City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: January 4, 2016

Item: COUNCIL BILL NO. 2016-250
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

Attachments: 1) Copy of Council Bill
2) Planning Report
3) Commission Minutes

Planning/Community Development Manager: Troy Bolander
City Attorney: Peter C. Edwards
City Manager: Samuel L. Anselm
Board or Commission: Planning and Zoning Commission Date: 12/14/2015

Recommended Action: Planning and Zoning Commission recommended approval by a vote of "7 in favor, 0 absent"

SUMMARY/REQUEST:
Case 044-15: Northeast Corner of Broadway Street and Buchanan Road – A request to rezone from R-1 (Single-Family Residential) and R-3-PD (Planned Apartment House District to R-2 (Two-Family Residential) for construction of Duplexes – Rick Benson.

STAFF SUMMARY:
This parcel of land has been wooded and undeveloped for many years. This area of Joplin is an older and established residential neighborhood. The current zoning of this site would not allow for the construction of residential duplexes as proposed by the developer, so rezoning is necessary. This parcel is adjacent to an existing duplex along Buchanan Road.

The proposed development will include a sewer extension along the east portion of the property to service the duplexes, as well as a water quality basin on the north side to capture storm water runoff from Broadway Street. This site would also require re-platting and vacating an existing easement in order to construct the duplexes, which would be contingent upon successful rezoning. These duplexes would be two stories with three (3) bedrooms, two (2) baths, and a one car garage.

Staff recommends approval of Case 044-15.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. John Bolte, Small Arrow Engineering, appeared representing Mr. Benson to request the rezoning of property in Case 044-15. This property is currently a vacant wooded parcel, with a duplex existing to the north.

When Broadway was extended to Florida Avenue, with Buchanan Road being disconnected, this property was opened up for duplex development since the traffic no longer runs along the Buchanan Road corridor. A seven-lot plan has been devised for seven duplexes. A water quality basin will be installed at the north end to alleviate drainage problems. The water will be captured and transferred across the road to the west side of Buchanan Road and into the ditch.

The sewer service will come from the west side of Buchanan Road, with a water main extension crossing the new section of Broadway between Patterson and Florida Avenues. Two of the duplexes will face Broadway, with the remaining duplexes facing Buchanan Road.

Once the rezoning request is approved, there is a small pie-shaped piece at the old intersection of Buchanan Road and Broadway for which a street vacation will be requested.

Mr. Eastman asked Mr. Bolte if the duplexes will be rental properties, and he replied yes.

Mr. Benson has a two-story floor plan, with each unit containing 1,200 to 1,300 square feet and a single car garage. The property will be graded to provide some stem wall that will be exposed in the rear to provide for a drainage corridor running through the rear yards of the duplexes.

Mr. Duncan asked Mr. Bolte what will exist on the street right-of-way for which vacation will be requested. He replied it is currently green space, because when Buchanan Road was tied into Patterson Avenue and disconnected from Broadway, that part of the road was removed. The trolley stop will remain. Some space will be created so the duplex on Lot Number 5 can slide around the corner.

PUBLIC COMMENT:
Ms. Catherine Griffith, 1819 Broadway, Joplin, asked about the plans for the property.
Ms. Cunningham will show her a plat for the proposed development.

Z&P Meeting: December 14, 2015
City Council Meeting: January 4, 2016

STAFF PLANNING REPORT
Rezoning

CASE 044-15: A request to rezone from R-1 (Single-Family Residential) and R-3-PD (Planned Multi-Family Residential District) to R-2 (Two-Family Residential).

LOCATION: Northeast Corner of Broadway Street and Buchanan Road

APPLICANT: Rick Benson

EXISTING CONDITIONS:

Zoning	Land Use	Property Size
R-1 Single-Family Residential	Undeveloped	1.3 acres
R-3-PD Planned Multi-Family Residential District	Undeveloped	1.1 acres

SITE CONTEXT:

	North	East	South	West
Existing Zoning	R-1	R-1	R-1	R-2
Land Use	Residential	Residential	Residential	Residential

FUTURE LAND USE:

The City of Joplin's future land use map classifies this area as low-density residential development.

TRANSPORTATION:

Streets with access	Classification	Right-of-way width
Broadway Street	Arterial	70'
Buchanan Road	Arterial	70'

UTILITIES: A new gravity sewer extension will be placed along the back of the property to service the new development.

FLOOD PLAIN: N/A

STAFF ANALYSIS:

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

Yes.

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

This site currently has a mixed zoning of R-1 (Single-Family Residential) and R-3-PD (Planned Multi-Family Residential). The property owner is permitted by right to build duplexes on the parcel zoned R-3-PD but could not on the north and south parcels, which are zoned R-1. In order to build duplexes at this site, the property must be rezoned.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

This zoning change would not detrimentally affect nearby property.

DISCUSSION

This parcel of land has been wooded and undeveloped for many years. This area of Joplin is an older and established residential neighborhood. The current zoning of this site would not allow for the construction of residential duplexes as proposed by the developer, so rezoning is necessary. This parcel is adjacent to an existing duplex along Buchanan Road.

The proposed development will include a sewer extension along the east portion of the property to service the duplexes, as well as a water quality basin on the north side to capture storm water runoff from Broadway Street. This site would also require re-platting and vacating an existing easement in order to construct the duplexes, which would be contingent upon successful rezoning. These duplexes would be two stories with three (3) bedrooms, two (2) baths, and a one car garage.

Staff recommends approval of Case 044-15.

ENCLOSURES:

Map

Conceptual site plan

Duplex sketches

REZONING APPLICATION FORM

Return Form to:

For Office Use Only

Planning / Community Development Specialist.
Joplin City Hall
602 South Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 511
FAX 417-625-4738

Case No.: 044-15
Filing Fee: $ 350.00
Date Advertised:
Date Notices Sent
Public Hearing Date: 12-14-15

APPLICANT: Rick Benson c/o RBC Enterprises, Ltd., Inc. PHONE: 417.850.1781
ADDRESS: P.O. Box 2283 Joplin, MO ZIP: 64803
OWNER: Rick Benson PHONE: 417.850.1781
ADDRESS: P.O. Box 2283 Joplin, MO ZIP: 64803
LOCATION OF PROPERTY: North of Broadway Street and East of Buchanan Road
LEGAL DESCRIPTION: Lots Three (3) through Seven (7) and Lot Eight (8) and Lots Sixteen (16) to Twenty-Two (22) in Block Twenty-Five (25) Lying East of the East Right of Way line of Buchanan Road in College Hill Addition to the City of Joplin, Jasper County, Missouri. Also, all of Lot Eight (8) in O.F. Nichols Subdivision in the City of Joplin, Jasper County, Missouri, according to the Recorded Plat thereof.

Present Zoning: R-1 and R3-PD Requested Zoning: R-2 Acreage: 2.4 acres
Present Use of Property: Undeveloped Wooded Parcel

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Residential	R-1
South	Residential	R-1
East	Residential	R-1
West	Residential	R-2

CHARACTER OF THE NEIGHBORHOOD: This is an older established residential neighborhood. We have an existing duplex immediately to the north of the parcel. Missouri American Water Company has an existing water well and ground storage tank to the west of the parcel.

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
   No, this zoning change would be more consistent with surrounding conditions.
2. Are there substantial reasons why the property cannot be used in accord with existing zoning? Yes
   If yes, explain: The undeveloped parcel has a portion zoned R3-PD which is not consistent with a duplex development project. We do not desire to have any zoning for apartments.

CONFORMANCE WITH COMPREHENSIVE PLAN:

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

THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned.
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, if applicant applying for the rezoning is not the owner of the property be rezoned

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: Broadway Street and Buchanan Road _____
2. Classification of Street(s):
   Arterial_____Collector: Broadway Street _____ Local: Buchanan Road ___
3. Right-of-Way Width: 70' (Buchanan Road and Broadway Street)_____
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   Two new Duplex entrances will access Broadway Street. This portion of Broadway already contains a two-way center turn lane, so no traffic impacts will result.

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

1. Appropriately Sized Lots? Yes, the present lots are only 50' wide and do not meet minimum standards. _____
2. Properly Sized Street Right-of-Way? Right of Way width is already sufficient. _____
3. Drainage Easements? Yes, this wooded parcel has drainage from Broadway Street that will require conveyance to a Water Quality basin at the bottom of the new development. ____
4. Utility Easements:
   Electricity?_____
   Gas?_____
   Sewers? Yes, a new gravity sewer extension in the rear of the new duplexes will be needed to provide sewer service. _____
   Water? Yes, a water main extension will be required to serve the two new duplexes proposed along Broadway Street. _____
5. Additional Comments: This wooded parcel has been undeveloped in the east central portion of Joplin for many years. The new plat will provide seven (7) building lots for the new duplex units and water quality basin.

_____

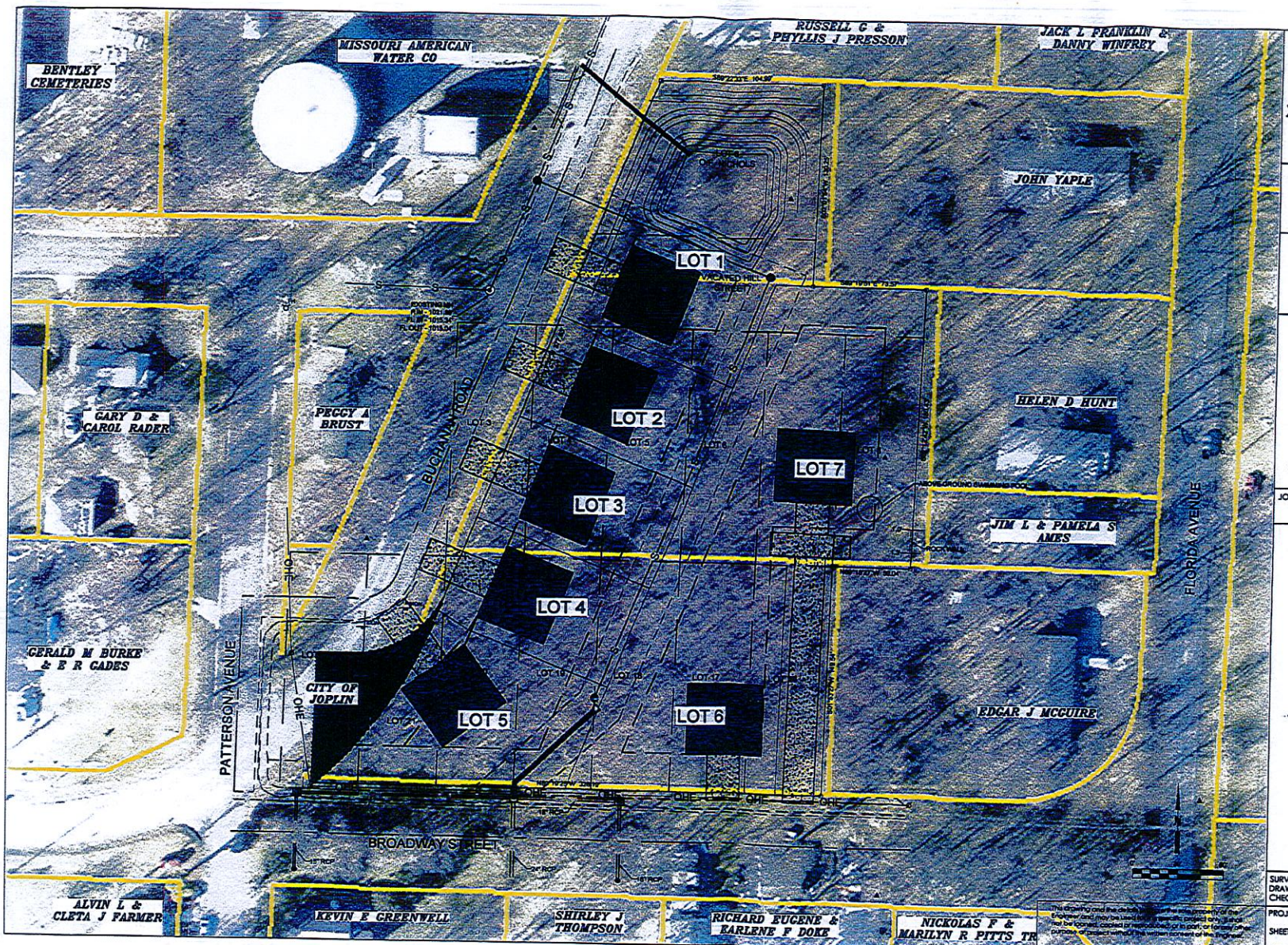
UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

This undeveloped parcel is adjacent to an existing duplex along Buchanan Road. The stormwater runoff from Broadway Street presently runs directly across this duplex property. The proposed duplex development by RBC Enterprises will install a water quality basin which will capture this runoff and route it across Buchanan Road to the west ditch and around the neighboring duplex.

SIGNATURE: _____ DATE: 11/5/2015

BY: Rick Benson

TITLE: President, RBC Enterprises, Ltd., Inc.



SMALL ARROW ENGINEERING, LLC

216 S. MAIN STREET
P.O. BOX 1538
JOPLIN, MISSOURI 64802
TEL: 417.624.2333
FAX: 417.624.2441
EMAIL: jbolte@small-arrow.com

SMALL ARROW ENGINEERING, LLC.

CERTIFICATES OF AUTHORIZATION:
MISSOURI: E-2010013647
KANSAS: E-1930
ARKANSAS: 2097
OKLAHOMA: 5937

NOT FOR CONSTRUCTION

JOHN H. BOLTE - PROFESSIONAL ENGINEER
MO LIC E22511 OK LIC 18035
KS LIC 14094 AR LIC 14310

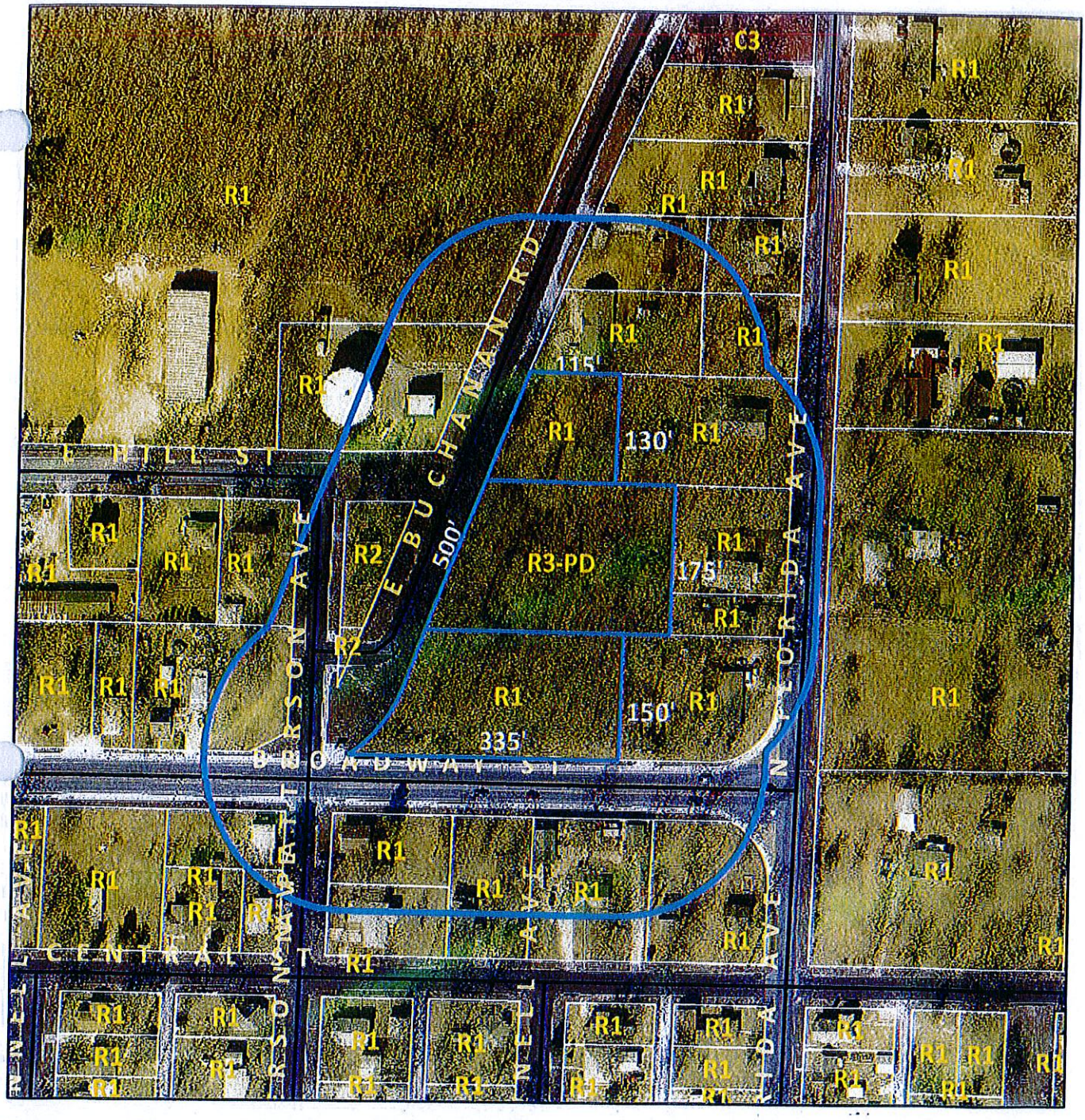
BUCHANAN DUPLEXES
RICK BENSON
BUCHANAN AND BROADWAY
JOPLIN, JASPER COUNTY, MO
REZONING EXHIBIT

SURVEY BY: MJ SURVEY
DRAWN BY: TED
CHECKED BY: JHB
PROJECT #: 15532
DATE: 11-04-15
SCALE: 1"=60'

PROJECT: BUCHANAN DUPLEXES
SHEET DESC: REZONING EXHIBIT
SHEET: 1 OF: 1

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Case 2015-044



Case 044-15: Northeast Corner of Broadway St. and Buchanan Rd. - a request to rezone from R-1 (Single Family Residential) and R-3-PD (Multi-Family Residential, Planned Development) to R-2 (Two-Family Residential) for the construction of duplexes – Rick Benson.



Case 044-15: Northeast Corner of Broadway Street and Buchanan Road – A request to rezone from R-1 (Single-Family Residential) and R-3-PD (Planned Apartment House District to R-2 (Two-Family Residential) for construction of Duplexes – Rick Benson.

Mr. Eastman opened the public hearing for Case 044-15.

Mr. John Bolte, Small Arrow Engineering, 216 South Main Street, Joplin, appeared representing Mr. Benson to request the rezoning of property in Case 044-15. This property is currently a vacant wooded parcel, with a duplex existing to the north.

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Mr. Duncan asked Mr. Bolte about potentially creating another lot, and he replied the street vacation would allow that to work.

Mr. Eastman asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 044-15.

MR. SMITH MOVED, SECONDED BY MR. CORTEZ, THAT CASE 044-15 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL, BASED ON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. BROWN, MR. CORTEZ, MR. DERMOTT, MR. DUNCAN, MR. EASTMAN, MR. RAMSOUR, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).

P & Z Case 044-15
Rick Benson
(P & Z Recommended Approval)

COUNCIL BILL NO. 2016-250 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 and including in District R-3-PD property as described below and located at the northeast corner of Broadway Street and Buchanan Road in the 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 removing the following described property from District R-1 and including same in District R-3-PD:

ALL OF LOTS NUMBERED THREE (3) THROUGH SEVEN (7), BOTH INCLUSIVE IN BLOCK TWENTY-FIVE (25), COLLEGE HILL ADDITION TO THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF, AND ALL OF LOTS NUMBERED SIXTEEN (16) TO TWENTY-TWO (22), BOTH INCLUSIVE, IN BLOCK TWENTY-FIVE (25), LYING EAST OF THE EAST RIGHT-OF-WAY LINE OF BUCHANAN ROAD IN COLLEGE HILL ADDITION TO THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF, AND ALL OF LOT NUMBERED EIGHT (8) IN O.F. NICHOLS SUBDIVISION IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF, AND ALL OF LOT NUMBERED EIGHT (8) IN BLOCK 25 IN COLLEGE HILL ADDITION TO THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI.

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 for thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of _____, 2016, by a vote of _____.

_____
Michael L. Seibert, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____

Peter C. Edwards, City Attorney