CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2019-256 -Rezone to District C-1-PD (Neighborhood Commercial Planned District).

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 007-19: Approximately 0.51 acres located on the northwest corner of 20th Street and Illinois Avenue – A request to rezone from Non-Retail Planned District (CO-PD) and Two-Family Residential District (R2) to Neighborhood Commercial Planned District (C1-PD) to construct a drive-through establishment – Megan Escalante.

BACKGROUND:
The lots that are part of this request are currently vacant due to the impact of the tornado. If this property is rezoned to Commercial, the applicant plans to construct a drive-through establishment that serves ice cream and other desserts. The business could also serve customers who walk to the establishment from Joplin High School, which is located to the south within walking distance.

PLANNING & ZONING COMMISSION TESTIMONY:
Megan Escalante, 721 Castle Drive, Joplin, MO. She was wanting to build a nice family-oriented atmosphere, also to have a small hair salon on the other side of the building.

Mrs. Steele asked if she was planning on putting a food truck or do a brick and mortar? Mrs. Escalante replied the brick and mortar. The food truck will not be at that location.

Mr. Ramsour asked where the driveway would be located? Mrs. Escalante stated that there is a current driveway along the east side of the second lot.

Mr. Ramsour asked if there would be an entrance off 20th Street. Mrs. Escalante stated there would not be.

Mrs. Koelkebeck asked staff if a buffer was required between C-1-PD and R-2?

Mr. Whitmore stated that there is and there will be a buffer established in the form of a six-foot Fence.

PUBLIC COMMENT;
None.

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

RECOMMENDATION:
Staff recommends approval of Case 007-19.

ATTACHMENTS
CB 2019- 256, Staff Planning Report, P&Z Commission Minutes

CB 2019-256

Case 007-19: Approximately 0.51 acres located on the northwest corner of 20th Street and Illinois Avenue – A request to rezone from Non-Retail Planned District (CO-PD) and Two-Family Residential District (R2) to Neighborhood Commercial Planned District (C1-PD) to construct a drive-through establishment – Megan Escalante.

Megan Escalante, 721 Castle Drive, Joplin, MO. She was wanting to build a nice family-oriented atmosphere, also to have a small hair salon on the other side of the building.

Mr. Cortez asked Commissioners if they had any questions?

Mrs. Steele asked if she was planning on putting a food truck or do a brick and mortar?

Mrs. Escalante stated the brick and mortar. The food truck will not be at that location.

Mr. Ramsour asked where the driveway would be located?

Mrs. Escalante stated that there is a current driveway along the east side of the second lot.

Mr. Ramsour asked if there would be an entrance off 20th Street.

Mrs. Escalante stated there would not be.

Mrs. Koelkebeck asked staff if a buffer was required between C-1-PD and R-2?

Mr. Whitmore stated that there is and there will be a buffer established in the form of a six-foot fence.

Mr. Cortez asked if there were any other questions for Mrs. Escalante? There was not. There was not anyone else to speak in favor or in opposition of this case.

MRS. BRUCKNER-SEARS MOVED, SECONDED BY MR. DERMOTT TO APPROVE CASE 007-19, 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". (7 IN FAVOR, 0 NAYS).

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

STAFF PLANNING REPORT
Rezoning

CASE 007-19 A request to rezone from Non-Retail Planned District (CO-PD) and Two-Family Residential District (R2) to Neighborhood Commercial Planned District (C1-PD) to construct a drive-through establishment

LOCATION The northwest corner of 20th Street and Illinois Avenue

APPLICANT Megan Escalante

EXISTING CONDITIONS

Zoning	Land Use	Property Size
CO-PD/R-2	Vacant	0.51 acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	R-2	C-1/R-2	C-O	C1-PD
Land Use	Vacant	Vacant/Residential	Vacant	Office

FUTURE LAND USE

The City of Joplin's Future Land Use Map classifies these parcels as Retail Commercial.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
20th Street	Arterial	110'
Illinois Avenue	Secondary	60'

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?

This property is located within the 20th Street Planned Corridor. The future land use map shows this property as 'Retail Commercial'. This location is appropriate for commercial use. If this property was not rezoned to allow for commercial uses, it would not be in compliance with the city's Comprehensive Plan.

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

The lots in this request are currently zoned both Non-Retail Planned Overlay District and Two-Family Residential (R2). A zoning change to C-3 is required for most commercial developments.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

Many of the surrounding lots are currently zoned Two-Family Residential (R2) and there are single family homes to the north.

DISCUSSION

The lots that are part of this request are currently vacant due to the impact of the tornado. If this property is rezoned to Commercial, the applicant plans to construct a drive-through establishment that serves ice cream and other desserts. The business could also serve customers who walk to the establishment from Joplin High School, which is located to the south within walking distance. Consequently, the applicant feels the corner of 20th Street and Illinois Avenue is a prime location for a drive-through establishment.

Staff recommends approval of Case 007-19.

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.: 007-19
Filing Fee: $500.00
Date Advertised:
Date Notices Sent:
P&Z Date: 1-14-19
City Council Date:

APPLICANT: Megan D Escalante PHONE: 417-434-0169

ADDRESS: 721 Castle Dr Joplin MO 64804 EMAIL: pineapplebliss.co@gmail.com

OWNER: Norman Rouse Trustee for Charles Burt Trust PHONE: 417-782-2222

ADDRESS: 5957 E 20th St Joplin MO 64801 EMAIL: roberta@cwrcave.com

LOCATION OF PROPERTY: 1021 E 20th St, 1910 Illinois, 1912 Illinois

LEGAL DESCRIPTION: All of lots numbered one-hundred eighty (180) through one-hundred eighty-three (183) inclusive in campbell's 6th addition to the city of Joplin, Jasper County, Missouri. Being subject to all easements, right-of-way, and reservations of record.

Present Zoning CO-PD and residential (R2) Requested Zoning: C3 Acreage: .51 acres

Present Use of Property: vacant lot Proposed Use of Property: drive-through and walk-up soft serve dessert (Pineapple Bliss) in the front of the building (south) and a small salon in the rear (north) side of the building

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	vacant lot	
South	unfinished Charles Burt realtor building	
East	vacant lot	
West	dental office and art gallery	

CHARACTER OF THE NEIGHBORHOOD: mixed use

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?
   If yes, explain: drive-through requires C3 zoning

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies?
2. Consistent with Future Land Use Map?

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: Illinois

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 TO PROVIDE FOR:

1. Appropriately Sized Lots?

2. Properly Sized Street Right-of-Way?

3. Drainage Easements?

4. Utility Easements: alley access

   Electricity, Gas, Sewers, Water

5. Additional Comments:

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

SIGNATURE:  DATE: 11-17-14

BY: Megan Escalante

TITLE: Agent



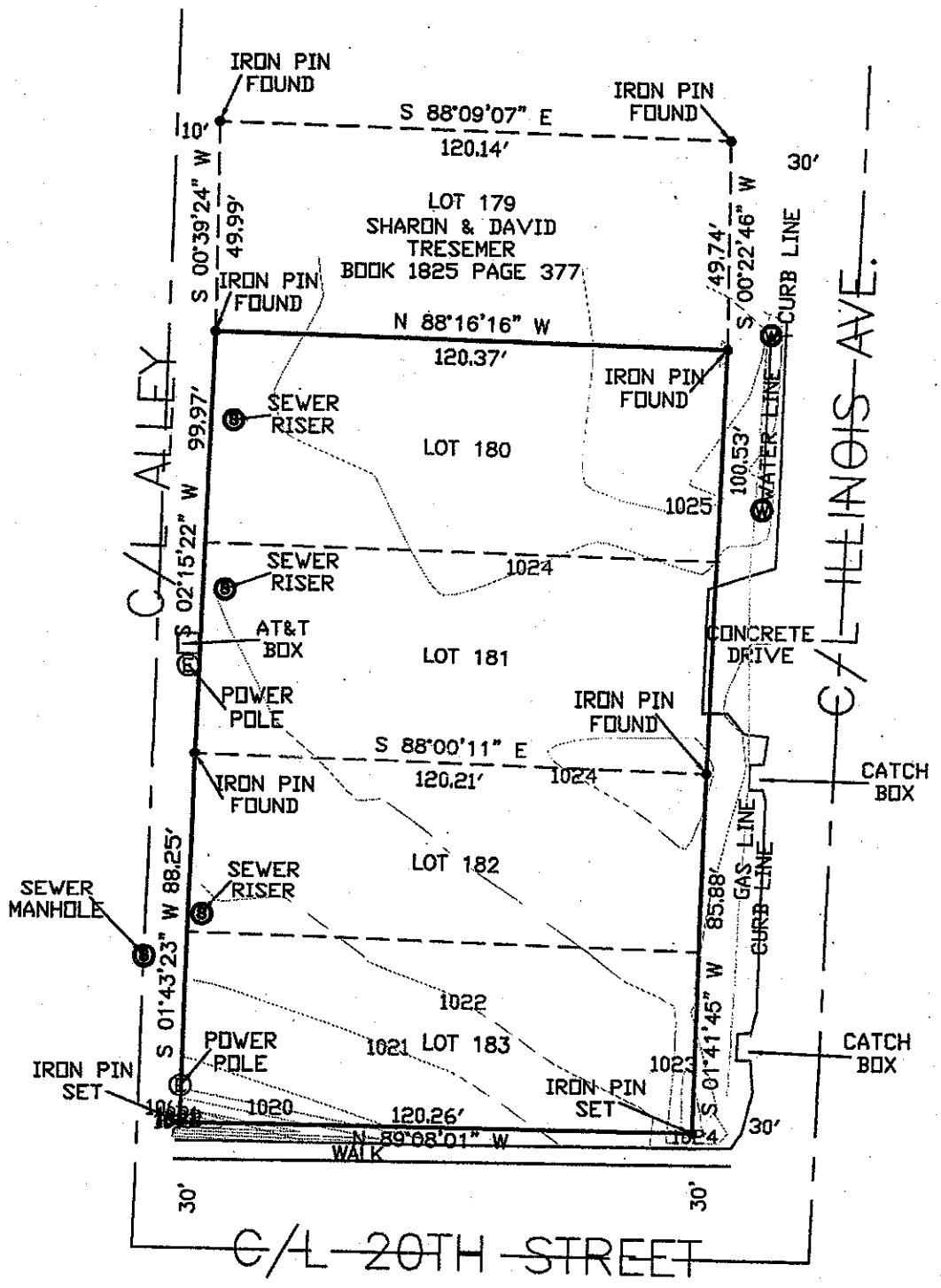
Case 007-19: Approximately 0.51 acres located on the nothwest corner of 20th Street and Illinois Avenue -- A request to rezone from Non-Retail Planned District (CO-PD) and Two-Family Residential District (R2) to Neighborhood Commercial Planned District (C1-PD) to construct a drive-through establishment -- Megan Escalante

0 40 80 120

SCALE: One inch equals 40 feet.

BASIS OF BEARING: THE WEST LINE OF ILLINOIS AVE. ASSUMED S 01°41'45" W MISSOURI WEST NAD83 as per MoDoT GPS NETWORK

CLASS OF PROPERTY: (C) URBAN



PROPERTY DESCRIPTION:
ALL OF LOTS NUMBERED ONE-HUNDRED EIGHTY (180) THROUGH ONE-HUNDRED EIGHTY-THREE (183) INCLUSIVE IN CAMPBELL'S 6TH ADDITION TO THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI. BEING SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY, AND RESERVATIONS OF RECORD.

SURVEYOR'S CERTIFICATE:
I Rodney C. Neece a Registered Land Surveyor of Joplin, Jasper County, Missouri, Do hereby certify that the field notes and attached plat are true and accurate description of the work performed and measurements taken; survey made in accordance with the Missouri Standards for Property Boundary Surveys of the Department of Agriculture, Division of Weights & Measures and Consumer Protection, and is not a warranty of title either expressed or implied, This declaration is made to the original owner and/or purchaser of the survey as of the date indicated in the title block, It is not transferable to additional institutions or subsequent owners and may not be used in connection with a survey 'Survey Affidavit' or similar document, statement, or mechanism to obtain title insurance for any subsequent or future grantees, furthermore, this survey is not valid without the original signature and embossed seal.

Rodney C. Neece, MoLS. #002691 Date: 10/25/2018

Stewart & Neece Land Surveying Company
Since 1922 Joplin, Mo.

STEWART AND NEECE LAND SURVEYING, INC.
1201 East 15th Street, Joplin, Missouri 64804
Phone: 417-624-0311 Fax: 417-624-0365

SURVEY FOR: MEGAN ESCALANTE		
DRAWN: EUBANKS	DATE: 10/22/2018	ADDRESS: 1021 E. 20TH STREET JOPLIN, MISSOURI
APPROVED: NEECE	S/T/R: 11/27/33	
SCALE: 1"=40'	File Name: L180-3C6TH	CERT OF AUTHORITY: LSC-2004000198

Case 007-19

P & Z Case 007-19
Megan Escalante
(P & Z Recommended Approval)

COUNCIL BILL NO. 2019-256 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-O-PD and R-2 and including in District C-1-PD property as described below and located on the northwest corner of 20th Street and Illinois Avenue, 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-1-PD:

ALL OF LOTS NUMBERED ONE-HUNDRED EIGHTY (180) THROUGH ONE-HUNDRED EIGHTY-THREE (183) INCLUSIVE IN CAMPBELL'S 6TH ADDITION TO THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI. BEING SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY, AND RESERVATIONS OF RECORD;

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