CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2023-261 – Zoning District Change

MEETING DATE:
April 3, 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 011-23: Rezoning - A Request to Rezone from District C-3 (Commercial) to M-2 (Industrial) for Property located at 6701 E 26th St to develop a truck and trailer storage facility – Luke Gibson (representative of the owner)

BACKGROUND:
The existing building on the property is a single-family home, which tenants are currently renting. The owner plans to demo the house and develop a truck and trailer storage site on the property. While C-3 is permissive of storage/warehousing for the proposed development, M-2 is more appropriate for the intensity.

PLANNING & ZONING COMMISSION TESTIMONY:
The applicant spoke to represent the case. There was no comment from the commissioners.

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

RECOMMENDATIONS:
Staff recommends approval for Council Bill 2023-261
Planning & Zoning Commission recommends approval of Case 011-23 (7 in Favor, 0 Opposed)

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

Case 011-23: Rezoning

Rezoning-A Request to Rezone from District C-3 (Commercial) to M-2 (Industrial) for Property located at 6701 E. 26th St. to develop a truck and trailer storage facility-Luke Gibson (representative of the owner)

Luke Gibson, 2650 E. 32nd St. Suite 221, Joplin, Mo. He stated he was asking to rezone the property to accommodate a distribution and trucking business from California. This would serve his business as well as other businesses who wish to store trucks and trailers in the area.

Mr. Kimble asked if there were any questions from the Commission on Case 011-23.

There were none.

Mr. Kimble asked if anyone wished to speak in favor of Case 011-23.

There were none.

Mr. Kimble asked if anyone wished to speak in opposition of Case 011-23.

There were none.

MR. ROSENBERG MOVED THAT CASE 011-23 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MS. PHILLIPS SECONDED THE MOTION. MOTION CARRIED. (7 IN FAVOR, 0 NAY)

Z&P Meeting: March 13, 2023
City Council Meeting: April 3, 2023

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

STAFF PLANNING REPORT
Rezoning

CASE 011-23 A request to rezone from C-3 (Commercial) to M-2 (Heavy Industrial).

LOCATION 6701 E 26th St, Joplin, MO 64804

APPLICANT Luke Gibson

EXISTING CONDITIONS

Zoning	Land Use	Property Size
C-3	Single-Family Residential	Approximately 12 Acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	MODOT ROW	M-2	C-3	MODOT ROW
Land Use	I-44	Vacant	Storage/Warehousing	I-44

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
26th St	Local	20′

UTILITIES

The site is accessible to utilities.

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. There is existing property to the South with the same use as proposed for this property (truck and trailer storage). There is M-2 zoning present adjacent to the East.

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

The proposed use is already permitted under C-3, however, the request for M-2 zoning is the most appropriate zoning for storage/warehousing.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The change in zoning will not be detrimental to nearby property. The proposed use matches the existing uses in the area.

DISCUSSION

The existing building on the property is a single-family home, which tenants are currently renting. The owner plans to demo the house and develop a truck and trailer storage site on the property. While C-3 is permissive of storage/warehousing for the proposed development, M-2 is more appropriate for the intensity.

Staff recommends approval of Case 011-23.

ENCLOSURES

- Map of property
- Application

DocuSign Envelope ID: 3B16BA43-60A1-4212-A0A2-0C7F30DA9ED6

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.: 011-23
Filing Fee: $550.00
Received: 2-1-23
Date Advertised:
Proj. No.: 23-076
Public Hearing Date:

Applicant: Luke Gibson (Glenn Group LLC) Phone No.: (417) 359-6868
Address: 2650 E 32nd St. Ste 221 Joplin MO 64804 Email: LUKE@GLENNGROUPLLC.COM
Owner: Gurnam Singh (Boparai Transport) Phone No.: (559) 274-8251
Address: PO Box 9367 Fresno CA 93792 Email: SUNNY@BOPARAIFRESNO.COM
Location of Property: 6701 E 26th St. Joplin MO 64804
Present Use of Property: Vacant Single Family Residence
Proposed Use of Property: Truck + Trailer Storage
Current Zoning: C-3 Requested Zoning: M-2

Surrounding Land Use and Zoning:

	Land Use	Zoning
North	Easement (MoDot)	N/A
South	Private Road (JIDA)	M-2
East	Vacant Land (JIDA)	M-2
West	Easement (MoDot)	N/A

Character of the Neighborhood: Industrial Property borders Crossroads Business Park and is across road from Caseys Dist. Center.

DocuSign Envelope ID: 38168A43-60A1-4212-A6A2-0C7F30DA9ED6

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: OUTDOOR STORAGE AS WELL AS VEHICLE SERVICE AND REPAIR ARE M-2 REQUIREMENTS.

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: PROSPERITY

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: WATER RETENTION/DETENTION WILL BE ADEQUATELY ENGINEERED AND INSTALLED PER CITY REQUIREMENTS.

Unique Characteristic of Property and/or Additional Comment:

WHILE CURRENTLY ZONED C-3, THIS PROPERTY IS SITUATED IN CROSSROADS BUSINESS PARK + HAS AN EXCELLENT OPPORTUNITY TO SERVE THE PARK + ITS BUSINESSES.

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: DocuSigned by: Gurnam Singh 6517B6851444A0... **Date:** 2-1-23

Recorded in Jasper County, Missouri
Recording Date/Time: 12/30/2022 at 08:48:36 AM
Book: 2668 Page: 165
Instr #: 2022021575
Type: TD
Pages: 2
Fee: $27.00 S

Electronically Recorded

RECORDER OF DEEDS SEAL JASPER COUNTY, MO

Charlotte Pickering
Recorder of Deeds

Trustee's Deed
(Out of Trust)

This Deed, made and entered into on December 27, 2022, by and Fuller, Trustee of the Frank and Janice Fuller Living Trust dated Se December 3, 1993, as Amended and **Grantee(s):** Boparai Transport **Mailing Address of the Grantee(s):** 5839 N. Sycamore Ave, Fresno, CA

Witnesseth, that the trust is in full force and effect and has not ter Grantor(s) is/are the duly appointed qualified and currently acting trustee trust. The Grantor(s), for and in consideration of the sum of One Dol consideration paid by the Grantee(s), the receipt of which is hereby ac presents ***Grant, Bargain and Sell, Convey and Confirm*** unto the Gra Real Estate, situated in the County of Jasper and State of Missouri, to-wit:

ALL OF THE SOUTH ONE-HALF OF THE SOUTHWEST QUARTER OF THE N SECTION 15, TOWNSHIP 27, RANGE 32, NOW IN THE CITY OF JOPLIN, J EXCEPT ALL OF THE SOUTH 10 FEET THEREOF, AND EXCEPT BEGINNING SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWE 25 FEET, THENCE NORTHEASTERLY TO A POINT 15 FEET NORTH OF THE THENCE SOUTH 15 FEET TO THE POINT OF BEGINNING, AND EXCEPT A FOR HIGHWAY RIGHT OF WAY AND EAST 26TH STREET.

In Witness Whereof, the Grantor(s) has/have executed these presents t written.

Frank B Fuller, Trustee of the Frank and Janice Fuller Living Trust dated September 1, 1990, as restated December 3, 1993, as Amended

Frank Budd Fuller

Frank B Fuller, Trustee

Trustee

State of Kansas }
} ss.
County of Allen }

On December 27, 2022, before me, personally appeared Frank B Fu person(s) who executed the foregoing instrument in behalf of The Fran dated September 1, 1990, as restated December 3, 1993, as Amended he executed the same for the purposes therein stated.

In Testimony Whereof, I have hereunto set my hand and affixed my State aforesaid, the day and year first above written.

Patsy

My Term Expires: 1-17-2025

NOTAR

GLENN GROUP COMMERCIAL

Luke Gibson
(417) 359-6868
luke@glenngroupllc.com

David Glenn
(417) 434-4845
theglenngroup@yahoo.com

Rezoning Statement
6701 E 26th
Joplin, MO 64804

We are requesting the City of Joplin to approve the necessary measures in order for this property to be rezoned from C-3 to M-2. The reasoning for this zoning change is so Boparai Transport can establish a truck and trailer storage lot. This lot would not only serve Boparai Transport and bring their business to Joplin, MO, but can also fulfill the needs of distributors in the area needing a place to park a truck or trailer for a period of time, something we are currently lacking in the Business Park. Traffic conditions that would change would be a slight increase in traffic along Prosperity going north from 32nd to the Property. The traffic would enter the lot at the southwest corner of the parcel, so traffic increases would not occur on the private road which runs east and west along the south border of the parcel. The proposed use of this parcel would be exterior truck and trailer storage, thus resulting in a minimal increase in fire hazard, if any. We do not feel this change will affect the character of the surrounding properties, as it is bordered on the east and south by an M-2 zoning, and the properties beyond those districts are also currently being used as industrial or distribution type uses. We feel this change will benefit the City of Joplin as it will bring a trucking/distribution company to Joplin that can serve its area manufacturers and distributors.

Thank you for your consideration

Luke Gibson
Agent for Gurnam Singh/Boparai Transport
Glenn Group Commercial Real Estate

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RECORDER OF DEEDS SEAL JASPER COUNTY, MO

Charlotte Pickering
Recorder of Deeds

Trustee's Deed
(Out of Trust)

This Deed, made and entered into on December 27, 2022, by and between **Grantor(s):** Frank B Fuller, Trustee of the Frank and Janice Fuller Living Trust dated September 1, 1990, as restated December 3, 1993, as Amended and **Grantee(s):** Boparai Transport Inc., a California corporation **Mailing Address of the Grantee(s):** 5839 N. Sycamore Ave, Fresno, CA 93723

Witnesseth, that the trust is in full force and effect and has not terminated or been revoked, and Grantor(s) is/are the duly appointed qualified and currently acting trustee(s) under the above referenced trust. The Grantor(s), for and in consideration of the sum of One Dollar ($1.00) and other valuable consideration paid by the Grantee(s), the receipt of which is hereby acknowledged, does/do by these presents ***Grant, Bargain and Sell, Convey and Confirm*** unto the Grantee(s), the following described Real Estate, situated in the County of Jasper and State of Missouri, to-wit:

ALL OF THE SOUTH ONE-HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 27, RANGE 32, NOW IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, EXCEPT ALL OF THE SOUTH 10 FEET THEREOF, AND EXCEPT BEGINNING 10 FEET NORTH OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, THENCE WEST 25 FEET, THENCE NORTHEASTERLY TO A POINT 15 FEET NORTH OF THE POINT OF BEGINNING, THENCE SOUTH 15 FEET TO THE POINT OF BEGINNING, AND EXCEPT ANY PART TAKEN OR DEEDED FOR HIGHWAY RIGHT OF WAY AND EAST 26TH STREET.

**Grantor/Trustee herein states the date of death for Janice I Fuller was July 27, 2016, and that their marriage was subsisting and undissolved at the time of her death.

Subject to Building lines, easements, restrictions and conditions of record, if any, and to any zoning laws or ordinances affecting the herein described property.

To Have and To Hold the same, together with all rights and appurtenances to the same belonging, unto the Grantee(s) and to the heirs and assigns of such Grantee(s) forever.

The Grantor(s) hereby covenanting that Grantor(s) and the heirs, executors, administrators, and assigns of such Grantor(s), shall and will **Warrant and Defend** the title to the premises unto the Grantee(s), and to the successors and assigns of such Grantee(s) forever, against the lawful claims of all persons whomsoever, excepting, however, the general taxes for the calendar year 2022 and thereafter, and special taxes becoming a lien after the date of this deed.

FATCO

In Witness Whereof, the Grantor(s) has/have executed these presents the day and year first above written.

Frank B Fuller, Trustee of the Frank and Janice Fuller Living Trust dated September 1, 1990, as restated December 3, 1993, as Amended

Frank Budd Fuller

Frank B Fuller, Trustee

Trustee

State of Kansas }
} ss.
County of Ellen }

On December 27, 2022, before me, personally appeared Frank B Fuller, Trustee, known to be the person(s) who executed the foregoing instrument in behalf of The Frank and Janice Fuller Living Trust dated September 1, 1990, as restated December 3, 1993, as Amended and acknowledged to me that he executed the same for the purposes therein stated.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

Patsy L Lasley

Notary Public

My Term Expires: 1-17-2025

NOTARY PUBLIC - State of Kansas
PATSY L. LASLEY
My Appt. Exp. 1-17-25

File No.: 1625992

STATE OF CA)
) ss.
COUNTY OF Fresno)

OWNERSHIP AFFIDAVIT AND CONSENT

Comes now Gurnam Singh (Property Owner) who, being duly sworn upon his/her oath, does state that he/she is the owner of the property described as _____

_____

(legal description) more commonly known as 6701 E 26th, Joplin, MO 64804. 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 Green Group LLC (Luke Green) to speak on my behalf and act as my Agent at the meeting in Case Number _____.

Date: 03/01/2023

_____
Signature of Owner

Gurnam Singh
Printed Name

_____
Signature of Owner

_____
Printed Name

In witness whereof I have hereunto subscribed my name and affixed my official seal this 1st day of March, 2023

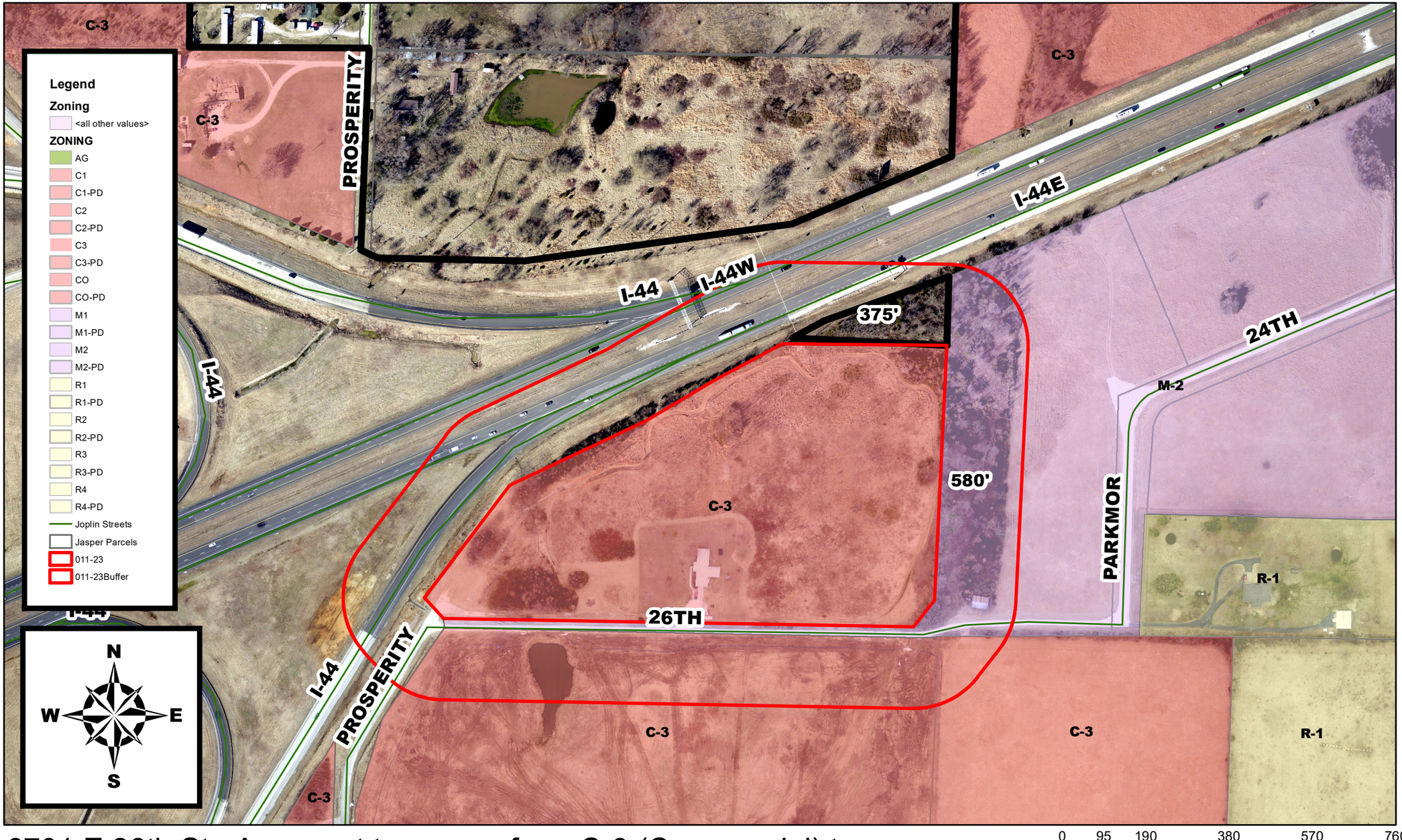
XOCHITL K. PEREZ
Notary Public - California
Fresno County
Commission # 2388118
My Comm. Expires Dec 24, 2025

_____
Notary

My commission expires: 12/24/2025

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.)

Case 011-23 - Rezoning



6701 E 26th St - A request to rezone from C-3 (Commercial) to M-2 (Heavy Industrial) - Luke Gibson

P & Z Case 011-23
Luke Gibson
(P & Z Recommended Approval)

COUNCIL BILL NO. 2023-261 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 C-3 (Commercial) and including in District M-2 (Heavy Industrial) property as described below and located 6701 E 26th 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 C-3 (Commercial) the following described property and including in District M-2 (Heavy Industrial).

ALL OF THE SOUTH ONE-HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 27, RANGE 32, NOWIN THE CTIY OF JOPLIN, JASPER COUN1Y, MISSOURI, EXCEPT ALL OF THE SOUTH 10 FEET THEREOF, AND EXCEPT BEGINNING 10 FEET NORTH OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, THENCE WEST 25 FEET, THENCE NORTHEASTERLY TO A POINT 15 FEET NORTH OF THE POINT OF BEGINNING, THENCE SOUTH 15 FEET TO THE POINT OF BEG NNING, AND EXCEPT ANY PART TAKEN OR DEEDED FOR HIGHWAY RIGHT OF WAY AND EAST 26TH STREET.

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