CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2023-253 – Zoning District Change

MEETING DATE:
March 6, 2023

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 FY2023 budget of the Community Planning Fund.

SUMMARY REQUEST:
Case 001-23: Rezoning – Property located approximately 200 feet East of the intersection of S. Maiden Ln. and W. 2nd St, South of W. 2nd St and North of W. 4th St to construct multi-family housing – A request to Rezone from District M-2 (Heavy Industrial) to District R-3 (Apartment House) – Gil Stevens (Representative of the Owner)

BACKGROUND:
This request is consistent with the Comprehensive Plan. The property is shown as industrial on the Future Land Use Map with High Density Residential and Low Density Residential close by. R-3 zoning is appropriate in that context.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Stevens discussed the plans for the subject property. He stated that they plan to construct two to three apartment buildings. There was some confusion about which properties are included.

PUBLIC COMMENT;
There was no public comment in opposition or in favor.

RECOMMENDATIONS:
Staff recommends approval for Council Bill 2023-253
Planning & Zoning Commission recommends approval of Case 001-23 (6 in Favor, 0 Opposed, 1 Absent)

ATTACHMENTS

Staff Planning Report
P&Z Commission Minutes
Applicant Materials
Map

Case 001-23: Rezoning

> Rezoning-Property located approximately 200 feet East of the intersection of S. Maiden Ln. and W. 2nd St, South of W. 2nd St. and North of W. 4th St. to construct multi-family housing- A request to Rezone from District M-2 (Heavy Industrial) to District R-3 (Apartment House)- Gil Stevens (Representative of the Owner)

Gil Stevens, 23 Pheasant Run, Joplin, Missouri. He stated he believed the Board had been provided proposed maps showing all ownership of the land in the area as per the request on the application. He stated M-2 to R-3 is a highly improved zoning and a pretty good asset. He stated there would be 3-4 buildings that would be built on the location, three story apartments. He stated he represented the owner, and he is not the owner. He stated in anticipation of this being improved the land had now been surveyed. He stated he noticed the stakes yesterday when he was by the property.

Mr. Kimble asked if there were any questions from the Commission on Case 001-23.

Ms. Steele stated that in addition to this being rezoned the little cut out area, just a small little lot on 4th St., she asked if the owner had control over that. She stated the M-2 on 4th St. along the area where the Barbershop is located.

Mr. Stevens stated he believed they did own the section there. He stated he could not verify the location of stakes on 4th St. He stated that was the rendering, it was not a survey, but it was a Beacon rendering of the property. He stated it was very similar to what was on the screen.

Mr. Bolander stated just for clarification he did not believe that was part of the request. He stated he thought the map that was submitted showed a hair salon owned by another party.

Ms. Steele asked if the zoning would remain the same.

Mr. Bolander stated yes. It was a commercial use, so it is not in the appropriate zoning right now. He stated it was a grandfathered use.

Mr. Jackson stated in terms of the apartment development would this be a subsidized housing or low-income housing.

Mr. Stevens stated no, market rent.

Ms. Phillips asked what the plan for the stream that goes through there. Will it be daylighted, will it be put under a conduit. What were the plans.

Mr. Bolander stated they had not seen anything yet. He stated he could not give her an answer. He stated he did not know if it would be buried or piped. He stated he thought right now it would remain open and build around it.

Mr. Stevens stated if there were any requests that would be handled at time of permitting.

Mr. Bolander stated it was not required that it be piped. He stated it is quite expensive and he was sure they would go over it in the pre-development meeting.

Mr. Kimble asked if there were any questions from the Commission on Case 001-23.

There were none.

Mr. Kimble asked if anyone wished to speak in favor of Case 001-23.

There were none.

Mr. Kimble asked if anyone wished to speak in opposition of Case 001-23.

There were none.

MR. ROSENBERG MOVED THAT CASE 001-23 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MR. JACKSON SECONDED THE MOTION. MOTION CARRIED. (6 IN FAVOR, 0 NAYS, 1 ABSENT)

Z&P Meeting: February 13, 2023
City Council Meeting: March 6, 2023

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

STAFF PLANNING REPORT
Rezoning

CASE 001-23 A request to rezone from M-2 (Heavy Industrial) to R-3 (Apartment House).

LOCATION Property located approximately 200 feet East of the intersection of S Maiden Ln and W 2nd St, South of W 2nd St and North of W 4th St

APPLICANT Gil Stevens (Representing the Owner, Multi-Family Cartel)

EXISTING CONDITIONS

Zoning	Land Use	Property Size
M-2	Vacant	Approximately 6.2 Acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	M-1/M-2	M-2/R-2	M-2/R-2	M-2/C-3
Land Use	Vacant/Public Works Operations Center and Storage Yard	Vacant	Contractor Equipment Storage Yard	Commercial/Service

FUTURE LAND USE

Joplin's Future Land Use Map shows this property as future Industrial.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
4th St	Collector	60′
Maiden Ln	Arterial	60′
2nd St	Collector	60′

UTILITIES

The property is within one hundred feet of existing utilities, including sewer, water, and electric.

FLOOD PLAIN

This property is not in the flood plain.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

This request is consistent with the Comprehensive Plan. The property is shown as industrial on the Future Land Use Map with High Density Residential and Low Density Residential close by. R-3 zoning is appropriate in that context.

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

To develop apartments, the property will need to be rezoned R-3.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The change in zoning will not be detrimental to nearby property. Properties in the area are C-3, C-O, C-1, R-2, R-3, M-2, and M-1. There is a lot of mixed use in this area.

DISCUSSION

This request to rezone to R-3 is consistent with the existing neighborhood.

Staff recommends approval of Case 001-23.

ENCLOSURES

- Map of property
- Application

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.: 001-23
Filing Fee: $550.00
Received: 12-2-22
Date Advertised:
Proj. No.: 23-029
Public Hearing Date: 1/9/23

Applicant: Giltner B. Stevens Phone No.: 417-437-1061

Address: 23 Pheasant Run Dr. Joplin, MO 64804 Email: gil stevens @ yahoo.com

Owner: Multifamily Cartel Phone No.:

Address: 14604 Tamarack Rd Jasper, MO 64755 Email:

Location of Property: No Physical Address (See Map Attached

Present Use of Property: Vacant Land

Proposed Use of Property: Develop Multifamily Housing

Current Zoning: M-2 Requested Zoning: R-3

Surrounding Land Use and Zoning:

	Land Use	Zoning
North	Vacant Land + City of Joplin	M 2 + M-1
South	Bowling	M 2
East	Vacant Land	R-2
West	Convience Store - Warehous + Bowling	C-3 + M 2

Character of the Neighborhood: Area is mixed with Convience store, warehouses bowling, salon and vacant ground.

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: Current Zoning is M2. This rezoning will be an upgrade. It appears that there has not been any use of the property for the past 40 to 50 years.

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: West 2nd Street & West 4th Street

Classification of Street(s):

Arterial ☐ Collector ☐ Local ☐

Right-of-Way Width: _____

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:

It appears this property would be an improvement for the entire Area. The apartments would provide additional housing for the area and also would provide realestate taxes for Joplin & Jasper County.

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: Walter B. Stevens **Date:** 2 December 2022

STATE OF MISSOURI)
) ss.
COUNTY OF Jasper)

OWNERSHIP AFFIDAVIT AND CONSENT

Comes now Kaleb Marti (Property Owner) who, being duly sworn upon his/her oath, does state that he/she is the owner of the property described as A Method (legal description) more commonly known as _____. I am unable to attend the Joplin Planning and Zoning meeting but would like my comments to be heard by the Commission. I hereby nominate and give consent for Gil Stevens to speak on my behalf and act as my Agent at the meeting in Case Number _____.

Date: 2 Dec 2022

Signature of Owner

Kaleb Marti
Printed Name

In witness whereof I have hereunto subscribed my name and affixed my official seal this 2 day of December, 2022.

Stacy Wilson
Notary

My commission expires: March 5, 2026

STACY WILSON
Notary Public - Notary Seal
Jasper County - State of Missouri
Commission Number 18781734
My Commission Expires Mar 5, 2026

Note: The local legislative body reserves the right to rezone property without the owner's consent for the purpose of promoting health, safety, morals, or the general welfare of the community. The Missouri Revised Statutes Chapter 89 (Zoning and Planning) authorizes this power to the legislative body.)

Web Copy

Recorded in Jasper County, Missouri
Recording Date/Time: 02/07/2022 at 10:15:13 AM
Book: 2629 Page: 27
Instr #: 2022002249
Type: WD
Pages: 2
Fee: $27.00 S

Electronically Recorded

RECORDER OF DEEDS SEAL JASPER COUNTY, MO

Charlotte Pickering
Recorder of Deeds

Corporation Warranty Deed

THIS INDENTURE, Made and entered into this 4th day of Feb, 2022 by and between

R.E.S. Land Company, LLC, a Missouri Limited Liability Company

a corporation duly organized under the laws of the State of Missouri, hereinafter **GRANTOR**, and

Multifamily Cartel LLC, a Missouri Limited Liability Company

hereinafter referred to as **GRANTEE**, whether one or more.

(Grantee's mailing address is 14604 Tamarack Rd Jasper, Mo. 64755

WITNESSETH, that Grantor, for and in consideration of the sum of One Dollar and other valuable considerations paid by Grantee, the receipt of which is hereby acknowledged, does by these presents GRANT, BARGAIN AND SELL, CONVEY AND CONFIRM unto Grantee the following described Real Estate, situated in the County of **Jasper** and State of Missouri, to wit:

Tract 1: A part of MISCELLANEOUS TRACT 36 and a part of MISCELLANEOUS TRACT 39 in Section 3, Township 27, Range 33, in the City of Joplin, Jasper County, Missouri, and a part of Lots Numbered Forty-six (46) through Fifty (50) and a part of Lots Numbered Fifty-one (51) through Fifty-five (55) and a part of a vacated alley lying between said lots, all in GARFIELDS' ADDITION to the City of Joplin, Jasper County, Missouri, according to the recorded plat thereof, being more particularly described as follows: Commencing at the Southeast corner of Miscellaneous Tract 36 in said Section, thence North 87 degrees 58 minutes 39 seconds West along the North line of Fourth Street 175.00 feet to the point of beginning, thence continuing along the North line of said Fourth Street North 87 degrees 58 minutes 39 seconds West 291.05 feet to the East right-of-way line of the St. Louis San Francisco Railroad, thence North 39 degrees 04 minutes 32 seconds West along said East Railroad right-of-way 288.06 feet, thence North 52 degrees 33 minutes 19 seconds East 147.00 feet, thence North 19 degrees 50 minutes 36 seconds East 183.71 feet, thence South 88 degrees 14 minutes 21 seconds East 49.18 feet, thence South 01 degrees 32 minutes 35 seconds West 186.41 feet, thence South 88 degrees 08 minutes 44 seconds East 260.49 feet, thence South 00 degrees 07 minutes 21 seconds West 300.00 feet to the point of beginning.

Tract 2: All of a tract of land described as Commencing at the Southwest corner of the Northwest Quarter of the Southwest Quarter of Section 3, Township 27, Range 33, in the City of Joplin, Jasper County, Missouri, thence North 00 degrees 05 minutes West along the West line of said Quarter Quarter 49.00 feet to the North right-of-way line of Fourth Street, thence East along said line 510.66 feet, thence North 00 degrees 05 minutes West 150.00 feet to the point of beginning, thence North 00 degrees 05 minutes West 211.06 feet, thence West 179.60 feet to the East line of a tract of land (Deed filed in Book 1546 at Page 530), thence North 00 degrees 13 minutes 28 seconds West along said line 125.00 feet to the Northeast corner of said tract, thence North 88 degrees 00 minutes 11 seconds West along the North line of said tract 55.32 feet to the

Charlotte Pickering, Recorder of Deeds

Web Copy

Southeast corner of a tract of land (Deed filed in Book 1433 at Page 1900), thence North 00 degrees 13 minutes 28 seconds West along the East line of said tract 175.01 feet to the South line of Second Street, thence East along said line 388.14 feet to the West line of the Old Frisco Railroad, thence South 41 degrees 23 minutes East along said line 576.56 feet, thence South 226.97 feet to a point on the North line of Fourth Street (said point being 200.00 feet West of the intersection of the North line of Fourth Street and the West line of the Old Frisco Railroad), thence West along the North line of Fourth Street 224.36 feet to the Southeast of a tract of land (Deed filed in Book 1205 at Page 1851), thence North 00 degrees 05 minutes West along the East line of said tract 150.00 feet to the Northeast corner thereof, thence West along the North line of said tract 50.00 feet to the Northwest corner thereof (said point being on the East line of Porter Avenue if produced North), thence South 00 degrees 05 minutes East along said line 150.00 feet to the North line of Fourth Street, thence West along said line 59.64 feet to the Southeast corner of a tract of land (Deed filed in Book 1456 at Page 1786), thence North 00 degrees 05 minutes West along the East line of said tract 150.00 feet to the Northeast corner thereof, thence West along the North line of said tract 200.00 feet to the point of beginning, being a part of of MISCELLANEOUS TRACT 39 in Section 3, Township 27, Range 33, in the City of Joplin, Jasper County, Missouri.

TO HAVE AND TO HOLD THE SAME, together with all rights, immunities, privileges and appurtenances to the same belonging, unto Grantee and unto its successors and assigns forever, the said Grantor hereby covenanting that it is seized of an indefeasible estate in fee in the premises herein conveyed; that it has good right to convey the same; that the said premises are free and clear from any incumbrance done or suffered by it or those under whom it claims; and that Grantor will WARRANT AND DEFEND the title to the premises unto Grantee, and to the successors and assigns of such forever, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has caused these presents to be signed by its Members the day and year first above written.

By: _____
David W. Smith, Vice President

STATE OF MISSOURI)
)ss
COUNTY OF JASPER)

On this 4th day of Feb., 2022 before me, appeared David W. Smith, to me personally known, who being by me duly sworn, did say that he is the Vice President of R.E. Smith Construction Company Member of R.E.S. Land Company, LLC, a Missouri Limited Liability Company and that said instrument was signed in behalf of said Limited Liability Company by authority of its Members and David W. Smith, Vice President acknowledged said instrument to be the free act and deed of said Limited Liability Company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office, the day and year first above written.

AMBER NICOLE BASS
Notary Public - Notary Seal
STATE OF MISSOURI
Jasper County
My Commission Expires Mar. 25, 2023
Commission #15027113

_____
Amber Nicole Bass, Notary Public

My Term Expires: March 25, 2023

Charlotte Pickering, Recorder of Deeds










W 3RD ST
S MCCOY AVE
S MAIDEN LN
W 4TH ST
W 2ND ST
S PORTER AVE
S EMPIRE AVE
S PICHER AVE

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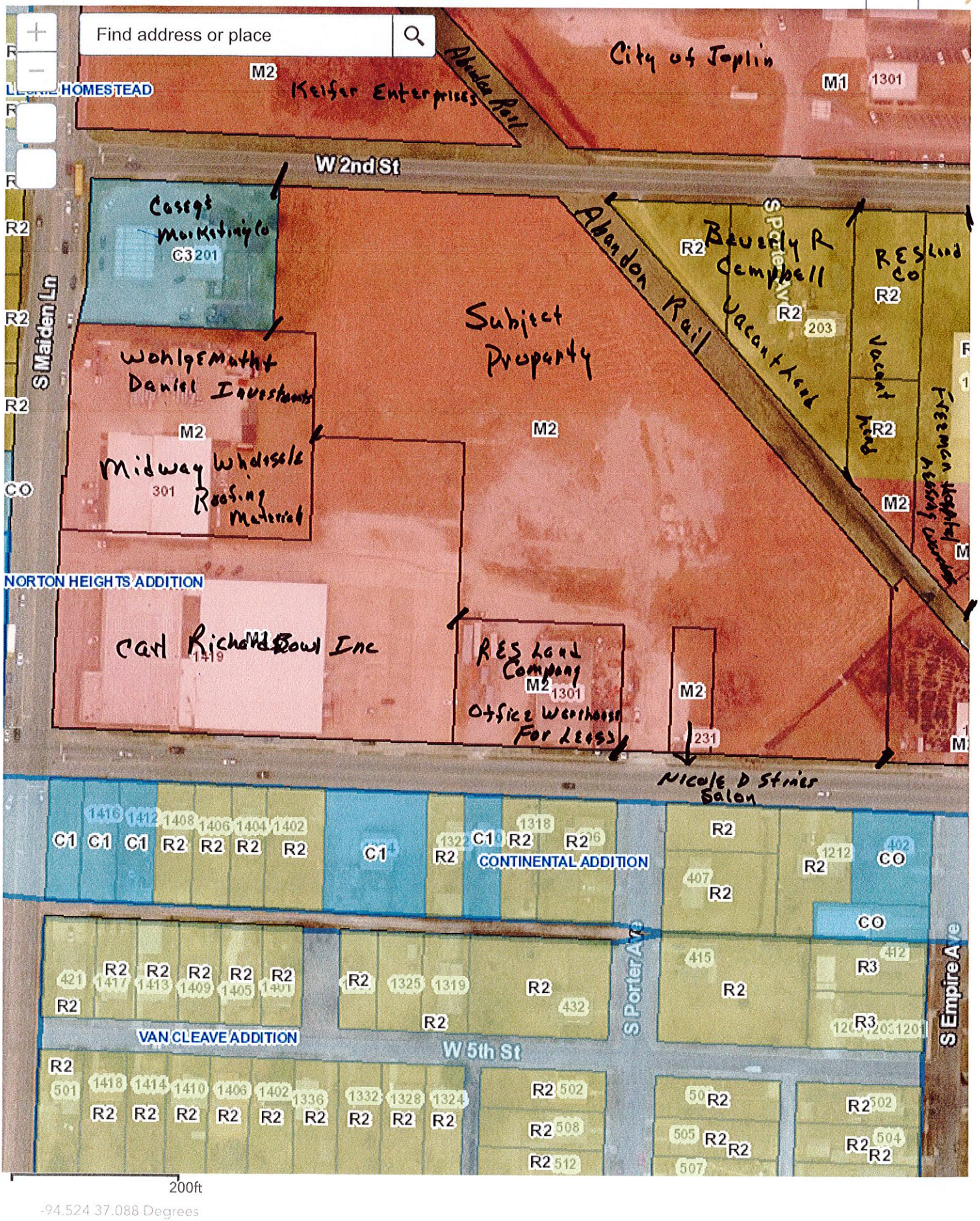
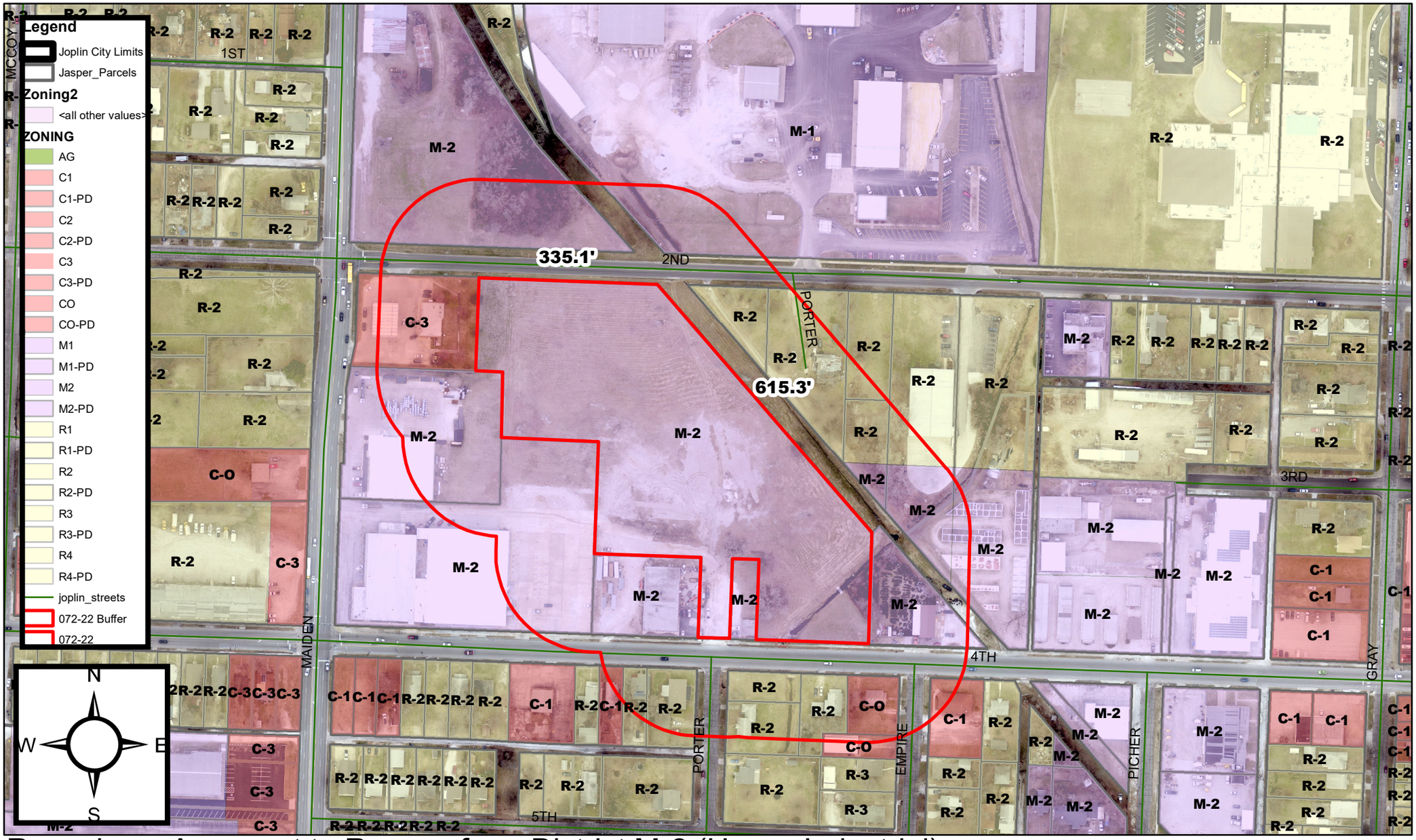
Joplin Local City of Joplin MO



Case 001-23 - Rezoning



Rezoning – A request to Rezone from District M-2 (Heavy Industrial) to District R-3 (Apartment House) for Property located approximately 200 feet East of the intersection of S Maiden Ln and W 2nd St, South of W 2nd St and North of W 4th St to construct multi-family housing – Gil Stevens (Representative of the Owner)

0 90 180 360 540 720 Feet

P & Z Case 001-23
Multifamily Cartel
(P & Z Recommended Approval)

COUNCIL BILL NO. 2023-253 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 M-2 (Heavy Industrial) and including in District R-3 (Apartment House) property as described below and located approximately 200 feet East of the intersection of S. Maiden Ln. and W. 2nd St, South of W. 2nd St and North of W 4th St.

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 M-2 (Heavy Industrial) the following described property and including in District R-3 (Apartment House).

TRACT 2: All of a tract of land described as Commencing at the Southwest corner of the Northwest Quarter of the Southwest Quarter of Section 3, Township 27, Range 33, in the City of Joplin, Jasper County, Missouri, thence North 00 degrees 05 minutes West along the West line of said Quarter Quarter 49.00 feet to the North right-of-way line of Fourth Street, thence East along said line 510.66 feet, thence North 00 degrees 05 minutes West 150.00 feet to the point of beginning, thence North 00 degrees 05 minutes West 211.06 feet, thence West 179.60 feet to the East line of a tract of land (Deed filed in Book 1546 at Page 530), thence North 00 degrees 13 minutes 28 seconds West along said line 125.00 feet to the Northeast corner of said tract, thence North 88 degrees 00 minutes 11 seconds West along the North line of said tract 55.32 feet to the Southeast corner of a tract of land (Deed filed in Book 1433 at Page 1900), thence North 00 degrees 13 minutes 28 seconds West along the East line of said tract 175.01 feet to the South line of Second Street, thence East along said line 388.14 feet to the West line of the Old Frisco Railroad, thence South 41 degrees 23 minutes East along said line 576.56 feet, thence South 226.97 feet to a point on the North line of Fourth Street (said point being 200.00 feet West of the intersection of the North line of Fourth Street and the West line of the Old Frisco Railroad), thence West along the North line of Fourth Street 224.36 feet to the Southeast of a tract of land (Deed filed in Book 1205 at page 1851), thence North 00 degrees 05 minutes West along the East line of said tract 150.00 feet to the Northeast corner thereof, thence West along the North line of said tract 50.00 feet to the Northwest corner thereof (said point being on the East line of Porter Avenue if produced North), thence South 00 degrees 05 minutes East along said line 150.00 feet to the North line of Fourth Street, thence West along said line 59.64 feet to the Southeast corner of a tract of land (Deed filed in Book 1456 at Page 1786), thence North 00 degrees 05 minutes West along the East line of said tract 150.00 feet the Northeast corner thereof, thence West along the North line of said tract 200.00 feet to the point of beginning, being a part of MISCELLANEOUS TRACT 39 in Section 3, Township 27,

Range 33, in the City of Joplin, Jasper County, Missouri. A location more generally known as W 2nd St and Maiden Lane.

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_____, 2023, by a vote of _____.

_____
Douglas W. Lawson, Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney