CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2019-255 -Rezone to District C-3 (Commercial).

MEETING DATE:
February 4, 2019

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- Sam Anselm.

SUMMARY REQUEST:
Case 006-19: Approximately 1.3 acres located on the southeast corner of St. Louis Avenue and Broadway Street – A request to rezone from Single Family Residential District (R1) to Commercial District (C3) for future commercial development – Daryl Rhodes

BACKGROUND:
This rezoning request includes five parcels. Three of the parcels have homes on them; the home on the largest parcel has been boarded up and appears to be abandoned.

PLANNING & ZONING COMMISSION TESTIMONY:
Daryl Rhodes, 7735 County Road 183, Carthage, MO. We bought this property about 16 years ago, which the address is 101 S St. Louis. We have done repairs to it over the years and it is currently a rental house. They have purchased additional properties that surround the house. The houses on the additional properties have either been secured or torn down. It was not economically feasible to try to repair them. We feel this property is best used for commercial use.

Mrs. Steele stated looking at the map you do not own the property at the corner? Mr. Rhodes replied the City of Joplin owns that piece of property.

Mr. Cortez asked Mr. Rhodes if he had future commercial use in mind?

Mr. Rhodes stated he did not. The plan is to put it up for sale at some point after rezoning.

PUBLIC COMMENT:
Terry Campbell, 1604 Central, Joplin, MO. He is opposed to commercial rezoning at this point, there is a lot of commercial properties on the west side. He owns property on Central which is Commercial property. He would not have a problem if he was doing R-2 or R-3 multi-unit or plans for the future, but Mr. Rhodes doesn't have plans. He wants to sell the property.

Mr. Campbell wanted to clarify that they tore down the house on that property and our plans are to build a single family residential or a duplex.

FUNDING SOURCE
These payments are included in the FY 2018-19 budget of the Community Planning Fund.

RECOMMENDATION:
Staff recommends approval of Case 006-19.

ATTACHMENTS
CB 2019- 255, Staff Planning Report, P&Z Commission Minutes

CB 2019-255

Case 006-19: Approximately 1.3 acres located on the southeast corner of St. Louis Avenue and Broadway Street – A request to rezone from Single Family Residential District (R1) to Commercial District (C3) for future commercial development – Daryl Rhodes

Mr. Dermott had to abstain himself from Case 006-19.

Daryl Rhodes, 7735 County Road 183, Carthage, MO. We bought this property about 16 years ago, which the address is 101 S St. Louis. We have done repairs to it over the years and it is currently a rental house. They have purchased additional properties that surround the house. The houses on the additional properties have either been secured or torn down. It was not economically feasible to try to repair them. We feel this property is best used for commercial use.

Mrs. Steele stated looking at the map you do not own the property at the corner?

Mr. Rhodes stated the City of Joplin owns that piece of property. It was the old Fire Station and was demolished for improvements of the intersection.

Mr. Ramsour had a question for staff. There was discussion of a round-a-bout at the intersection are there any plans to continue that project?

Mr. Bolander stated there is not at this time. The last discussion is that a Rt. 66 paver be put in the middle of the intersection. The round-a-bout has not been discussed in some time. If we don't put the paver or a monument in, then we could possibly sell it to the property owner.

Mrs. Steele asked Mr. Rhodes if that situation will hinder what he wants to do with the property?

Mr. Rhodes stated he didn't know.

Mr. Cortez asked Mr. Rhodes if he had future commercial use in mind?

Mr. Rhodes stated he did not. The plan is to put it up for sale at some point after rezoning.

Mr. Cortez asked if there was anyone else that would like to speak in favor of this case? There was not. He also asked if there was anyone to speak in opposition of this case.

Terry Campbell, 1604 Central, Joplin, MO. He is opposed to commercial rezoning at this point, there is a lot of commercial on the west side. He owns property on Central. He would not have a problem if he was doing R-2 or R-3 multi-unit or plans for the future, but he doesn't. He wants to sell the property.

Mr. Cortez asked if any Commissioner had questions for Mr. Campbell. They did not.

Mr. Rhodes approached the Commission and stated that Mr. Campbell owns the property that is at the south east corner of St. Louis and Central. It is zoned C-1, does not understand why he would be opposed to the rezone.

Mr. Campbell wanted to clarify that they tore down the house on that property and our plans are to build a single family residential or a duplex.

MRS. STEELE MOVED, SECONDED BY MR. MCCULLOUGH TO APPROVE CASE 006-19, BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MOTION CARRIED, WITH MR. CORTEZ, MR. RAMSOUR, MRS. BRUECKNER-SEARS, MRS. KOELKEBECK, MRS. STEELE, MR. DERMOTT AND MR. MCCULLOUGH VOTING "AYE". (6 IN FAVOR, 0 NAYS, 1 ABSTAIN).

Z&P Meeting: January 14, 2019
City Council Meeting: February 4, 2019

STAFF PLANNING REPORT
Rezoning

CASE 006-19 A request to rezone from R-1 (Single Family Residential) to C-3 (Commercial District) to for future commercial development

LOCATION The southeast corner of St. Louis Avenue and Broadway Street

APPLICANT Daryl Rhodes

EXISTING CONDITIONS

Zoning	Land Use	Property Size
R-1	Residential/Vacant	1.3 acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	R-1	R-1	R-2	C-1
Land Use	Cemetery	Residential	Duplexes	Car Dealership

FUTURE LAND USE

The City of Joplin's Future Land Use Map classifies these lots as Low-Density Residential.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
Broadway Street	Arterial	70'
Central Street	Secondary	60'
St. Louis Avenue	Arterial	50'

UTILITIES	Utilities do not need to be extended to the property.
FLOOD PLAIN	N/A

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

The future land use map shows this property as 'Low-Density Residential'.

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

This property is currently zoned R-1; a zoning change to C-3 is required for the full range of possible commercial developments to be permitted.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

Across the street from this property, on the northern side of Broadway Street, is Ozark Memorial Park Cemetery. The properties to the south are a mix of single family homes and duplexes, which would be impacted by rezoning to Commercial. There are existing commercial properties to the west across St. Louis Avenue, including a car dealership.

DISCUSSION

This rezoning request includes five parcels. Three of the parcels have homes on them; the home on the largest parcel has been boarded up and appears to be abandoned.

Staff recommends approval of Case 006-19.

ATTACHMENTS

- Application

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.: 006-19
Filing Fee: ~~$350.00~~ $300
Date Advertised:
Date Notices Sent:
P&Z Date: 1-14-19
City Council Date:

APPLICANT: Daryl Rhodes PHONE: 417-540-1846
ADDRESS: 7735 County Road 183 Carthage, MO ZIP: 64836
EMAIL: Daryl@kw.com
OWNER: PHONE:
ADDRESS: ZIP:
EMAIL:
LOCATION OF PROPERTY: SE Corner of S. St. Louis Street and E. Broadway
LEGAL DESCRIPTION: see attached

Present Zoning R1 Requested Zoning: C3 Acreage: 1.29 ± acres
Present Use of Property: Residential Rental
Proposed Use of Property: Commercial

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Cemetery	C-1
South	Vacant	C-1
East	Residence	R-1
West	Used Car lot	C-1

CHARACTER OF THE NEIGHBORHOOD: Declining

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? Yes
   If yes, explain: It is not economically feasible to build single family homes in this area.

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? Yes
2. Consistent with Future Land Use Map? No

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: E. Broadway and E. Central
2. Classification of Street(s):
   Arterial ✓ Collector _____ Local _____
3. Right-of-Way Width: 60'
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? Yes
2. Properly Sized Street Right-of-Way? Yes
3. Drainage Easements? Yes
4. Utility Easements:
   - Electricity? Yes
   - Gas? Yes
   - Sewers? Yes
   - Water? Yes
5. Additional Comments: _____

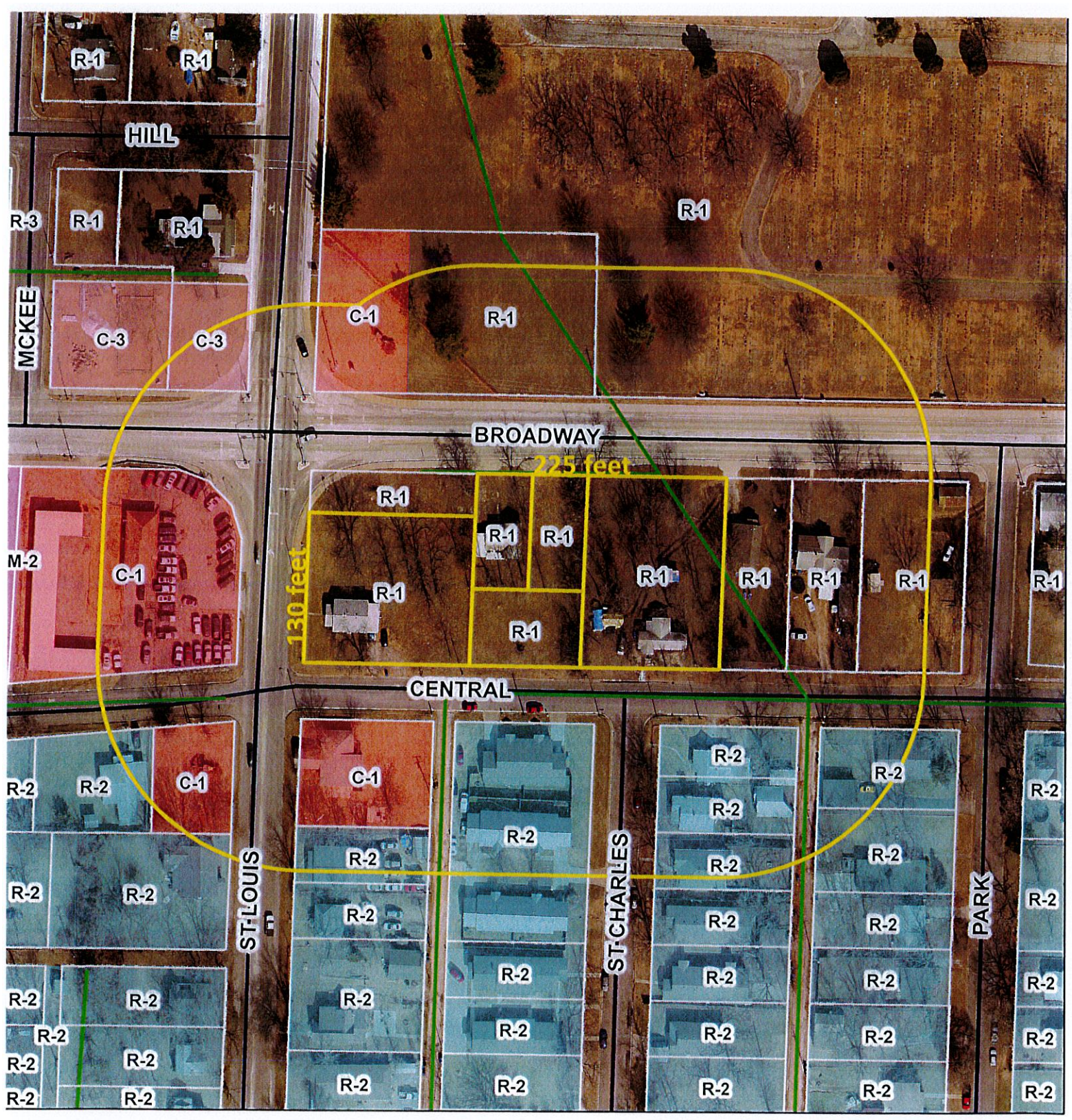
UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

The properties on East Broadway between 5th Lewis and Gateway Street (9 blocks) are predominately zoned Commercial and Manufacturing.

SIGNATURE: David L. Glade DATE: 11/12/2015

BY: _____

TITLE: Broker / Owner


R-1
R-1
HILL
R-3
R-1
R-1
MCKEE
C-3
C-3
C-1
R-1
R-1
BROADWAY
225 feet
130 feet
M-2
C-1
R-1
R-1
R-1
R-1
R-1
R-1
R-1
R-1
R-1
CENTRAL
R-2
R-2
C-1
C-1
R-2
R-2
R-2

P & Z Case 006-19
Daryl Rhodes
(P & Z Recommended Approval)

COUNCIL BILL NO. 2019-255 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 approximately 1.3 acres located on the southeast corner of St. Louis Avenue and Broadway 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 One (1), Two (2) and Three (3), EXCEPT the North 50 feet thereof, in Block Twenty-nine (29) in COLLEGE HILL ADDITION to the City of Joplin, Jasper County, Missouri, according to the recorded Plat thereof. All of the north 100 feet of lot numbered four (4) in block twenty-nine (29) in College Hill addition to the City of Joplin, Jasper County, Missouri, according to the recorded plat thereof. All of lot numbered five (5) in block twenty-nine (29) except the south 70 feet of College Hill Addition to the City of Joplin, Jasper County, Missouri, according to the recorded plat thereof. The South 70 feet of Lots 4 and 5, Block 29 in College Hill Addition to the City of Joplin, Jasper County, Missouri, Code, commonly known as 1607 Central Ave., Joplin, Missouri. All of Lots Numbered Six (6) and Seven (7) and the West One-Half of Lot Numbered Eight (8), in Block 29 in COLLEGE HILL ADDITION to the City of Joplin, Jasper County, Missouri, according to the recorded Plat thereof; more commonly known as approximately 1.3 acres located on the southeast corner of St. Louis Avenue and Broadway Street

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_____, 2019, by a vote of _____.

_____
Gary L. Shaw, Mayor

ATTEST:

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney