CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2021- 260 – Rezone to District R-1

MEETING DATE:
March 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 009-21: 4307 Swede Ln. - A request to remove from District M-1-PD (Restricted Industrial Planned Development) and include in District R-1 (Single-family Residential) for future residential development – Alan Bemo.

BACKGROUND:
The request is consistent with the comprehensive plan. The future land use map does show this property to be future low-density residential. The current zoning of M-1-PD is not suitable in this area. At one time the plan was for this area to develop with industrial uses, given is proximity to the airport. However, pressure for residential development led to single-family zoning and uses occupying this area. Industrial uses are still in this area, however they are to be located to the North of Logan Dr.

PLANNING & ZONING COMMISSION TESTIMONY:
Alan Bemo, 4409 Swede Ln., Joplin, MO., which is next door to the property that I am wanting rezoned. The reason is my daughter would like to acquire that property and build a house. It is a nice residential area for children and not a lot of traffic.

Mr. Ramsour asked at this point if it will be just a single dwelling.

Mr. Bemo stated that was correct. As far as he knows his daughter is not planning on putting other dwellings on the property.

PUBLIC COMMENT;
None.

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

RECOMMENDATIONS:
Planning & Zoning Commission recommends approval, (5 in favor, 2 Absent).

ATTACHMENTS:
CB 2021-260, Staff Planning Report, P&Z Commission Minutes

CB 2021-260

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Mr. Bemo stated that was correct. As far as he knows his daughter is not planning on putting other dwellings on the property.

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

MS. PHILLIPS MOVED, SECONDED BY MS. EASTMAN THAT CASE 009-21 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MOTION CARRIED, WITH MR. RAMSOUR, MS. STEELE (BY PHONE), MR. EASTMAN, MS. BRUCKNER-SEARS (BY PHONE), AND MS. PHILLIPS VOTING "AYE" (5 IN FAVOR, 2 ABSENT)

Z&P Meeting: February 8, 2021
City Council Meeting: March 1, 2021

STAFF PLANNING REPORT
Rezoning

CASE 009-21 A request to rezone from M-1-PD (Restricted Industrial Planned Development) to R-1 (Single-family Residential).

LOCATION 4307 Swede Ln.

APPLICANT Alan Bemo

EXISTING CONDITIONS

Zoning	Land Use	Property Size
M-1-PD	Single-family Residential	Approx. 3.04 acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	R-2	R-1	M-1-PD	M-1-PD
Land Use	Single-family Residential	Single-family Residential	Single-family Residential	Single-family Residential

FUTURE LAND USE

Joplin's Future Land Use Map shows this property as future low-density residential.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
N. Swede Ln.	Local	50'

UTILITIES

Utilities 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 does show this property to be future low-density residential.

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

The current zoning of M-1-PD is not suitable in this area. At one time the plan was for this area to develop with industrial uses, given is proximity to the airport. However, pressure for residential development led to single-family zoning and uses occupying this area. Industrial uses are still in this area, however they are to be located to the North of Logan Dr., as shown in the Future Land Use Map.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The change in zoning to R-1 will not be detrimental to nearby property. The R-1 district is the most protected districted with the fewest allowable uses. Rezoning to a district that allows for much less intense developments will not have a detrimental affect on nearby property.

DISCUSSION

This request is compatible with the Comprehensive Plan, the Future Land Use Map, and the zoning requested is appropriate for the area. Nearby properties will not be affected by the change to a less intense zoning district.

Staff recommends approval of Case 009-21.

ATTACHMENTS

- Application
- Map

RECEIVED 1-12-21

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.: 009-21
Filing Fee: $500.00
Date Advertised:
Date Notices Sent:
P&Z Date: 2-8-21
City Council Date: 3-1-21

APPLICANT: Alan Bemo PHONE: 417 499 5083
ADDRESS: 4409 Swede Ln- ZIP: 64801
EMAIL: alienonearth@psmail.net
OWNER: same PHONE:
ADDRESS: S ZIP:
EMAIL:
LOCATION OF PROPERTY: 4307 swede lane
LEGAL DESCRIPTION: South Half of lot 3 and North 44.00' of lot 4 in Midway Gardens, as shown in Plat 3003 at page 196. Containing 3.04 acres

Present Zoning M1-PD Requested Zoning: R1 Acreage: 3.04 acres
Present Use of Property: pasture
Proposed Use of Property: residence

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	R2 duplex	R2
South	M1-PD pasture	M1-PD
East	R1 housing	R1
West	M1-PD Presently rezoning to R1	

CHARACTER OF THE NEIGHBORHOOD: Quiet rural setting. Neighbors enjoy walking to enjoy wildlife

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: want to build a house here (my daughter)

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:_____
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 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 ADDITIONAL COMMENT:

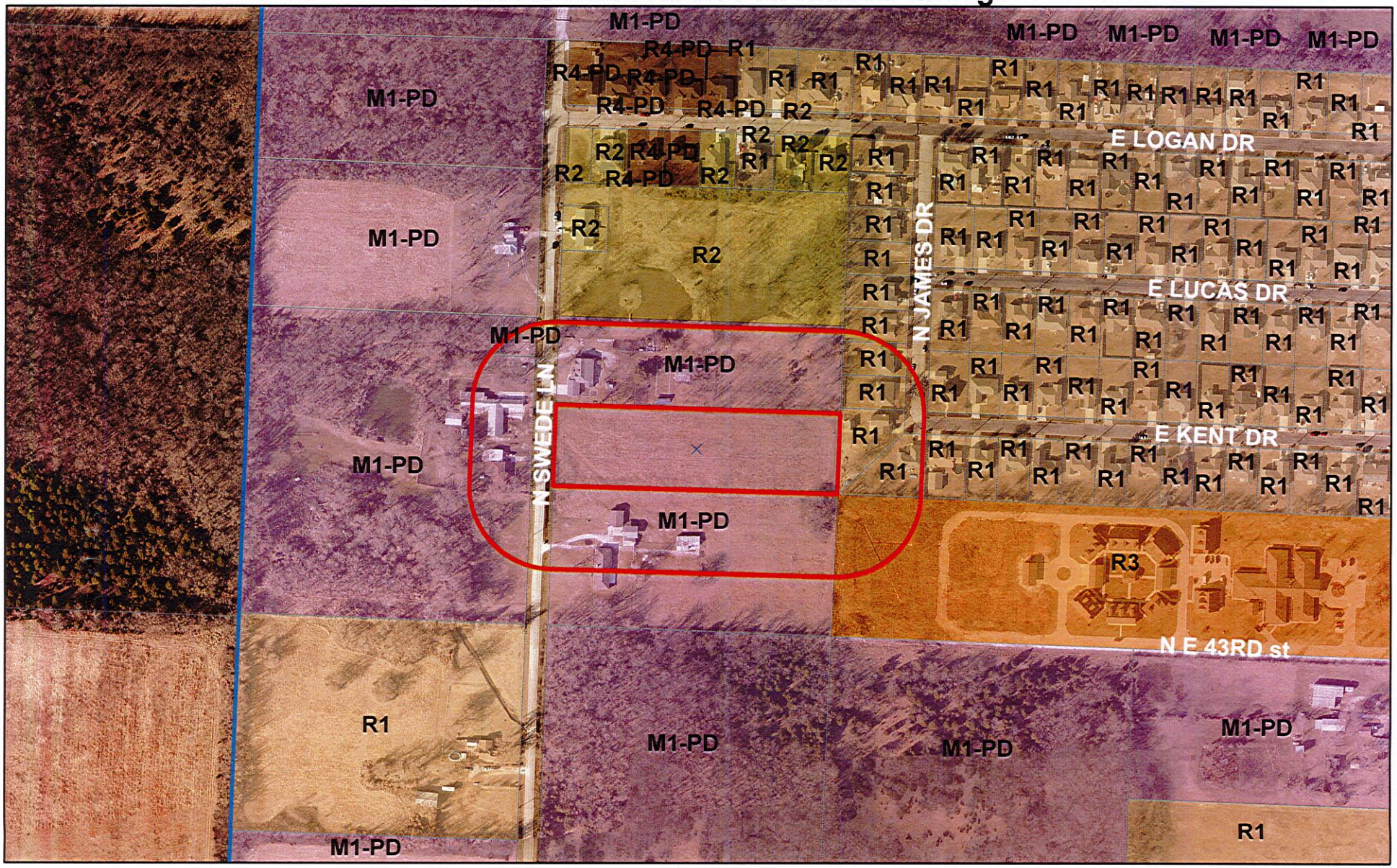
_____
_____
_____

SIGNATURE: _____ DATE: 1-12-21

BY: _____

TITLE: _____

Case 009-21: 4307 Swede Ln. - Rezoning



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Joplin City Limits

0 155 310 620 930 1,240 Feet

N

Bearings are Grid North based on the Missouri Coordinate System of 1983, West Zone.

GRAPHIC SCALE

(IN FEET)
1 inch = 100 ft.

Owners:
Alan and Janet Bemo
4409 N Swede Ln.
Joplin, MO, 64801
Property Classification: Residential
Source Deed: Book 2399 Page 10

LEGEND

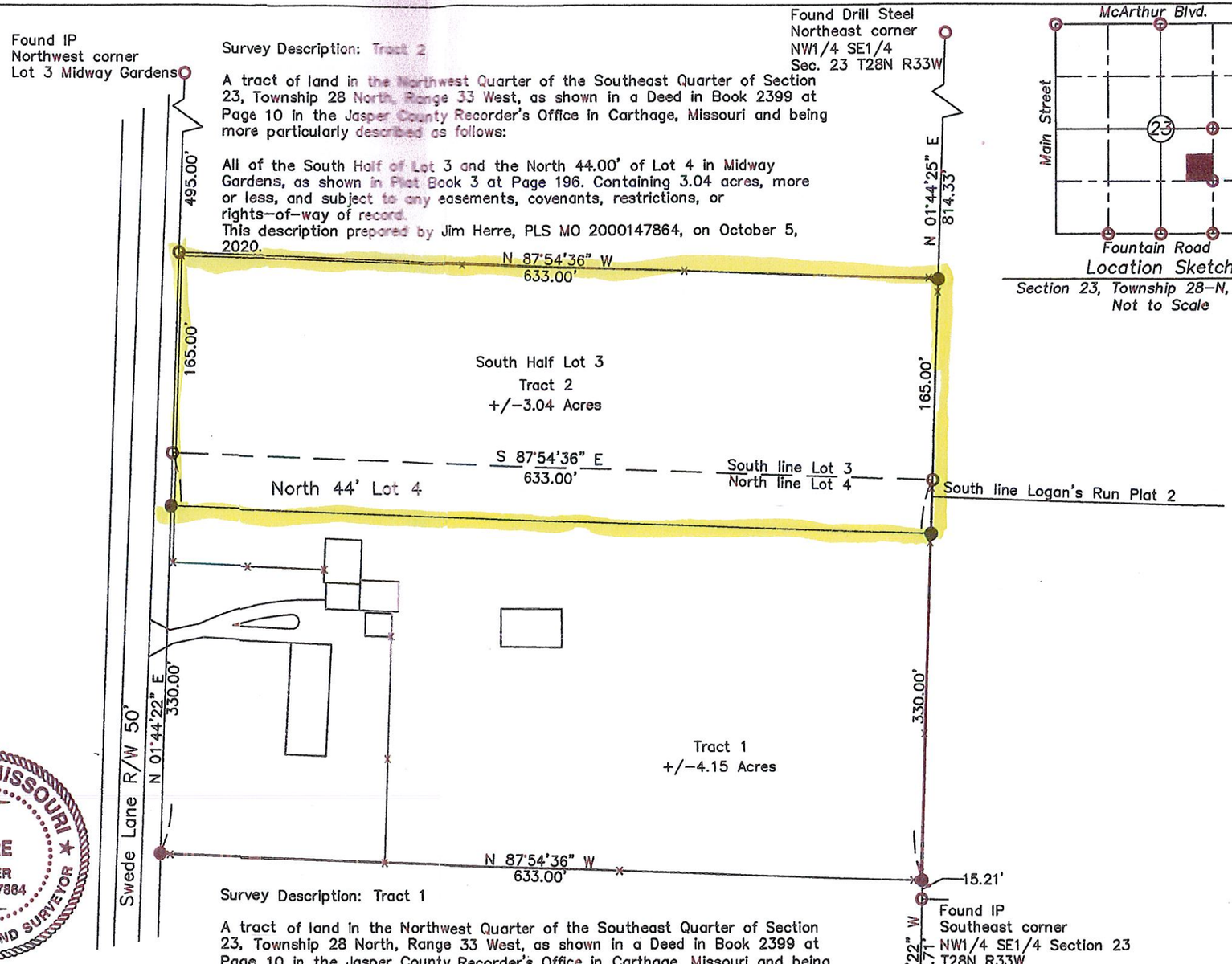
- ▣ = FOUND STONE
- ○ = FOUND IRON PIN
- ◎ = FOUND COPPERWELD
- △ = FOUND IRON PIN WITH ALUM. CAP
- ◉ = FOUND ALUM. MON.
- · = FOUND PIPE
- ◉ = NAIL
- ◎ = COTTON SPINDLE
- ⊡ = FOUND CONC. R/O/W MARKER
- ⊛ = FOUND R/O/W MARKER POST
- ○ = FENCE CORNER POST
- ● = SET 5/8" X 18" IRON PIN
- ■ = SET 3/4" X 24" IRON PIN WITH ALUM. CAP
- ▲ = SET IRON PIN WITH ALUM. CAP
- ◇ = FOUND R.R. SPIKE
- ◆ = SET R.R. SPIKE
- ✣ = COMPUTED CORNER
- Ⓦ = WELL HEAD
- (D) = DEED
- (M) = MEASURED
- (R) = RECORD
- (RS) = RECORD SURVEY
- (GLO) = GENERAL LAND OFFICE
- ——x—— = FENCE

Flood Note:
By graphic plotting only, this property is in "Zone X" of the hazard boundary map, community panel number 29097C0163E, with an effective date of November 2, 2012, and is not in a special flood hazard area.

Surveyor's Note:
With this survey, I do not guarantee that the ownership is to the survey lines depicted hereon. This survey is a graphic representation of the opinion of the surveyor as to the location of the recorded description. No opinion as to the validity of title is given or implied.

Certificate of Survey and Accuracy:
I hereby certify that this map was drawn under my supervision from an actual survey made by me; and meets the current Standards for Property Boundary Surveys of the "Missouri Department of Agriculture" and the Standards adopted by the "Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects".
Witness my signature, registration number and seal this 30th day of September, 2020.

STATE OF MISSOURI
JIM HERRE
NUMBER S-2000147864
PROFESSIONAL LAND SURVEYOR



Location Sketch
Section 23, Township 28–N, Range 33–W
Not to Scale

Survey Description: Tract 2

A tract of land in the Northwest Quarter of the Southeast Quarter of Section 23, Township 28 North, Range 33 West, as shown in a Deed in Book 2399 at Page 10 in the Jasper County Recorder's Office in Carthage, Missouri and being more particularly described as follows:

All of the South Half of Lot 3 and the North 44.00' of Lot 4 in Midway Gardens, as shown in Plat Book 3 at Page 196. Containing 3.04 acres, more or less, and subject to any easements, covenants, restrictions, or rights–of–way of record.
This description prepared by Jim Herre, PLS MO 2000147864, on October 5, 2020.

Survey Description: Tract 1

A tract of land in the Northwest Quarter of the Southeast Quarter of Section 23, Township 28 North, Range 33 West, as shown in a Deed in Book 2399 at Page 10 in the Jasper County Recorder's Office in Carthage, Missouri and being more particularly described as follows:

All of Lot 4 in Midway Gardens, as shown in Plat Book 3 at Page 196 EXCEPT: The North 44.00' therof. Containing 4.15 acres, more or less, and subject to any easements, covenants, restrictions, or rights–of–way of record.
This description prepared by Jim Herre, PLS MO 2000147864, on October 5, 2020.

Jim Herre, P.L.S. 2000147864

Drawing No.: JH–20–104

Alan and Janet Bemo
Midway Gardens South 1/2 Lot 3 and all of Lot 4
Section 23
Township 28–North, Range 33–West
Jasper County, Missouri

Surveyed by:
Indian Creek Surveying, L.L.C.
P.O. Box 4246
Joplin, Missouri 64803–4246
Phone: 417–291–3297
MO COA 2005036742

Drawn by: TW	Date: 9–30–2020
Field by: TW	Fld Bk: ICS
Checked by: JH	Job No.: 2020–104

CB 2021-760

P & Z Case 009-21
Alan Bemo
(P & Z Recommended Approval)

COUNCIL BILL NO. 2021-260 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 M-1-PD and including in District R-1 property as described below and known as 4307 Swede Ln., 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 R-1:

A tract of land in the Northwest Quarter of the Southeast Quarter of Section 23, Township 28 North, Range 33 West, as shown in a Deed in Book 2399 at Page 10 in the Jasper County Recorder's Office in Carthage, Missouri and being more particularly described as follows: All of the South Half of Lot 3 and the North 44.00' of Lot 4 in Midway Gardens, as shown in Plat Book 3 at Page 196. Containing 3.04 acres, more or less, and subject to any easements, covenants, restrictions, or rights-of-ways 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_____, 2021, by a vote of _____.

_____
Ryan D. Stanley, Mayor

ATTEST:

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney