 1980, R-1b (Single-Family Residential) until July 2009 and then R-6 (Single-Family Residential). The land area of the two parcels that comprise this application have either been vacant or had never been developed.

PROPOSAL:

The applicants purchased the 4.65-acres along US 24 Highway from the City of Independence’s Parks and Recreation Department. The property is a combination of open grassy fields close to the highway and stands of trees at the back of the property adjoining Choplin Hood Park. The Parks Department, as part of the sale, required that the new site plan include twelve parking spaces for the general public accessing the park site via a sidewalk. The park’s only improvement at this time is a ball diamond. The reason for the recent purchase by Ramos Properties, LLC, was to rezone the property and then in stages, build a new office structure to serve a landscaping business (also located on site), then a strip retail/office center that would include a drive-up window, and then last, an automotive related commercial office building on the eastern-most parcel.

PHYSICAL CHARACTERISTICS OF PROPERTY

The property is a relatively flat, undeveloped field with woodland areas around the northern, eastern and southern perimeters, particularly abutting Choplin Hood Park.

CHARACTERISTICS OF THE AREA

This segment of the US 24 Highway corridor was “stripped” zoned for commercial uses as far back as the mid-1960’s. In this case, the commercial zoning went east 290 feet from the right-of-way of US 24 Highway with the properties behind this strip, including the park, being zoned single-family residential. The US 24 Highway frontage on both sides of the highway north and south of the site is zoned either C-1 (Neighborhood Commercial) or C-2 (General Commercial). The land use located on the west side of the street is the main office and distribution center for the Mid-Continent Public Library system. An auto repair facility lies to the north and a legal nonconforming residential use lies to the south. The residential uses behind the corridor are primarily smaller, single-family homes.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

This proposed rezoning could contribute to the Strategic Plan by stimulating economic development.

Comprehensive Plan Guiding Land Use Principles for the Current Designation:

The Comprehensive Plan envisions Park uses for the tracts; this designation was due to the fact that the property was owned by the City.

Historic and Archeological Sites:

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

Buildings:

The main structure on 15621 E. US 24 Highway will be a seven-unit, masonry strip center with all units oriented toward 24 Hwy. The building will set east of a two-row parking lot. It will be designed to have a possible drive-through window about its rear. There will be four other structures on the lot as well as landscaping material bins. The masonry and lap siding office structure, setting north of the strip center and along the property line, will be addressed as 15631 E. US 24 Highway. Going

eastward along the north property line will be a new building for concrete mixing and a structure for fill dirt and topsoil. A storage/warehouse building will be along the south property line.

The northern lot (15641 E. US 24 Highway) will have two buildings. A two-story office building with masonry and lap-siding facing the right-of-way behind a two-aisle parking lot and a new service building to the east.

Landscaping Material Bins:

The landscaping material bins will set north to south to the east of the building at 15621 E. US 24 Highway. The bins will need to be covered to contain dust and material from blowing around.

Utilities:

A sanitary sewer extension will be necessary for service and is available a short distance from the northeast and southwest sides of the property. The City's Parks Department has agreed to allow the sewer main to run along the portions of their property. All other utilities are available in nearby rights-of-way and easements.

Site Access:

The City's traffic engineer indicated that the two 50-foot driveway entrances were excessive in width and shall meet the City's driveway access specifications. The entrances would need approval from MoDOT. The submitted plan indicates a middle third entrance being eliminated. The MoDOT/City cost share 24 Highway Phase 1 Project had one driveway in this location near the southern most driveway. The project will be constructed with access management principles to limit the size and number of driveways. The northern tract will access another entrance on the adjacent property to the north.

Prior to Final Development Plan approval, the applicant must complete a Traffic Analysis as required by MoDOT and the City Engineer.

It should be noted that there is currently underway an improvement program shared by the City of Independence and the Missouri Department of Transportation for the improvement of US Route 24 in this general vicinity that will include new curbs and gutters, sidewalks, and storm drainage. New construction on the acquired property will require close coordination with MoDOT for all improvements in the Right-of-Way.

Parking Lot:

The parking and driving surfaces will be accessed from the drives authorized by MoDOT. Most of the provided parking will be west of the strip center and the two-story office building. Others will flank the strip center on both sides. The City Code requires 30 parking spaces for the south property and 13 spaces for the north property. The site plan will provide 40 and 19 parking spaces. Twelve additional spaces will be provided along the south edge of the property accessed by a sidewalk to provide access to the Choplin Hood Park. The replat will provide cross-access and parking easements.

Detention, Floodplain and Stream Buffer:

The applicant shall provide storm water detention for this development. The applicant has indicated an on-site detention in an area southeast of the property that may be part of a land swap with the City's Parks Department if the engineering analysis indicates the need for this location. This must be completed before the rezoning ordinance goes before the City Council so the property legals will

match that for the zoning ordinance. A plat needs to be recorded before the Certificate of Occupancy. None of the property is either within a federally designated flood plain or in a city defined stream buffer zone.

Landscaping:

With the Final Development Plan, the applicants will need to provide a landscaping plan complete with listing of scientific names and the number of plantings. Street trees, parking lot perimeter plantings, interior parking lot plantings placed at the end of parking aisles, a landscaped area with plantings that consists of 20 percent of 20 feet around all structures and a landscaped buffer abutting adjacent R-6 zoned properties. (Where heavily wooded and abutting other properties, no additional plantings are needed).

REVIEW CRITERIA

Recommendations and decisions for proposed planned unit development rezoning and its associated preliminary development plan must be based on consideration of the criteria listed in Section 14-703-05-H:

1. **The consistency with the Comprehensive Plan.**
The Comprehensive Plan envisions Park uses for the tracts; this designation was due to the fact that the property was owned by the City.
2. **The consistency with the PUD standards of Section 14-902, including the statement of purpose.**
Section 14-902 is intended to allow design flexibility that results in greater public benefit than would be achieved using conventional zoning regulations; this project is in conformance with that standard providing a mix of commercial and office and industrial uses;
3. **The nature and extent of Common Open Space in the PUD.**
The Northeast portion of the property provides Open Space that is buffering from adjacent residential and park property;
4. **The reliability of the proposals for maintenance and conservation of Common Open Space.**
The applicant will construct, manage, and maintain the property; it has no intent to sell any units or buildings;
5. **The adequacy or inadequacy of the amount and function of Common Open Space in terms of the densities and dwelling types proposed in the plan.**
The proposal is for the bulk of the green space to be at the northwest corner of the property, although a 40-foot wide landscaped buffer will abut the adjacent city park;
6. **The extent to which the proposed use will adversely affect the capacity of safety portions of the street network or present parking problems in the vicinity of the property. Whether adequate provision for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation, and visual enjoyment.**
This proposed project is not expected to adversely affect the street network in the vicinity of the project;
7. **The extent to which the proposed use will have a substantially adverse effect on adjacent property and the development or conservation of the neighborhood area.**

The proposed landscaping use will not be out of place along the eclectic US 24 Highway corridor. The property will also be well screened and buffered;

8. **Whether potential adverse impacts have been mitigated to the maximum practical extent.**
This is largely the use the standard landscaping, buffering and screening requirements;
9. **Whether the Preliminary Development Plan represents such a unique development proposal that it could not have accomplished through use of (non-PUD) conventional zoning regulations.**
To allow the use, but not to permit other C-3 uses, C-2/PUD was necessary to create the limitations;
10. **The sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the PUD in the case of a plan that proposes development over a period of years.**
This project will be constructed in a single phase and the entire development is proposed to be under one ownership.

EXHIBITS

1. Applicant's Narrative
2. Application
3. Notification Letter
4. Addresses
5. Mailing Affidavit
6. Development Plan
7. Building Elevations
8. Final Rendering
9. Current Plat
10. Zoning map
11. Comp Plan Map