CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2019- 258 -Rezone to C-3 (Commercial).

MEETING DATE:
March 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 010-19: 715 S. Harlem Avenue – A request to rezone from Single Family Residential District (R1) to Commercial District (C3) for the expansion of O'Reilly's Auto Parts – O'Reilly Auto Part.

BACKGROUND:
This property is a small lot that abuts a commercial business. The current use restricts the neighboring business from expanding the number of customers it serves.

Rezoning will positively affect neighboring properties. This is because there isn't currently a fence or other buffering methods that separate the commercial business from the residential homes. That's because this business existed at that location before the current zoning code was adopted, and the old requirements were grandfathered in.

O'Reilly Auto Parts is located on the adjacent lot, immediately north of the property to be rezoned. If this property is rezoned, O'Reilly plans to purchase that lot in order to expand the store 20 feet. The new addition will be used for parts storage.

PLANNING & ZONING COMMISSION TESTIMONY:
Wayne Stevenson, Andersen Engineering, 811 E 3rd Street, Joplin, MO. He is representing O'Reilly's Auto Parts for rezoning. It is located on West 7th Street, close to Maiden Lane. They would like to expand into the lot directly behind the store. They are in the process of acquiring the property. Eventually, they will be expanding the building to the south and comply with all screening requirements. There is residential behind the building. There will be a privacy fence and we will try to leave the mature trees.

Mr. Ramsour stated that there is a fence currently between the current O'Reilly's and the house. Will there be a new fence?

Mr. Stevenson stated there would be.

Mrs. Steele wanted to know if this is just for additional parking at this time?

Mr. Stevenson stated that it is a building expansion, roughly a 40-foot expansion behind the building. It will match the building that is there now as far as façade and looks.

Mr. Cortez asked if there has been communication with the residents around this area?

Mr. Stevenson stated that his experience with O'Reilly's when they have a situation like this is they hold the agreement from the tenant. O'Reilly's will hold that lease with that tenant.

Mr. Cortez asked about green space requirement, is there one here?

Mr. Bolander stated that the only green space will be the setbacks between the building and the south property line.

PUBLIC COMMENT;
Mr. Charles Obermann, 4314 W 25th Place, Joplin, MO. I am the owner of 718 Porter, which is right behind 715 Harlem across the alley. Asking Anderson Engineering if they anticipate extra traffic going down the alley?

Mr. Stevenson stated he didn't think so.

Mr. Obermann stated that he would be in favor of the rezone for the expansion

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

RECOMMENDATION:
Staff recommends approval of Case 010-19.

ATTACHMENTS
CB 2019- 258, Staff Planning Report, P&Z Commission Minutes

CB 2019-258

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Mr. Ramsour stated that there is a fence currently between the current O'Reilly's and the house. Will there be a new fence?

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Mr. Stevenson stated that it is a building expansion, roughly a 40-foot expansion behind the building. It will match the building that is there now as far as façade and looks.

Mr. Cortez asked if this match will be similar to the expansion O'Reilly's did on Range Line Rd?

Mr. Stevenson stated that it will be similar, except without the expensive wall.

Mr. Ramsour asked Staff that along 7th Street you have a few commercial buildings then residential, then commercial, then residential. After the tornado the City had a whole new plan for 20th Street. What is the situation with 7th Street with the combination of commercial and residential?

Mr. Bolander stated that 20th Street is a corridor in transition. Typically, we try to protect the homes, it was about Delaware east to Range Line Rd. The plan for that corridor was redone and recommends commercial. As far as the 7th Street corridor you will find a mix. You will find older neighborhoods. We try to protect those areas but if a request comes in we do look at that carefully.

Mr. Cortez wanted to know about the property that O'Reilly's is in the process of acquiring appears to be vacant. Is it vacant?

Mr. Stevenson stated he believed so.

Mr. Cortez asked if there has been communication with the residents around this area?

Mr. Stevenson stated that his experience with O'Reilly's when they have a situation like this is they hold the agreement from the tenant. O'Reilly's will hold that lease with that tenant.

Mr. Cortez asked about green space requirement, is there one here?

Mr. Bolander stated that the only green space will be the setbacks between the building and the south property line.

Mr. Cortez asked if there were any other questions for Anderson Engineering or staff? There were not.

Mr. Cortez asked if there was anyone else to speak in favor of this case?

Mr. Charles Oberman, 4314 W 25th Place, Joplin, MO. I am the owner of 718 Porter, which is right behind 715 Harlem across the alley. Asking Anderson Engineering if they anticipate extra traffic going down the alley?

Mr. Stevenson stated he didn't think so.

Mr. Oberman stated that he would be in favor of the rezone for the expansion.

Mr. Cortez asked if there was anyone else to speak in favor of this case? There was not. Is there anyone to speak in opposition of this case? There was not.

MRS. BRUCKNER-SEARS MOVED, SECONDED BY MRS. STEELE TO APPROVE CASE 010-19, 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: February 11, 2019
City Council Meeting: March 4, 2019

STAFF PLANNING REPORT
Rezoning

CASE 010-19 A request to rezone from R-1 (Single Family Residential) to C-3 (Commercial District)

LOCATION 715 S. Harlem Avenue

APPLICANT O'Reilly Auto Parts

EXISTING CONDITIONS

Zoning	Land Use	Property Size
R-1	Residential	0.17 acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	C-3	R-1	R-1	C-3
Land Use	Commercial	Single-Family Residential	Single-Family Residential	Commercial

FUTURE LAND USE

Joplin's Future Land Use Map shows this lot as Low-Density Residential.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
Harlem Avenue	Secondary	60'

UTILITIES Utilities do not need to be extended to this property.

FLOOD PLAIN N/A

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

Although this property currently has a residential zoning, it borders commercial properties that are located along a Planned Corridor. The Comprehensive Plan shows this property to continue being a residential lot. However, the Comprehensive Plan does not take into account the potential need for businesses to expand their stores along 7th Street. The Future Land Use Map generally shows commercially zoned properties along the 7th Street Planned Corridor to extend further south than this lot is located. It is justifiable to rezone this property to make it consistent with the development practices of the entire 7th Street Planned Corridor. Therefore, it would be consistent with the Comprehensive Plan to permit this rezoning.

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

This property is a small lot that abuts a commercial business. The current use restricts the neighboring business from expanding the number of customers it serves.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

Rezoning will positively affect neighboring properties. This is because there isn't currently a fence or other buffering methods that separate the commercial business from the residential homes. That's because this business existed at that location before the current zoning code was adopted, and the old requirements were grandfathered in. However, if this property is rezoned, and the business expands their store onto the lot in question, the new buffer requirements will be met on the building plans. This will involve a solid 6-foot fence with landscaping. The surrounding neighborhood will be screened better than it currently is. Staff has already discussed these items with the engineer for the expansion of O'Reilly.

DISCUSSION

O'Reilly Auto Parts is located on the adjacent lot, immediately north of the property to be rezoned. If this property is rezoned, O'Reilly plans to purchase that lot in order to expand the store 20 feet. The new addition will be used for parts storage.

Staff recommends approval of Case 010-19.

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.:
Filing Fee: $500.00
Date Advertised:
Date Notices Sent:
P&Z Date:
City Council Date:

APPLICANT: Anderson Engineering INC. PHONE: 417-866-2741
ADDRESS: 2045 West Woodland, Springfield, MO ZIP: 65807
EMAIL: Ashaw@andersonengineeringinc.com
OWNER: Allison Anne Wilkins PHONE: 479-359-0050
ADDRESS: 11586 Cedar Drive Garfield, Arkansas ZIP: 72732
EMAIL: allifm@yahoo.com
LOCATION OF PROPERTY: 715 South Harlem Avenue Joplin, Mo 64801
LEGAL DESCRIPTION: The following described real estate situated in the county of Jasper, state of Missouri, to-it, all of lot number ninety-two (92) in Empire and INC company's first addition to the city of Joplin, Jasper County, Missouri.
Present Zoning Residential Requested Zoning: Commercial Acreage: 0.17
Present Use of Property: A residential house is located on the property.
Proposed Use of Property: Building addition from existing O'Reilly Auto parts

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	O'Reilly Auto Parts	Commercial
South	House	Residential
East	House	Residential
West	Family Dollar	Commercial

CHARACTER OF THE NEIGHBORHOOD: The neighborhood is partially commercial and partially residential.

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: No

CONFORMANCE WITH COMPREHENSIVE PLAN:

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

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: W. 7th St. , S. Harlem Ave.
2. Classification of Street(s):
   Arterial Urban (7th) Collector Urban (Harlem) Local N/A
3. Right-of-Way Width: 50'R/W
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? 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: N/A

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

N/A

SIGNATURE: Allison A. Wilkins DATE: 12/6/18

BY: Allison Anne Wilkins

TITLE: Owner



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P & Z Case 010-19
O'Reilly Auto Part
(P & Z Recommended Approval)

COUNCIL BILL NO. 2019-258 ORDINANCE NO.

AN ORDINANCE approving 715 S. Harlem Avenue to include in District C-3 (Commercial District), 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 LOT NUMBER NINETY-TWO (92) IN EMPIRE AND INC COMPANY'S FIRST ADDITION TO THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI.

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