CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
Amended CB 2022-255 – Rezone R-1 to C-1.

MEETING DATE:
March 7, 2022

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-Nicholas Edwards.

SUMMARY REQUEST:
Case 012-22: 2023, 2047, 2101, & 2121 S. Highview Ave. – A request to remove from District R-1 (Single-family Residential) and include in District C-1 (Neighborhood Commercial) for future commercial development. –Brad Fagan.

BACKGROUND:
This request is consistent with the Comprehensive Plan. The future land use map does indicate future retail commercial, C-3 zoning is appropriate to coincide with that designation. The change in zoning will not be detrimental to nearby property. The requested zoning is in line with existing commercial uses along this portion of the Range Line corridor and with existing commercial zoning. Buffer requirements will be required for any new development or redevelopment of the site along any property line that abuts residential zoning.

PLANNING & ZONING COMMISSION TESTIMONY:
Brad Fagan, 1002 Carrington Terrace, Joplin, MO. I am the property own for all the above properties. The post-tornado city comprehensive plan concluded that commercial development is the best use for land located from south Highview east to South Rangeline Road, including the four parcels in the rezoning request. Properties to the north, east, and south of the subject four parcels are zoned commercial. The properties to the west are residential and have been buffered by south Highview Avenue. One residential property, at 2131 South Highview, abuts the subject parcels. There are options for creating a buffer between Commercial and Residential properties

The four parcels have been listed as "for sale" since 2012 with no interest as currently zoned. Bringing the four parcels into compliance with the City Comprehensive Plan and facilitate a potential sale for commercial use by reducing the time required to complete commercial development.

Mr. Kimble asked if Mr. Fagan knew what the use would be for this property would be?

Mr. Fagan stated as he noted there has only been one inquiry since the first of the year. They are interested in Commercial property not residential. They did not reveal a great deal of what the property would be used for. Described to Mr. Fagan as a family entertainment enterprise.

Mr. Kimble had a question for Mr. Stanton. Depending on how much traffic a commercial enterprise may pull in, how well suited is south Highview for the added traffic?

Mr. Stanton stated Highview Ave. right now is 60 feet of right-of-way. It is built mostly in line with what you would expect for a local classified street. Our code does require a butting commercial uses to do cross access agreements. The goal with any type of commercial development would be to keep traffic off Highview by extending these cross-access agreements, so there would be access from Rangeline through some of these businesses to the east. That would be the key part to limiting traffic

Ms. Phillips had a question for Mr. Stanton in reference to buffering. How is the buffer going to work in this situation, with the residential being across the street?

Mr. Stanton stated the code has three types of buffering that can be implemented. Usually, what you see along right-of-way is more of a landscape buffering, possibly a hedge row, trees, and fence vegetation. There is a number of ways it could be done.

PUBLIC COMMENT;

Sarah Baum Coleman, 2131 S Highview, Joplin, MO. I have been in my house at the corner of 22nd and Highview for 21 years. All the property we are talking about is next to me and in the back of me. This is the third time I have had to defend my property; we have to stop and think about not just my home but the homes across the street from me. Brand new, beautiful homes, expensive homes with families. If the change happens it will bring dangerous traffic, crime, and the value of our homes down to nothing.

Mr. Kimble asked if there were any questions for Ms. Baum Coleman? There was not.

Tyson Schmit, 2120 Highview, Joplin, MO. We were very displeased and have been with the signs that have been up for years advertising this land as commercial property before it really is commercial property. Commercial property is a very big concern for us on Highview due to families with children.

Ms. Phillips asked are these homes owner occupied or rentals?

Mr. Schmit stated that as far as he knows everyone on our side of the street, west side, are owner occupied.

Ms. Phillips asked if she could ask staff one more question? Mr. Kimble stated she could.
What was the thinking back in the day when it was decided in the Comprehensive Plan it should be commercial?

Mr. Stanton stated he was not here in 2012. Mr. Bolander will be able to give more details on the thought process.

Mr. Bolander stated the Comprehensive Plan, Future Land Use Map has shown this as commercial property, everything from Rangeline to Highview, not only this Comprehensive Plan, but also the one previously. These properties will not market for single family homes. Right now, they are zoned R-1, and no one has taken the opportunity to purchase the lots and rebuild single family homes on the lots. The question is to this group what the best use of this land is.

Mr. Fagan stated that if you're going to amend my request, I would like to withdraw the application. He also stated that he would accept a zoning of C-3-PD.

Mr. Bolander stated that C-3-PD stands the same as C-3, but the site plans must come back to this body and City Council for review.

Mr. Fagan agreed to having the property rezoned to C-3-PD.

RECOMMENDATIONS:
Staff recommends approval for Case 012-22.
Planning & Zoning Commission recommends approval for Case 012-22 (5 Favor, 0 Nays, 1 Absent, 1 Abstained)

ATTACHMENTS
CB 2022-255, Staff Planning Report, P&Z Commission Minutes

Mr. Eastman abstained from this case.

Case 012-22: 2023, 2047, 2101, & 2121 S. Highview Ave. – A request to remove from District R-1 (Single-family Residential) and include in District C-3 (Commercial) for future commercial development. – Brad Fagan

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Mr. Stanton stated the code has three types of buffering that can be implemented. Usually, what you see along right-of-way is more of a landscape buffering, possibly a hedge row, trees, and fence vegetation. There is a number of ways it could be done.

Mr. Kimble asked if there was anyone in the audience to speak in favor of this case? There was not.
Is there anyone that would like to speak against Case 012-22?

Sarah Baum Coleman, 2131 S Highview, Joplin, MO. I have been in my house at the corner of 22nd and Highview for 21 years. All the property we are talking about is next to me and in the back of me. This is the third time I have had to defend my property; we have to stop and think about not just my home but the homes across the street from me. Brand new, beautiful homes, expensive homes with families. If the change happens it will bring dangerous traffic, crime, and the value of our homes down to nothing.

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Mr. Kimble wanted to know if there were any other questions?

Ms. Phillips asked are these homes owner occupied or rentals?

Mr. Schmit stated that as far as he knows everyone on our side of the street, west side, are owner occupied.

Ms. Phillips stated that out of 12 residential properties we have three in opposition?
Mr. Stanton stated that we have received two formal protest petitions.

Mr. Phillips stated that the whole block from 22nd to 20th Street, was always parceled like this. Were their houses there before the tornado.

Mr. Stanton stated that he would have to look on the original plat.

Mr. Kimble asked if there were any other questions? There were not. There wasn't anyone else to speak in opposition.

Ms. Phillips asked if she could ask staff one more question? Mr. Kimble stated she could. What was the thinking back in the day when it was decided in the Comprehensive Plan it should be commercial?

Mr. Stanton stated he was not here in 2012. Mr. Bolander will be able to give more details on the thought process.

Mr. Bolander stated the Comprehensive Plan, Future Land Use Map has shown this as commercial property, everything from Rangeline to Highview, not only this Comprehensive Plan, but also the one previously. These properties will not market for single family homes. Right now, they are zoned R-1, and no one has taken the opportunity to purchase the lots and rebuild single family homes on the lots. The question is to this group what the best use of this land is.

Ms. Steele wanted to know that the property is not being rezone for duplexes or apartment building. Would it be easier for the neighbors across the street for the property to be zoned a different commercial use?

Mr. Kimble asked if there were any more questions?

Mr. Stanton stated in case it was missed during Troys words. You may consider a less intense commercial district or a high intensity residential district. The board may amend the request.

Mr. Steele stated she would like to amend the request to C-3-PD.

Mr. McCullough stated that he noticed on 22nd St. on both sides it is zoned C-1-PD.

Ms. Phillips wanted to know what the PD gets us?

Mr. Bolander stated whatever is built there in the future, the site plan must come before this body for review as well as City Council.

MS. STEELE MOVED, SECONDED BY MR. MCCULLOUGH THAT CASE 012-22 BE AMENDED TO C-1-PD. MOTION DENIED WITH MR. MCCULLOUGH, MS. STEELE, MR. KIMBLE, MS. WARREN, AND MS. PHILLIPS "AYE" (0 IN FAVOR, 1 ABSTAIN, 5 NAY, 1 ABSENT)

Mr. Fagan stated that if you're going to amend my request, I would like to withdraw the application. He also stated that he would accept a zoning of C-3-PD.

Mr. Bolander stated that C-3-PD stands the same as C-3, but the site plans must come back to this body and City Council for review.

Mr. Fagan agreed to having the property rezoned to C-3-PD.

MS. STEELE MOVED, SECONDED BY MR. MCCULLOUGH THAT CASE 012-22 BE AMENDED TO C-3-PD. MOTION APPROVED WITH MR. MCCULLOUGH, MS. STEELE, MR. KIMBLE, MS. WARREN, AND MS. PHILLIPS "AYE" (5 IN FAVOR, 1 ABSENT, 1 ABSTAIN)

MS. STEELE MOVED, SECONDED BY MR. MCCULLOUGH THAT CASE 012-22 BE AMENDED TO C-3-PD. AND FORWARDED TO THE CITY COUNCIL WITH THE RECOMMENDATION FOR APPROVAL. MOTION APPROVED WITH MR. MCCULLOUGH, MS. STEELE, MR. KIMBLE, MS. WARREN, AND MS. PHILLIPS "AYE" (5 IN FAVOR, 1 ABSENT, 1 ABSTAIN)

Z&P Meeting: February 14, 2022
City Council Meeting: March 7, 2022

STAFF PLANNING REPORT
Rezoning

CASE 012-22 A request to remove from District R-1 (Single-family Residential) and include in District C-3 (Commercial)

LOCATION 2023, 2047, 2101, & 2121 S. Highview Ave.

APPLICANT Brad Fagan

EXISTING CONDITIONS

Zoning	Land Use	Property Size
R-1	Vacant	Approx. 3.5 acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	C-3	C-3, C-3-PD	C-1-PD, R-1	R-1
Land Use	Vacant	Commercial	Vacant, Single-family Residential	Single-family Residential

FUTURE LAND USE

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

TRANSPORTATION

Streets with access	Classification	Right-of-way width
S. Highview Ave.	Local	60'

UTILITIES

Utilities in place.

FLOOD PLAIN

This property is not in a flood plain.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

This request is consistent with the Comprehensive Plan. The future land use map does indicate future retail commercial, C-3 zoning is appropriate to coincide with that designation. This request also meets the recommendation for infill development in the Comprehensive Plan.

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

The current zoning of R-1 is suitable for this property.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The change in zoning will not be detrimental to nearby property. The requested zoning is in line with existing commercial uses along this portion of the Range Line corridor and with existing commercial zoning. Buffer requirements will be required for any new development or redevelopment of the site along any property line that abuts residential zoning. Generally, screening is required along right-of-way as well where residential uses lie across the street from commercial.

DISCUSSION

This request to rezone to C-3 is for future commercial development. Nearby property will not be detrimentally affected by this rezoning. Buffer requirements are in the zoning code to protect less intense zoning classifications. Range Line Rd's arterial status is an appropriate context for C-3 Commercial zoning. Likely, any commercial development here would be an extension of existing uses and property fronting Range Line Rd., however it would still be possible for new commercial uses to locate here without Range Line access should the rezoning be approved.

The request is found to be consistent with the Comprehensive Plan and Future Lan Use Map, which shows Retail Commercial uses between Range Line Rd. and Highview Ave.

Staff recommends approval of Case 012-22.

ATTACHMENTS

- Application
- Map

RECEIVED
1-7-22

REZONING APPLICATION FORM

Return Form to:
Planner
Joplin City Hall
602 S. Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 1511
FAX 417-625-4738

For Office Use Only

Case No.: 012-22
Filing Fee: $550.00
Date Advertised: 1-29-21
Date Notices Sent 1-24-21
Public Hearing Date: 2-14-22

APPLICANT: Brad Fagan PHONE: (417) 850-6498
ADDRESS: 1002 Carrington Terrace, Joplin, MO 64804 EMAIL: ebf@faganelectric.com

OWNER: Fagan Holdings and Investments, Inc. PHONE: (417) 850-6498
ADDRESS: 313 West 13th Street, Joplin, MO 64804 EMAIL: ebf@faganelectric.com

LOCATION/ADDRESS OF PROPERTY: Four vacant lots known as 2023, 2047, 2101 and 2121 South Highview.
See attached Survey and Description by Tri-State Engineering dated 10-31-2013.

Present Zoning R-1 Requested Zoning: C-3 Acreage: 3.5
Present Use of Property: Vacant lots

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Commercial	C-3
South	Commercial and Residential	C-3 and R-1
East	Commercial	C-3
West	Residential	R-1

Character of the Neighborhood: Commercial except for one residential lot at the N.E. corner of Highview and East 22nd and residential properties on the West side of Highview

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: The four lot parcel is in an area designated for future commercial development.

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? Yes. See City of Joplin Development Policies.
2. Consistent with Future Land Use Map? Yes. See City of Joplin Future Land Use Map.

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: South Highview
2. Classification of Street(s):
   Arterial_____ Collector_____ Local _____
3. Right-of-Way Width: _____
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   _____

IS PLATTING OR REPLATTING REQUIRED IN ORDER TO PROVIDE FOR: Not Applicable.

1. Appropriately Sized Lots?_____
2. Properly Sized Street Right-of-Way?_____
3. Drainage Easements?_____
4. Utility Easements:
   Electricity?_____
   Gas?_____
   Sewers?_____
   Water?_____
5. Additional Comments:_____
   _____
   _____

UNIQUE CHARACTERISTIC OF PROPERTY AND/OR ADDITIONAL COMMENT:

The City of Joplin Planning Department has determined that commercial development is the best use for the area that the four-lot parcel is located in.

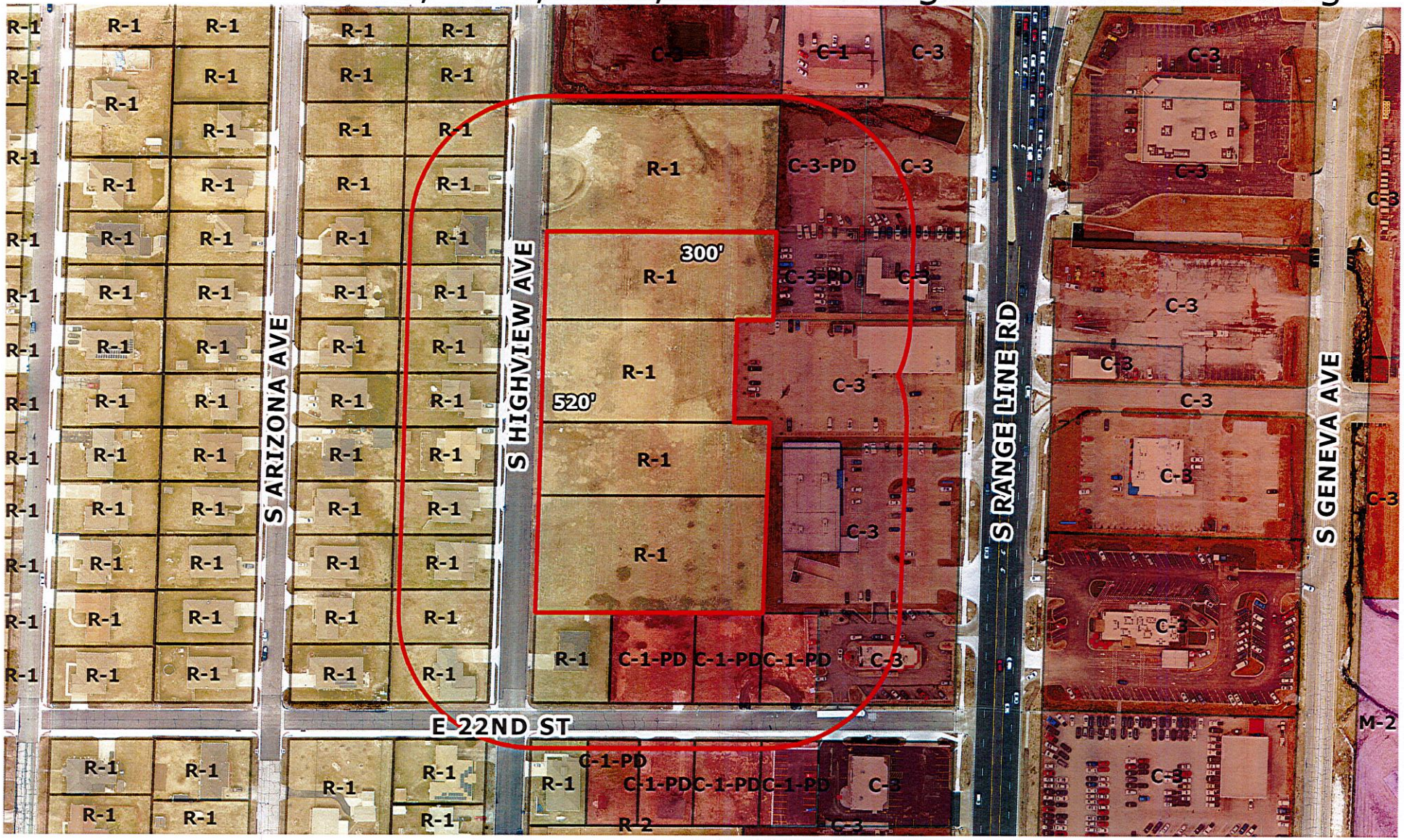
THE FOLLOWING **MUST** ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned from a deed or certified survey. Must be legible.
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 affect the character of the surrounding properties; and how the proposed change will benefit the City of Joplin.
3. Owner Affidavit and Agent Affidavit, if applicant applying for the rezoning is not the owner of the property be rezoned
   Fagan Holdings and Investments, Inc.

SIGNATURE: Brad Fagan DATE: January 7, 2022

TITLE: President

Case 012-22: 2023, 2047, 2101, & 2121 S. Highview Ave - Rezoning



Case 012-22: 2023, 2047, 2101, & 2121 S. Highview Ave. – A request to remove from District R-1 (Single-family Residential) and include in District C-3 (Commercial) for future commercial development. – Brad Fagan

P & Z Case 012-22
Brad Fagan
(P & Z Recommended Approval)

AMENDED COUNCIL BILL NO. 2022-255 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-1 (Single-Family Residential) and including in District C-1 (Neighborhood Commercial) property as described below and located at 2023- 2047, 2101 & 2121 S. Highview Ave., 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 the following described property and including in District C-1.

As Book 1307 Page 1242 (2023 Highview Avenue) All of Lot Fourteen (14) in Kindred's Subdivision to the City of Joplin, Missouri, also known as 2023 Highview. Book 2269 Page 1735 (2047 S. Highview Avenue) All of Lot Numbered Thirteen (13) in Kindred's Sub-division in the City of Joplin, according to the recorded plat thereof, except the East Fifty (50') feet thereof. Book 1220 Page 479 (2101 S. Highview Avenue) All of the North 100 feet of Lot Numbered Twelve (12) in Kindred's Sub-division to the City of Joplin, Jasper County, Missouri according to the recorded plat thereof. Book 2054 Page 1215 (2121 S. Highview Avenue) All of Lot Numbered Twelve (12), except the North 100 feet, and all of Lot Numbered Eleven (11) in Kindred's Sub-division,

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_____, 2022, by a vote of _____.

_____
Ryan D. Stanley, Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney