CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2020-250-Rezone to C-3 (Commercial)

MEETING DATE:
February 3, 2020

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, Interim City Manager- Daniel Pekarek.

SUMMARY REQUEST:
Case 001-20: 4240 Hwy 43. - A request to remove from District R-1 (Single-family Residential) and include in District C-3 (Commercial) for the purpose of the continued operation of a truck stop – Truckstop Distributors Inc.

BACKGROUND:
This property was annexed into the City of Joplin in 2006 and Truckstop Distributors, Inc is requesting the rezoning in order to move forward on plans to renovate and remodel the site. The need for a building permit triggered this requirement to rezone. A change to C-3 would be consistent with the uses around this interchange, and compatible with the Future Land Use Map.

PLANNING & ZONING COMMISSION TESTIMONY:
Jerald Norton, Olsson Inc., 702 S. Main Street, Joplin, MO, representing Truckstop Distributors, Inc. This property, Petro Truck Stop, was voluntarily annexed into the City of Joplin in 2007 and the city policy was for the property to be R-1 (Single Family Residential) and it has not been rezoned. In a meeting with city staff, they recommended that the property be rezoned as C-3 (Commercial District).

PUBLIC COMMENT:
None.

FUNDING SOURCE:
These payments are included in the FY 2019-2020 budget of the Community Planning Fund.

RECOMMENDATIONS:
Planning & Zoning Commission recommend approval for Case 001-20 (6 in Favor, 0 Nays, 1 Absent)
Staff recommends approval of Case 001-20.

ATTACHMENTS
CB 2020-250, Staff Planning Report, P&Z Commission Minutes

CB 2020-250

Case 001-20: 4240 Hwy 43. - A request to remove from District R-1 (Single-family Residential) and include in District C-3 (Commercial) for the purpose of the operation of a truck stop – Truckstop Distributors Inc.

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Mr. Ramsour asked if there was anyone that would like to speak in favor of this case? There was not. Mr. Ramsour asked if there was anyone who would like to speak in opposition to this case? There was not.

MR. DERMOTT MOVED, SECONDED BY MR. EASTMAN FOR CASE 001-20 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATIONFOR APPROVAL. MOTION CARRIED, WITH MR. RAMSOUR, MR. DERMOTT, MRS. BRUCKNER-SEARS,

Z&P Meeting: January 13, 2020
City Council Meeting: February 3, 2020

STAFF PLANNING REPORT
Rezoning

CASE 001-20 A request to rezone from R-1 (Single-family Residential) to C-3 (Neighborhood Commercial)

LOCATION 4240 Hwy 43

APPLICANT Truckstop Distributors, Inc.

EXISTING CONDITIONS

Zoning	Land Use	Property Size
R-1	Truckstop	69.1 Acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	R-1/I-44	R-1	R-1	R-1
Land Use	Vehicle/Equipment Sales	Fuel Sales/Firework Sales	Truckstop	Vacant

FUTURE LAND USE

Joplin's Future Land Use Map shows this property is appropriate for Future Retail Commercial

TRANSPORTATION

Streets with access	Classification	Right-of-way width
S. Hwy 43	Arterial	120'
W. Cedar Dr.	Local	40'

UTILITIES

Utilities do not need to be extended to this property. Utilities are currently in place.

FLOOD PLAIN

A portion of this property in the Southwest corner is 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 shows this property, as well as all of those around this interchange with I-44 as 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 consistent with nearby parcels but is not suitable for this area. This property was annexed into Joplin in 2006, and many of the surrounding properties followed suit in the following years. All of these properties are currently zoned R-1 as that is the default zoning given to newly annexed properties. The future land use map does indicate that this property be used for retail commercial, and it is being used as such.

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, most if not all of the surrounding properties are of similar uses that would be permitted in the C-3 zoning district.

DISCUSSION

The applicant is requesting the rezoning in order to move forward on plans to renovate and remodel the site. The need for a building permit triggered this requirement to rezone. This property was annexed into Joplin in 2006, and still carries the default designation of R-1. A change to C-3 would be consistent with the uses around this interchange, and compatible with the Future Land Use Map.

Staff recommends approval of Case 001-20.

ATTACHMENTS

- Application
- Map

RECEIVED
12-6-19

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.: 001-20
Filing Fee: $500.00
Date Advertised: 12-29-19
Date Notices Sent 12-30-19
Public Hearing Date: 1-13-20

APPLICANT: Truckstop Distributors, Inc. PHONE: 563-468-5228
ADDRESS: P.O. Box 639, Walcott, Iowa ZIP: 52773

OWNER: Truckstop Distributors, Inc. PHONE: 563-468-5228
ADDRESS: P.O. Box 639, Walcott, Iowa ZIP: 52773

LOCATION/ADDRESS OF PROPERTY: I44 & Mo. Hwy. 43 Interchange
4240 Hwy. 43, Joplin, Mo. 46804

Present Zoning R1 Requested Zoning: C3 Acreage: 69.1 Acres
Present Use of Property: Joplin Petro Truckstop, Restaurant, Motel

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	L&E Martin Oil Company (North of I-44)	R1
South	Pilot Travel Center	R1
East	Gas Station and KOA Campground	R1
West	Residential	Unzoned; outside city limits

Character of the Neighborhood: This area is a high density commercial use which caters to interstate traffic

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
   Yes, it is the intent of the city to rezone adjacent parcels in the future
2. Are there substantial reasons why the property cannot be used in accord with existing zoning? Yes
   If yes, explain: Non-Conforming Use under current R1 Zoning

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: Mo. Hwy 43
2. Classification of Street(s):
   Arterial Mo. Hwy 43 Collector _____ Local _____
3. Right-of-Way Width: Varies
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   No, Truckstop entrance is signalized.

IS PLATTING OR REPLATTING REQUIRED IN ORDER 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/OR ADDITIONAL COMMENT:

Petro and the adjacent parcels voluntarily annexed into the City of Joplin. Under city policy the parcels were annexed under R1 zoning. The city is now rezoning to address non-conforming use.

THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:

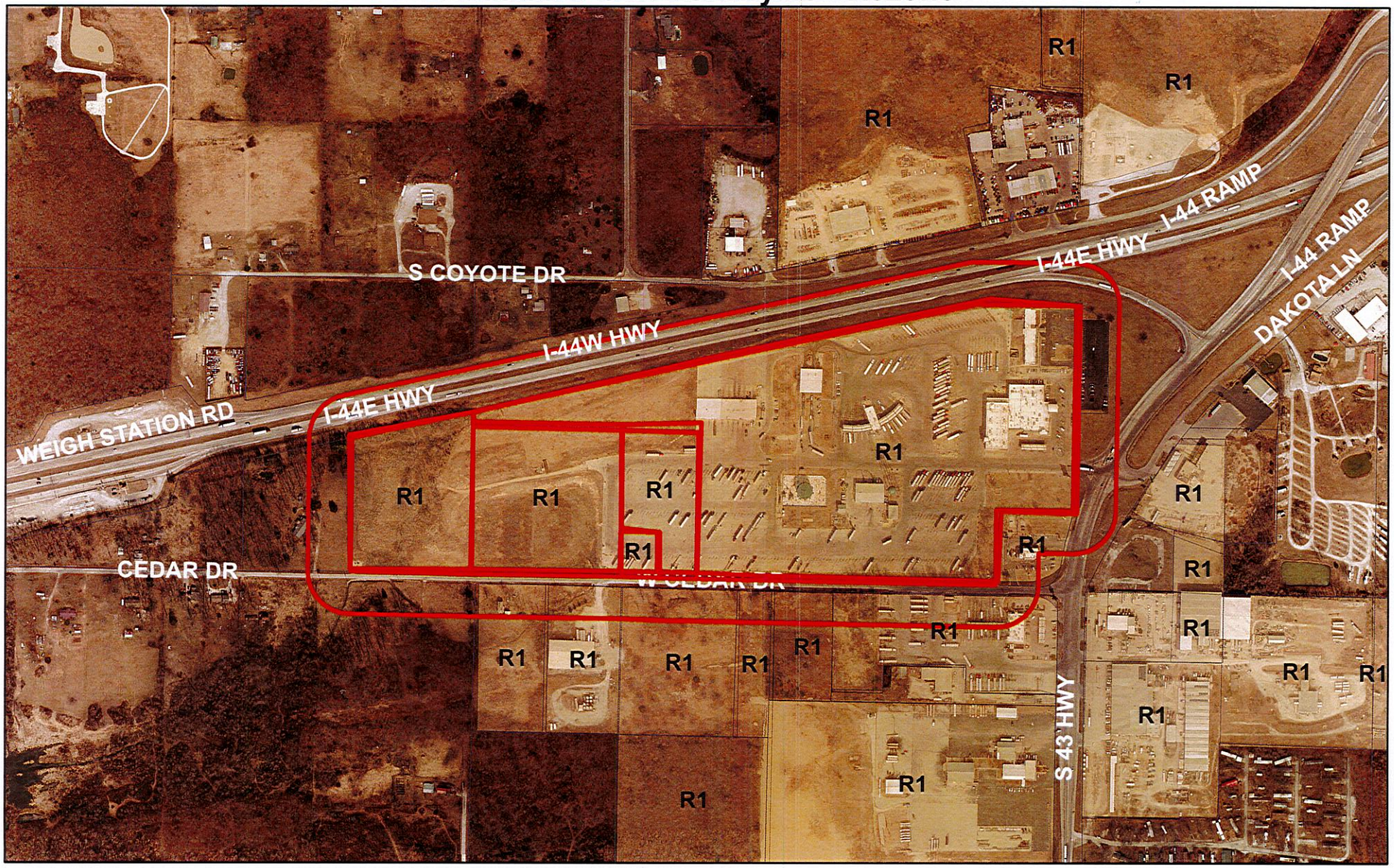
1. One copy of a legal description of the property proposed to be rezoned from a deed or certified survey.
2. One copy of a statement describing the reasoning for the rezoning, the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed 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: Olsson, Inc. Jerald Norton DATE: 12/6/2019

EMAIL: jnorton@olsson.com

TITLE: Olsson, Inc. Senior Engineer

Case 001-20: 4240 Hwy 43 - Rezone



Case 001-20: 4240 Hwy 43. - A request to remove from District R-1 (Single-family Residential) and include in C-3 (Commercial) for the purpose of operating a truck stop – Truckstop Distributors Inc.

N

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

P & Z Case 001-20
Truckstop Distributions Inc.
(P & Z Recommended Approval)

COUNCIL BILL NO. 2020-250 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 C-3 property as described below and located 4240 Highway 43, City of Joplin, 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. 2004-256 is hereby amended by the following described property and including in District C-3:

Part of the North half of Section 5 and part of the North half of Section 4, T26, R33, Newton County Missouri, being more particularly described as follows: commencing at the East Quarter Corner of Section 5, T26, R33, Newton County Missouri, thence N00°59'36"E 330.03 feet to the point of beginning; thence N89°00'24"W 330.00 feet; thence S00°59'36"W 252.86 feet to a point on the North right-of-way of Cedar Drive; thence along the North right of way of Cedar Drive the following courses; N89°00'24"W 970.81 feet; thence N88°57'41"W 327.10 feet; thence N88°56'24"W 1,502.21 feet; thence leaving the North right-of-way of Cedar Drive; thence N01°16'09"E 601.03 feet to a point on the South right-of-way of US Interstate 44; thence along the South right-of-way of US Interstate 44 the following courses; thence N77°50'58"E 875.53 feet; thence N77°51'22"E 1258.73 feet; thence N7758'38"E 660.28 feet; thence S89°00'24"E 426.68 feet; thence S65°22'01"E 131.18 feet; thence S89°09'50"E 48.00 feet; thence S58°25'37"E 136.14 feet to a point on the West right-of-way of Mo. State Hwy. 43; thence along the West right-of-way of Mo. State Hwy. 43 the following courses; thence S01°00"14"W 155.00 feet; thence S35°44'18"W 221.69 feet; thence N89°09'49"W 159.00 feet; thence N89°00'24"W 20.00 feet; thence S00°59'36"W 447.00 feet to the point of beginning. Containing 69.1 acres more or less, less any taken for right-of-way purposes, more generally known as 4240 Hwy. 43.

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_____, 2020, by a vote of _____.

_____
Gary L. Shaw, Mayor

ATTEST:

_____

Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____

Peter C. Edwards, City Attorney