CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2024-257 – Rezoning

MEETING DATE:
March 4, 2024

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
Assistant City Manager – Tony Robyn
City Manager – Nicholas Edwards

FUNDING SOURCE:
These payments are included in the FY2024 budget of the Community Planning Fund.

SUMMARY REQUEST:
Case 008-24: SW Corner of 20th and Prosperity Ave – Rezoning – A request to rezone from District C-3 (Commercial) to District M-2 (Heavy Industrial) – Joel Standeford

BACKGROUND:
The Future Land Use Map identifies this area as Retail Commercial. While Heavy Industrial is not compatible with Retail Commercial, City staff has also taken into consideration the existing characteristics of the area. South of I-44, the Future Land Use Map designates property along Prigmor as Future Industrial. Industrial traffic travels along I-44 and Prigmor to and from the Industrial Park and utilizes 20th St as an exit off the roundabout. This right-of-way along this property already collects some of that traffic. Furthermore, the existing uses are mixed both in and outside of the City. North of this site, there is a law office. Just north of this along prosperity, a contracting company utilizes this area for outdoor storage of building materials and equipment, along with metal storage buildings. Outdoor storage is the primary use of the property, which is a heavy industrial use. This property was annexed into the City and is still zoned as R-1 and continues as legally non-conforming.

While C-3 is a permitted commercial use, M-2 will allow for a higher utilization of the property. For instance, as a contractor's office, outdoor storage is permitted in C-3, but only as an accessory use. Rezoning to M-2 will allow more flexibility in terms of utilization of outdoor storage, similar to the site north of the law office on prosperity. The zoning district change will also allow for more flexibility in materials. Utilization of metal as a primary building material is consistent with the many of the buildings in the area now.

With the limited ROW width, Public Works has expressed concerns regarding potential truck traffic from more intensive, heavy industrial uses. The City Transportation Engineer has stated that the County and Duenweg will need to consent to truck traffic along 20th (East of Prosperity) when the developer proceeds with future projects. Furthermore, Public Works will want to see signs posted along the ROW directing truck traffic back East towards the Highway, so that they do not proceed West of the intersection of 20th and Prosperity.

The site is not within one hundred feet of an existing sanitary sewer main.

PLANNING & ZONING COMMISSION TESTIMONY:

Mr. Standeford represented the case. He stated that they are seeking to develop a contractor's office and storage units. Mr. Bellairs clarified that the "storage units" were in fact storage for semi-truck trailers and parking. Mr. Bellairs stated that the M-2 District would allow for greater utilization of the property. The applicant would be permitted to operate the stow and go truck storage, along with using more of the property for outdoor storage as a contractor's office. M-2 was also more permissive in regard to building materials.

Mr. Kimble asked Mr. Standeford if they would expect to store any vehicles besides semi-trucks. Mr. Standeford replied that they would anticipate storing 5th wheels and R.V.'s as well. Ms. Phillips asked if utilities were in place. Mr. Standeford stated that the sewer was 1000 feet East, and the sewer extension would cost about 1,000,000 dollars. Ms. Phillips asked if he needed a permit from DNR first. Mr. Bellairs responded that the decision of the commission should focus on the use, and that site development details exceed the scope of this case.

Ms. Warren asked if contractors would be able to access the units at any time. Mr. Standeford stated it would be gated and could only be accessed by a key code. Ms. Warren stated she wanted to know if it would be accessible at 2:00 a.m. Mr. Standeford they could if the clients wished to access their property, but that it would not be common.

PUBLIC COMMENT;

Mr. Max Myers stated that he was concerned with the M-2 zoning request, as that would allow manufacturing. Ms. Debbie Heitzman stated that she was concerned with how the request would affect her taxes on the property. Mr. Kimble asked Mr. Bellairs for a response. Mr. Bellairs stated that there are a lot of things that can affect that, like being in or out of the City. He stated he could not say how property assessments would be affected, as he was not a tax assessor. Mr. Bellairs stated that if someone has questions about how this would affect their tax assessment, they will need to speak to the Jasper County Assessor's Office.

Ms. Heitzman stated she was concerned with the development of the neighboring property affecting her well water. Mr. Bellairs stated that new development would have to utilize septic and well water, as utilities are not in place. He stated he did not think that the neighbor utilizing well, or septic would affect the Ms. Heitzman, but that she could reach out to DNR to be sure.

RECOMMENDATIONS:

Staff recommends approval for Council Bill 2024-257

Planning & Zoning Commission recommends approval for Case 008-24 (4 in Favor, 0 Opposed, 3 Absent)

ATTACHMENTS

Staff Planning Report
P&Z Commission Minutes
Applicant Materials
Map

Case 008-24: Rezoning

SW Corner of 20th and Prosperity-Rezoning-A request to rezone from C-3 (Commercial) to M-2 (Heavy Industrial)-Joel Standeford

Joel Standeford, 4612 E. Farm Rd 144, Springfield, Missouri. Mr. Standeford stated he would like to rezone this property so he could put in his lawn care and construction company on the top right corner of the diagram. They would build a 12,000 square foot warehouse. There would not be anything heavy industrial but on the southwest section having the M-2 rezoning would allow them to do storage units. They are looking at semi-truck parking, but they do not know if that would be a viable option yet. If the rezoning was M-2 then they could put storage units on the backside. Currently that property is pretty worthless because there is no sewer there. He stated you really could not build any housing there and nobody wants to live in that ditch off a highway. The goal would be to create some sort of storage facility on the southwest corner which is just over eight acres. On the northeast section there would be a pond on that east side and then they would probably put four warehouses through there where companies could come in and operate. He would probably take the northeast section that would be Clean Cut Constructions headquarters but no heavy industrial. He said the reason they requested M-2 instead of C-1, C-2 or C-3 was because you could not build storage units on that. You must have industrialization.

Mr. Bellairs stated the M-2 zoning district was for the potential of semi-trucks storage and parking. That was what Mr. Standeford was referring to when he spoke of storage units not commercial storage. He also mentioned a contractor's office. The M-2 zoning district allowed you to utilize more space of your sight as outdoor storage. Whereas if you are working in a C-3 zoning district you are restricted to only a portion of your sight being utilized. This becomes a little more permissive.

Mr. Kimble stated to delve into that question a little deeper, when you say storage units, can you unpack that a little more.

Mr. Standeford stated open storage. He said initially they want to rezone it for semi-truck parking. They would put a 30 ft road from 20th street straight south and then one-off prosperity west. That would give the turn around there. They were doing a market study right now and they do not know if that would be a viable option right now. The build out on that would be over one million dollars. If they know they could not get the traffic they would not proceed. But the M-2 would allow the open storage which is popular right now.

Mr. Kimble asked beside semi-trucks what would you anticipate if you went that direction also to be stored in that area.

Mr. Standeford stated 5th wheels and R.V.'s. You could rent it to electrical companies or any of these companies that just need space to store their trucks.

Mr. Kimble asked if there were any questions from the Commission on Case 008-24.

Ms. Phillips asked for clarification on the paperwork that was given to the Commission.

She stated there might be a contractor's office and then further up it stated City utilities were in place. So, she assumed that was sewer.

Mr. Standeford stated the sewer was 1000 feet to the east and 1000 feet of sewer was about a million bucks.

Ms. Phillips asked if he needed a permit from DNR first.

Mr. Bellairs stated that nothing from this case would be specific to site development questions. They were really just concerned about what was the highest and best use of this property. There have not been any site plans or development plans submitted at this time. This is what he would be allowed to do if the property was rezoned to M-2.

Ms. Phillips stated okay.

Mr. Kimble asked if there were any further questions from the Commission on Case 008-24.

Ms. Warren asked if contractors would be able to access the storage units any time or would there be time restrictions.

Mr. Standeford stated it would be gated so you could only access with a key code. It would have a modern entry system. He asked if that answered the question.

Ms. Warren stated she was asking if they could come in at 2:00 a.m.

Mr. Standeford said no. He stated he guessed they could if they needed their stuff or something like that. It would be very uncommon.

Mr. Kimble asked if there were any further questions from the Commission on Case 008-24.

There were none.

Mr. Kimble asked if there was any one to speak in favor of Case 008-24.

There were none.

Mr. Kimble asked if there was any one to speak in opposition of Case 008-24.

Max Myers, 5161 Cameo Lane, Joplin, Missouri stated M-2 covered a lot of manufacturing and industrial. So, even though it was presented as a parking lot it could be a cement plant. He said something like that could be a concern for folks who live in that particular neighborhood. He stated he seemed like a fairly broad rezoning. He said the intended use is not necessarily the use it would be put to, and he had a concern with that.

Debbie Heitzman, 5161 Cameo Lane, Joplin, Missouri stated she was concerned if the property was rezoned what that would do to her taxes.

Mr. Kimble asked Mr. Bellairs if he was able to speak to that at all.

Mr. Bellairs stated that was a common concern and there were a lot of things to be considered. He said being in or out of the City affects that. He stated he could not speak to that question with 100% certainty. He was not a tax assessor.

Mr. Kimble asked Mr. Bellairs if she would like to take her concerns to someone else at the City who would it be that she could chat with to ask those questions.

Mr. Bellairs asked about property taxes.

Mr. Kimble said yes.

Mr. Bellairs stated he believed it would be the County.

Ms. Heitzman stated she had a question. She said she was on rural water and with them building right there would that affect her well any. Does anyone know.

Ms. Phillips asked if the site development looked at all surrounding properties.

Mr. Bellairs said the development of their property that would be what they would utilize when they came in to develop this area, is well water and septic. He stated as

they have covered already, they are not within 100 feet of an existing sanitary sewer. He stated he guessed if she had questions, she could reach out to DNR to see if that would impact her sight. He does not imagine it would.

Ms. Heitzman stated okay and thank you.

Mr. Kimble asked if there was any one else to speak in opposition of Case 008-24.

MR. MCCULLOUGH MOVED THAT CASE 008-24 BE APPROVED AND FORWARDED TO THE CITY COUNCIL FOR APPROVAL. MS. PHILLIPS SECONDED THE MOTION. MOTION CARRIED. (4 IN FAVOR, 0 NAY, 3 ABSENT).

Z&P Meeting: February 12, 2024
City Council Meeting: March 4, 2024

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

STAFF PLANNING REPORT
Rezoning

CASE 008-24 A request to rezone from District C-3 (Commercial) to District M-2 (Heavy Industrial)

LOCATION SW Corner of 20th and Prosperity

APPLICANT Joel Standeford

EXISTING CONDITIONS

Zoning	Land Use	Property Size
C-3	Vacant	Approximately 18 Acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	R-1	Outside City Limits	Outside City Limits	C-3
Land Use	Office/Outdoor Storage/Storage&Warehousing	Vacant	Multi-Family Residential	Office

FUTURE LAND USE

The property is identified as Future Retail Commercial on the Future Land Use Map.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
E 20th St	Collector	40′
S Prosperity Ave	Local	40′

UTILITIES

With the limited ROW width, Public Works has expressed concerns regarding potential truck traffic from more intensive, heavy industrial uses. The City Transportation Engineer has stated that the County and Duenweg will need to consent to truck traffic along 20th (East of Prosperity) when the developer proceeds with future projects. Furthermore, Public Works will want to see signs posted along the ROW directing truck traffic back East towards the Highway, so that they do not proceed West of the intersection of 20th and Prosperity.

The site is not within one hundred feet of an existing sanitary sewer main.

FLOOD PLAIN

This property is not in the flood plain.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

The Future Land Use Map identifies this area as Retail Commercial. While Heavy Industrial is not compatible with Retail Commercial, City staff has also taken into consideration the existing characteristics of the area. South of I-44, the Future Land Use Map designates property along Prigmor as Future Industrial. Industrial traffic travels along I-44 and Prigmor to and from the Industrial Park and utilizes 20th St as an exit off the roundabout. This right-of-way along this property already sees some of that traffic. Furthermore, the existing uses are mixed both in and outside of the City. North of this site, there is a law office. Just north of this along Prosperity, a contracting company utilizes this area for outdoor storage of building materials and equipment, along with metal storage buildings. Outdoor storage is the primary use of the property, which is a heavy industrial use. This property was annexed into the City and is still zoned as R-1 and continues as legally non-conforming.

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

While C-3 is a permitted commercial use, M-2 will allow for a higher utilization of the property. For instance, as a contractor's office, outdoor storage is permitted in C-3, but only as an accessory use. Rezoning to M-2 will allow more flexibility in terms of utilization of outdoor storage, similar to the site north of the law office on prosperity. The zoning district change will also allow for more flexibility in materials. Utilization of metal as a primary building material is consistent with many of the buildings in the area now.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

As mentioned, there is existing property in this area that would only be permitted in an M-2 zoned district. The existing conditions of this area are mix of uses that would be considered commercial, high-density residential, and industrial.

DISCUSSION

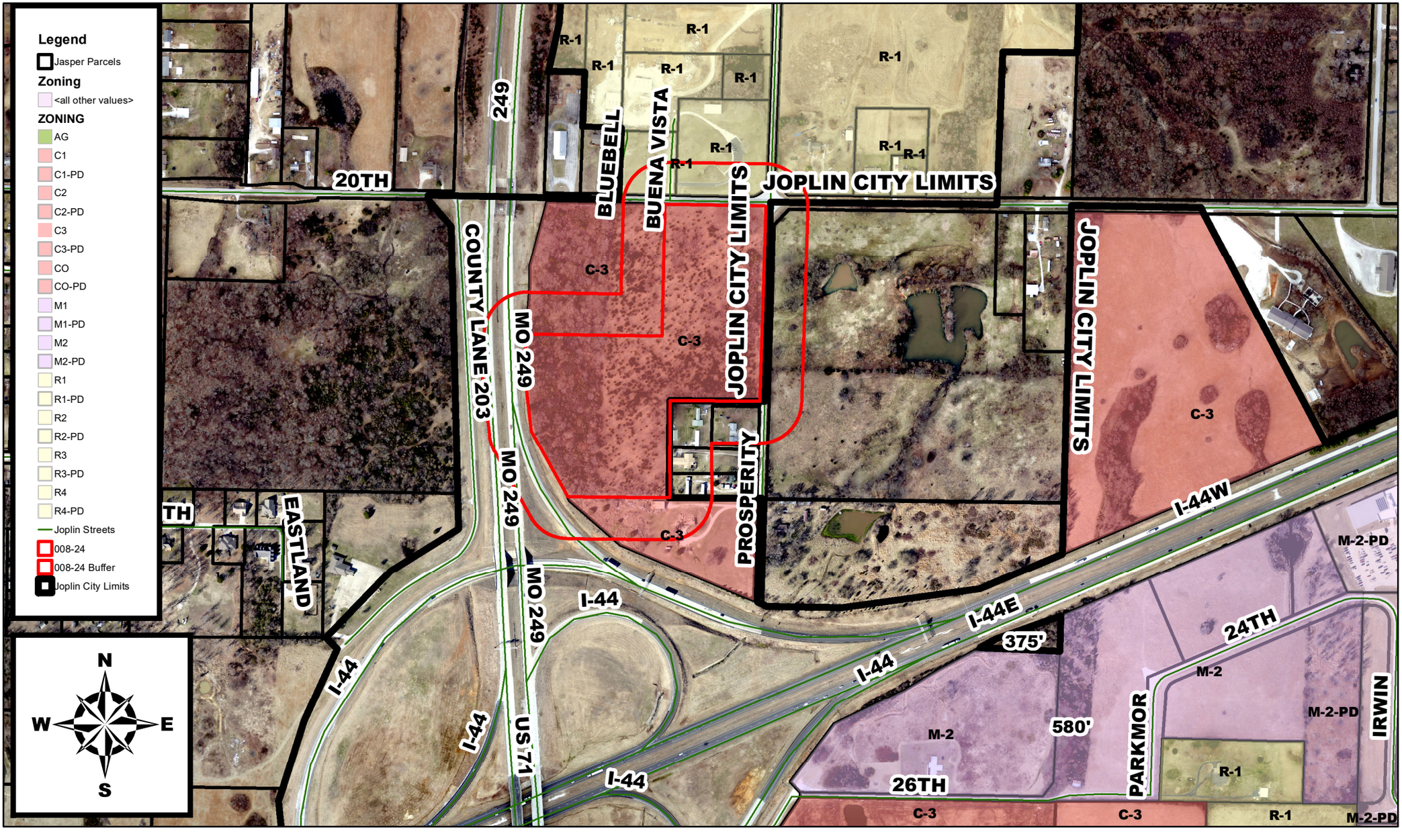
The applicant is requesting this use change to allow for more flexibility in terms of allowable uses and conditions of the use such as building design. Since 20th Street narrows as it continues West, the owner will need to account for the traffic concerns when they go to develop the property. With existing uses in consideration, this is the highest and best use for the subject property.

Staff recommends approval of Case 008-24.

ENCLOSURES

- Map of property
- Application

Case 008-24: Rezoning



0 185 370 740 1,110 1,480 Feet

SW Corner of 20th and Prosperity - Rezoning - A request to rezone from C-3 (Commercial) to M-2 (Heavy Industrial) - Joel Standeford

Rezoning Application

Return Form to:
Planner
Joplin City Hall
602 S. Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 1511
Zoning-Planning@JoplinMO.org

Office Use Only
Case No.: 008-24
Filing Fee: $600.00
Received: V 8/24
Date Advertised:
Proj. No.: 24-025
Public Hearing Date: 2/12/24

Applicant: JOEL STANDEFORD Phone No.: 417-438-6081
Address: 423 E. 4TH ST. SUITE #1 JOPLIN MO 64801 Email: joelstandeford24@gmail.com
Owner: ↑ ↑ ↑ Phone No.: ↑ ↑ ↑
Address: Email:
Location of Property: 20TH & PROSPERITY
Present Use of Property: VACANT LAND
Proposed Use of Property: WAREHOUSE & TRUCK / SEMI TRUCK PARKING
Current Zoning: C3 Requested Zoning: M2

Surrounding Land Use and Zoning:

	Land Use	Zoning
North	OFFICES	C3
South	HIGHWAY	C3
East	AGRICULTURE / RENTAL HOUSE	C3
West	HIGHWAY	C3

Character of the Neighborhood: VERY SPARSE

Relationship to Existing Zoning Pattern:

Yes	No	
☐	☒	Would proposed change create a small, isolated district unrelated to surrounding districts?
☒	☐	Are there substantial reasons why the property cannot be used in accord with existing zoning?

If yes, explain: No Sewer

Conformance with Comprehensive Plan:

Yes	No	
☒	☐	Consistent with Development Policies?
☒	☐	Consistent with Future Land Use Map?

Traffic Conditions:

Yes	No	
☐	☒	Will turning movements caused by the proposed use create an undue traffic hazard?

Street(s) with Access to Property: 20TH St. & Prosperity

Classification of Street(s):

Arterial ☐ Collector ☒ Local ☐

Right-of-Way Width: 25'

Subdivision Platting:

Yes	No	
☐	☒	Is platting required?
☒	☐	Are lots appropriately sized?
☒	☐	Is street right-of-way appropriately sized?

☒ ☐ Are drainage and utility easements adequately sized and provided?

Additional Platting Comments: _____

_____

_____

Unique Characteristic of Property and/or Additional Comment:

_____

_____

_____

Submission of Documents: The following documents are **required** at time of submission.

Yes	No	
☒	☐	Completed and signed application.
☐	☐	One copy of a legal description of the property proposed to be rezoned from a deed or certified survey. Must be legible.
☐	☐	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.
☐	☐	Owner Affidavit and Agent Affidavit, if applicant applying for the rezoning is not the owner of the property be rezoned.

Applications that are incomplete or missing required documents will not be processed or scheduled on an agenda to the Planning & Zoning Commission until corrected and resubmitted.

Signature: _____ **Date:** 1-2-24

STATE OF OKLAHOMA)
) ss.
COUNTY OF DELEWARE)

OWNERSHIP AFFIDAVIT AND CONSENT TO VACATION

Comes now Business Investments (Property Owner) who, being duly sworn upon his/her oath, does state that he/she is the owner of the property described as _____

_____

(legal description) more commonly known as -3209 CT. I, Business Investments, Marilyn Ruestman, MEMBER (Property Owner) hereby give consent for the vacation of the _____ (type of easement/ROW) that runs through or abuts my property and is the subject of Planning & Zoning Case Number _____.

Date: 1-9-2024

Marilyn Ruestman, Member
Signature of Owner(s)

MARILYN RUESTMAN
Printed Name(s)

In witness whereof I have hereunto subscribed my name and affixed my official seal this 9TH day of JANUARY, 2024.

CANDI DOLLARD
Notary Public - State of Oklahoma
Commission Number 23001837
My Commission Expires Feb 7, 2027

Candi Dollard
Notary

My commission expires: FEB 07, 2027

P & Z Case 008-24
Joel Standeford
(P & Z Recommended Approval)

COUNCIL BILL NO. 2024-257 ORDINANCE NO.

AN ORDINANCE amending Ordinance No. 2022-274, passed by the Council of the City of Joplin, Missouri, August 1, 2022, by removing from District C-3 (Commercial) to District M-2 (Heavy Industrial) property as described below and located at the SW Corner of 20th and Prosperity Ave.

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. 2022-274 is hereby amended by removing from District C-3 (Commercial) the following described property and including in District M-2 (Heavy Industrial).

A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 27, RANGE 32, IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION, THENCE NORTH 89 DEGREES 02 MINUTES 28 SECONDS WEST ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 415.59 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING ALONG SAID SOUTH LINE NORTH 89 DEGREES 02 MINUTES 28 SECONDS WEST 429.56 FEET TO THE EASTERLY RIGHT-OF-WAY OF MISSOURI STATE HIGHWAY 249, THENCE ALONG SAID EASTERLY RIGHT-OF-WAY NORTH 30 DEGREES 05 MINUTES 47 SECONDS WEST 285.95 FEET, THENCE CONTINUING ALONG SAID RIGHT-OF-WAY NORTH 03 DEGREES 31 MINUTES 55 SECONDS EAST 298.75 FEET, THENCE CONTINUING ALONG SAID RIGHT-OF-WAY NORTH 02 DEGREES 52 MINUTES 53 SECONDS EAST 172.76 FEET, THENCE SOUTH 89 DEGREES 04 MINUTES 09 SECONDS EAST 602.52 FEET, THENCE NORTH 01 DEGREES 42 MINUTES 09 SECONDS EAST 566.68 FEET, TO THE SOUTHERLY RIGHT-OF-WAY OF EAST 20TH STREET, THENCE ALONG SAID SOUTH RIGHT-OF-WAY SOUTH 88 DEGREES 56 MINUTES 19 SECONDS EAST 337.02 FEET TO THE WESTERLY RIGHT-OF-WAY OF PROSPERITY ROAD, THENCE ALONG SAID WESTERLY RIGHT-OF-WAY SOUTH 36 DEGREES 41 MINUTES 57 SECONDS EAST 88.54 FEET, THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY SOUTH 01 DEGREES 42 MINUTES 09 SECONDS WEST 796.00 FEET, NORTH 89 DEGREES 04 MINUTES 09 SECONDS WEST 391.00 FEET, THENCE SOUTH 01 DEGREES 38 MINUTES 49 SECONDS WEST 415.79 FEET TO THE POINT OF BEGINNING, EXCEPT ANY PART TAKEN OR DEEDED FOR ROAD RIGHT-OF-WAY ALONG THE NORTH, EAST AND WEST SIDES 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_____, 2024, by a vote of _____.

_____
Douglas W. Lawson, Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney