

**MEETING DATE:** September 10, 2019

**STAFF:** Stuart Borders, Senior Planner

**PROJECT NAME:** Aldi rezoning

**CASE NUMBER / REQUEST:** Rezone from R-6 (Single-Family Residential) and C-2 (General Commercial) to C-1 (Neighborhood Commercial) - 11004 E. US 40 Highway

**APPLICANT:** Aldi, Inc.

**OWNER:** Hitesh Patel

**PROPERTY ADDRESS / LOCATION:** 11004 E. US 40 Highway

**SURROUNDING ZONING / LAND USE:**

- North:** R-6 (Single Family Residential); single family homes
- South:** C-2 (General Commercial)
- East:** R-6, C-2; offices, retail, single family home
- West:** C-2, commercial buildings, parking lots

**PUBLIC NOTICE:**

- § Letter to adjoining property owners – August 27, 2019
- § Public Notice published in the Independence Examiner – August 24, 2019
- § Sign posted on property – August 23, 2019

### RECOMMENDATION

Staff recommends **approval** of this request.

### PROJECT DESCRIPTION & BACKGROUND INFORMATION

**PROJECT DESCRIPTION:**

Aldi, Inc. requests to rezone the property at 11004 E. US 40 Highway from R-6 (Single-Family Residential) and C-2 (General Commercial) to C-1 (Neighborhood Commercial).

**Current Zoning:** R-6, C-2

**Proposed Zoning:** C-1 (Neighborhood Commercial)

**Current Use:** Vacant property/parking lot

**Proposed Use:** Grocery store

**Acreage:** 2.32 acres +/-

**Building Square Foot:** 20,000+ SF

**BACKGROUND & HISTORY:**

Currently the subject property consists of three lots that will be replatted into a single parcel in conjunction with the future construction of a grocery store. Aldi’s concept plan calls for a

20,000+ square foot store on the northern part of the site facing south (US 40 Highway) with parking on the south and east sides of the building. Access onto US 40 Highway will be provided via two existing driveways, with the western drive also connecting to E. 39 Street north of the site.

The northeast portion of Lot 3 and a small triangle in the northeast corner of Lot 4 is zoned R-6, the remaining property is zoned C-2.

## ANALYSIS

### **Consistency with *Independence for All*, Strategic Plan:**

The proposed Aldi store will help support the redevelopment of this key US 40 Highway corridor. The proposed store could also provide a dedicated food store lacking in this region of the city.

### **Comprehensive Plan Guiding Land Use Principles:**

The designation of this site for Community Commercial fits well with its proposed use as a grocery store and will serve from the surrounding local community, within a radius of one to three miles. A bonus being easy pedestrian access from the residential neighborhood north of E. 39<sup>th</sup> Street.

### **Historic and Archeological Sites:**

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

### **Public Utilities/Traffic:**

All public utilities are available to the site. The City traffic engineer is requiring a study to address concerns regarding access points onto US 40 Highway and other issues. The study must be completed and submitted for review prior to the issuance of a building permit for the project.

## REVIEW CRITERIA

Recommendations and decisions on rezoning applications must be based on consideration of all of the following criteria:

**1. Conformance of the requested zoning with the Comprehensive Plan.**

*The use of the property for a food store is in conformance with the Comprehensive Plan's vision of 'Community Commercial' uses for the site.*

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

*There are no neighborhood or sub-area plans for this part of Independence.*

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

*This proposed level of commercial zoning, C-1, and its allowed uses, is compatible with zoning and use of the immediate surrounding property. Generally, properties along US 40 Highway are zoned some level of commercial and are used accordingly.*

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

*This segment of the E. US 40 Highway corridor was strip zoned to C-2 years ago. The existing uses vary significantly from restaurants (sit-down and fast food), automotive (sales and repair), offices, and entertainment (Cool Crest). A grocery store here is compatible with eclectic character of the neighborhood.*

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

*The proposed C-1 zoning is more suitable here than the existing C-2 and R-6 zoning as it allows for retail uses with less impact than C-2, which permits more intensive commercial uses. In any case, the R-6 portion of the property is not suitable as the potential for single family residential development is very unlikely.*

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

*The northern lot has been vacant for many years with its only site improvements being a retaining wall and a deteriorated parking area. Until about three years ago, the southern and western lots contained commercial buildings but now only two parking lots remain.*

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

*The proposed rezoning is not expected to detrimentally affect nearby properties as the proposed zoning is more restrictive than the site's predominately C-2 zoning, and the proposed use will be beneficial to the neighborhood.*

**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 property is rezoned to the desired C-1 zoning, and a grocery store constructed, it could have a positive impact on the public health, safety, and welfare. If denied, the property could continue to remain in a vacant, blighted state.*

**EXHIBITS**

1. Applicant's letter
2. Mailing affidavit
3. Mailing list
4. Comprehensive plan map
5. Zoning Map
6. Zoning plat