CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2023-263 – 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 013-23: Rezoning – A Request to Rezone from District R-1 (Single-Family Residential) to R-2 (Two-Family Residential) for Property located at the intersection of W 32nd Street and S John Duffy Dr., approx. 3500 feet west of S John Duffy Dr. to construct a new subdivision – Ashok Patel

BACKGROUND:
The owner is seeking to annex the property into the City of Joplin. The default zoning is R-1. The applicant is seeking to develop this portion of the annexation as Single-Family Residential homes. They are wanting to create 50' lots, which is why they are rezoning to R-2.

PLANNING & ZONING COMMISSION TESTIMONY:
Ms. Phillips was confused as to why the applicant was requesting an R-2 zoning for single-family residential homes. Staff explained it was to meet the 50' lot width requirements.

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

RECOMMENDATIONS:
Staff recommends approval for Council Bill 2023-263
Planning & Zoning Commission recommends approval of Case 013-23 (6 in Favor, 0 Opposed, 1 abstained)

ATTACHMENTS

Staff Planning Report
P&Z Commission Minutes
Applicant Materials
Map

Case 013-23: Rezoning

A request to Rezone from District R-1 (Single-Family Residential) to R-2 PD (Two- Family Residential) for Property located at the intersection of W 32nd Street and S John Duffy Dr., approx. 3500 feet west of S John Duffy Dr. to construct a new subdivision-Ashok Patel

Logan Ellis, 811 E. 3rd St., Joplin, Missouri. He represented Anderson Engineering, and they were requesting the rezoning.

Mr. Rosenberg asked if these were being platted for single family.

Mr. Ellis stated it would be a mixture.

Mr. Rosenberg asked if it would be in the same zoning.

Mr. Bolander stated just for clarification under our last zoning code update because of the demand for 50′ ft. lots the old standard we allow that now but only in a R-2 district. He said that is the reason for the designation. The majority of the property would be for single family homes, but they do have some areas for mixed use, commercial and residential which is identified on the plat.

Mr. Rosenberg said okay.

Ms. Steele stated so your plan is to have some single family and in the future you may a Casey′s out there for instance, or something so is that why we are addressing different.

Mr. Ellis stated yes.

Ms. Steele said so your plan is to have a plan development for everything that is needed out there.

Mr. Bolander stated this area that you are looking at that is going to R-2 will primarily be single family residential. The lots themselves are not large enough to accommodate duplexes. But there are some other areas that you will see on the plat that could.

Ms. Phillips asked so why are we requesting zoning for R-2.

Mr. Bolander stated as he mentioned earlier, the zoning code allows for 50′ ft lots only in an R-2 district.

Mr. Kimble asked if there were any other questions from the Commission on Case 013-23.

There were none.

Mr. Kimble asked if anyone else wished to speak in favor of Case 013-23.

There were none.

Mr. Kimble asked if anyone wished to speak in opposition of Case 013-23.

There were none.

MS. STEELE MOVED THAT CASE 013-23 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MR. ROSENBERG SECONDED THE MOTION. MOTION CARRIED. MR. MCCULLOUGH ABSTAINED. (6 IN FAVOR, 1 ABSTAINED)

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

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

STAFF PLANNING REPORT
Rezoning

CASE 013-23 A request to rezone from R-1 (Single-Family Residential) to R-2 (Two-Family Residential).

LOCATION W 32nd St, approximately 3500′ West of S John Duffy Dr.

APPLICANT Ashok Patel

EXISTING CONDITIONS

Zoning	Land Use	Property Size
R-1	Vacant	Approximately 60 Acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	R-1	C-3	R-1	Outside City Limits
Land Use	Vacant	Senior Living Center	Single-Family Residential/Vacant	Vacant

FUTURE LAND USE

Joplin's Future Land Use Map shows this property as a future Commercial/Residential Opportunity Area.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
Wildwood Ranch Parkway	Local	60′

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. The land is designated as a Residential/Commercial Opportunity Area on the Future Land Use Map.

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

The owner is seeking to annex the property into the City of Joplin. The default zoning is R-1. The applicant is seeking to develop this portion of the annexation as Single-Family Residential homes. They are wanting to create smaller lots, so the applicant is seeking a R-2 zoning.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The change in zoning will not be detrimental to nearby property. The property is consistent with the planned future use for the area, and there are existing residential uses (senior living center) to the South.

DISCUSSION

This property is vacant. The owner wishes to annex the property into the City and develop it as Single-Family homes on smaller lots.

Staff recommends approval of Case 013-23.

ENCLOSURES

- Map of property
- Application

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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.: 013-23
Filing Fee: $550.00
Received: 2/2/23
Date Advertised:
Proj. No.: 23-078
Public Hearing Date: 3/13/23

Applicant: Ashok Patel Phone No.: 615-545-6837

Address: 3017 Abigail St, Joplin, MO Email: ashokpatelabc@gmail.com

Owner: Ashok Patel Phone No.: 615-545-6837

Address: 3017 Abigail St, Joplin, MO Email: ashokpatelabc@gmail.com

Location of Property: W 32nd St, approx. 3500' west of S John Duffy Dr

Present Use of Property: Vacant

Proposed Use of Property: Mixed-use residential

Current Zoning: R-1 Requested Zoning: R-2 PD

Surrounding Land Use and Zoning:

	Land Use	Zoning
North	Vacant	Residential
South	Vacant	Residential
East	Vacant/commercial	Residential/Commercial
West	Vacant	N/A

Character of the Neighborhood: All immediately surrounding area is undeveloped. Commercial and residential are located further south and east.

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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: Existing zoning of R-1 will not allow for the size of proposed lots

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: W. Wildwood Ranch Pkwy and W 32nd St.

Classification of Street(s):

Arterial ☑ Collector ☑ Local ☐

Right-of-Way Width: 32nd St: 90', Wildwood Ranch Pkwy: 65'

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:

_____

_____

_____

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.

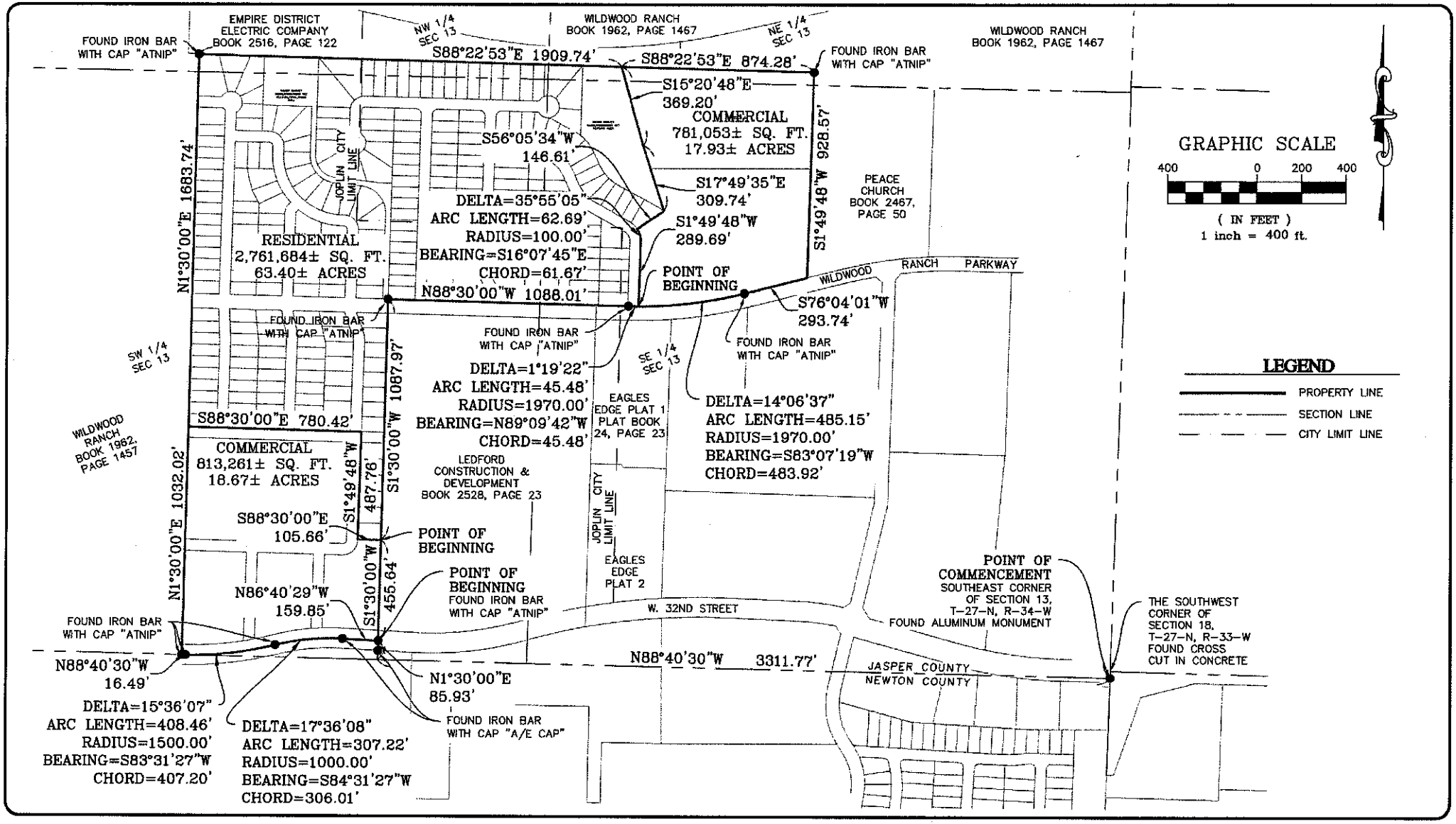
Signature: DocuSigned by: 5BD141066504472 **Date:** 2/1/2023

ANDERSON ENGINEERING
EMPLOYEE OWNED

AndersonEngineeringInc.com
811 E. 3rd Street.
Joplin, MO 64801
417-782-7399

RESIDENTIAL TRACT
A PARCEL OF LAND LYING IN SECTION 13, TOWNSHIP 27 NORTH, RANGE 34 WEST, JASPER COUNTY, MISSOURI. BEING A PART OF A TRACT OF LAND AS DESCRIBED IN THE JASPER COUNTY, MISSOURI RECORDER'S OFFICE IN BOOK 2641, AT PAGE 30. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 13, TOWNSHIP 27 NORTH, RANGE 34 WEST, JASPER COUNTY, MISSOURI. THENCE ALONG THE SOUTH LINE OF SAID SECTION, NORTH 88°40'30" WEST, 3311.77 FEET; THENCE LEAVING THE SOUTH LINE OF SAID SECTION, NORTH 01°30'00" EAST, 85.93 FEET TO A FOUND IRON BAR WITH CAP STAMPED "ATNIP"; THENCE NORTH 01°30'00" EAST, 455.64 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88°30'00" WEST, 105.66 FEET; THENCE NORTH 01°49'48" EAST, 487.76 FEET; THENCE NORTH 88°30'00" WEST, 780.42 FEET; THENCE NORTH 01°30'00" EAST, 1683.74 FEET TO A FOUND IRON BAR WITH CAP STAMPED "ATNIP"; THENCE SOUTH 88°22'53" EAST, 1909.74 FEET; THENCE SOUTH 15°20'48" EAST, 369.20 FEET; THENCE SOUTH 17°49'35" EAST, 309.74 FEET; THENCE SOUTH 56°05'34" WEST, 146.61 FEET; THENCE 62.69 FEET ALONG A 100.00 FOOT RADIUS CURVE TO THE RIGHT WITH A CHORD BEARING SOUTH 16°07'45" EAST, A DISTANCE OF 61.67 FEET; THENCE SOUTH 01°49'48" WEST, 289.69 FEET TO THE NORTH RIGHT-OF-WAY OF WILDWOOD RANCH PARKWAY; THENCE ALONG SAID NORTH RIGHT-OF-WAY THE FOLLOWING TWO COURSES, 45.48 FEET ALONG A 1970.00 FOOT RADIUS CURVE TO THE RIGHT WITH A CHORD BEARING NORTH 89°09'42" WEST, A DISTANCE OF 45.48 FEET; THENCE NORTH 88°30'00" WEST, 1088.01 FEET TO A FOUND IRON BAR WITH CAP STAMPED "ATNIP"; THENCE SOUTH 01°30'00" WEST, 1087.97 FEET TO THE POINT OF BEGINNING. ALL LYING IN SECTION 13, TOWNSHIP 27 NORTH, RANGE 34 WEST, JASPER COUNTY, MISSOURI. CONTAINING 63.40 ACRES, MORE OR LESS. BEARING BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, WEST ZONE.



ANDERSON ENGINEERING
EMPLOYEE OWNED
ENGINEERS SURVEYORS LABORATORIES DRILLING GIS

811 E. 3RD STREET
JOPLIN, MISSOURI 64801
PHONE (417) 782-7399

ZONING SKETCH

JOPLIN, JASPER COUNTY, MISSOURI

DRAWN BY: SLM	FIELD BY:
DATE: 1-26-23	FIELD BK:
CLIENT NO: 22J010074	DRAWING NUMBER: JOP--100-6904

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JOPLIN
MISSOURI

Rezoning Procedures

Applicability. The rezoning process provides review of changes to the boundary of zoning districts (map amendment) that may be necessary to implement the comprehensive plan, to account for changed conditions in the general area, or to reflect a change in public policies with respect to future development. Application for a rezoning may be initiated by the property owner, the City Council, or the Planning Commission.

Review Criteria. A rezoning shall be reviewed according to the following criteria:

1. The application is consistent with the comprehensive plan, and any official plan or program developed under the guidance of that plan.
2. The application supports the character of the neighborhood, considering the design of streets, civic spaces, and other open spaces; the scale, pattern, and format of buildings; the zoning of property and intent of other zoning districts in the vicinity; and the compatibility, transitions, and integration of existing and potential future uses.
3. The suitability of the subject property for the uses to which it has been restricted.
4. The application furthers the intent of the proposed zoning district and the general purposes of these regulations.
5. The application demonstrates compliance with all substantive standards and guidance of the proposed zoning district; or, where no proposed development application is associated with the application, there is a likelihood of development that complies with all substantive standards can be demonstrated.
6. The ability of the City or other government agencies to provide any services, facilities or programs that may be necessary if the application is approved.
7. The effect of approval on surrounding property, including the likelihood that surrounding areas may be developed in accordance with current zoning or future plans.
8. The recommendations of professional staff or other reviews associated with the application.

Review Procedures. In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements are specific to zoning map amendment applications.

1. Applications may be accompanied by one of the following complementary applications: a Site Plan, a Special Use Permit, or a Concept Plan of a similar nature to that required in Section 2.04 for Planned Developments.
2. Applications may be accompanied by any plat that is necessary for the project.
3. The City Council may recommend the application be returned to Planning Commission for further study or additional information at its next regular meeting. Failure by the Planning Commission to consider or revise its recommendation shall be considered a resubmission of its original recommendation.
4. The Planning Commission may recommend, or City Council may approve a lessor change than was proposed in the notice, whether in extent of property or project area, or in the scale, intensity, or other substantive standards for proposed project and zoning change.

Effect of Decision. Rezoning shall be approved by the City Council in the form of an ordinance. Approved changes shall be indicated on the Official Zoning Map by the Director within 30 days following approval. Any application that includes a required site plans or other similar applications

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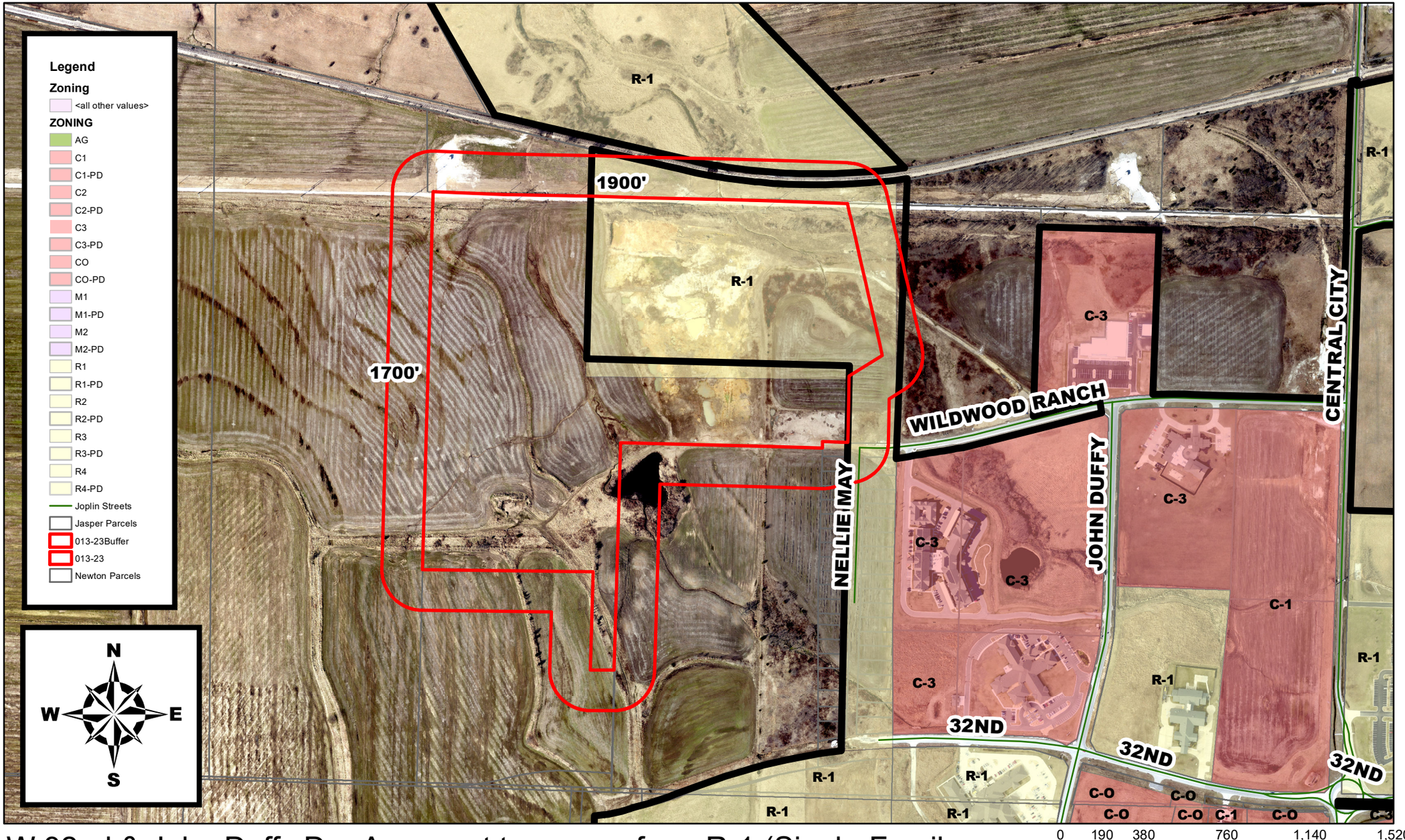
(except Concept Plans), may proceed to building permits after the effective date of the ordinance and upon satisfying all other conditions of the approval. If the applicant fails to obtain a building permit within one year of the effective date of the ordinance approving the change, the Director may schedule a hearing to reconsider and revert the zoning to the previous classification, subject to all procedures and criteria of the original change.

Case 013-23 - Rezoning



W 32nd & John Duffy Dr - A request to rezone from R-1 (Single-Family Residential) to R-2 (Two-Family Residential) - Ashok Patel

P & Z Case 013-23
Ashok Patel
(P & Z Recommended Approval)

COUNCIL BILL NO. 2023-263 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 R-2 PD (Two-Family Residential Planned District) property as described below and located at the intersection of W 32nd Street and S John Duffy Dr., approx. 3500 feet west of S John Duffy Dr.

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 R-2 PD (Two-Family Residential Planned District).

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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