City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: March 7, 2016

Item: COUNCIL BILL NO. 2016-257
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

Attachments: 1) Copy of Council Bill
2) Planning Report
3) Commission Minutes

Planning/Community Development Manager: Troy Bolander
City Attorney: Peter C. Edwards
City Manager: Samuel L. Anselm
Board or Commission: Planning and Zoning Commission Date: 2/10/2016

Recommended Action: Planning and Zoning Commission recommended approval by a vote of "7 in favor, 0 absent"

SUMMARY/REQUEST:
Case 004-16: Southeast Corner of 26th Street and Adele Avenue – A request to rezone from R-3 (Multi-Family Residential) and C-O (Non-Retail Commercial) to R-2 (Two-Family Residential) for the construction of duplexes – Iftikhar Ali.

STAFF SUMMARY:
This property is being developed for residential duplexes which are allowed under its current zoning designation. However, the side yard setbacks for an R-3 corner lot are 15-feet, whereas the side yard for R-2 corner lots range from 6-10 feet. The R-2 zoning designation is appropriate for this area and use.

This corridor is a mixture of moderate and high density residential and non-retail commercial development. This zoning change would be appropriate for this commercial corridor.

Staff recommends approval of Case 004-16.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Darren Collins appeared representing Dr. Ali to request the rezoning of the property in Case 004-16. Dr. Ali wishes to build a couple of duplexes due to issues with set-back requirements in the R-3 district because of a drainage easement and a sewer easement running throughout this property.

Mr. Eastman asked how many duplexes are planned, and Mr. Collins replied two duplexes.
Mr. Eastman asked if these are one-story duplexes, and Mr. Collins replied two-story duplexes.

PUBLIC COMMENT: None.

Z&P Meeting: February 10, 2016
City Council Meeting: March 7, 2016

STAFF PLANNING REPORT
Rezoning

CASE 004-16: A request to rezone from R-3-PD (Planned Multi-Family Development) and C-O (Non-Retail Commercial) to R-2 (Two-Family Residential).

LOCATION: Southeast corner of 26th Street and Adele Avenue

APPLICANT: Dr. Iftikar Ali

EXISTING CONDITIONS:

Zoning	Land Use	Property Size
R-3-PD Planned Multi-Family Residential Development	Undeveloped	11,250 sq ft
C-O	Undeveloped	14,850 sq ft

SITE CONTEXT:

	North	East	South	West
Existing Zoning	R-2	R-4	R-3	R-4
Land Use	Residential	Elks Lodge	Residential	Residential

FUTURE LAND USE:

The City of Joplin's future land use map classifies this area as High-Density Residential.

TRANSPORTATION:

Streets with access	Classification	Right-of-way width
26th Street	Collector	65'
Adele Avenue	Secondary	50'

UTILITIES: There is utility access to the property and a sanitary sewer line that runs through the southern portion of the property.

FLOOD PLAIN: N/A

STAFF ANALYSIS:

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

Yes.

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

Due to a sewer easement cutting through the property, setbacks for R-3 and C-O zoning designations would inhibit the property owner's ability to develop this site for residential duplexes.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

This zoning change would not detrimentally affect nearby property.

DISCUSSION

This property is being developed for residential duplexes which are allowed under its current zoning designation. However, the side yard setbacks for an R-3 corner lot are 15-feet, whereas the side yard for R-2 corner lots range from 6-10 feet. The R-2 zoning designation is appropriate for this area and use.

This corridor is a mixture of moderate and high density residential and non-retail commercial development. This zoning change would be appropriate for this commercial corridor.

Staff recommends approval of Case 004-16.

ENCLOSURES:

Map

Application

REZONING APPLICATION FORM

RECEIVED 1-4-16

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.: 004-16
Filing Fee: $ 350.00
Date Advertised: 1-26-16
Date Notices Sent: 1-27-16
Public Hearing Date: 2-8-16

APPLICANT: IFTIKHAR ALI PHONE: 417-622-9149
ADDRESS: 2216 E 32nd st, Ste #101 Joplin MO ZIP: 64804
OWNER: IFTIKHAR ALI PHONE: 417-622-9149
ADDRESS: 2216 E 32nd st, Ste #101, Joplin MO. ZIP: 64804
LOCATION OF PROPERTY:
LEGAL DESCRIPTION:

Present Zoning R-3 PD + CO Requested Zoning: R-2 Acreage:
Present Use of Property: Vacant (Multi Family Pre Tornado)

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	26th St / Residential	26th St / R1 + R2
South	Multi Family	R-3
East	Elks	R-4
West	Multi Family	R3 & CO + R4

CHARACTER OF THE NEIGHBORHOOD: Everything S. of 26th on Adele is Multi Family.

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: Drainage through property causes problems with R-3 Setbacks.

CONFORMANCE WITH COMPREHENSIVE PLAN:

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

Darren Coleman

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

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: 26TH & Addl
2. Classification of Street(s):
   Arterial _____ Collector 26TH Local Addl
3. Right-of-Way Width: 65' & 60'
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   No

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

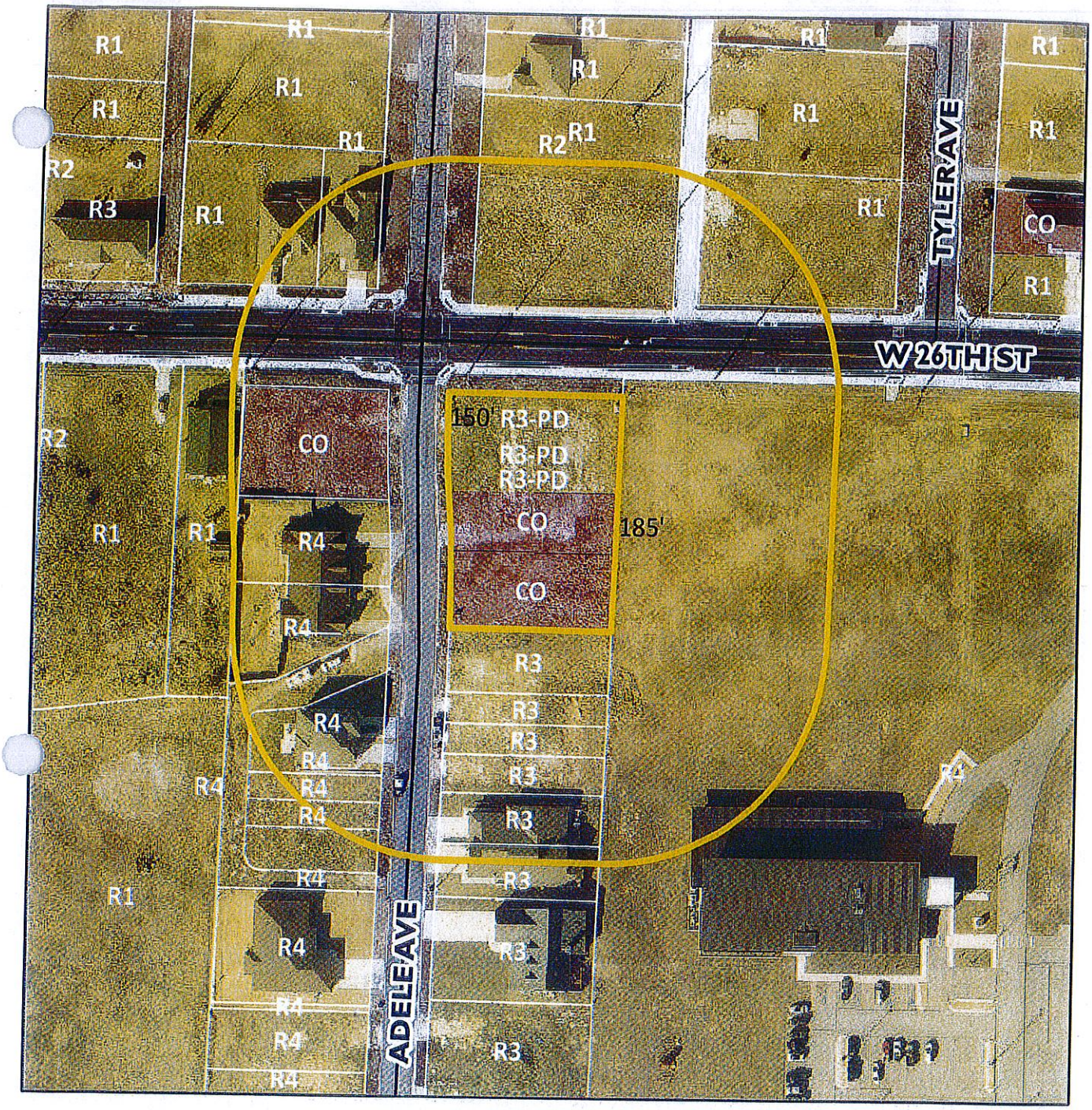
1. Appropriately Sized Lots? ~~85 x 137~~ 185 x 138
2. Properly Sized Street Right-of-Way? No
3. Drainage Easements? No
4. Utility Easements:
   Electricity? No
   Gas? No
   Sewers? No
   Water? No
5. Additional Comments: _____

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

SIGNATURE: _____ DATE: 12-31-15

BY: IFTIKHAR ALI

TITLE: OWNER



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N

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Mr. Eastman opened the public hearing for Case 004-16.

Mr. Darren Collins, 3600 Southeast 110th Street, Galena, Kansas, appeared representing Dr. Ali to request the rezoning of the property in Case 004-16. Dr. Ali wishes to build a couple of duplexes due to issues with set-back requirements in the R-3 district because of a drainage easement and a sewer easement running throughout this property.

Mr. Eastman asked how many duplexes are planned, and Mr. Collins replied two duplexes. Mr. Eastman asked if these are one-story duplexes, and Mr. Collins replied two-story duplexes.

Mr. Eastman asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 004-16.

MR. DUNCAN MOVED, SECONDED BY MR. DERMOTT, THAT CASE 004-16 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENATION FOR APPROVAL, BASED ON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. BROWN, MR. CORTEZ, MR. DERMOTT, MR. DUNCAH, MR. EASTMAN, MR. RAMSOUR, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).

P & Z Case 004-16
Iftikhar Ali
(P & Z Recommended Approval)

COUNCIL BILL NO. 2016-257 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 R-3 and District C-0 and including in District R-2 property as described below and located at the southeast corner of 26th Street and Adele Avenue in the 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 removing the following described property from District R-3 and District C-0 and including same in District R-2:

ALL OF LOTS NUMBERED ONE (1) AND TWO (2) IN WOODLAND HILLS SOUTH, A SUBDIVISION IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF, BEING SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY, AND RESERVATIONS OF RECORD, IF ANY.

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 for thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of _____, 2016, by a vote of _____.

_____
Michael L. Seibert, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney