City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: March 7, 2016

Item: COUNCIL BILL NO. 2016-258
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 005-16: 215 East Commercial Alley – A request to rezone from M-2 (Heavy Industrial) to C-3 (Commercial) for a multi-family residential development – Stephen Cooper.

STAFF SUMMARY:
This property was previously being used as residential apartments until Mr. Cooper was contacted by the Building Department and Fire Marshall to address non-compliance with the City of Joplin Building Code. Upon meeting with City, Mr. Cooper expressed that he was unaware of the current building and zoning codes but was willing to suspend operation of the apartments in order to bring the building up to code.

The property needs to be rezoned to C-3 (Commercial) to comply with the Future Land Use map for the area. If the property is rezoned, Mr. Cooper will be working with the Fire Department and the Building Division in order to renovate the existing apartments and ensure code compliance.

Staff recommends approval of Case 005-16.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Steve Cooper requested the rezoning of the property in Case 005-16. He did not know the property was zoned M-2. He operated a bicycle shop there for several years and is in the process of developing some loft-type apartments in the building. He thought the property is better suited for apartments versus heavy industrial uses.

Mr. Ramsour asked Mr. Cooper if the conversions to the apartments are within the two existing buildings, and he replied only within one building. He stated the address of one of the buildings is 211 East Commercial Alley, with that building not being involved

PUBLIC COMMENT:
Mr. James Allen appeared in favor and stated he owns the property in this request. He purchased the property in 1956, with the building never containing heavy industrial uses. It was used for wholesale supply operations until 2009.

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

STAFF PLANNING REPORT
Rezoning

CASE 005-16: A request to rezone from M-2 (Heavy Industrial) to C-3 (Commercial).

LOCATION: 215 E Commercial Alley

APPLICANT: Steven Cooper

EXISTING CONDITIONS:

Zoning	Land Use	Property Size
M-2 Heavy Industrial	Undeveloped	14,000 sq ft

SITE CONTEXT:

	North	East	South	West
Existing Zoning	M-2	M-2	M-2	M-2
Land Use	Industrial	Industrial	Industrial	Industrial

FUTURE LAND USE:

The City of Joplin's future land use map classifies this area as Retail/Commercial.

TRANSPORTATION:

Streets with access	Classification	Right-of-way width
Pennsylvania Ave	Secondary	60'
Commercial Alley	Secondary	20'

UTILITIES: There is utility access to 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

Mr. Cooper would like to renovate this building for multi-family residential development, which is not allowed in this zoning designation.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

This zoning change would not detrimentally affect nearby property.

DISCUSSION

This property was previously being used as residential apartments until Mr. Cooper was contacted by the Building Department and Fire Marshall to address non-compliance with the City of Joplin Building Code. Upon meeting with City, Mr. Cooper expressed that he was unaware of the current building and zoning codes but was willing to suspend operation of the apartments in order to bring the building up to code.

The property needs to be rezoned to C-3 (Commercial) to comply with the Future Land Use map for the area. If the property is rezoned, Mr. Cooper will be working with the Fire Department and the Building Division in order to renovate the existing apartments and ensure code compliance.

Staff recommends approval of Case 005-16.

ENCLOSURES:

Map

Application

RECEIVED
1-14-15

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.: 005-16
Filing Fee: $ 350.00
Date Advertised: 1-26-16
Date Notices Sent: 1-27-16
Public Hearing Date: 2-8-16

APPLICANT: STEVEN L COOPER PHONE: 417/483-1493
ADDRESS: 215 E COMMERCIAL ALLY ZIP: 64801
OWNER: SIM ALLAN PHONE: 417/437-2229
ADDRESS: 2616 MINNESOTA, JOPLIN MO ZIP: 64804
LOCATION OF PROPERTY: 215 E COMMERCIAL ALLEY
LEGAL DESCRIPTION: TRACT THIRTY-TWO (32) IN SECTION 2, TOWNSHIP 27, RANGE 33,

Present Zoning M-2 Requested Zoning: C-3 Acreage:
Present Use of Property: Bike shop / retail / warehouse / apts

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Commercial /	M-2
South	Industrial	M-2
East	↓	M-2
West		M-2

CHARACTER OF THE NEIGHBORHOOD: old industrial

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? Yes
   If yes, explain: BUILDING IS NOT SUITABLE FOR INDUSTRIAL USE

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

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: Commercial Alley, Pennsylvania Ave
2. Classification of Street(s):
   Arterial _____ Collector Secondary Local _____
3. Right-of-Way Width: 60' & 70'
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   NO

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

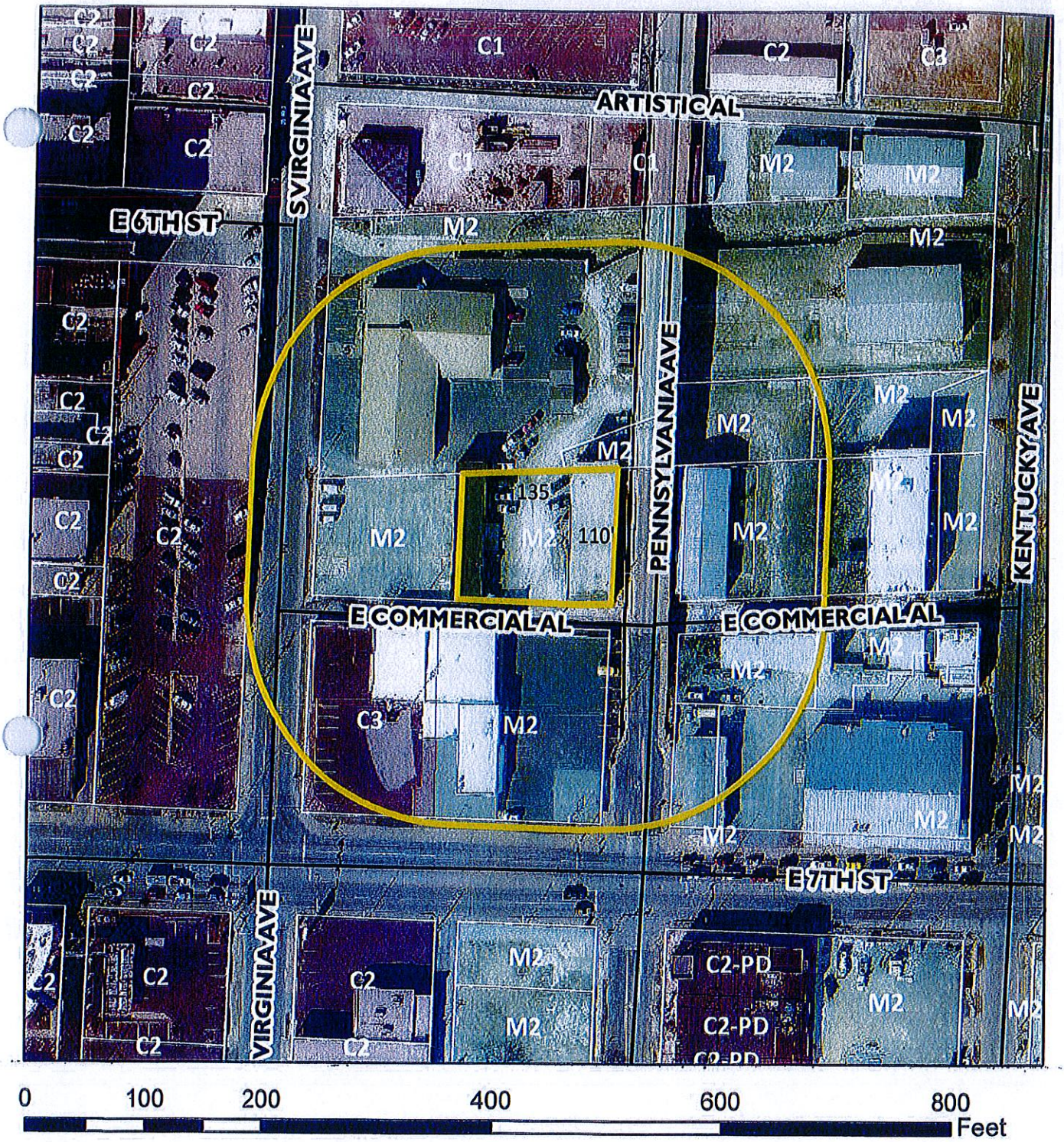
1. Appropriately Sized Lots? NO
2. Properly Sized Street Right-of-Way? NO
3. Drainage Easements? NO
4. Utility Easements:
   - Electricity? NO
   - Gas? NO
   - Sewers? NO
   - Water? NO
5. Additional Comments: _____

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:
THIS IS A GREAT 100 YR OLD BUILDING IN EXCELLENT CONDITION WITH AMPLE PARKING FOR OUR NEEDS.

SIGNATURE: [signature] DATE: 1/14/16

BY: Stephen Cooper

TITLE: _____



Case 005-16: 215 East Commercial Alley - A request to rezone from M-2 (Heavy Industrial) to C-3 (Commercial) - Stephen Cooper.

N

Case 005-16: 215 East Commercial Alley – A request to rezone from M-2 (Heavy Industrial) to C-3 (Commercial) for a multi-family residential development – Stephen Cooper.

Mr. Eastman opened the public hearing for Case 005-16.

Mr. Steve Cooper, 215 East Commercial Alley, Joplin, appeared to request the rezoning of the property in Case 005-16. He did not know the property was zoned M-2. He operated a bicycle shop there for several years and is in the process of developing some loft-type apartments in the building. He thought the property is better suited for apartments versus heavy industrial uses.

Mr. Ramsour asked Mr. Cooper if the conversions to the apartments are within the two existing buildings, and he replied only within one building. He stated the address of one of the buildings is 211 East Commercial Alley, with that building not being involved.

Mr. Eastman asked for comments from the audience.

Mr. James Allen, 2616 South Minnesota Avenue, Joplin, appeared in favor and stated he owns the property in this request. He purchased the property in 1956, with the building never containing heavy industrial uses. It was used for wholesale supply operations until 2009.

Mr. Eastman asked for additional comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 005-16.

MR. BROWN MOVED, SECONDED BY MR. CORTEZ, THAT CASE 005-16 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 005-16
Stephen Cooper
(P & Z Recommended Approval)

COUNCIL BILL NO. 2016-258 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-2 and including in District C-3 property as described below and located at 215 East Commercial Alley 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 M-2 and including same in District C-3:

ALL OF MISCELLANEOUS TRACT THIRTY-TWO (32) IN SECTION TWO (2), TOWNSHIP TWENTY-SEVEN (27), RANGE THIRTY-THREE (33), 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 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