CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2023-251 – Zoning District Change

MEETING DATE:
January 3, 2023

ORIGINATING DEPARTMENT:
Planning, Development and Neighborhood Services

REVIEWED BY:
Director of Planning, Development & Neighborhood Services – Troy Bolander
Director of Finance – Leslie Haase
City Attorney – Peter Edwards
Assistant City Manager – Tony Robyn
City Manager – Nicholas Edwards

FUNDING SOURCE:
These payments are included in the FY2021-22 budget of the Community Planning Fund.

SUMMARY REQUEST:
Case 071-22: Rezoning – 5850 E 20th St – A request to remove from District R-1 (Single-Family Residential) and include in District C-3 (Commercial) for future commercial development – Bo Bennett

BACKGROUND:
The change in zoning will not be detrimental to nearby property. Properties that are directly adjacent to the south and east possess a C-3 zoning. Property to the North is R-1 and vacant. For future commercial development. Nothing has been developed at this time. This request is consistent with the Comprehensive Plan. The property is shown as retail-commercial on the Future Land Use Map. C-3 zoning is appropriate in that context.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Bennett explained he was rezoning to develop a business. It will be a general contractor business and the proposed building will act as a storage lot for equipment. The commission inquired as to whether it would be gravel or paved. Mr. Bennett stated he had discussed leaving the back gravel for the equipment, but the front would be paved. The commission asked about signage. Mr. Bolander stated that due to the location of 249 a variance may be granted on the sign height.

PUBLIC COMMENT;
There was no public comment.

RECOMMENDATIONS:
Staff recommends approval for Council Bill 2023-251
Planning & Zoning Commission recommends approval for Case 071-22 (6 in Favor, 0 Opposed, 1 Absent)

ATTACHMENTS
Staff Planning Report
P&Z Commission Minutes
Applicant Materials
Map

Case 071-22: Rezoning

5850 E. 20TH Street-A request to rezone from R-1 (Single Family Residential) to C-3 (Commercial)

Bo Bennett, Lamar, Missouri. Mr. Bennett is requesting to rezone from R-1 to C-3 for a business.

Mr. Jackson asked what sort of business operation.

Mr. Bennett stated general contractor.

Mr. Jackson stated so storage lot for equipment.

Mr. Bennett stated yes.

Mr. Jackson asked if it would be paved or graveled.

Mr. Bennett stated they spoke during the Planning and Zoning meeting about leaving some of it gravel because of the equipment. That would be toward the back of the property. The frontage would be paved.

Ms. Steele asked if the Commission had any questions on Case 071-22.

Mr. Bolander stated for clarification on the map that everything around it is C-3. It was rezoned last year. So, this little square is the only remaining part that is R-1.

Mr. Rosenberg asked Mr. Bolander wouldn't an M zoning be more appropriate than a C.

Mr. Bolander stated he thought they went with a C-3 because everything around it is C-3. You can still have storage of equipment in C-3 district.

Mr. Jackson asked the scope of what C-3 would allow.

Mr. Bolander stated it is the heaviest commercial district and you are also allowed storage in a C-3 district as well.

Mr. Jackson asked about terms of signage.

Mr. Bolander stated due to the location of 249 they can get a variance for a taller sign if needed.

Ms. Steele stated she did not see a yellow sign out there. Right next to it they are already clearing land. That is not what is included in this.

Mr. Bolander stated no, it is already zoned C-3. This land next to it.

Ms. Steele asked if anyone would like to speak in opposition of Case 071-22.

There were none.

MR. JACKSON MOVED THAT CASE 071-22 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MS. STEELE SECONDED THE MOTION. MOTION CARRIED. (6 IN FAVOR, 0 NAYS, 1 ABSENT)

Z&P Meeting: December 12, 2022
City Council Meeting: January 3, 2023

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

STAFF PLANNING REPORT
Rezoning

CASE 071-22 A request to rezone from R-1 (Single Family Residential) to C-3 (Commercial).

LOCATION 5850 E 20th St, Joplin, MO 64801

APPLICANT Bo Bennett

EXISTING CONDITIONS

Zoning	Land Use	Property Size
R-1	Vacant	Approximately 7.5 Acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	R-1	C-3	C-3	MODOT
Land Use	Vacant	Vacant	Vacant	MODOT ROW

FUTURE LAND USE

Joplin's Future Land Use Map shows this property as future Retail Commercial.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
20th St	Collector	40′

UTILITIES

The property is not within one hundred feet of an existing sewer line so the use of a septic tank is permitted.

FLOOD PLAIN

This property is not in the flood plain.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

This request is consistent with the Comprehensive Plan. The property is show as retail-commercial on the Future Land Use Map. C-3 zoning is appropriate in that context.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

For future commercial development, C-3 is a suitable zoning. Nothing has been developed at this time.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The change in zoning will not be detrimental to nearby property. Properties that are directly adjacent to the south and east possess a C-3 zoning. Property to the North is R-1 and vacant.

DISCUSSION

This request to rezone to C-3 is along E 20th St. The Comprehensive Plan does indicate that this is retail commercial.

Staff recommends approval of Case 071-22.

ENCLOSURES

- Map of property
- Application

Rezoning Application

Return Form to:
Planner
Joplin City Hall
602 S. Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 1511
Zoning-Planning@JoplinMO.org

Office Use Only
Case No.: 071-22
Filing Fee: $550.00
Received: 11/18/22
Date Advertised: 11/23/22
Proj. No.: 23-013
Public Hearing Date: 12/12/22

Applicant: BO BENNETT Phone No.: 417-682-1956
Address: 302 REAVLEY DRIVE LAMAR, MO 64759 Email: bennettbo@live.com
Owner: BO BENNETT Phone No.: 417-682-1956
Address: _____ Email: _____
Location of Property: 5850 E. 20TH ST
Present Use of Property: N/A NONE
Proposed Use of Property: RENTAL FOR CONSTRUCTION COMPANY
Current Zoning: R-1 Requested Zoning: C-3

Surrounding Land Use and Zoning:

	Land Use	Zoning
North	Church	outside of City
South	Vacant	C3
East	Vacant	C3
West	MODOT R.O.W	

Character of the Neighborhood: _____

☐ ☐ Are drainage and utility easements adequately sized and provided?

Additional Platting Comments: _____

_____

_____

Unique Characteristic of Property and/or Additional Comment:

_____

_____

_____

Submission of Documents: The following documents are **required** at time of submission.

Yes	No	
☐	☐	Completed and signed application.
☐	☐	One copy of a legal description of the property proposed to be rezoned from a deed or certified survey. Must be legible.
☐	☐	One copy of a statement describing the reasoning for the rezoning, the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may affect the character of the surrounding properties; and how the proposed change will benefit the City of Joplin.
☐	☐	Owner Affidavit and Agent Affidavit, if applicant applying for the rezoning is not the owner of the property be rezoned.

Applications that are incomplete or missing required documents will not be processed or scheduled on an agenda to the Planning & Zoning Commission until corrected and resubmitted.

Signature: _____ **Date:** 18 NOV 22

Legal Description

EXHIBIT "A"

All of the North One-half of the Northeast Quarter of Section 16, Township 27, Range 32, in the City of Joplin, Jasper County, Missouri, lying East of Highway Right-of-way,

EXCEPT All that part taken for Highway right-of-way as established by the Report of Commissioners Condemnation Petition filed November 10, 1993 at 4:09 p.m. in Book 1443 at Page 1415, in the Office of the Recorder of Jasper County, Missouri,

AND EXCEPT All that part of the Northeast Quarter of the Northeast Quarter described as Beginning at the Southeast corner of the North One-half of the Northeast Quarter of Section 16, Township 27, Range 32, in Jasper County, Missouri, thence North 104 feet, thence West 416 feet, thence South 104 feet, thence East 416 feet to the Point of Beginning,

AND EXCEPT All that part of the Northeast Quarter of the Northeast Quarter described as Beginning at a point 104.00 feet North of the Southeast corner of the Northeast Quarter of the Northeast Quarter of Section 16, Township 27, Range 32, in Jasper County, Missouri, thence West 416 feet, thence North 6.50 feet, thence Easterly 416.0 feet, thence South 6.5 feet to the Point of Beginning,

AND EXCEPT All of the North One-half of a tract of land described at Beginning at the Southeast corner of the North One-half of the Northeast Quarter of Section 16, Township 27, Range 32, in Jasper County, Missouri, thence North 208 feet, thence West 416 feet, thence South 208 feet, thence East 416 feet to the Point of Beginning, EXCEPT the South 6.50 feet thereof,

AND EXCEPT All of a tract of land described as Commencing at the Southeast corner of the North One-half of the Northeast Quarter of Section 16, Township 27, Range 32, Jasper County, Missouri, thence North 208 feet to the Point of Beginning, thence West 416 feet, thence North 208 feet, thence East 416 feet, thence South 208 feet to the Point of Beginning.

AND EXCEPT A part of the Northeast Quarter of the Northeast Quarter of Section 16, Township 27, Range 32, in the City of Joplin, Jasper County, Missouri, being more particularly described as follows: Commencing at the Southeast corner of the Northeast Quarter of the Northeast Quarter of said Section, thence North 89 degrees 02 minutes 28 seconds West along the South line of said Northeast Quarter of the Northeast Quarter of said Section 415.59 feet to the point of beginning, thence continuing along said South line North 89 degrees 02 minutes 28 seconds West 429.56 feet to the Easterly right-of-way of Missouri State Highway 249, thence along said Easterly right-of-way North 30 degrees 05 minutes 47 seconds West 285.95 feet, thence continuing along said right-of-way North 03 degrees 31 minutes 55 seconds East 298.75 feet, thence continuing along said right-of-way North 02 degrees 52 minutes 53 seconds East 172.76 feet, thence South 89 degrees 04 minutes 09 seconds East 602.52 feet, thence North 01 degrees 42 minutes 09 seconds East 566.68 feet, to the Southerly right-of-way of East 20th Street, thence along said South right-of-way South 88 degrees 56 minutes 19 seconds East 337.02 feet to the Westerly right-of-way of Prosperity Road, thence along said Westerly right-of-way South 36 degrees 41 minutes 57 seconds East 88.54 feet, thence continuing along said Westerly right-of-way South 01 degrees 42 minutes 09 seconds West 796.00 feet, North 89 degrees 04 minutes 09 seconds West 391.00 feet, thence South 01 degrees 38 minutes 49 seconds West 415.79 feet to the point of beginning, EXCEPT any part taken or deeded for road right-of-way along the North, East and West sides thereof.

Bearings are Grid North based on the Missouri Coordinate System of 1983, West Zone.

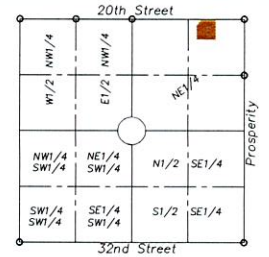
Owners:
Bo and Julie Bennett
302 Reavley Drive
Lamar, MO 64759

Property Class: Urban
Source Deed: Book 2536 Page 171

GRAPHIC SCALE

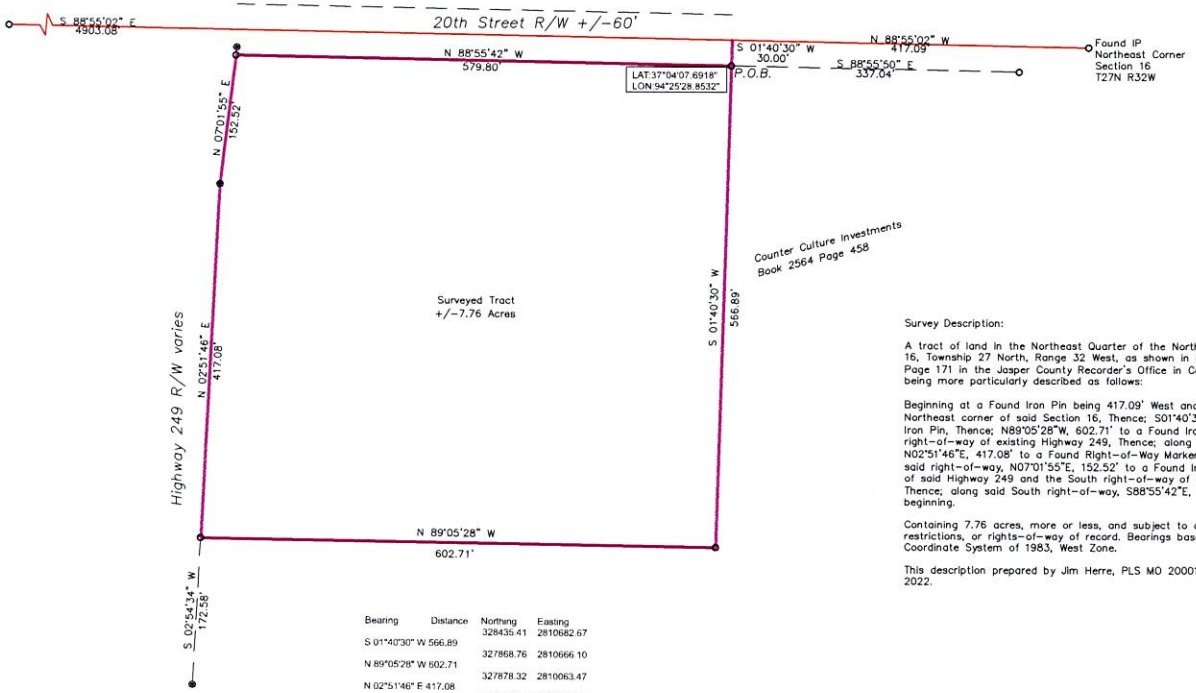
100 0 50 100 200 400

(IN FEET)
1 inch = 100 ft.



Location Sketch

Section 16, Township 27-N, Range 32-W
Not to Scale



Bearing	Distance	Northing	Easting
		328435.41	2810682.67
S 01°40'30" W	566.89		
		327868.76	2810666.10
N 89°05'28" W	602.71		
		327878.32	2810063.47
N 02°51'46" E	417.08		
		328294.88	2810084.30
N 07°01'55" E	152.52		
		328446.25	2810102.97
S 88°55'42" E	579.80		
		328435.41	2810682.67

Area: 7.7585 Acres

Survey Description:

A tract of land in the Northeast Quarter of the Northeast Quarter of Section 16, Township 27 North, Range 32 West, as shown in a deed in Book 2536 at Page 171 in the Jasper County Recorder's Office in Carthage, Missouri and being more particularly described as follows:

Beginning at a Found Iron Pin being 417.09' West and 30.00' South of the Northeast corner of said Section 16, Thence; S01°40'30"W, 566.89' to a Found Iron Pin, Thence; N89°05'28"W, 602.71' to a Found Iron Pin on the East right-of-way of existing Highway 249, Thence; along said right-of-way, N02°51'46"E, 417.08' to a Found Right-of-Way Marker, Thence; continuing along said right-of-way, N07°01'55"E, 152.52' to a Found Iron Pin at the intersection of said Highway 249 and the South right-of-way of existing 20th Street, Thence; along said South right-of-way, S88°55'42"E, 579.80' to the point of beginning.

Containing 7.76 acres, more or less, and subject to any easements, covenants, restrictions, or rights-of-way of record. Bearings based on the Missouri Coordinate System of 1983, West Zone.

This description prepared by Jim Herre, PLS MO 2000147864, on October 15, 2022.

Certificate of Survey and Accuracy:
I hereby certify that this map was drawn under my supervision from an actual survey made by me; and meets the current "Standards for Property Boundary Surveys" of the "Missouri Department of Agriculture" and the Standards adopted by the "Missouri Board for Architects, Professional Engineers, Land Surveyors, and Landscape Architects". Witness my signature, registration number and seal this 15th day of October, 2022.

Jim Herre, P.L.S. 2000147864

Flood Note:
By graphic plotting only, this property is in "Zone X" of the hazard boundary map, community panel number 29097C0283E, with an effective date of November 2, 2012, and is not in a special flood hazard area.

Surveyor's Note:
With this survey, I do not guarantee that the ownership is to the survey lines depicted hereon. This survey is a graphic representation of the opinion of the surveyor as to the location of the recorded description. No opinion as to the validity of title is given or implied.

LEGEND

- ■ = FOUND STONE
- ○ = FOUND IRON PIN
- ◎ = FOUND COPPERWELD
- △ = FOUND IRON PIN WITH ALUM. CAP
- ● = FOUND ALUM. MON.
- ⊛ = FOUND PIPE
- ◉ = NAIL
- ⊙ = COTTON SPINDLE
- ⊡ = FOUND CONC. R/O/W MARKER
- ● = FOUND R/O/W MARKER POST
- ○ = FENCE CORNER POST
- ● = SET 5/8" X 18" IRON PIN
- ■ = SET 3/4" X 24" IRON PIN WITH ALUM. CAP
- ▲ = SET IRON PIN WITH ALUM. CAP
- ◇ = FOUND R.R. SPIKE
- ◆ = SET R.R. SPIKE
- ✛ = COMPUTED CORNER
- ⊗ = WELL HEAD
- (D) = DEED
- (M) = MEASURED
- (R) = RECORD
- (RS) = RECORD SURVEY
- (GLO) = GENERAL LAND OFFICE
- —x— = FENCE
- —ohe— = OVERHEAD ELECTRIC
- —g— = GAS LINE
- —w— = WATER LINE
- —san sew— = SAN. SEWER LINE
- —ugt— = UNDERGROUND TELEPHONE
- — — — = RIGHT-OF-WAY LINE

Email: indiancreeksurveying@gmail.com

Drawing No.: ICS-22-123

Surveyed for:
Bo and Julie Bennett
5850 E 20th Street
Joplin, MO 64801

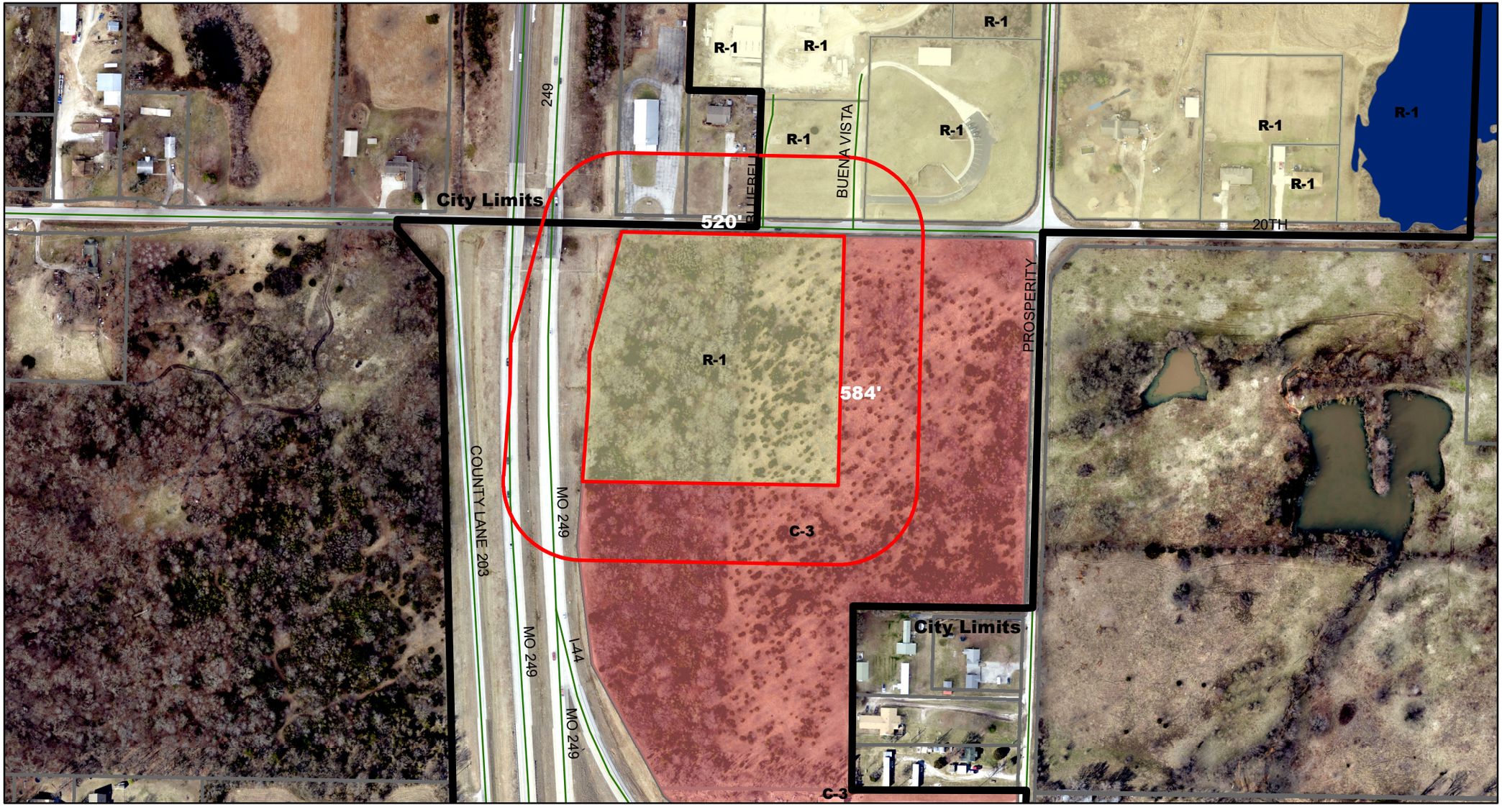
Northeast Quarter Northeast Quarter
Section 16
Township 27-North, Range 32-West
Jasper County, Missouri

Surveyed by:
Indian Creek Surveying, L.L.C.
P.O. Box 4246
Joplin, Missouri 64803-4246
417-291-3297
MO COA 2005036742

Drawn by: JH TW
Field by: TW
Checked by: JH

Date: 10-15-22
Fld Bk: ICS
Job No.: 2022-123

Case 071-22 - Rezoning - 5850 E 20th St



5850 E 20th St - A request to rezone from R-1 (Single-Family Residential) to C-3 (Commercial) - Bo Bennett

Legend

- 185' Buffer
- Property
- joplin_city_limits
- joplin_streets
- Newton_Parcels
- Jasper_Parcels

0 120 240 480 720 960 Feet

N

P & Z Case 071-22
Bo Bennett
(P & Z Recommended Approval)

COUNCIL BILL NO. 2023-251 ORDINANCE NO.

AN ORDINANCE amending Ordinance No. 2022-274, passed by the Council of the City of Joplin, Missouri, August 1, 2022, by removing from District R-1 (Single-Family Residential) and including in District C-3 (Commercial) property as described below and located at 5850 E. 20th St, City of Joplin, Jasper County, Missouri.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. Having referred the subject matter of this ordinance to the City Planning and Zoning Commission and having given at least fifteen days' notice of time and place of hearing on same by publication in the Joplin Globe, Ordinance No. 2022-274 is hereby amended by removing from District R-1 (Single-Family Residential) the following described property and including in District C-3 (Commercial).

A tract of land in the Northeast Quarter of Section 16, Township 27 North, Range 32 West, as shown in a deed in Book 2536 at Page 171 in the Jasper County Recorder's Office in Carthage, Missouri and being mor particularly described as follows: Beginning at a Found Iron Pin being 417.09' West and 30.00' South of the Northeast corner of said Section 16, Thence; S01°40'30"W, 566.89' to a Found Iron Pin, Thence; N89°05'28"W, 602.71' to a Found Iron Pin on the East right-of-way of existing Highway 249, Thence; along said right-of-way, N02°51'46"E, 417.08' to a Found Right-of-Way Marker, Thence; continuing along said right-of-way, N07°01'55"E, 152.52' to a Found Iron Pin at the intersection of said Highway 249 and the South right-of-way of existing 20th Street, Thence; along said South right-of-way, S88°55'42"E, 579.80' to the point of beginning. Containing 7.76 acres, more or less, and subject to any easements, covenants, restrictions, or rights-of-way of record. Bearings based on the Missouri Coordinate System of 1983, West Zone.

Section 2. That the City Clerk is hereby ordered to file this ordinance with the Zoning District Map maintained in her office and to note the changes herein provided thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of_____, 2023, by a vote of _____.

_____
Douglas W. Lawson, Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney