City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: January 4, 2016

Item: COUNCIL BILL NO. 2016-251
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 045-15: 8220 East 26th Street – A request to rezone from R-1 (Single-Family Residential) to M-2 (Heavy Industrial) to comply with zoning regulations for future development – Coca-Cola Refreshments, Inc.

STAFF SUMMARY:
This property was annexed into the corporate limits of the City of Joplin in February of 2015. Our code stipulates that property is automatically annexed in with an R-1 (Single-Family Residential) zoning designation. This property is grandfathered in under its current zoning, but its use is appropriate for an industrial classification. An M-2-PD (Planned Heavy Industrial District) zoning designation is more appropriate for industrial facilities in the Crossroads Industrial Park.

The Planned Development (PD) in this zoning designation refers to the covenants adopted by the Crossroads Industrial Park in agreement with the City of Joplin. Rather than returning to this commission for a site and design review process, the Industrial Park adopted private covenants that reflect our zoning code and development standards.

Staff recommends approval of Case 045-15.

PLANNING & ZONING COMMISSION TESTIMONY:
Ms. Cunningham stated M-2-PD zoning was requested on the application form. She discussed this with Mr. Bolander and stated the reason the City staff imposed the planned development was before the buildings were constructed. This allowed the staff to incorporate the zoning code into the covenants. Since this building is existing, Mr. Bolander recommended that the zoning would be M-2 without the planned district since the building has already been constructed to standards.

Ms. Michelle Heidt appeared representing Ozarks Coca-Cola/Dr. Pepper. She stated the property was annexed into the City of Joplin earlier this year, with the property coming into Joplin with R-1 zoning. She is requesting rezoning to District M-2 (Heavy Industrial) to allow Ozarks Coca-Cola to be able to expand or remodel the property as needed.

Mr. Duncan asked Ms. Heidt about the existing building, and she replied it is a distribution center for Ozarks Coca-Cola.

Mr. Ramsour stated so many of the properties in the industrial park are still zoned R-1, and Ms. Cunningham stated the original intention was to wait until all the properties had been annexed into the City of Joplin and to initiate a larger-scale rezoning. Some of the properties haven't been annexed as quickly as what was first assumed. All the properties automatically come into Joplin with R-1 zoning since it is the most protected zoning district. The City staff agrees with rezoning the properties once they are annexed.

Mr. Ramsour asked Ms. Cunningham if each property owner must request rezoning once their property is annexed in to the City of Joplin, and she replied that is correct.

PUBLIC COMMENT:
None.

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

STAFF PLANNING REPORT
Rezoning

CASE 045-15: A request to rezone from R-1 (Single-Family Residential) to M-2--PD (Planned Heavy Industrial District)

LOCATION: 8220 East 26th Street

APPLICANT: Ozarks Coca-Cola/Dr. Pepper Bottling Company

EXISTING CONDITIONS:

Zoning	Land Use	Property Size
R-1 Single-Family Residential	Industrial	9.5 acres

SITE CONTEXT:

	North	East	South	West
Existing Zoning	R-1	R-1	R-1	M-2-PD
Land Use	Industrial	Industrial	Industrial	Industrial

FUTURE LAND USE:

The City of Joplin's future land use map classifies this area as an Industrial Opportunity Area.

TRANSPORTATION:

Streets with access	Classification	Right-of-way width
26th Street	Secondary	100'

UTILITIES: The property has utility connections.

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 property is grandfathered in under its current zoning, but its use is appropriate for an industrial classification.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

This zoning change would not detrimentally affect nearby property.

DISCUSSION

This property was annexed into the corporate limits of the City of Joplin in February of 2015. Our code stipulates that property is automatically annexed in with an R-1 (Single-Family Residential) zoning designation. This property is grandfathered in under its current zoning, but its use is appropriate for an industrial classification. An M-2-PD (Planned Heavy Industrial District) zoning designation is more appropriate for industrial facilities in the Crossroads Industrial Park.

The Planned Development (PD) in this zoning designation refers to the covenants adopted by the Crossroads Industrial Park in agreement with the City of Joplin. Rather than returning to this commission for a site and design review process, the Industrial Park adopted private covenants that reflect our zoning code and development standards.

Staff recommends approval of Case 045-15.

ENCLOSURES:

Map.

RECEIVED
11-12-15

REZONING APPLICATION FORM

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

For Office Use Only
Case No.: Q46-15
Filing Fee: $350.00
Date Advertised:
Date Notices Sent: 11-30-15
P&Z Date: 12-14-15
City Council Date: 1-4-16

APPLICANT: Ozarks Coca-Cola/Dr. Pepper Bottling Compnay PHONE: (417)865-9900
ADDRESS: 1777 North Packer Road, Springfield, MO Attn: Michelle Heidt ZIP: 65803
EMAIL: mheidt@cocacolaozarks.com
OWNER: Ozark Coca-Cola/Dr.Pepper Bottling Company PHONE: (417) 865-9900
ADDRESS: 1777 North Packer Road, Springfield, MO ZIP: 65803
EMAIL: mheidt@cocacolaozarks.com
LOCATION OF PROPERTY: 8220 E. 26th Street Joplin, MO
LEGAL DESCRIPTION: See Attachment A.

Present Zoning R-1 Requested Zoning: Commercial M-2 PD Acreage: 9.5
Present Use of Property: Commercial
Proposed Use of Property: Commercial

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Commercial	R-1
South	Vacant	R-1
East	Vacant	R-1
West	Commercial	R-1

CHARACTER OF THE NEIGHBORHOOD: Commercial

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
   No
2. Are there substantial reasons why the property cannot be used in accord with existing zoning? Yes
   If yes, explain: The property was annexed into the city and zoned as R-1, but used for commercial.

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 effect 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
4. For Planned Developments the following must be submitted and reviewed before the rezoning can be advertised for public hearing:
   ___ Site Plan ___ Landscape Plan ___ Building Elevations

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: E. 26th Street - secondary
2. Classification of Street(s):
   Arterial_____ Collector_____ Local _____
3. Right-of-Way Width: 100 ft
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   No

IS PLATTING OR REPLATTING REQUIRED 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 ADDITIONAL COMMENT:

SIGNATURE: [signature] DATE: 11/10/15

BY: Michelle Heidt

TITLE: CEO

Attachment B: Rezoning Application Statement

The following facts relate to the Rezoning Application filed in connection with the property described in Attachment A of this Rezoning Application (the "Property").

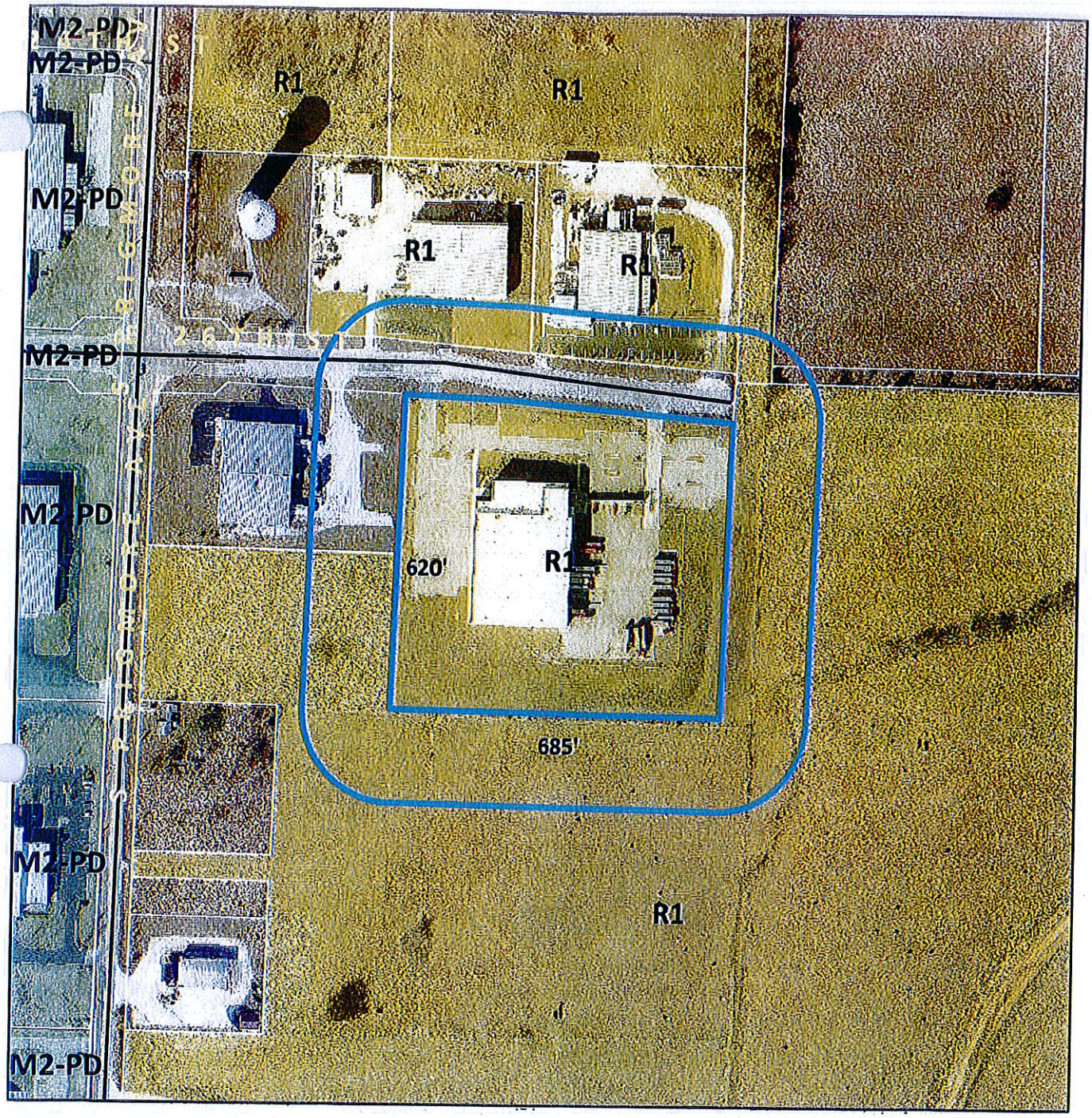
In previous years, the Property was located outside of the Joplin city limits and used for commercial purposes. In early 2015 the Property was annexed into Joplin city limits and zoned as R-1. Ozarks Coca-Cola/Dr. Pepper Bottling Company (the "Buyer") purchased the Property on October 30, 2015. The Buyer wishes to continue to use the Property for commercial purposes. The Buyer understands that their current commercial use of the Property is permitted under the prior use zoning regulations. In the future, the Buyer may wish to expand or remodel the Property, violating the prior use zoning regulations. The Buyer wishes to have the Property rezoned as commercial to more accurately reflect the use of the Property.

The proposed change will have no impact on the Property, as the Property has been used for commercial purposes for a number of years.

The proposed change poses no fire hazard.

The proposed change will not affect the character of the surrounding properties.

The proposed change will benefit the City of Joplin by allowing the Buyer to continue to grow and expand their business.



Case 045-15: 8220 E 26th Street - A request to rezone from R-1 (Single Family Residential) to M-2 (Heavy Industrial) - Ozarks Coca Cola.

N

Case 045-15: 8220 East 26th Street – A request to rezone from R-1 (Single-Family Residential) to M-2 (Heavy Industrial) to comply with zoning regulations for future development – Coca-Cola Refreshments, Inc.

Mr. Eastman opened the public hearing for Case 045-15.

Ms. Cunningham stated M-2-PD zoning was requested on the application form. She discussed this with Mr. Bolander and stated the reason the City staff imposed the planned development was before the buildings were constructed. This allowed the staff to incorporate the zoning code into the covenants. Since this building is existing, Mr. Bolander recommended that the zoning would be M-2 without the planned district since the building has already been constructed to standards.

Ms. Cunningham stated the City's map is correct showing the name of the applicant as Ozarks Coca-Cola rather than Coca-Cola Refreshments, Inc.

Ms. Michelle Heidt appeared representing Ozarks Coca-Cola/Dr. Pepper, 8220 East 26th Street, Joplin. She stated the property was annexed into the City of Joplin earlier this year, with the property coming into Joplin with R-1 zoning. She is requesting rezoning to District M-2 (Heavy Industrial) to allow Ozarks Coca-Cola to be able to expand or remodel the property as needed.

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Mr. Ramsour asked Ms. Cunningham if each property owner must request rezoning once their property is annexed in to the City of Joplin, and she replied that is correct.

Mr. Eastman asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 045-15.

MR. DUNCAN MOVED, SECONDED BY MR. RAMSOUR, THAT CASE 045-15 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 045-15
Coca Cola Refreshments, Inc.
(P & Z Recommended Approval)

COUNCIL BILL NO. 2016-251 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 M-2 property as described below and located at 8220 East 26th Street 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 M-2:

A TRACT OF LAND IN THE NW-1/4 OF THE SW-1/4 OF SECTION 14, TOWNSHIP 27 NORTH, RANGE 32 WEST IN JASPER COUNTY, MISSOURI, BEING MORE FULLY DESCRIBED AS FOLLOWS: COMMENCING AT AN IRON PIN FOUND AT THE SOUTHWEST CORNER OF SAID SECTION 14; THENCE N 00°54'45"E, 1971.24 FEET TO THE NORTHWEST CORNER OF THE S-1/2 OF THE NW-1/4 OF THE SW-1/4 OF SECTION 14; THENCE S 89°34'41"E ALONG THE NORTH LINE OF SAID S-1/2 OF THE NW-1/4 OF THE SW-1/4, A DISTANCE OF 565.00 FEET TO A POINT THAT IS S 00°54'45"W, 296.63 FEET OF THE SOUTHEAST CORNER OF A TRACT DESCRIBED IN BOOK 1818 AT PAGE 1030, THE POINT OF BEGINNING; THENCE N 00°54'45"E, 621.63 FEET TO THE NORTHEAST CORNER OF SAID TRACT DESCRIBED IN BOOK 1818 AT PAGE 1030; THENCE S 89°05'15"E ALONG THE SOUTH RIGHT-OF-WAY LINE OF EAST 26TH STREET (EAST ALLIANCE PARKWAY), 221.06 FEET; THENCE S 85°07'34"E ALONG THE SOUTH RIGHT-OF-WAY LINE OF EAST 26TH STREET (EAST ALLIANCE PARKWAY), 464.08 FEET; THENCE S 00°54'45"W, 583.71 FEET TO A POINT ON THE NORTH LINE OF SAID S-1/2 OF THE NW-1/4 OF THE SW-1/4; THENCE N 89°34'41"W ALONG SAID NORTH LINE, 684.05 FEET TO THE POINT OF BEGINNING GENERALLY DESCRIBED AS LOCATED AT 8220 E. 26TH STREET, CONTAINING 9.55 ACRES, MORE OR LESS. BASIS OF BEARINGS: WEST LINE OF SW-1/4 OF SECTION 14 AT A BEARING OF N 00°54'45"E.

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