CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2024-253 – Rezoning

MEETING DATE:
January 6, 2025

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:
Not applicable for this item.

SUMMARY REQUEST:
Case 037-24: 1222 E 32nd St – Rezoning – A request to rezone from District C-2 PD (Central Business – Planned Development) to District C-1 (Neighborhood Commercial) – O'Reilly Automotive Sales, Inc.

BACKGROUND:

There is an existing O'Reilly building directly East of this lot. O'Reilly wishes to build an addition that will include the subject property as part of the overall site. Rezoning to C-1 will create a consistent set of development standards that are compatible with the surrounding area.

PLANNING & ZONING COMMISSION TESTIMONY:

Blake Rourick with OWN Engineering represented the case on behalf of the owner. Dr. Rosenberg asked if the rezoning was just to clean things up. Mr. Bellairs responded yes that the C-2 district is intended for downtown and has its own development regulations. Rezoning to C-1 will apply a consistent set of development policies for this location. Mr. Kimble asked why the report called it C-1 in one section but retail commercial in another. Mr. Bellairs replied that C-1 is also known as Neighborhood Commercial, and C-3 is known as Commercial. Retail-Commercial as described in the staff report is a future land use designation in which both C-1 and C-3 districts are compatible, under the Comprehensive Plan.

PUBLIC COMMENT;

There was none.

RECOMMENDATIONS:
Staff recommends approving Council Bill 2025-253
Planning & Zoning Commission recommends approving Case 037-24 (7 in Favor, 0 Opposed, 0 Absent)

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

Z&P Meeting: December 9, 2024
City Council Meeting: January 5, 2025

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

STAFF PLANNING REPORT
Rezoning

CASE 037-24 A request to rezone from District C-2 PD (Central Business – Planned Development) to District C-1 (Neighborhood Commercial)

LOCATION 1222 E 32nd St

APPLICANT O'Reilly Automotive Sales, Inc.

EXISTING CONDITIONS

Zoning	Land Use	Property Size
C-2 PD	Vacant Car Wash	0.85

SITE CONTEXT

	North	East	South	West
Existing Zoning	C-1/C-2 PD	C-1	R-1	C-1
Land Use	Retail	Retail	Single Family	Church

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
E 32nd St	Arterial	80′

UTILITIES

Utilities in place.

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. Existing patterns of development are retail commercial, as is reflected in the Comprehensive Plan.

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

C-2 is intended for downtown areas, with more compact and walkable development policies. In the past, the City has applied the planned development overlay to properties to create more specific policies for site/building characteristics such as building design materials, parking spaces, etc. By including this property in the C-1 district, the property will be subject to the setbacks, policies, and development regulations in a consistent manner with the rest of the block.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The change of zoning will not be detrimental to nearby property. The rest of the commercially zoned property on this block is already zoned C-1.

DISCUSSION

There is an existing O'Rielly building directly East of this lot. O'Rielly wishes to build an addition that will include the subject property as part of the overall site. Rezoning to C-1 will create a consistent set of development standards that are compatible with the surrounding area.

City Staff recommends approval of Case 037-24.

ENCLOSURES

- Map of property
- Application

CASE 037-24: Rezoning

1222 E 32nd St- Rezoning- A request to rezone from District C-2 PD (Central Business-Planned Development) to District C-1 (Neighborhood Commercial)- O'Reilly Automotive Sales, INC.

Mr. Kimble asked if the applicant or spokesperson would come forward and state their name and address for the record.

Blake Rourick of 216 N Mina Ave. Joplin, Missouri presented the case for OWN Engineering on behalf of O'Reilly Automotive Sales INC.

Mr. Rourick stated the reason for this request for rezoning is so the applicant can have an expansion on the property.

Mr. Kimble asked Mr. Bellairs why the applicant was rezoning if in the development and comprehensive plan area stated that this area was consistent with retail commercial.

Mr. Bellairs stated that retail commercial is a future landmark designation that is referred to in the development and comprehensive plan, and that neighborhood commercial is one of the zonings that is compatible with retail commercial designation with the comp plan.

Mr. Kimble asked the commission if they had any questions for the representative.

Dr. Rosenberg asked Mr. Bellairs why there is a need to rezone from central business to C-1 zoning.

Mr. Bellairs explained that central business zoning was intended for businesses in the downtown districts, due to different developmental policies. Mr. Bellairs continued to explain that with the C-1 zoning, the business is already an existing business and the lot it sits on is zoned as C-1. Mr. Bellairs explained that the applicant wants to rezone to C-1 so that the expansion is consistent zoning as the main business.

Mr. Kimble asked if there were any further questions from the commission.

Mr. Kimble asked if there was anyone in the audience that would like to speak in favor of this case.

Mr. Kimble asked if there was anyone in the audience that would like to speak in opposition to this case.

MR. LANDIS MADE A MOTION TO APPROVE CASE 037-24. THIS MOTION WAS SECONDED BY DR. ROSENBERG. MOTION CARRIED. (7 IN FAVOR, 0 NAY)

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.: 037-24
Filing Fee: $600.00
Received: 10/28/24
Date Advertised:
Proj. No.: 24-114
Public Hearing Date: 12/9/24 (PH2)

Applicant: O'Reilly Automotive Stores, Inc Phone No.: 417-862-2674

Address: 233 S. Patterson Ave. Springfield MO 65802 Email: oreillyauto@weareown.com

Owner: O'Reilly Automotive Stores, Inc Phone No.: 417-862-2674

Address: 233 S. Patterson Ave. Springfield MO 65802 Email: oreillyauto@weareown.com

Location of Property: 1272 E 32nd St, Joplin, MO 64804

Present Use of Property: Car Wash

Proposed Use of Property: Auto Parts Retail

Current Zoning: C-2 PD Requested Zoning: C1

Surrounding Land Use and Zoning:

	Land Use	Zoning
North	32nd Street | Dollar General	C1
South	Residental	R1
East	Auto Parts Retail	C1
West	Eastern Orthodox Church	C1

Character of the Neighborhood: Commercial

Relationship to Existing Zoning Pattern:

Yes	No	
○	◉	Would proposed change create a small, isolated district unrelated to surrounding districts?
◉	○	Are there substantial reasons why the property cannot be used in accord with existing zoning?

If yes, explain: The building addition fits within the C-1 Zoning requirements and the more intensive Zoning is causing excessive buffer requirements.

Conformance with Comprehensive Plan:

Yes	No	
◉	○	Consistent with Development Policies?
◉	○	Consistent with Future Land Use Map?

Traffic Conditions:

Yes	No	
○	◉	Will turning movements caused by the proposed use create an undue traffic hazard?

Street(s) with Access to Property: E 32nd St.

Classification of Street(s):

Arterial ☑ Collector ☐ Local ☐

Right-of-Way Width: 90ft

Subdivision Platting:

Yes	No	
○	◉	Is platting required?
◉	○	Are lots appropriately sized?
◉	○	Is street right-of-way appropriately sized?

◉ ○ Are drainage and utility easements adequately sized and provided?

Additional Platting Comments: _____

_____

_____

Unique Characteristic of Property and/or Additional Comment:

This is a rezone request to match the adjacent properties for a retail building addition.

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:** 9/3/2024

Rezone Reason Statement:

The impact anticipated due to the proposed change is minor. Due to the lots to the East and West both being C-1 zoning, this rezone will bring zoning consistency to the properties. The consistency will benefit all surrounding properties and the City.

OWN

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SURVEY DESCRIPTION

PART OF THE EAST THREE FOURTHS OF THE NORTH ONE HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 27 NORTH, RANGE 33 WEST OF THE 5TH/ PRINCIPAL MERIDIAN, CITY OF JOPLIN, NEWTON COUNTY, MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE EAST 3/4 OF THE NORTH ONE HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE SOUTH 01°50'44" WEST, 40.01 FEET TO THE SOUTH RIGHT OF WAY LINE OF MISSOURI ROUTE FF; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE SOUTH 89°04'17" EAST, 100.24 FEET TO A SET 5/8" REBAR WITH CAP STAMPED A/E INC LC 62, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE SOUTH 89°04'17" EAST, 125.60 FEET TO A FOUND 1/2" REBAR ON THE WEST LINE OF THE TRACT OF LAND DESCRIBED IN BOOK 343, PAGE 9219 IN THE RECORDER OF DEEDS OFFICE IN NEWTON COUNTY, MISSOURI; THENCE LEAVING SAID SOUTH RIGHT OF WAY LINE AND ALONG SAID WEST LINE SOUTH 00°04'39" WEST, 159.63 FEET TO A SET 5/8" REBAR WITH CAP STAMPED A/E INC LC 62; THENCE SOUTH 01°59'07" WEST, 128.00 FEET TO A FOUND 1/2" REBAR; THENCE NORTH 89°05'24" WEST, 130.00 FEET TO A SET 5/8" REBAR WITH CAP STAMPED A/E INC LC 62; THENCE NORTH 01°48'14" EAST, 287.67 FEET TO THE POINT OF BEGINNING. CONTAINING 0.852 ACRES, OR 37,096.90 SQUARE FEET, MORE OR LESS.

Recorded in Newton County, Missouri
Recording Date/Time: **05/02/2024** at **11:25:37 AM**
Book: **373** Page: **2576**
Instr #: **202402605**
Type: **WD**
Pages: **2**
Fee: **$27.00 S**

Electronically Recorded

RECORDER OF DEEDS SEAL NEWTON COUNTY, MO

Jennifer A. Childers
Recorder of Deeds

WARRANTY DEED

THIS DEED, dated and made effective as of this 29 day of **April, 2024**, WITNESSETH, that **Joseph Tyler Richardson and Samantha Richardson, husband and wife,** Grantor(s), for and in consideration of the sum of TEN DOLLARS AND OTHER GOOD VALUABLE CONSIDERATIONS, does by these presents, GRANT, BARGAIN AND SELL, Convey and Confirm unto **O'Reilly Automotive Stores, Inc., a Missouri corporation,** whose mailing address is **PO Box 1156, Springfield, MO 65801,** Grantee(s), its successors and assigns, the following described land situated in **Newton County, Missouri**:

PART OF THE EAST THREE FOURTHS OF THE NORTH ONE HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 27 NORTH, RANGE 33 WEST OF THE 5TH/ PRINCIPAL MERIDIAN, CITY OF JOPLIN, NEWTON COUNTY, MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTH ONE HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE SOUTH 01°50'44" WEST, 40.01 FEET TO THE SOUTH RIGHT OF WAY LINE OF MISSOURI ROUTE FF; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE SOUTH 89°04'17" EAST, 100.24 FEET TO A SET 5/8" REBAR WITH CAP STAMPED A/E INC LC 62, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE SOUTH 89°04'17" EAST, 125.60 FEET TO A FOUND 1/2" REBAR; THENCE LEAVING SAID SOUTH RIGHT OF WAY LINE SOUTH 00°04'39" WEST, 159.63 FEET TO A SET 5/8" REBAR WITH CAP STAMPED A/E INC LC 62; THENCE SOUTH 01°59'07" WEST, 128.00 FEET TO A FOUND 1/2" REBAR; THENCE NORTH 89°05'24" WEST, 130.00 FEET TO A SET 5/8" REBAR WITH CAP STAMPED A/E INC LC 62; THENCE NORTH 01°48'14" EAST, 287.67 FEET TO THE POINT OF BEGINNING, EXCEPT ANY PART TAKEN OR DEEDED FOR ROAD.
SURVEY DESCRIPTION PREPARED BY RONALD W. WALLACE, P.L.S. 2019015191, ANDERSON ENGINEERING, INC.

Filed by Chicago Title Company, LLC

WARRANTY DEED
(continued)

Subject to easements, reservations, restrictions, and covenants, if any, of record.

TO HAVE AND TO HOLD The premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereto belonging or in anywise appertaining unto said Grantee, and unto its successors and assigns forever; said Grantor does hereby covenant that they are lawfully seized of an indefeasible estate in fee of the premises herein conveyed; that they have good right to convey the same; that said premises are free and clear from any encumbrance done or suffered by them or those under whom they claim(s), and that they will warrant and defend the title to said premises unto said Grantee unto their heirs, successors and assigns forever, against the lawful claims and demand of all persons whomsoever.

IN WITNESS WHEREOF, said Grantor(s) has/have hereunto set their hand(s) this 29 day of April, 2024.

Joseph Tyler Richardson

Samantha Richardson

STATE OF Missouri

COUNTY OF Greene

On this 29 day of April, 2024, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Joseph Tyler Richardson and Samantha Richardson, husband and wife, to me personally known to be the person(s) described in and who executed the foregoing instrument and acknowledge that he/she/they executed the same as their free act and deed.

Witness my hand and Notarial Seal subscribed and affixed in said County and State, the day and year in this certificate above written.

Notary Public Gabrielle Jackson

My Commission Expires: 11-12-25

GABRIELLE JACKSON
Notary Public - Notary Seal
STATE OF MISSOURI
Greene County
My Commission Expires Nov. 12, 2025
Commission #17098007

AFTER RECORDATION
RETURN ORIGINAL TO:
O'REILLY AUTOMOTIVE STORES, INC
Michelle Brackett, Legal Department.
P. O. BOX 1156
SPRINGFIELD, MO 65801

Filed by Chicago Title Company, LLC

STATE OF Missouri)
) ss.
COUNTY OF Greene)

OWNERSHIP AFFIDAVIT AND CONSENT

Comes now O'Reilly Automotive Stores, Inc (Property Owner) who, being duly sworn upon his/her oath, does state that he/she is the owner of the property described as see attached (legal description) more commonly known as 1272 E 32nd St, Joplin, MO 64804. I am unable to attend the Joplin Planning and Zoning meeting but would like my comments to be heard by the Commission. I hereby nominate and give consent for OWN, Inc. to speak on my behalf and act as my Agent at the meeting in Case Number _____.

Date: 10/25/2024

Signature of Owner

O'Reilly Automotive Stores, Inc. - SR VP Real Estate and Expansion

Printed Name

In witness whereof I have hereunto subscribed my name and affixed my official seal this 25 day of October, 2024.

ATHENIA B AGEE
Notary Public - Notary Seal
Greene County - State of Missouri
Commission Number 22635072
My Commission Expires Jun 20, 2026

Notary

My commission expires: 06/20/2026

Note: The local legislative body reserves the right to rezone property without the owner's consent for the purpose of promoting health, safety, morals, or the general welfare of the community. The Missouri Revised Statutes Chapter 89 (Zoning and Planning) authorizes this power to the legislative body.)

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SURVEY DESCRIPTION

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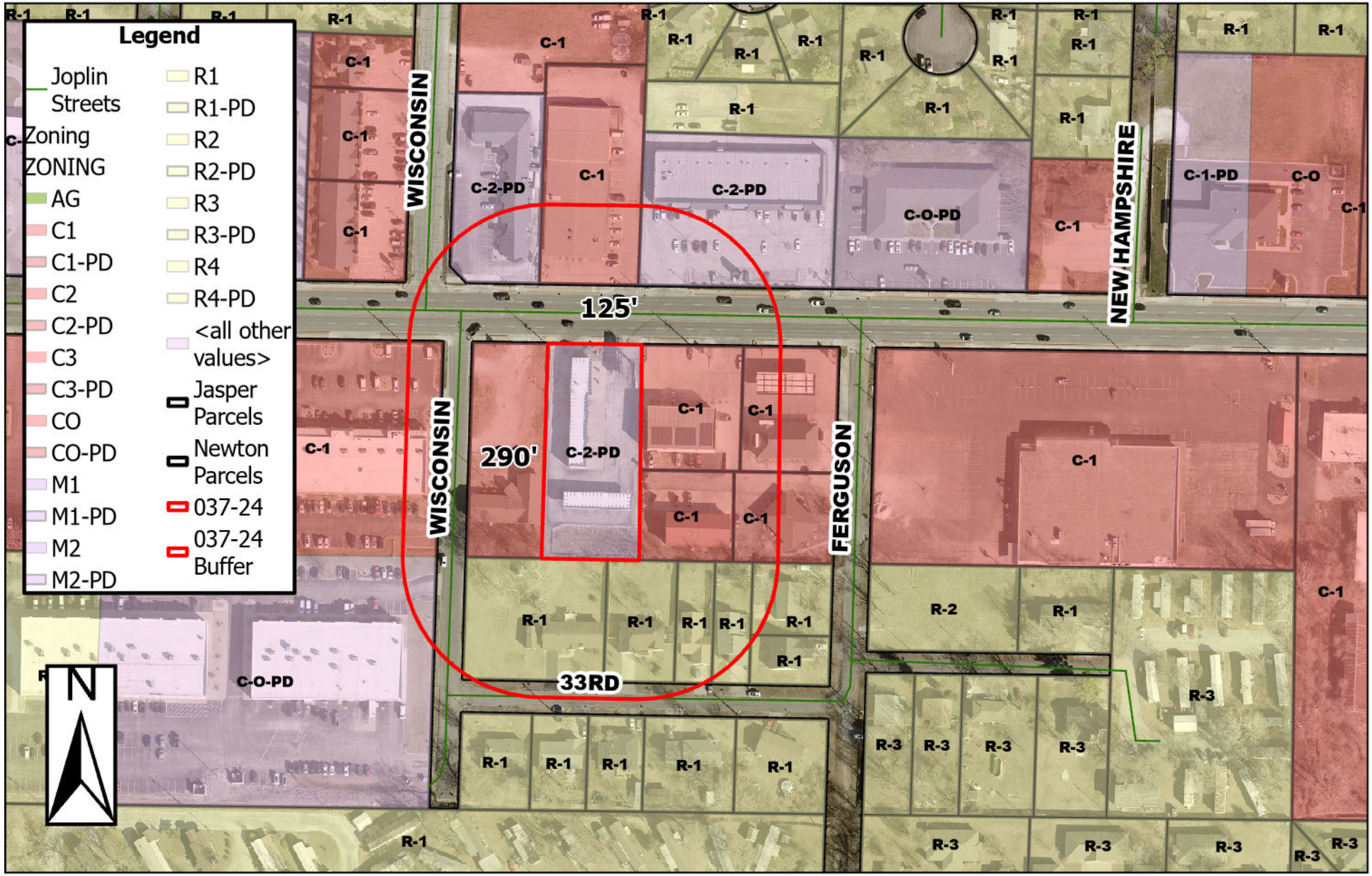
Case 037-24: Rezoning



1222 E 32nd St – Rezoning – A request to rezone from District C-2 PD (Central Business – Planned Development) to District C-1 (Neighborhood Commercial) – O'Reilly Automotive Sales, Inc.

0 65 130 260 390 520 Feet

P & Z Case 037-24
O'Reilly Automotive Stores Inc.
(P & Z Recommended to Approve)

COUNCIL BILL NO. 2025-253 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 C-2 PD (Central Business – Planned Development) and include in District C-1 (Neighborhood Commercial) property as described below and located at 1222 E 32nd St, Newton 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 C-2 PD (Central Business – Planed Development) the following described property and including in District C-1 (Neighborhood Commercial).

PART OF THE EAST THREE FOURTHS OF THE NORTH ONE HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 27 NORTH, RANGE 33 WEST OF THE 5TH/ PRINCIPAL MERIDIAN, CITY OF JOPLIN, NEWTON COUNTY, MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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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_____, 2025, by a vote of _____.

_____
Keenan T. Cortez, Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney