



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: May 6, 2024

Re: 1801 Westfall Drive - Rezoning (Case #111-2024)

## Executive Summary

Approval of this request would rezone 2.01-acres of property, located on the west side of Westfall Drive approximately 500 feet south of the intersection of Vandiver Drive and Westfall Drive, from M-C (Mixed Use - Corridor) to the IG (Industrial) district.

## Discussion

Engineering Surveys & Services (agent), on behalf of Last Enterprises LLC (owner), seeks approval to rezone 2.01-acres of property from the M-C (Mixed Use - Corridor) to IG (Industrial). The subject site is located approximately 500 feet south of the intersection of Vandiver Drive and Westfall Drive and includes the address 1801 Westfall Drive.

The subject acreage is one parcel presently zoned M-C. It is described as Lot 2 of the Curtis Rollins Subdivision Block 1, which was final platted in 1988. The lot meets the definition of a legal lot, is improved with a conforming structure, and does not contain any nonconformities. The purpose of the request is to allow all IG uses on the site, particularly concerning the "Storage and Wholesale Distribution" use, which is permitted "by-right" within the IG district, but only as conditional use in M-C district. The applicant desires to secure future use of the structure as a potential storage and whole distribution location without the necessity of seeking a conditional use permit.

Upon final platting in 1988, the site was zoned C-3 (General Business, now M-C). Building plans in were submitted in 1988 dividing the building into three sections - one for retail and the other two for a secured and unsecured warehouse. The secured warehouse was shown with two overhead steel doors. As such, this building likely fell under the "Wholesale sales office or sample room" use in then existing Chapter 29 (Zoning) of the City Code. With the adoption of the UDC in 2017, this use was considered permissible within the current M-C zoning.

Between 2008 and 2013, the existing structure housed Show Me Furniture Store. In May of 2013, building plans were approved for GME Supply which added heavy duty pavement on the concrete strip leading to the overhead steel doors as well as providing an additional ingress/egress point to Westfall Drive. However, sometime between 2013 and at the latest 2018 the only business with an active license for this address was Neighbors Bank. In April 2021, plans were approved for the construction of a 47-space parking lot along the southern edge of the lot that connects to Heriford Road.



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Abutting parcels to the site are all zoned M-C. 1410 Vandiver Drive, which is one parcel north of 1800 Westfall and directly east of the site is zoned IG. The property was rezoned to M-C (formerly 'Controlled Industrial') in 1997. Building plans for this site were approved in 1998 and indicate truck docks were to be constructed. This building was previously occupied by Wonder/Hostess as a bakery outlet. Following adoption of the UDC in 2017 the parcel was converted to IG (Industrial) zoning and has since ceased being used as a bakery outlet; however, is now a distribution point for bakery goods. Aerial imagery shows the truck docks are still in use and street imagery shows distribution vehicles in the parking lot implying it is still used as a storage/distribution facility.

Surrounding uses in this area are largely automotive sales/rental/repair, including but not limited to Joe Machens Dealerships, Bopp Collision Center, Columbia Appliance, and Interstate All Battery Center. Rezoning of the subject site to industrial uses would not exacerbate a burden borne by residents/ businesses/property owners on surrounding parcels. The applicant expressed their intended use within the IG district for this building would be storage and wholesale distribution. Given the improvements that have been made to the structure and the site, the original intent of the building, and the surrounding land uses the proposed rezoning appears to be context appropriate and would facilitate a greater rate of utilization of the building without requiring a new investment.

The subject site is identified as being located within a "commercial district" upon the Future Land Use Plan. While the requested rezoning would result in the property becoming more consistent with the Future Land Use Plan's "employment district" designation it is important to note this particular area has undergone different land use designations since 1967. In 1967, it was designated as a commercial district, then in 1983 it was on the border of a research and development park district and the industrial district. While this use may not align entirely with the site's assigned district on the Future Land Use Map, it would not be an anomaly for the area historically.

The Planning & Zoning Commission considered this request at their April 4, 2024 meeting. Staff presented its report. The agent clarified the intended use on the site and why the zoning is appropriate. Commissioners sought clarification about the future intended use of the site. In response, the applicant's agent confirmed the existing tenant, a subsidiary of Veterans United, may be moving out and the owner has been talking to a food distribution business. Commissioners also sought clarification on the required buffering between the M-C to the west and the site. Staff responded that the site is considered conforming today and that unless there was full site redevelopment installation of buffers would not be required simply due to a change of occupant. No other member of the public spoke relating to this request.

Following limited additional discussion, the Planning & Zoning Commission moved to approve the requested rezoning which passed unanimously with a vote of (8-0).

The Planning & Zoning Commission staff report, location maps, rezoning exhibit, and meeting minute excerpts are attached for review.



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Short-Term Impact: Increased noise and traffic if new tenant fits under storage and distribution use

Long-Term Impact: Noise and traffic on Westfall Drive. No reconstruction is proposed

## Strategic & Comprehensive Plan Impact

### Strategic Plan Impacts:

Primary Impact: Not Applicable, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

### Comprehensive Plan Impacts:

Primary Impact: Land Use & Growth Management, Secondary Impact: Economic Development, Tertiary Impact: Not Applicable

## Legislative History

Date	Action
N/A	N/A

## Suggested Council Action

Approve the requested rezoning from M-C to IG, as recommended by the Planning & Zoning Commission.