City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: January 4, 2016

Item: COUNCIL BILL NO. 2016-252
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 046-15: 2930 West 13th Street – A request to rezone from C-3 (Commercial District) to R-1 (Single Family Residential) – Cochran Real Estate.

STAFF SUMMARY:
This property has been under the ownership of Mr. Cochran since 1995 and has always been a single-family residence. His current tenant is a long-term renter that wishes to purchase the house, but the lender will not approve the sale because of its commercial zoning designation. The property to the immediate south is also a single-family residence that is under a C-3 zoning designation.

Staff recommends approval of Case 046-15.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Russ Cochran appeared representing his son Mark to request the rezoning of the property in Case 046-15. The lady who has leased this property for 10 years desires to purchase it. The underwriters will not grant a loan on a property in a commercial zone, so it needs to be rezoned to District R-1 so she can obtain her loan.

PUBLIC COMMENT:
None.

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

STAFF PLANNING REPORT
Rezoning

CASE 046-15: A request to rezone from C-3 (Commercial) to R-1 (Single-Family Residential).

LOCATION: 2930 West 13th Street

APPLICANT: Cochran Real Estate

EXISTING CONDITIONS:

Zoning	Land Use	Property Size
C-3 Commercial	Residential	0.16 acres

SITE CONTEXT:

	North	East	South	West
Existing Zoning	M-2	C-3	C-3	C-O
Land Use	Industrial	Commercial	Residential	Undeveloped/Residential

FUTURE LAND USE:

The City of Joplin's future land use map classifies this area as Retail Commercial; however, this is an existing residence that never transitioned into commercial.

TRANSPORTATION:

Streets with access	Classification	Right-of-way width
Junge Boulevard	Collector	60'
Mina Avenue	Secondary	60'

UTILITIES: The property has utility connections.

FLOOD PLAIN: N/A

STAFF ANALYSIS:

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

No. This is in an area designated for future Retail and Commercial. However, this residence is existing and never transitioned to commercial.

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

This property is currently zoned C-3 (Commercial) although it has been a residence since 1964.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

This zoning change would not detrimentally affect nearby property.

DISCUSSION

This property has been under the ownership of Mr. Cochran since 1995 and has always been a single-family residence. His current tenant is a long-term renter that wishes to purchase the house, but the lender will not approve the sale because of its commercial zoning designation. The property to the immediate south is also a single-family residence that is under a C-3 zoning designation.

Staff recommends approval of Case 046-15.

ENCLOSURES

Map

REZONING APPLICATION FORM

RECEIVED 10-22-15

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.: C-047-15
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: Mark Cochran (Cochran Real Estate) PHONE: (417) 437-9225
ADDRESS: 4806 S Lakewood Dr. St. Joseph, MO ZIP: 64506
EMAIL: markcochran1@me.com
OWNER: Cochran Real Estate PHONE: (417) 437-9225
ADDRESS: 4806 S Lakewood Dr. St. Joseph, MO ZIP: 64506
EMAIL: markcochran1@me.com
LOCATION OF PROPERTY: 2930 W. 13th St. Joplin, MO 64801
LEGAL DESCRIPTION: Westpark Addition Lot 4

Present Zoning C-3 Requested Zoning: R-1 Acreage: 0.1676 acres
Present Use of Property: Rental property
Proposed Use of Property: Single family residence

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Office building	~~Commercial~~ M-2
South	~~Single Family Housing~~ ok	~~Residential~~ C-3
East	Office building	~~Commercial~~ C-3
West	Vacant Lot	~~Residential~~ CO

CHARACTER OF THE NEIGHBORHOOD: This neighborhood is a residential neighborhood that borders some commercial buildings.

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? Y
   If yes, explain: The sale of this property cannot take place as C3

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: Junge Blvd, Mina Ave
2. Classification of Street(s):
   Arterial_____ Collector_____ Local X
3. Right-of-Way Width: Junge = 22 ft Mina = 30 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: No
   - Electricity? No
   - Gas? No
   - Sewers? No
   - Water? No
5. Additional Comments:
   The best use of this property is as a residential property. That has been the use since 1964.

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

SIGNATURE: Mark Cochran dotloop verified 10/16/15 4:01PM EDT BIBP-VBT5-HGWX-GVUR DATE:_____

BY: _____

TITLE: _____

Concerning the property located at 2930 W. 13th St. Joplin, MO 64801:

This property is currently zoned C-3 despite the presence of a single family detached house. The proposed zoning is R-1 which would be compliant with the property immediately South and immediately West of the property. There are no ill effects that would be experienced by the City of Joplin or its residents. By changing this zoning, a property that is currently being used as a rental could be purchased by an owner occupant, thus adding one more homeowner to the City of Joplin.



Case 046-15: 2930 W 13th St. - A request to rezone from C-3 (Commercial Business District) to R-1 (Single-Family Residential) - Cochran Real Estate.

N

Case 046-15: 2930 West 13th Street – A request to rezone from C-3 (Commercial District) to R-1 (Single Family Residential) – Cochran Real Estate.

Mr. Eastman opened the public hearing for Case 046-15.

Mr. Russ Cochran appeared representing his son Mark to request the rezoning of the property in Case 046-15. The lady who has leased this property for 10 years desires to purchase it. The underwriters will not grant a loan on a property in a commercial zone, so it needs to be rezoned to District R-1 so she can obtain her loan.

Mr. Eastman asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 046-15.

MR. BROWN MOVED, SECONDED BY MR. DERMOTT, THAT CASE 046-15 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 046-15
Cochran Real Estate
(P & Z Recommended Approval)

COUNCIL BILL NO. 2016-252 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 C-3 and including in District R-1 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 C-3 and including same in District R-1:

ALL OF LOT NUMBERED 4 OF WESTPARK ADDITION IN 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