CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2023-264 – 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 014-23: Rezoning – A Request to Rezone from District R-1 (Single-Family Residential) to MUC (Mixed Use Commercial) for the Southwest part of 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:
This property is vacant. The owner wishes to annex the property into the City and develop it as Mixed-Use Commercial buildings. Case 014-23 is the Southwest portion of the Annexation. These buildings will be commercial businesses on the ground floor, with residences above.

PLANNING & ZONING COMMISSION TESTIMONY:
There was no comment or questions from the Commissioners.

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

RECOMMENDATIONS:
Staff recommends approval for Council Bill 2023-264
Planning & Zoning Commission recommends approval of Case 014-23 (7 in Favor, 0 Opposed)

ATTACHMENTS

Staff Planning Report
P&Z Commission Minutes
Applicant Materials
Map

Case 014-23: Rezoning

A request to Rezone from District R-1 (Single-Family Residential) to MUC (Mixed Use Commercial) for the Southwest part of Property located at the intersection of W. 32nd Street and S John Duffy Dr., approx. 3500 feet west of S John 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. Kimble asked if there were any other questions from the Commission on Case 014-23.

There were none.

Mr. Kimble asked if anyone else wished to speak in favor of Case 014-23.

There were none.

Mr. Kimble asked if anyone wished to speak in opposition of Case 014-23.

There were none.

MR. ROSENBERG MOVED THAT CASE 014-23 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MS. WARREN 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 014-23 A request to rezone from R-1 (Single-Family Residential) to MUC (Mixed-Use Commercial).

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

APPLICANT Ashok Patel

EXISTING CONDITIONS

Zoning	Land Use	Property Size
None	Vacant	Approximately 20 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 future a 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 Mixed-Use Commercial buildings. These buildings will be commercial businesses on the ground floor, with residences above.

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.

DISCUSSION

This property is vacant. The owner wishes to annex the property into the City and develop it as Mixed-Use Commercial buildings. Case 014-23 is the Southwest portion of the Annexation.

Staff recommends approval of Case 014-23.

ENCLOSURES

- Map of property
- Application

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JOPLIN
MISSOURI

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.: 014-23
Filing Fee: $550.00
Received: 2/2/23
Date Advertised:
Proj. No.: 23-079
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: commercial

Current Zoning: R-1 Requested Zoning: MUC

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 commercial development.

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?

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◉ ○ 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.

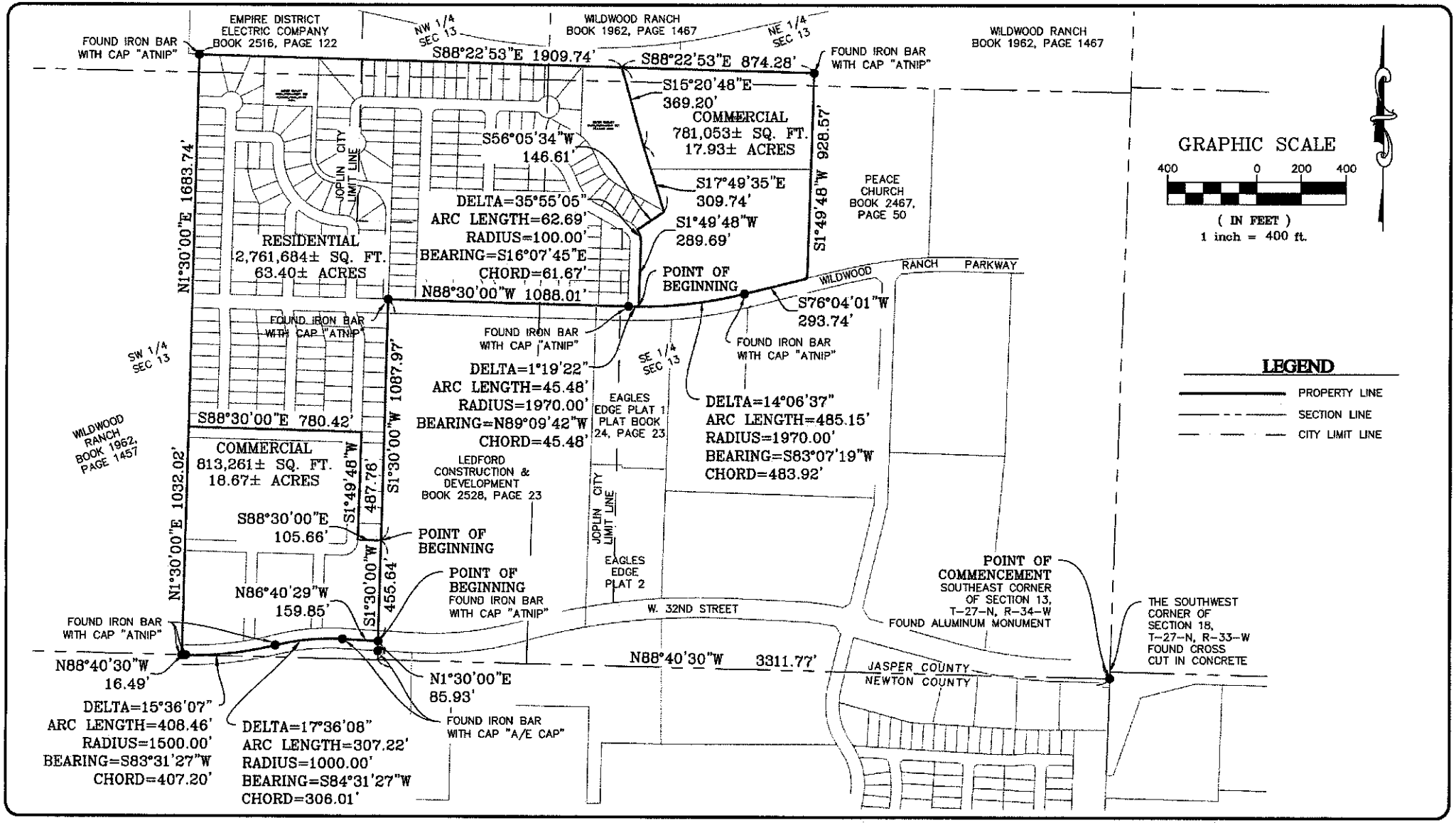
Signature: DocuSigned by: _____ 5BD141066504472... **Date:** 2/1/2023

ANDERSON ENGINEERING
EMPLOYEE OWNED

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

COMMERCIAL TRACT (SOUTH)
A PARCEL OF LAND LYING IN THE SOUTHWEST QUARTER OF 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", SAID POINT ALSO BEING THE POINT OF BEGINNING. THENCE NORTH 86°40'29" WEST, 159.85 FEET TO A FOUND IRON BAR WITH CAP STAMPED "ATNIP"; THENCE 307.22 FEET ALONG A 1000.00 FOOT RADIUS CURVE TO THE LEFT WITH A CHORD BEARING SOUTH 84°31'27" WEST, A DISTANCE OF 306.01 FEET TO A FOUND IRON BAR WITH CAP STAMPED "ATNIP"; THENCE 408.46 FEET ALONG A 1500.00 FOOT RADIUS CURVE TO THE RIGHT WITH A CHORD BEARING SOUTH 83°31'27" WEST, WITH A DISTANCE OF 407.20 FEET TO A FOUND IRON BAR WITH CAP STAMPED "ATNIP"; THENCE NORTH 88°40'30" WEST, 16.49 FEET TO A FOUND IRON BAR WITH CAP STAMPED "ATNIP"; THENCE NORTH 01°30'00" EAST, 1032.02 FEET; THENCE SOUTH 88°30'00" EAST, 780.42 FEET; THENCE SOUTH 01°49'48" WEST, 487.76 FEET; THENCE SOUTH 88°30'00" EAST, 105.66 FEET; THENCE SOUTH 01°30'00" WEST, 455.64 FEET TO THE POINT OF BEGINNING. ALL LYING IN THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 27 NORTH, RANGE 34 WEST, JASPER COUNTY, MISSOURI. CONTAINING 18.67 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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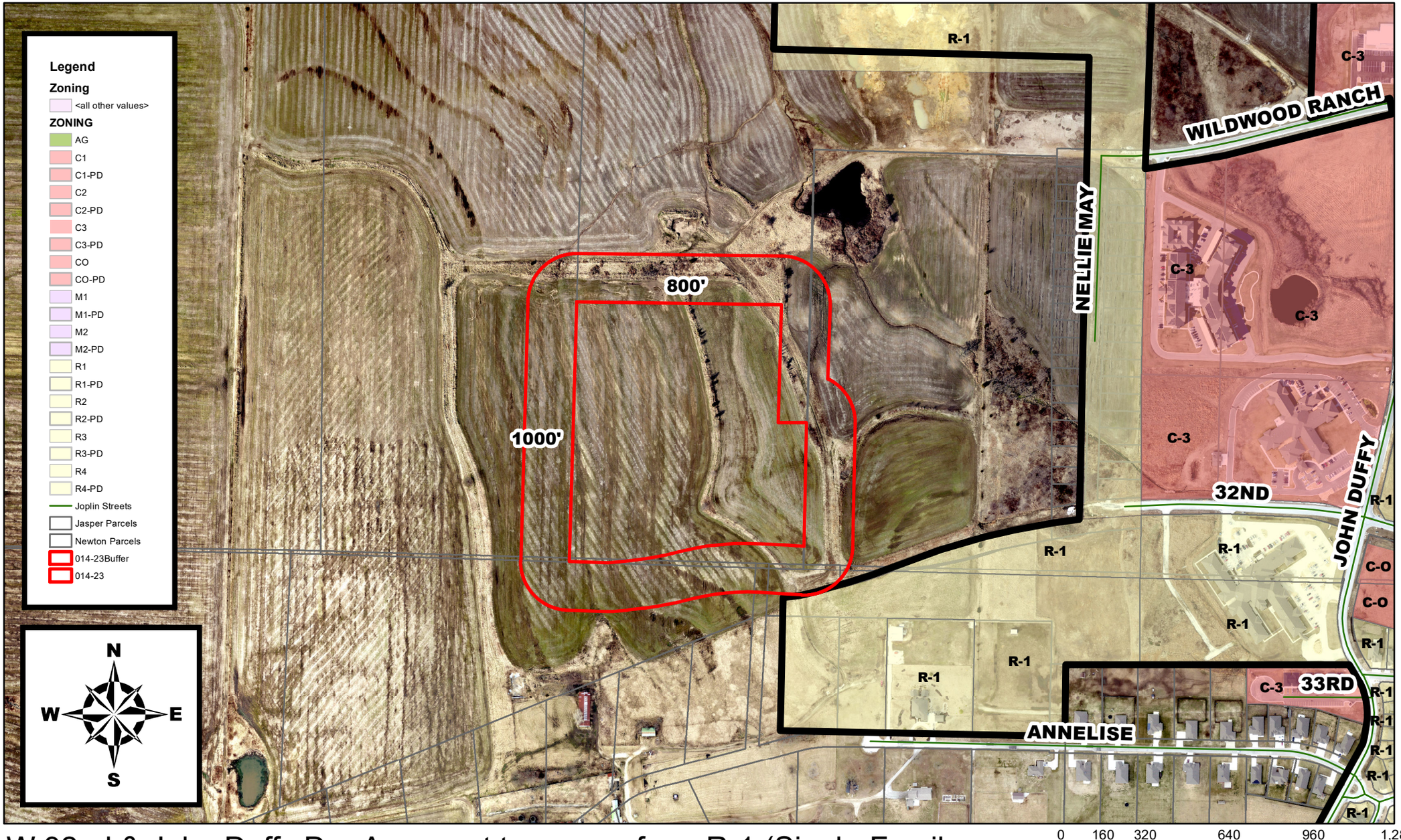
(except Concept Plans), may proceed to building permits after the effective date of the ordinance and upon satisfying all other conditions of the approval. If the applicant fails to obtain a building permit within one year of the effective date of the ordinance approving the change, the Director may schedule a hearing to reconsider and revert the zoning to the previous classification, subject to all procedures and criteria of the original change.

Case 014-23 - Rezoning



W 32nd & John Duffy Dr - A request to rezone from R-1 (Single-Family Residential) to MUC (Mixed Use Commercial) - Ashok Patel

P & Z Case 014-23
Ashok Patel
(P & Z Recommended Approval)

COUNCIL BILL NO. 2023-264 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 MUC (Mixed Use Commercial) 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 MUC (Mixed Use Commercial).

COMMERCIAL TRACT (SOUTH) A PARCEL OF LAND LYING IN THE SOUTHWEST QUARTER OF 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:

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WEST, JASPER COUNTY, MISSOURI. CONTAINING 18.67 ACRES, MORE OR LESS. BEARING BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, WEST ZONE.

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