CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2021-252-Rezone to District C-3

MEETING DATE:
February 1, 2021

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 001-21: 2016 S. Prosperity Ave. – A request to remove from District R-1 (Single-family Residential) and include in District C-3 (Commercial) for future warehouse development – Barry Brown.

BACKGROUND:
The change in zoning to C-3 will not be detrimental to the nearby property. Some property to the South is already zoned C-3. This request is compatible with the Comprehensive Plan, the Future Land Use Map, and the zoning requested is appropriate for the area. C-3 zoning is consistent with the existing transportation network in this area, particularly with the proximity to MO-249 and E. 20th St.

PLANNING & ZONING COMMISSION TESTIMONY:
Barry Brown, 1901 E 35th Street, Joplin, MO. He was planning to build a warehouse for an art supply business on 7th Street and Schifferdecker but needs a larger location.
Mr. Ramsour stated it is for a warehouse?
Mr. Brown stated it was.
Ms. Steele wanted to know what kind of supplies?
Mr. Brown stated it was Art Supplies.

PUBLIC COMMENT:
None.

FUNDING SOURCE:
These payments are included in the FY 2020-21budget of the Community Planning Fund.

RECOMMENDATIONS:
Staff recommends approval for Case 001-21.
Planning & Zoning Commission recommends approval for Case 001-21 (7 Favor, 0 Nays)

ATTACHMENTS
CB 2021-252, Staff Planning Report, P&Z Commission Minutes

CB 2021-252

Case 001-21: 2016 S. Prosperity Ave. – A request to remove from District R-1 (Single-family Residential) and include in District C-3 (Commercial) for future restaurant development – Barry Brown.

Barry Brown, 1901 E 35th Street, Joplin, MO. He was planning to build a warehouse for an art supply business on 7th Street and Schifferdecker but needs a larger location.

Mr. Stanton stated that 'restaurant' may be a typo on the agenda.

Mr. Ramsour stated it is for a warehouse?

Mr. Brown stated it was.

Ms. Steele wanted to know what kind of supplies?

Mr. Brown stated it was Art Supplies.

Mr. Ramsour asked if the Commissioners had any questions for Mr. Brown? They did not. Mr. Ramsour asked if there anyone in the audience who would like to speak in favor of this case? There was not. Mr. Ramsour asked if there anyone who would like to speak in opposition of the case? There was not.

MR. EASTMAN MOVED, SECONDED BY MR. MCCULLOUGH THAT CASE 001-21 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MOTION CARRIED, WITH MR. RAMSOUR, MS. STEELE, MR. EASTMAN, MR. MCCULLOUGH, MS. BRUCKNER-SEARS (ON PHONE), MR. KIMBLE, AND MS. PHILLIPS VOTING "AYE". (7 IN FAVOR)

Z&P Meeting: January 11, 2021
City Council Meeting: February 1, 2021

STAFF PLANNING REPORT
Rezoning

CASE 001-21 A request to rezone from R-1 (Single-family Residential) to C-3 (Commercial)

LOCATION 2016 S. Prosperity Ave.

APPLICANT Barry Brown

EXISTING CONDITIONS

Zoning	Land Use	Property Size
R-1	Vacant	Approx. 17 acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	R-1	Out of City Limits	C-3	MO-249 ROW
Land Use	Residential/Office	Vacant	Residential	MO-249 ROW

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. 20th St.	Arterial	40'
S. Prosperity Ave.	Local	40'

UTILITIES

Sanitary sewer may need to be extended to this property for future development. Private utilities may also need to be extended.

FLOOD PLAIN

This property is not in the flood plain.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

The request is consistent with the comprehensive plan. The future land use map does show this property to be future retail commercial.

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

The current zoning of R-1 is somewhat suitable in this area. As this property is near the edge of the City Limits, little development has occurred in this area up to this point. Due to the rural character of the area, residential development could be appropriate. However, frontage on MO-249 and E. 20th St., an arterial street, depress the appropriateness of residential on this property.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The change in zoning to C-3 will not be detrimental to the nearby property. Some property to the South is already zoned C-3, and the frontage on MO-249 as well as E. 20th St., an arterial street, is appropriate for this zoning district.

DISCUSSION

This request is compatible with the Comprehensive Plan, the Future Land Use Map, and the zoning requested is appropriate for the area. C-3 zoning is consistent with the existing transportation network in this area, particularly with the proximity to MO-249 and E. 20th St.

Staff recommends approval of Case 001-21.

ATTACHMENTS

- Application
- Map

REZONING APPLICATION FORM

RECEIVED 11-18-20

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.: 001
Filing Fee: $550.00
Date Advertised:
Date Notices Sent
Public Hearing Date:

APPLICANT: Barry Brown PHONE:
ADDRESS: ZIP:

OWNER: Barry Brown PHONE:
ADDRESS: 1901 E 35th ST Joplin, MO ZIP: 64804

LOCATION/ADDRESS OF PROPERTY: 2016 S. Prosperity Ave

Present Zoning R-1 Requested Zoning: C-3 Acreage: 17
Present Use of Property: Farm Land

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Commercial	R-1
South	Residential	~~Out of City~~ C3
East	Vacant	249 / out of city
West	Vacant	249 / Out of city

Character of the Neighborhood:

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?

2. Are there substantial reasons why the property cannot be used in accord with existing zoning?
If yes, explain: Yes, I want to build a warehouse for a online business

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: 20TH, Prosperity Ave
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? _____
2. Properly Sized Street Right-of-Way? _____
3. Drainage Easements? _____
4. Utility Easements:
   - Electricity? _____
   - Gas? _____
   - Sewers? _____
   - Water? _____
5. Additional Comments: _____

UNIQUE CHARACTERISTIC OF PROPERTY AND/OR ADDITIONAL COMMENT:

THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:

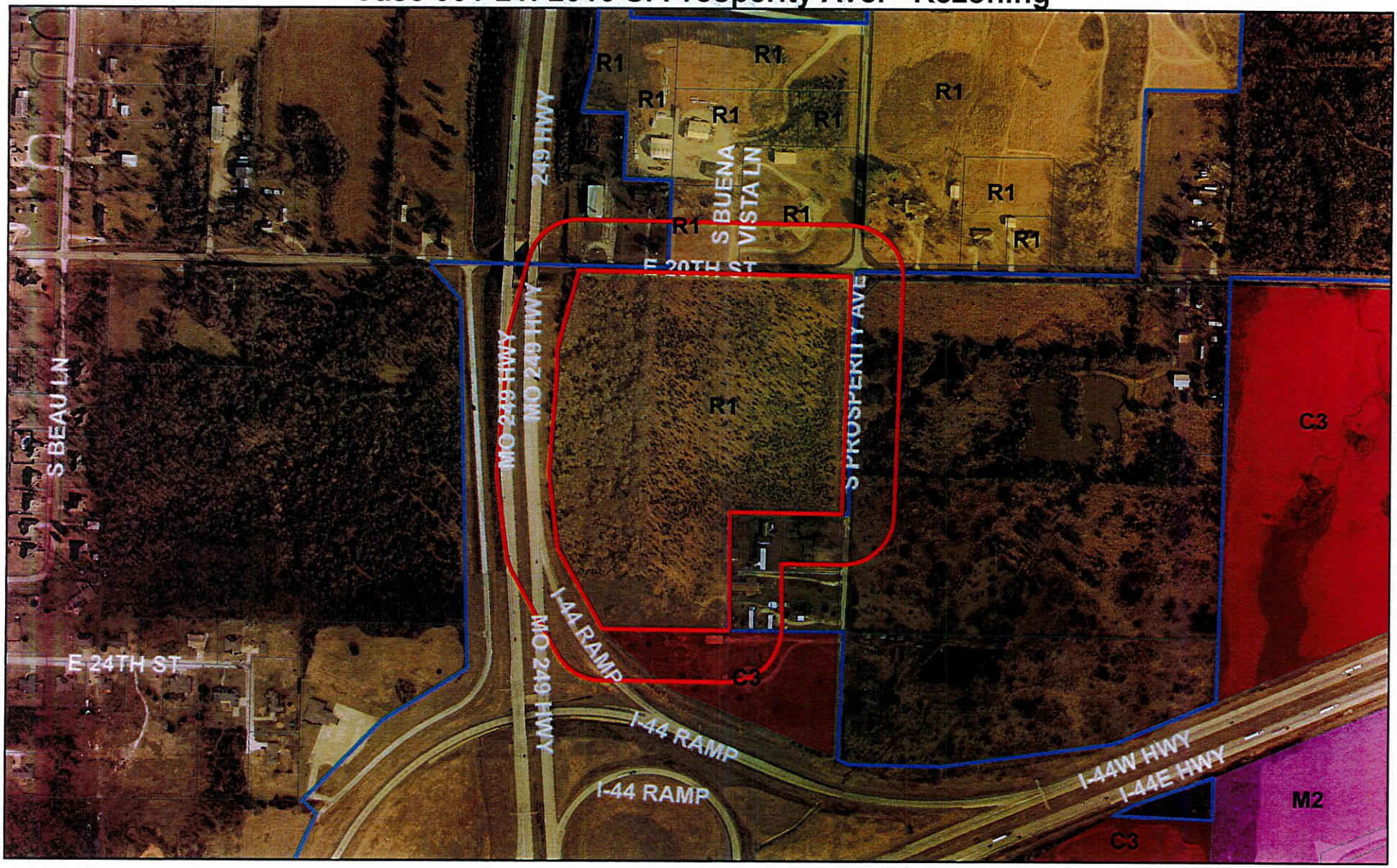
1. One copy of a legal description of the property proposed to be rezoned from a deed or certified survey.
2. One copy of a statement describing the reasoning for the rezoning, the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed 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

SIGNATURE: Barry Brown DATE: 11-17-20

EMAIL: barry@Countercultureday.com

TITLE: Owner

Case 001-21: 2016 S. Prosperity Ave. - Rezoning



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Joplin City Limits

0 250 500 1,000 1,500 2,000 Feet

N

P & Z Case 001-21
Barry Brown
(P & Z Recommended Approval)

COUNCIL BILL NO. 2021-252 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 R-1 (Single-family Residential) and include in District C-3 (Commercial) property as described below and located 2016 S. Prosperity Ave., 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-3:

As a part of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section 16, Township 27, Range 32, Jasper County, Missouri, being more particularly described as follows: Commencing at the Southeast Corner of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of said Section. Thence North 89 Degrees, 02 Minutes, 28 Seconds West along the South line of Said Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of said Section 415.59 feet to the Point of Beginning, thence continuing along said South line North 89 Degrees, 02 Minutes, 28 Seconds West 429.56 feet to the Easterly Right-of-way of Missouri State Highway 249, thence along said Easterly Right-of-way North 30 Degree, 05 Minutes, 47 Seconds West 285.95 feet, thence continuing along said Right-of-way North 03 Degrees, 31 Minutes, 55 Seconds East 298.75 feet, thence continuing along said Right-of-way North 02 Degrees, 52 Minutes, 53 Seconds East 172.76 feet, thence South 89 Degrees, 04 Minutes, 09 Seconds East 602.52 feet, thence North 01 Degree, 42 Minutes, 09 Seconds East 566.86 feet to the Southerly Right-of-way of East 20th Street, thence along said South Right-of-way South 88 Degrees, 56 Minutes, 19 Seconds East 337.02 feet to the Westerly Right-of-way of Prosperity Road, thence along said Westerly Right-of-way South 36 Degrees, 41 Minutes, 57 Seconds East 88.54 feet, thence continuing along said Westerly right-of-way South 01 Degrees, 42 Minutes, 09 Seconds West 796.00 feet, thence North 89 Degrees, 04 Minutes, 09 Seconds, West 391.00 feet, thence South 01 Degrees, 38 Minutes, 49 Seconds West 415.79 feet to the Point of Beginning, except any part taken or deeded for road right-of-way being subject to all other easements, rights-of-way, and reservations of record, containing 17.04 acres more or less,

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_____, 2021, by a vote of _____.

_____
Ryan D. Stanley, Mayor

ATTEST:

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney