CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2020-251-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 002-20: 1860 W 20th St. – A request to remove from District C-1 (Neighborhood Commercial) and include in District C-3 (Commercial) for the purpose of vehicle sales – Driven

BACKGROUND:
The applicant is requesting the rezoning in order to begin operation of a used car dealership. The Vehicle Sales use is only permitted in C-3 and M-1 zoning districts. While the increase in intensity to C-3 does conflict with the nearby R-1 lots, the Future Land Use map does show the corridor to be Future Retail Commercial. The 20th Street corridor designation, as well as the Zoning Code's buffer requirements, does provide mitigation opportunities to lessen the conflict between the uses.

PLANNING & ZONING COMMISSION TESTIMONY:
Paul Goodman, Driven, 1860 W. 20th Street, Joplin, MO. He is a franchise dealer of LaFond motorcycles, and they are inside the building not outside. This property is currently C-O (Non-Retail Commercial District) and he would like to rezone to C-3 (Commercial). There are no repairs, just sales only. The neighbors had stated to me that this property use to be Triumph Motorcycle sales.

Mr. Eastman wanted to know if when the property was purchased did he know it was not zoned properly?

Mr. Goodman stated that he did not. He was told it was zoned Commercial. We have had the cars there since purchase of the property and the neighbors were pleased with the operation.

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 002-20 (6 in Favor, 0 Nays, 1 Absent)
Staff recommends approval of Case 002-20.

ATTACHMENTS
CB 2020-251, Staff Planning Report, P&Z Commission Minutes

CB 2020-251

Case 002-20: 1860 W 20th St. – A request to remove from District C-1 (Neighborhood Commercial) and include in District C-3 (Commercial) for the purpose of vehicle sales – Driven

Paul Goodman, Driven, 1860 W. 20th Street, Joplin, MO. He is a franchise dealer of LaFond motorcycles, and they are inside the building not outside. This property is currently C-O (Non-Retail Commercial District) and we would like to rezone to C-3 (Commercial). There are no repairs, just sales only. The neighbors had stated to me that this property use to be Triumph Motorcycle sales.

Mr. Eastman wanted to know if when the property was purchased did he know it was not zoned properly?

Mr. Goodman stated that he did not. He was told it was zoned Commercial by his agent. We have had the cars there since purchase of the property and the neighbors were pleased with the operation.

Mr. Ramsour asked if the Commissioners had any questions for Mr. Parker. They did not.

Mr. Ramsour asked if there anyone in favor of this request? There was not. Is there was anyone against this request? There was not.

MRS. BRUCKNER-SEARS MOVED, SECONDED BY MRS. KOELKEBECK FOR CASE 002-20 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATIONFOR APPROVAL. MOTION CARRIED, WITH MR. RAMSOUR, MR. DERMOTT, MRS. BRUCKNER-SEARS, MRS. KOELKEBECK, MRS. STEELE, AND MR. EASTMAN VOTING "AYE". (6 IN FAVOR, 0 NAYS, 1 ABSENT).

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

STAFF PLANNING REPORT
Rezoning

CASE 002-20 A request to rezone from C-1 (Neighborhood Commercial) to C-3 (Neighborhood Commercial)

LOCATION 1860 W 20th St.

APPLICANT Driven

EXISTING CONDITIONS

Zoning	Land Use	Property Size
C-1	Auto Sales	Approximately 0.47 Acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	M-2	R-1	R-1	C-1
Land Use	Vehicle/Equipment Storage	Single-family Residential	Single-family Residential	Janitorial Service Provider Office

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
W. 20th St.	Arterial	70'
S. Tyler Ave.	Local	80'

UTILITIES

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

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 shows this property, as well as the adjacent properties along the corridor as Future Retail Commercial. This property is located in the 20th Street Development Corridor. The requested zoning is shown to be appropriate for this portion of the corridor based on the Future Land Use Map.

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

The current zoning of C-1 is consistent with nearby parcels and is suitable for this area. This property is a corner lot with frontage on an arterial street. Neighborhood Commercial uses would be appropriate for this location.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The change in zoning to C-3 may affect the R-1 properties near this lot. C-3 is the most intense commercial district. Rezoning may create a significant conflict with the nearby R-1 properties.

DISCUSSION

The applicant is requesting the rezoning in order to begin operation of a used car dealership. The Vehicle Sales use is only permitted in C-3 and M-1 zoning districts. While the increase in intensity to C-3 does conflict with the nearby R-1 lots, the Future Land Use map does show the corridor to be Future Retail Commercial. In addition, across the street as well as only a few lots to the West are more intense zoning districts. The 20th Street corridor designation, as well as the Zoning Code's buffer requirements, does provide mitigation opportunities to lessen the conflict between the uses.

Staff recommends approval of Case 002-20.

ATTACHMENTS

- Application
- Map

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.: 002-20
Filing Fee: $500.00
Date Advertised: 12-29-19
Date Notices Sent 12-30-19
Public Hearing Date: 1-13-20

APPLICANT: Driven PHONE: 417-726-5054
ADDRESS: 1860 W. 20th Joplin MO, 64804 ZIP:

OWNER: Susan Garrett + Paul Goodman PHONE: 620-704-7213
ADDRESS: 1860 W. 20th Joplin MO, 64804 ZIP:

LOCATION/ADDRESS OF PROPERTY: 1860 W. 20th Joplin, MO, 64804

Present Zoning C-1 Requested Zoning: ~~C-2~~ C-3 Acreage:
Present Use of Property: Motorcycle + Auto Sales Retail Sales NO Repairs

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Mandalors	Commercial
South	Transportation complex	Commercial
East	Gilton	Industrial - Comm
West		

Character of the Neighborhood: Commercial mixed - Retail Uses

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? * Retail Uses
   If yes, explain: New Motorcycle Sales + Auto Sales

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies?

2. Consistent with Future Land Use Map?

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: _____
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?
   _____

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: It's zoned for Retail uses we keep and sell all the new motorcycles Indoor and display

UNIQUE CHARACTERISTIC OF PROPERTY AND/OR ADDITIONAL COMMENT:

We keep it very clean and Attractive

* Also we have no sidewalks or curbs on property

THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:

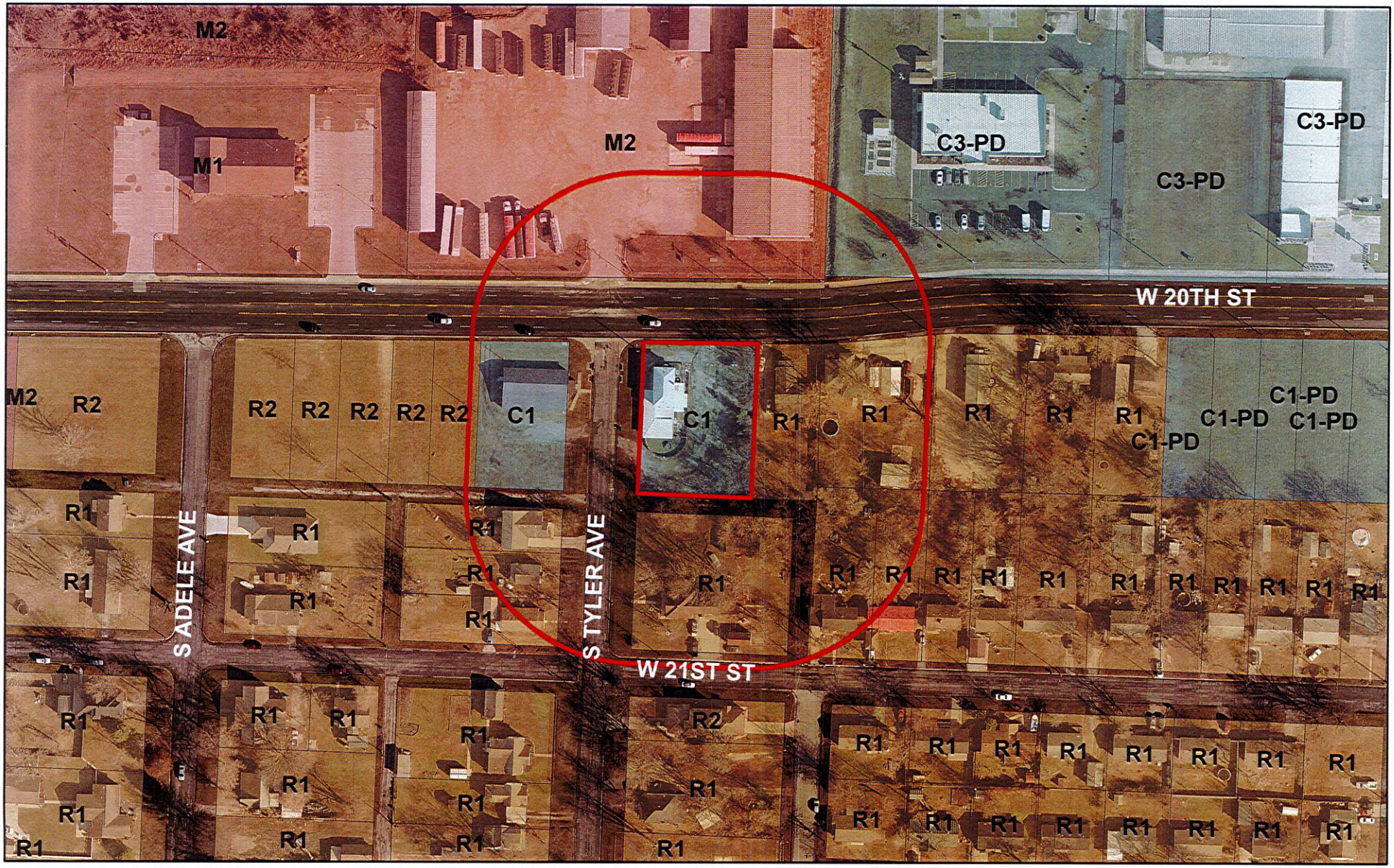
1. One copy of a legal description of the property proposed to be rezoned from a deed or certified survey.
2. One copy of a statement describing the reasoning for the rezoning, the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed 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: _____ DATE: 12-23-2019

EMAIL: drivem1860@gmail.com

TITLE: Agent Owner

Case 002-20: 1860 W 20th St. - Rezone


M2
M1
M2
C3-PD
C3-PD
C3-PD
W 20TH ST
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R2
R2
R2
R2
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P & Z Case 002-20
Driven
(P & Z Recommended Approval)

COUNCIL BILL NO. 2020-251 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 C-1 and including in District C-3 property as described below and located 1860 W 20th Street, 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:

All of lots numbered 2 and 3 in Bartlett's First Addition to the City of Joplin, Jasper County, Missouri, according to the recorded Plat thereof.

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