CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2024-260 – Rezoning

MEETING DATE:
April 1, 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:
Not applicable for this item.

SUMMARY REQUEST:
Case 010-24: NW Corner of E 26th St and S Virginia Ave – Rezoning – A request to rezone from District R-1 (Single-Family Residential) to District C-3 (Commercial) – 32nd St Plaza LLC

BACKGROUND:
The Future Land Use Map identifies the property as Future Low Density Residential. However, R-1 is not a suitable district for this property. These two lots are the only lots on the entire block with an R-1 zoning; it creates a sharp contrast regarding permitted uses. If the property were developed under the current zoning district, it would create an inconsistent pattern of development for this neighborhood. The rest of the block is currently zoned C-3.

With the commercial traffic along Main St, the existing development on the block south of this site, and the zoning district of the rest of this block, the property is best suited for commercial development. This is compatible with the policies of the Comprehensive Plan.

PLANNING & ZONING COMMISSION TESTIMONY:
Doug Melton, 32nd St. Plaza LLC, spoke on behalf of the property. He stated they requested the rezoning for lots 116 and 117 at the NW corner of Virginia Ave. and 26th St. The request is made so that the zoning of the whole block would be consistent. Everything except those two blocks is zoned C-3. Those two lots are currently zoned R-1. They would like to make the whole block consistent in anticipation of bringing a development plan to the City. He stated they had worked with City staff since the middle of last year on a development plan and getting everything ready. Once this is completed, they would be presenting development plans.

Commission asked about signage. Mr. Melton said the signage would be on Main St and the only thing visible from Virigina would be the back of the store. Mr. Rosenberg asked about buffering.

Mr. Bellairs stated that unless the property is adjacent to less intensive zoning districts, the City cannot require a landscape buffer. The City can, however, require landscaping along the Right-of-way and building frontage.

The Commission then asked about utilities. Mr. Melton stated that they would be relocating gas and electric from the alley but leaving existing utility easements and right-of-way access. There was intention to vacate the alley.

PUBLIC COMMENT;
There was no comment in favor or in opposition of this request.

RECOMMENDATIONS:
Staff recommends Approval for Council Bill 2024-260
Planning & Zoning Commission recommends Approval for Case 010-24 (6 in Favor, 0 Opposed, 1 Absent)

ATTACHMENTS
Staff Planning Report
P&Z Commission Minutes
Applicant Materials
Map

Case 010-24: Rezoning

NW Corner of E 26th St and S Virginia Ave-Rezoning-A request to rezone from District R-1 (Single-Family Residential) to District C-3 (Commercial)-32nd St. Plaza LLC.

Doug Melton, 32nd St. Plaza LLC, spoke on behalf of the property. He stated they requested that lots 116 and 117 at the NW corner of Virginia Ave. and 26th St. The request is made so that the zoning of the whole block would be consistent. Everything except those two blocks is zoned C-3. Those two lots are currently zoned R-1. They would like to make the whole block consistent in anticipation of bringing a development plan to the City. He stated they had worked with City staff since the middle of last year on a development plan and getting everything ready. Once this is completed, they would be presenting development plans.

Ms. Phillips asked if there were any questions from the Commission on Case 010-24.

Mr. Jackson said he noticed the proposed use of the property was a convenience store, and he asked about the traffic easement coming unto the property work.

Mr. Melton stated he was afraid you were going to ask that. He said actually he thought it would work quite well. He said the main access would be on the NW corner of that block off S. Main Street. They were going to leave the alley open and widen it to accommodate traffic and the transports that bring in fuel and supplies and the fire department. They would be able to come in off Main Street and exit on 25th Street and on 26th Street there would be no connection to Virginia Ave.

Mr. Jackson stated so the back of your building would be facing Virginia.

Mr. Melton said that was correct, sir.

Mr. Jackson said so you have the lot there on Main Street as well.

Mr. Melton stated they have all the lots except one and because of that one lot they have had to be creative in their site lay out. He said they would have loved to have that lot but that lot is not available evidently at any price or at any time in the foreseeable future. They have had to work around that lot. That lot would not be encroached upon. It would remain exactly like it is. The grades will stay the same. That lot would have access to all the utilities. It would continue to have access to Main St. as well as to the alley.

Mr. Jackson asked so in terms of signage that you would have; how close would it be to the Virginia block.

Mr. Melton said the signage would be on Main Street. He stated the only thing you would be able to see from Virginia St. would be the back of the store. Those two lots and the next lot north would be where the storm water detention basin would be so it would be sodded. He stated one of the Commissioners had inquired about the corner at Main and 26th there was the remains of a dog wash. Mr. Melton stated that would all be ripped out, demolished and the topsoil brought back in, and they would resod that. There were no plans to do any development on that part of the block right now.

Mr. Rosenberg stated if you look at, he had no problems with the rezoning but there needs to be some sort of buffer to protect the homes on 26th and Virginia. He said if you take a look at the lots south behind where McDonalds and Taco Bell are, we made all those planned districts to keep the traffic down a little bit so it did not exit there and disturb those R-1 homes.

Mr. Melton said he could not imagine why anyone would be going back to Virginia. You would have access off Main Street. You would be able to come in off 25th and 26th. He said the only reason he thought you would have eastbound traffic back toward Virginia would be residents doing business at the store.

Mr. Bellairs stated as far as buffering goes it is your right to make a recommendation to add a plan development layer but with the site plan review if they meet all the City code requirements for their site plan the City had to approve it otherwise the City would be liable on that matter. He said with the buffering requirements the City cannot require buffers if it is along a public right-of-way. The only time they would require buffering for any site plan development would be if they were adjacent to a less intensive zoning district so if they were a C-3 adjacent to a R-3, R-2 or R-1 at that point the City would require a buffer. They would not require it if it fronted Virginia Ave.

Mr. Melton added this is a national client that has approaching 3,000 stores and they do a very good job at presenting a very good landscaping package and they would try to make it harmonious with the neighborhood.

Mr. Jackson asked Mr. Bellairs to repeat the buffer requirements for R-2 and R-1.

Mr. Bellairs said the applicant would be required to provide streetscaping but as far as a buffer to shield from other properties the City could only require that if they are adjacent. If they have right-of-way between them. He said he was talking about a landscape buffer for less intensive uses.

Mr. Jackson thanked him for clarification.

Mr. Rosenberg asked if they were going to maintain the alley open.

Mr. Melton said yes sir. Right now, it is a 20 ft. platted alley. He stated he told Mr. Bellairs they were going to add a 15 ft. access easement so there would be a full 35 ft. three-way driveway through there. He said he did not think they had to do that but if they need to, they would make a mutual access easement so it would remain open to the public.

Mr. Bellairs stated they have not requested a vacation so access and utilities would not be impeded.

Mr. Jackson said back on the signage would there be anything possibly facing northbound because you do have a R-1 off 25th street. Any light protruding signage.

Mr. Melton said the front of the store would be facing west would have the typical store lights but they would not have anything facing north. Whatever sign would be allowed for C-3 is basically a monument sign. It would be at the corner of Main and 25th.

Ms. Phillips asked if there were any further questions from the Commission on Case 010-24.

There were none.

Ms. Phillips asked if there was any one to speak in favor of Case 010-24.

There were none.

Ms. Phillips asked if there was any one to speak in opposition of Case 010-24.

There were none.

MR. JACKSON MOVED THAT CASE 010-24 BE APPROVED AND FORWARDED TO THE CITY COUNCIL FOR APPROVAL. MR. ROSENBERG SECONDED THE MOTION. MOTION CARRIED. (6 IN FAVOR, 0 NAY, 1 ABSENT)

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

STAFF PLANNING REPORT
Rezoning

CASE 010-24 A request to rezone from District R-1 (Single-Family Residential) to District C-3 (Commercial)

LOCATION NW Corner of E 26th St and S Virginia Ave

APPLICANT 32nd St Plaza LLC

EXISTING CONDITIONS

Zoning	Land Use	Property Size
R-1	Vacant	Approximately 0.25 Acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	C-3	R-1	C-3 PD	C-3
Land Use	Vacant	Single-Family Residential	Restaurant	Vacant

FUTURE LAND USE

The property is identified as Future Low Density Residential on the Future Land Use Map.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
E 26th St	Collector	50′
S Main St	Arterial	80′

UTILITIES

City Utilities are in place.

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 the property as Future Low Density Residential. With the significant commercial traffic along Main St, the existing development on the block south of this site, and the zoning district of the rest of this block, the property is best suited for commercial development. This is compatible with the policies of the Comprehensive Plan.

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

R-1 is not a suitable district for this property. With these two lots being the only lots on the entire block with an R-1 zoning, it creates a sharp contrast regarding permitted uses. If the property were developed under the current zoning district, it would create an inconsistent pattern of development for this neighborhood.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

As mentioned before, the rest of the block is currently zoned C-3. The request will not negatively impact any surrounding property.

DISCUSSION

The owner of this property also owns the rest of the block. Rezoning these two lots would allow for a larger site and create more opportunities for future development. It would also create a consistent pattern of zoning districts for the area.

Staff recommends approval of Case 010-24.

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.: _____
Filing Fee: $600.00
Received: _____
Date Advertised: _____
Proj. No.: _____
Public Hearing Date: _____

Applicant: Douglas C. Melton, Jr.-Halff Associates Phone No.: 479-273-2209

Address: 2407 SE Cottonwood, Bentonville, AR 72712 Email: dmelton-c@halff.com

Owner: 32nd Street Plaza LLC Phone No.: 417-623-8666

Address: 2727 E. 32nd, Joplin, MO 64804 Email: christine@gilesandassociatescpa.com

Location of Property: 2526-2532 South Virginia Avenue. Lots 116 & 117 O'Keefe's Addition.

Present Use of Property: Vacant

Proposed Use of Property: Convenience Store

Current Zoning: R-1 Single-Family Residential Requested Zoning: C-3 Commercial

Surrounding Land Use and Zoning:

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

Character of the Neighborhood: Transitional area from commercial area along South Main Street to residential district.

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: Planning staff indicated that the lots need to be rezoned to consolidate the zoning for the remainder of the block.

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: South Main Street, East 25th Street, East 26th Street and South Virginia Avenue.

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:

The block has not been revitalized since the May 22, 2011 tornado and this development will remove an unsightly area and enhance the commercial character of South Main Street.

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. Attached ALTA survey dated 09-27-23.
☒	☐	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: _____ AGENT **Date:** 1-23-24

Case 0010-24: Rezoning



NW Corner of E 26th St and S Virginia Ave – Rezoning – A request to rezone from District R-1 (Single-Family Residential) to District C-3 (Commercial) – 32nd St Plaza LLC

P & Z Case 010-24
32nd St Plaza LLC
(P & Z Recommended Approval)

COUNCIL BILL NO. 2024-260 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 R-1 (Single-Family Residential) to District C-3 (Commercial) property as described below and located at the NW Corner of E 26th St and S Virginia 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 R-1 (Single-Family Residential) the following described property and including in District C-3 (Commercial).

Lots 116 and 117, O'Keefe's Addition to the City of Joplin, 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 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