CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2021-296 – Rezone R-1 to C-1

MEETING DATE:
January 3, 2022

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, City Manager-Nicholas Edwards.

SUMMARY REQUEST:
Case 071-21: 415 & 421 W. 32nd St. - A request to remove from District R-1 (Single-family Residential) and include in District C-1 (Neighborhood Commercial) for future commercial development – Randall Miller

BACKGROUND:
This request to rezone to C-1 is for future restaurant development. The location of the property along an arterial-level street is appropriate for C-1 zoning, and the Future Land Use map does indicate future other commercial uses at this location. Buffering would be required on the property lines that abut residential property.

PLANNING & ZONING COMMISSION TESTIMONY:
Michael Wishmyer, the Architect for Mr. Randy Miller, who is in the audience along with the engineer for the project. The business address is 716 S. Main Street, Joplin, MO. As mentioned, we are changing the zoning from R-1 to C-1. We had a predevelopment meeting with the City of Joplin. It appeared to us that all along the corridor is being zoned commercial. We felt like this would fit in and we are putting in a coffee shops. The traffic numbers appear that it will not cause detrimental impacts due to traffic. We have landscape buffers which are required by the City of Joplin.

PUBLIC COMMENT;
Mr. Eastman asked if there anyone that would like to speak in favor?

Dave Bodine, Pinnacle Design Consultants, 304 W. Erie St., Springfield, MO. This project sits adjacent to W. 32nd St., which is considered an arterial street, which is made for projects like this. It is currently surrounded by some residential but will have landscape buffers. This project matches with neighborhood commercial on an arterial street. Traffic and stormwater are not problems.

Mr. Eastman asked if there was anyone to speak in opposition of this case?

Mark Callihan, 106 S. Moffet, Joplin, MO. I own property located at 423 W 31st Street. His concern is not that there will be commercial property, but it his strong hesitation is if he understands the drawings correctly, it runs about 240 feet deep off 32nd Street. He feels that the

impact on the residential neighborhood is going to be severe at this point.

Brianna Boise, 426 W. 31st Street, Joplin, MO. She owns the house right behind this property. Her concern is that there has been a bit of a rise in crime in that area and having more business there is not going to help the situation. The other concern is how much light is going to be in her backyard? What would the berm look like specifically behind our house?

Mr. Stanton stated that the city ordinance does require that light on commercial property end at the property line. They won't be able to shine any lights onto your property.

RECOMMENDATIONS:
Staff recommends approval for Case 071-21.
Planning & Zoning Commission recommends approval for Case 071-21 (5 Favor, 2 Absent)

ATTACHMENTS
CB 2021-296, Staff Planning Report, P&Z Commission Minutes

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Mr. Eastman stated that they were adding 3116 Pearl to the title, with verification from Mr. Stanton, staff. Mr. Stanton stated that was correct.

Michael Wishmyer, the Architect for Mr. Randy Miller, who is in the audience along with the engineer for the project. The business address is 716 S. Main Street, Joplin, MO. As mentioned, we are changing the zoning from R-1 to C-1. We had a predevelopment meeting with the City of Joplin. It appeared to us that all along the corridor is being zoned commercial. We felt like this would fit in and we are putting in a coffee shops. The traffic numbers appear that it will not cause detrimental impacts due to traffic. We have landscape buffers which are required by the City of Joplin.

Mr. Eastman asked if the commissioners had any questions? They did not. Is there anyone that would like to speak in favor?

Dave Bodine, Pinnacle Design Consultants, 304 W. Erie St., Springfield, MO. This project sits adjacent to W. 32nd St., which is considered an arterial street, which is made for projects like this. It is currently surrounded by some residential but will have landscape buffers. This project matches with neighborhood commercial on an arterial street. Traffic and stormwater are not problems.

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Mr. Eastman asked if commissioners had any questions for Mr. Callihan? They did not. Mr. Eastman asked if there is anyone else to speak in opposition?

Brianna Boise, 426 W. 31st Street, Joplin, MO. She owns the house right behind this property. Her concern is that there has been a bit of a rise in crime in that area and having more business there is not going to help the situation. The other concern is how much light is going to be in her backyard? What would the berm look like specifically behind our house?

Mr. Stanton stated that the city ordinance does require that light on commercial property end at the property line. They won't be able to shine any lights onto your property.

Ms. Boise stated so if the lights do come on our property can we make a complaint, and if so who with?

Mr. Stanton stated yes you can make a complaint and it would be with the Planning Department.

Mr. Eastman asked if commissioners had any questions for Ms. Boise? They did not. Mr. Eastman asked if there was anyone else to speak in opposition? There was not.

MS. STEELE MOVED, SECONDED BY MS. WARREN THAT CASE 071-21 BE FORWARDED TO THE CITY COUNCIL WITH THE RECOMMENDATION FOR APPROVAL. MOTION CARRIED WITH MR. EASTMAN, MR. MCCULLOUGH, MS. STEELE, AND MS. WARREN, MS. PHILLIPS "AYE", (5 IN FAVOR, 2 ABSENT)

Z&P Meeting: December 13, 2021
City Council Meeting: January 3, 2022

STAFF PLANNING REPORT
Rezoning

CASE 071-21 A request to remove from District R-1 (Single-family Residential) and include in District C-1 (Neighborhood Commercial) for future commercial development

LOCATION 415 & 421 W. 32nd St.

APPLICANT Randall Miller

EXISTING CONDITIONS

Zoning	Land Use	Property Size
R-1	Vacant	Approx. 1 acre

SITE CONTEXT

	North	East	South	West
Existing Zoning	R-1	R-1	R-1	R-1
Land Use	Single-family Residential	Single-family Residential	Vacant	Single-family Residential

FUTURE LAND USE

Joplin's Future Land Use Map shows this property as future Office/Institutional.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
W. 32nd St.	Arterial	100'

UTILITIES

Utilities in place.

FLOOD PLAIN

This property is not in a flood plain.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

This request is consistent with the Comprehensive Plan. The future land use map does indicate future office/institutional, however, the frontage along an arterial-level street is appropriate for this request. Additionally, this request fulfills infill goals of the comprehensive plan.

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

The current zoning of R-1 is not suitable for the property in this context. Single-family residential is not appropriate along an arterial corridor.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The change in zoning will not be detrimental to nearby property. Uses permitted in the C-1 district are meant to complement neighborhoods. Uses such as small retail, restaurants, and offices are commonly found in C-1 districts. Buffers would be required where the subject property abuts residential zoning districts.

DISCUSSION

This request to rezone to C-1 is for future restaurant development. The location of the property along an arterial-level street is appropriate for C-1 zoning, and the Future Land Use map does indicate future other commercial uses at this location. Buffering would be required on the property lines that abut residential property.

Future development of this property as single-family residential would not be appropriate considering the context. Single-family homes along an arterial level street are not desirable nor the highest or best use.

The request is found to be consistent with the comprehensive plan and future land use map.

Staff recommends approval of Case 071-21.

ATTACHMENTS

- Application
- Map

Left message 11/1

REZONING APPLICATION FORM

Return Form to:
Planner
Joplin City Hall
602 S. Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 1511
FAX 417-625-4738

For Office Use Only

Case No.: 071-21
Filing Fee: $550.00
Date Advertised: 11-27-21
Date Notices Sent 11-22-21
Public Hearing Date: 12/13-21

APPLICANT: Randall Miller PHONE: 417-540-7999
ADDRESS: 810 Blackthorn Drive, Carl Junction, MO 64834 EMAIL: rsccc.miller@gmail.com

OWNER: Randall Miller PHONE: 417-540-7999
ADDRESS: 810 Blackthorn Drive, Carl Junction, MO 64834 EMAIL: rsccc.miller@gmail.com

LOCATION/ADDRESS OF PROPERTY: 415-421 W. 32nd ST., JOPLIN, MO

Present Zoning R1 Requested Zoning: C1 Acreage: 1.0
Present Use of Property: VACANT

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	RES	R1
South	RES	R1
East	RES	R1
West	RES	R1

Character of the Neighborhood: SINGLE FAM RES. ON AN ARTERIAL ST.

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
   YES
2. Are there substantial reasons why the property cannot be used in accord with existing zoning? YES
   If yes, explain: REQUESTED USE IS COMMERCIAL

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? YES
2. Consistent with Future Land Use Map? YES

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: W. 32ND ST. & ALLEY TO EAST
2. Classification of Street(s):
   Arterial ✓ Collector _____ Local _____
3. Right-of-Way Width: _____
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   NO

IS PLATTING OR REPLATTING REQUIRED IN ORDER TO PROVIDE FOR:

1. Appropriately Sized Lots? NO
2. Properly Sized Street Right-of-Way? NO
3. Drainage Easements? NO
4. Utility Easements:
   - Electricity? NO
   - Gas? NO
   - Sewers? NO
   - Water? NO
5. Additional Comments: _____

UNIQUE CHARACTERISTIC OF PROPERTY AND/OR ADDITIONAL COMMENT:

PROPERTY IS LOCATED ON AN ARTERIAL STREET AND THE PROJECT IS WELL SUITED FOR NEIGHBORHOOD COMMERCIAL USE WITH EXIST. COMMERCIAL USES TO THE WEST & SE.

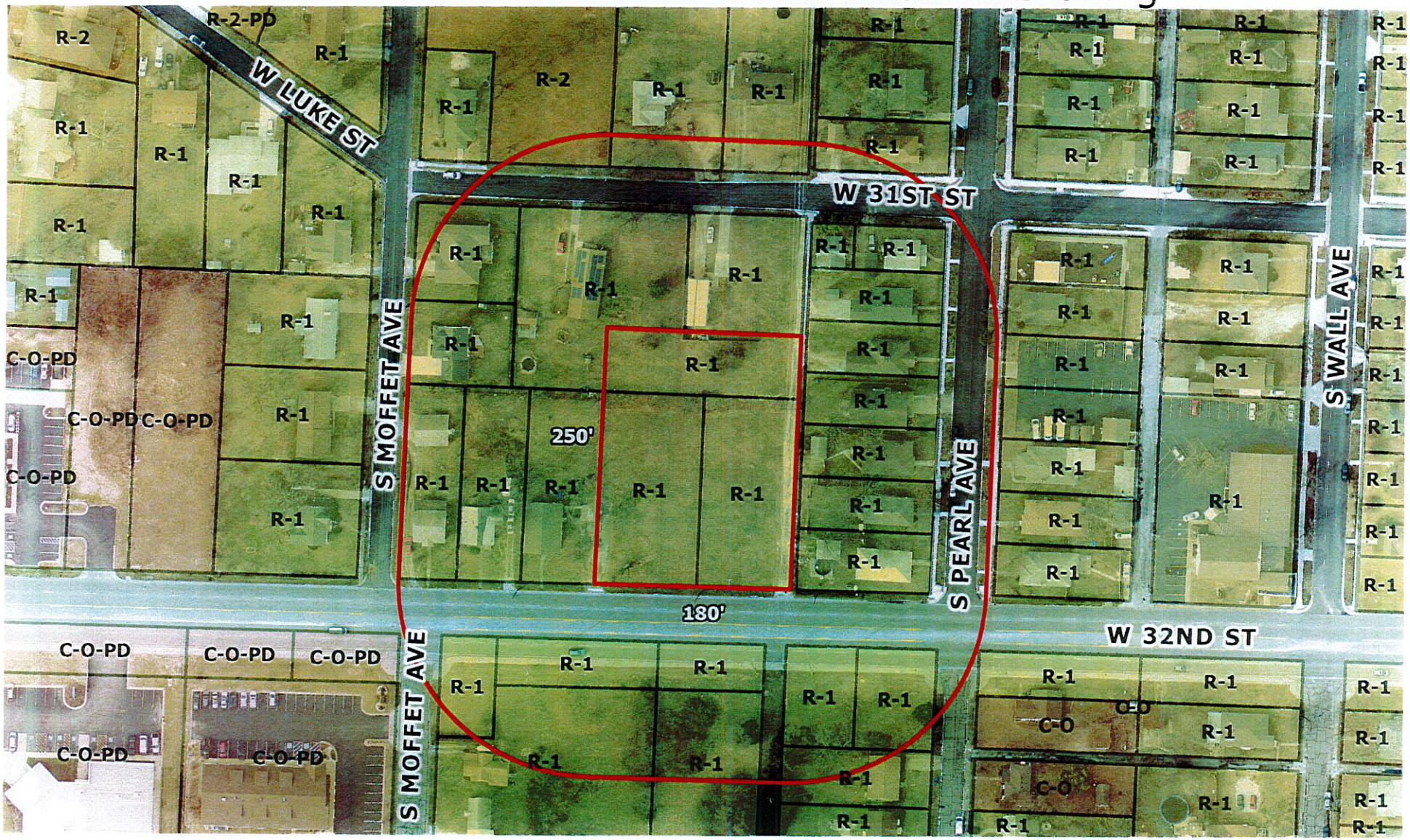
THE FOLLOWING **MUST** ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned from a deed or certified survey. Must be legible.
2. 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.
3. Owner Affidavit and Agent Affidavit, if applicant applying for the rezoning is not the owner of the property be rezoned

SIGNATURE: _____ DATE: 11/4/2021

TITLE: President

Case 071-21: 415 & 421 W. 32nd St. - Rezoning



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P & Z Case 071-21
Randall Millert
(P & Z Recommended Approval)

COUNCIL BILL NO. 2021-296 ORDINANCE NO.

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 (Single-family Residential) and including in District C-1 (Neighborhood Commercial) property as described below and located at 415 and 421 W 32nd 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. 2004-256 is hereby amended by the following described property and including in District C-1.

All of the West 99 feet of Lot Numbered Twenty-four (24) in Mohaska Subdivision to the City of Joplin, Jasper County, Missouri, according to the recorded plat thereof, and all of the South 60 feet of Lot Numbered Twenty-three (23) in Mohaska Sub-division to the City of Joplin, Jasper County, Missouri, according to the recorded plat thereof, and all of the East one-half (E ½) of Lot Numbered Twenty-four (24) except the West 9 feet thereof, in Mohaska Subdivision to the City of Joplin, Jasper County, Missouri, according to the recorded plat thereof.

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_____, 2022, by a vote of _____.

_____
Ryan D. Stanley, Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney